

16 October 2017

MEDIA STATEMENT

Parents who care about their children's future should welcome the ruling of unlawful discrimination in the Al-Hijrah School case

The Al-Hijrah School is a co-educational Islamic faith school in Birmingham which followed a policy of complete gender based segregation between pupils from year five onwards, with boys and girls being taught in different classrooms, using separate corridors and play areas, and having different break times. On Friday 13th October 2017 the Court of Appeal made the decision that the School's policy of segregation amounted to unlawful direct discrimination under section 13(1) of the Equality Act 2010.

MWNUK are aware of the concerns amongst some sections of the Muslim community who feel their right to freedom of religion and choice are being undermined, but it is important to understand that the ruling relates to the right to education and the best interests of a child, not religion.

The judgment makes it clear that it is not the policy of segregation in itself that gives rise to discrimination but rather the impact of such a policy on the quality of education received by the pupils. Parents can send their children to schools of their choosing, providing the education received is not lacking.

Our Vice-Chair Nazmin Akthar-Sheikh commented:

"The Court found that both boys and girls were being negatively affected by the segregation policy, with pupils' social skills and confidence levels being under-developed due to the lack of opportunities available to interact and foster good relations. All schools failing to develop vital life skills in students should be held up to scrutiny without exception. We cannot ignore the fact that some of the school children themselves raised concerns that they would leave school unprepared for life; it is unfair to dismiss these very real worries, not least because to do so would silence and disempower them. It is unfortunate that some parents are more concerned about gender segregation than the quality of education; how will they feel when in 10-15 years' time their son or daughter is unable to secure employment or struggles to progress up the career ladder because the education they received failed to prepare them for the future?"

We do agree that greater hurdles are placed in front of women and girls in society, with Muslim and BME women particularly affected due to triple discrimination. To this end we welcome the comments of Southall Black Sisters (SBS) and Inspire who acted as Interveners in the case. The information they supplied in support of Ofsted's argument on this point could unfortunately not be taken into account by the Court as they had not complied with the Court's directions. However on balance it is perhaps best that this argument was left to be resolved in another case in the future, because this case specifically related to a segregation policy within a school that equally affected boys and girls. The evidence put forward by the Interveners related to a wider context which whilst important, would have detracted from the arguments about the discrimination suffered by the pupils themselves. As upholders of equality and diversity we must not ignore injustice being suffered by one group in favour of another. All youth – boys and girls – deserve to live in an equal and equitable society.

MWNUK are aware that experiences can vary from school to school and area to area, and socio-economic factors can affect the quality of education received. It is important that all such issues are addressed – No child should be left behind.

Our Trustee Sophie Garner who is a barrister and an expert on discrimination matters also stated:

“To clarify, the comparison with single sex schools is that the Equality Act 2010 makes express provision to allow schools to admit only girls or only boys as an exception to the rule not to discriminate. However, once the pupils are admitted to the school (single sex or co-educational) the full range of provisions preventing discriminatory treatment need to be adhered to. Therefore if it was found that any school - faith/non-faith, single-sex/co-educational - was failing to give opportunities for children to learn with, and develop good social relations with members of the opposite sex in a similar manner to this School, they may also fall foul of the provisions. All schools should be now taking up the opportunity to review their policies and practices and ensure that the education they are providing is not lacking in this way.”

“And say: ‘My Lord! Increase me in knowledge.’ (Quran 20: 114)

A key principle of Islam is to seek knowledge to empower yourself and to empower others. Developing social, practical and critical thinking skills is a vital part of obtaining such knowledge. We respect a parent’s choice to enrol their child in their desired school, whether that is a faith school or not, but doing so should not mean compromising on the child’s right to obtaining a good education and compromising their future prospects and quality of life.

MWNUK urges all schools to think carefully about policies that might be deemed directly or indirectly discriminatory, and consider what impact their decisions may have on their pupils in the future.

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Additional Information:

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2. About Muslim Women's Network UK: MWNUK is the only national Muslim women's organisation in Britain. It is an independent network of women across the UK that shares knowledge, connects the voices, and promotes the needs of diverse Muslim women. The website address for MWNUK is: www.mwnuk.co.uk