



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3666

Objector: An individual

Admission authority: King Edward VI Academy Trust for King Edward VI Handsworth Grammar School for Boys, Birmingham.

Date of decision: 13 October 2020

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, Dr Vallely and I do not uphold the objection to the admission arrangements for September 2021 determined by the King Edward VI Academy Trust for King Edward VI Handsworth Grammar School for boys, Birmingham.

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 person, (the objector), about the admission arrangements (the arrangements) for King Edward VI Handsworth Grammar School for boys (the school), a selective academy school for boys aged 11 –18 for September 2021. The objection is to the following aspects of the arrangements for admission to Year 7:

- a) the methodology for setting the qualifying standard for admission and lack of clarity as to how the standard is set;
- b) priority being afforded to applicants eligible for the Pupil Premium;
- c) re-use of the same selection tests for late sitters and late applicants;
- d) the admission of applicants who move into the area between registration for the tests and the tests taking place; and
- e) the use of age standardisation in the selection tests.

2. The local authority for the area in which the school is located is Birmingham City Council. The local authority is a party to this objection. The Academy Trust, the school and the objector are the other parties to this objection.
3. This is one of twelve objections to the admission arrangements for September 2021 for twelve different schools referred to the Office of the Schools Adjudicator by the same objector. Dr Marisa Vallely and I have been appointed as joint adjudicators for these twelve objections as permitted by the Education (References to Adjudicator) Regulations 1999. I have acted as the lead adjudicator for this case and have drafted this determination.
4. There are a number of aspects which are common to all twelve objections. We are aware that the objector has made objections to other schools in previous years about these same aspects. Those objections have been determined by different adjudicators. We have read the relevant previous determinations and taken them into account. Those determinations do not form binding precedents upon us, and we have considered each of these aspects afresh. The approach we have taken is to discuss each of the common aspects in the objections which have been made this year and agree the wording of our determinations in relation to those aspects. Some identical wording will appear in each of the twelve determinations in relation to these common aspects.
5. Where an objection also contains aspects which are unique to that objection, the lead adjudicator has made a determination on each of those aspects which has then been read and agreed by the other adjudicator prior to completion of the determination.

Jurisdiction

6. 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 Academy Trust, which is the admission authority for the school, on that basis. The objector submitted his objection to these determined arrangements on 14 April 2020. We are satisfied the objection has been properly referred to us in accordance with section 88H of the Act.
7. We do not have the jurisdiction to consider, the inclusion of pupils in receipt of the pupil premium in the oversubscription criteria or the use of testing materials in late testing.
8. Both these issues were the subject of an objection by the same objector, submitted to the Office of the School Adjudicator (OSA) on 25 March 2019. The determination (ADA3515) was published on 17 January 2020. The use of priority for pupil premium pupils in the oversubscription criteria is covered in this determination in paragraph 37 and at number three in the appendix to the determination. The use of the same test in late testing is covered in the determination in paragraph 45 and also at number two in the appendix to the determination. Paragraph 3.3e of the Code states that “The following types of objections cannot be brought; objections to arrangements which raise the same or substantially the same matters as the adjudicator has decided on for that school in the last two years”.

These two issues are substantially the same as those objected to in March 2019 and therefore under paragraph 3.3e they are out of the adjudicator's jurisdiction. The other three issues contained in the objection are within our jurisdiction.

Procedure

9. In considering this matter we have had regard to all relevant legislation and the School Admissions Code (the Code).

10. The documents we have considered in reaching our decision include:

- a. a copy of the minutes of the meeting of the Academy Trust at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 14 April 2020 and supporting documents and subsequent correspondence;
- d. the school's response to the objection and subsequent correspondence;
- e. information provided by the local authority; and
- f. relevant previous determinations, research papers and court judgments referred to in the text.

Objection

11. There are three aspects to this objection. We have identified the relevant paragraphs of the Code here, but not set them out. The relevant paragraphs are set out in full when we come to our detailed consideration.

12. First, the objector considers that the arrangements are unclear as to who sets the qualifying standard; how it is set; and when it is set. He argues that, where the qualifying standard is set after the results of the tests are known, this is merely a method of filling available places, whereas the qualifying standard should be an objective measure of a grammar school standard of ability. This he suggests is unreasonable. Relevant paragraphs of the Code are paragraphs 1.17. and 14.

13. Second, the objector considers it unfair and inconsistent that applications from children moving into the area between the registration for the tests date and the actual test date are considered differently depending on where they moved from. Paragraph 14 of the Code is relevant.

14. Third, the objector considers that the use of age standardisation in the selection tests is unnecessary, rendered obsolete by the widespread practice of tutoring and gives an unfair advantage to younger children, particularly those who have been tutored. Relevant paragraphs of the Code are 1.31. and 14.

Background

15. The School is a single sex boys' grammar school with academy status located in Handsworth in Birmingham. The school was rated by Ofsted as Outstanding in January 2017. The school has a Published Admission Number (PAN) of 150 for admissions to Year 7. It is oversubscribed. The school has mentioned that 992 applicants sat the Entrance Tests for admission to Year 7 in 2020, and data provided by the local authority shows that in 2020, 192 first preference applications were received; in 2019 the figure was 252; and in 2018 the figure was 188.

16. As we have said, the objection relates to the admission arrangements for Year 7. The arrangements provide that all candidates are required to sit an Entrance Test. Parents are told their child's score and whether he has met the qualifying standard for entry to the school. The arrangements say that the parent of a boy who has met the qualifying standard may express a preference for the school through the common applications process. Only candidates who meet the qualifying standard in the Entrance Test will be eligible to be considered for admission to the school.

17. Where applications from candidates who have met the qualifying standard exceed the number of places available, the following oversubscription criteria will be applied:

- a. Any looked after or previously looked after boys who have met the qualifying standard.
- b. Any candidate attracting pupil premium funding (those who have been registered for free school meals at any point in the six years prior to the test day) who have met the qualifying standard.
- c. Candidates achieving the priority score who live within the catchment area in test rank order.
- d. Other candidates who have achieved the qualifying score in test rank order.

Both the qualifying score and the priority score are set after the candidates have registered for the test but before the tests themselves.

Consideration of Case

18. We have divided our consideration of the case into three headings, each of which comprises one aspect of the objection. As we have said, the objector has made objections on the same points for twelve schools. He has helpfully provided us with generic representations on the subjects of the setting of the qualifying score and age standardisation. Because the representations are generic, our consideration of the points is also generic, and so the text will be largely the same in all twelve determinations. It may not be identical as all of the schools have different arrangements.

The methodology for setting the qualifying standard is unclear and does not operate to establish a reasonable qualifying standard

19. The objector considers that the methodology for setting the qualifying standard (pass mark) for the tests is unclear. Accordingly, his view is that this is not a reasonable method of selection. The relevant requirements in the Code are in paragraphs 14 and 1.17. We have set these paragraphs out below. For the avoidance of doubt, we have not considered paragraph 1.31 in this section because our view, as we will explain in more detail later, is that paragraph 1.31 relates to whether the type of testing in operation, (in this case Verbal and Non Verbal Reasoning, Maths and Comprehension tests designed by the Centre for Evaluation and Monitoring (CEM)) provides an accurate reflection of a child's ability.

20. 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. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated." Paragraph 1.17 states that: "All selective schools **must** publish the entry requirements for a selective place and the process for such selection."

21. The first question for us to consider is how much information the school's admission arrangements must contain in order to be sufficiently clear. Parents need to know which steps they must take and by when, and what their child needs to do in order to be eligible for a place at the school. This information needs to be set out so that parents can look at the arrangements and understand easily how places will be allocated. Our view is that the information can either be in the arrangements themselves or signposted clearly in the arrangements with further detail accessible via a one-click link.

22. Our view is that in order for the arrangements to be sufficiently clear, where there is a pre-established pass mark, the arrangements must state what that pass mark is. Where the pass mark is not a pre-established one, the arrangements must say this. They must also say when the pass mark will be set, and when parents will be told whether their child has reached the pass mark. There is no requirement that the pass mark must be set using a particular methodology or that it be set by a specified body. However, the arrangements must be reasonable and operate fairly; therefore, we consider that the pass mark must be set by a competent person or body. There is no requirement that admission arrangements must set out how the pass mark is set, but if they do this the methodology must be described clearly.

23. In its response the school explains that the qualifying and priority scores are set by the Academy Trust after the closing date for registration for the tests and before the tests themselves. The arrangements make clear that the qualifying score applies to applicants who are looked after/previously looked after; applicants eligible for the Pupil Premium; and other applicants who are not the highest achieving applicants living within the catchment area. The priority score is a higher score which applies only to applicants living within the

catchment area. The Trust analyses the number of applicants registered for the entry tests using their home address and with reference to previous admission patterns sets a qualifying and priority score at a level they anticipate will achieve the admission aims. Parents of applicants are informed about these scores before the tests are taken.

24. The admission arrangements were changed for the 2020 admissions to include the setting of a qualifying score and a, higher, priority score for use with catchment area applications; previously there was no qualifying score or priority score and applicants were ranked in order of their score in the tests only. The qualifying and priority score process was introduced in order that the oversubscription criteria could include looked after and previously looked after children and those qualifying for the pupil premium as high priority but still also provide a higher level of priority for those living within the catchment area demonstrating particularly high ability than applicants who have simply met or exceeded the qualifying score.

25. Our conclusion on the question of clarity is that, since the entry requirements are set out clearly in the arrangements, this is sufficient to conform to the requirements in paragraphs 1.17 and 14 of the Code.

26. In terms of whether the school's qualifying standard is a reasonable one the school has explained the rationale and methodology for setting the qualifying score, which we have set out above. As a designated grammar school, the school is permitted to select its entire intake on the basis of high academic ability and does not have to fill all of its places if applicants have not reached the required standard. In order to achieve its aim of giving priority to disadvantaged children, local children and high achieving children, the Academy Trust analyses the number of applicants registered for the entrance test (using their home address), and with reference to previous admission patterns set the 'qualifying score' at a level they anticipate will achieve the aims of the admission policy. To set the qualifying scores after applications have been submitted to the local authority would, in the view of the school, make the policy less clear to applicants, as they would not know at the time of applying whether their child had met the qualifying score or the priority score. The school considers that the setting of its qualifying and priority scores is a rational and fair process. We agree. From the CEM familiarisation papers and other evidence we have seen, it is apparent that the same areas are tested each year with similar types of questions; the school has made clear that the appropriate academic standard is set with reference to previous scores achieved, which is reasonable; the school is not seeking to establish that the boys who are admitted are of exactly the same academic ability as those admitted in the previous year (in order to do this the school would need to use identical tests each year and have an identical pre-set pass mark); it is seeking to ensure that places at the school are filled by applicants who will be capable of coping in the academic environment of this particular school.

27. The objector considers that an appropriate grammar school standard should be set, and those applicants who do not meet the standard should not be admitted. No special arrangements should be made for particular applicants, such as those who are younger or eligible for the Pupil Premium. All should be judged exclusively on the score they achieve

on the day. He considers that the purpose of grammar schools is to serve the most academically able applicants. He points out that paragraph 1.18 of the Code allows designated grammar schools 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.

28. However, many grammar schools choose not to have admission arrangements which are based solely on achieving the highest scores in a selection test, and this is provided for in the primary legislation governing admissions and explicitly permissible under the Code. Indeed, grammar schools which are academies are required to provide education for pupils who are drawn wholly or mainly from the area in which the school is situated, and for this and other reasons these schools frequently employ oversubscription criteria based upon catchment areas and proximity to the school.

29. Where a grammar school does not admit wholly on the basis of ability, it must, again by virtue of the Code, give priority to applicants who are looked after or previously looked after who reach the required academic standard. Grammar schools are being also actively encouraged by the Government to offer priority in their arrangements to disadvantaged pupils. The effect of this is that applicants who are not looked after or disadvantaged, or who do not live reasonably close to the school, may not be offered places even though their scores are higher than those who are offered places. It is not for us to tell grammar school admission authorities that they should admit wholly on the basis of rank order performance in selection tests; whether or not they should have other oversubscription criteria; whether they must set the pass mark before or after the tests; who must set it; or what must be taken into account in setting it. It is for us to reach a conclusion about whether the arrangements which are in place operate fairly and reasonably.

30. A pre-set pass mark may not have the effect of establishing year-on-year consistency of ability where it operates alongside oversubscription criteria because the offer of a place will not be wholly dependent upon the test score. A pass mark which is set annually before the tests are undertaken will be set with reference to previous cohorts of applicants, a pass mark set after the results of the tests are known will inevitably be set only with reference to the candidates who have taken the tests (or in the case of this school who have registered to take the tests). In our view both are reasonable, and neither result in an unfair outcome. The objective of the arrangements for this school is NOT, as the objector suggests it should be, to admit applicants of the highest level of ability, it is to admit looked after children, previously looked after children, applicants eligible for the Pupil Premium and other children who meet, or exceed, a minimum required standard of academic ability. This is a permissible and lawful objective. The arrangements do also give priority to high-scoring local applicants.

31. From our experience in previous cases, we know that various factors are taken into account in setting the qualifying standard where it is set after the number of applicants who have registered to sit the tests is known. Each year the number of applicants sitting the tests and the ability of those applicants will be slightly different, not least as the number of children of the relevant age group in any part of the country will be different from year to

year. It is also possible that – notwithstanding the extensive work undertaken to benchmark the tests against those used previously - the level of difficulty of the tests will be different, and these factors will affect the level at which the qualifying standard and priority score are set. The aim, as the objector says, is to fill the school to PAN, which is a legitimate aim. Grammar schools are able to have vacant places where there are insufficient applicants who meet the required standard, but most choose not to do so. Each pupil brings an allocated amount of funding, which schools need. We also know from our experience that schools regularly fall into budget deficit where they are unable to fill to PAN.

32. The factors taken into account in setting the qualifying standard are the number of applicants, the oversubscription criteria and the standard of education at the school. The objective is to ensure that enough offers will be accepted; that those who accept an offer for a place at the school will be able to thrive in the particular academic environment at that school; and that the school will maintain, or improve, its level of achievement in public examinations. The process is complicated by the fact that parental preference is unpredictable, and so the qualifying standard will need to be set at a level where more applicants achieve the qualifying standard than there are places available. However, where it is set too low, there will be a large number of dissatisfied parents whose child has achieved the qualifying standard but not been offered a place. In our view, setting the qualifying standard is a challenging task, and is one that must be undertaken by persons who have detailed knowledge of the school, the patterns of offers and acceptance in previous years and most importantly the day-to-day operation of the school itself.

33. For some schools, the pass mark is set by the governing board on recommendation of the head teacher. For other schools, the pass mark is set by a committee comprised of persons with knowledge of the operation of the schools in question and their academic standards. For this school it is set by the Academy Trust Board. Our view is that all these practices are reasonable. Many of the schools which are the subjects of these twelve objections have proven track records of academic excellence and have been rated as Outstanding by Ofsted. The schools themselves and persons with knowledge of the schools are best qualified to determine who should set their pass marks and how they should be set.

34. As mentioned above, the qualifying standard for this school is set by the Academy Trust Board. This appears to us to be a fair and objective method. For these reasons, we do not uphold this aspect of the objection.

Local Areas – fairness and objectivity

35. The objector considers it unfair and inconsistent that applications from children moving into the area between the registration for the tests date and the actual test date are considered differently depending on where they moved from. Paragraph 14 of the Code is relevant.

36. The arrangements state that children who move into the local area (defined as ten local authorities) between the test registration deadline and the test date will be tested and considered in the main round of admissions. This means that children moving from one of

these authorities to another during this period of time and then applying to the school would have their applications considered as late applications. The objector considers this to be inconsistent and unfair.

37. In the school's response it explains that a family moving into the defined area from further afield, for example relocating due to employment reasons, are unlikely to have had the same opportunity to register for the entrance tests as someone living locally. For this reason, the school would allow the applicant to be tested and included within the main round of offers. The school argues that an applicant living in the defined local area would already have had the opportunity to register for the test. The school provides extensive advertising and marketing in the local area each year to promote the entrance test and the relevant dates for registering.

38. We are of the view that local candidates will be aware of the prescribed dates and will therefore have had the opportunity to register. If they choose not to ensure they are aware of these dates and apply after the prescribed dates then it is reasonable that the application should be considered late. We agree that families moving into the area from further away may be less likely to have seen the promotional material and may also not have had the opportunity to apply within the set timeframe. We are of the view that if, as the objector suggests, these applications were also to be dealt with as late applications it would be unhelpful to those families moving into the area from further away. We are conscious that different grammar schools make different arrangements in terms of the treatment of families who have moved into the area served by the school after the closing date for test registration. We make clear that different approaches will be appropriate according to the particular circumstances of the schools concerned. What we are considering here is whether this school's arrangements are fair in this regard and we determine that they are.

39. We therefore do not uphold this aspect of the objection.

Age standardisation

40. The objector says in the form of objection: "It appears age standardisation is used, yet this is not clear in the admissions policy. Age standardisation is flawed. No age standardisation occurs for A levels, GCSEs or year **6 SATs** (tests where an expected standard of **100** is expected), the later which is sat just 8 months after the main 11+ date. It was not even used in the old year 2 SATs tests. It is not used for phonics tests or multiplication tests. Age standardisation is never used in any public examination". He asks whether all of these other forms of testing are wrong not to use age standardisation, and why age standardisation is required for the school's selective tests but not required for SATs.

41. The objector's view is that age standardisation is used in 11+ tests based upon the claim that different age groups score different marks as they are younger. However, he considers that the research which has led to this claim is flawed and rarely challenged. What does make a difference to an applicant's score (he says) is preparation. Preparation and tutoring for the tests effectively mean that the applicant's age becomes irrelevant, and most applicants prepare or are tutored. Therefore, age standardisation provides an unfair

advantage to younger applicants. The objector suggests that there is no evidence that age standardisation will lead to fair outcomes in a situation where the majority of applicants have prepared or are tutored.

42. In the objector's words: "It is obvious that age standardisation is not required when tests are prepared for. A 16-year-old is no better at recalling multiplication tables than a 10-year old who has been practising. A 10-year old who has been practising NVR questions can beat a number of MBA graduates taking the same test (this I have demonstrated further, with my own sons). Age is irrelevant to the score if one prepares. Preparation is king". The objector later produced more detailed information in support of his arguments. He suggests that, although some children taking the school's selection tests are inevitably younger than others, they will have had the same number of years of schooling. By Year 6, after nearly seven years of being taught the same things, any disadvantage caused by being younger will (he says) have narrowed considerably. The objector claims that the only content of the 11+ tests which is not taught in schools is Non-verbal Reasoning.

43. The objector's argument is that all children begin at the same level and have to prepare themselves and are capable of reaching their "theoretical maximum". Some children will take longer to reach their theoretical maximum than others after which extra practice has negligible benefit. "This is not simply age dependent, it is skill dependent. Age has no great advantage. 10-year olds fare no worse in NVR than MBA graduates if they prepare; in the same way 10-year olds fare no worse than an MBA graduate in a multiplication tables test. I would anticipate that the 10-year-old would be faster than the MBA graduate."

44. The objector's statements appear to be opinion possibly based upon his own experience. The question we are considering here is whether standardising 11+ test scores by age creates an unfairness. A 10-year-old may do better in a multiplication test than an MBA graduate because he/she has learned the multiplication tables more recently or has a better memory. Repeating tables is a test of memory, not a test of reasoning. The difference between Verbal and Non-verbal reasoning tests and many other types of tests is that success cannot be achieved simply by repeating specific learned information. For example, to do well in the comprehension questions, it will be necessary to have a wide vocabulary and the ability correctly to deduce answers from what is said in a piece of text. Candidates are required to have absorbed information from many sources and to apply it correctly. Whilst the ability to memorise may not be improved by maturity, the ability to reason is something entirely different.

45. If maturity is developed over time, it would seem to us that children may not all be able to approach these tests from the same level, as the objector suggests. Nobody would suggest that a three-year-old would be capable of approaching these tests in the same way as a ten-year-old, for example. There is an age gap of nearly a year between the oldest child taking the 11+ test and the youngest. The questions for us are whether age makes a difference; if so, what that difference is; whether standardising the tests by age compensates for the difference; and whether it compensates effectively. The tests are a competition, and in order for any competition to operate fairly, the objective must be that all

competitors come to the starting gate at the same time and that there is a level playing field insofar as the tests themselves are capable of achieving this. Familiarisation with the types of questions asked and practice may improve scores, but admission authorities and test providers have no control over whether children prepare or are coached.

46. The school has said in response to the objection: “The entrance test provider, CEM, calculates the age standardised scores from the raw scores achieved in the entrance test. Candidates sitting the test can differ in age by up to a whole calendar year. Age standardised scores allow candidates to be compared without disadvantage to younger candidates based on their age compared to their older peers.”

47. In dealing with the twelve objections which have been referred to us, we were conscious that admission authorities were in a difficult position in being asked to respond to questions about the selection tests they use, and that CEM was the appropriate body to answer detailed questions about the 11 plus tests which they sell to grammar schools. We asked CEM a series of questions. The ones specifically relevant to this aspect of the objection were:

- Could CEM provide us with the methodology it uses for age standardisation of test results? What is the evidence base which underpins the need for this age standardisation?
- Could CEM advise us on the process it uses to ensure that the selection assessments are a true test of ability?

48. CEM’s response was as follows:

“The reason that CEM uses age standardisation, is that in assessments of ability it is expected that the older learners achieve higher scores than the younger learners. In a typical classroom, some learners will be up to 12 months older than their youngest peers. When CEM interpret assessment results our interest is in comparing learner’s ability against the ability of a wider group and it is important that any differences seen are down to ability and not purely down to the age of the learners. Age standardised scores correct for the effect age has on assessment scores. Age standardised scores allow meaningful comparisons to be made between learners in a class, school or larger group.

The age standardised scores are calculated from the raw scores to allow candidates to be compared when their age profiles are quite different. The age standardisation is based on the age of learners on the day they take the assessment.

CEM cannot provide full details of how the calculations are done. Under Section 43(2) of the Freedom of Information Act, information that would prejudice a commercial interest can be withheld. CEM believe that disclosing this information would be likely to prejudice our commercial interest as it would enable competitors to understand our standardisation process. This could enable our competitors to understand our general approach to the test.

In terms of assessment development – all questions are selected from a bank of items that have been specifically written and designed to be appropriate for assessing pupils at the beginning of the Autumn term in Year 6 of the English school system.

Our tests correlate highly with KS2 SATs results: separate studies have shown correlations of around 0.75 on samples of 4000-5000 pupils”.

49. The objector makes two substantive claims, first that the arrangements do not indicate whether age standardisation is used in the selection tests, therefore they are unclear. Second that the tests do not give an accurate reflection of an applicant’s ability because they give an unfair advantage to younger applicants. Additionally, if the school’s tests operate unfairly, this may mean that the practices used to decide the allocation of places are not objective or reasonable.

50. Dealing first with the issue of clarity, the arrangements refer to “the standardised score” but the term is not explained. Parents are signposted from the arrangements to the Birmingham Grammar Schools site where the test and results processes are explained. The site says, “The scores for each section are standardised to take into account differences in age, meaning younger children are not disadvantaged compared to children in the same cohort who could be almost a year older.”

51. Paragraph 14 of the Code requires that the practices and the criteria used to decide the allocation of school places are clear, and that parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. The objector is correct that the admission arrangements themselves make reference to standardisation without explaining that what is referred to is age standardisation, or what age standardisation is, and so could be said to be unclear. We take the view that the arrangements are sufficiently clear to comply with paragraph 14 where any additional information about the tests which parents need to read is published alongside the main admission arrangements, clearly signalled to parents and accessible via a one-click. As this is the case, we do not find the arrangements to be unclear in the manner suggested by the objector. Therefore, we do not uphold this aspect of the objection.

52. As we have said above, the objector also suggests that the process of age standardisation provides an unfair advantage for younger children. He believes that the extensive preparation for the tests which children undertake renders the need for age weighted standardisation of test results “null and void”. The objector cites paragraphs 14 and 1.31 of the Code. We have set these paragraphs out in full above. Paragraph 14 requires that the criteria used to decide the allocation of places are fair and objective, and paragraph 1.31 requires that selection tests must be objective and give an accurate reflection of the child’s ability.

53. The objector asks why other major assessment events such as SATs or GCSEs are not age standardised and suggests that, because these other assessments are not age standardised, the selection tests for grammar schools should not be age standardised. This issue could of course be argued both ways; if age standardisation is deemed appropriate

for grammar schools' tests then why is it not introduced into the SATs and GCSE processes? A look at the online conversations about this topic shows clearly that there are strong views on both sides of this argument, both from parents and assessment providers. This determination, however, concerns the fairness of the admission arrangements for a specific school and deals only with the selective school tests for that school. We will therefore limit our conclusions in this matter to the school in question, its admission arrangements and the selective assessment tests which are part of them.

54. There is significant and compelling research evidence that children who are 'summer born' perform less well in tests of ability than children born at other times of the year. This gap is clear in primary aged children and remains an issue even into the later stages of secondary school. A study by the Institute of Fiscal Studies entitled 'When You Are Born Matters; The Impact of Date of Birth on Child Cognitive Outcomes in England' collates many previous pieces of research and looks at the reasons why summer born children perform less well. The paper also puts forward some suggestions about mitigating this effect.

55. 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 assumes that the period of birth does not affect the innate intellectual ability of the pupil at the time of taking the test but that the 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 rather than because of lower ability. 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 clearly 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 a new vocabulary at the rate of more than 1000 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.

56. We are of the view that age standardisation removes some of the potential unfairness for summer born children in the 11+ tests and therefore its inclusion in the admission arrangements for these schools is fair.

57. The objector makes the point that age standardisation is made 'null and void' by the extensive preparation which children receive before the 11+ tests. He maintains that "Most children who sit tests prepare. Many are tutored. Some are prepared in outreach programmes free of charge." The objector has not produced any evidence to substantiate this statement, so therefore we do not know how many pupils are tutored and we have no evidence of preparation through outreach programmes. We are aware that test familiarisation materials are made available to pupils who will be sitting the tests and these documents appear on the admission sections of the websites of some of the schools. These materials are familiarisation information to show how the tests are carried out, completed and marked and they provide examples of the type of question which will be

asked in the tests. They are designed to prevent undue anxiety for those pupils who are sitting the tests.

58. We are also aware that many pupils receive additional preparation through tutoring for the 11+ tests. A literature review commissioned by the Office of the School Adjudicator (OSA) which looked at disadvantaged pupil performance in the 11+ test studied this element of the process and confirmed that “Pupils that have been tutored are more likely to access a grammar school, and children in households with larger incomes are more likely to have access to tutoring. Tutoring is found to be effective at supporting pupils to pass the 11-plus.” However, there is nothing in the law or the Code which forbids the use of paid tutoring or additional coaching. Indeed, the law relating to admissions and the Code apply to admission authorities, local authorities, governing boards and adjudicators. But they do not and could not interfere with what parents choose to do in supporting their children’s learning whether through commercial tutoring or other means. We are unaware of the scale of additional tutoring/mentoring/support for pupils in the primary schools in this case. If, as the objector suggests it is widespread for this school then we do not believe that it makes the use of age standardisation ‘null and void’. If all pupils are tutored and improve their scores because of it then the attainment gap between summer born children and others would remain the same- albeit at slightly higher score levels.

59. The objector refers to the fact that the Key Stage 2 Standard Attainment Tests (KS2 SATs) are taken within a few months of the 11+ tests and are not age standardised. This is correct, but it is also true that summer born children as a group do less well in these tests than autumn and spring born children. Of course, KS2 SATs tests serve a different purpose and the fact that there is no need for them to be age-standardised has little bearing on what is appropriate for 11 + tests.

60. In summary we are of the view that there is substantial and compelling research which shows that ‘summer born’ children are at a disadvantage when being tested for ability towards the end of their primary education and that the application of an age standardised weighting to the test scores reduces this disadvantage and makes the tests ‘fairer’. Whilst tutoring/coaching/mentoring appears to improve the test results of many pupils, there is no evidence in the research materials we have looked at and the objector has not produced any evidence to suggest that it diminishes the achievement gap due to age. We therefore do not accept that additional preparation for the 11+ tests negates the need for the age standardisation weighting, and we do not uphold this aspect of the objection.

Summary of Findings

61. We find that the arrangements are sufficiently clear about the setting of the qualifying standard and priority mark. We consider it reasonable to set the pass mark after the registration for the tests but before the tests themselves, and we consider that the Academy Trust is the appropriate body to set the relevant standard for admission.

62. We find that it is reasonable to allow applicants moving into the area from further away to be included after the registration date for the test as ‘on-time applicants’ because

they are less likely to have been made aware of the information about the registration deadlines and may not have had the opportunity to register before the deadline. We believe that it is fair for those who apply after the registration deadline from the within the local area to be classed as late applications as they are more likely to have had the information about when the deadline for registration expired and the opportunity to register as the arrangements specify. We do not consider this an unfair distinction.

63. Finally, we find that the arrangements are sufficiently clear that the tests results are standardised by age. We are of the view that age standardisation does not create an unfairness to older applicants and that its use remains necessary albeit that some applicants are coached. The objector has not produced any research to counter the substantial and compelling research which shows that 'summer born' children are at a disadvantage when being tested for ability towards the end of their primary education and that the application of an age standardised weighting to the test scores reduces this disadvantage and makes the tests fairer. Whilst tutoring/coaching/mentoring appears to improve the test results of many pupils, there is no evidence in the research materials we have looked at and the objector has not produced any evidence to support his claim that it diminishes the achievement gap due to age.

Determination

60. In accordance with section 88H(4) of the School Standards and Framework Act 1998, Dr Vallely and I do not uphold the objection to the admission arrangements for September 2021 determined by the King Edward VI Academy Trust for Handsworth Grammar School for boys, Birmingham.

Dated: 13 October 2020

Signed:

Schools Adjudicator: Ann Talboys

Schools Adjudicator: Marisa Vallely