



Office of
the Schools
Adjudicator

Determination

Case reference:	ADA3587
Objector:	A parent
Admission authority:	The local governing board of Westcliff High School for Girls, Westcliff-on-Sea, Southend on Sea, Essex.
Date of decision:	24 October 2019

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2020 determined by the local governing board for Westcliff High School for Girls, Southend on Sea, Essex.

I have also considered the arrangements in accordance with section 88I(5) and find there is one other matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised as soon as possible and by 30 November 2019 at the latest.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by a parent, (the objector), about the admission arrangements (the arrangements) for Westcliff High School for Girls (the school), a girls' selective academy school for 11 to 18 year olds for September 2020. The objection is to the fairness of the testing process as a true test of ability of applicants.

2. The local authority for the area in which the school is located is Southend on Sea Borough Council. The local authority is a party to this objection. Other parties to the objection are the school's multi-academy trust, its local governing board and the CSSE (the consortium of selective schools in Essex).

Jurisdiction

3. The terms of the Academy agreement between the multi-academy trust 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 by the local governing board, which is the admission authority for the school, on behalf of the South East Essex Academy Trust, on that basis. The objector submitted her objection to these determined arrangements on 8 May 2019. The objector has asked to have her identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of her name and address to me. I am satisfied that much of the objection has been properly referred to me in accordance with section 88H of the Act and is within my jurisdiction. One aspect of the objection was the security of the information held by the consortium and this is not within my jurisdiction and so I have not considered that aspect further.

Procedure

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

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

- a. a copy of the minutes of the meeting of the local governing board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 8 May 2019, supporting documentation and subsequent correspondence;
- d. the school's response to the objection, supporting documentation and subsequent correspondence;
- e. the local authority's composite prospectus for admissions to secondary schools in 2019;
- f. the local authority's response to the objection;
- g. the consortium's CSSE's response to the objection; and
- h. a literature review commissioned by the OSA from the Department for Education on Disadvantaged pupil performance in the 11 plus test.

The Objection

6. The objector states that the objection relates to paragraph 1.31 of the Code. This states that *“Tests for all forms of selection **must** be clear, objective, and give an accurate reflection of the child’s ability or aptitude irrespective of sex, race or disability. It is for the admission authority to decide the content of the test, providing that the test is a true test of aptitude or ability.”*

7. The objection is to the validity of the 11 plus testing process as a true test of ability in the following aspects;

- 1) The equality of the admission arrangements particularly in respect of pupils from families of low income who do not undertake additional tutoring
- 2) The fairness of the testing system
- 3) The vulnerability to ‘fraud’ of the testing system including identity fraud and address fraud
- 4) The fairness of ‘late testing’
- 5) The fairness of the Mathematics test in terms of content and timing of the test and the school curriculum
- 6) The fairness of the marking of both English and Mathematics tests including the continuous writing paper
- 7) The fairness of the use of private tutors
- 8) The fairness of the different ‘pass marks’ in different centres
- 9) The absence of clerical checks, re-marking or academic appeals
- 10) The validity of the age standardisation system
- 11) The clarity of the in-year admissions arrangements,

8. The objector believes that each of these aspects provides unfair disadvantage to pupils who do not undertake additional tutoring for the tests or whose parents choose to “abuse” the testing system. She suggests that those children who do not undertake additional tutoring are likely to come from the least advantaged families.

Other Matters

9. The position in the arrangements given to pupils with an Education, Health and Care (EHC) plan which names the school does not comply with paragraph 1.6 of the Code which states that *“All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school **must** be admitted.”*

Background

10. Westcliff High School for Girls is a selective girls' grammar school. It is fully selective and admits only those girls who have achieved a designated pass mark of 303 or more in the 11 plus tests administered at various schools by the CSSE (sometimes referred to as test centres for this purpose). This pass mark is set annually and, according to the school, this ensures that the entrance standard remains comparable to that which was applied in the period 1990 to 1994. The admission arrangements make it clear that no girl will be admitted below this pass mark.

11. A consultation on the 2020 admission arrangements was conducted by the local authority on behalf of the school between December 2018 and January 2019. The local governing board of the school, which is the admission authority of the school as delegated by the academy trust, considered the outcomes of the consultation and determined the arrangements at a meeting on 13 February 2019. The changes in the arrangements from previous year included new criteria for 'preferential consideration'.

12. The published oversubscription criteria can be summarised as follows:

Girls who achieve the pass mark or above in the following order::

1. Looked after and previously looked after girls.
2. Girls with an Education, Health and Care Plan which names the school.
3. Girls living within a catchment area; up to 80 per cent of the intake with up to 10 per cent of these entitled to preferential consideration.
4. Girls living outside the catchment area; the first 10 per cent of this group is allocated to girls with preferential consideration.

Preferential consideration is defined as children in receipt of free school meals or identified as recipients of the pupil premium grant at the time of test registration.

Within each of these groups places are allocated on the basis of rank order of scores with highest priority for those with the higher scores and then distance from the school. An appropriate final tie break is included in the arrangements.

13. The school has a published admission number (PAN) of 184 and is heavily oversubscribed; for admission in September 2019 the school received 1066 first preference applications.

Consideration of Case

14. I will consider each of the aspects of this case in turn but refer, firstly, to the findings of a literature review commissioned by The Office of the School Adjudicator (OSA) to look at disadvantaged pupil performance in the 11 plus test. This review's main conclusions are as follows; *"At all ages there is a gap in test performance between economically*

disadvantaged pupils and their more affluent peers. Results of KS2 tests in 2018 show that there is a 20 percentage point difference in the proportion of pupils reaching the expected standard in all of reading, writing and maths, and a gap of 8 percentage points for pupils reaching the higher standard. It is therefore reasonable to expect a gap in pupils passing the 11-plus test as well. However, there is a consistent finding that even for pupils with comparable attainment in standardised national tests (KS2), disadvantaged pupils are less likely to attend grammar schools.

There is limited evidence available to explain why this is the case, although pupils' access to tutoring is an important factor. Pupils that have been tutored are more likely to access a grammar school, and children in households with larger incomes are more likely to have access to tutoring. Tutoring is found to be effective at supporting pupils to pass the 11-plus. Similarly, preparation for the components of the 11-plus test appears to be important. Evidence from Kent suggests that disadvantaged pupils perform worse in the relatively unfamiliar 'reasoning' component of the Kent Test, than in the more knowledge-based, and familiar, Maths and English components.

However, disadvantaged pupils performing worse than their more affluent peers, and the effect of tutoring, is not an issue unique to the 11-plus test, and it would be difficult to argue that the 11-plus is unfair because of the use of tutors." The full review including references to the literature, the studies and excerpts from the Education Select Committee has been shared with all parties in this case.

15. The gap in test performance between advantaged and disadvantaged children has been clearly documented and, as the literature review suggests, there are many factors which contribute to this gap. My role in determining this case is to ask the question; do the admission arrangements of this school comply with the law and the Code and if not in what ways do they not? I have considered paragraph 1.31 as suggested by the objector but I have also considered the arrangements in the context of paragraphs 14 and 1.8. Paragraph 14 states 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."* Paragraph 1.8 states that *"Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair and comply with all relevant legislation"*.

The equality of the admission arrangements particularly in respect of pupils from families of low income who do not undertake additional tutoring

16. The objector makes the point that is supported by the literature review; *"Pupils that have been tutored are more likely to access a grammar school, and children in households with larger incomes are more likely to have access to tutoring. Tutoring is found to be effective at supporting pupils to pass the 11-plus."* The school says that, as a wholly selective school, places are awarded on the basis of academic ability as assessed by an objective test that is designed to be as fair as possible. It goes on to say that some past papers are available free of charge for familiarisation purposes and that the headteacher's speech at open days makes it clear that additional tutoring is not required.

17. The chair of the consortium's response says that headteachers share a concern that extensive coaching for the 11 plus is inappropriate, ultimately counterproductive and may jeopardise a child's ability to cope with the demands of a highly academic curriculum. He says that the CSSE decision to use tests based wholly and entirely on the maths and English taught in every primary school was a deliberate decision to ensure the tests were accessible to all applicants irrespective of any tutoring.

18. I note the decision by the consortium to concentrate the 11 plus tests on English and maths and not include the types of verbal and non-verbal reasoning tests used in other areas of the country. I agree that the consortium makes it clear on their website that additional tutoring is not necessary. However, this does not prevent parents accessing the vast range of tutoring offered. A simple search on the internet produces lists of hundreds of tutoring services available to parents many of which are specifically focused on success at 11 plus. As the literature review points out, tutoring is not exclusively used for 11 plus preparation with tutoring being offered to support a range of issues for example basic skills and preparation for GCSEs or A levels. These tutoring services incur a cost and as the literature review concludes, children from more affluent families are more likely to have access to tutoring.

19. There is nothing in the law or the Code which requires the school to provide additional tutoring opportunities. The objector suggests as one way to mitigate the lack of access to tutoring for some children that tutoring be provided via primary schools. There are cases where selective schools do work with local primary schools to offer familiarisation and practice test sessions. However, this is not something which can be mandated by the school (and certainly not by me). The core role of the primary schools in Southend as elsewhere is to plan and deliver the whole curriculum and the tests are, according to the consortium, designed to identify high ability pupils in the context of the subject matter covered in the schools. It is even more the case that no one can interfere with the freedom of parents to organise additional tutoring for their children whether in areas covered by the curriculum or other areas. The school does not have the practical, financial or legal capacity to prevent access to tutoring by any family. As the literature review concludes this leads to inequality between groups of families in the sense of the experiences children have been exposed to. However, there is no requirement in the Code that as part of admission arrangements schools should mitigate this inequality and I therefore do not uphold this element of the objection.

20. The objector suggests that the consortium should introduce a standardisation system based on levels of poverty in the same way that they standardise for age adjustment. The difficulties in quantifying the effects of different levels of poverty and the length of time spent in poverty are enormous. The achievement gap quantified in the literature review is a result of a multitude of factors not just access to tutoring and income of parents but home background, poor nutrition, access to learning materials and many more. There is no mechanism for a school to undertake this process and it cannot be deemed unfair for the school not to do so.

21. In line with the exceptions outlined in paragraph 1.9f of the Code, the school has introduced priority in its oversubscription criteria for girls who are in receipt of the pupil premium for both catchment and out of catchment criteria for September 2020. In the past five years the school has admitted all girls in the catchment area who have achieved the pass mark. Although the arrangements indicate that up to 80 per cent of applicants are prioritised from within the catchment area in reality over the past five years the figures have been as follows:

Year of Admission	Number of Allocated Places From Within Catchment	Percentage of Intake of Catchment Allocations
2015	90	49
2016	97	53
2017	93	51
2018	110	60
2019	138	75

These figures indicate that all girls living in the catchment area who achieved the pass mark have been allocated places and this therefore means that the priority introduced for girls in receipt of the pupil premium is likely to have no effect on the number of pupil premium girls admitted under the criterion. However, the 10 per cent in receipt of pupil premium has also been introduced into the 2020 arrangements for out of catchment area girls. Given that in recent years it has been necessary for an out of catchment area girl to secure a mark well in excess of 303 to gain a place at the school, this change may well have some impact on the number of girls admitted to the school who are entitled to pupil premium and live outside the catchment area.

22. I conclude that the admission arrangements are compliant with the law and the Code in this respect and I do not uphold this element of the objection.

The fairness of the testing system

23. The objector considers the administration of the testing system to be unfair and contrary to paragraph 1.31 of the Code. She mentions the possibility of fraud, the abuse of late applications, the fairness of the tests in terms of content and timing, the fairness of marking, the use of private tutors, differential pass marks, the absence of clerical checks and the validity of the age standardisation system. I have dealt with each of these elements in turn below.

24. She points out that if the tests are based on the key stage two curriculum then as the tests are taken at the beginning of year six then only half of that curriculum will have been covered by schools. The consortium states that the tests are entirely in line with classwork undertaken in year 5 of a mainstream primary school and they are administered consistently in each test centre with identical mark schemes rigorously applied. The school response says that the tests are based on work undertaken at key stage two with a straightforward comprehension and an open writing section on the English paper to enable students the opportunity to show their originality, punctuation and grammar in writing. The maths paper is similarly based on primary maths and includes simple questions and more stretching ones to enable differentiation.

25. I have reviewed the test papers for recent years and the marking schemes for these test papers and I am of the view that these papers are clear, objective and would give an accurate reflection of the child's ability. These papers are readily available on the consortium's website. I am of the view that the test papers used as part of the admission arrangements are a fair test and are in line with the Code.

The vulnerability to fraud of the testing system including identity and address fraud.

26. The objector states that the number of children taking the test continues to increase from year to year and many of these children are from outside the catchment area. She suggests that the consortium have to some extent 'lost control' of some elements of the process and that this leads to unfair allocation of places. She says that some parents are sending older children to take the test in order to obtain a higher score to share with other eleven plus consortia away from the Essex consortium. These older children are photographed but as they do not go on to attend the school, the photographs are not shared with the other school. She says that when her own child took the test some children appeared older than ten or eleven. Whilst she understands that the school does not have access to other schools' admission arrangements she suggests that if these older children obtain higher marks then this would affect the pass marks for all the children. The objector agrees that the vast majority of parents are genuine but suggests that there is a significant minority from outside the area who attempt to cheat the system.

27. The school and the consortium explain that candidates' photographs are taken on the day of the test with their candidate numbers visible. Schools can then compare the photograph to the student who arrives in September. The data is destroyed when the school is confident that the correct child sat the test. They point out that the school has a catchment area so that children from the local area do not miss out on a place to a higher scoring applicant from further afield. They go on to say that the consortium's annual analysis of post-codes of test registrations indicates that the overwhelming majority are well within sensible travelling distances of the schools. They suggest that the recent increase in candidate numbers is principally the result of outreach work to primary schools in Southend. I note in this context that over recent years a higher number and proportion of the available places at the school have in fact been taken by those who live in the catchment area.

28. The admission arrangements do not set a geographical boundary for applications in the out of catchment criteria and there is no requirement for them to do so within the law and the Code. Indeed, the law requires that any parent can apply for a place at any school. Whether to register their child to take the entrance test for any selective school is a decision parents must make. I have seen no evidence that older children are taking the test and the consortium reports that it has not experienced any. It is beyond the remit of the school to interfere with parents' applications to other schools outside the consortium. Given that only the CSSE uses these tests, I have to note that I cannot see what purpose could be served by sharing results with other consortia which use different tests as the objector asserts happens.

29. The objector also suggests that, as the school has a designated pass mark of 303, an increase in overall average scores would be detrimental to the chances of successful admission in comparison with other schools in the consortium, for example King Edward VI school, who do not have a designated pass mark but who award places on "*highest scores first*" rankings.."

30. The consortium web site has a table in which it shows the lowest score obtained by any entrant in the last four years in all the schools in the consortium from within and outside the catchment areas; an excerpt from this table compares the school's admissions scores with those from King Edward VI school;

School	Lowest score obtained by any entrant in the last four years
Westcliff High School For Girls – admission from within catchment area	303
Westcliff High School For Girls – admission from outside the catchment area	324
King Edward VI – admission from within catchment area	334
King Edward VI – admission from outside the catchment area	360

31. The table shows that the entry mark for the school is significantly below the lowest mark of a successful applicant at King Edward's school and shows that a local candidate with the pass mark of 303 would be admitted to the school but a candidate with the same score, living in King Edward's catchment area would not be offered a place at King Edward's. This does not support the objector's suggestion that if a greater number of more able candidates raise the average mark achieved in the tests then this would have a greater effect on the admissions to the school than to schools which do not specify a minimum pass rate in their arrangements. The consortium confirmed that the pass mark for all the schools

is 303. Those schools in the consortium which admit more able children do not specify this in their arrangements as it would be unfair to suggest that a pass mark of 303 may lead to offer of a place when in fact the lowest scoring candidate to be offered a place in the last four years achieved over 30 points higher.

32. The objector also suggests that parents are obtaining temporary addresses so that their child is treated as in catchment. The responsibility for ensuring valid addresses for all pupils rests with the local authority. Details of the processes to counter fraudulent applications can be found in the local authority's guide to admission to secondary schools. This states that: "*Southend-on-Sea Borough Council takes very seriously any attempt to gain unfair advantage in the admissions process by giving false information (for example providing a false address).*" It goes on to explain the actions the local authority will take to confirm the correct address and this is in line with other local authority processes across the country.

33. I am satisfied that the local authority deal with potential fraud cases in an acceptable manner and in line with other local authorities and I do not uphold this element of the objection.

The fairness of late testing

34. The objector suggests that parents are deliberately putting in late applications to gain extra preparation time. She also suggests that the use of a different test for late candidates is unfair and contrary to previous adjudicator determinations. She implies that it is in some way advantageous for pupils to sit the second test as the pass rate in the second test is lower than in the first test.

35. Previous adjudicator determinations have covered the issue of the same test used by grammar schools for the initial and the late testing for those who missed the first test. The determinations have consistently agreed that it is not unfair to use the same test for both occasions as the nature of the test they have been considering in those cases is such that it is highly unlikely that pupils will remember sufficient detail of the questions and (the right) answers and have the ability and desire to pass these onto those sitting the test on a later date. This does not mean that the use of different tests is unfair. I am of the view that the use of very similar but different tests is valid in these circumstances. I note in this context that, as I outline above, this consortium uses a mix of mathematics and English questions rather than verbal and non verbal reasoning.

36. The school and the consortium explain that late testing is provided for those unable to sit the first test and that this is usually on medical or religious grounds. The consortium believes that it is not fair to use the same test and so they use equivalent tests. Questions are similar and the underlying subject remains the same. For example, numbers may be changed in a maths question which would produce a different answer but the remainder of the question would stay the same as the first test. A process of standardisation ensures that the papers are equally weighted and that the two sittings are fairly assessed. The consortium do not agree that the ten day window between the main test and the second test is sufficient to give rise to any material advantage to those in the second cohort.

37. The consortium reports that the cohort sitting the second test has contained fewer higher scoring candidates and that the data shows that there are fewer pupils in the second sitting who achieve the pass mark.

38. I am of the view that a very similar but different test used for the second tests is appropriate here. I agree with the consortium that the ten day window is insufficient to be advantageous in terms of extra study for those sitting the second test and from the data it appears that there is no advantage to those sitting the second test. I believe that the tests and the late tests are compliant with the Code and I therefore do not uphold this element of the objection.

The fairness of the mathematics test in terms of content and timing of the test and the school curriculum.

39. The objector suggests that the content of the mathematics tests are not appropriate for pupils who have just started in year 6 of the primary school, when the tests are taken. She considers this unfair particularly in the context of so many children receiving additional tutoring focused on the tests. She provides an example of a question from the 2019 paper which required the child to understand a specific algebraic term (nth degree) which is not taught in the school until year 6.

40. The school and the consortium responded that they would prefer the tests to be taken later in the year but that it is not possible due to the requirement in paragraph 1.32a of the Code. This states that *“Admission authorities **must**; take all reasonable steps to inform parents of the outcome of selection tests before the closing date for secondary applications on 31 October”*. They say that the tests are designed to be accessible to pupils who have just commenced year 6 and that the content is appropriate. They challenge the example provided by the objector and say that the question given as an example was based on a table of values and two fictional characters’ calculations using number rules. In the secondary school curriculum this would be taught as algebra but no such knowledge was required to complete the question in the test. They go on to say that as the tests are designed to differentiate between applicants they have to be sufficiently demanding to achieve this in a situation where some candidates will be very able.

41. I have studied a number of test papers and can confirm that the subject matter covered is commensurate with the statutory requirements of the programme of study of the year 5 national curriculum. These programmes should be covered by all primary schools. There is significant challenge in some of the questions on the papers and again this is commensurate with the requirement for grammar schools to be able to differentiate between candidates with high ability levels.

42. I have covered the issue of private tutoring in paragraphs 15 to 18 of this determination. I am of the view that the content of the mathematics tests is appropriate and that the tests constitute a fair test to differentiate candidates by ability. This is in line with the Code and therefore I do not uphold this element of the objection.

The fairness of the marking of the test papers

43. The objector suggests that it is unfair that the different centres in the consortium arrange for their own, individual marking processes of the papers. She suggests that the marking may be inconsistent and may be undertaken by teaching assistants, teachers and private tutors. She is particularly concerned about the accuracy of marking of the English continuous writing element of the tests. She suggests that, due to the differences in practice at centres, the marking criteria may not be objectively and consistently applied. She goes on to suggest that small inconsistencies may impact more on 'borderline' candidates where there is a set pass mark.

44. The school responded that all the papers are marked by trained staff. The mark schemes are specific and clear and rigorously applied. All papers are double marked. If there is a difference in the two marks then the paper is marked a third time. The tests are moderated by sample on two occasions to ensure consistency against the mark scheme and finally the papers are sampled by the consortium. All markers are trained before the tests and marking is overseen by the consortium's lead marker for each element of the test.

45. The consortium explains that the continuous writing element of the tests is marked under guidance collectively for all candidates by a team comprising current or recently retired secondary English teachers or others with relevant equivalent experience. Every script is marked entirely independently by two markers. If their marks are not within tolerance the script is marked a third time by the lead marker.

46. The school reports that all markers have training each year on the particular papers and their associated mark schemes and that no tutors are involved in marking the papers taken at the school. In addition, no member of staff from the school marks papers taken at the school.

47. I am satisfied that tests are constructed, mark schemes produced, markers recruited and trained, and the marking, checking and moderating processes are conducted in a way which is similar to the major national examination centres and is therefore appropriate. The objector's concern about a small deviation in scores adversely affecting candidates on the borderline in those schools which has a set pass mark has been dealt with in paragraph 31. I do not therefore uphold this element of the objection.

The fairness of the use of private tutors

48. I have covered this issue in paragraphs 16 to 19 above.

The fairness of the different pass marks in different centres

49. The objector is concerned at the differences in admission arrangements for schools within the consortium; some have catchment areas and others do not, different proportions of catchment area and out of catchment area pupils are prioritised in the oversubscription criteria, some have set pass marks and others do not. She suggests that these different arrangements create inequality and specifically that children in her local area are competing

with children who live much further afield, many of whom live outside the local authority area.

50. The school states that while the consortium co-ordinates the selection process and the local authority co-ordinates admissions, the school's local governing body is the admission authority and as such can set its own criteria. Four schools in Southend have decided to work together for consistency in the area and have the same oversubscription criteria.

51. The chair of the consortium states that each school in the consortium requires a minimum score of 303 to be deemed as a 'pass mark' and that that value has been maintained since the 1990s. He suggests that this reflects an "*unfaltering standard*". He says that the objector's suggestion that different centres have different pass marks is spurious and points out that candidates do not necessarily sit the test at the centre which is the school to which they subsequently apply and many candidates apply to multiple selective schools once their results are known. Because of varying levels of oversubscription, a higher mark is required to achieve a place at some of the consortium's schools than at others.

52. I can confirm that while there are a number of schools in the consortium, each is its own admission authority and, in line with the Code must annually determine its own admission arrangements. I do not believe that there are different 'pass marks' at different schools; the standard set by the consortium is a pass mark of 303 – no candidate is placed in a school with a mark below this. Some schools are heavily oversubscribed with applicants who exceed this score and their arrangements give high levels of priority to the highest performing candidates. This means that with the exception of looked after and previously looked after children it is likely that all the pupils admitted may well have achieved a much higher score than the minimum 303.

53. I do not accept the statement by the objector that the administration of the pass marks leads to local children competing with high performing children from further afield. As previously explained, all candidates in the catchment area who achieved the pass mark have been admitted to the school in the past five years and so local children achieving the minimum score of 303 have not been displaced by applicants from further afield who have achieved higher marks. I do not uphold this element of the objection.

The absence of clerical checks, remarking or academic appeals.

54. The objector states that there is no clear, consistent and fair process for clerical checks, remarking or academic appeals and suggests that this makes the process and therefore the admission arrangements unfair.

55. The school states that every school in the consortium follows the same process as specified in the test administrators' handbook. The school and the consortium say that it is the agreed position that a remark service is not provided for any paper at the behest of applicants. Each school had robust procedures in place for the marking of the 11 plus entrance tests which includes double marking, repeat checks on the addition of scores and

a further sample remark of whole papers. After the results have been submitted a further random check of papers is ordered by the consortium.

56. The objector is correct to say that many selective school systems in England do have a process for parents to request a remark of papers and have in place academic appeals for borderline candidates but there is no legal requirement to do so and it is a matter for the consortium to decide if these additional checks are necessary. I should add that this process where it exists is often referred to as a review – partly in order to distinguish it from the important statutory right of appeal against the refusal of an offer of a school place. In this context, the school and the consortium point out that applicants have a statutory right of appeal against an admission authority's decision and this is made clear in the local authority's guide to admissions.

57. It is not a requirement under the law or the Code that selective schools must have systems in place for parents to request remarks of papers, nor is it statutory for admission authorities to hold academic appeals (as distinct from the statutory appeals process which must be in place for all schools) and therefore I do not uphold this element of the objection.

The validity of the age standardisation system

58. The objector believes that if a school undertakes age weighted standardisation then it should also standardise test scores for other reasons which may skew test results, for example poverty. Whilst I fully understand the argument, I have covered this in paragraphs 19 to 21 above.

59. The objector goes on to suggest that the way in which the consortium standardise test scores for age is flawed and results in an over-correction of scores for the youngest candidates which is unfair.

60. Both the objector, the school and the consortium refer to a previous determination concerning age standardisation in a school within the consortium. I was the adjudicator in that case and my conclusion was as follows;

"I uphold this aspect of the objection, that the lack of any age standardisation of the test results is unfair to summer-born girls. Most 11 plus test providers do standardise for age. The school has argued that this is unnecessary for their tests, as statistical analysis undertaken on its behalf does not show any correlation between date of birth and test result. Examination of this analysis by a professional statistician at the Department for Education (DfE) has shown that analysis to be flawed. The same statistical tests applied correctly to the same data show that there is a correlation and a smaller proportion of summer-born girls than would be expected obtain places at the school. I find that this is unfair to summer-born girls."

61. In line with the determination, the consortium has introduced age standardisation to their system. The adjudication did not prescribe which system to utilise but the consortium chose to use the system used by the senior DfE statistician. This is a valid system and I am of the view that the system is now more fair for summer born candidates. I do not therefore uphold this element of the objection.

The clarity of the in-year admissions.

62. The objector considers the in-year admissions arrangements to be unfair. She suggests that girls achieving the required pass mark in the in-year tests should be given a place in order of priority of the oversubscription criteria within the main admission arrangements, that is a higher priority for preferential candidates who live in the catchment area before others living in the catchment area.

63. The school does not understand why the objector finds this element unclear. The page on the school's website under the heading 'admissions' and then 'in-year admissions' clearly states that in-year admissions are required to sit tests and that girls achieving the pass mark will be offered a place in the same priority order as the oversubscription criteria in the main admission arrangements. I can confirm that this is the case and I am of the view that the arrangements are clear in the respect.

Other Matters

64. The position in the arrangements given to pupils with an Education, Health and Care (EHC) plan which names the school does not comply with paragraph 1.6 of the Code which states that *"All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school **must** be admitted."* This requires amendment.

Summary of Findings

65. The objector raised a number of issues about the validity of the testing process for the 11-plus entry tests and particularly in respect of pupils from families of low income who do not undertake additional tutoring. A DfE research paper concludes that; *"At all ages there is a gap in test performance between economically disadvantaged pupils and their more affluent peers."* and that; *"disadvantaged pupils are less likely to attend grammar schools."* It further concludes that; *"pupils that have been tutored are more likely to access a grammar school, and children in households with larger incomes are more likely to have access to tutoring. Tutoring is found to be effective at supporting pupils to pass the 11-plus."* These facts have been clearly documented but my role as an adjudicator is to determine whether or not an individual school's admission arrangements are compliant with the law and the Code. I have investigated each element of the objection, studied the processes and instruments used in the testing process and reviewed the outcomes of these tests and I can find no element of these in which the admission arrangements are non-compliant with the law and the Code. The arrangements comply with paragraph 1.31 of the Code in that the tests are clear, objective and give an accurate reflection of the child's ability. The practices and criteria used to decide the allocation of school places are fair, clear and objective and therefore comply with paragraph 14 of the Code and the oversubscription criteria are reasonable, clear, objective and procedurally fair; also in compliance with paragraph 1.8 of the Code.

66. I therefore do not uphold the objection.

67. The arrangements do not comply with the Code because they do not state that all children who have an Education, Health and Care (EHC) plan which names the school will be admitted before any other priority is applied. The school is able to amend this non-compliance immediately and in line with paragraph 3.6 of the Code which states that “ *Once admission arrangements have been determined for a particular academic year, they cannot be revised by the admission authority unless a revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the adjudicator or any misprint in the admission arrangements.*”

Determination

68. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2020 determined by the local governing board for Westcliff High School for Girls, Southend on Sea, Essex.

69. I have also considered the arrangements in accordance with section 88I(5) and find there is one other matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

70. By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised as soon as possible and by 30 November 2019 at the latest.

Dated: 24 October 2019

Signed:

Schools Adjudicator: Ann Talboys