



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4610

Objector: A member of the public

Admission Authority: Danes Educational Trust for St Clement Danes School, Hertfordshire

Date of advice: 21 September 2026

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Danes Educational Trust for St Clement Danes School for 2027/28.

I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this 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 2027 for St Clement Danes School (the School). The School is a mixed, partially selective school for pupils aged 11-18, located in Chorleywood, Hertfordshire.
2. The Local Authority (LA) for the area in which the School is located is Hertfordshire County Council.
3. The LA is a party to this objection. Other parties to the objection are the Danes Educational Trust (the Trust) and the Objector.

4. The objection is to aspects of the academic entry criteria for the School's sixth form, which the Objector contends do not conform with the requirements of the School Admissions Code (the Code).

Jurisdiction

5. The terms of the academy agreement between the Trust and the Secretary of State for Education require that the admissions policy and Arrangements for the School are in accordance with admissions law as it applies to foundation and voluntary aided schools.

6. The Arrangements were determined under section 88C of the Act by the Trust, which is the Admission Authority for the School.

7. The Objector submitted their objection to the determined Arrangements on 28 March 2026.

8. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that it is within my jurisdiction.

9. I have also used my power under section 88I of the Act to consider those aspects of the Arrangements that relate to entry to the School's sixth form, to determine whether they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'other matters' and they are covered in the section of the determination under the title of that name. I have not considered other aspects of the Arrangements (for example, admission to Year 7) under section 88I of the Act, and the Admission Authority should not take the fact that I have not raised any matters about other aspects of the Arrangements as an endorsement of their compliance with the Code.

10. It is important to note that internal applicants for the sixth form are already on roll at the School and therefore do not need to be admitted. Paragraph 2.6 of the Code states that:

"Children and their parents applying for sixth form places may use the CAF [common application form], although if they are already on the roll, they are not required to do so in order to transfer into year 12. Admission authorities can, however, set academic entry criteria for their sixth forms, which must be the same for both external and internal places."

Hence, whilst the Code requires the same entry criteria for internal and external applicants to the School's sixth form, it is outside of my jurisdiction to consider the lawfulness and compliance with statutory guidance of the School's policies and practices for removing a pupil from the roll of the School.

Procedure

11. In considering this matter I have had regard to all relevant legislation and the Code.
12. The information I have considered in reaching my decision includes:
 - the objection dated 28 March 2026;
 - a copy of the minutes of the meeting of the Admission Authority at which the arrangements were determined;
 - the determined Arrangements for 2027/28;
 - the responses from the Objector and the School to my requests for further information, as set out in a Jurisdiction and Further Information Paper which was sent to both parties; and
 - information available on websites associated with the School and websites of gov.uk, including 'Get Information About Schools' (GIAS).

Background

13. The Arrangements set out the sixth form entry criteria as follows:

"All existing St. Clement Danes Year 11 students who apply for a place in the Sixth Form are eligible for a place if they achieve the following minimum criteria. Students in Year 11 at other local schools wishing to enter our Sixth Form will need to fulfil the same criteria. To be eligible for entry into Year 12 students must, as a minimum:

 - Attain at least a grade 5 in English Language or English Literature GCSE.
 - Attain at least a grade 5 in Mathematics GCSE.
 - Attain grade 5 or above in at least three other subjects at GCSE.
 - Attain the subject specific grade requirements and relevant GCSE Best 9 average point score to access their 3 chosen Level 3 courses; the specific subject and pathway entry requirements for each qualification are published on pages 4-6 of this booklet."
14. The pathway entry requirements rely on a student's 'Best 9 APS', which refers to their 'Best 9 GCSE Average Points Score'. The Best 9 APS is calculated by awarding each GCSE grade a point score from zero to nine, then totalling the points from the best nine GCSE results and dividing by nine. The pathway entry requirements are as follows:

“PATHWAY 1: GCSE Best 9 APS is greater than or equal to 7.50

You will study 3 or 4 A Level subjects and may select an EPQ. You may choose any of the subjects listed that you qualify for.

PATHWAY 2: GCSE Best 9 APS is less than 7.50 but greater than or equal to 6.0

You will study 3 A Level subjects and may select an EPQ if your APS is above 7.0. You select may choose any of the subjects listed that you qualify for.

PATHWAY 3: GCSE Best 9 APS is less than 6.0 but greater than or equal to 5.2

You will study 3 A Level subjects. You may choose any of the subjects listed that you qualify for except for Maths, Biology, Chemistry, Physics, Economics and Philosophy.

PATHWAY 4: GCSE Best 9 APS is less than 5.2 but greater than or equal to 4.7

You will study a combination of two A Levels and one alternative qualification or one A Level and two alternative qualifications.”

15. The School’s online prospectus also lists the subject specific requirements for each subject, along with a summary of any other requirements which need to be met according to the pathway that a student proposes to follow. For example, to take Physics A level, a student must achieve at least a grade 6 in GCSE Physics (or a 6-6 in GCSE Double Science) and at least a grade 6 in GCSE Mathematics. They must also have a minimum Best 9 APS of at least 6.0, since Physics can only be taken if a student is following pathway 1 or pathway 2. On the other hand, to take Geography A level, a student must achieve at least a grade 6 in GCSE Geography but only needs to have a minimum Best 9 APS of 4.7, since Geography can be studied under all four pathways.

16. The Arrangements specify that the minimum number of external applicants to be admitted (that is, the Published Admission Number, or PAN) will be 25. They also specify that the Trust will meet its legal obligation to allocate a place to an applicant who has an Education, Health and Care Plan that names the School. The Arrangements go on to list the oversubscription criteria to be applied if there are more qualified external applicants than the minimum number of places available for external admissions. These are summarised, in the order that they are applied, as follows:

- a. Children who are looked after or previously looked after.
- b. Children of staff employed by the Trust at the School.
- c. Other applicants by distance.

Consideration of Case

The objection

17. The essence of the objection is that it is unfair for a student who wishes to study certain subjects at A level to be required to have achieved a certain Best 9 APS pathway score in addition to the subject specific requirements. The Objector argues that this is because Best 9 APS might be affected by “irrelevant attainment” in other subjects which are “unrelated” to those which the student wishes to study at A level.

18. The Objector says:

“Academic entry criteria exist to ensure that pupils are capable of succeeding in their chosen subjects. Where a policy operates to exclude a pupil from subjects in which they have demonstrated clear ability, for reasons unrelated to those subjects, it cannot reasonably be said to meet that standard.

[...]

The school’s APS requirement allows performance in unrelated subjects to determine access to specific A-Level courses. This creates a structural risk that a pupil may meet the subject-specific requirements for a course, yet be excluded from it due to performance elsewhere.

It is designed this way to only permit students of a suitable academic aptitude to sit some of the harder A Level courses; but it has failed in its application.

[...]

Academic fairness, in the context of Sixth Form admissions, must be understood by reference to the purpose of academic entry criteria: namely, to determine whether a pupil is capable of succeeding in a chosen course of study.

It follows that any criterion used to admit or exclude a pupil must bear a rational and relevant connection to that subject. Performance in unrelated subjects cannot properly be determinative of suitability for a specific academic pathway.

[...]

A system which permits irrelevant attainment to override clear evidence of capability in the subject concerned is not academically fair. It does not assess suitability. Accordingly, such a system cannot satisfy the requirement of fairness in Paragraph 14 of the School Admissions Code.

[...]

The School Admissions Code requires that admission arrangements be fair. In the context of Sixth Form entry, fairness must be understood by reference to the purpose of academic criteria... to assess a pupil's suitability to study particular subjects.

That necessarily requires that decisions are based on relevant academic evidence. Where a pupil has demonstrably met the subject-specific requirements for a course, it is not consistent with that purpose to deny access on the basis of attainment in one unrelated subject"

19. To illustrate their point, the Objector has provided me with details about a student to whom they are related, who sat their GCSEs at the School in 2025 and did not meet the entry requirements for the subjects they wished to study at the School in the sixth form. Although that student met the entry requirements for pathway 3 (outlined above), they left the School so that they could study their chosen subjects elsewhere.

20. I note here that since the child was an internal student, they were not required to be "admitted" to the School for sixth form study, since they were already on roll. Rather, they were not permitted to study the subjects they wished because they did not meet the entry requirements. I also stress that I have no jurisdiction to consider the circumstances of this particular case, nor the policies and procedures followed by the Trust in removing this pupil from the School's roll. Such matters are governed by Regulation 9 of The School Attendance (Pupil Registration) (England) Regulations 2024, and whether or not the Trust demonstrated compliance with this and other aspects of the law is not for me to say.

21. Nevertheless, in assessing the merits of the objection insofar as it relates to admission of external applicants in 2027, I have considered the hypothetical case of an external student seeking admission to the School who, in the summer of 2027, will achieve the same GCSE results as the above-mentioned student did in 2025. These results are:

Computer Science	7
Biology	7
Physics	7
French (higher tier)	3
Chemistry	6
Mathematics	8
English Language	5

English Literature 5

Geography 5

22. Based on these results, the student will have a Best 9 APS of 5.9 (which is 53 divided by 9). They will be unable, therefore, to study Maths, Biology, Chemistry, Physics, Economics or Philosophy in the School's sixth form. Although they may have met the individual subject requirements for these courses, they will not be permitted to take them because their Best 9 APS is too low for them to have met the overall requirement for pathway 2.

23. The argument of the Objector is that, based on this entry requirement, a pupil may achieve GCSE grades of, say, 8 in Mathematics, 7 in Physics and 7 in Computer Science, all of which demonstrate both aptitude and readiness to progress in those subjects at A-Level. However, that pupil will then be

“...refused access to those courses because his overall APS [is] below the school's threshold, due to an anomalous outcome in French (grade 3) ...The consequence of this single result [is] that the school block[s] access to studying STEM subjects at A Level.”

The statutory framework

24. Paragraph 14 of the Code states:

“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.”

The compliance of the entry criteria with the Code

25. Although paragraph 1.8 of the Code requires that oversubscription criteria must be reasonable, there is no similar specific requirement for reasonableness set out in the Code for other aspects of a set of arrangements, such as any sixth form entry criteria. Nevertheless, it is a requirement that public bodies, such as admission authorities, must act reasonably in adopting any policy or making any decision.

26. In its response to the objection, the School said:

“The School utilises a Best 9 Average Points Score (APS) as a core entry requirement because it provides a holistic and reliable measure of a pupil's general academic readiness. While we recognise the concern that a low grade in one subject would lower a pupil's APS, the rationale of requiring an APS of 6.0 alongside subject entry requirements is based on national transition matrices for success in achieving a grade

C or higher in the most challenging subjects such as Science and Maths. Success in demanding Sixth Form courses, particularly within the STEM subjects mentioned by the objector, requires more than isolated aptitude; it demands a broad level of academic resilience and a proven ability to manage a rigorous, full-time curriculum.

The criteria used for access to the named courses requiring a Best 9 APS of 6.0 is applied equally to all applicants to the Sixth Form, is clearly communicated on our Sixth Form prospectus website and through all events held with internal and external applicants, and is objective because the same criteria are applied to all applicants. By using a clear APS threshold, the school ensures that:

- All applicants are measured against the same transparent benchmark.
- The process is free from subjective bias or "professional judgement."

[...]

...the School makes every effort to apply its criteria - including the "Best 9" APS - with absolute consistency and objectivity. By using a broad academic profile (the APS) rather than isolated grades, we ensure that pupils admitted to demanding A-Level pathways possess the foundational skills required to thrive.

[...]

The transition to a "Best 9" APS was a deliberate, consulted-upon choice to raise aspirations and ensure a strong academic profile for all our pupils. We maintain that our policy with regard to APS is a fair, transparent, and objective tool that prevents arbitrary decision-making and ensures that the Sixth Form remains an environment where every enrolled pupil is equipped for the rigours of their chosen curriculum."

27. The School has set out a clear rationale for this aspect of its Arrangements. That does not mean that the Trust could not have determined a different approach to the sixth form entry criteria if it had wanted to, but there is nothing in the above statements to suggest that the chosen approach is outside the range of reasonable options available to an admission authority. I accept that some students who just miss the requirements of pathway 2, and whose GCSE grades in humanities are lower than those in STEM subjects, may feel aggrieved at being denied the opportunity to study certain A level subjects at the School. They may even feel that the entry criteria are somewhat harsh. However, on the basis of the evidence, it does not appear to me that there is any obvious basis for concluding that the Trust did not meet the obligation to act reasonably when determining this aspect of the Arrangements.

28. I am also satisfied that the entry criteria for the School's sixth form are clear and objective, as required by paragraph 14 of the Code. Indeed, the Objector does not raise any concerns that the Arrangements are not so.

29. In regard to fairness, I must first point out that fairness is a concept that is used in the Code but is not defined. Fairness can be described as a 'protean concept', in that it cannot be defined in universal terms, but its requirements will depend on the circumstances. In relation to admission to a school, fairness is focussed on the effect of the arrangements on any relevant group. In this case, that group would consist of those students who meet the entry requirements for certain subjects and wish to study them at A level, but whose overall GCSE profile means that they do not meet the pathway requirements.

30. I will start by considering the Objector's argument that it is unfair that an applicant might fail to meet the pathway requirement because of their GCSE grade in a single "irrelevant" or "unrelated" subject. I find this argument to be flawed. This is because, in the case of the hypothetical student in paragraph 21 above, their total of 53 points (one point short of the 54 required for a Best 9 APS of 6.0) is the sum of nine separate scores. Therefore, it cannot be said that the score of 3 in French is the sole cause of the shortfall. It could equally well be argued that had the score in any one of the other eight subjects been one grade higher, then the applicant would have met the threshold. I note here that similar logic would apply to any objective entry criterion that is based on an average level of performance across a number of subjects.

31. Furthermore, the School sets out minimum requirements for entry to the sixth form of at least a grade 5 in either GCSE English Language or English Literature. It would be possible for a child to miss both of these by a single mark and hence be denied entry to the sixth form, despite excellent grades in, say, Mathematics and Sciences. The use of 'minimum entry requirements' is common to most sixth forms, and so I do not accept the argument that it is unfair in principle for a GCSE result in an "unrelated" or a different subject to be relevant to an application to study other sixth form subjects.

32. It is also the case that whenever any school sets an objective threshold based on a number of GCSE grades, there are two inevitable consequences. Firstly, a rigid cut-off boundary will always be necessary to ensure that the criterion is objective, regardless of the number of GCSE grades that are included in the criterion. Secondly, any applicants who have just fallen short of that boundary are likely to feel that they have been hard done by. These consequences are simply the natural effects of having objective arrangements, and so cannot be regarded as indicators of unfairness.

33. Finally, whilst a student with the grades listed above (in paragraph 21) might be unable to study their desired A level subjects at the School, the Objector has provided no evidence that they would then be unable to study that particular set of desired subjects at

another suitable institution. Indeed, there is no evidence that the School is the only local provider of those A level subjects (as might be the case in some rural areas). The anecdotal evidence supplied by the Objector in relation to the child to whom they are related suggests the opposite, namely that the student has still been able to study their chosen subjects, albeit not at the School. The Objector says:

“In his current school, he is studying A Level Mathematics, Physics and Computer Science (the choices he elected at St Clement Danes), and has been encouraged to take Further Mathematics based on his performance. His current school have indicated to us that he should be capable of achieving A grades in these subjects next year (aligned to the grade range 7-8 he achieved at GCSE).”

34. After taking into account all of the above, I am unable to make any finding that the entry criteria set out in the Arrangements for admission of external applicants to the School's sixth form are unfair and do not comply with the Code.

35. In relation to internal applicants, it is clear to me that the Arrangements conform to the Code's requirement that the entry criteria for external applicants are identical to those for internal applicants (who do not need to be admitted because they are already on roll).

36. For the reasons set out above, I do not uphold the objection.

Other matters

37. Having considered the Arrangements as a whole it appeared to me that there are other matters which do not conform with requirements of the Code and so I brought them to the attention of the Admission Authority.

The use of conditional offers and the SIF

38. The School uses an online system (“Applicaa”) to collect information from sixth form applicants. Applicaa therefore functions as a Supplementary Information Form (SIF). Some of the information collected includes predicted GCSE grades, which is used to inform the awarding of “conditional offers”. The Arrangements state that:

“If an external applicant's predicted GCSE grades and predicted Best 9 GCSE average point score, as reported by their current school, meet the entry requirements, they will be eligible for consideration for a conditional offer of a place, subject to the Oversubscription Criteria stated below. If an external applicant's predicted grades, as reported by their current school, do not meet the entry requirements, they will not be given a conditional offer of a place but they will be welcome to re-apply to St. Clement Danes Sixth Form after GCSE results are published should there be any available spaces, subject to the Oversubscription Criteria stated below.”

39. This makes it quite clear that an external applicant who has been made a conditional offer will have a higher priority for admission over one who achieves the same GCSE grades, but who did not receive a conditional offer.

40. I have considered whether this may be in breach of the Code as follows:

Paragraph 1.9g of the Code states that:

“admission authorities...**must not**...take account of reports from previous schools about children’s past behaviour, attendance, attitude, or achievement”

Paragraph 2.4 of the Code states that:

“Admission authorities **must not** ask, or use supplementary forms that ask, for any of the information prohibited by paragraph 1.9 above”

Paragraph 14 of the Code states that:

“...admission authorities **must** ensure that the criteria used to decide the allocation of school places are [...] objective”

41. In response to my questions, the School stated the following:

“The School can confirm that it does not request, nor take into account, reports regarding a child’s past behaviour, attendance or attitude. With regard to past achievement, the School also does not request or take into account any past achievements. We do not ask for information prohibited by paragraph 1.9.

In line with common practice, the School uses predicted grades solely to assess conditional eligibility. Predicted grades are used only to confirm that an applicant is on a trajectory to meet the minimum course requirements. They are never used to rank applicants. All applicants meeting the predicted grade threshold are treated equally and issued conditional offers. The information on numbers of applicants (internal and external) likely to meet entry requirements of courses is used to inform curriculum and staffing planning.”

42. When I asked the School about the higher priority given to an external applicant who has been made a conditional offer over one who achieves the same GCSE grades but who did not receive an offer, I was told that:

“...we contend again that the school has not breached paragraph 1.9g or 2.4 of the Code as it is not using past achievement. ...whilst predicted grades can be seen to be subjective, the School maintains that this is a procedural necessity required to manage the school planning for managing curriculum and staffing ... and is common practice

across many institutions. If we have to change our process as a result of a ruling, we request, in line with your guidance to us and in line with points 3.1 and 3.4 in Section 3 of the Schools Admissions Code, that this ruling is also applied to any other institution in the country requesting predicted grades as part of an application for Sixth Form Admissions.”

43. It is not within my jurisdiction in this determination to consider the arrangements determined by other admission authorities. Rather, I now set out below my findings in relation to the use of conditional offers by the School as described in the Arrangements.

44. Firstly, whilst I do not consider it necessary to discuss at length whether the collection of a predicted grade is technically a breach of paragraph 1.9g, I consider it is disingenuous to argue that any meaningful predicted grade is not in some way a clear proxy for a pupil’s prior achievements in a subject, in which case the School would be using the SIF to collect information for the purposes of admissions in a manner which is not compliant with the requirements of the paragraphs 1.9g and 2.4 of the Code.

45. Secondly, regardless of the extent of any breach of paragraph 1.9g, the Arrangements specify that some applicants will receive a conditional offer of a place and some will not, depending on the predicted grades supplied in the SIF. I consider this to be a breach of paragraph 14 of the Code, for the following reason.

46. I have considered the position of two hypothetical external applicants, A and B, where A received a conditional offer on the grounds of their “predicted GCSE grades and predicted Best 9 GCSE average point score” but B did not. Following GCSE results day, both A and B have met the entry requirements for the sixth form, with identical GCSE grades. However, because of the priority given to conditional offer holders, A is admitted (along with others in a similar position) before B is considered, and it is possible that B may not be admitted because courses are at capacity. I consider this to be unfair, since B is just as deserving of a place on academic grounds as A and priority for admission should depend on oversubscription criteria only. Furthermore, this unfairness arises from the basis of predicted grades which are provided by third parties, and which are subjective rather than objective matters. It would be neither fair nor objective for one applicant to be prioritised over another for admission for no reason other than a necessarily subjective third-party prediction rather than on the determined oversubscription criteria.

47. In summary, the requirements of paragraph 14 of the Code are such that the use of predicted grades to decide the allocation of places at a school is not permitted.

48. This aspect of the Arrangements will now need to be revised, as permitted by paragraph 3.6 of the Code. This is a matter for the Trust who may wish to seek their own

legal advice as to how best to ensure the lawfulness and compliance of admission arrangements for the School.

The clarity of the Arrangements

49. The Arrangements as published are in breach of the requirement for clarity as set out in paragraph 14 of the Code, because they state that critical information is “published on pages 4-6 of this booklet” and it is not obvious to what this refers. The School has accepted that this is an error and that the phrasing should be replaced by a weblink to the correct part of the online prospectus.

Determination

50. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Danes Educational Trust for St Clement Danes School for 2027/28.

51. I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

52. By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of this determination.

Dated: 21 September 2026

Signed:

Schools Adjudicator: Clive Sentence