

Comprehensive Future

Submission to the Education and Skills Select Committee enquiry into the White Paper Higher Standards, Better Schools for All 30 November 2005

Summary of main points

- Comprehensive Future welcomes the many references made to fair admissions in the White Paper. Comprehensive Future wants what the vast majority of parents want - all parents having access to a good local school. The White Paper should be judged on the extent to which its provisions make this aim more or less likely to be realised.
- 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, provisions in the White Paper are likely to lead to fragmentation on a grand scale. This will make the possibility of achieving a system of fair admissions even more remote than now.
- A fairer system of administration of admissions should be brought about by –
 1. Removing the right of any schools to set their own oversubscription criteria.
 2. Strengthening the admissions forums by ensuring that they decide the oversubscription criteria for each school based on those recommended in a new Code of Practice.
 3. Giving the responsibility for the administration of admissions to all local schools to the local authority.
- The White Paper has the potential to allow a huge increase in the number of children facing selective entry tests for secondary education. There are many reasons to end selection on aptitude. It should be ended now.
- It is completely disingenuous for the White Paper to promise ‘no return to the 11plus’ ignoring the thousands of English children who face it every year. There will be no change in England under present arrangements.

The 11 plus is being phased out by Government action in Northern Ireland without petitions and ballots, it should be phased out here similarly.

- There is a major weakness in that Government policy on fair admissions, reflected again in White Paper, in that it relies heavily on those able to make objections doing so. Fair admissions must be required from the outset. Unfair practices do not become fair if there is no objection.

Introduction

1. Comprehensive Future was founded in 2003 to support comprehensive education. Its 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.

2. 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. Children matter. The Government has recognised this in its Every Child Matters agenda. The recent Annual report of the schools adjudicator, drew attention to this. It said *Schools need to be reminded that admission arrangements are drawn up for the benefit of local parents, not for themselves.*(1)

3. Comprehensive Future wants to see all parents having access to a good local school. This is what the vast majority of parents want. A recent survey of parents carried out by Which (2) found that 95% of parents want access to a *'high quality local school'*. All government action on admissions should be guided by this aim. The White Paper should be judged on the extent to which this makes this aim more likely to be realised.

4. In fact although it has many references to fair admissions the White Paper is a further example of the Government's unwillingness to grasp the nettle of bringing about fair admissions. Government policy continues to be the provision of mechanisms providing the possibility of change through complaints or local campaigns. Firmer action needs to be taken. This is not only because of the need for fair admissions but because there are sound educational reasons for aiming for an education system which is not divided and hierarchical. The committee has already had representations about the PISA report from the OECD.

5. The committee made many important recommendations in its report on school admissions on the 14th July 2004, many of which the Government rejected in its response in November 2004. There is a clear need for the committee to revisit the issue of school admissions because of the implications of the White Paper.

6. Note. This submission does not address all the provisions introduced in the White Paper, no doubt some of which our supporters will welcome, some of which they will strongly oppose. We comment only on those which relate to our core campaign aim of achieving fair admissions.

Fair admissions

7. We welcome the many references made to fair admissions in the White Paper. There are several promises made to this, including in the Prime Minister's foreword. However if all schools were to become self governing schools (either trust, foundation or voluntary aided), a clear aim of the White Paper, there will be around 24000 admission authorities, able to set their own admissions criteria.

8. Unless there is a clear division of responsibilities for admissions between schools, local bodies and central government this is likely to lead to fragmentation on a grand scale. It will make the possibility of fair admissions even more unlikely than it is at present.

9. If the promise of fair admissions in the White Paper is to be a reality, there must be changes to -

- permitted admission criteria,
- the regulations covering the Code of Practice,
- admission authorities,
- admission forums,
- the role of local authorities and
- the adjudicator.

These changes must be introduced as part of the legislative changes which will follow the White Paper.

10. Admission criteria

2.47 Federations and other forms of collaboration will be particularly important in the delivery of our 14-19 and extended school reforms. We expect schools increasingly to choose to work together with other schools, including independent schools, colleges and services to deliver the full range of opportunities which children and young people should be able to access.

3.6 There are already more than 2,300 specialist schools. Within two years, we will have a fully specialist school system, where every secondary school that wishes to and meets the required standards will have at least one curriculum specialism. Particularly in urban areas, this will offer greater choice so that parents can choose a school that suits their child's strengths and interests.

3.22 ..We will continue to allow schools that wish to do so to give priority for up to 10% of their total places to pupils with particular aptitudes for some subjects sport, modern foreign languages, performing and visual arts. We believe that this option should be available to schools as part of their approach to developing a specialist ethos.

3.21 We are clear that this is entirely different from an 11-plus system that divides children into different schools on the basis of academic ability. There will be no return to the 11-plus.

3.23 There are a number of alternative approaches that could be used to extend choice and access. One approach already used by some schools is banding, which means that schools offer places based either on the range of abilities of applicants, or on the local or national ability range, to achieve an all-ability intake. Some schools have long used locally-based banding systems and, since 2000, thirteen maintained schools and eight Academies have adopted banding.

3.24 While we recognise that for many schools traditional catchment areas will be the most appropriate option, we will make it easier for schools that wish to do so to introduce banding. Schools can combine banding with the use of inner and outer catchment areas. This approach would give priority for some places to those living further away from the school.

3.29 All these measures underpin our determination that parents should be able to choose schools rather than schools choosing parents

11. Covert selection and social segregation

The Code of Practice says that school admission arrangements should 'work for the benefit of *all* pupils in the area'. Arrangements which include selection by ability and aptitude do not meet this aim. Selection clearly results in social segregation. There is also a requirement in the Code that criteria are clear, fair and objective. Many criteria employed by admission authorities are far from objective. These subjective criteria also lead to social selection. Some admission criteria should be specifically excluded— for example interviews, 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.

12. Banding

Banding is encouraged in the White Paper. There is more work to be done on to ensure that banding operates in the interests of all parents and children.

13. The Chief Adjudicator Dr Philip Hunter spoke at a national meeting of Comprehensive Future on the 5th November this year. 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.

14. If individual schools band it may deny local children a place, or affect the intakes into other neighbouring schools. Clearly only area wide banding should be considered. The admission forum is the obvious place for area wide banding to be decided.

15. Partial selection on aptitude

There has never been a convincing justification for children having to face a selection test on aptitude to determine school entry. Currently few schools have taken up the 10% selection on aptitude option. Community schools could only do so if the LEA decided to do that.

16. The White Paper refers to the aim of a secondary school system which is entirely specialist. This, combined with the possibility that, encouraged by Government, all secondary schools are admission authorities, 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. The Government's justification that '*this option should be available to schools as part of their approach to developing a specialist ethos*' again fails to convince of the need to allow this extension of selection. Admission policies should be in the interests of parents and children.

17. A huge increase in numbers of pupils facing selection tests can only be stopped by the amendment of primary legislation to end selection on aptitude

18. There are other good reasons for ending partial selection on aptitude -

- 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. At age 11 children may demonstrate an 'aptitude' which is not sustained over the following years.
- 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. The recent consultation on a new Code of Practice on admissions defined 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? The Government in its response to the select committee in November 2004 relied on the advice of experts commissioned by the Chief Adjudicator, which claimed to show that aptitude could be distinguished from ability. However this does not justify schools selecting.
- 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 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.
- All children need to be encouraged in sport, performing arts and modern language. The White Paper, like previous policy announcements encourages schools to share expertise in collaborative arrangements. If schools working together 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.
- 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.

19. 'No return to the 11plus'

Comprehensive Future wants to see no selection for secondary education, except for banding. It is completely disingenuous for the White Paper to promise no return to the 11plus without reference to the thousands of English children who face it every year. 15 Local authorities out of 150 have around 20 of their places in grammar schools ie 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.

20. There will be no change in England under present arrangements. If the 11 plus can be phased out by Government action in Northern Ireland without petitions and ballots it should be done so here.

21. Partial selection on ability

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'.

22. This promise has not be 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.

23. Regulations and the Code of Practice

Comprehensive Future supports admissions arrangements which allow local parents to send their children to local schools through fair admissions. But it is clear that current legislation and guidance cannot bring this about. There is evidence of the need for a stronger legislative push to ensure fairness.

24. The committee is aware of recent events concerning the London Oratory and it continuing to interview. Further evidence is shown by government plans to bring in regulations to require admission authorities to give priority to looked-after children. Clearly the Code has not been sufficient to ensure this.

25. The major weakness is that admission authorities are required only to 'have regard' to the guidance in the Code (Section 84 (2) of the School Standards and Framework Act 1998) .There needs to be a change in primary legislation to require admission authorities, admission forums and local authorities to act in accordance with a new Code. This new Code should set a clear framework ensuring fair admission policies in all publicly funded schools, including the prohibition of certain admission criteria.

26. Admission authorities

The White Paper could bring about changes to the school system which will allow all school governing bodies to act independently in setting admission criteria as they will be self governing schools. 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. Allowing schools to choose is completely at variance with the aim of the White Paper at 3.29 above.

27. 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.

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

Roughly a third of English secondary schools are admission authorities (total schools 3385 of which voluntary aided 559 foundation 513 SFR 42/2005) This is an unsatisfactory situation unlikely to lead to fair admissions, as some schools are able to pick and choose their intakes, while others have admission criteria set across a local authority. Comprehensive Future wishes to see the situation ended where some schools are able to set their criteria and others cannot.

29. The responsibility for setting admissions criteria 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, following the guidance and regulations set nationally.

30 Academies have been set up as legally independent but publicly funded schools arranging their admission criteria in the funding agreement with the Secretary of State. Creating this distinction between maintained schools leads to confusion over admissions. Instead there should be openness and transparency and they should be brought fully into local admission arrangements.

31. The Role of the Admissions Forum

The White Paper does not mention the role of statutorily required Admission Forums. This is strange since the White Paper refers at length to many other changes already introduced. Comprehensive Future wishes to see the role of the admission forums strengthened. Currently admission authorities are required only to *have regard* to the advice of admission forums. This means they are merely statutorily required talking shops.

32. 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 decide suitable admission criteria for all local schools. Working with schools and Local Authorities it is at the right level to decide local flexibilities within a Code.

33. The Local Authority - the administration of admissions

3.3 *We have a good deal to build on. In 2004, for the first time, local authorities were required to co-ordinate the secondary school admissions process for their areas. From this year, local authorities will also co-ordinate primary admissions.*

3.4 *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. It has put an end to a system where different schools made offers on different dates; where some parents received several offers of places and others received none. In the first year of operation, a greater number of children received an early offer of a school place than in previous years. Co-ordination has also made it easier for local authorities to identify and follow up cases where no application has been made for a child.*

34. We agree that this has been an improvement. The eAdmissions National Project is an example of how when LEAs are given responsibility to administer then systems can improve. To avoid any fragmentation which the White Paper might encourage it is important to ensure that the LA should administer admissions for all local schools, including the publicly funded 'independent' schools ie academies and CTCs. The LA should assess how applicants for places meet the admission criteria for all schools in the area and administer the admission process.

36. The Adjudicator

The White Paper, in attempting to make assurances about fair admissions, relies very heavily on the role of the Adjudicator. However, bringing the adjudicator into action relies heavily on those able to make objections doing so. There is a major weakness here. Unfair practices do not become fair if there is no objection.

37. Most parents only appreciate that their children are being kept out of a local school by unfair admission arrangements when they go through the process. It is far too late then to make a complaint even if they were eligible to do so. This is why fair admissions must be required from the outset.

38. Parents have very few rights to complain to the adjudicator, they must rely on others who have the right to do so. There are also anomalies eg 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. Both actions could result in local children securing fewer places in the schools. If aptitude selection is to remain parents should be allowed to object.

39. The White Paper is right to encourage the role of LAs to act as parents and pupils champions. They have a role to complain to the adjudicator. However in the unlikely event that all schools become self governing the LA would lose the

right as it would cease to be an admission authority. That would need to be rectified if the champion role is to be carried out.

40. The recent Annual Report of the Adjudicator showed few local authorities have complained to the Adjudicator. It seems unlikely that in all other areas everything is operating fairly. Currently the role of the adjudicator is only to take action in reaction to objections, he cannot take investigative action. Either this should change or it must be made a clear duty on admission forums and local authorities to complain if there are unfair admission practices in local schools.

(1) Office of the School Adjudicator Annual Report Sept 2004 – August 2005 Chief Adjudicator November 2005

(2) Which?choice:education. Which September 2005