



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA3495

**Objector:** A member of the public

**Admission authority:** The governing board of the King's School Academy, Grantham, Lincolnshire

**Date of decision:** 17 July 2019

## 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 September 2020 determined by the governing board of the King's School Academy, Grantham, Lincolnshire.

## 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 member of the public, (the objector), about the admission arrangements (the arrangements) for Kings School, Grantham (the school), a selective academy for boys aged 11-18. The objection is about possible unfairness in the arrangements for boys living in the Grantham area.
2. The local authority (LA) for the area in which the school is located is Lincolnshire County Council. The LA is a party to this objection. Other parties to the objection are the school and the objector.

## Jurisdiction

3. The terms of the Academy Agreement between the academy trust (which is known as and which I refer to as the governing board for the school) 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 school's governing board, which is the admission

authority for the school, on that basis. I am satisfied the objection has been properly referred to me in accordance with section 88H 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 7 March 2019;
  - b) the admission authority's response to the objection and supporting documents;
  - c) the comments of the LA on the objection and supporting documents;
  - d) the LA's composite prospectus for parents seeking admission to schools in the area in September 2019;
  - e) confirmation of when consultation on the arrangements last took place;
  - f) copies of the minutes of the meeting at which the governing board determined the arrangements; and
  - g) a copy of the determined arrangements.

## The Objection

6. The objector sets out the local context for this school and points out that while other selective schools in Lincolnshire have chosen to include a criterion within their arrangements to give some priority for local children, this school has not chosen to do so and has not chosen to explain in its arrangements why it differs from other selective schools in the County, nor why it views the arrangements it has determined as suitable for the school. The objector argues that the arrangements are such that in a year in which the school is oversubscribed with boys who have reached the school's qualifying score, a boy living in Grantham may not gain a place because a boy living further away, but who achieved a higher score in the 11+ tests has a higher priority for a place. He also argues that there could be unfairness and discrimination between boys and girls living in the Grantham area because a girl could gain a place at the local grammar school for girls but a boy with a similar address and the same test score may not gain a place at the grammar school for boys. The objector argues that the arrangements may work to the detriment of disadvantaged young people living in the Grantham area.

## Background

7. The school is a selective academy that was established as a grammar school in 1528 and now has academy status. The school has a published admission number (PAN)

of 174 for entry at Year 7 and a PAN of 30 for entry into the sixth form. The school is part of the Lincolnshire consortium of grammar schools and uses the same tests as the other schools in the consortium. The tests are provided by the assessment testing company GL Assessment. The school sets a qualifying score in the tests of 220 and will only offer places to applicants with this score or above.

8. The school is typically oversubscribed with boys who have reached the qualifying score. The LA provided the following information about the applications from eligible boys for places at the school that it received for admission to Year 7 in 2019.

Pref 1	Pref 2	Pref 3	Pref 4	Total
237	46	18	3	304

9. The school's oversubscription criteria can be summarised as follows:

1. Looked after children and all previously looked after boys who have achieved the minimum qualifying score.
2. up to 20 places for boys who are eligible for the pupil premium who achieve the qualifying score, and then prioritised by rank order of score. Boys who are unsuccessful in this category are considered in category 3.
3. Any remaining places will then be awarded in rank highest first standardised score order for those boys who have qualified for entry, up to the total number of boys intended to be admitted under the published admission number.

If two or more boys are tied for the last place a lottery will be drawn by an independent person, not employed by the school or working in the Children's Service Directorate at the Local Authority.

## Consideration of Case

10. The objector draws attention to the part of paragraph 1.10 of the Code which says *"It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances"* and makes the point that it is part of the objection that these arrangements are not suitable given the local context. The objector asserts that the local context is that the other selective schools in the area have criteria that give some priority to children who live close to their schools but that this school has chosen not to. He says in his correspondence *"I have chosen to object to the arrangements at King's school because I am of the view that children should be able to access their local schools as far as resources permit. In the other Lincolnshire towns with single sex grammar schools (Boston, Sleaford, Spalding) the admission arrangements facilitate this. (the school).. does not explain what is so different about Grantham as to justify the approach taken by King's School in the local context."* He concludes that because the girls grammar school serving

Grantham does give some priority based on where girls live, the school's arrangements may give rise to discrimination on the grounds of gender and that this may be contrary to equalities legislation with which admission authorities must comply

11. The school responded to the objection by saying that it was an established grammar school before it became a selective academy and as such is permitted to select by ability. It states that it complies fully with paragraphs 1.17 – 1.20 of the Code which refer to selection by ability. These paragraphs say:

*“1.17 All selective schools must publish the entry requirements for a selective place and the process for such selection.*

*1.18 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.*

*1.19 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.*

*1.20 Where admission arrangements are not based solely on highest scores in a selection test, the admission authority must give priority in its oversubscription criteria to all looked after children and previously looked after children who meet the pre-set standards of the ability test.”*

12. The school was clear that it published its entry requirements and clearly described the process for selection. It had historically chosen to select pupils on the basis of rank order of scores in the selection test. I note that this approach is explicitly permitted within the Code. Last year, the LA asked the school if some recognition could be given to the needs of children and particularly disadvantaged children within the local area. In response the school introduced an oversubscription criterion that gives priority to up to 20 boys in receipt of the pupil premium who had reached the qualifying score in the assessment tests. The school observed that this gave priority for over ten per cent of its intake to boys in receipt of the pupil premium and considers that this meets the part of the objection made about disadvantage. The school also gives the highest priority to any boy who reaches the qualifying score and who is a looked after or previously looked after child.

13. The school commented that the scenario drawn by the objector that a boy in Grantham might have a similar score to a girl living nearby yet she might gain a place at the grammar school for girls but the boy not gain a place at the grammar school for boys was not a matter that the school could control through its admission arrangements. The school pointed out that the scenario could equally operate in reverse with the boy obtaining a place and the girl not. Two non-identical twins of differing sex could both score the same high score for entry into the grammar schools and have the same address but it was possible that the boy might gain a place in the boys school on rank order but the girl might not gain a place at the girls school if another girl had a qualifying score and lived closer to the school,

or it could work the other way around. This could occur despite the schools being the closest grammar schools for both students and was because the schools had different admission arrangements, a situation that is permitted by the Code.

14. The LA commented that it would prefer the school to give priority to those boys who reached the qualifying score on the grounds of distance rather than to rank the applications on test score but it recognised that as the admission authority the school was permitted by the Code to select in this way. It went on to comment that at present there were sufficient school places within the Grantham area but if, in the future, it became necessary to develop more places in the local area, the LA had explained to the school that it was more likely to seek to expand those schools which gave priority to local children than expand a school that offered places to children who may not be from the immediate Grantham area in which pressures are faced.

15. The LA is satisfied that the testing process and the way results are communicated to parents are clear and meet the requirements of the Code. The LA noted that the school had changed its admissions arrangements to respond to the LA's comments concerning disadvantage in the Grantham area. The LA did not consider that the scenario set out by the objector amounted to gender discrimination because the schools were not linked.

16. I have looked carefully at the arrangements and considered the points made by the different parties. The objector himself quotes paragraph 1.10 of the Code that says "*It is for admission authorities to decide what criteria would be most suitable to the school according to local circumstances.*" The objector considers that the school should have taken account of what he considers to be the local context when deciding to select by rank order of ability rather than by distance from the school. He also thinks that the governing board should explain in its arrangements why it differs from other selective schools in the County, and why it views the arrangements it has determined as suitable for the school. The school in response has quoted the paragraphs of the Code that give it permission to select by ability and specifically to rank applicants by ability and take those with the highest scores. The Code is clear that the school may select by rank order of qualifying scores.

17. I have considered the objector's point about the local context and I understand that the objector is interpreting this to mean the area of the local authority. The objector set out his view that "*children should be able to access their local schools as far as resources permit.*" Whatever the merit of this view, and opinions on this will differ, the Code does not require this or facilitate this by requiring any coordination between the admission arrangements of neighbouring schools. The objector thinks that the school should justify its decision but again, there is no requirement in the Code for the school to do this. In this context then I do not uphold this part of the objection.

18. The objector further considers that if a girl and a boy achieve a similar score in the selection tests and live at the same address then it is unfair if the admission arrangements for the grammar school for girls differs from those of the grammar school for boys. I do not support this view for the reason that the schools are permitted to set their own admission

arrangements and there is not requirement for them to be the same or to be coordinated. I do not uphold this part of the objection.

19. The last part of the objection concerns the reported areas of deprivation around the school and the objector's view that disadvantaged children may not be getting the opportunity to attend this selective school. Following discussions with the LA, the school has added an oversubscription criterion that gives priority to children in receipt of the pupil premium. The result will be a greater number of disadvantaged children gaining places at the school. In my view this addresses the objection made and as a result I do not therefore think that the arrangements are unfair for disadvantaged young people and do not uphold this part of the objection.

## Summary of Findings

20. I have not upheld this objection. The Code does not require the school to justify in its arrangements why it selects on the basis of rank order, nor is the school required to coordinate its admission arrangements to provide consistency with those of other schools. The school has introduced a limited measure to enable disadvantaged children who achieve the qualifying score in the selection tests to have priority for a place. Since schools are not required to have arrangements which are the same it follows that single sex schools may have differing arrangements as in this case. It is inevitable that the different arrangements will result in different priorities for admission but as the LA points out, the schools are not linked and as a result discrimination on the grounds of gender is not taking place.

## Determination

21. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the governing board of the King's School Academy, Grantham, Lincolnshire.

Dated: 17 July 2019

Signed:

Schools Adjudicator: David Lennard Jones