



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: REF3343

Referrer: A member of the public

Admission Authority: The Academy Trust for Ranelagh Church of England School, Bracknell.

Date of decision: 30 October 2017

Determination

I have considered the admission arrangements for September 2018 for Ranelagh Church of England School, Bracknell in accordance with section 88I(5) of the School Standards and Framework Act 1998. I find that in relation to the inclusion of priority based on membership of the electoral roll in the oversubscription criteria, the arrangements conform with the requirements relating to admission arrangements.

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 (the arrangements) for Ranelagh School (the school), a Church of England secondary school for pupils aged 11 to 18. The date of the objection was 6 July 2017. The School Admissions Code (the Code) requires objections to admission arrangements for 2018 to be made to the Schools Adjudicator by 15 May 2017. As this deadline was missed, the case cannot be treated as an objection.
2. However, as the arrangements have been brought to the attention of the Office of the Schools Adjudicator (OSA), I have decided to use the power conferred on me under section 88I(5) of the Act to consider whether the arrangements conform with the requirements relating to admission arrangements. I am therefore treating the objection as a referral. The referral relates to the oversubscription criterion in the school's admission arrangements for Year 7 (Y7) which gives priority to children of applicants who are on the electoral roll of an Anglican Church, along with meeting other requirements. The concern raised by the referrer was solely about the electoral roll requirement.
3. The local authority for the area in which the school is located is Bracknell Forest Council. The local authority is a party to this referral. Other parties to the referral are the referrer, the governing board of the school, the

Bonitas Trust (the trust) and the Diocese of Oxford.

Jurisdiction

4. The terms of the academy agreement between the trust - which is a multi-academy trust which includes this school - and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined on that basis. The arrangements came to my attention when the referrer submitted her referral to these determined arrangements on 6 July 2017. I am satisfied that it is within my jurisdiction under section 88I of the Act to consider the arrangements.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

6. The documents I have considered in reaching my decision include:

- a. the referrer's form of objection dated 6 July 2017;
- b. the school's response to the referral and supporting documents;
- c. the comments of the local authority on the referral and supporting documents;
- d. the comments and admission guidance of the Oxford Diocesan Board of Education (the diocese), which is the religious authority for the school;
- e. confirmation of when consultation on the arrangements last took place;
- f. the minutes of the meeting at which the governing board of the school determined the arrangements; and
- g. a copy of the determined arrangements including the school's Supplementary Information Form (SIF).

The Referral

7. The referral arises from the inclusion in one of the oversubscription criteria of a requirement that those seeking priority against this criterion are on the electoral roll of an Anglican Church. The referrer considers that this is discriminatory. While the referrer has not specified any particular provision of the Code, I have considered whether the arrangements conform with the provisions relating to faith-based arrangements in paragraphs 1.36 – 1.38 and paragraph 14 which requires that arrangements are fair.

Background

8. Ranelagh School is a mixed comprehensive academy school for pupils

aged 11 to 18 and has a Church of England religious designation. It has a long history, having been established at Cranbourne Hall in 1709. It became a Church of England voluntary aided grammar school in 1944 and in 1981 began to develop as a comprehensive school. It became a Church of England Academy in 2011. It has been on its current site over a hundred years and was judged to be providing an outstanding education in the reports from Ofsted in 2006, 2009 and 2015. It has a Published Admission Number (PAN) of 165 for Y7. As noted below, the school is regularly oversubscribed and has to apply its oversubscription criteria each year.

9. I have summarised the oversubscription criteria below and set out the criterion which prompted the referral in full. The arrangements provide that when the school is oversubscribed, priority will be given in the following order:

- looked after children and previously looked after children;
- children of staff;
- children with exceptional medical, physical or psychological needs;
- A *“children of applicants who have attended public worship in an Anglican Church or Church of another Christian denomination on average at least once a month in the twelve months preceding the date of the application and who will have a sibling attending the school at the time at which the application is made”*;
- B *“children of applicants who are resident in the deaneries of Bracknell or Sonning, who are on the Electoral Roll of an Anglican Church and who have attended public worship in an Anglican Church on average at least once a month in the twelve months preceding the date of this application.”* The explanation further in the arrangements sets out that *“Within category B priority will be given to applicants with the greatest number of points reflecting the length of time they have been on their Church Electoral Roll, where 1 point is given for each year or part of a year, up to 6 points.”*
- C *“children of applicants who are resident in the deaneries of Bracknell or Sonning, who are not on the Electoral Roll of an Anglican Church but who have attended public worship in an Anglican Church on average at least once a month in the twelve months preceding the date of this application”*;
- D *“children of applicants who are resident in the deaneries of Bracknell or Sonning, who have attended public worship in a church of another Christian denomination... on average at least once a month in the twelve months preceding the date of this application”*, and
- E *“children of all other applicants”*.

10. Because the issue of the electoral roll of an Anglican Church and being on the electoral roll of such a church is central to this case, I have consulted

the Church of England’s official website and, in particular, looked at what it has to say about eligibility to be on the electoral roll of a Church. It says there is a church electoral roll in every Church of England parish and that lay people can have their name entered if they are baptised and over sixteen years old. In addition, the lay person needs to be either:

“(a) ...a member of the Church of England or of a Church in communion therewith resident in the parish; or

(b)...be such a member and, not being resident in the parish, to have habitually attended public worship in the parish during a period of six months prior to enrolment; or

(c)...be a member in good standing of a Church which subscribes to the doctrine of the Holy Trinity (not being a Church in communion with the Church of England) and also prepared to declare himself to be a member of the Church of England, having habitually attended public worship in the parish during a period of six months prior to enrolment”.

The website also provides that *“where a person resides in an extra-parochial place [that is a place not in a Church of England parish] he shall be deemed to reside in the parish which it abuts”* and further, *“a person shall be entitled to have his name on the roll of each of any number of parishes if he is entitled.....but a person whose name is entered on the roll of each of two or more parishes must choose one of those parishes for the purpose of the provisions of these rules [which relate to qualification for the purposes of election to various Church of England offices]”*¹

Consideration of Case

11. As noted above, the school is popular and oversubscribed. For places in 2017, all allocations were from applicants falling within category B or a higher category. As the table below shows, the last place was allocated in the initial round to a child whose parent had been on the electoral roll for three years. The table also shows that as a result of allocations through rounds as places became available to those on the waiting list the final place was allocated to a child whose parent had been on the electoral roll for at least one year.

Category	Places initially allocated	Admitted at start of school year
Special Educational Needs	3	2
Looked after and previously looked after children	9	6

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Children of staff	9	8
Medical Physical or Psychological needs	1	1
A Siblings	68	65
B 6 years on electoral roll	48	41
B 5 years on electoral roll	11	9
B 4 years on electoral roll	15	12
B 3 years on electoral roll	1	6
B 2 years on electoral roll	0	11
B 1 year on electoral roll	0	4 (1 appeal)
Sub total, B6-B1	75	83
C	0	0
D	0	0
E	0	0

12. The referrer has a very particular set of circumstances with the result that she says she is unable to meet the requirement about inclusion on the electoral roll of an Anglican church. This means that although she can demonstrate faith commitment and attendance at Church of England services, she will not be eligible for priority under category B. The referrer considers the school's arrangements discriminate against people in her position and may be unlawful.

13. Paragraphs 1.36 to 1.38 of the Code set out the framework for faith based oversubscription criteria in schools designated with a religious character. Paragraph 1.36 and 1.37 make clear that such schools may have faith-based admission arrangements and give priority on the basis of faith when they are oversubscribed. Paragraph 1.38 states: *“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.....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. Church of England schools **must**, as required by the Diocesan Boards of Education Measure 1991, consult with their diocese about proposed admission arrangements before any public consultation.”*

14. In its response to the referral, the school refers to the consultation in 2015 on its admission arrangements. It reported that *“feedback from the consultation itself was sparse. Two members of the clergy and one parent submitted comments, two of which were positive.”*

15. The local authority in its response to the referral reported that it worked closely with the school on admissions. It said that the use of the Church electoral roll was widely employed across the country at many church schools as a way of assessing church attendance. I draw from this response the conclusion that the local authority has no concerns about the school's arrangements. I note, however, that being on the electoral roll does not necessarily give an indication of frequency of attendance at church.

16. The diocese forwarded a copy of its general admission guidance. In a covering email, the diocese said that it had not provided any specific guidance for 2018 to the school. The diocese's email explained that it "*prefers that no priority is given to children with a church affiliation. Where a school or academy does decide to include church affiliation oversubscription criteria, we recommend their insertion after catchment children. In measuring church affiliation we recommend using church attendance of a parent...*" I note in this context that to secure priority for a place at the school under categories A to D a child must live in the deaneries of Bracknell or Sonning. The diocese goes on to say that "*it has no particular objection to the use of the electoral roll in determining church affiliation*". However, it recognises that this can lead to what it described as some anomalies. The diocese concludes by saying that "*...it is almost impossible to cover all possible situations that do not fit with the oversubscription criteria. For example, a parent may have been unable to attend church regularly because of illness, or employment requirements. Introduction of a note giving clergy the opportunity to explain why a faithful Christian is unable to attend church regularly can lead to a degree of subjectivity and we always try to ensure that admissions policies are as objective as possible*". I have already noted that attendance at church and being on an electoral roll are not the same thing and I take the diocese's comments here to be relevant not just to electoral roll matters but to circumstances generally which may make it hard to satisfy faith-based arrangements. The guidance itself reflects the stance set out in the email. It says it would like schools to consider admission criteria which minimise the impact of faith but recognises that local circumstances may lead schools – especially secondary schools – to take a different approach and retain faith based arrangements.

17. The school's arrangements do, as it happens, provide some exceptions to the requirement to be on the electoral roll to gain priority under category B: "*Any ordained clergy who apply will be deemed to have met the affiliation criteria for category B with six years of affiliation, as they are ineligible in law to be included on any Ecclesiastical Electoral Roll. In the case of applicants who attend The Royal Chapel, Windsor (Royal Peculiar) verified numbers of years of attendance will be accepted in lieu of Electoral Roll membership.*" An exception is also made for military personnel and Crown servants returning from overseas where evidence from "*a military chaplain or other appropriate member of the clergy will be accepted in lieu of Electoral Roll membership.*"

18. I am content on the basis of the comments of the diocese that the school has had regard to the guidance of the diocese and that the school has consulted the diocese appropriately on its admission arrangements. I am accordingly satisfied that school has met the requirements of paragraph 13.8 of the Code. I am satisfied too that the school's arrangements meet the requirements of paragraphs 1.36 and 1.37. In particular, I consider that parents will be able to look at the arrangements and understand whether they meet the requirements of the faith-based criteria.

19. I come now to paragraph 14 of the Code which provides that: "*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.*" The question for me is whether the

school's requirement that, in order to gain priority under category B of the oversubscription criteria, a person has to be on the electoral roll of an Anglican Church, is fair. The referrer has suggested that she "*practically cannot and ethically would not put my name on the local village church electoral roll*". However, I cannot see that there is any practical bar to this. The Church of England's website, from which I quote above, makes provision for someone to have their name on the electoral roll of one or more than one parish. The first category is for a person to be member of the Church of England and live in a parish with no requirement to worship there. Indeed, given that it is possible to be on more than one electoral roll and that the second category of membership is for people who worship where they do not live, there seems an implicit acceptance that an individual can be on the electoral roll where they live while worshipping elsewhere. The referrer's concerns that she feels she cannot ethically put her name on the electoral roll of the parish where she lives is not a matter for me.

20. The admission authority for the school has determined a set of admission arrangements designed to reflect the school's religious character. It has chosen to use membership of an Anglican electoral roll as a key criterion for determining Church membership. I do not consider that in doing so it has breached paragraph 14 of the Code.

Determination

21. I have considered the admission arrangements for September 2018 for Ranelagh Church of England School, Bracknell in accordance with section 88I(5) of the School Standards and Framework Act 1998 I find that in relation to the inclusion of priority based on membership of the electoral roll in the oversubscription criteria, the arrangements conform with the requirements relating to admission arrangements.

Dated: 30 October 2017

Signed:

Schools Adjudicator: Mrs Lorraine Chapman