

Young People Scrutiny Commission Review: Unregistered Educational Settings

Cabinet Response: July 2018

Scrutiny Commission Update: April 2019

Recommendation One	Cabinet Response July 2018	Update April 2019
<p>Unregistered Educational Settings Strategy</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 the Cabinet Response.</p> <p>The strategy aims 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.</p> <p>The Council will continue to encourage unregistered educational settings to register as schools to:</p> <ul style="list-style-type: none">(i) Operate legally as education establishments,	

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	<ul style="list-style-type: none"> (ii) Be open to independent external validation, for example through inspections by the Independent Schools Inspectorate (ISI) or Ofsted, (iii) Be clear about expectations regarding safeguarding, (iv) Ensure the curriculum taught conforms to agreed standards which will support with raising educational outcomes for children and young people, (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, (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). 	

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<p>Charedi Orthodox Jewish community developing cooperation with the Local Safeguarding Children Board to establish a safeguarding process</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</p>	<p>The Independent Chair of the City & 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. The CHSCB will work with LBH to ensure there is a coherent approach aligned to the Borough engagement strategy</p> <p>The Chair and Senior Professional Advisor, Rory McCallum, 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>Jim Gamble attended a meeting at the DfE in July chaired by Lord Agnew and including 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</p>	

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<p>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> <ul style="list-style-type: none"> a. Is led by the Independent Chair of the Safeguarding Board and therefore free from involvement of any other statutory body including e.g. Hackney Council, the Metropolitan Police or Ofsted; b. Should develop a clear remit and terms of reference which should: <ul style="list-style-type: none"> i. Set out those measures that will build confidence between and among various representative including how UES will be engaged and involved; 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, 	<p>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>	

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<p>complaints procedures, whistleblowing, health and safety);</p> <p>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;</p> <p>iv. Agree key milestones and outcomes (both process and safeguarding practice) and the timeframe for their implementation within UES in Hackney.</p> <p>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>		

Document Number: 21048955

Document Name: Recommendation_tracker_-_Unregistered_Educational_Settings_in_Hackney (2)

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<p>Lobbying for an effective legislative framework for UES</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> <ul style="list-style-type: none"> 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. Expand the powers of entry, inspection and enforcement of UES to give local authorities greater powers to regulate and improve such 	<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 in 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>Hackney Learning Trust has submitted a response to the DfE’s call for evidence – ‘Operating the Independent School Regulatory system’ (closing date 5th 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>Actions taken in response to the specific recommendations raised by the CYP Scrutiny</p>	

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<p>settings, particularly in relation to health and safety and the safeguarding of children;</p> <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</p>	<p>Commission are detailed in the Cabinet Response.</p>	

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<p>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>		

Recommendation Four	Cabinet Response July 2018	Update April 2019
<p>Development of a local authority alliance</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</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</p>	

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<p>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>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"> (i) Integration and dealing with isolated communities and, (ii) Dealing with illegal schools. <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>	

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<p>Improved partnership working among regulatory partners</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 & Families and Food Safety) and statutory partners (Health & Safety Executive, Fire Service, Ofsted) could be improved and formalised to help 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"> a. Identify a common approach and priorities for UES – e.g. child safeguarding; b. Share data and intelligence about UES across statutory partners (e.g. location, number of children in attendance, health and safety concerns etc.); c. Undertake joint holistic inspection 	<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> <ol style="list-style-type: none"> 1. Encourage known unregistered settings to register, and 2. Require and enforce compliance with statutory requirements e.g. safeguarding, health and safety, fire regulations. <p>It is proposed that a small group of representatives is co-ordinated, from Police, London Fire Brigade, HLT, Hackney Planning Control, Children & 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>	

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<p>and assessments of UES;</p> <p>Develop a coordinated response and interventions where such settings are uncovered, and do not meet regulatory standards.</p>		

Recommendation Six	Cabinet Response July 2018	Update April 2019
<p>Children Missing Education</p> <p>Understanding that a significant number of Charedi Orthodox Jewish children are able to 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</p>	<p>HLT 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. In drafting this response to the DfE, officers have emphasised the following points:</p> <ul style="list-style-type: none"> • 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 • The role of the Council is significantly undermined in this area, with all rights conferred on parents, but very few responsibilities 	

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<p>recommended that the Council:</p> <p>a. Lobby for legislative change that legally requires parents to notify their LA if their child is electively home educated (as in 3 above);</p> <p>b. 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;</p> <p>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;</p> <p>d. 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;</p>	<ul style="list-style-type: none"> • The latest guidance remains passive in nature and still falls far short of that required to ensure that all children are adequately safeguarded • 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. • That it is impossible to know how many children may be Electively Home Education without mandatory registration. • That (yet again) the voice of the child is not adequately referenced • 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>' <p>Actions taken in response to the specific recommendations raised by the CYP Scrutiny Commission are detailed in the Cabinet Response.</p>	

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<p>e. 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;</p> <p>With improved detection of those children missing education, introduce a more robust policy of administering enforcement notices and School Attendance Orders.</p>		

Recommendation Seven	Cabinet Response July 2018	Update April 2019
<p>Relationship with registered schools within the Independent Sector</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</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</p>	

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<p>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>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</p>	

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	it would be beneficial for them to adopt.	

Recommendation Eight	Cabinet Response July 2018	Update April 2019
<p data-bbox="219 643 761 707">Enabling parents within the Orthodox Jewish Community to provide challenge to UES</p> <p data-bbox="219 738 761 1345">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 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</p>	<p data-bbox="788 643 1422 707">This action is being taken forward by the CHSCB’s community & engagement sub group (CEG).</p> <p data-bbox="788 738 1422 842">A document providing guidance for parents and carers has been developed in consultation with the CEG.</p> <p data-bbox="788 874 1422 1137">This guidance (appendix 2 to the Cabinet Response) 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.</p>	

Recommendation Eight	Cabinet Response July 2018	Update April 2019
intermediary bodies.		

Recommendation Nine	Cabinet Response July 2018	Update April 2019
<p>Curriculum in UES</p> <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</p>	<p>The Council has established a positive working 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</p>	

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<p>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</p>	<p>safeguarding audit processes.</p>	

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move this issue forward wherever possible.		

Recommendation Ten	Cabinet Response July 2018	Update April 2019
<p>Stamford Hill Area Action Plan</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"> ▪ Capacity of educational settings to deal with future demand from the Orthodox Jewish community; ▪ Availability of potential sites for registered education settings; <p>Youth employment, training and apprenticeship opportunities for young</p>	<p>The Council published a Towards a Stamford Hill Plan for consultation in 2017 https://hackney.gov.uk/stamford-hill-aap setting out the objectives for meeting the educational and community needs of the Community in Stamford Hill.</p> <p>The Plan aims to build social cohesion in Stamford Hill and facilitates integration, rather than segregation, between people of different social, ethnic and religious affiliations.</p> <p>It also seeks to provide additional school places for the Stamford Hill community, providing new opportunities for adult learning and to ensure 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>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</p>	

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people in the areas, particularly from the Orthodox Jewish community	used to assess future planning applications for new registered schools and extensions to existing registered school buildings.	