



Office of
the Schools
Adjudicator

Determination

Case reference: REF4128

Referrer: A member of the public

Admission authority: The governing board of Menorah Primary School for Girls, Barnet

Date of decision: 5 March 2024

Determination

I have considered the admission arrangements for September 2024 for the Menorah Primary School for Girls in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to some matters set out below, the arrangements do not conform with the requirements relating to admission arrangements.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection was referred to the adjudicator by a member of the public, (the Referrer), about the admission arrangements for Menorah Primary School for September 2024, the date of the objection was 23 April 2023. Menorah Primary School was a primary school for boys and girls with a published admission number (PAN) of 50. Since the objection was referred to the adjudicator, Barnet London Borough Council (the local authority) have approved proposals for it to become Menorah Primary School for Girls (the Girls School) with a PAN of 25, which opened on 1 January 2024. A linked approval has also been given for a new primary school for boys only also with a PAN of 25, which also opened on 1 January 2024. I am not here considering the admission arrangements for the boys' school.

Jurisdiction

2. I have concluded that under section 88H(4) of the Act I do not have jurisdiction to consider the objection as such, as it relates to the school as it was up to 31 December 2023, with different admissions arrangements. I will consider the issues raised in the objection as a referral using my powers under S88I of the Act.
3. The parties to the case are the Referrer, the admission authority, the faith body (which as I set out below is the Golders Green Hamedrash) and the local authority.
4. The admission arrangements for the Girls School were determined under section 88C of the Act by the school's governing board, which is the admission authority for the school, on 21 May 2023. When they were brought to my attention it appeared that there were additional issues, not referred to in the objection, by which the arrangements did not, or might not, conform with the requirements for admission arrangements. I therefore decided to use my power under section 88I(5) of the Act to consider them as a whole.
5. The Referrer has asked to have their identity kept from the other parties and this request has been agreed by the Chief Adjudicator.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a) the Referrer's form of objection dated 23 April 2023;
 - b) a copy of the determined arrangements;
 - c) comments from the admission authority and the local authority on the matters raised and supporting documents;
 - d) comments from the Referrer on the matters raised supporting documents and subsequent correspondence; and
 - e) comments from the faith body on the matters raised.
8. I have also taken account of information received during a meeting I convened on 22 January 2024 at the Girls School. The meeting was attended by representatives of the Girls School. The other parties were invited but did not attend.

Background

9. At the meeting I held in January the Girls School's representatives explained that the school came into existence in 1944, set up by the Golders Green Beth Hamedrash (the

GGBH). The synagogue had only been in existence for about ten years at that time, principally consisting of refugees from Germany. The school, as it then was, was probably the first Jewish school in the area and was initially independent, becoming state aided in the 1960s. The rabbi of the GGBH has always been the school's principal. Remarkably, there have only been three rabbis since the school's inception eighty years ago. The school is designated as having a Jewish religious character. The GGBH is the rabbinic authority which is the faith body for the school. The governors emphasised that the ethos of the school mirrors the ethos of the faith body – there is a very close connection between the faith body and the school.

10. There have been two previous determinations in relation to the Menorah Primary School ADA/001379 (2008) and ADA3718 (2021). These determinations are concerned with the admission arrangements for 2009 and 2021 respectively and relate to the school as it was then. The admission arrangements have changed over the years since those determinations were published, partly as a result of those determinations. In addition, the school itself has changed as set out above. In any event previous determinations are not binding on me. I will refer to the previous determinations where relevant below.

11. The determined oversubscription criteria for the Girls School for 2024 are as follows:

“Paragraph 9

- (a) Jewish children who are a Looked After Child or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements or special guardianship order including those who appear to the admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted;
- (b) 22 Orthodox Jewish children who have attended the School's Nursery;
- (c) Orthodox Jewish children at least one of whose parents is a Frequent Attendee (as defined below) at the GGBH as at the Closing Date.
- (d) Orthodox Jewish children with a sibling who will be at the school or at Menorah Primary School for Boys at the date entry is required;
- (e) up to three (depending solely on the number of such applications up to three) Orthodox Jewish Priority Children (as defined below) per entry age group (in recognition of the difficulty faced by some Orthodox Jewish parents in securing a place at the school for the first child in the family);
- (f) Orthodox Jewish children of Orthodox Jewish families assessed on the basis of the supplementary information form and the Rabbi's certificate;
- (g) other children who are a Looked After Child or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements or special guardianship order including those who appear to the

admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted;

(h) other children with a sibling who will be at the School or at Menorah Primary School for Boys at the date entry is required; and

(i) other children”

12. The relevant parts only of the notes and definitions to those oversubscription criteria are as follows, using the paragraph numbering in the original:

“10. In the event of there being insufficient places for all applicants within any of the above criteria, a random ballot will be used to determine which children will be admitted under the criteria in question, in the presence of an independent observer.

11. Attendance at the School’s Nursery does not guarantee a place in the Reception Class.

12. All submissions regarding admission will be considered only if made in writing and addressed to the Clerk to the Governing Body at the school.

[...]

15. Parents seeking admission to the school for their children as Orthodox Jewish children must complete the school's supplementary information form and Rabbi's certificate and return it to the school by the date when the common application form is required by the local authority.

16. If a person wishes to be considered as a Frequent Attendee he or she must inform the School or the Rabbi of the GGBH prior to commencement of the 16 month period prior to the Closing Date so that arrangements for a log of attendances can be made.

[...]

18. Parents who are not offered places at the School have a right of appeal. An Independent Appeals panel will consider the appeal. Parents whose children are not offered a place in the Nursery will be given a similar right of appeal.

[...]

21. Definitions

"Frequent Attendee" means:

(a) (except in (b) below) having attended prayer services at the GGBH on average at least three separate times a week for a period of no less than 12 months in the 16 months prior to the Closing Date with one of those attendances being on the morning of the Sabbath and for the avoidance of doubt an attendance that includes more than one service (e.g. attending a follow through Mincha and Maariv service, or Shachris

and Musaf services on a Sabbath or religious holiday) constitutes one attendance only; or

(b) in the case of a single parent family who notifies the School that three separate attendances a week would be difficult, on average at least one attendance at a prayer service per week at the GGBH for a period of not less than 12 months in the 16 months prior to the Closing Date; and in either case

(c) are Orthodox Jewish as assessed on the basis of (1) the SIF and (2) the Rabbi's certificate being completed and signed by the Rabbi of the GGBH;

[...]

"Main Rabbi" means the Orthodox Rabbi to whom the child's parents, or in the case of a single parent family, the parent, ask the majority of their questions about Jewish Law;

"Orthodox Jewish" has the meaning set out in the Supplementary Information Form;

"Priority Child" means:

(a) the eldest child in a family; or

(b) a child of appropriate age for entry to the class applied for whose family has moved into the area in the 12 months prior to the Closing Date but who has no older siblings currently at the School or at Menorah Primary School for Boys; and

"Rabbi's certificate" means the certificate of the Main Rabbi or the Rabbi of the GGBH to support the statements in the Supplementary Information Form."

13. The referral relates to the admission arrangements for Menorah Primary School which had a PAN of 50, the number of places in the priority given to children who have attended the nursery was 44 out of that 50. The PAN for the Girls School is 25 and the number of places in the priority given to children who have attended the nursery is 22 out of that 25. The 88 percentage is the same. I will set out and consider the issues below being both those raised by the Referrer and additional points I am considering as set out in my Jurisdiction and Further Information Paper dated 20 December 2023 and provided to the parties.

Consideration of Case

Publication of the admission arrangements on the school's website

14. I am concerned here with the admission arrangements for the Girls School. These are published on the school's website with the proviso that they take effect from 1 January 2024. They could not have been published in February 2023 as the proposals to change the school to a single sex school with a PAN of 25 had not then been approved. I am satisfied that the admission arrangements for the Girls School were published appropriately on the Girls School's website.

Guidance from the faith body

15. The current guidance of the faith body on faith based admission arrangements has been provided to me and I am satisfied that the admission authority has had regard to that guidance when constructing its faith based admission arrangements.

The priority given to children who have attended nursery

16. The Girls School has a PAN of 25. Paragraph 9 (b) of the admission arrangements gives priority (after Jewish looked after and previously looked after children) to “22 Orthodox Jewish children who have attended the School’s Nursery”. This represents 88 per cent of the total available places.

17. The admission numbers to the nursery for 2017, 2018 and 2019 under the oversubscription then applying, are as follows:

Criterion	2017	2018	2019
Orthodox Jewish children prioritised on the basis of:			
Membership of GGBH	19	19	16
Sibling (non-GGBH)	20	20	28
Priority Jewish children	5	5	5
Other Orthodox Jewish Children	9	6	4
Total	53	50	53

18. In each of the years 2018, 2019 and 2020 all 50 places in reception year (Year R) were offered to children in the nursery, that criterion at the time having no limit on numbers. ADA3718 set out the on-time first preferences for Year R in 2018, 2019 and 2020. These figures are set out in the following table:

Year of Entry	On-time first preferences
2018	61
2019	58
2020	62

19. ADA3718 sets out the position as follows:

“[79] In each of these years, the school has told me, all of the 50 available places “were offered to children in the nursery”, having been admitted to it as described above. So, more first preferences for a place at the school were expressed than the number of children who effectively transferred to the school from the nursery in each of these years. This means that some children who had not attended the nursery but who might well have met the school’s other (faith-based) criteria could have been admitted to Year R had the nursery criterion not been in place. Instead, to gain a place in Year R at the school a child would in practice have to be a looked after or previously looked after Jewish child, or to have attended the nursery. In effect the arrangements require a parent to send their child to the school’s nursery in order to secure a place at the school.

80. My consideration of what this means in terms of the fairness of the arrangements is based on the fact that there is no requirement for children to attend nursery provision and that parents are perfectly entitled to keep their child at home with them, as some will choose to do. For others who do want pre-school provision, that offered by this school may not fit with their working patterns and they may choose to send their child somewhere else if that better meets their needs.

81. It is always unfortunate when more children wish to attend a school than it has places and especially so when more satisfy the same criterion. Admission arrangements are expected to be as fair as is possible in the prevailing circumstances and in order for them to be unfair, must result in there being an actual unfairness to somebody. In the case of the school, I am persuaded that some children are likely to be denied the opportunity of being considered for a place in Year R on a basis which is fair, and therefore to suffer an unfairness, as a result of the priority given to children who have attended the nursery, for the following reasons:

(i) because all the places are taken up by children who have attended the nursery, yet parents may legitimately choose not to or may for practical reasons be unable to send their child to it,

(ii) because any mistake in making admissions to the nursery does not have a right of being appealed against, and

(iii) because criteria used to prioritise admissions to the nursery would not be compliant with the requirements concerning admissions to Year R.

82. I have therefore concluded that the priority given to children who have attended the school’s nursery renders the arrangements unfair and in contravention of paragraphs 14 and 1.8 of the Code. I uphold this part of the objection on each of these grounds.”

20. The following table sets out a summary of the admission arrangements for 2020 and the changed admission arrangements for 2023 and for the Girls School for 2024. The key changes are highlighted in bold font.

Oversubscription criteria Paragraph 9	2020	2023	2024
	Boys and Girls PAN 50	Boys and Girls PAN 50	Girls PAN 25
	a) Looked after and previously looked after Orthodox Jewish children	a) Jewish children who are a Looked After Child or a child who was previously looked after	a) Jewish children who are a Looked After Child or a child who was previously looked after
	b) Orthodox Jewish children who have attended the school's Nursery	b) 44 Orthodox Jewish children who have attended the School's Nursery	b) 22 Orthodox Jewish children who have attended the School's Nursery
	c) Orthodox Jewish children whose parents: (i) are members of or frequent attendees (as defined) at the GGBH and (ii) maintain a strict observance of Orthodox Jewish religious and cultural norms	(c) Orthodox Jewish children at least one of whose parents is a Frequent Attendee (as defined below) at the GGBH	(c) Orthodox Jewish children at least one of whose parents is a Frequent Attendee (as defined below) at the GGBH
	d) Orthodox Jewish children with a sibling at the school	d) Orthodox Jewish children with a sibling who will be at the School	d) Orthodox Jewish children with a sibling who will be at the School or at Menorah Primary School for Boys

Oversubscription criteria Paragraph 9	2020 Boys and Girls PAN 50	2023 Boys and Girls PAN 50	2024 Girls PAN 25
	e) Up to five Orthodox Jewish priority children	e) Up to five Orthodox Jewish priority children	e) up to three Orthodox Jewish Priority Children
	f) Orthodox Jewish children of families whose ethos matches that of the school (as defined) assessed on the basis of the supplementary information form and a reference from an Orthodox Jewish Rabbi	f) Orthodox Jewish children of Orthodox Jewish families assessed on the basis of the supplementary information form and the Rabbi's certificate	f) Orthodox Jewish children of Orthodox Jewish families assessed on the basis of the supplementary information form and the Rabbi's certificate
	g) Other looked after and previously looked after children	(g) other children who are a Looked After Child or a child who was previously looked after	(g) other children who are a Looked After Child or a child who was previously looked after
	h) Other children with a sibling at the school	h) Other children with a sibling at the school	(h) other children with a sibling who will be at the School or at Menorah Primary School for Boys
	i) Other children.	(i) other children.	(i) other children.

21. Admissions to the then school for 2021, 2022 and 2023 are set out in the following table. The nursery criterion was not applied for admissions in 2022.

Criterion	2021	2022	2023
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Orthodox Jewish children prioritised on the basis of:	PAN 50	PAN 50	PAN 50
9 (b) nursery attendance	50		44
9 (c) frequent attendee		5	
9 (d) siblings		31	4
9 (e) Orthodox Jewish priority children		4	2
9 (f) children of Orthodox Jewish families		10	
Appeals	2	5	6
Total	52	55	56

22. Paragraph 81 of ADA3718 sets out three points which persuaded the adjudicator that the nursery criterion for that year was not fair and consequently did not comply with the requirement of the Code. Only the first of these still applies to the 2024 admission arrangements for the Girls School. That remaining point is regarding children whose parent(s) “may legitimately choose not to or may for practical reasons be unable to send their child to [the nursery]”.

23. Regarding the other points in that paragraph I am satisfied that there is now a right of appeal after a place in nursery is refused (point (ii)). Because this relates to admission to nursery it is a different, non-statutory process. However, I do not agree with the Referrer that a lack of recourse to the Ombudsman renders this appeals process ineffective. I find that the appeal offered is sufficient to redress any error made in the application of the nursery admission arrangements.

24. I am also satisfied that the oversubscription criteria for the nursery now mirror (except there is obviously no nursery priority) those for Year R. Consequently, save for those points where I have found the arrangements for the Girls School not to comply with the law relating to admissions and the Code in this determination, the admission arrangements for the nursery would comply with the law and the Code as it applies to Year R. Except insofar as the admission arrangements for the nursery impact on the fairness of admission arrangements for Year R those arrangements are outwith my jurisdiction. However, I understand that amendments to the admission arrangements following this

determination will be reflected in amendments to the admission arrangements for the nursery. The nursery admission arrangements for 2024 will also require updating to reflect the change from one to two primary schools.

25. I will consider below whether the level of priority now given to applicants for YR at the Girls School (22 out of 25 places, or 88 per cent) is fair and reasonable so complying with paragraphs 14 and 1.8 of the Code.

26. In 2022 the nursery criterion was not applied. The representatives of the Girls School have provided me with admissions data for YR in September 2022, identifying how many admitted under each relevant criterion had been attending the nursery. This is set out in the following table. The PAN was 50.

	Number admitted	Number from Nursery
GGBH Frequent Attendees	5	5
Siblings	31	31
Priority Children	4	2
Children of Orthodox Jewish families	10	8
Total prior to appeals	50	46
Appeals	5	4

27. The data shows that all GGBH Frequent Attendees and all siblings had been attending the nursery. Out of the 50 applicants admitted before appeals 46 (92%) had attended the nursery. If successful appeals are added then out of the 55 applicants admitted 50 (91%) had attended the nursery. The table below shows that there were 57 first preference applicants in 2022. At least 50 (88%) of those had attended the nursery.

28. The table below gives the number of first preferences for the school as it was from 2021 to 2023, when it had a PAN of 50 and for the Girls School in 2024 with a PAN of 25.

Reception On-time applications	Number of first preference applications
2024 (the Girls School)	26
2023	61
2022	57
2021	60

29. Taking account of the PAN having been 50 for the first three of those years and so halving those figures, the average number of first preference applicants in excess of the PAN is 3.75, which for convenience I will round up to four. Although I am only considering the admission arrangements for 2024 it is likely that these will continue into future years and so I will consider the application of the oversubscription criteria on the hypothetical basis that there are 29 (25+4) first preferences.

30. Under the 2024 oversubscription criteria, if there were 29 first preferences, 22 applicants (88%) would be admitted under the nursery criterion. It may be that more than 22 applicants would be nursery attenders, so the random ballot would be applied. In making this point, I do recognise that the actual numbers will vary. I also recognise that it is possible that there might be one or more applicants who had the school as a lower or second preference but also attended the nursery and could not be offered a place at a higher preference school. However, this seems an unlikely possibility in the context of this school, so I am satisfied that the number of first preferences is a good basis from which to establish the effect of the criterion.

31. After applying the nursery criterion there would be three places left and seven applicants, some of whom would be nursery attenders (who were unsuccessful in the random ballot) and some would not. The next criterion to be applied is frequent attendees, followed by siblings. Most, if not all, applicants meeting those criteria are likely to have already been admitted under the nursery criterion, as demonstrated by the data for 2022 admissions. Any applicants who were not nursery attenders but were frequent attendees or siblings would be likely to be admitted as there would be none, or very few, nursery attenders meeting those criteria and not already admitted. At the point in the hierarchy of criteria that the number meeting a particular criterion exceeds the places still available the random ballot will be applied. Those who are not nursery attenders would have the same chance of success as those who are nursery attenders.

32. It remains the case that a nursery attender will have a much better chance of gaining admission than an applicant who has not attended the nursery. However, of the whole cohort of applicants in any given year the great majority are nursery attenders. I take this to reflect the preferences of the whole community of those wishing to have their children educated at the Girls School, although I accept that some parents may only send their children to the nursery to gain entry and some who do not send their children to the nursery may not wish to waste a first preference on a school to which they are unlikely to be admitted.

33. It is also worth bearing in mind the context of the school. This is one primary school in a densely populated urban area. There will be a number of other primary schools in the vicinity some of which will have places. Some of those schools will be faith schools of one sort or another, some will have no faith basis. For any girl not gaining admission to the Girls School there is very likely to be a suitable alternative place available.

34. To give 22 places out of 25 under the nursery criterion, the highest criterion after looked after and previously looked after Jewish children, is a high percentage. It is, however, a percentage which reflects, more or less, the percentage of all applicants who are nursery attenders. The remaining three places will be allocated between, on average, seven remaining applicants, and those who have not attended the nursery will have at least as good a chance of being admitted as any remaining nursery attenders. On balance I find that the nursery criterion is fair and reasonable and consequently that it is compliant with the law relating to admissions and with the Code.

Frequent attendance

35. The issue is whether the requirement for “frequent attendance” complies with the provisions of the Code. The definition of “frequent attendance” is set out above.

36. This requirement differentiates between single parent families and others. The general requirement is that at least one parent has “attended prayer services at the GGBH on average at least three separate times a week for a period of no less than 12 months in the 16 months prior to the Closing Date with one of those attendances being on the morning of the Sabbath”. This is a high level of attendance, much higher than the levels of attendance commonly required by other faith schools, such as Church of England or Catholic schools or Jewish schools under the auspices of the Office of the Chief Rabbi. However, the attendance required must be considered within the relevant cultural context and taking account of the opportunities available for attending services.

37. I understand that GGBH, in accordance with its interpretation of Jewish law, requires and expects observation of a “standard of orthodox Jewish religious practice in accordance with that set by the Rabbi of the GGBH”. This includes, for men, a high level of attendance at prayer services. The requirement for women is lower; however, women may attend more often than required if they wish to do so.

38. The Referrer quotes an objector in another case (concerning a school with a Christian faith designation), referring, in relation to frequency of attendance, to “clearly identifiable groups that are disadvantaged by the arrangements: low-skill, low-income families where those workers are likely to be work on shifts or on zero-hour contracts, and so not able to be as free to attend church services”. I am told by the Girls School’s representatives that there are several opportunities every day to attend prayer services. There are morning services and an evening service before sunset and another after sunset. I find that those who work awkward hours would nevertheless be able to attend with a frequency which meets both the expectation of GGBH and the criterion of frequent attendance set out in the admission arrangements. I accept that this sets a rigorous standard and it is my understanding that it reflects a level of commitment expected by the faith body, GGBH.

39. The representatives of the Girls School commented as follows:

“We would point out that this is not intended to be the main criteria for getting into the school – that is the Orthodox Jewish criteria. This criteria is solely aimed at giving precedence to those families who maintain a very close connection to the GGBH which founded the school and which sets out the religious ethos of the school and which is the school's religious authority.”

40. I note that in 2023 no children were admitted under this criterion, although children were admitted under criteria lower in the order of priority, presumably because those children whose families would have met the frequent attendance criterion (as it was defined in those years) were admitted under the higher nursery criterion. In 2022, when the nursery criterion was not applied, frequent attendance was the highest criterion, after looked after and previously looked after Jewish children. In that year only five children were admitted under the frequent attendance criterion, I infer that this is a criterion which few families meet in any event.

41. The admission arrangements acknowledge the potential difficulty for single parents in meeting the general frequent attendance requirement. I agree that this group would have particular difficulty meeting the general requirements, given the responsibility for childcare single parents have. The lesser frequent attendance requirement for single parents is set out above. Within the relevant cultural context and given the frequency of opportunities for attendance I again find that this provision is fair.

Submissions regarding admission

42. Paragraph 12 of the oversubscription criteria states “All submissions regarding admission will be considered only if made in writing and addressed to the Clerk to the Governing Body at the school”. It is unclear what submissions this refers to or how such submissions might relate to the oversubscription criteria and the process of selecting successful applicants.

43. Subject to approval by the governing body the Girls School’s representative has agreed to delete this paragraph. Consequently, I record my finding that this provision is unclear and make no further comment on this point.

The meaning of “Jewish” and of “Orthodox Jewish”

44. Paragraph 9(a) refers to “Jewish children”. This is not defined. I have queried the term as it is unclear whether “Jewish” is to be taken to mean halachically Jewish which, insofar as it includes provisions relating to being born to a Jewish mother, may constitute an issue of race (which would be prohibited) as well as an issue of faith. At the meeting the representatives of the school reasonably pointed out that the religious character of the school is designated by statutory instrument as “Jewish” and it would seem strange if reference could not be permitted to “Jewish children”.

45. Nevertheless, again subject to approval by the governing body, the Girls School representative has agreed to amend that paragraph to refer to “children of the Jewish faith”.

Consequently, I record my finding that this provision is unclear and make no further comment on this point.

46. Paragraphs 9(b) to 9(f) require the applicant child to be “Orthodox Jewish”. This term is defined in the admission arrangements as: ““Orthodox Jewish” has the meaning set out in the Supplementary Information Form”.

47. In the definition of “Frequent Attendee” the meaning of “Orthodox Jewish” is stated as “Orthodox Jewish as assessed on the basis of (1) the SIF and (2) the Rabbi’s certificate being completed and signed by the Rabbi of the GGBH”.

48. The Girls School’s representative has explained that the “The difference is that in general Orthodox Jewish requires a certificate from the applicant’s main Rabbi. In relation to Frequent Attendee, the certificate must be issued by the Rabbi of the GGBH”.

49. The supplementary information form (SIF) states “Orthodox Jewish for the purpose of the Admission Arrangements means persons who answer ‘YES’ to all the following questions and whose main Rabbi also answers ‘YES’ to each of the questions on the Rabbi’s certificate”.

50. I am satisfied that the use of the term “Orthodox Jewish” in the admission arrangements is clear and that the questions in the SIF and the Rabbi’s certificate are fair and reasonable. I note that in this context “Orthodox Jewish” only has the meaning set out in the admission arrangements and should not be taken to apply as a definition of that term in any other context.

The other questions in the Supplementary Information Form

51. I find that the question “Do you support the ethos of this school?” in the SIF is not relevant to the oversubscription criteria and may not lawfully be included. The Girls School’s representatives have agreed to delete this question from the SIF. Consequently I record my finding that this provision is unclear and make no further comment on this point.

52. The SIF includes a paragraph which reads: “On the reverse of this sheet please supply details of your relationship with each synagogue of which you are a member or your participation in religious activities such as services, shiurim (lectures), learning or Chessed (religious welfare) activities”. I queried the relevance of such information to the oversubscription criteria. Again, subject to confirmation by the governing body, the Girls School’s representative has agreed to delete this paragraph from the SIF. Consequently, I make no finding on this point.

The Rabbi’s certificate

53. The statement “the Applicant is Jewish” in the Rabbi’s certificate is unclear as the term is not defined. Apart from paragraph 9(a) which I have referred to above, the oversubscription criteria refer to “Orthodox Jewish” and this is defined for the purposes of the admission arrangements as someone who answers yes to the eight questions

numbered on the SIF. I find that it is not clear that “Jewish” in this context does not mean halachically Jewish. Again, subject to confirmation by the governing body, the Girls’ School’s representative has agreed to delete this paragraph from the SIF. Consequently I record my finding that this provision is unclear and make no further comment on this point.

Determination

54. I have considered the admission arrangements for September 2024 in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to some matters set out below, the arrangements do not conform with the requirements relating to admission arrangements.

55. By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 5 March 2024

Signed:

Schools Adjudicator: Tom Brooke