

# Overview & Scrutiny

## Children & Young People Scrutiny Commission

**Date of Meeting:** 27 January 2020

**Title of Report:** Unregistered Educational Settings Update

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### **Brief**

In November 2017 the Commission examined the issue of unregistered educational settings (UES) in Hackney. These are settings where education is, or is thought to be, taking place but the setting is not registered with the Department for Education as a registered independent school.

It is illegal to operate an unregistered educational setting.

It is the role of the local authority, once it becomes aware of such a setting, to inform the Department for Education (DfE) about such settings. The DfE may then decide to commission Ofsted to visit the setting in order to determine whether it is acting as a school. If it is, the setting would be required to either close or apply to register as an independent school. If it is not deemed to be acting as an educational setting, the setting can continue to operate. Since December 2014 the Independent Child Safeguarding Commissioner (formerly the Independent Chair of the CHSCB) has lobbied the government to introduce effective legislation, when he suggested that the issues arising from UES should be addressed by specific, focused legislation.

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. Ultimately, however, as we have made clear in previous reports, and do so again here, 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. At present the local authority is aware of approximately 23 settings which could be described as unregistered educational settings.

The main issues for the local authority arise from concerns about the quality of the premises, whether the young people attending are effectively safeguarded and, whether the young people are receiving appropriate education.

Each of these key issues have been subject to considerable attention. Whilst they may appear at first sight to be relatively straightforward to address, this has not been the case in practice due to, for example a lack of a clear definition of what constitutes education, limitations of the legislative framework and difficulties engaging partners and settings

The scrutiny commission of 2018 made a number of recommendations to which the local authority responded and in April 2019 provided a further 6 month update.

The attached update provides further details about actions taken against each of the recommendations up until the current date.