

DEPARTMENT FOR EDUCATION: IMPROVING SUPPORT FOR CHILDREN MISSING EDUCATION

Response from Humanists UK, July 2023



ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by 100,000 members and supporters and over 100 members of the All-Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

We are an active member of many organisations working on education and children's rights. These include the Children's Rights Alliance for England (CRAE), the PSHE Association, the Sex Education Forum, and the Religious Education Council for England and Wales (REC). We provide materials, resources, and advice to a range of education stakeholders including parents, governors, students, teachers, and academics.

We lead the national campaign for action on unregistered religious schools and work closely with former pupils of such settings, as well as current members of closed religious communities, to highlight their experiences and provide evidence to the authorities. Our work in this area includes working directly with community whistleblowers and our apostate support programme Faith to Faithless.¹ It has generated substantial and significant media coverage on the issue of illegal schools, including features on *Newsnight*² and *BBC News at Six and Ten*.³ This coverage prompted the creation of Ofsted's unregistered schools team. We were the first external group to meet with that team, and the first to introduce them to pupils who had attended such schools. It also prompted Hackney Council's own review of the issue in the local area. Our work has led us to conclude that the law surrounding both home education and illegal schools needs to be entirely overhauled to ensure that the latter can be shut down once and for all.

SECTION 2: DEFINING CHILDREN MISSING IN EDUCATION

5. Do you believe that the statutory duty relating to children missing education applies to the right children (any children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at school)?

No

¹ Faith to Faithless (2023) <<https://www.faithtofaithless.com/>> [accessed 18 July 2023].

² BBC *Newsnight*, 'British Humanist Association exposé on indoctrination by illegal Jewish schools which are registered charities' (2016) <<https://www.youtube.com/watch?v=ACgWIZLxhBw>> [accessed 18 July 2023].

³ Humanists UK, 'Joint BBC/Humanists UK investigation: abuse at illegal religious schools' (26 February 2018) <<https://humanism.org.uk/2018/02/26/joint-bbc-humanists-uk-investigation-abuse-at-illegal-religious-schools/>> [accessed 18 July 2023].



6. Are there any children currently excluded from the statutory duty relating to children missing education that you think should be included?

Please select all that apply:

- No, the current scope is suitable
- Children of compulsory school age on part-time timetables
- Children of compulsory school age who are flexi-schooled (see s.10.7 of Elective Home Education guidance)
- Children of compulsory school age who have ever been permanently excluded
- Children of compulsory school age who have been permanently excluded, for a certain time period after the exclusion – please specify suggested time period (max. 30 words)
- Suspended children of compulsory school age
16
- Children not on school roll who are under age 16 and attending colleges
- Children of compulsory school age attending illegal settings
- Children of compulsory school age attending unregistered settings
- Children of compulsory school age with low attendance (i.e., severely absent – missing 50% or more of school)
- Non-compulsory school aged children
- Other – please specify (max. 100 words)

Please explain why you think additional children should/shouldn't be included in the statutory duty relating to CME:

Since children who attend unregistered and illegal schools are generally not receiving a 'suitable education', they arguably already fall within the scope of the statutory duty relating to CME. However, current legal loopholes (including the lack of a statutory definition of full-time education in the 1996 Act⁴) enable many unregistered religious schools to operate with impunity on the basis that they purportedly provide only part-time religious instruction. We therefore believe that pupils attending unregistered and illegal settings, including those who are purported to do so only on a part-time basis must be explicitly included in the duty.

SECTION 8: CONCLUSION

33. What are the top five issues that you face in identifying and supporting CME?

Please select up to five:

- Unknown unknowns – children unknown to local authorities, schools and other services
- Children who live in one local authority area and attend school in another local

⁴UK Government: Education Act 1996 S. 436A (3): <https://www.legislation.gov.uk/ukpga/1996/56/section/436>
A [accessed 19 July 2023]



authority area

- Difficulty placing asylum seeking children and refugees in nearby schools
- Difficulty coordinating and collaborating with other local authorities to receive information
- Difficulty placing CME into education
- Difficulty placing children with SEN (either SEN Support or an Education Health Care Plan) into education
- Tracking children who have moved to another local authority area
- Tracking children who have moved to another country within the UK (Northern Ireland, Scotland, Wales)
- Tracking children who have moved to another country outside of the UK
- Accessing information from other services and agencies within the local authority on CME
- Accessing information from other services and agencies outside the local authority on CME
- Resourcing and capacity

X **Other – please specify** (max. 100 words)

The lack of adequate regulation pertaining to illegal schools and the absence of a home education register represent huge barriers to the identification of CME, with the proprietors of unregistered religious settings exploiting legal loopholes to deny children a suitable education and LAs and Ofsted powerless to do anything to stop them.

34. How, if at all, do you believe the processes of identifying children missing education could be improved?

Please select all the apply:

- NA – don't think they could be improved
- More expectations on schools and multi-academy trusts (MATs) – please specify (max. 50 words)
- Clearer expectations for response times to CME referrals
- X **Information on children most at risk of becoming CME**
- Best practice and case studies regarding identification of CME following standard transition points
- Best practice and case studies regarding identification of children moving between local authorities/countries
- Opportunities for training and to share good practice between local authorities
- Standardised process of referrals
- X **A system of registration for children not in school**
- X **Other – please specify** (max. 100 words)

In addition to a register of children educated outside of school, the Government must, as a matter of urgency, reintroduce draft legislation to widen the legal definition of 'school' and grant Ofsted



greater powers to inspect illegal and unregistered settings. These provisions in the recently scrapped Schools Bill not only had wide cross-party support when debated in the Lords, but were also endorsed by the Independent Inquiry into Child Sexual Abuse,⁵ the Bloom Review,⁶ and the Education Select Committee.⁷ Without such changes, it will be impossible for LAs to identify or support all CME.

35. Please include any further comments you have regarding identification or support for children missing education:

Max. 100 words

This call for evidence focuses on what can be done by schools, LAs, and other agencies to identify CME. However, it ignores the fact that, without legislation requiring the registration of all children educated outside of school and which also prevents the operation of illegal schools, authorities will be forced to address the problem with one hand tied behind their back. The DfE is well aware that pupils at illegal schools are denied an adequate curriculum and are often subject to serious abuse in unsafe conditions. This is a national scandal that must be addressed at the earliest opportunity.

For more details, information, and evidence, contact Humanists UK:

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⁵ Humanists UK (2021) 'Child sexual abuse inquiry raises serious alarm about illegal schools' <https://humanists.uk/2021/09/02/child-sexual-abuse-inquiry-raises-serious-alarm-about-illegal-schools/> [accessed 19 July 2023].

⁶ Humanists UK (2023) 'Major Government report recommends legislation to shut illegal schools' <https://humanists.uk/2023/04/27/major-government-report-recommends-legislation-to-shut-illegal-schools/> [accessed 19 July 2023].

⁷ Humanists UK (2021) 'MPs call for home-education register to help tackle illegal schools' <https://humanists.uk/2021/07/27/mps-call-for-home-education-register-to-help-tackle-illegal-schools/> [accessed 19 July 2023].

