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1. Introduction

This is written evidence of Dr Joseph Mintz, an expert in the field of education, with particular specialisation in issues of inclusion. It presents an overview of research evidence in relation to the proposals within the Bill to further regulate homeschooling and widen the scope of inspection powers for educational institutions not currently classified as schools, and the impact of these measures on Charedi (strictly orthodox) Jewish parents, children and communities, particularly the Chassidic communities mainly located in Hackney, North London.

2. Context

Malach and Ettinger's review in 2022[1] of strictly orthodox education in the diaspora argues that the destruction of European Jewry in the Holocaust led to an ardent desire to rebuild the strictly orthodox community, and through this to remedy the catastrophe of the Shoah.[2]

Malach and Ettinger note that the pursuit of education for their children in the faith, values and ideals of the community was a key element of this. Brown[3] observes that a basic principle of the Charedi worldview is the belief that studying religious texts is the primary guarantee of the continuity of the Jewish people, the fundamental principle which underlies their approach to the education of their children. As Heilman[2, p.46] notes in his seminal ethnographic study of Charedi communities, "Learning Torah is not a part-time occupation but rather a full-time preoccupation, contiguous with life itself. Jewish learning…is considered to be an endless religious obligation superseding all others.'"

As indicated in other evidence provided to the Committee, the model of education for the Charedi community involves a mixture of home schooling in secular subjects, and the provision of engagement with religious texts, as well as social and pastoral support in institutions known as Yeshivas.

This imperative for parents to inculcate the faith of their ancestors in their children is a classic civil right that all countries considering themselves democratic uphold. As the eminent philosopher Galston[4] argued, only where it can be shown that such an education impacts on public morals or values, fails either to protect children or to prepare them for taking a place in society, or denies an adult right of exit from the community, are there are philosophical or ethical arguments to deny parents the right to educate their children according to their faith.

The Charedi community in England is both law-abiding and demonstrates a rich web of family and social support[5], that is arguably unrivalled across the UK. Although much of the debate on this issue has drawn on the opinions of lobbying groups such which are opposed to the very idea of religious free expression (see for example the skewed evidence included in the House of Commons Research Briefing on Home Education[6]), there is no evidence that any reasonable public policy concerns require a change to the way that Charedi communities educate their children.

It is however clearly the case that the provisions of the Bill in relation to both further inspection and regulation of homeschooling, and the bringing of Yeshivas specifically into the orbit of inspection run a grave risk, as the Bill is presently constituted, in fatally undermining this model and the ability of Charedi families to educate their children according to their beliefs.

3. Homeschooling

Rationales for Homeschooling

The provisions in the Bill in relation to increased regulation of homeschooling are, it seems, a negative reaction to the growth of homeschooling as a movement (internationally and in the UK) over the last decade, which has been accelerated by the impact of the pandemic.[7] This is linked to the growing international policy shift towards school choice, i.e. for governments to support parents in choosing and directing the upbringing and education of their children.[8] Much of the impetus for school choice and homeschooling from parents is based on concerns that increasingly public mainstream schools are unable to cater for the needs of individual children who do not fit a specific mold, particularly children with special educational needs, and those with social and mental health needs.[9] Linked to this are wider parental concerns about the failure of mainstream provision to protect the safety and indeed the moral development of children – for example one report[10] indicated that children as young as 11 are carrying knives including to and from school, and Ofcom[11] noted that 74% experience some form of bullying online. It is relevant to note that these phenomena do not occur in the Charedi educational system.

Homeschooling and Safety

Much impetus for the measures in the Bill to restrict homeschooling is based on concerns about child safety. However, the international evidence in relation to this indicates no difference in risks of sexual or physical abuse to children between those who are homeschooled and those in mainstream education. Ray's 2018[12] analysis of changes in maltreatment rates in relation to liberalisation of state-based regulation of homeschooling the US shows no correlation between changes to regulations and incidences of abuse or neglect. Direct analysis of child maltreatment rates shows no statistical difference between home educated and mainstream schooled children in England[13] and Wales.[14]

Homeschooling and Achievement

A recent international meta-analysis of the impact of homeschooling on achievement[15] indicates a significant impact of homeschooling compared to in school education on learning motivation. Brewer's 2021[16] comprehensive account of the literature notes that the evidence suggests at least equal educational outcomes when comparing home to in school education.

Homeschooling, Race and Culture

A growing strand in the literature on homeschooling examines the experiences and rationales for the growth in homeschooling by particular ethnic communities, based on the failure, or perhaps better inability, of mainstream public schooling to cater for their cultural needs. For example, Noel et al.'s 2024[17] review of Black homeschooling grassroots organisations in the US notes that mainstream schools often fail Black students, and that many Black families turn to homeschooling as a space for what they term "fugitive pedagogy", that is the pursuit of learning beyond anti-blackness, in a way that allows their children to "reclaim the right to dream new educational futures" (p.164), thus allowing their children to reach their full potential in relation

to the communities from which they come. Fields- Smith[18] in their 2022 review of the literature on this phenomenon note a range of studies that have provided evidence of the work by Black families and educators to promote communal self-determination and a positive cultural self-identity, given their concerns about lack of cultural relevance, school safety and marginalization as partners in the mainstream public school system. It is also relevant to note that a similar movement for Black homeschooling is well underway in the UK.[19]

There is also considerable evidence both in the literature on Black homeschooling and more widely,[12] that homeschooling often takes place in the context of a wider set of out of school experiences, including social clubs, extended family networks, meetings and events, community gatherings and community based experiential learning.[16] These outside the home elements of the homeschooling experience are key aspects of the social, cultural and religious development of the children of the communities concerned. There are considerable synergies between these wider models of homeschooling and that of the Charedi community in England, where Yeshivas act as a non-school venue for religious, social and pastoral engagement that supplements home education.

The desire for the Charedi community in England to direct the education of their children and to ensure its cultural relevance in terms of their own identity has a number of synergies with the experience of other communities, such as homeschooling initiatives in the Black community. Given the massive rise in antisemitism in the English schools system post October 7th 2023,[20] there would seem to be a powerful argument that the mainstream education system does not in any way have the tools, knowledge or capacity to meet the needs of this community and their children. Similarly, the somewhat negative preconceptions of the Department for Education about Charedi education[21] seem to belie a lack of understanding and acknowledgement of the rich, cultural heritage, and the faith requirements of the Charedi community.

4. A positive account of Charedi Education

In popular imagination the Charedi community is often viewed as backward and antiquated, which, as Freeman[22] has noted, may sometimes be associated with a mindset, tinged with antisemitic perspectives, that sees Judaism and Jews as intrinsically of lesser value than the majority society. However, there is considerable evidence to rebut this perception.

Bradney in his 2009[23] critique of inspection approaches to Charedi schools, notes that a number of researchers, such as Heilman[2] have commented on the advanced sophistication and critical and cognitive demands involved particularly in the in-depth textual study of the Talmud and its myriad commentaries. Leaving aside the cognitive demands of engaging with a complex text in the original Aramaic, as well as the need for high level skills in Classical Hebrew, Heilman does not engage in hyperbole when he notes (p.230) when observing a Charedi classroom that "'In another culture these matters might have been more appropriate to a first-year [university] law-school class; here this was introductory Talmud for the sixth grade". Abraham-Glinert[24,p.97] in his investigation of Charedi education notes that Talmudic studies includes critical engagement on topics including "history, mathematics, legal rights, basic astronomy and literature." He also noted the use of disputational, and dialectic arguments and techniques found both within the text and in the manner of pedagogical engagement with those texts, promotes creativity, originality and independence of thought, hallmarks of the Jewish educational tradition.[25] A range of academic authors (e.g. Brandes[26], Spiegel[27]) note the skills developed in the study of complex Talmudic texts by school age children such as in-depth comprehension skills, and in logical and analytical processing, as well as high level

discernment and ability to differentiate between closely related concepts and ideas. Haller et al.[28] in a study of teachers in Chassidic kindergartens in Israel notes in particular the focus on joy in learning that is a key aspect of the overall approach to Chassidic education, echoing Van Praagh's[29,p.209] qualitative study in Montreal, which noted that "The very purpose of education [in Chassidic schools] appears to be the fostering of citizenship within the Chassidic community."

5. Public Policy and Charedi Education

Perry-Hazan[30] in discussing legal and public policy perspectives on Charedi education notes the English court ruling in *Talmud Torah Machzikei Hadass School Trust v. Secretary of State for Education and Science, 1985*[23], upholding the Charedi education provision of the school on the basis that "'education would still be suitable if it primarily equips a child for life within the community of which he is a member", as long as it does not foreclose the possibility of adopting an alternative lifestyle at a later time. A range of influential scholars in the field including William Galston, Amy Gutmann, John Witte and Will Kymlicka all echo the argument made by the court that freedom of religious expression requires the state to give wide latitude in how parents educate their children, as long as that education is of a reasonable kind, and does not preclude a later right of exit from the community. International case law similarly supports this argument, notably *Wisconsin versus Yoder* at the US Supreme Court in 1972 which upheld the right of the Amish community to educate their children outside of school settings in a manner that reflected their own cultural heritage and priorities, from the eighth grade. It is the case that the European Court ruling in a German case *Konrad and Others v. Germany, 2006* suggested that a complete ban on homeschooling could be in conformance with the Convention. However, it is also important to note that there have been a number of critiques of this ruling on public policy grounds. Julian's[31] analysis notes that the homeschooling ban in Germany had its origins in the policies of the Third Reich, and the National Socialists' use of public education as a method of indoctrination. Both Julian[31] and Sperling[32] note that the court addressed parental rights by finding that a) common education as decided by the state was in itself a public good and that it was a legitimate exercise of state power to educate children in conformity with this view of a public good, independently of its impact on minority groups, and b) [a] notwithstanding, parental rights were still not disproportionately affected because parents could still educate children in conformity with their faith convictions when children were not in school. Sperling notes that the Court relied on the exemption to Article 8 in the Convention based on this being only when *necessary* "...for the protection of health and morals....", arguing that compulsory in school education based on the government's view of the public good is required to achieve this. As Sperling argues, the existence of effective homeschooling in France, (at that time) England, the US and other democratic countries suggests that the Court adopted perhaps a highly unusual interpretation of the phrase *necessary* in this context.

Notwithstanding the 2006 ruling, there has been no testing in the courts of the application of the Convention to the particular case of Charedi education. As has been laid out, the Charedi homeschooling and Yeshiva model is an immersive experience, that aims to inculcate faith, values, religious practice, community belonging and more, not one that can be tacked on with a few hours of religion class at the weekend. As such, it is highly surprising that the Department of Education, in the ECHR impact assessment, rely on the Konrad case as providing potential exemption from Article 8, at the same time as specifically noting the likely impact on the Charedi model of education. This is an incoherent position as it summarily fails to take account of the specificities of Charedi education as laid out in this submission.

As I have argued, there is in fact no evidence that the model of Charedi education in England has any impact on public values or morals. In fact, it could be strongly argued that the absence of phenomenon such as cyberbullying, sexting, and so in in Charedi education, its commitment to unparalleled levels of academic learning in complex areas of study, and its underpinning by ideals of family, society, charity and social compassion, make it something the wider education system could learn a lot from.

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