

## **DETERMINATION – objection by eligible parent**

**Case reference:** ADA/002184

**Objector:** An eligible parent

**Admission Authority:** The Piggott School

**Date of decision:** 15 July 2011

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by an eligible parent.**

### **The referral**

1. An eligible parent has referred an objection to the Adjudicator about the admission arrangements (the arrangements) for The Piggott School (the school), a Voluntary Aided Church of England school, for September 2012. The objector maintains that the criteria by which the school ascertains denominational eligibility are neither clear nor fair, and that in applying those criteria they allow prejudice to affect the process of school admission.

### **Jurisdiction**

2. These arrangements were determined under section 88(C) of the School Standards and Framework Act 1998 (the Act) by the governing body which is the admission authority for the school. The eligible parent submitted his objection to these determined arrangements on 14 June 2011. I am satisfied that this objection has been properly referred to me in accordance with section 88H(3) of the Act, and that it falls within my jurisdiction.

### **Procedure**

3. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
- a. the objection of the eligible parent dated 14 June 2011 and supporting documents;
  - b. the school's response to the objection dated 1 July 2011 and supporting documentation;
  - c. the response of Oxford Diocese, the school's religious authority dated 4 July 2011;

- d. correspondence between the objector and the Bishop of Oxford
- e. correspondence between the objector and their parish priest
- f. the school's admissions arrangements for September 2011 and September 2012 and the relevant governors' minutes approving the arrangements;
- g. maps of the area identifying relevant schools.

5. In addition to investigating the matters raised by the objector I have also reviewed the admissions arrangements as a whole and considered whether I should use my power under section 88J(2)(b) of the Act. I am not using my powers under the Act to make further changes to the arrangements.

### **The Objection**

6. The objector lives in Earley, from which several children go to the Piggott School for their secondary education. This family are regular and committed members of a local Christian community called Kings Church International, which is in turn a member of the Evangelical Alliance – an alliance of Christian churches, denominations, organisations and individuals.

7. Their daughter attends the local Church of England primary school, whose oversubscription criteria give priority to children whose parents are regular worshippers at one of the churches named in its published arrangements. The particular church to which this family belong is one of those so listed.

8. Their application for a place on denominational grounds to the Piggott School was not successful because the oversubscription criteria for the school gives priority to children whose parents are regular worshippers at a church that is a member of Churches Together in Britain (CTIB). Although many members of the Evangelical Alliance also belong to CTIB, the one they belong to does not.

9. The objector recognises that the decision has been made as far as his child is concerned, but has asked the Adjudicator to rule on the objection to the arrangements themselves in order to ensure that they are fully compliant with the Code for future years.

10. The Code stresses that admission arrangements should be "*clear and easily understood by parents*" (4.14) and that "*as with all oversubscription criteria, those that are faith based **must be clear, objective and fair***" (2.48). It is argued that the school's arrangements are contrary to this.

11. In response, the school maintains that their ethos celebrates the diversity of the community it serves, and that within the community there are many different Christian denominations and organisations. It maintains that membership of a nationally recognised body such as CTIB has long been used as a recognisable and consistent 'benchmark' and that members reflect a wide diversity of Christian churches and organisations. Using membership of CTIB is objective and is fair, and does not allow for varying interpretations

either by individuals or by the governing body of which Christian churches or organisations are acceptable and which are not.

12. The Diocese argues that across the country, and indeed across the diocese, there is no agreement about how to define a “Christian Church”, nor is there a definition that fits all situations.

- a. Some admission authorities use CTIB
- b. Some authorities use CTIB + the Evangelical Alliance
- c. Some authorities name specific churches and organisations in their area

All of these definitions are acceptable, clear objective and fair, and all three will lead to some church bodies being excluded.

13. In the light of this objection, the school might wish to consider whether to keep its current definition or choose another one. But I am persuaded that the definition currently used by the school is “clear, objective and fair”. Information on who belongs to CTIB is readily available on their website.

14. The objector argues further that the school should not solely apply the denominational criteria, but should in circumstances such as theirs ask the religious authority to make a judgment. He quotes 2.52 of the Code, which says that *“in applying faith criteria, faith schools **must** ask their religious authority ... to confirm whether someone is a member of, or practises, the faith, in order to apply faith-based oversubscription criteria.”*

15. The school responds that the CTIB rule is consistent, well understood by parents, and has never been challenged before. If 2.52 were taken to mean that the school **must** apply to the religious authority for a ruling on any individual case where the criteria of CTIB membership had not been met, then that would introduce precisely the uncertainty and unfairness that the objector is objecting to. However, I am persuaded that this refers not to a judgment about an individual’s faith commitment, but rather ensures that proper guidance is given to the admissions authority in understanding what are appropriate criteria for determining who is a member of or practices a particular faith.

### **Other Matters**

16. I have taken the opportunity of looking at the admissions arrangements as a whole and am satisfied that they are compliant with the Code.

### **Conclusion**

17. I have read the objection carefully and can understand both the personal sadness and the desire to change the criteria for future years in order to avoid a similar situation.

18. However, I am satisfied that the criteria used by the school are fully compliant with the Code and, further, that their interpretation of paragraph 2.52 is correct.

**Determination**

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by an eligible parent.

Date: 15 July 2011

Signed:

Schools Adjudicator: Dr Stephen Venner