

Press summary of judgment

**THE KING (on the application of CKT and DGT) v TWYFORD CHURCH OF
ENGLAND ACADEMIES TRUST and others**

and

**THE KING (on the application of CKT) v OFFICE OF THE SCHOOLS
ADJUDICATOR**

(Case number: CA-2025-002755)

Court of Appeal (Civil Division)

Thursday, 22nd October 2026

***NOTE:** This summary is provided to assist in understanding the Court’s decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are publicly available on the National Archives (<https://caselaw.nationalarchives.gov.uk/>) and the judiciary website (<https://www.judiciary.uk/judgments/>).*

Background

1. These two appeals concern a faith-based oversubscription criterion forming part of the admissions arrangements for Twyford Church of England High School. That school is designated as a religious school, that is a Church of England School. In essence, there are 150 places at Twyford School which are described as “foundation (Christian) places”. If there are more than 150 applicants for those places, oversubscription criteria are used to allocate points to applicants. Twenty points are allocated where the child and his parent or carer are regular attenders at a Christian place of worship. One additional point is awarded to applicants where the family’s main place of worship is a Church of England church. In recent years, most successful applicants for a place at Twyford School had to have been awarded 21 points and, therefore, had to have a Church of England church as their family’s main place of worship in order to be allocated a place.
2. CKT and her son DGT are originally from Eritrea and are members of the Eritrean Orthodox church. Like the great majority of members of that church, they are black and of non-English ethnic origin. CKT applied for a place at Twyford School for her son. There were more applicants than places. CKT’s son qualified for 20 points as he and his mother regularly attended a Christian church. He did not qualify for the additional point as he did not attend a Church of England church – the Eritrean Orthodox church not being in communion with the Church of England. As applicants needed 21 points to secure a place, CKT was not allocated a place for her son.

3. CKT and her son brought a claim for judicial review alleging that the oversubscription criteria were indirectly discriminatory as they put her and her son, and people of their race and ethnic origin, at a disadvantage because Anglicans, who were predominantly white and of English origin, would be given an extra point and would be more likely to secure a place at Twyford School than people from other racial groups. They also claimed that the Trust that operated the school had not had due regard to specific equality matters when making the admissions arrangements as required by section 149 of the Equality Act 2010. CKT also referred an objection to the Office of the Schools Adjudicator (OSA) claiming that the 2025-2026 admissions arrangements were indirectly discriminatory. The OSA dismissed the objection and CKT sought judicial review of that decision contending that the OSA had erred by failing to find that the admissions arrangements gave rise to indirect discrimination. A High Court judge dismissed both claims. CKT and her son appealed.

The Court's decision

4. The Court of Appeal held as follows. First, CKT and her son were not prevented from bringing a claim that the admissions arrangements were indirectly discriminatory on grounds of race. Paragraph 5 of Schedule 11 to the 2010 Act granted an exception precluding claims alleging that admissions arrangements discriminated so far as related to religion or belief. That did not prevent a person claiming that the admissions arrangements gave rise to discrimination relating to race. Secondly, the High Court judge was entitled to find that the admissions arrangements did put persons of CKT and her son's race and ethnic origin at a particular disadvantage. Persons attending Anglican churches, where the members were predominantly white and of English origin, were given an additional point, and would be more likely to secure a place at Twyford School. The judge was entitled to find, however, that the Trust had shown that the oversubscription criteria was a proportionate means of achieving a legitimate aim. The aim was to preserve the distinctive Anglican ethos and character of Twyford School. The judge was entitled to find that granting an additional point to those whose main place of worship was an Anglican church was a "logical and reasonable" way of preserving the Anglican ethos and character of the school. Further, the judge was entitled to conclude that the Trust had had due regard to the specific equality considerations referred to in section 149 of the 2010 Act. Further, the judge was entitled to find that the OSA had not erred. The Court of Appeal therefore dismissed both appeals.