



Office of  
the Schools  
Adjudicator

## Determination

|                             |                                                                     |
|-----------------------------|---------------------------------------------------------------------|
| <b>Case reference:</b>      | <b>ADA4645</b>                                                      |
| <b>Objectors:</b>           | <b>Two members of the public</b>                                    |
| <b>Admission Authority:</b> | <b>The governing body for Beit Shvidler Primary School, Edgware</b> |
| <b>Date of advice:</b>      | <b>20 October 2026</b>                                              |

## Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body for Beit Shvidler Primary School for 2027/28.**

**I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.**

**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 this determination.**

## The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the adjudicator by two members of the public (the Objectors), about the admission arrangements for September 2027/28 (the Arrangements) for Beit Shvidler Primary School (the School or BSPS). The School is a co-educational voluntary aided school for pupils aged three to eleven years in Edgware, Middlesex. It is designated as having a religious character and the faith body is the Jewish Secondary Schools Movement (JSSM).

2. The Local Authority (the LA) for the area in which the School is located is the London Borough of Barnet.

3. The LA is a party to this objection. Other parties to the objection are the Objectors, the governing body of the School and the JSSM.

4. The objection concerns the oversubscription criteria that relate to what the Objectors describe as “synagogue attendance and communal participation – particularly those connected to Edgware Adath Yisroel Congregation (EAYC)”. The Objectors argue that these criteria do not comply with the requirements of the School Admissions Code (the Code).

5. I would like to take the opportunity to give my thanks to all parties for the way in which they presented their views, responded respectfully to each other’s submissions, and for their prompt responses to my requests for further information.

## **Jurisdiction**

6. The Arrangements were determined under section 88C of the Act by the governing body of the School, which is its Admission Authority.

7. The Objectors submitted their objection to the determined Arrangements on 11 May 2026. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

8. I have also used my power under section 88I of the Act to consider the Arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as ‘other matters’ and they are covered in the section of the determination under the title of that name.

## **Procedure**

9. In considering this matter I have had regard to all relevant legislation and the Code.

10. The information I have considered in reaching my decision includes:

- the objection dated 10 May 2026 and supporting documents;
- a copy of the minutes of the meeting of the Admission Authority at which the arrangements were determined;
- the determined Arrangements for 2027/28 which includes the Supplementary Information Form (SIF);
- responses from the LA and the Admission Authority to the objection and to my requests for further information;

- a copy of the guidance on admissions provided to the School / LA by the JSSM; and
- previous adjudicator decisions with case references:

ADA3718 Menorah Primary School

ADA4339 Menorah Foundation School

ADA4342 Menorah Primary School for Boys

ADA4343 Avigdor Hirsch Torah Temimah School

ADA4344 Menorah Primary School for Girls.

## Background

11. The published admission number (PAN) of the School for 2027/28 is 30.
12. The Arrangements set out that children with education, health and care (EHC) plans will be admitted first. Then, if the School is oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised, in the order that they are applied, as follows:
  - a. Priority Children (described as “those who fulfil all the criteria set out in the SIF”) who are looked after or previously looked after.
  - b. Priority Children who are siblings of children at the School.
  - c. Priority Children whose parent(s)/ guardian(s) regularly attend and participate at EAYC.
  - d. Priority Children who attend Beit Shvidler Nursery (up to 12 places).
  - e. Priority Children of members of staff.
  - f. Priority Children whose parent(s)/ guardian(s) regularly attend and participate at other Orthodox synagogues.
  - g. Other looked after children and previously looked after children.
  - h. Other children who are siblings of children at the School.

13. The LA tells me that the School was undersubscribed on National Offer Day in 2024 and oversubscribed on National Offer Day in 2025 and 2026. It has supplied me with the following table showing the number of children allocated under the various categories on National Offer Day in each of the last three years:

**Table 1: Table supplied by the LA showing allocations on National Offer Day**

|                                                       | 2024 | 2025 | 2026 |
|-------------------------------------------------------|------|------|------|
| Places for those with an EHC plan                     | 0    | 1    | 1    |
| Priority Children in care                             | 0    | 1    | 0    |
| Priority Children with sibling                        | 16   | 17   | 17   |
| Priority Children attending EAYC                      | 3    | 7    | 6    |
| Priority Children attending other Orthodox synagogues | 9    | 4    | 2    |
| Priority Children attending the nursery               | N/A  | N/A  | 4    |
| Other Children (proximity basis)                      | 1    | 0    | 0    |
| <b>TOTAL</b>                                          | 29   | 30   | 30   |

14. The SIF sets out a set of criteria that must be met for children to be considered as Priority Children. It states:

“The Priority Criteria are that Parent(s)/Guardian(s):

- have an orthodox Rabbi or Rabbis to whom they are known and ask questions;
- attend and participate at an orthodox Synagogue;
- participate in Jewish adult education;
- are involved in Jewish communal life;
- observe Jewish dietary laws, inside and outside their home; and
- observe Shabbos and Yom Tov laws, throughout the year.”

15. The SIF goes on to ask parents to self-certify their eligibility for consideration under the various oversubscription criteria, and, if relevant, to self-certify their child’s eligibility to be considered as a Priority Child under the Priority Criteria listed in the previous paragraph. The

final section of the SIF (Part C) is a “Rabbi’s reference form”, and later on in this determination I will discuss the composition of Part C and its compliance with the Code.

16. The oversubscription criterion that prioritises on the basis of attendance and participation at EAYC contains a statement which says:

“Please see EAYC website for further details [www.eayc.org](http://www.eayc.org)”.

17. When this link is followed, it opens the website of EAYC, which has a further link to a page which sets out the procedures that must be followed if a parent or guardian wishes to have their SIF signed by the Rabbi of EAYC. I will comment on this in detail later on.

18. The School has a longstanding historical link with EAYC and the JSSM, which is described as follows:

“The Governing Body’s rationale for including the separate EAYC priority is rooted in the School’s history, foundation and longstanding relationship with the EAYC community.

The historical record shows that:

- in 1954, EAYC and the JSSM jointly acquired the site at 261 Hale Lane, which was used for synagogue and Jewish educational purposes;
- the site subsequently accommodated both EAYC and the Edgware Hasmonian Preparatory School, demonstrating a longstanding relationship between the congregation, the JSSM and Jewish education at that location;
- the present School, originally known as Edgware Jewish Primary School, was established through the initiative of parents from EAYC as a JSSM school and was initially housed in the EAYC premises;
- the School’s 2012 Pikuach inspection report described the School as a “joint enterprise” of EAYC and the JSSM; and
- the School continues to describe itself as a project of the JSSM together with EAYC.

The relationship is also formally recorded in the Operating Agreement dated 15 December 2007 between EAYC, the trustees of the JSSM and the School Governors. The agreement expressly states that the JSSM and the School Governors established the School “in association with EAYC”. It also:

- appointed the serving Rabbi of EAYC as the School’s Principal, subject to the approval of the Electoral Rabbis of the JSSM;

- confirmed the Electoral Rabbis of the JSSM as the School's halachic authority; and
- incorporated an express priority for EAYC families.

The Operating Agreement is contemporaneous documentary evidence that the relationship with EAYC formed part of the School's establishment, governance, religious character and original admission arrangements."

## Consideration of Case

19. I will now set out my consideration of the matters raised by the Objectors. I will conclude each section with a statement as to whether or not I uphold that particular aspect of the objection, preceded by my reasons for that conclusion. Where I state that I uphold an aspect of the objection, that does not necessarily imply that I fully endorse the reasoning expressed by the Objectors, nor that the Objectors have necessarily correctly interpreted which Code provision applies. Rather, it means that I have found that the particular aspect of the Arrangements drawn to my attention by the Objectors does not conform with a requirement of the Code identified by me and is in breach of the Code for the reasons I have given.

## The Objection

20. The objection is lengthy and repetitive, but can be summarised as follows:

- a. That the Arrangements do not comply with the requirements of paragraphs 1.9 and 1.38 of the Code, which set out how children may be prioritised on the basis of religious activities. The objectors have raised a number of concerns about that aspect of the Arrangements which gives priority to children who have a parent or guardian who "regularly attends and participates" at EAYC. They argue that the Arrangements lead to "differential treatment of equally observant Orthodox Jewish families."
- b. That aspects of the Arrangements are not clear because priority under the oversubscription criteria may depend on processes and matters which are not published within the Arrangements. In addition, the School's governing body, which is the Admission Authority, has not "retained effective control over the operation of its admissions arrangements".
- c. That aspects of the Arrangements, especially those involving the certification of religious activities by a Rabbi, may not be objective, and may depend on compliance with administrative processes rather than religious observance.

- d. That certain aspects of the certification of religious activities may be procedurally unfair.

## The Statutory Framework

21. I have determined that the following paragraphs of the Code are relevant to this determination:

Paragraph 14:

“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

Paragraph 1.8 (in part):

“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation”.

Paragraph 1.9 (in part)

“It is for admission authorities to formulate their admission arrangements, but they **must not**:

[...]

e) give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority. The exception to this is where parents pay optional nursery fees to the school or school-run nursery, for additional hours on top of their 15-hour funded early education, where children from the school nursery class or school-run nursery are given priority for admission to Reception;

[...]

i) prioritise children on the basis of their own or their parents’ past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination.”

Paragraph 1.38 (in part)

“Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith- based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code. They **must** also consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated.”

Paragraph 2.4 (in part)

“In some cases, admission authorities will need to ask for supplementary information forms in order to process applications. If they do so, they **must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria...”

22. The Objectors also referenced paragraph 15 of the Code. However, I consider that the substance of those points raised in relation to paragraph 15 of the Code can be better assessed against the requirements of the paragraphs of the Code set out above.

23. The meaning of “laid out” in paragraph 1.9 of the Code was considered in the case of *Governing Body of the London Oratory v The Schools Adjudicator* [2015] EWHC 1012(Admin), in which the judge (Cobb J) said that:

“the phrase “laid out” means specifically ‘laid out’ in schools admissions guidance published by the religious authority – i.e. ‘specifically provided for in or authorised by’ such guidance.”

24. Cobb J also made it clear that whilst an admission authority must “have regard to” any guidance from the faith body, it may depart from that guidance if it has a “clear reason” for doing so. However, that degree of freedom does not allow the admission authority to introduce new religious activities that are not laid out in the guidance.

25. The use of the phrase “religious activities” in paragraph 1.9i of the Code encompasses all those things that a person might do actively to practise a faith. In this case, the JSSM guidance lays out the following parental activities which the School can take account of in their oversubscription criteria:

“1. They should have an orthodox Rabbi or Rabbis to whom they are known and ask questions about Jewish Law.

2. They should regularly attend an orthodox synagogue or other orthodox communal services for complete adult prayers.

3. They should regularly participate in Jewish education.
4. They should regularly participate in Jewish communal life.
5. They should fully observe Jewish Dietary laws both inside and outside their homes
6. They should fully observe Shabbos and Yom Tov throughout the year.

It is up to the schools to determine how to apply the 6 points above.

However, for the avoidance of doubt, the criteria for attendance (point 2) must include a minimum of 3 services per week (unless there are circumstances which make this impractical e.g. parental social status, health or disability) and the meaning of Jewish Law, Kashrus and Shabbos can be determined in accordance with the following:

A Guide to the Practical Observance of Shabbos by Rav Y Neuwirth (Feldhelm)

The Guideline Series by Rabbi Barclay and Rabbi Jaeger (Menucha Press)

Standards Jewish Dietary Laws can be referenced at  
<http://www.theus.org.uk/category/learn-about-kosher><sup>1</sup>

26. Also relevant to this determination are aspects of previous adjudicators' findings in the determinations listed earlier. Whilst these findings do not set precedents, they are relevant and informative because they address the matters of objectivity and the content of the SIF in the specific contexts of schools whose designated religious character is Jewish.

27. In ADA3718, the adjudicator wrote:

"...if there are other matters which are relevant to the application of an oversubscription criterion and which take place in the public domain, such as the attendance of a person at public religious observance, then all applicants wishing to be given priority as a result would need to provide evidence from the relevant authority. It is common and unexceptional to use a SIF for this purpose and for the relevant faith leader to endorse or confirm the attendance or participation claimed by the parent."

28. In ADA4339, ADA4342, ADA4343, ADA4344 the adjudicator wrote:

"...membership of the Orthodox Jewish faith is defined by observance of Jewish Law.

[...]

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<sup>1</sup> This link appears to be defunct, but that is not a matter within my jurisdiction

Given that membership of the faith rests on observance of these laws in practice the only way that a person may demonstrate such observance is to self-certify that they do so in the manner set out in the Schools' SIFs. As a person who considers themselves to be an Orthodox Jew will know whether they can or cannot honestly answer "yes" to the questions in the SIF. I find that self-certification in this manner is objective.

The second part of each SIF is a Rabbi's certificate. The wording differs slightly between the Schools but in each case the Rabbi is asked to confirm that he is "not in any doubt" or "to the best of my knowledge and belief" or "to the best of my knowledge" that the self-certification given by the applicant parent is true. I accept that a Rabbi cannot know what goes on within the privacy of a person's home and so cannot absolutely testify to the truth of the applicant parent's statements. However, that is not what is required. What is required is that the Rabbi states what is in his mind regarding the applicant parent's statements. That is a fact known to the Rabbi and as such it is objective."

29. In summary, therefore, previous adjudicators' findings for schools in a similar context to the School have accepted that:

- a. In respect of any public religious activities laid out in guidance, a person can self-certify that they comply, and a Rabbi can also independently certify that the person complies.
- b. However, in respect of any private religious activities laid out in guidance, whilst a person can self-certify that they comply, a Rabbi cannot do so objectively. Rather, they can objectively attest to their knowledge and belief of the truth (or otherwise) of the person's self-certification.

### **Do the Arrangements comply with paragraphs 1.9 and 1.38 of the Code?**

30. The Objectors contend that the Arrangements lead to what the Objectors describe as "differential treatment of equally observant Orthodox Jewish families."

31. The Objectors' submission is as follows:

"The objection is not simply that the arrangements provide additional priority to applicants whose parents regularly attend and participate at EAYC. As set out in the objection at Section 12, the concern is that the arrangements create a hierarchy between congregations which the designated faith authority, the Electoral Rabbonim of the JSSM, treats as equivalent, so that equally observant Orthodox Jewish families may receive different admissions priority depending on which recognised Orthodox synagogue they attend and through which synagogue their religious practice happens to be verified.

The admissions arrangements of Hasmonian Primary School, which operate under the same designated faith authority, define an Orthodox synagogue for admissions purposes as any synagogue recognised by the JSSM as having similar Orthodox standards, drawing no distinction between congregations. The present arrangements depart from that standard by elevating attendance at one such congregation above all others, without identifying any guidance from the JSSM that supports the distinction. This raises questions not only of clarity and objectivity, but also of procedural fairness and equal treatment under paragraphs 1.8, 1.9 and 1.38 of the School Admissions Code”

32. I note here that the existence of a “hierarchy between congregations” is not of itself a matter prohibited by the Code. Indeed, a key function of the Code is to regulate the oversubscription criteria which are contained within all admission arrangements, and which are necessary to create a hierarchy amongst applicants in order to determine how places will be offered if a school is oversubscribed.

33. I also note that any arrangements determined by a different admission authority for a different school are not within my jurisdiction. The matters in the Objectors’ second paragraph quoted above in relation to the arrangements at Hasmonian Primary School are, therefore, not relevant to my determination. However, the Objectors are correct in identifying that the School’s Arrangements give a higher priority to families where the public observance of their Jewish faith takes place at EAYC. Therefore, the key question here is whether or not that is in breach of the Code.

34. My judgement is that it is not a breach of paragraphs 1.9 and 1.38 of the Code, for the following reasons.

35. Firstly, the SIF contained within the Arrangements contains a list of activities by which membership of the faith can be demonstrated. I am satisfied that these activities are in line with those which have been laid out in the guidance from the JSSM.

36. Secondly, I do not accept that carrying out the public aspect of those activities at a particular Orthodox synagogue is fundamentally different to carrying them out at another Orthodox synagogue. (Indeed, the argument of the Objectors rests on the premise that there is no difference.) Therefore, it does not appear to me from the Arrangements that, in prioritising applicants on the basis of attendance and participation at EAYC, the Admission Authority has introduced any new activities which are not laid out in the guidance from the JSSM.

37. Thirdly, I am of view that had the JSSM wished to make their guidance clear that no priority should be given in relation to a particular synagogue, then that is what the guidance would have said. However, I note that even if that had been the case, it would have still been

possible for the Admission Authority to depart from that guidance if it had a clear reason to do so, as explained earlier.

38. Fourthly, the Admission Authority has provided me with a clear rationale for giving priority on the basis of attendance and participation at EAYC. They said:

“The EAYC priority is therefore neither recent nor arbitrary.

The Governing Body’s rationale is that, where applicants have already satisfied the religious requirements for Priority Child status, the oversubscription arrangements should preserve the School’s historic connection with the Orthodox Jewish community from which it originated and which it was established to serve.

The EAYC criterion does not alter, replace or extend the JSSM’s religious criteria. It is a separate ranking provision applied only after religious eligibility has been established.”

39. I do not consider the rationale for this particular criterion to be unreasonable. Moreover, there is no evidence before me that would allow me to make a finding that any children who might be unable to gain admission to the School in 2027 because it is oversubscribed, would be unfairly disadvantaged on the grounds that they would be unable to access an education suitable for their needs within an acceptable distance of their home. Therefore, I cannot conclude the practical effect of this criterion is unreasonable because it is unfair.

40. For the sake of completeness, I asked the School to confirm that membership of EAYC or payment of fees to EAYC were not necessary for eligibility under the EAYC priority criterion. They told me:

“Membership of EAYC is not required. A parent or guardian who is not a member will satisfy the criterion by meeting the same published requirements for regular attendance and participation at EAYC as a parent or guardian who is a member.

EAYC has no role in setting or applying the School’s admissions criteria and does not determine whether an applicant is awarded priority. Nevertheless, EAYC is fully aware that membership is not a relevant factor. In the interests of fairness and transparency, it publishes the following on its website: “There is no distinction between members and non-members for signatures and confirmation of regular Shul attendance and communal participation at the EAYC for the BSPS SIF.”

Accordingly:

- membership status is neither requested nor considered;

- members and non-members are assessed against exactly the same published requirements;
- membership fees, subscriptions, donations and other financial contributions are not considered; and
- no fee or payment is required to obtain EAYC priority. The only function performed by EAYC is factual verification: a rabbi employed by EAYC must be able to confirm that the parent or guardian has satisfied the published attendance and participation requirements specified in the Admissions Policy.”

41. In summary, therefore, I do not find that the Arrangements are in breach of paragraphs 1.9 and 1.38 of the Code, and I do not uphold this aspect of the objection. I will comment later on the matter of the compliance of the Arrangements with paragraph 1.8 of the Code.

### **Has the Admission Authority “retained effective control” of admissions decision-making?**

42. Since it was unclear to me from the lengthy original objection what point the Objectors were trying to make, I wrote to them and suggested that that this point could be summarised as:

“That aspects of the Arrangements are not clear because priority under the oversubscription criteria may depend on processes and matters which are not published within the Arrangements and hence may not be within the control of the Admission Authority.”

43. The Objectors’ reply to this was as follows:

“The objection is not simply that aspects of the admissions process rely upon external religious processes or may not be within the control of the Admission Authority. As set out in the objection at Sections 4, 7 and 8 the central concern is whether the governing body has retained effective control over the operation of its admissions arrangements, as envisaged by the School Admissions Code.

The published arrangements provide that Orthodox Jewish practice is determined by the Electoral Rabbonim of the Jewish Secondary School Movement ("JSSM") and that qualification for the EAYC priority category depends upon the discretionary assessment of the EAYC Rabbi, exercised without published standards governing how that discretion is to be applied.

The objection does not challenge the role of the JSSM in providing religious guidance under paragraph 1.38 of the School Admissions Code. Rather, it concerns the manner

in which that guidance is implemented in practice. The arrangements place the practical determination of eligibility and priority in the hands of an individual outside the admission authority, without any published governing-body verification process, independent audit, or objective evidential mechanism through which the Admission Authority itself can verify whether the published criteria have been satisfied.

The governing body is plainly entitled to seek and consider religious guidance. However, the objection questions whether the Admission Authority has retained effective control over determining eligibility and priority, or whether, in substance, it has delegated the operation of important aspects of the admissions arrangements to a third party. This concern underpins the objection in relation to paragraphs 1.8 and 1.38 of the Code and is broader than the issue of external processes not being within the control of the Admission Authority.”

44. In considering this point I must make it clear that I cannot uphold an aspect of an objection if it depends on an interpretation of the Code that has no basis in logic or in fact. There is no prohibition in the Code on the involvement of third parties in operating key aspects of admissions arrangements or in determining whether or not an applicant has met the requirements for meeting a particular oversubscription criterion. Indeed, there are multiple examples of where third-party involvement is essential, such as examination boards who provide GCSE results that determine whether or not an applicant can be admitted to a school sixth form, eleven-plus test providers, and professionals who certify eligibility for medical / social need. In addition, the Code requires all admission authorities to participate in their local authority’s co-ordination scheme for the normal round of admissions. This typically delegates a huge amount of responsibility to the local authority, who will rank all applicants on behalf of admission authorities by collecting, verifying and processing applicants’ data in order to create rankings according to the oversubscription criteria.

45. Furthermore, there is no requirement in the Code for an admission authority to create and publish a “... verification process, independent audit, or objective evidential mechanism” to verify the evidence supplied by a third-party. The Code does not place any obligation on the Admission Authority to treat the Rabbi’s certification as a matter which requires any oversight or additional verification, in the same way that there is no obligation on a school that admits to its sixth form to review or have oversight of an exam board’s processes for assessing pupils and awarding GCSE grades.

46. The Objectors also said that:

“I previously raised the process by which a parent can challenge or seek review of an EAYC attendance determination. As set out in the material previously provided, that review takes place within the EAYC structure rather than through the School/Governing Body as Admission Authority. The Admission Authority’s response

does not appear to address this point or explain how a disputed Rabbi certification is independently considered or determined by the Governing Body.

This is particularly relevant to the School's assertion that the Rabbi merely provides "evidence". If that evidence is disputed, but both the original certification and the process for reviewing that certification operate within EAYC, while the School states that it ordinarily "does not intervene" in Rabbi-signed SIFs, it remains unclear what mechanism exists for the Governing Body itself to question, weigh, seek clarification of, or resolve the underlying evidence before the resulting admissions priority is applied.

47. My previous point applies here too – there is no requirement in the Code for the Arrangements to contain what the Objectors assert is missing.

48. However, in dismissing the Objectors' arguments above, I accept that an element of their arguments has some merit insofar as it relates to the clarity of the Arrangements (including the role of the Rabbi as described in the SIF) and the objectivity (real and/or apparent) of certain aspects of the processes by which eligibility for priority is established. I will address this in the next section.

### **Are the Arrangements clear and objective?**

49. Section 6.3 of the Arrangements refers to an oversubscription criterion which gives priority to that group of children who are given priority for admission on the basis of parental attendance and participation at EAYC. It defines this group thus:

"Priority Children whose parent(s)/guardian(s) regularly attend and participate at EAYC (Please see EAYC website for further details [www.eayc.org](http://www.eayc.org))."

50. As stated earlier, this link opens the website of EAYC, which has a further link to a page which sets out the procedures that must be followed if a parent or guardian wishes to have their SIF signed by the Rabbi of EAYC.

51. The Objectors devote a substantial part of their objection to their concerns about these procedures, arguing that they may not be objective, and are dependent on compliance with administrative processes rather than merely the practice of the religious activities set out in the Arrangements.

52. In response to this aspect of the objection, the Admission Authority told me:

"The Admission Authority does, however, acknowledge that the reference in section 6.3 to the EAYC website for "further details" is capable of being misunderstood. In

particular, it may give the impression that the EAYC website contains additional eligibility requirements or religious criteria which form part of the Arrangements.

The intended purpose of the reference is much narrower. Applicants wishing to obtain EAYC priority need to contact EAYC to understand the practical arrangements by which their attendance and participation at EAYC will be recorded and verified. This enables one of the Rabbis employed by EAYC subsequently to confirm in Part C of the SIF whether, on the information available to that Rabbi, the applicant has satisfied the attendance and participation requirements contained in the published Arrangements. This is comparable to an applicant contacting any other synagogue whose Rabbi is being asked to verify attendance or participation there.

EAYC has no authority to introduce any additional religious, eligibility or priority criterion. Its role is confined to explaining the practical arrangements for recording attendance and participation at EAYC and, where appropriate, providing the factual verification required by the SIF. It cannot add to or alter the published definition of “regularly attend and participate”, determine an applicant’s priority or decide whether a place should be offered.

Accordingly, although the present cross-reference is clumsily worded and the Admission Authority accepts that it should be rewritten, it does not confer upon EAYC any power to impose additional or unpublished criteria. Eligibility and ranking remain determined solely by reference to the published Admissions Policy and SIF.”

53. Having considered the matter, I find myself in agreement with the Admission Authority. In particular, I agree that the reference to the EAYC procedures, in conjunction with some concerns about the SIF which I shall outline shortly, potentially gives a misleading impression that there are more requirements than those actually determined and that the Rabbi has more discretion than that permitted by the Code (and envisaged by the Admission Authority). Therefore, I determine that the unnecessary inclusion of the reference to the EAYC procedures renders the Arrangements unclear, in breach of paragraph 1.8 of the Code.

54. I note here that the Objectors are of the view that the effect of the EAYC procedures is that:

“...access to EAYC priority may depend not only upon undertaking the published religious activity, but also upon knowing about and following a separate advance process through which that activity is recorded and ultimately certified.”

55. I am not persuaded by this point, as it could be made about almost any administrative aspect of applying to a school through the normal round of the school admissions process. As such, it provides no rational basis for me to make a finding that the Arrangements are not in compliance with the Code.

56. At this point, I must make clear the limits of my jurisdiction. If it came to light that the practical application of a set of arrangements was different to what was envisaged in the wording of those arrangements, that might raise questions about the clarity of the wording. However, other than to that very limited extent, the matter of how any arrangements are applied is not within my jurisdiction. My function is to determine whether a set of admission arrangements, including any SIF, are in accordance with the Code.

57. As I will explain below, it appears to me that the current wording of the SIF permits the Rabbi to supply subjective information which could, in theory, be used by the Admission Authority to bypass any restrictions of the Code and to subvert the determined oversubscription criteria (although I have no evidence to suggest that this is anything other than a hypothetical scenario). However, even if the School were operating admission arrangements which were not those which had been determined or which involved any practices that were not compliant with the Code, whilst the Admission Authority would be susceptible to a complaint of maladministration, such a complaint is not within the jurisdiction of the Schools Adjudicator; it would fall within the remit of the Local Government and Social Care Ombudsman. It is possible that the actions of the School's governing body may also be scrutinised in the same way by the Ombudsman, but this is not for me to say.

58. In short, my jurisdiction is for the determined Arrangements only. The internal administrative procedures that operate at any particular synagogue are not part of the Arrangements and so are not within my jurisdiction.

59. However, whilst the details of the internal procedures at EAYC are outside of my jurisdiction for the reasons given above, I have given careful consideration to the content of the SIF, in the light of the Objectors' concerns about objectivity and the role of the Rabbi. Having done so, I find that the SIF is not compliant with the Code for the following reasons.

60. Firstly, part C of the SIF asks the Rabbi to assess the "suitability of the...applicant and Parent/Guardian for a place at our school". Such an assessment can only be described as subjective and is, therefore, a clear breach of the requirements for objectivity set out in paragraph 1.8 of the Code.

61. Secondly, the SIF asks the Rabbi an open-ended question, requesting "any other information that [the School] should be aware of." This is a clear breach of the Code, since under paragraph 2.4 of the Code the SIF can only request that information that "has a direct bearing on decisions about oversubscription criteria". The collection is prohibited of any other information not needed to determine the eligibility of an applicant.

62. I have already set out above in paragraph 29 the information that can be requested in the SIF for the purposes of verifying eligibility on the basis of religious activity. As the Admission Authority has accepted that changes to the SIF are required, I will not discuss

them further other than to make clear that the Code requires that the Arrangements be amended to address the points set out here. Such amendments are permitted in line with paragraph 3.6 of the Code which states, in part:

“Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements.”

63. In summary, to the limited extent described above, and for the reasons given, I uphold that aspect of the objection which relates to the clarity of the Arrangements and to the objectivity of the SIF that is contained within the Arrangements.

### **The matters of procedural fairness and equal treatment**

64. The Objectors said that there are questions about the matters of:

“procedural fairness and equal treatment under paragraphs 1.8, 1.9 and 1.38 of the School Admissions Code”.

65. I have already stated my findings, with reasons, as to why I do not find that the Arrangements breach the requirements of paragraph 1.38 of the Code.

66. I also note here that the matter of “equal treatment” is not mentioned in paragraph 1.9 of the Code, which sets out various requirements that must be satisfied by any oversubscription criteria (whose purpose is to differentiate between applicants and to rank them in order of priority should a school be oversubscribed). However, paragraph 1.8 of the Code states that:

“Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group.”

67. No evidence has been provided by the Objectors that the Arrangements create a disadvantage to a particular identified group, and so I do not find that that the Arrangements are in breach of this particular aspect of the Code.

68. In relation to procedural unfairness, I will refer again to the deficiencies in the SIF as currently worded. As already stated, the current wording permits the Rabbi to supply subjective information which is prohibited by the Code because it could potentially be used by the Admission Authority to bypass any restrictions of the Code and to subvert the determined oversubscription criteria. Arguably this would be procedurally unfair. I stress here that I have no evidence that this has actually happened, nor that this is the intention of the SIF’s wording. (Indeed, the Admission Authority has already agreed to amend the SIF to bring it

into line with the Code). However, as things stand, I find that the wording in the current SIF has created the potential for procedural unfairness, and so I uphold this specific point of the objection.

## Other matters

69. Having considered the Arrangements as a whole it appeared to me that there are other matters which do not conform with requirements of the Code and so I brought them to the attention of the Admission Authority.

70. The Arrangements do not appear to make it clear that, if the school is undersubscribed, the School is required to offer a place to every child who applies, whether of the faith, another faith or no faith (as required by paragraph 1.36 of the Code).

71. The oversubscription criteria do not appear to contain a final category for applicants who do not fall under the current stated criteria. It is, therefore, unclear how such applications would be ranked should the school remain oversubscribed after the application of those existing criteria.

72. There is a lack of clarity in the arrangements because the definition of sibling in the SIF ("Rec – Y6") is inconsistent with that stated in the Arrangements under 'Oversubscription Priority' ("Nursery though Y6").

73. The Admission Authority has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed.

## Determination

74. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body for Beit Shvidler Primary School for 2027/28.

75. I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

76. 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 this determination.

Dated:

20 October 2026

Signed:

Schools Adjudicator: Clive Sentance