



DETERMINATION

Case reference:	ADA2581 and ADA2621
Objectors:	A parent and a member of the public
Admission Authority:	The governing body of the academy trust of Altrincham Grammar School for Boys, Trafford
Date of decision:	26 June 2014

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objections to the admission arrangements determined by the governing body of the Academy Trust of Altrincham Grammar School for Boys for admissions in September 2015.

I have also considered the arrangements in accordance with section 88I(5) of the Act and have found there are other aspects which do not conform with the requirements relating to admission arrangements in the ways set out in paragraph 76 of this adjudication.

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 make any remaining revisions to 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 a parent (the first objector) and also by a member of the public (the second objector), together the objectors, about the 2015 admission arrangements (the arrangements) for Altrincham Grammar School for Boys (the school). Both objections raise issues related to the consultation process before the 2015 arrangements were determined, the changes to the entrance examinations, and the short notice before those examination changes take effect in September 2014.

Jurisdiction

2. The terms of the academy agreement between the academy trust of the school (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. The arrangements were determined by the governing body of the academy trust which is the admission authority for the school on that basis.

3. The first objection to the 2015 determined arrangements was submitted by a parent on 25 February 2014. An anonymous objector detailed the second objection in a letter dated 1 May 2014 which was not submitted to the Office of the Schools Adjudicator until 10 May 2014. As the second objector provided their name and address, their anonymous objection was allowable under Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admissions Arrangements) (England) Regulations 2012. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and that it is within my jurisdiction to consider these objections. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

4. In considering these matters I have had regard to all relevant legislation and the School Admissions Code (the Code).

The documents I have considered in reaching my decision include:

- a. the first objection dated 25 February 2014;
- b. the school's response to the first objection dated 12 March 2014 together with attachments including copies of consultation evidence and the response from governors, the minutes of a number of meetings of the governing body and of the admissions committee for the period 11 July 2013 to 10 February 2014, a letter from the local authority 29 January 2014, and the 2015 determined admission arrangements for Year 7 and for the sixth form;
- c. the first objector's response dated 18 March and further comments;
- d. a letter from the school dated 7 April 2014 in response to my request for further information, including an extract from the governing body meeting dated 1 April 2014 at which the 2015 arrangements were ratified, a summary of the entrance examination review procedure, and exemplar test/familiarisation papers for the entrance examination;
- e. a response by Trafford Council (the council) dated 10 April 2014;
- f. further information provided by the first objector following the meeting on 23 April 2014;
- g. admissions data sent by the council on 24 April, 6 May and 9 June 2014;
- h. a presentation about the entrance examination downloaded from the school's website;
- i. further information provided by the school on 12 May 2014 in follow-up to the meeting and including a report dated 9 May 2014 from

the assessment company that supplies the entrance tests;

j. the second objection in a letter dated 1 May 2014 but submitted by email on 10 May 2014;

k. further comments from the first objector dated 17 May 2014;

l. further comments from the council dated 20 May 2014;

m. further comments from the school dated 22 May 2014;

n. the school's response dated 20 May 2014 to the second objection but received by post on 28 May 2014;

o. further comments of 26 May and 12 June 2014 from the second objector; and

p. the school's final response dated 13 June 2014.

5. I arranged a meeting with the first objector and representatives of the school and the council on 23 April 2014 (the meeting). Correspondence was also submitted after the meeting as a result of my requests for further information and clarification, and this has been copied to the council, the school and the objectors as appropriate. I have considered the representations made to me at the meeting and the documentation and correspondence submitted before and after the meeting.

The Objections

6. Both objections raise issues related to the consultation process before the 2015 arrangements were determined, the changes to the entrance examinations, and the short notice before those examination changes take effect in September 2014. In addition, the first objector is concerned that changing the entrance examination may disadvantage unfairly children where English is not their first language, and able children with special educational needs.

Background

7. The school opened as a state-funded, independent academy school for boys aged 11 to 18 years on 1 February 2011, replacing the predecessor school also known as Altrincham Grammar School for Boys, which ceased to be a maintained school on that date.

8. The school is a designated grammar school permitted by section 104 of the Act to use selection by ability. The funding agreement confirms that the school has a planned capacity of 1231 boys including 310 places in the sixth form. The 2015 admission arrangements indicate that the published admission number (PAN) for Year 7 is 173.

9. This selective school offers places to boys who have reached the required standard in the entrance tests, but if there are more applications than places available, then the governing body must allocate places in accordance with oversubscription criteria in the 2015 determined arrangements which are

summarised below:

1. Looked After Children both currently and previously (as defined in the Education Act 2002);
2. Eligible boys residing within the defined catchment area;
3. Eligible boys from outside the catchment area will be placed in ranked order as determined by their aggregated test scores.

Where two or more boys have the same score the boy residing closer to the school's main entrance will be offered the place, distance will be calculated in a direct straight line from the front door of the child's permanent place of residence to the main entrance of the school, using property co-ordinates combining the Trafford Local Land and Property Gazetteer (BS7666), Royal Mail postal address information and information provided by other local authorities. Random allocation is used as the final tie-breaker to decide who has the highest priority for admission where two or more applicants have the same qualifying score and the distance between their homes and the school is the same.

10. The school summarises the catchment area as *“WA13, 14 and 15 postcodes within the Trafford Local Authority only, and specific roads within the M33 postcode as listed in the admissions policy”*.

11. To assess eligibility for a place the school uses nationally standardised tests designed by GL Assessment, formerly known as NFER-Nelson (the assessment company). The tests are taken by Year 6 applicants in the September of the year before they will be going to secondary school and results sent to parents informing them of their son's total standardised score in mid-October. In this way, parents are able to make informed choices about their son's suitability for grammar school before ranking their six school preferences. The Code at paragraph 1.32(c) states that *“admissions 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 clear that this does not equate to a guarantee of a selective place.”*

12. For several years, the school has decided the suitability of boys for a grammar school place on the basis of an entrance examination consisting of tests in non-verbal reasoning (NVR), verbal reasoning (VR), and mathematics, and an additional creative writing test considered only for cases subject to the review process. The school states the *“results are standardised (and ‘age weighted’)*.” The qualifying score to be eligible to be considered for a place is 334 out of a possible 423 marks, and to be eligible for a place, applicants living within the catchment area must achieve the score of 334 or above in the entrance examination. Boys living out of area who reach the required standard are ranked by score and distance and so the qualifying score for a place varies each year. The school indicates that each year approximately 25 per cent of the places available are allocated to boys living outside the catchment area.

13. The school also operates a review process and applicants who are

within 13 marks of the qualifying score will automatically be considered by a review panel which meets in late September, before the results are sent out to parents. The school states that the review panel takes account of *“test scores in each individual assessment, the review report from primary school, the special circumstance form reporting serious medical/family issues only, and special educational needs. Boys who have a successful review will have their score raised to 334R.”*

14. The school has been over-subscribed on a regular basis for a number of years, and in emails dated 24 April, 6 May and 9 June 2014, the council confirmed that first round allocations were as follows:

Year	PAN	Number of Applications		Number of First Round Allocations		
		Total	First Preferences	Previously/ Looked After	Eligible in catchment	Eligible out-of-catchment
2013	173	453	281	0	140 (All)	58 with a score of 353+
2014	173	466	272	0	127 (All)	67 with a score of 349+

15. From the table above it can be seen that, for both 2013 and 2014, there were more places available than the total number of boys resident in the catchment area who reached the required standard to be eligible for a grammar school place. It also appears that in order to secure one of the remaining places, boys living outside the catchment area have to achieve a much higher mark than the required standard of 334 in the entrance examination.

Consideration of Factors

16. Following a consultation process, the arrangements for admissions in September 2015 were *“ratified”* by the governing body at the meeting on 1 April 2014, as confirmed in the minutes of that meeting, and therefore were determined before the mandatory deadline specified in paragraph 1.46 of the Code. However, the 2015 arrangements have introduced changes to the entrance examination which will take effect 12 months earlier with the entrance tests in September 2014. I consider that, in summary, the main concerns identified by the first and second objectors relate to the consultation process, the short notice before the changes to the entrance examination will take effect, the changes to the examination, and the impact of those changes.

The consultation process before the 2015 arrangements were determined

17. When changes to admission arrangements are proposed, consultation must be a key part of the process, and so the Code indicates when the consultation must be conducted and for how long. Paragraph 1.42 states that *“when changes are proposed to admission arrangements, all admission authorities **must** consult by **1 March** on their admission arrangements that will apply for admission applications the following academic year.”*

18. As the first objector had not been able to find consultation information

on the school's website until early February, and given some doubt about the start date for the consultation, she asserted that the consultation process did not comply with the Code because the consultation period was less than the eight weeks required by paragraph 1.43. Paragraph 1.43 also requires that the consultation "***must take place between 1 November and 1 March in the determination year.***" To change the arrangements for admissions in September 2015, the governing body would therefore have to have consulted on the proposed changes for at least eight weeks within the period 1 November 2013 to 1 March 2014.

19. The school's response dated 12 March 2014 provided evidence of the consultation period including a screen shot dated 10 December 2013 requesting that the 2015 draft arrangements be placed on the school's website, a copy of an email dated 9 December 2013 informing local primary and junior schools, local grammar schools, the council and neighbouring local authorities of the consultation, and a copy of a letter dated 18 December 2013, together with a list of 123 primary, junior and preparatory schools to which the letter had been posted.

20. In a letter to the school dated 8 January 2014, the council agreed the timing of the consultation process met the requirements of the Code specified in paragraphs 1.42 and 1.43. Additionally, in an email response dated 20 May 2014, the council comments that it "*is satisfied that the admission authority ... has complied with the statutory timetable for consultation for the 2015 admissions round. Documentation has been provided by the school which demonstrates that the information was published on the school's website on 12 December 2013...*"

21. The school also provided copies of 16 responses in total to the consultation, the first of which was dated 23 December 2013 and the last dated 6 February 2014. In a further response of 18 March 2014, the school provided a copy of an email from the website engineer dated 11 December 2013 confirming that the consultation documents had been published on the school's website, and on 12 May 2014 the school provided further evidence of the consultation as logged information from the website engineer. I accept that the starting date for the consultation is not clear cut, but I will take it to be 12 December 2013, when relevant documentation was published on the school's website. As the published deadline for responses was 7 February 2014, I am satisfied that the consultation period lasted eight weeks which complies with the Code.

22. In the letter of 17 May 2014 in response to the evidence submitted by the school, the first objector acknowledged from the evidence provided that consultation documentation must have been on the school's website, even though she had not been able to find it before early February 2014. The objector questioned whether other interested parties at the time had experienced similar difficulties in accessing the draft 2015 admissions policy on the website. The school confirmed on 17 May 2014 that the means of accessing the draft policy from the website's homepage was to choose the admissions link. In addition, the school assures that the letter about the changes to the entrance examination was displayed clearly on the homepage,

and this also made reference to the draft admissions policy for consultation. I also note that the school's records confirm that in the period 12 December 2013 to 28 February 2014 (for a slightly longer period than the consultation) 827 people downloaded the 2015 draft admissions policy. In addition, from 1 March to 17 May 2014 (the date of the response) there were another 1492 downloads of the draft policy, and 1028 people downloaded the document "*Important Information about the 2014 entrance examination*" using the link on the homepage. From the school's evidence, I accept that the consultation documentation on the website was accessible by other parties.

23. The first objector also asserted that the school was in breach of the Code at paragraph 1.44 because neither the local parents of children of nursery and pre-nursery stage, nor other persons in the locality had been consulted by the school. Having a son at the school, the first objector was aware of the consultation from the school's website, but with another child at a primary school in the area, she had not been consulted as a primary parent. Furthermore, the first objector had spoken to other local parents and they knew nothing about the consultation process or the proposed changes.

24. The introduction to the Code at paragraph 15(b) explains that the consultation process should enable parents, the local community and other *interested parties to understand the changes being proposed and then to have time to be able to raise any concerns they might have about the proposed changes*. Furthermore, paragraph 1.44 is clear that "*admission authorities **must** consult with:*

- a) parents of children between the ages of two and eighteen;*
- b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;*
- c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);*
- d) whichever of the governing body and the local authority who are not the admission authority;*
- e) any adjoining neighbouring local authorities where the admission authority is the local authority; and*
- f) in the case of faith schools, the body or person representing the religion or religious denomination."*

25. In the response dated 12 March 2014, the school provided evidence of an email of 9 December 2013 and a letter dated 18 December 2013 informing local primary, junior and preparatory schools, local grammar schools, the council and neighbouring local authorities of the consultation, but there was no evidence provided of how the parents of children attending those schools had been consulted, nor how the parents of pre-school age children, nor persons in the local community had been consulted.

26. The school explained in the response dated 12 March 2014 that "*as the primary schools listed offer nursery facilities...[this] hopefully fulfils our obligation ... regarding section 1.44...*" In the meeting on 23 April 2014 the school said that the parents of children between the ages of two and 18 had been consulted because the draft 2015 admissions policies were available on

the school's website, and because local schools had been informed about the consultation. The school also stated in the letter of 12 May 2014 that on 9 December 2013 the *"draft admission policies for consultation were emailed to colleagues for the purpose of consultation and this list included primary schools with children of nursery age, secondary schools and admission authorities in addition to publishing on the school website."*

27. The school referred to the website statistics for the 12 December 2013 to 28 February 2014 and asserted *"it would therefore be reasonable to assume that a proportion of the 827 families who downloaded the consultation document, in addition to written notification incorporating local authorities and primary schools, would include a demographic of children aged 2. Therefore, it is more than probable that this demographic has been included within the consultation process and it would be unreasonable to automatically assume that it had not."* I am not persuaded by this assertion as it is for the admissions authority to fulfil the duty to consult parents with respect to paragraph 1.44(a) of the Code.

28. I am also not convinced by the school's assumption that by sending the consultation information to other schools, these other schools would thereby ensure that parents were consulted. I note that there was no request for those schools to inform their parents about the consultation in either the email of 9 December 2014 or the letter of 18 December 2014. It may be the case that the primary schools in the list of 123 schools consulted may have nursery classes, but the junior schools would not have nursery classes, and I could find no evidence that any infant or nursery schools had been included in the list. Therefore, it seems likely that a significant number of parents of nursery-age children would not have been consulted even if all the primary schools in the list had opted to inform their parents. Furthermore, as most nursery provision caters for children from the age of three, I cannot agree that the parents of children aged two years old would have been informed about the consultation. It is for the admissions authority, not other schools, to fulfil the duty to consult parents with respect to paragraph 1.44(a) of the Code.

29. Although the Code requires that other persons in the local area must be consulted, it does not prescribe where or how consultation information should be published. In the meeting I commented that, for example, some admissions authorities may put an advertisement in the local newspapers, and some make consultation information available in community areas. The school explained that it had not put any notice of the consultation in the local papers. The council confirmed that, as the admissions authority for community and voluntary controlled schools, it places a public notice in local newspapers to ensure the local community has been informed about the consultation process. The school has not provided any evidence of involving the local community in the consultation process.

30. As the school appears not to have consulted all the relevant persons required, the governing body, as the admissions authority for the school, needs to give full attention to paragraph 1.44 of the Code to ensure that the process is carried out as required for any future consultation.

31. However, I was surprised by the poor response to the consultation. There were just 16 responses which appeared to be from parents, which is a very small number given that at least 900 boys sit the entrance examination each year. There were no responses at all from the 123 schools contacted by the letter of 18 December 2013, nor was there any response from the other schools and authorities circulated in the email of 9 December 2013. I was particularly puzzled by the lack of response to the letter of 18 December 2013 from the 123 primary, junior and preparatory schools, as each of these schools had pupils who had sat the entrance examination in previous years. I would have expected at least some of these 123 schools to be interested parties and therefore not neutral to, or disinterested in, the changes which may involve some of their current pupils in September 2014. Given that lack of response, I asked at the meeting on 23 April 2014 whether the school had any records to show that the messages by email and letter had actually been posted and/or received, but the school did not have any such evidence.

32. From the letter dated 18 March 2014 I note that the school had not questioned the lack of response from the 123 schools, but instead, concluded that *“out of the 123 schools which we wrote to we did not receive one objection or negative reply. This was interpreted as positively received.”* The minutes of the admissions committee meeting on 10 February 2014 report that *“the inclusion of an English paper has been positively received by all primary schools.”*

33. Remaining puzzled by the lack of response to the consultation I reviewed again the letter of 18 December 2013 sent to the 123 schools, which summarised the main changes to the entrance examination. The letter stated that *“after careful consideration and much deliberation, governors have decided to modify the entrance examination for pupils applying for entry September 2015 onwards. This has been carried out following consultation with Altrincham Grammar School for Girls.”* I note the use of the word *“decided”* rather than *proposed* about the modifications. Furthermore, the letter said in a later paragraph that *“the decision to replace the Non-Verbal Reasoning has been taken because this is an aspect of the exam which is not taught as standard in most schools. These changes will place a greater emphasis upon English Language and Literacy skills.”* The wording of the letter informed that the modifications to the entrance examination were decided, rather than proposed changes, and this may have contributed to the lack of response from schools. In addition, some schools may not have realised the changes would apply to the entrance examination in September 2014, as the letter did not make this matter explicit.

34. Accordingly, I consider that the wording of the consultation letter of 18 December 2013 should have been clearer that the modifications to the entrance examination were *proposed* (not *decided*) and the date such changes would take effect. Should there be a need to change the admission arrangements in future, the governing body must ensure that all consultation documents make clear that the changes are proposed and not decided, to avoid the possibility of generating the impression that a response would be pointless for a matter which appeared to have been decided already.

35. Analysis of the 16 responses to the consultation provided by the school on 12 March 2014 indicates that three were wholly supportive of the changes to the entrance examination for reasons including *“that boys could not be over-tutored for the English paper as everyone is taught English at school”*, *“there is too much over-tutoring, particularly with NVR”* and because *“English and maths are the most important subjects and they are both needed throughout life.”* One of these three responses also suggested that the school should prioritise siblings in the oversubscription criteria. Nine of the 16 responses expressed concern about short notice of the new English test and the resultant lack of time for familiarisation. Six of the 16 responses were not in favour of changes to the examination because the disadvantage to some children either from the increased emphasis on English and literacy or by dropping the NVR paper.

36. In the letter of 26 May 2014, the second objector suggests that there has been limited consideration by the school and governors throughout the consultation process in relation to the concerns of parents, and that little has been undertaken to relieve such anxieties. The objector states *“I find it difficult to accept this as a fair process.”* It is the case that a school must take account of views expressed in the consultation before determining the arrangements, but it is for the school to decide how best to proceed. That the school came to a different decision from the concerned respondents does not mean that their views were ignored. Following the consultation, the governing body published on the school’s website a message thanking all those who took part in the consultation process, and also sent copy to every respondent. The letter explained that the governing body supports *“the introduction of a multiple choice English paper in place of Non Verbal Reasoning as English is taught as standard in all schools whereas Non Verbal Reasoning is taught in only a few, thus reducing the need for independent familiarisation. All of our tests are provided by [the assessment company] which leads literacy, numeracy and ability testing in UK schools...”* However, from all the documentation available, it is clearly evident that throughout the process the school never wavered from its commitment to removing NVR and introducing the English paper for September 2014.

The short notice before changes in the examination would take effect

37. In addition to the nine consultation responses concerned about the lack of notice and familiarisation time, both of the objectors complained that there was insufficient notice of the changes to the entrance examination that would take effect in September 2014. The anonymous objector complained s/he had personally contacted the school in October 2013 regarding rumours of a change and was assured that no change would be taking place in the examinations, yet the school consulted on changes just a short time later and then published the new policy with examination changes to take effect less than seven months later. The school responded the same day that, following the telephone enquiry in October and subsequent email, *“the information given was correct... at that point in time the examination format remained unchanged.”* The school explained that the decision to introduce changes to the 2014 entrance examination was made *“following a meeting of the full governing body on the 20th November [2013]”*. However, in the letter of 12

June 2014, the second objector disagrees with the school's response, and suggests that *"the school had an intention to make changes and I was unlawfully misled which I believe contravened the Freedom of Information Act."* The school responded the following day that *"the initial letter from the objector was sent to us when no decisions on the change to the entrance exam had been made by Governors. It would have been totally wrong to pre-empt any decision by the Governing Body in discussion on correspondence with a parent."* I am unable to comment on any unspoken intentions the school may have had, and complaints related to the Freedom of Information Act are beyond the scope of this determination.

38. The objectors complained that, as a result of the short notice, parents would not have sufficient time to familiarise their sons with the new English test, particularly those parents who had not been aware of the consultation process. The implication is that children would be disadvantaged by the lack of time for familiarisation, which would be unfair. The second objector asserts that this contravenes the Code because the changes will take effect just nine months after the consultation began in December 2013, and would *"set precedence for other schools to make similar changes with short notice"*. S/he also suggests that the changes be delayed for a year. The school responded that *'academies are permitted to make changes to their examination process and following consultation, other local grammar schools have also introduced similar changes in time for the 2014 examination'*. From the council's email of 10 April 2014, and from the minutes of several meetings of the school's governors, I note that another Trafford grammar school has decided to make the same examination changes for September 2014 but further consideration of this is beyond the scope of this determination about the 2015 admission arrangements of Altrincham Grammar School for Boys.

39. In the response dated 20 May 2014, the council confirmed it *"is satisfied that the admission authority ... has complied with the statutory timetable for consultation for the 2015 admissions round"* and that, as a result, gave *"more than 10 months' notice of the intention to change the format of the test. Admittedly, the time between the final determination and the entrance examinations taking place is short."* The council went on to explain the requirements imposed by paragraph 1.32 of the Code 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**. Since there are 7 grammar schools in Trafford examinations usually take place on 5 different dates in September and early October, all these must be completed, marked and the outcomes collated and posted before the closing date to allow parents time to make an informed choice of school. This timescale is out of the admission authorities' control."*

40. However, in the letters of 26 May and 12 June the second objector, having noted the minutes of the admissions committee meeting on 11 July 2013 that consultation/discussions had been held with some local primary schools in July 2013, then questioned why these discussions had been limited to *"selected schools"*, and why the full cohort of 123 schools and the wider public had not been consulted until *"December 2013, six months later."* I note that the minutes referred to were for the admissions committee of 11 July

2013. The school responded on 13 June 2014 that *“the meeting with primary Heads was an exploratory meeting to canvass views/opinions upon a proposed change. We invited local schools who send us large numbers of students each year.”* It is my understanding that more heads had been invited to the July meeting but only three had attended. However, the school did not explain why, having canvassed the three schools in July 2013, the full consultation did not begin until December 2013. The governing body chose to begin a consultation in December 2013 about changes to the 2015 arrangements with the result that the examination changes would take effect in September 2014. It would not be appropriate to speculate why the governing body chose to begin the consultation process in December 2013, but having done so, I agree with the council that the timescale for the changes to the entrance examination taking effect in September 2014 was then out of the school’s control. However, I do need to consider whether as a result of the short notice, children may have been disadvantaged by the lack of time to familiarise with the new test.

41. On the website the school asks *“parents to familiarise their son with the examination process in preparation for the assessment.”* The letter of 7 April 2014 also makes clear that the school expects parents and boys to spend time on the familiarisation process. The letter comments further that the school holds parent information/open evenings to explain the examination procedure and present samples of the tests which are then made available for parents to purchase from the school on the evening and also throughout the year. On 2 April 2014, the school also commented that parents and children are preparing for the English test and are normally invited to attend a meeting at the school in April, which the school decided to reschedule in May, by which time the school hoped to know the outcome of the adjudication process.

42. In the letter dated 7 April, and in the meeting on 23 April 2014, the school explained that, as in previous years, each candidate for the entrance examination would be sent a sample paper for the purposes of familiarisation, and this year the sample English paper would be sent. The school also assured that the English paper had been selected as this type of assessment *“is used in many primary schools”,* with the expectation that *“all pupils will be familiar without having to seek out additional tuition.”* The minutes of the admissions committee meeting on 10 February 2014 noted the concerns about timing and insufficient notice raised in the consultation. In response, the governors stated that *“literacy is taught in both primary and preparatory schools on a daily basis”* and *“preparation for the entrance examination should be based on familiarisation rather than intense coaching.”* I note that this statement was also in the meeting minutes of the admissions committee of 5 December 2013, before the consultation period had started.

43. In the letter of 7 April 2014 the school also commented that as the same English test format is used by other Trafford grammar schools, children may have been using English familiarisation materials in preparation for entrance examinations for those other schools. I am not persuaded by this argument as three other grammar schools in Trafford will use an English test as part of their 2014 entrance examination. As two of the three schools are girls’ schools and the other prioritises boys on the basis of faith, I suspect that

not many applicants for places at the school would have met the faith criterion for the other boys' school and so would not already have been using the English familiarisation materials. As the majority of the consultation responses expressed concern about the short notice of the change to the entrance examination and the lack of time for familiarisation for the new English test, this is a legitimate concern.

44. I accept that the Code at paragraph 1.9 makes clear that it is for "*admission authorities to formulate their admission arrangements*" and that the school's decision to change the admission arrangements is lawful, but it is arguable whether all parents have had sufficient time to familiarise their sons with the new English test, therefore some children may be disadvantaged by the short notice. Accordingly, I am not persuaded that it was fair to introduce an English test to the entrance examination at this stage.

45. The first objector "*did not feel the school have justified their reasons for changing the admissions policy/ entrance exam. The change to the entrance exam will involve replacing the non-verbal reasoning paper with an English paper, rather than simply adding an English paper.*" I also note that six of the 16 consultation responses expressed concerns about the disadvantage to some children either from the increased emphasis on English and literacy or by dropping the NVR paper. It is therefore appropriate to consider the reasons for the changes.

Reasons for the changes to the 2014 entrance examination

46. The minutes of the admissions committee meeting of 22 October 2013 at item 4 record the "*agreement that following extensive research, to introduce English into the entrance examination would be a positive move.*" At the meeting on 23 April 2014, I referred to these minutes and asked the school to describe the "*extensive research*" that had been undertaken. The school explained there had been a discussion with another Trafford school, Urmiston Grammar, and there was the intention to have a further meeting in order to determine "*whether the English test will disadvantage the English as a second language pupils.*" The school said that Urmiston Grammar School had been using the English test for the last four years, with a definite improvement in literacy skills, especially for boys. I note this other Trafford selective school is co-educational and uses NVR, mathematics and English papers (but not VR) for the entrance examination.

47. In the meeting, the school advised that a large factor in the decision to change the entrance examination had been the discussions with Trafford primary heads on 11 July 2013, and the salient points from that meeting were discussed with the admission committee later. The minutes of the admissions committee meeting of the same date record that:

- the introduction of an English paper would not create extra work for the primary schools as it is already in the curriculum. This "*would assist the boys whose parents are unable to provide private tutoring, thus assisting in creating a level playing field*";
- the issue with literacy; and

- the possibility that all the boys offered a place in future would be from within the catchment area. *“This would then mean fewer places on offer for out of area boys. We could end up with slightly more in area and slightly weaker students. This year there have been 10% lower offers to out of area boys”* and *“75 boys on the waiting list.”* As a consequence, the school is considering increasing the PAN to provide by an extra Year 7 form.

48. With respect to the seemingly influential discussions with Trafford primary heads on 11 July 2013, the school confirmed that just three primary heads had attended (though many more had been invited). When I enquired further, it was confirmed that the three primary heads did not represent the views of all Trafford primary schools. However, the three primary heads had also been concerned that private tuition for the entrance examination now begins in Year 3, putting children under pressure and causing them anxiety. The council agreed that tutoring for the tests does put children under a lot of pressure, but did not provide any evidence to substantiate this after the meeting.

49. The issue of literacy in the school was noted in the minutes of the governing body meeting of the 12 September 2013 as *“staff would like the literacy standard to improve particularly in departments where writing is involved.”* The minutes of the admissions committee meeting on 11 July 2013 also record that the English department agreed that the English paper was *“much better than VR”* because it *“requires knowledge and understanding of terminology”* and *“provides the opportunity to test a range of skills, meaning of words, spelling, punctuation, grammar, word classification, technical accuracy, vocabulary, sentence construction.”* In the meeting the school explained that there were concerns about the standard of English in the school as a number of new intake pupils have to be given extra help to improve their skills. The test had been introduced to favour English in the entrance examination in the hope that local primary schools would then *“beef up”* core English.

50. The school also explained in the meeting that the research included the results from a trial English paper taken by current Year 7 pupils which *“showed that boys for whom English was not their first language were not discriminated against.”* I note that this was also recorded in the minutes of the admissions committee meeting of 10 February 2014 and the extract from the minutes of the governing body meeting of 1 April 2014. However, the first objector commented in the response dated 17 April 2014 that she had heard the Year 7 trial had been just *“a few weeks ago”* which was after the admissions policy had been changed by the school. Irrespective of when the trial took place, there are significant concerns about the integrity of the trial and therefore the validity of the results:

- the trial appears to be intended to confirm a predetermined conclusion;
- the population is non-representative as the Year 7 pupils in the trial have been selected for grammar school already, so not comparable with the candidates who would be sitting the entrance examination;
- the Year 7 pupils who took the trial test would be up to 18 months older and also not under the same pressure and anxiety as candidates sitting the entrance examination, so the trial population is inappropriate; and

- in those 18 months, the English and literacy skills of any trial subjects for whom English is a second language are likely to have improved;

51. With respect to the evidence considered before the decision to introduce the English paper, I have also taken account of the response of 18 March 2014 to my request for evidence to support the school's assertion that *"the inclusion of an English paper has been positively received by all primary schools."* This assertion refers to the letter of 18 December 2013 to 123 schools as part of the consultation process. The assertion was recorded in the minutes of the admissions committee meeting on 10 February 2014, and repeated in the minutes of the governing body meeting of 1 April 2014 at which the 2015 arrangements had been determined. The school explained that *"out of the 123 schools which we wrote to we did not receive one objection or negative reply. This was interpreted as positively received."* At best, that is an overstatement as there was no response whatsoever from any of the 123 schools.

52. However, the issue about modifications to the entrance examination also concerned the removal of NVR. In the meeting the school explained the research which had informed that decision included the meeting with the primary heads, and analysis of the results of Year 11 boys who had underachieved showing that NVR is not a good predictor of future GCSE potential. The primary heads at the meeting had suggested that:

- the current entrance examination *"has a maths bias and is not necessarily an accurate measure of a boy's true overall ability"*; and
- that NVR is a less reliable indicator of potential, is of less educational value, and the assessment most influenced by over-coaching.

53. At the meeting, the school acknowledged that the assertion about NVR was anecdotal and that the school would be unable to provide evidence to substantiate it. As regards the bias towards mathematics, the school said it wanted a more balanced examination. From the school's response of 7 April 2014, I note that the duration of English paper will be 45 minutes for 56 questions, VR 50 minutes for 80 questions, and mathematics 50 minutes for 50 questions. Therefore, it appears that the new format of the entrance examination will now have an English bias, with 95 minutes for 136 VR and English questions, and only 50 mathematical questions in 50 minutes.

54. The school explained that, for several years, the NVR results for individual boys who had not achieved their GCSE targets had been analysed and showed that NVR is not a good predictor of future GCSE potential. The school felt that NVR data is "all over the place" which may be due to coaching, and is therefore *"the least reliable test."* However, the school admitted the results of high achieving boys and those who had exceeded expectations had not been considered, and that the results for the whole Year 11 cohort had not been analysed. Furthermore, similar analysis had not been completed for the other types of test. The school had agreed to send whole cohort data after the meeting but no evidence has been received to date. As I am not convinced that this selective data analysis is statistically valid, I therefore regard it as unreliable. The first objector comments in the letter of 16 April 2014 that it is puzzling *"the way in which the AGSB's admissions policy has been changed*

as it does not seem to be based on the examination and analysis of good quality statistically significant evidence.”

55. During the meeting I referred to item 6 in the minutes of the governing body meeting of 20 November 2013 and the reliability of the four tests in terms of predictability of future academic potential which was reported to be: verbal reasoning 0.89, non-verbal reasoning 0.85, maths 0.83 and English 0.79. The school confirmed that the most reliable papers were VR and NVR, and that of the four tests, English was the least reliable. I asked why the school had decided to replace the more reliable NVR test with the English paper which was the least reliable of the tests available. The school referred again to the concerns noted above regarding the standard of English in the school and wanted to remove the NVR which it believed was linked to mathematics, to place more emphasis on English and literacy. The school acknowledged that the NVR test is more reliable than English, but preferred to use the English test because the NVR can be tutored more easily, and because English is taught in the primary schools but NVR is not taught (except in the preparatory schools). The governing body minutes of 12 September 2013 also that *“the primary schools are not able to practice NVR.”*

56. I have also taken account of the council’s email of 10 April 2014 that the school has devised and administered its own entrance examination for more than 15 years, and that the arrangements made by the school have successfully identified those boys that would benefit from the school’s provision. Although I am not persuaded that the school researched sufficiently before deciding to change the entrance examination at short notice, I accept that the Code at paragraphs 1.9 and 1.10 makes clear that it is for the governing body school *“to formulate their admission arrangements’ and “to decide which criteria would be most suitable to the school according to the local circumstances.”*

57. The council also said in the email of 10 April 2014 that the Code *“allows for the admission authority to decide the content of the test, providing that the test is a true test of aptitude or ability.”* However, I note that paragraph 1.31 of the Code also states that *“all forms of selection **must** ... give an accurate reflection of the child’s ability or aptitude, irrespective of sex, race, or disability.”* The first objector complained that the changes to the entrance examination may disadvantage unfairly children for whom English is an additional language (EAL), and also able children with special educational needs (children with SEN) such as dyslexia. Accordingly, I will review the potential impact of the changes to the entrance examination by considering two final questions: will the modifications to introduce English and to remove NVR enable the 2014 examinations to determine the aptitude and potential of EAL and children with SEN? As the Code at paragraphs 12, 14 and 1.8 imports a general requirement that admission arrangements must be fair, the second question I must consider is whether the changes to the entrance examination will be potentially unfair for EAL and children with SEN.

The potential impact of the changes to the entrance examination

58. Paragraph 12 of the Code makes clear that its purpose is to *“ensure*

that all school places for maintained schools and academies are allocated and offered in an open and fair way.” Furthermore, paragraph 14 requires 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.*” In addition, admission authorities “**must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs...”

59. The first objector complained that the impact of the increased emphasis on English and literary skills in conjunction with the dropping of the non-verbal reasoning paper will discriminate against a number of applicants, including EAL candidates and children with SEN, which would therefore be unfair as their ability would be more accurately reflected in NVR and not so well in English papers. At the meeting on 23 April 2014, the school said that tests papers were screened for discrimination by the assessment company, and that before any decisions had been taken to change the entrance examination, there had been a meeting with the assessment company. The school had agreed to forward the meeting notes, but instead asked the assessment company to produce a report (the report).

60. The report confirms that the tests are constructed from a bank of questions written for the purpose of admissions, and individual questions are monitored for reliability. Any questions for which there is evidence of bias against gender or socio-economic group are not used. I note that the results are standardised for age (*‘age-weighted’*) because the impact of age is measurable within the test group and is directly linked to the development of reasoning ability.

61. At the meeting on 23 April 2014, the school said that adjustments in the test can be made so that children with SEN are not disadvantaged, such as an additional time allowance of up to 25 per cent on each paper is available as are other provisions such as enlarged paper or font size, use of coloured paper or a scribe, and the offer of an alternative day to take the examination. The minutes of the admissions committee meeting of 10 February 2014 note that “*applicants with recognised special educational needs are able to apply for specific allowances which are already in place ... Each case is considered on its own merit and the primary schools are consulted.*” However, I note the report advises caution on assuming that extra time compensates for a candidate’s disadvantage.

62. The school’s letter of 7 April 2014 explained that the school’s “*SENCO specialist*” reviewed the English test and reports that the paper follows a logical sequence which guides candidates through the paper, with clearly numbered lines in the text which is spaced and blocked for paragraphs. In addition, comprehension questions follow the order of the text which benefits candidates with language processing skills, and the multiple choice questions require no writing at length. However, the first objector stressed that the issue regarding the assessment of English and boys with dyslexia is *not* that English is now being assessed but that the NVR assessment has been dropped. Since the majority of the entrance examination will now be literacy-based in

the form of a verbal reasoning and English paper, the exam will have a clear bias towards literacy skills and place at a disadvantage dyslexic children (including those as yet undiagnosed).

63. At the meeting the school explained the review process after the examination has taken place that can take account of SEN. The school has developed a comprehensive review process which considers the review report from primary school, the special circumstance form (serious medical/family issues), and the supplementary information form provided by parents. The school advised that the test results of about 120 boys are considered each year by a panel consisting of the head master, a former primary head teacher, the school's examinations officer, and the SEN co-ordinator.

64. The school said the impact of the English paper on EAL candidates will be minimised by a number of filters: multiple-choice papers require a simple lozenge mark, the removal of the creative writing paper, the review process (for boys scoring within 13 marks of the qualifying score or special circumstances), and the right of appeal. However, the first objector reiterated that the issue is not about making a lozenge mark, but an EAL candidate's reduced exposure to English which creates a disadvantage. I accept that the issue is not merely resolved by the use of multiple-choice questions which eliminates the need to write at length. The issue is twofold because the modification to the entrance examination creates a clear bias towards literacy skills and because the NVR paper has been removed, as the report cautions that *"EAL candidates will, on average, perform less well than non-EAL candidates on the same test and may perform better on NVR than VR tests."*

65. I recognise that the school has the review process, which is much appreciated by local primary heads, but this post-examination process does not make the new English test more accessible to EAL candidates as English skills are required to understand the wording of the questions in the first place. As the report comments that *"EAL candidates will find any test involving language harder than native speakers"* so it does not seem likely that EAL candidates finding difficulty with the levels of English and literacy required in the English paper, or in the mathematics or VR papers, will score highly enough to trigger the post-examination review process. I note that the report indicates that NVR identifies the potential in all pupils as the assessment is word-free and non-culturally specific, therefore not biased towards any social, cultural or linguistic group, and this suggests that NVR should be an element of the entrance examination.

66. I note that the information in the report related to the reliability and appropriateness of NVR does not appear to match the school's views that *"the NVR assessment is a less reliable indicator of potential."* From the report, and from information available on the company's website, it is clear that one of the strengths of NVR tests is that they highlight the academic potential of EAL candidates which may be obscured by the verbal demands of other tests. Another strength of NVR tests is their ability to assess reasoning ability using novel material which is independent of prior learning, and the report adds that *"a short practice test ensures that all pupils understand what is expected of them before they start the test."* From this, I cannot then see the foundation for

the school's view that NVR is *"the assessment most influenced by over-coaching."* It is also doubtful that NVR contributes to the *"maths bias"* in the current examination as the report also comments that the designs used within the NVR tests involve very little mathematical knowledge, and that only reasoning skills are assessed.

67. The report indicates that some adjustment to examination conditions can be advised for children with SEN to allow them to access the tests, but there are adjustments that cannot be made to the tests for EAL candidates without contravening the fairness that applies to standardised testing, in other words, that all candidates are treated equally, and weakening confidence in the claim to know what has been tested. For example, use of a dictionary would not be appropriate as EAL candidates would have an unfair advantage over other candidates, and modified language or translations would also go against the establishment of a standardised environment. The report adds that *"support that is appropriate is through suitable familiarisation materials"* and this calls into question the lack of notice for the examination changes in the first place, as the majority of consultation respondents complained about the lack of notice for the new English test.

68. At the meeting on 23 April 2014 I asked the school whether using all four tests this year had been considered, so that English could be introduced and NVR retained. The school said the time factor was a consideration because the boys were young and with all four tests it would be a long examination. In the letter of 12 March 2014, the school states that *"to add a 45 minute English paper to the existing would extend the period of examination considerably and we were mindful not to increase the time over which boys were assessed."* The minutes of the admissions committee meeting of 5 December 2013 reveal that the school would be concerned if the entrance examination were to be longer as boys may lose concentration towards the end of the exam, with the result that there may be more appeals.

69. However, the report explains that the greater the range of tests, the more accurate the criteria for selection available to schools, with the proviso that the company recognises the choice of tests remains with the admissions authority, and that the school's full range of considerations may include cost and logistics. I consider that the time factor of adding a *"45 minute English paper"* might be a legitimate concern, but for the fact that the 20 minute creative writing paper would have been removed. Furthermore, the report confirms that the mathematics and English tests provide a good and reliable indication of current *attainment*, so it is possible that the English paper and possibly the mathematics paper could be designed to be five minutes shorter, as these papers do not assess *potential* and therefore do not fulfil the requirement of paragraph 1.31 of the Code that the selection test should be *"a true test of aptitude or ability."* Accordingly, as the time factor is not insurmountable, I am not persuaded that it justifies not using all four tests.

70. I note that the extract from the minutes of the governing body of 1 April 2014 that *"governors discussed the various options i.e. should the school go back to NVR instead of English but felt that parents are now aware of the new exam and will be very upset and disappointed if we revert back to the NVR"*

having informed them of the English part of the examination. “ I find this statement puzzling as only one option, not “*various*” has been recorded. Another option that was discussed during the meeting on 23 April 2014 would be to use the English paper instead of the VR paper whilst retaining the mathematics and NVR papers. This option would enable the school to use the English paper it proposes, retains the NVR and mathematics tests, all within a similar time frame. This is the format used by the co-educational grammar school from which advice about the English paper had been sought, and which has been deemed to be successful as there has been a distinct improvement in the literacy levels in that school. This option which includes English would meet the school’s improvement focus on English and literacy whilst retaining the NVR suitable for children for whom English is not their first language, and useful for assessing the abilities of dyslexic pupils. However, I recognise that one of the key points of the report noted by the school was the breadth and strength of VR as a test for future academic attainment which the school said “*is part of the reason why we favour this test over NVR.*”

71. It is my view that the school should have considered in more depth the option of using all four tests this year, albeit using abridged tests for English and mathematics. In this way, the governors’ concerns that parents might be “*very upset and disappointed*” would be assuaged because NVR would not be “*instead of English*” but as well as English. Furthermore, this option would address the legitimate concerns of the consultation respondents who had been concerned about the removal of NVR and the resulting disadvantage to EAL candidates and able children with SEN. More importantly, NVR would be a more reliable indicator of the future academic potential for EAL candidates and children with SEN. In addition, the school confirmed in the letter of 7 April 2014 that “*experience has proven that many of our candidates will be taking multiple entrance examinations*” and as all three co-educational grammar schools in Trafford use NVR as part of their entrance examinations, familiarisation should not be of much concern as many boys would also be preparing for the entrance tests to at least one of the co-educational grammar schools.

72. It is clear from the report that the reasoning tests (VR and NVR) reveal overall ability and potential and so a pupil who is not currently achieving their potential at primary school can still demonstrate their true ability through his scores from the reasoning questions. As the reasoning tests reveal ability and potential, rather than prior learning and attainment, they fulfil the requirement of paragraph 1.31 of the Code that the selection test should be “*a true test of aptitude or ability.*” Therefore I am not persuaded that it was appropriate for the school to have removed the NVR test in favour of introducing an English paper.

73. It is also evident from the report that whilst it may be possible to make reasonable adjustments to allow dyslexic children and those with other special educational needs to access the tests, the possibility of making reasonable adjustments is less likely for EAL candidates. I note the council’s statement in the email of 10 April 2014 that “*the impact of any change to the test cannot be meaningfully assessed by the LA since no data on the testing process is held by the LA.*”

74. From the evidence available to me, I consider that NVR is probably the most appropriate test to accurately reflect the ability and academic potential of EAL students and dyslexic candidates which may be obscured by the verbal demands of the other tests. Therefore, it seems to me that the NVR test must be an essential element of the entrance examination so as to comply with the other requirement of paragraph 1.31, that “*all forms of selection must ... give an accurate reflection of the child’s ability or aptitude, irrespective of sex, race, or disability.*” Accordingly I consider that the decision to drop the NVR test in favour of introducing an English paper may disadvantage EAL candidates and children with SEN as their ability would be more accurately reflected in the NVR test rather than by the English paper. There is also the suspicion that the purpose of removing the NVR test (and the critical writing test) was simply to make time in the examination schedule to introduce an English test for the purpose of improving English and literacy skills in the school.

75. I therefore conclude that the decision to remove the NVR is unfair as the potential disadvantage to EAL candidates and children with SEN by not including the NVR test in the entrance examination outweighs any potential discomfort and upset to other children and their parents from the examination being a little longer as a result of including NVR. Accordingly, I uphold this part of the objection.

Other Matters

76. In reviewing the 2015 admission arrangements I noticed that there were other aspects of the admission arrangements that appeared not to comply with the requirements relating to admission arrangements, so I used my powers under s88I of the Act to review the arrangements as a whole for full compliance with the Code. I raised with the school several points which appeared to me to contravene the Code and could be amended immediately by the school as a permitted variation under paragraph 3.6 of the Code. I offered the school the opportunity to make the amendments to comply with the Code, and agreed to note their progress in my determination. I raised the following points:

- a. The 2015 admissions policy for Year 7 entry states at the end of section 1 that “the number of intended admissions ... will be 173 at age 11.” For clarity for parents, it should be made clear that 173 is the published admissions number (PAN);
- b. Section 6 of the admissions policy relates to the oversubscription criteria. To be easily understood by parents, the first criterion at 6.1 should define “*previously looked after children*” in line with paragraph 1.7 of the Code, rather than expect parents to look up the legal reference for themselves;
- c. The wording of criterion 6.4 should be reviewed and simplified;
- d. The wording of section 7.5 lacks clarity; the time limit should be defined to avoid misunderstandings;
- e. In the statement of special educational needs section of the special circumstances form, to avoid misunderstanding, the wording of

the second paragraph needs to be reviewed to offer the availability of an “*alternative*” (rather than “supplementary”) examination date to those children requiring additional time;

f. The confidential report form for the review procedure appears to require completion by the primary school (not the parent) and requires an explanatory statement to this effect;

g. The English familiarisation sheet sent to all applicants for the entrance examination should have a defined time limit so that boys will understand how quickly they would have to work in the examination;

h. The sixth form admissions policy indicates that “*admissions from other schools ... will be at least 4.*” For the avoidance of doubt, the arrangements must clarify that the PAN is 4; and

i. The first oversubscription criterion should define “*previously looked after children*” in accordance with paragraph 1.7 of the Code to avoid the need for parents and sixth form applicants to look up the legal reference for themselves. I note that the school has now revised the wording appropriately in the sixth form arrangements, but has yet to amend the wording in the arrangements which apply to Year 7.

Conclusion

77. I acknowledge that the school complied with the requirement to consult for a minimum of eight weeks in the period 1 November 2013 to 1 March 2014, but as all the relevant persons specified in paragraph 1.44 were not consulted, the requirements for consultation have not been met. Furthermore, consultation documentation lacked clarity because the changes to the arrangements with respect to the entrance examination were said to have been decided, rather than proposed. Therefore the school appears not to have carried out the consultation process as carefully as it should have done. I uphold this part of the objection. As the admissions authority for the school, the governing body needs to give full attention to paragraph 1.44 of the Code to ensure that the process is carried out as required for any future consultation, and that relevant documentation identifies the changes that are proposed so as to make clear when a decision has not yet been made.

78. Although it was lawful for the school to make changes to the examination, I conclude that there was insufficient consideration about the effect of that change on parents who would then have to familiarise, since the school promotes familiarisation, their sons for a new English test being introduced into the entrance examination in September 2014. I am not persuaded that introducing this change after relatively short notice is fair and so I uphold this part of the objection.

79. The school also decided to remove the NVR assessment from the entrance examination, which will be potentially unfair for EAL and children with SEN. As NVR may be the most appropriate test to reflect accurately the ability and potential of EAL students and dyslexic candidates, I have not been persuaded from the evidence available to me that it was appropriate for the school to have removed the NVR test in favour of introducing an English

paper, particularly as making reasonable adjustments in order that EAL candidates can access the English test would be so difficult. I consider that the decision to remove the NVR component from the entrance examination is unfair due to the potential disadvantage to EAL candidates and children with SEN, and so I also uphold this part of the objection.

80. There is also the suspicion that the purpose of removing the NVR test (and the critical writing test) was to make time in the examination schedule to introduce an English test for the purpose of improving English and literacy skills in the school. More importantly, the implications of removing the NVR test whilst, at the same time introducing the new English test, do not appear to have been fully explored by the governors, particularly the impact of those changes on EAL candidates and children with SEN. In making the decision to modify the entrance examination, I also note the weight given to doubtful evidence from the non-representative trial test, anecdotal evidence, unsubstantiated assertions, and unreliable data analysis, although the report commissioned from the assessment company was very helpful.

81. The school decided to replace the NVR test with an English paper, and I accept that the Code at paragraph 1.31 makes clear *“it is for the admission authority to decide the content of the test”* but I also note the proviso that the test must be *“a true test of aptitude or ability.”* I have taken full account of the report from the assessment company which confirms that the English test provides a good and reliable indication of current *attainment*, and that NVR tests assess the *ability* and academic *potential* of all children, even children for whom English is not their first language and children with dyslexia. In my opinion, it seems perverse that the school decided to remove NVR which appears to meet the requirement of the Code to test ability and aptitude, in order to replace it with an English paper which assesses attainment and prior learning instead. Therefore I am not persuaded that it was appropriate for the school to have removed the NVR test which would appear to comply with the requirement of paragraph 1.31 of the Code that *“all forms of selection must ... give an accurate reflection of the child’s ability or aptitude, irrespective of sex, race, or disability”* in order to make space for an English paper that does not appear to comply. Furthermore, the decision to drop the NVR test in favour of introducing an English paper may disadvantage EAL candidates and children with SEN as their ability would be more accurately reflected in the NVR test rather than by the English paper. Contrary to paragraph 14 of the Code, in drawing up the 2015 admissions arrangements, the governing body has not ensured that the *“practices ... used to decide the allocation of places are fair, clear and objective”*.

82. In summary, I have concluded that the consultation process was not conducted fully in accordance with the Code, and that the changes that have been made to the testing procedure for September 2014 are unfair due to the potential disadvantage to children for whom English is not the first language and to able children with special educational needs. I also conclude that the changes to the entrance examination for September 2014 do not meet the requirements of the Code at paragraph 1.31 for selection tests, that the arrangements overall do not comply with the requirements of paragraph 14. For these reasons, I uphold both objections to the 2015 determined

arrangements.

Determination

83. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objections to the admission arrangements determined by the governing body of the Academy Trust of Altrincham Grammar School for Boys for admissions in September 2015.

84. I have also considered the arrangements in accordance with section 88I(5) of the Act and have found there are other aspects which do not conform with the requirements relating to admission arrangements in the ways set out in paragraph 76 of this adjudication.

85. 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 make any remaining revisions to its admission arrangements as quickly as possible.

Date: 26 June 2014

Signed:

Schools Adjudicator: Ms Cecilia Galloway