

COMPREHENSIVE FUTURE BRIEFING NUMBER 3

Petitions, ballots and adjudicators How Labour has kept the status quo on selection

1. After 7 years of Labour governments more children face selective entry tests for secondary education than before. England will never have a fully comprehensive system under the present arrangements to end selection, through parental petitions and ballots and appeals to the adjudicator.
2. Labour policy allows selective entry into grammar schools to remain unless 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 (DfEE 2000). To require all of the 164 grammar schools in England to take children of all abilities would need 48 petitions and ballots.
3. There are many practical reasons why a change is not possible under these arrangements. A fundamental one is that, even before signing a petition, parents want to know what their local comprehensive system would look like - a question campaigners cannot answer. For example some parents in Ripon quite reasonably asked if they voted to end selection would the secondary modern and grammar merge or would there be two schools. The rules dictate that the ballot asks only if named grammar schools should change their admission criteria to admit children of all abilities. Any other school reorganisation plans produced by LEAs would have detailed proposals and require local consultation. So selection supporters can exploit any uncertainty by merely defending the status quo. At national level Government provides no leadership, funding or supporting evidence to encourage an organised change to a local comprehensive system.
4. Crucial to the legislation is the definition of an eligible parent. This differs depending on whether the ballot would be an area or feeder ballot. Area ballots would be needed to end selection in the ten LEAs defined by the regulations as fully selective (Bexley, Buckinghamshire, Kent, Lincolnshire, Medway, Slough, Southend, Sutton, Torbay, Trafford). Here all parents living in the area are eligible to sign a petition and ballot, including those with children below school age or those living outside the area but with children in the schools within the LEA. However parents who choose to send their children to (perhaps non-selective) schools outside the area have to register,

whereas parents sending their children to the (perhaps grammar) schools in the area are automatically on the list of eligible parents. For the 38 ballots in the other 26 English LEAs with grammar schools only parents who have children in the feeder schools to the grammar schools would be eligible. Feeder schools are those which have sent a total of five or more pupils to the grammar schools in question over the year when the signatures are being gathered and the preceding two years.

5. The only ballot to be held was in Ripon in 2000, where two thirds of eligible parents who took part voted to keep the status quo. This was a feeder ballot. Although selection was not ended at least the campaign showed up the bizarre effect of the feeder school ballot regulations:-

- Inevitably private school parents are over represented in feeder ballots as many private schools coach pupils to pass the entry tests to grammar schools. In Ripon private school parents made 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 (Hansard 2000).
- In feeder school areas many local parents are ineligible to sign petitions and vote. Parents with children in infant schools are ineligible. In Barnet campaigners trying to collect signatures found that parents at a primary school next door to a grammar school were not eligible to sign the petition as not enough of the children at their school had passed the entry test. The second largest group of the Ripon electorate, after private school parents, were the parents in a school 10 miles away, while some Ripon parents were ineligible. So the promise in the 1997 manifesto (Labour 1997) - 'Any changes in the admission policies of grammar schools will be decided by local parents' has not been fulfilled.

6. Campaigns need to know the 20% threshold number, and feeder school ballot campaigners also need to know which schools are feeder schools, to avoid wasting time asking parents who are not eligible. This information is collected by Electoral Reform Services (ERS). Collecting this information is triggered when ten people write to the ERS to say that a petition is to be gathered. All local schools are contacted to provide lists of names of parents. This lengthy process, often taking several months into the year in which the signatures have to be collected, costs a great deal of public money. By 2003 over £1 million had been spent collecting information for petitioning (Hansard 2003).

7. In most cases many thousands of signatures would be required before parents could vote. For example 18,000 signatures would be needed to trigger a ballot in Bucks. There are many other complications:-

- All signatures must be collected in one petition year. Petition signatures cannot be carried over from one petition period to another despite that fact that only one cohort of parents becomes ineligible each year and a new one eligible.

- Campaigners have to contact all parents directly to ask them to sign a petition. Petitions cannot be sent out via schools.
 - It is difficult to get the parental lists as only parents from the particular school can ask for them, and many are reluctant.
 - Collecting signatures door to door takes a great deal of time. The petition takes ages to fill in.
8. The system seems designed to ensure there is no proper debate. Section 107 of the School Standards and Framework Act and the Ballot Information Code set out conditions for the campaigns. The Ballot Information Code covers material produced by campaigners. Section 107 is designed to stop schools or LEAs spending money on influencing the outcome of a petition or ballot. Both are subject to differing interpretations. Discouraged by these regulations teachers and LEAs do not make their views clear. So, a 'neutral stance' from the professionals means - in practice - support for the status quo. There is no limit on spending, this tends to favour supporters of selection. The Ripon pro-selection lobby could afford to send a video to every home.
 9. The effects of selection on children and their educational opportunities do not get the consideration they deserve. Campaigners have to focus on getting signatures although the real issue is selection. In a later concession following the Ripon ballot, the then DfEE ruled that an A4 information leaflet could be sent out via schools, once enough signatures had been gathered to trigger a ballot. The content would have to be approved first by the Department. But it is as soon as signatures are sought that unfair practices emerge and misinformation begins. In Ripon once the petition threshold was reached ballot papers were sent out and returned very quickly. No real debate happened, so had information been produced then, it would have been useless.
 10. In addition to the grammar schools many English secondary schools are partially selective either on ability or aptitude. The Schools Standards and Framework Act allowed all schools with a specialism to select up to 10% of pupils on so-called 'aptitude' in specific subjects and allowed schools which were partially academically selective before 1997 to continue to select. A recent Education and Skills Select Committee reported that it could not rely on any distinction between ability and aptitude (Education and Skills Committee 2003).
 11. To end partial selection there has to be a successful appeal to the adjudicator (DFES Admissions Code 2003). In the main only admission authorities, such as LEAs and school governing bodies can appeal to the adjudicator against partial selection. Where there had been partial academic selection before 1997, for example in Wandsworth and Hertfordshire, parents can appeal to the adjudicator. However selection on aptitude cannot be appealed against by parents, unless it is over 10% and existed before 1997. Adjudicators have not removed all partial selection but there have been some successful appeals. However some of their rulings to reduce selection have been overturned by

the courts. The adjudicator has no role over ending selection in grammar schools. Indeed a recent adjudicator's decision will allow an increase in grammar school places in Skipton.

12. By these complicated and unfair mechanisms the Labour government has ensured by design or default that the inequitable school system will continue. In fact, it is worse: the current system leads to more and more children facing selective entry tests at 11. Surely our children deserve better?

References

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