

Choice and Selection in Secondary Education, Forward not Back

This parliamentary seminar was attended by several MPs and chaired by Richard Garner, education editor The Independent. Unfortunately a vote was called during the meeting which limited discussion with the MPs.

Professor Anne West, Centre for Educational Research, Department of Social Policy, London School of Economics and Political Science Fair

Admissions

The recent Labour Party Manifesto (2005) stated that it wanted more schools to become independent but that it did not want a 'free for all on admissions policies' or a 'return to the 11-plus'. It stresses the need for a 'fair admissions system'.

This evening I want to talk to you about the tensions and contradictions between independent, or as I will call them, autonomous schools, and a fair admissions system. In doing so I will focus on four themes:

- What we mean by a fair admissions system
- The problems associated with autonomous schools and their admissions
- What the Labour Government has done so far
- What it still needs to do for the admissions system to be fairer?

What is a fair admissions system?

The notion of a fair admissions system is very complex and I cannot do justice to debates about what constitutes 'fairness' here. But I would argue that a fair admissions system needs to:

- Adhere to anti-discriminatory legislation and address concerns of social justice by giving priority to those whose needs are greatest – for example, children with special educational needs or disabilities, with medical or social needs, and children in public care.
- Treat other applicants equally so that some do not have a greater priority than others by virtue of their social background or arbitrary factors.
- Address issues of social cohesion.

What are the problems at present?

It is important to note that school admissions are carried out by either the LEA or by schools themselves. Admissions to community and voluntary-controlled schools are the responsibility of the LEA. Admissions to voluntary-aided ('faith schools') and foundation schools are carried out by the school.

We know that a higher proportion of schools that are autonomous – faith and foundation schools – report using criteria that enable them to 'cream' pupils using a variety of overt selection criteria and socially selective criteria in the event of the school being oversubscribed (if there are more applicants than places available) (West & Hind 2003; West et al., 2004).

Faith schools almost always use religious criteria to select pupils. In addition, our research found that just under half of autonomous schools use at least **one** potentially selective criterion (e.g. selecting a proportion of pupils on the basis of ability or aptitude, giving priority to children of former pupils, to those with a family connection to the school, on the basis of the primary school record or the record of siblings at the school) (West et al., forthcoming). These criteria are likely to favour some groups of pupils over others – notably, those from higher socio-economic groups.

Faith and foundation schools are also less likely to report that they give priority to children with special educational needs or medical or social needs (West et al., 2003; 2004). Unsurprisingly they do better in the school league tables; they have fewer pupils with special educational needs and have fewer pupils known to be eligible for free school meals than community schools (West et al., forthcoming).

In short, 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.

This brings us to my third point, namely what has the Government done to improve the current system?

What the Government has done

The Labour Government has introduced **guidance** on fair admissions and has also established the Office of the Schools Adjudicator whose remit includes making determinations in relation to school admissions in the event of an objection being lodged.

The guidance is given in a School Admissions Code of Practice. This states that admissions criteria should be clear, fair and objective and admissions policies should

not discriminate against applicants to the school on the grounds of sex, race, colour, nationality, country of origin, special educational needs or disability (DfES, 2003).

The problem is that this is only guidance. Schools should 'have regard to' the guidance. This means that they need to consider it. But they do not have to adhere to it. The result is that many admissions criteria are not in accord with the Code of Practice.

One specific example relates to the use of interviews. The Code of Practice states that for admissions from September 2005 onwards schools should not interview parents or pupils prior to admission. An objection to the Office of the Schools Adjudicator was made about the use of such interviews in one voluntary-aided school. The adjudicator directed the school in question not to interview prospective pupils and parents (Office of the Schools Adjudicator, 2004a). However, the school governors successfully challenged the decision. At the judicial review it was argued that the school had 'had regard' to the Code (as required) but then decided not to adhere to the guidance. The school governing body commented that had the government intended to ban interviewing it would have done so through primary or secondary legislation not via quasi-regulatory guidance (Office of the Schools Adjudicator, 2004b).

The Office of the Schools Adjudicator is also reactive in that it responds to objections. It does not take the initiative to carry out investigations as happens with many other regulatory bodies.

This brings me onto my fourth point, namely what the Government needs to do.

What the Government needs to do

The Government needs to put forward a **model for oversubscription criteria** – or have a **menu of permitted criteria**. The House of Commons Select Committee on Education and Skills (2004) has proposed such a model which includes children with a statement of special educational needs; children in public care; children for whom the school is most appropriate on medical or social grounds; siblings already attending the school, distance and accessibility.

But even if criteria are prescribed, they need to be used by schools that are responsible for their own admissions. So instead of guidance, regulation is needed. And although there is a concern about undue 'red tape' this is one of the areas where in the interests of fairness a strong case can be made for regulation as opposed to guidance.

However, even with regulation, schools responsible for admissions have a vested interest in the outcome given the market in operation. They may well want to offer places to pupils who are likely to do well and to enhance the school's league table position. There is also an incentive for schools not to offer places to pupils who are likely to be difficult, or hard to teach. These pupils need to go to school – so where do they go? They go to community schools in the main, which are then more likely to have more than their fair share of pupils with difficulties.

So in addition to publishing permitted criteria, the Government needs to ensure that **admissions are carried out by an independent body**. The LEA could take on this role and this would be preferable to the current system. However, some might argue that LEAs too have a vested interest as they too are evaluated in terms of their league table position.

I would argue that administrative decision as to who should be offered a place should not be taken by the school. It should be carried out by a body with less of a vested interest in the outcome, based on parental preference and admissions criteria. This happens already in some LEAs.

Finally, in the interests of social cohesion and social justice, **some constraints on the choice process should be considered in urban areas where the problems are most acute.** This has begun with the new common application form. But I would argue that more constraints are needed. There are already more constraints in parts of London and in parts of the US. Parental choice is taken into account, but pupil mix is also a factor with the aim being to obtain socially diverse intakes to schools. In some London LEAs 'banding' is used across the LEA to try and ensure that schools are balanced in terms of the ability mix of pupils. Paradoxically, with these constraints 20 years ago it was found that nearly 9 out of 10 inner London parents were offered a place for their child at their 'first preference' secondary school (more recent data suggest that this is now in the region of seven out of ten, see West, 2005).

In the US somewhat different forms of 'controlled choice' operate in some school districts (similar to LEAs). These were originally designed to reduce racial segregation, but are now being used to ensure that schools have a socio-economic mix that represents the diversity of the community, in order to enhance social cohesion and overall achievement levels.

In conclusion, the system as it is at present is not fair. Parents who can work the system - the admissions system is complicated - with children who are bright and likely to do well in their GCSEs appear to be at a distinct advantage when it comes to being offered a place at popular faith or foundation schools. What is needed are some constraints on the current school choice system, to take account of issues of equity, social cohesion and social justice. With even more autonomous schools proposed, it is vital that admissions are carried out fairly and are seen to be carried out fairly.

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Fiona Millar
Patron Comprehensive Future

Secondary School Admissions

I am here tonight to talk about comprehensive schools and our belief in Comprehensive Future that the comprehensive school is not a failed social experiment of the past but the most vibrant practical statement possible of the kind of society we want to live in.

The idea of truly comprehensive community school, educating children of all social and ethnic backgrounds together is a clear statement of opportunity for all and goes to the heart of what we in the Labour Party believe .

I am heartened that in the past year both the Prime Minister and the Secretary of State Ruth Kelly have rejected the idea of a return to selection at 11.

However both neatly side-stepped the fact that more English children face selective entry tests either on ability or “aptitude” than when Labour took office in 1997.

Fully selective schools still exist in a fifth of all education authorities. Partial selection by ability, aptitude and faith remains in many other areas. Children in public care, who the DFES is simultaneously championing through the new children’s services agenda, are routinely left out of some schools’ admissions criteria and the City Technology colleges can do what they like – right down to the structured discussions (which aren’t interviews of course) to make sure they handpick students who are “most likely to benefit from what the college has to offer and have the strongest motivation to succeed”.

The proposed independent foundation schools which are at the heart of the Education Five Year Plan will have the freedom to manage their own admissions, as have the City Academies. Presumably the “private providers” who are to be encouraged to bid for new schools will be given the same advantages.

In urban areas where the “market” in schools is most active, parents face a bewildering array of different admissions criteria which often benefit the most knowing and affluent but are frustrating, time-consuming and opaque for the rest.

Maybe not surprising then that parents are least satisfied in cities like London where in some boroughs only around a half of families are managing to get their children into their first choice schools.

Moreover recent research from Bristol University shows that children from poorer households are less likely to get into academically selective schools.

As the recent Education Select Committee report on School Admissions pointed out, “fairness is a matter of luck rather than of course” at the moment.

Introducing a fair admissions system which finally outlawed selection by ability would not just enhance the notion of parental choice.

It would also help to eradicate the yawning gap in educational outcomes by social class in this country which often means that the less advantaged children end up in schools that are effectively secondary modern rather than comprehensive.

International comparisons such as the PISA study show that non selective systems achieve the highest standards and lowest social differentiation in achievement.

So why doesn't the government take radical action and as the Prime Minister put it allow "parents to choose schools not schools choose parents"?

Possibly because selective schools, while militating against choice, favour a small but vocal group of parents who can afford the coaching it requires to get their children in and might otherwise flee to the private sector. These parents appear to count more than the many losers in the current system, who may not vote.

Interestingly though the Conservative Party's commitment to all-out selection didn't seem to do much for their poll ratings, suggesting that even middle England is more cynical about choice and selection than the politicians realise and that many middle class parents also care about social justice and having good mixed schools in their local communities.

Reforming school admissions may mean challenging underlying assumptions about how the electorate think, but would bring huge benefits in terms of maximising parental preference and less social and academic polarisation.

I am sure David (Chaytor MP – Chair Comprehensive Future) will be telling you about the ways in which you can help us reach our goal of an end to selection and a fair admissions system,

But a first step would be to adopt the recommendation of the Select Committee that model objective criteria should be devised which could be applied consistently across admissions authorities, preferably giving priority to children from the local community - something which a recent poll suggested the majority of parents want - as well as those in public care or with statements.

I know that Anne is going to talk to you in more detail about how this would need to be underpinned by a new Code of Practice on Admissions forbidding academic selection for 11 year olds (as it currently does for five year olds) and empowered to enforce fair admissions rather than simply offer guidance as is the case at the moment.

Giving the code more teeth would help to outlaw the underhand methods of social selection – structured discussions (aka interviews), the use of primary school reports, head teacher references and attendance records which some church schools and City Technology Colleges use.

It would of course mean upheaval and change at a local level in some areas, but not the abolition of schools, as some advocates of selection suggest, rather a change in how those schools choose their pupils and an end to the freedom some enjoy to engineer themselves a more favourable intake (and league table position) by effectively locking out the least socially and academically desirable pupils.

At the moment government policy is attempting to move in two directions at once - forwards towards more inclusive locally based children services. And backwards towards a more fragmented socially divided education system, in which grammar and secondary modern schools still co-exist and new "comprehensive systems" are developed where other private providers and independent state schools are encouraged to compete and specialise in either academic or vocational subjects so that young people can travel between them if they are lucky enough to be able to afford the fares and fit the academic and social requirements.

Underlying this marketisation of our education system is the disdainful notion that speaking up for the comprehensive principle is a form of anti-choice, social engineering.

But all education systems are a form of social engineering, none more so than the independent sector and the grammar schools which routinely take far fewer children on Free School meals or from some ethnic minorities when compared to their local communities.

Social cohesion, mobility, fairness and choice would be enhanced by a reformed system which would bring practice in line with government rhetoric on opportunity for all and enable a third term Labour government in the 21st century to finish off the task of delivering a high quality comprehensive education to all children which was started so many years ago.

Sashi Sivaloganathan
Vice Chair General Teaching Council

We know that one of the most important factors in the educational achievement of pupils is the quality of teaching they receive. When we look at underachievement of black and minority ethnic (BME) pupils the picture is complicated by a series of issues, not all entirely understood or researched, which create barriers preventing pupils from accessing educational opportunities.

We also know that permanent exclusion rates, special educational needs and eligibility for free school meals are all higher for groups of BME pupils. These are the traditional indicators of underachievement that educationalists use to monitor and measure underachievement, along with gaining five or more good GCSEs, but by then, of course it is far too late.

But more positively, it is possible to identify a set of whole school strategies for raising the achievement of BME pupils and creating a blueprint for successful multi-ethnic schools.

These are -

- Schools which have high expectations of all their pupils, where all staff are leaders of learning.
- Schools where parents have high expectations and support the school.
- Schools which focus explicitly on behaviour, tackle bullying and articulate their commitment to anti-racism and have strategies for supporting vulnerable and at risk of failing groups.
- Schools where leadership is strong, where staff share the values of the school and where there is investment in staff development.
- Schools where there is continuous improvement in the curriculum and where ethnicity data is actively employed to inform school policy.
- Schools which look outward, communicating with pupils, parents and the community and collaborating with other schools and institutions.

Imagine if every school was like this. Just as parent can't get their kids to move out these days, we'd never be able to persuade our pupils to leave.

This may sound like education nirvana – perhaps it is. But for every school struggling with their Race Equality Policy, or where staff say they don't have the time for staff development, or where bad behaviour is damaging pupils' life chances, there are others that are beacons for the future.

The DfES Aiming High programme sets out a route for schools and LEAs to raise minority ethnic achievement. And it is not just down to a dynamic head, important though school leadership is. The whole school and everybody in it must commit time, thought and action to how opportunities to achieve can be created and how barriers can be broken down.

Schools must reflect the diversity of their local populations because only then will they be fully embedded in their community. BME children need to see BME teachers in their schools both as positive role models for their own achievement and potentially as an inspiration for them to enter

teaching themselves. Numbers of black and ethnic minority teachers are increasing, but from a pitiable baseline which is still only 4.5% of teachers, half the proportion of minority ethnic people in England. They are also leaving the profession at the same rate as white British teachers.

I am not saying that only BME teachers can teach or bring out the best in black and minority ethnic pupils, or that BME pupils will respond equally to any one particular teaching approach. What I am saying is that a more diverse teaching workforce and more BME teachers in senior posts such as headships will help raise the achievement of black and minority ethnic pupils. Greater representation of BME governors on governing bodies would also be a help.

The General Teaching Council, has as a principal aim contributing to improving standards of teaching and the quality of learning. We are committed to ensuring that all learners receive the best education possible and that a well-trained and representative workforce serves them. So it was right that we set up the Achieve network, the first of its kind to focus on the professional development and career progress of BME teachers and the ways in which they can contribute to national education policy through the GTC. BME teachers are on average older than their white British peers and, once qualified, are more likely to seek promotion than other groups. But they feel they do not receive the promotion commensurate with their qualifications and experience. The GTC's research shows that BME teachers are spurred to enter the profession by a desire to give something back to their communities. The Achieve network involves anyone who is working to promote race equality and achievement in our schools. Launched last September, it is already 1000 strong.

The goal of achieve is ambitious. To build a community of leading black and minority ethnic professionals who will advocate for their colleagues and support future generations of BME teachers to succeed in the profession. Achieve's task is to find ways to tackle the underachievement of some black and minority ethnic pupils, prepare all pupils to live in a multi-ethnic and multi-cultural society and to see the recruitment, retention and development of minority ethnic staff increase.

Achieve is currently looking at schools' statutory duty to create a Race Equality Policy, and how they can be supported in that; at career and professional development issues for BME teachers; and at how we can support asylum seekers and refugee pupils via the Refugee Teachers' Taskforce. Achieve benefits the GTC too: enabling us to be more reflective of the issues BME teachers face every day in their careers and giving us access to their knowledge and experience so that our advice to Government helps build a more culturally intelligent education system.

As a teacher I want all pupils to have access to choices and opportunities which will bring out their full potential, regardless of their starting point or the setting in which they receive their education.

Finally I want to raise a point about academies. The GTC recognises that they were conceived to improve the education of pupils who in many cases have been let down by the education system – often in the poorest areas, often the black and minority pupils I have been talking about. We are, however, dismayed that teachers in academies are not required to be registered with the GTC and are therefore outside the professional regulatory framework which gives parents and pupils confidence that pupils are being taught by competent, qualified teachers of good standing. So my final message to politicians in the audience is to be support all teachers including BME teachers in your constituencies and nationally, the Achieve network and the professional registration of teachers in academies.

To find out more about the GTC's Achieve network go to: www.gtce.org.uk/achieve

David Chaytor MP
Chair Comprehensive Future

The meaning of choice has been manipulated. The linking between choice and diversity should be challenged, having greater diversity doesn't necessarily result in more choice. We have to accept that in the real world there are constraints on choice, for example house prices, quasi selection and formal selection.

We need to establish the roles and responsibilities of the state centrally in this versus that of the schools. Admission policies are an absolute key to the construction of the education system. The effects of formal and quasi selection must be addressed. It remains to be seen in if these issues are to be addressed in the forthcoming Education Bill.

The impact of all of this on social policy is very important. There are increasing concerns about stratification and polarisation and rising disaffection. The divisive effect of admissions on social cohesion must not be ignored.

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