

Faith school to change all-white ethnicity form after NSS complaint

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A faith school that put only white ethnic groups on an application form must change its admissions policy after the NSS raised concerns.

The Office of the Schools Adjudicator (OSA), which clarifies the legal position on school admissions policies, said it "shared the concern" expressed by the NSS that an ["application form"](#) on Lubavitch Girls Primary School's website implied certain ethnicities "cannot be prioritised, or cannot apply at all".

The school, which is a state-funded Orthodox Jewish school in north London, asked for pupils' "ethnic background" on the application form on its admissions page, but only listed "White – Orthodox Jewish", "White – British", "White – European" and "White – Other" as possible answers.

The NSS [alerted](#) the OSA to the form in May.

The OSA [said](#) that although the form was more likely to be a "post-admission form" rather than an application form, it "must be considered as part of the admission arrangements" because the school did not deny parents were expected to provide it at the point of application.

The OSA therefore upheld the NSS's objection that the form did not comply with [the school admissions code](#) regarding supplementary information.

It also expressed "serious concerns" about some of the details asked on the form in terms of data protection.

The OSA also upheld the NSS's objection to the school's [oversubscription criteria](#), which state: "Priority in admissions will be given to children who are Jewish according to Halochah (Orthodox Jewish Law)."

The NSS said this was in breach of requirements that oversubscription criteria must be "clear" and "objective", because the criteria did not explicitly state what "Jewish according to Halochah" means.

The OSA upheld this objection as it "would not be possible" for an ordinary member of the public to understand which pupils were prioritised.

The NSS also expressed concerns that the oversubscription criteria could breach equality law under the grounds of race, because Orthodox Jewish law is sometimes interpreted to mean only those who are born to ethnically Jewish mothers are considered Jewish.

In 2009 the Supreme Court [found](#) the Jewish Free School (JFS) in London had broken the law by refusing to admit a boy whose mother was a convert to Judaism. The school had directly discriminated against the boy on the basis of race under the Race Relations Act 1976.

Although the OSA could not conclude that the school had ever interpreted Jewish law in this way, it said: "For the avoidance of doubt the school is bound by the precedent set in the JFS case and must ensure that its arrangements do not fall foul of the finding in the case".

The school must make the necessary changes to its admission arrangements by the end of February, the OSA said.

Lubavitch Girls Primary School [describes](#) itself as "strictly orthodox" and says it [aims](#) to provide a "Torah-true education". It [became](#) state-funded in 2004.

NSS comment

An NSS spokesperson said: "We welcome the findings of the OSA, and are glad that it takes the issues we raised seriously.

"No school should ever imply that only children from certain ethnicities need apply.

"Unfortunately, the link between faith-based admissions criteria and ethnic segregation is well-established. Religious discrimination in admissions must be abolished to ensure children suffer no barriers in attending their local school due to their ethnicity."

Racial discrimination and segregation at Jewish schools

- In April the OSA [upheld a complaint](#) against Menorah Primary School, also in north London, which asked rabbis to confirm that applicants were "halachically Jewish".
- Research consistently demonstrates that faith schools tend to be more ethnically segregated. In 2013 Humanists UK [found](#) that Asian pupils are under-represented in Jewish schools. And a 2017 report [found](#) more than 84% of non-Christian faith schools were considered to be segregated because of their disproportionate ethnic makeup.

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