



Office of
the Schools
Adjudicator

Determination

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| Case reference: | ADA3933 |
| Objector: | A member of the public |
| Admission authority: | Colyton Grammar School Academy Trust for Colyton Grammar School, Devon |
| Date of decision: | 22 September 2022 |

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, we partially uphold the objection to the admission arrangements for September 2023 determined by Colyton Grammar School Academy Trust for Colyton Grammar School, Devon.

We have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicators' 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), an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements (the arrangements) for September 2023 for Colyton Grammar School (the school), a selective academy for children aged 11 to 18. The objection is to the way the school tests applicants, to the priority for children eligible for the pupil premium, the tie break and the setting of the "eligible score".
2. The local authority for the area in which the school is located is Devon. The local authority is a party to this objection. Other parties to the objection are the objector and the

admission authority for the school which is the single academy Colyton Grammar School Trust (the admission authority).

Jurisdiction

3. The objector made objections to the admission arrangements for 2023 for this and ten other grammar schools. Jane Kilgannon and Phil Whiffing have been appointed as joint adjudicators for these objections as permitted by the Education (references to Adjudicator) Regulations 1999. Phil Whiffing has acted as lead adjudicator for this case.

4. There are a number of matters which are common to all but one of the objections. The objector has made objections to other schools in previous years about the same matters. Those objections have been determined by other adjudicators. Their determinations do not form binding precedents on us, and we have considered the matters afresh.

5. The terms of the academy agreement between the admission authority 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 governing board of the admission authority on that basis. The objector submitted his objection to these determined arrangements on 5 May 2022. 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. We have also used our power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

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

- a. minutes of the meeting of the governing board held on 7 February 2022 at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 5 May 2022 and supporting documents;
- d. the response to the objection from the admission authority;
- e. the response to the objection from the local authority;
- f. comments from the admission authority on the matters we raised under section 88I of the Act; and
- g. comments from the local authority on the matters we raised under section 88I of the Act.

The Objection

8. The objector quoted paragraph 1.31 of the Code which says “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.” He said, “This is violated by (a) Reuse of the same tests for late sitters (b) Arbitrary 25% extra time for those labelled with the new “badge of honour”, called dyslexia (c) age standardisation for which there is no independent peer reviewed evidence the algorithm is accurate (d) Use of questions used in previous tests (because these end up in the hands of tutors and are passed to them).”

9. The objector also quoted part of paragraph 1.8 of the Code, “Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs”. He said “It is unreasonable to have a policy, which could mean pupil premium children could take all places. The policy ranks all such children higher than non-pupil premium children and does not impose a 25% limit. This is grossly unfair and unreasonable.” Paragraph 1.8 of the Code also requires a tie break. The objector said the tie break employed by the admission authority was “not adequate”.

10. The other part of the objection concerned the clarity of setting of the eligible score. The objector referred to this under paragraph 1.8 of the Code which concerns oversubscription criteria. We think that paragraph 14 of the Code is the most appropriate part of the Code to test this aspect of the arrangements against as it requires arrangements to be clear.

Other Matters

11. Paragraph 14 of the Code requires, “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.” There were a number of ways in which we considered that the arrangements may not be clear. The arrangements also appeared not to conform with the requirements for the admission of children outside of their normal age group set out in paragraph 2.19 of the Code and the supplementary information form may not conform with paragraph 2.4 of the Code.

Background

12. The school is situated in Colyton, a village in the east of Devon. The published admission number (PAN) for 2023 is 155. The oversubscription criteria for children reaching the qualifying score in the selection test can be summarised as follows:

1. Looked after and previously looked after children;
2. Children eligible for the pupil premium or the service premium; and
3. Other children in rank order of their test scores.

Consideration of the objection

13. In addition to the objection form, the objector sent in two appendices. The first was 16 pages long and related specifically to this case. The second was common to ten of the 11 objections made by this objector to grammar school admission arrangements for 2023. It was 130 pages long and contained extracts from on-line forums and other media (some dating back 10 years), copies of correspondence with local authorities, examining boards and other test providers, transcripts of an employment tribunal and an ombudsman decision.

14. In the first appendix the objector set out his reasons for making this objection. These stem from his opinion about various organisations and individuals. None of these concerns us. Our jurisdiction in relation to objections to admission arrangements is set out in section 88H(4) of the Act and is to “decide whether, and (if so) to what extent the objection should be upheld”. In relation to admission arrangements generally this is set out in section 88I(5) and is to “decide whether they conform with those requirements [requirements relating to admission arrangements] and, if not, in what respect they do not.” Outside of those parameters, it is not for schools adjudicators to reach conclusions about an objector’s view of any individual, organisation or statute with which he may disagree.

Testing – The use of the same test for late sitters

15. The objector quoted paragraph 1.13 of the Code, “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.” The first part of the objection was that using the same test for “late sitters” did not conform with this requirement because children who had sat the test earlier could remember content and would pass information on to other children giving them an advantage.

16. The arrangements say “Where a child is unable to sit the selection tests through serious illness, bereavement or other circumstance beyond the control of the parent(s)/guardian(s), (notified to the School on or before test day), or the child moved into the area after the test dates, the School will consider these applications to be timely and make arrangements for testing to take place during November. Evidence will be required in these circumstances.” The arrangements also say there will be further tests after places have been allocated to accommodate late applications where, for example, children move into the area after the earlier tests.

17. We consider that if there was no provision for children who cannot be tested on the appointed day because of exceptional circumstances, the arrangements would not be fair

and so the arrangements would not conform with paragraph 14 of the Code. We also consider that it would be unfair if the arrangements did not make provision for children whose applications were, for good reason, late to have the opportunity to have their ability assessed. Religious observance may also prevent children from taking a test on a particular day. In such cases not making a test available on a different day would contravene the requirements of the Equality Act 2010 (the EA).

18. The objector argued that children can remember questions and do tell other children about the content of the test, either directly or indirectly through parents and tutors and this gives “late sitters” an unfair advantage. He provided documents to support this view. The objector argued that there should be a different test for each sitting before setting out the issue of comparability of results in different tests. He also suggested other approaches to testing which an admission authority could adopt for example, sitting two tests on separate days with the highest, or only, score being taken into account. Nowhere do the arrangements say that same test is used for the main and late tests. However, the local authority confirmed that this was the case.

19. Before considering this part of the objection, we have looked at the familiarisation material published on the school’s website. This is intended to give parents and children a feel for the style of the test and how to complete the answer sheet. It is a multiple-choice test in which children are required to mark a sheet in a specified way so that their paper can be marked by a computer.

20. In our view, children could remember some aspects of these tests, for example that the comprehension test was based on an article about Mother’s Day, or that they were asked to find 25 per cent of a quantity in the maths test. We doubt that many, if any, children could remember all comprehension questions arising from the article on Mother’s Day including the four alternative options for each question. We also doubt that many would not expect there to be a question on simple percentages in a maths test for children of this age. As for the questions requiring the child to choose which of six shapes was the missing shape in a diagram of nine shapes, we think it unlikely that a child could remember any detail at all that would help another child.

21. If a child did tell their friend who missed the main test because of illness or a family trauma that the comprehension was about Mother’s Day, they might be able to learn about that subject before the test which would be taken two months later in November. We do not think that it would give them any advantage when all the necessary information to answer the questions is provided in the test. Considering other questions, let us assume that a child does remember that there is a question which asks which word is the opposite to “decline”. They also remember the options are: A believe, B discover, C control, D accept and E suggest. The child decides that they will tell their friend about this question and what answer they gave. The second child now has to check in a dictionary that their friend’s answer was correct, if not, learn the correct answer and remember all of the details. We think this is a long chain, but not impossible across a short period of time. For the test taken after places have been allocated, we do not consider the chain of memory among children could be sustained.

22. The objector refers to tutors systematically collecting what children can remember from the test after the test has been sat. We think this is perfectly acceptable if the information is used to construct questions of similar style and difficulty for other children to practise, for example, calculating simple percentages of quantities set by the tutor. However, passing on questions to children who will be taking the same test on a later date is colluding with and encouraging cheating.

23. Among the articles referred to by the objector in his second appendix was one by Professor Rebecca Allen, "What does North Yorkshire tell us about how reliable the 11+ is", Education Datalab, May 2017. This study compared the results from a group of children's performance on two 50-minute verbal reasoning tests taken one week apart. The first conclusion of this study was that even the highest quality tests will result in pupils getting slightly different results from one test to the next. It also concluded "Sometimes less academically capable students will pass the 11-plus and more academic capable students will fail. Society needs to decide how much of this misallocation it can tolerate."

24. An experienced teacher would not expect every child in their class to get exactly the same mark on a test if the same test is repeated a few days later or even to be ranked in exactly the same order. Overall, the more able children will do better than the less able every time, but within this any individual may be healthier on one day than the other, correctly guess an answer they did not know on one day and guess incorrectly on the other or simply record their answer inaccurately. If we accept that it is possible for a child to pass on information after the test, directly or indirectly to another child who is taking the test at a later date, then does it introduce a greater degree of variability to that already in any testing system?

25. In these arrangements children must reach the academic standard required for admission. There are 155 places available. Even if there were no looked after or previously looked after children or children eligible for the pupil premium who were offered places, this does not mean that the child ranked 155 on the test is offered a place and the one ranked 156 is not. Some of the top 155 may have listed another school higher on the common application form and may be offered a place at their preferred school so children ranked below 155 will be offered places. There are therefore many unpredictable variables which decide the cut off point for admission to the school and which children find themselves above or below it.

26. The number of children taking the test after the main test is small. Just one child took the test in November for admission in 2022 and five took the test after places had been allocated. For one of these children to benefit from information about the test received from another child it must lead to them getting right a question they would otherwise have got wrong. The more able the child, the less likely this is. For a child for whom this information pushes them above the required score, many other factors come into play before they would be offered a place.

27. We conclude that, within the variability already in the testing system, any test content remembered by a child and passed to one taking the test at a later date will have little effect

and will be within the “misallocation” tolerated by society referred to by Professor Allen. We do not uphold this part of the objection.

Testing – Additional time for children with dyslexia

28. The objector put forward a range of arguments which he said made giving 25 per cent more time in the test to children with dyslexia unfair to other children. We noted that the arrangements do not, in fact, give 25 per cent additional time in the test to children with dyslexia. The arrangements say that parents of a child with a disability or special needs should notify the school to request reasonable adjustments. The arrangements say:

“Children may be given up to 25% additional time if:

- The student has an Education, Health and Care Plan (EHCP)
- The student has SEND Support with a history of at least two terms of extra time being routinely made available to access formal assessments
- The need for extra time is evidenced and supported by the primary headteacher

No other allowance will be made.

Modified formats of the test papers will be provided wherever possible in the case of children with a recognised special need; for example, children with a visual impairment will be assessed in an appropriate manner that makes reasonable adjustments for their needs, in line with RNIB guidance.

All reasonable steps will be taken by the SENCO to allow access to the test materials but the standards applied in assigning the rank order will not be varied.”

29. The EA requires that reasonable adjustments are made for children with disabilities. Dyslexia is a disability and as such reasonable adjustments must be made for children with the condition. The arrangements do not say what the objector says they say. They comply with the requirements of the EA and we do not uphold this part of the objection.

Testing – Age standardisation

30. The objector said, “There is zero peer reviewed evidence that age standardisation [sic] is required in 11+ tests.” More specifically he said, “The CEM age standardisation algorithm is not peer reviewed or evidence based” and argued that the algorithm used should be published. He was of the view that age standardisation was “a blunt average based system, which makes assumptions that age has a uniform affect on ability, by the day, so children learn linearly by the day or by the second. It ignores their individual innate ability and level of preparation as reasons for differences in ability (it also ignores IQ and genetics).” The objector suggested “Younger children can prepare more to alleviate any age disadvantage, if it even exists.”

31. The degree to which a child’s date of birth affects their achievement compared to other children in their year group has been the subject of much academic research. While

genetics and nurture do play a part in determining how an individual child will perform in a test at the end of their primary education, the academic studies consistently find that the month in which a child is born matters for test scores at all ages. One example of this is a research report published by the Department for Education undertaken by Alex Sutherland, Sonia Ilie and Anna Vignoles at RAND Europe and the University of Cambridge in 2015, Factors associated with achievement: key stage 2. We quote the findings in this report on the effect of age in full.

“Residual differences between the quarters of birth of children were found in the model including all proxies, both when prior attainment was included, and when it was not. The differences are larger than the ones reported in the KS4 analysis, but seem plausible given the young age of children, where each additional three months of age may be strongly related to attainment because of developmental trajectories. This finding is also consistent with the existing literature as discussed in the KS4 report. Additionally, and again in contrast to KS4 results, the outcomes of the models with and without prior attainment do not result in a reversal of the relationship of quarter of birth to KS2 attainment, suggesting that both the absolute levels of attainment and the progress made are related to quarter of birth in the same manner. This would suggest that during KS2, older pupils start at higher levels of attainment and continue to make more progress than their younger peers; while during KS4, younger pupils are the ones progressing further, and therefore reaching similar levels of attainment to older children by the end of KS4.”

32. We are of the view that it is well established that children born in the summer months on average achieve lower marks in tests at the age of ten or 11 than children in the same year group who were born the previous autumn. Key Stage 2 tests measure what a child knows, understands and can do and the progress they have made over the previous four years; there is no question of passing or failing and so there is no need for age-standardisation. Eleven plus tests do have a pass mark which children born later in the school year are less likely to achieve than children born earlier through accident of birth. We are of the view that it would be unfair if testing at this age did not attempt to give all children an equal chance of passing the test.

33. The question which we must consider in relation to this objection is whether the age standardisation applied to applicants to this school is fair. We do not consider it necessary to examine the mathematical processing undertaken. We think that if the process was unfair this would show up in the distribution of the dates of birth of children being offered places at the school. We asked the school for the dates of birth of the children taking the test for admission in 2022 and the dates of birth of those offered places.

34. The table below shows the number of children whose birthdays fell into each quarter of the school year. We have chosen to group the data into quarters because the number of birthdays in each month will be small and it is the same approach used in the research report quoted above. The following chart shows both sets of data as percentages. We have omitted the few children who were taking the test outside of the normal age group. We

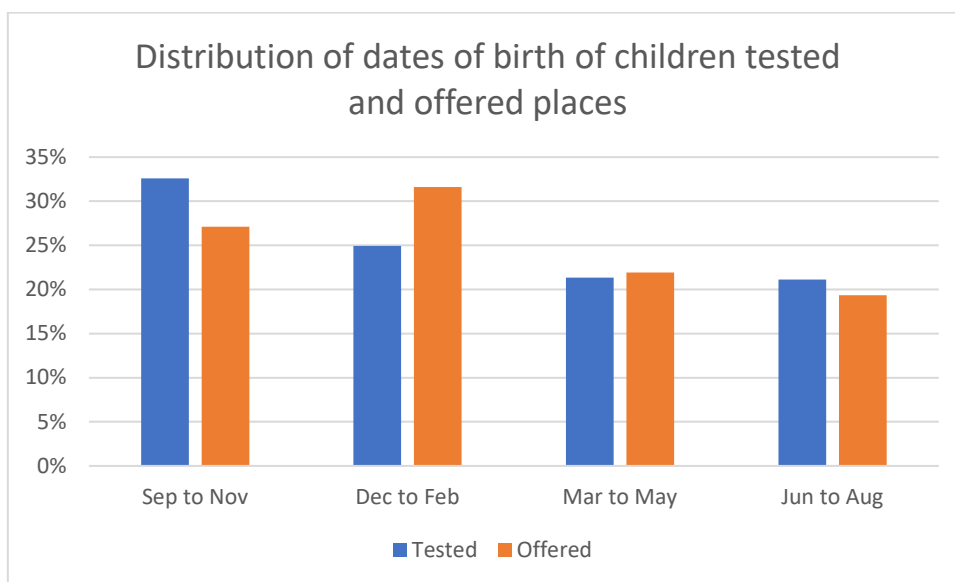
recognise that the quarters may differ in size by a few days but consider that any differences are negligible in the following analysis.

| | Tested | Offered |
|-----------------------|--------|---------|
| September to November | 145 | 42 |
| December to February | 111 | 49 |
| March to May | 95 | 34 |
| June to August | 94 | 30 |
| Total | 445 | 155 |

35. Underpinning our analysis of this data is a belief that children born throughout the year have an equal distribution of innate ability and information from the Office of National Statistics (ONS) that the number of children born in each quarter is evenly distributed.

| Sep to Nov | Dec to Feb | Mar to May | Jun to Aug |
|------------|------------|------------|------------|
| 25% | 24% | 25% | 26% |

Source “How Popular is Your Birthday”, ONS 2015



36. Initial consideration of the data shows that a smaller proportion of the intake have birthdays in the last two quarters of the school year (22 per cent and 19 per cent) than in the first two quarters (27 per cent and 32 per cent). We have considered whether this is because children taking the test are a self-selecting group. Parents of children born later in the school year may have formed the view that their children are less able than others and so fewer of them are entered for the test. The proportion of entries from each quarter does show more children born earlier in the school year being entered for the test. The success

rate (number offered places divided by the number tested) of children born in each quarter is shown in the table below.

| | | | |
|------------|------------|------------|------------|
| Sep to Nov | Dec to Feb | Mar to May | Jun to Aug |
| 29% | 44% | 36% | 32% |
| Sep to Feb | | Mar to Aug | |
| 36% | | 34% | |

37. The figures show that, even with age standardisation, fewer children born later in the school year are offered places at the school compared to those born earlier. However, fewer children born later in the year enter for the test. The success rates indicate that children born in one quarter did particularly well while in the other three quarters there is little difference. When the first and second half of the year are compared the success rates are close to each other.

38. We have considered whether this could be within the range of outcomes which could occur by chance. The probability of a child having a birthday in any quarter of the year is 0.25 and the number of children with a birthday in each quarter ranges from 0 to 155. This forms a binomial distribution. We have calculated the chance of 30 or fewer children with birthdays in any quarter being offered places at the school is 6 per cent. The probability of 49 or more children with birthdays in any quarter being offered a place is 3 per cent. Statisticians refer to levels of significance when testing hypotheses, however, for the purposes of this determination to put these probabilities in context, the chance of a coin toss producing three heads in a row is 12.5 per cent, for four heads in a row it is 6.25 per cent and for five in row it is 3.125 per cent. We would not question the fairness of a coin which came down heads three or four times in a row. At five, we might start questioning the fairness of the coin, but it is not outside of everyday experience.

39. We conclude that even with the age standardisation applied to the test scores it appears that fewer children born later in the school year are offered places than those born earlier. This may reflect the fact that fewer children born later in the year took the test or it could be down to chance. More sophisticated statistical analysis on data from across several years would be possible but is outside the scope of this determination and would be more appropriate for an academic study.

40. We find that age standardisation is necessary for a selection test to be fair to children born later in the school year. The standardisation algorithm used in 2022 led to the birthdays of children offered places being distributed in a pattern which reflects the proportions applying or could have arisen by chance. We see no evidence that the outcome of the standardisation process gives unfair advantage to children born later in the year and so do not uphold this part of the objection.

Testing – Reuse of questions from previous papers

41. The objector said that the tests used by the school did not conform with the Code because they might include questions used in previous tests which tutors may have had access to. The objector did not provide any evidence of a particular question being reused in the past, or that the test to be used for admission in 2023 would contain previously used questions which were known to tutors.

42. We have set out above our views on tutors collecting questions from previous tests to pass on to candidates in future years. Whatever the rights and wrongs of the practice, tutors cannot know in advance if one of the questions they have collected previously will be used in the test for admission in 2023. If luck leads to a child being set a question in the test which they have seen before, this will only make a difference to a child's mark if they could only get the question right having practiced the exact same question rather than many similar ones. Any effect from this would be in the range of variation in test outcomes described above. We do not uphold this part of the objection.

Pupil premium

43. The objector said, "It is unreasonable to have a policy, which could mean pupil premium children could take all places. The policy ranks all such children higher than non-pupil premium children and does not impose a 25% limit. This is grossly unfair and unreasonable."

44. From its responses the school is clearly proud of the efforts it makes to support disadvantaged pupils in the local community. The Code permits admission authorities to give priority to children eligible for the pupil premium and does not impose any arbitrary limits on the number of such pupils offered places on those grounds. In September 2022 the number of children eligible for the pupil premium offered places was 13; well below the 25 per cent which the objector considered reasonable. We do not uphold this part of the objection.

Tie-breaker

45. The arrangements say, "in the event of a tied ranking for the last available place, proximity to the school will be used. This will be determined by measuring a straight line distance from the main School Reception front door to the house address of the applicant". The objector said this was "not adequate as it does not not [sic] specify what would happen if two children eligible for the last place lived at the same address". It is also possible that two or more different addresses could be the same distance from the school. Paragraph 1.8 of the Code requires "an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated". The arrangements do not contain one, therefore, we uphold this part of the objection. We note that the local authority has provided a suggestion to the admission authority about how this matter could be addressed.

Setting the eligible score

46. Paragraph 14 of the Code requires that arrangements are clear. The objector said that it was not clear how the eligible score was set. The admission authority did not comment on this part of the objection. The local authority said that it “understands that the eligible score is determined once the (main round of) testing has been completed. It is set in response to the performance of candidates to ensure a minimum standard is achieved by sufficient candidates to make the intake viable.” The admission authority did not refute the local authority’s understanding so we take it to be correct.

47. The Code refers to “pre-set standards” of entrance tests, not scores. Examples of many possible standards are the top 25 per cent of the ability range or the best 250 candidates in the test. The test score which represents this standard will vary from year to year. In some cases, admission authorities set the pass mark at the value which represents the standard for that year. Some admission authorities scale the marks so that the pass mark is the same every year. In the first case, the pass mark will not be known until after the test has been taken. A version of this approach appears to be the case here.

48. While an admission authority must be able to explain how it sets the eligible score on request, the Code does not require the pre-set standard to be set out in the arrangements, nor the process of setting it. We do not think it necessary to do so for the arrangements to be clear and therefore do not uphold this part of the objection.

Other matters

49. The arrangements refer to the School Admissions Code 2014. The Code currently in effect (and in effect at the time when the arrangements were determined) is the School Admissions Code 2021. This incorrect reference makes the arrangements unclear and so not in conformity with paragraph 14 of the Code. The admission authority said this was an oversight and would be corrected.

50. The arrangements sent to us did not include a closing date for registration for the test or for the test itself. Paragraph 1.17 requires that the process for selection is set out in the arrangements and, without key dates, the arrangements will not be clear. The school told us that when the arrangements went out for consultation, the dates had not been agreed with the test provider but had now been added. When we looked at the school’s website on 15 August 2022 the arrangements continued to say that the deadline for registration was yet to be confirmed, although the dates could be found elsewhere on the website.

51. We are of the view that it is important that these dates are published in the arrangements by 15 March. This is so parents do not miss the deadline and can avoid making plans for family events on the day of the test. As the arrangements rely on the dates being in other documents, the arrangements are not clear.

52. Paragraph 2.19 of the Code requires that, when considering the admission of children outside of their normal age group, admission authorities “must make decisions on the basis of the circumstances of each case and in the best interests of the child

concerned". The arrangements say that "Children must be studying in Year 6 at the time of testing". This imposes a condition on the consideration of requests to admit a child outside of their normal age range before taking into account the circumstances of the case. This does not conform with paragraph 2.19 of the Code. When the matter was raised with the school it said that while those were the words of the policy it did take other circumstances into account, and it would revise the text accordingly.

53. Paragraph 2.4 of the Code says that admission authorities "must only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability." The online registration form asks for the name of the child's current school. We were concerned that this may not conform with paragraph 2.4 of the Code.

54. The school explained that it asked for the name of the child's current school so that it could identify children eligible for the pupil premium and supply them with familiarisation materials. The school said that this was acknowledged a "exemplary practice" by the DfE. Another reason put forward by the school for the inclusion of this question on the registration form was that it enabled communication with the primary school about any special needs and access arrangements for testing.

55. We are of the view that knowledge of a child's primary school is only required for two groups of pupils, those eligible for the pupil premium and those who need special access arrangements for the test. It is not relevant for any other child. For the majority of children applying to the school, the information is not needed to make decisions about oversubscription criteria or the administration of the test. The question should therefore only be asked for the two categories of children for which it is needed.

Summary of Findings

56. For the reasons set out above, we do not uphold the parts of the objection concerning the reuse of tests, additional time for children with dyslexia, age standardisation and reuse of questions. We also do not uphold the parts of the objection concerning pupil premium or the setting of the eligible score. We do uphold the part of the objection concerning the tie-breaker.

57. We have also found that the arrangements do not conform with the Code in the other ways detailed above.

Determination

58. In accordance with section 88H(4) of the School Standards and Framework Act 1998, we partially uphold the objection to the admission arrangements for September 2023 determined by Colyton Grammar School Academy Trust for Colyton Grammar School, Devon.

59. We have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

60. By virtue of section 88K(2) the adjudicators' 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: 22 September 2022

Signed:

Schools Adjudicators: Phil Whiffing and Jane Kilgannon