

DETERMINATION

Case reference: **ADA/001484**

Objector: **Slough Admission Forum**

Admission Authority: **Slough Grammar School**

Date of decision: **19 December 2008**

Determination

In accordance with section 90 (3) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by Slough Admission Forum.

The Referral

1. Slough Admission Forum (“the objector”) has referred an objection to the Adjudicator about the admission arrangements (“the arrangements”) for Slough Grammar School (“the school”) for September 2009. The objections are listed in paragraph 6 below.

Jurisdiction

2. These arrangements were determined under section 89(4) of the School Standards and Framework Act 1998 (“the Act”) by the governing body, which is the admission authority for the school. The determined arrangements were dated June 2008 and the Admission Forum considered them at its meeting on 9 July and submitted an objection by 31 July 2008. I am satisfied that this objection has been properly referred to me in accordance with section 90 of the Act, and that it falls within my jurisdiction.

Procedure

3. In coming to my conclusions, I have had full regard to the Act and Regulations made thereunder, the Schools Admissions Code (“the Code”) and all the evidence presented so far as it is relevant to the objection. I have also had regard to the relevant provisions of The Sex Discrimination Act 1975, The Race Relations Act 1976, The Disability Discrimination Act 1995 and The Human Rights Act 1998.
4. The documents I have considered in reaching my decision include:
 - The objector’s completed form of objection received on 1 August 2008 and supporting documents;
 - The school’s response of 29 August 2008 and supporting documentation;
 - The published admission arrangements for the school for 2008/09;
 - The OSA determination of 16 July 2007;
 - Correspondence from the local authority relating to the timing of the objection.

The Objection

5. There were three parts to the objection in relation to the oversubscription criteria:
 - (i) To the clarity attached to whether the school requires applicants to meet a minimum academic standard to qualify for a place;
 - (ii) To the clarity attached to the admission of pupils with special educational needs described in paragraph 6 of the School's admission arrangements in which there is reference to written evidence of special educational needs from 'a recognised professional of an appropriate discipline';
 - (iii) To the provision in paragraph 10 of the admission arrangements for the admission of up to 150 additional pupils in Year 12 without the school having formally consulted when this policy was introduced.

Consideration and Conclusions

i) Minimum academic standard

6. Paragraph 5 of the arrangements states that the required minimum score in the tests is 111 and deals with oversubscription against this criterion. The objector asserts that 'paragraph 5 is negated by both paragraphs 3 and 8. I have considered these paragraphs, beginning with Paragraph 3. This states that 'the school is not required to fill all the places if pupils do not meet the admissions criteria.' This sentence could be drafted more clearly if the school intends it to provide for paragraph 2.67 of the current Code. I **recommend** that the governors, when determining their arrangements for 2010/11 should amend the words 'admissions criteria' to 'required standard'. The Code (2.67) states that grammar schools are permitted to leave places unfilled if they have insufficient applicants of the required standard.
7. I note that in an adjudication last year, the adjudicator determined that there should be an additional sentence in the criteria which informed parents about the pass mark and any years in which pupils were admitted below the pass mark. It is highly regrettable that this information has been removed from the 2009/2010 arrangements, and I **recommend** that the governors reinstate the information in future arrangements in order to provide the clarity and freedom from doubt required by paragraph 1.65 of the Code.
8. Paragraph 8 deals with the possibility of under-subscription, by inferring that pupils will be admitted below the qualifying mark. Paragraph 8 refers in turn to 'their rank order in the test and the tie break rules set out in paragraph 6'. Possibly this is an error, since tie break criteria are set out in paragraph 7. Nevertheless these are the determined arrangements before me. Paragraph 6 in the arrangements before me is concerned with the admission of pupils with special needs.

ii) Special educational needs

9. Paragraph 8 states that in the event of under-subscription, the governors may admit pupils strictly according to their rank order in the test *and* (my italics) the tie break rules set out in paragraph 6. Paragraph 6 is entirely concerned with the admission of children with special educational needs. Possibly this is an error, since tie break criteria are set out in paragraph 7. Nevertheless these are the determined arrangements before me. While a minimum academic standard

is required for admission, it is right that but there may be an exception in the case of particular special educational needs which affect a candidate from fulfilling the requirements of the selection test or the cannot fulfil the normal attainment criterion. The objector also takes exception to written evidence of special educational need 'from a recognised professional in an appropriate discipline.' The objector wants these words deleted. Since the school in its arrangements commits in all such cases 'to seek to make arrangements in conjunction with the local authority' I consider there is sufficient independent involvement in the process.

10. The objector says that the arrangements do not 'ensure equity and fair access' as required by Paragraph 1.65 of the School Admissions Code. However paragraph 1.67 insists that admission authorities must not disadvantage 'a child...with special educational needs'. In the absence of evidence that the school acts unfairly or inequitably in applying its admission arrangements, I see no reason to uphold this aspect of the objection.

iii) Consultation about sixth form admissions

11. The consultation arrangements adopted by the school are not part of the admission arrangements and therefore do not fall within my jurisdiction. I refer the objector to the advice given in the adjudicator's determination of 16 July 2007.

Conclusions

12. Although I do not uphold the objection to the school's admission arrangements, I find the arrangements could be clearer and more transparent. I have made recommendations for the admission authority when determining their arrangements fro 2010/11 in the light of consultation and in accordance with the Admissions Code applicable at the time.

Determination

13. In accordance with section 90 (3) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by Slough Admission Forum.

Dated: 19 December 2008

Signed:

Schools Adjudicator: Dr Peter Matthews

Annex to ADA/001484

Slough Grammar School Admissions Policy 2009-2010

1. The school's planned admission number for September 2008 is 145.
2. The school will give priority to children in public care as required by the Admissions Code.
3. As a Grammar School, the school is not required to fill all the places if pupils do not meet the admissions criteria. Pupils will be admitted to the school at the age of 11 by reference to their ability and aptitude, which will be determined by their performance in entrance examinations consisting of Verbal Reasoning, Non Verbal Reasoning and Mathematics tests set by the National Foundation for Educational Research.
4. The Governors will buy, supply and run a corresponding test to that run by the three consortium Grammar Schools, having regard to the statuses of Slough Grammar School, i.e. Language College and Science College. The test will be run on an appropriate Saturday (or Saturdays) in November 2007. In this way parents should have all the information about results available when they come to select schools for their child.
5. The required minimum score in the tests is 111. Where the number of pupils gaining 111 or more in the tests exceeds the number of places available, places will be allocated (subject to what follows below) according to the rank order of performance in the admission tests.
6. Section 324 of the Education Act 1996 requires the school to admit a child with a Statement of Special Education Needs which names the school. In cases where pupils have written evidence of special educational needs (from a recognised professional in an appropriate discipline) the governors may take account of the pupil's circumstances in deciding; (i) the appropriate arrangements to be made to enable such pupils to take the test and; (ii) whether to offer the pupil a place should they have failed to reach 111 on the entrance examination. In all such cases, the school will seek to make arrangements in conjunction with the Local Education Authority.
7. In the event of one or more eligible pupils being tied for the final place or places at the school, priority will be decided according to the following criteria:
 - (i) children in public care (Looked After Children). These children **must** always rank first, in accordance with the school's mandatory duty under para 2.7 of the School Admissions Code of Practice;
 - (ii) proximity to the school as normally measured from the main gate of the school to the front door of the child's main or principal home (and/or the front door of a flat) by the easiest walking route or easiest route by public transport
8. In the event of under subscription, the governors may admit pupils strictly according to their rank order in the test and the tie break rules set out in paragraph 6 above. This does not replace a parent's formal right of appeal against refusal of a place.

9. Admissions after the initial year of entry will depend upon the availability of a place and suitability of the pupil for a grammar school education as determined by admission tests. This includes admission to the Sixth Form where the relevant admission test will be performance in GCSE examinations or NARIC verified equivalent.

10. In relation to the Sixth Form, the school gives priority to pupils who are already pupils at the school. As with all applicants, they must meet the entry requirements specified by the school for their preferred courses. The planned admission number for Year 12 for applicants who are not existing pupils is 150. There are a variety of Sixth Form courses on offer, each with different entry requirements. Full details of these are published annually in the Sixth Form Prospectus and the school website. Applicants should contact the school for further information. Academic references will be taken up from the current school.

11. The school will establish arrangements for appeals against non-admission, which will be independent of the School and will follow local Admissions Forum guidance and the new Code of Practice.

12. Details of admissions and appeals arrangements will be published by the school every year by 15th April.

13. The Admissions Committee for the Governing Body will publish decisions about admissions and non-admissions to Slough Grammar School annually.

Reviewed June 2008