

## On Hackney Council's Children and Young People's Scrutiny Commission Draft Report

### Synopsis

On Friday 5<sup>th</sup> of January, Hackney Council's Children and Young People's Scrutiny Commission published a draft report calling on the Government to amend legislation to resolve the issue of safeguarding of children who are spending a substantial part of their young lives in unregistered institutions (Yeshivot) in Hackney. They are calling for loopholes that exist between the Independent Schools Regulations, the regulations relating to home schooling and the regulations related to unregistered settings to be clarified and tightened so that it is clear who (DfE, LEA or Ofsted) has responsibility to enforce what.

GesherEU applauds any attempt to get to grips with a situation which for years has led to thousands of Jewish boys and girls being denied the skills to enable them to make choices in their lives when they leave school and which is creating a situation where the whole Charedi community relies totally on the outside world for its doctors, dentists, pharmacists, solicitors and other professionals. We do however criticise the report for being somewhat reticent in not calling for stringent standards when it comes to the teaching of the secular curriculum. We believe that thousands of children, particularly boys, are not receiving teaching in maths, English, sciences and the arts in order simply to keep them from moving out of the community.

This is nothing to do with Jewish values. Recently spokespeople for the Charedi community are trying to accuse Ofsted of forcing on them anti-Jewish education. We believe that this is in part a result of poor legislation that omits to enforce suitable standards for core subjects on the independent sector and on home education. We would call for all children to be subject to SATs testing and all institutions to be required to offer public examination courses at GCSE and above if teaching older children.

We would also like to see the DfE urged to make available funding for catch-up education, later in life, for those denied a secular education during their school years.

=====

### A more in-depth discussion

In her article ([JC December 28, 2017](#)) Chaya Spitz says "*We've stood by, helpless to stop what many regard as the escalating offensive on Jewish education.*" and again in the Times Educational Supplement ([TES 2nd January 2018](#)) she is trying to blur the difference between ultra-orthodox Jewish education and Jewish education under auspices of the Chief Rabbi, cross communal and the progressive movements. These latter schools have very high academic standards, preparing them for university entrance and giving children the ability to make life choices when they leave school. She is bemoaning the fact that Ofsted and now Hackney have stood up and said that denying Jewish children a secular education in order to stop them having choices in their lives is not acceptable in 21<sup>st</sup> century Britain.

Let us be clear here. We are seeing thousands of Charedi Jewish boys reaching 18 with not one GCSE. They leave speaking little, if any, broken English. Not knowing what the area of a square

means. Having no idea that they are British or knowing the difference between Shomrim and the Metropolitan Police. Clearly there will be exceptions to the above. However even a strictly orthodox school like Hasmonian will be considered too progressive for the community Chaya Spitz is representing.

Hackney Council's Children and Young People's Scrutiny Commission published a [draft report](#) last week (see [JC, Government criticised over unregulated yeshivot, January 5, 2018](#)) that tries to put pressure on the government to tighten legislation round home schooling, independent schools and unregistered settings which are exploited by the Charedi community to perpetuate the unregistered yeshiva system for post 13 boys. In effect, all secular education (English, Maths, Science etc.) ceases at this point for many of the boys and of course other safeguarding provisions are un-monitored including physical issues such as fire safety.

The vast majority of Charedi primary schools are independent schools for very good reasons. Many readers may be unaware that the [independent school standards](#) (summarised in part C of the [Registration of independent schools](#) document) give Ofsted little in the way of help maintaining education standards, permitting, as they do, independent schools to have unqualified teaching staff, and requiring no specific level of teaching or attainment in English, maths, science or the arts. This unfortunately means that the sanctions remaining to Ofsted are ones that people like Chay Spitz claim are attacking her religious freedom.

The result of the current system is that at the age of 18 or 19, the young people have been denied the tools with which to lead any other life than to stay in the Charedi community, most probably relying heavily on state benefits for the rest of their lives. Those few who are determined to leave may additionally be shunned by family and friends and are then reliant on Charities such as GesherEU and Mavar that try to help them start to catch up on their education, find them accommodation, rebuild their support and social networks and help them integrate with modern Britain.

The Hackney Commission's report is clearly trying to encourage the government to sort out the current mixture of legislation and guidance to Ofsted, the Department for Education and the Local education Authority. This results in, year after year, each body waiting on the other in order to take action. The Hackney document does not explicitly describe the current confusion. It mentions "*unregistered educational settings and related issues around home schooling*" It would be useful to have an example of what they are referring to.

In essence, the Yeshivot claim they are not schools but that they are religious institutions that don't need to be registered. The children that attend "*from 6.30am to 10pm*" are, they claim, being home educated. The [Elective Home Education Guidelines](#) for Local Authorities say (para 2.3) '*The responsibility for a child's education rests with his or her parents. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a "suitable" education is one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so"*'. So clearly children need to speak and write good English, be educated to GCSE in the core subjects and those with the ability to 'A' level

standard in order to have options in later years. Yet this is not happening to thousands of Jewish children.

The above guidance might seem clear, however the confusion starts later in the Guidelines. Thus in paragraph 2.7 which starts *“Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis”* it continues *“However, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education.”* This is the type of confusion that Hackney is asking to be sorted out.

Between 26 November 2015 and 11 January 2016 the Department for Education ran a consultation it called *“Out-of-school education settings: registration and inspection”*. The results of the consultation have never been published. We know that the submissions were read because GesherEU was contacted to provide some additional background information related to its submission. This was a significant exercise and its non-publication seems to support Hackney’s view that the DfE is shying away from tackling these issues.

A big disappointment in the Hackney report is the low priority given to curriculum content. Although it recognised that *“the teaching of key secular subjects such as maths, English and science was limited (where it existed at all), and that the teaching of the humanities (history, geography), arts and physical education was rare”*, only in Additional Recommendation 9, does 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”*. We feel that a call must be made for the DfE to require these establishments to teach core subjects to SATs standard and to offer public examinations (GCSE, ‘A’ levels or equivalents) to their pupils in order to give them options in later life.

We would also like to see the DfE urged to make available funding for catch-up education, later in life, for those denied a secular education during their school years. Currently individuals, often in their late 20’s to late 30s when they leave the community have to struggle to fund maths, English, science and arts GCSEs, ‘A’ levels or access courses whilst trying to live on whatever jobs that can find with no paper qualifications to their name.

Despite our reservation on the above points, this is a brave attempt to promote government action. We do however fear that more years of inaction will ensue with thousands more Jewish boys and girls denied basic education which is nothing to do with *“maintaining our religious freedom”* but everything to do with depriving children of an education in order to stop them leaving the Charedi communities.

[GesherEU](#)

©January 2018