

# Illegal faith schools

We campaign to protect the rights of all children to a proper education, and have played a critical role in exposing the scandal of unregistered faith schools.

## What's the problem?

Countless children have 'vanished' from the education system across England. Research by the BBC found that more than 30,000 children went missing from English and Welsh schools for "substantial" periods during the 2014-15 academic year. 985 children went missing for part of the 2014-15 school year in Bradford alone.

Many of these children have been enrolled in unregistered and illegal 'schools' which operate without inspection or sanction. A large percentage of these schools are faith schools.

Illegal faith schools are deliberately left unregistered to avoid regulations on the quality of education young people should receive. At these establishments, the curriculum can be very restricted. Children enrolled there leave education with limited, if any, ability to read and write in English, no qualifications and no skills to get work. This leaves children unprepared for life in modern Britain, and potentially unaware of [fundamental British values](#). They may even be taught extremist, regressive and discriminatory social attitudes, and they do so without scrutiny.

In some parts of the country, local authorities believe there to be more illegal, unregistered faith schools than registered ones. This is an endemic problem, yet there have been troubling signs of reluctance from local authorities to investigate and identify these schools. According to Ofsted, at least 350 unregistered schools have been set up across Britain.

Ofsted has expressed that current legislation is inadequate to tackle unregistered schools. It limits their powers to tackle them and allows institutions to exploit loopholes about definitions of education. Additionally, the existence of unregistered schools is harder to detect because there is no record of children who have never been in school. There is no requirement to register a child who is home educated. The current statutory guidance sets out that parents can decline the offer of a home visit by the local authority.

It is vital that local authorities take the necessary action to identify illegal schools and register or close them. We also call for tighter inspection of home schooling, to ensure children's right to an education is protected.

## What are we doing?

- For many years we have been lobbying education ministers and Ofsted to tackle the growing problem of unregistered (and therefore illegal) faith schools. Years of campaigning on this issue does appear to have been successful in changing attitudes. We have received assurances from the Department for Education that where such 'schools' are identified, the Government will take action, and take a "tougher approach to prosecuting them".
- In 2016 Ofsted established a taskforce of inspectors to seek out unregistered schools that are operating outside the law. Warning notices have been issued to 50 suspected unregistered schools, 38 have closed or ceased to operate illegally and 12 are under criminal investigation. Ofsted has asked the DfE for a role in supporting prosecutions of unregistered schools, and is discussing with the government about removing legislative barriers to tackling

these schools. In 2018 we welcomed the [first successful prosecution](#) of the proprietors of an unregistered religious school.

- We remain highly concerned that too many children are still being left to languish in illegal 'schools' where their fundamental right to education is being ignored. In a [submission to the United Nations' periodic review of the UK's record on human rights](#) we urged the UN to recommend that the UK develops a robust strategy for addressing this issue which includes the closing down of illegal schools.
- In 2018 we [responded](#) to a call for evidence on elective home education (EHE), raising our concern that some 'home-educated' children are in fact being sent to unregistered illegal schools.
- In May 2019, we [responded](#) to the next stage of a consultation on proposed legislation for children not in school, to back a home school register to protect child rights and tackle unregistered schools.
- In February 2019 we [submitted evidence](#) to a DfE consultation on establishing a voluntary safeguarding code of practice for out of school settings. We identified gaps in the guidance reiterating our concerns that children's welfare will not be adequately protected, unless the code can be made mandatory and enforced where this proportionate.
- In January 2016 we [submitted evidence](#) to a DfE consultation on registration and inspection of on out of school education settings. We welcomed the Government's proposal to safeguard children and young people from harm, including extremism – however we stressed that any response should be proportionate, evidence-based and be focused through the lens of safeguarding rather than security.

## What you can do:

## Report a concern

You can report an illegal school to your local education authority. They have a duty to identify children not receiving an education. Ofsted has a taskforce to investigate unregistered schools and coordinate with the CPS if necessary.

## Share

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- [Share your story](#)

## More information

## [Further detail](#)

A selection of external links and information on the problem

- [Figures cast light on the number of Strictly Orthodox boys missing from the school system, Jewish Chronicle July 2019](#)

- [Investigation into unregistered educational settings in Hackney \(January 2018\)](#)  
This review was prompted by national and local concerns about unregistered educational settings which highlighted the unsafe conditions in which some children were being taught, the lack of safeguarding controls in those settings and the teaching of a narrow curriculum.

## What does the law say?

An independent school is defined as any school at which full time education is provided for five or more pupils of compulsory school age.

The DfE considers the following factors when deciding whether an independent school is full time:

- (a) the number of hours per week that is provided, if over 18 hours per week it will generally be seen as full time;
- (b) the number of weeks in the academic term/year the education is provided;
- (c) the time of day it is provided;
- (d) whether the education provision in practice precludes the possibility that fulltime education could be provided elsewhere.

Source: [Independent school registration](#) (DFE guidance)

Under Section 96 of the [Education and Skills Act 2008](#), in England, a person must not conduct an independent educational institution (which is defined as including independent schools) unless it is registered. A person who conducts an unregistered independent school is guilty of a criminal offence.

If Ofsted believe an unregistered school is being run illegally they have the power (under Section 97 of the Act) to enter and inspect the premises and records of the 'school'.

See also: [Memorandum of understanding between Ofsted and DfE: independent schools.](#)

## Prosecutions

The first [successful prosecution](#) for running an illegal school took place in 2018. Nacerdine Talbi and Beatrix Bernhardt were convicted of running Al-Istiqamah Learning Centre, an unregistered Islamic school in Ealing

The second [successful prosecution](#) for running an illegal school took place in 2019. On 12 September Nadia and Arshad Ali were convicted over the running of Ambassadors High School, an unregistered Islamic school in Streatham. Of the conviction, HM Chief Inspector Amanda Spielman said:

*"While I welcome today's verdict, I am concerned that this case is just the tip of the iceberg. As I have said several times over the last few years, Ofsted urgently needs stronger investigatory powers, allowing us to seize evidence and interview suspects. And we need the government to tighten the legal definition of a school. I urge them again to do so at the earliest possible*

*opportunity."*

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