

Submission to the Government's Academies Review

18 December 2007

1. Background

1.1 Comprehensive Future

Comprehensive Future is the campaign for fair school admission policies in England. The campaign is non party political and open to all. By lobbying Government, providing evidence, informing the media and supporting local campaigns on admissions we aim to bring about a comprehensive secondary school system in England with fair admissions criteria to all publicly funded schools, guaranteeing an equal chance to all children and an end to selection by ability and aptitude. Our individual supporters include school staff and governors, parents, members of both Houses of Parliament, local councillors, academics and other public figures who share a commitment to equality of opportunity within our education system. We also have support from organisations such as union branches and local political parties.

In responding to this review we are confining ourselves to admissions, as that is our focus. However it is clearly unfair that the governance arrangements of these schools might allow a sponsor to exert an influence over admissions policies, which may mean local children fail to get a place or neighbouring schools are adversely affected.

1.2. The status of academies and the School Admissions Code

Academies and CTCs as legally independent schools are not tied in to the School Admissions Code in the same way as maintained schools. Although required by their funding agreements to meet the Code the levers to ensure that happens rest entirely with the Secretary of State. All concerns about fairness are met with the reassurance that 'it is in the funding agreement'.

The review will of necessity explore the status of funding agreements, and the possibility that future Secretaries of State might be able to change them. The requirement to follow the School Admissions Code was introduced after some academies were set up. Presumably from now on if the Code changed the academies would have to follow a new Code.

Earlier this year Comprehensive Future expressed our concern to Jim Knight, Minister of State for Schools that paragraph 2.13 in the School Admissions Code which lists prohibited oversubscription criteria says – admission authorities for all maintained schools must not ... We pointed out that the draft Code issued for consultation had said

admission authorities must not ... We asked why this extra wording had been introduced as we were concerned it could be interpreted that these prohibitions did not apply to academies.

We did not get a clear answer on why the change had been made but in a letter the Minister said -

Through their funding agreements, academies must comply with the whole Code including the list of prohibited oversubscription criteria at paragraph 2.13. Furthermore the Secretary of State approves all academies admission arrangements and will not approve any that contain unlawful criteria. My Department's Academies division is in the process of checking arrangements of existing Academies to ensure they comply with the new Code.

Jim Knight 27th March 2007 letter to Comprehensive Future

1. 3 Academies as admission authorities

Voluntary aided schools, foundation schools, trust schools, academies and CTCs all operate as admission authorities able to set their own admission criteria. Research over a number of years and quoted for example in the IPPR report (School Admissions: fair choice for parents and pupils June 2007) has shown that where schools set their own criteria there is more social segregation.

1. 4 Co-ordinated schemes

The School Standards and Framework Act 1998 brought in the coordination of admissions to simplify the admission process for parents. Regulations require local authorities' schemes to include all maintained schools. Academies are required to participate by their funding agreements (para 1.18 School Admissions Code)

1.5 Complaints to the adjudicator

Parents, admission authorities, admission forums and local authorities can object to the adjudicator about admission arrangements of maintained schools in their areas. Adjudicators deal with complaints about maintained schools. Complaints about admission arrangements of academies are dealt with by the Secretary of State.

1.6 Role of admission forums and local authorities to ensure fair access

The role of the admission forums and local authorities to ensure fairness in admissions has been strengthened in the Education and Inspections Act. All academies are eligible to nominate a representative to the core membership. All schools are represented. It is too early to see if the strengthened role of admission forums and local authorities to ensure fair access make a difference.

1.7 Administration of admissions

New regulations allow for the administration of all admissions to be carried out by the local authority, that is the administrative decision on whether an applicant meets the admission criteria even if these are set by the school.

1.8 Selection on aptitude

Like all schools specialising academies can select on so called 'aptitude'.
. In 2003 the Education and Skills select committee for example said 'We are not satisfied that any meaningful distinction between aptitude and ability has been made and we have found no justification for any reliance on the distinction between them'. (Education Select Committee 2003) .A recent adjudication ruled that a school which had been using a test for 'aptitude' in fact was testing on achievement. (Office of the School Adjudicator, decision ADA 000854, 20 July 2006).

1.9 Banding and the effect of academy admissions on other local schools

There is considerable support for banding (for example the recent IPPR report). Supporters of banding show that it can lead to more balanced intakes in terms of ability. However, banding can result in children being unable to attend a local school. Parents in some areas face very complicated banding arrangements.

Some academies are choosing to band but it seems using different methods of banding. In any case they are choosing to band when other local schools do not.

Two examples to illustrate from two academies run by the same sponsor but in different boroughs

From the website of the Harris Academy Merton :

The tests are marked and candidates ranked in order of the highest and lowest scores by an independent body. These rankings are then used to create 9 bands of ability. Bands are not predetermined they are dependant on the applications received and the results obtained by applicants. Each band will, as far as possible, contain an equal number of applicants.

If the Academy receives 180 applications or less all applicants will be offered a place. If the Academy is oversubscribed it will offer 20 places in each band giving preference based on the following criteria:

Places in each band will first be offered to students with special needs and children in care. The remaining places within in each band will then be offered on the basis of proximity.

The first 50% of remaining places will be offered to children living within the 0-2 mile radial distance of the Academy. If for example the Academy has 5 places to offer in band 2 for students living in 0-2 miles proximity but has 7 applications from students within this proximity, the places will be given to the 5 students living closest to the Academy. The remaining 50% of places will then be given to students living within the 2-4 mile radial

distance of the Academy and again if the Academy is over subscribed those living closer to the 2 mile distance will be given preference.

From the website of Southwark Council :

Harris Academy Bermondsey

All applicants must take a non-verbal reasoning (NVR) test that places them in a rank order. We will then place all applicants in one of five ability bands, each containing, as far as possible, the same number of children based on their performance in the NVR test. Within each of the five bands applicants will be considered in accordance with the criteria below, applied in order:

- 1. Girls in public care.*
- 2. Girls for whom admission to a specific school is essential because of special circumstances, to do with significant medical needs, social needs or special educational needs.*
- 3. Girls whose siblings currently attend the school and who will continue to do so on the date of admission.*
- 4. Girls' proximity to the school using straightline, computer calculated measurements.*

2. Recommendations

The setting up a parallel system of independent schools which are publicly funded but without the legal status of being 'maintained' is likely in the future to lead to confusion and unfairness for parents and pupils. Provisions over admissions and complaints about admissions are likely to be a major factor in this. We have concerns about the monitoring of admissions procedures as academies, some more than others, seek to operate independently.

We have several specific recommendations.

2.1 Funding agreements

We are concerned about what appears to be the semi-secret negotiation of funding agreements. Parents must know during the consultation on setting up academies what the admission arrangements for the school will be and how their chances of getting into their local schools will be affected. Furthermore there must be mechanisms to ensure funding agreements could be changed to ensure academies follow any changes required in any future code on admissions.

2.2 A level playing field

All publicly funded schools should operate under the same arrangements for admissions. Plans to have 400 academies all operating as admission authorities will lead to more fragmentation, unfairness and confusion over admissions unless steps are taken

to ensure that all publicly funded schools operate under the same system and are subject to the same regulation.

2.3 The Code to be applied equally to all publicly funded schools

We wish to see all provisions relating to admissions in the School Admissions Code apply equally to maintained schools, Academies and CTCs. The duty of the Local Authority to promote fair access and to ensure that school admission arrangements comply with the Code should extend to all schools within the LA. Provisions related to looked after children, children with SEN and hard to place children should apply to CTCs and Academies in the same way as to maintained schools.

2.4 Research the effect of admissions to academies on admissions to all local schools.

We urge the review to examine the effect of the admissions to academies on all local schools. Some academies have very complex admission arrangements, others follow the local authority. If some academies can follow local community schools' admissions criteria it is not clear why all are not willing to do that. Furthermore the reasons for the different choices of academies over banding are unclear and should be examined. This review should go further and include an examination of the pros and cons of banding.

To minimize the testing of children and ensure fairness if banding is introduced it should apply to all schools across an area and should be across the ability range for the local authority intake, not applicants to an individual school. The admission forum is the obvious place for area-wide banding to be decided. Academies should work with other local schools within the forum to agree common arrangements.

2.5 End selection on aptitude

Aptitude selection, just like academic selection, involves children sitting entry tests. Even if only 10% of places are reserved for pupils with a particular aptitude, many more children will be put through the test. Inevitably the introduction of 10% selection on aptitude reduces parental choice for all local parents whose children deemed not to have the 'aptitude' and who might otherwise have got a place. Parents have the right to express a preference for a school with any particular facilities which they feel will meet their child's needs and the choice should lie with them, not the school.

In any case all children deserve a well resourced, broad and balanced curriculum taught by well qualified and highly motivated teachers. Few primary age children, or their parents, can predict with certainty what subjects they will be enjoying and succeeding at when they are fifteen.

Comprehensive Future does not accept that there is a distinction between ability and aptitude. Selection on aptitude should be ended. Children should not have to face entry tests for secondary education.

2.6 Admissions administration

This should be done by the local authority for all publicly funded schools including academies. If admission criteria set by the school are objective, fair and clear there is

no problem in requiring the local authority to decide if the applicant meets them. This would relieve the school of the burden and bring about more openness in the process. In any case we question the need for any school to set its own admission criteria. We do not see a case has been made for this.

2.7 The role of the adjudicator extended.

There is clearly a need for an independent system to monitor and intervene on admissions. The role of the Adjudicator should be extended to promote fairness by monitoring and intervention in all publicly funded schools (ie including academies). Adjudicators can only act if there is a complaint. Unfair practices do not become fair if no one complains.

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