

KENT COUNTY COUNCIL

KENT SCHOOLS ADMISSIONS FORUM

MINUTES of a meeting of the Kent Schools Admissions Forum held at Invicta House, County Hall on Thursday, 24 January 2008

PRESENT: Mr M Carroll, Mrs F Cottam, Mrs S Dennis, Mrs V Fitch, Mr F Green, Ms D King, Ms R Matthews, Ms A Nee, Mr S Parr, Mr J Simmonds, Mrs P Stockell, Mr R Tolputt, Mr R Truelove, Mr M Vye (Chairman) Mr J Watt and Mr G Wetherell.

IN ATTENDANCE: Mr S Bagshaw, Head of Admissions and Transport; Dr I Craig, Director of Operations and Mr G Rudd, Clerk to the Forum:

APOLOGIES: Ms V Bentley, Mr J Gunnell and Reverend Canon J Smith and Mrs L Willis

UNRESTRICTED ITEMS

1. Membership of the Forum

(Item 4)

(1) Mr Vye invited all Members of the Forum to introduce themselves. He then welcomed the following new Members:

- (a) Ms V Fitch, Secondary School Parent Governor representative;
- (b) Ms D King, Early Years, Childcare and Extended Schools Board representative. Ms King explained that she would be sharing the role with Ms V Bentley;
- (c) Ms A Nee and Ms R Matthews representing the Archdiocese of Southwark;
- (d) Mr J Simmonds, Conservative Local Authority representative.

(2) Mr Rudd confirmed that Mrs L Willis had been appointed as the Primary (Aided) Headteacher representative. He advised the forum that Mrs Willis was Headteacher at St Simon of England RCP School, Ashford.

(3) Mr Rudd also advised the Forum that arrangements were in hand to fill the following vacancies:

- (a) Primary School Parent Governor representative;
- (b) Community Secondary School Headteacher representative;
- (c) Aided Secondary School Headteacher representative.

(4) Mrs Dennis gave the Forum notice that she would no longer be eligible to sit as the Community Primary School Headteacher representative when she retired at the end of the academic year.

2. Minutes

RESOLVED that the Minutes of the meeting held on 14 September 2007 are correctly recorded and that they be signed by the Chairman.

3. Matters Arising

(1) (a) Mr Vye referred to Item 18 and circulated correspondence between himself and the Chair of Governors at Maidstone Grammar School. Mr Vye sought the Forum Members' views.

(b) Dr Craig reminded Members of the facts and advised them that this was a matter of principle and law.

(c) Mr Rudd explained that the evidence presented by the school had not been strong enough to persuade the Independent Appeal Panel that it would be prejudicial to admit additional pupils. Dr Craig added that the figure shown in the roll over balance in the school's reserves budget meant that the financial argument put as a reason for not being able to take additional children was not as crucial as reported by the school.

(d) Mr Carroll commented on the adverse impact on schools in the area when they lost pupils in the way that they have to Maidstone Grammar School.

(e) The Members were in agreement that the action of the school was not right and that it could set a precedent.

(f) In response to Mr Parr's question about what else could be done, Dr Craig advised the Forum that it could forward Mr Vye's correspondence to the Secretary of State.

(g) Ms Nee had referred to the Forum's role as a scrutiny body and Mr Vye suggested that this could be looked at for inclusion as a Forum report item.

4. Terms of Reference *(Item 5)*

The Forum agreed that it did not have anything to discuss under this item.

5. In Year Fair Access Protocol *(Item 6)*

(1) Mr Bagshaw circulated an interim report on behalf of Ms S Williamson, Head of Attendance and Behaviour Service. He reported that the IYFAP had been rolled out to all including a presentation slot at Headteachers' briefings and cluster meetings and that a major effort was being made to ensure that everyone was aware of it. He advised the Forum Members that it was their responsibility to monitor the effectiveness and application of the protocol and that a further update on its progress would be reported to the next meeting.

(2) Mr Parr requested the availability of information by Cluster and Mr Bagshaw anticipated being able to do this.

(3) Mr Vye referred to when this item was discussed at the last meeting and Mrs Cottam's report that the Dartford/Gravesham cluster meeting would be looking at a fair equitable

distribution. Mrs Cottam confirmed that many headteachers were putting in a lot of hard work to make sure that this was being achieved. In her view this was vital for its success. Mr Bagshaw shared this view.

(4) Mr Carroll referred to the difficulty in the Maidstone area where some schools were operating a 3 year Key Stage 3 and others a 4 year Key Stage 3. Also grammar schools would not take the pupils because they would not be able to cope with the curriculum. Therefore in practice only 3 or 4 schools were taking the pupils. This view was endorsed by Mr Parr. Mr Bagshaw agreed that there were tensions over this issue but that where areas had a local arrangement it appeared to be working well.

(5) Mr Green confirmed that the academies were also involved in the protocol.

(6) The Forum noted Mr Bagshaw's report.

6. Co-ordinated Admissions Schemes for 2009

(Item 7)

(1) Mr Bagshaw circulated a paper relating to the outcome of consultation on the Primary and Secondary co-ordinated schemes for 2009.

(2) Mr Bagshaw first referred to the primary scheme and reported that it had received the full agreement of all admissions authorities and he proposed that it went forward without any changes.

(3) Mr Vye invited discussion on this aspect of the scheme but the Members had nothing to add.

(4) With regard to the Secondary scheme, Mr Bagshaw reported that in order to meet the recommendation of the Admissions Code that there should be testing before preference, the testing would need to take place four months earlier. The latest dates that these could be achieved by would be 18/19 September 2008. He reported that there had been some objections to this but the majority of those consulted were in favour of the proposals. A consultation exercise involving Year 5 parents had been carried out with almost 3000 responses (18%) received. Of these received, 60% were in favour of testing before preference but had concerns about the earlier testing dates. Mr Bagshaw advised that the question asked was what was more important to parents – knowing the outcome of the test before making preferences or having a further term of teaching before the child sat the test? He reported that the response revealed that the majority of the parents would rather know the test results before expressing a preference. Mr Bagshaw advised the Forum that the scheme put forward reflected this and referred to Testing Before Preference. However, because the Local Authority had not been able to secure the full agreement of all Admission Authorities, the Secretary of State would need to impose a scheme for 2009. Mr Bagshaw sought the views of the Forum on the proposals and confirmed that these would form part of the response to the Secretary of State.

(5) Mr Vye reminded Members that it had been the Forum's practice in the past to not only put forward the majority view but also to include other views expressed by its Members. The Members agreed to do the same on this occasion.

(6) Discussion took place in respect of the following aspects of the proposals:-

- (a) Mr Bagshaw confirmed that the moderation/standardisation would take into account the earlier testing date.
- (b) Mr Parr expressed his dissatisfaction that the Forum had not been given the opportunity to consider these proposals earlier. Mr Bagshaw acknowledged the validity of this point and commented that normally the proposals would not go to Cabinet until March. He advised that because there had not been full agreement to the proposals, if the report did not go to Cabinet by February, it would not leave the Secretary of State time to consider the scheme. He reiterated that the scheme would be one imposed by the Secretary of State and that if considered any later, there would not be time to meet the legal requirements and allow full consultation time. He assured Members that it had not been the intention to deny discussion.
- (c) Mr Bagshaw reminded Members that two options had been presented for discussion at the last meeting of the Forum on 11 September 2007. These were to either maintain the Status Quo or go for Testing Before Preference. As the consultation had shown more support received for Testing Before Preference, this was included in the proposed scheme.
- (d) Whilst Mr Truelove did not think that testing in September was an ideal solution, if Kent was to have a selection process, there was no better option available than the one proposed.
- (e) Mr Simmonds noted that paragraph 16 of the last meeting confirmed Mr Bagshaw's statement that discussions on these proposals had taken place. Dr Craig confirmed that draft consultations had been discussed in September and that Mr Bagshaw was now reporting back on these consultations. He reported that the Forum's views were being sought to go with the Local Authority's comments to the Secretary of State.
- (f) Ms Nee was concerned that a low response from Year 5 parents was being taken as a mandate for the views included in the proposed scheme. She noted that only 18% had replied and the 60% referred to was 60% of 18%, in other words it was 10.8% of that small number that supported Testing Before Preference. Mr Bagshaw took the view that the Code said there should be testing before preference and that the majority of those who responded thought it should be done.
- (g) Mr Watt enquired as to testing arrangements for service families in schools outside of Kent, including those living abroad. Dr Craig confirmed that there were approximately 2000 children from outside Kent who wished to access Kent grammar schools and that arrangements were made for them to take the tests at testing centres or their own schools.
- (h) Mr Parr felt that the Code was a guidance and that with Kent's complexities there were good reasons for not pursuing Testing Before Preference. In his view the survey was a small sample and that having an equal preference scheme should be enough. Testing favoured affluent parents who could afford tutors. Also with early testing, children were less mature and the process was less reliable and would lead to more appeals later in the process. He was not aware of any educational research as to why it was the way forward and that he could see no reason why it should be done this year. These views were supported by Ms Matthews who could not see the advantages of parents knowing the results of the tests early as equal preferences had now dealt with the grievances that would be raised by parents.

- (i) Ms Nee referred to the extension of choices from 3 to 4 and quoted hypothetical statistics for 2007, if there had been 4 preferences available, bearing in mind that there would still only be the same number of school places available. Mr Bagshaw replied that it had been the PESE review group that wanted to increase the number of preferences available to parents from 3 to 4. Dr Craig agreed that the advantage was only marginal but even so he thought that it was preferable for parents to have that advantage.
- (j) Mr Carroll asked if the test would be changed to allow for young children taking it. Mr Bagshaw replied that it would not as it was weighed by NFER. Mr Carroll was still of the view that the test would be harder as less teaching time would be available and less aspects of the curriculum would be covered. Mr Bagshaw agreed that some children developed more rapidly than others but that the results were age weighted .
- (k) Ms King asked whether there was a gender bias as girls tended to develop more rapidly than boys. Dr Craig advised that the scores were the same across the board irrespective of gender. Mr Wetherell's view was that testing was going to happen and that there would be advantages and disadvantages to different children but given that they all take the test at the same time they would be compared similarly.
- (l) Dr Craig advised the Members that the tests were designed by NFER and were used by several local authorities who carry out autumn term testing. He confirmed that they were designed for use throughout Year 6, were gender free, and the best tests available that Kent could use. Mrs Fitch put the view as a parent that she found the procedure confusing and that there was something inherently wrong in selection. Like Mr Parr she queried why there was a need for this to be rushed through. Dr Craig clarified the reasons for this. He reminded Forum Members that this related to 2009 and that the decision had to be made now to meet the statutory procedures deadline. In effect there was a 2 year lead in.
- (m) Mrs Cottam spoke in favour of the proposals and said that the majority of headteachers were also in favour of it. She was keen that the Cabinet and Secretary of State were given a balanced view from the Forum. Mr Simmonds agreed. In his view there had been a one dimensional debate.

(7) (i) Mr Vye noted that some Members of the Forum were in favour of the Secondary Scheme for 2009 and some were not. To give a guidance on the views expressed, he asked for a show of hands. (Mrs Stockell had already left the meeting and could not register her view).

(ii) The Forum Members voted as follows:-

In favour of the proposed Secondary Co-ordinated Scheme for 2009 -	7
Against the proposed Secondary Co-ordinated Scheme for 2009 -	6
Not indicated either way -	2

(iii) Mr Vye felt that this was a fair reflection of the views held and that a balanced report would go to the Cabinet and Secretary of State.

(8) RESOLVED that the Forum Members unanimously supported the proposed Primary Co-ordinated Scheme for 2009 and that the diverse views on the proposed Secondary Co-ordinated Scheme for 2009 be made known to the Cabinet and Secretary of State.

7. Impact of Admissions Appeals Code

(Item 8)

(i) Mr Bagshaw circulated a briefing paper detailing the impact on Kent of the new Admissions Appeal Code. He advised the Members that the following two main changes in the Admissions Appeal timetable had given cause for concern.

- (a) All primary appeals must be heard within 30 school days of the closing date for appeals and late applicants appeals must be heard within 30 school days of the appeal being lodged.
- (b) Secondary appeals for on time applications must be heard by 6 July 2008 and late appeals within 30 school days of the appeal being lodged.

(ii) Mr Bagshaw informed Members that strong representations had been made in the formal consultation but had been disregarded. He advised the Members that this change would cause significant pressure on the Legal and Democratic Services in the administration of appeals within the legislative time frame. This point was reiterated by Mr Rudd who gave his view as an Appeal Panel Administrator.

(iii) Mr Bagshaw also reported that there had been an unexpected change made in that the new Code which stated that where a local review process had been followed, the Panel must not make an assessment of the child's ability but may only examine the procedures that were followed. He advised the Forum that following legal advice, the Cabinet had taken the view that the Headteacher Assessment process was part of the assessment mechanism rather than a local review process as described in the Code. Mr Bagshaw then gave the Forum Members the opportunity to ask questions about the Briefing Paper but before doing so gave Mr Rudd the opportunity to add his views.

(iv) Mr Rudd informed the Forum that some Independent Appeal Panel Members were already aware of the changes in the Code and understandably were concerned about how they should deal with this issue. Mr Rudd went on to say that all Panel Members would shortly be receiving formal training on the Code's requirements and this would include legal guidance.

(v) Mr Carroll sought clarification that the Head Teacher Assessment was not only for those children who did not have three test scores assessed. Mr Bagshaw confirmed that the process could also apply where a pupil had taken all three tests. Mr Carroll felt that Mr Dance's letter of 21 January 2008 contradicted this and that the Headteacher's Union was advising Primary Headteachers that should not submit an appeal. Dr Craig reiterated the view that it was part of the assessment procedure and that of the intended 25% of children chosen for Kent's grammar schools, 22% were by test and the remaining 3% by Headteacher assessment. Mr Carroll still saw this as being given a second opportunity if not successful in the tests. Mr Bagshaw re-iterated that the assessment stage was a legitimate and essential mechanism for assessing pupils that might not otherwise be able to perform in the test.

8. Discussion on Admission Forum Annual Report Process
(Item 9)

(1) Mr Vye circulated a paper outlining a proposed structure for the Admissions Forum's annual report. He raised the question as to whether the report should be produced by the Forum and that as Mr Bagshaw was part of the Local Authority, shouldn't the Forum commission its own staff member. Mr Vye suggested that he could ask the Local Authority to provide the Forum with an officer who would act for the Forum in producing the report. Dr Craig advised Mr Vye that he would have to request this through the Cabinet.

(2) Discussion on the process took place and the Members' views were as follows:-

- (a) Mr Wetherall felt the first annual report had been provided in draft and that it should be considered by Members. Mr Vye said that the 'annual report' referred to, had not been produced with the intention to publish, as these reports were required by law only from 2009. It had been produced as a template, with a view to stimulating discussion of the way future reports should be structured. He added that Mr Parr had been the only member to respond to the request for comments and suggested that there should be a time limited debate on what the Forum should ask Mr Bagshaw to provide.
- (b) Mr Simmonds didn't see the relevance of asking someone else to produce the report when Mr Bagshaw had already put in the work. He was confident that there were people on the Forum who would be able to consider the issues arising from the report. This was a view shared by Mrs Cottam.
- (c) Ms Matthews took a different view. She felt that someone independent should produce the report.
- (d) Mr Parr thought that the Members of the Forum had the expertise to produce the report if they had the base information but that in all probability they would not have the time.
- (e) Mr Vye emphasised his independence as Chairman and advised the Forum that he would try to see that the report was produced independently. He urged the members to look at the advisory guidance available and discuss this at the next meeting. It was clear to Mr Vye that Mr Bagshaw did not have the resources to provide all of the information referred to in (a) to (h) of his circulated paper. Mr Bagshaw agreed but suggested that other parts of the organisation might be able to provide what he couldn't. He acknowledged the need to try to be objective.
- (f) Dr Craig confirmed this view and agreed that Mr Bagshaw would look at what he could and couldn't provide. Once this was established, other ways of obtaining the information could be looked at possibly through Management Information or the clusters. Mr Bagshaw warned Members that whilst this sort of information required was often captured from the annual pupil census, it was likely to be a year behind. He added that he didn't know how easy or cheap it would be to retrieve the information and whether there was justification in doing so. Mrs Cottam agreed that the information ought to be available and that a lot of time had been spent collating it for the annual school census.

- (g) Mr Carroll thought that the information provided had been very helpful but that it did not provide information about entry through the appeal process. Mr Vye was sure that this could be added if the Forum wanted it.
- (h) Mr Parr referred to the items that he had asked to be included in the report. There were: the percentage of children who started grammar schools in September; the number of pupils entering grammar schools who had not passed the PESE test and where there was comment in the report about the distribution of children from ethnic minorities, these should also be provided by type of school. Mr Bagshaw agreed that these issues could be included, if the data was captured by Management Information and that this would need to be confirmed
- (i) Dr Craig suggested that as the report was in the draft stage any revisions should come back as a draft for comments.
- (j) Mr Vye concluded the discussion by stating that work was in progress and that it should be revisited at the next meeting.

9. Local Authority Process to Review the Admissions Policies of all Schools in Kent
(Item 11)

- (1) Mr Parr asked what process the local authority followed to review the admissions policies of all schools in Kent.
- (2) Mr Bagshaw agreed that it was feasible to review the policies and confirmed that he wrote to all schools for an annual up-date on their admissions policies. He confirmed that he went through these to identify any issues and wrote to the schools concerned, advising them of these and the need to comply with the Code. He also visited the school websites and drew their attention to any errors.
- (3) Mr Bagshaw pointed out that there were limited resources as he was the only one carrying out this task, but agreed to include this information in the Annual Report.
- (4) Ms Nee referred to Chatham House Grammar School and stated that this was the second year that it had flouted paragraph 2.67 of the Admissions Code by admitting 10% of children not on academic ability. Mrs Cottham thought that they would probably have still need to have passed the test and that this was related to a part of the over subscription criteria.
- (5) Mr Bagshaw agreed to check the details of this case.

10. Any Other Business
(Item 12)

- (1) (a) Mr Watt asked if the Forum, at a future meeting, could consider the possible implications for admissions to Kent secondary schools of the imminent changes to the 14 – 19 curriculum in England. In particular, Mr Watt would like consideration to be given to the perceived impact on such admissions of the possible variety of consortia arrangements, some with particular specialisms, which may arise as the result of these changes.
- (b) It was agreed to add this to the agenda for the next meeting and invite Don Garman, Joint Head of Schools Advisory Service.

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(2) (a) Mr Bagshaw informed the Forum that he regularly accepted an invitation to attend the Medway Admissions Forum. He reported that Medway were proposing a different closing date and that this would confuse the issue with Kent residents on Medway CAF forms and not in our Kent forms. Mr Bagshaw proposed to write to Medway to object and request a common closing date with Kent.

(b) RESOLVED that the Forum agree to Mr Bagshaw's intended action and that his letter should include the Forum's own strong objections to Medway's proposals.

11. Dates of Next Meetings
(Item 13)

(1) The preferred dates and time for the next meeting were 2.00 pm on either 18 March 2008 or 1 April 2008.

(2) Mr Rudd agreed to confirm the date and location.

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