

## Written evidence submitted by Nahamu (CWSB148)

### Submission to the call for evidence of the Children’s Wellbeing and Schools Bill

This submission is made on behalf of Nahamu. Nahamu is a think tank that was established in 2019 to address ‘inwards facing’ extremism within the Jewish community. Nahamu defines extremism as *ideologically motivated harm* and focuses on five areas of concern<sup>1</sup>, one of which is the systemic denial of secular education to charedi boys, particularly chasidic boys.

Nahamu was founded by Eve Sacks and Yehudis Fletcher and is supported by a board of trustees that includes experts on extremism, education, civic processes, and Jewish life. Nahamu is situated firmly within the orthodox Jewish community and is committed to elevating the voices of those within it who would otherwise not be heard<sup>2</sup>.

#### Glossary:

Charedi – otherwise known as ultra-orthodox Jewish

Chasidic – subset of Charedi Judaism

Yeshivah – post Bar Mitzvah educational institution for boys

#### 1) Executive Summary

- [Nahamu’s position on the state of education for charedi children is set out in a paper published in September 2024](#). The paper made recommendations that require primary legislation. This bill is a welcome step towards ensuring every child receives a broad and balanced education, and we welcome the inclusion of provisions that will specifically improve the lives of charedi children.
- This submission focuses on the following areas of the bill:

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<sup>1</sup> The others are forced marriage, the cover up of sexual abuse, coerced criminality, and the denial of personal autonomy (to include issues such as expectations that [women shave their heads](#) or forbidding women from driving).

<sup>2</sup> We are aware of the letters, media articles and demonstrations with which some members of the community are trying protest the bill. Indeed, some cynical and upsetting allegations have been made that the bill (and tellingly, any governance that impacts education) is antisemitic. British law supports robust debate and protest. It should not support moral relativism that assigns narrower life chances to the children within the charedi community, just because those outcomes are normal for them.

- Children not in school (clauses 24 to 29 and schedule 1)
  - Independent educational institutions (clauses 30 to 35)
  - Ofsted’s powers to investigate unregistered, and therefore illegal, independent schools (clauses 36 to 37)
  - Revised national curriculum (clause 41)
  - School admission arrangements (clauses 47 to 50)
  - The opening new schools (clauses 51 to 55).
- While legitimate homeschooling should be supported, tighter provisions are needed to prevent misuse as a guise for unregistered, illegal schooling. This includes clear definitions of “efficient” and “full-time” education, standardised guidelines, and sufficient funding for oversight.
  - Current enforcement mechanisms, including SAOs, risk being ineffective without stronger accountability measures. Remedies must prioritise access to education over punitive approaches.
  - This submission underscores the need for targeted funding, strengthened oversight, and specific measures to address the unique challenges within charedi communities, ensuring all children, including charedi children, access their legal right to education.

## **2) Children not in school (clauses 24 to 29 and schedule 1)**

We welcome requirements to ensure school-based education for children identified as being in need, or subject to inquiries indicating that they might be so. Any child who is known to have deliberately been withdrawn from education with no adequate alternative provided, should automatically meet these criteria. Local authorities with large numbers of children not in school, including those with significant charedi constituents, should receive target funding to meet the needs of children who are not in school, including charedi children who may be attending unregistered schools. The issuing of SAOs (particularly if there is not a charedi maintained school locally) is likely to disproportionately affect charedi families and should be a last resort. We have concerns about the enforcement of SAOs, see paragraph 14 below.

### **3) Independent educational institutions (clauses 30 to 35)**

Most educational institutions for boys aged 13-16 (Yeshivas) in the chasidic part of the charedi community do not teach any secular studies at all and, as a result, are not categorised as schools. Redefining 'what constitutes a school' is essential to improving outcomes for chasidic boys<sup>3</sup>. We are concerned that Yeshivahs will drag out the registration process with no real intention of teaching secular subjects nor of becoming a registered school. Reasonable timelines need to be set out to avoid this, as well as targeted, funded support from local authorities, setting out what is needed regarding policy, building and secular education requirements for registration and improve safeguarding. If staff at currently unregistered schools are going to take responsibility for improved education, then they may benefit from additional training. It may even be helpful if local authorities help resource the secular education for a transitional period (e.g. new temporary acting headteachers or classroom teachers). Significant investment from central government is also likely to be needed for infrastructure costs. We recommend a DFE-run 'fast track' registration process, followed up with an immediate Ofsted inspection, to ensure no delay to oversight. Whilst this requires targeted solutions, the life changing impact on this minority community, who present with specific situation risk, cannot be undervalued.

### **4) Ofsted's powers to investigate unregistered, and therefore illegal, independent schools (clauses 36 to 37)**

Moving towards a future where all children benefit from a broad and balanced education, Ofsted must be equipped to investigate Yeshivahs, which they currently are not.

### **5) Require academies to teach a revised national curriculum (clause 41)**

Whilst some independent charedi schools have demonstrated improvement in the provision of secular education over time, Ofsted inspections of independent charedi schools still consistently reveal failure to meet the independent school standards, and

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<sup>3</sup> We are aware of unregistered girls' charedi schools, but we understand that their existence is more to do with attempting to avoid the rigours of registration rather than an ideological opposition to education. Some unregistered boys' charedi primary schools also exist, but the majority of the issue with unregistered schools relates to settings intended for post bar mitzvah boys.

in some registered schools there can be as little as 5-6 hours of secular education a week. Clause 41 should be expanded to include independent schools as well as academies.

## **6) School admission arrangements (clauses 47 to 50)**

Greater cooperation between leaders of charedi and Orthodox Jewish schools, and local authorities, will improve access to education for charedi children. Existing independent schools may not want to apply for state funding as they are worried about maintaining their current ability to micro-manage admissions. Increasing the OSA's powers will address current stagnancy and expand what is possible within existing provision.

## **7) Opening new schools (clauses 51 to 55)**

Charedi children need to attend school but there are not currently enough places in maintained or registered independent schools to meet need. It is Nahamu's position that the solution to the long-standing issue of charedi children being missing from education requires the opening of new charedi maintained schools. Current provisions in the bill for the issuance of SAO orders will not be workable without a new charedi boys maintained secondary school being opened that meets the specific catch-up needs (and demographics i.e. recognition that charedi boys' primary schools may run until the end of year 8) of charedi boys in targeted areas. There is no point in issuing SAOs for co-educational Jewish schools or community (non-faith) schools, or even for modern orthodox Jewish schools in a nearby borough<sup>4</sup>.

## **8) Homeschooling – additional concerns**

Many families intentionally choose home education so that they can ensure their children receive a suitable education at home, without having to deal with some of the recognised and legitimate difficulties that educating a child at school presents, particularly for children with SEND who have been consistently failed whilst attending school. Those families should be able to continue to enjoy their rights to home

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<sup>4</sup> Hasmorean High School for Boys in Barnet (the only Orthodox Jewish maintained boy's school in London) is already at capacity – and already absorbs some charedi boys from Haringey and Hackney.

education, with the only intrusion being to monitor that education being delivered at home is in line with any official statement of needs and EHC plan. However, this submission is not concerned with families who are using alternative means to deliver a broad and balanced education at home, in a way that is accessible to their child. It is concerned with charedi children who are not receiving any education at all besides religious instruction, delivered in unregistered settings, out of the line of sight of safeguarding authorities, subjected to long hours of study in cramped and unsafe buildings. Children graduate these settings functionally illiterate and, as a consequence, have exceptionally limited opportunities in later life. For the entirety of Nahamu's campaign to end the denial of secular education to charedi children, Charedi leaders have claimed that [Yeshivah attendees are home-educated in secular studies](#). This is patently untrue: Yeshiva timetables begin early in the morning and end late at night. This bill risks closing one door (redefining a school to include Yeshivahs) whilst leaving another door wide open: allowing parents to continue to claim they are home-schooling their children, even when this involves making fraudulent representations to officials from the local authority, when in fact the child attends an unregistered school.

#### **9) Deliberate obfuscation around intention to home-school children**

Whilst some children who are home-schooled may legitimately be attending external settings to socialise with other home-schooled children, provision within the bill must be tight enough to ensure that children do not continue to attend unregistered illegal settings (including new "pop up" settings), whilst being registered as home-schooled. The bill must make provisions to address the possibility that charedi parents will say they are homeschooling their children when they are not. The bill must require local authorities to monitor children who are registered as home-schooled, on a random no notice basis. School attendance officers must be alert to parents deliberate, networked attempts to obfuscate and avoid educating their children.

#### **10) Lack of funding to meet the needs of home-schooled children**

Anticipated levels of noncompliance in boroughs with large numbers of newly registered homeschooled children, particularly those boroughs with significant charedi communities, will require a whole team of school attendance officers. Each member of

staff could potentially make  $7 \times 45 \times 5 = 1,575$  visits a year, but it will take more than one visit per child to determine who is being home schooled and who is working hard to disguise attendance at an illegal school. Unless this additional staffing provision is funded and implemented, families will very quickly conclude that there are no ‘teeth’ to the bill. Other councils may need to consider staffing levels for home-schooling checks, albeit to a lesser extent. The bill must include targeted funding to avoid a postcode lottery for improved school attendance.

### **11) Lack of guidance more generally around home-schooling**

Some parents may sincerely believe that an hour of tutoring a week constitutes ‘efficient’ education (Section 7 of the Education Act 1996). Neither ‘efficient’ nor ‘full time’ are currently defined in statute. We are concerned that parents will home-school their children for a limited number of hours, and this will be sufficient to meet the very lax current guidelines. Will the current guidelines be updated, specifically to set out the time commitment that is expected, alongside a basic curriculum? For example, in Australia, home schooling parents must meet the core curriculum of the Australian national curriculum, see [here](#). Similarly, will the assessment of the suitability of education being delivered at home be standardised?

### **12) Specific issues with current government guidance on Home Education**

See [\*Elective Home Education: Departmental Guidance for Parents \(2019\)\*](#)

Guidance on home-schooling is laissez faire, and there is virtually no requirement for local authorities to monitor home education. The following areas are of specific concern as they relate to the anticipated use of elective home education to disguise attendance at illegal schools.

- pages 7 and 8 (especially 2.11)
- page 9 (parents will be able to coach children to say they don’t want certain areas of education as the local authority are required to give “due weight” to a child’s preferences)
- paragraph 5.4 (“no legal obligation”)

- 5.6 (parents have two weeks to pull together evidence – we anticipate organised sharing of standardised evidence that will be presented to fraudulently represent the education being provided at home).

*The Elective Home Education: Departmental Guidance for Local Authorities* (2019) is clear that local authorities have very few powers or duties. See in particular 2.4 - quoted below – and paragraphs 6.5 and 6.6 (no duty/legal obligation):

*There are no specific legal requirements as to the content of home education, provided the parents are meeting their duty in s.7 of the Education Act 1996. This means that education does not need to include any particular subjects and does not need to have any reference to the National Curriculum; and there is no requirement to enter children for public examinations. There is no obligation to follow the 'school day' or have holidays which mirror those observed by schools. Many home educating families do follow a clear academic and time structure, but it should not be assumed that a different approach which rejects conventional schooling, and its patterns is unsatisfactory, or constitutes 'unsuitable' education.*

Unless the government are planning to strengthen/update their guidance documents alongside the Bill, nothing will change for charedi children.

### **13) Evasion**

Some parents are ideologically opposed to exposing their children to any secular education at all. Others are not but are situated within a social environment where the cost of even expressing a desire to educate boys past the age of 13 (i.e. *bar mitzva*) has intentionally been made extremely high. It is simply not safe for charedi parents to say, out loud or in writing, that they want their children to be educated in a Jewish school where they learn as much about their faith as possible, whilst simultaneously receiving a broad and balanced secular education. On the day of the second reading, a charedi father of eight with children in yeshivas and charedi (registered, independent) primary schools contacted Nahamu to say: *"Most people want the changes, but we are scared and silenced. We are under tight control, with no freedom and no ability to voice*

*independent opinions*”. With that in mind, the following additional possibilities are set out below.

**a) Scenario 1: Pop up illegal schools**

We are concerned about new “pop-up” Yeshivas in unsafe locations, adopting a victim narrative that buoys noncompliance and disengagement with society, along the lines of “The government shut our school down, so tomorrow we are meeting at new warehouse location”. Implementation of the bill would need to include adequate funded resources to go alongside increased Ofsted powers set out in clauses 36 to 37 of the bill.

It is also possible that children will be accommodated within existing community buildings that have not previously been used as ‘schools’ (e.g. synagogues, function halls). School attendance staff within local authorities, and Ofsted, may want to look out for buildings with curtains drawn during the day, and/or with blacked-out windows. The pop-up locations could easily be outside Hackney/Haringey borough boundaries, e.g. warehouses on industrial estates or even further afield (possibly even with boarding facilities). Funding will be needed to seek out the pop-up locations.

**b) Scenario 2: Moving to an out-of-area registered school**

To avoid an SAO penalty, there is a possibility that parents will notify the council that their son has taken up a place at a registered school within a different borough (e.g. Barnet, Manchester or Gateshead), and therefore that no local school place is needed. Assuming they are telling the truth and sons have left their parents’ homes to board elsewhere, support and co-operation between local authorities may be needed to follow up on each child in this situation, as there is a significant risk that the boy does not in fact take up the school place “offered” on an ongoing basis.

**c) Scenario 3: Moving Abroad**

It's also likely that some families will tell the authorities their sons are overseas. One possibility is that the boys are only there on a very short-term basis (e.g. during the SAO hearing). If families claim their sons are abroad (e.g. France, Switzerland, Belgium, USA, Canada or Israel most likely countries), proof of a VISA suitable for attendance at school, and school enrolment documentation (cross checked to ensure documentation



is genuine) should be sought. Overseas immigration authorities should be notified, and there would need to be Home Office alerts for when the boys arrive back in the UK.

We believe that many charedi boys are already attending Yeshivahs abroad, some on tourist visas, and that many boys from other countries are in the UK at unregistered schools (some also likely on tourist VISAs).

***d) Scenario 4: Children off rolled entirely (and exposed to risk)***

It's also likely that some families will allow their boys to remain without any named setting, perhaps within institutions for older boys (16-18) or adult men. If the homeschooling team make a no notice visit to the family home, the parents will say their sons popped out temporarily and will make them available at home at very short notice.

**14) Enforcement**

The SAO process is limited in its current suggested form. The fines that the courts will be able to levy for not complying with a SAO seems to be a maximum of £2,500 “*fine not exceeding level 4 on the standard scale*” (see s 436P Offence of failure to comply with school attendance order (8)).

At this level, parents will simply pay the fine and see it as the charge for not educating their son. Money will be raised within the charedi community to pay any fines, likely framed with damaging narratives around discriminatory taxation. SAO fines need to be uncapped (i.e. level 5) and set at a level that would be truly punitive, bearing in mind that the individual parents are unlikely to be bearing the fines themselves. For those parents who are either pressured to, or genuinely resist compliance on ideological grounds, provision must be made within the bill to recognise the risk that parents will take advantage of court delays. An already overburdened court system inevitably allows parents to continue keeping their children off rolled, with the opportunity to register their children at independent charedi schools (or sending them abroad) shortly before a hearing, with the hope that the SAO will be revoked, with the intention of off-rolling them (or having them return to the UK) shortly after the hearing date. Part of this can be combatted by enforcing the requirement for proprietors of independent schools to

inform the local authority of school age children being off to ensure that this strategy does not work, as well as using established protocols that allow for monitoring of named persons entering and exiting the country.

Any custodial sentence attached to SAOs needs to be carefully thought through. It is Nahamu's position that the aim of the bill should *not* be to impose financial penalties or other punishment on large numbers of non-compliant parents: the aim should be to provide workable remedies that ensure all children have access to the education they have the right to receive in law. However, we accept that there are potentially some charedi parents, even when they have access to a choice of a maintained charedi school and various independent charedi schools for their sons, will still not want to enrol their sons in any of these registered schools, and in these cases, a criminal record, and a punitive fine may be appropriate.

*January 2025*