

DETERMINATION

Case references: ADA2313

Objector: A parent

Admission Authority: The Governing Body Wallington High School for Girls, London Borough of Sutton.

Date of decision: 14 September 2012

Determination

In accordance with section 88H (4) of the School Standards and Framework Act 1998, I do not uphold the objection made to the admission arrangements determined by the governing body of Wallington High School for Girls

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 (who wishes their anonymity to be respected, but whose name and address are known to me), about the admission arrangements (the arrangements) for admissions in September 2013 for Wallington High School for Girls (the school), an Academy School with a selective intake in the London Borough of Sutton, the local authority (the LA).
2. The objector says that the school does not meet the requirements of the School Admissions Code (the Code) concerning the timing of the information it provides to parents about the performance of children on selection tests.

Jurisdiction

3. The terms of the Academy agreement between the proprietor 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 by the proprietor, which is the admission authority for the Academy school, on that basis.
4. The objector submitted their objection to these determined arrangements on 22 June 2012. As the objector provided the Adjudicator with their name and address, an anonymous objection is allowable under Regulations 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the regulations). I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that it is within my jurisdiction.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the Code.

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

- a. the objector's form of objection dated 22 June 2012;
- b. the school's response to the objection and supporting documents;
- c. the comments of the LA concerning the objection;
- d. copies of the minutes of the meeting at which the school's arrangements were determined; and
- e. a copy of the determined arrangements.

The Objection

7. The school's oversubscription criteria use ranked scores achieved on the school's selection test for different groups of girls, some of which groups are defined by the location of their home, for which a defined number of places are provided. The objector's view is that the school should give parents the scores which their children achieve together with the cut-off scores for admission for the different groups in previous years.

8. The objector believes that the practice of the school contravenes paragraph 1.32c of the Code, which says the following:

*"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** so as to allow parents time to make an informed choice of school - while making it clear that this does not equate to a guarantee of a selective place."*

9. The Code came into force on 1 February 2012, meaning that this requirement, which replaces a similarly worded statement using the word "should" instead of "must", has its effect for the first time in respect of admission arrangements for September 2013.

Background

10. The school is located to the south of London, in an outer London borough. It is very heavily oversubscribed. For entry in September 2011, there were 1571 applications for the 180 places that were then available. The situation for 2013 is unlikely to be different, although a higher admission number (210) will apply.

11. Wallington High School became an Academy on 1 June 2011 and its Funding Agreement with the Secretary of State states that it is permitted to continue to select its intake by reference to ability since it was previously a maintained grammar school designated as such under section 104 of the Act and the Education (Grammar School Designation) Order 1998.

12. The school's admission arrangements for September 2013, which are described above, were determined (following consultation on changes required by the introduction of the revised Code on 1 February 2012) by the Governing Body on 13 March 2012.

13. The school wrote to me on 4 July 2012. In this response to the objection, the school says that it is not aware of any "stipulation that an actual test score must be given, nor cut-off points for previous year offers". It says that its view is that since cut-off points vary between years, knowing actual scores would be "unhelpful".

14. The LA says in its letter of 5 July 2012 that the Code does not require test scores or cut-off points from previous years to be given to parents. It considers that if this were the case, it would have a distorting effect on the pattern of preferences expressed by parents which could be detrimental to their interests since places are not confirmed until March.

15. The LA also says that there is already significant pressure within the short time available on students who are entered for several selective schools. There is also pressure on the resources which schools can devote to testing arrangements and further requirements would endanger the ability to meet existing closing dates.

Consideration of Factors

16. The objector has complained about the admission arrangements on the grounds that they do not result in parents knowing the final outcome of the selective admission procedures prior to 31 October.

17. The Code requires that "all reasonable steps" are taken to inform parents of the outcome of testing. The wording of paragraph 1.32c falls short of a requirement that parents are given any specified information and also make it clear that what is meant by "outcome" is not the same as the final allocation of a selective place

18. However, I do not believe that the objector is under the impression that applicants for a place at a selective school are entitled to know that they have a confirmed place (or not) prior to the CAF deadline. What the objector is saying is that the Code at paragraph 1.32c requires that wherever possible, the selection process should have run its course by that time, so that parents have the maximum possible information, short of a confirmed place, when completing the CAF. The objector therefore wishes parents who apply for a place at Wallington to be told the score on the selection test together with information about previous years which will enable them to gauge their likelihood of admission through the school's oversubscription criteria if the school is named on the CAF.

19. In order to understand clearly what is at issue I think it is helpful to consider the processes in play after the completion of the CAF by parents in this situation. One such process is the co-ordination of offers, in which the preferences expressed by parents are compared with the availability of places and the extent to which their application meets each school's oversubscription criteria. This results in the offer of the highest ranked available place to each child at the end of the coordination process. A selective school is part of this process in the same way as a non-selective school, but it has used selective means, together with any oversubscription criteria that it employs, to determine the rank order which it gives to applications. It will not have determined a closed list of those to be offered a place in advance of the co-ordination process, unless of course it is undersubscribed with qualified applicants.

20. When, as for Wallington High School, a selective school uses a single selection test which takes place prior to 31 October, parents are therefore still not told that they have a guaranteed place, only that they would (or would not) enter the coordination process for a place at the selective school if they named it on their CAF. The second process, which results in the ranking of candidates for the purposes of co-ordination, is in Wallington's case the application of the school's oversubscription criteria to the candidates who have been regarded as being of selective ability.

21. The Code does not define what is meant by "the outcome", although it is clear that it must be information which allows an "informed" choice of school to be made by parents, and that it does not mean a guarantee of a place at a selective school.

22. In practice, the selection process - of which children are and which are not of selective ability - has occurred at Wallington prior to 31 October, and parents are informed of the outcome in these terms. For admissions in 2013 the school's website says that applicants will receive a letter in the week commencing 8 October informing them whether their daughter is deemed to be of selective ability for the school as a result of the entrance test

23. In considering the objection, I must come to a view on whether informing parents of the results of first stage testing without giving actual scores meets the requirements of the Code concerning the information provided as the "outcome" of testing.

24. As already pointed out, the Code does not define "outcome" other than by the effect which is intended of allowing "parents time to make an informed choice of school - while making it clear that this does not equate to a guarantee of a selective place". I am mindful here that the wording of the Code emphasises that it is the timing that matters for parents, and that their choice should be "informed". The Code does not specify how far "informed" should go, and I believe that there are good reasons for this. If for example all parents are informed of the detail of their child's performance on the test, the effect could vary considerably depending on the local circumstances. In some circumstances, for example in London, where parents normally have up to six allowed CAF preferences, and where as a result a given child may be highly qualified for more than one selective school, the coordination process may

well result in actual offers of places at a particular school in a given year being made to other candidates who might easily have been discouraged from naming it because of a perception that their chance of gaining admission was low on the basis of their apparent standing at the end of October. There can be significant differences, year on year, as to how the final coordination process results in the making of offers for any given school given the complexity and inherent variability associated with the process. As well as potentially being unfair to particular parents, admission authorities will in these circumstances also be conscious of the potential effect on the pattern of applications and therefore admissions to their school. In its own thinking, the school has been conscious, it tells me, of the fact cut-off points for admission vary between years and believes that providing scores would falsely raise expectations for some parents. The wording of the Code requires admission authorities to make it clear that the “outcome” does not amount to the offer of a place, and it is clearly extremely difficult for them to do this if in some circumstances and for some children this would effectively be the case. I believe this is another factor behind the Code not requiring detailed information to be given to parents.

25. My view is that the Code leaves the decision of how far to go in informing parents to admission authorities. The exhortation to them contained in paragraph 1.32c is to “allow parents time to make an informed choice”. Knowing in time for your expression of preferences that your child would continue to be considered for a place at the school if you named it (or conversely that he or she would not) meets that requirement, in my view. For those (the majority) who are informed that their child has been considered not to be of selective ability, this is full and complete information. For the minority who “pass” the test, parents will know the school’s remaining procedures, which might be further testing, or the application of oversubscription criteria which do or do not use test scores, and will be aware from the relationship between the number of successful candidates and the number of places what the minimum chances of their application being successful are. Detailed information at that point may allow some to assess their chances more accurately, depending on all the factors that might make that information capable of being used in that way, but its release can also have complex and unforeseen consequences. For good reasons, I believe the Code leaves this matter at the discretion of the admission authority. The school has chosen not to provide detailed scores to parents, as I believe it is entitled to, and have explained their reasoning. This decision does not mean that the school has failed to communicate to parents the outcome of testing, in the terms of paragraph 1.32c of the Code. The arrangements of the school therefore do provide what the Code requires it to, or rather to have “taken all reasonable steps” to have done, in my view.

Conclusion

26. I have set out in paragraphs 17 - 25 my reasons for concluding that the outcome of selection testing (which the Code requires selective schools to make every effort to provide to parents prior to 31 October) need only be information that the application will, or will not, be carried forward to the co-ordination process for admissions if the school is named on the CAF.

27. I have explained in paragraph 25 the reasons why I am of the view that the admission arrangements of Wallington High School for Girls meet this requirement.

28. I do not uphold the objection which has been made on these grounds concerning the admission arrangements

Determination

29. In accordance with section 88H (4) of the School Standards and Framework Act 1998, I do not uphold the objection made to the admission arrangements determined by the governing body of Wallington High School for Girls.

Dated: 14 September 2012

Signed: 

Schools Adjudicator: Dr Bryan Slater