



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3772

Objector: An individual

Admission authority: The London Borough of Redbridge

Date of decision: 17 August 2021

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, Mrs Talboys and I do not uphold the objection to the admission arrangements for September 2022 determined by the London Borough of Redbridge for Woodford County High School, Redbridge.

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 Woodford County High School (the school), a selective secondary school for girls aged 11 – 18 for September 2022. The objection is to the fact that the admission arrangements are not published on the school's website and the fact that the arrangements do not allow applicants to sit the selection tests at a later date where they are unable to sit the tests on the date allocated to them because they are sitting selection tests for a different selective school.
2. The local authority (LA) for the area in which the school is located is the London Borough of Redbridge. The LA is a party to this objection. The other parties to the objection are the objector and the school. The school has been sent copies of all correspondence but has made no comment.
3. This is one of a number of objections to the admission arrangements for September 2022 for different schools referred to the Office of the Schools Adjudicator by the same objector. Mrs Ann Talboys and I have been appointed as joint adjudicators for these

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. Some of the objections contain aspects which are common to several other 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 determinations in relation to these common aspects.

5. The objector has made one other objection this year about admission arrangements not being published on the school's website in relation to a different school. As the lead adjudicator for both objections, I have written the determinations which have been read and agreed by Mrs Talboys prior to publication.

Jurisdiction

6. These arrangements were determined under section 88C of the Act by Redbridge Council, the local authority (LA), which is the admission authority for the school. The objector submitted his objection to these determined arrangements on 7 April 2021. We are satisfied the objection has been properly referred to us in accordance with section 88H of the Act and it is within our jurisdiction.

Procedure

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

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

- a. a copy of the minutes of the meeting of the LA at which the arrangements were determined.
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 7 April 2021 and supporting documents;
- d. the LA's response to the objection and supporting documents;
- e. information about admissions published on the school's website; and
- f. judgments in the cases of *Regina v Greenwich London Borough Council, Ex parte Governors of the John Ball Primary School* [(1989) 88 LGR 589] referred to as "the Greenwich Judgment" and *R v Rotherham MBC, ex parte T* [2000] ELR 76 referred to as "*The Rotherham judgment*".

The Objection

9. There are two aspects to this objection. First, the objector alleges that, as at the date of his objection, the school had neglected to comply with its statutory obligation to publish its admission arrangements on the school's website. The information published on the website referred to incorrect dates which gave the appearance that the arrangements were those relating to September 2021. The relevant paragraph of the Code is 1.47 which states that: "Once admission authorities have determined their admission arrangements, they must notify the appropriate bodies and must publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made)".

10. Second, the objector considers that it is unreasonable not to allow potential applicants to sit the selection tests on a date other than the date fixed for testing all applicants to the school in the normal round of admissions (the normal test date) where they are unable to sit the tests on the normal test date because they are sitting selection tests for another school. He claims that this is a circumvention of the "Greenwich judgment". The relevant paragraph of the Code is 14 which states that: "In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective...".

Background

11. The school is a selective secondary school for girls aged 11–18. It is a community school and is one of two selective schools maintained by the London Borough of Redbridge, the other being Ilford County High School which is a selective secondary school for boys. The two selective schools have a common catchment area and a common minimum threshold criterion of 104. No applicant scoring less than 104 will be eligible to be admitted to, or placed on the waiting list for, either school.

12. The school's Published Admission Number (PAN) is 180. We have not considered it necessary to summarise the oversubscription criteria since these are not relevant to the objection. Suffice to say that the school has a catchment area which comprises an area surrounding the school but mostly to the south. It falls within the London Borough of Redbridge but does not comprise the whole of the Borough. Whilst the arrangements state explicitly that the schools are heavily oversubscribed and that no applicant who lives outside the catchment area has been offered a place at either school during the last five years, they do not preclude any applicant from sitting the selection tests for entry to Year 7 provided the applicant falls within the relevant age group. It is said that, for admission in September 2022, the tests will provisionally take place on either **Saturday 10 or 17 September 2022**. There is clearly an error in these dates which will need to be rectified, and we trust that the LA will make the necessary revision upon receipt of this determination. The arrangements continue as follows: "In respect of applicants who register on time but are unable to take the tests on the published date, late testing will be arranged only on the provision of a doctor's certificate or proof of why the child could not sit on the original dates

provided i.e. religious observance. This includes documentary evidence, such as a death certificate for a close relative, where appropriate. In respect of those who register on-time but are refused entry to the tests because they do not produce the correct identification, no further arrangements will be made for these candidates. In respect of applicants who do not register for testing within the publicised registration deadline, but then submit on-time preferences naming a selective school, no testing arrangements will be made". Although not stated expressly that applicants who choose to sit a selective test for another school on the published test dates will not be able to sit a late test, the arrangements imply that late testing will only be permitted in exceptional circumstances.

13. Under the tab 'Year 7 Application Procedure' on the school's website, there is a link to a page on the LA's website which gives additional information about test results in the previous year and other practical information about the test procedure. Information on this page indicates that the test date is confirmed to be **Saturday 18 September 2021**. The statement below also appears on this page. It is to this statement which the objector refers. Our view is that the information published on this page is not strictly part of the arrangements themselves. It is additional information intended to be helpful to parents. We are however grateful to the objector for drawing it to our attention because it places beyond doubt that the LA will refuse a request for a late test in circumstances where the reason for the request is that the applicant is sitting a test for a different selective school. The objector considers that this is particularly unreasonable in light of the fact that the Redbridge grammar schools will no longer be using the same test as the other selective schools listed.

"When to register for the Redbridge 11 Plus selection test

11 Plus registration for Ilford County High School for Boys and Woodford County High School for Girls starting in September 2022, was open from Friday 30 April 2021 and closed at 5pm on Wednesday 23 June 2021. No late registrations will be accepted.

Registration has now closed. No late registrations will be accepted. Please refer to the [admission arrangements 2021-2022](#) for information on the 11+ process.

Please note: This year the two Redbridge Grammar schools will no longer be participating in the test normally shared with the following schools:

- Gloucestershire Grammars (7 schools)
- Slough Consortium (4 schools)
- Reading School (leaving this year)
- Kendrick School
- Chelmsford County High School
- Heckmondwike Grammar School
- Bacup and Rawtenstall Grammar School
- Queen Elizabeth Grammar School Penrith
- Trafford CEM Consortium (currently 4 schools going to 5 this year)

As candidates registered to sit the test for Redbridge grammar schools will sit a different test from those schools listed above, the test scores will not be comparable so results will not be shared with these schools.

This means that, if you are applying for entry to both Redbridge Grammar schools and any other schools, your child will have to sit the entrance test relevant to the schools you are registering for entry to.

We will not agree to any requests to sit the Redbridge late test due to the candidate sitting the test at any of the above schools on the same day”. [our emphasis].

Consideration of Case

The admission arrangements are not published on the school’s website

14. Taking each aspect of the objection in turn. First, the objector refers to paragraph 1.47 of the Code, claiming that the school is in breach of its obligation to publish the arrangements for admission in September 2022 on its website. However, the school is a community school and the admission authority for the school is the LA. It follows therefore that the requirement to publish the school’s admission arrangements under paragraph 1.47 is a requirement upon the LA to publish the school’s arrangements on the LA’s website. The arrangements for the school are in fact published on the LA’s website in a document entitled “Admission Arrangements for Redbridge Community and Primary Schools 2022/23” accessible via the following link [School Admissions Arrangements 2022-2023 - London Borough of Redbridge - Citizen Space](#). Accordingly, we do not uphold this aspect of the objection. The school’s website contains a summary of the 2022 arrangements with a link to the LA’s website where parents can access information about the test procedure, which is helpful for them. This information is up to date. There is no obligation in the Code for the school to publish the school’s arrangements on its website.

It is unreasonable not to arrange late testing for applicants who are unable to sit the selection tests on the normal test date because they are sitting selection tests for a different school

15. Second, the objector considers that it is unreasonable that late testing is not permitted for applicants who choose to sit tests for a different selective school on the normal test date fixed for Woodford County High School. As we have mentioned above, there is a requirement in paragraph 14 of the Code for the practices used to decide the allocation of school places to be objective. Since the testing process is a practice used to allocate places at the school, we have considered whether it is reasonable to exclude applicants who are sitting selection tests elsewhere from the testing process in operation for the school. The effect of this would not be to preclude such applicants from applying for a place but, with no test score available, they would be ranked below all other applicants who have taken the tests and who have a test score.

16. The objector considers that this practice is “contrary to the Greenwich judgment” which, he says, imposes an obligation upon admission authorities to test any applicant who

wishes to be tested. We disagree. The principle established in this judgment is that [what is now] section 86 of the Act imposes the same obligation upon local authorities to make arrangements for enabling the parent of a child to express a preference as to the school at which he/she wishes education to be provided for the child and to comply with such preference regardless of whether that parent lives in the area of the authority or not. As regards applications to the school, the parent of any girl in the relevant age group may apply for their daughter to be tested. Applicants are not precluded from sitting the school's selection tests or applying for a place at the school solely by virtue of the fact that they do not live in the London Borough of Redbridge, therefore the judgment has no relevance to the point being made by the objector.

17. We have therefore considered the more relevant argument as to whether the fact of taking a test elsewhere is a valid reason to refuse to arrange a late test. The question for us is whether any reasonable admission authority would adopt a practice of not late testing in these circumstances. We asked the LA to explain its reasons for not arranging late testing. The LA has said:

“We only hold one selection test date, set for 18 September 2021, for all candidates. We do not have a further selection test day. However, we do hold when required, a ‘late’ test date for those candidates who, due to *exceptional circumstances only*, were unable to undertake the test on the scheduled day. The exceptional circumstances are noted in the determined Admission Arrangements... We manage the selection test process on behalf of the Redbridge Grammar Schools at Ilford County High and Woodford County High. It is important to clarify that while we accept that some parents might prefer to access a grammar school place outside of Redbridge, we are required to manage the process for 11+ selection testing for the Redbridge Grammar schools as part of their admission arrangements. Some grammar schools make individual arrangements, while others work in ‘groups’ for 11+ selection tests and in our case, although we use the same test provider, we are now participating in a different CEM test ‘group’ for the 11+ selection test from previous years. The group of grammar schools we now share the CEM test paper with set the test date as the 18 September 2021. This date is based on the planning and organisational requirements of the schools within the group, to be able to set up and hold the tests. In our case, we are managing the set up and delivery of the tests specifically for the grammar schools in Redbridge, so we have to ensure that we meet their requirements when setting the date with the other schools in the group we participate in. There has never been any arrangement in place to schedule a test date for any school or group based on dates set by other grammar schools or consortiums. There are ten Essex grammar schools who are all able to set their own test dates and are not required to confirm with any other grammar school that their dates do not conflict. This is also the case for all other grammar schools or groups. The vast majority of individual and groups of grammar schools set their tests in the first two or three weeks of September. There is no liaison between any of them with regard to the day that is selected. It is unfortunate for some parents that the date of the Redbridge test clashes with the CSSE test date. Our priority is to ensure that we

have arrangements in place to enable all the candidates for the two Redbridge grammar schools to be able to sit the test for their chosen school as calmly and efficiently as possible. It is not possible for us to unilaterally change the date of our 11+ selection test. Similarly, it is not possible for us to afford parents who also elect to register their child for an Essex grammar school the opportunity for their child to sit our test on a different day. It is ultimately for parents to decide which schools they wish to name as a preference for their child, and this may require them making a decision about which grammar school tests their child sits, as there is always the risk that there will be a clash between the date set by one individual grammar school or grammar school group, and another grammar school or grammar school group”.

18. It is clear from the arrangements and additional information that applicants are expected to register for the selection tests by the required deadline and to sit the tests on the normal test date. It is also clear from the LA’s explanation that it intends only to arrange a late test only where there are circumstances such as illness, religious observance or death of a close relative. As mentioned above, the additional information on the LA’s website places beyond doubt that a late test will not be arranged for any applicant who chooses to sit a selection test for any of the listed schools on the normal test date for Woodford County High School. By our count, this is 22 other schools. Having considered the representations of both the objector and the LA, our view is that there is a distinction to be made between a candidate being too unwell to sit the test, suffering a bereavement or observing a genuine religious practice on the normal test date and parents choosing for their child to sit selection tests elsewhere for different selective schools on the normal test date. We do not see that the latter constitutes an exceptional circumstance.

19. We note that most of the schools on the list are not within reasonable travelling distance from Redbridge and do not have catchment areas which include any addresses in Redbridge. A reasonable parent with aspirations for their child to attend a selective school will make an application for the school at which the child has the best chance of being offered a place. A child who lives within the catchment area for Woodford County High School would have no reasonable prospect of being offered a place at Bacup and Rawtenstall Grammar School or Queen Elizabeth Grammar School Penrith, for example, unless the family re-located completely and put their child in the relevant feeder school. Re-locating of course would then mean that the child would have no reasonable prospect of being offered a place at Woodford County High School. This would be true for most, if not all of, the schools on the list. It does appear therefore that the only benefit of a child sitting the selection tests for this school and for more than one of the schools on this list would be to gain exam practice. We make no comment upon whether sitting tests at selective schools and treating them as mock exams would improve a child’s test scores for the school at which the parents wish to make a genuine application, but we consider that admission authorities would discourage applicants other those who are genuinely considering making an application to their school from sitting the tests for that school.

20. We have also checked the test dates for Kendrick School, Chelmsford County High School and Queen Elizabeth Grammar School Penrith. These are all on 11 September

2021, and so in practice there is no clash of dates with the normal test date for the school. In the event that there were to be a clash of dates with other selective schools, we have considered the argument that by refusing to offer a late test for applicants who choose to sit a test for another selective school, the LA could be said to be depriving parents of any prospect of their child being offered a place at another selective school. Our view is that this would not be depriving parents of a prospect which has any reasonable chance of being met. We think there is a reasonable distinction to be made between exceptional circumstances as envisaged by the LA and choosing to sit a test at a different selective school. We are reinforced in this view by the fact that what is actually being precluded in most cases would be the LA or the admission authority of the other selective school funding a child to take a test at a school for which there is no intention of the parent making an application for.

Summary of Findings

21. We find that the LA, as the admission authority for the school, has complied with paragraph 1.47 of the Code by publishing the school's arrangements on its website. We also find that the LA is not in breach of paragraph 14 of the Code in choosing not to arrange a late test for applicants who wish to sit selection tests for a different selective school on the normal test date for this school. The arrangements set out examples of when late testing will be arranged. These are what the LA has described as 'exceptional circumstances.' It is not unreasonable to provide that late testing will only be provided in exceptional circumstances neither is it unreasonable to determine that the desire to sit selection tests at a different school is not an exceptional circumstance.

Determination

22. In accordance with section 88H(4) of the School Standards and Framework Act 1998, Mrs Talboys and I do not uphold the objection to the admission arrangements determined by the London Borough of Redbridge for Woodford County High School Redbridge.

Dated: 17 August 2021

Signed:

Schools Adjudicator: Marisa Vallely

Schools Adjudicator: Ann Talboys