

GREATER LONDON AUTHORITY

Supplementary analysis on London school sector

1. Purpose

- Greater London Authority (GLA) City Intelligence Unit and the GLA policy team have conducted analysis into the London independent school sector (with a particular focus on faith schools), using publicly available data. This analysis was done to ensure all considerations were made in the policy development of the Mayor's Universal Free School Meal (UFSM) scheme.
- This analysis supplements the findings of an Equalities Impact Assessment (EqIA) of the Mayor's UFSM scheme which has been commissioned to an external organisation, Ove Arup.

2. Background

- The Mayor's UFSM scheme proposes to provide free school meals (FSM) within state-funded schools (including academies), partly as it was intended to be additional to the national FSM scheme overseen by the government but was extended in line with the parameters set by the national policies for FSM and the government funded universal infant free school meals (UIFSM) (covering state schools (including academies only)). This is to ensure that as many children as possible can benefit quickly from this emergency measure. Further explanation for the scope of coverage is set out in this paper.
- This is a limited pot of money which is not extensive enough to cover every child in London. Therefore the policy has prioritised children in state schools above those schools who charge fees or receive alternative income for pupils which could be used to pay for meals.
- To assist with the Mayor's policy development the following section sets out:
 - the key findings and summary of the supplementary analysis undertaken in supporting this policy, and
 - the actions that will be taken to respond to these needs.
- The UFSM EqIA assessed the equalities impact of the policy, as currently proposed, so that all considerations were made in the policy development; and to propose any mitigations.
- This analysis relates to independent schools that are registered with the Department for Education (DfE) and meet the requirements of the Education (Independent Schools Standards) Regulations 2014.
- Education establishments that are not registered with the DfE are out of scope for both this analysis and any consideration of extending the Mayor's expansion of FSM. This is because it is against the law to run an independent school that is not registered with the DfE.

- This analysis notes that within the independent school sector, there are different types of independent schools. These can broadly be defined as “association” and “Non non-association” schools, and are regulated by either Ofsted or the Independent Schools Inspectorate, which has been approved by the DfE. Ofsted regulates “Non non-association” independent schools, while the Independent Schools Inspectorate regulates “association” schools.
- Within these broad categories relating to the regulation of the schools, there are further subcategories of independent schools, including independent special schools and independent faith schools.
- Independent schools, including independent faith schools, do not have to teach the National Curriculum – but they must meet minimum standards set out in regulations.
- After making the announcement about his proposal to include funding for FSM, submissions were received from representatives of some children in the Charedi community, seeking expansion of the Mayor’s UFSM programme to such children who attend independent faith schools in Hackney. Further analysis of data and borough feedback was reviewed alongside the representations raised by the Charedi community include the following:
 - The majority of Charedi children in London attend independent faith schools (around 78.7 per cent).
 - Members of the Charedi community have said that attending independent Charedi faith schools is integral to their religious identity and beliefs. Although Charedi children can attend maintained educational settings and academies, in practice most families opt to send their children to independent settings.
 - All such independent Charedi faith schools are charitable institutions funded partly by parents and the community; and charge significantly lower fees than other private schools. School meals are not always provided to children attending as part of the package of benefits unlike other independent schools.
 - It is said that admission is not generally denied to any child if their parents are unable to pay these fees. Many such families are unable to pay any school fees. It is therefore suggested that that these independent faith schools should be distinguished from other independent private schools.
 - It is said that the average Charedi household size is almost two-and-a-half times the size of the UK average household; the cost of Kosher food is over two-and-a-half times the cost of non-Kosher equivalents. Members of the Charedi community have told the GLA that the average Charedi household size is almost two-and-a-half times the size of the UK average household; the cost of Kosher food is over two -and -a -half times the cost of non-Kosher equivalents.
 - It is said that the families in these communities often have minimal savings, and receive housing benefits and tax credits; and that such families are facing financial hardship due to the cost-of-living crisis, specifically the rising costs of Kosher food products.
- The representations provided by the Charedi community about its schools have been considered. The Mayor has considered whether the UFSM policy should be extended to include the provision of FSM to some independent schools, such as those serving the

Charedi community. It is acknowledged that the information provided on behalf of this community is that some of the families of children in these independent faith schools are unable to pay school fees, live in larger than average sized families and receive housing benefits and tax credits.

- This section sets out the key findings and summary of the supplementary analysis and the actions that are proposed to be taken to respond to these needs. **Annex 2** sets out the data analysis sources and methodology.
- It has been found that 79 per cent of children aged 7-11 at independent schools in London (40,839 children) attend a school with no religious character.
- For the 2022-23 academic year, there are 76 registered independent faith-based schools in London. These schools have 10,949 primary-school pupils aged 7-11. Of these, approximately 50 are strictly Orthodox Jewish schools.
- According to the most up-to-date reliable data, there are similar numbers of Jewish pupils in mainstream (both state-funded and independent non-State funded) Jewish schools, as there are in strictly Orthodox (both state-funded and independent non-state funded) Jewish schools. As noted above, numbers for children in the Charedi community are different.
- The non-state funded independent sector is made up of schools which are fee paying. There is limited evidence for the scale of fees that are charged. Analysis undertaken by online research has found that some independent faith schools charge circa £7,000 a term, while the Independent Schools Council (ISC) has found the average day school term fee in London is circa £6,000 a term. In all instances, these fees are largely paid for by the parents. No comprehensive full central data collection of fees could be found; and not all schools advertise their fees.
- Independent schools do not generally receive state-funding. Nor are they bound by any conditions of government like following the National Curriculum. This means such schools are not subject to costs pressures associated with that.
- There is no central register showing inclusion of meals in the school fees; a sample method analysis shows that most (but not all) independent schools include the costs of meals in their termly fees. Other schools request that parents keep a meals account topped up with funds, which pupils can draw on by swiping a card each day.
- The majority of children attending such fee-paying schools are provided with a school meal and this is included within the fees that are paid for children to attend these independent schools.
- Across London, there are several independent faith schools that are fee-paying. Many of these provide meals for their pupils; this is covered by the fees paid for children to attend these schools.
- There is no central record of fees charged and not all establishments advertise their fees, so it is not possible to do a comprehensive review by publication date. It also notes that most independent schools – including those considered high-fee paying, independent faith schools and independent special schools – also offer bursaries and/or scholarships for pupils from lower socioeconomic backgrounds, of either partial or full admission fee.

- The majority of independent schools, including high fee-paying independent schools, independent faith schools and others, like independent Charedi community schools, offer bursaries or scholarships against fees for pupils from lower socio-economic backgrounds. In all instances, these bursaries can cover the total cost of a pupil from a lower socio-economic background's admission fee.
- In 2022, the government stated that 50 per cent of independent schools had charitable status, while in 2023 the ISC found that 70 per cent of their independent schools had charitable status. The data does not exist to break this down to regional level. Moreover, of those circa 50 schools that are known to be strictly Jewish Orthodox in the UK, there are about 40 independent schools with a Jewish faith designation, although inspection evidence suggests that around 60 schools have an Orthodox Jewish character. They are concentrated in the Hackney, Haringey and Barnet areas of London, with a smaller group in Greater Manchester.
- There is no central register listing whether an independent school is an independent school or is a limited company or a charity or what fees they charge. It is therefore difficult to accurately quantify further categorization within the independent sector.
- Inequality and poverty are higher amongst pupils attending state funded schools, compared to children in the independent sector.
- There is no reliable data to assess the socioeconomic background of the children who attend strictly Orthodox Jewish schools. It is therefore difficult to ascertain the impact the cost-of-living crisis is having on Charedi children and how this differs to other children attending other independent schools, including children from lower socio-economic backgrounds who attend on means-tested scholarships. But it is recognised that a lack of available data does not mean that they are not affected by the cost of-living crisis.

Issues with extending UFSM scheme beyond state schools

- This policy is an emergency measure to support families through the cost-of-living crisis. Due to the nature of the pressures on families, this needs to be in place as fast as possible and reach as many pupils as possible. The Mayor is asking local boroughs and schools to deliver this policy.
- Any decision to extend this scheme to the independent sector or specific parts of the independent sector would give rise to considerable complexity in the operation of the scheme, and certain delay. This would also add additional and extensive burden on local boroughs – many of whom do not have dedicated teams to deliver FSM policies. Adding this layer of administrative complexity is likely to give rise to extra burdens on officers in local boroughs, which would delay the scheme as a whole, and prevent it from operating as the emergency measure intended.
- Some of the issues with this are as follows:
 - Much of the practical implementation of the scheme will be done by local authorities e.g., handling of funding to schools, liaising with caterers, etc. This is possible because of the long-established relationship between councils and schools in their area. These relationships do not readily exist between the local authorities and non-state funded

independent schools, so a wholly different, more time consuming and costly method for implementation would need to be devised.

- There is no readily available administrative structure available for local authorities to use to implement a scheme in the non-state funded independent sector, that would easily enable expansion of the scheme to ensure that only families in poverty or who are suffering financial hardship would be able to benefit. This would be complex and would take time to set up. As a result, including such schools would significantly delay the roll out of the policy.
- There are no national food standards for the independent schools and no existing commissioning or contracts between local authorities and fee-paying schools. These would take time to put in place.
- Detail of implementation contracts sit with local boroughs not the GLA. While the GLA/Mayor could in time work with local authorities to obtain this information, the time taken in doing so is a factor in evaluating the extent to which inclusion of this category of schools lends itself to emergency action.
- In most cases, the local authorities will be acting as responsible bodies for the GLA's grant funding and then providing on-grants to the eligible schools in their area. In turn, those schools will then use the on-granted funds to procure catering services. However, in a limited number of cases, some local authorities will use the GLA's grant funding themselves to procure catering services on behalf of the eligible schools in their area. This means that the local authority is responsible for defining the delivery detail of this policy in any greater detail than set out in the GLA grant conditions and guiding principles. Asking boroughs to further extend beyond state schools would add significant extra burden on them and would delay the start (and in some cases place significant risk to delivery of the whole scheme) which would result in a lot of children not being able to benefit from this emergency measure.

Other support which is available to families who are affected by the cost-of-living crisis which will benefit those families who have children attending independent (including faith) schools

- **Dedicated funding to support holiday hunger** – funding has recently been made available to support families with children during holiday periods through the cost-of-living crisis – including for Charedi families. The Mayor has made £3.1m available in emergency grant funding to the Felix Project and the Mayor's Fund for London to deliver the equivalent of seven million meals to families in need across school holidays. Through this project, the GLA and delivery partners are exploring ways for the needs of specific communities to be met. This will include consideration of those families with protected characteristics such as faith and religious groups. In addition, the Mayor has made a further £425,000 available to enable the Felix Project to extend its operations to a six days-per-week basis. This expansion in operating capacity is expected to further increase the number of meals provided by three million over the course of the year and enable the Felix Project to deliver to an additional 100 community partners. Delivery is taking place in every London borough and the GLA is working with partners to ensure provision reaches children and families experiencing the highest level of need and financial hardship, based on assessments of need undertaken by the community partners receiving food supplies. Provision will meet the needs of London's diverse communities with culturally appropriate food made available as far as possible to communities with specific needs.

- **The Robust Safety Net mission** aims that by 2025, every Londoner is able to access the support they need to prevent financial hardship, this includes Charedi families and children. The mission seeks to bring partners together around a common approach to supporting low-income Londoners and relieving financial hardship where it exists. This mission includes the **Food Roots Incubator programme**. The mission also works with providers of emergency food aid to meet demand and address the root causes of food insecurity. This work has been given added salience by the emerging cost-of-living crisis.
- The original Food Roots Incubator programme ran from May 2021 to August 2022. It supported and invested in 10 local food partnerships to help them strengthen new relationships formed during the pandemic; and to encourage them to develop in ways that did not embed emergency food aid as the solution to food insecurity. The ‘food partnerships’ are (typically) local partnerships that provide support to Londoners experiencing food insecurity; and involve local authorities, voluntary and community sector (VCS) organisations, and businesses.
- There is funding of £740,000 over 2022-23 and 2023-24 for a second phase of the Food Roots Incubator programme. This is being used to deliver a range of activities to support the sustainability of food partnerships and their constituent food-aid organisations, so they can better support Londoners who need to use emergency food aid.
- **Kitchen Social:** The Mayor’s Fund for London is a charity that champions opportunities for young Londoners from low-income backgrounds. Kitchen Social is one of their programmes, providing holiday food and activity programmes to reach and support the hardest hit families. Kitchen Social is currently focussed on addressing the growing and serious issue of children and young people facing food insecurity and social isolation outside of term time including evenings and weekends. Currently 83 hubs exist across 24 London boroughs, with leaders from a range of faith groups, youth centres, schools and adventure playgrounds. Since 2017, the Mayor’s Fund for London has worked with over 215 community organisations in 28 London boroughs, supporting over 80,000 children and young people by providing over 1.2m nutritious meals. The Mayor will look for opportunities to support communities who have protected characteristics such as faith and religious groups. This could include establishing new Kitchen Social hubs in locations where they will be able to cater to the needs of specific communities, including specifically the Charedi community in Stamford Hill. Any support of this nature would seek to align with existing provision and would be designed with the input of the communities in question.
- The Mayor will review opportunities working with partners to undertake work to consider what sustainable Kosher catering could look like for London’s schools – both state-funded and fee-paying independent sectors.
- Hackney borough council also run [summer holiday provision sites](#) at a number of Orthodox Jewish community centres which include the Charedi community. Hackney Council have also put in place an unprecedented package of financial support and help for the borough's most vulnerable residents to help them overcome the rocketing prices of everyday essentials such as food, clothes, transport and bills. This includes the **Household Support Fund**. Since April 2023, Hackney Council have been distributing £2.8m of government funds to support households struggling with the cost of food, clothing, housing, and energy and water bills, including:
 - Families with children: The council is working with schools, children’s centres, colleges to distribute food vouchers to those entitled to FSM, and also to under-5s and college students in need, during the summer break, ensuring no child goes

hungry over the holidays. The council is also working with community partners to reach families in the Orthodox Jewish community.

- Senior citizens living in income deprivation.
- Residents living in temporary accommodation or supported accommodation.
- Hackney also offers support paying for food, utilities, household items, travel, and phone and internet access. Residents who have suffered a sudden financial shock or face unexpected costs and require emergency help can apply for the Hackney Council's Discretionary Crisis Support Scheme.
- The Mayor of London has also put into place a wide range of support to families across London which include:
 - warmer homes
 - dedicated advice in communities
 - London Living Wage
 - help to navigate the cost-of-living crisis.
- The Mayor and his officials are committed to continuing to work with the Charedi community to look at further ways to support their needs.

3. Data considerations

- All existing data of independent schools as defined by the DfE guidance is reviewed in this document.¹
- Comprehensive data on the state of the fee-paying independent sector is limited.
- This document largely relies on the DfE datasets to provide an assessment of the potential impacts of UFSM on fee-paying independent schools.
- There are several types of independent schools in London: some have charitable status, others are faith-specific, and some cater to special needs.
- These types of independent schools cannot be isolated in the DfE datasets. Therefore, this analysis – unless explicitly mentioned – covers fee-paying independent schools at a total level (all independent schools) in London.
- Only establishments who operate within regulation have been considered in this analysis. Any unregulated schools would not be within scope for this policy because they are not regulated.
- The ISC Annual Census is a comprehensive source of data providing a picture of where independent schools sit in the UK's education landscape. It is based on a survey carried

¹ [Types of school: Private schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/types-of-school/private-schools)

about by all 1,395 schools in UK membership of the constituent associations of ISC completed the survey.

Annex 1 – further background

Mayor of London Universal Free School Meal Scheme

- The Mayor is providing an unprecedented emergency £130m to provide FSM to primary school pupils in state funded schools (including state funded (special educational needs and disabilities (SEND) and Alternative Provision (AP) schools for the next academic year. The Mayor has been clear that he has only been able to commit support that should be funded by the government for one year. The Mayor’s programme is in line with the Government’s policy for FSM covering state-funded primary schools, pupil referral units and special schools, including faith schools, but not private schools.
- This approach means that there are children within some communities who largely do not attend state schools and therefore will not benefit from this funding. The FSM policy is just one in a range of steps the Mayor is taking to help Londoners deal with the cost of living crisis. Since April this year, the Mayor is investing an additional £3.6m to work with community partners including the Mayor’s Fund for London and the Felix Project to provide free holiday meals to families who need the support the most. As part of this programme, City Hall is also working specifically with communities in need to ensure this group is supported by the holiday meals scheme.
- After making the announcement about his proposal to include funding for FSM, submissions were received from representatives of some children in the Charedi community, seeking expansion of the Mayor’s UFSM programme to such children who attend independent faith schools in Hackney.
- The representations raised by the Charedi community include the following:
 - The majority of Charedi children in London attend independent faith schools (around 78.7 per cent).
 - It is said that attending independent faith schools is integral to their religious identity and beliefs. Although Charedi children can attend maintained educational settings, in practice most families opt to send their children to independent settings.
 - All such independent faith schools are charitable institutions funded by parents and the community; they therefore charge lower fees than other private institutions.
 - It is said that admission is not generally denied to any child if their parents are unable to pay these fees. Many such families are unable to pay any school fees. It has therefore been suggested that that these independent faith schools should be distinguished from other independent private schools.
 - It is said that the average Charedi household size is almost two-and-a-half times the size of the UK average household; the cost of Kosher food is over two-and-a-half times the cost of Non-Kosher equivalents.
 - It is said that the families in these communities often have minimal savings, and receive housing benefits and tax credits. Such families are facing financial hardship due to the cost-of-living crisis, specifically the rising costs of Kosher food products.

State vs Independent Pupils: Longitudinal Outcomes

- ONS analysis found that government funded FSM pupils earned less than their peers, with half of FSM recipients earning £17k or less, while the top 10 per cent of independent school pupils were earning £71k or more at age 30; even when matching educational level and secondary school attainment. It also found evidence of the earning gap between 93 independent school students and FSM students widening as they got older. Part of this overall gap in lower earnings is because people from income-deprived backgrounds are significantly less likely to continue on to higher education.²

Charitable status in Independent Schools

- As educational institutions, independent schools are able to take charitable status. The Charities Act 2011 defines a charity as an institution which is established for charitable purposes only and is subject to the jurisdiction of the High Court. The Act lists descriptions of a charitable purpose and states it must be for the public benefit.
- The advancement of education is one description of a charitable purpose and so independent schools are capable of being charities. Educational charities, like all other charities, must demonstrate they are for the public benefit. There is no statutory definition of what this means.
- The DfE does not regulate the charitable status of independent schools but in 2022 the Government said around half of independent schools in England were registered as charities.
- Most recently, the 2023 Annual School Census by the ISC found that 70 per cent (978 out of 1,395) of their member schools across the UK had charitable status. However, not all independent schools are affiliated with the ISC.
- Charitable status has associated advantages including relief from business rates.

Scholarships and bursaries in high fee-paying independent schools

- According to the Independent School Council Annual Census, 33.8 per cent of all pupils in their independent schools receive help with their fees, with a significant majority (80 per cent) of total fee assistance provided directly from the school themselves.
- Schools gave more than twice as much assistance in the form of means-tested scholarships and bursaries as they did non-means-tested scholarships. Of these means tested- bursaries, nearly half of all pupils had more than half of their fees remitted and 7,097 pay no fee at all.

Jewish children in Jewish schools

- The Jewish Policy Research statistical bulleting for 2018-19 to 2020-21 found that in 2020-21 in London there were 12,284 Jewish pupils in mainstream Jewish schools and 13,960 Jewish pupils in strictly Orthodox Jewish Schools.
<https://www.jpr.org.uk/reports/numbers-jewish-children-jewish-schools-201819-202021>

² <https://urbanhealth.org.uk/wp-content/uploads/2022/10/FSM-Full-Report.pdf>

Annex 2 - Data Analysis & Methodology

- The following four data sources have reviewed to inform this assessment. As noted in this paper data on the independent/ private sector is limited.

1. DfE data:

Provides a count of all independent schools, their pupil numbers, breakdown by borough and faith/non-faith category. This does not provide any more breakdown to determine whether they are mainstream private, private faith, or neither (such as the Charedi). The data on 'Religious character' of the school is limited. The breakdown the DfE provides is only for Jewish and Other Jewish Faith – no further breakdown is available.

2. Ofsted data:

The GLA have reviewed five years' worth of Ofsted data on school inspections for private schools.

Whilst this data does list the actual school names and their unique reference number (URN).

However,

- a. Not all schools are inspected in the London data – a count of 311 schools show that they have been inspected, compared to the 531 total that the DfE data shows for 2022-23. Ofsted itself notes that the total of schools inspected is usually less than total by quite a bit usually around 50 per cent.
 - b. Ofsted data doesn't give further breakdown (including details of fees).
- 3. ISC:** The independent school council ([Private schools \(independent schools\) in London - ISC](#)) has a directory of independent schools in London by borough and provides their pupil numbers, denomination, and fees/term. However:
- a. Not every independent school is a member of ISC (this may be as much as 50 per cent).
 - b. There is no accessible data to allow further analysis.

4. Independent school search service: [Independent schools in Greater London \(schoolsearch.co.uk\)](#) is a directory showing an age breakdown.

This data set is not complete and does not have any accessible data to interrogate.

Data overview

- Analysis of the independent school sector in London primarily uses the DfE datasets based on information for the January 2022-23 School Census (henceforth DfE data³).
- The DfE data breaks down independent schools in London only by certain characteristics, notably the age of their pupils and the school's religious character (see **Figure 1 in annex 2**).

³ [Schools, pupils and their characteristics, Academic year 2022/23 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

Gaps and limitations

- Crucially, unlike state schools, the DfE data does not include the rates of FSM eligibility for these independent schools. Broadly assuming similar rates of FSM eligibility for independent schools as those for primary school students is unrealistic and risks presenting an unreliable estimate of costs and impacts.
- Data on uptake rates for these pupils is not available, compared to those in state-funded primary schools.
- The DfE data for independent schools is also categorised by age of pupils. **Annex 2, Figure 1**, shows data for pupils aged 7-11. Nevertheless, this does not entirely correspond to KS2 pupils in Years 3-6, which represents another limitation.
- Income profiles of the households to which the pupils in independent schools belong are also missing. It is therefore not possible to ascertain whether these pupils are necessarily more or less likely to be eligible for the government's offer of FSM.
- Data is also lacking for catering costs at independent schools, which are likely to differ from those at state-funded primary schools. Moreover, independent faith-based schools could have different costs themselves, due to any food preparation requirements relating to faith.
- There is no available data on the proportion of pupils with religious beliefs attending multi-faith independent schools. This is also the same for the whole school sector.
- There are some unregulated schools in London – almost a quarter (23 per cent) of the settings investigated are in London. AP is the most common type of setting (28 per cent). Around a quarter (26 per cent) of the settings are general education providers, and a fifth (21 per cent) are places of religious instruction.⁴

⁴ [Unregistered schools management information - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/unregistered-schools-management-information)

Annex 2: Figure 1 (Pivot Table)

This pivot table shows the number of pupils aged 7-11 attending independent schools in each borough. It is further broken down by what religious denomination that independent school is listed as.

Sum of Age 7-11 total	Column Labels	Church of England	Free Church	Islam	Jewish	Methodist	Muslim	No religious character	Other Christian Faith	Other Jewish Faith	Plymouth Brethren	Christian Church	Roman Catholic	Grand Total
Barking and Dagenham	Anglican							49						49
Barnet				71	36			2168			211			2486
Bexley		155						181						336
Brent				31				701						732
Bromley			361			184		954	173				87	1759
Camden		353						2956					392	3701
City of London		154						199						353
Croydon		66						1846				51	72	2035
Ealing								1457					333	1790
Enfield								554					59	613
Greenwich								1169						1169
Hackney				26	342			2583		1478				4429
Hammersmith and Fulham		113		41				2075						2229
Haringey								530	654					1184
Harrow		135						1018						1153
Havering								162	85					247
Hillingdon				20				1544						1564
Hounslow								670						670
Islington								255						255
Kensington and Chelsea		151						3835					78	4067
Kingston upon Thames								988	538					1526
Lambeth								766						766
Lewisham		387						350						737
Merton		421						926					261	1608
Newham							77	311	15					403
Redbridge		138					76	1176					54	1444
Richmond upon Thames		697						2723	169				145	3734
Southwark								1461	63					1524
Sutton								694						694
Tower Hamlets								808						808
Waltham Forest		409		107			21	111						648
Wandsworth				26				3403	671					4100
Westminster	21	489						2216					249	2975
Grand Total	21	3668	361	322	378	184	174	40839	2371	1689		51	1730	51788

Annex 3: Independent School Sector in England – technical detail

Background

1. An ‘independent school’ is defined by the DfE as a school that is not maintained by a local authority or is not a non-maintained special school, and at which full-time education is provided (a) for five or more pupils of compulsory school age or (b) for at least one pupil of that age who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989) or has a statement of special educational needs or an education, health and care plan.

Regulatory Framework

2. The DfE through the Secretary of State acts as the regulator for the independent schools in England. The department registers independent schools, sets independent school standards that those schools must meet, commissions inspections against those standards, and acts where schools fail to meet the standards.
3. Independent schools in England must be registered by the Secretary of State for Education, the independent schools regulator, before operating. It is a criminal offence to conduct an independent school that is not registered. If convicted, a person could be subject to an unlimited fine and/or imprisonment up to six months
4. Independent schools, including independent faith schools, do not have to teach the National Curriculum but they must meet minimum standards set out in regulations. These include standards relating to the quality of the curriculum which must be broad and balanced, allow children to make progress and include lessons in written and spoken English.

Unregistered schools in England & London

5. In law, an ‘independent school’ is an institution that is not a local authority maintained school or a non-maintained special school at which full-time education is provided to either children of compulsory school age, or one child who is looked after by the local authority or has an education, health and care plan. The setting must operate from a building and must offer a curriculum that includes maths and English.
6. An unregistered school is an educational establishment that meets the legal definition of an independent (private) school, but is not registered with the DfE. It is against the law to run an independent school unless it’s registered with the DfE, which is the regulating body for this kind of school
7. In 2019, Ofsted estimated that as many as 6,000 children in London are being educated in unregistered school settings.⁵
8. Almost a quarter (23 per cent) of the unregistered schools Ofsted inspected were in London, with the rest evenly spread across the country. A fifth (21 per cent) were faith schools, including 36 Islamic, 18 Jewish and 12 Christian schools.
9. Further robust data on unregistered schools is lacking. However, a briefing on Jewish Independent Schools notes that there is a significant problem with Orthodox Jewish boys leaving the regulated school system at the age of 13 and being educated in

⁵ <https://www.gov.uk/government/statistical-data-sets/unregistered-schools-management-information>

'yeshivas', which are unregistered. About 1000 boys aged 13-16 in Hackney alone are thought to be 'missing' in this sense.⁶

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221858/jewish_20independent_20schools.doc