



Office of
the Schools
Adjudicator

Determination

Case reference: VAR935 Bow School, Langdon Park School, Morpeth Secondary School, Oaklands School, Swanlea School and George Green's School, Tower Hamlets

Admission authority: Tower Hamlets Council

Date of decision: 15 July 2020

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Tower Hamlets Council for Bow School, Langdon Park School, Morpeth Secondary School, Oaklands School, Swanlea School and George Green's School, for September 2021.

I determine that the allocation of children to bands shall take place using teacher assessment in reading in replacement of the use of the National Foundation for Educational Research Test for reading and mathematics.

The referral

1. Tower Hamlets Council has referred a proposal for a variation to the admission arrangements for September 2021 for Bow School, Langdon Park School, Morpeth Secondary School, Oaklands School, Swanlea School and George Green's School (the schools), to the Office of the Schools Adjudicator. The first five schools are community schools and George Green's School is a voluntary controlled school. Each caters for children from 11 to 18 and each is situated in the borough of Tower Hamlets.
2. The proposed variation is that the use of a test provided by the National Foundation for Educational Research (NFER) to determine the band to which a child is allocated be replaced by teacher assessment.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that: "*where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in*

circumstances occurring since they were so determined, the authority must [except in a case where the authority’s proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.

4. I am satisfied that the proposed variation is within my jurisdiction.

Procedure

5. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

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

- a. the referral from Tower Hamlets Council dated 19 May 2020 and supporting documents;
- b. the determined arrangements for 2021, evidence of their determination and the proposed variation to those arrangements;
- c. a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2020;
- d. evidence that the governing board for each of the schools has been consulted;
- e. a copy of the email notifying the appropriate bodies about the proposed variation; and
- f. comments received on the proposed variation from the appropriate bodies.

The proposed variation

7. A group of 13 secondary schools in Tower Hamlets have admission arrangements for Year 7 in September 2021 which include the use of tests of ability in reading and mathematics to allocate children to one of four bands. A quarter of the available places at each school is then made available to children seeking a place there from each of the four ability bands. There are eight maintained schools, which are:

Community	Voluntary Controlled	Voluntary Aided
Bow School	George Green’s School	Central Foundation Girls’ School
Langdon Park School		Sir John Cass Foundation and Red Coat School
Morpeth Secondary School		
Oaklands School		
Swanlea School		

8. Tower Hamlets Council (the local authority, the LA) is the admission authority for the five community schools and for George Green's School. This determination concerns the variation requested for the admission arrangements which have been determined for each of them. Separate determinations by the adjudicator are required for each of the two voluntary aided schools, as the governing boards are the admission authorities for these schools. I have been informed that a request has been made to the Education and Skills Funding Agency (ESFA) concerning the admission arrangements of the five academy schools as variations to the determined arrangements of academies are dealt with by the ESFA acting on behalf of the Secretary of State for Education.

9. The determined arrangements for the six schools for which the LA is the admission authority provide for banding tests to be taken by Year 5 five pupils in their primary schools in the first half of the summer term. Because of the effect of the COVID-19 pandemic, primary schools have been unable to administer these tests. When the LA sought the variation to its Year 7 admission arrangements for 2021/22, it was already too late for children to have taken the usual tests in time for the outcomes to be available to parents completing their secondary transfer applications in September 2020. The LA therefore decided that it should replace the existing testing arrangements with a method which employs teacher assessment to allocate children to bands.

10. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

11. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. I have seen confirmation from the schools that they support the request for the variation. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed.

Consideration of proposed variation

12. The LA is proposing to use teacher assessment in reading to support the banding process for admissions to Year 7 for the six schools. The process envisaged is that primary schools (Year 5 teachers) will assess all pupils in each Y5 class within their school using standardisation and support materials they are familiar with. These assessments will be based on where the pupils would have been predicted to have been working at the end of Year 5 had schools been functioning 'as normal' and following the national curriculum Year 5 programmes of study.

13. Each pupil will be given one of the following four assessments:

- (i) Working at greater depth within the expected standard (**GDS**)
- (ii) Working at the expected standard (**EXS**)

- (iii) Working towards the expected standard (**WTS**) – i.e. working within the KS2 programmes of study but not yet achieving the standard for Year 5.
- (iv) Working below the expected standard (**BS**) – i.e. working within the KS1 programmes of study or below, which may include those with little prior English schooling or with specific needs that impact on attainment

14. Primary Schools will then rank their pupils in order of attainment from highest (1) to lowest (maximum number for total class) and submit this data to the LA. The LA will provide a data collection template for this. The assessments and ranking will then enable the LA to band the pupils into the four quartiles, Bands A, B, C, and D, with D being the highest band. For new arrivals into the year group from another school within the LA or outside, a ‘best fit’ judgement will be made.

15. The requested variation to the wording of the admission arrangements accomplishes the change from the existing testing arrangements to the regime set out above by the replacement of two paragraphs, as follows:

4.2 The band for a pupil attending a Tower Hamlets primary school is determined from the National Foundation for Education Research (NFER) Test for reading and mathematics taken in the summer term of year 5. The results of the tests are used to place a child in one of four bands Band A,B, C and D. D is the highest scoring band

4.3. For pupils applying from primary schools outside of Tower Hamlets we determine the band by asking the primary school for a teacher assessment.

These are replaced by:

4.2 Given the circumstances with Covid -19 it was not possible to carry out the usual testing arrangements of Year 5 pupils in the school summer term 2020, in order for this data to then be used for secondary school banding. The band for a pupil attending a Tower Hamlets primary school will therefore be determined, this year, by a teacher assessment in reading. The assessment will be based on where the pupils would have been predicted to have been working at the end of Year 5 had schools been functioning ‘as normal’ and following the national curriculum Year 5 programmes of study. The results of the assessment is used to place a child in one of four bands Band A,B, C and D. D is the highest scoring band.

4.3 For pupils applying from primary schools outside of Tower Hamlets we will also determine the band by asking the primary school for a teacher assessment in reading.

16. The LA has told me that it accepts that there will be “a degree of subjectivity” in the assessments which are made under the revised arrangements, which I agree will be the case. However, I am also of the view that what it has proposed will enable it to administer effectively admissions to Year 7 for September 2021 by ensuring that banding information

which is as accurate as possible in the unusual circumstances the summer of 2020 is available to parents.

17. I am satisfied that the change in circumstances justify the requested variation, and that it should be approved. I note that the LA intends that these new arrangements should be used only for 2021. As the arrangements for 2022 have not yet been determined, the LA will need to consult on those arrangements as the intention will be to have arrangements for 2022 (using the NFER tests) which will be different from those which will now apply in 2021 (having teacher assessment).

Determination

18. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Tower Hamlets Council for Bow School, Langdon Park School, Morpeth Secondary School, Oaklands School, Swanlea School and George Green's School, for September 2021.

19. I determine that the allocation of children to bands shall take place using teacher assessment in reading in replacement of the use of the National Foundation for Educational Research Test for reading and mathematics.

Dated: 15 July 2020

Signed:

Schools Adjudicator: Dr Bryan Slatr