

Scrutiny Commission Report

Report Title	Unregistered Education Settings (Inquiry Recommendations Update)
Meeting:	Children & Young People Scrutiny Commission
Date:	16 January 2023
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Report Summary

This report summarises the work undertaken by the Council and its partners to move closer to establishing a clear line of sight for children attending unregistered education settings (UES), so that we can be assured of both their safety and their exposure to a broad, balanced and relevant curriculum offer.

In Hackney UES are predominantly Yeshivas, which provide a full time faith based education to boys aged 12 plus from the Orthodox Jewish community. The narrowness of the Yeshiva Curriculum means that they do not meet the requirements to register as a school, therefore they sit outside of the regulatory framework. This means there are no minimum standards in respect of quality of education or safeguarding.

The Schools Bill previously proposed changes that would change the criteria for registration and mean these settings, that would be required to register as independent education settings and meet the independent school standards. Whilst this proposal would not have overcome all of the challenges in this space, it would have gone some way to providing the statutory powers that we feel are necessary in order to provide all children in Hackney with equitable access to safety and to a broad curriculum of education.

The Schools Bill which was proposed in May 2022 is no longer being progressed in Parliament and as such will not be implemented in its current form. Whilst ministers cite a commitment to the objectives of the Bill, it remains to be seen how this commitment will be manifested in the future and we await further updates on this position.

The UES working group, chaired by the Director of Education and SEND, continues to meet regularly to oversee our work in this area, and to ensure an appropriate level of oversight for an area which we deem to be a considerable risk.

Largely there has been little progress beyond that was previously reported in January 2022, and whilst our UES protocol continues to be used to ensure a multi agency response to suspected UES, the children that attend them and their sites, the ongoing legislative vacuum that currently exists facilitates the ongoing operation of UES as they are and prevents us being able to make more meaningful progress towards assurance, that all Hackney children are safe and are accessing a broad curriculum of learning.

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Billy Baker, Chief Officer, Pupils Out Of Schools Team

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Safeguarding, LBH

1. Purpose of the report

- 1.1. In January 2018 the Scrutiny Commission published its report following an inquiry into Unregistered Education Settings (UES) in Hackney. This was followed by a report in January 2022 that updated the commission on the response to the Inquiry's recommendations. This report provides a further update on progress.

2. Recommendations

- 2.1. That the commission notes the limited progress made since January 2022, and recognises that this is primarily due to factors outside of the control of the London Borough of Hackney (LBH) and the City & Hackney Safeguarding Children Partnership (CHSCP).
- 2.2. That the commission notes the Government redaction of the Schools Bill and the ambiguity this has created about the proposed legislation covering UES.
- 2.3. That the commission supports safeguarding partners of the CHSCP, including LBH, in making use of the potentially useful but limited legal powers available to them in response to UES.
- 2.4. The commission acknowledges the Council and the CHSCP have continued to demonstrate that considerable effort has been made under current legislative and regulatory constraints to implement the recommendations made by the CYP Scrutiny Commission.

3. Background

- 3.1. Over the course of 2017 Hackney's Children & Young People Scrutiny Commission conducted an inquiry into the issue of UES in Hackney. Its report, which was published in January 2018, made ten recommendations.
- 3.2. UES provide a 'full-time' education to children of compulsory school age but teach a curriculum that is too narrow for the setting to constitute a 'school'. The consequence is that they cannot be registered (or regulated) in the same way that schools are. This was and remains a significant issue of concern for the safeguarding partners of the CHSCP.
- 3.3. In Hackney, the vast majority of children we believe to attend UES are teenage boys within the Orthodox Jewish community, who are withdrawn from a school where they receive a wider curriculum at aged 12, and placed in a Yeshiva where they receive a more narrow religious instruction.
- 3.4. Some changes were introduced and shared with the commission in January 2022. These were designed to support and improve the multi-agency response to concerns raised about UES:
 - 3.4.1. The continued engagement and efforts of the Independent Child Safeguarding Commissioner on behalf of the CHSCP;
 - 3.4.2. The work and oversight of the UES Working Group, which is chaired by the Director of Education;
 - 3.4.3. The work of the Out of Schools Settings (OOSS) Project to better engage settings in the child safeguarding agenda; and

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- 3.4.4. The implementation of the UES protocol, which provides a multi-agency framework for coordinating the response to settings by bringing together a range of services and partners.
- 3.5. The aforementioned Schools Bill proposed legislation to support statutory capacity to ensure that children within UES were able to enjoy the same protections and access to education as children in registered schools.
- 3.6. This legislation proposed a central register for children not in schools, and to extend Ofsted's power to inspect to include UES.
- 3.7. The Schools Bill was not moved into the third session of Parliament as planned in December 2022, and its progress has been halted.
- 3.8. The government states that ministers are committed to the objectives of the Bill, however we are awaiting to see how this commitment will be manifested and what this will mean for our plans going forward.
- 3.9. Further delays in legislating on this matter (in the absence of any meaningful progress on the introduction of a cooperative safeguarding framework) means that children remain out of the line of sight of statutory safeguarding partners.
- 3.10. The additional statutory powers that were proposed in the Bill are much needed to first and foremost ensure a safe education environment for all Hackney children.

4. Commission recommendations with progress update

- 4.1. The commission's recommendations along with a progress update as of December 2022 can be found in Appendix A to this report. Please see this appendix for full details.
- 4.2. The commission will want to be aware of some of the specific work that has been undertaken in respect of UES over the past 12 months.
- 4.2.1. The UES protocol is now embedded into operational practice and in 2022 six protocol meetings were convened to consider our response to ten settings. Protocol meetings are multi-agency and as well as representatives from relevant Hackney Council services they are attended by the police, fire brigade, health and Ofsted. This has led to Ofsted inspections of settings and other measures to safeguard children.
- 4.2.2. Collaboration between Hackney Education and the Planning Department has led to the identification of new UES provision and the co-ordinated appropriate use of planning powers in response to these where planning permission is also lacking.
- 4.2.3. In January 2022 there were 609 children and young people known to Hackney Education who were believed to attend UES; we believed this to be a fraction of the true number, which is estimated to be in excess of 1,500.
- 4.2.4. In December 2022 there are 1087 children and young people known to Hackney Education who we believe attend UES, which demonstrates the tenacity and strength of the partnership in our identification process.
- 4.2.5. In July 2021 the Children missing education (CME) team appointed an additional officer to focus on this cohort. Since starting, the officer has undertaken visits to families to check a) on the education arrangements and b) the welfare of the child.
- 4.2.6. Following a home visit, the majority of parents cite that they are educating their child(ren) otherwise than at school (i.e. elective home education). However we have no right of access to Yeshivas in order to assess the suitability of the education provided. The only education body that has these powers is Ofsted as part of an investigation into possible unregistered schools under s.97.

- 4.2.7. As we are unable to confirm the suitability of the education these children receive at a Yeshiva, the children who attend them are classified as children missing education rather than electively home educated children.
- 4.2.8. Efforts have been ongoing to engage with Orthodox Jewish representative bodies regarding safeguarding practice in UES and ensure we have assurance as to those arrangements. However, these have not been successful at bringing about satisfactory engagement with UES themselves to provide the necessary assurance we seek regarding safeguarding.
- 4.2.9. A full safeguarding support offer has been made by the CHSCP to Yeshivas ([details available here](#)). This was shared with the Union of Orthodox Hebrew Congregations (UOHC) and a private company PR Pro for distribution. PR Pro had been engaged by a local Rabbi to help look at arrangements in advance of the Schools Bill. They advised they were in dialogue with the UOHC and would discuss this offer with them further.
- 4.2.10. Community specific sessions were set up to deliver safeguarding training for Yeshivas and Orthodox Jewish settings; these sessions were not attended.
- 4.2.11. The CHSCP has frequently and routinely lobbied the Department for Education for changes in legislation for many years. The Schools Bill provided a potential vehicle to close identified loopholes and bring clarity to the registration and regulation of UES. The scrapping of the Bill will leave our local position fundamentally unchanged.
- 4.2.12. The CHSCP has previously sought counsel's advice on the use of statutory powers available to safeguarding partners. The Council has subsequently utilised these powers in one case.
- 4.2.13. A proprietor of a suspected unregistered school (able to be classified as such due to primary children attending, so a wider curriculum offer than a Yeshiva) was served an injunction under Section 16(H) Children's Act 2004. The court ordered the setting to share information about the children on their premises with the LA.
- 4.2.14. The information has not yet been shared, and there is an expectation that we will return to court.
- 4.2.15. The UES working group, chaired by the Director of Education, continues to meet regularly to oversee our work in this area, and to ensure an appropriate level of oversight for an area which we deem to be a considerable risk.
- 4.3. Between August and November 2021 LBH's internal audit reviewed the progress of the commission's recommendations. The audit found the following:
- 4.3.1. Implemented - Two
- 4.3.1.1. Recommendations 5 and 7
- 4.3.2. In progress (within the Council's control) - Two
- 4.3.2.1. Recommendations 4 & 10
- 4.3.3. Partially implemented (constrained by factors outside of the Council's control) - Six
- 4.3.3.1. Recommendations 1,2, 3, 6, 8 & 9
- 4.3.4. Not implemented - None
- 4.3.5. Recommendation 4 - was noted to be in progress in January 2022, and our position is largely the same. There has been some limited involvement with the Yeshivas Protocol Committee which was formed in response to the Schools Bill (now redacted),

as well as some consultation with other Local Authorities who serve an Orthodox Jewish community. Largely though, it has been further evident to the Council and partners that other communities in other Local Authorities face different challenges to those we face here in Hackney.

4.3.6. Recommendation 10 - remains the same from January 2022

4.3.7. The internal audit highlighted that six of the recommendations were partially implemented due to constraint by factors outside the control of the Council - these external factors continue to hinder the implementation to any further degree

4.3.8. Internal audit made one recommendation, which was that

4.3.8.1. *'Further consideration is given to making use of the legal powers confirmed by the legal advice provided to the CHSCP on the legal position relating to UES in the context of the Children Act 2004 and the new safeguarding arrangements led by statutory safeguarding partners.'*

4.3.9. The management response to this recommendation was:

4.3.9.1. *'The Children and Education Department recognises its legal powers to take action regarding UES. We established a system to respond to concerns about UES and this includes seeking legal (counsel) advice and taking legal action. This is an ongoing activity.'*

4.3.10. Since this recommendation was made the Council continue to use the established system to respond to concerns and regularly seek legal counsel. Our response has included going to court and successfully requesting an injunction be served on proprietors of a suspected unregistered school.

5. Conclusion -

- 5.1. Local children who attend UES in Hackney continue to be outside the line of sight of safeguarding professionals. There is no direct mechanism to ensure that the premises within which they 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.
- 5.2. Despite repeated attempts to engage community leaders and seek their cooperation, the status quo continues. A comprehensive package of safeguarding support has been developed and shared with community leaders. Even with this package excluding any focus on what is being taught in UES, these leaders have been unable or unwilling to commit to or influence cooperation with any programme of work. Based on the conditions seen at some UES (via the UES protocol meetings), this remains a significant concern.
- 5.3. Equally concerning is the ongoing legislative vacuum that facilitates the operation of UES as they are. The redaction of the Schools Bill, alongside the absence of any meaningful cooperation from those responsible for UES, is not making children who attend UES safer.
- 5.4. This overall situation regarding the above means that the position concerning UES remains largely unchanged from when the commission examined this issue in 2017.

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Name	Designation	Section

Date: 19.12.2022

Cleared by:

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Appendix A - Commission recommendations and progress update

	Commission Recommendation	Progress Update January 2022	Progress Update January 2023
1	<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) 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;</p> <p>b) The legal duties of the Council (and partners) in ensuring that children attending UES 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>c) The roles and responsibilities of the Council and its statutory partners in the regulatory and enforcement framework for UES; specifically to state how they work together to identify, support and promote compliance with regulatory standards for health and safety, safeguarding and quality of education taught;</p>	<p>The impact of the strategy has been limited. The overall vision of the strategy remains frustrated on a number of levels.</p> <p>Although the Council has endeavoured to constructively manage this problem, no real progress has been made. There are considered to be two primary reasons for this.</p> <ul style="list-style-type: none"> • The first reason is highlighted by the absence of a central faith and community based body with responsibility for and authority over yeshivas. Each setting is understood to be autonomous and the local proposals to strengthen safeguarding oversight have simply gained no traction. Whilst there remains an aspiration by partners to work together to ensure that all children in Hackney receive appropriate educational opportunities in safe and suitable environments, there is all but no progress in the context of collaboration and co-production in this regard. • The second reason is because there is no existing regulatory/statutory framework within which these settings neatly fit. As a consequence, the Council has been both required and encouraged to be lawfully audacious in its approach to assuring the safety of the children who attend these settings, 	<p>There is no change from the January 2022 update.</p>

	<p>d) How the Council will engage the Orthodox Jewish community and its representatives to promote compliance and adherence to the regulatory framework;</p> <p>e) The legal responsibility of parents to provide an appropriate and full-time education for their child regardless of setting.</p>	<p>which the Council has done with limited success.</p> <p>The Council has engaged (and continues to engage) the police, fire service and other partners focusing on health and safety to intervene with those running the establishments in an effort to safeguard the young people frequenting them.</p> <p>The position the Council finds itself in was previously summarised by Amanda Spielman, Ofsted’s Chief Inspector</p> <p><i>“We can issue a warning notice, but ... no one has the power to close them, neither us, local authorities or the Department for Education. There is no general power to close something that is not registered as a school. We need a better definition of a school – it is too easy to fiddle at the margins and claim that something isn’t a school. When people are operating illegally, there should be somebody with powers to make it close. There should be serious consideration of disqualifying people who’ve run an illegal school. The legal framework needs to evolve.”</i></p> <p>The Council endorses Amanda Spielman’s comments regarding the need for a clearer definition of a school and the importance of a legal framework within which we can act to inspect and regulate establishments to ensure the welfare of children and young people.</p>	
2	<p>Whilst the Commission acknowledges the challenges in developing meaningful engagement and involvement with the Charedi</p>	<p>Whilst the Independent Child Safeguarding Commissioner of the CHSCP and Hackney Council have attempted to find a resolution to this problem (and despite continuing efforts to</p>	<p>There is no change from the January 2022 update.</p>

<p>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. 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.</p> <p>It is recommended that the contact group:</p> <p>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;</p> <p>b) Should develop a clear remit and terms of reference which should:</p> <p>(i) Set out those measures that will build confidence between and among various representative including how UES will be engaged and involved;</p>	<p>engage community leaders), no real progress has been made.</p> <p>Since 2014, the Independent Child Safeguarding Commissioner (ICSC) and the Council have been proactively advocating that the central government needs to enact legislation that provides the same level of safeguards for all children who attend full-time education settings, whatever subject is being taught. The DfE consulted on possible changes to legislation in 2020 but to date, the outcome of the consultation has not been published and no such legislation has been implemented.</p> <p>Local children who attend UES in Hackney continue to be outside the line of sight of safeguarding professionals. There is no direct mechanism to ensure that the premises within which they congregate are safe; that the infrastructure is sound; environment appropriate; or that contemporary safer recruitment practises are being applied to those working frequently and routinely with children.</p> <p>Disappointingly, despite repeated attempts to engage community leaders and seek their cooperation to develop a safeguarding reassurance framework, they have been unable, unwilling or lacked the overarching authority to commit to the changes required.</p> <p>Significant communication has been sent by the Independent Child Safeguarding Commissioner to a variety of stakeholders encouraging UES to engage in a range of opportunities set out within an agreed 'offer' (to be led by the CHSCP and Hackney Education).. More recently the CHSCP has been contacted by PR Pro, a PR</p>	<p>Section 16H sets out the requirement for persons or bodies to supply (on request) information to the safeguarding partners for the purpose of enabling or assisting the performance of their functions. When a recipient does not comply with such a request, a safeguarding partner may apply for a High Court or county court injunction to enforce it. An injunction was requested under 16H Children's Act 2004 to obtain information from the proprietors of a UES. The court ordered the setting to share information about the children on their premises with the LA. The information has not yet been shared, and there is an expectation that we will return to court.</p>
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<p>(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);</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>c) Report back progress of its work twice yearly to the Children and Young People Scrutiny Commission and annually within the City and Hackney Safeguarding Children Board Annual Report.</p>	<p>company engaged by a Rabbi in the UOHC. Our understanding is that this company has been commissioned to help broker progress against the CHSCP's offer.</p> <p>IICSA - The ICSC of the CHSCP gave evidence on behalf of the Council to the Independent inquiry into Child Sexual Abuse (IICSA). This was as part of the Inquiry's focus on religious institutions and settings. This set out the already known problems, the attempts at resolution and the action required by the government.</p> <p>IICSA published its report in September 2021. Of two recommendations, one specifically related to UES, which was:</p> <p><i>Legislation on the definition of full-time education and unregistered educational institutions providing full-time education The government should introduce legislation to:</i></p> <ul style="list-style-type: none"> • <i>change the definition of full-time education, and to bring any setting that is the pupil's primary place of education within the scope of the definition of a registered educational setting;</i> <i>and</i> • <i>provide the Office for Standards in Education, Children's Services and Skills (Ofsted) with sufficient powers to examine the quality of child protection when it undertakes inspections of suspected unregistered institutions.</i> <p>UES Protocol - In 2020, the CHSCP developed a protocol to help manage the response to the identification of UES and any concerns arising in respect of them. It is disappointing that this has been necessary, but in the absence of any appetite from either community leaders or</p>	
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		<p>Yeshivas themselves to cooperate, this is the best we have been able to do as a partnership.</p> <p>UES protocol meetings are chaired by the Head of Wellbeing & Education Safeguarding, Hackney Education. When convened, there is good engagement from all relevant agencies, including Ofsted. The Disclosure & Barring Service has recently been made a standing member of the group</p> <p>The protocol itself is relatively straightforward. There is an expectation that when UES are identified, they are notified to Hackney Education and when there are reported concerns, that defined procedures oversee the response to these. The protocol has not been constructed on the basis of educational registration requirements, but on core safeguarding requirements. It is already distinct in that its entire focus is upon those settings that are neither registered nor regulated.</p> <p>Legal Advice - The CHSCP has also sought counsel advice on the legal position relating to UES in the context of the Children Act 2004 and the new safeguarding arrangements led by statutory safeguarding partners.</p>	
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<p>3 It is recommended that the Mayor and Chief Officers within the Council continue to robustly press the Government, Department for Education and relevant parliamentary bodies (e.g. Education Select Committee) 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> <p>a) Extend the definition of a school, or a part-time school, to include where this setting is the child's main educational experience;</p> <p>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;</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</p>	<p>The record on this issue already details the significant lobbying undertaken with ministers. Disappointingly, there appears to have been little appetite to progress solutions at pace and the overall response from the government has lacked any sense of urgency.</p> <p>The Department for Education launched a consultation concerning the regulation of UES and other independent settings on 14 February 2020. This consultation was withdrawn on 7 May 2020 due to the coronavirus (COVID-19) outbreak and was relaunched on 13 October 2020. It closed on 27 November 2020.</p> <p>More recently, the CHSCP's Independent Child Safeguarding Commissioner has escalated this matter to the former Parliamentary Under Secretary of State for the Schools System (Baroness Berridge of the Vale of Catmose). This yielded no clarity. Subsequent letters to the new Secretary of State for Education, The Rt Hon Nadhim Zahawi MP, were the same. The new Parliamentary Under Secretary of State for the Schools System, Baroness Barran, replied on 3 December. Her letter stated:</p> <p><i>I am happy to confirm that the government remains committed to changing the law on the registration of independent education settings, which would bring into scope a range of currently unregistered institutions. You will know that we repeated that commitment in the department's evidence to the Independent Inquiry on Child Sexual Abuse, and we welcomed the recommendation when the report was recently published. I expect that we will be publishing the response to the Regulating</i></p>	<p>There was optimism with the publication of the draft Schools Bill for England in May 2022 that we would see a greater and enforceable power to ensure children in UES had access to a safe environment in which to learn, and a broad curriculum alongside any faith-based learning.</p> <p>The Bill outlined a requirement for administered lists of children not in schools to be kept by LAs, and included new powers for Ofsted to gather evidence which would support prosecutions against those running unregistered, unlawful independent schools and registered independent schools which are not meeting the required standards.</p> <p>Changes were proposed to be made to the registration requirements for independent schools so that more settings which provide education to children on a full-time basis needed to register as independent schools and meet the standards.</p> <p>These changes would have made it easier to identify and act against educational settings which are ignoring the Department's rules and regulations. Ensuring that more children are receiving their education in regulated settings which are subject to regular inspection is an important safeguarding measure which is intended to keep children safe.</p> <p>The impact of these proposed changes would have been big for our work in UES, so it was disappointing that the Bill was redacted in December 2022. Whilst ministers pledge a commitment to the objectives of the Bill, we will</p>
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	<p>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><i>Independent Educational Institutions consultation shortly.</i></p> <p>Our collective position remains unchanged. Government needs to strengthen both the registration requirements and regulation of UES. Without such change, children and young people will continue to be exposed to a two-tier safeguarding system that is simply unacceptable.</p>	<p>have to wait to see what this means for legislative change around UES.</p>
4	<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>The Council has previously had contact with a number of authorities who are concerned about existing legislation – although it's important to note that Hackney's concerns are distinct and very different to those of other councils, so learning has been limited.</p>	<p>The Council met with the Yeshiva Liaison Committee, which is a group set up in response to the Schools Bill (recently redacted). The Committee advised the Council they would be undertaking their own audit of safeguarding in Yeshivas and would be willing to share their report with us. We await this report from Rabbi Moishe Kornbluh, the secretary of the committee.</p> <p>The Council continue to liaise with other authorities that have sizeable Orthodox Jewish communities that may face similar concerns around lack of oversight of UES for teenage boys in Yeshivas. Meetings have taken place with Gateshead, Salford and Essex, however whilst initially there appear to be some similarities, there are complex nuances in the doctrine of these communities that mean their experiences and the subsequent challenges experienced by the relevant local authorities are not directly comparable.</p>

		<p>The Out of Schools Settings (OOSS) project has, however, assumed this role at a local level. The project brings together 16 Local Authorities, nine of which are East London boroughs. The OOSS Project, which is funded by the DfE, is designed to map and support settings in relation to safeguarding children. It sits alongside existing work undertaken by LBH officers including the Prevent Education Officer and Children Missing Education Team.</p> <p>The strategic direction of the OOSS project has been to build a comprehensive typology of settings and test interventions to discover what works and identify the challenges or barriers to engagement. In practical terms the interventions have included meetings with trustees, staff and volunteers, policy support and the offer of signposting to safeguarding training.</p> <p>The OOSS project team has undertaken extensive mapping of the sector and identified over 300 settings including yeshivas, tuition centres, sports clubs, housing associations, community centres, charities, church halls and other religious settings.</p> <p>The OOSS project team has also developed a RAG rating system. This has been adopted by other pilot projects and promoted, via the DfE, as a model of good practice.</p> <p>Engagement thus far has concentrated in community spaces, particularly those hiring halls to other/smaller organisations or clubs and ensuring hire agreements explicitly describe expectations to safeguard.</p>	<p>OOSS project has largely come to an end, the legacy of this project forms part of the CHSCP offer to Yeshivas (outlined in 4.2.9 of this report). There is also an online safeguarding information platform for OOSS providers that has been created and will be maintained as part of our ongoing commitment to improving safeguarding oversight in OOSS, this platform provides links to information, model safeguarding policies and guidance, as well as contact information for relevant council officers. The extensive contact database collated during this project forms the basis of the CHSCP contact list for OOSS providers, and is a core part of the communication strategy for safeguarding partners in this area.</p>
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		<p>To support this, an example policy has been written and organisations are signposted to relevant sources of support including the NSPCC's webpages for the sector, the voluntary code for OOSS and CHSCP training.</p> <p>A significant challenge to understanding and embedding effective safeguarding practice is staff and volunteers accessing appropriate safeguarding training. To remedy this the OOSS project team has developed a training offer that will be delivered free of charge either in settings (if there are sufficient staff) or via The Tomlinson Centre. This sits alongside the core training offered by the CHSCP. Three sessions have been held, to introduce the OOSS project to settings that have been delivered, supported by HCVS.</p> <p>Promotional materials have been produced for parents/carers and for proprietors; information is presented on the Local Offer and an OOSS App is in development. This is in addition to an OOSS online portal that contains instructive videos from the HE Safeguarding in Education Team and Re-Engagement Unit, highlighting OOSS responsibilities with links to local and national guidance. Partnership working with other pilot areas including Redbridge, Manchester and Birmingham is online to develop the portal.</p> <p>In conjunction with the CHSCP, all mapped OOSS were sent a tailored Safeguarding Self Assessment audit tool, after being named as 'relevant agencies'. In total the following responded:</p>	
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		<ul style="list-style-type: none"> ● 30 OOSS ● 6 Community Halls ● 11 orgs under Southern / Hackney Housing ● 22 religious settings ● 16 OOSS which are also captured under the commissioned provider 	
5	<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> <p>a) Identify a common approach and priorities for UES – e.g. child safeguarding;</p> <p>b) Share data and intelligence about UES across statutory partners (e.g. location, number of children in attendance, health and safety concerns etc.);</p> <p>c) Undertake joint holistic inspection and assessments of UES;</p> <p>d) Develop a coordinated response and interventions where such settings are uncovered, and do not meet regulatory standards.</p>	<p>Positive collaboration remains across a range of local agencies and services involved with UES. The Council also continues to engage with Ofsted and DfE, particularly through the operation of the CHSCP's UES Protocol. When called, meetings are well attended by partners and actions taken away; including partners such as LFB and Ofsted.</p> <p>Oversight on progress against strategy and operational actions with individual settings is overseen by the UES Working Group, which is chaired by the Group Director.</p>	There is no change from the January 2022 update.

<p>6</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 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>	<p>The EHE consultation ended in June 2019. A formal response by the government is still awaited after all this time, though revised guidance was issued by the DfE in April 2019.</p> <p>Despite the proposed duties undoubtedly strengthening oversight on the children attending such settings, the consultation failed to adequately address the issue of oversight of the settings themselves by way of regulation.</p> <p>The local authority has recruited an additional officer to manage the recent requirement for schools to inform the local authority of non-standard phase admissions. This duty applies to state funded and independent schools. The return rate is subject to ongoing monitoring. Schools with no or inconsistent returns are reminded of their responsibilities. Where a school ‘off rolls’ a pupil, they are required to specify or undertake joint investigations to determine the name of the receiving setting. If this cannot be determined the issue is referred to the CME team. Reminders of the process are sent to schools annually.</p> <p>Hackney Education’s processes regarding elective home education were updated and revised in July 2020 and the resources undertaking EHE assessments were increased from 0.5 FTE to 1 FTE. These processes were subject to a recent internal audit and no recommendations were made. In addition Hackney Education has employed a Pupils Out of School Officer, part of whose job is to engage with Orthodox Jewish families who are believed to be attending a yeshiva. This is to check on</p>	<p>a) CHSCP continues to lobby for legislative change, Hackney Education have shared views with Independent Schools Team from Ofsted and Dfe</p> <p>b) & c) Tracking work within the Admissions Service is ongoing and an update will be provided around engagement in the Spring term</p> <p>d) In 2016 Hackney Education adapted and amended our ways of working for CME, in accordance with legislative change, this policy is shared with partners and updated regularly. The service frequently receives referrals from GPs, Social Care, Homerton Hospital, health professionals. Work continues to build relationships with Housing and the Voluntary Sector.</p> <p>e) We are adequately resourced for the service we are currently offering, this would have required additional resourcing if the Schools Bill had been progressed, as such if the commitments of the Bill pertaining to EHE is upheld we would need to consider resourcing</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>f) With improved detection of those children missing education, introduce a more robust policy of administering enforcement notices and School Attendance Orders.</p>	<p>children’s wellbeing and their education arrangements. Families who attend yeshivas state that they are educating otherwise than at school and therefore come under the scope of the EHE/CME procedures.</p>	

<p>7</p>	<p>Although there are limited statutory duties and responsibilities for the Council in respect of registered schools within the independent school sector, given</p> <p>a) the interrelationship between this sector and the children that attend them and UES and</p> <p>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>The activities and approaches cited in the previous update continue to be pertinent. A standing invitation remains to Special Educational Needs and Disability Coordinators (SENDCOs) from independent sector schools to attend events such as the termly SENDCO forum and annual conference that SENDCOs from the maintained sector attend.</p> <p>Following engagement with Interlink, Hackney Education has, in conjunction with independent schools, established a forum for heads of independent schools. The forum will be jointly coordinated by a senior leadership and management advisor from HE and an independent school headteacher.</p> <p>Hackney Education has also met with Interlink and school leaders to discuss SEND provisions and will be attending their next meeting of the independent schools SENDCO Forum.</p>	
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8	<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 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>As part of the OOSS project, guidance for parents and carers for children attending OOSS (including UES) has been revised and is available on the Local Offer.</p> <p>Whilst the identities of some children are known, there remains an absence of intelligence on a significant majority of children attending UES and hence the parents / carers who could be 'enabled' to challenge UES.</p> <p>The changes in legislation concerning Home Educated Children might provide an avenue to identify these families at some point in the future as might the application of the legal powers open to safeguarding partners through the seeking of an injunction. The latter is yet to be tested. Hackney's new EHE procedures are clear on the threshold for determining suitability and this includes an element of a secular education (as required by the DfE).</p> <p>The DfE has published guidance for parents/carers with the intention of developing their understanding of the types of questions they should ask proprietors of, and people offer OOSS. This will be available via the OOSS App.</p>	<p>Hackney Education's Elective Home Education processes are now fully embedded. Every child on our register will receive a home visit and a curriculum suitability assessment within twelve weeks of us receiving notification of their intent to EHE.</p>
9	<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). It is the belief of the Commission that there will be a</p>	<p>Engagement with registered Orthodox Jewish schools continues from Hackney Education.</p> <p>Hackney Education also continues to work with partners on the issue of UES. Whilst dialogue continues and a clear offer of support / advice for UES has been made by Hackney Education, activity at present is primarily focused on responding to UES under the CHSCP's protocol.</p>	<p>There is no change from the January 2022 update.</p>

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	<p>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. 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. 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 recognises 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>		
10	<p>The Commission noted that the Stamford Hill Area Action Plan (AAP) 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 Stamford Hill AAP makes sufficient provision in respect of:</p>	<p>The Stamford Hill Area Action Plan (AAP) is being developed. The need for further school places and community facilities is recognised in the plan. Even though, it is not possible to distinguish between registered and unregistered provision within planning policy, the AAP does include an Informative on Safeguarding and Health & Safety in Schools which sets out the need for new schools to register with the Department for Education and meet the requirements set out in</p>	<p>There is no change from the January 2022 update.</p>

<p>Capacity of educational settings to deal with future demand from the Orthodox Jewish community;</p> <p>Availability of potential sites for registered education settings;</p> <p>Youth employment, training and apprenticeship opportunities for young people in the areas, particularly from the Orthodox Jewish community</p>	<p>the Independent Schools Standards. It also sets out that if an existing school is looking to expand or change their site they must notify the Department for Education of a material change to their existing registration.</p> <p>The AAP's approach to educational facilities is to increase the capacity of existing educational settings in a managed manner and to identify site allocations that can accommodate flexible and adaptable space to accommodate a wide range of community needs, which could include educational facilities.</p>	
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