

BHA response: investigation into unregistered educational settings in Hackney

26 March 2017



1. What is your email address?

jay@humanism.org.uk

2. In what capacity are you answering this survey? (please tick all options that apply)

Other (please specify below)

The British Humanist Association (BHA) is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. We promote a secular state and equal treatment in law and policy of everyone, regardless of religion or belief.

As part of our wider campaigning on 'faith' schools, and appalled at the lack of education young people in the Charedi community receive, we have led the campaign in recent years for greater action of Hackney's unregistered religious schools, working alongside former pupils of these schools to pass on information to the authorities and to highlight the experiences of the children within them. We have been responsible for most of the recent news coverage on this issue and our blogging and whistleblowing platform Faith Schools Anonymous was set up in partnership with former members of Hackney's Charedi community.

3. From your knowledge/experience of unregistered settings how satisfied are you with:

The safety of the building (e.g. fire safety and evacuation plans, fire safety equipment, drills and training etc.)

Very dissatisfied

The well-being of the pupils (e.g. DBS Checks*, anti-bullying policy and safeguarding protocols etc.)

Very dissatisfied

The curriculum taught

Very dissatisfied

Please tell us in more detail about your knowledge /experience. Please use the free text box below or submit any additional information or statement to scrutiny@hackney.gov.uk

Safety of the buildings

The buildings in which unregistered schools are housed are not designed to be schools, and they do not have planning permission to operate as schools. Until they are given such permission, therefore, they must be considered a risk to the children within them. Clearly, however, planning permission should not be given to any setting, irrespective of the suitability of the buildings, if it is suspected to be operating illegally.

As an example of the issues seen with specific premises, on 29 September 2016 a number of unregistered schools were visited by Ofsted and Hackney Council's Wellbeing and Safeguarding Children's unit. A [report](#) from the visits to two such schools, both situated on the Cazenove Road, stated the following:

'Both schools were deemed to be Yeshivas (religious education teaching establishments of the Torah and Talmud), with over 100 boys on each site, under the supervision of voluntary teaching staff. Both contained kitchens and boys were being boarded at one property which also has a synagogue on site. Both premises were in poor repair with a multitude of building defects and areas of dilapidation, with dubious means of escape in case of fire, and little knowledge of fire drills or evacuation procedures. A suspect boiler was also highlighted at one of the properties. Welfare with respect to the number and cleanliness of wash basins and lavatories and constant hot water was also an issue.'

The report goes on to [state](#) that 'Health and safety is a matter for the Health and Safety Executive (HSE), and we notified [and] impressed upon them the urgency for a field officer to visit given the large numbers of children, their vulnerability and the continued risk.'

The issue of the buildings' safety in terms of the risk of fire was [also raised](#) by Steve Dudeney, the borough commander of Hackney Fire Service, at the January meeting of the Council's Children and Young People Scrutiny Committee. He noted that there had been five fires in a total of 32 suspected unregistered schools, a figure he described as 'high'.

The well-being of the pupils

The most important point to make here is that given unregistered schools exist beyond the oversight of Ofsted, Hackney Council, and the Department for Education, it is not possible for their safeguarding arrangements to be anything other than inadequate. Perhaps the most important role that Ofsted plays is inspecting the safeguarding arrangements of schools, and this system of regular inspection is an essential component of the safeguarding arrangements themselves. In short, without regular inspection, safeguarding cannot be adequate. Beyond this, however, the testimonies of former pupils suggest that pupils in unregistered schools are neither safe nor sufficiently safeguarded. One former pupil [recalls](#) the following, for instance, about his time at school:

'Physical punishment was commonplace and the atmosphere was one of perpetual fear... Contemporaries of mine suffered extreme physical abuse at the hands of some of the

teaching staff, with one boy getting his finger broken for speaking out of turn, and consequently requiring medical care. Others suffered severe beatings, and some even had soap or chalk put in their mouths for uttering so-called profanities.'

Whistleblowers tell us of frequent physical abuse by staff in the schools, and of efforts to hide canes when Ofsted come to visit. Although we cannot substantiate this, they also allege that sexual abuse is rife within the community, including school settings. We have discussed these issues with Ofsted.

It is also the case that the extremely low level of education provided at these schools (detailed below) puts the children at significant risk. By way of an example, in 2016 it was widely [reported](#) that a class of 34 school-children from London, along with two of their teachers, had to be rescued after they became trapped by rising tides during a coastal walk. A [subsequent investigation](#) by the BHA and the *Independent* revealed that the pupils and teachers involved were from an unregistered school in Hackney, despite claiming that they were from a community centre. The reports noted that the group walked past 'nine warning signs' before becoming trapped. An [article](#) written by a former member of the Charedi community, and former pupil at an unregistered school, noted that 'The lack of basic teaching in English meant that neither the students nor the teachers (born and brought up in the UK by the way) had any of the grasp of what the words on the warning signs meant. Moreover, the notion of rising tides would be an alien concept to these boys because the teaching on science or geography is considered "evil" for the role it plays in causing these pupils to question the sanctity of ancient religious scriptures.'

The curriculum taught

The education within unregistered yeshivas, which predominantly serve boys in the Charedi community, is confined almost entirely to scriptural study. Up until the age of 13 boys may receive some very limited education in what are referred to as 'secular' subjects (i.e., those subjects that are not religious, also referred to as the 'chol' curriculum) such as English, Maths, and Science, but this tends to be just a couple of hours a week at the very most. By the time they reach their teens, therefore, most Charedi boys are unable to communicate effectively in English. Additionally, there is almost no effort to teach children about other cultures, religions or ways of life, or certainly not in a positive light, and as a result pupils gain only a very limited understanding of the society that exists outside of their own community. Regrettably, this is true not just in unregistered Charedi schools, but in some registered Charedi schools too, and Ofsted's reports from those schools give us an insight into their unregistered equivalents.

In [May 2016](#), for example, the court upheld a DfE decision to ban a (registered) private Charedi primary school, Beis Aharon School in Hackney, from admitting new pupils after Ofsted found that the school 'allocated only one hour per day to the secular curriculum', and pupils were therefore 'not able to develop fluency in reading, writing and spoken English'. The report also noted that 'while pupils are polite to visitors, they are still unable to show mutual respect and tolerance of those with different faiths and beliefs because their knowledge of how people are different and of other faiths is very limited'. Inspectors stated that pupils were 'not adequately prepared for the responsibilities of adult life'.

The above speaks to boys of primary school age, but when boys reach 13 years old, the age of bar mitzvah, even this incredibly limited secular education ceases and the Jewish studies or 'kodesh' curriculum comes to form the entirety of their learning. Again, this leaves Charedi boys completely ignorant to, and unprepared to exist in, the outside world, making it almost impossible for them to leave their communities should they wish to. One (anonymous) former pupil of an unregistered Charedi school told [the Independent](#) that after deciding to leave the community when he was 18 years old 'it was so difficult. I could only speak Yiddish and, despite living in London my entire life, I couldn't really have a conversation in English. I could do little more than ask for directions and ask how much things cost in a shop.'

What Ofsted reports do exist for unregistered schools bear this out. In 2015 the BHA obtained through a Freedom of Information request [three Ofsted pre-registration inspection reports](#) for an unregistered Charedi school in Stamford Hill called Talmud Torah Tashbar. The reports, which detailed inspections carried out between 2012 and 2014, stated that the curriculum 'encouraged cultural and ethnic insularity' and prevented pupils from 'developing a wider, deeper understanding of different faiths, communities, cultures and lifestyles, including those of England'. They also noted that 'as a matter of religious principle, the school does not provide a secular education except for mathematics lessons delivered by religious studies teachers in Yiddish on two or three occasions a week'. And lastly that 'the curriculum enables pupils to acquire skills in speaking and listening and numeracy but not in English and literacy and the school does not provide lessons in written and spoken English'.

In spite of Ofsted concluding each time that the school did not meet the standards for registration, it was allowed to continue to repeatedly re-apply for registration and keep operating in the meantime. Indeed, the school has been operating illegally since 1976. In January 2016, when the BHA publicised the three pre-registration reports, the Department for Education then finally acted and [ordered the school to close](#); however, having talked to individuals in the community, it is our belief that it has continued to operate since.

In a [testimony](#) published on the website Faith Schoolers Anonymous, one former pupil summed up the education at unregistered Charedi schools well: 'The school's mission was to prepare its pupils for a life of religious study - all other considerations were ignored'.

4. If applicable, from your knowledge / experience of unregistered settings how easy or not is it report or raise concerns in regards to:

The safety of the building (e.g. fire safety and evacuation plans, fire safety equipment, drills and training etc.)

The well-being of the pupils (e.g. DBS Checks*, anti-bullying policy and safeguarding protocols etc.)

The curriculum taught

Please tell us in more detail about your knowledge/experience of raising concerns in regards to the safety of the building, the well-being of the pupils and/or the curriculum taught. Please use the free text box below or submit any additional information or statement to scrutiny@hackney.gov.uk

We have decided not to respond to this question as we have little to say that we do not cover in other questions.

5. How satisfied are you that the Council is successfully ensuring the quality of education, the safety and the safeguarding of children in unregistered settings in Hackney?

Very dissatisfied

Additional comments. Please use the free text box below or submit any additional information or statement to scrutiny@hackney.gov.uk

We would like to expand on our answer to question five concerning the Council's action on unregistered settings. First, and most obviously, the Council has failed to deal with the presence of unregistered schools in the borough for a number of decades. Many of these illegal settings have been open for as long as 50 years, and it is simply unacceptable that nothing meaningful has been done to tackle them, nor secure the rights, well-being, and education of the children within them. This inaction is all the more concerning given the fact that Hackney Council (as well as Ofsted and the DfE) have known a great deal about these settings for many years. Last year, for instance, [the Independent reported](#) that documents relating to abuse in unregistered schools had been destroyed at the request of members of the Jewish community. This was revealed by a redacted 'Action of note' of a meeting between the DfE and Hackney Learning Trust in 2010. And a few months ago it was [revealed](#) that Hackney Council has known about a particular illegal school since 2011 but had not done (and has still not done) anything about it. We hope that this inquiry represents a change of approach by the Council, but this must translate into enforcement action, in partnership with Ofsted and the DfE, if it is to mean anything.

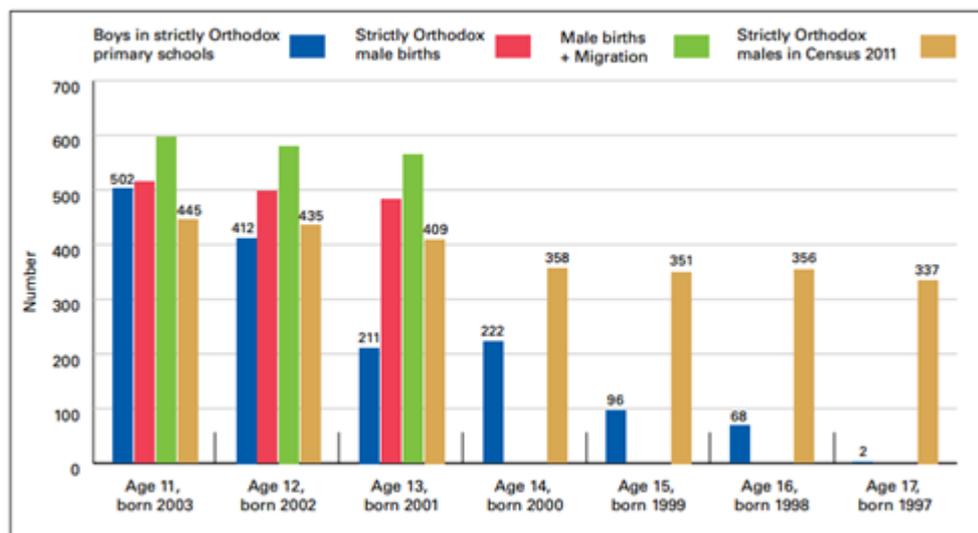
In September 2016, the Local Government Association (LGA) [called](#) on the UK Government to provide councils with greater powers to deal with illegal schools, particularly bemoaning the lack of powers to enter homes and premises, which limited their ability to differentiate between children who are being legitimately home-schooled and those who are actually being educated in unregistered schools. However, whilst regulations around home-schooling could undoubtedly benefit from being strengthened, councils do already have powers that allow for greater action than is being taken. School attendance orders (SAOs), for instance, can be issued when an authority is not satisfied with the education being provided otherwise than at a school. We are not aware of Hackney Council ever having issued an SAO in connection with unregistered schools.

Beyond this, [section 447 of the Education Act 1996](#) confers even further powers, should an SAO not prove sufficient. Under this section, councils can apply to the court for an education supervision order which, if granted, results in the council being appointed by the court to supervise that child's education, either at a school, or at home for a specified period of time. Again, we are not aware that

any such order has been issued by Hackney Council in connection with unregistered schools. This is in spite of the figures showing very clearly that many children from the strictly Orthodox Charedi Jewish community are missing from the mainstream education system.

Whilst precise figures may be hard to establish, reasonable estimates are easily made of the number of children being educated in unregistered Charedi schools in Hackney.

Most recently a report published by the Institute for Jewish Policy Research estimated that at least 1,400 strictly Orthodox children aged 11-15 are being educated in illegal Jewish schools at any one time. This estimate was reached by comparing the number of children registered in strictly Orthodox schools to the number of strictly orthodox children according to the Census 2011:



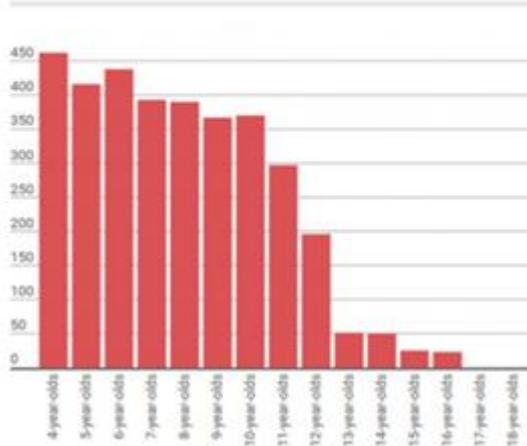
(Please note: the blue bars are labelled 'boys in strictly Orthodox primary schools' though given the ages this is clearly supposed to be 'boys in strictly Orthodox secondary schools')

The report notes in response to these figures that:

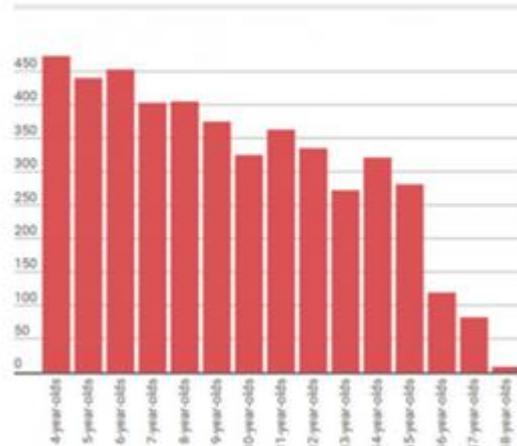
'An estimated 1,400 strictly Orthodox children aged 11-15 years are being educated in Jewish schools or yeshivot which are not included in the Department for Education's school census... Indeed, about half of strictly Orthodox boys aged 11-15 years do not appear in the strictly Orthodox school system. The issue is not as extreme, but still exists, at the younger ages within this range: about one-third of the boys aged 11-13 are not found in the data on strictly Orthodox schools.'

This drop off can also be seen when we compared the number of Jewish boys recorded as being in full time education in Hackney to the number of girls, according to the DfE's school census:

Number of Jewish boys in full time education in Hackney



Number of Jewish girls in full time education in Hackney



Finally, [a report from 2007](#) produced by the Board of Deputies of British Jews noted:

‘It can also be observed from Table 1 that the attendance figures for boys from Years 8 through 11 show a dramatic fall-off to almost zero. This is due to boys leaving these schools around the age of bar mitzvah in order to attend yeshivot (seminaries for young, unmarried men).’

Table 1: Enrolment in strictly Orthodox schools in Stamford Hill, 2006/07¹

| Year Group | Age at Start of Year | Boys | Girls | Total |
|------------|----------------------|------|-------|-------|
| Reception | 4 | 272 | 294 | 566 |
| Year 1 | 5 | 262 | 235 | 497 |
| Year 2 | 6 | 272 | 287 | 559 |
| Year 3 | 7 | 253 | 271 | 524 |
| Year 4 | 8 | 226 | 247 | 473 |
| Year 5 | 9 | 255 | 238 | 493 |
| Year 6 | 10 | 213 | 224 | 437 |
| Year 7 | 11 | 213 | 239 | 452 |
| Year 8 | 12 | 119 | 226 | 345 |
| Year 9 | 13 | 20 | 198 | 218 |
| Year 10 | 14 | 10 | 199 | 209 |
| Year 11 | 15 | 1 | 197 | 198 |

Source: EduBase, DiES

Again, the drop off in the number of boys enrolled at schools at age 12/13 is very clear to see.

Recommendations

1. Registration and inspection of out-of-school settings

In 2015/16 the Government consulted on proposals to introduce a system of regulation for out-of-school settings, involving a requirement that settings providing ‘intensive’ education register with either the local authority or DfE, and receive inspections so as to ensure children are being properly safeguarded. Where inspections found a failure to adequately safeguard children, sanctions would

be imposed. We supported these proposals in our response to the consultation, and believe they would go a long way towards identifying those institutions that claim to be operating only as out-of-school settings but are actually operating as full time, unregistered schools.

2. Register home-schooled children

In September 2016 the Chair of the LGA's Children and Young People Board, Cllr Richard Watts, recommended that 'placing a legal duty on parents to register homeschooled children with their local authority would help councils to monitor how children are being educated, and prevent children from "disappearing" from the oversight of services designed to keep them safe'. We agree that a register of homeschooled children would be extremely beneficial in identifying which of the children currently not attending mainstream schools are being legitimately home-schooled and which are attending unregistered school - not least when twinned with the above measure.

3. Use of child attendance orders and education supervision orders

Both of the above changes require central government action. But in the event that the above changes are not introduced by government, and as we have outlined above, we see no evidence that Hackney Council has used the powers it does enjoy to ensure the education and safety of children in unregistered schools. If Hackney does not feel it has the power to issue such orders in relation to the children within unregistered schools, then it must explain why. If it does have such powers, it should make use of them immediately.

**British Humanist Association
March 2017**