



DETERMINATION

Case reference: ADA 2864 and ADA 2899

Objectors: Two members of the public

Admission Authority: The academy trust for Altrincham Grammar School for Girls

Date of decision: 15 July 2015

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for admissions in September 2016 determined by the governing body of Altrincham Grammar School for Girls.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), two objections have been referred to the adjudicator by people who wish to remain anonymous (the objectors), about the admission arrangements (the arrangements) for Altrincham Grammar School for Girls (the school), an academy school for girls aged 11 – 18 in Trafford, for September 2016. The local authority (LA) for the area is Trafford Council. The objections concern the change of entry test that will be taken in September 2015 in connection with applications for places at the school in September 2016 and the consultation process that took place prior to the decision being made.

Jurisdiction

2. The terms of the funding agreement between the academy trust, in this case the Bright Futures Educational Trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined on 23 March 2015 by the governing body of Altrincham Grammar School for Girls, on behalf of the academy trust, on that basis.

3. The objectors submitted their objections to these determined arrangements on 6 May 2015 and 18 June 2015. The objectors have asked to remain anonymous and have provided their names and addresses to the adjudicator as required by Regulation 24 of the School Admissions Regulations 2012 (the Regulations). I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and are within my jurisdiction.

Procedure

4. In considering this matter 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 objectors' forms of objection and subsequent comments and submissions;
- b. the school's responses to the objections and supporting documents;
- c. the LA's comments on the objections;
- d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2015;
- e. the minutes of the meeting of the school's governing body held on 23 March 2015 when the governing body determined the arrangements; and
- f. details of the consultation that took place.

5. I held a meeting at the school on 3 July 2015 to discuss the objections made and assist me with my investigation. At the meeting with me were one of the objectors, a representative of the LA and representatives of the school. The meeting provided a helpful opportunity for all the parties concerned to express their opinions about the objections made.

The Objections

6. The objections cover broadly the same points and concern the school's decision to change the provider of the selective entry test used for admission to Year 7 (Y7) and the manner in which the school consulted on this change. One of the objectors pointed out that the arrangements did not set out how objections could be made as required by paragraph 1.49 of the Code. One of the objectors also expressed the concern that in the past girls in the area were able to take two different tests for the local grammar schools in the area but that now these schools are now setting the same test. This means that there is only one test for these two local schools that girls could take while there were two different tests available for schools that boys could take because the boys' school uses a different test. The objector asserts that this is to the disadvantage of girls in the area.

Background

7. Altrincham Grammar School for Girls is an 11 – 18 school. It became an academy in September 2011 and is now a lead school within a multi academy trust. The school has a published admission number (PAN) of 174 for Year 7 and a PAN of 5 in the sixth form for 2016.

8. At Year 7 the admission arrangements require all applicants to have achieved the required qualifying score in the assessment tests provided by the school. If there are more applicants who have achieved the qualifying

score than available places, the following oversubscription criteria apply:

- a. Children who are looked after, regardless of their place of residence;
- b. Applicants residing within the school's catchment area who will have a sister who will be a pupil of the school at the time of the applicant's proposed admission;
- c. Applicants residing within the school's catchment area with priority given to distance.
- d. Applicants residing outside the school's catchment area who will have a sister who will be a pupil of the school at the time of the applicant's proposed admission. With priority given to distance if necessary.
- e. Applicants residing outside the school's catchment area with priority given to distance if necessary.

In the unlikely event of a tie-breaker situation, the applicant will be chosen by random allocation. The catchment area is defined as a circle of radius eight miles centred on the school's main entrance.

Other matter

9. The school's attention was drawn to the first oversubscription criterion that gives priority to looked after children, but does not refer to previously looked after children in the criterion. The school correctly defines looked after children and previously looked after children elsewhere in the arrangements. It agreed to include previously looked after children explicitly in the criterion itself and has already amended its arrangements, as it is permitted to do, to comply with the Code on this matter.

Consideration of Factors

10. I shall first set out the six paragraphs of the Code that need to be considered in this case. The school is a grammar school and under paragraph 1.18 of the Code is permitted "*to select its entire intake on the basis of high academic ability*".

11. Paragraph 1.17 of the Code says that "*all selective schools **must** publish the entry requirements for a selective place and the process for such selection.*"

12. Paragraph 1.31 says "*tests for all forms of selection **must** be clear, objective, and give an accurate reflection of the child's ability or aptitude, irrespective of sex, race or disability. It is for the admission authority to decide the content of the test, providing the test is a true test of aptitude or ability.*"

13. Paragraph 1.42 of the Code says "*when changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements...*".

14. Paragraph 1.44 of the Code says 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.....”*

15. The objectors' first concern is about the consultation that took place. They state that the school failed to consult properly with the range of consultees required by paragraph 1.44 of the Code. The school responded that it consulted with current parents by placing the proposed arrangements on the school's website with an invitation to comment and that it wrote to playgroups, nurseries, child minders, libraries and leisure centres. It also wrote to primary schools and secondary schools and placed an advertisement in the Manchester Evening News. It asked the LA to place a notice on its admission consultation website in order to reach parents who did not have children at the school. The school had also written to other admission authorities and local authorities as required by this paragraph of the Code. The school said that it publicised the consultation using twitter and facebook.

16. The objectors challenged this approach and suggested that the school could also have mentioned the consultation in its weekly bulletin to parents and that, by not doing so, many parents at the school will not have been aware of the consultation. They also said that the school did not appear to have made sufficient effort to contact parents who did not yet have daughters in the school and that it was not enough to inform primary schools and ask them to inform their parents. The school said that it was a good suggestion that it should have drawn attention to the consultation in its weekly bulletin and it would certainly consider doing this in future consultations. However, it was aware of its responsibilities to consult with parents of children between the ages of two and eighteen and considered that by taking the actions listed above it had satisfied its duty under paragraph 1.44 of the Code.

17. The next part of the objection is that the school has not consulted on the change of test provider. In 2014 the school had consulted on adding English as a fourth area of testing in its arrangements. This had not previously been included and the school intended to introduce this in conjunction with a neighbouring grammar school. This change became the subject of an objection to the Office of the Schools Adjudicator. The school withdrew the change before the tests were taken and reverted back to the existing test areas that covered mathematics, verbal and non-verbal reasoning. The school said that this was an important context because the new consultation was so that the school could confirm that it had decided not to include an English test within the testing arrangements and would continue with the existing three areas of testing, namely, verbal reasoning, non-verbal reasoning and mathematics. Comments on this proposal were invited.

18. The school said that the consultation did not say that the test provider would be changed because it did not consider that it needed to. This was a decision for the school to make when considering how best to implement its

published admission arrangements.

19. The objectors said that the change of provider of the tests was a significant change and that it should have been a matter for consultation and more notice should have been given to parents. The LA agreed with the objectors in this matter and commented that the change of the test was a change to the admission arrangements and as such it was necessary to consult on it. The objector argued that the school said it had not made a decision about provider of the tests at the time of the consultation and on this basis did not consult properly on the changes.

20. The school responded by saying that it agreed that it should consult if the areas of ability to be tested were to change, but it did not agree that it needed to consult on which particular test it used to test those areas of ability. It pointed out that some schools in the area wrote their own selection tests and these could be modified from year to year without consultation. Although the school said that it had no intention of writing its own tests, it did not think that its commercial decision to change who provided the tests needed to be consulted upon.

21. The objectors provided copies of articles that they had gathered from the press and elsewhere. These drew attention to the differences between the school's existing test provider and the new provider. One of the concerns for the objectors was that they said parents will have been preparing their daughters for the tests and many engaged tutors to assist with this and had been practising the old tests with their daughters so they were familiar with them. A change to a new provider upset this and a particular concern was that the new provider did not produce practice tests but only issued a familiarity booklet. The school responded to this by saying that it had been clear what the areas of testing were and this had not changed. A different provider still tested the same areas of ability and the absence of practice tests could arguably make them fairer because the test was not a reflection of the amount of practice a child had had in taking the test but a measure of the current ability of the child.

22. The school said that it was looking to identify the top 35 per cent of the ability spectrum to be eligible to apply for places at the school and set the pass mark accordingly. The school pointed out that by passing the test and becoming eligible to apply for a place did not mean that the child received a place. If the school was oversubscribed then applicants were allocated places in accordance with the oversubscription criteria.

23. Having set out the views of the different parties, I shall now consider the points that have been made in the light of the Code. This school is a grammar school that is permitted by paragraph 1.18 of the Code to *"select its entire intake on the basis of high academic ability."* In order to do this it must set out how it will conduct the selection.

24. Paragraph 1.17 of the Code requires selective schools to publish the entry requirements for a selective place and the process for such selection. The school sets out the entry requirement as passing the eligibility test. The eligibility threshold is defined by the school in the arrangements. The process

of application is to apply to the LA for a place through the common application process. If there are more applicants than places then the oversubscription criteria will be applied to those who have passed the eligibility threshold.

25. Paragraph 1.31 refers to the requirement for the selection tests to be clear, objective, and give an accurate reflection of the child's ability or aptitude, irrespective of sex, race or disability. I am satisfied that by using one of a range of reputable and nationally available tests with a significant research basis behind its construction, the school is meeting this requirement. The paragraph goes on to say that it is for the admission authority to decide the content of the test, providing the test is a true test of aptitude or ability. In this case as a wholly selective school the test is of ability and the school has decided that the content of the test will be mathematics, verbal reasoning and non-verbal reasoning. The Code does not specify which tests the school should use, this is left to the school's discretion.

26. Paragraph 1.42 of the Code requires consultation on changes to the admission arrangements. It could be argued that the school did not need to consult on this occasion because it was continuing to use existing arrangements. However, the school said that it considered that it would be helpful to consult to ensure that parents had the opportunity to comment on the proposal that the previous areas of testing would be continued and to confirm that any changes proposed in the previous year would not now be going ahead. The three areas of testing are specified within the arrangements.

27. Arguments have been presented that the school should consult on the test provider that it chooses to use. I have considered this argument and reject it for the following reasons. The school has specified the eligibility criteria within its arrangements and identified the areas that will be tested. The tests must be fair and a true test of ability but the Code does not specify which tests a school must use, by using a reputable nationally available test the school is ensuring that the requirement for the tests to be fair and a true test of ability is going to be met. In its arrangements the school says that it does not now specify which tests it will use, it specifies the skills that will be assessed. In the past the provider was also named but the school considers that as long as the tests cover the areas on which it has consulted, the exact provider of the tests need not be listed or consulted upon. It said that the consultation was about what the tests tested rather than who provided the tests.

28. Provided that the tests are testing the abilities that the school has defined in its arrangements I consider that the school must be at liberty to choose a suitable provider. The school is choosing between nationally reputable providers and the tests are all designed to test ability.

29. The objector has made the case that the school should have publicised the test provider sooner and more widely and I can see that this might have been helpful for parents. Nevertheless, it is not a requirement of the Code to do this. The objector argues that the children applying will have had insufficient time to prepare for the test, however the school responded with evidence from the test provider about the lack of need for significant

preparation. The test provider gives some information about familiarisation but stresses that the test is a test of ability not a prepared test. Practice papers are not provided for this reason. The argument that those children who have tutors will have prepared for a different test is a weak argument because the time spent with a tutor practising verbal reasoning, non-verbal reasoning and mathematics will be applicable to any tests testing these skills.

30. The tests are designed to produce a rank order of academic ability as permitted by Code. The former tests and the currently selected tests both do this and the content of the tests in terms of verbal reasoning, non-verbal reasoning and mathematics remains the same. The school explained that the change was a commercial decision and by working in conjunction with another school could save resources for the school and the public purse.

31. The objectors questioned a change of the day when tests are to be taken. They said that this would disadvantage some. However others welcomed the change of date and collaboration with another school. The administrative arrangements for the tests in a school are a matter for the school provided that they meet the requirements to be clear and objective. The school must take steps to ensure that the administration is fair. During our discussion the school said that candidates who are unwell or have some other good reason to think that they will not gain a result that matches their ability are advised not to take the test at the scheduled time and to seek to take it on one of the alternative dates available. There is no penalty for doing this and the LA points out that a candidate, who does not receive a place and feels that this is a result of something to do with the test, has a right of appeal and can ask the appeal panel to look at the specific concerns.

32. Paragraph 1.44 of the Code sets out who must be consulted about admissions. The school has explained how it has met its obligations to consult with the groups set out in this paragraph. It is always possible to suggest how a consultation could be improved and it is a constructive and helpful point made by one of the objectors to remind the school that publicising the consultation through the weekly school newsletter might have been helpful. However, I am satisfied that the school has fulfilled the consultation that is required by the Code.

33. The objectors are concerned about what they regard as the issue of fairness for girls. The school says it is better that the girls can take one test and the results be used by two schools. This results in less stress and although the raw mark is the same, the standardised result will be different in each school because the results are standardised against the cohort of applicants in each individual school and each school will set different pass marks. The objectors say this system is unfair for some girls who may do better in different tests and that because the single sex schools for boys do different tests, this disadvantages girls. The Code requires each admission authority to set its own admission arrangements. This school is permitted to decide which tests to use and whether to share the tests with one or more schools. There are several selective schools in the area and it is for parents to decide which schools are their preferred schools for their children and then for their children to take the selection tests if necessary. There could be different experiences of the tests for different children, but this does not mean

that it is unfair for girls to have the opportunity to take only one test for more than one school while the boys have to take more than one test if applying for more than one selective school. I do not uphold this part of the objection.

34. The last point made by the objector concerned that fact that the arrangements do not include how objections can be made to the adjudicator. Paragraph 1.49 requires LAs to include this information in the composite prospectus but there is no specific requirement for a school to include this information in its admission arrangements. However, the school has accepted that it would be helpful for it to mention this point and has agreed to add a paragraph saying who objections can be made to.

Conclusion

35. I have looked carefully at the submissions made by the objectors, the school and the LA. I have also considered the relevant paragraphs in the Code. I have concluded that I do not uphold the objections made in this case and I am satisfied that the consultation held and the decision to change the provider of the selection tests do not contravene the Code.

36. The objectors have made some valid suggestions about how the consultation could have been improved by the use of the weekly school bulletin and with better communication about the context of the consultation. However, I do not think that this meant the consultation was not compliant with the Code. The crux of this case was whether or not the school should have consulted on a change of test provider for its selection tests. I have concluded that the Code does not make this a requirement and that the school has consulted on the content of the tests as required in as much as the tests will be on verbal reasoning, non-verbal reasoning and mathematics.

Determination

37. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for admissions in September 2016 determined by the governing body of Altrincham Grammar School for Girls.

Dated: 15 July 2015

Signed:

Schools Adjudicator: David Lennard Jones