

## Cabinet Response to the Children & Young People's Scrutiny Commission Investigation into Unregistered Educational Settings in Hackney

<b>Response to the Children &amp; Young People Scrutiny Commission Report into Unregistered Educational Settings</b>  Cabinet: 16 July 2018	<b>Classification</b> <b>Public</b>	<b>Enclosures</b>
	<b>Ward(s) affected</b> <b>All</b>	

### 1. INTRODUCTION – DEPUTY MAYOR'S INTRODUCTION

- 1.1. This report provides a full and considered response to the recommendations in the Children & Young People Scrutiny Commission report into unregistered educational settings. This will be submitted to the Scrutiny Commission in the autumn.
- 1.2. The Mayor and I welcomed the Children & Young People Scrutiny Commission report into unregistered educational settings (UES), when it was published. The Commission worked hard on this challenging subject and the subsequent discussion of the issues raised has been largely constructive.
- 1.3. Council officers and political leaders in Hackney have worked tirelessly behind the scenes for a number of years to try to make progress on the issues identified by the Scrutiny Commission. This report sets out a clear strategy for engaging with unregistered educational settings. To date, our efforts have been hampered by the fact that legislation on UES is completely inadequate. This report renews the case for the Government changing the law. In the absence of legislative changes councils will continue to find it very difficult to intervene in unregistered settings to ensure that children are safe.
- 1.4. We recognise that the issue of UES is a particularly sensitive one for many residents from our Charedi Orthodox Jewish communities, who want to educate their children within the traditions of their community. I welcome the input that Charedi leaders have made in this debate and review. However, as the Local Authority, we have a safeguarding duty to every child in this borough, and it would be a dereliction of that duty to overlook our ability to safeguard any child or group of children.
- 1.5. As a Council, we are proud of Hackney's diversity. We want the Charedi community to prosper in Hackney. There does, however, need to be a discussion about how a more fully rounded approach to education could make the community more economically sustainable in the long term. Both the Council and the community must continue to reflect on the content of the Scrutiny Commission's report, and this considered response to the recommendations. The Government must act to address the issue of UES, and do so as a matter of urgency.
- 1.6. I commend this report and the strategy for engaging with unregistered educational settings to Cabinet.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 This report provides Cabinet with a detailed executive response to each of the recommendations contained within the Children & Young People Scrutiny Commission report into unregistered educational settings (UES).
- 2.2 The strategy sets out a considered approach to working with UES in the borough. It brings together in one strategy many strands of work that were already being carried out across various Council departments. This strategy recognises the value of co-production and constructive engagement with community groups. It also sets out our determination to ensure that every child in Hackney receives the appropriate educational opportunities in a safe, secure and suitable environment.
- 2.3 In each of our responses to the Commission's recommendations we have taken seriously our commitment to doing everything within our power to ensure the safety and wellbeing of all children and young people in Hackney.
- 2.4 Ultimately, as we make clear in this report, it is for the Government to provide the necessary legislative powers to enable the Council to fulfil our responsibilities, including intervening in UES to ensure children are safe and well and receiving an appropriate education.

## **3. RECOMMENDATION**

- 3.1 The Cabinet is asked to note this response to the recommendations within the Children and Young People Scrutiny Commission report on Unregistered Educational Settings.
- 3.2 The Cabinet is asked to note the strategy for working with unregistered schools and settings.

## **4. BACKGROUND**

- 4.1 Following the publication of the Children and Young People Scrutiny Commission report into unregistered educational settings the Council's Chief Executive asked the Group Director for Children, Adults & Community Health to form a working group to prepare a detailed response to each of the 10 recommendations.
- 4.2 The detailed responses to each recommendation are provided below (please see section 7).

## **5. SUMMARY OF THE RESPONSES TO THE CHILDREN & YOUNG PEOPLE SCRUTINY COMMISSION'S RECOMMENDATIONS**

### **5.1 Unregistered Educational Settings Strategy**

- 5.1.1 The Working Group has developed a strategy to provide a coherent and transparent relationship with unregistered educational settings. This strategy is attached as Appendix 1 to this report.
- 5.1.2 The vision that informs this strategy is clear:
  - (i) All educational settings in Hackney should be registered,
  - (ii) All educational settings should have clear safeguarding processes in place and these should be open to external validation,
  - (iii) All children and young people in Hackney should receive appropriate educational opportunities in safe and suitable environments.
  - (iv) They should be supported to have the best possible start in life and to learn the skills that enable them to make a successful transition to adulthood within a modern Britain.

- 5.1.3 The strategy sets out, as key priorities:

- (i) Local ambitions and priorities for UES and those children that attend, and which clearly describe the expected benefits of registration and compliance with the regulatory framework in respect of health and safety, safeguarding, educational outcomes and community cohesion.
- (ii) The roles and responsibilities of Hackney Council and its partners are clear with regard to the regulatory and enforcement framework for UES, to ensure that children in the borough are taught in safe, hygienic conditions, that rigorous safeguarding protocols are in place, that pupil wellbeing is promoted and that the taught curriculum conforms to agreed standards.
- (iii) How Hackney Council will engage with the Charedi Orthodox Jewish Community and its representatives to promote a coherent approach to compliance and adherence to the regulatory framework.

5.1.4 The overarching aim is to ensure children and young people who attend any setting in Hackney are safe and receive an appropriate education. The strategy makes clear the benefits of registration for educational settings and why the Council will continue to encourage UES to register as schools. The Council recognises the importance of collaboration and co-production with community groups in the borough to ensure these ambitions are realised.

5.1.5 An action plan setting out how this strategy will be developed, based on the next steps identified in the strategy. This will be implemented from the Autumn of 2018, monitored by the Working Group and reported to the Children & Young People Scrutiny Commission.

## **5.2 Working with the Charedi Orthodox Jewish Community**

5.2.1 The Council is committed to working with all community groups and settings to develop and implement recognised safeguarding processes within unregistered institutions, for example Disclosure and Barring Service (DBS) checks for staff, and safeguarding audits through City and Hackney Safeguarding Children Board

5.2.2 Central to the recommendations in the Scrutiny Commission's report was the importance of establishing co-operation between the Charedi Orthodox Jewish Community, in order to develop a safeguarding process. The Independent Chair of the City & Hackney Safeguarding Children Board, Jim Gamble QPM, welcomed this recommendation and actions have been undertaken to establish a contact group that can engage relevant partners and individuals. The strategy makes clear our willingness to engage constructively with community groups.

5.2.3 Enabling parents within the Orthodox Jewish Community to provide challenge to UES was a specific recommendation in the Scrutiny Commission's report.

5.2.4 A document providing guidance for parents and carers has been developed. This guidance covers key issues relating to the safety of children in a range of different settings. This guidance will not be unique to UES, but is relevant in the context of setting out a range of issues that parents and carers should be aware of, and alert to, whenever they are leaving their children in the care of an organisation.

5.2.5 With regard to the curriculum, we are committed to ensuring that the curriculum taught in UES is balanced, of sufficient quality and provides outcomes for children which

enable them to achieve better outcomes for themselves and their families. Hackney Learning Trust has established a positive working relationship with maintained Orthodox Jewish schools and will offer support to any setting that wishes to secure the status of a registered independent school. HLT will continue to encourage and broker, where appropriate, contact between the DfE and the Orthodox Jewish Community so that unregistered settings work to deliver a curriculum that meets statutory requirements and become registered schools.

### **5.3 The need for Government legislation**

- 5.3.1 The need for an effective legislative framework within which UES can operate is acknowledged in the Scrutiny Commission's recommendations. Without Government legislation to set out statutory responsibilities and powers, local authorities, Ofsted and partner agencies will continue to be in an invidious position, having responsibility without power.
- 5.3.2 Since the Scrutiny Commission published its report, Hackney Learning Trust has submitted two responses to DfE consultations, using this as the opportunity to lobby the Government to accept the need for a more effective legislative framework and take action.
- 5.3.3 In response to DfE's call for evidence – Operating the Independent School regulatory System – Hackney Learning Trust emphasised the importance of any guidance resulting from this consultation being statutory, as opposed to DfE's proposal that guidance be non-statutory.
- 5.3.4 In response to the DfE's call for evidence regarding Elective Home Education, officers from HLT have worked with London Councils to emphasise the following points:
- (i) HLT respects the right of parents to educate at home; many provide a suitable educational programme, insofar as this is possible to assess and determine, given the vague nature of the existing guidance.
  - (ii) The role of the Council is significantly undermined in this area, with all rights conferred on parents, but very few responsibilities.
  - (iii) The latest guidance remains passive in nature and still falls far short of what HLT and other agencies regard as being required to ensure that all children are adequately safeguarded.
  - (iv) That the lack of legal definition in regard to efficient, suitable and full time education is unacceptable. Again, this undermines the role of the Council.
  - (v) That the learning and recommendations from Serious Case Reviews in Birmingham and Pembrokeshire and the Laming Review are contrary to the Department's view that '.... there is no proven correlation between home education and safeguarding risk'
- 5.3.5 Furthermore, the Independent Chair of the City and Hackney Safeguarding Children's Board has lobbied the Government to introduce effective legislation since December 2014, when he suggested that the issues arising from UES should be addressed by specific, focused legislation. Subsequently, the Chair has escalated this matter to the Secretary of State for Education, and has raised it with Lord Agnew of Oulton, Parliamentary Under Secretary of State for the School System.

## **6. Conclusion**

- 6.1 This executive response and the strategy for working with unregistered educational settings will be submitted to the CYP Scrutiny Commission in the autumn term. An action plan for implementing the strategy will be established.
- 6.2 The strategy sets out a considered approach to working with unregistered educational settings in the borough. It recognises the value of co-production and constructive engagement with community groups. It also sets out our determination to ensure that every child in Hackney receives the appropriate educational opportunities in a safe, secure and suitable environment.
- 6.3 The strategy makes clear - as does each of our responses to the Commission's recommendations - that we take seriously our commitment to doing everything within our power to ensure the safety and wellbeing of all children and young people in Hackney.
- 6.4 We are committed to implementing the strategy. Ultimately, however, as we make clear in this report, it is for the Government to provide the necessary legislative powers to enable the Council to fulfil our responsibilities, including intervening in unregistered schools and settings to ensure children are safe and well.

## 7. EXECUTIVE RESPONSE TO SCRUTINY COMMISSION RECOMMENDATIONS

Recommendation	Response
<p><b>Recommendation One: Unregistered Educational Settings Strategy</b></p> <p>To formalise and build on the work that has already been undertaken locally, it is recommended that the Council develop and publish a strategy that clearly sets out its approach to UES in the borough. Such a strategy will help to develop a comprehensive, consistent and transparent approach to UES, particularly within the Orthodox Jewish Community in Hackney</p>	<p>A strategy has been developed, setting out the Council's approach to Unregistered Educational Settings (UES) in the borough. This is attached as Appendix 1 to this report.</p> <p>The aim of the strategy brings together many strands of work ongoing across the Council.</p> <p>Its aim is for all educational settings in Hackney to be registered, and have clear safeguarding processes in place that are open to external validation, in line with other settings in the borough.</p> <p>The Council and partner agencies have legal duties to ensure that children in Hackney are taught in safe and hygienic conditions, that there are rigorous safeguarding protocols in place, that their well-being is promoted and that the curriculum taught conforms to agreed standards. It makes clear the Council recognises the importance of collaboration and co-production with community groups in the borough.</p> <p>The Council will work with partner agencies and community groups to ensure that all children and young people in Hackney receive appropriate educational opportunities in safe and suitable environments, and are supported to have the best possible start in life, learning the skills to support their transition to adulthood within a modern Britain.</p> <p>To this end, the Council will continue to follow its legal duties to liaise with Ofsted and the Department for Education regarding unregistered educational settings.</p> <p>The strategy outlines the benefits of registration for educational settings, and how these help achieve the overarching aim that children and young people who attend any setting in Hackney are safe and receiving an appropriate education.</p> <p>The Council will continue to encourage unregistered educational settings to register as schools to:</p> <ul style="list-style-type: none"> <li>(i) Operate legally as education establishments,</li> <li>(ii) Be open to independent external validation, for example through inspections by the Independent Schools Inspectorate (ISI) or Ofsted,</li> </ul>

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	<p>(iii) Be clear about expectations regarding safeguarding,</p> <p>(iv) Ensure the curriculum taught conforms to agreed standards which will support with raising educational outcomes for children and young people,</p> <p>(v) Ensure educational settings share information with the local authority about the number of pupils and pupil destinations (in line with other schools in the borough) to allow for improved planning, safeguarding and support for children,</p> <p>(vi) Ensure schools and settings in any community meet national safeguarding standards and processes that other schools comply with (for example as outlined in the statutory guidance documents - Working Together to Safeguard Children and Keeping Children Safe in Education).</p>
<p><b>Recommendation Two: Charedi Orthodox Jewish community developing cooperation with the Local Safeguarding Children Board to establish a safeguarding process</b></p> <p>Whilst the Commission acknowledges the challenges in developing meaningful engagement and involvement with the Charedi Orthodox Jewish community, this remains the only way to secure consensual and lasting change and to bring UES into regulatory compliance in Hackney. The Commission therefore recommend that engagement efforts are renewed, and that a contact group be established between Community leaders, including the Union of Orthodox Hebrew Congregations, Interlink, Head Teachers of Registered Independent Schools and Chief Rabbis of all Charedi sects operating yeshivas in Hackney, and the City and Hackney Safeguarding Children Board (or its equivalent successor organisation) to support the development of a safeguarding reassurance process.</p> <p>The establishment of such a contact group would help to build trust and confidence, and demonstrate a commitment to improve understanding of those issues pertaining to UES and to develop shared solutions to improved safeguarding arrangements for children that attend such settings. It is recommended that the contact group:</p> <p>a. Is led by the Independent Chair of the Safeguarding Board and therefore free from</p>	<p>The Independent Chair of the City &amp; Hackney Safeguarding Children Board, Jim Gamble QPM, has agreed to this recommendation. Actions are underway to establish the contact group and engage relevant partners/individuals.</p> <p>The Chair and Senior Professional Advisor, Rory McCallum, have met with Mr Myer Rothfeld to further discuss the proposals for a safeguarding reassurance process in UES, which, consistent with this recommendation, will form the basis of the functions and outcomes that the contact group will seek to achieve.</p> <p>Mr Rothfeld is a member of the Union of Orthodox Hebrew Congregations (UOHC) executive committee. In a letter from the Registrar of the Rabbinate of the UOHC, the CHSCB was advised that Mr Rothfeld had been nominated to “circularise all Synagogues, Hasidic Congregations and Study Centres, and to provide logistical advice.....and to ensure that everyone is aware of your requirements.”</p> <p>The meeting was helpful and Mr Gamble has subsequently written to Mr Rothfeld with the proposals originally shared with community leaders in March 2018. Mr Gamble remains keen to develop these with input via the contact group, but has requested Mr Rothfeld have an early discussion with relevant stakeholders and that a further meeting is arranged to consider this framework in more depth. Mr Gamble has also</p>

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<p>involvement of any other statutory body including e.g. Hackney Council, the Metropolitan Police or Ofsted;</p> <p>b. Should develop a clear remit and terms of reference which should:</p> <ol style="list-style-type: none"> <li>i. Set out those measures that will build confidence between and among various representative including how UES will be engaged and involved;</li> <li>ii. Agree the nature of safeguarding standards to be established in UES (for example DBS checks on staff, staff awareness and training in safeguarding, anti-bullying, complaints procedures, whistleblowing, health and safety);</li> <li>iii. Identify those systems and processes that will provide assurance that identified safeguarding standards are being met within UES (e.g. health checks, piloting and peer assessment and assurance) and acknowledge that this will be an incremental process;</li> <li>iv. Agree key milestones and outcomes (both process and safeguarding practice) and the timeframe for their implementation within UES in Hackney.</li> </ol> <p>c. Report back progress of its work twice yearly to the Children and Young Peoples Scrutiny Commission and annually within the City and Hackney Safeguarding Children Board Annual Report.</p>	<p>requested an opportunity to visit an UES.</p> <p>Jim Gamble attended the meeting at the DfE on 5 July. This was chaired by Lord Agnew and included Lord Pollock, Amanda Spielman and a delegation from the Charedi community, accompanied by Mr Rothfeld and a lawyer, Mr Greenberg. At this meeting, Lord Agnew made clear that legislation requiring unregistered settings to register was coming, although he did not put a timescale on when this would be introduced.</p> <p>Having established a relationship with Mr Rothfeld, the CHSCB will engage with him to encourage the community to work with LBH on safeguarding matters.</p> <p>After several follow up letters, Mr Rothfeld has agreed to meet with Jim Gamble and Rory McCallum after the Jewish holidays of Rosh Hashanah, Yom Kippur and Tabernacles. Mr Greenberg will also be contacted with an offer to discuss ways in which engagement with the Charedi community can be constructively pursued.</p> <p>Jim Gamble has agreed to the <i>Jewish Chronicle's</i> request for an interview, in which he will address the issues and progress to date.</p> <p>The guidance to parents (appendix 2 of the Cabinet Response) will be placed in the public domain.</p>
<p><b>Recommendation Three: Lobbying for an effective legislative framework for UES</b></p> <p>It is recommended that the Mayor and Chief Officers within the Council continue to robustly press the Secretary of State for Education for a more effective legislative framework for UES. Government should review its legislative timetable and produce a 'statement of intent' about how it plans to close the evident legal loopholes that allow UES to operate with impunity. Specific improvements required of such new legislation would be to:</p> <ol style="list-style-type: none"> <li>a. Extend the definition of a school, or a part-time school, to include settings where only religious studies are taught and this is a child's main educational experience;</li> <li>b. Expand the powers of entry, inspection and enforcement of UES to give local authorities greater powers to regulate and improve such settings, particularly in relation to health and safety and the safeguarding of children;</li> </ol>	<p>The Independent Chair of the CHSCB has continued to lobby the government to introduce effective legislation. As noted above, he met with Lord Agnew at the DfE on 5 July. Lord Pollock, Amanda Spielman and a delegation from the Charedi community, accompanied by Mr Rothfeld and a lawyer, Mr Greenberg also attended. At this meeting, Lord Agnew made clear that legislation requiring unregistered settings to register was coming, although he did not put a timescale on when this would be introduced.</p> <p>For the record, this has included the Chair originally suggesting to the DfE, in December 2014, that this matter could most appropriately be addressed by drafting a specific and focused legislative instrument. Mr Gamble subsequently escalated this matter to the Secretary of State, Lord Nash and more recently, Lord Theodore Agnew, who was appointed Parliamentary Under Secretary of State for the School System on 28 September 2017.</p>



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<p>c. Improve regulation around home schooling, specifically making it a legal requirement for parents to notify the local authority if their child is being electively home educated, and additional powers for the local authority to ensure the quality of education where children are home schooled;</p> <p>d. Improved statutory guidance for how local statutory agencies work in partnership to improve safeguarding of local children (sharing of inspection data, shared intelligence);</p> <p>e. Improve statutory guidance and powers to help local authorities track those children missing from education – with a duty of cooperation among partners (see recommendation 6);</p> <p>f. Provide further clarification about the introduction of a system of regulation for out of-school settings (including for example, the maintenance of a central register and being subject to inspection and sanctions for those not meeting required standards).</p>	<p>Hackney Learning Trust has submitted a response to the DfE’s call for evidence – ‘Operating the Independent School Regulatory system’ (closing date 5<sup>th</sup> June 2018). In this submission, HLT made clear that any such guidance must be statutory in nature, and opposed the DfE’s proposal that this guidance be non-statutory. The issues regarding engagement and registration for unregistered educational settings is referenced within the HLT’s response to the call for evidence.</p> <p>With regard to the specific recommendations raised by the CYP Scrutiny Commission:</p> <p><b>a. Extend the definition of a school, or a part-time school, to include settings where only religious studies are taught and this is a child’s main educational experience:</b></p> <p>This definition would need to include all children and young people engaged in activities during what would constitute a recognised school day, and that such establishments are subject to a requirement to register. Associated challenges in regard to Elective Home Education are also considered as part of the recommendation (see section c below).</p> <p>The Working Group agreed that it was for the Government to provide a definition of a school.</p> <p>The following passage from page 33 of the Government’s Integrated Communities Strategy Green Paper published in March 2018 expresses the intent of the CYPS Scrutiny Commission’s recommendation, and locates responsibility with the government to introduce statutory guidelines:</p> <p><i>We believe that all full time independent education settings should be registered and regulated, no matter what curriculum they offer. Currently, some cannot be registered because of the restricted range of their curriculum. This is unacceptable given the need to protect the welfare and education of the children involved. We intend to amend the registration requirement for independent education settings so that all such settings which children attend full- time during the school day have to register, and we will consult in due course on detailed proposals.</i></p> <p>What is clear is that unregistered settings are operating as if they were schools. When visits to such establishments have been undertaken by officers from Ofsted and HLT, they have witnessed:</p> <p>(i) Large numbers of boys congregated</p>

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	<p>throughout the recognised school day, some of whom are clearly engaged in study;</p> <p>(ii) Evidence which would suggest the operation of a classroom – for example, desks and chairs arranged in rows; and</p> <p>(iii) Staff who appear to be managing pupils in the context of a class timetable.</p> <p>Despite this, officers from Ofsted’s Unregistered Schools Team state that they are hampered by the fact that they cannot clearly define such operations as educational activity. Hackney Learning Trust officers have been advised by the Ofsted Unregistered Schools Team that, upon further legal advice, no prosecution in regard to operating an unregistered school can take place, unless there is a clear admission from a proprietor that he is operating a school.</p> <p><b>b. Expand the powers of entry, inspection and enforcement of UES to give local authorities greater powers to regulate and improve such settings, particularly in relation to health and safety and the safeguarding of children:</b></p> <p>This recommendation needs further consideration. The local authority must be able to exercise appropriate powers in regard, for example, to safeguarding, and health and safety issues. These powers will be available to a range of Council services – Children’s Social Care, Environmental Health, Planning Enforcement, Building Control etc. However, in regard to curricular /educational matters, HLT has no powers that can be appropriately directed to this work. Ofsted, therefore, must continue to play a key role as the main agent providing intervention in this area.</p> <p><b>c. Improve regulation around home schooling, specifically making it a legal requirement for parents to notify the local authority if their child is being electively home educated, and additional powers for the local authority to ensure the quality of education where children are home schooled:</b></p> <p>Partner agencies in Hackney (HLT, Children &amp; Family Services and CHSCB) would welcome improved regulation in this area. We are hopeful that the current Elective Home Education (EHE) Bill may go some way to addressing the long standing concerns that are shared by all local authorities, which have yet to be satisfactorily addressed.</p> <p>HLT continues to exercise a range of interventions in this area, including joint work with Children’s</p>

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	<p>Social Care where families are resistant to engagement, and School Attendance Orders (s.437 Education Act 1996) in situations where parents have no viable evidence of an effective educational programme and are resistant to placement in an appropriate mainstream setting.</p> <p>As noted, HLT has submitted a response to the DfE call for evidence in regard to Elective Home Education. HLT officers have also met with London Councils in order to inform and assist the consultation response from that group on this issue.</p> <p>In this response, HLT emphasised the following points:</p> <ul style="list-style-type: none"> <li>• HLT respects the right of parents to educate at home; many provide a suitable educational programme, insofar as this is possible to assess and determine, given the vague nature of the existing guidance</li> <li>• The role of the Council is significantly undermined in this area, with all rights conferred on parents, but very few responsibilities.</li> <li>• The latest guidance remains passive in nature and still falls far short of what HLT and other agencies regard as being required to ensure that all children are adequately safeguarded</li> <li>• That the lack of legal definition in regard to efficient, suitable and full time education is unacceptable. Again, this undermines the role of the Council.</li> <li>• That it is impossible to know how many children may be in Elective Home Education without mandatory registration.</li> <li>• That (yet again) the voice of the child is not adequately referenced.</li> <li>• That the learning and recommendations from Serious Case Reviews in Birmingham and Pembrokeshire and the Laming Review are contrary to the Department's view that '<i>.... there is no proven correlation between home education and safeguarding risk</i>'</li> </ul> <p><b>d. Improved statutory guidance for how local statutory agencies work in partnership to improve safeguarding of local children (sharing of inspection data, shared intelligence):</b></p> <p>There are currently Government reviews being undertaken on both Working Together and Keeping Children Safe in Education (KCSIE). Both of these will address these concerns.</p>

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	<p><b>e. Improve statutory guidance and powers to help local authorities track those children missing from education – with a duty of cooperation among partners (see recommendation 6):</b></p> <p>Effective partnerships in regard to Children Missing, and Missing from Education are already in existence and have been tested over the last several years, through a pilot Joint Targeted Area Inspection in 2015 and Hackney’s Ofsted inspection under the Single Inspection Framework in 2016.</p> <p>The HLT Children Missing Education Team continues to ensure that Hackney Learning Trust is meeting its statutory responsibilities in regard to the identification, monitoring and tracking of Children Missing/not receiving a suitable education.</p> <p>The Hackney CYPS Single Inspection Framework June/July 2016 noted:</p> <p><i>The local authority has a clear and detailed knowledge of whether children are missing from education. Local authority staff go to great lengths to identify and investigate children who are missing education and use data well to understand the key issues and monitor progress of these investigations. They also respond immediately to evidence about safeguarding issues for children missing education and involve children, families and the local authority designated officer well.</i></p> <p>CME activity is reported to HLT SLT on a Bi-annual basis</p> <p>In September 2016 amendments were made to the Pupils Registration Regulations. As a result, all schools – including Academy / Independent / Free – are required to inform the LA when they are about to remove a pupil’s name from the admissions register. Additionally, schools must also inform the LA within 5 days of registering new pupils (including at reception and the start of year 7, for independent schools only).  <a href="http://www.legislation.gov.uk/ukxi/2016/792/contents/made">http://www.legislation.gov.uk/ukxi/2016/792/contents/made</a></p> <p><b>f. Provide further clarification about the introduction of a system of regulation for out-of-school settings (including for example, the maintenance of a central register and being subject to inspection and sanctions for those not meeting required standards).</b></p> <p>We await the outcome of the Government’s consultation: <i>Operating the Independent School regulatory System</i>. In its response, HLT</p>

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	<p>emphasised the importance of any guidance resulting from this consultation being statutory, as opposed to DfE's proposal that guidance be non-statutory. The Government will need to consider the following areas:</p> <ul style="list-style-type: none"> <li>▪ Registration with appropriate bodies;</li> <li>▪ Disclosure and Barring checks on staff;</li> <li>▪ Safer Recruitment and Safeguarding policies; and Pupil to staff ratios.</li> </ul>
<p><b>Recommendation Four: Development of a local authority alliance</b></p> <p>It is recommended that the Council should take the lead in developing an alliance with those authorities which experience similar issues with UES. Such an alliance will facilitate the sharing of good practice and help to develop a common approach to resolving those concerns with UES. In addition, such an alliance will aid the collection of evidence and strengthen the position of those authorities to lobby for legislative change with the Secretary of State for Education and other governmental departments. To support this recommendation the Council should consider hosting a UES conference for local authorities as this will help to maintain the public profile of this issue, assist in identifying the legislative reforms required and help to identify common ways forward for local authorities</p>	<p>Hackney Council will continue to build on and develop the work currently undertaken to share information and good practice with other local authorities in England who also have experience of dealing with the particular circumstances of unregistered educational settings.</p> <p>The Council has hosted at least three discussion forums with a range of authorities to share experiences and will continue to play an instrumental role in ensuring this networking continues to find ways to share good practice, through regular on-line exchanges and, where appropriate, through focused workshops.</p> <p>Following the publication of the Scrutiny Commission's report, the Local Government Association (LGA) co-hosted with Hackney a conference on unregistered schools and home schooling. This was held on 14 June, with an opening address from the Deputy Mayor, Councillor Bramble. Sir Alan Wood chaired the event.</p> <p>This was well attended, with representatives from Ofsted and local authorities, as well as representatives from the Home Education sector. The event comprised of two panel discussions and workshops which focussed on:</p> <ul style="list-style-type: none"> <li>(i) Integration and dealing with isolated communities and,</li> <li>(ii) Dealing with illegal schools.</li> </ul> <p>The LGA will follow up some of the key findings and concerns with Government and will continue to liaise with the Council over this.</p>
<p><b>Recommendation Five: Improved partnership working among regulatory partners</b></p> <p>The Commission noted evidence of positive collaboration among regulatory partners, though it is apparent that such partnerships between the Council (Planning, Learning Trust, Children &amp; Families and Food Safety) and statutory partners (Health &amp; Safety Executive, Fire Service, Ofsted) could be improved and formalised to help</p>	<p>The overriding aim of partnership working must be to ensure the safeguarding of young people.</p> <p>Consequently, it has been agreed that until such time as a yeshiva becomes recognised as a separate entity from schools, the Council should use integrated multi agency approaches to:</p> <ul style="list-style-type: none"> <li>1. Encourage known unregistered settings to register, and</li> <li>2. Require and enforce compliance with</li> </ul>

Recommendation	Response
<p>strengthen and improve the regulatory framework for UES. To support this process, it is recommended that a Memorandum of Understanding or similarly agreed protocol is developed across these agencies to:</p> <ol style="list-style-type: none"> <li>Identify a common approach and priorities for UES – e.g. child safeguarding;</li> <li>Share data and intelligence about UES across statutory partners (e.g. location, number of children in attendance, health and safety concerns etc.);</li> <li>Undertake joint holistic inspection and assessments of UES;</li> <li>Develop a coordinated response and interventions where such settings are uncovered, and do not meet regulatory standards.</li> </ol>	<p>statutory requirements e.g. safeguarding, health and safety, fire regulations.</p> <p>It is proposed that a small group of representatives is co-ordinated, from Police, London Fire Brigade, HLT, Hackney Planning Control, Children &amp; Family Services (CFS) and CHSCB to discuss how each agency will work cohesively.</p> <p>The working party on unregistered educational settings will co-ordinate the work of partner agencies to address the perceived lack of statutory education, and substantial concerns about wellbeing and safety for young people attending premises that appear hazardous and unhygienic.</p> <p>This issue can only be progressed effectively if agencies work collectively, and that proprietors of unregistered establishments understand that statutory agencies are working in partnership to address this issue</p> <p>Such an approach should help proprietors of unregistered establishments, and the parents of those children who are attending such establishments better understand that they are in contravention of the law in regard to a) registered educational establishments and b) the requirement under s.7 of the Education Act 1996, in that ‘the parent of a child of compulsory school age shall cause them to receive efficient full time education suitable to age, ability, aptitude and any special educational needs that they may have, either by regular school attendance or otherwise’.</p> <p>Should parents seek to educate their child other than at school, Hackney Learning Trust will seek to establish the identity of those children so that it can assess the suitability of the educational provision and where this is not appropriate, to consider whether School Attendance Orders ( s. 437 Education Act 1996) are applicable.</p> <p>The working party on unregistered educational settings will co-ordinate the work of partner agencies to address the perceived lack of statutory education, and substantial concerns about wellbeing and safety for young people attending premises that appear hazardous and unhygienic.</p>
<p><b>Recommendation Six: Children Missing Education</b></p> <p>Understanding that a significant number of Charedi Orthodox Jewish children are able to</p>	<p><b>a. Lobby for legislative change that legally requires parents to notify their local authority if their child is electively home educated (as in 3 above);</b></p>

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<p>remain outside the registered school sector and therefore unknown to the Council and other regulatory partners, the Commission recommends that the Council must improve those systems for identifying and tracking children missing from education. Improved tracking and identification processes are central to developing an informed and proportionate response to UES, and will help to establish a clearer picture of the nature and scale of UES and the children that attend them, and to guide and support regulatory and enforcement action. To this end it is recommended that the Council:</p> <ol style="list-style-type: none"> <li>Lobby for legislative change that legally requires parents to notify their LA if their child is electively home educated (as in 3 above);</li> <li>In line with statutory requirements, ensure that all local Independent Schools notify the LA of those children that enter or leave the school register at standard transition points;</li> <li>In line with statutory requirements ensure that all local Independent Schools notify the local authority when a child leaves or is placed on the central school register outside transition points;</li> <li>In line with statutory guidance, raise awareness of the Council's children missing education procedures and notification processes with local agencies including schools, GPs, other health professionals (Health Visitors), clinical commissioning groups, police and other emergency services, housing agencies and voluntary sector groups;</li> <li>Given the possible numbers of children involved (1,000-1,500), ensure that the Children Missing Education Service is adequately resourced and supported to undertake systematic identification, tracking and enforcement procedures;</li> <li>With improved detection of those children missing education, introduce a more robust policy of administering enforcement notices and School Attendance Orders.</li> </ol>	<p>The response to recommendation three sets out in detail our position relating to a legal requirement on parents to notify the Council if they are home educating their child.</p> <p>Partner agencies in Hackney (HLT, Children &amp; Family Services and CHSCB) would welcome improved regulation in this area. We are hopeful that the current Elective Home Education (EHE) Bill may go some way to addressing the long standing concerns that are shared by all councils, which have yet to be satisfactorily addressed.</p> <p>With regard to lobbying for legislative change, HLT has responded to the DfE call for evidence in regard to Elective Home Education. HLT has also met with London Councils in order to inform and assist the consultation response from this body on this issue.</p> <p>In drafting this response to the DfE, officers have emphasised the following points:</p> <ul style="list-style-type: none"> <li>HLT respects the right of parents to educate at home. Many parents provide a suitable educational programme, insofar as it is possible to assess and determine this, given the vague nature of the existing guidance</li> <li>The role of the Council is significantly undermined in this area, with all rights conferred on parents, but very few responsibilities</li> <li>The latest guidance remains passive in nature and still falls far short of that required to ensure that all children are adequately safeguarded</li> <li>The lack of a clear legal definition in regard to what constitutes efficient, suitable and full-time education is unacceptable. This, again, undermines the role of the Council when it comes to fulfilling our responsibilities.</li> <li>That it is impossible to know how many children may be Electively Home Education without mandatory registration.</li> <li>That (yet again) the voice of the child is not adequately referenced</li> <li>That the learning and recommendations from Serious Case Reviews in Birmingham and Pembrokeshire and the Laming Review are contrary to the Departments view that '<i>... there is no proven correlation between home education and safeguarding risk</i>'</li> </ul> <p><b>b. In line with statutory requirements, ensure that all local Independent Schools notify the local authority of those children that enter or leave the school register at standard transition points;</b></p> <p>These powers are already available within the</p>

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	<p>amended Pupils Registration Regulations 2016 - <a href="http://www.legislation.gov.uk/uksi/2016/792/contents/made">http://www.legislation.gov.uk/uksi/2016/792/contents/made</a></p> <p>Guidance has been sent to all schools within both the maintained and Registered Independent sector, providing advice to schools on the expectations placed upon them.</p> <p><b>c. In line with statutory requirements ensure that all local Independent Schools notify the local authority when a child leaves or is placed on the central school register outside transition points;</b></p> <p>These powers are already available within the amended Pupils Registration Regulations 2016 - <a href="http://www.legislation.gov.uk/uksi/2016/792/contents/made">http://www.legislation.gov.uk/uksi/2016/792/contents/made</a></p> <p><b>d. In line with statutory guidance, raise awareness of the Council's children missing from education procedures and notification processes with local agencies including schools, GPs, other health professionals (Health Visitors), clinical commissioning groups, police and other emergency services, housing agencies and voluntary sector groups;</b></p> <p>Current procedures for responding to reported cases of Children Missing Education include relevant checks with Partner Agencies to ensure awareness of risk, and also to gather any further intelligence from a multi-agency perspective that will assist in determining the location of children reported as missing from education.</p> <p><b>e. Given the possible numbers of children involved (1,000-1,500), ensure that the Children Missing from Education Service (CME) is adequately resourced and supported to undertake systematic identification, tracking and enforcement procedures;</b></p> <p>This service is currently undergoing a restructure and, within that current resource level, is being considered for expansion. Given the potential for significant increases in the numbers known and referred to the Children Missing Education and Elective Home Education services, this issue will be regularly monitored.</p> <p><b>f. With improved detection of those children missing education, introduce a more robust policy of administering enforcement notices and School Attendance Orders.</b></p> <p>These powers are already available under section 437 Education Act 1996. It should be noted, however, that these powers were only ever intended to be applied in individual circumstances.</p>



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	<p>Given the significant numbers of children and young people who may be attending UES in the borough additional resources are likely to be required to administer enforcement notices on this scale.</p>
<p><b><u>Recommendation Seven: Relationship with registered schools within the Independent Sector</u></b></p> <p>Although there are limited statutory duties and responsibilities for the Council in respect of registered schools within the independent school sector, given a) the interrelationship between this sector and the children that attend them and UES and b) the number of local independent schools which are not reaching the required standards or where explicit safeguarding concerns have been raised; it is recommended that engagement and liaison with the local independent school sector by the Council should be strengthened. Improved relationships will help build links, trust, and confidence and help to establish those systems and processes which ensure local children are taught in safe conditions, that their welfare is safeguarded and they obtain the best possible educational outcomes.</p>	<p>Hackney Council will continue to engage with registered schools within the independent sector. We have already sought to establish the means by which a constructive dialogue with independent registered schools can be pursued.</p> <p>There is a standing invitation to Special Educational Needs and Disability Coordinators (SENDCOs) in these schools to attend events such as the termly SENDCO forum and annual conference that SENDCOs from the maintained sector attend. Independent schools are also encouraged to purchase traded services from HLT in the same way that maintained schools do.</p> <p>In addition to these established activities, HLT has contacted registered independent settings to discuss with them the establishment of an independent school forum.</p> <p>This forum's membership would include partner agencies, such as Public Health. The aim of this forum would be to meet – on a termly basis - to discuss issues that are of concern to the settings and which HLT may be able to advise on; and to establish lines of communication by which good practice can be shared.</p> <p>This forum will provide an opportunity for HLT to share information with settings and update them on new initiatives and expectations, such as the requirement to inform the local authority when pupils go on and off roll.</p> <p>The forum also affords independent schools the opportunity to hear of practices within the maintained sector, such as safeguarding audits, that it would be beneficial for them to adopt.</p>
<p><b><u>Recommendation Eight: Enabling parents within the Orthodox Jewish Community to provide challenge to UES</u></b></p> <p>Parents are ultimately responsible for the safety and welfare of their child and legally obliged to ensure that they are in receipt of appropriate full-time education. It is recommended therefore that the Council should engage and involve parents within the Charedi Orthodox Jewish community, to inform them of relevant statutory health and safety regulations (e.g. fire safety) and safeguarding standards (e.g. DBS checks) required for their</p>	<p>This action is being taken forward by the CHSCB's community &amp; engagement sub group (CEG).</p> <p>A document providing guidance for parents and carers has been developed in consultation with the CEG.</p> <p>This guidance covers key issues relating to the safety of children in a range of different settings. This guidance will not be unique to UES, but is relevant in the context of setting out a range of issues that parents and carers should be aware</p>

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<p>child's schooling, with the intention of supporting parental enquiry and challenge to local UES. It is recommended that the Council should start to engage directly with parents in the Charedi community, rather than relying on intermediary bodies.</p>	<p>of, and alert to, whenever they are leaving their children in the care of an organisation.</p> <p>The Council's Communications team has provided advice on the most effective means by which this guidance note can be disseminated across the borough. It will be translated and made available in settings and in public libraries, and via social media and newspapers.</p> <p>With regard to engaging directly with parents in the Charedi community, the CHSCB hosts a Community Partnership Advisor post. This role has a specific remit to help build relationships and improve child safeguarding within the diverse range of communities that are present in Hackney.</p> <p>Developing opportunities for engagement with parents and carers within the Charedi Orthodox Jewish community has been built into the work plan for the CPA. This approach will be further defined as part of the work of the CEG sub group and the contact group which is being set up to implement the proposed safeguarding reassurance process.</p> <p>As noted to the response to Recommendation 1, Hackney Council has developed a strategy, and associated work plan, to better engage directly with members of the Charedi community on a range of issues, including education and child protection. It will work in partnership with CHSCB to do so.</p> <p>The strategy notes that collaborative work has taken place between the Council and organisations in the Orthodox Jewish community to strengthen safeguarding arrangements in some settings. Following a serious incident in Summer 2016, accredited risk assessment training sessions were run by the Council's Young Hackney Service for community organisations within the Orthodox Jewish community.</p> <p>This training included risk assessment for on and off site activities (including hazardous activities, trips and residential). Young Hackney delivered separate training for male and female cohorts as requested by Interlink, the umbrella organisation representing 200 Orthodox Jewish charities. These took place between August and December 2016. Both the men's and women's sessions were well attended and participants came from the following professional backgrounds: nurseries; primary schools; secondary schools; and auxiliary support staff from an adult SEND group.</p>
<p><b>Recommendation Nine: Curriculum in UES</b></p>	<p>The Council has established a positive working</p>

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<p>Whilst it was broadly recognised that child safeguarding must take a priority for the Council and other regulatory bodies, there was widespread recognition that specific issues with the curriculum at yeshivas remained which could not be ignored and not addressed given the marked differences in educational attainment and the work and training outcomes that result for the Orthodox Jewish Community (particularly among males).</p> <p>It is the belief of the Commission that there will be a significant benefit for the Charedi Orthodox Jewish community if English and STEM subjects (science, technology, engineering and maths) were taught in parallel with religious studies, and in advance of likely changes to legislation.</p> <p>Specifications and standards for any school curriculum, irrespective of setting, are however determined and regulated by the Department of Education and this is an area over which the Council has no powers. In addition, the Department of Education and Ofsted are responsible for inspection, compliance and enforcement of the curriculum quality and standards within all educational settings.</p> <p>In this context, the Commission recommend that the DfE and Ofsted work with the Charedi Orthodox Jewish Community to identify those processes which can lead to a pathway to compliance for UES, in which the curriculum taught is balanced, of sufficient quality and provides outcomes for children which enable them to achieve better outcomes for themselves and their families. The Commission recognise that the Council has no direct role here, but recommends that the Council should facilitate this work and help to move this issue forward wherever possible.</p>	<p>relationship with maintained Orthodox Jewish schools and will ensure that it offers support to any setting that wishes to secure the status of a registered independent school.</p> <p>HLT will continue to encourage and broker, where appropriate, contact between the DfE and the Orthodox Jewish Community to work towards UES becoming registered schools.</p> <p>In addition HLT will, where appropriate, support settings wishing to register, by signposting relevant information relating to curriculum requirements, for example, and brokering support from registered settings, linking the setting to a potential support network and providing generic advice about safeguarding audit processes.</p>
<p><b>Recommendation Ten: Stamford Hill Area Action Plan</b></p> <p>The Commission noted that the Stamford Hill Area Action Plan (SHAAP) is still in the process of development and finalisation, and as such represents an opportunity to address those education and training issues identified for the Orthodox Jewish Community within this review. It is recommended therefore that the Council ensures that the SHAAP makes sufficient provision in respect of:</p> <ul style="list-style-type: none"> <li>▪ Capacity of educational settings to deal with future demand from the Orthodox Jewish</li> </ul>	<p>The Council published a Towards a Stamford Hill Plan for consultation in 2017 <a href="https://hackney.gov.uk/stamford-hill-aap">https://hackney.gov.uk/stamford-hill-aap</a> setting out the following objectives for meeting the educational and community needs of the Community in Stamford Hill:</p> <ol style="list-style-type: none"> <li>a. build social cohesion in Stamford Hill and ensure that the plan overall facilitates integration, rather than segregation, between people of different social, ethnic and religious affiliations;</li> <li>b. to provide additional school places for the Stamford Hill community and to provide new opportunities for adult learning and to ensure</li> </ol>

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<p>community;</p> <ul style="list-style-type: none"> <li>▪ Availability of potential sites for registered education settings;</li> <li>▪ Youth employment, training and apprenticeship opportunities for young people in the areas, particularly from the Orthodox Jewish community.</li> </ul>	<p>that people who live and work in Stamford Hill have access to local educational, training, health and community facilities to meet their day-to-day needs.</p> <p>Over 2,000 responses were received to this consultation – these are now being considered alongside other comments made throughout the plan making process. The Council is continuing to work with the Community Panel, which is made up of representatives from the community and local councillors to prepare a further draft of the Plan which will be subject to consultation in 2018. It is anticipated that the Plan will be submitted to the Government for examination early in 2019 with adoption scheduled for later that year.</p> <p>The Plan will set out the need for registered school places, seek to identify and allocate new sites for education use and set out the policies which will be used to assess future planning applications for new registered schools and extensions to existing registered school buildings.</p> <p>Since 2012 the Council, via the Community Grants Programme, has provided funding to Shaarei Parnasah Tovah (SPT), an organisation established within the Charedi community focused on addressing unemployment within the community.</p> <p>The aim of the grant funding has been to provide a level of resource (matched by external funding sources) to enable SPT to support residents into jobs, training, apprenticeships and work placements.</p> <p>This approach recognises that the Charedi community is unlikely to engage with mainstream employment programmes, either those run in-house by the Council (Hackney Works) or run by private providers in the borough, that are commissioned by the Department for Work &amp; Pensions (DWP) and other government agencies. This is due to cultural barriers to attending meetings with mainstream employment advisers, workshops and so on; as well as a strong desire to seek work within the Charedi community itself.</p> <p>More recently SPT, supported by the Council, have focused more specifically on helping unemployed Charedi residents (with a focus on men) to set up their own businesses. This career option is viewed as more desirable within the community than being 'employed' by a larger organisation. SPT's role is to provide a range of support, including one-to-one support and</p>

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	<p>mentoring, designed to assist residents to establish new businesses. The wider objective of this approach in economic development terms is to create new businesses in the community - which in turn will create additional employment opportunities.</p> <p>Both Interlink and SPT recognise that there is a need to provide adults (in particular young adults) with a range of vocational and practical skills that they need if they are to succeed in the world of work. Again, the focus with the Charedi community is on those skills required to set up and run their own businesses. This also recognises the significant number of Charedi young men who leave school with a lack of basic skills - specifically in IT, English and Maths.</p> <p>To this end, in recent years Interlink have received funding from HLT's Adult &amp; Community Learning (ACL) team to run accelerated IT courses, which also incorporate basic business skills. Interlink have also previously partnered with New City College (Hackney) to run accredited AAT accountancy courses.</p> <p><b>Future work:</b> The Council's Employment &amp; Skills team will continue to work to support SPT, Interlink and the wider community to address unemployment in the Charedi community and support local economic development.</p> <p>Based on recent discussions with SPT and Interlink, areas for future development include:</p> <ul style="list-style-type: none"> <li>(i) Increasing and broadening the number of ACL courses being run within the community. For example, to include not only IT courses, but also relevant and vocational focused maths and English courses.</li> <li>(ii) Supporting SPT's work around entrepreneurship and business start-ups in the community. Within the Charedi community there is a focus on businesses in the property, construction and finance sectors. SPT have identified an opportunity to support small businesses in these sectors, based on supply chain and business to business from within the community itself. Given the scale of regeneration and wider construction activities in the north of Hackney, there will also be supply chain opportunities for businesses within the Charedi community. Working with colleagues in procurement and regeneration, the Employment &amp; Skills team will look to open up these opportunities for Charedi run businesses through networking</li> </ul>

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	<p>and meet the buyer events.</p> <p>(iii) More broadly, the Employment &amp; Skills team will work with stakeholders in the Charedi community, specifically SPT and Interlink, to develop a positive narrative around young people in the community successfully moving into high quality, sustained employment. As discussed above, this will focus on Charedi men who have successfully set up their own businesses which are now successfully growing. The aim of this work will be to communicate and influence the wider Charedi community around opportunities and benefits of employment and economic development.</p>

**Lead Councillor:** Cllr Anntoinette Bramble, Deputy Mayor

**Group Director:** Anne Canning, Group Director Children, Adults & Community Health

### Appendices

The following documents are appendices to this report:

Appendix 1 – Hackney Council Unregistered Educational Settings Strategy

Appendix 2 - A Checklist for Parents and Carers - Safeguarding Children and Young People