

Overview & Scrutiny

Children & Young People Scrutiny Commission

Date of meeting: 12th January 2021
Title of report: Unregistered Education Settings
Report author: Chris Roberts, Head of Wellbeing & Education Safeguarding
Authorised by: Annie Gammon, Director of Education
Brief: Provide the Commission with an update on the work being undertaken by Hackney Education in relation to unregistered education settings.

Report to the Children & Young People Scrutiny Commission

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1. Purpose of the report

- 1.1. This report will provide councillors with an update on the work being undertaken around unregistered education settings (UES) in Hackney.

2. Recommendations

- 2.1. Commission members are asked to note the contents of this report.

3. How an unregistered education setting differs from a registered setting?

- 3.1. Independent schools and other education settings are required to register with the Department for Education (DfE) as independent schools if they provide full time education to five or more pupils of compulsory school age or one or more pupils either with an EHCP or is looked after by a local authority. This is a legal requirement.
- 3.2. Independent schools are also required to comply with the Independent School Standards. These standards cover:
 - 3.2.1. quality of education;
 - 3.2.2. spiritual, moral, social and cultural development;
 - 3.2.3. welfare, health and safety;
 - 3.2.4. suitability of proprietors and staff;
 - 3.2.5. premises and accommodation;
 - 3.2.6. the provision of information;
 - 3.2.7. the handling of complaints; and the
 - 3.2.8. quality of leadership and management.
- 3.3. Ofsted, on behalf of the DfE, inspects registered independent schools to ensure compliance with registration requirements and the independent school standards.
- 3.4. There are two types of unregistered education setting. The first is not required to register as an independent school because they do not meet the qualifying criteria, whereas the second type is required to register as they meet the qualifying criteria but has not done so. The first is legal and the second is illegal
- 3.5. It is an offence to operate an unregistered school and Ofsted has powers, under the Education Act 2002, to prosecute proprietors who do so. If found guilty they can be fined up to £5,000 and/or face up to six months imprisonment.

4. Unregistered Education Settings in Hackney

- 4.1. In Hackney unregistered education settings are predominantly Yeshivas operated by the Orthodox Jewish community. These settings provide a full time, wholly religious based education to boys aged 14-16.
- 4.2. These settings are not currently required to register as schools because, despite offering a full time education, the DfE consider the curriculum to be too narrow to warrant registration. They are considered to be places of religious instruction rather than schools.
- 4.3. This narrowness of the curriculum is also not considered to be suitable for the purposes of elective home education either due to the lack of a secular component
- 4.4. Hackney Education is aware of 29 Yeshivas and 387 children from the Orthodox Jewish community who are believed to be educated in unregistered education settings.
- 4.5. The 387 from the Orthodox Jewish community does not constitute the entirety of this cohort, only those whose identities are known to us. The majority of these became known to us following the decision of a registered independent school to close and reopen as an unregistered education setting with the children continuing to be educated on the same site.
- 4.6. The identities of the majority of children being educated in Yeshivas are not known to Hackney Education as these settings are not legally required to share information and have not been forthcoming in providing details of the children they educate. Therefore the exact number of children being educated in unregistered education settings is not known, though estimates put the figure in the region of 1,500-2,000.
- 4.7. Many parents claim that by arranging for their children to be educated in a Yeshiva they are opting to educate their children otherwise than at school. Guidance from the DfE states that for any elective home education to be considered suitable it should '*enable a child to participate fully in life in the UK by including sufficient secular education*'. This means those parents who choose to solely educate their children in a Yeshiva are not providing a suitable education due to the wholly religious nature of the curriculum offered. For it to be considered suitable parents would need to supplement the education in the Yeshiva with sufficient secular education outside of the setting.

5. Unregistered Education Settings Protocol

- 5.1. In September 2020, Hackney Education, in conjunction with the City & Hackney Safeguarding Children Partnership (CHSCP), launched a protocol to co-ordinate the oversight of and response to unregistered education settings.
- 5.2. The protocol has two stages. The first stage outlines the response to when a new unregistered education setting is identified, whilst stage 2 covers the response to a serious safeguarding and/or health & safety incident within or relating to the setting.
- 5.3. Hackney Education is the lead service for the protocol but the implementation ensures that there is a co-ordinated, multi-agency response to any setting. This draws upon the expertise of other Hackney Council services such as planning, environmental protection and children and Families as well as external partners such as health, the police and the fire brigade.
- 5.4. Since its launch there has been one stage 2 incident that has been put through the protocol, which led to a successful multi-agency response.

6. Out of School Settings Project

- 6.1. As part of Hackney Education's wider work to improve safeguarding practice in out of school settings there is a workstream focused upon Yeshivas.

- 6.2. A meeting has already been held with Interlink to discuss how we could support Yeshivas in relation to safeguarding practice. This will focus on ensuring each Yeshivas has an appropriately trained safeguarding lead and Hackney Education is able to assure itself as to the safety of the children who attend. A follow up meeting has been set up with a representative of the Yeshivas to discuss this further.
- 6.3. This is still at a preliminary stage but it is hoped that this is the beginning of a constructive relationship with Yeshivas in respect of safeguarding.

7. DfE Consultation of Regulating Independent Education Institutions

- 7.1. The absence of a regulatory framework for unregistered education settings is recognised by the Department for Education, who have recently consulted on proposals to expand the criteria for registration to encompass these settings. The proposals would see unregistered education settings that currently offer a full time but narrow education to children of compulsory school age during the school day required to become registered and regulated in the same way as independent schools.
- 7.2. Hackney Education responded to the consultation and believes these proposals would improve the breadth of the education these children receive and enhance the safeguarding of those children who attend. However the proposals are likely to be met with concern by the Orthodox Jewish community.
- 7.3. While the Department for Education believes registration would lead to higher standards in what is currently the unregistered sector, it should be recognised that a number of settings will struggle to comply with the regulatory requirements. If so this may have a knock on impact upon other Hackney Education services if they are forced to close.
- 7.4. As a consequence there could be increased demand for school places or, as is more likely, increased numbers of parents opting to educate their children at home. This could have future resource implications for us as a borough around elective home education and children missing education.

8. Conclusion

- 8.1. While initiatives undertaken by Hackney Education, such as the UES protocol and the out of school settings project, unregistered education settings continue to present a number of significant challenges.
- 8.2. It is a priority for Hackney Education to develop a working relationship with the Orthodox Jewish community so we are able to assure ourselves around the safeguarding of children and identify those not receiving a suitable education.
- 8.3. Undertaking this work places an increasing demand on the service as the Orthodox Jewish community plays such a major part in the unregistered education setting context in Hackney.

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