

Comprehensive Future

*Response to Draft Code of Practice on School Admission
From Comprehensive Future
16 October 2005*

Introduction

- Comprehensive Future wants to see 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.
- Children matter. The Government has recognised this in its Every Child Matters agenda. Admissions legislation must operate in the interests of all children, not in the interests of institutions keeping their place in what has become a pecking order of schools.
- Comprehensive Future supports admissions arrangements which allow local parents to send their children to local schools.
- The major weakness of the Code is that it requires admission authorities only to 'have regard' to its advice. A code which sets a clear framework ensuring fair admission policies in all publicly funded schools is urgently needed, along with a change in primary legislation to require admission authorities to act in accordance with it.
- The opportunity for schools to choose their pupils should be removed. This is vital if all schools are to become admission authorities. Speaking recently 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.*
- An independent body eg the LA should administer admissions for all local schools, including the publicly funded 'independent' schools ie academies and CTCs.
- In many places the Code uses the term 'poor practice' (for example paragraph 4.30 in describing admission criteria which should not be used). This is too weak.

The previous Code referred to bad practice. For example the Code should be list certain admission criteria that are not to be used.

- We welcome again the priority given to looked - after children. We hope the Department is carefully monitoring the application of this requirement.
- The Code, in attempting to ensure fair admissions, relies too much on those able to make objections doing so. Unfair practices do not become fair if there is no objection. The role of the adjudicator must be strengthened to allow investigative action, currently action can only be taken in reaction to objections.

Specific comments related to paragraphs in the draft

Chapter 1

1.1

The Code should be made mandatory on all publicly funded schools, ie to include academies and CTCs.

1.2

The role of the Adjudicator should be extended to allow investigation of unfair practice. Unfair practice does not become fair if no-one complains about it.

Chapter 2

2.2

School admission arrangements which include selection by ability and aptitude do not 'work for the benefit of *all* pupils in the area'.

Chapter 3

3.1

Requiring admission authorities only to *have regard* to the advice of admission forums means that admission forums are merely statutorily required talking shops. The role of admission forums must be strengthened.

3.2

It should be made clear to whom the code 'expects' the LA to object if an admission authority ignored the advice of the forum. Since admission authorities are only required to 'have regard' to the advice this seems unlikely to achieve change.

Chapter 4

4.4

The requirement that 'Above all, they need to be able to estimate their realistic chance of being offered a place for their child at any particular school' is surely in conflict with the use of lottery or random allocation as a means of deciding oversubscription.

4.5

CTCs and Academies must be required to give information to be included in the composite prospectus.

4.20

'Particular care should be exercised where the sibling criterion is used together with partial selection' is far too weak. The Admission authorities should be required to ensure that siblings of pupils admitted by selection on ability or aptitude are not given priority.

4.23

Equal preference, ie where schools cannot use a first preference as an over subscription criterion is a fairer system. In an ideal world it would be best if all systems adopted this. However where there is selection it is understandable that schools wishing to support their all ability ethos should give priority to those parents who put them first, rather than a situation where children of parents who fail the 11plus may take a place from a child who lives further away but whose parents support non-selective education and have not entered their child for grammar school. So if the Department wishes to ensure equal preference is used across the country the conclusion to be drawn is that selection should be ended.

4.24

See comments on 4.23.

4.26

Many parents would prefer the guarantee of a place in a catchment area with the provision to apply for another school if they so wish. However while schools are allowed to choose their intakes this would be impossible to achieve.

4.27.

Only a simple letter from a religious leader is needed to confirm that parents are members of a particular religious group. We agree that there should not be attempts to categorise parents on degrees of support for their religions.

4.28

Admission authorities of faith schools should be required to ensure that selection by faith is not a proxy for selection by ability.

4.36

The Code should be clear that there should be no interviews for any part of the application or admission process except specifically to assess for a boarding place. Allowing interviews to be used as an admission criterion is contrary to the requirement that admission criteria should be clear, fair and objective.

4.38

There should be no selection for secondary education, except for banding.

4.44

See 4.23. This is a complete reversal of the previous Code. *The previous Code of Practice said that ... grammar schools should comply with the principle of 'preference before test' to avoid unfairness to parents who genuinely prefer comprehensive or denominational schools.*

It is not clear why this proposed change has been made. It allows parents who want grammar school education to have two choices. As far as possible all parents should be treated equally. This U turn reverses two Adjudicator decisions in Wirral, upheld by Judicial Review in 2000.

4.45

All partial selection should be ended.

David Blunkett the then Secretary of State speaking on 22nd December 1997 in the debate on the 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. Partial selection has not ended, instead the School Standards and Framework Act introduced a complex procedure requiring parents to put in objections to the Adjudicator. This procedure can result in a reduction of partial selection, but not necessarily. In any case parents have to know that they are likely to be disadvantaged in order to object. When most parents realise, ie as their children go through the admission process, the time for objections has long passed.

Partial selection on aptitude should be ended for the following reasons -

- At age 11 children may demonstrate an 'aptitude' which is not sustained over the following years. 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.
- Currently few schools have taken up the 10% selection on aptitude option. However as more schools become foundation schools, encouraged by Government policy, it is likely that selection will increase. If more schools were admission authorities it would be easier for 10% selection to spread in a domino effect as neighbouring schools react to one school introducing selection. So there is the potential for a huge increase in numbers of pupils facing selection tests. Children should not be burdened with further tests.
- 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'.
- Like the majority of those who have commented on ability and aptitude Comprehensive Future does not accept that there is a distinction between aptitude and ability. We believe what is being tested is achievement. If for example Grade 5 music is used as a proxy for aptitude that is surely a test of achievement.
- Inevitably the introduction of 10% selection on aptitude reduces parental choice for all local parents whose children do not have the 'aptitude' who might otherwise have got a place.
- When challenged the usual 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.
- All children need to be encouraged in sport, performing arts and modern language. If schools are to share expertise in collaborative arrangements then it is not necessary for individual schools to select a group of pupils. In fact in the interests of raising standards it would make more sense to give places to children who are having difficulties with the subject.
- If parents want their child to have access to particular facilities, sport facilities for example they can express a preference for the school, this is better than schools choosing the children

4.48.

This definition of aptitude does not succeed in making a distinction, which is not surprising since we do not accept a distinction can be made. All pupils should be able to 'benefit from teaching in a specific subject' or 'demonstrate a capacity to succeed'. That is the point of children going to school to learn.

4.52

There is more work to be done on the Code to ensure that banding is 'fair'. It should be made clear why banding is not to be based on LA or national averages? It would be better if all banding arrangements were operated centrally across an LA using the same test, not by schools.

4.56

See points above re 4.45.

Chapter 5

5.11

See comments on the role of the adjudicator re para 1.2.

5.13

If local schools introduce 10% selection on aptitude parents cannot object to the Adjudicator. However they may do so if schools propose taking fewer pupils than their published admissions limit. If aptitude selection is to remain parents should be allowed to object.

Chapter 6

6.5

See response to 4.23 above

6.6

All admissions should be dealt with outside the school for example by the LA. Parents should not have to submit supplementary information to the school. Any supplementary information needed by the school should also be on the CAF, minimising the possibility of schools which are the admission authority using covert means of selection.

6.8

See response to 6.6 above.

The Law

A57

A change in regulations re grammar school ballots is essential. The Code should make clear how governing bodies could make a change.

Response to Annex B

Appropriate and acceptable oversubscription criteria

- Selection both partial and into grammar schools should not be acceptable.

- The Code needs to explain much more what is meant by a tie break clause in more detail. It is not clear what is meant by 'too many applicants' in one category. This section needs more explanation.
- Random allocation might be attractive but would not meet the requirements in 4.4 re estimation of a *realistic chance of being offered a place*.
- Surveys seem to indicate that most parents are content with the school their children attend. A lottery or random allocation could result in some children having to travel long distances to school when their parents lost out in a lottery for their nearest school. The Code needs to make clear how this is to be avoided.
- There should be a list of unacceptable criteria – for example priority to pupils of teachers, former pupils, terms such as suitability for the ethos of the school and reports from the child's primary headteacher. The requirement that criteria are clear, fair and objective must be applied to all criteria.

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