

Children & Young People's Scrutiny Commission

Update on the Unregistered Educational Settings

Tuesday 30 April 2019

1. Purpose

- 1.1 To provide an update to the Children & Young People's Scrutiny Commission on the progress made to date in respect of Unregistered Educational Settings (UES).

2. Background

- 2.1 The investigation by the Children & Young People's Scrutiny Commission into UES in Hackney made a total of ten recommendations. It was published in January 2018 with the Executive providing its first formal update in September 2018.
- 2.2 This report by the Executive included the Council's strategy aimed at providing a comprehensive, consistent and transparent approach to UES, particularly within the Charedi Orthodox Jewish Community. The strategy clearly sets out the Council's determination to ensure that every child in Hackney receives the appropriate educational opportunities in a safe, secure and suitable environment. It further recognises the fundamental value of co-production and constructive engagement with relevant community groups in achieving this aim.
- 2.3 The Executive report also reiterated the necessity for government to implement a legal framework. This is required to ensure the regulatory consistency of UES and to close the evident 'loopholes' as identified by the Commission's investigation.

3. Recommendation

- 3.1 **The Children and Young People Scrutiny Commission is asked to note the update on progress against the recommendations on Unregistered Educational Settings between September 2018 and April 2019.**

4. Overview on progress

- 4.1 There has been some notable progress over the last six months in the context of various government initiatives and consultations being held to address some of the matters highlighted by the Commission. In this sense, there is a degree of optimism that some of the long-standing issues might finally be gaining some traction at a national level.
- 4.2 Furthermore, there has also been some encouraging dialogue with community representatives, that whilst recent, has the potential to put some firm shape around what a safeguarding reassurance process might look like and how this might work exclusively for Yeshivas.
- 4.3 Notwithstanding the above, there remain some significant barriers in response to the overarching message of the Commission's investigation. Indeed, attendance at unregistered educational settings remains a sensitive issue for many of Hackney's residents from the Charedi Orthodox Jewish communities, who want to educate their children within the traditions of their community. It is difficult to envisage any voluntary change from this approach, with an inherent distrust of Ofsted and an opposition to teaching certain subject matters reinforcing this position.
- 4.4 **Lobbying for government action**
- 4.5 The Council has continued to lobby for change, engaging with key stakeholders that have included the Department for Education, Ofsted, and community leaders. Independent to all agencies, the Chair of the City & Hackney Safeguarding Children Board (CHSCB) has also

continued in his efforts to seek a meaningful resolution to some of the legislative inconsistencies that in his view, create a two-tier approach to safeguarding children in educational settings.

- 4.6 Three areas of development are worthy of note:
- 4.7 First, in March 2018, the government published its Integrated Communities Strategy Green Paper. In the context of issues related to UES, the green paper sets out a range of action intended in respect of Unregistered Schools, Out of School Settings and Home Education.
- 4.8 In respect of Unregistered Schools, the green paper sets out the following:
- 4.9 *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.*
- 4.10 Second, with regard Out of School Settings (OOSS), the Department of Education held a recent consultation running from 2 December 2018 to 24 February 2019. This related to the introduction of a voluntary safeguarding code of practice for OOSS, plus accompanying guidance for parents, which sets out the key questions they may wish to consider when choosing such a setting for their child. The government is currently analysing consultation responses.
- 4.11 Locally, the CHSCB has already produced and circulated a guidance leaflet for parents / carers. The content of the voluntary code of practice itself is helpful and provides good information through which organisations can improve their own safeguarding arrangements.
- 4.12 Third, in respect of Home Education, on 2 April 2019, the Secretary of State for Education announced plans to introduce a compulsory register of home schooled children. The government's consultation focuses on a local authority registration system for children who do not attend state-funded or registered independent schools. The consultation proposes:
- (i) A duty on local authorities to maintain a register of children of compulsory school age who do not attend schools of a specified type (mostly state-funded or registered independent schools).
 - (ii) A duty on parents to inform their local authority when their child falls within scope of such a register.
 - (iii) A duty on settings attended by the children on the register to respond to enquiries from local authorities as to whether a specific child attends that setting. This would not include those providing supplementary education outside school hours.
 - (iv) A duty on local authorities to provide support to home educating families – if requested by such families.
- 4.13 Councillor Bramble, in her role as Chair of the LGA's Children & Young People Board, welcomed the announcement: *"A register will help councils to monitor how children are being educated and prevent them from disappearing from the oversight of services designed to keep them safe."* She also called on the Government to go further and *"change the law to give councils the powers and appropriate funding to enter homes or other premises to check a child's schooling."*

4.14 This statement similarly reflects one of the key areas identified by the Commission. Indeed, whilst welcome progress, there is no suggestion of a change in legislation to give councils the necessary powers and accompanying funding to check a child's schooling or intervene if there are concerns.

4.15 Safeguarding in unregistered settings

4.16 Over the last reporting period, little progress has been made against this recommendation. In Hackney, large numbers of local children continue to attend Yeshivas and remain outside the line of sight of safeguarding professionals.

4.17 The safeguarding partnership continues to have no direct mechanism to ensure that the premises within which children congregate are safe; that the infrastructure is sound; environment appropriate or that contemporary safer recruitment practices are being applied to those working frequently and routinely with children.

4.18 However, a constructive meeting was recently held on 9 April 2019, between the CHSCB's Independent Chair and Senior Professional Advisor (SPA) with community representatives. Whilst revisiting many of the difficult issues, those engaged were positive about the idea of potentially creating a safeguarding committee for Yeshivas. This committee would be chaired by the Union of Orthodox Hebrew Congregations (UOHC) and populated with relevant individuals with some external element of support / specialist advice provided. This could have the potential to lead to the development of a consistent safeguarding children (in Yeshivas) policy and the equivalent of Section 157/175 audits and reassurance engagement with the multi-agency partnership.

4.19 Furthermore, whilst the Yeshivas were 'on a break' as families prepared for Passover, the Chair and SPA did undertake an unannounced visit to the local Synagogue (which was operating in the same way as a Yeshiva). There was no indication that the young people were in fact prepared for this visit and a number of boys were spoken to randomly.

4.20 The community leaders voiced support for the 'pure safeguarding' approach, but remain fundamentally opposed to the imposition of curriculum-based changes. The Independent Chair maintains his view that the only way to resolve this issue is through legislative change.

4.21 In respect of other progress, a conference was hosted with the Local Government Association, which saw other local authorities share their concerns about how similar issues were playing out in their areas.

4.22 The Council has also formed working groups with other councils, regularly met with the DfE and Ofsted, and engaged key agencies to share relevant information.

4.23 The Council is also liaising directly with the community and registered settings. Most recently, Council staff met on 11 March 2019 to discuss issues arising from Ofsted visits to two settings, Getters Talmud Torah and Talmud Torah Yetev Lev. A set of actions were agreed which will require multi agency support.

5. Conclusion

5.1 It is without doubt that the issue of UES remains complex and there are no easy solutions. The Council and its partners will continue to provide focus and maximum effort in responding to the Commission's recommendations.

5.2 Independent from the Council, the Chair of the CHSCB will also continue in his lobbying and engagement of relevant stakeholders, including the community, central government and local agencies as necessary.

5.3 Whilst progress is slow, there is progress and this needs to be acknowledged. However, it would be disingenuous to ignore what are some stubborn and intractable differences that will ultimately require legislation to resolve.

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Thursday 11 April 2019

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Tuesday 16 April 2019