

## Comprehensive Future's policy

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## What we mean by fair admissions

Comprehensive Future's aim is a comprehensive secondary school system throughout 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. Comprehensive Future wants what the vast majority of parents want - all parents having access to a good local school. A survey of parents carried out by Which (Which? choice:education. September 2005) found that 95% of parents want access to a 'high quality local school'. Comprehensive Future supports admissions arrangements which allow local parents to send their children to local schools through fair admissions.

*(NB for a definition of the terms used in this section eg admission authorities, adjudicators and a description of current arrangements please see the FAQs section. There is more detailed information about the educational and social case for ending selection in our various publications on the website).*

We welcome the Government's oft stated commitment to 'fair admissions'. However it is clear that current legislation and guidance although improved cannot bring about fair admissions. The School Admissions Code published in 2007 (The Stationery Office 2007) went a long way to meet concerns but there remains a need for more change. A stronger legislative push is needed to ensure fairness. Admissions legislation must operate in the interests of all children and their education, not in the interests of institutions keeping their place in what has become a pecking order of schools.

We are convinced on the basis of the consistent evidence from research over many years, both in the United Kingdom and in other OECD countries, that inclusive admissions systems, balanced intakes and flexible curriculum arrangements, which put the individual child at the centre of the learning process, are necessary. They are needed to secure high national standards of education, by enabling all children, whatever their ability, to explore their talents to the full.

We are further convinced that a school system with high levels of segregation of children by family income, social class, ethnic group or religious affiliation is more likely to create a society with high levels of inequality, insecurity and intolerance and low levels of mutual respect, social cohesion and national identity.

We fully recognise the vast social and economic inequalities that still disfigure our society and many of our local communities. We also recognise that in some parts of our major conurbations there are a number of schools that cannot be considered to have a natural catchment area. We accept therefore, that there can be no nationally prescribed uniform means of achieving the objective of balanced intakes. No single set of admissions criteria will be suitable for every part of the country. What matters is that local authorities, admission forums and schools are, in the light of local circumstances, using these various criteria to secure common national objectives.

The use of carefully constructed catchment areas and carefully chosen feeder primary schools can be effective in achieving balanced intakes. Similarly, banding and the random allocation of places might in some cases help to distribute pupils more equally between schools, although this could work against parents wishes to be able to forecast the probability of their child getting a place in a particular school and the aim of encouraging schools to be at the centre of their community.

Some bold decisions by Government will be required if fair admissions are to become a reality. Currently Government policy relies heavily on mechanisms providing the possibility of change through complaints or local campaigns. Firmer legislative action needs to be taken. The gradual increase in the managerial and financial autonomy of individual schools must be balanced by coordinated procedures involving admissions forums and local authorities designed to advance the interests of all children in the locality.

Comprehensive Future believes that unless there is a clear division of responsibilities for admissions between schools, local bodies and central government, backed up by legislative changes, fair admissions will never be achieved. Legislative change should be accompanied by other changes. Given the natural inertia in any large and complex system, it will be necessary for Government to use its powers over the national funding formula for school budgets to incentivise individual schools to work towards fair admissions. Soon in many areas there will be a reduction in secondary pupil numbers. Along with that

there are opportunities under Building Schools for the Future. There are changes to the 14 – 19 curriculum. These changes offer an excellent opportunity to end selection at 11 and change to a non- selective system across the country.

These changes we recommend are needed to bring about a gradual transformation in the effectiveness of our secondary school system, a significant extension of equality of opportunity, an overall improvement in educational standards, an increase in the proportion of young people wishing to continue their education beyond the age of 16 and a less fragmented and divided society.

Whilst politically controversial in some quarters, these changes are essentially modest and, we believe, would secure wide support. Implementing them would gradually bring forward the day on which young people are valued, not according to the families they are born into, or the schools they attend, but by the talents they develop and the contribution that they make.

The changes we want to see –

England will never have a fully comprehensive system and fair admissions unless there are changes. We believe the wider objectives of Government policy should be to:

- ensure the availability of high quality schools in all our communities
- encourage parity of esteem between schools however diverse and, as far as possible, balanced intakes in all secondary schools in terms of ability.
- provide the opportunity for all children to attend a local school if their parents wish, within the inevitable constraints of transport, location and buildings
- ensure admission policies and practices are fair to all parents and children

Specifically Comprehensive Future would like -

### **1. An end to selection on ability and aptitude**

There is now all party acceptance of the adverse effect that selection has on children, on communities and on the aim to provide good schools for all. Despite this at present in England selection can only be ended by a complex procedure of petitioning and balloting allowing parents to vote for change or by the governors of selective schools deciding on change. We wish to see Government require local authorities in all areas where selection remains to consult on and implement plans for a non-selective system. Government should make capital funding available to ensure a smooth transition. To meet the Government's commitment that the decision to change should be a local one we want to see

the current situation reversed. New regulations should be introduced to enable parents to sign petitions to trigger ballots to stop the change to a non-selective system should there be sufficient support

Currently few schools have taken up the 10% selection on aptitude option but as more schools become admission authorities it likely that aptitude selection will increase. So, unless it is stopped now, more and more children will face entry tests. Few believe there is a difference between ability and aptitude. Partial selection on ability or aptitude should be ended. The only selection to be allowed to be area wide banding, if agreed locally.

## **2. A stronger coherent role for local determination of admissions**

Changes brought about in the School Admissions Code are more strongly focused on local determination and monitoring, giving powers to local authorities and admission forums. It is too early to say how effective this will be in ensuring fair admissions. Academies and CTCs as legally independent schools are not tied in to the 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. We want to see these schools brought in line with other schools in the area so all local publicly funded schools operate under the same arrangements.

Changes which we wish to see-

- The School Admissions Code requires all admission authorities to set admission (oversubscription) criteria which are fair. Regulations allow for the administration of all admissions (ie determining whether an applicant meets the admission criteria) to be carried out by the local authority even if the criteria are set by the school. Comprehensive Future wishes to see this as a requirement on all publicly funded local schools, including those that are currently their own admission authority. This would relieve all schools of this administrative burden and bring more openness to the procedure.
- No school should set its own admission criteria in isolation. All admission criteria for all local publicly funded schools should be agreed by the admission forum. If there is to be banding, for example, it should be across the ability range for the local authority intake, not applicants to an individual school. All publicly funded schools in the area should have the same system agreed by the admission forum.

## **3. The role of the adjudicator changed**

There is clearly a need for an independent system to monitor and intervene on admissions but Adjudicators can only act if there is a complaint. Unfair practices do not become fair if no one complains.

- The role of the Adjudicator should be extended to promote fairness by monitoring and intervention.
- Currently admission forums and schools are not obliged to object to the adjudicator if local admission arrangements appear unfair. However local authorities are required to object. This should be a requirement on admission forums and schools.
- The roles of the Adjudicator in ensuring fair admissions in the light of complaints and that of the Schools' Commissioner in publishing a report on fair access will need to be co-ordinated, and perhaps revisited to avoid confusion.

## **Background briefing**

### **1. An end to selection on ability and aptitude**

There is no good reason for English children, already some of the most tested in the world, should face divisive entry tests for secondary school entry

Comprehensive Future wants all selection, for secondary education, except for banding, to end. When schools select, both on aptitude and ability, parental choice is reduced and the burden of testing on children is increased. Ending selection by ability and aptitude would help build a national network of high quality schools with a better balanced distribution of pupils. It would significantly reduce the numbers of children who are, explicitly or implicitly, labeled as failures at the age of 11.

#### **1.1 Why selection should be ended**

##### **1.1.1 Effect on children**

In the debate on selection for secondary education in England far too little attention has been paid to the effect of selection on children. Selection divides families and children from their friends. When selection is part of the education system far more pupils are affected than just those who pass the test, as many more are rejected. Inevitably these children will label themselves failures when only half way through their education. In 2005 there were 154070 places in grammar schools out of 3312160 total secondary places. Assuming 3 children rejected for each grammar place this means about 14% of children de-motivated by rejection in England (PQ 21 July 2005). Parliamentary answers indicate that data on the number of children sitting entry tests is not collected. Anecdotal evidence indicates that many children sit tests, often for several schools. Selecting 10% of places on aptitude may seem minimal, but far more than 10% will be rejected.

Testing children for entry at 11 is fundamentally flawed. It subjects children already facing more tests than in most other countries to another set of hurdles to jump. It divides communities. It passes a message of failure from one generation to the next. It widens the gap between the achievement of the poor and the better off.

The 11 plus adds another stress to children already facing SATs. As the review body looking at the effect of the 11 plus in Northern Ireland said – *We were particularly impressed by the views of young people about their experiences of the Tests and their effects on themselves and others. We have been left in no doubt that the Tests are socially divisive, damage self-esteem, place unreasonable pressures on pupils, primary teachers and parents, disrupt teaching and learning at an important stage in the primary curriculum and reinforce inequality of opportunity.* The report went on to say - *the selection (and separation) of pupils on a narrow academic basis, at such an early stage in their education career, is both inappropriate and unsustainable. In reaching this view, we have had regard also to the implications of the European Convention on Human Rights.* (Education for the 21st Century. Report of Post Primary Review Body Department of Education, 2001)

Even children not taking the test can be affected. Selection forces primary schools to concentrate on getting some of their children through the 11 plus rather than aiming for the best for all the children. As Tim Brighouse wrote in 1997 *Secondary grammar schools I realize beget primary crammer schools.* (Tim Brighouse Affirming the Comprehensive Ideal. Pring and Walford. Falmer 1997)

Government policy rightly is to encourage high educational aspirations and a wish to end barriers to learning. Retaining selection runs completely counter to this ideal of an education system with high aspirations for all children, keeping doors open to provide opportunities for lifelong learning. Selective systems are based on setting up most children to fail.

Entry tests at 11 inevitably result in the lowering of motivation for the majority of children in selective areas who 'fail' the selective tests. Demotivating children at this age should not happen if we want all children to aim to do well. Motivation is increasingly seen as being as important as so-called ability but we do not quantify motivation. Evidence given to Comprehensive Future from headteachers of all ability schools in selective areas, drawing on their dealings with young people who were not 'selected' indicates the damaging effect of selection. As one head said to us about selection and what we put children through - 'in any other area we would be guilty of child abuse'. Another head described the research done on the intake into her school, which illustrated the damaging effect of failing the 11plus. Although in fact the cohort was above average ability it scored lower than expected on perceived learning capacity, attitude to teachers, work ethic and confidence in learning.

The long - term effects on pupils failed by the system are never quantified. and the need to encourage more young people to stay on in education post 16. Selection passes on message of failure from generation to generation as parents who failed the 11plus as children pass on the message to their children that education is not for them.

### **1.1.2 The unfairness of selection tests**

The case for dividing children at 11 was shown to be flawed when selection ended for most communities in England, this remains the case now. Why should children be divided by a test on or before 11 years of age and furthermore because of the outcome of the test have to be educated in different institutions?

IQ testing is recognised to be unreliable and related to past experience rather than future potential Research on the transfer test in Northern Ireland found it to be neither reliable nor fair (Testing the Test, Gardner and Cowan, Queens University Belfast 2000). There is no reliable test of potential. Selection takes no account of the fact that children develop at different rates. It assumes that ability is fixed at 10+. Much brain research shows that development occurs in spurts and is subject to many influences. The basis of testing is inevitably unfair. Children whose parents can afford coaching are more likely to pass the test.

Atkinson, Gregg and McConnell compared selective and non selective local authorities. They found that the net effect of selection 'is not substantive' but they did find it resulted in gains for (the few) selected and slight disadvantage for those not selected (the majority). They found able children eligible for free school meals were unlikely to get into selective schools. (Working paper 06/150 Centre for Market and Public Organisation April 2006)

### **1.1.3 Selection and social cohesion and mobility**

Selection divides families and children from their friends and results in huge social divisions in secondary education and thereby in communities. This is bound to affect the likelihood of children considering themselves to be equally valued members of society.

Where schools select social segregation increases. This is particularly important in light of the role in fostering community cohesion which schools are encouraged to take following the Cattle report. Schools will always have different pupil populations, if only because of residential geography, but selection exaggerates these differences and makes it hard for some schools to flourish. Changes in admissions to encourage a more balanced intake in all schools would help to level up standards across the board. Admission policies with a local emphasis

make it easier for schools, parents and local communities to develop a strong relationship.

Selective schools are not escape routes from poverty. Compared to their local communities they take far fewer children eligible for free school meals. A comparison of the social segregation in England's secondary schools with other OECD countries by the Statistical Sciences Research Institute in Southampton showed that England is middle ranking in terms of social segregation. High ranking countries such as Austria, Holland, Germany and Hungary have selective school systems. Countries such as the Nordic countries and Scotland have less segregation than England and the researchers conclude this is because of their non-selective school systems. (Social segregation in secondary schools: how does England compare with other countries? Jenkins, Micklewright and Schnepf. Southampton S3RI | January 2006)

Work by Allen and Vignoles from LSE found an association between LEAs with higher proportions of pupils in schools that controlled their own admissions or have explicit selection by ability and the level of FSM segregation. (What should an Index of School Segregation measure? Allen and Vignoles. Centre for the Economics of Education. LSE March 2006)

In June 2007 The Joseph Rowntree Foundation reported on factors leading to low achievement. The researchers concluded that admissions are one factor influencing the outcome for disadvantaged pupils. The report said - *Anything that gives schools greater opportunities to select their pupils works to the detriment of the disadvantaged; the current ways in which school places are allocated is part of the process by which the disadvantaged end up in disproportionately worse-performing schools.* (Tackling low achievement. Robert Casson and Geeta Kingdon Joseph Rowntree foundation. 2007 [www.jrf.org.uk](http://www.jrf.org.uk))

Selective schools also take differentially from ethnic minorities. A report from Slough local authority to the Commons Education and Skills committee is an illustration of this. In 1999 17% of white children in Slough transferred to grammar schools, 1% of Pakistani pupils and 29% of Indian pupils. (Education and Skills Committee Secondary Education:school admissions Volume 11 ev 234 July 2004).

Work by West and Hind looking at the composition of students from different ethnic groups in London grammar schools found a statistically significant differences between grammars and local 'comprehensives' in their ethnic composition. There was a lower proportion of Black students and a higher proportion of Indian and Chinese/other Asian students in grammar schools. (Secondary School Admissions in London, Hazel Pennell, Anne West and Audrey Hind. Centre for Educational Research, Dept of Social Policy LSE. February 2006).

The significance of segregation in terms of differing social intakes between schools is highlighted in the reports of the OECD's Programme for International Student Assessment (PISA). This large-scale study of the knowledge and skills of 15-year-olds was conducted in 2000 and again in 2003, on the latter occasion involving 41 countries. On each occasion it was shown that countries with more divided school systems perform distinctly less well, in terms both of overall standards and the spread of attainment, than those which are based on a more integrated and comprehensive approach. For example, "*In countries with a larger number of distinct programme types, socio-economic background tends to have a significantly larger impact on student performance such that equity is much harder to realise*" and "*The analyses reveal that countries with greater socio-economic inclusion tend to have higher overall performance*" In other words integration, equity and excellence tend to go together. (First Results from PISA 2003, Executive Summary, Paris, Organization for Economic Co-operation and Development, 2004)

Social mobility refers to the relationship between a person's social class or income origins and their social class or income destinations. Some claim that grammar schools were a route for social mobility. A paper by the London School of Economics is often quoted in support but this paper did not attribute the slow down to ending selective education (Blanden, Gregg and Machin, Intergenerational Mobility in Europe and North America LSE 2005). The LSE paper showed that the most socially mobile countries are the comprehensive Scandinavian countries.

A pamphlet from the Centre for Policy Studies claim that those going from the bottom 25% to the top 50% has fallen from 40% to 37% at a time coinciding with the move from grammars to comprehensives (Three Cheers for Selection, Blackwell, CPS 2006). But for this argument to stand up, the majority of those 40% would have to have gone to grammar schools. In 1962 only 20% of children went to grammar schools so it is highly unlikely that any more than 10% of the bottom quartile, if that, would have gone to grammars. Grammar schools were not therefore responsible for the 40% mobility.

Researchers looking at social mobility in Scotland found that the expansion of professional jobs and the contraction of manual jobs, together with educational expansion and comprehensive reforms have enabled a large number of working class children to enter professional and managerial occupations. Education has facilitated upward mobility. However education had not increased social fluidity. That is, it has not reduced the gap between social classes in the chances of entering top level occupations because there is still a strong effect on parental class on their children's achieved class which is not mediated by education. (Iannelli and Paterson. Centre for Educational Sociology. Edinburgh 2005)

Changes in mobility are more likely to be due to initial rapid but now slower growth in room at the top because of massive expansion of white collar jobs and reduction in manual jobs in the 1950s.

#### **1.1.4 Selection and standards**

Apart from the international evidence above which shows higher standards for non selective systems other evidence points to the fact that selection does not raise standards overall.

Since comprehensive education was introduced, barriers to achievement for many young people have been removed. The annual government statistics of school attainment, examination results, and participation in further and higher education offer clear evidence of a 'levelling-up' over the last 25 years.

There are many complications in relation to comparisons of systems. At GCSE level NFER research has found little difference in value added results between comprehensive and selective local authorities. Able pupils seem to do just as well in comprehensive schools as selective schools. (Schagen and Schagen NFER 2001)

Jesson has looked at selective and non-selective LEAs and found that where schools in an area are organised on selective lines (as in 15 of the 150 local authorities) the overall impact is to depress the educational performance of these communities as a whole. He wrote *Changes required to bring about a more effective organisation of secondary schooling cannot come about by leaving admission arrangements as they are: we have shown that to do so is simply a recipe for lower performance in those areas which still organise their schools on selective lines. A government committed to raising standards for all must not exclude from its agenda those currently educated in 'secondary modern' schools – these pupils are currently seriously disadvantaged in GCSE performance by the way that their schooling system operates. Maintaining that disadvantage should not be an option.* (Performance of pupils and schools in selective and non-selective local authorities. David Jesson, Centre for Performance Evaluation, University of York In Comprehensive Education: evolution, achievement and new directions. 2006).

In comparing selective local authorities and 'comprehensive ones' it must be remembered that many 'comprehensive' local authorities will be creamed of their more able pupils by selective schools in neighbouring local authorities. On average 1 in 5 pupils in grammar schools do not live in the local authority in which the grammar school is. (PQ 7 March 2006) The non-selective schools in these authorities will therefore have pupils which, if only local children were admitted, would have been in the selective schools, so the resulting pupil mix in these schools may be similar to the 'creamed' comprehensives in the

neighbouring local authority. This will be reflected in the results for two authorities.

Selective local authorities have lower levels of socio-economic disadvantage, for example in 2003 wholly selective authorities had 11% of pupils eligible for free school meals compared to 17% in wholly comprehensive areas. (PQ 20. 5.2006)

Any comparisons of achievements of 'secondary moderns' and 'comprehensives' have to take into account that many schools in selective LEAs are not officially designated as secondary modern schools, for example in the 10 most selective local authorities there are 108 schools officially designated in statistics as selective and not even twice that number (160) as secondary modern schools, the rest (85) are deemed 'comprehensive' (PQ 24.3.2005)

In comparing selective schools and non selective schools at A level it should be noted that another level of selection seems to operate for entry into the sixth form. A parliamentary question in 2004 showed that the percentage of pupils aged 16-18 known to be eligible for free school meals was only 1.5% compared to 2.3% of pupils aged 11-15.(PQ 31 March 2004)

Between KS2 to 3 selective schools do better than comprehensives on value added comparisons but it has been suggested that this is related to basing the KS2 score on levels. That is although there will be a similar mix of pupils with level 4 and 5 entering grammars the selective entry test will have selected the more able children.

In wholly selective areas the effect of selection is strongly felt in the primary schools. As well as preparing children for SATS schools also have to cope with the effect of the 11plus. An OFSTED report on Kent (a wholly selective LEA) in January 2003 found that both at KS1 and KS2 results at primary schools were lower than similar LEAs. (Kent Local Education Authority Paper by OFSTED January 2003)

Contrary to many claims there was no golden age when grammar schools prepared significant numbers of working class pupils for higher education. Comprehensive schooling allowed for the expansion in numbers of pupils prepared for HE entry. (Comprehensive Future briefing number 2, 2004) Certainly now grammar schools do not admit children from poorer backgrounds. A parliamentary question in 2004 in the Lords showed the percentage of pupils eligible for free school meals in grammar schools to be 2.2% compared to 14.1% in comprehensive schools. (PQ Lords19.7.2005)

There has been an overall increase into HE since comprehensive education was introduced. Indeed more poor students are going to university. However the increase has not been as fast in these lower social class groups. The principal

cause is the lower attainment of poorer pupils. Also poorer students are less likely to apply to HE even if they have the right qualifications.

In 1999 a report looked at the entry of state schools into Oxford. It found a two fold problem. First a large number of able candidates from the maintained sector were not applying to Oxford and second when they did apply their success rate was generally below that of candidates from the independent sector. (Report of Vice Chancellors Working Party on Access University of Oxford May 1999). Research carried out by NFER quoted in the report among high achieving state school pupils on decisions to apply to Oxbridge found that "students attending grammar schools are most likely to apply and those attending comprehensives the least likely".

Comparisons with the percentage of state school pupils entering Oxbridge several years ago must be viewed carefully to take into account the fact that most direct grant schools whose pupils in the past contributed to the state school numbers became independent when comprehensive education was introduced.

Some supporters of selection call Northern Ireland in evidence, but it shows the stark divisiveness of selective systems. Northern Irish grammar schools have only 7% of children eligible for free school meals compared to non-selective average of 28%. Over recent years only 5% of children from the Shankill have achieved grammar school places. (NI council for integrated education Guardian 16.2.2006) Comparisons of comprehensive Scotland with NI show illustrate the wide gap in achievement as a result of selection. Of all people of working age the percentage of people with no qualifications in NI is 22.6% in Scotland it is 12.9% similarly the percentage of people with qualifications levels 4 -6 ie degree level in NI is 18.1% in Scotland is 25.4% (Level of Highest Qualification held by people of working people age in each UK country (DfES 23.2.2006)

### **1.1.5 Financial costs of selection**

Ending selection would release more money to be spent in classrooms as the costs of tests, school transport and admission appeals would fall. An answer to a recent parliamentary question showed that on average 21% of grammar school places are taken by children not living within the LEA of the grammar school, this represents an enormous amount of travelling by students. (PQ 7 Mar 2006) It is difficult to find out the costs of administering the selection tests themselves and the appeals resulting but it is likely this again will deplete funds which might otherwise be spent in the classroom. A report to Kent County Council in 2000 estimated the cost of operating the selection process at £521,000. (Kent Education Committee 10. February 2000) Most fully selective local authorities spend more on school transport than their statistical neighbours (PQ 29.6.2004)

### **1.1.6 Selection by postcode**

There have been reports that when schools select on catchment areas parents move house to get to the schools they want and this is more unfair than selection by ability. One study (Leech and Campos Journal of the Royal Statistical Society, 2003) indicated that there might be a 20% difference in house price, a premium parents were willing to pay. But wealth affects selection by ability too. Parents in selective areas pay sometimes £60 a week for two years to have their children coached for the 11plus. At least if parents do not buy in a particular area children do not feel they have failed.

### **1.1.7 Selection and choice**

The maintained English secondary system has a plethora of different school governance arrangements – community, foundation, voluntary aided or controlled. These schools can also be specialist schools and/or faith schools. There are also the publicly funded but legally independent schools – academies and CTCs. The idea that this diverse system means that all parents and children might have a ‘choice’ of these different types of schools, as patients might choose hospitals to treat them, is nonsense when schools are allowed to choose their intakes. Choice cannot exist side by side with selection, with selection the institution makes the choice not the parent.

## **1.2 Grammar schools and the 11 plus**

At many points in the debates leading to the School Education and Inspections Act Government made many promises of ‘no return to the 11plus’. In fact thousands of English children face it every year. 15 Local authorities out of 150 have around 20% of their places in grammar schools ie they are fully selective and a further 21 have varying numbers of grammar schools. The 11 plus is being phased out in Northern Ireland, where there are fewer children in grammar schools than in England. There is no selection at 11 in Wales or Scotland.

But there will be no change in England if present arrangements for change remain. Government policy allows selective entry into grammar schools to remain unless either a majority of local eligible parents vote for it to change or grammar school governing bodies decide to change their admission policies to admit children of all abilities. No governing bodies have done this. Before a ballot can be held 20% of eligible parents in the areas concerned must sign a petition calling for a ballot. To require all of the 164 grammar schools in England to take children of all abilities would need 47 petitions and ballots. Already by 2005 mechanism has cost £2,346,193.40 (PQ 24 Mar 2005)

There would have to be 10 area ballots where all parents would be able to vote and 37 ballots relating to groups of grammar schools or single (stand alone) grammar schools, where only parents whose children attend primary ‘feeder’ schools are entitled to vote. Ripon is the only place where sufficient signatures

have been gathered to trigger a ballot. It was held in March 2000. It failed. However the campaign succeeded in showing up the bizarre effect of the feeder school ballot regulations. Private school parents were hugely over-represented making up a quarter of the electorate, although a parliamentary question at the time revealed that only 4.6% of primary children in North Yorkshire were in private education (Baroness Blackstone, Written reply, House of Lords, 22 February 2000). The second largest group was parents in a school 10 miles away, while some Ripon parents who would have had a strong interest in the school taking all local children could not vote.

There are many practical reasons why a change is not possible under these arrangements – collecting thousands of signatures for example. A fundamental reason is that, even before signing a petition, parents want to know what their local comprehensive system would look like - a question campaigners cannot answer. Any other school reorganisation plans produced by local authorities would have detailed proposals and require local consultation.

At national level Government provides no leadership, funding or supporting evidence to encourage an organised change to a local comprehensive system. If the 11 plus can be phased out by Government action in Northern Ireland without petitions and ballots it should be done so here.

Comprehensive Future wants to see the current situation reversed. We wish to see Government requiring local authorities in all areas where selection remains to consult on and implement plans for a non-selective system. Government should also grant capital funding to ensure a smooth transition so that all local schools admit across the ability range. When asked about ending selection the Government repeats a commitment to local determination. To meet this we propose that new regulations should be introduced to reverse the current situation. These regulations would allow parents to sign petitions to trigger ballots to stop the change and keep selection if there is sufficient support.

### **1.3 Partial selection on ability**

Some schools designated as comprehensive nonetheless select a proportion of high ability pupils by setting entry tests. These are schools which were selecting before 1997. A parliamentary answer (8 Feb 2006) indicated that 35 schools select partially on ability but these are only the ones known to the Government. The answer showed of the 17 local authorities where there are schools selecting from 10 to 33 % on ability, 10 are local authorities which also have fully selective schools, so here partial selection adds to the burden of entrance testing which many children will be facing in these areas.

David Blunkett the then Secretary of State speaking on 22nd December 1997 in the debate on the then School Standards and Framework Bill said – *'I am able to confirm that the Bill and the criteria I will lay down as part of our admissions*

*policy will remove partial selection where it currently exists. That causes havoc in terms of the admission of local children and denies fairness to parents because of the lack of choices and opportunities open to them'.*

This promise has not been fulfilled. Instead of ending partial selection the School Standards and Framework Act introduced a complex procedure requiring objections to the Adjudicator. This procedure has in some cases resulted in a reduction of partial selection and has been simplified by the Education and Inspections Act.

But parents have to know that they are likely to be disadvantaged in order to object. When most parents realise that their children are disadvantaged, ie as their children go through the admission process, the time for objections has long passed.

#### **1.4 Partial selection on aptitude**

The 1998 School Standards and Framework Act allows schools with a specialism to select up to 10% of pupils who pass a test to show 'aptitude' for a particular subject. Regulations set out which subjects can be tested – currently they are PE or sport; performing arts; visual arts; modern foreign languages. Selection for aptitude in design, technology and IT has been ended for 2008 but schools which already select on this aptitude will be allowed to continue.

Aptitude selection just like academic selection involves children sitting entry tests. There has never been a convincing justification for children having to face a selection test on aptitude to determine school entry. Children should not be burdened with further tests. The School Admissions Code says this is an oversubscription criterion. Even if only 10% of places are reserved for pupils with a particular 'aptitude', many more children will be put through the test. Parents living locally will be concerned that their children might not get in and might be tempted to put them in for the test 'just in case'.

Inevitably the introduction of 10% selection on aptitude reduces parental choice for all local parents whose children who are deemed not to have the 'aptitude' and who might otherwise have got a place. In any case all children deserve a well resourced, broad and balanced curriculum taught by well qualified and highly motivated teachers. On this basis all young people are then in a position to choose their interests later in their careers.

A frequent Government response is that most schools do not use their right to select, so the retention of this policy is justified by saying it is rarely used. In fact we do not know how many schools are selecting on aptitude (PQ 8 February 2006) A study in 2001 found that the proportion of schools selecting on aptitude to be increasing. (Coldron et al. Admission policies and practices of selective and partially selective schools in England. BERA conference Sept 2001) Community

schools can only do so if the LEA decided to do that so those selecting are largely those schools which are admission authorities. Professor West's research on London schools showed that more voluntary aided and foundation schools (13% and 12% respectively) were selecting on ability or aptitude in a particular subject areas than community schools (3%)(Secondary School Admissions in London . Hazel Pennell, Anne West and Audrey Hind. Centre for Educational Research, Dept of Social Policy LSE. February 2006). The aim is that all secondary schools become specialist schools. This, with the possibility that encouraged by Government, all secondary schools are admission authorities (ie trust or foundation schools), could lead to thousands of children facing selective entry tests on aptitude. There would be a domino effect as neighbouring schools react to one school introducing selection

Few primary age children, or their parents, can predict with certainty what subjects they will be enjoying and succeeding at when they are fifteen. At age 11 children may demonstrate an 'aptitude' which is not sustained over the following years. All children need to be encouraged in sport, performing arts and modern language.

If parents want their child to have access to particular facilities, sport facilities for example they can express a preference for the school, this gives parents the choice instead of schools. The Government is rightly encouraging schools to share expertise in collaborative arrangements. If schools working are together to ensure that all children have access to the specialist facilities in one school then it is not necessary for individual schools to select a group of pupils.

Like the majority of those who have commented on ability and aptitude Comprehensive Future does not accept that there is a difference between aptitude and ability. We believe what is being testing is achievement. If for example Grade 5 music is used as a proxy for aptitude it is a test of achievement. The Schools Admissions Code defines a pupil with aptitude as one 'able to 'benefit from teaching in a specific subject' or 'who demonstrates a particular capacity to succeed in that subject'. Surely this is the point of children going to school to learn? Even if a distinction can be drawn it does not follow that schools need to select.

The Education and Skills select committee has drawn attention to this more than once in its reports. For example the Committee reported in 2003 '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). In its response to the Select committee the Government was only able to make was the assertion that it believed this option should be available to schools as part of their approach to developing their specialist ethos. This fails to convince of the need to allow this extension of selection.

There has been very little support from academics to the idea that aptitude and ability can be distinguished. Government has had to go through contortions to draw a distinction. Civil servants in previous administrations were clearer. The published evidence to the select committee in 2004 included a response from the then Department for Education to the Campaign for State Education on January 26<sup>th</sup> 1993 - *You ask in your letter for the Department's definition of the words ability and aptitude. ...These words are not statutorily defined. Ability can be defined as possessing enough strength, power or means to perform in a particular area. Aptitude can be defined as a potential or suitability for acquiring an actual ability in a particular area. These definitions should not be treated as definitive interpretations of the two terms, as the terms have some degree of overlap in meaning, and it is difficult to define one term without also mentioning the other.*

The School Standards and Framework Act did not define aptitude. Butterworth's Law of Education quotes the Minister (Steve Byers) in Committee as defining it as "the natural talent and interest that a child has in a specific subject", "the potential to develop a skill or a talent" and "a child's scope for development in the future".

The Chief Adjudicator writing in 2003 said '*Finding a difference between the meaning of two such words is the sort of exercise lexicographers get up to when they haven't enough to do. Most dictionaries tend to use the two words alongside each other in the definition of both.*' He went on to say about schools wishing to introduce selection by aptitude - *From some of the cases we have had referred to adjudicators recently, it seems some excellent schools have found themselves selecting simply because schools around them are doing so. But there is no evidence that they need to select to maintain their standards or ethos or that the children selected do any better than those who are not. There should be a clearly thought-through statement of what the school hopes to achieve by selection and why it is prepared to devote resources and energy to a process that has proved to be both time-consuming and expensive.* (Philip Hunter, TES 11 July 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).

If in fact very few schools use this flexibility currently then ending this form of selection now will affect very few schools. This potentially huge increase in numbers of pupils facing selection tests can only be stopped by the amendment of primary legislation to end selection on aptitude.

### **1.5 Banding and 'lotteries'**

Banding is a means of trying to ensure a spread of children of all abilities by admitting children in relation to their score in tests arranged either by the school or in their primary schools. Many people support banding as a means of ensuring

an academically balanced intake. What we do not know is how much it would be necessary if all other means of schools selecting their intakes were removed. Banding is a form of academic selection, requiring children to sit tests. All selection (including banding) tests children and labels them. So there has to be a good reason for banding as it can result in children unable to attend a local school.

The Chief Adjudicator Dr Philip Hunter spoke at a national meeting of Comprehensive Future on the 5<sup>th</sup> November 2005 (Philip Hunter, Chief Adjudicator. Report of Comprehensive Future conference [www.comprehensivefuture.org.uk](http://www.comprehensivefuture.org.uk)). He said *In a few inner city areas, general banding for school admissions can work well. For most of the country, however, banding or random allocation cannot be introduced at the expense of giving priority to local parents and children. There is nothing that infuriates parents more than being denied a place in their local school because the school has decided to take children who live further away. It is reasonable to allocate spare school places to parents who want them, even if those schools are a long way from where they live. It is not reasonable to deny places to local children who want them when those children would have to travel a long way to an alternative school. There must be a general presumption in favour of giving children places in their local schools, if that is what their parents want. There would be riots in the streets of many towns and villages on the edges of cities if some of their children had to travel into the city to make way for children travelling in the opposite direction.*

In effect four types of banding are allowed by the School Admissions Code (paragraph 2.80) Schools which are admission authorities may band across the ability range of the applicants to the school, or may work together with other schools to band across their joint intakes, or banding can be across the ability range of the local authority or in relation to national ability range. The Government has not produced evidence of the likely effect of this provision. It needs detailed investigation. It seems likely that different methods could be adopted by different schools, if many schools become admission authorities children could face many tests in each school.

If individual schools band they may deny local children a place, or affect the intakes into other neighbouring schools. Children should not have to attend schools a long way from their homes. Clearly only area wide banding should be considered but only then if all schools in the area participate in the same banding scheme. Currently the numbers of bands used by different admission authorities vary and the type of test used. The admission forum is the obvious place for area wide banding to be agreed.

The School Admissions Code allows 'random allocation'. A recent decision in Brighton to use this where schools are oversubscribed within catchment areas has led to a lot of debate about 'lotteries' giving the impression that all names

were to be put in a hat and chosen. It remains to be seen if lotteries produce balanced intakes into schools or if it results, as banding might, in some children travelling long distances to schools. Interestingly the Sutton Trust found that most parents thought nearness to school was the fairest way to allocate places when asked to decide the fairest way to decide allocation to a comprehensive school. Ballots were not unpopular however as an alternative. Selection by faith was found the most unfair. (Ballots in school admissions Sutton Trust May 2007)

## **2. A stronger coherent role for local determination of admissions**

### **2.1 The administration of admissions**

Local authorities are required to co-ordinate the school admissions process for their areas. Co-ordination has made it easier for parents to exercise the choice already available to them by cutting down on the number of forms they have to complete and by introducing a common timetable for each area. Co-ordination has also made it easier for local authorities to ensure that all children have a school place.

Comprehensive Future wants to see local authorities administering admissions for all local schools, including the publicly funded 'independent' schools ie academies and CTCs. The Local Authority should assess how applicants for places meet the admission criteria for all schools in the area and administer the admission process. If admission criteria set by the school are objective, fair and clear it is difficult to see why any school should object to the local authority making the decision as to which applicants meet the criteria

### **2.2 No school setting admission criteria in isolation – the Admissions Forum**

Roughly a third of English secondary schools are admission authorities (total schools 3385 of which voluntary aided 559 foundation 513 SFR 42/2005) able to decide their admission criteria. Academies and City Technology Colleges have been set up as legally independent but publicly funded schools. Therefore legislation which covers 'maintained' schools does not apply to them. They arrange their admission criteria in agreement with the Secretary of State. There is encouragement from Government for all community schools to become either foundation or trust schools and thereby admission authorities. Although it is not clear how many schools might take this option, evidence suggests that if more schools are to become admission authorities there will be more overt and covert selection. This is an unsatisfactory situation unlikely to lead to fair admissions, as some schools are able to pick and choose their intakes, while others are not.

Speaking to Comprehensive Future seminar Professor Anne West from LSE, who has researched school admissions, said *'the admissions criteria of a significant minority of autonomous schools are not designed to ensure that they*

*take their 'fair share' of children with difficulties. These schools appear to be more likely to act in their own self-interest and less likely to act altruistically. Indeed, one can hardly blame the schools, they are responding to a market oriented system and the incentives it creates – the system encourages schools to compete and to seek to maximise their league table position, reputation and funding. So the problem with admissions to autonomous secondary schools is that a significant proportion do not have what might be considered to be fair criteria'. (Professor Anne West. Report of Comprehensive Future seminar. 14.6.2005 [www.comprehensivefuture.org.uk](http://www.comprehensivefuture.org.uk)).*

In 2005 the Times Educational Supplement reported its survey of almost a third of local authorities in England. It found that 'children living in areas with fragmented education systems, with large numbers of faith, foundation and academically selective schools, faced admissions problems'. (Times Educational Supplement 18.11.2005).

In January 2006 the Sutton Trust reported the low rate of fsm eligibility in the highest scoring comprehensives. Of the 200 with the highest scores 70% operated the own admissions. (The Social Composition of Top Comprehensive Schools. Sutton Trust January 2006)

An IPPR report in June 2007 recommended that administration of admissions should be done by the local authority, in the medium term the local authority would set admission criteria for all schools and eventually that all schools should have a banded intake. (School admissions: fair choice for parents and pupils. Tough and Brooks. 2007 [www.ippr.org.uk](http://www.ippr.org.uk))

The Admission Forum requires the participation of schools, diocesan boards, parent representatives, academies and CTCs as well as the local authority. Although not elected it is representative. This is the best local forum to agree suitable admission criteria for all local schools. Working with schools and Local Authorities it is at the right level to decide local flexibilities within the School Admissions Code.

The Audit Commission in responding to the White Paper before the Education and Inspections Bill and then Act said that some admission forums had proved effective in challenging poor practice but not all of them. (Response to the White Paper. Audit Commission [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk). January 2006)

Following this the School Admission Code 2007 extended the role and membership of the Admissions Forum. They have duties to ensure a fair admissions system which promotes social equity, monitoring local admissions. (School Admissions Code 4.9 – 4.13) The Code also gave them the power to produce an Annual report on the effectiveness of local admission arrangements. However admission authorities are required by the Code to 'have regard' to the advice of the admission forums. Admission forums should report to the

Adjudicator any unfair practices or oversubscription criteria or where their advice has been disregarded by any admission authority.

Comprehensive Future wishes to see the situation ended where some schools are able to set their criteria independently and others cannot. Comprehensive Future believes that there should be openness and transparency over admission arrangements so all publicly funded schools are involved in local admission arrangements operating the same system as all other schools.

The responsibility for setting admissions criteria independently should be taken out of all schools, whether trust, foundation, voluntary or community. The setting of individual schools admission criteria should be the responsibility of the local admissions forum, agreeing with each local school, following the guidance and regulations set nationally.

### **3. The role of the adjudicator changed**

During the debate on the White Paper (The Schools White Paper: Higher Standards, Better Schools for All .Report Education and Skills Committee. The Stationery Office 27 January 2006) before the introduction the Education and Inspection Bill later Act Government claimed that the Adjudicator provided all the legal enforcement needed. However this was to change.

The 2005 Annual Report of the Adjudicator (Annual Report Sept 2004 – August 2005. Office of the School Adjudicator. November 2005) showed few local authorities have complained to the Adjudicator making the point that it seemed unlikely that in all other areas everything was operating fairly. The Audit Commission (Response to the White Paper, Better Schools for All, Audit Commission [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk) Jan 2006) said that *'failure by a council to refer continuing poor practice to the Adjudicator disenfranchises individual parents who do not have the right themselves to challenge existing criteria through this route'*. In the 2006 Annual Report the Adjudicator reported an increase in complaints from local authorities. (Office of the School Adjudicator November 2006)

The School Admissions Code 2007 strengthened the duty to complain to the adjudicator. Local authorities must complain over unfair practices they find and must consider carefully any representations made by parents about admission arrangements and complain to the Adjudicator. Admission Forums should complain about unfairness, but need a vote in favour of sending a complaint from the whole forum.

The 2007 Code extended the rights of parents to complain to the adjudicator. Individual parents can complain to the adjudicator if admission arrangements do not comply with the law or mandatory requirements of the Code. MPs are encouraged to facilitate parents' complaints. To object to selection parents have

to have a child of primary school age and live in the relevant area. Parents of a child over 2 but is not above compulsory school age can object to failure to comply with the mandatory (ie 'must') provisions of the Code.

However, most parents only realise that their children are being kept out of a local school by unfair admission arrangements when they go through the admission process. It is far too late then to make a complaint as this should be made after the local consultation in advance of admissions in the following year. Fair admissions must be required from the outset.

There are also anomalies. If local schools introduce 10% selection on aptitude parents cannot object to the Adjudicator as it is allowed by the Code. However they may do so if schools propose taking fewer pupils than their published admissions limit. This is despite the fact that both actions could result in local children securing fewer places in the schools.

However, in all cases bringing the adjudicator into action relies heavily on those able to make objections doing so. Currently the role of the adjudicator is only to take action in reaction to objections, he cannot take investigative action. There is a major weakness here. Unfair practices do not become fair if there is no objection. Admission forums should like local authorities be required to object.

The Education and Inspections Act also introduced the role of the Schools Commissioner. His wide remit, largely based on encouraging schools to become trust schools and setting up academies also includes a report on fair access based on the reports on local arrangements which admission forums can produce. It remains to be seen how this works out. The first report is due in January 2009. This role seems to conflict with that of the Adjudicator and it may be that further thought is needed here.

### **Faith schools admissions**

Members at the AGM 2006 agreed that there was a need for Comprehensive Future to have a policy on faith schools admissions. The following as agreed at the AGM October 2007

Comprehensive Future is of the view that local accountability for all school admissions is essential in consultation with all relevant stakeholders. We support the co-ordinating role for the Local Authority in "ensuring fair access to educational opportunity" and the monitoring role of the Admissions Forum in "ensuring a fair admissions system that promotes social equity" as set out in the School Admissions Code.

Regulations allow for the administration of all admissions (ie determining whether an applicant meets the admission criteria) to be carried out by the local authority even if the criteria are set by the school. Comprehensive Future wishes to see

this as a requirement on all publicly funded local schools, including those that are currently their own admission authority.

Comprehensive Future believes that no school should set its own admission criteria in isolation and that all admission criteria for all publicly funded local schools should be agreed by the admission forum

Comprehensive Future recognises the contribution that faith groups have made and continue to make to the education of Britain's children. It seeks the support of all faith groups in securing an equal chance for all children and in the ending of selection by both ability and aptitude. Comprehensive Future welcomes the adoption by some faith schools of an open admissions policy which welcomes all children regardless of faith.

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