

# COVID-19 DECISION – URGENT REPORT TO THE LEADER

12 JUNE 2020

## REVISED ARRANGEMENTS FOR THE MEDWAY TEST

Portfolio holder: Councillor Mrs Josie Iles, Portfolio Holder for Children's Services (Lead Member)

Councillor Martin Potter, Portfolio Holder for Education and Schools

Report from: Ian Sutherland, Director of People, Children and Adults Services

Author: Paul Clarke, Acting Head of School Services

### 1. Issue

- 1.1 As a result of the COVID-19 pandemic, undertaking the Medway Test on the dates as published in the School Admissions Arrangements 2021 and approved by Cabinet on 17 December 2019 under decision 158/2019 does not provide sufficient time for pupils who have missed a significant amount of schooling or enough time to settle back into learning and preparation for the test.
- 1.2 Education leaders in Medway, parents, members, other authorities and officers have all stated their concern at the short time available to prepare for the test.
- 1.3 The need for an urgent decision is to enable the revised dates and arrangements to be published so that:
  - Schools and parents are aware of the changes before the close of the registration on 29 June 2020
  - Pupils have additional time to prepare for the test
  - Schools and test centres are able to plan in advance of the test as changes to arrangements for open days and evenings need to be planned and published, as well as ensuring venues are available on the dates required and any planned events on the sites are postponed
  - Officers can meet the deadlines required in sections of the organisation of the test which are fixed
  - Officers can liaise with other authorities in the organisation of the test to avoid clashing wherever possible.
- 1.4 The Chairman of the Children and Young People Overview and Scrutiny Committee has agreed that the taking of this decision is urgent and cannot be reasonably deferred until the next Cabinet meeting on 7 July 2020, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution). The reasons for this are set out in paragraph 1.3 above.

1.5 Additionally and in line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in can be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. The Chairman of the Children and Young People Overview and Scrutiny Committee has agreed that the decisions proposed are reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

## 2. Decision Required

2.1 The decision required is the approval of the revised dates and arrangements as set out in the body of the report. As Cabinet approved the original dates as part of the admissions arrangements it falls to the Cabinet, or delegated powers of the Leader to determine due to the urgency of the matter. In addition, the additional costs can be met from the emergency un-ringfenced government grant provided to help offset the impact of Covid 19 expenses incurred by Local Authorities.

Decision type	Risk rating	Can decision be taken under officers' delegated authority?	If not (or if decision is both executive/non-executive), an urgent decision is required
Executive functions	H	N	Leader – please refer to urgency provisions

## 3. Options

- 3.1 With the current social distancing rules and with year 5 pupils having missed so much time in school the timing and logistics of the Medway Test has come into question. Headteachers, MPs and councillors as well as parents have indicated that they think the original proposed time is too soon and pupils will not have had time to settle back into school and have asked for the test to be delayed.
- 3.2 The original date for the test in Medway schools is Tuesday 15 and Wednesday 16 September 2020, with the out of area pupils taking the test on Saturday 19 September 2020. This means that pupils will have only been back at school for two weeks before the test is taken.
- 3.3 It is expected that approximately 4000 pupils will register for the test this year, of which around 1600 will be from out of area, including many from further afield such as London and North Kent.
- 3.4 The out of area pupils are usually tested on a Saturday in a number of test centres (usually secondary schools) with around 250-300 pupils per centre. That will not be possible under current safety guidelines and social distancing.
- 3.5 We anticipate a maximum of 50 - 60 pupils at test venues and therefore propose to use eight test centres over four days, over two weekends either side of the Medway schools midweek testing. Secondary heads are in favour of smaller testing numbers over a number of days.

- 3.6 The centres will in the main be managed by the schools themselves using a small number of staff to operate the tests. This will reduce the need to employ staff as we normally do, but will increase the compensation fees we pay to test centres. All test centres so far have been supportive of the changes and agreed to make their sites available and to lead the testing process over the 4 days. However, they do require confirmation of the dates as soon as possible.
- 3.7 If the numbers of out of area registrations is smaller than expected we could reduce the days on which we test to 3 or maybe 2 which would reduce costs, but until we know the level of applications we cannot determine that.
- 3.8 Planning and organising the Medway test is a complex and time-consuming matter during normal times and so the added dimension of social distancing and general safety of pupils and staff is resulting in an extremely challenging task.
- 3.9 The options are:

1) Leave as is with original dates

- Risks: significant dissatisfaction from parents, schools and politically
- Lack of time in school for pupils to familiarise
- Difficulty in organising tests with social distancing as numbers could not be reduced in test centres
- Would be able to offer a review but to review what as the work that would be reviewed is unlikely to have been completed or almost a year old

Action	Deadline/timeframe
1 <sup>st</sup> weekend of out of area testing	19 September
Majority of medway schools (midweek)	15 & 16 September
2 <sup>nd</sup> weekend of out of area testing	N/A
Mop up test	24 September
Standardisation and moderation	Wk/comm 21 September
Results day	5 October
Review date	15 October
Review outcomes notified	23 October
Deadline for secondary applications	2 November
Deferred test for pupils medically unfit to test in October	TBC January latest

2) Move to proposed dates below within DfE guidelines

- Risks: still may not satisfy the stakeholders who want longer delay
- Provides 3 additional weeks for pupils to ready themselves
- No review offered

Action	Deadline/timeframe
1 <sup>st</sup> weekend of out of area testing	3 & 4 October
Majority of medway schools (midweek)	6 & 7 October
2 <sup>nd</sup> weekend of out of area testing	10 & 11 October
Mop up test	15 October
Standardisation and moderation	Wk/comm 19 October
Results day	26 October
Review date	None
Review outcomes notified	None
Deadline for secondary applications	2 November

Deferred test for pupils medically unfit to test in October	TBC but January latest
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- 3) Move proposed dates back by one week further and delay the application process to enable the review process to be undertaken
- Risks: may not satisfy the stakeholders who want longer delay
  - would result in 'missing' the official DfE admissions applications deadline; however, that would be workable with a four-week grace period for receipt of applications without impacting upon the internal admissions process
  - Provides 4 weeks additional time in school for pupils
  - Allows for a review
  - Realistically this is the latest timeline that could be utilised

Action	Deadline/timeframe
1 <sup>st</sup> weekend of out of area testing	10 and 11 October
Majority of medway schools (midweek)	13 and 14 October
2 <sup>nd</sup> weekend of out of area testing	17 and 18 October
Mop up test	22 October
Standardisation and moderation	Wk/comm 26 October
Results day	2 November
Review date	19 November
Review outcomes notified	22 November
Deadline for secondary applications	30 November
Deferred test for pupils medically unfit to test in October	TBC but January latest

- 4) Delay further outside of DfE admissions regulations to November/January
- Risks of action from DfE for acting outside of the admissions regulations
  - Risk of second surge in Covid could add further pressure and complexity to a delayed test
  - Would severely impact upon the time available for the admissions process internally
  - A review could be offered but would delay further
- 5) Do not test at all and have an assessment based approach
- Fraught with difficulty but may need to be a plan B should there be further surges in the virus which impacts upon the arrangements
  - Open to bias within Medway and extremely challenging to find a fair way for the out of area children
  - Would be reliant upon year 4 work and not up to date information
  - Officers have explored this option and finding a palatable solution is extremely challenging although headteachers have agreed to work with officers on a solution to this issue for use as a plan B should a second surge mean that the testing would not be possible

3.10 **Option 3** is the preference as it provides the longest delay, which allows for a review and would not negatively impact upon the admissions process. It would however create an overspend against the budget (see section 4). The dates have been checked against those preferred by KCC and one clash does occur which is the 17 October date for out of area children. This would impact upon a very small number of Medway and Kent pupils, but may affect the more

distant out of area pupils who may wish to take both tests. However, Medway in offering 4 weekend testing days for out of area pupils is providing options and flexibility and clashing with neighbours when all authorities are trying to work with in the same tight deadline is inevitable. The proposed dates do ensure that Medway pupils can take both tests if required.

#### **4. Finance, Legal and Risk Management Implications**

4.1 Option 3, whilst offering the most effective and popular test dates would create an overspend of approximately £70,000 against the Medway Test budget mainly due to the additional cleaning required at test centres after the weekend tests and the additional test centre venue hire fees for testing over four weekend days rather than one.

4.2 Therefore, it is proposed to fund this potential overspend of £70,000 from the emergency un-ringfenced government grant provided to help offset the impact of Covid 19 expenses incurred by Local Authorities.

4.3 As Cabinet were the decision makers for the School Admissions Arrangements 2021 within which the Medway Test dates are determined means that this is a matter for Cabinet or, in this case, the urgency powers of the Leader to determine any changes to the published dates.

4.4 The recommended proposed dates (option 3) result in the nationally recognised dates for secondary school application being delayed, however this does not negatively impact upon the admissions process and no pupil will be disadvantaged because of it. Parents will have longer to state a preference for their child's secondary school and all applications received up to 30 November 2020 will be considered as within the deadline and processed accordingly.

4.5 Risks:

- A second surge in the Covid-19 virus could impact upon the revised test dates meaning that a form of in school work assessment would be required
- Additional parental and political dissatisfaction that the test isn't delayed further
- A risk of public dissatisfaction if the dates are not revised and the test goes ahead against current social distancing guidelines.

#### **5. Final Decision**

5.1 The Leader is asked to agree, using urgency powers, to the revision of the dates for the Medway test as set out in option 3 at section 3.9 of the report.

5.2 The Leader is asked to agree that this recommendation is considered urgent and therefore should not be subject to call in.

#### **6. Suggested reasons for decisions**

6.1 Given the severity of the Covid-19 pandemic it is reasonable to make changes to the Medway Test dates.

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**Appendices**

None

**Background papers**

None

..... (signed) .....(date)

Decision taker