

APPENDIX A

Registration of Home educated Children (Clause 25)

Summary

1. Clause 25 introduces a new duty on local authorities to 'register' children not in school and creates various powers and duties in relation to it.
2. The Bill introduces several new obligations for families engaged in home education. Parents are required to inform the local authority if their child is deemed "eligible for registration" under the proposed new section 436D of the 1996 Act. Additionally, they must provide the local authority with specific information, including the child's name, date of birth, and home address; the name and home address of each parent; the name of each parent providing education to the child; and the amount of time the child spends receiving education from each parent.
3. If the child is educated by someone other than their parent, parents must also supply details about the individuals or organisations involved in the education, including their names, addresses, and a description of the type of education provided.
4. Furthermore, they must disclose the postal address where the education occurs or, if applicable, the provider's website or email address for virtual education. The total amount of time the child spends receiving such education, as well as the time spent without direct parental involvement in tuition or supervision, must also be reported (as set out in the proposed new sections 436D and 436C of the 1996 Act).
5. After the initial registration, parents are required to report any changes to the previously submitted information of which they are aware, as well as to notify the authority if the child ceases to be eligible for registration. These updates must be submitted within 15 days of the change, in accordance with the proposed new sections 436D and 436C of the 1996 Act.
6. Similar obligations will apply to 'education providers,' a term likely to include Yeshivas, other part-time educational institutions, and clubs serving the Haredi community, should they support home-educating parents (proposed new s. 436E of the 1996 Act).
7. The education provider will have to report 'the total amount of time that they provide such education to the child and the amount of time that they provide such education to the child without any parent of the child being actively involved in the tuition or supervision of the child'. The local authority will have the power to demand that such information be provided.

8. Education providers that in the opinion of the local authority 'failed' to provide the information, will be subject to the imposition of 'a monetary penalty' (proposed new s. 436E of the Education Act 1996 and proposed Schedule 31A).

Effects

9. The registration process will be particularly significant and especially challenging for the Haredi community. Haredi families customarily home-educate their children, with part of their education taking place in a Yeshiva or another educational setting, and the remainder provided at home. The unique structure of this education system makes compliance with standard registration requirements considerably more difficult.
10. The proposed register will affect these families significantly, by giving local authorities extensive powers to continuously monitor and at least implicitly regulate and inspect the education of these children. This intrusion into the sanctity of the home - a private space where parents nurture their children according to their values - feels profoundly invasive. Requiring compliance with bureaucratic procedures in this setting feels as intrusive as mandating a GPS tracker on every family member to monitor how and where they spend their time at home.
11. Such measures force families to dissect and defend their natural routines, turning a place of learning and love into an environment of constant oversight and fear. These measures impose an impractical and burdensome framework, undermining faith-based education and creating a system destined to fail - an outcome that appears intended to push families into the mainstream system. The overall effect is to create a hostile environment for home-educating families, especially those selecting faith-based education.
12. First, it is implied by this Bill that faith communities are to be treated as a group, on the basis of that characteristic. The Bill invites the local authorities to collect information about the 'child's protected characteristics' such as faith and ethnicity (proposed new s. 436C (2)(a)). Why would such information be collected if not in order to be deployed as a criterion for the assessment of the 'success' of the education provided to the child on the basis of generalisations about faith and ethnicity?
13. Second, Haredi families will be under constant supervision and, implicitly, regulation by the local authority. They will be required not only to report that a child is being home-educated but also to continuously update on any changes to the allocation of time between home education and education provided in a Yeshiva, other religious settings, or other institutions. This creates an ongoing obligation for parents to report every 'change' in the educational provision of their child.

14. This is particularly problematic because the Haredi education system is not based on rigid, pre-scheduled teaching models but on an outcomes-driven approach, where many subjects and skills are derived organically from religious studies and integrated learning. Attempting to fit such a fluid and holistic system into the rigid frameworks required for reporting and supervision would be nearly impossible.
15. The flexibility inherent in the Haredi educational approach conflicts with the standardised supervision models that local authorities are tasked with enforcing, leading to inevitable discrepancies and misunderstandings. Only families operating within a strictly structured timetable (an approach not universally practical, even in schools) might meet these obligations with greater ease. However, this prescriptive requirement fails to account for the flexibility central to many educational systems, imposing an undue burden on families whose practices do not conform to such rigid frameworks.
16. Moreover, the Bill's requirement to report "the total amount of time the child spends receiving that education" in the present tense further compounds the issue. Such a demand presumes a predictable, uniform schedule that is neither reflective of nor compatible with Haredi educational practices. While conventional schools might manage this structure, Haredi education - driven by its emphasis on cumulative outcomes and the integrated development of moral, intellectual, literacy, numeracy, and character skills - does not lend itself to this kind of standardised and inflexible timetabling. This invites undue interference from local authorities and creates perpetual uncertainty for parents, as even necessary adaptations or refinements to the educational plan could be deemed breaches of the reporting obligations.
17. For those families who chose home education precisely because of a desire for flexibility, this risk will be ever-present. Flexibility allows parents to tailor education to their children's unique needs, interests, and learning pace, which is a cornerstone of effective and individualised learning. This model of constant and intrusive surveillance, however, appears to be designed to make flexible home education as onerous as possible for parents and families.
18. The system of compulsory registration for home-educated children is fundamentally flawed, unworkable, and excessively oppressive, especially when it targets religious minorities who have historically faced severe persecutions.
19. The government's legitimate safeguarding aims can be effectively achieved through other less onerous means, such as collaboration with health and children's services, specifically targeting situations where evidence of risk exists. Local authorities already have sufficient powers under current laws to address such cases effectively.
20. Government has not explained how a register of information will enable hard cases to be detected. The proposed scheme will create great uncertainty and provoke great stress in the Haredi communities.

21. For all the reasons outlined above, we respectfully propose that the system of compulsory registration for home-educated children should not be implemented.

APPENDIX B

School Attendance Orders (Clause 26)

Summary

1. The significance of this process of continuous surveillance can only be understood when one examines the sanctions that the local authority is mandated to impose on parents for any failures to comply with the registration process. This is addressed in Clause 26, a very lengthy series of amendments to the scheme of School Attendance Orders, under the Education Act 1996.
2. Although local authorities will not impose 'monetary penalties' on parents who fail to report their child, they will subject parents to far harsher measures, such as issuing new-style 'Preliminary Notices' and 'School Attendance Orders' under Clause 26 of the Bill. Meanwhile, educational providers will face punitive monetary penalties under the proposed scheme.
3. Clause 26 introduces nine extensive new sections to the Education Act 1996, establishing additional requirements for preliminary notices, the nomination of schools within these notices, and the amendment or revocation of School Attendance Orders (SAOs). Non-compliance with an SAO is classified as an offence under the proposed section 436P of the 1996 Act. The persistent threat of government orders creates significant stress and disruption, undermining the stability of a peaceful and law-abiding family and community structure.
4. The proposed Section 436H(3) defines a "preliminary notice" as a notice served to a parent, requiring them to demonstrate to the local authority that the child named in the notice is receiving a 'suitable education' or one that is in the child's best interests. These preliminary notices may also be issued to parents who are deemed to have failed to provide the required information to the local authority or to have provided inaccurate information. While oversight is important, it is neither the role nor the place of the government to replace parents in determining what constitutes a child's "best interest."
5. The remaining proposed provisions outline a detailed process of imposition of School Attendance Orders in various stages, which extend over 13 pages of text.

Effects

6. The effects of these reforms can only be understood if one takes into account the open ended non-defined nature of 'suitable education', which is currently designed to impose a – secular – view of education in the United Kingdom to the detriment of faith-based views.

7. In spite of the detail provided on process, the Bill has nothing to add to the definition of 'suitable education' under s. 437A of the 1996 Act, which merely states:

In this Chapter, "suitable education", in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have (in the case of a local authority in England) or suitable to the child's age, ability and aptitude and to any additional learning needs the child may have (in the case of a local authority in Wales).

8. The term remains entirely open-ended, with no recognition of the special value of any particular element of education. A core goal of this Bill is to ensure 'suitable' education, yet 'suitable' is not even properly defined. This lack of definition undermines the very foundation of the Bill. It is like trying to build on quicksand: laws require solid foundations, yet this Bill is constructed on ambiguity and assumptions, rendering effective and fair implementation impossible. An undefined concept of 'suitable' education invites each local authority to interpret it as it pleases, leading to inconsistencies and arbitrariness.
9. Granting local authorities such broad and unchecked powers of surveillance, regulation, and control is certain to create significant friction and conflict with local communities, particularly those embracing non-majority faiths or beliefs. These families are left vulnerable, with no safeguards against indoctrination or other impositions by an overzealous local authority that, while perhaps well-meaning, may lack the understanding or tolerance necessary to respect their unique needs and values.
10. Neither the lengthy new sections proposed by the Bill, the explanatory notes, nor the ECHR Memorandum submitted by the government explicitly acknowledge that Haredi families¹ will fall under the scope of compulsory registration for home-educated children. They fail to recognise that these families will face ongoing surveillance and scrutiny by local authority officials and be subject to vague and ill-defined tests of 'success' in education.
11. These processes are in all likelihood designed to reflect the prejudices of a worldview for which the only credible education is secular education. There is no protection whatsoever for the world views taught and maintained by the Haredi or other faith-based community. The proposed scheme is an invitation for the indoctrination of children.

¹ The only exception is a single reference to the rights of 'Orthodox Jewish parents' at p. 47 of the ECHR Memorandum, in relation to the expansion of registration of independent educational institutions and Article 14 of the ECHR. The report accepts that Yeshivas will be affected, and it suggests that the ECHR is not thereby violated, citing the case of *Konrad v Germany* (Application 35504/03), 11 September 2006. The memorandum fails to note that the case concerned a Christian couple seeking to homeschool their children: a) in a predominantly Christian state, and b) in a state that does not allow the homeschooling of primary school children at all. The case of regulating minority Orthodox Jewish communities educating their children in a state that allows home education and is predominantly Christian is an entirely different case and was not addressed in *Konrad v Germany*.

12. The ECHR Memorandum asserts only (at p. 36) that (any) religious parents may be affected disproportionately, hence triggering Article 14 of the ECHR, but that the infringement of their rights is modest because the system of registration is 'not mandatory' - a parent who refuses to provide the name of their child can fight any subsequent 'School Attendance Order' by 'demonstrating that the child is receiving suitable education' or challenging in court any ensuing criminal conviction (ECHR Memorandum, par 148, p. 36).
13. These arguments are extremely weak: registration is and will be experienced as compulsory, even if a few families successfully fight it in court. Suggesting that parents rely on the courts to resolve these issues is like advising someone to jump into a pit and climb out later - it imposes unnecessary hardship and disregards the significant burden it places on families. Furthermore, most ordinary families lack the financial and legal resources required to navigate the complexities of the court system, rendering this an impractical and inequitable solution. Registration is, in effect, mandatory, and the effect on religious minorities that choose to home educate, as opposed to other groups who choose to home educate, will be clearly discriminatory.
14. Under these circumstances the proposed changes enable local authorities to harass, obstruct and disrupt the Haredi ecommunity and its religiously mandated educational practices.

APPENDIX C

Independent educational institutions (Clause 30)

Summary

1. Clause 30 would extend an existing rigid framework to a range of faith-based institutions that until now have been allowed to operate without undue state interference. This clause would amend and expand the definition of 'Independent educational institution' in s92 of the Education and Skills Act 2008. That Act subjects independent educational institutions to a system of mandatory registration and prescribed school standards, backed ultimately by criminal offences that can be punished through imprisonment.

Effects

2. The school standards within the Education (Independent School Standards) Regulations 2014, while unobjectionable in many respects, such as those related to fire safety, sanitary matters, and health and safety, prescribe educational standards that are fundamentally incompatible with faith-based education. Haredi institutions in Britain employ teaching methods that have consistently demonstrated successful outcomes in the UK over the past century. However, they cannot comply with the curriculum prescribed in parts 1-2 of these regulations without undermining the fundamental principles of their faith and beliefs - principles integral to their community's identity and educational philosophy - or losing significant teaching hours, which would jeopardize the roles of Haredi teachers who currently provide education to an excellent standard.
3. Since these standards are essential for registration under s99(4) of the 2008 Act, such institutions cannot reasonably be expected to meet the conditions required to qualify for registration.
4. No amendments are proposed in the Bill to the independent school standards, and no provision is made for those standards to apply flexibly within faith-based institutions to allow continued focus on faith-based teaching. The aim of the Bill is, on the one hand, to require faith-based institutions to become registered, under the premise of providing regulation to children from religious families, including transparency and safeguarding, and on the other hand, to subject these institutions to conditions that are currently impossible for them to comply with, effectively forcing them to change substantially or face criminal prosecution.
5. If faith-based institutions cannot comply with these conditions, they may face closure, leaving Orthodox Jewish parents and children with no realistic educational options. This could result in some parents sending their children abroad to seek more tolerant educational systems that align with their religious values. Our religion mandates that we prioritise and dedicate everything to providing our children with a proper, sanctioned education. This concern was highlighted in the Schools Bill's

Equalities Impact Assessment (May 2022), which acknowledged that these measures would significantly impact institutions offering predominantly religious education, particularly within some Haredi Jewish communities, and even noted the potential for outcomes such as “...sending children abroad.”

6. We believe that in either case the Bill will have failed in its purpose of protecting the welfare of children.
7. The independent standards were developed in 2014 in the wake of a detailed two stage public consultation. By contrast, no consultation has taken place on the potential need for changes to the independent standards to accommodate the extension of regulation to faith-based institutions. Nor was any consultation undertaken with the strictly Orthodox Jewish community, or any other faith-based community so far as we can discern, on the compatibility of their institutions with the independent school standards, or the potential for changes to be needed to those standards to enable faith education to continue in the UK.
8. Instead of addressing this policy matter in a way that is sensitive to the needs and values of the affected communities, sweeping proposals are being rushed through Parliament without sufficient consideration or consultation with those most affected. It is also important to recognise that the independent standards were developed during a time when Independent Inspectorates operated with the trust and cooperation of the independent school sector for many years.
9. While such Inspectorates may claim expertise in religious education, it is rare for anyone outside the Haredi community to fully grasp and understand the depth, essence, and unique nature of its religious education, which is deeply interwoven with its way of life, permeating every aspect of daily living 24/7. The success of Haredi education is measured not merely by academic standards but by the cultivation of moral integrity, a strong sense of community responsibility, and adherence to Torah principles - outcomes that cannot be accurately captured using conventional metrics.
10. Any proposal for faith-based institutions to become subject to a new system of inspection and regulation must, to be proportionate, include the establishment of an inspectorate that has the trust of faith communities and is sensitive to the unique characteristics of Haredi faith-based education.