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To: Joint meeting of the Children, Families & Education Policy Overview and Scrutiny Committees

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Subject: **Secondary School Admissions in Kent**

Classification: Unrestricted

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## 1. Introduction

This report endeavours to set out the current secondary admissions procedure in Kent, how this is administered, and the process for making changes.

## 2. Access, Quality, Choice and Diversity

(a) The County Council has a statutory duty to ensure that school places are accessible for every child and young person living in Kent of statutory school age (5 – 16 years old) whose parent wishes to have their child educated through the state education system.

Kent operates a “rising 5s” policy which makes provision available to children aged 4 years, to enable all children to experience at least eight seasons of infant education. Primary and secondary school provision follows, in line with compulsory school ages, and the County Council will (from 1 April 2010) be responsible for ensuring through commissioning processes that a range of progression routes are available to young people aged 16 -19.

Pupils who have special educational needs are normally expected to be educated in mainstream schools, with the schools supported by the Local Authority, making appropriate support available to help the child. The Local Authority is expected to ensure the needs of children and young people with special educational needs are identified and assessed quickly and matched to appropriate provision, and to ensure high quality support is provided to schools and settings to help these meet the pupils’ needs.

Kent supports pupils with SEN through a continuum of provision, with mainstream schools and settings at one end of the spectrum, through to special

schools and commissioned specialist provision for highly complex needs. The County Council's objective is to meet the needs of pupils as far as possible in their local community, but in some exceptional cases provision is out of county.

(b) The County Council also has a statutory duty to promote high standards in schools. The Council currently has proportionally fewer schools in special measures than national or statistical neighbours, and at secondary level the collective performance of our secondary schools exceeds the national average.

(c) The County Council also has a statutory duty to promote choice and diversity in the provision of school places. This means it should consider making a range of different provision available, for example, schools with a religious character, single sex schools, co-educational schools, community schools, foundation schools, and academies. Kent has one of the most diverse ranges of schools available anywhere in the country, and is one of the few local authorities to retain maintained grammar schools.

There are a number of ways in which the Council discharges these responsibilities: for example, by providing school improvement services, challenging and intervening in schools, promoting leadership and workforce development, and offering advice, training and guidance for school governors. Alongside these mechanisms the County Council also uses its role as a strategic commissioner of school places. Through the statutory school organisation processes, and the school admissions process, the County Council can alter the provision available to pupils to meet demographic and parental demand, and to drive up school standards.

### 3. Kent Secondary School Admissions Process

Kent has 100 mainstream secondary schools and academies, providing education to 101,393 pupils aged 11 to 18 years. Admission to schools is regulated principally by the National School Admissions Code and the Code of Practice on Special Educational Needs. These codes provide a framework within which Local Authorities and Admissions Authorities operate. The County Council is the admissions authority for Voluntary Controlled and Community Schools, while the governing bodies of Aided, Foundation, and Academy schools are the admissions authorities for their own schools. Each admission authority is responsible for setting the admissions arrangements including the published admissions number (PAN) which must be devised in relation to the capacity of the school.

#### *a) Support for Parents*

The County Council is required to produce a "composite prospectus" which provides information to parents on school admissions. The content is heavily prescribed. These booklets are intended to help parents navigate the admissions system, and provide them with the information they need to assess the various options and the chances of their child being offered a place at a

particular school. The Council relies on Kent's primary school headteachers to guide parents through the secondary admissions process and officers are also on hand to offer advice to both schools and parents. Choice Advisers are provided, who are external employees commissioned specifically to provide impartial advice to parents. The County Council has taken an innovative approach to providing the Choice Advisor service. Their role is predominantly to engage with the groups who may find it difficult to manoeuvre their way through the admissions process and so the main focus for Kent Choice Advisors has been to train Family Liaison Officers and Education Welfare Officers in the complexities of admissions, so that those professionals already engaged with supporting the target families have the necessary skills and knowledge to support them through the process. While any parent can contact the Choice Advisors, their caseloads are predominantly generated by headteachers who target families that might be in greater need of this form of support. Both the Choice Advisors and the admissions booklet endeavour to provide guidance to parents on how to identify a good school for their child.

*b) Schemes of Education*

The School Standards and Framework Act 1998 deemed Kent as a wholly selective authority. The County's 33 grammar schools (as operating in 1997/98) are protected as pre-existing selective schools and designated by Regulations. This enables these schools to continue to admit children on the basis of ability (and not to have to admit children if they do not meet the selective standard even if places are available).

While Kent is legally deemed wholly selective, County Council policy determines some parts of the County as being "comprehensive schemes", while the Cranbrook area remains a "Thameside scheme" with 13+ selection. (See map attached at Appendix 1).

KCC's policy of 25% selection was most recently restated in the School Organisation Plan (2003/04 to 2007/08): "The objective of the Authority's selection process (Procedure for Entry to Secondary Education -PESE) is to achieve an overall selection rate in the selective areas across the County of 25%".

*c) Co-ordinated Admissions*

The County Council is required by legislation to co-ordinate primary and secondary school admissions. Currently this requirement only applies to "normal points of entry", i.e. for reception children aged 4, for transfer from infant to junior school at age 7 (where applicable), and for entry to secondary school at age 11. However, from September 2010 the Council is required to co-ordinate all school admissions, including casual entries.

The purpose of co-ordination is to ensure that every child applying for a secondary school place receives the offer of one school place on the National Offer date (1 March), and in the case of casual admissions, all children are

quickly offered a school place and are not lost in the system if their preferred school refuses admission.

Under a co-ordinated process, the County Council allocates places at individual schools, but in accordance with the published admissions arrangements of the school concerned (see section 3d below).

The process for entry to secondary schools in September 2010 follows the following timeline:

<b>Activity</b>	<b>Timeline</b>
Register for taking the Age 11 Assessment	Open from 01/06/2009 to 10/07/2009
Take Age 11 Assessment	Kent Pupils 15/09/2009 & 16/09/2009 Out of County testing 19/09/2009
Age 11 Assessment outcomes sent to parents	Posted on 19/10/2009
Parents complete preferences for schools	Closing Date 06/11/2009
First Data Exchange with Neighbouring LAs	04/12/09
Council sends schools details of preferences for ranking against oversubscription criteria	04/01/2010
Council runs allocation programme	By 19/02/2010
Council notifies parents of school offer	Posted on 01/03/2010
Parents accept offered place	By 15/03/2010
Parents apply to place child's name on waiting list	By 26/03/2010
Parents register appeals	By 26/03/2010
Places offered from waiting lists	On 31/03/2010
Appeals heard	Through April – June 2010

*d) Consultation on Admissions Arrangements*

The Council is required annually to consult on the co-ordinated scheme referred to above. It has to formulate a scheme by 1 December each year, and determine the co-ordinated scheme by 15 April in the following year. The co-ordinated scheme then applies for the process that operates later that summer for children applying to secondary school. Other admissions authorities are able to object to the Secretary of State about the determined scheme. In such circumstances the Secretary of State imposes a scheme on the Council and its schools.

Individual admissions authorities are required to consult annually (or every three years in specified circumstances<sup>1</sup>) on their school's admissions arrangements. In Kent there are 76 secondary school admissions authorities (i.e. the Council for community and voluntary controlled schools, the governors for academies, foundation schools and aided schools). The burden for admissions authorities is reduced by publishing all consultations in one place, then providing notification to other admissions authorities of how to access these and comment on them. Admission authorities have to conduct this consultation by 1 March each year and to determine the arrangements by 15 April that year. The determined arrangements apply to admission in the September of the following year (i.e. 17 months hence). Other admission authorities can object to the Schools Adjudicator about the determined arrangements of another admission authority.

The County Council has a responsibility under the School Admissions Code to challenge any determined admissions arrangements that appear to be unfair or unlawful. The Council endeavours to work with admissions authorities at the consultation stage to seek amendments to proposed admissions arrangements, to avoid formal referrals to the Schools Adjudicator.

The proposed "Published Admission Number" for the school is an important element of the consultation on individual school's proposed admissions arrangements. Published admissions numbers must be equal to or greater than the "indicated admissions number" generated for the school using the national net capacity calculation. This is to ensure that parental preference is met to the maximum degree. Schools are legally required to admit pupils up to the published admissions number<sup>2</sup> (if sufficient applications are received), and are expected not to offer places beyond this number, except in agreement with the Local Authority. The Code indicates that this should only be agreed where over offering will not have a long term implication for the school or a detrimental impact on neighbouring schools.

Under the co-ordinated schemes, the County Council administers admissions on behalf of all schools and academies, but in accordance with the determined admissions arrangements of the individual school.

#### 4. Administration of the Current Secondary Schools Admissions Policy

On National Offer Day 2009, 16,277 Kent pupils were sent their secondary school offers by the KCC Admissions Team. 95% of these pupils received one of their named preferences with 78% receiving an offer of their first preference school. The equal preference scheme, which allows parents to name up to four preferences, results in high numbers of schools appearing oversubscribed with preferences. Of the 99 Kent secondary schools admitting children at Year 7, 96

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<sup>1</sup> Recent changes enable admission authorities to consult every 3 years if no changes are proposed to the school's admission arrangements and these were not contested in the first year. Not consulting does not prevent another admission authority challenging the arrangements.

<sup>2</sup> This legal requirement applies to the normal point of admission (i.e. for places in year 7).

were oversubscribed with preferences but perhaps a more useful figure is the number oversubscribed with first preferences, which was 52. This number was split almost equally between grammar and non selective schools.

What is important is that in all localities, families have access to high quality schools which meet the aspirations parents hold for their children, and as County Council we strive to provide this through the mechanisms mentioned above.

*a) Age 11 Assessments (PESE)*

Kent County Council currently commissions test papers from the National Foundation for Education Research (under contract until 2013). Verbal Reasoning, Non-Verbal Reasoning and Mathematics papers are used. Children undertake familiarisation tests prior to taking the tests proper. Children who attend Kent maintained or linked independent schools take the tests in their schools, with an external invigilator being present.

Children who attend out-county schools attend designated test centres to take the familiarisation and proper tests.

The test scores achieved by pupils are standardised against a national norm, as the pupils taking the tests in Kent are those that opt in, rather than the whole cohort. Standardisation takes account of the child's age, thus two children achieving the same "raw score" may achieve different standardise scores.

Pupils are assessed suitable for grammar school if either:

- they achieve the required test scores – the child's three test scores added together must equal or exceed the specified score, but no individual test score can be below a discriminating score. For admission in September 2010 the aggregate score was 360 and the disqualifying score was 117;

or:

- The County Council accepts the recommendation of a headteacher assessment panel. A headteacher assessment panel is used to review cases where the child's headteacher feels the scores attained in the tests were not reflective of the child's normal performance; and to consider cases where the individual's special educational needs or disability either prevented them from taking the test or from performing well in these. The Council generally accepts the panels' decisions.

The thresholds for the test scores are set having regard to the performance in the tests of the in-area cohort (those children living in the 11+ area of Kent). The aim is generally to assess about 20-21% of the cohort suitable for grammar school on the basis of scores alone, with the headteacher panels assessing a further 3-4% on the basis of school work. The test score thresholds are set by officers following consultation with the Cabinet Member.

For admission in September 2010, the percentage of children who passed the PESE test was 19.87%. Following the headteacher panels the figure was 26.54%. This is higher uplift than the County Council would expect to see through this stage of the process, and may be in response to slightly less than 20% of pupils being assessed suitable for grammar school on the basis of tests scores which reduced the number of pupils passing the tests in some localities more than others.

Ultimately the percentage of young people being admitted to grammar schools is influenced by the test thresholds, the headteacher assessment panel recommendations, the availability of places and the decisions of independent appeal panels.

*b) Demand for places*

There has been an increase in the number of children taking the Kent Tests over the past four years. In 2007 53% of in-area children took the tests. This year (2009), 58% did (of which 45.7% were assessed suitable for grammar school after the headteacher assessment stage of the process, giving the 26.54% in area selection figure mentioned above). However the main growth has been in out-county pupils taking the tests (1,232 in 2007 and 2,107 this year). A slightly higher percentage of out-county applicants are assessed suitable for grammar school (48.36% of those participating this year).

While not all pupils who take the Kent Tests will seek grammar school places, at least not as a first preference, there has been growing pressure in West Kent for grammar school places. There are sufficient grammar school places across Kent to meet the criterion of 25% of Kent school pupil places within the selective system, as set out in the school organisation plan (see 3b above).

However, this year (2009), 1,019 pupils from outside Kent have been assessed suitable for grammar school places, and further pupils may go through the independent appeals processes to seek places. Currently, the North West Kent grammar schools have 1,463 out county pupils in them. The West Kent grammar schools have 819 out-county pupils attending them. The admissions arrangements of all these schools differ. Some give greater priority to the local community through distance or catchment area criteria, while others have score-based entry arrangements. There remain vacant grammar school places in some schools in East Kent.

*c) Independent Appeals Panels*

Parents have the right to appeal if their child is not offered a place at a school of choice. The admission authority is responsible for establishing independent appeals panels. The Children, Families and Education Directorate commission Legal and Democratic Services to manage these on its behalf, as do several other admissions authorities. Legally, the appeal panels must first consider if the admission authority has demonstrated that prejudice to the efficient provision of education, or the efficient use of resources would arise if the pupil was admitted; and then, if such prejudice would arise, whether the needs of the individual child

outweigh said prejudice. The panels have in some cases admitted significant numbers of pupils to particular schools over and above their Published Admissions Numbers, thereby causing capital pressures for the Authority, and due to late appeals, pressure on neighbouring schools who may not be certain of their intake until start of new term. The existence of these panels means that it is not completely within the control of the Authority to adhere to its policy of 25% in-area selection.

## 5. Process for Changing Admissions Numbers

Any proposals to change the admissions arrangements are subject to consultation and timescale as required by legislation (see section 3 d). Proposals should seek to secure the Council's duties to enable access and respond to parental wishes, to promote choice and diversity, and to raise school standards.

School admissions and school organisation legislation cover different aspects of expanding schools. Admissions legislation, broadly, covers the published admissions numbers and consultation arrangements for changing admission arrangements, while school organisation legislation applies to expansion of school buildings.

a) **The School Admissions Code** (attached as Appendix 2) covers two relevant aspects. The first is the requirement to consult annually on proposed admissions arrangements. This consultation, undertaken by the admissions authority, should include details of the proposed published admissions number. It is possible to consult on a higher published admissions number. Any objection to the proposed number would be via the Schools Adjudicator. However, care needs to be taken that increasing the published admission number does not trigger capital requirements, which in turn may require statutory consultation under the school organisation legislation. Any admissions consultation would apply to admissions 18 months hence.

The second is the provision for additional places to be offered within the admission round. The Code states: "schools should not admit children above the published admissions number unless the schools and the local authority agree that admitting above that number will not adversely affect the school in the longer term and will not have a detrimental effect on neighbouring schools". Therefore schools should only have admitted beyond their published admissions number where the Local Authority agreed such action, or through an Independent Appeal Panel deciding that either the case for prejudice to the efficient provision of education/use of resources is not proven, or if it is, that the needs of the child outweighs this prejudice.

b) **School organisation legislation** covers the expansion of any maintained school buildings (prescribed alterations), including those of grammar schools. A significant enlargement (and thus requiring statutory proposals) is defined as an increase in capacity of more than 30 pupils or by 25% or 200 pupils (whichever is

the lesser), including any previous enlargements over the preceding 5 years (but excluding any temporary increases in place for less than 3 years). However, the County Council's School Organisation Plan states that: "Proposals for additional secondary places will need to demonstrate a proper balance between selective and non-selective schools and comprehensive provision".

The Education and Inspections Act 2006 and the related School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 create a "presumption" that high performing, popular schools should be allowed to expand. However, these Regulations expressly exclude grammar schools from this presumption. The Regulations do not prevent grammar schools from expanding; it is simply that there is no presumption that such an expansion should be agreed. Therefore, any expansion would have to be made in accordance with the County's stated policy – i.e. if further places were required to maintain a 25% selective balance in the selective areas.

The Schools Adjudicator would determine any proposals to expand a school where there were objections to the proposals from the Church of England Diocesan bodies, the Roman Catholic Archdiocese, the Learning and Skills Council, the Local Authority, or the governing body trustees of the school involved. Where no objections are raised, the Local Authority would determine the proposal.

The Local Government Ombudsman may become involved in any changes to the admissions system, if the Local Authority of a school acted unlawfully or unreasonably.

## 6. Review of Kent Secondary School Admissions Arrangements

Following high levels of public and Councillor interest in Kent's Secondary School Admissions arrangements, the Cabinet Member has asked the Managing Director, CFE to commission an independent review by a recently retired Schools Adjudicator. The exact terms of reference and arrangements are being developed in early January and an update will be provided to the POSC meeting.

### **Recommendation**

Members of the Joint Meeting of the Children, Families and Education Policy Overview and Scrutiny Committees are asked to note the contents of this report.

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*Background Documents: None*  
*Other Useful Information: None*