DEPARTMENT FOR EDUCATION: OUT-OF-SCHOOL SETTINGS SAFEGUARDING

Response from Humanists UK, September 2025

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 150,000 members and supporters and around 130 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. We are motivated to do so because we recognise that children have a right to education and should be able to form their own opinions on matters of religion and belief. Further, as the UN Convention on the Rights of the Child states, their upbringing should prepare them for 'responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, and religious groups'.

Question 1: Are you responding as an individual or on behalf of an organisation?

Organisation.

Question 6: In what capacity are you primarily responding?

k) Other - national charity.

For over a decade, we have led 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.

Question 9: What do you consider to be the main focus of the primary OOSS you are responding in relation to?

d) Faith-based (such as madrassahs, cheders, yeshivas, or church groups).

Question 11: How many years have you worked with children in OOSS, or related areas? If you are responding as an individual, please select N/A

e) Longer than 10 years.

Question 13: Parents are currently responsible for the decision on whether an OOSS is safe for their child, and OOSS make the decisions on what safeguarding measures are appropriate. Did you know this?

a) Yes, definitely aware of this.

Question 14: Before receiving this call for evidence, were you aware that OOSS are currently unregulated?

a) Yes, definitely aware of this.

Question 15: Before receiving this call for evidence, were you aware that, although many do, OOSS are not required to do DBS checks on their staff?

a) Yes, definitely aware of this.

Question 16: What safeguarding measures do you think there should be in all OOSS?

Our primary concern is there are some settings that, while classed as out-of-school or part-time, they are in fact providing full-time education. These are called ‘unregistered’ or ‘illegal’ schools. Part-time or out-of-school settings are not required to register, meet any educational standards, or keep a register of pupils either. These are significant loopholes that are exploited by proprietors of illegal schools who claim that they are ‘supplementary’ or ‘out-of-school settings’ and the pupils attending them receive their main education at home. In reality young people attending these settings do so six days a week, for long hours - sometimes as long as 14 - a day. Even when Ofsted or a local authority identifies children who they suspect are attending these on a full-time basis, they are practically powerless to follow up, and may never even find out the names of the children concerned.

In our view, the government should do the following:

- **Introduce regulation of all part-time settings and a statutory threshold for 'part-time' education.** Certain out-of-school settings are exempt from Ofsted registration because they operate for less than two hours a day or only care for children over eight years old. Legislation already exists to allow the Government to do this through the (uncommenced) section 92(2) and 92(3) of the Education and Skills Act 2008.[1] There should also be a recognition that, irrespective of any threshold, a child's *main* source of education – a home, a school, or an ostensibly 'part-time setting' – should be subject to registration.

- **Make enhanced DBS checks, including a check on the Barred Children's List, a requirement for all staff working in these settings.** DBS checks are not required for roles that do not meet the legal definition of 'regulated activity', such as for certain out-of-school settings that are exempt from Ofsted registration. A lack of official background checks and proper management can put children at significant risk.

- **Set out clear guidance around what is a 'suitable premises' for an out-of-school setting to operate in.** On the basis of our knowledge of the cramped, unclean and thoroughly inappropriate settings in which some out-of-school settings such as yeshivas have been discovered to operate,[2] any guidance must be explicit. At the very least, this should include the stipulation that out-of-school settings adhere to regulations regarding the maximum capacities of classrooms, have adequate ventilation, and adopt basic hygiene practices (particularly in areas where food is handled). Authorities should have the powers to close down premises deemed as unsafe or inadequate.

We also recommend introducing the following:

- **A statutory definition of 'suitable' education**. This should include, at the very least, minimum expectations for literacy and numeracy, and the promotion of British values.
- **Introduce a mandatory national register for home-educated children.** We believe the register should be mandatory for two reasons. First, voluntary registers of any kind tend not to capture those who do not currently fulfil proposed obligations or standards, or who have no intention of doing so. Second, the rationale for a home education register is predominantly to better allow for the safeguarding of children's wellbeing and education. This isn't to suggest that most home-educated children are at risk in any way, simply that no register subsumes the rights of children under the rights of parents to too significant a degree. We are pleased to see a Children Not in School Register being proposed as part of the measures in the Children's Wellbeing and Schools Bill.

[1] Education and Skills Act (2008), https://www.legislation.gov.uk/ukpga/2008/25/section/92.
[2] BBC (2018), 'Abuse concerns over unregistered schools' https://www.bbc.co.uk/news/uk-43126598

In 2016 the Cameron Government published proposals to tighten the regulation of out-of-school education settings.[3] Key features of that system included: a requirement on these settings to register, improved inspection arrangements, and new powers to impose sanctions where the welfare of children is at risk, including barring individuals from working in schools and even closing premises. Disappointingly this was dropped following lobbying from the then Archbishop of Canterbury, Justin Welby.[4] We would welcome a similar system being implemented.

Some of these measures are included in the Children's Wellbeing and Schools Bill, but some areas such as 'part-time' settings are omitted from this legislation.

Question 32: If the government were to take a registration and/or regulation approach, which of the following would you most like to see introduced?

a) National mandatory registration with regulation.

Question 33: Do you have any additional comments or suggestions with the registration and/or regulation policy approach to safeguarding reform in OOSS?

With regards to our answer to Question 32, we would caution against the implementation of any type of voluntary system of registration for out-of-school settings. A voluntary system of registration cannot hope to address the illegal schools problem, and worse than that it may potentially be used by some such providers to attempt to provide a veneer of legitimacy for their bad practice. The only real way to make sure these settings are properly regulated and children are sufficiently protected is to introduce a mandatory form of registration and regulation. While we appreciate that there will be a cost implication to implementing a mandatory scheme, the safeguarding of children should always take priority.

Question 38: Of the following, which would be your preferred option for how the Government should help to improve safeguarding in OOSS?

a) A registration and/or regulation-based approach

[3] DfE (2016), Out-of-school education settings: call for evidence, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/480133/out_of_school_education_settings_call_for_evidence.pdf

[4] Humanists UK (2017), 'Archbishop of Canterbury admits to forcing the Prime Minister to abandon crackdown on illegal religious schools', https://humanists.uk/2017/12/08/archbishop-of-canterbury-admits-to-forcing-the-prime-minister-to-abandon-crackdown-on-illegal-religious-schools/

Question 39: Currently, parents are responsible for the decision on whether a setting is safe for their child. Instead, do you think another body should have a role in setting and/or monitoring safeguarding measures, bearing in mind that this would have burden implications?

a) Yes – Central government
b) Yes – Local government

Question 40: Considering the wide range of OOSS, all with their own unique considerations, are there any type of settings that you think should be focussed on as part of any future safeguarding reforms?

d) Faith-based (such as madrassahs, cheders, yeshivas or church groups)

Question 41: Why? What evidence has informed your answer to the above question?

Since 2014 we have led the campaign to shut down illegal schools. These settings are able to operate due to loopholes in the law with proprietors **claiming to be providing only supplementary education to pupils**, who are being otherwise educated at home, as well as inadequate Ofsted powers to tackle them. Many of these unregistered, illegal schools operating through England are religious and serve a variety of different religious communities, including Muslim, Jewish, and Christian – all of which, in some respect, tend to be fundamentalist, extreme, or isolationist in their outlook. Leaders in these communities see illegal schools as preferable to registered ones, which face inspection and must meet a variety of minimum standards. The education provided in many illegal faith schools is narrow in its scope, predominantly scriptural in its content, and deeply intolerant in its outlook. Many pupils who attend these schools are taught by unqualified teachers in appalling conditions where there is a total lack of safeguarding. Some have even been subject to physical abuse. We have worked with former pupils of these schools who, despite growing up in the UK, left unable to speak English and ill-prepared for life in modern Britain. There is evidence of widespread abuse in these settings, including sexual abuse.[5]

Faith-based out-of-school settings have been subject of several investigations and reports. In its 2021 report *Child protection in religious organisations and settings: Investigation Report*, the Independent Inquiry into Child Sexual Abuse (IICSA) found that are potentially 250,000 children in England and Wales receiving education in supplementary schools with a faith focus or that are organised by a religious organisation.[6] Out-of-school settings such as faith-based settings offering

[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/
[6] IICSA (2021), *Child protection in religious organisations and settings: Investigation Report*, https://webarchive.nationalarchives.gov.uk/ukgwa/20221216171718/https://www.iicsa.org.uk/key-documents

religious instruction are supposed to provide part-time, supplementary education to children outside of school hours. However, in recent years, the sector has often been used as cover for the operation of illegal schools – generally yeshivas catering to the Charedi Jewish community or Muslim madrassas – offering a narrowly religious education on a full-time basis. Little is known about the true scale of these 'out-of-school' settings. Authorities do not know how many of these settings there are, how many children attend them and for how many hours, what activities are provided, or who runs them. This is because they do not have to be registered with any authority such as a local authority, and are not subject to supervision or oversight from them regarding issues such as child protection.

The lack of regulation of these settings has resulted in a consequential lack of any oversight when it comes to child safeguarding. These settings have evaded such procedures that would otherwise apply to them, and yet evidence of child sexual abuse and corporal punishment is widespread. This is again detailed in *Child protection in religious organisations and settings*, as is the limited recording of allegations by various religious bodies.[7] The report made two recommendations:

1. that all religious organisations should have a child protection policy and supporting procedures;
2. that the government should legislate to amend the definition of full-time education to bring any setting that is the pupil's primary place of education within the scope of a registered school, and provide Ofsted with sufficient powers to examine the quality of child protection when undertaking inspection of suspected unregistered schools.[8]

The absence of any real oversight of these out-of-school settings in regards to safeguarding has also been highlighted by Ofsted and previous Children's Commissioners for England. Ofsted has regularly reported finding unregistered schools 'operating from unsafe and inappropriate premises; unregistered providers led by profoundly unsuitable people, including some with criminal convictions; children receiving an extremely limited curriculum, without coverage of basic skills such as English or mathematics.'[9] It has called for new safeguards to be introduced so that no child misses out on a suitable education.[10] In 2019, then Children's Commissioner Anne Longfield commissioned a report, *Skipping School: Invisible Children*. Joining Ofsted on their inspection of suspected illegal schools, the Commissioner reported finding 'dozens, sometimes hundreds of children in filthy cramped rooms and Portakabins, with only religious texts in sight'.[11] The report goes on to support Ofsted's call for a 'clearer definition of full-time education' which would ensure

/26895/view/child-protection-religious-organisations-settings-investigation-report-september-2021-.pdf, pg. 74

[7] IICSA, *Child protection in religious organisations and settings*, pg. 11-19.

[8] IICSA, *Child protection in religious organisations and settings*, pg. ix.

[9] Ofsted (2023), *The Annual Report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2022/23*, https://assets.publishing.service.gov.uk/media/655f2551c39e5a001392e4ca/31587_Ofsted_Annual_Report_2022-23_WEB.pdf, pg. 11.

[10] Ofsted (2023), *The Annual Report*, pg. 57.

[11] Children's Commissioner (2019), *Skipping School: Invisible Children*, https://assets.childrenscommissioner.gov.uk/wpuploads/2019/02/cco-skipping-school-invisible-children-feb-2019.pdf, pg. 15.

that these unregistered religious schools, including some yeshivas and madrassas, are no longer able to exploit a legal loophole allowing them to escape regulation **by claiming they are supplementary or out-of-school settings that merely provide religious tuition for homes-educated children**.[12]

These settings were also examined as part of government-sponsored 2023 *Bloom Review into* the way governments engage with faith by Colin Bloom. The review highlighted how while there were an estimated 1,500 to 2,500 of these registered settings in England in the mid-2000s, there was no regulatory regime for out-of-school settings, and no legal requirements for them to be registered or subject to inspection by any oversight body.[13] Bloom also detailed how, through the course of his review, he heard serious concerns regarding the training of teachers and leaders in some of these settings, with some lacking any real training or screening, including DBS checks. Touching upon illegal faith schools, Bloom detailed how children in these settings 'can be deprived of a full and comprehensive education, leaving them entirely unprepared to live and work in society with little ability to read, write or even speak English'. He also noted how these 'operate in plain sight' as a result of the 'narrowness of what legally qualifies as a school'.[14]

Bloom recommended (recommendation 8) that faith-based out-of-school settings

> **'operating below the current minimum threshold for registration as independent schools, and those that provide supplementary religious instruction, are properly registered and regulated (creating a new registration scheme and/or mandatory safeguarding reporting regime governed by a centralised oversight body as necessary). They should also ensure appropriate resources are allocated to meet children's welfare and safeguarding requirements.'**[15]

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

Lewis Young
Education Campaigns Manager
07999935357
lewis@humanists.uk
humanists.uk

[12] Children's Commissioner (2019), *Skipping School*, pg. 19.
[13] Colin Bloom (2023) *Does government 'do God'? An independent review into how governments engage with faith*, https://assets.publishing.service.gov.uk/media/64478b4f529eda00123b0397/The_Bloom_Review.pdf, pg. 76.
[14] *Does government 'do God'?*, pg. 78.
[15] *Does government 'do God'?*, pg. 20.