



Office of  
the Schools  
Adjudicator

## Determination

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| <b>Case reference:</b>      | <b>ADA3771</b>   |
| <b>Objector:</b>            | <b>An individual</b>   |
| <b>Admission authority:</b> | <b>The King Edward VI Academy Trust on behalf of King Edward VI Camp Hill School for Boys, Birmingham.</b> |
| <b>Date of decision:</b>    | <b>11 October 2021</b>   |

## 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 2022 determined by The King Edward VI Academy Trust on behalf of King Edward VI Camp Hill 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 Camp Hill School for Boys (the school), a boys' selective academy school for pupils aged 11 – 18 for September 2022. The objection is to a number of aspects of the arrangements for admission to Year 7. 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 is a party to the objection, as is the objector.
2. 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 (OSA) by the same objector. Dr Marisa Vallely 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.
3. There are a number of aspects which are common to all of the 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 and by ourselves. 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.

4. 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**

5. 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 7 April 2021. We are satisfied that parts of the objection have been properly referred to us in accordance with section 88H of the Act and are within our jurisdiction.

6. We have also concluded that we do not have the jurisdiction to consider;

1. The use of the same test paper in late testing
2. The inclusion of a catchment area in the admission arrangements
3. The establishment of the 'qualifying score'
4. Priority provided for pupils in receipt of pupil premium.

These four issues were the subject of a determination published by the OSA on 17 January 2020. The determination was ADA3511. Paragraph 3.3 of the Code states that 'The following types of objections cannot be brought; e) 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.'

7. At the time of the determination of the school's admissions arrangements and at the time the objection was made, the Admissions Code 2014 (the 2014 Code) was in force. A revised Code came into force on 1 September 2021, which means that the 2014 Code no longer has any effect. Since the objection and the response to it were framed in terms of the 2014 Code, we shall use the references to it which have been made by the parties to the case but will indicate if the new Code differs in any respect. It is of course the revised version of the Code which is now in force.

8. The arrangements for the school as set out in this determination were determined on 18 January 2021. At that date the 2014 Code, which was then in force, provided that children previously looked after in England and then adopted or made subject to a child arrangements or special guardianship order should have equal highest priority with looked after children in school admission arrangements (subject to certain exemptions in schools with a religious character). The new Code which came into force on 1 September 2021 extended the same level of priority for looked after and previously looked after children to children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. All admission authorities were required to vary their admission arrangements accordingly by 1 September 2021. There was no requirement for this variation to be approved by the Secretary of State and no reason for the school to send us its varied arrangements.

9. We have made our determination in this case on the basis that the admission authority will have varied its arrangements in order to comply with the new requirements set out above.

## **Procedure**

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

11. 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 7 April 2021 and supporting documents and subsequent correspondence;
- d. the trust's response to the objection and subsequent correspondence;
- e. the local authority's response to the objection;
- f. confirmation of when consultation on the arrangements last took place; and
- g. relevant previous determinations and research papers.

## **Objection**

12. There are five 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.

- 1) The objector says that CEM is a disreputable and untrustworthy organisation which cannot be trusted to devise tests that produce an accurate reflection of a candidate's ability. The relevant paragraph of the Code is 1.31

- 2) The objector believes that the admission arrangements do not conform with paragraph 1.13 of the Code which states that 'Admission authorities **must** clearly set out how distance from home to the school will be measured making clear how the home address will be determined and the point in the school from which all distances are measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.'
- 3) The objector believes that the admission arrangements indirectly discriminate against ethnic minorities. The relevant paragraph of the Code is 1.8
- 4) The objector believes it is unfair to age standardise test scores. Relevant paragraphs of the Code are 1.31. and 14.
- 5) The objector believes it is unfair to allow extra time in tests for pupils with dyslexia. The relevant paragraph is 1.31.

## Background

13. King Edward VI Camp Hill School for Boys is a boys' grammar school with academy status for pupils aged 11 to 18 located in Birmingham. The school was rated by Ofsted as Outstanding in April 2009. The school has a Published Admission Number (PAN) of 120 for admissions to Year 7. It is oversubscribed.

14. 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 child 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.

15. 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 child who has met the required standard.
- b. Pupils eligible for the Pupil premium within the catchment area.
- c. Pupils in receipt of Pupil premium outside the catchment area (Criteria b and c to total no more than 30 pupils).
- d. Pupils within the catchment area.
- e. All other pupils who achieve the qualifying score.

## Consideration of Case

16. We have divided our consideration of the case into five headings, each of which comprises one aspect of the objection. As we have said, the objector has made objections on the same points for a number of schools. Our consideration of the points which have been raised in a number of cases is generic, and so the text will be largely the same in the determinations. It may not be identical as all of the schools have different arrangements.

### **CEM as a reputable organisation**

17. The objector has submitted a substantial amount of evidence which he suggests indicates that the Centre for Evaluation and Monitoring (CEM), which designs the 11 plus tests used by the school, is not a reputable organisation. It follows from this that, in the objector's view, the tests designed by CEM are not fit for purpose. The objector also argues that whatever is said by CEM about the re-use of the same tests for late applicants and late sitters and age standardisation is not to be trusted. He also claims that CEM hides behind the protection of its commercial interests in order not to disclose information about the nature of its 11 plus tests and the testing process which might enable them to be properly scrutinised. It is important to the objector that an injunction was secured against him to prevent publication of information about the CEM 11 plus tests which we believe was provided to him by children who had taken the tests, whereas he considers that other individuals and organisations have not been prevented from publishing similar information.

18. We have previously seen and considered the relevance of the decision in the employment tribunal case concerning Susan Stothard and the judgments in the various court cases which the objector has been involved in. We have also previously considered copies of contributions to an 11 plus exams online forum and correspondence relating to online postings from 2005 to 2016 by various contributors. There is an article from the Times Educational Supplement Forum which refers to a Guardian article in which CEM withdraws a previous claim that its 11 plus tests assess "natural ability" (September 2016) and correspondence with Warwickshire County Council. We have, of course, re-read all of this information very carefully because we understand its importance and significance to the objector, but where nothing has been submitted which has altered our view on a particular issue, we have tended largely to repeat what we said last year in respect of the issue in question.

19. In response to the objection, the school said that; 'This is a personal opinion held by the objector and not one the school or The Grammar Schools in Birmingham share.' The local authority responded; 'From conversations with the Academy Trust the LA understands that CEM are a reputable organisation that not only administers the selective tests for Birmingham grammar schools but also for grammar schools in other LAs across England'.

20. The Code is clear that it is for an admission authority to formulate its admission arrangements and the choice of 11 plus test is part of that. Looking at grammar schools across the country they fall into three categories in terms of who produces and marks the tests. Some grammar schools produce their own test, or do so in conjunction with other

schools, some grammar schools use the tests produced by GL Education and many others use CEM. GL Education and CEM are the main providers of tests for assessment which lead to grammar school place allocation across grammar schools in England.

21. CEM was originally part of Newcastle and then Durham universities and in June 2019 CEM was acquired by Cambridge Assessment and Cambridge University Press. CEM produces a range of assessment tools for schools and pupils of all ages and conducts research in collaboration with the universities concerning the assessment of pupils. Its materials are widely used across schools and colleges in England.

22. It is clear that the school is satisfied that the tests provided by CEM appropriately identify those pupils who are capable of succeeding in a grammar school environment. It is also satisfied that the marking, validation, standardisation and reporting of the results of these tests are commensurate with the needs of the school. As CEM is a commercial company the school pays fees to CEM to provide these tests. If the school was not satisfied with the tests or their marking, then they could decide to use another company or produce their own tests. This they have not done because they are content to pay the fees to CEM and are confident that the process allows them to identify their pupils accurately.

23. Paragraph 1.31 of the Code says that 'Tests for all forms of selection must be clear, objective and give an accurate reflection of the child's ability or aptitude, irrespective of sex, race or disability. It is for the admission authority to decide the content of the test, providing that the test is a true test of aptitude or ability'. It is entirely up to schools and other admission authorities to decide who writes and marks their 11 plus tests and this school has decided that CEM is an appropriate company to use. It is not within our jurisdiction to agree or disagree that CEM is a reputable organisation - our jurisdiction relates to whether the testing arrangements for this school comply with paragraph 1.31 of the Code. It is clear that this school, and many other similar schools are content that the service provided by CEM fulfils the requirements of paragraph 1.31 and that the outcomes are those which the school requires. We have seen no evidence which persuades us that the tests do not conform to the Code at paragraph 1.31 and we do not therefore uphold this element of the objection. We think it is important that we emphasise that we have seen nothing to make us doubt the suitability of the tests provided by CEM.

### **Description of home address**

24. The objector believes that the admission arrangements do not conform with paragraph 1.13 of the Code which states that 'Admission authorities **must** clearly set out how distance from home to the school will be measured making clear how the home address will be determined and the point in the school from which all distances are measured. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.' The objector does not believe that the school's arrangements conform to the latter part of paragraph 1.13. The arrangements state that 'Where parents have shared responsibility for a child, and the child lives with both parents for part of the week, then the main residence will be determined as the address where the child lives the

majority of the week. Parents may be requested to supply documentary evidence to support the address used'. The objector says that this is not clear and uses the example of where a child spends an equal time with each parent for example one week at one address and alternate weeks at another address; he suggests that parents should be able to nominate an address.

25. In response to the objection the local authority states; 'The LA believes that the admission authority's admissions arrangements clearly state how distances are measured and explains how they deal with shared responsibility,' The trust did not comment on this aspect of the objection; it quoted the admission arrangements sections.

26. In the unusual case where the child lives equally between two addresses then the school and the parents would need to discuss this and come to a conclusion. It is not possible for school admission arrangements to articulate the outcomes of every possible eventuality and there will always be an unusual or rare occasion when the school and the parents will need to come to a conclusion together. We are of the view that the arrangements are clear in terms of which home address the school will use as the main residence for admission purposes. We do not therefore uphold this element of the objection.

### **Ethnic minority discrimination**

27. The objector states that 'It appears the catchment areas were introduced to change the ethnic makeup of all the grammar schools in Birmingham. Before the catchment area was introduced the highest scores gained places. Camphill was regarded as the most super-selective school. Asian children were very high scoring and would travel to the school resulting in a 90% "non-white" intake. The ethnic skewing was seen in many of the grammar schools as traditional. Education is important to this group and they are coached to pass the CEM test (it is by far the easiest test to prepare for). The Head of Camphill school did not want to introduce catchment areas. He was not permitted to speak out publicly. It was forced through via Heath Monk. It appears he wanted to ensure the school was not "the Asian school". Given Birmingham has "ethnic areas", this means the catchment areas aims to replicate this and promotes "local apartheid" in its schools - the "Asian school", the "Black school" and the "White school". A catchment area is therefore unreasonable in the 21st century and modern times. It indirectly discriminates against high scoring ethnic minorities and represents unlawful indirect discrimination. Spreadsheets showing the change of ethnic makeup of the Birmingham grammar schools since the introduction of spreadsheets are attached (bar Handsworth – data awaited). The number of "white pupils" increased last year, in line with the believed aim to slowly "ethnically cleanse" the school, to their traditional intakes of the 1960s. The trend amongst all schools appears that the "Asians" are the losers'.

28. The trust responded that 'The Local Authority does not capture ethnicity on the common application form and a pupil's ethnicity is unknown to the admission authority when applying the admission criteria to applications. The catchment area for the school which

came into effect for 2020 intake and beyond includes 18 different electoral wards – a large ethnically diverse area of the city.’

29. The local authority responded that they were of the view that there is no evidence to support this element of the objection and that the local authority believes that the school’s arrangements are in full compliance with the Code and the Equality Act 2010.

30. The objector supplied a range of data with his objection. For four schools he produced a list of ethnic backgrounds for pupils in year 7 in 2019 and 2020. The tables which accompanied the objection are raw data lists of individual pupil records of ethnicity for year 7 for 2019 and 2020. The figures for the school which is the subject of this determination indicate that there were 120 admissions in 2019 and 150 in 2020. This is not the case as the PAN for both 2019 and 2020 was 120 and there is no indication that this number was exceeded. The data therefore is not accurate. The figures for the school’s associated girls school represent the correct current PAN of 150 for both years and the data show the number of girls of Asian descent admitted in 2019 was 87 and in 2020 was 96. Although one set of unsubstantiated figures does not constitute sufficient evidence for a trend, these data show that the number of girls being admitted of Asian descent in 2020 was actually greater than the number admitted in 2019. The issue of catchment areas was dealt with in last year’s objection and found to be compliant with the Code and the law.

31. We have seen no credible evidence that the ethnic proportions of the schools have changed significantly over the last three years and we accept that the catchment areas which include 18 different electoral wards represent a large ethnically diverse area of the city of Birmingham. We do not therefore uphold this element of the objection.

### **Age standardisation of test results.**

32. The objector claims that the use of age standardisation in 11 plus tests is based upon the claim that different aged children in the same school year (who are taught the same) score different marks as they are younger. He claims that this conclusion is based upon children who have had no preparation for 11 plus tests. He also claims that age standardisation is a manipulation using an algorithm which is kept secret by CEM and therefore not open to public scrutiny. CEM (he says) simply cannot be trusted. He reiterates that SATs papers, GCSEs and A levels are not age standardised. He claims that most children who sit 11 plus tests prepare. Many are tutored. Some are prepared in outreach programmes free of charge. Preparation (he says) makes the age standardisation null and void and there is no need for it, and it provides an unfair advantage to younger children. According to the objector, age standardisation is not accurate but merely guesswork. In a nutshell, the argument is that only the child’s raw scores in the tests can provide an accurate reflection of ability

“CEM claim that a child should be able to answer questions from what is learnt in year 5. But all year 5 children learn the same irrespective of age. Children are not streamed by age, but by raw ability in a class. This demonstrates within a year group age is irrelevant to performance. There is no evidence younger year 5 children score lower marks than older year 5 children, if taught the same content. If you teach 10-



year-old percentages and the same to a 9-year-old or 11-year-old, they will understand the concept and can answer questions using a method. All 9,10-, or 11-year-old children can learn the method so age is not an advantage. It does not follow an 11-year-old will score higher than a 10-year-old. Teaching a 10-year-old and 16-year-old multiplication tables will not result in a 16-year-old scoring higher marks in a test of tables. Again, age is irrelevant. Since schools do not teach NVR, all children start at the same point. Practice makes perfect, so again age standardisation is wholly unnecessary. An older child has no advantage”.

33. The objector submitted two papers in later correspondence in this case. First a paper produced by the National Foundation for Educational Research (NFER) and written by Schagen in 1990. This paper considers different statistical methods of age standardisation. The paper concludes that some methods are more secure than others but, in our opinion, (and contrary to the view expressed by the objector) it does not as suggested by the objector, discredit the use of the age standardisation process.

34. Secondly, the objector submitted a Freedom of Information (FOI) request to a school in Cheshire. The school's response is a table of pupils' months of birth by year group. The objector attaches a paper showing some statistical analysis of these data and also the same data shown on a bar chart. He then compares these data with figures for months of birth in the 27 states of the European Union from 2000 to 2009. The charts show that the relatively small sample from the school does not match the huge data set from the European Union in terms of the distribution of births across months of the year. We do not believe that these papers have any relevance to the issue of the use of age standardisation. Age standardisation is not a method which sets out to ensure that an equal number of children by month of birth are admitted to a particular school or that the number admitted reflects the proportion of children born in that month. How many children in a year group were born in a particular month is not relevant to the standardisation process. The process makes allowance for those pupils who are born later in the school year and the number or proportion of these children will differ from year to year and school to school. The allowance is applied through the age standardisation process to individual children not to the cohort as a whole.

35. In response to this aspect of the objection, the school has said that it has used CEM since the admissions round for 2015 when it joined the Consortium Schools. A review of the then available 11 plus test providers concluded that the CEM tests were the most appropriate. CEM is one of the major providers of the 11 plus tests and also a leading provider of other assessment tools and tests. All the schools in the consortium use the same test which allows for the sharing of data. Therefore, the applicant only has to sit one test for the local area and can apply to several grammar schools with this result. The school is satisfied that the cohorts admitted year on year since the school has used CEM are of suitable academic ability for the standards demanded at the school. The school confirms that it is happy that the content of the CEM 11 plus tests are a suitably rigorous examination of children seeking to be admitted to a grammar school. Furthermore, the school is satisfied with the service from CEM as well as the standard of the test. The school says it holds no information to indicate the test is not an accurate reflection of ability and is satisfied with the

content of the test. This latter point is significant because paragraph 1.31 of the Code provides that it is for the admission authority to decide the content of the test, providing that the test is a true test of aptitude or ability. The school has decided that it is appropriate to commission CEM to provide and mark its 11 plus tests because it is confident CEM provides an assessment process which is a true test of ability

36. Age standardisation is a process carried out after the tests have been taken, as opposed to a proponent of the tests themselves, therefore it could be said to be a procedure used to determine the allocation of places. Paragraph 14 of the Code therefore requires that age standardisation must be clear and objective. Dealing first with the question of clarity, the arrangements state: “The raw scores will be age standardised and the ranking is determined by the aggregate of the age standardised scores of both tests”. Our view is that this explanation is sufficiently clear to comply with paragraph 14. We do not consider it necessary for the arrangements or any additional materials linked to the arrangements to describe the methodology used by CEM to standardise the raw score results for age.

37. In considering whether the use of age standardisation is objective, what we have been told is that the very rationale for using age standardisation is objectivity. When considering age standardisation last year, our view was that CEM (as opposed to the admission authority) 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?

38. 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”.

39. The objector points out that 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 objectivity and reasonableness 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. In doing so, we emphasise that we are not passing any judgement on the arguments for or against age standardisation of other tests but we note that those other tests serve different purposes.

40. 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.

41. 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 plus 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.

42. There is significant and compelling research evidence that children who are ‘summer born’ perform less well in tests 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. The objector questions its relevance to CEM 11 plus tests. However, we note that there is research referred to about the British Ability Scales (BAS), which were conducted during survey interviews when the child was aged around 5 and 7. At age 5, the BAS tests covered vocabulary, picture similarity and pattern construction. At age 7, they covered reading, pattern construction and maths, and are a similar type of test to VR and NVR tests. The following conclusions were reached:

**“National achievement test scores should be age-adjusted to account for the fact that children born at different times of the year have to sit the tests when they are different ages.**

These age-adjusted scores should be used to calculate school league table positions, to determine entry to schools that select on the basis of ability, and potentially to assign pupils to ability groups within schools. Some studies have overcome this difficulty by focusing on outcomes measured at around the same age for individuals beyond the end of compulsory schooling, which breaks the perfect correlation between age at test and age at school entry. For example, Black, Devereux and Salvanes (2008) identify the impact of school starting age on IQ scores taken as part of men’s enrolment to military service at around age 18 (as well as the likelihood of teenage pregnancy and earnings) using Norwegian administrative data. **They find that starting school younger has a small positive effect on IQ scores, as well as on the probability of teenage pregnancy. By contrast, they find a large and significant positive effect on IQ scores arising from sitting the test at an older age”.**

43. 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 plus, 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 new vocabulary at

the rate of more than 1000 words per year, the difference can be very significant for the 11 plus tests. Age standardisation removes this potential unfairness, and the marks are adjusted to make them 'standard' for all children regardless of their age.

44. We are of the view that age standardisation removes some of the potential unfairness for summer born children in the 11 plus tests and therefore its inclusion in the admission arrangements for these schools is fair. We also consider that the purpose of using age standardisation is to attain an objective assessment of the ability of a cohort of children which is not skewed by age and its associated advantages. As CEM says, this is in order to enable meaningful comparisons of ability within the cohort of children sitting the tests therefore age standardisation provides a more extensive assurance of objectivity.

45. The objector makes the point that age standardisation is made 'null and void' by the extensive preparation which children receive before the 11 plus tests. He maintains that "Most children who sit tests prepare. Many are tutored. Some are prepared in outreach programmes free of charge." We accept that preparation and tutoring may improve the test scores for an individual child, but the objector has not produced any evidence to substantiate the statement that it renders the need for age standardisation redundant. Logically, if all pupils are tutored and improve their scores because of preparation or coaching, then the attainment gap between summer born children and others would remain the same - albeit at slightly higher score levels.

46. 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.

47. We are also aware that many pupils receive additional preparation through tutoring for the 11 plus tests. A literature review commissioned by the OSA which looked at disadvantaged pupil performance in the 11 plus 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 applies to admission authorities, local authorities, governing boards and adjudicators. But the Code and the legislation 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 local to the school. But, even if, as the objector suggests, it is widespread, it does not follow that this renders the use of age standardisation 'null and void'. Coaching and tutoring are used to gain an advantage. Age standardisation does not confer an advantage to younger children, it places them on an equal footing with older children in order to determine an objective assessment of ability.

48. 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' and more objective. 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 plus tests negates the need for the age standardisation weighting, and we do not uphold this aspect of the objection.

49. The objector refers to the fact that the Key Stage 2 Standard Attainment Tests are taken a few months prior to the 11 plus 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, Key Stage 2 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 plus tests. GCSEs – also mentioned by the objector – are taken by pupils each year at age 16, but they can be and are taken by younger children and by adults of all ages.

50. We are therefore of the view that age standardisation is appropriately used in 11 plus tests and we do not uphold this element of the objection.

### **Extra time in tests for children with dyslexia**

51. The objector says that it is unfair to allow an extra 25 per cent of time for pupils who are dyslexic. The local authority's response was; 'The LA understands that if the Admission Authority did not allow this, that that the Admissions Authority's Admissions arrangements would risk not being compliant with the Equality Act 2010 and therefore the School Admissions Code 19 December 2014 (and the new SAC 1 September 2021). The Admission Authority clearly states how children with disabilities can request reasonable adjustments in its admissions arrangements. In its response the school said; 'It would be contrary to the Equality Act 2010 to refuse reasonable adjustments to the entrance test for applicants with a disability.'

52. We are of the view that the school clearly demonstrates the need for the identification of candidates who are classed as 'disabled' and this includes those diagnosed as dyslexic. We are also of the view that the school's processes in this regard are clear and comprehensive.

53. Paragraph 1.31 of the Code is reported in full in paragraph 23 of this determination and we are satisfied that providing reasonable adjustments for children with dyslexia in the tests (by giving them additional time to complete the tests) helps to ensure the candidates will be able to demonstrate their true ability. We therefore do not uphold this element of the objection.

## Summary of Findings

54. We cannot comment on the objector's assertion that CEM is a disreputable company. The Code is clear that it is up to individual admission authorities to determine their arrangements and in doing so this school chooses to use CEM. The school is satisfied that the tests it uses can adequately provide a list of pupils who are capable of succeeding in a grammar school and we are of the view that the school's admission arrangements comply with paragraph 1.31 of the Code. We do not therefore uphold this element of the objection.

55. We are of the view that the arrangements conform to the Code and the law in all respects identified by the objector and therefore we do not uphold the following elements of the objection;

- Description of home address
- Ethnic minority discrimination
- Age standardisation of test scores
- Extra time provided in tests for children with dyslexia.

## Determination

56. 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 2022 determined by The King Edward VI Academy Trust on behalf of King Edward VI Camp Hill School for Boys, Birmingham.

Dated: 11 October 2021

Signed:

Schools Adjudicator: Ann Talboys

Schools Adjudicator: Marisa Vallely