

Item No.

**By:** Matt Dunkley, Corporate Director Children, Young People and Education

**To:** Richard Long – Cabinet Member for Education and Skills

**Subject:** Adjustments to the Kent Test and Secondary Co-ordinated Admissions scheme as a result of COVID-19 restrictions

**Classification:** Unrestricted

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**Summary:**

To report on the rationale for the proposed adjustments to the Kent Test and Secondary Co-ordinated Admissions scheme as a result of COVID-19 restrictions.

Cabinet Member for Education and Skills will be asked to delay the Kent Test assessment until 15 October (17 October for out-county applicants) to allow children additional time to settle once they return to school and to increase the number permitted school preferences as part of the Secondary Common Application process from four to six for this year only.

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## **1. Introduction**

1.1 The Education Act 2002 includes a duty on each LA to formulate a scheme to co-ordinate admission arrangements for all maintained schools in its area and to take action to secure the agreement of the scheme by all admission authorities. KCC consulted on a Secondary Scheme for the 2021/22 school year, including key dates for the Kent Test, with all schools between 25 October 2019 and 9 December 2019. Following agreement from all admission authorities, the scheme was determined by the Cabinet Member for Education and Skills on 22 January 2020.

1.2 Following the global Covid-19 outbreak, central government closed all schools for the majority of pupils from 20 March 2020. Most current Year 5 pupils, many of whom will anticipate taking part in the Kent Test assessment process at the beginning of the next school year, have remained out of school since that date. The Government aimed to get all pupils back into schools for at least a month before the summer break, but unfortunately this has not proved possible. It is expected that pupils will all return in September, but as Covid 19 remains within the community, there continues to be the possibility of further disruption to the return to school, most likely through localised lockdowns. KCC must 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.

1.3 Current Year 5 pupils will have received differing levels of education during lockdown as a result of many factors. It cannot be assumed that all children with a particular set of demographic characteristics will have received the same level of education during this time. The Kent Test process has always sought to identify children for whom a Grammar education is the most appropriate and this aim will remain unchanged this year.

1.4 The Kent Test procedure uses a threshold model where test scores are not the sole determining factor in identifying the selective cohort. The threshold model enables appropriate consideration to be given to cases where the test scores of a child are not considered to be representative of their aptitude, for example because of their SEND needs. This provides KCC an opportunity to accommodate the reduction in availability of standard education for most pupils. A proportion of students are assessed as eligible for Grammar school through a Head Teacher based assessment process, which will allow a further opportunity for individual variations in learning opportunities to be considered. KCC sets the proportion of cases identified via their assessment score once testing has been completed.

1.5 The Kent Test process is a fundamental part of KCC's co-ordinated admissions process and provides centralised assessment for eligibility to apply to one of Kent's Grammar schools. The Kent Test is defined within all Kent Grammar schools admission arrangements as the method for identifying eligible candidates. KCC therefore has a legal responsibility to:

- provide a selection 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
- a wider responsibility to those own admission authority schools who also make use of the Kent Test.

1.6 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. While it is expected that the Department will advise that delaying testing is the preferred option, to date no formal guidance has been published. While awaiting clarity from 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.

1.7 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 A). 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.

1.8 Delaying testing by around one month will allow primary schools and their pupils to settle into a new routine for the 2020-21 academic year, provide an opportunity for all students to take part in school based learning and still ensure that KCC can fulfil its wider responsibilities defined within the School Admissions Code (2014) to make school offers by Secondary National Offer Day (1 March 2021).

1.9 To account for the fact that, on this occasion, parents would not have their child's test result by the National Closing Date for admission applications, the proposed increase to the number of permitted school preferences 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. There will be no limit on the number of grammar schools that can be named on the application, however, parents will be advised to consider potential scenarios where their child does not receive a selective assessment and select school preferences accordingly. Parents who are not considering a grammar school for their child will also have six preferences to ensure fairness across the co-ordinated process.

## **2. Background**

2.1 KCC's Kent Test process has been developed in conjunction with Kent schools over many years and arguably offers the fairest process of its kind available. The process receives considerable scrutiny from parties both for and against selection and so each element has a strong rationale for inclusion. Conversely, alternative approaches to the Test have historically been discounted as less advantageous than what is currently being offered.

2.2 While KCC has a responsibility to make reasonable adjustments to the process in light of Covid-19 pressures, any replacement assessment mechanism should retain as many features as possible to the original Kent Test process, so as not to introduce more variation than absolutely necessary. Planning must remain flexible, however, as there is no clear national pathway out of Covid-19 restrictions and options that appear unpalatable while alternatives remain available may prove to be necessary if further restrictions are implemented in the future.

2.3 While the size of this year's Kent Test cohort will not be known until after the closing date on 1 July 2020, over 16,000 students registered for the Kent Test last year, including roughly 6,000 children who did not attend a Kent school and so required access to a test centre. Any alteration to the test would need to be made available to all children in as equal a fashion as possible, so as to avoid creating additional unnecessary disadvantage.

2.4 Testing has been Kent's default assessment mechanism as it offers a common approach available to all children including those who are not in Kent primary schools. Testing does not require teachers to submit their own assessment data or grammar schools to evaluate it and should be less subject to allegations of bias. Recent performance data will be in short supply following lockdown.

2.5 The Kent Test process makes allowances for children who are less able to evidence academic ability via testing. Following an assessment by education professionals, variations can be made to the test process for individual students to account for difficulties that may result from their additional educational need or disabilities. Following the test, schools are given an opportunity to refer students who did not meet the required threshold for an automatic selective assessment, but who would potentially benefit from a Grammar education to the Head Teacher Assessment process. This mechanism will prove especially useful this year when considering the impact of missed learning on a referred child's test result.

## **3. Proposed Process**

3.1 In light of these considerations, officers propose that the Kent Test be delayed for roughly one month. While it may be necessary to adjust these dates to account for

unexpected changes in the national response to Covid-19 recovery, the following dates provide a guide of when key tasks are likely to take place. To ensure that parental expectation is managed, all guidance will make clear that dates are subject to minor variation and parents will be informed directly wherever adjustment is required.

	Proposed Date	Current Date
<b>Test material preparation and packing</b>	Throughout August	Throughout August
<b>Test paper despatch</b>	5 and 6 October	1 and 2 September
<b>Testing for Kent pupils</b>	15 October	10 September
<b>Testing for out of county pupils</b>	17 October (where sufficient test centre spaces are available to test on single day)	12 September
<b>Collection of answer sheets</b>	Up to 21 October	11 - 16 September
<b>Marking</b>	19 – 23 October	14 – 17 September
<b>GL Standardisation</b>	w/c 26 October (Half Term)	March/April
<b>Results to schools</b>	By 2 November	By 24 September
<b>HTA Lodged</b>	By 6 November	By 25 September
<b>HTA Panels sit</b>	w/c 9 November	w/c 28 September
<b>HTA Decisions to schools</b>	By 23 November	9 October
<b>Results to Parents</b>	By 26 November	15 October

3.2 Due to the nature of the contract with Kent Test providers, the delivery of Kent Test material cannot be significantly varied, so preparation and packing will take place as normal. As a solely manual process, the additional time will allow Fair Access staff to complete the preparatory tasks while implementing “Covid-safe” practices, which will reduce efficiency and increase the time it takes to complete each stage. This means that it will not be possible to vary the registration window for the Kent Test, however, additional guidance has been implemented across social media, historic media, kent.gov.uk and in school communications to ensure that parents are aware of the need to register as normal.

3.3 Each year, KCC is required to test around 6,000 children who do not attend a Kent school. Kent pupils are mainly tested in their own school and out of county pupils are tested in centres the following Saturday. Test centres are a collection of Secondary selective and non-selective schools and larger Primary schools across Kent. While these schools were booked for the published Kent Test date, a small number have indicated that they may not be available on the proposed alternative date. In addition, any remaining social distancing requirements in October will reduce the number of spaces available in each centre. These reductions are likely to limit KCC’s ability to complete the necessary testing in a single day. While every effort will be applied to finding sufficient capacity, out of county testing may need to be held in multiple sessions or across more than one date. As outlined above, if variation to proposed dates is unavoidable, it will be clearly communicated to all affected parents.

3.4 KCC sets the threshold for a selective assessment after the test has been completed and do determines what proportion of children are selected by the test element of the process. All Kent schools have been advised to ensure that children that receive pupil

premium and/or are eligible for free school meals are fairly represented in HTA process. Where children are referred to the HTA process, schools will be required to confirm the child's return to school date, provide details of home learning materials that were provided during the lockdown period. Guidance will be issued on what supporting evidence will be accepted. These factors will enable panels to take into account the varying educational experience children will have received during lockdown.

3.5 Proposed dates will allow for the remainder of the determined Secondary scheme to be implemented, ensuring it would still be possible to share information with Kent schools and neighbouring Authorities to make offers on National Offer Day (1 March 2020).

<b>Key Action</b>	<b>Scheme Date</b>
Summary of applicant numbers sent to Secondary schools (plus info for those needing to arrange additional testing)	By Friday 11 December 2020
Full applicant details sent to all Kent Secondary schools for ranking against their over-subscription criteria	By Monday 4 January 2021
Ranked lists returned to Kent County Council by all schools. Deadline for school to inform Kent County Council of wish to offer in excess of PAN	No later than Thursday 14 January 2021
Secondary schools sent list of allocated pupils - Primary schools informed of destination of pupils	Wednesday 24 February 2021
National Offer Day: e-mails sent after 4pm, letters sent 1st class	Monday 1 March 2021

#### **4. Legal implications and Risks**

4.1 The School Admissions Code requires selective admission authorities to take all reasonable steps to provide applicants with the result of any assessment before National Closing Date for Secondary Admissions applications (31 October 2020). KCC's original determined scheme provided applicants their results on 15 October 2020. Proposals will result in test outcomes being delayed until late November.

4.2 As noted above, selective LAs currently await updated guidance from the Department for Education on how to resolve the difficulty in meeting legal requirements while delivering a fair and timely test during the pandemic, however, a decision must be made to allow applicants, schools and KCC officers sufficient time to implement an assessment process.

4.3 A separate rationale document was produced during the investigation phase of this process to explain why it is necessary to make these exceptional changes despite these requirements and can be found in Appendix B. This document was finalised on 4 June 2020 and has not been updated to reference the more recent changes to government policy on a return to school for Year 5 pupils to ensure an accurate record of the decision-making process can be maintained, however, this extended absence strengthens the need to delay testing.

4.4 While the School Admissions Code provides a mechanism for Local Authorities to finalise an admission's scheme by 28 February each year, there is no clear method to adjust a scheme once it has been determined. In lieu of specific guidance from government on how selective LAs can overcome this lack of clarity, a consultation was held with all impacted

Kent schools to ensure a consensus of support could be evidenced (see Section 5). This mirrors the mechanism within the Code for initial determination of an admissions scheme.

4.5 A formal request has also been made to Rt Hon Nick Gibb MP, Minister for State Schools, to make the necessary changes to regulations to remove the potential for selective authorities to be challenged for making these essential amendments (Appendix C). This letter highlights that KCC faces an equal risk of challenge if changes are not made, as KCC is required by the Equality Act (2010) to ensure that children and young people are not directly or indirectly unlawfully discriminated against and to make reasonable adjustments for children and young people with disabilities in administering the Kent Test.

4.6 The General Counsel has expressed concerns about the lawfulness of any route without further clarification and guidance from Government. Before any decision is taken, careful consideration will need to be given to the legal advice and a detailed equalities impact assessment to manage the risk. In the view of the General Counsel, it is likely that the Council will face claims of unlawfulness irrespective of course of action chosen due to the competing statutory duties and obligations and further advice will be provided at point of decision.

## **5. Consultation Processes**

5.1 Consultations on the proposed changes to the Kent Test and Secondary Co-ordinated scheme were held with the following groups:

- Kent Primary and Junior schools
- Kent Independent schools who facilitate testing (Linked Independents)
- Kent Grammar schools
- Kent non-selective Secondary Schools

5.2 90% of Kent Primary and Junior schools and 100% of Kent Grammar schools which responded supported the proposals. More detailed analysis can be found in Appendix D.

## **6. Financial Implications**

6.1 It is expected that there will be an increased cost for the Kent Test due to need to provide social distancing within test centres for out-county pupils, which will reduce the number of students who can be tested within a session and increase the number of invigilators and administrative manuals required.

6.2 While there is no way to accurately estimate the potential funding implications, as this will be reliant on what social distancing requirements are in place, test centre costs for the Kent Test for 2020 school intake were in the region of £85k. It would not be unreasonable to expect these costs to at least double for this year's test arrangements. As these additional costs are directly related to Covid-19 restrictions, these will be coded against the pandemic budget line.

6.3 Increased costs to testing materials will be kept to a minimum.

## **7. Equality Implications**

7.1 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. KCC has always worked to make the process as accessible and fair as possible, taking into account any reasonable adjustments that can be made.

7.2 An Equality Impact Assessment was completed on the proposal. Delaying the Kent Test by one month has an overall positive impact for learners with protected characteristics, with a small level of negative impact for some learners. These are identified in the Equality Impact Assessment found in Appendix E.

## **8. Recommendation:**

The Cabinet Member for Education and Skills is asked to:

- a) Delay the Kent Test assessment until 15 October (17 October for out-county applicants) to allow children additional time to settle once they return to school; and
- b) Increase the number permitted school preferences as part of the Secondary Common Application process from four to six for this year only.

## **9. Appendices:**

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

Appendix B – Rationale for a potential adjustment to the Kent Test timeline

Appendix C – Letter to Rt Hon Nick Gibb from Richard Long

Appendix D – School consultation summary

Appendix E – Equality Impact Assessment

Appendix F – [School Admissions Code \(2014\)](#)

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