



## **DETERMINATION**

**Case reference:** ADA3116

**Objector:** A member of the public

**Admission Authority:** Dr Challoner's Grammar School Trust

**Date of decision:** 15 June 2016

### **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 for September 2017 determined by the governing body for Dr Challoner's Grammar School, Amersham, Buckinghamshire.**

### **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 for September 2017 (the arrangements) for Dr Challoner's Grammar School (the school), a selective academy school for boys aged 11 to 18. The objection is about the testing of boys who are applying for places outside of the normal age range.

### **Jurisdiction**

2. The terms of the Academy agreement between the Dr Challoner's Grammar School Trust (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 maintained schools. These arrangements were determined on 24 February 2016 by the governing body on behalf of the trust which is the admission authority for the school, on that basis. The objector submitted his objection to these determined arrangements on 1 May 2016. The objector has asked to have his identity kept from the other parties and has met the requirement of regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of his name and address to me. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

## Procedure

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
  - a. the objector's form of objection dated 1 May 2016 and subsequent emails from him;
  - b. the school's response to the objection and supporting documents;
  - c. the comments on the objection from Buckinghamshire County Council in their role of local authority (the LA) for the area in which the school is located;
  - d. information from the Centre for Evaluation and Monitoring, Durham (CEM);
  - e. confirmation of when consultation on the arrangements last took place;
  - f. copies of the minutes of the meeting at which the governing body of the school determined the arrangements; and
  - g. a copy of the determined arrangements.

## The Objection

5. The objector said "*The testing system is not fit for purpose. If a child is held back a year, and he wants to be tested, he cannot as the test supplier (Durham) will NOT and cannot standardise scores by age when a child is 12 or older.*"
6. In considering this objection I have had regard to paragraphs 2.17 and 1.31 of the Code.

## Background

7. The school is a selective school for boys in Amersham, Buckinghamshire. The school became an academy in 2011 and is oversubscribed. Applicants for the school sit a test at the beginning of Year 6 and oversubscription criteria are used to allocate places to boys who exceed a predetermined score in the test. The arrangements are easily found on the school's website.

## Consideration of Factors

8. Paragraph 2.17 of the Code says "*Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. ... Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.*"
9. The school drew my attention to paragraph 2.3 in its arrangements

which has the heading “*Under-age and over-age testing*”. This paragraph says “*If a child is of outstanding academic ability, is exceptionally mature and has been working well with pupils in Year 6 for a number of years, it may be possible for him to take the Transfer Test before the school year in which he is 11. Similarly, it is occasional [sic] appropriate to test a child who is over the age of 11. This would be because in the past there were educational reasons (which have continued) for your son to be in a lower year group or because he has missed at least a year of school through being ill or living abroad. In all cases, the view of your son’s current headteacher will be taken into account. If you would like to apply to register an under-age or over-age child, please contact the Admissions Team at Buckinghamshire County Council on [admissions@buckscc.gov.uk](mailto:admissions@buckscc.gov.uk).*”

10. The comments received from the LA also drew my attention to documentation provided by them to parents in which the process of requesting admission outside of the normal age group is clearly set out.
11. I have considered the objector’s view that “*Point 2.3 does not provide a de facto right to under or over age testing. It appears to be a possible right. The term "may" is used. This may contravene regulations as there must be an absolute right and not a subjective right which is not defined by written published policy to ensure clarity. It is therefore correct to say over age children could be refused testing.*”
12. I have considered this view against the wording of paragraph 2.17 and in the context of the subsequent paragraphs of the Code, 2.17A and 2.17B. Paragraph 2.17 says “*Parents may seek a place for their child outside of their normal age group*”. The subsequent paragraphs make it clear that the decision to allow an application out of the normal age group is for the admission authority to take, it is not a right as the objector suggests, the right is limited to requesting it. How the admissions authority reaches that decision is not part of the arrangements and so it is outside of my jurisdiction.
13. I am satisfied that the wording of the arrangements meets the requirement of paragraph 2.17 of the Code to make the process of requesting admission out of the normal age group clear in the arrangements.
14. Paragraph 1.31 of the Code 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.*”
15. The tests used by the school and other selective schools across Buckinghamshire are produced by CEM and are based on practice developed with the School of Education at Durham University. CEM are a reputable organisation with a 30 year history of providing material to assess children in schools and I have no reason to doubt that the tests used by the school are a true test of ability. The objection, however, is to the use of these tests for children who are applying for places outside of their normal year group.

16. The raw scores achieved by children in the verbal, numerical and non-verbal elements of the test are combined and converted into an age standardised score; this allows fair comparison of children regardless of where their birthday falls within the school-year. The objector has challenged whether the standardisation can be applied to children whose birthday falls outside of the normal age range.
17. In response to my enquiries on this point CEM said *“The CEM 11+ Entrance Tests are targeted at the expected age range for Year 6 children. The tests are intended to be administered in Year 6, sat on the main test date or as close to that date as possible, and within the academic year of the test. However, sometimes there is a need for schools to assess candidates who are outside the expected age range. In the event that candidates are legitimately ‘too old’ or ‘too young’ for Year 6, their ages are capped when calculating age-standardised scores.”*
18. CEM continued to describe how the scores of children outside of the normal age group are handled. If a child is older than the normal year group their scores are treated as if they were the oldest child in the year group with a birthday of 1 September. If they were younger than the normal year group, they will be treated as if they were the youngest in the year with a birthday of 31 August. This approach is justified by CEM on the grounds that these children *“should be compared with children in the same school year as they will be in. After all, they will be taught the same curriculum and be expected to perform at the same standard as others in their class.”*
19. The objector has submitted a great many emails setting out his views on testing and age standardisation of test scores. Some matters the objector raises go beyond the one I am considering here, that is whether or not the test is a true measure of the ability of those children who take the test but who fall outside the normal age range for the test. The LA has informed me that just seven children across the whole LA area outside of the normal age range took the tests for admission in 2016. To attempt any standardisation by age on such a small number, as the objector says should happen, would not be statistically robust. The approach described by CEM is pragmatic and compares the ability of those children with that of children nearest to their age in the normal age group with whom they would be taught. I am satisfied that this is a true test of ability and that the requirements of paragraph 1.31 of the Code are met. I do not uphold the objection.

## **Summary**

20. There are two aspects to this objection. The first is whether or not the school meets the requirement in paragraph 2.17 of the Code to make clear in its admission arrangements the process for requesting admission out of the normal age group. It clearly does so.
21. The second aspect of the objection is whether or not the standardisation of marks applied to out of age children prevents the test from being a true test of ability. I am satisfied that treating such children as if they were at the limit of the age range of the children with

whom they would be taught, if they were successful in applying for a place, meets the requirements of paragraph 1.31 of the Code.

22. For these reasons I do not uphold the objection.

**Determination**

23. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2017 determined by the governing body for Dr Challoner's Grammar School, Amersham, Buckinghamshire.

Dated: 15 June 2016

Signed:

Schools Adjudicator: Phil Whiffing