

## Correspondence with Tudor Grange Academy, Solihull

### Our email to executive principal Jennifer Bexon-Smith, 22 January 2013:

Dear Mrs Bexon-Smith,

I am contacting you because last week several parents independently wrote to express concern about the admissions arrangements Tudor Grange Academy has proposed for 2014-15, in particular the preference to be given to children currently attending two Church of England primary schools - both of which select pupils on the basis of faith.

This is the first time we have heard of a school without a religious character effectively giving preference to children whose parents are religious. We are currently seeking legal advice about the proposals, but it seems to us that they are very possibly unlawful. [Section 85\(1\) of the Equality Act 2010](#) says

- (1)The responsible body of a school to which this section applies must not discriminate against a person—
- (a)in the arrangements it makes for deciding who is offered admission as a pupil;
  - (b)as to the terms on which it offers to admit the person as a pupil;
  - (c)by not admitting the person as a pupil.

Subsections (7) and (9) make clear that the proprietor of the school is the responsible body in this instance.

[Paragraph 5 of schedule 11](#) says

- Section 85(1) and (2)(a) to (d), so far as relating to religion or belief, does not apply in relation to—
- (a)a school designated under section 69(3) of the School Standards and Framework Act 1998 (foundation or voluntary school with religious character);
  - (b)a school listed in the register of independent schools for England or for Wales, if the school's entry in the register records that the school has a religious ethos;

But as Tudor Grange is not designated with a religious character, nor listed in the register, these exemptions do not apply in this case.

In addition, the [definition of discrimination found in the Act](#) includes both direct and indirect discrimination.

The fact that Tudor Grange now sponsors one of the primary schools and has a partnership with the other seems to us to be immaterial. What matters is whether or not the new arrangements will discriminate against non-Anglican parents and pupils, and it seems to us that they will.

We have also seen that there is now growing controversy around the plans, with a petition and Facebook group proving popular, and local press covering the plans.

We urge you to review the proposals, and instead admit pupils in a secular manner, as you did before.

Best wishes,

Pavan

**Pavan Dhaliwal**

Head of Public Affairs, British Humanist Association  
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**Jackie Hughes, Diocesan Director of Education, replies on behalf of the school, 29 January 2013:**

Dear Mr Dhaliwal,

I am writing to you as the Diocesan Director of Education for the Church of England in Birmingham. Mrs Bexon-Smith, the executive principal of the Tudor Grange Multi-Academy Trust has forwarded your email to me and asked if I will respond. As the core point raised in your e mail is the concern that the proposed new arrangements for admission into the Tudor Grange Academy, Solihull will lead to discrimination against non-Anglican pupils and parents, I would like to clarify the position.

Your organisation and the parents who wrote to you appear not to have fully understood the position of Tudor Grange and its different relationships with St James's Church of England School and St Alphege's Church of England School.

Tudor Grange is indeed an academy without a designated religious character. However, a school without a designated religious character is not prevented from having a school with a religious character as a feeder school. Indeed such a position is commonplace in England where Church of England primary schools commonly feed a local secondary school, whatever its character and indeed whatever its category.

As St James has now become a primary academy within the Tudor Grange Multi Academy Trust, its existing admissions policy is carried forward as required by the Academies Act. Tudor Grange is consulting on St James's becoming a feeder school to Tudor Grange itself (which is entirely logical if they are to be part of the same trust and a situation happening elsewhere in the country). St James's will in due course begin consulting on changing its admission policy in order to remove Church of England practice as a criterion.

Tudor Grange also wishes to designate St Alphege's as a feeder primary. This is logical in the local context, helpful in terms of a broad and strong cultural and educational mix and (as noted above) entirely commonplace. I give some further detail below that I hope you will find helpful...

The consultation for changing the admissions criteria for Tudor Grange Academy, Solihull, occurs within a demographic context in which it is expected that parents and pupils from both catchment and named feeder schools will be accommodated with their preference. As a substantial proportion

of pupils attending St Alphege's Junior School live within catchment and are not all exclusively from an Anglican background, I do not see that non-Anglican families will be discriminated against.

I am also of the view that as the consultation is not yet complete and the directors of the Tudor Grange Multi Academy Trust not yet in a position to consider the responses that occur, it is somewhat precipitous and ill advised to be alleging discrimination or unlawful conduct.

Rigorous application of the consultation process is being adhered to, as is discussion with a range of stakeholders, including the Local Authority, to ensure an appropriate strategic approach to pupil place planning takes place across this locality in the light of significant demographic change. I hope this clarifies the current position.

Yours Sincerely, Jackie Hughes (Diocesan Director of Education, Birmingham)

### **Our reply to the school, 30 January 2013:**

Dear Mrs Bexon-Smith,

I was very surprised to receive a reply to my previous email not from you, but from the Diocesan Director of Education. It does not seem to me to be appropriate for a Diocese to be taking such a guiding role in the admissions policies of a school without a religious character.

With that said, Mrs Hughes' reply did not seem to us to deal with the concerns we have raised.

First of all, Mrs Hughes points out that a school without a designated religious character is not prevented from having a school with a religious character as a feeder school. This is true and we did not mean to suggest otherwise. However, what a school without a religious character cannot do is use a religious feeder school where the effect would be to discriminate, directly or indirectly, against someone of a different, or of no religious character.

An example of how a school might use religious feeders but not discriminate would be if a school used all of the schools for which it is the nearest secondary, or all of the schools which are not feeders for other schools.

This does not appear to be the situation in this case. We note the [new statement](#) on the website saying that children within the catchment area would not be discriminated against because there will still be enough space for them. This may be true, but children under the old priority 4/proposed priority 5 - straight line distance from the child's home - will be discriminated against.

Turning to the two specific schools, on St James', it is welcome to note that the school is planning to drop its religious oversubscription criteria. But this isn't stated in the consultation anywhere (thereby denying parents important information which would help them respond), hasn't yet been decided, and even once it is decided, will take six years to filter through to the secondary.

On St Alphege's, Mrs Hughes said 'a substantial proportion of pupils attending St Alphege's Junior School live within catchment and are not all exclusively from an Anglican background'. However, it is clear that they are not all in catchment - or else why have the school as a feeder at all? - and clearly many are from an Anglican background; so it seems there will be some religious selection here as well.

Best wishes,

Pavan Dhaliwal

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