



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA2847

Objector: A member of the public

Admission Authority: The governing body of Sale Grammar School

Date of decision: 19 June 2015

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 admissions in September 2016 determined by the governing body of Sale Grammar School.

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 person who wishes to remain anonymous (the objector), about the admission arrangements (the arrangements) for Sale Grammar School (the school), an academy school for pupils aged 11 – 18 in Trafford, for September 2016. The local authority (LA) for the area is Trafford Council. The objection concerns admissions to the school's sixth form and the academic entry criteria applied to internal and external applicants for places.

Jurisdiction

2. The terms of the funding agreement between the academy trust, in this case Sale Grammar 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 2 December 2014 by the governing body of Sale Grammar School, which is the admission authority for the school, on that basis.

3. The objector submitted the objection to these determined arrangements on 3 April 2015. The objector has chosen to remain anonymous under paragraph 3.3(f) of the School Admissions Code (the Code) and has provided their name and address to the adjudicator as required by Regulation 24 of the School Admissions Regulations 2012 (the Regulations).

I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the Code.
5. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection;
 - b. the school's response to the objection and supporting documents;
 - c. the LA's comments on the objection;
 - d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2015; and
 - e. the minutes of the meeting of the school's governing body held on 2 December 2014 when the governing body determined the arrangements.

The Objection

6. The objection is that the admission arrangements do not comply with paragraph 2.6 of the Code which states, in respect of sixth form admissions that "*academic entry criteria...**must** be the same for both internal and external places.*" The objector is concerned that although the arrangements require the same minimum academic criteria, priority is given to internal pupils because a limited number of places are offered to pupils from other schools whereas all internal pupils meeting the minimum criteria will be offered a place in the sixth form. In the event of over subscription, the limited places for external candidates are allocated on the basis of highest GCSE grades, and that this means in practice that external candidates will need to achieve higher grades than internal candidates and the academic entry criteria are not therefore the same.

Background

7. Sale Grammar School is an 11 – 18 school. It became an academy in March 2011. The school has a published admission number (PAN) of 180 for Year 7 and a PAN of 50 for the sixth form for 2016.

8. At Year 7 the admission arrangements require all applicants to have achieved the required qualifying score in the assessment tests provided by the school. If there are more applicants who have achieved the qualifying score than available places, the following oversubscription criteria apply:

- Looked after and previously looked after children
- Applicants living within the defined priority admission area. If there are more eligible applicants than places then distance from the

school is used to prioritise applicants (details of the postcodes that define the catchment area are provided)

- Applicants from outside the area are prioritised by ranking their assessment scores with the highest scores gaining places

9. For the sixth form there is a minimum academic requirement of 5 GCSE passes with at least two at grade A and three of at least grade B with a B grade in the subjects chosen to study at sixth form and a C grade in English Language and Mathematics.

10. All internal students who meet this minimum academic requirement may continue into the sixth form. Those who do not reach it may not. There are then 50 places available to external applicants who meet the minimum academic requirement.

11. If there are more external applicants than the 50 places available within the PAN the following oversubscription criteria are used:

- Looked after and previously looked after students
- Other applicants are ranked in order of average point score achieved beginning with the highest.

Consideration of Factors

12. The school is a grammar school and under paragraph 1.18 of the Code is permitted *“to select its entire intake on the basis of high academic ability”*.

13. Paragraph 2.6 of the Code says that students who are *“applying for sixth form places may use the common application form, although if they are already on the roll they are not required to do so in order to transfer to year 12. Admission authorities can, however, set academic entry criteria for their sixth forms, which **must** be the same for both external and internal places.”*

14. Paragraph 1.19 of the Code goes on to say *“where arrangements for pupils are wholly based on selection by ability and provide for only those pupils who score highest in any selection test to be admitted, no priority needs to be given to looked after children or previously looked after children.”*

15. The first part of the objection is that internal and external applicants to the sixth form are not treated the same as required by the Code in paragraph 2.6. The school in its response makes clear that the minimum academic requirements for internal and external candidates are identical. The school also points out that students who are already students at the school in Year 11 do not need to apply for a place at the sixth form and may continue their studies at the school provided that they meet the minimum academic criteria. The LA confirms this view.

16. I have considered these points and am satisfied that the school applies the same minimum standards to internal and external students and in this respect complies with the Code. I am also satisfied that students who have previously gained a place at the school at Year 7 or later do not need to

reapply for a place to move into the next year group. This applies for all year groups including the transition from Year 11 to Year 12. The difference at the Year 12 transition is that the Code allows an admission authority to introduce minimum academic entry criteria that any student must achieve in order to pass to the sixth form. The school complies with the Code in this respect.

17. The school has a PAN of 50 for the sixth form which means that there are 50 places available for external candidates in Year 12 in addition to the places taken by internal candidates moving through from Year 11 to Year 12. The objector argues that these external applicants are treated differently to the internal applicants.

18. The school applies minimum academic entry criteria for all students to study in Year 12 as permitted by the Code in paragraph 2.6. I have already considered the point that internal applicants do not have to apply for a place but do have to meet the minimum academic entry requirement. In this respect I am satisfied that the arrangements are compliant with the Code.

19. If there are fewer than 50 external applicants for the 50 places available at Year 12 then all of the applicants who meet these minimum academic criteria will be admitted. If there are more applicants than places available, the school has set out the oversubscription criteria that it will apply in order to determine who has priority for the available places.

20. Paragraph 1.19 of the Code refers to selective grammar schools and says "*where arrangements for pupils are wholly based on selection by ability and provide for only those pupils who score highest in any selection test to be admitted, no priority needs to be given to looked after children or previously looked after children.*" This grammar school has chosen to use selection by ability as it is permitted to do by the Code but I observe that it has also chosen to give priority to looked after and previously looked after children even though it is not required to do so. The oversubscription criteria for the sixth form therefore give priority to looked after children and previously looked after children and then priority to students with the highest average point scores.

21. The objector is correct in pointing out that the use of average point scores as an oversubscription criterion introduces a further selection by ability into the arrangements. In this particular case, however, the school is a selective grammar school and is permitted by paragraph 1.18 of the Code to select on the basis of high academic ability and I am satisfied that it complies with this aspect of the Code.

22. I note that the school's catchment area is defined by the use of postcode areas. I am satisfied that the catchment area is reasonable and clearly defined as required by paragraph 1.14 of the Code. However, I observe that it would be helpful to include an outline map of the catchment area on the school's website for the benefit of those who move into the area and who are unfamiliar with the postcode areas listed.

Conclusion

23. I have looked carefully at the submission made by the objector. I am

satisfied that the minimum academic entry criteria for the sixth form are applied equally for internal as well as external applicants and in this respect the arrangements are compliant with the requirements of the Code.

24. I have considered the point about the oversubscription criteria used for external applicants. These are only applied if there are more external applicants than there are places available within the PAN. The school is a popular school so it is likely that the oversubscription criteria will be used each year to prioritise applicants. The school is a grammar school and has chosen to use an oversubscription criterion that prioritises on the basis of high academic ability. The Code permits a selective grammar school to select in this way and I conclude that the school complies with the Code in this respect.

25. Having considered the points made, I am satisfied that the arrangements do not contravene the Code and I do not uphold the objection to the school's arrangements for the reasons given above.

Determination

26. 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 admissions in September 2016 determined by the governing body of Sale Grammar School.

Dated: 19 June 2015

Signed:

Schools Adjudicator: David Lennard Jones