

Rationale for a potential adjustment to the Kent Test timeline

1. Introduction

The Kent Test is an essential element of KCC's co-ordinated admissions process, assessing children's eligibility to apply for any of Kent's Grammar schools. The Kent Test is defined within all Kent Grammar school admission arrangements as the method for identifying eligible candidates. KCC therefore has a legal responsibility to provide an assessment method:

- for the Kent Grammar schools for which it is the Admissions Authority (*Dover Grammar School for Girls, Simon Langton Girls' Grammar School and Tunbridge Wells Grammar School for Boys*), and
- for Kent's "own admission authority" grammar schools who also make use of the Kent Test.

The Kent Test is currently timetabled for 10 September 2020, although it is expected that adjustments to the process to account for new social distancing conditions and other Covid-19 related issues will be unavoidable. Although central government proposes that all Primary aged pupils will have some time in school before the close of the current academic year, there is potential for the reintroduction of Covid-19 related restrictions and no overall guarantee that all current Year 5 students will return to school before, or even by the start of the new school year. KCC must also consider what impact an extended interruption to classroom teaching will have on those learners, ensuring that the assessment process remains as fair as possible within current limitations. An early decision needs to be made as to whether to delay testing to a point later in the school year, potentially by around a month.

The Department for Education has been interacting with selective LAs since early April and recognises the difficulties of implementing a selection process during the Covid-19 pandemic, but thus far has provided no clear guidance or indication that LAs can expect any adjustments to their wider legal duties should contingencies be required. While awaiting clarity from central government is desirable, parents and children require assurances as to what process they can expect and schools and Officers require sufficient time to implement whatever selection mechanism is identified as necessary for thousands of children inside and outside the county's primary schools.

KCC proposes to inform and to consult with Grammar Schools regarding the proposals set out in this paper.

Members will shortly be asked to consider an adjustment to the timing of the Kent Test process to take into account the unexpected situation that current Year 5 students are facing. The current process accommodates requirements in the Admissions Code and the wider co-ordinated Admissions Scheme legally determined by Members on 22 January 2020. Changes to the proposed Kent Test timetable are likely to be inevitable, but Members will need clarity around the implications of any change, as providing the fairest process may adversely affect the Authority's legal duties as currently set out in the School Admissions

Code. We have been waiting for clarification from the DfE which it is hoped will remove this conflict, but as contingency planning cannot be delayed any further, this report sets out the rationale for setting a later test date.

2. Main legal issue in delaying test results and/or the assessment process

Assessment and outcome timing - While it may not be possible to avoid a delay in the delivery of the Kent Test and/or the subsequent results, the Kent Test is currently held in early September due to the following requirement in the School Admissions Code (2014) (Appendix A):

*1.32 Admission authorities **must**:*

...

*c) take all reasonable steps to inform parents of the outcome of selection tests before the closing date for secondary applications on **31 October** so as to allow parents time to make an informed choice of school - while making clear that this does not equate to a guarantee of a selective place.*

The principle in paragraph 1.32c is commonly referred to as “test before preference” and ensures that parents are informed of their child’s test result before they apply for school places. This ensures that parents know when they make their preferences whether a grammar school preference is valid. Because of the high numbers involved, testing in Kent is held in early September to allow provision of results before 31 October.

KCC’s test provider, GL Assessment, has been impacted by Covid-19 restrictions like most businesses across the UK. Lockdown prevented standardisation sampling for Kent, and although a solution is under way, it will delay the delivery of this year’s test scores. This means results may not be available by 31 October even if the Kent Test is held on 10 and 12 September as defined within KCC’s 2021-22 Secondary Admissions Scheme (Appendix B). Delaying the test dates, whether to manage the testing environment or as a result of further delays in school reopening, is likely to mean that parents cannot be given their children’s assessment results before 31 October 2020.

It should be noted that while paragraph 1.32c is preceded by a “**must**”, denoting a mandatory requirement within the Code, an admission authority is required to take “all reasonable steps to inform parents of the outcome” when designing a test process. This provision was met by KCC’s determined Secondary Admissions Scheme which would have provided parents with Kent Test results before the closing date. Results will be delayed this year as result of the unpredicted circumstances that all UK residents now face. Please note, however, the scope of actions which may be regarded as being reasonable can change depending on the circumstances of the case. Where circumstances surrounding Covid-19 do not render it reasonably possible to comply with paragraph 1.32c and this can be demonstrated, KCC will have a strong argument that it is not in breach of paragraph 1.32c in any event.

There are further mitigating factors that could justify a delay in test results until after 31 October (but no later than early January 2021). The requirements detailed in paragraph

1.32c were originally introduced as a “**should**” in the 2007 School Admissions Code to give parents additional security when expressing preferences for selective schools. Before this revision, parents were required to express preferences for grammar schools with no knowledge of their child’s eligibility for a place. Although this limitation would not necessarily have caused disadvantage on its own, schools at that time could prioritise applications from children who named their school as a first preference (aka “first preference first” arrangements). Many families therefore named grammar schools as their highest preference. If their children were not assessed suitable for a grammar school, their opportunity of a place at a popular non-selective school was greatly diminished, as these schools could also prioritise applications that named them as a first preference.

While “test before preference” removed this limitation, the revised Code also outlawed “first preference first” arrangements, introducing the “equal preference” mechanism in place today. Equal Preference means that schools are not told where parents have ranked them in their preference list, considering all valid applications. Parents’ preference lists are held by the Local Authority, which uses them when more than one school could offer a place, to ensure that parents are offered the highest available of their preferences. While either change would have offered a solution to the perceived unfairness to parents who had an interest in selective education, both became new requirements of the Code.

Even if “test before preference” may not be possible this year, parents will retain this other safeguard to ensure that their wider preference selection is not unduly impacted.

These features of the School Admissions Code are there to maintain a fair and equitable process for all students. Any adjustment to Kent’s assessment process will be designed within these principles and any delay implemented in the interest of fairness to pupils and parents, even potentially at the expense of the requirement in paragraph 1.32c of the Code.

It is proposed that in Kent the number of preferences available be increased from four to six, for this year only. This will enable parents who are uncertain of their child’s eligibility for a grammar school to name up to two without reducing the number of non-selective schools on their application. Parents who are not considering a grammar school for their child will also have six preferences to ensure fairness across the co-ordinated process.

It is also worth remembering that no admission authority can offer a school place before National Offer Day (1 March 2021) and so there would be no disadvantage to grammar school applicants, providing the results of the Kent Test are known and circulated before that day.

KCC is limited in how it can reduce this impact on out of county residents, however, Kent pupils will be similarly affected by changes made to out of county schemes as a result of Covid-19. While KCC cannot increase the number of available preferences for out of county applicants who wish to name Kent Grammar schools, many neighbouring LAs already offer six preferences by default. KCC will ensure that neighbouring LAs are informed of any plans to adjust the Kent Test process, to allow them to inform their residents and make any further changes they feel are necessary. Similar requests will be made in return to allow KCC to consider what changes other LAs implement.

Equality Implications – The Kent Test assessment process remains unchanged and so any consideration of equality implications should be limited to those that directly result from a potential change in delivery date.

There are no current plans to deviate from special arrangement procedures that ensure that Special Educational Need or wider disabilities do not limit an individual from taking part in the assessment process in as fair and equitable a way as can reasonably be arranged. The Head Teacher Assessment process remains a key mechanism to support those learners who are less able to evidence academic aptitude via a formalised test or those who underperformed on the day. While adjustments may be required to the organisation of these stages to take into account social distancing arrangements and reduced access to schools and Council buildings, it is expected that these safeguards will remain broadly unaltered.

If a delay to testing arrangements is agreed, all students will benefit from the additional time to settle back into normal school life. In particular, those learners who have had limited access to education options during the lockdown will benefit from the additional acclimatisation to regular school schedules. This would constitute a positive equality impact and would likely support children from disadvantaged backgrounds who may have had limited access to online learning or private learning spaces during the lockdown, pupils with additional educational needs and those students with English as an additional language.

If assessment results are to be released after the closing date for expressing school preferences, parents and schools will need to understand clearly how an increase in preference options from four to six, combined with the “Equal Preference” system, will serve to offset disadvantage. Additional guidance will be provided through schools and direct to parents to explain how these changes should be considered when submitting a school admissions application, and Officers will remain available throughout the application process to provide direct support.

While initial impacts have been noted, the equality impact will be reassessed once there is greater clarity around the preferred approach.

3. Conclusion

While there is insufficient information to formalise a final process at this time, current indications suggest that - where it is agreed there is sufficient capacity within the current framework - a delay to the published Kent Test date offers the best scope to deliver testing in a fair and consistent manner to all students. Should the Kent Test process requires significant adjustment from the previously determined process, further reports will detail the rationale for any change. In addition, planning work will continue for all potential scenarios until such as time as the assessment process can take place.

4. Appendices

Appendix A – [School Admissions Code](#)

Appendix B – [Secondary Co-ordinated Admissions Scheme for 2021-22 intake](#)