



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA3839 and 3841

**Objectors:** A member of the public and two parents

**Admission authority:** The academy trust for Reading School

**Date of decision:** 12 July 2021

### Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements for September 2022 determined by the academy trust for Reading School.**

**I have also considered the arrangements in accordance with section 88I(5) and find there is another matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.**

**By virtue of section 88K(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.**

### The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), two objections have been referred to the adjudicator about the admission arrangements (the arrangements) for Reading School (the school), an academy school for boys aged 11 to 18 for September 2022. The objections are to the removal of part of the school's catchment area.

2. The local authority (LA) for the area in which the school is located is Reading Borough Council. The LA is a party to these objections. Other parties to the objections are

the academy trust for the school (the trust) and the objectors, that is, a member of the public (case reference: ADA3839) and two parents (case reference: ADA3841).

## 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 admissions committee of the governing board, on behalf of the academy trust, which is the admission authority for the school, on that basis. The objectors submitted their objections to these determined arrangements on 13 May 2021. The two parents have asked to have their identity kept from the other parties and have 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 their names and address to me. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

## 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. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
  - b. a copy of the determined arrangements;
  - c. the objectors' forms of objection dated 13 May 2021, supporting documents and responses to my subsequent enquiries;
  - d. the headmaster's response to the objections, on behalf of the trust;
  - e. a map of the school's catchment area, indicating the area that has been removed;
  - f. information provided by the school about the allocation of places for admission in September 2020 and 2021; and
  - g. information about school admissions available on the websites of neighbouring schools and local authorities.

## The Objections

6. The school's catchment area is defined by postcodes. For admission in September 2022, a change has been made to the list of postcodes included in the catchment area. Postcodes beginning SL6 have been removed. The objectors argue that this change is unfair. Neither objection cites a specific requirement of the Code, but paragraph 14 states that, "admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective."

## Other matter

7. The arrangements for admission to the sixth form state,

"The school offers a minimum of 165 places for entry into the Sixth Form each year. In a typical year about 145 internal students will qualify to enter the Sixth Form, leaving a minimum of 35 further places for external students."

Later in the arrangements, the admission number for admission to year 12 (Y12) is given as 15. In this respect, the arrangements appeared to me to be unclear. Clarity is also a requirement of paragraph 14 of the Code.

## Background

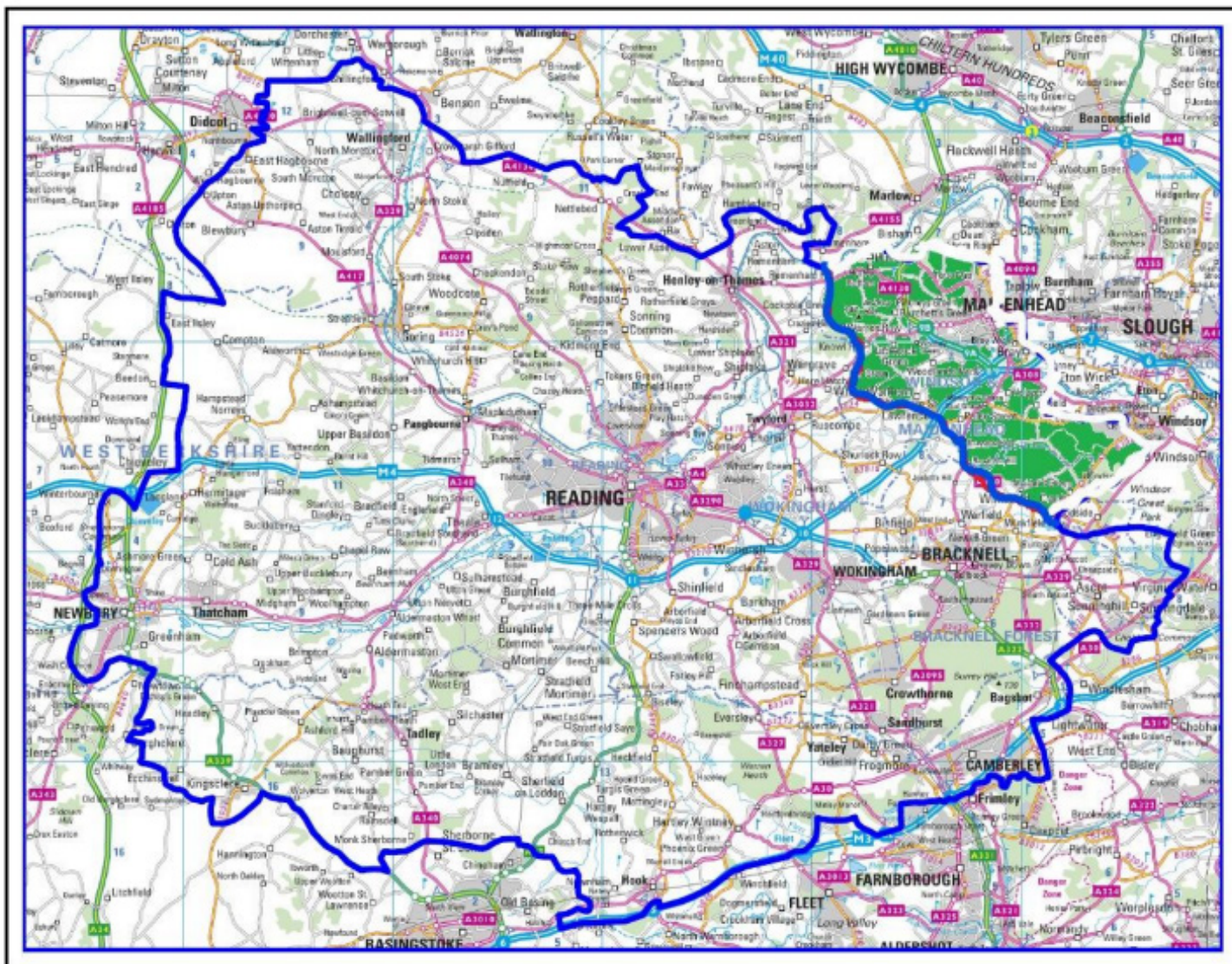
8. The school is a selective school for boys in Reading. It has a Published Admission Number (PAN) for admission to year 7 in September 2022 of 150, which includes 12 places for boarding students. It is heavily oversubscribed. The school reports that over 1000 applicants sit the entrance test. The oversubscription criteria for "day places" are summarised below. Applicants must have achieved "an eligible score" in the entrance test unless otherwise stated.

1. Looked after and previously looked after children with a score up to five marks below an eligible score.
2. Children previously in care outside of England with a score up to five marks below an eligible score.
3. Children eligible for the pupil premium or the service premium who live in the catchment area with a score up to five marks below an eligible score.
4. Children who live in the catchment area.
5. Children who do not live in the catchment area.

Priority within each criterion is based on the ranking of the applicants' scores in the entrance test. When scores are equal, priority is established first by the score in the creative writing element of the test, next by distance from the school and finally, when distances are equal, by random allocation.

9. The map below shows the extent of the catchment area determined for admission in September 2022. The green area outside the catchment boundary is the SL6 postcode area, which has been removed from the catchment area. It largely encompasses the town of Maidenhead and some of the surrounding area.

**Map one: Catchment area of Reading School and area removed for admission in September 2022 (shaded green)**



The school is located slightly to the east of Reading town centre.

## Consideration of Case

10. The objectors make similar points in support of their contention that the removal of the SL6 postcode from the school's catchment area is unfair. They say that it is unfair that younger siblings of boys at the school, who might have been hoping to join their brothers there, will be unable to, as children living outside the catchment area historically do not obtain places at the school. Attending another grammar school would, they argue, involve a difficult journey. The member of the public also takes issue with the trust's reasons for removing the SL6 postcode from its catchment area.

11. As it is required to do, the trust undertook a period of consultation on the proposal to alter its catchment area for admission in September 2022 and on other changes to its arrangements that are not the subject of the objections. The trust explained its rationale for the change as follows:

“In order to progress the school’s social mobility objectives, there was a need to focus on areas of deprivation where Reading School was the only accessible grammar school. Pupils residing in the SL6 postcode area now had access to other grammar schools, as well as Reading School.”

The trust commented that only a small proportion of students at the school, numbering 44 (3.9 per cent of the roll) live in the SL6 postcode area.

12. The trust told me that there were 36 responses to this aspect of the consultation, two of which were in favour of the change. Seventeen of the responses expressed concern as to whether boys living in SL6 who currently attend the school would be able to attend the sixth form. The trust has added a note in its arrangements for admission to the sixth form to confirm that these boys will be able to continue into the sixth form if they meet the academic entry criteria. Strictly speaking such a note is unnecessary, as all internal applicants meeting the entry criteria are entitled to a place in the sixth form if that is what they wish.

13. The respondents who opposed the removal of the SL6 postcode for admission at 11 made similar points to those in the objections and also commented that Maidenhead (which as I note above falls within the SL6 postcode) is not in the primary catchment area of alternative grammar schools, that preparation for the school’s entrance test for admission in 2022 had already started and that it would be “Too expensive and emotionally difficult to move house” into the catchment area.

14. In arguing that the arrangements do not comply with the Code, the objectors emphasise particularly the unfairness to younger siblings of boys at the school. The member of the public says,

“In some cases, younger siblings have been expecting to join their older brothers at the school and have been working hard throughout the past year in order to achieve the necessary marks in the entrance test. These boys have endured the stress of a pandemic and are now finding that their desired school is no longer an option to them. Their families, too, will have to deal with all the added logistics of having children at different schools, and ones which are in opposite directions.”

She suggested in the objection that the school might give siblings living in SL6 a temporary priority for admission in September 2022.

15. The arrangements do not give any priority to siblings. Indeed, the trust argues that it is prohibited from doing so by paragraph 1.9 j) of the Code, which stipulates that admission authorities **must not**,

“in designated grammar schools that rank all children according to a pre-determined pass mark and then allocate places to those who score highest, give priority to siblings of current or former pupils.”

Within each oversubscription criterion, the school’s arrangements do rank all children based on their scores in the entrance test. Paragraph 1.9j) stipulates that, in these circumstances, siblings cannot be given a priority irrespective of their test scores. In other words, a sibling with a lower score could not have a higher priority within a criterion than a non-sibling with a higher score. However, in my view, it would not be a breach of the Code for the fourth criterion to be amended to include both children living in the new catchment area and siblings of children living in SL6, with priority within this group determined by scores in the entrance test. This is a matter for the trust and, for the avoidance of doubt, it is not a matter on which I make any recommendation or comment.

16. I consider the disadvantage caused to siblings living in SL6 as a result of the change to the catchment area when considering the fairness of the determined arrangements in paragraph 27 below. That disadvantage is, in fact, shared by all boys resident in SL6 whose parents would like them to attend the school. For admission in both 2020 and 2021, no boy was allocated a place under the fifth oversubscription criterion, that is, those who live outside the catchment area. Although the catchment area is now smaller, I have no reason to believe that the outcome of admissions for September 2022 will be different. I agree with the member of the public objecting that, given the high number of children achieving an eligible score, the effect of excluding SL6 from the catchment area will be to allow places to be allocated to children living in the catchment area with slightly lower scores than would otherwise be necessary. It is not unreasonable to assume that, unless they qualify under one of the first three criteria (which account for a very small proportion of places allocated), boys living outside the catchment area, including those living in SL6, will not be allocated places.

17. As mentioned when I referred to the consultation in paragraph 11 above, the trust defends its decision to remove SL6 from the catchment area in two ways. First, it says that this area falls within the catchment areas of other selective schools. It mentions John Hampden Grammar School, a boys school in High Wycombe, Buckinghamshire and Langley Grammar School, a mixed school in Slough. In the case of Langley Grammar, SL6 falls within “Priority Area 3”. No child living in this area was allocated a place for admission at Langley Grammar in September 2021. In the arrangements for John Hampden Grammar, SL6 is in “Priority Area B”. For admission in September 2020, all eligible children in this area were allocated places. For admission in September 2021, eligible children in Priority Area B living within 11 miles of the school have been allocated places (distance rather than scores in the entrance test is used to rank applicants within the area). Most of the SL postcodes, including the town of Maidenhead, fall within this distance.

18. John Hampden Grammar School is, in fact, closer to Maidenhead than Reading School, but the objectors say that it is a difficult journey to get there, with no suitable public transport. A convenient train service links Maidenhead and Reading. There are several other maintained secondary schools in the Maidenhead area that are not selective.

19. The trust's other justification for removing SL6 from its catchment area is its concern for social mobility. It says,

“By removing SL6 from our catchment area, we can focus more of our work with the local community. Although Pupil Premium and Service Premium are recognised by the DfE and are included in our admissions policy, we are also focussing on working with those children who live within the most deprived IDACI [income deprivation affecting children index] postcodes within our catchment area. By removing these postcodes it gives more opportunity to children within these areas to gain access to the school.”

20. The member of the public objecting to the arrangements questions this rationale. She notes that the school reports that seven boys living in SL6 were allocated places for admission in September 2021, and comments,

“If they had not been, those 7 places would have gone to the 7 children living anywhere else in the designated area who gained the next 7 lowest scores, not boys from deprived areas in Reading who would have got in under category 3 anyway.”

21. The objector's analysis is correct, in that the removal of SL6 will benefit a small number of boys (the equivalent figure was five for admission in September 2020) on the basis of test scores, rather than directly ensuring that a higher proportion of boys from disadvantaged backgrounds will be allocated places. Nevertheless, the school reports,

“the first 7 on the current waiting list are all from the Reading area rather than beyond of which 1 lives in the top 20% of deprived areas in the country. This individual is not [eligible for] Pupil Premium, however, is recognised as disadvantaged because of where he lives.”

22. The member of the public summarises her view as follows:

“the benefit from this change will not be to boys who are disadvantaged but to those who are able to gain entry to the school with a slightly lower pass mark. The disbenefit to the boys, and their families, who had been expecting to attend the school but for whom it is now not an option is much greater. The reasons the school give for reducing the designated area in general, and removing SL6 in particular are not justified and the change is unfair.”

She also says,

“the disadvantage to the SL6 children who had been hoping to go to Reading Boys outweighs the benefit to a random 7 or so children somewhere in the catchment area who will get those places. The change is unfair to all the SL6 children, and especially those who are siblings of current Reading Boys pupils.”

23. When schools are oversubscribed, there will necessarily be groups of children who cannot obtain places there. Put simply, the school's catchment area is too large for all boys who achieve an eligible score to be allocated a place. The trust, as it is entitled to do as

admission authority for the school, has taken the decision to reduce the size of its catchment area by removing a section on the boundary of the area, within which access to another selective school is possible, notwithstanding possible logistical challenges. I consider this to be a reasonable course of action. The revised catchment area meets the Code's requirement, in paragraph 1.14, that it **must** be "reasonable and clearly defined." I should add that, like the objector quoted in paragraph 22 above, I am unconvinced that this change will have a significant effect, of itself, on the socio-economic profile of the school's intake, but my doubts about that part of the school's justification for the change do not mean that it breaches requirements.

24. The Code requires admission arrangements to be fair, but does not define fairness. In my view, arrangements are likely to be considered unfair if their effect is to cause significant disadvantage to a group or groups of children and such disadvantage is not outweighed by the benefits that accrue to another group or other groups. The member of the public quoted above identifies the disadvantage caused by the change to the catchment area as being sustained by "SL6 children who had been hoping to go to Reading Boys...especially those who are siblings of current...pupils."

25. When admission authorities of oversubscribed schools alter the priorities within oversubscription criteria, for example by changing the catchment area or giving a higher priority to a certain category of pupil, by definition groups of children that, as a result, have a lower priority for a place, are disadvantaged in terms of their chances of obtaining a place at the school. It is not the case that being unable to gain a place at a preferred school is inherently unfair. However, if the effect of the way in which priority for places is established is that some children are significantly disadvantaged, potential unfairness is created. Such significant disadvantage would occur if there were no other suitable schools within a reasonable distance of these children's homes.

26. It has not been suggested to me that there are no suitable schools within a reasonable distance of addresses in SL6. Indeed, it would be difficult for the objectors to make such a case, as they argue that it is unfair that the boys cannot attend a school a substantial distance away. In fact, there are five secondary schools located in the SL6 postcode area that accommodate boys. These are not selective schools, but there is no right in law to be able to attend a selective school, however academically gifted a child may be. Indeed, the distribution of the relatively small number of state-funded selective schools means that in many parts of the country attending a selective school is not practically possible. As there are other schools closer to their homes, boys in SL6 unable to attend Reading School will not be put at a significant disadvantage and still less an unfair disadvantage.

27. Both objectors assert that the change in the arrangements causes a particular disadvantage for siblings. I recognise that very many families wish their children to attend the same secondary school both for practical reasons and for the relationships they are able to develop with staff and the wider school community. Many secondary schools give a high priority to siblings in their admission arrangements. In the case of single sex schools brothers and sisters must perforce attend different schools and in the case of selective



schools it is always possible that one sibling may reach the required standard and another may not. This school is both selective and single sex meaning that often a younger sibling will not be able to follow the older one to the school. Parents allocated a place for their son at Reading School know that a younger daughter cannot go there and have no guarantee that a brother will be able to attend, especially as such large numbers sit the entrance test. Parents enrolling an older boy at the school will appreciate that it is quite possible that a younger sibling may not be able to follow suit and therefore are accepting the risk that their children may have to attend different schools. It is almost certain that the change to the catchment area can therefore be said only to take away the possibility of a sibling attending the same school. In the particular circumstances of this case, I do not consider this to represent an unfair or significant disadvantage.

28. I therefore conclude that the change to school's admission arrangements cannot be said to cause a significant disadvantage to boys in SL6. Without evidence of significant disadvantage, the arrangements are not unfair, even though the benefits resulting from the change seem to me to be rather limited. As I have found no unfairness, there is no breach of paragraph 14 of the Code. I do not uphold the objections.

## Other matter

29. The trust recognised that the wording of the arrangements for admission to the sixth form could be "confusing." It suggested, "we can put a PAN of 165 if that would be clearer." In fact, this would not meet the law's requirements. Paragraph 1.2 of the Code requires admission authorities to set an admission number for each 'relevant age group.' This is an age group at which pupils "will normally be admitted to the school", including Y12 "where the school admits external applicants to the sixth form" (see footnote 11). The PAN for Y12 indicates the minimum number of external applicants the school will admit, provided they meet the academic entry criteria. Currently the arrangements give two such numbers (35 and 15), neither of which is the result of taking what the school says is the capacity of its Y12 (165) and subtracting from that the number it says is expected to continue from its own year 11 (145). The trust must resolve this potential confusion by determining a PAN, as defined above, and removing any reference to other figures relating to the admission of external applicants.

## Summary of findings

30. The trust's removal of postcode area SL6 from its catchment area effectively means that children from this location will not be allocated places at the school for admission in 2022. I do not consider that this change causes a significant disadvantage to children living in SL6, as other secondary schools are located closer to their homes and consequently it does not render the arrangements unfair. It is not unfair to younger siblings of boys at the school as there is no priority for siblings in the arrangements and it cannot be guaranteed that siblings would be successful in the highly-competitive entrance test. I do not find that

the requirements relating to admissions have been breached. I do not uphold the objections.

## Determination

31. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements for September 2022 determined by the academy trust for Reading School.

32. I have also considered the arrangements in accordance with section 88I(5) and find there is another matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

33. By virtue of section 88K(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.

Dated: 12 July 2021

Signed:

Schools Adjudicator: Peter Goringe