



Office of
the Schools
Adjudicator

Case references: ADA3685, ADA3686, ADA3687, ADA3688, ADA3689 and ADA3690

Objector: A parent

Admission authorities: The governing board of Dover Grammar School for Boys; Kent County Council for Dover Grammar School for Girls; the academy trust for Mayfield Grammar School, Gravesend; the academy trust for Highsted Grammar School, Sittingbourne; the academy trust for the Folkestone School for Girls; the academy trust for the Harvey Grammar school, Folkestone

Date of decision: 16 October 2020

Determinations

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements for September 2021 determined by the governing board of Dover Grammar School for Boys; Kent County Council for Dover Grammar School for Girls; the academy trust for Mayfield Grammar School, Gravesend; the academy trust for Highsted Grammar School, Sittingbourne; the academy trust for The Folkestone School for Girls; the academy trust for The Harvey Grammar school, Folkestone.

The referrals

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), objections have been referred to the adjudicator by a parent, (the objector), about the admission arrangements (the arrangements) for September 2021 for the following schools:

Dover Grammar School for Boys, a selective foundation school;

Dover Grammar School for Girls, a selective community school;

Mayfield Grammar School, Gravesend, a selective academy for girls;

Highsted Grammar School, Sittingbourne, a selective academy for girls;

Folkestone School for Girls, a selective academy school and

The Harvey Grammar School, Folkestone, a selective academy for boys.

2. I refer to the schools collectively as “the schools”. They are all designated by the Secretary of State as grammar schools and they all provide for students aged 11–18. The objection to the admission arrangements of them all for September 2021 concerns the dates of the selection tests for the schools and the fact that some of them are on the same date, with the result that children are prevented from taking several different tests which in the objector’s view diminishes their chances of gaining a place in one of the schools.

3. The local authority (LA) for the area in which the schools are located is Kent County Council. The LA is a party to this objection. Other parties to the objection are the academy trusts and governing boards of the six schools. The academy trusts or governing boards as the case may be are the admission authorities for five of the schools – the exception is Dover Grammar School for Girls for which the LA is the admission authority.

Jurisdiction

4. Mayfield Grammar School; Highsted Grammar School; the Folkestone School for Girls and the Harvey School, Folkestone are academy schools. The terms of the Academy Agreement between the academy trusts and the Secretary of State for Education require that the admissions policies and arrangements for the academy schools are in accordance with admissions law as it applies to maintained schools. Their arrangements were determined by their academy trusts or governing boards, which are the admission authorities for the schools, on that basis. Dover Grammar School for Boys is a foundation school and its arrangements are determined by its governing board under section 88C of the Act. Dover Grammar School for Girls is a selective community school and its arrangements are determined by the local authority under section 88C of the Act. The objector submitted her objections to these six sets of determined arrangements on 12 May 2020. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

6. The documents I have considered in reaching my decision include:

- a) the objector’s forms of objection dated 12 May 2020;
- b) the six different admission authority’s responses to the objection and supporting documents;
- c) the LA’s comments about the objections;
- d) the LA’s composite prospectus for parents seeking admission to schools in the area in September 2020;

- e) confirmation of when consultation on each of the arrangements last took place;
- f) copies of the minutes of the meetings at which each of the schools' admission arrangements were determined by their respective admission authorities; and
- g) a copy of the six sets of determined arrangements.

The Objections

7. There are six separate objections as listed above; however, the objector has made the same objection against each of the named schools. I have decided to address the objections in a single determination because there are aspects of the objection that are common to two or more of the parties and the objection concerns the alleged lack of coordination between the admission authorities for the schools and the local authority.

8. The eight different parts of the objection raise different facets of the same issue and all concern whether or not the arrangements conform with the School Admissions Code requirement in paragraph 14 that “admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair.....”.

9. Eligibility for places at one of the six schools named in this determination can be achieved by achieving the required score or above in the Kent test which I discuss below. In addition, eligibility for a place at any one of the schools (but not any of the others) can be gained by achieving the required score or above in that school's own specific test. The objection deals with a series of situations where the dates of these individual school tests either clash with the Kent test or with the individual tests of the different schools. The main thrust of the objection is that the conflicting dates of the various tests mean that parents are prevented from entering a child for all the possible tests available. In the discussion below, I shall deal with each of the situations that are raised in the objection.

Background

10. Kent has a significant number of grammar schools. As noted above, eligibility for admission to any of these can be secured by achieving a high enough score in what is known as (and referred to by me as) the “Kent test”. This is usually taken by children who attend Kent primary schools in their own schools on a Thursday during early September. Children who attend primary schools outside Kent can take the Kent test usually on the Saturday immediately following the Thursday when the test has been taken by children at Kent primary schools. As mentioned above, six of the Kent grammar schools provide their own eligibility tests for admission and I shall refer to these as “school specific tests”. The six schools which are the subject of these objections use school specific tests.

11. In addition and complicating my consideration of these cases has been the disruption to the testing arrangements that are the subject of this determination by the Covid-19 pandemic. Schools closed in the first half of the year and there have been concerns about the preparedness of schools and children to take the grammar school

selection tests as scheduled in the information for parents and in individual schools' admission arrangements after the period of closure and subsequent partial reopening. Kent County Council as the local authority consulted with its schools and a decision was taken to delay the tests from dates in September to dates in October. It was further agreed that the number of schools that could be named on the application form would be increased from four to six. Variations to the published admission arrangements were made and approved by the relevant bodies to effect this delay. I have delayed completing this determination until I could see that the testing had not been further delayed by Covid-19 related matters. The consequence of the delay is that some of the specific dates provided in the objection have changed but in other respects the objection remains as it was originally submitted and I shall address each of the aspects of the objection in turn on that basis.

12. The original date scheduled for the Kent County Council test for children attending Kent primary schools was 10 September and this was revised to 15 October. The Kent test for other children was scheduled for the 12 September and these were revised to 17 October. The school specific tests for the six schools that are the subject of this objection were all scheduled to be held on 12 September and these were all rescheduled to 17 October.

13. These six schools were subject of a linked objection in 2019 concerning their testing arrangements and these determinations can be seen at ADA3578 – ADA3583. This previous objection was about two aspects of the testing procedures for selection in these schools. The first aspect concerned the use by individual schools of a school administered test in addition to the LA administered test and the objection asserted that this was unfair. The LA test is available for any child to take and all of the selective schools in Kent accept that a child who passes this test is eligible for admission to any of the Kent selective grammar schools. The determinations did not uphold this aspect of the objection. The second part of the objection was that it is unfair that the school specific tests are held on a Saturday, this aspect of the objection was not upheld. The adjudicator did, however, find that it was unfair that there was no alternative test date offered if a child could not sit a test on a Saturday for religious reasons or if the child was unwell.

14. These six schools are not located in the same part of Kent; four of them are in the south of Kent in the Dover and Folkestone area with Dover Grammar School for Boys and Harvey Grammar School providing places for boys and The Folkestone School for Girls and Dover Grammar School for Girls providing places for girls. Mayfield Grammar School in Gravesend and Highfield Grammar School in Sittingbourne provide places for girls and are located in a more northerly part of Kent.

Consideration of Case

15. The first part of the objection is about the overall grammar school testing procedures in Kent and asserts that the LA and (where the LA is not the admission authority) the admission authorities for the individual schools named have failed to ensure that the Kent test together with the school specific tests administered by individual schools comply collectively with the School Admissions Code requirement in paragraph 14 that "admission

authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair.....”. The objector says that the unfairness is about the dates provided for children to take the selection tests in different schools. The objector considers that it is unfair that a child and their parents may express a preference for up to three (sic) schools but the timetable for tests in the six schools listed above prevents a child being able to apply to three grammar schools because it is impossible for them to have taken the appropriate tests which are scheduled for the same day. The objector says that a parent may express a preference for three schools, the LA informed me that parents do in fact have four preferences and for 2021 admissions this has been increased to six on account of the change in test dates. The increase to six for the current admissions year is because the delay in testing means that parents will not have the outcome of the tests available when they make their applications for a place for their child. The additional preferences available will help to mitigate this difficulty for parents.

16. The objector thinks that the LA should consider rescheduling the Kent test so that children could not only take this test but also take the school specific tests on different days. The Kent test taken by children attending Kent primary schools does not clash with any of the school specific tests, the clashes are between the Kent test for children who do not attend Kent primary schools and the six school specific tests and between any two or more of the school specific tests which are all scheduled to take place on the same date. Alternatively, the objector would like every school which uses school specific tests to accept the results of the other school specific tests as evidence that a child is eligible for a grammar school place as an alternative to the Kent test. The objector would like to see mention in the LA’s coordinated admissions prospectus about the dates for each school’s tests and some means of ensuring that there is not a disparity between the number of tests that different children are able to take as a result of the way test dates are set. By way of example, the objector says that in 2019, the Harvey Grammar School had some tests in the morning and some in the afternoon. The Dover test was in the morning of the same day. As a result, the children that were allocated an afternoon slot could also have sat the Dover test in the morning while those allocated the morning test could not take both and this was unfair.

17. Each of the schools and the LA provided me with their responses to this objection and I have summarised the comments below before adding my own thoughts on the matter. The LA reports that it runs one 11+ testing process, the results of which are accepted by all of the grammar schools in Kent. It continues to do this, even though it is currently the admission authority for only three of the grammar schools in the county, because it believes that a single process, which gives children access to any of the grammar schools, is preferable to children being asked to take multiple tests. Each year the LA tests about 10,000 Kent pupils and about 6,000 pupils from outside the county, and complies with the requirement in paragraph 1.32a of the Code to “take all reasonable steps to inform parents of the outcome of the tests before the closing date for secondary admissions on 31 October...”. In order to achieve this timetable, the tests are typically taken by children attending primary schools in Kent during a school day in early September. Exceptionally, the date for 2020 has been revised to 15 October. Children who are not attending Kent

schools are offered the opportunity to take the test on the Saturday following the test taken in Kent primary schools. Any child who reaches the required score in the Kent Test is eligible to apply for any of the named grammar schools, regardless of other processes running alongside Kent's 11+ testing, so fair access is facilitated.

18. The LA points out that individual grammar school assessment tests have to operate within the same timetable restriction as the Kent tests, that is, they take place once the Autumn Term has begun, and the relevant admission authority must also take all reasonable steps to provide the results to parents before 31 October. The LA says that it has no involvement in the testing processes set up by individual grammar schools and cannot determine how they will run. The LA says that while it would prefer a single selection mechanism to apply across Kent, where schools are their own admissions authorities they are permitted by the Code to decide if they wish to set their own tests.

19. The individual schools have responded separately and each has explained that it chooses to set the school administered test on the first Saturday after the Kent test to give time to process the results and inform parents by 31 October. Mayfield Grammar and Highsted Grammar point out that their location means that there are options for parents to apply for places for their child in other grammar schools in Kent and Medway and there are also options to apply to Bromley and Bexley grammar schools. The schools do not collaborate with each other over the test dates but argued that if they were to try and do so there would be significant timetabling constraints in order to provide the results by 31 October.

20. I have considered the objection and the responses made to it. I have also reviewed the information provided to parents on all these admission authority websites. The merits of different types of test and styles of testing have been discussed extensively in other places and I shall not discuss them here because this is not the issue in this objection. The issue is whether or not it is fair that a child does not have the opportunity to undertake multiple selection tests for multiple schools in order to see if he or she can gain a sufficient score in one or more of the tests to be considered eligible and thus be permitted to apply for a place.

21. The LA supports selective education and in order to facilitate this it provides a test that any child either in and out of the county may take and the test result will allow a family to know if a child is eligible to apply for any of the grammar schools in Kent. In my view this comprehensive scheme makes the application process as simple and fair as it could be for a child in a competitive environment such as this. Children attending a Kent primary school are able to take the test in school time in their own primary school and children who do not attend a Kent primary school can attend a test centre on the following Saturday. The strength of this system is that the same test is applied to all children and if eligible, a child may apply for any of the grammar schools in Kent. The system is further strengthened by the test appeal mechanism where a review of an individual child's performance can be requested if they do not reach the eligibility score. The matter is considered at a testing review panel involving a group of local headteachers.

22. The objector draws attention to the fact that six out of the grammar schools in Kent have chosen to offer their own school specific test in addition to the Kent test and then argues that the LA should coordinate all the testing that takes place so that any parent can have the option to put their child forward for all of the available tests without being constrained by timetable clashes. The LA responded to say that although it would prefer the schools to only use the Kent test, as individual admission authorities, the schools set their own admission arrangements and may offer their own selection testing if they so wish and such a decision is beyond the jurisdiction of the LA. The objector would like the tests to be on different days so that it would be possible for a child to take the Kent test and then as many of the other school specific tests as they wish. The LA observes that individual school testing is constrained by the same timetable issues as the LA tests. It is therefore understandable that the school specific tests are arranged on the same day.

23. Of six schools subject to this objection, there are two that a boy can apply to, one school in Dover and the other in Folkestone. The other four schools are for girls with one in Dover and one in Folkestone and the other two some distance away in the northern part of Kent. Only some parents will choose to ask their child to sit a second school specific test after the Kent test, but if they do, for the timetabling reasons given above, the school specific tests are arranged on the Saturday following the Kent test. All these parents will face the same dilemma about which test beyond the Kent test to enter their child for and I do not consider that this makes the arrangements unfair. The Code does not require admission authorities to collaborate with each other over admission arrangements. Kent LA runs a test that is accessible to all and which brings eligibility to all the Kent grammar schools if a child scores above the threshold score. The fact that parents and their children are limited in the number of additional school specific tests that can be taken by reason of the dates of the tests does not make the process unfair. Children who attend Kent primary schools may be entered for a school specific test in addition to the Kent test and parents must choose which one that is to be. The majority of parents enter their children for the Kent test because of the wide eligibility that it brings and do not choose to enter their child for an additional school specific test. Most of the grammar schools are oversubscribed so the test result is only the first step of the admission criteria and the individual oversubscription criteria are then applied to applications from eligible children. The objector asserts that it is unfair that parents cannot enter their child for all the school specific tests. I do not agree and since the same constraints apply to all applicants I do not think that any individual child is being treated unfairly because they are limited to being able to take only one test in addition to the Kent test. I do not therefore uphold this part of the objection.

24. In the second part of the objection, the objector says that the school specific tests for the Dover and Folkestone grammar schools are set on the same Saturday. The objector asserts that the tests are the same test but that neither school will accept a pass in the test administered by the other school for entrance and this is not fair for these children who can only take one test but would like to be able to apply to either school.

25. The arguments in respect of this aspect of the objection are similar to those in the first part of the objection. There are two grammar schools for girls and two grammar schools for boys in the area so the choice is initially limited by gender. The Kent test is applicable for

all Kent grammar schools so there is no unfairness in the use of this test. It is true that the individual schools do not use the same selection tests and where they do, they do not necessarily apply the same standardisation to the results. There is no requirement in the Code for collaboration and no requirement for schools to accept results from other schools in a situation where there is already a common test available. A parent may choose if they would like their child to take an additional test and if the available tests are on the same day I am not persuaded that it is unfair that a choice has to be made about which additional test a child is to take. The same constraint applies to all applicants and as a result, I do not uphold this aspect of the objection.

26. The third part of the objection is that the school specific tests are always on the same day as the Kent test for children who do not attend Kent primary schools. The objector says that this is unfair for children who live out of county (and whom I assume the objector considers are less likely to attend a Kent primary school) and would like to attend a Kent grammar school because they can only take one test and not two thus reducing their chances of obtaining a place at one of these schools. The objector asserts that Mayfield Grammar School and Highsted Grammar School each take a high proportion of pupils from out of Kent due to the location of the schools and these children from out of county who are seeking a place in a Kent grammar school have to choose whether to take the Kent County Council test or the specific tests for admission to Mayfield or Highsted Grammar Schools.

27. The LA responded by saying that the volume of testing undertaken by the LA substantially exceeds the volume of testing undertaken by individual grammar schools. The LA marks the Kent test, shares the results with primary schools and co-ordinates the consideration of borderline cases by local headteacher assessment panels. It therefore has limited options as regards the date on which Kent's test for children not attending its own primary schools takes place.

28. Mayfield and Highsted Grammar schools refute the assertion that they admit a high proportion of children from outside Kent and point to the fact that they are always heavily oversubscribed and that their oversubscription criteria give priority to girls living in their local areas which are within Kent. The two schools said that it is a requirement of their admission procedure that applicants have taken the Kent test and that the majority of applicants have been judged eligible by this means. Highsted Grammar School commented that last year it was necessary for it to seek permission to take an additional form of entry to accommodate the demand for places from girls within its local area.

29. These schools are heavily oversubscribed, so being eligible to apply for a place is different from gaining a place. The schools have oversubscription criteria which give priority to girls from their local areas. I do not think that the out of county children are being treated unfairly if there is a clash of dates, because if they are assessed as eligible for a grammar school place in Kent through the Kent test they are eligible to apply for a place at any one of the Kent grammar schools. Families living outside the individual school areas will need to take the level of oversubscription and the criteria that are applied to manage this into account when making its decisions about which schools to apply to. I do not think that the fact that out of county children are not able to also take the individual school specific tests

will have a material bearing on whether they are successful in gaining a place at one of these two schools. The other schools named in the objection are too far from the neighbouring council areas for there to be a realistic opportunity for out of county admissions. I do not uphold this part of the objection.

30. In the fourth part of the objection, the objector says that the Dover test is on the same day as the Shepway test which is the test set by the Folkestone schools. The objector says it is the same test by the test provider CEM but marked with a different criteria to suit the individual schools. The objector asserts that it would be possible for Dover Grammar School for Boys to ask CEM to take the raw marks from applicants who took the test in Shepway and to standardise these using the Dover parameters to create a “Dover standardised” score and vice versa. The schools responded to this point by saying that in their view the tests are not the same test and therefore a shared pass mark is not achievable. Irrespective of whether it is feasible to share individual test results as suggested, the same conclusion that I came to above applies here. The fact remains that the Kent test is applicable to all schools and the argument about whether it is unfair that a child can only take one additional school specific test in these schools applies to all applicants and I do not uphold this part of the objection.

31. The fifth part of the objection concerns late testing. The objector says that the grammar schools that are named in this objection and which offer school specific tests only offer these tests to those who apply on time. If a child moves into the area or misses the school’s test application deadline then the child is only offered the Kent test. The objector asserts that there is evidence that more children are successful in the school specific tests than in the Kent test. The objection, therefore, is that this disadvantages late applicants and is unfair. In the objector’s view, the lack of a late test means that anyone who has not registered for testing on time, cannot apply to a grammar school in the normal admissions round and this is unfair because, the objector says, all the grammar schools are heavily oversubscribed (apart from Dover Grammar School for Boys) and the chance of an in-year place is slim.

32. The response from the LA and the schools confirm that the schools are typically oversubscribed and if places do become available during the year because a pupil leaves, there is likely to be a waiting list of children who have been assessed as eligible seeking a place. The school’s oversubscription arrangements will apply while there is a waiting list in operation. The schools and the LA confirm that a late test is available and agree with the objector’s view that late applicants are unlikely to gain a place because the schools are typically oversubscribed. The Kent test is available to those moving into Kent but if a school is oversubscribed, it is not only the testing process but also the school’s oversubscription criteria which will determine who the limited number of places are offered to and those who do not gain places in the first instance can join a waiting list for a place if one becomes available when a child leaves the school. The situation is different for those who fail to register for testing by the deadline. The LA takes the view that it makes every effort to publicise the deadline and it cannot provide alternative testing dates for those who do not apply in time. It does however have a system for helping applicants who move into Kent after application dates. A parent also has the opportunity to appeal a decision not to offer a

place. The LA website sets out the options available to parents clearly. In consequence. I do not uphold this part of the objection.

33. The sixth part of the objection concerns tests for in-year applicants who have missed the normal round of admissions at Dover Grammar School for Boys for whatever reason. The objector says that Dover Grammar School for Boys offers the Kent 12+ test in the following summer, which can be up to a year after in year admission is requested, necessitating admission to another school in the meantime. The objector considers that this is unfair and thus does not comply with the Code. The objector asserts that Dover Grammar School should offer an in-year test option for late applicants in order to offer a place if one is available at the time of application and should not be using the availability of the test to control the timing of pupil admissions.

34. The school responded that it publishes its date for the Dover Boys Test well in advance of the test date. It says that the date is published on the school's website, and in local media. An additional date will now be made available for pupils who are unable to sit the test on the specified date due to religious observance or certified illness. The school comments that the objector refers to the "Kent 12+ test"; however, the school says that it does not use a test of this name. It says that it does provide an opportunity for students in Year 7 to sit an assessment of their ability in English, Maths and Science from April of Year 7 to ascertain progress and ability of core areas of the KS3 curriculum and to assess whether they are suited to a grammar school education. This assessment is put together by the school and administered by the school.

35. In considering this aspect of the objection I refer to paragraph 1.17 of the Code that says "all selective schools **must** publish the entry requirements for a selective place and the process for such selection." Then paragraph 1.18 that says "only designated grammar schools are permitted to select their entire intake on the basis of high academic ability. They do not have to fill all of their places if applicants have not reached the required standard." The school has published its entry requirements and there is currently a facility through the local authority for potential applicants from out of county to take a late test. The result of this test will determine whether a child is eligible for a place at a grammar school or not, then it is for the individual school to apply its admission criteria. The Code is clear that as a selective school it is not required to fill its places if applicants have not reached the standard for eligibility. The process for establishing if a child is eligible is set out clearly and I do not therefore uphold this part of the objection

36. The seventh part of the objection applies to all the schools named in the objection. The objector considers that it is unfair that there is not an alternative date for children to sit a particular school specific test if it clashes with the school specific test of neighbouring grammar schools. The objector points out that if a child cannot sit the test on the prescribed date due to religious observance or illness they are given an alternative date, but not if there is a clash of test dates. The objector believes that it is unfair that the schools do not use some discretion in this matter. The objector gives an example of a child who has perhaps suffered a family bereavement on the day of the test and who cannot therefore take the test risks losing their chance of a place at the school because the admissions

policy does not allow the school to consider special circumstances on a case by case basis.

37. The responses from the schools differ in the detail but all agree that it is not an exceptional circumstance if dates of tests clash and this is a matter that affects all families equally so is not considered to be unfair. All children are able to take the Kent test and for those near other local authorities with selective education such as Bromley and Bexley it is also possible to take those tests. The schools do not think that it is fair to offer the possibility of alternative test dates as a general invitation because this could not be managed effectively. However, there is mention in some of the admission arrangements of “exceptional circumstances” being considered. As one school put it “not every eventuality can be listed in a policy and the admissions authority for the school has always responded sympathetically to requests supported by evidence.” All the schools were clear however that a clash of tests for a child is not considered to be an exceptional circumstance. I agree with this point and on that basis do not uphold this part of the objection.

38. The eighth part of the objection relates to Dover Grammar School for girls and the fact that the admission authority is the LA yet the school is running its own school specific tests which take place at the same time as the Kent test for out of county applicants. In its responses to me, the LA said that it would prefer schools not to offer their own individual tests because it believes it is fairest if all children seeking a place in a Kent grammar school are assessed using the same test. It is interesting, therefore, that one of the six schools offering an additional test is a community school for whom the LA is the admission authority. The LA responded to this point by saying that Dover Grammar School for Girls obtained the agreement of the LA that there would be a schools specific test for the school many years ago because Dover Grammar School for Boys as its own admission authority by virtue of being a foundation school, adopted an additional test on obtaining Grant Maintained status in the 1990s, and reasonable concerns were expressed locally that this created an inequitable arrangement for boys and girls living in the area. This was the reason that the LA agreed to the school specific testing. The LA said that it has no involvement, however, in the operation of the individual school tests which take place on the Saturday following the week in which the Kent test is taken in Kent primary schools. For the reasons given above the objector considers this is unfair and particularly for out of county applicants who are prevented from taking the school specific test if they choose to take the Kent test. Given that the LA is the admission authority for the school the objector thinks that this should not be permitted to happen. The LA points out that most out of county candidates are interested in schools they can travel to from their home area, Dover is a long way from the Kent border with other areas. The LA said that it would advise anyone from outside Kent who was interested in more than one Kent grammar school to take the Kent test, as the test offered by Dover Grammar School for Girls is valid only for that school.

39. My conclusion is that this part of the objection is the same issue as has been discussed above. The fact that the LA is the admission authority for the school makes no difference to the fairness or otherwise of the dates of the test. A parent wishing their daughter to undertake the Kent test may enrol her and this test will take place on a

weekday and if the parent wishes a child to also take the individual school test this is also possible. Out of county applicants must choose which test to take but receive advice from the LA about the positive reasons for taking the Kent test. The number of parents who are willing to commit their child to traveling from out of Kent to Dover Grammar School for Girls is likely to be very limited for logistical reasons because the distance to the Kent border with another authority is more than 20 miles to the closest point. I do not uphold this part of the objection.

Summary of Findings

40. I have delayed writing this determination while the schools have been coping with the disruption caused by Covid-19. There has been a change in the dates for testing in 2020, however, the principles that I have applied to my conclusions apply equally to the previously scheduled dates as well as the new dates.

41. This objection comprises eight parts and relates to the six schools named. These are the same six schools that were named in a linked set of objections made by a different objector in 2019. The eight parts of the current objection are similar and the nub of the objection is that the named schools choose to set their school specific selection tests on the same day which makes it impossible for a child to sit more than one school specific test in addition to the Kent test if the child attends a Kent primary school. In considering the objection I have taken into account the fact that the LA sets an assessment test that is freely available to all children in Kent with the tests taken in school time in each child's primary school. If a child is assessed as eligible through this test, the child is eligible to apply for a place in any grammar school in Kent. Children living outside Kent are also enabled to take the Kent test but this takes place on the Saturday following the weekday test for Kent primary school children.

42. The named schools set their own different school specific tests. As they are their own admission authorities the Code permits them to decide on how selection for places at their schools is undertaken. The objector argues that if parents can express a preference for up to three schools on their application form, they should also be able to enter their child for the school specific tests in each of these schools. The LA clarified that in fact parents can usually express four rather than the three preferences quoted. Covid-19 has delayed the testing for 2021 admissions and in consequence, the number of preferences for 2021 admissions has been increased to six to help mitigate uncertainty resulting from the late notification of test results which is the inevitable consequence of delaying the test dates.

43. Having considered the arguments I conclude that it is not an unfair process because the same constraints apply to all families. Any child can take a single test that can bring eligibility to all grammar schools in Kent. The additional individual tests available may be perceived to add a chance of further success of eligibility but I have concluded that it is not unfair that parents have to choose which additional test they wish their child to undertake. In concluding that this is not unfair in the general case in the first part of the objection, I also reach the same conclusion in the other parts of the objection about specific situations and

my overall conclusion is that I do not uphold any aspect of this objection to the testing arrangements in these six schools.

Determination

44. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2021 determined by the governing board of Dover Grammar School for Boys; Kent County Council for Dover Grammar School for Girls; the academy trust for Mayfield Grammar School, Gravesend; the academy trust for Highsted Grammar School, Sittingbourne; the academy trust for the Folkestone School for Girls; the academy trust for the Harvey Grammar school, Folkestone.

Dated: 16 October 2020

Signed:

Adjudicator: David Lennard Jones