



## **DETERMINATION**

**Case reference: ADA2676**

**Objector: The governing body of Trafalgar School, Downton, Wiltshire**

**Admission Authority: The governing body of the academy trust of South Wilts Grammar School for Girls**

**Date of decision: 29 August 2014**

### **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 determined by the governing body of the academy trust of South Wilts Grammar School for Girls, Salisbury, Wiltshire.**

**I have also considered the arrangements in accordance with section 88I(5). I determine that some matters do not conform with the requirements relating to admission arrangements.**

**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 as quickly as possible.**

### **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 the governing body of Trafalgar School in Downton, Wiltshire (the objector), about the admission arrangements (the arrangements) for the South Wilts Grammar School for Girls (the school), a selective academy for girls aged 11 to 18, for September 2015. The objection is to the reduction in the pass mark in the selection test used by the school. The local authority for the area is Wiltshire County Council (the LA).

### **Jurisdiction**

2. The terms of the academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined on 20 March 2014 under section 88C of the Act by the Personnel Admission Committee, a sub-committee of the school's governing body, on behalf of the academy trust. The objector submitted the objection to these determined arrangements on 21 May

2014.

3. I am satisfied the objection is has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.
4. I have also used my powers under section 88I of the Act to examine other aspects of the school's arrangements which appeared not to be compliant with the Code.

### **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 objector's email of objection dated 21 May 2014 and subsequent correspondence clarifying the objection up to 16 June;
  - b. further comments from the objector dated 28 July 2014;
  - c. the school's response to the objection and supporting documents dated 1 July;
  - d. the school's responses dated 17 and 27 July and 20 August 2014 to my further enquires;
  - e. the LA's response to the objection dated 11 July 2014 and further information received from the LA on 25 July 2014;
  - f. the LA's composite prospectus for parents seeking admission to schools in the area in September 2014;
  - g. maps of the area identifying relevant schools;
  - h. confirmation of when consultation on the arrangements last took place;
  - i. copies of the minutes of the meeting of the governing body at which the arrangements were determined; and
  - j. a copy of the determined arrangements.

### **The Objection**

7. The arrangements determined by the school for September 2015 include a reduction in the pass mark in the selection test from 72 per cent to 71 per cent alongside an increase in the published admission number (PAN) from 128 to 150.
8. The objector believes that the modification of the entry criteria for the school when proposed alongside an increase in the PAN, is both unfair and unreasonable when the school has failed to establish any clear

need for further grammar school places to educate the most able students in Salisbury.

9. The objector has argued that the reduction in pass mark will disadvantage children attending other schools and is therefore unfair. The objector also says that the school did not respond to or consider the points the objector made during consultation and when the arrangements were determined.

### **Other Matters**

10. In the process of considering the objection I became aware of a number of other areas in which the school's admissions arrangements may not comply with the Code:

- the consultation undertaken by the school with parents may not comply with paragraph 1.44 of the Code;
- the tie-break used in the oversubscription criteria may not comply with paragraph 1.8 of the Code;
- the supplementary information form (SIF) used by the school for Year 7 entry may not comply with paragraph 2.4 of the Code;
- the sixth form application form may not comply with paragraph 2.4 of the Code; and
- the oversubscription criterion referring to free school meals may not be consistent with the school's funding agreement.

I also noted discrepancies between data published by the school and the LA about admissions in previous years.

### **Background**

11. The school is a selective academy for girls in Salisbury. Only girls who attain the required standard in selection tests are eligible for admission to the school. If more girls reach that standard than there are places available, oversubscription criteria are used to decide which girls are offered places.

12. The published oversubscription criteria can be summarised as:

- a. Looked after and previously looked after children;
- b. Girls who live in the school's designated area;
- c. Girls who are from families entitled to free school meals;
- d. Girls who live outside the designated area who have a sister at the school;
- e. Other girls in order of straight line distance from the school with

a ballot being used if distances are equal.

13. The school also admits students to the sixth form. The sixth form operates in partnership with a grammar school for boys in Salisbury.
14. There are usually more girls who have met the required standard in the selection tests than there are places available in Year 7. From 2010 to 2014 all girls living in the designated area who passed the entrance test were offered places. In those years the last girl to be offered a place lived between 13.6 miles and 25.7 miles from the school.
15. I am satisfied that what is referred to as the “designated area” in these arrangements is the same thing that is often called a catchment area in other local authority areas and is referred to as such in the Code.

### **Consideration of Factors**

16. I first clarified the substance of the objection which had been received.
17. The arrangements determined by the governing body for 2015 include a change to the PAN and a reduction in the pass mark of the selection test used by the school.
18. Paragraph 1.3 of the Code allows admission authorities to increase a PAN without consultation, and paragraph 3.3 does not allow objections to an increase in PAN to be made to the Schools Adjudicator. In this case the objector has made it clear that the objection is to the reduction in the pass mark of the selection test used by the school not the increase in PAN.

### **Reduction in the Pass Mark**

19. In a letter of 14 February 2014 sent from the objector to the school as part of the consultation process the objector put several arguments against the proposed change in the pass mark.
20. The objector’s first argument was that additional places were not required in the area because forecasts indicated a continued decline in student numbers and adding provision at the school would add to surplus capacity elsewhere risking the viability of other schools.
21. This is essentially an argument against the increase in PAN and, as explained above, the school does not need to justify increasing its PAN and the increase in PAN is not within my jurisdiction. However, I asked the LA for their forecast of the number of secondary school places required in their Salisbury planning area as contextual background.
22. Table 1 indicates an annual increase in demand for places with 251 more students expected to require places in Year 7 in 2020 compared with 2014.

| Year 7 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|--------|---------|---------|---------|---------|---------|---------|---------|
| Places | 661     | 721     | 794     | 835     | 885     | 892     | 912     |

23. The objector also argued that reducing the pass mark would lead to the admission of students who would not “*meet the academic ability level required to be successful within the school's curriculum.*”
24. As the selection test is intended to establish whether or not a girl is of grammar school standard I have tried to establish what proportion of the population the test identifies as being of that standard and how the reduction in the pass mark of one per cent would change this proportion.
25. The school was unable to supply this information and neither was GL Assessment the company that provides and administers the test. I therefore looked at the effect lowering the pass mark from 72 per cent to 71 per cent would have had on applications in the last five years. The data provided by the school is shown as Table 2.

| Year    | Applicants | Attaining 71% |       | Attaining 72% |       | Difference |      |
|---------|------------|---------------|-------|---------------|-------|------------|------|
| 2014    | 354        | 180           | 50.8% | 162           | 45.8% | 18         | 5.1% |
| 2013    | 282        | 146           | 51.8% | 140           | 49.6% | 6          | 2.1% |
| 2012    | 287        | 150           | 52.3% | 132           | 46.0% | 18         | 6.3% |
| 2011    | 311        | 159           | 51.1% | 146           | 46.9% | 13         | 4.2% |
| 2010    | 309        | 147           | 47.6% | 134           | 43.4% | 13         | 4.2% |
| Average | 309        | 156           | 50.7% | 143           | 46.3% | 14         | 4.4% |

26. This shows that on average about 14 more girls would have been deemed to be of grammar school standard had the 2015 pass mark been applied in the past. This is about 4.4 per cent of those taking the test.
27. Not all girls living in the area will take the selection test so this is not an estimate of the proportion of the population that would reach the new standard. To make that estimate I looked at the number of girls attending schools from the area that the school draws its students from.
28. Between 2011 and 2014 the school admitted girls from as far away as 25.7 miles and 13.6 miles from the school. Edubase lists 11 state-funded secondary schools within 15 miles of Salisbury that have girls on their roll. The number of girls on roll at those schools in January 2014 is tabulated below.

| School                      | Town          | Year 7 | Year 8 | Year 9 | Year 10 | Year 11 |
|-----------------------------|---------------|--------|--------|--------|---------|---------|
| Avon Valley College         | Salisbury     | 46     | 52     | 54     | 38      | 54      |
| The Burgate School          | Fordingbridge | 47     | 49     | 53     | 67      | 55      |
| The Romsey School           | Romsey        | 90     | 91     | 104    | 109     | 102     |
| St Edmund's Girls School    | Salisbury     | 174    | 167    | 159    | 167     | 164     |
| St Joseph's Catholic School | Salisbury     | 31     | 34     | 28     | 33      | 25      |
| Sarum Academy               | Salisbury     | 25     | 17     | 50     | 34      | 58      |
| South Wilts Grammar         | Salisbury     | 128    | 123    | 124    | 130     | 127     |
| The Stonehenge School       | Salisbury     | 53     | 55     | 63     | 61      | 59      |
| Test Valley School          | Stockbridge   | 46     | 43     | 47     | 65      | 65      |
| The Trafalgar School        | Salisbury     | 37     | 58     | 49     | 49      | 53      |
| The Wellington Academy      | Ludgershall   | 76     | 81     | 82     | 72      | 73      |
| Totals                      |               | 753    | 770    | 813    | 825     | 835     |

29. If the number of girls taking the test and achieving 71 per cent and 72 per cent is compared with this population it would appear from Table 4 that the proportion of the population being deemed to be of grammar school standard is just 1.6 per cent more if the lower pass mark is used.

| Year of entry           | 2013  | 2012  | 2011  | 2010  | Mean  |
|-------------------------|-------|-------|-------|-------|-------|
| Total number of girls   | 753   | 770   | 813   | 825   | 790   |
| Sitting the test        | 282   | 287   | 311   | 309   | 297   |
| Proportion taking test  | 37.5% | 37.3% | 38.3% | 37.5% | 37.6% |
| Number reaching 72%     | 140   | 132   | 146   | 134   | 138   |
| Proportion reaching 72% | 18.6% | 17.1% | 18.0% | 16.2% | 17.5% |
| Number reaching 71%     | 146   | 150   | 159   | 147   | 151   |
| Proportion reaching 71% | 19.4% | 19.5% | 19.6% | 17.8% | 19.1% |
| Increase                | 0.8%  | 2.3%  | 1.6%  | 1.6%  | 1.6%  |

30. It is possible to argue that the above analysis is flawed because not all girls of grammar school ability attending schools within a 15 miles radius would have sat the selection test. I am however satisfied that only a small additional proportion of the population would be identified as of grammar school standard by the reduction of the pass mark from 72 per cent to 71 per cent. I also think that the difference in ability between a girl achieving 72 per cent and 71 per cent would be minimal.

31. I note that the letter from the school to the objector of 24 February 2014 did comment on this issue as do the minutes of the meeting on 20 March 2014 although these comments do not quantify the effect of the change.

32. In the letter of 24 February to the school the objector says “*published league table results show that able students currently achieve very highly at other Salisbury schools. There is no need for further grammar school places to educate the most able students*”. Unlike the other points made by the objector in the letter, this is not commented on by the school in its response or in the minutes of the meeting. It is understandable that one school would not wish to comment on children's attainment in other schools.

33. I have looked at the 2013 school performance tables to see whether girls of high ability might be disadvantaged if they are unable to attend the grammar school. The following table shows the data for high attaining pupils at the schools educating girls listed on Edubase as being within 15 miles of Salisbury. This shows a mixed picture with high attaining students in some schools making similar progress to those in the grammar school.

| School                      | % High attaining students | % High attaining students making expected progress in English | % High attaining students making expected progress in maths | % High attaining students obtaining five or more GCSEs at A*-C including English and maths |
|-----------------------------|---------------------------|---|---|--|
| South Wilts Grammar         | 97                        | 100   | 98  | 99   |
| Avon Valley College         | 18                        | 95  | 100   | 95   |
| The Burgate School          | 44                        | 92  | 97  | 98   |
| The Romsey School           | 39                        | 88  | 97  | 95   |
| St Edmund' Girls Schools    | 32                        | 93  | 93  | 98   |
| St Joseph's Catholic School | 16                        | 100   | 100   | 100  |
| Sarum Academy               | 16                        | 81  | 86  | 90   |
| The Stonehenge School       | 16                        | 88  | 80  | 100  |
| Test Valley School          | 30                        | 87  | 91  | 89   |
| The Trafalgar School        | 36                        | 78  | 95  | 92   |
| The Wellington Academy      | 22                        | 93  | 90  | 97   |

34. Having considered all of the above factors, I am not persuaded that reducing the pass mark in the selection test is unfair. It also appears to me that the school responded appropriately to the objector during the consultation period and took the objector's comments into account when determining the arrangements for 2015.

### Other Matters

35. In the minutes of the governing body's sub-committee that determined the admission arrangements there is no mention of comments from any parents being received during consultation. Paragraph 1.44 of the Code requires admission authorities to consult with parents of children between the ages of two and eighteen. I asked the school how it consulted with parents. In their response the school said "*The proposed admissions policy and corresponding letter were published on the school website for the full consultation period.*"
36. While publication of proposals on the school's website is necessary, it is not sufficient in terms of parental consultation. I do not think admission authorities can rely on parents searching out their website throughout the designated consultation period to check whether a school is consulting on changing its arrangements. I am not satisfied that parents were properly consulted and conclude that the school has not met the requirements of paragraph 1.44 of the Code.
37. Paragraph 1.8 of the Code requires admission arrangements to include an effective tie-break. In the school's determined arrangements, the tie-break only appears to apply to the final oversubscription criterion.
38. Although it may be unlikely that oversubscription occurs further up the list of criteria, it is still necessary to ensure there is a tie-break mechanism that meets the requirement of the Code and can be applied to each criterion should it be needed.
39. The school uses a "test registration form" for 11+ testing. This form also requests supplementary information required to administer the governors' admissions policy. Paragraph 2.4 of the Code says that supplementary information forms (SIF) can only request information that has "*a direct bearing on decisions about oversubscription criteria, or for the purpose of selection by aptitude or ability.*" This form asks for the name of the girl's present school. I asked the school why this question was included on the form as it did not appear to me to be necessary to assess girls against the oversubscription criteria or to administer the test.
40. The school says that this information is used to administer the test for children who require special access arrangements and it is also used to provide information required at appeals. I am not convinced that these reasons are valid because elsewhere on the SIF there is a box asking if the girl requires special access arrangements and refers parents to another form to give details. If advice on the girl's needs is



required from the primary school, it can therefore be sought only in the cases where it is needed. Admission appeals take place after places are allocated; any information needed for an appeal should be collected at that time. I do not think information on which primary schools girls attend is required to apply the oversubscription criteria or administer the selection test.

41. The school publishes a PAN and oversubscription criteria for the sixth form, for 2015 the PAN is 90. Girls are required to reach an academic standard for admission to the sixth form as permitted by paragraph 2.6 of the Code. If more girls meet the standard than there are places available the same oversubscription criteria are used as for admission to Year 7.
42. Applications to the sixth form are made directly to the school using a form headed "*The Option Choices for Sixth Form (Application)*". This form should comply with paragraph 2.4 of the Code and only ask for information which has a direct bearing on decisions about oversubscription criteria or the academic criteria to be met.
43. On the first page of this form it asks for the present school and other secondary schools attended. This information is not required to assess the application against the oversubscription criteria. The school has said this is used to obtain information to help decide whether to still offer the student a place when a girl from another school has not met the academic requirements for admission to the sixth form which are six GCSEs at grades A\* to C with a B grade in English language and either maths or science.
44. Paragraph 14 of the Code says "*admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.*" I do not consider this practice to be clear or objective. Parents will not understand why one girl who did not meet the academic requirement was offered a place and another who also failed to meet the standard was not. The school's response also suggests there is some flexibility in the academic standard required for admission to the sixth form which is not clear or objective and potentially unfair.
45. The second page of the form asks for the girl's current teacher to sign to support suitability for each subject the girl wishes to study. It goes on to ask the applicant to, in their own handwriting, "*highlight those personal qualities and achievements which make you a suitable candidate for Sixth Form studies and choice of career.*"
46. The school says this is to enable discussion and guidance when girl's AS subjects do not reflect their career choice. Paragraph 1.9m of the Code allows meetings to discuss options and academic entry requirements for particular courses, but does not allow the meeting to be part of the selection process.

47. It seems to me that what and how a girl writes on this form could be seen to be part of the selection process, particularly as it requires the girl to complete this part of the form in her own handwriting. It is appropriate that options need to be line with career choice, but this could be elicited in conversation at a guidance meeting. This information is unnecessary to consider the application against the oversubscription criteria and asking for it on this form does not comply with paragraph 2.4 of the Code.
48. The final page of the form asks the girl's present school to comment on the predicted grades which are requested on the second page of the form, and the girl's suitability for advanced level study. Paragraph 1.9g of the Code says that admission authorities must not take account of reports from previous schools about attitude or achievement. These comments cannot be part of the oversubscription criteria and therefore paragraph 2.4 of the Code does not allow them to be part of this form.
49. The full text of the oversubscription criterion regarding free school meals is "*Girls who are from families entitled to claim free school meals at their current school at the time of the test. Documentary evidence that the parent is in receipt of the appropriate support payment entitling the child to free school meals will be required.*" Normally paragraphs 1.9f and 2.4a prevent admission authorities from giving priority to children according to the financial status of parents. However some academies have a funding agreement which allows them to give priority to children who attract the pupil premium.
50. The school has had its funding agreement amended to allow it to give priority to girls who attract the pupil premium. This is not however exactly the same as girls from families entitled to claim free school meals at the time of the test. I do not consider the wording of this criterion accurately reflects the permission in the school's funding agreement and those who attract the pupil premium.
51. Both the school and the LA publish data on the number of girls admitted to the school in previous years and in which category oversubscription occurred. This should be helpful to parents as indicated in paragraph 14 of the Code which says, "*parents should be able to look at a set of arrangements and understand easily how places are allocated.*" However, the data for the years 2011 to 2013 are different on school and LA websites. This could lead to parents forming a different impression of the level of oversubscription at the school depending on which source they looked at.
52. The LA data support the statement on their website "*every girl of grammar school ability offered a place.*" and shows the number of girls admitted as being below the PAN. The school's data show the PAN being reached in all years and from the data shown it can be inferred that some girls of grammar school ability were not offered places in all years.

53. I asked both the school and the LA why this discrepancy might have arisen. The school and the LA agree that it is because the school's data show the number of offers made while the LA data show the number of girls who accept the offer.

54. I think it would be clearer for parents if the school and LA were consistent in the data they publish.

## **Conclusion**

55. I have considered the arguments put forward by the objector against the reduction in the pass mark in the selection test for the school from 72 per cent to 71 per cent. I am not convinced that reducing the pass mark is in anyway unfair. I therefore do not uphold the objection.

56. There are however some other points on which I have decided for the reasons set out above that the school has not complied with the requirements of the Code.

- Consultation with parents did not comply with paragraph 1.44 of the Code;
- The arrangements should include a tie-break for each of oversubscription criteria, not just the final one in order to comply with paragraph 1.8 of the Code;
- The test registration form used by the school should not ask which primary school a girl attends as this does not comply with paragraph 2.4 of the Code;
- The sixth form application form does not comply with paragraph 2.4 of the Code and ;
- The school needs to amend its criterion giving priority to girls from families entitled to claim free school meals to reflect the terms of its funding agreement.

## **Determination**

57. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the governing body of the academy trust of South Wilts Grammar School for Girls in Wiltshire.

58. I have also considered the arrangements in accordance with section 88I(5). I determine that some matters do not conform with the requirements relating to admission arrangements.

59. 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 as quickly as possible.

Dated: 29 August 2014

Signed:

Schools Adjudicator: Phil Whiffing