# DETERMINATION 

| Case reference: | ADA3281 |
| :--- | :--- |
| Objector: | An individual |
| Admission Authority: | The Governing Board of Colchester County <br> High School for Girls, Essex |
| Date of decision: | 28 March 2018 |

## Determination

In accordance with section $88 \mathrm{H}(4)$ of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2018 determined by the Governing Board for Colchester County High School for Girls, Essex.

By virtue of section $88 \mathrm{~K}(2)$ the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case, I determine that the arrangements must be revised before the process of selection begins for admission in September 2019.

The referral

1. Under section $88 \mathrm{H}(2)$ of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by an individual, (the objector), about the admission arrangements (the arrangements) for Colchester County High School for Girls (the school) a selective academy school for girls aged 11 to 18, for September 2018. The objection is to fairness of the tests used for selection of pupils for admission.
2. The local authority for the area in which the school is located is Essex. The local authority is a party to this objection. Other parties to the objection are the governing board of the school and the objector.

## Jurisdiction

3. The terms of the Academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy
and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the governing board, which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 28 April 2017. The objector has asked to have her identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of her name and address to me. I am satisfied the objection has been properly referred to me in accordance with section 88 H of the Act and it is within my jurisdiction.

## Procedure

4. In considering this matter, I have had regard to all relevant legislation and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
a. the objector's form of objection dated 28 April 2017 and subsequent correspondence;
b. the school's response to the objection, supporting documents and subsequent correspondence;
c. the response of the local authority to the objection and supporting documents;
d. the local authority's composite prospectus for parents seeking admission to schools in the area in September 2017;
e. a map of the area identifying relevant schools;
f. confirmation of when consultation on the arrangements last took place;
g. copies of the minutes of the meeting at which the governing board of the school determined the arrangements; and
h. a copy of the determined arrangements.
6. I have also taken account of advice I commissioned from a senior statistical officer at the Department for Education (DfE) and of the comments of the parties to this case on that advice.

## The Objection

7. The objector considers the tests used for the selection of girls for admission are unfair. She refers in her objection to paragraph 1.8 of the Code which states that "Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. 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". This paragraph specifically refers to the oversubscription criteria used in the arrangements and is not pertinent to the use of tests for selection. I have therefore considered the objection under paragraphs 14, 1.31 and 1.32 of the Code. Paragraph 14 states 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." Paragraphs 1.31 and 1.32 refer to selective schools and state that "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 that the test is a true test of aptitude or ability" and "Admission authorities must ... b) ensure that tests are accessible to children with special educational needs and disabilities, having regard to the reasonable adjustments for disabled pupils under equalities legislation."
8. The objector says that the tests are unfair for children with dyslexia, non-native English speakers, and children with special educational needs and disabilities. She considers the Mathematics test unfair as it contains a level of Mathematics which is not covered by a standard school curriculum. The objector is concerned that the tests are not agestandardised and considers this unfair to summer born children and she is also concerned that the tests are being set and marked by teachers rather than a professional [testing] body.

## Background

9. The school is a selective academy school for girls and has a Published Admission Number (PAN) of 160. The school is one of ten schools in the Consortium of Selective Schools in Essex (CSSE) which all use the same testing arrangements and which are a mix of grammar schools and partially selective schools. The CSSE oversees the whole selection process for the ten schools. It sets and marks the test papers and standardises the scores. The aggregated and standardised scores provide for an average candidate to score a total of 300 in the two tests. A score of 303 is the lowest score which will qualify a candidate for a place at one of the grammar schools or for priority for a selective place at one of the partially selective schools. The school is heavily oversubscribed. Girls sitting the selection tests may do so at any one of the ten schools in the consortium but usually sit the tests at their preferred school. In 2017, 566 girls took the test at the school and, after receiving the results of the tests, 250 expressed a first preference for admission. Places are allocated in rank order of test scores and a score significantly greater than 303 is required to secure a place. A score of 321 was the lowest score obtained by an entrant to the school in the last four years and all girls who obtained a score of 330 or more were offered a place.
10. The governing board last consulted on changes to the admission arrangements from December 2015 to January 2016. This consultation was for the September 2017 admission arrangements and made changes to post 16 arrangements to bring them in line with the new grading systems at the end of Key Stage 4. This consultation did not change the admission arrangements for entry at year 7 (Y7) which have remained the same since 2015. The arrangements state that "Where applications exceed the number of available places in Y7, places will be awarded in rank order until the PAN is reached. Where there are a number of girls with equal aggregated test scores competing for the last available place(s), preference will first be given to the girl who is looked after". (There follows a definition of looked after and previously looked after children). The arrangements go on to say "Should this not resolve the allocation, then the preference will be given to the girl on free school meals followed by the girl living closest to the school."
11. The arrangements for September 2018 were determined by the governing board on 1 February 2017 and subsequently published on the school website in line with the Code.

## Consideration of Case

12. Paragraphs 1.18 and 1.19 of the Code refer to Grammar schools. They state that "Only designated Grammar schools are permitted to select their entire intake on the basis of high academic ability. They do not have to fill all of their places if applicants have not reached the required standard" and "Where arrangements for pupils are wholly based on selection by reference to ability and provide for only those pupils who score highest in any selection test to be admitted no priority needs to be given to looked after children or previously looked after children". The school is a designated grammar school and therefore is allowed to select its entire intake on the basis of high academic ability.
13. The local authority provided a map of the local schools, statistics of applications and admissions for September 2017 and links to the composite prospectus and the application process on line. The local authority states that it "has no comments on the objections made".
14. The objector states that the tests used are unfair. I have numbered the objector's specific complaints below from (i.) to (vii.) for ease of reference:
i. The tests usually include a dense text from a $19^{\text {th }}$ century English author with many questions on this. These old fashioned texts are likely to use uncommon English words that pupils who are dyslexic are unlikely to know.
ii. The texts described at i. above are also highly unlikely to be known by non native English speakers.
iii. The $11+$ tests is not age-standardised. It is highly likely that a

September born child who is 11 when they take this test will do better than a younger pupil who might be born in August.
iv. The 11+ tests are not accessible to children with special educational needs.
v. The 11 + tests are not accessible to children with disabilities.
vi. The mathematics paper contains a level of mathematics not covered by a standard school curriculum.
vii. The tests are set and marked by teachers not a professional testing body and they might have no understanding of the significance of age weighting, or desire to check for bias to vulnerable groups of pupils.

I will consider the seven elements (i. to vii. above) separately.

## Dyslexic pupils

15. The school's response to the claim that the tests are unfair to dyslexic pupils (i. above) includes an analysis of the texts used in the tests for the last five years. These include classical and modern works including 'Never let me go' by Ishiguro published in 2005 and 'Nicholas Nickleby' by Dickens published in 1838. These texts are used in the comprehension section of the English text and are unlikely to be familiar to any pupil. The school says that the paper setters check that the part of the passage is age appropriate with adult content removed and that some unfamiliar words may be given a definition at the bottom of the extract. The texts for the last three years have been analysed for readability using the Felsch Reading Ease test and the SMOG (simplified measurement of gobbledygook) measure of readability test. The reading ages range from the lowest in 2016 of age 10-11 in Flesch and age 8-11 in SMOG to the highest in 2017 of age 11-12 in Flesch to age 10-11 in SMOG. The school maintains that these texts are well within the reading age of candidates with above average ability. The English test is based on Key Stage 2 work at level 5 and is therefore a suitable challenge for the pupils. The school reports that children with dyslexia are referred to the CSSE and that consideration of each individual case is undertaken. Reference to the CSSE website shows a 'Notification of medical circumstances statement or access arrangements form' for parents to complete. This form is completed by parents "if your child has a medical condition or statement of special need that requires access arrangements or adjustments". In addition, there is a guidance document on the website which provides further information for parents applying for special consideration. A panel of headteachers refers the requests to an independent educational psychologist for recommendation. In 2017, this led to four girls being tested at the school having special arrangements provided for their dyslexia; this ranged from 25 per cent extra time in the English test to being tested alone and with 25 per cent extra time in the English test.
16. The objector responded to the school's statements about girls with
dyslexia and said that she accepted that there are appeals procedures but that dyslexia is extremely prevalent and not always diagnosed by the September of year 5 (Y5). The school responded that it cannot comment on when diagnosis takes place but that if it is not in place in Y 5 then this is an issue of concern for the primary school and not the CSSE or the secondary school.
17.I am of the view that the CSSE provides a suitable process for parents of girls diagnosed with dyslexia to request additional assistance. The involvement of an independent educational psychologist indicates that the appropriate level of assistance is recommended and this is put in place for the tests. I therefore do not believe that the system is unfair to those girls who have been diagnosed with dyslexia. So far as children with undiagnosed dyslexia are concerned, the CSSE is not - as it says - in a position to provide additional support for undiagnosed dyslexia cases. If this has not been diagnosed during the course of a child's primary schooling, that is indeed unfortunate, but the CSSE cannot reasonably be expected to compensate for this in its testing process. Nor has it been suggested by the objector how tests which would meet the needs of those with undiagnosed (as distinct from diagnosed) dyslexia might be constructed. I do not uphold this aspect of the objection.

## Non-native English speakers

18. The objector says that there are likely to be many highly able pupils, perhaps new to the country and not confident with the language or with poor reading skills who will fail this test (ii. above). She cites a previous determination which covers this (ADA2581 and 2621). In this other case, a non-verbal reasoning test had been replaced with an inappropriate English test and the objection was therefore upheld. However, determinations ADA2581 and 2621 concerned a different grammar school with different testing arrangements. The question before me is whether this school's arrangements conform with the requirements relating to admissions or not. The school maintains that the current English and Mathematics tests have been held in their existing format since the September 2015 admissions. At that point the test format moved away from a specific verbal reasoning test which many state schools were not familiar with and incorporated instead more of the skills that able pupils would have acquired at a state primary school following the national curriculum, for example extended writing. The school states that the proportion of students joining it from state primary schools has increased from 67 per cent in 2013 to 81 per cent in 2016. The school believes this is a consequence of more appropriate tests and is a fairer system. In addition, the school reports that the overall proportion of pupils with English as an additional language (EAL) in the school is 25 per cent compared with the national average in schools of 15.7 per cent. There are currently 40 EAL pupils in Y7 at the school which is the highest on record. The school suggests that these figures show that there is no recognisable disadvantage to able EAL candidate in the tests.
19. The objector responded that the statement of the proportion of EAL children is not the same as considering if the test itself has any bias. The school responded that the type of texts chosen for the comprehension extract and reading age of these extracts are considered appropriate for able children at KS2. The school states that it has a number of girls for whom English is not the language spoken at home and whose parents have limited or no English and yet have still gained a place at the school. In light of the above I am of the view that the school has demonstrated that EAL girls including those whose families have little or no English are not disadvantaged by the English comprehension tests. I do not uphold this aspect of the objection.

## Age-weighted standardisation of test scores

20. The objector considers the absence of age standardisation of the tests is unfair to girls who were born between April and August (iii. above). The majority of selection tests used by grammar schools, including those from large commercial and academic testing organisations, do standardise for age. The school has argued that it is not necessary for it to standardise its test for age because there is no evidence of any link - in the tests it uses - between test score and date of birth. It has stated that it is not opposed to age standardisation and, indeed, has made the point that it has used age standardised tests in the past. The school provided early on in my consideration of the case a scattergram showing the test scores by date of birth of those who had taken the test together with a statistical analysis, the product moment correlation coefficient (PMCC), which showed, according to the school, no statistically significant link between age at test and test score. I comment later on this analysis.
21. The following data was provided by the objector who in turn had secured it via a Freedom of Information Request from the CSSE. The data covers all girls who took the tests across the CSSE schools in 2016 for entry to schools in 2017. The data shows:

| MONTH OF BIRTH | $<303$ | $303-$ | $326-$ | $341-$ |  |
| :--- | :---: | :---: | :---: | :---: | :---: |
| Sep-05 | 95 | 48 | 37 | 350 | $>351$ |
| Oct-05 | 117 | 56 | 24 | 22 | 28 |
| Nov-05 | 99 | 41 | 23 | 16 | 23 |
| Dec-05 | 100 | 43 | 25 | 15 | 23 |
| Jan-06 | 100 | 35 | 27 | 5 | 18 |
| Feb-06 | 92 | 35 | 23 | 11 | 13 |
| Mar-06 | 106 | 41 | 17 | 12 | 24 |
| Apr-06 | 100 | 32 | 22 | 13 | 17 |
| May-06 | 95 | 41 | 21 | 6 | 22 |
| Jun-06 | 99 | 46 | 20 | 12 | 20 |
| Jul-06 | 86 | 42 | 12 | 10 | 9 |
| Aug-06 | 110 | 29 | 14 | 7 | 12 |

22. It is difficult to see any pattern in this data because the groups into which it has been sorted are of different sizes. However, a table on the CSSE website gives the lowest score which secured entry to each school in the consortium in the last four years and the score above which every pupil secured a place in the last four years. For the school, these were 321 and 330 respectively. The closest group boundary to these numbers in the table is 326 , therefore based on data provided by the school the following table and graph can be drawn.

|  |  | 326 or <br> more |  |
| :--- | ---: | ---: | ---: |
| MONTH OF BIRTH | or <br> more |  |  |
| Sep-05 | 143 | 77 | $35 \%$ |
| Oct-05 | 173 | 74 | $30 \%$ |
| Nov-05 | 140 | 62 | $31 \%$ |
| Dec-05 | 143 | 63 | $31 \%$ |
| Jan-06 | 135 | 50 | $27 \%$ |
| Feb-06 | 127 | 47 | $27 \%$ |
| Mar-06 | 147 | 53 | $27 \%$ |
| Apr-06 | 132 | 52 | $28 \%$ |
| May-06 | 136 | 49 | $26 \%$ |
| Jun-06 | 145 | 52 | $26 \%$ |
| Jul-06 | 128 | 31 | $19 \%$ |
| Aug-06 | 139 | 33 | $19 \%$ |


23. From this table and graph, it would appear at first sight that fewer girls born in the summer months take the test and a smaller proportion of them achieve a score greater than 326 which would be likely to secure them a place at the school. For example 35 per cent of girls who took the test that were born in September achieved a score of more than 326, while only 19 per cent of girls born in July or August achieved
more than 326. This is not the place to speculate on why there are noticeably fewer summer born girls taking the test.
24. Simplifying the data further, taking summer-born to mean April to August as defined by the DfE, the number of summer-born girls achieving a score greater than 326 is 217 out of 897 ( 24 per cent opposed to 426 out of 1434 girls born in the rest of the year ( 30 per cent)).
25. It may be that the above pattern could happen by chance and not be due to any relationship between month of birth and the test score. Indeed, the school maintained that this was the case. There are several statistical tests which calculate the probability of the above pattern occurring. If the probability of the observed pattern is less than a chosen level, usually five or one per cent, then the result is said to be statistically significant and a relationship probably exists between the month of birth and test score.
26. When it was put to the school that there appeared to be a pattern the school responded by saying that it did not accept this. The school said that neither the PMCC test nor a second test, namely a chi squared test, showed any statistically significant relationship between age at test and test performance. The school also drew attention to what it described as the "self-selecting skewed population" which took the tests.
27. I have sought advice from a senior statistician at the DfE. She identified errors in the application of the tests by the school's adviser and conducted the same two tests herself. She identified that the school's adviser misinterpreted the critical value for the PMCC test which I refer to above. The school's adviser was using significance values for 100 test scores not the figure relevant to the much greater number of test scores being analysed. The DfE statistician also found an error in the calculation of the chi squared value by the school's adviser.
28. The DfE statistician obtained results using both PMCC and the chisquared test which showed there was a statistically significant relationship between the month of birth and test score in both cases. In addition, she conducted two further tests which also showed a statistically significant relationship. The two further tests compared proportions using the standardised Normal approximation to the Binomial Distribution and compared the proportion of girls achieving various score thresholds by month of birth, after standardising for applications by month of birth.
29. I have shared the analysis undertaken by the DfE statistician with the school. The school has commented on this analysis. These comments do not dispute the finding that there were errors in the analysis undertaken by the school. Where the school has challenged the work undertaken by the DfE statistician it was on the basis that it did not take account of the population skew or that it did not reflect standard
statistical practice. The DfE statistician's responses to that challenge, also shared with the school, have satisfied me that her analysis is correct. In all, the DfE statistician provided three reports the final one of which says: "In each test we have run, we find a statistically significant relationship between month of birth and performance in test, here Summer-born pupils perform less well compared to their peers. Importantly, the school's discussion about taking into account the skew in the population, at least in terms of numbers taking the test by birth month, have been taken into account in our analysis....". On this basis, I am therefore of the view that there is a relationship between the month of birth and test score, with girls born in the summer months being less likely than girls born at other times to achieve a score which would secure entry to the school.
30. I have looked at age standardisation in 11+ testing across the country. It is important to be clear about the purposes and rationale of age standardisation and why it might be (or not be) necessary. Age standardisation will be relevant if the following assumptions are correct:
a. that the period of birth does not affect the innate intellectual or academic ability of the pupil at the time of taking the test, but that
b. test performance may be affected by age. A younger child might well not perform as well in the test simply because of age and experience linked to age rather than because of lower innate ability.
31. At the time pupils take the 11+, one child taking the test might be born on the first day of the school year (September 1) while another might be born on the last day (August 31). With what amounts to a whole year's difference in their ages, the older child is usually at an advantage: for example, they will have been exposed to more language and, on average, a greater range of vocabulary. As children are exposed to new vocabulary at the rate of more than 1,000 words per year, the difference can be very significant for the 11+ tests. Age standardisation removes this potential unfairness and the marks are adjusted to make them 'standard' for all children regardless of their age. The school in correspondence has recognised that other $11+$ test providers carry out age standardisation but maintain that this is not necessary for their own tests. The school notes that it previously used an age standardised test provided by one of the major test providers as part of its $11+$ regime and that age standardisation made little difference to the allocation of places. However, these arguments do not address the finding that the there is a correlation between age and test performance for 2017 data in the tests used by this school and it is statistically significant.
32. Following the statistical analyses which show conclusively that a smaller proportion of summer born girls who take the test achieve the required test scores than girls born at other times of the year, I consider
that the admission arrangements currently in operation are unfair to girls who are born in the summer months. This does not comply with Paragraph 14, which states 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." For the same reason the arrangements do not comply with paragraph 1.31 of the Code which provides that "Tests for all forms of selection must ...give an accurate reflection of the child's ability...". In reaching this conclusion, I emphasise that my concern is not that the school's tests per se fail to give an accurate reflection of the child's ability but rather that their use when not age standardised fails to do so. There may or may not be tests which can give an accurate reflection of innate ability without age standardisation. Currently, the school does not use an age standardisation process. I am of the view that the implementation of such a process would redress this unfairness for summer born girls and therefore I uphold this element of the objection. The school has said it a letter dated 26 January 2018: "It has always been the case that as and when our approach illustrated the need for an age standardisation adjustment it would be applied...."

## Special educational needs and disabilities

33. The objector says that the tests are unfair for children with special educational needs (iv. above) and disabilities (v. above). The objector did not provide any specific evidence to support this. The school explained that the consortium has a special arrangements and adjustments policy and that it has an obligation to make reasonable adjustments in the tests. The parent/carer provides evidence of any additional need and the schools make arrangements to support access to the test. For the test held in September 2016, 177 requests for access arrangements or adjustments were made and the school reports that the majority of these were arranged with the school test centres without reference to the panel. They give examples of children bringing asthma pumps to the test centre. Forty six girls were considered by the panel and 25 were referred to the educational psychologist. The school attached a list of specific special arrangements made during the 2016 tests and these included one candidate who has an autistic spectrum condition who was tested alone and provided with extra 25 per cent time in the tests. Another candidate with a hypermobility condition was provided with a scribe for the test, 25 per cent extra time and the use of a word pad for the continuous writing section. One candidate had a hand injury and was provided with 25 per cent extra time for the tests. In all, 14 major adjustments were made for candidates. The school explains that they can only make adjustments if relevant evidence is provided and in some cases, this is not forthcoming. The school reports that currently in Y7 there are three girls with Education Health and Care plans.
34. I have studied the policy on special arrangements and the forms which the parents complete to request these adjustments. The school and the consortium have good systems for identifying and providing special
arrangements for the tests and I have seen evidence that a number of candidates are provided with additional support for undertaking the tests. I consider this process to be fair for pupils with additional needs. I therefore do not uphold these elements of the objection.

Mathematics content
35. The objector is worried that the maths paper contains a level of maths not covered by a standard school curriculum (vi. above). The school's response states that the maths paper is designed to reflect the reasonable expectations of mathematical understanding for the more able 25-30 per cent of the Y6 cohort. It suggests that there may be some questions which do not relate directly to the taught Y5/6 curriculum but these are professionally designed by subject specialists to be accessible to all candidates using logical thought. The school is keen to stress that these questions are not dependent on having been taught specific additional mathematics. The objector suggests that children who are taught additional mathematics concepts by tutors, in private schools or by parents will disadvantage those who do not have the benefit of additional teaching. The school responded that those questions which do not relate directly to the taught $Y 5 / 6$ curriculum do not require additional knowledge of other maths concepts. The school provides an example of this type of question.
36. I have looked at the familiarisation questions provided on the consortium's website and I am of the view that those questions which have not been directly covered in the $\mathrm{Y} 5 / 6$ curriculum are included to encourage candidates to use the knowledge and skills taught in Y5/6 to answer more complex questions. The examples given are problem solving questions which depend upon the use and application of basic mathematical concepts. I am of the view that these questions are not unfair to able children who have been taught a standard Y5/6 mathematics curriculum. I do not therefore uphold this element of the objection.

## Test marking

37. The objector says that as the tests are set and marked by teachers rather than a professional body, they might have no understanding of the significance of age weighting, or desire to check for bias to vulnerable groups of pupils (vii. above). She refers in this context to two major providers of tests CEM (which is the Centre for Evaluation and Monitoring and is attached to Durham University) and GL Assessment (which is a major provider of tests and assessment tools). The objector suggests that such other test providers carry out thorough checks on their test questions. The school explains the detailed system for the appointment or markers; the process of double marking for each test, sample checks of scripts, moderation by a specialist panel and the pre-test training and moderation for all chief markers. The school explains that the raw test scores are standardised and that the figures from previous years indicates that the level of difficulty of the tests is appropriate. The school makes the point that there is no
obligation for schools to use outside bodies for testing purposes and maintains that the paper setters are highly skilled in their subject and have all taught or are still teaching that subject.
38. There is no requirement for selective schools to use outside agencies to provide the tests and the Code states that it is for the admission authority to decide the content of the test providing that the test is a true test of ability. I have not been provided with any evidence that suggests that the employment of serving or ex-teachers to administer and mark the tests is unfair to the candidates. I have no doubt that the school is seeking to be fair to all candidates. I therefore do not uphold the seventh aspect of this objection.
39. Having found that the arrangements do not conform with the requirements of the Code in one respect, I have considered the timescale for the necessary variation to the arrangements. It has taken a long time to complete this case, because of the need at all stages to take professional statistical advice and to give all parties time to consider and comment on that advice. The school has said it is possible to apply age standardisation after applicants have sat the test. I have accordingly decided that the arrangements must be varied in time to be applied to those seeking places at the school for September 2019.

## Summary of Findings

40. The objector identifies seven issues about the tests for school selection which she says are unfair. I have tested these issues against paragraphs 14, 1.31 and 1.32 of the Code. I have concluded that I can find no evidence for six of these issues to suggest that the tests are unfair and therefore not compliant with the Code.
41. I do uphold the seventh aspect of the objection, that the lack of any age standardisation of the test results is unfair to summer-born girls. Most 11 plus test providers do standardise for age. The school has argued that this is unnecessary for their tests, as statistical analysis undertaken on its behalf does not show any correlation between date of birth and test result. Examination of this analysis by a professional statistician at the DfE has shown that analysis to be flawed. The same statistical tests applied correctly to the same data show that there is a correlation and a smaller proportion of summer-born girls than would be expected obtain places at the school. I find that this is unfair to summer-born girls.

## Determination

42. In accordance with section $88 \mathrm{H}(4)$ of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2018 determined by the Governing Board for Colchester County High School for Girls, Essex.
43. By virtue of section $88 \mathrm{~K}(2)$ the adjudicator's decision is binding on the
admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case, I determine that the arrangements must be revised before the process of selection begins for admission in September 2019.

Dated: 28 March 2018

Signed:
Schools Adjudicator: Ann Talboys

