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Secondary Education: School Admissions

Fourth Report of Session 2003–04

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The Education and Skills Committee

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Footnotes

In the footnotes of this Report, references to oral evidence are indicated by 'Q' followed by the question number. References to written evidence are indicated by the memorandum number, eg SA 1.

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Summary

In this inquiry we have focused on the process of school admissions; how individual children are allocated a school place in secondary school; how their parents or carers express their preferences in relation to this allocation and how disputes that occur during the process are resolved. We have been particularly interested in the impact of the Government's Codes of Practice for school admissions and admission appeals and the work of the Office of the Schools Adjudicator.

Quality of schools

Central to the debate about school admissions is the question of what parents want when they set about deciding their preferences for their child's school. All parents want a place in a *good school* for their child, although parents have varying definitions and draw on a variety of information sources in making judgements about schools. Our inquiry has focused on the legal, regulatory and administrative arrangements for school admissions. **However, these are second to the overriding necessity to ensure that all schools are good enough. While we believe that schools are improving and that these improvements are reflected in pupil attainment, it is clear that not all schools either are, or are yet perceived to be, good enough.**

Parental preference

Legislation has consistently and rightly given priority to parental preference and it is evident that successive governments have particularly valued this principle in the school admissions process. However, the system of school admissions that has resulted is one in which it is all but impossible for parents, particularly in urban areas, to exercise their preference with any degree of certainty about the likely result. **Far from being an empowering strategy the school admissions process, founded on parental preference, can prove a frustrating and time-consuming cause of much distress in the lives of many families.**

The School Admissions Code of Practice

We support the Government's aims: for greater fairness, coordination and parental preference in the allocation of school places. **However, the Government's attempt to realise these aims through a system based on guidance rather than regulation means that it can have no assurance that its objectives will be widely met. This is disappointing. Fairness in public policy should not be a matter of luck but a matter of course.** Schools need to be able to respond to the needs of their local communities but this should not be at the expense of the Government's broader aims of social inclusion and equity. **We recommend that the School Admissions Code of Practice should be supported by revised regulations. In particular, acceptable admissions criteria should be identified and clearly defined in regulation or primary legislation**

along with specific guidance on the appropriate manner of their implementation.

Interviews

The Code of Practice seeks to prohibit the use of interviewing as part of the admissions process. The rationale for ending the use of interviews is that, intentionally or otherwise, they enable judgements to be made about the child's prior attainment as well as the family's social class, educational and professional background and level of support for their child's schooling. **We welcome the end of interviewing as part of the maintained secondary school admissions process** although, once again, we regret that this clear statement of good practice represents only guidance to which admissions authorities must have regard and not regulation with which admissions authorities must comply.

City Technology Colleges are not bound by the Codes of Practice and, by virtue of this, may make admissions arrangements without regard to the guidance contained within the Codes. One of the ways in which these publicly funded schools deviate from the good practice guidance set out in the Codes is by their use of *structured discussions* in their admissions process. **The false distinction between (permitted) structured discussions and (prohibited) interviews is unhelpful.** We are concerned that because structured discussions are not mentioned in either the primary legislation or the School Admissions Code of Practice, the Minister's insistence that they are distinct from interviews may encourage other admissions authorities to incorporate them into their admissions arrangements.

City Technology Colleges

It is time for Government to radically rethink the position of CTCs in the state funded education system, to address the exclusion of CTCs from coordinated admissions arrangements and from the terms of the Codes of Practice, and to affirm the place of CTCs in the family of publicly funded schools.

Coordinated admissions

The evidence is that parents value transparency, consistency and predictability very highly. The development of a single admissions system across local authority areas and, where appropriate, across LEA boundaries would be a significant contribution to greater clarity in the process of school place allocation. The coordinated arrangements planned for greater London and eight surrounding authorities present an exciting and ambitious goal. We are convinced that, if the system can be made to work, it will make a valuable contribution to improving families' experience of the school admissions process and reducing the amount of distress involved for parents and children alike.

Oversubscription criteria

The manner and order in which oversubscription criteria are applied has a significant impact on the outcome of the admissions process and the degree of fairness and transparency with which the system is perceived to operate. We recommend that the

advantages of a single model for the application of oversubscription criteria should be the subject of local consultation and, where appropriate, adopted within and even across LEA boundaries.

Costs

One difficulty in evaluating the school admissions system is that the cost of the system is largely unknown. **We have been astonished to find that neither the cost of the school admissions process nor of the appeals system has been monitored either by the DfES or by LEAs.** More needs to be done to evaluate school admissions policy and to ensure that arrangements are effective, equitable and do not involve unreasonable public expense.

Appeals

We are concerned that school admission appeals enable entry to schools which have already admitted pupils up to their assessed capacity. More work needs to be done to explore alternatives to the overcrowding of some schools following large numbers of successful appeals. The present arrangements are neither rational nor sustainable.

Selection

All forms of selection at one set of schools have, as a matter of arithmetic, consequences for other schools. **A government that permits the continuing expansion of selection, by ability or by aptitude, can only be understood to approve of both the practice of selection and its outcomes.** If that is the position of the present Government it should be publicly stated. We believe that it is time for Ministers to engage in an informed debate about the role of selection in secondary education and its impact across the education system as a whole. **The Government needs to explain how it reconciles its insistence that there will be no return to selection with its willingness to retain and increase selection where it already exists. Without an honest and robust engagement with this issue the Government's policy on selection will continue to appear *ad hoc* and without principle.**

Grammar school ballots

Setting aside the desirability or otherwise of selective systems of education, **the current arrangements for ballots to decide the admissions arrangements of grammar schools are flawed, and waste the time and resources of all concerned.** If the Government believes that a local vote is the appropriate mechanism by which the future of selective schools should be decided then it is high time for a review of the present arrangements. In any event, the current provision for grammar school ballots should be immediately withdrawn so as to ensure that no further resources are wasted in this exercise.

1 Introduction

1. The Committee announced its Secondary Education inquiry on 4 November 2002 and set out the four areas upon which it intended to focus. These were Diversity of Provision, Pupil Achievement, Teacher Recruitment and Retention and School Admissions.
2. The inquiry built upon the Committee's innovative visits to Birmingham and to Auckland in New Zealand in the autumn of 2002 and our visits to Belfast and Dublin in March and April 2003. Our deliberations have been further informed by visits to Slough and Wakefield where, in addition to taking formal evidence, we had the opportunity to meet informally with a great number of interested parties. We are particularly grateful to colleagues at Slough and Wakefield Local Education Authorities for facilitating and ensuring the success of our visits.
3. Our inquiry focused on the impact of Government policy relating to school admissions and particularly on the impact these policies have on the composition of schools and in turn on the achievement of pupils.
4. During the course of the inquiry we took oral evidence from Mr David Miliband MP, Minister of State for Schools, Mr Stephen Twigg, Parliamentary Under Secretary of State for Schools; Professor John Coldron, Sheffield Hallam University, Professor John Fitz, Cardiff University and Professor Anne West, London School of Economics; Dr Philip Hunter, Chief Schools Adjudicator; Mr Robert Douglas from Education Leeds and Dr Bryan Slater, Director of Education for Norfolk County Council; Sir Peter Lampl and Dr Tessa Stone from the Sutton Trust; Dr Ian Birnbaum, Strategic Director, Learning for Life for the London Borough of Sutton and Chair of the Pan-London Admissions Executive Board and Mr Paul Robinson, Director of Education in the London Borough of Wandsworth; Mrs Mo Laycock, Headteacher, Firth Park Community College, Sheffield, Mr Bryan Jones, Former Headteacher, Archbishop Tenison's School, Lambeth, and Mr Mike Wood, Headteacher of the Cornwallis School, Kent; Dr Sheila Lawlor, Director of Politeia, Mr Martin Johnson, Research Fellow at the Institute for Public Policy Research and Mr Nick Seaton, Chairman of the Campaign for Real Education; Ofsted and the Audit Commission; representatives from the Church of England Board of Education and the Catholic Education Service; officials from the Department for Education and Skills (DfES); Miss Hilda Clarke, Headteacher, Langley Grammar School, Slough, Reverend Jeremy Hurst, Chair of the Slough School Organisation Committee and School Admissions Forum and Ms Julia Shepherd, Headteacher, Beechwood School, Slough; Mr Simon Flowers, Headteacher, the Cathedral School, Wakefield, Mr Terry Hall, Chair of the Wakefield Governors' Forum, Mr Graham Myers, a parent in Wakefield, Mr Jim Winter, Assistant Chief Education Officer, Wakefield LEA, and Mr Stuart Wilson, Headteacher, Featherstone High School, Wakefield.
5. Our report on school admissions is the fourth of our secondary education inquiry. Our reports on Diversity of Provision, Pupil Achievement and on our visits to Birmingham and

Auckland have already been published.¹ We plan next to publish our report on Teacher Retention and Recruitment and to conclude our inquiry into secondary education with a final report in which we will draw together the threads of the whole of the secondary education inquiry and comment upon the Government's replies to our conclusions.²

6. We have been aided in our work by the submission of a large number of memoranda from interested parties, many of which are reprinted with this report, and by the publication of three valuable public reports: The joint report from Ofsted and the Audit Commission on School place planning;³ the Council on Tribunals special report on School Admission and Exclusion Appeal Panels⁴ and the Local Government Ombudsmen special report on School Admissions and Appeals.⁵

7. We are grateful to our specialist advisers, Sir Peter Newsam, Professor Alan Smithers and Valerie Bragg, for their assistance with this inquiry.

The scope of the inquiry

8. Our evidence-taking has focused on the process of school admission; how individual children are allocated a school place in secondary school; how their parents or carers express their preferences in relation to this allocation and how disputes that occur during the process are resolved. We have concerned ourselves with both the regulation and organisation of school admissions; the attempts that central government has made to regulate school admissions directly and through local education authorities (LEAs), and we have examined the operation of admissions arrangements in schools which are their own admission authority and the work of LEAs as admissions authorities. We have been particularly interested in the impact of the Government's Codes of Practice for school admissions and admission appeals and the work of the Office of the Schools Adjudicator.

9. Our examination of school admissions policy begins with first principles. We consider whether the Government's objectives for school admissions policy are appropriate, whether they have been achieved and whether the current arrangements for regulating school admissions are sufficient for the task. We ask what problems admission arrangements are intended to address, and investigate the extent to which current arrangements for school admissions are consistent with existing and emerging policies on school improvement, school transport, the creation and location of new schools and the inclusion and diversity agendas.

10. The need for local authorities to have regard to the wishes of parents, so far as the education provided for their children is concerned, was established in Section 76 of the 1944 Education Act. Our report questions the extent to which the increased emphasis

1 Education and Skills Committee, Second Report of Session 2002–03, *Secondary Education: visits to Birmingham and Auckland*, HC 486; Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94; Education and Skills Committee, Seventh Report of Session 2002–03, *Secondary Education: Pupil Achievement*, HC 513.

2 To be published during the 2004–05 session.

3 School place planning The influence of school place planning on school standards and social inclusion, HMI 587, Audit Commission/Ofsted E-publication, October 2003.

4 Council on Tribunals, School Admissions and Exclusion Appeals Panels, Special Report, Cm 5788, May 2003.

5 The Commission for Local Administration in England, Special Report School Admissions and Appeals, March 2004.

given to parental preference in subsequent legislation has increased parental satisfaction in the school admissions process. We reflect on the mechanisms in place to regulate and review the operation of admissions arrangements, locally and nationally, to ensure that they are effective, equitable and do not lead to unreasonable public expenditure.

11. Finally, we are concerned with the future. In reflecting on both the past and present manifestations of school admissions policy our inquiry has enabled us to suggest how the current arrangements for secondary school admissions and its regulation might be developed to improve the provision of secondary education in England. Our report contains wide ranging recommendations to the Government on this theme.

12. In examining the current arrangements for school admissions we have focussed much of our attention on the Codes of Practice on School Admissions and on Appeals. The Codes are central to the Government’s approach to influencing and regulating school admissions and appeals and contain the Government’s aims and objectives for admissions policy and practice. The School Admissions Code of Practice states:

“School admission arrangements should work for the benefit of all parents and children in an area. The arrangements should be as simple as possible for parents to use, and help them to take the best decisions about the preferred school for their children.⁶ In drawing up admission arrangements, admission authorities should aim to ensure that:

- the arrangements enable parents’ preferences for the schools of their choice to be met to the maximum extent possible;
- admission criteria are clear, fair and objective, for the benefit of all children, including those with special educational needs, disabilities or in public care;
- local admission arrangements contribute to improving standards for all pupils;
- local admission authorities consult each other and co-ordinate their arrangements, including over the rapid re-integration wherever sensible of children who have been excluded from other schools;
- parents have easy access to helpful admissions information;
- local admission arrangements achieve full compliance with all relevant legislation and guidance—including on infant class sizes and on equal opportunities—and take full account of the guidance in this Code.”⁷

13. We have taken this statement as our starting point. It sets out not only the Government’s objectives for admissions arrangements but also the measures by which their success must be judged. In our examination of school admissions policy we have therefore concerned ourselves with the following questions, arising directly from the Government’s own agenda for school admissions:

6 “The preferred school” the emphasis being on establishing a single preference above all others.

7 *School Admissions Code of Practice*, Department for Education and Skills, 2003, para 2.3.

- a) *Do admission arrangements enable parents' preferences to be met to the maximum extent possible? Do the current arrangements work equally well for all parents? Are some parents advantaged or disadvantaged through the design of the admissions system?*
- b) *Are admissions criteria clear, fair and objective? Do they say what they mean and mean what they say? Do they enable parents to make informed decisions? Do they satisfy the Code's objectives for children with special educational needs, disabilities and looked after children?*
- c) *Where parents are not satisfied with the outcome of admissions procedures, are there appropriate and effective arrangements for appeals and complaints?*
- d) *To what extent is the information provided to parents accurate, clear, meaningful and easy to access? Does it enable parents and children to make informed decisions and to understand both the admission process and the consequences of their decisions?*
- e) *Do local admission arrangements contribute to improving educational standards for all pupils? Is the performance of particular groups affected by the outcomes of the school admissions process? To what extent does the process result in those pupils who are more challenging to teach, including those who are disadvantaged by late arrival in the school year, being concentrated in a small number of schools? Does the creation of schools with an unbalanced intake, or the perpetuation of that pattern, have an impact on the extent to which all pupils are able to achieve their potential?*
- f) *Do schools and admissions authorities cooperate effectively? What, if any, barriers to cooperation exist?*
- g) *Do published admissions arrangements, as applied by admissions authorities, comply with the law and have regard to the good practice guidance contained in the Code of Practice? Are these arrangements sufficient to ensure the fair allocation of school places for the benefit of all parents and children?*

14. Throughout our evidence-taking we have been mindful that not all parents are equally endowed with knowledge of the system or have the time or skills to research selection criteria, visit schools and prepare (sometimes multiple) applications. Indeed, recent research commissioned by the DfES⁸ commented on the complexity and challenge involved in the school admissions process: "Gathering, managing and processing the amount of information available concerning choice of school was no light task [and] parents differed in the competence they brought to the task."⁹ Thus the effectiveness of the system must be judged not only by the scale of apparent parental satisfaction but also by how it deals with and protects the interests of those least able, or willing, to act for themselves.¹⁰

8 Parents' experiences of the process of choosing a secondary school, RR 278 Department for Education and Skills, June 2001.

9 Ibid, executive summary, p 20.

10 LEAs have a duty to ensure that a suitable school place within a reasonable travelling distance is available for children whose parents do not express any preferences, for whatever reason. *School Admissions Code of Practice*, para A 26.

Context

15. Our inquiry took place at a time of much public and media interest in school admissions and the impact of new legislation.¹¹ At the heart of the school admissions system and our inquiry is the principle of parental preference. Since the 1944 Education Act the notion of parental preference has been at the centre of discussion and debate about the allocation of school places. Subsequent legislation¹² and legal precedent¹³ have established the role of parents in the school admissions process and how admissions authorities must take account of parents' wishes.

Good schools

16. Central to the debate about school admissions is the question of what parents want when they set about deciding their preferences for their child's school. Certainly, all parents want a place in a *good school* for their child, although parents have varying definitions and draw on a variety of information sources in making judgements about schools. Media attention and genuine difficulties in some areas have combined to create what has been described as "epic levels of anxiety" surrounding school admissions.¹⁴ While some degree of anxiety is inevitable in a process where the outcome is both important and uncertain, that anxiety is heightened where the outcomes are perceived to be of significantly different value. In circumstances where a number of schools are perceived by parents to be of comparable standards, parents may prefer a particular school for reasons of ethos, specialism or location for example, but may be reasonably happy if their first preference is not met. In contrast, where schools are perceived to be of very different standing, competition for places at the better schools can be fierce.

17. Our inquiry has focussed on the legal, regulatory and administrative arrangements for school admissions. However, these are second to the overriding necessity to ensure that all schools are good enough. While we believe that schools are improving and that these improvements are reflected in pupil attainment¹⁵ it is clear that not all schools either are, or are yet perceived to be, good enough. Developments to the regulatory arrangements for school admissions will not address this fundamental challenge, but such improvements may make a contribution to making the work of some schools less difficult.

11 For example "The national schools lottery", Nicholas Pyke, *The Independent*, 5 June 2003; "£8bn—the cost of the battle for top state school places", Mark Townsend, *The Observer*, 13 July 2003, "Admissions impossible", Fiona Millar, *The Guardian*, 11 November 2003.

12 Notably the 1980 Education Act, the 1988 Education Reform Act, 1998 School Standards and Framework Act and 2002 Education Act.

13 In particular the Greenwich and Rotherham Judgements are relevant. The Greenwich Judgement (1989) established that maintained schools may not give priority to children for the sole reason that they live within the LEA's administrative boundaries. The Rotherham Judgement (1997) established that the principle of admission authorities operating catchment areas as part of their oversubscription criteria in allocating school places was lawful providing that in so doing authorities are not in breach of the Greenwich judgement.

14 Fiona Millar, *The Today Programme*, BBC Radio 4, Tuesday 15 June 2004.

15 Education and Skills Committee, Seventh Report of Session 2002–03, *Secondary Education: Pupil Achievement*, HC 513, p 3.

Historical context

1944—1997 election

18. The 1944 Education Act established the need for local authorities to have regard to the wishes of parents. The Act secured for parents the right to express a preference for particular schools and a responsibility for local authorities to take this preference into account when allocating school places. The Act stated: that “the Minister and local education authorities shall have regard to the general principle that, so far as is compatible with the provisions of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.”¹⁶ Section 9 of the Education Act 1996 continues this commitment.

19. The 1980 Education Act enabled parents’ right of appeal against non-admission and the 1988 Education Reform Act brought the concept of *open-enrolment*, extending nationwide the scope of parental preference to schools beyond the boundaries of their home LEA and preventing schools from rejecting pupils unless they are full to capacity.¹⁷ The 1988 Act also introduced further differentiation in school governance through the creation of *grant-maintained status*. Grant-maintained schools, like voluntary aided schools, were permitted to manage their own admission arrangements and were not required to limit these arrangements to the principles and procedures adopted by LEAs. The creation of grant maintained status led to an increase in the number of schools controlling their own admission arrangements. This enabled those schools to set admissions arrangements that reflected decisions about the applicants they preferred to admit and represented a significant increase in the complexity of the admissions system experienced by parents.

Labour’s 1997 election manifesto commitment on education

20. Approaching the 1997 election the Labour Party identified education as its first priority. The Labour manifesto for the 1997 election highlighted two key themes relating to secondary education: limiting selection and extending parental choice through diversity of provision.¹⁸

21. Central to the party’s vision for secondary education under a Labour government was the modernisation of the comprehensive model for education and a pledge to limit selection. David Blunkett MP, the then shadow Education Secretary told the 1995 Labour Party conference “read my lips: no [more] selection, either by examination or interview, under a Labour government.”¹⁹

16 Education Act 1944, s 76.

17 Open enrolment was first established in the capital through the London Government Act 1965.

18 The Labour Party manifesto of 1997 stated: “We will put behind us the old arguments that have bedevilled education in this country. We reject the Tories’ obsession with school structures: all parents should be offered real choice through good quality schools, each with its own strengths and individual ethos. There should be no return to the 11-plus. It divides children into successes and failures at far too early an age.”

19 David Blunkett MP as shadow Education Secretary addressing the 1995 Labour Party conference. Mr Blunkett subsequently clarified that he had meant to say “no *more* selection”.

22. The manifesto also affirmed parents' centrality to education policy with the promise that "any changes in the admissions policies of grammar schools will be decided by local parents"²⁰ and that "all parents should be offered real choice through good quality schools, each with its own strengths and individual ethos."²¹ In this way the Labour Party, in opposition, set its education agenda for government: diversity and choice.

Government policy since 1997

23. Once established in Government Labour set about creating the legislative framework for the reform it had envisioned. The 1998 School Standards and Framework Act included three major developments in school admissions policy:

- a) A duty on the Secretary of State to publish a code of practice on school admissions
- b) The creation of the Office of the Schools Adjudicator
- c) The introduction of parental ballots on the future of grammar schools.

24. The 2001 education White Paper *Schools achieving success* made much of the value of diversity and of the link between diversity and choice in the battle to improve standards of attainment. The then Secretary of State, Rt. Hon. Estelle Morris MP told the Social Market Foundation that "this greater diversity is good for pupils and parents and will ensure there is more choice and innovation in the school system."²² The Government's policy of encouraging greater diversity in the governance of secondary schools and in the ethos and experience available in secondary education has accentuated the differences between schools. This has given ever greater emphasis to the role of choice and preference in the allocation of school places. Our report on Diversity of Provision²³ in secondary education picked up many of these themes and provided the foundation for the commentary and conclusions in this report.

25. The Education Act 2002 introduced further requirements on the organisation of school admissions. Provisions in the Act included:

- a) The requirement for LEAs to coordinate admissions within and across their boundaries,
- b) A statutory requirement for each LEA to set up an admissions forum (previously a voluntary arrangement).

20 Labour Party manifesto 1997.

21 *ibid.*

22 *Professionalism and Trust: the future of teachers and teaching*, speech by Rt Hon Estelle Morris, Secretary of State for Education and Skills, to the Social Market Foundation, 12 November 2001.

23 Education and Skills Committee, Fourth Report Session 2003—04: *Secondary Education: Diversity of Provision*, HC 94

The Government's aims for school admissions

26. The Government has most recently set out its aspirations for school admissions arrangements in the revised School Admissions Code of Practice.²⁴ In the introduction to the current Code the Rt. Hon. Charles Clarke MP, Secretary of State for Education and Skills, articulates the Government's aims:

“We are committed to raising standards in our schools and to offering a diverse, high quality education, based on the needs of the child. We know that our framework for admissions, introduced in the School Standards and Framework Act 1998, is generally working well and that the vast majority of parents gain a place for their child at a school for which they have expressed a preference. It will not always be possible for every parent to get a place at their preferred school, but we want this for as many parents as possible.

This Admissions Code of Practice is about making the admissions system more open and fair and the admissions process work better...In order to improve the admissions framework for the benefit of parents and children, we introduced a number of important changes in the Education Act 2002. This Code of Practice takes account of those changes, and of associated regulations.

The 2002 Act made Admission Forums mandatory, to promote local discussion between all those with an interest in admissions. Forums will have an important advisory role. They will consider how well admission arrangements serve the interests of local parents and children...They will aim to reach local consensus on how best to meet the needs of all those seeking a place in their area, so that all pupils have a fair opportunity to realise their potential.

We want to make the admissions process easier for parents and children by enabling parents in an area to express all their school preferences at once on one form, by reducing multiple offers of places for some children while others have no offer at all...

We took the opportunity in the 2002 Act to clarify the law on parental preference, so that it is clear that admission authorities must consider any preference expressed by a parent and comply with that preference unless certain reliefs apply.

The new law on admissions, and the guidance in this Code, build on existing best practice. They are about making school admissions fairer for all parents, and improving admission processes parents often find stressful. Our aim is more co-ordination and co-operation between admission authorities, to produce admission systems parents will find simpler and more streamlined, and a better deal for all.²⁵

27. We support the Government's objective that parents' preferences for schools of their choice be met to the maximum extent possible, and their recognition that this cannot be achieved without increasing the quality of provision. Concern over

²⁴ *School Admissions Code of Practice*, Department for Education and Skills, 2003.

²⁵ *School Admissions Code of Practice*, Department for Education and Skills, 2003, pp 1—2.

admissions would be less were there more schools which command the confidence of parents.

28. We support the Government's aims: for greater fairness, coordination and parental preference in the allocation of school places. However, the Government's attempt to realise these aims through a system based on guidance rather than regulation means that the Government can have had no assurance that its objectives would be widely met. This is disappointing. Fairness in public policy should not be a matter of luck but a matter of course.

2 The school admissions process

Parental satisfaction?

29. Research published by the DfES in 2001 about parents' experience of the secondary school admissions system²⁶ suggested that parents in England were generally satisfied both with the process itself and with its outcomes. The research found that 92% of parents surveyed were offered a place in their first preference school and 96% received an offer of a place in a school for which they had expressed a preference. Given the high levels of apparent parental satisfaction suggested by the DfES-commissioned research, it first appeared that there was little for us to comment on in a system that appeared to be working to the satisfaction of Government and parents alike. **However, our own work during the early stages of our secondary education inquiry²⁷ alerted us to significant weaknesses in the current arrangements for secondary school admissions.²⁸**

30. The DfES research itself reveals that while 92% of the sample received an offer of a place at their *first preference*²⁹ school only 85% were offered a place at their *favourite*³⁰ school. This suggests that parents are making strategic decisions not only about which school they most want for their child, but also about their chances of securing a place at that school and are adjusting their behaviour accordingly. While 96% of parents in the survey received an offer of a place at a school for which they had expressed some degree of preference, 5% of the total appealed against the admissions decision for their child. This demonstrates that what is described as a second or third *preference* is often a school that a parent wishes to avoid rather than a "school at which he wishes education to be provided for his child."³¹

31. Being offered a place at a school for which one has expressed some form of preference cannot therefore be taken as a comprehensive measure of satisfaction if 62%³² (ie 5% of the total number of parents in the sample) of those who fail to gain a place at their first preference school lodge an appeal against the decision.

32. In assessing the implications of the DfES research we must also consider the extent to which the sample was representative of the national picture. Whatever the national

26 Parents' experiences of the process of choosing a secondary school, RR 278, Department for Education and Skills, June 2001.

27 For example Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC94 paras 130, 139, 144.

28 See para 168 below.

29 The school parents place first on their application for a school place.

30 The school parents would most like their child to attend regardless of whether they include it on their application for a school place.

31 School Standards and Framework Act 1998 s86 (1)a.

32 92% of the survey group were offered a place at their first choice school and 8% of the sample were not. 5% of the total sample appealed—presumably all appellants were among the 8% who did not get a place at their first choice. Thus 62% of those who did not get an offer of their first school appealed.

position, we know that in 2000/01 just under 10.3% of applications for secondary school places resulted in the lodging of an appeal,³³ nearly twice as many as in the sample.

33. The headline satisfaction statistics given by the DfES research mask considerable variation within England. In particular, parents in London were significantly less likely to be offered a place in their favourite school than parents elsewhere in the country: just under 70% compared with 85% nationally.³⁴ The research also found that parents in London were also most likely to appeal against an admissions decision, with appeals in the capital running at 12% compared to 4% nationally.³⁵ More recent research from Chris Taylor and Stephen Gorard at Cardiff University revisits this territory and notes the variation within London. For example in the London Borough of Enfield over half of all admissions result in an appeal.³⁶

34. The DfES commissioned research found no significant link between parental satisfaction and socio-economic status, although such factors were significant in the manner in which parents made their decisions. Families in which the mother had qualifications at degree level or above were five times more likely to use formal sources of information (LEA prospectuses, school brochures, school performance data and Ofsted reports) to inform their decisions about school preference than if the mother had no such qualifications. Social class was also strongly associated with the use of formal information sources, with mothers in social class I or II twice as likely to have used at least one formal source of information.³⁷

35. The research also identified significant variation in the factors influencing school choice and revealed links between these factors and social class/mother's level of education. Families in which the mother had qualifications below degree level or had no qualifications were half as likely to choose a favourite school with a high GCSE performance score than those in which the mother had qualifications at or above degree level.³⁸ **Parents living in social housing were significantly more likely to cite travel convenience as a key factor in school preference than parents who were owner-occupiers.**³⁹ **Evidence from our parallel school transport inquiry is that the cost of school transport, as well as travel convenience, is understandably of particular importance to low income families.**

The School Admissions and Appeals Codes of Practice

36. The Codes of Practice are the key mechanism, deriving from the primary legislation, by which Government directly influences the conduct of school admissions. While the Codes

33 National Statistics, Appeals lodged by parents against non-admission of their children to maintained schools, 1993—94 to 2000—01: social trends 33 (dataset ST330304).

34 *Parents' experiences of the process of choosing a secondary school*, RR 278 Department for Education and Skills, June 2001, page 1.

35 *ibid*, executive summary, p 12.

36 *Secondary school admissions in London*, Chris Taylor and Stephen Gorard, ippr, February 2003, p 18.

37 *Parents' experiences of the process of choosing a secondary school*, RR278, Department for Education and Skills, executive summary, p 10.

38 *ibid*, executive summary, p 12.

39 *ibid*, executive summary, p 11.

cover admissions and appeals in both the primary and secondary sectors, the focus of this inquiry is on the secondary admissions process.

37. The legislative basis of the current school admissions process is enshrined in the School Standards and Framework Act 1998 as modified by the Education Act 2002. The Act required the Secretary of State to publish guidance on school admissions and appeals and the guidance and regulations arising from the legislation are contained in the Codes of Practice on School Admissions and School Admissions Appeals.⁴⁰

38. The first School Admissions Code of Practice came into effect on 1 April 1999⁴¹ following the 1998 School Standards and Framework Act. The first Code was positively received. A revised edition was laid before Parliament for approval in January 2003 and, having received no objections, came into force on 31 January 2003.

The status of the Codes

39. The Codes of Practice provide guidance to admissions authorities and to agencies responsible for the conduct of appeals. They contain descriptions of the primary legislation from which they stem but are clear about their limitations. The Codes “signpost the relevant legal provisions but they do not aim to provide definitive guidance on the interpretation of the law: that is a matter for the courts.”⁴² In addition to extensive guidance the School Admissions Code of Practice also contains reference to a number of statutory responsibilities which must be met.

40. So far as the School Admissions Code of Practice is concerned, admission authorities (LEAs, Academies, Foundation and voluntary aided schools) must comply with the law and must therefore *have regard* to the guidance contained in the Code.⁴³ Having had regard, and taken proper account of its guidance, admission authorities can have regard to other matters. Having done so, provided they have good reason for so doing, they are at liberty to set admissions arrangements which do not altogether comply with that guidance. In schools which are their own admissions authority, Governors are empowered to set admissions arrangements and admissions criteria that reflect the characteristics and ethos of their school; admissions criteria for other schools (community and voluntary controlled) are normally set and applied by the local education authority and aim to reflect the needs of the authority as a whole. Admissions authorities have discretion as to the detail of these criteria (for example the manner in which distance from the school is calculated), the order in which their criteria are applied and, in the event of more than one child having the same level of claim on a school place, how tie-break decisions⁴⁴ will be made. Where admission authorities decide not to comply with the guidance in the Code they are not automatically breaking the law in so doing; but if objections are made, either to the Adjudicator or to the Secretary of State, failure to comply with the Code’s guidance will need to be justified.

40 School Admissions Code of Practice and School Admissions Appeals Code of Practice, Department for Education and Skills, February 2003.

41 *School Admissions Code of Practice*, Department for Education and Employment, 1999, para 1.3.

42 *School Admissions Appeals Code of Practice*, para 2.1, see also *School Admissions Code of Practice*, Department for Education and Skills, 2003, para A1.

43 School Standards and Framework Act 1998, s 84, (3).

44 Where more than one child has equal claim to a place in an oversubscribed school.

41. The legislation requires local education authorities (LEAs) to oversee the operation of school-based admission authorities and bring to the attention of those authorities any published admission arrangements deemed to be unlawful or contrary to the guidance in the Code. Where parties are unable to resolve disputes LEAs are charged with the particular responsibility of referring the matter to the Office of the Schools Adjudicator⁴⁵ although others, including parents, may also initiate an objection on certain grounds.⁴⁶ The Codes of Practice apply to all school and LEA admissions authorities⁴⁷ but exclude the publicly funded City Technology Colleges. These schools are designated as “independent schools and as such [are] free to set their own [admissions] arrangements”.⁴⁸ In contrast, the growing numbers of Academies which have also been set up as publicly funded schools independent of local authority control, are bound by the Codes of Practice through a clause in their funding arrangements.⁴⁹

New developments in the 2003 School Admissions Code of Practice

42. The key developments on school admissions in the Education Act 2002 are set out in the 2003 edition of the School Admissions Code of Practice. They are:

- a) a requirement for LEAs to coordinate admission arrangements between admission authorities and across LEA boundaries; and
- b) the statutory creation of admissions forums in each local authority area in which all admissions authorities participate and have the opportunity to resolve difficulties relating to admissions arrangements.⁵⁰

43. In addition, the 2003 School Admissions Code of Practice introduced, without the support of primary legislation:

- i. explicit advice that priority should be given to school place applications from children in public care;
- ii. guidance that from the admissions round leading to September 2005, no day school (including faith schools) should interview applicants;

Guidance vs regulation

44. While these developments have been welcomed much criticism of the School Admissions Code of Practice remains. Dr Bryan Slater, Director of Education at Norfolk County Council told us of his perception that while “we will have an admissions forum and local arrangements whereby admissions are more coordinated than they have been in the

45 *School Admissions Code of Practice*, Department for Education and Skills, 2003, para 4.11.

46 *School Admissions Code of Practice*, Department for Education and Skills, 2003, para 4.10.

47 Including state boarding schools.

48 SA 51, para 2.

49 Unpublished note from Department for Education and Skills.

50 Admissions forums, facilitated by the LEA but independent from it, were previously an optional facility. The Education Act 2002 made admissions forums a statutory requirement.

past, my view of the Code of Practice is that it remains a relatively cosmetic change.”⁵¹ Robert Douglas from Education Leeds added:

“There is perhaps a localised view that the Code is not prescriptive enough. As Dr Slater has said, to some extent it is cosmetic. Certainly, other admissions officers with whom I talk hold the view that it should be more prescriptive and that there should be a stronger framework in which we can implement and deliver admissions policies.”⁵²

45. The status of the Codes of practice is certainly problematic for LEAs. LEAs are called upon by the legislation to be both coordinator and enforcer of good practice⁵³ on admissions, while also being responsible for casual admissions and the placement of previously excluded pupils across the authority. Where LEAs identify admissions arrangements that are contrary to the advice in the Code they have a duty to try to resolve the issue locally or, failing that, make an objection to the Office of the School Adjudicator. Dr Ian Birnbaum, Strategic Director, Learning for Life, London Borough of Sutton, told us:

“The way the system is framed does make it difficult for authorities because it is adversarial. We do want to work in co-operation with schools as far as we can. It is therefore difficult sometimes for an authority to get into a situation where it takes some of its schools to the adjudicator because it does not like their practice. I am not saying that is [not] what should happen. I believe an authority should be robust. Probably part of the reason that some of these practices go on is that there is that tension in terms of an authority’s desire to maintain good relationships with its schools.”⁵⁴

46. This aspect was recognised in the Ofsted/Audit Commission report on school place planning:

“Some authorities are rightly prepared to challenge unduly restrictive criteria for admission to oversubscribed schools. Such criteria can exacerbate social tension, once they divorce a school from its local community... The authority reasonably sees its role as working with governors over time to secure a broadening of what it perceives as restrictive admissions criteria. This is a subtle and delicate task, which only some authorities are currently attempting... The authority must use its influence at the same time to promote social inclusion, encourage diversity and maintain good relationships with its partners. These aims contain an inherent tension.”⁵⁵

47. Representatives of faith schools, which have been subject to criticism of their admissions arrangements, have welcomed the prospect of greater regulation. Both the Catholic Education Service (CES) and the Church of England Education Board, for

51 Q 200

52 Q 202

53 *School Admissions Code of Practice*, Department for Education and Skills, 2003, introduction.

54 Q 398

55 School place planning The influence of school place planning on school standards and social inclusion, HMI 587, E-publication, October 2003, paras 31 and 32.

example, called for and have emphatically welcomed the ending of interviews for the purposes of school admissions. Looking forward, Ms Oona Stannard, Director of the Catholic Education Service, told us that the CES would welcome a statutory role for the Catholic diocesan authorities in parallel with that which already exists for the Church of England Diocesan Boards. A development of this nature would give Catholic diocesan authorities a statutory role in offering admissions advice and guidance to Catholic voluntary aided schools and would require those schools to have regard to that advice. **We see the development of a statutory role for Catholic diocesan authorities in parallel with the Church of England as an appropriate step to ensure that Catholic schools benefit from the good practice and guidance on school admissions from sources within, as well as without, their faith community.**

48. **We concur with the view from our LEA witnesses that the advisory nature of the Codes of Practice make the widespread application of good practice and the eradication of bad practice a more difficult task than it need be.** LEAs' role in managing casual admissions and the placement of excluded children relies heavily on cooperation and good-will between schools and the LEA and their duty to police admissions authorities is an inevitable cause of tension in this relationship.

Admissions arrangements

49. Admissions authorities are required to consult on their admission arrangements every year⁵⁶ and these arrangements should include:

- a) admission numbers for any years to which it is intended to admit pupils, including Year 12, and in the case of boarding schools any separate admission numbers for day and boarding pupils;
- b) application procedures and timetables, as agreed locally, including where possible the opportunity to make applications online;
- c) the oversubscription criteria to be used, and the order in which they will be applied, to allocate places if the school receives more applications than there are places available;
- d) information about any tests for aptitude or ability, if allowed, or details of any additional information required, such as evidence of religious commitment, and of the objective criteria that will be used to judge these aspects;
- e) any separate entry requirements and oversubscription criteria for Year 12 or nursery places, if applicable;
- f) information about whether a waiting list will be maintained and for how long, plus confirmation that this will be maintained in the order of the oversubscription criteria;

⁵⁶ Where arrangements satisfy prescribed criteria this requirement is reduced to every alternate year. These criteria are: the LEA must have notified the Secretary of State that all admission authorities in the relevant area have consulted each other in the qualifying year (i.e. in 2004—05 or any subsequent year); the admission authority must not be proposing to change the admission arrangements which it had determined in the preceding year; and no objection must have been made to the Schools Adjudicator about the admission arrangements proposed by the governing body in any of the preceding five years. (Code of Practice, para 3.2 p 9).

g) information about how late applications can be made and will be handled.⁵⁷

50. In circumstances where there are more applicants than places available admissions authorities must apply the oversubscription criteria set out in their published admissions policies.

Oversubscription criteria

51. It is in the nature of school admissions criteria to discriminate; to identify, among the applicants to over subscribed schools, those who have the greatest claim to a school place at a particular school.⁵⁸ The individual criteria used to make these assessments and the manner in which they are applied are critical to the public perception of the school admissions process.

52. It is inevitable that where schools are over subscribed some applicants, parents and children alike, will be disappointed. Dr Philip Hunter, Chief Schools Adjudicator told us:

“The whole idea about admissions is that somebody, somewhere, is saying to a group of parents, “You can have a place in this school,” and saying to another group of parents, inevitably, where you have got oversubscribed schools, “You can’t have a place.” Now those parents are going to be very upset about it, very, very upset, for obvious reasons. Where you have got something like that happening the whole system depends on trust, that there are people out there who believe that, despite the fact they have not got what they want, they are working in a system which is broadly fair and broadly equitable. That means, I believe, that a lot of people locally have got to believe in the system, have got to be involved in the system.”⁵⁹

53. We share Dr Hunter’s hope for an admissions system in which parents are able to place their trust. However, as in all areas of public policy, public trust cannot be taken for granted but must be built on firm foundations. **The degree to which disappointed parents are able to accept the outcome of the admissions process depends on four main factors: the transparency of the process; the extent to which parents believe in the integrity of the process; the perceived quality of the school in which an alternative place is offered; and the timeliness of the process and its final outcome, including any appeals process.**

54. Where schools have surplus places the issue of oversubscription criteria does not arise. Instead the admissions authority, unless denominational considerations or issues of selection apply, will admit applicants up to the published admission number for the school regardless of any other factor. Where schools are oversubscribed the admissions criteria are applied by the admissions authority in order to rank applicants so that those who fulfil the criteria to the greatest extent are offered a place. Schools are statutorily required to admit pupils where the school has been named in a statement of special educational needs. Published admissions arrangements are required to set out admissions criteria for all other applicants in priority order. The nature of the criteria and the manner in which they are applied determines which children will be admitted and which will not.

⁵⁷ *School Admissions Appeals Code of Practice*, Department for Education and Skills, para 3.2.

⁵⁸ Q 617

⁵⁹ Q 68

55. Admissions criteria focus on a variety of factors including special needs (variously defined), proximity to the school and family associations with the school (siblings; the children of ex-pupils, staff or governors) or attendance at a primary school with which the admitting school has a special relationship. Faith schools may specify active participation in the faith of the school community or in a faith group affiliated or otherwise recognised. Designated specialist schools,⁶⁰ and other schools which declare themselves to have a subject specialism, may select up to 10% of their intake by aptitude in the area(s) of their specialism. Other schools may have longstanding arrangements to select a proportion of their intake by general ability or aptitude;⁶¹ designated grammar schools may select entirely on the basis of high ability while others may test all applicants and admit on the basis of a distribution of abilities (banding).⁶²

56. Research submitted to our inquiry by Professor Anne West at the LSE and largely based on school admissions for the school year beginning in September 2001 provided a valuable profile of the nature and use of over-subscription criteria and how their application varies between different types of school.

England: secondary schools admissions criteria (excluding grammar schools)⁶³

Criterion	England secondary schools N=2862	Community N=2023	Voluntary-controlled N=81	Voluntary-aided N=401	Foundation N=357
Siblings	96%	98%	99%	85%	96%
Distance	86%	91%	93%	51%	93%
Medical/social need	73%	80%	80%	35%	70%
Catchment area	61%	67%	70%	41%	44%
First preference	41%	48%	40%	26%	18%
Special educational needs	39%	48%	44%	11%	20%
Feeder school	28%	26%	33%	37%	25%
Religion	13%	0%	16%	92%	0%
Children of employees	9%	5%	3%	13%	28%
Difficult journey	6%	7%	9%	2%	6%
Children of former pupils	5%	3%	1%	10%	12%
Banding	3%	2%	4%	8%	2%
'Other faiths'	3%	0%	0%	23%	0%
Ability/aptitude in subject area	3%	0%	0%	7%	11%
Pupil interviews	2%	0%	1%	16%	1%
Strong family connection	2%	1%	1%	5%	3%
Parent interviews	2%	0%	0%	10%	0%

Note: This table does not provide an exhaustive listing of admissions criteria/practices used.

Data drawn from school admissions for the school year beginning in September 2001 in most cases

57. The Code of Practice identifies seven commonly used and acceptable oversubscription criteria in addition to the statutory requirement to accept children with statements of special educational needs.⁶⁴

60 There are 1,686 designated specialist schools. 240 schools have received their specialist designation but will not begin operating until Sept 2004.

61 1998 School Standards and Framework Act, s 100; *School Admissions Appeals Code of Practice*, paras 3.21—3.23.

62 Provision for banding is made in the School Standards and Framework Act 1998, section 101 and covered in the Code of Practice on Admissions para A66.

63 SA 17

64 *School Admissions Appeals Code of Practice*, Department for Education and Skills, 2003, para 3.5.

- a) children in public care
- b) medical or social grounds
- c) sibling links
- d) distance from the school
- e) ease of access by public transport
- f) catchment areas
- g) transfer from a named feeder primary school

58. In addition, admissions authorities must take into account parents' reasons for the preferences they express, for example their wishes for a religious or single sex education. Authorities must also comply with prevailing legislation, notably the provisions of the Sex Discrimination Act 1975, the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), and the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001).⁶⁵

59. Admissions authorities (LEAs, Academies, Foundation and Voluntary Aided schools), having had regard to the Codes of Practice on admissions and appeals and taken account of prevailing legislation, are at liberty to set their admissions arrangements as they see fit. In schools which are their own admissions authority, Governors are empowered to set admissions arrangements and admissions criteria that reflect the characteristics and ethos of their school; admissions criteria for other schools (community and voluntary controlled) are normally set and applied by the local education authority and aim to reflect the needs of the authority as a whole. Admissions authorities have discretion as to the detail of these criteria (for example whether step- or foster-siblings are considered), the order in which their criteria are applied and, in the event of more than one child having the same level of claim on a school place, how tie-break decisions⁶⁶ will be made.

60. The School Admissions Code of Practice promotes good practice and discourages inappropriate admissions practices. For example, the Code states that priority should not be given to admissions based on the date order in which applications are received⁶⁷ and that "it would not be good practice for admission authorities to set or seek to apply oversubscription criteria that had the effect of disadvantaging certain social groups in the local community."⁶⁸ That such practices are merely discouraged rather than prohibited is symptomatic of the well intentioned but essentially toothless nature of the Code.

61. The number of different admission authorities and the variety of admissions arrangements add significantly to the level of complexity present in the school admissions system. While the coordination of admissions arrangements will simplify the process to

65 *School Admissions Appeals Code of Practice*, Department for Education and Skills, 2003, para 3.12.

66 Where more than one child has equal claim to a place.

67 *School Admissions Appeals Code of Practice*, Department for Education and Skills, 2003, para 3.5.

68 *ibid*, para 3.12.

some extent for many parents it will not address variation in admissions policies. In our report on Diversity of Provision⁶⁹ we observed that:

“For parents, multiple admissions authorities with diverse and sometimes conflicting criteria present a bewildering prospect and we are mindful that it is the least advantaged parents, including those from minority ethnic groups, who experience the greatest difficulty in this context.⁷⁰ Legislation now requires coordinated admissions arrangements both within and between LEAs. This change calls into question the whole issue of schools retaining the role as their own admissions authorities.”⁷¹

62. We have also been concerned that some admissions authorities use their independence inappropriately to select pupils. For example, research conducted by Professor Anne West and Audrey Hind at the London School of Economics suggested that:

“In a significant minority of schools, notably those that are their own admission authorities—voluntary-aided and foundation schools—a variety of criteria are used which appear to be designed to select certain groups of pupils and so exclude others. These include children of employees; children of former pupils; partial selection by ability/aptitude in a subject area or by general ability; and children with a family connection to the school.”⁷²

63. We have noted that a number of evaluations of school admissions and appeal arrangements⁷³ have indicated that admission arrangements established and administered by local authorities show fewer incidences of error and covert selection than those established and administered by school governing bodies. The Local Government Ombudsmen, reporting on complaints about school admissions arrangements and appeals, noted that of the “complaints decided in 2001/02 we found faults proportionately in virtually twice as many cases involving other admission authorities as compared with cases involving LEAs.”⁷⁴

Looked after children—children in public care

64. There are approximately 60,000 looked after children. The Rt. Hon. Margaret Hodge MP, Minister for Children has been leading recent initiatives to focus attention on meeting the needs of vulnerable children. The proposals, under the banner “*Every Child Matters*”⁷⁵

69 Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94.

70 Education and Skills Committee, Seventh Report of Session 2002–03, *Secondary Education: Pupil Achievement*, HC 513, Q 174.

71 Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94, para 129

72 SA 3

73 Council on Tribunals, *School Admissions and Exclusion Appeal Panels Special Report*, May 2003; The Commission for Local Administration in England, *Special Report School Admissions and Appeals*, March 2004; Anne West and Audrey Hind, *Secondary School Admissions in England: exploring the extent of overt and covert selection*, London School of Economics, 2003.

74 The Commission for Local Administration in England, *Special Report School Admissions and Appeals*, March 2004, para 4 p 3; The report notes that the balance was improved in 2002/3 although non-LEA admissions authorities were still in the majority. The report is available at www.lgo.org.uk/pdf/specialreport3.pdf

75 *Every child matters*, Cm 5860, September 2003.

seek to place children at the centre of policy affecting them and to ensure that departments and agencies involved in working with children do so in cooperation. The legislative requirements of these proposals are contained in the Children Bill.

65. Mrs Hodge has described the position of children in public care in the following terms:

“The statistics tell a stark story. Only 7.5% get five GCSEs A—C compared to 53% in the population as a whole. Only 1% go on to university, compared to 43% in the population as a whole.

Right through the system they are disadvantaged. One child in six experiences three or more placements in just the space of a year. That lack of stability and security clearly takes its toll and means constant changes of school. One in three has a statement of special educational needs compared to 3% in the whole school population. 45% of looked after children of statutory school age have a mental health problem. These children are ten times more likely to be bullied and they are much more likely to be excluded. This is a shocking set of statistics.”⁷⁶

66. Adding to the educational disadvantage encountered by looked after children is their experience of the school admissions process:

“Local authorities must take their parenting responsibilities seriously. They need to prioritise the education of looked after children... Schools now have a new admissions code which prioritises looked after children, so the habit that some heads have of turning down looked after children must become a thing of the past. And making sure children have the proper support both in and out of schools, from books, toys and computer equipment, to mentors and proper support to getting to school on time, handing in the project work on time and taking part in out of school activities, all of that will help looked after children enjoy and achieve.”⁷⁷

67. Changes made in the January 2003 edition of the School Admissions Code of Practice reflect this new emphasis on meeting the needs of looked after children⁷⁸ stating that:

“Children in public care are a disadvantaged group who have very low average levels of attainment, often related to frequent changes of school because their care placements change. It is recommended that all admission authorities give these children top priority in their oversubscription criteria.”⁷⁹

68. In our view this exhortation alone is insufficient to ensure that the Minister’s recommendations are carried out. **The School Admissions Code of Practice offers explicit guidance that the admission of children in public care should be prioritised in over-subscribed schools. The fact that admissions authorities are able to set aside this guidance highlights the weakness in the current arrangements for regulating school admissions in general and for protecting the interests of vulnerable children in**

76 Essay for ePolitix, 2 April 2004, <http://www.epolitix.com/EN/TopicalComment/200404/ebb49484-8354-4c2c-a0b1-4ba333fe6f3b.htm>

77 *ibid.*

78 No reference was made to looked after children in the first edition of the Code of Practice.

79 *School Admissions Code of Practice*, Department for Education and Skills, 2003, para 3.14 and repeated in para 7.22.

particular. The Government’s emphasis on the priority to be given to looked after children in school admission decisions, which we share, should be given regulatory support rather than relying on guidance.

69. Admission authorities whose published admission arrangements do fully comply with the Code’s guidance may be subject to an objection. Even when an objection is raised by another admissions authority (including LEAs) or a group of parents⁸⁰, the Adjudicator’s role is limited to evaluating the subject of the objection on its merits. Adjudicators are not permitted to consider the full range of admissions arrangements. Thus it is possible for admissions authorities to be subject to an inquiry by the Office of the Schools Adjudicator and to emerge on the other side of that experience with admissions arrangements that have not been the subject of an objection and do not comply with the guidance in the Code of Practice.

70. We raised the question of priority for looked after children with Miss Hilda Clarke, head teacher of Langley Grammar School, Slough. She told us:

“Having been taken to the Adjudicator the Adjudicator did not make that point to us. We were taken to the Adjudicator two years ago, the three foundation grammar schools, and the Adjudicator did not criticise us for that on our admissions policy. Special circumstances are given to children with special education needs... We do not have, as Slough has, looked after children as a priority, no.”⁸¹

71. It is our view that this example highlights the inadequacy of the current arrangements for ensuring priority for children in public care. Although the Office of the Schools Adjudicator has been assiduous in investigating and upholding objections to admissions arrangements that do not comply with the spirit of the Code, the Adjudicators’ powers are limited to those elements in a set of admissions arrangements which are specifically referred to them.⁸²

72. The fact that the Government’s intention to prioritise children in public care in the school admission process is expressed in terms of guidance rather than a duty is a matter of grave concern and bodes ill for the realisation of other aspects of the *Every Child Matters* agenda. The welfare of children in public care, many of whom suffer multiple layers of disadvantage, must be an absolute priority. We recommend that the priority to be given to the needs of looked after children, like those with statements of special educational needs, should be given statutory support. We further recommend that these regulations should extend to all admissions authorities, including CTCs and Academies.

73. Until such a time as regulations regarding the priority of looked after children have been promulgated we recommend that admissions forums and LEAs pay particular attention to this matter in their scrutiny of admissions arrangements and should be vigilant in bringing arrangements which fall short of the guidance provided in Code to the attention of the Office of the Schools Adjudicator.

80 In limited circumstances.

81 Q 845

82 25 out of 25 objections upheld. Office of the Schools Adjudicator, Annual Report 2002—3, p 5.

Medical/social grounds for admission

74. The Code of Practice includes non-statemented medical or social grounds among the acceptable and commonly applied oversubscription criteria. Beyond this the Code gives no guidance as to what may properly constitute medical or social grounds which in turn causes difficulty in the implementation of this criterion.

75. Evidence from the Campaign for Local Education cites one example of a school which includes under medical and social grounds for parents employed at the school “automatic admission for their children after two years’ employment.”⁸³ Priority for the children of school staff has been criticised by the Office of the Schools Adjudicator and objections on these grounds have been consistently upheld.⁸⁴ The Code of Practice also repeatedly discourages the use of this criterion:

“Bearing in mind the provisions of the Sex Discrimination Act 1975, the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), and the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001), admission authorities should carefully consider the possible impact, direct or indirect, on equal opportunities of their proposed oversubscription criteria. For example, *criteria which give preference to children whose parents or older siblings had previously attended the school or whose parents followed particular occupations, such as teachers, could disproportionately (even if unintentionally) disadvantage ethnic minority, Traveller or refugee families who have more recently moved into the area. In such cases, the criterion could be unlawful unless objectively justified.* Such criteria have been determined by the Schools Adjudicator not to be in the interests of all local children and have been ruled out when the subject of an objection. It would not be good practice for admission authorities to set or seek to apply oversubscription criteria that had the effect of disadvantaging certain social groups in the local community, including disabled pupils. Examples would be explicit or implicit discrimination on the basis of parental occupation, employment, income range, standard of living or home facilities.”⁸⁵ (emphasis added)

76. Under present arrangements it is for parents, admissions forums and LEAs to make an objection to the Office of the Schools Adjudicator or, in the case of admissions forums and LEAs, where possible to negotiate more satisfactory arrangements. Indeed in the case cited above we are aware that parents in the area have made a formal objection. However, such actions would be unnecessary if the regulation of school admissions went beyond discouragement and explicitly prohibited criteria that were deemed unacceptable.

77. We do not believe that admissions authorities intend to break the law or act in a manner that is contrary to the guidance in the Code of Practice. That said, there is particular need for clarity on the definition and interpretation of some aspects of the Code; in particular the lack of any guidance on social/medical grounds is a cause for particular concern and should be addressed by the Department as a matter of urgency.

83 SA 56

84 School Admissions Code of Practice, Department for Education and Skills, 2003, para 3.12

85 *ibid.*

Siblings

78. Admissions authorities give preference to siblings of previously admitted pupils for obvious reasons: travel or transport arrangements are more straightforward; the family may have developed a positive relationship with the school; and sibling relationships within the school may be both personally and academically supportive. These are strong and important considerations and good grounds for the inclusion of this criterion in the Code of Practice.⁸⁶

79. Of course, to give priority to siblings necessarily reduces the number of places available for pupils who are either the eldest child in their family or whose siblings attend other schools. Sibling priority has also been used by families who secured a place at a school for their eldest child on the basis of the distance criterion but who have subsequently moved away from the area. At present such families may continue to be given priority in the allocation of school places for their younger children, even though they may now live well outside the area from which the school normally admits pupils, over the children of parents who may live far closer to the school and for whom it is the only convenient school.

80. Admissions authorities should therefore take care to define and implement any sibling criterion in full knowledge of the implications of their decisions for other children. We recognise the desirability of siblings being able to attend the same school so long as the family continues to live somewhere in the area from which children are normally admitted to the school even if the family has moved to a different home in that area.⁸⁷ We believe that admission authorities should balance the claims of siblings, now living well away from a school, against those of local children who, if such siblings were to obtain a school place, would have to travel away from a nearby school. In forming this view we are mindful of the impact of long journeys to school, in terms of the effect of long and tiring journeys on pupil attainment, the environmental impact of school travel and issues of child safety. We also take the view that more rather than fewer children should be in a position to walk to school as part of their daily exercise regime. Such considerations should be given great weight by admissions authorities in determining priority for places:

81. We therefore recommend that in cases where parents have moved out of the area from which children are normally admitted to the school they should not automatically benefit from priority allocation of school places through the sibling criterion and that the School Admissions Code of Practice should be amended accordingly.

82. We acknowledge that for applicants whose siblings no longer attend the preferred school, there may be some benefit in maintaining a family relationship with a school. However, in our view this benefit is outweighed by the benefit to any child living closer to the school who would not otherwise have been admitted. **We therefore propose that priority should not be given to applicants whose siblings no longer attend the preferred**

86 *School Admissions Code of Practice*, Department for Education and Skills, 2003, para 3.5 identifies sibling links as an acceptable oversubscription criterion.

87 This applies where the new home is further away from the school but still within the normal recruitment area. This facility would be important where in a particular year the pattern of preferences would have the effect of excluding the sibling on the basis of distance alone.

school and that the School Admissions Code of Practice should be amended accordingly.

Siblings and selection

83. The impact of the sibling criterion in schools which use partial selection⁸⁸ can further reduce the number of places available to local children. The Campaign for Local Education, a parents' group based in Wandsworth, London told us:

“Since partial selection was introduced at Graveney School our experience has been that there have been too few places available to local children other than siblings and those who gain entry through the selective test. At present 25% of Graveney’s intake of 250 pupils is by general ability and, in 2003 (the last year for which complete figures were available) over 40% were admitted as siblings, leaving less than a third of places to be allocated to children by virtue of this proximity to the school... We believe that the present arrangements are a denial of choice for many local parents and children”⁸⁹

84. The admission arrangements for individual schools are matters for the LEA or governors and the admissions forum to negotiate. However, the Code of Practice states that “school admission arrangements should work for the benefit of all parents and children in an area.”⁹⁰ This indicates that local children should not be disadvantaged by any such arrangements, including any sibling criterion. **We therefore recommend that where partial selection takes place admission arrangements should be designed to ensure that reasonable access to school places for local children is maintained for the benefit of all children in an area.**

Interviews

85. The first edition of the School Admissions Code of Practice, arising from the 1998 School Standards and Framework Act, accepted that faith schools would interview for the purpose of assessing religious or denominational commitment.⁹¹ Boarding schools would also interview in order to assess suitability for residential schooling.⁹²

86. The second edition of the Code confined interviewing to boarding schools and stated:

“For the admission round leading to September 2005 intakes and subsequent admissions, no parents or children should be interviewed as any part of the application or admission process, in any school except a boarding school as above.

88 See paragraphs 202—205 below.

89 SA 56

90 *School Admissions Code of Practice*, Department for Education and Skills, 2003, para 2.2.

91 School Standards and Framework Act 1998, s 91 and *School Admissions Code of Practice*, Department for Education and Employment, 1999, para 5.25.

92 *School Admissions Code of Practice*, Department for Education and Employment, 1999, para 5.25.

When meeting parents before admission, for example at an open evening, it should be made clear that the meeting forms no part of the admission process.”⁹³

87. The rationale for ending the use of interviews is that a dialogue between the school interviewer and a child and/or its parent enables, intentionally or otherwise, judgements to be made about the child’s prior attainment as well as the family’s social class, educational and professional background and level of support for their child’s schooling.

88. As the Code makes clear,⁹⁴ considerations such as these should not influence admissions authorities’ decisions on which children to admit to a school. In practice they constitute a form of selection on grounds of attainment. David Normington, Permanent Secretary, Department for Education and Skills, told the National Literacy Trust conference

“Data at Key stage 1, age 7, confirms this: schools with a high proportion of children from economically disadvantaged backgrounds are significantly behind the average generated by all schools and lag further behind schools with low rates of disadvantage.⁹⁵ These gaps widen as children get older until you reach the stage at Key Stage 3, age 14, where children at the least disadvantaged schools are on average performing twice as well as those children from the most disadvantaged schools.

The gap only gets wider as we continue the story into GCSE results. 69% of children from a managerial/professional background achieve 5+ A—C GCSE passes. The same is true of only 30% of children from an unskilled/manual background. At this stage, Children from council-rented accommodation are outstripped 3 times by children whose parents own a home.”⁹⁶

89. Given the incentives to schools to improve on measures of pupil performance it is inevitable that such close scrutiny as is afforded by interviewing presents advantages for children of professional and well educated parents and disadvantages others. **We welcome the end of interviewing as part of the maintained secondary school admissions process although, once again, we regret that this clear statement of good practice represents only guidance to which admissions authorities must have regard and not regulation with which admissions authorities must comply.**

90. We have already noted that CTCs are not bound by the Codes of Practice and, by virtue of this, may make admissions arrangements without regard to the guidance contained within the Codes. One of the ways in which these publicly funded schools deviate from the good practice guidance set out in the Codes is by their use of *structured discussions* in their admissions process. These discussions involve a dialogue between CTC staff and an applicant and have been described by the Department as employing “criteria[...]which are capable of objective assessment and could be fairly replicated.”⁹⁷

93 School Admissions Code of Practice, Department for Education and Skills, 2003, para 3.16.

94 *ibid*, paras 3.12, 3.6, 7.12.

95 Taking the school’s proportion of children entitled to free school meals rate as an index of deprivation.

96 David Normington, Breaking the Cycle of Underachievement, National Literacy Trust Conference 28 October 2002.

97 SA 51, para 4.

91. The risk of bias inherent in the interview process applies equally to arrangements for structured discussions: namely that the exchanges inevitably reveal significant information about a child's home and socio-economic circumstances which cannot be reasonably excluded from decisions regarding admission. Ms Oona Stannard, Director of the Catholic Education Service told us:

“Everybody has a right to be able to see very clearly what the admissions base is. If you have interviews, they are by their very nature an exercise in personal discernment. You cannot interview someone in that sort of scenario and not be able to discern much information about social class, intellectual ability and probably a whole lot of lifestyle things as well. I would like to think that that information was always used honourably in all interviews. That said, the risk is far too high and I want them out of the way.”⁹⁸

David Miliband MP, Minister of State for School Standards acknowledged this point: “it could lead to that kind of discrimination. That is why, to take account of that sort of disadvantage, we have said that Academies should not operate on this basis.”⁹⁹

92. The rationale for CTCs to hold such discussions is ostensibly to enable them to comply with their funding agreements; in order to “ensure that from among the applicants of different abilities students are selected who, in the professional judgement of the Principal, are most likely to benefit from what the college has to offer, have the strongest motivation to success and intend to continue in full time education up to the age of 18.”¹⁰⁰ Yet only eight of the 14 CTCs find it necessary to use this device in order to comply with their funding agreements.¹⁰¹

93. The false distinction between (permitted) structured discussions and (prohibited) interviews is unhelpful. There is no valid distinction between interview and structured discussions; interviews are both structured and constitute discussions. Present arrangements allow for CTCs to interview applicants and we believe that this should cease.

94. Moreover we are concerned that because “structured discussions” are not mentioned in either the primary legislation or the School Admissions Code of Practice, Minister's insistence that they are distinct from interviews may encourage other admissions authorities to incorporate them into their admissions arrangements. Indeed, it appears that to prevent admissions authorities from so doing there would need to be a change in the regulations or a ruling by the Office of the Schools Adjudicator or the courts, that structured discussions were interviews by another name. **Despite the Minister's assurances we remain of the view that to say that a structured discussion is not an interview is to make a distinction without a difference.**

95. It is time for Government to radically rethink the position of CTCs in the state funded education system, to address the exclusion of CTCs from coordinated

98 Q 701

99 Q 928

100 SA 51, para 5.

101 Unpublished note from the Department for Education and Skills, 27 April 2004.

admissions arrangements and from the terms of the Codes of Practice, and to affirm the place of CTCs in the family of publicly funded schools. We acknowledge that this may well require renegotiation of CTCs' funding agreements. We are also aware of the Government's hope that, over time, CTCs may agree to transform into Academies.¹⁰² However, it is not sufficient to stand back and hope; unsatisfactory practice should not be condoned.

Order and clarity?

96. The manner and order in which oversubscription criteria are applied has a significant impact on the outcome of the admissions process and the degree of fairness and transparency with which the system is perceived to operate. It is our view that the placement of vulnerable children in an appropriate school should be a priority in the allocation of school places and that, these places having been offered, remaining places should be allocated to those children whose parents have expressed a preference for that school. Where schools are oversubscribed it is appropriate to take into account other criteria in the allocation of places. Establishing the order in which oversubscription criteria are to be applied necessitates judgements on the relative importance of criteria; whether distance is a more pressing that the existence of a sibling link or an un-stated medical or social need.

97. **The evidence from our inquiry and from the DfES's own research is that parents value transparency, consistency and predictability very highly. The development of a single admissions system across local authority areas and, where appropriate, across LEA boundaries would be a significant contribution to greater clarity in the process of school place allocation. We consider that the benefits to parents of transparency and consistency greatly outweigh the loss of this discretion by admissions authorities.**

98. Each of the oversubscription criteria we have examined have their advantages and disadvantages. We have heard arguments for the primacy of the distance criterion above all others. Professor John Coldron of Sheffield Hallam University told us "The major oversubscription criterion for community and Foundation schools should be proximity (or catchment areas based on proximity) and, for Voluntary Aided schools, catchment areas" and described this as "the least worst option". While distance based criteria have the effect of increasing the pressure on house prices surrounding oversubscribed schools and therefore risk, in some areas, exacerbating segregation, there are mechanisms by which these negative effects can be mitigated (by raising the level of resource for hard to teach children and, where appropriate, by applying banding¹⁰³ strategies across an area). **We recommend that funding regulations be relaxed to enable school funding formulae to provide greater financial incentives for schools to admit hard-to-teach pupils of all levels of ability.**

99. **We recommend that the advantages of a single model for the application of oversubscription criteria should be the subject of local consultation and where**

102 A New Specialist System: Transforming Secondary Education, Department for Education and Skills, February 2004, p 22.

103 See paras 190—194 below.

appropriate, adopted within and even across LEA boundaries. To assist the Department we offer a model based on the following assumptions:

- a) that the present statutory requirement to admit statemented children should remain and be clearly stated in all published admission arrangements,
- b) the placement of looked after children in an appropriate school should be a priority in the allocation of school places,
- c) these places having been offered, remaining places should be allocated to those children whose parents have expressed a preference for that school,
- d) priority for siblings reflects the proper concern for parents' convenience in arranging home-school travel for more than one child and in attending parents' meetings and other events which support their children and the life of the school.
- e) priority for siblings should not be extended to families that have moved away from the area as this may displace the children of families who live within the school's catchment area.
- f) admissions policy should play an active role in enabling those parents who wish their child to attend a school close to where they live or for whom the school is the nearest to their home. Distances based on safe walking routes or the shortest travel time, other than by private car, should therefore be the preferred measure for most schools.
- g) for those children who live a significant distance from the school consideration should be given to ease of access by public transport. The Government's legislative proposals for school transport aim to reduce car journeys associated with the school run.¹⁰⁴ It would therefore be consistent to prioritise applications for children able to travel to school by public transport and those able to walk to school subject to this not discriminating against pupils in areas without good public transport.
- h) admissions arrangements should ensure that children for whom the school is the nearest appropriate school to their home, and where the next nearest school is significantly further from their home, are offered a place. This is a particular concern in rural areas where school travel distances may be significant.
- i) links between primary and secondary schools are to be welcomed not least because effective partnerships between schools may ease the transition between primary and secondary education. Giving priority to pupils at named feeder primary schools has the advantage of widening the geographical area from which a school's intake is drawn and may reduce the impact of school admissions on house prices near popular secondary schools. The danger of this strategy, however, is that while it may relieve house price pressure in one area it may accentuate the problem in the areas around feeder primary schools and do nothing to meet the preferences of families who live near to a popular secondary school and who are unable to secure their child a place at that school. This leads us to the conclusion that giving priority to pupils at named feeder primary

¹⁰⁴ Education and Skills Committee, Third Report of Session 2003–04, *The Draft School Transport Bill*, HC 509–I.

schools is an acceptable oversubscription criterion but that it should be applied after any distance related criterion.

100. We offer the following model for oversubscription criteria to be applied in the order in which they are presented here:

- a) **Children with a statement of special educational needs¹⁰⁵**
- b) **children in public care**
- c) **children for whom the school is most appropriate on medical or social grounds**
- d) **children whose sibling(s) will be enrolled at the school on the first day of term and who permanently reside within the area from which the school's intake is normally drawn**
- e) **children for whom the school is the nearest appropriate school to their home¹⁰⁶**
- f) **safe walking distance from the school**
- g) **ease of access to the school by public transport**
- h) **transfer from a named feeder primary school**

101. Clearly, this is one of many possible models. In practice it may be the case that the precise order and definition of oversubscriptions criteria prove less important to parents than the development of a consistent approach across admissions authorities.

Coordinated admission arrangements

102. The requirement imposed by the 2002 Education Act for admission arrangements to be coordinated within and between LEAs by LEAs is a welcome development. At present parents experience the impact of the lack of coordination in the process of applying for and receiving offers of a school place. In most LEAs parents are required to submit a separate application to each of the admissions authorities to which they wish to apply. If admissions in all of their preferred schools are managed by the home LEA this is relatively straightforward. However, for parents wishing to make applications to a school in another LEA, or to a foundation or voluntary aided school they usually have to complete a separate application in each case.

103. Inevitably these separate applications are processed and decided on in relative isolation resulting in some children receiving a number of offers and others none. From the admissions round leading to the September 2005 intake secondary school admissions

¹⁰⁵ Children with statements of special educational needs are prioritised in school admissions through the provisions of the 1996 Education Act, s 324—328 and schedule 27.

¹⁰⁶ Children admitted under this category may live a significant distance from the school. For this reason the criterion must be applied before the distance criterion to ensure that children are not forced to travel unnecessarily great distances.

will be coordinated by a single body. This will normally be the LEA but may by agreement, as in London, be administered by a single body working across a number of LEAs.¹⁰⁷

104. The intended outcomes of this coordination are three-fold:

- a) a simplified application process using a single form
- b) a single deadline for applications and a *National Offer Day*, on 1 March 2005, when all applicants can expect to receive an offer of a school place
- c) the elimination of multiple offers (except those arising from the independent sector including the publicly funded CTCs who are not required to participate in the coordinated arrangements).

The Pan-London Coordinated Admissions Project

105. The coordinated arrangements planned for greater London and eight surrounding authorities present an exciting and ambitious goal. Dr Ian Birnbaum, Strategic Director, Learning for Life, London Borough of Sutton and Chair of the Pan-London Admissions Executive Board, told us:

“The intention is for the 2005 admissions round that all 33 London boroughs together with the eight LEAs adjoining London will cooperate to eliminate all multiple offers. This means that no parent will receive more than one offer from the 41 local authorities.¹⁰⁸ Given that no local authority can make more than one offer this should ensure that no parent receives more than one offer. The only multiple offers that will remain will be from the City Technology Colleges (which unfortunately are not part of the regulations) and from independent schools.”¹⁰⁹

106. It is a particular feature of educational provision in inner London that the distribution of school places was planned before the creation of current LEA boundaries. Much of this planning dates back to the time of the Inner London Education Authority and before and these patterns continue today. There are therefore large-scale cross-border flows of children travelling to school in authorities other than those in which they reside; aided significantly by London’s extensive public transport system. Paul Robinson, Director of Education in the London Borough of Wandsworth told us:

“Wandsworth is an inner London borough and at one time the schools were part of ILEA. The distribution of the schools often does not make an awful lot of sense according to borough boundaries, because the natural catchment area, in so far as there is a natural catchment area in London, will cross borough boundaries and if people were looking to their local school, youngsters in Lambeth would look to come to some of the schools which are located in Wandsworth.”¹¹⁰

107 The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002.

108 If a more than one place is available (initially) for a particular child the system will allocate the child to the school placed above any other in the parents list of preferences. ie preference 1—school A, 2—school B, 3—school C. If schools B and C offer places the parent is given school B as a single offer.

109 SA 16

110 Q 400

107. In oral evidence Dr Ian Birnbaum set out what he saw as the key aims of coordination:

“The objectives are limited but they are very beneficial. One person’s multiple offers is another person’s lack of offer. There is no more anxious time for a parent than that transfer of the child from primary to secondary. If it is going to take months for them to find out what place they have and if they are being told on 1 March there is actually no place at all and they cannot be told where they are going, that is not a very good way to treat parents and to treat kids. What the system does is to reduce that to a minimum. It does not eradicate it, but it reduces it to a minimum.”¹¹¹

108. Of course, coordination itself presents many challenges and key among these are issues of technology and of attitude. Dr Philip Hunter, Chief Schools Adjudicator, shared with us his concerns:

“I think that the all-London system is probably right. There are a number of problems in London and I think that Ian Birnbaum and his colleagues are doing a good job in sorting that out... Ian himself describes that as one of the biggest and most complex systems that there are around”¹¹²

Dr Hunter went on to offer a word of warning about the future: “It will cost twice as much as they think it will and it will go wrong.”¹¹³

109. While we share concerns about the complexity of the Pan-London Coordinated Admissions Project we are convinced that, if it can be made to work, it will make a valuable contribution to improving families’ experience of the school admissions process and reducing the amount of distress involved for parents and children alike. Some refinement of the system is still needed and we remain concerned that the lines of political and administrative accountability for the system are not yet clear and the strategies for dealing with LEAs which fail to cooperate are yet to be tested.

110. City Technology Colleges will not be part of the Pan-London Coordinated Admissions Scheme. This is regrettable. The proposals show how admissions authorities and LEAs can cooperate in the interests of children and their parents. It is disappointing that the Department has not persuaded CTCs to take part in this cooperative effort. We recommend that Ministers should take steps to rectify this situation for the admissions round leading to September 2006 at the latest.

Admissions forums

111. The School Standards and Framework Act 1998 introduced a statutory requirement for admission authorities to consult each other before determining their admission arrangements.¹¹⁴ The recommended vehicle for consultation and coordination was the admissions forum. These forums became mandatory following the Education Act 2002 alongside a formal requirement for coordinated admissions within and beyond LEA

111 Q 424

112 Q 170

113 Q 170

114 *School Admissions Code of Practice*, Department for Education and Employment, 1999, p 7.

boundaries. Admissions forums are organised by, but independent from, the local education authority.

“Admission Forums provide a vehicle for admission authorities and other key interested parties to get together to discuss the effectiveness of local admission arrangements, seek agreements on how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved. Admission authorities and Academies must have regard to any advice given by the Forum for their area.”¹¹⁵

112. Membership of each forum is influenced by local circumstances although the following categories are required to be represented:

- LEA
- community and voluntary controlled schools
- foundation schools
- voluntary aided schools
- Church of England diocesan representatives
- Roman Catholic diocesan representatives
- parent governor representatives
- representatives of the local community
- academies
- CTCs

113. The work of the forums is primarily focussed on consultation and negotiation:

“Forums should consider existing and proposed admission arrangements. They should assess how well they serve the interests of local parents and children collectively, and try to promote agreement on admission issues. They should consider how admission processes might be improved and monitor how admissions relate to published admission numbers. They should also review the comprehensiveness and accessibility of guidance for parents and the composite prospectus produced by the LEA [...]

Forums are also responsible for seeking to promote agreements on arrangements for dealing with a range of difficult issues, including how to ensure that potentially vulnerable children [including looked after children and those who have special educational needs] are effectively provided for in admission arrangements[...]

115 *School Admissions Code of Practice*, Department for Education and Skills, 2003, p 24.

Similar consideration should also be given to the allocation of places to other children who arrive outside the normal admission round, when popular schools are full, and those who have been excluded from school (or who have a history of challenging behaviour) so that all schools play their part in accommodating these children[...]

Forums are also required to monitor how well they are working, how quickly the children are found places, and the contribution every school in the area is making. Forums must be consulted on the co-ordinated scheme being proposed by the LEA. They should consider how effective these arrangements would be and advise the LEA accordingly.”¹¹⁶

114. On the basis of the evidence gathered during our inquiry it appears that although admissions forums are in their early days as a mandatory body, they are beginning to make a positive contribution to effective admission arrangements. Dr John Dunford, General Secretary of the Secondary Heads Association recently observed: “Local admissions forums are beginning to create a more rational system and are informing parents better of the rules of the game” and “when parents know the rules of the game, they are more likely to be successful.”¹¹⁷

115. However, as admissions authorities are required to do no more than have regard to the advice of admissions forums, their influence is heavily circumscribed. The Reverend Jeremy Hurst, Chair of the Slough School Organisation Committee and School Admissions Forum told us:

“When the Schools Admission Forum meets in this room it is aware of the great limitation on its powers because it can deal with the schools which come under the authority's jurisdiction, it cannot deal with foundation schools, this is part of Government policy.”¹¹⁸

“It is then not a question of sitting in a council chamber and making decisions which then affects all schools, it is a complex process of negotiation between bodies with limited powers, consulting with another body, having the opportunity to do this and not do that.”¹¹⁹

116. We welcome the statutory role of admissions forums but remain concerned that their valuable work is undermined by their inability to enforce good practice. We recommend that Ministers consider strengthening the powers of admissions forums to enable them to establish good admissions practice.

The Rights of the Child

117. The UK Government signed the United Nations Convention on the Rights of the Child (UNCRC) on 15 January 1992. Article 12 of the Convention says:

116 *School Admissions Code of Practice*, Department for Education and Skills, 2003, p 26.

117 *Rise in secondary school appeals*, BBC online, Thursday, 17 June, 2004, 12:26 GMT 13:26 UK.

118 Q 847

119 Q 850

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”¹²⁰

118. At present admissions arrangements do not formally include the requirement for children to be consulted. A report from Judy Templeton and Suzanne Hood, on the impact of the school admission process on children, highlights this omission and how it contributes to children’s anxiety in the school admission process and their transition from primary to secondary school.¹²¹

119. The report highlights the factors that inform children’s views about school preference. These included:

- i. ethos and discipline
- ii. the reputation of teachers, teaching and the school’s academic results
- iii. facilities
- iv. family links
- v. distance from home
- vi. single sex/coeducational choice
- vii. denominational preferences
- viii. the size of a school (with small schools being preferred by some)
- ix. perception of the friendliness of the school community
- x. a school’s reputation (a good/bad/hard school)
- xi. making the transition with friends.

120. Each of these are reasonable and rational factors on which to base decisions about school preference. They are also very close to the concerns expressed by parents and should therefore give confidence to policy makers looking to incorporate the views of children into the school admissions process. The Government, through its recent amendment to the Children Bill where it has agreed that the Children’s Commissioner must have regard to the UNCRC, has demonstrated its commitment to the Convention. **We encourage the**

120 Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49 <http://www.unhcr.org/refworld/doc/3a6b6c6c.html>

121 *Changing schools: the impact of the school admission process on children*, Judy Templeton and Suzanne Hood, Office of the Children’s Rights Commissioner for London, November 2002.

Government to consider incorporating guidance on the involvement of children in the school admissions process into any future edition of the Code of Practice.

3 The operation of parental preference

Preference and risk

121. All parents are able to express at least three preferences for schools and to place these preferences in priority order: for example, from a first to a third preference.¹²² Admission authorities take account of the order of preference parents assign to each school in their application.¹²³ Some (first preference first systems) give absolute priority to the first preference expressed. This approach prioritises applicants who have placed the school first on their application¹²⁴ and naturally leads to the highest proportion of parents obtaining their first preference.¹²⁵ But this approach can also result in children who have failed to get a place at their first preference school being rejected by their second preference school in favour of a child of parents who placed that school first despite living further away.

122. An alternative system (equal preferences) ranks preference but does not give absolute priority to first preferences. Places are offered to applicants who fulfil the oversubscription criteria of a school to the greatest extent. This may lead to a parent whose child does not meet the criteria of his first preference school being offered a place at a nearby school for which he has named a second preference. Where proximity is a key criterion, one effect of this system is to confer advantage to parents who live near to several popular schools.

123. *First preference first* systems are deployed by schools, many of them denominational, on the grounds that they wish to recruit first those pupils with a commitment to the school and not those who have indicated that they would prefer go to school somewhere else.

124. In whatever way admissions authorities deal with the priority to be given to the order of preference expressed by parents there is inevitably an element of risk in the admissions process. In order to maximise their chances of securing a place at a preferred school parents must develop a clear understanding of the admissions criteria for all the schools they are interested in and reach judgements about not only which ones they prefer, but also which ones are most likely to offer them a place. Without these careful judgements parents risk putting forward applications with little chance of success and may not only fail to secure a place at their preferred school but also fail to be placed at any school they deem acceptable. More work needs to be done to explore the implications of different preference systems. There is an important and expanded role for primary schools in supporting parents through this process; principally by explaining the process rather than by offering advice on what preferences a parent might express.

125. The Education Act 2002 made it clear that admissions authorities may give absolute priority to first preference applications but, for the reasons given in the example above, are

122 All preferences do not necessarily carry the same weight or value.

123 *School Admissions Code of Practice*, Department for Education and Skills, 2003, A 27, A 28, p 47.

124 *Ibid*, para 6.7.

125 This is so because if all first preferences are cleared first X places will be assigned to first preference applicants. If some first preferences are set aside, because second preference applicants meet the oversubscription criteria more fully, X is reduced.

not required to do so. **The Education Act 2002 has allowed LEAs to adopt different ways of administering parental preference. The impact of these changes on cross-border applications has not yet become clear. Any additional complexity in the school admissions system should be avoided.**

Admissions arrangements: flexibility and discretion

126. The considerable discretion available to admissions authorities in the choice, interpretation and application of admissions arrangements has, to varying degrees, enabled schools which control their own admissions arrangements (foundation, voluntary aided (usually faith based) schools and Academies) to influence the profile of their intake. This phenomenon, in otherwise non-selective schools, is significant and amounts to a form of unofficial selection. Research by Professor Anne West suggests that:

“One in five secondary schools used overtly selective criteria (e.g. partial selection on the basis of ability/aptitude, primary school record) or potentially discriminatory criteria (e.g. priority to children of school employees/former pupils/governors) or subjective criteria/practices allowing for administrative discretion (e.g. interviews, compassionate/pastoral factors). This means that certain schools can effectively ‘choose’ particular pupils and not others (e.g. the less able and the more challenging). In short, certain parents are less likely to have their ‘choice’ realised than others.”¹²⁶

127. As performance measures for secondary schools are dominated by the 5 A*—C GCSE measure there may be a benefit in terms of their place in the performance tables to schools which recruit those pupils who are most likely to do well against the 5 A*—C measure and not to admit those who may be more challenging to teach or who lack the educational and/or cultural capital that supports achievement in secondary education.

128. Where admissions criteria across a number of schools are defined or implemented in an inconsistent manner this can create a complex and often confusing environment in which parents are expected to make informed decisions about school preference. Legislation has consistently and rightly given priority to parental preference and it is evident that successive governments have particularly valued this principle in the school admissions process. However, the system of school admissions that has resulted is one in which it is all but impossible for parents, particularly in urban areas, to exercise their preference with any degree of certainty about the likely result. **Far from being an empowering strategy the school admissions process, founded on parental preference, can prove a frustrating and time-consuming cause of much distress in the lives of many families.**

129. **The Government’s decision to limit the extent of its influence upon school admissions to a largely advisory Code of Practice needs to be reconsidered. Having invested considerable effort in identifying good practice in school admissions oversubscription criteria it is perverse to limit the impact of that effort to mere guidance. It is right that schools need to be able to respond to the needs of their local**

126 SA 17, para 4.6 numbers do not include selective schools “certain parents” i.e. those whose children do not pass an aptitude test but live closer to a preferred school than those who do (and would have been offered a place had the 10% selection by aptitude not been in place).

communities but this should not be at the expense of the Government's broader aims of social inclusion and equity.

130. We recommend that the Code of Practice on School Admissions should be supported by revised regulations. In particular, acceptable admissions criteria should be identified and clearly defined in regulation or legislation along with specific guidance on the appropriate manner of their implementation. It should be explicit which criteria admissions authorities are required to implement and which may be implemented at the authority's discretion. Unacceptable criteria should similarly be identified and prohibited.

131. At present, the Code of Practice provides a useful but largely unenforceable framework for school admissions which does too little to assist parents through the complexity of the school admissions and appeals processes. The challenge for the next edition of the Code will be to shift the balance towards meeting the needs of parents for greater clarity in the admissions process.

132. We recognise that the introduction of greater regulation into the operation of school admissions may remove some of the incentives for some schools to be their own admissions authority. While this is not our intention we recognise this as an implication of our recommendations.

School performance tables

133. School performance tables have come to play an important role in parents' decisions about school preference and, while the variety of performance indicators has widened, the focus remains on the rather crude 5 A*—C GCSE measure. In deciding their preference for a school for their child, parents are understandably motivated to act in a self-interested manner: they want a place in the best school for *their* child. While parents will undeniably define *best* in a variety of ways, the academic results of a school will be an important factor in forming those decisions.

134. While there may be schools which appear to perform poorly on the 5 A*—C GCSE measure because of failures in leadership and/or teaching, there are many more which, despite enabling their pupils to make significant progress in learning and achievement, still appear towards the bottom of the performance tables. Such schools may be well run and provide a positive learning environment for pupils of all abilities but may be rejected by the parents of year 6 pupils based on inappropriate but well reported headline indicators of their performance. As these schools become undersubscribed those at the other end of the performance table are able to choose from a growing number of applicants, reinforcing and perpetuating existing pupil profiles, and their relative advantage, with each new intake.

135. More sensitive measures of pupil achievement, so called value-added measures, are now more widely available and may in time come to challenge the dominance of the 5 A*—C GCSE measure. However, there are significant methodological criticisms of the value-added approach and it has yet to be established in public use and understanding.¹²⁷

¹²⁷ Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94, paras 113–114.

136. Our report on Diversity of Provision in secondary education raised this issue in the following terms:

“While we acknowledge and support the use of pupil attainment data for the purposes of strengthening public accountability, the emphasis must be on the use of such data for school improvement. For pupil attainment data to be meaningful in this context the key measures for pupil and school achievement need further development and to be applied consistently across the range of school improvement and pupil attainment projects. In particular, it is vital that these measures provide a picture of the full ability range, including the proportion of pupils who at 16 do not obtain any qualifications, and take full account of the intake profile of each school.”¹²⁸

137. The Committee of Public Accounts has recently published a comprehensive report on school performance data¹²⁹ based on the work of the National Audit Office. We welcome the Committee’s observations, particularly on the need for more sensitive measures of performance and how such data should be used to support schools’ performance.

138. We again urge education Ministers to put greater energy behind the development of more sensitive and accurate measures of school and pupil performance. It is only with such measures that we will be in a position to identify and appreciate schools’ successes and to address their weaknesses.

Choice and certainty

139. We have previously voiced our concerns about the manner in which the language of *choice* has been used in political rhetoric. Our report on Diversity of Provision¹³⁰ set out our reservations regarding the Government’s diversity strategy for secondary education and its, largely illusory, relationship to choice. During that inquiry we became increasingly concerned that *diversity and choice* were being seen by the Government as a panacea for the challenges facing secondary education. By contrast our evidence suggested that these were, if anything, distractions from the tasks at hand.¹³¹

140. In an environment of limited resources individual choice cannot always be met and it is therefore the task of policy to manage the distribution of resources or benefits. In the context of school admissions we have noted:

“This and previous Governments’ emphasis on choice has resulted in a significant mismatch of expectations. Government rhetoric on choice has, perhaps inevitably, not been matched by reality in the application of parental preference used to allocate school places.

¹²⁸ Ibid, para 117.

¹²⁹ Committee on Public Accounts, Nineteenth Report of Session 2003–04, *Making a difference: Performance of maintained secondary schools in England*, HC 104.

¹³⁰ Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94.

¹³¹ Ibid, paras 54–63.

In practice, parents have found that the reality of school diversity and choice can act to limit rather than expand their options for their children's education. The existence of single sex, faith and specialist schools is a positive and welcome choice for those who want them and who are able to secure places for their children, while for those who do not, such schools can limit choice."¹³²

141. The evidence to this inquiry has supported our earlier findings: the language of choice, as opposed to the right to express a preference, in the context of school admissions is inappropriate. For many parents there is little choice; their options are too often limited to an expression of preference for a single school at which they can reasonably expect to be offered a place.

142. Parental preference and the manner in which preferences are applied has been central to our inquiry and is at the core of the process of school place allocation. The priority given to parental preference is enshrined in the legislation and reflected in the School Admissions Code of Practice issued by the Department for Education and Skills: "admission authorities should aim to ensure that the arrangements [for school admissions] enable parents' preferences for the schools of their choice to be met to the maximum extent possible."¹³³ Indeed, in oral evidence to the Committee Officials from the DfES made clear that parental satisfaction was the measure by which the arrangements for school admissions should be judged.¹³⁴

143. This emphasis on preference, taken together with the Government's high profile policies on creating diversity in secondary education, creates the impression that parents and children have the opportunity to choose from among a growing variety of schools characterised by their own distinctive ethos, by specialisms or belief systems in order to meet the particular needs of their individual child. While parents are undoubtedly interested in such factors, our evidence suggests that what most parents are primarily interested in is the quality of a particular school and not in its difference from others. Finding a school that is excellent in a particular aspect or one that offers a distinctive spiritual or educational ethos may be an important consideration for some parents, but what is essential to all parents is that the school is good enough in all aspects and that it will offer their child an environment in which it can achieve its potential.¹³⁵ As Ray Shostak, then of Hertfordshire County Council, told us: "We are aware that parents place a higher premium on high quality than on difference as such."¹³⁶ The Department's own research has supported this view:

"Most parents do not engage with different types of admission practices and, therefore, are not in a position of comparing the differences between them. The outcome of the process is everything... The extent of choice is not the significant

132 Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94 paras 54–55.

133 *School Admissions Code of Practice*, Department for Education and Skills, 2003, 2.3.

134 Q 719

135 Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94, para 62.

136 Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94, Q 261.

issue—what is more important for parents is the extent to which the outcomes [of the school admissions process] can be predicted.”¹³⁷

144. In an environment in which not all schools are judged to be good enough, the emphasis on parental preference places the responsibility for securing a place in a good enough school on parents’ shoulders. Secondary school admissions, though billed as an exercise of choice between diverse institutions, in practice often becomes an opportunity for parents to state a preference for that which is good enough over that which is unacceptable. At the same time, the preference device transfers the responsibility for finding an appropriate school place to parents. This distracts attention from the responsibility of Government and LEAs to ensure that all schools are good enough while creating an environment of, sometimes frenzied, competition between parents for places in the most popular schools.

145. In a competitive environment it is inevitable that some parents will be better equipped than others to compete effectively. In the competition for school places knowledge and careful planning can contribute to a much improved chance of securing a place at the school of choice. For example, where schools use distance or faith as admissions criteria, those parents able to move their homes closer to their school of choice or those able to attend a place of worship recognised by the admission criteria are able to reach the top of the queue for school places, while those able to pay for and organise home-school transport are able to choose from a greater number of schools than those who lack those financial and time resources. Even the exercise of parental preference demands resources. Where there are a number of potential schools and admissions authorities there may also be a number of open days to be attended, tests to be sat, interviews/structured discussions to be negotiated and a variety of application forms to be completed and submitted.

146. The extent to which the current arrangements work equally well for all parents is of critical importance to any analysis of the present system. We have already alluded to the research commissioned by the DfES on parents’ experience of the school admissions process.¹³⁸ The results of this work, conducted by Sheffield Hallam University and the Office of National Statistics, suggested a high level of satisfaction with both the admissions process and the outcome of that process. The research found no significant link between parental satisfaction and socio-economic status although the mother’s level of education and socio-economic status were significant factors in the manner in which families made their decisions.

147. Superficially, these findings suggest that all parents, regardless of class or background, receive broadly equivalent treatment and results through the school admissions system. However, this conclusion assumes that all parents, regardless of class or background, behave in the same way when navigating the admissions system. We have made reference to the high level of risk inherent in the current arrangements for school admissions. The manner in which parents respond to this risk will inevitably vary. Those who do so by replacing their first, second and/or third preferences for their *most wanted schools* with

137 Parents’ experiences of the process of choosing a secondary school, RR 278, Department for Education and Skills, June 2001, executive summary p 1.

138 Parents’ experiences of the process of choosing a secondary school, RR 278, Department for Education and Skills, June 2001.

schools in which they have estimated that they are *most likely to gain a place* may have a better chance of securing a place at a school for which they have expressed a preference, but cannot be said to be fully satisfied.

148. **The DfES research uses as one of its key measures of satisfaction the number of parents who secure a place at a schools for which they have expressed some form of preference. That more than half of those who do not secure a place at their first preference school lodge an appeal against that decision suggest that the Department's definition of parental satisfaction is flawed.** A second preference, for example, only becomes the school a parent prefers and puts before all others, when the first preference which the parent really wants, becomes unavailable.

149. We know that parents make judgements on the schools they prefer based on many variables, not all of which are publicly available or officially produced and it is clear that schools themselves can do much to affect the level of encouragement (or discouragement) that parents experience when visiting schools and applying for school places. The wide variation between schools in their pupil profiles¹³⁹ suggests that, in addition to the impact of varied admissions practices, a degree of self-selection takes place. While some parents may reject schools because of their ethos, reputation or bias towards a particular curriculum area, we should be concerned if parents reject schools in the belief that their children would not be welcome there.

150. We conclude that while some useful measures have been taken to ensure parental satisfaction in the school admissions arrangements, there are parts of the country in which parental satisfaction is far from being a reality. These are typically in those areas, usually urban, with the highest degree of diversity and apparent choice. Thus the Government finds itself faced with conflicting policies: one policy on school admissions emphasises parental satisfaction based on confidence in obtaining a preferred school, while a second policy is aimed at creating diversity and difference in the types of school available, accompanied by uncertainty as to the outcome and parental distress.¹⁴⁰ The Department's own finding is that is predictability and security, rather than choice and diversity, that are the key to parental satisfaction:

“Parents may be more satisfied when the outcomes of the admission process can be predicted/manipulated; where, all things being equal, there is a narrower rather than a wider range of actual choice; where there is less rather than more diversity; where an admission authority such as an LEA has a strong rather than a weak coordinating role.”¹⁴¹

Admission by lottery?

151. Since we completed our evidence-taking proposals have emerged for a school admission system based on a lottery.¹⁴² These proposals, most notably from a commission

139 In terms of the number of pupils entitled to free school meals or having special educational needs.

140 Reflected in recourse to appeal at any failure to gain entry to a particular brand of school.

141 Parents' experiences of the process of choosing a secondary school, RR 278, Department for Education and Skills, June 2001, executive summary p 6.

142 “Education out of a hat”, Philip Collins, *New Statesman*, 5 July 2004.

on the issue set up by the Social Market Foundation,¹⁴³ set out a new approach which breaks the link between address and admissions. The system enables parents to express a preference for up to six schools, without regard to local authority boundaries, with school places allocated without reference to the family's address. Where schools are oversubscribed places would be assigned by means of a ballot where all parents had an equal chance of success. The proposal permits appeals but only on the grounds of maladministration.

152. At first glance this proposal offers an enticing opportunity to end the dominance of those with the resources to buy homes near to the school of their choice or to influence the outcome of the admissions system by other means. However, given the evidence from the DfES which highlighted parents' desire for certainty and predictability in the school admissions system it is not clear to us that parents would welcome an approach that increased the level of uncertainty in the system.

153. It appears to us that there is more work to be done in considering how the admissions lottery approach would affect different groups of children and their families. In particular we are conscious that costs related to school transport can be considerable. Unless school transport can be publicly financed, the impact of failing to get a place at the nearest school will disproportionately burden poorer families. For similar reasons it may be necessary to modify the lottery system for rural areas in order to ensure that children were not required to travel unreasonable distances to attend school. Further consideration is also needed on how siblings, children with special needs (statemented and otherwise), and casual admissions would be handled.

Information for parents

154. We have seen evidence of the great lengths to which some local education authorities have gone in order to make parents aware of the school admissions process, their responsibilities and how to access further support.¹⁴⁴ Some LEAs produce impressive documents setting out the admissions criteria, admissions numbers and on what basis in previous years pupils have been admitted. While these efforts improve access to relevant information, negotiating and interpreting these documents may present a challenge to the most organised mind.

155. In addition to the sheer scale of the documentation to be digested by parents there is also the issue of the interpretation of criteria. A recent report from the Local Government Ombudsmen (LGO) summarised findings from the 1084 complaints about school admissions that the LGO had received in 2002—3. The report observed that complaints about school admissions and related appeals comprised over 6% of all the complaints it received during that period and that in the course of their investigations the Ombudsmen had found “too many examples of practice that is poor, sometimes spectacularly so”.¹⁴⁵ The examples cited by the LGO included the following:

143 The report of the Social Market Foundation's Commission on school admissions is as yet unpublished. We are grateful for advice from the Social Market Foundation on their proposals.

144 Q 193, Q 195.

145 The Commission for Local Administration in England, Special Report School Admissions and Appeals, March 2004, para 2.

Complaint to the Local Government Ombudsman: school admissions

In a Roman Catholic school, first priority was given to parents with a commitment to the Roman Catholic faith and a commitment to Roman Catholic education. What the governors did was to view this as a competition to determine which families had the greatest degree of commitment and which had the least. Some problems with that were that:

- it appeared that the governors made a subjective judgement about applications rather than using an objective test;
- it was not clear on what criteria the governors set out to judge who had the highest degree of commitment;
- it was not clear what weight was to be given to the various possible aspects of Catholic commitment; and
- it was not clear what, if any, account was taken of the claims of practising Catholic families who might find it difficult or impossible because of, say, disabilities of some members of the family, to engage in activities which might count towards the degree of commitment.¹⁴⁶

Complaint to the Local Government Ombudsman: school admissions appeals

The admission authority for a foundation school did not apply the published criteria. That was clear from the statement the authority made to the appeal panel. The authority applied a criterion which did not feature in the published arrangements—this was that it gave priority to children who would otherwise have been the only one in their class not to secure a place. That might have been a perfectly reasonable criterion to have, but if that is what the authority wanted to do, it should have been stated in the published criteria.¹⁴⁷

156. A key failing in the provision of school admissions information was a lack of clarity. The Local Government Ombudsmen reported:

“It has to be borne in mind that the admissions brochure is the document which parents see, and which they take into account in deciding on their expression of preferences. Parents are entitled to rely on that document, and its meaning must therefore be absolutely clear and unambiguous. It should be expressed in plain English, with words used in their ordinary sense and with nothing left out. The criteria should not require any ‘interpretation’ and everything should be declared. There should be no ‘hidden criteria’ in operation.”¹⁴⁸

¹⁴⁶ Ibid, example 5.

¹⁴⁷ Ibid, example 8.

¹⁴⁸ Ibid, para A5.

157. In oral evidence we heard about Education Leeds¹⁴⁹ good practice in making parents aware of opportunities to appeal against admission decisions.¹⁵⁰ While these efforts are to be vigorously supported we are concerned that parents are not always provided with an equivalent level of information about the appeals process, how their appeal will be handled and success of previous appeals. Again, the Local Government Ombudsmen found that:

“The guidance document needs to be not only informative but also accurate and impartial. We do come across examples where statements are included which are seriously misleading or which give the impression that the admission authority is attempting to discourage parents from appealing... Such errors are fundamental mistakes which seriously affect the appeal, not only because they mislead parents, but also because they are misleading for panel members. It can also be the case that no guidance document exists at all. We think that, too, is inappropriate and all parents ought to have a guidance document.”¹⁵¹

158. While the Local Government Ombudsmen’s report is helpful in highlighting the need to improve poor practice, there are few published examples to support good practice in school admissions and appeals. The recent report from Ofsted and the Audit Commission on school place planning went somewhat towards addressing this omission but more remains to be done. Ofsted is well placed to identify good practice through its school and LEA inspections. We would welcome a themed report from Ofsted on this issue, drawing together examples from school-based admissions authorities and LEAs. Such a report would be well timed to cover the first year of coordinated admissions arrangements leading to school admissions in September 2005 and should not necessarily be limited to secondary school admissions. We recommend that Ofsted should include a review of good practice in school admissions and appeals, at school as well as LEA level, in its future programme of work.

159. We support the findings of the Local Government Ombudsmen on the issue of providing full, fair and accurate information and guidance for parents considering an appeal. Given that broadly the same conditions for appeal apply to all admissions authorities we recommend that the DfES works with admissions authorities to produce exemplar documentation to support existing good practice in this area. We suggest that it may be appropriate to achieve this by supplementing the guidance given in the School Admission Appeals Code of Practice.¹⁵²

Appeals and complaints

Appeals

160. Provision for parents to appeal against a decision not to admit their child to their preferred school is made in the School Standards and Framework Act 1998. The Act

149 Education Leeds is a private company formed in April 2002 to take over the provision of education services to Leeds City Council and to run most of the functions of the local education authority. Education Leeds is wholly-owned by Leeds City Council. Q 189

150 Qq 193, Q195

151 The Commission for Local Administration in England, Special Report School Admissions and Appeals, March 2004, para D3.

152 *School Admissions Appeals Code of Practice*, Department for Education and Skills, 2003, para 4.8 p 20.

required the Secretary of State to issue a Code of Practice on school admission appeals and in it to provide guidance on admissions appeals practices.

161. Many of the concerns we have expressed regarding the status of the School Admissions Code of Practice apply equally to the School Admission Appeals Code of Practice. In particular we find that both Codes lack the force and clarity necessary to ensure that good practice is widely applied and that there is therefore a need to shift the balance in both Codes towards greater regulation of admissions and appeals activity.

162. The appeals procedures available to parents who are dissatisfied with the outcome of their application for a school place are being ever more widely used. In 2000/01 just under 10.3% of applications for secondary school places resulted in an appeal. This contrasts sharply with the position in 1993/94 when just over 4.2% of applications for secondary school places resulted in an appeal.¹⁵³ The proportion decided in parents' favour has held steady at approximately one third.¹⁵⁴

Appeals lodged by parents against non-admission of their children to maintained schools
England
Rate per 1,000 new admissions



¹⁵³ National Statistics, Appeals lodged by parents against non-admission of their children to maintained schools, 1993—94 to 2000—01: social trends 33 (dataset ST330304).

¹⁵⁴ National Statistics first release June 2003 based on appeals lodged by parents against non-admission to their preferred secondary school 2001—02 95FR 17/2003.

Appeals lodged by parents against non-admission of their children to maintained schools		
England	Rate per 1,000 new admissions	
	Secondary	Primary
1993—94	42.1	38.0
1994—95	51.3	42.7
1995—96	59.9	48.2
1996—97	66.5	57.0
1997—98	76.3	54.8
1998—99	87.0	56.5
1999—2000	96.2	52.4
2000—01	102.9	47.4

Source: Department for Education and Skills

163. Given that appeals occur when a school is full and the admissions authority refuses admission to additional pupils, the consequence of a successful appeal is entry to a school that is already deemed to be full. In such circumstances it is central to the appeal that it is demonstrated that the admission of an additional child will confer greater benefit to that child than dis-benefit to the children already admitted to the school. We have heard evidence of very significant numbers of children being admitted under these circumstances¹⁵⁵ causing schools to have to make short term arrangements to accommodate and support these additional children. Evidence from Burnham Upper School in Buckinghamshire told us about the impact of appeals decisions to this already overcrowded school. Mr Smales, the school's headteacher told us:

“We are oversubscribed—400 applications for 130 places this year. We are overfull, with a capacity of 699 and a population of 740, before September 2003.

There is an Assessment Method for Secondary Schools [DfES/0739/2001] which sets out the Net Capacity of a school, admittedly this is, like all such methods in education, guidance. Nevertheless, by this Method, our capacity is 130 in any one year.

We had reluctantly agreed to 140 in light of our budget deficit problems and had constructed a timetable and hired staff on that basis.

In July 2003, an Independent Admissions Appeals Panel for Stage One proceedings decided, perversely, that we were not full, and allocated an extra 35 pupils into Year 7 for September, effectively a 30% increase. It was too late to recruit staff, which we did not have the money for anyway as the current funding arrangements operate in arrears. As a consequence of this action, Year 7 attending in September were placed on a part-time day.

Whilst I acknowledge that Independent Appeals Panels have a vital role to play in respect to Stage Two appeals, it cannot make sense that such a Panel can overrule or have no regard to an Assessment method of Capacity based on measurement and due process. The effects of such an action have been substantial on this school. I would like to think that this example could prompt a re-evaluation of the process of arriving at a sensible method of establishing a manageable intake of a school.”¹⁵⁶

164. We are concerned that school admission appeals enable entry to schools which have already admitted pupils up to their assessed capacity. Such a practice would be condemned if applied in many other circumstances. More work needs to be done to explore alternatives to the overcrowding of some schools following sometimes very large numbers of successful appeals. We acknowledge the difficulties inherent in waiting list systems for successful appellants, not least because of the turbulence that mid-year school moves can cause in both the gaining and the losing schools and the difficulty of comparing the relative merits of a successful appellants’ claim to a mid-year vacancy to that of a new arrival to the area who may meet the oversubscription criteria to a greater extent than some of those on the waiting list. Nevertheless the present arrangement are neither rational nor sustainable and merit urgent review.

Complaints

165. Where parents remain dissatisfied with the outcome of an appeal they can make a complaint to the Local Government Ombudsmen. Parents are also able to raise objections concerning admissions arrangements with the Office of the Schools Adjudicator, although their access to this facility is limited.

166. The Council on Tribunals oversees the activities of school appeals panels. In its recent special report¹⁵⁷ the Council identified significant criticisms of current arrangements for appeals. Many of these stemmed from the variability in the quality of the service across and within local authority areas. While the Council observed much that was positive, there appeared to be a systemic failure to effectively identify, disseminate and encourage good practice to enable all appeals panels to work at the level of the best.¹⁵⁸

167. The Council expressed particular concerns about the operation of appeals panels run by some foundation and voluntary aided schools in contrast with those run by LEAs.¹⁵⁹ The Council’s report identified failings in the recruitment and training of school-based appeal panel members and voiced concerns about the expertise of panel clerks. In light of

¹⁵⁶ SA 47

¹⁵⁷ Council on Tribunals, School Admissions and Exclusion Appeals Panels, Special Report, Cm 5788, May 2003.

¹⁵⁸ Ibid, paras 2.3, 4.10, 4.17.

¹⁵⁹ Ibid, p ii and para 1.3.

these serious concerns the Council recommended in its report that LEAs should take over responsibility for all appeals in order to increase and maintain the quality and consistency of decision making.¹⁶⁰ The report further proposed that appeals should be organised by LEAs on a regional basis so as to ensure greater consistency in decision-making and support good practice. We note that the Department, in its formal reply to the report from the Council, has rejected this proposal on the basis that neither the department nor voluntary aided/foundation schools support the organisation of appeals on a regional basis. The majority of respondents to the Department's consultation on the Council on Tribunals' recommendations did, however, support the proposal that LEAs should handle all appeals. The Department commented that the proposal would "require controversial legislation for which we have no plans".¹⁶¹

168. Aspects of the conduct of appeals panels have been criticised both by the Local Government Ombudsmen and the Council on Tribunals. Each has identified particular difficulties with appeals conducted by voluntary aided and foundation schools and noted the good practice in many LEAs. It is evident that much more needs to be done to improve the quality of the appeals system and the service afforded to parents. We recommend that the Department conducts a thorough evaluation of the proposal to transfer to LEAs the administrative management of all appeals for non-admission to schools and, if necessary, reconsiders its opposition to legislation. In considering this proposal, parties should be mindful of the need for the appeals process to be, and to be seen to be, independent from any admissions authority, including LEAs.

169. With regard to publicly funded Academies, we note that while the School Admissions Code of Practice makes their position clear, the School Admission Appeals Code of Practice does not. Academies are required to have regard to both Codes as a condition of their funding agreements. The School Admission Appeals Code of Practice should be revised to reflect this.

School admissions and appeals: evaluating performance

170. There are a variety of measures by which the school admissions system overall, and at a local level can be evaluated. The level of appeals, parental satisfaction research, objections to the Office of the Schools Adjudicator and complaints to the Local Government Ombudsmen all provide an insight into the effectiveness of admissions arrangements. Some of these sources make it possible to go further and identify LEAs or types of school which exemplify good practice,¹⁶² where practice needs to be improved or where particular aspects of the process need some refinement.¹⁶³

171. One difficulty in evaluating the school admissions system is that the cost of the system is largely unknown.¹⁶⁴ For example, we have been astonished to find that neither the cost of the school admissions process nor of the appeals system has been monitored either

160 Council on Tribunals, School Admissions and Exclusion Appeals Panels, Special Report, Cm 5788, May 2003, para 2.50.

161 SA 48: Department for Education and Skills' response to the Council on Tribunals' Special Report dated 16 October 2003.

162 Council on Tribunals, School Admissions and Exclusion Appeals Panels, Special Report, Cm 5788, May 2003.

163 The Commission for Local Administration in England, Special Report School Admissions and Appeals, March 2004.

164 Qq 646, 735, 314.

by the DfES or by LEAs as part of their own evaluation of the process. In our view more needs to be done by LEAs and by the DfES to evaluate school admissions policy and to ensure that arrangements are effective, equitable and do not involve unreasonable public expense.

Admissions and standards

172. We have received evidence on the issue of the relationship between school admissions and pupil performance. Evidence on this issue focuses on the extent to which the nature of a school's intake influences pupil attainment.

173. In particular we have heard concerns expressed about the placement of casual admissions and excluded pupils in under-subscribed schools creating a concentration of disadvantage in those schools. Mo Laycock, headteacher of Firth Park Community Arts College in Sheffield Brightside told us:

“In my first few years there... we had a spare places because the school was not popular, ... Brightside is the sixth most disadvantaged [ward] in the country, so in relation to the admissions issue I was instructed on very many occasions to take some of the most turbulent, difficult children in the authority whilst trying to improve the school whilst having HMI crawling all over us and that was hugely challenging. I am not in that situation now but it still features in other schools.”¹⁶⁵

174. We share a concern that schools which receive disproportionate numbers of challenging or otherwise hard to teach pupils are undertaking a particularly difficult task, not least in the context of school improvement and performance tables. Robert Douglas told us about his experience in managing admissions in Leeds:

“We have quite a significant problem in Leeds. A significant number of children exhibit a challenge. These children are directed mainly to the same schools time after time. That leads to a polarisation in terms of provision and how school provision is perceived by communities. I mentioned in the briefing notes that a number of head teachers, when I engaged with them on the challenging children issue, felt that they need, one, to meet floor targets, and two, to perform and strive to meet national targets. Admission is just one issue. A challenging child can push them to the absolute limit and that can affect their target for attendance, their five A*—C, and we are getting more and more of that. We have to find some way for a more equitable distribution. To some extent, it is up to the local education authority to use the structures and frameworks that currently exist. From a personal point of view, in my day-to-day work, I have no compunction about directing a school to admit a challenging child if I feel that is necessary. However, that sets up a negative relationship with the school. It is not a good relationship then for the child to be admitted to that school, and all the things that follow on from that. This is a tremendously wide-ranging issue. Admissions is just one part of that. We need to develop linkages with school improvements. We need to look at things like funding

streams as well. In terms of funding social inclusion, there are about 15 to 20 different distribution factors.”¹⁶⁶

175. That many LEAs are proactive in placing challenging pupils in an equitable manner is to be applauded; that this happens in spite of, rather than because of, current arrangements for school admission is a matter of concern. Meeting the needs of all children within a local authority area must be understood as the responsibility of all stakeholders, schools and LEAs, alike. Mike Wood, headteacher of the Cornwallis School in Kent described the tensions involved in taking this approach:

“On a day-to-day basis, if you have a child in my school, you would expect my concentration to be on the education of your son or daughter and not worrying about what is happening on the other side of the town... However, many of the moves that are now being made towards collaboration and federation... I think are beginning to show signs of alleviating some of the excesses, and we will begin to tackle some of the issues about, for instance, difficult to place children all ending up in the one school. It is difficult to take that to any kind of natural conclusion, though, in terms of one’s community responsibility in an area which has selection, because how can you define that issue of my being responsible for the education of children in a local community when a significant proportion of them will be taken out of the local community at the wishes of the local population.”¹⁶⁷

176. Most schools that operate as their own admissions authority do so within the spirit and the letter of the Code of Practice,¹⁶⁸ but some do not. Local authorities are charged with a responsibility to promote high standards¹⁶⁹ and social inclusion¹⁷⁰ through their role in school place planning and their oversight of compulsory education provision. In addition the Code of Practice requires all admissions authorities to ensure that admission arrangements work for the benefit of all children, including those with special educational needs, disabilities or in public care and contribute to improving standards for all.¹⁷¹ The Audit Commission/Ofsted joint report on school place planning observed:

“While the basic concern of local authorities has rightly been to manage as efficiently as possible the supply of and demand for school places, their freedom of manoeuvre is significantly constrained. The fundamental principles of parental preference and individual school autonomy, which underpin the legislative framework, are difficult to reconcile with efficient central planning.

In short, for some types of schools, there are clear opportunities for schools to ‘select in’ and ‘select out’ pupils, and given the links between social background, prior

166 Q 203

167 Q 477

168 Judged by the number of complaints made and upheld.

169 Section 13 of the 1996 Education Act, inserted by 1998 School Standards and Framework Act (section 5).

170 *School Admissions Code of Practice*, Department for Education and Skills, 2003, para 3.4, 3.12.

171 *Ibid*, para 2.3.

attainment and later examination performance, these practices enable some such schools to obtain higher positions in examination 'league tables' than others."¹⁷²

177. We urge the Government to pay greater attention to the ways in which schools may be enabled to work together to support improvement and share responsibility for challenging pupils.

178. Our recommendation to strengthen the Code of Practice by means of greater regulation will help to avoid the disadvantages inseparable from a seriously unbalanced intake. This alone, however, will not be enough: LEAs must take a lead in their role in casual admissions to ensure that some schools are not over-burdened with challenging pupils while others are left undisturbed.

Schools and their communities

179. Schools are important institutions in our communities. The way in which schools define their communities varies widely: some secondary schools serve clearly defined geographical areas for which they are the only maintained provision within reasonable reach; while others, notably in highly populated areas, may be one of a number of schools from which parents may choose. Others, particularly faith schools, serve communities defined not by local geography but by the Trust Deeds governing the school.

180. Where a school is the only maintained provision within a reasonable distance the issue of parental preference hardly applies. In other areas, where there are a number of accessible schools, parents may prefer to send their children to schools other than the that closest to their home. This preference, if fulfilled, has two potential consequences: a longer journey for the child in question, and the possibility of another child being displaced from their local school in order to meet the preference of the first child's parents.

181. In many individual cases the additional distances travelled may be marginal although we have heard of some areas where children travel great distances to attend the school of their parents' preference. This has consequences in terms of the costs for individual families, for the environment and for the children themselves, their health, safety and the extent to which they begin each school day prepared to participate and to learn. Our inquiry into school transport and the Government's recent legislative proposals has addressed these issues but we raise the matter again here to reflect our concern.

182. We share the view expressed by the Secretary of State that parents should be encouraged and enabled to send their children to their local school.¹⁷³ The draft School Transport Bill invites local authorities to develop innovative approaches to school transport in order to find ways of addressing the problems caused by the movement of large numbers of children, often by private car, between home and school. It is our view that energies would be better directed at addressing the reasons why children do not attend their local school, rather than finding ways to make unnecessary journeys easier. Moreover, Government policies that divert children away from their local school, or

¹⁷² School place planning The influence of school place planning on school standards and social inclusion, HMI 587, Audit Commission/Ofsted, E-publication, October 2003.

¹⁷³ Oral evidence to the Transport Committee, School Transport inquiry, HC 318-ii, Q 207.

permit unregulated admissions arrangements in publicly funded schools (as apply to CTCs), are incompatible with the proclaimed intentions of the Secretary of State.

183. Schools which develop strong links with their communities and build trust and understanding with parents are well placed to support the learning of their pupils. Parents' physical proximity their child's school, while not an absolute necessity, is an important factor in developing mutually supportive arrangements. Mr Simon Flowers, headteacher of the Cathedral School in Wakefield described to us the relationship between a school and its community:

“What I am advocating is a community school. What I am advocating is a school and a community identifying with each other and then a project in that community to regenerate that community. The communities I serve, where my children come from, are some of the most deprived communities in the area and they need help. The best source of help can come through the education that children receive locally. Too many of my students, potentially my students, leave to go to schools elsewhere, it dilutes the issue, creates the ghetto and we are trying to get away from that ghetto idea and say, ‘this is a community school we are going to do this together’”.¹⁷⁴

184. The Government's plans for extended schools¹⁷⁵ will add further to the links between local communities and schools through the incorporation of additional services on the school site. These may include childcare, health, social services facilities as well as pre/after-school activities and adult learning provision. The extent to which extended schools and particularly provision outside school hours will be successful will depend on whether families perceive schools to be part of their community and the ease with which they can access these new services.¹⁷⁶ **We anticipate that those schools which recruit from their local area and have the strongest links with their immediate geographical community will be best placed to make the extended school model work.**

174 Q 1017

175 A New Specialist System: Transforming Secondary Education, Department for Education and Skills, February 2004, p 36.

176 Q 882

4 Admission by selection

185. Attitudes to school admissions are informed by views on what manner of schooling best suits the needs of individuals and of society as a whole. Since the Education Act 1944 these views have coalesced into two opposing positions; one is that because children are different from each other their needs and therefore their schools must also be different. This view also holds that it is both possible and desirable to divide children by ability for the purposes of secondary education and that such division supports their learning. The contrary view is that, although children vary significantly in their abilities and interests, a system of mixed ability secondary schools operating a flexible curriculum that can respond to the individual needs of each child is the most effective means of raising overall levels of achievement whilst reducing levels of social exclusion.

186. The former position brought about the reorganisation of secondary education as set out in the Education Act 1944 while the latter led to the issuing of Circular 10/65¹⁷⁷ which called on local education authorities to prepare schemes of reorganisation of their secondary schools on comprehensive principles, a reform that was never fully completed. Current Government policy, whilst increasingly emphasising the theme of social inclusion, nevertheless has retained formal selection by academic ability in many parts of England (although significantly, the Government has announced that the 11 plus transfer tests should end in Northern Ireland) and has extended the total numbers of pupils selected by introducing the concept of selection by aptitude.

187. Evidence of the confusion that exists in Government about the place of selection in secondary education was provided by the Secretary of State's recent statement on the Government's five year strategy for children and learners. The Secretary of State told the House "there is a code of admission for city academies, specialist schools and all other schools, which rules out selection on the basis of ability" This is incorrect. The School Admissions Code of Practice and its underpinning legislation enables selection by ability in 164 grammar schools and permits its continuation in an unspecified number of partially selective schools. We eagerly anticipate clarification of the Secretary of State's intentions in this regard.

188. It is a matter of considerable regret that significant shifts in policy have taken place without the benefit of any open and explicit debate on the relative merits of either selective and non-selective admissions policies or selective and comprehensive education. The result is a series of initiatives that, under close scrutiny, appear to have been born of fashion and expediency rather than intellectual rigour.

Types of selection

189. Legislation enables some admissions authorities to select pupils in four ways:

- a) What the School Admissions Code of Practice calls fair banding is used by some all-ability schools to try to ensure that their intake reflects the full range of abilities in the proportions that occur amongst applicants for places at the school. Those schools that

¹⁷⁷ Ministry of Education circular 10/65.

were applying banding before 1998 in proportion to the totality of pupils in the local community may continue to do so.¹⁷⁸

- b) Designated specialist schools¹⁷⁹ may select up to 10% of their intake on the basis of aptitude in their specialist area(s). The Government intends that eventually all schools will be able to become specialist schools.
- c) Partial selection is a facility available to schools which had selection procedures in place in 1997/8. These schools may continue to select up to 50% of their intake by ability or aptitude provided that there is no change in the methods of selection or the proportion of pupils selected.¹⁸⁰
- d) The 164 designated grammar schools are empowered to select all, or substantially all, of their pupils by ability.¹⁸¹

Fair Banding

190. Fair banding is used in many schools to ensure a spread of ability in their intake and to avoid the problems associated with an unbalanced pupil population.¹⁸² Selection on this basis is required to ensure that the intake reflects the number of applicants in each band. Evidence from Professor John Fitz of Cardiff University¹⁸³ and Professor Anne West supported this approach, although Professor West called for some moderation to the existing model:

“I think some form of banding, organised at a local level not at a school level, would be a very strong option to consider. Under the current School Standards and Framework Act, the banding, where it is carried out at school level, is carried out on the basis of those who apply to the school, and those who apply to the school are not necessarily representative of that area.”¹⁸⁴

191. Dr Philip Hunter, Chief Schools Adjudicator, also supported the use of banding:

“I think there are arguments for saying that where you have got a school that is in an area which has got a very high proportion of difficult families and difficult children, and so on, they should be allowed to try to achieve a reasonably comprehensive intake by some kind of selection, which is what it is. I think, clearly, that is a powerful argument for some schools, in some areas.”¹⁸⁵

192. In the past some schools have been permitted to use banding strategies to significantly alter their composition. Mr Brian Jones, former headteacher of Archbishop Tenison School

178 School Admissions Code of Practice, Department for Education and Skills, 2003, para 3.26.

179 And other schools which declare themselves to have a specialism.

180 School Standards and Framework Act 1998, S 100.

181 1998 School Standards and Framework Act, S104(2).

182 See paras 173—179 above.

183 Q 30

184 Q 59

185 Q 124

in London, told us about the way in which his school used banding to change the balance of the intake:

“When the ILEA disappeared in a lot of London boroughs, including Lambeth, banding went out of the window with the result that our school very quickly became heavily skewed towards the lower ability end, and it was comprehensive in name only. It really was a secondary modern school, if I can put it crudely. After a lot of deliberation we decided that the best thing to do, in order to try and achieve a balanced intake, was to move towards a banding system. We had to get the permission of the then Secretary of State, Gillian Shepherd, and that was not easy to get but eventually we got it, and what we do now is pre test the youngsters with a standard NFER test, a CAT test, which tests verbal, non verbal and numeracy, and at the end of the day we get a standard assessment score which enables us to place the children in one of three bands, Band 1 being above average, 2 average, and Band 3 being below average.”¹⁸⁶

193. On the basis of these test results Archbishop Tenison School then takes 40% of its intake from each of the top and middle ability bands and 20% from the lowest ability band. Although this strategy does not comply with current requirements for fair banding¹⁸⁷ it is apparent that it has had a significant and predictable impact on the success of the school. If arrangements of this type are to remain in place indefinitely one school’s efforts to improve its results may be at a cost to its neighbouring schools. **We urge the DfES to look into all banding arrangements which do not conform to those established under the School Standards and Framework Act 1998 to ensure that they do not outlive their usefulness and become a barrier to school improvement.**

194. **Banding offers an important means of mitigating the effects of social segregation inherent in admissions based predominantly on geography. We recommend that the Department actively promotes models of good practice in banding for consideration by all admission authorities.**

Selection by aptitude

195. Specialist schools and other schools which declare themselves to have a specialism may select up to 10% of their intake on the basis of aptitude in their specialist area(s). Although only a small proportion of designated specialist schools use this provision, as government extends the specialist school programme to the point that “all schools will become specialist”¹⁸⁸ ever greater numbers of schools will have the capacity to select a proportion of their intake and thereby reject and displace an identical number who have not been so selected.

196. Selection by aptitude was a key area of investigation during the first part of our secondary education inquiry. In our report of Diversity of Provision we noted that we could find neither evidence of a meaningful distinction between aptitude and ability¹⁸⁹ nor

186 Q 438

187 See para 189 above.

188 Rt. Hon Charles Clarke MP, HC Deb, 28 November 2002, col 442.

189 Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94, para 139.

evidence relating to the purpose or justification for selection by aptitude.¹⁹⁰ During this inquiry we have taken further evidence on this issue that has assisted us in clarifying the issue.

197. The Chief Schools Adjudicator, Dr Philip Hunter, writing on the distinction between aptitude and ability, has commented that “finding a difference between the meanings of two such words is the sort of exercise lexicographers get up to when they haven't enough to do.”¹⁹¹ Given that Parliament has established these concepts in the legislation regarding school admissions, Dr Hunter has offered a working definition: “It denotes a potential or propensity to develop an ability given appropriate teaching or preparation. In other words aptitude + preparation = future ability.”¹⁹² We asked Dr Hunter whether he was confident that the range of approved and legally permitted tests of ability or aptitude were capable of accurately predicting future levels of attainment Mr Hunter was clear: “No, I am not” he told us.¹⁹³

198. This is significant. Evidence commissioned by the DfES¹⁹⁴ observed that “the measure of aptitude is an assessment of a pupil’s capacity to be trained or developed... its usefulness can arise from the accuracy with which it predicts later success.”¹⁹⁵ We have repeatedly sought evidence from the DfES of the link between tests of aptitude and achievement and have repeatedly drawn a blank. Despite the department’s own commissioned research highlighting that the link between testing aptitude in a subject and attainment in that subject is perhaps the key indicator of the effectiveness of aptitude testing no such research has been undertaken or initiated by the DfES.

199. As the Department is unable to support its policy on selection by aptitude with evidence as to its efficacy and is unwilling to commission research on the subject, it is difficult to understand why the practice should be allowed to continue. Without such research we cannot know whether pupils selected by aptitude achieve at a higher level, either in the specialist area or across the board, than their unselected peers.

200. Given the well established links between social class and attainment, and the Government’s stated commitment to social inclusion and equity, the integrity of the Government’s commitment to aptitude testing is hard to defend without clear evidence of its educational benefits. We have not been made aware of any such educational benefits. Nor have we been made aware of any means by which aptitude can be assessed without reference to ability.

201. Aptitude tests are an additional and unnecessary complication in the school admissions process. Moreover, the resources invested by schools in running these tests are significant both financially and in terms of staff time. It is our view that these costs, to families and to schools, cannot at present be defended. We recommend that the

¹⁹⁰ Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94, para 144.

¹⁹¹ “Apt or Able”, Dr Philip Hunter, *Times Educational Supplement*, 11 July 2003, p 19.

¹⁹² Ibid.

¹⁹³ Q 146

¹⁹⁴ SA 50

¹⁹⁵ *Aptitude Tests and Technology An investigation of aptitude and its relationship with GCSE scores*, Martin Coffey and Chris Wetton, Department for Education and Employment, 1996.

facility for state funded schools to admit pupils on the basis of aptitude tests should be withdrawn.

Partial selection

202. Partial selection forms part of the admission arrangements for an unspecified number of schools, in the past selecting up to 50% of their intake on grounds of ability or aptitude. These schools, which had these selection procedures in place in 1997–98, are permitted to continue to select pupils provided that there is no change in the methods of selection or the proportion of pupils selected.¹⁹⁶ These arrangements are unsatisfactory in three ways. First, they contribute, to a greater or lesser degree to narrowing of the ability range in other local schools. Secondly, partial selection, by definition, reduces the opportunity for local parents to secure a place at their preferred school. Thirdly, the arrangements for regulating the manner and extent of selection in these schools are unreliable. This has caused considerable dissatisfaction and friction in a number of local authorities where this practices still applies. Objections to partial selection form nearly 20% of the total objections submitted to the Office of the Schools Adjudicator.¹⁹⁷

203. During the course of our inquiry we were surprised to learn that the DfES has no baseline information on the admission arrangements that were in place for partially selective schools in 1997–98. The absence of verifiable, official data on partially selective admission arrangements in 1997–98 makes it difficult for interested parties to raise an objection to any change to partially selective admissions arrangements that may have occurred. This also places the Office of the Schools Adjudicator in a similarly impossible position when called upon to reach judgements requiring that information.

204. We are aware of no research evidence, nor did we receive any representations, indicating that partial selection contributes in any way to the overall improvement of educational standards. We therefore recommend that this option should be withdrawn.

205. Until such withdrawal takes effect the DfES should conduct an immediate audit of all schools selecting on this basis in order to establish a baseline position from which schools adjudicators and the courts could work when investigating objections and developing their judgements.

Grammar schools: selection by general ability

206. Selection by general ability is designed to identify, for the purposes of school admissions, pupils of high academic ability.¹⁹⁸ Some schools will recruit some or all of their pupils in this way. The strategy has the effect of narrowing the range of abilities within a school, or at least to raise the median level of ability. It is therefore the case that in areas where selective and non-selective schools coexist, those schools which do not select necessarily receive either no or a reduced proportion of pupils at the top end of the ability range. The larger the proportion of the age group in an area that is selected, the greater this effect will be. As a matter of arithmetic, where 25% of an age group are defined as being of

¹⁹⁶ 1988 School Standards and Framework Act, S 100.

¹⁹⁷ Office of the Schools Adjudicator, Annual Report, 2002–03, p 5.

¹⁹⁸ 1998 School Standards and Framework Act, S 104.

high ability and all go to one or more selective schools, 75% of the age group must necessarily go to schools which lack any pupils of high academic ability.

207. This is a particularly significant factor in areas where pupil numbers are declining. In these areas, if selective schools continue to admit to their capacity, albeit from a wider ability range, non-selective schools will carry the full burden of the decline in pupil numbers and suffer a further reduction in the proportion of able or even average ability pupils they are able to recruit. Policy-makers and protagonists must therefore be aware that the unavoidable consequence of selection in areas of declining school population is that many non-selective schools, already with significantly skewed intakes, will have fewer pupils able to achieve at the highest level.

208. There are 164 grammar schools in England and no provision for more to be created. This has not prevented the expansion of those schools. The Secretary of State for Education and Skills, Charles Clarke MP recently told the House of Commons that the number of pupils in grammar schools has increased from 117,147 (3.1% of the age group) in 1983—84 to 150,750 (4.6%) in 2003—04.¹⁹⁹ This means that 33,603 more pupils are in grammar schools today than was the case in 1983. It is also the case that 22,029 more pupils are in grammar schools than in 1997 when the proportion of the school population in grammar schools was 4.3%.²⁰⁰ These increases are relatively small in absolute terms. However, as grammar schools are not distributed evenly, but clustered in particular areas, the local effects of growth in the proportion of able pupils selected out of mainstream secondary education can be considerable, particularly when coupled with the impact of falling rolls.

209. In Opposition the Labour Party's then education spokesman promised "read my lips: no [more] selection, either by examination or interview, under a Labour government."²⁰¹ The fact remains that the numbers and proportion of pupils selected into grammar schools have increased in recent years. Ministers have claimed that there has been no "acceleration"²⁰² in this rate of increase but it is undeniable that selection has increased and, in areas where the school population is falling, may well increase further.

199 HC Deb, 18 March 2004, Col 437, reply to question from Teddy Taylor MP.

200 Unpublished note from the Department for Education and Skills, 28 April 2004.

201 David Blunkett MP as shadow Education Secretary addressing the 1995 Labour Party conference. Mr Blunkett subsequently clarified that he had meant to say "no *more* selection".

202 *Grammar schools have expanded*, BBCi report Friday, 26 March, 2004, 11:42 GMT citing a comment from David Miliband MP.

210. Although we recognise that the data on the impact of selection is open to alternative interpretations, we received evidence from three eminent academics with different research interests, all of whom felt that selection by academic ability had an adverse impact on educational standards and post-16 participation rates. The written submission from the DfES²⁰³ quoted the most recent research from the NFER which demonstrated, as Professor Jesson's work had done previously, that the most academically able 25% of the ability range performed equally well, if not slightly better, in non-selective schools. We are aware of the recent Ofsted/Audit Commission report on Buckinghamshire LEA²⁰⁴ which draws attention to the large disparities in the funding of selective and non-selective schools in the county.

211. In addition, we were concerned by the conclusions of the recent Ofsted report on Kent which concludes that:

“When national comparisons are made, the proportion of high achieving schools (A* against national benchmarks) is substantially greater [in Kent] than nationally, probably reflecting the number of grammar schools in the county.

The proportion of low achieving schools (E and E* against national benchmarks) is substantially higher than nationally, again probably reflecting the number of secondary modern schools in the county.”²⁰⁵

212. The report also notes that the evidence from inspection suggests that there are fewer schools in Kent judged to be “very good” than nationally and that Kent schools are substantially more likely to require special measures or to have serious weaknesses than those nationally. The report also observes that all of the Kent secondary schools that require special measures are secondary modern schools.²⁰⁶

213. We are aware of no research evidence that indicates that schools which select wholly by academic ability help to raise standards or post-16 participation rates or that they have a positive effect on the coherence of the local education system or a benevolent effect on social inclusion. We invited as witnesses two supporters of grammar schools, neither of whom were able to furnish any statistical information to support their case.

214. All forms of selection at one set of schools have, as a matter of arithmetic, consequences for other schools. A government that permits the continuing expansion of selection, by ability or by aptitude, can only be understood to approve of both the practice of selection and its outcomes. If that is the position of the present Government it should be publicly stated.

215. We believe that it is time for Ministers to engage in an informed debate about the role of selection in secondary education and its impact across the education system as a whole. The Government needs to explain how it reconciles its insistence that there will

203 SA 18

204 Buckinghamshire LEA Inspection Report, February 2004, Ofsted/Audit Commission.

205 Report to the Secretary of State on Kent schools, Ofsted, December 2003, paras 10 and 11.

206 Ibid, paras 16, 17 and 19.

be no return to selection with its willingness to retain and increase selection where it already exists. Without an honest and robust engagement with this issue the Government's policy on selection will continue to appear *ad hoc* and without principle.

5 Grammar school ballots

216. The School Standards and Framework Act 1998²⁰⁷ provided for arrangements by which parents may decide whether the area should retain selective admissions arrangements. The mechanism for making these decisions is by parental petition and ballot. Each of the 164 grammar schools are subject to one of three arrangements, falling under two ballot models according to the extent of selection in the area. The three arrangements are as follows:

Whole area ballots

217. In LEAs where more than 25% of the secondary school population attended grammar schools at the time the legislation was drawn up, all grammar schools in the area will be taken together under one ballot. These are areas such as Kent and Trafford where grammar schools are central to the pattern of secondary provision. Ten authorities are subject to these arrangements.²⁰⁸ In such areas petitions and ballots must be on the question of change for all the grammar schools in that area. Whole area ballots are also sometimes referred to as “selective area ballots”.

218. The electorate for whole area ballots comprises parents who either:

- a) live in the local authority area and have children up to the age of 16, or
- b) live outside the local authority area but are registered as the parents of a child at a school maintained by the LEA.

Grouped ballots

219. In areas where less than 25% of the secondary school population attended grammar schools at the time the legislation was drawn up schools are grouped for the purposes of petitions and ballots with others located relatively close. This strategy has the dual purpose of avoiding the possibility of grammar school provision becoming available to only one sex where it has previously been available to both, but also where the schools are likely to share significant numbers of feeder primary schools.²⁰⁹ In such areas petitions and ballots must be on the question of change for all the grammar schools in the group.

220. The electorate for grouped ballots is limited to parents who have children attending a school (maintained or independent) from which, over the past three years, five or more children have transferred to the grammar school at the normal age of school transfer for the area.

207 1998 School Standards and Framework Act, S 105.

208 SA 18, Annex F a.

209 SA 18, Annex F b.

Stand-alone ballots

221. Where a grammar school is the only grammar school in a local authority area, or cater for a specific area of the authority parents may petition and ballot on the basis of selection at a single school. Twelve schools are subject to these arrangements.²¹⁰

222. The electorate for stand-alone ballots is identical to that for grouped ballots and is limited to parents who have children attending a school (maintained or independent) from which, over the past three years, five or more children have transferred to the grammar school at the normal age of school transfer for the area.

Defining the electorate for grammar school ballots

223. We are concerned about the manner in which the franchise for grammar school ballots has been defined. At present, in areas that are not designated as selective, the electorate has been defined too narrowly: only parents of children (under the age of normal grammar school entry) at feeder schools (either maintained or independent) from which at least 5 pupils in the last 3 years have been admitted to the grammar school²¹¹ are eligible to sign a petition against selection or to vote in a ballot. While in selective LEAs, where the whole area ballot arrangements apply, parents whose children are of secondary school age are also included in the electorate. We question this arrangement on the grounds that as any change would take at least two years to implement the impact on the children of these parents would be very limited.²¹²

224. The impact of selection reaches far beyond the boundaries of feeder schools or the selective schools themselves. Parents with the greatest interest in the future admissions arrangements of currently selective schools are those with children below school age and in local nursery and primary schools and the interest of such parents remains whether or not any of those schools have, in recent years, sent pupils into local selective schools.

Petitions

225. Prior to a ballot on selection taking place 20% of eligible parents in the area must sign a petition seeking the ballot. Campaigners against selection have encountered difficulty in the practical application of the petitioning and balloting arrangements. The Campaign for State Education put the matter as follows:

“All campaigns need people willing to devote a great deal of their time. This is difficult in any circumstances but campaigners to end selection have found they need the hide of a rhinoceros to cope with vilification and misinformation of local and national press. Campaigns are long, drawn out and complicated. Campaigns have to focus on getting signatures on the petitions although the real issue is selection. As a result there is no real debate with official information about the effects of selection... The system seems **designed** to ensure there is no proper debate. Several campaigns became heavily immersed in correspondence with the DfES... Discouraged by the

210 SA 18, Annex F c.

211 Also see paras 220 and 222 above.

212 Q 976

Ballot Information Code, teachers and LEAs do not make their views clear. So, a 'neutral stance' from the professionals means in practice support for the status quo. This line seems to have the support of the DfES [and means that] parents are not informed by professionals and there is no real local debate."²¹³ (author's emphasis)

226. Difficulties have also been experienced in collating data for petitions and ballots. STEP, Stop the Eleven Plus, a campaigning group based in Kent told us that:

"In Kent the 20% target of validated signatures needed in 2002—03 for a petition to succeed was 48,616 parents (an increase of 2,656—5.8% since 1999—2000). We found this out on 25th July (all school terms had ended by the 23rd July). It has taken the Electoral Reform Society 9 months to compile the register and announce the target figure. If we succeeded in gathering a valid petition by the end of June, preparation for the ballot and holding the ballot itself could not be completed by 31st July. The petition would have to be re-validated by a brand new register compiled from September, reflecting changes to school rolls.

Under a new register the valid petition would probably be declared invalid. The target number is increasing as Kent's population rises. About 4,000 signatures may no longer be valid because their children had passed 16. Another 4,000 may be invalid because their children may have changed school at 11. We would be given the opportunity to "top up" the petition in the autumn term—and can only hope that this process can be completed well before the end of that term or ... yet another new register will be required [...]

The petition itself requires not just a signature but also the name and full address of each petitioner, the name of their child and the child's school. Common sense prevents many potential signatories from handing such potentially dangerous information to strangers.

Parents with children under 16 but not at school must register with the Electoral Reform Society by sending a birth certificate and a utilities bill if they wish to sign a petition or vote.[...]

These procedures are fundamentally flawed, the details ridiculous. The thought that the Grammar School Ballot Regulations were designed to preserve the status quo is inescapable."²¹⁴ (emphasis added)

227. Setting aside the desirability or otherwise of selective systems of education, the current arrangements for a selection of local people to decide the admissions arrangements of their grammar schools are flawed. The petition and balloting arrangements are a gesture in the direction of local democracy but waste the time and resources of all concerned. If the Government believes that a local vote is the appropriate mechanism by which the future of selective schools should be decided then it is high time for a review of the present arrangements. In any event, the current

213 SA 13, Appendix 1.

214 SA 8, Note C.

provision for grammar school ballots should be immediately withdrawn so as to ensure that no further resources are wasted in this exercise.

The question

228. The question parents are asked when the issue of ending selection at designated grammar schools is raised takes the following form:

Are you in favour of all the schools listed introducing admission arrangements which admit pupils of all abilities?²¹⁵

229. In our view this is the wrong question. It is unreasonable to ask parents whether selection should be ended at an individual school without making it clear what the practical consequences of this would be.²¹⁶ For example, to end selection at a small grammar school which happened to be close to a non-selective school leaves open the crucial question of what the relationship between the two schools, and indeed others nearby, would be. Simply to create a small non-selective school could be disastrous educationally. One solution in some areas has been for the selective school to become a separate 14—19 school, admitting all 14 year olds and sixth formers in the area. Alternatively such a school may become the upper school of a new 11—18 school, with the 11—14 year olds accommodated in the non-selective school's premises. Ending selection at one school always affects the future of other schools and parents need to be aware of this before voting on the issue.

230. Ballot proposals also need to be make clear the proposed future status of the school or schools created on the ending of selection.²¹⁷ Would the school become an Academy or become or remain foundation or voluntary aided? What adaptations to buildings would be needed and how would these be funded? Evidence from the Campaign for State Education set out this difficulty in the current arrangements:

“It is clear that the petitioning and balloting system put in place by the School Standards and Framework Act will not result in an end to selection. Not only are there the complex requirements for huge petitions; unfairnesses in the eligibility to vote and virtual silencing of education professionals and the Government, but, crucially there are no plans for a comprehensive system for which local campaigners can campaign. So 'better the devil' you know' arguments hold sway. Meanwhile the cost of gathering information to provide parental lists in order for petitions to be gathered has so far resulted in public spending of £1,102,945 since 1999.”²¹⁸

215 The Education (Grammar School Ballots) Regulations 1998 para 13.

216 Q 984

217 The text refers to a single school, although this would apply equally to a number of schools balloted under whole area or grouped ballots.

218 SA 13, para 35.

231. The balloting arrangements at present ask the wrong question of the wrong people. It is our view that without proposals explaining the educational and practical consequences of ending selection at a particular school parents have insufficient information on which to reach an informed decision on the question. This leads us to the conclusion that the public money spent on preparation for grammar school ballots has been wasted.

6 Conclusions

232. It is apparent from the evidence we have received during the course of this inquiry that the school admissions process works effectively in much of England. It is also the case that there are a number of areas where secondary school admissions present particularly severe difficulties that the current regulatory arrangements have been unable to address. There is therefore much more to be done throughout the system to ensure that good practice is widely applied and that parents can be confident that the quality of their experience of the school admissions process is a matter of course rather than a matter of luck.

233. There is need for the Government to act to ensure that parents can be confident that all maintained schools are of an appropriate quality and will offer their children the education they deserve. We acknowledge the progress that has been made to improve secondary education but this progress has been too slow to reassure parents and meet the needs of those pupils currently in schools that are not yet good enough.

234. The quality of secondary school provision is a complex issue and one that we have addressed in each of our inquiries into secondary education. School outcomes cannot be divorced from school intakes and therefore the admissions process itself. The evidence is that admissions arrangements which produce significantly unbalanced pupil profiles cause some schools acute problems. In such schools head teachers and their staff face an enormous challenge to create a positive learning environment. Schools in challenging circumstances require substantial investment in order to rebalance the culture and address problems of behaviour and low aspiration. This is an expensive way to tackle problems that are, to a large extent, of our own making. Selection, whether by academic, proximity or other criteria, inevitably entails rejection. Government policy on school admissions, with a growing emphasis on schools being able to choose the pupils they prefer to teach, must address this issue.

The Government's aims and objectives

235. The Labour Party approached the 1997 election with two key priorities in relation to school admissions: to limit selection and to promote parental preference.²¹⁹ It is our conclusion that the Government has been less successful than they intended in both respects. The facility for secondary schools to select their intake has increased under the present Government through the expansion of the specialist schools initiative. It is also the case that measures to control partial selection have been unsuccessful. There has also been a failure to establish an adequate audit of arrangements applying 1997–98 on which the lawfulness or otherwise of partial selection now in force depends.

236. The Government's current key aims for school admissions²²⁰ are to enable parents' preferences to be met to the maximum extent possible, increase fairness within the system, to ensure cooperation and coordination between admissions authorities and to ensure a strong and continuing role for parental preference. We broadly support these aims. We

²¹⁹ The Labour Party Manifesto, 1997. Also see para 20 above.

²²⁰ As set out in the School Admissions Code of Practice, Department for Education and Skills, 2003

believe that the regulatory framework for school admissions, including the advisory Codes of Practice on Admissions and Appeals, is insufficient to ensure their widespread delivery.

237. On parental preference we have seen compelling evidence that the weakness of the regulatory framework for admissions has eroded the role of parental preference by failing to regulate school admissions effectively and address the behaviour of admissions authorities which attempt to choose their pupils by covert means; thus the rhetoric of *parents choosing schools* has been transformed into *schools choosing parents*.

238. The Government's emphasis on diversity as a means of delivering choice in secondary education misses the point. Parents seek quality above diversity; the existence of an excellent but distant or oversubscribed specialist school is no comfort to parents who deem the only school available to them to be not good enough. Current policy aims to reward those schools that are academically successful and in so doing penalises those that are not. Performance in schools cannot be driven in this way; to penalise low performing schools is to penalise the pupils within those schools, a negative and counterproductive strategy.

239. **The Government must focus its attention on ensuring that all schools are good enough.** Real choice cannot be delivered without the expensive addition of significant extra capacity in the system and a corresponding increase in the number of empty seats in classrooms. Such a proposal represents a waste of valuable resources and runs counter to the prudent demands of the 1998 School Standard's and Framework Act which requires the provision of education in accordance with parents' wishes except where "compliance with the preference would prejudice the provision of efficient education or the efficient use of resources."²²¹ Indeed, if taxpayers are to invest more in education it is reasonable to expect them to get more for their money than empty seats.

Consistent policy making

240. During the course of our inquiry into secondary education we have identified a number of inconsistencies in Government announcements. These include, for example, the promotion of specialist education for children with aptitude in particular subjects without the necessary investment in school transport to ensure that all such children, not only those with affluent parents, are able to take up these opportunities; the commitment to limit selection while expanding the facility through the specialist schools programme; and the ability of admission appeal panels to require an already full school to admit pupils beyond its capacity while leaving other schools with empty places.

241. The Government's policy on grammar school ballots has been a particular example of inconsistent policy making: while the Government claims to want to limit selection and enable local parents to have the power to decide the future of selection in their area, the expensive balloting arrangements have proved effectively inoperable, banishing worthwhile public debate on the relative merits of different models and replacing it with impenetrable red tape.

242. We have welcomed the Secretary of State's view that children should be encouraged and enabled to attend their local school. However this is incompatible with the

221 1998 School Standards and Framework Act s86 (3)a.

Government's policy on school diversity which encourages parents to seek a place for their child in a school with an appropriate specialism. Similarly, the rejection of interviewing for most publicly funded schools is compromised by the continuation of this practice in CTCs and the Government's commitment to the needs of looked after children is undermined by its failure to secure their priority in school admissions.

The School Admissions Code of Practice

243. The School Admissions Code of Practice is an advisory rather than a regulatory instrument and has proved insufficient for the task for ensuring widespread good practice in school admissions. Inconsistency in the definition and application of over-subscription criteria has been raised repeatedly during the course of our inquiry as the cause of much confusion and complaint. This is a failure not of the Code itself but of the legislative framework in which it sits. Our recommendations call for a shift towards greater regulation of school admissions in the interests of fairness, consistency and clarity.

Parental preference, satisfaction and decision making

244. We have seen that although parental preference is the dominant theme in the relevant legislation, the extent of competition for school places in some areas has led to a shift away from parents choosing schools to school admission authorities choosing pupils. The Government must reinforce the role of parental preference by limiting the discretion that individual admissions authorities have to reject or apply good practice as they see fit. In order to offer parents greater clarity and certainty there is a need to revise the Codes of Practice in order to move the balance towards greater regulation. Government should not continue to use parental preference as a device to shift the responsibility for providing an acceptable school place onto parents' shoulders when it properly rests with the state.

245. Current measures of parental satisfaction make it difficult to judge to what extent the emphasis on parental preference has influenced parental satisfaction.²²² The number of appeals lodged by parents against non-admission to secondary schools increased by 9% in 2001/2 on the previous year with a total of 69,200 appeals.²²³ This significant increase in the number of appeals lodged by parents could be taken to mean that the Government's efforts to increase parental satisfaction through parental preference have been unsuccessful.

246. The Government's drive to increase parental satisfaction through diversity is a misinterpretation of the problem. Parents seek certainty and predictability in the admissions process and want schools in which their children will be safe and their learning supported. Until all schools are good enough the promotion of diversity of provision between schools may continue to be a diversion from the real issue of quality of provision.

222 See paras 29–35 above

223 National Statistics first release June 2003 based on appeals lodged by parents against non-admission to their preferred secondary school 2001/2 9SFR 17/2003).

Interviewing

247. The School Admissions Code of Practice seeks to prevent the use of interviewing for admission to most publicly funded schools. Minister's obfuscation on the issue as it applies to CTCs is a matter of great disappointment. The risk of bias inherent in the interview process applies regardless of the status of the school in which they take place.

Review Arrangements

248. We have seen evidence during this inquiry of numerous missed opportunities for achieving greater clarity and certainty in the school admissions process. The latest version of the Codes of Practice on School Admissions and Appeals are particular examples of this phenomenon. The Codes, though welcome and well intentioned, with their emphasis on guidance rather than regulation, leave too many admissions problems unsettled.

249. The creation of the Office of the Schools Adjudicator has provided an important check on the behaviour of admission authorities, although its influence has been limited by a regrettably narrow remit. If the OSA is to be an effective it will need to have powers to investigate school admission arrangements beyond the limits if those on which formal objections have been based.

250. Our recommendations for greater regulation of school admissions will require secondary legislation and some consequential redrafting of the Codes of Practice. In the interim we encourage locally based admissions forums and LEAs to increase their level of engagement with individual admission authorities in order to ensure greater levels of consistency and clarity throughout the system.

Equity in school admissions

251. It is apparent from the evidence we have heard that while most parents find the school admissions system a cause of some anxiety, some parents are able to use their resources to improve their chances of achieving a satisfactory result. Such inequalities are to some extent inevitable, but it is the role of Government to design and implement a system for school admissions which, as far as possible, seeks to minimise rather than accentuate inequalities. The current arrangements for school admissions do not meet this challenge and it is therefore time for Government to take a more assertive role in setting the standards for good practice and bring school admission policy into line with its broader policies on social inclusion.

Information for parents

252. Parent's assessments of the schools in their areas are informed by a variety of means among them school performance tables. While we acknowledge that the data in these tables have provided a valuable resource for raising attainment in individual schools their use for comparative purposes requires much careful interpretation. The DfES needs to work harder to ensure that these data are presented and used appropriately and do not have the effect of locking schools, which have worked hard to recover from previous difficulties and raise attainment, into a cycle of despair and rejection.

Children with SEN, disabilities and looked after children

253. The needs of children with statements of special educational needs are secured through legislation.²²⁴ Protecting the needs of other children, including those in public care and those with unstatemented special needs, is the subject of guidance in the School Admissions Code of Practice and ministerial comment but has no basis in statute. It is apparent from the evidence we have received that unless compelled so to do, admissions authorities cannot be relied upon to voluntarily prioritise the needs of these particularly vulnerable children.

Admissions and standards

254. During the course of our inquiry into secondary education we have received a great deal of evidence on the relationship between a school's intake and the level of challenge it faces.²²⁵ It is not possible for all schools' intakes to be wholly representative of either all England or even of their locality; neighbourhood factors, including physical geography and the distribution of different housing types, inevitably lead to some degree of segregation. Furthermore, the genie of parental preference, now released, will not easily be returned to the bottle and we must therefore accept that some parents will continue to favour one type of school over another. That said, we are convinced that the greatest opportunities for improvement are to be found where schools are able to recruit from their local area and where the most able of those local children have not been diverted to other schools by means of selection. Where admissions based predominantly on preference and distance from school lead to an unbalanced intake we see considerable potential in the use of banding to address this issue.

Cooperation and coordination

255. The dominant measures of school performance currently rest on GCSE scores and Ofsted inspections. Schools that are judged to be successful on the basis of these measures are rewarded while others which are deemed to fail are named and shamed. In such a competitive environment the incentive for school admissions authorities to aim to recruit the most able intake must be hard to resist and it is therefore essential that the manner of their competition is regulated to ensure that the needs of all children, not just the most able, are met. As Dr Philip Hunter, the Chief Schools Adjudicator explained:

“Where a school can choose children it will, left to its own devices, inexorably drift towards choosing posh children. The headteacher and governors may be committed to their community and have very high standards and principles. But teachers would rather deal with nice children who have done their homework and parents would prefer to send their children to schools that cater for children with similar backgrounds.”²²⁶

224 1996 Education Act, s 324—328 and schedule 27.

225 For example Q 497, Q 503, Q 504.

226 “Fixing the system that isn't broken”, Dr Philip Hunter, *Times Educational Supplement*, 31 October 2003.

256. The requirement for all admission authorities to work together to produce coordinated admission arrangements will result in each child receiving a single offer of a school place in a maintained school. While we welcome this development there is more to be done to ensure that coordination works effectively and for the benefit of children and parents. First, CTCs, the publicly funded schools currently outside these arrangements should be brought into the system. Furthermore there needs to be greater emphasis on and encouragement for cooperation between schools at all levels and a recognition that schools collectively share responsibility for all of the children within their communities. Government should develop and emphasise policies that encourage schools to cooperate and discourage those which lead schools to act in a self interested manner.

Selection

257. The Government's policy on selection is unclear. Despite the Government's commitments to limiting selection and enabling local decision making on the future of grammar schools we have observed an increase in the use of selective practices and in the number and proportion of pupils entering selective schools. Local balloting arrangements have proved expensive and unworkable and are in urgent need of review. Action is also needed to limit the impact of falling rolls on non-selective schools in selective areas.

258. We have found no evidence that selection by ability or aptitude contributes to the overall improvement of educational standards.

259. The Department's failure to establish reliable baseline information on the admission arrangements that were in place for partially selective schools in 1997—98 have compromised efforts to regulate partial selection.

Appeals and complaints

260. The number of parents motivated to lodge appeals suggests that parents find the system to be broadly accessible. We welcome the efforts of admissions authorities to make information on appeals more effective and widely available although we have concerns that this information does not always give parents a sufficient indication of their chances of success.

261. The overcrowding of schools as a result of successful appeals is a matter of great concern. There is a need to develop a more reasoned and consistent approach to appeals in all schools, whatever their status.

262. The Council on Tribunals special report on School Admission and Exclusion Appeal Panels²²⁷ has shed valuable light on the operation of appeals functions and drawn helpful comparisons between different approaches. We are disappointed to note that the DfES has so far been reluctant to act on many of the Council's recommendations and hope that our report will encourage a change of heart.

263. At the end of the admissions and appeals process if parents remain unhappy they are able to submit a complaint to the Local Government Ombudsmen. The LGOs special

227 Council on Tribunals, School Admissions and Exclusion Appeals Panels, Special Report, Cm 5788, May 2003.

report on School Admissions and Appeals²²⁸ revealed some startling examples of poor practice. Taken together these two reports provide compelling evidence of the need to establish and enforce a common framework for the admissions and appeals process.

228 The Commission for Local Administration in England, Special Report School Admissions and Appeals, March 2004.

Conclusions and recommendations

The Government's aims for school admissions

1. We support the Government's objective that parents' preferences for schools of their choice be met to the maximum extent possible, and their recognition that this cannot be achieved without increasing the quality of provision. Concern over admissions would be less were there more schools which command the confidence of parents. (Paragraph 27)
2. We support the Government's aims: for greater fairness, coordination and parental preference in the allocation of school places. However, the Government's attempt to realise these aims through a system based on guidance rather than regulation means that the Government can have had no assurance that its objectives would be widely met. This is disappointing. Fairness in public policy should not be a matter of luck but a matter of course. (Paragraph 28)

The school admissions process

3. Our own work during the early stages of our secondary education inquiry alerted us to significant weaknesses in the current arrangements for secondary school admissions. (Paragraph 29)
4. Parents living in social housing were significantly more likely to cite travel convenience as a key factor in school preference than parents who were owner-occupiers. Evidence from our parallel school transport inquiry is that the cost of school transport, as well as travel convenience, is understandably of particular importance to low income families. (Paragraph 35)

The School Admissions and Appeals Codes of Practice

5. We see the development of a statutory role for Catholic diocesan authorities in parallel with the Church of England as an appropriate step to ensure that Catholic schools benefit from the good practice and guidance on school admissions from sources within, as well as without, their faith communities. (Paragraph 47)

Guidance vs regulation

6. We concur with the view from our LEA witnesses that the advisory nature of the Codes of Practice make the widespread application of good practice and the eradication of bad practice a more difficult task than it need be. (Paragraph 48)

Oversubscription criteria

7. The degree to which disappointed parents are able to accept the outcome of the admissions process depends on four main factors: the transparency of the process; the extent to which parents believe in the integrity of the process; the perceived

quality of the school in which an alternative place is offered; and the timeliness of the process and its final outcome, including any appeals process. (Paragraph 53)

8. The School Admissions Code of Practice promotes good practice and discourages inappropriate admissions practices. For example, the Code states that priority should not be given to admissions based on the date order in which applications are received and that “it would not be good practice for admission authorities to set or seek to apply oversubscription criteria that had the effect of disadvantaging certain social groups in the local community.” That such practices are merely discouraged rather than prohibited is symptomatic of the well intentioned but essentially toothless nature of the Code. (Paragraph 60)

Looked-after children—children in public care

9. The School Admissions Code of Practice offers explicit guidance that the admission of children in public care should be prioritised in over-subscribed schools. The fact that admissions authorities are able to set aside this guidance highlights the weakness in the current arrangements for regulating school admissions in general and for protecting the interests of vulnerable children in particular. The Government’s emphasis on the priority to be given to looked after children in school admission decisions, which we share, should be given regulatory support rather than relying on guidance. (Paragraph 68)
10. The fact that the Government’s intention to prioritise children in public care in the school admission process is expressed in terms of guidance rather than a duty is a matter of grave concern and bodes ill for the realisation of other aspects of the Every Child Matters agenda. The welfare of children in public care, many of whom suffer multiple layers of disadvantage, must be an absolute priority. We recommend that the priority to be given to the needs of looked after children, like those with statements of special educational needs, should be given statutory support. We further recommend that these regulations should extend to all admissions authorities, including CTCs and Academies. (Paragraph 72)
11. Until such a time as regulations regarding the priority of looked after children have been promulgated we recommend that admissions forums and LEAs pay particular attention to this matter in their scrutiny of admissions arrangements and should be vigilant in bringing arrangements which fall short of the guidance provided in Code to the attention of the Office of the Schools Adjudicator. (Paragraph 73)

Medical/social grounds for admission

12. We do not believe that admissions authorities intend to break the law or act in a manner that is contrary to the guidance in the Code of Practice. That said, there is particular need for clarity on the definition and interpretation of some aspects of the Code; in particular the lack of any guidance on social/medical grounds is a cause for particular concern and should be addressed by the Department as a matter of urgency. (Paragraph 77)

Siblings

13. We recommend that in cases where parents have moved out of the area from which children are normally admitted to the school they should not automatically benefit from priority allocation of school places through the sibling criterion and that the School Admissions Code of Practice should be amended accordingly. (Paragraph 81)
14. We propose that priority should not be given to applicants whose siblings no longer attend the preferred school and that the School Admissions Code of Practice should be amended accordingly. (Paragraph 82)
15. We recommend that where partial selection takes place admission arrangements should be designed to ensure that reasonable access to school places for local children is maintained for the benefit of all children in an area. (Paragraph 84)

Interviews

16. We welcome the end of interviewing as part of the maintained secondary school admissions process although, once again, we regret that this clear statement of good practice represents only guidance to which admissions authorities must have regard and not regulation with which admissions authorities must comply. (Paragraph 89)
17. The false distinction between (permitted) structured discussions and (prohibited) interviews is unhelpful. There is no valid distinction between interview and structured discussions; interviews are both structured and constitute discussions. Present arrangements allow for CTCs to interview applicants and we believe that this should cease. (Paragraph 93)
18. Despite the Minister's assurances we remain of the view that to say that a structured discussion is not an interview is to make a distinction without a difference. (Paragraph 94)
19. It is time for Government to radically rethink the position of CTCs in the state funded education system, to address the exclusion of CTCs from coordinated admissions arrangements and from the terms of the Codes of Practice, and to affirm the place of CTCs in the family of publicly funded schools. We acknowledge that this may well require renegotiation of CTCs' funding agreements. We are also aware of the Government's hope that, over time, CTCs may agree to transform into Academies. However, it is not sufficient to stand back and hope; unsatisfactory practice should not be condoned. (Paragraph 95)

Order and clarity?

20. The evidence from our inquiry and from the DfES's own research is that parents value transparency, consistency and predictability very highly. The development of a single admissions system across local authority areas and, where appropriate, across LEA boundaries would be a significant contribution to greater clarity in the process of school place allocation. We consider that the benefits to parents of transparency

and consistency greatly outweigh the loss of this discretion by admissions authorities. (Paragraph 97)

21. We recommend that funding regulations be relaxed to enable school funding formulae to provide greater financial incentives for schools to admit hard-to-teach pupils of all levels of ability. (Paragraph 98)
22. We recommend that the advantages of a single model for the application of oversubscription criteria should be the subject of local consultation and where appropriate, adopted within and even across LEA boundaries. (Paragraph 99)
23. We offer the following model for oversubscription criteria to be applied in the order in which they are presented here:
 - 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;
 - children whose sibling(s) will be enrolled at the school on the first day of term and who permanently reside within the area from which the school's intake is normally drawn;
 - children for whom the school is the nearest appropriate school to their home;
 - safe walking distance from the school;
 - ease of access to the school by public transport;
 - transfer from a named feeder primary school. (Paragraph 100)

Coordinated admission arrangements

24. While we share concerns about the complexity of the Pan-London coordinated Admissions Project we are convinced that, if it can be made to work, it will make a valuable contribution to improving families' experience of the school admissions process and reducing the amount of distress involved for parents and children alike. Some refinement of the system is still needed and we remain concerned that the lines of political and administrative accountability for the system are not yet clear and the strategies for dealing with LEAs which fail to cooperate are yet to be tested. (Paragraph 109)
25. City Technology Colleges will not be part of the Pan-London coordinated admissions scheme. This is regrettable. The proposals show how admissions authorities and LEAs can cooperate in the interests of children and their parents. It is disappointing that the Department has not persuaded CTCs to take part in this cooperative effort. We recommend that Ministers should take steps to rectify this situation for the admissions round leading to September 2006 at the latest. (Paragraph 110)

Admissions forums

26. We welcome the statutory role of admissions forums but remain concerned that their valuable work is undermined by their inability to enforce good practice. We recommend that Ministers consider strengthening the powers of admissions forums to enable them to establish good admissions practice. (Paragraph 116)
27. We encourage the Government to consider incorporating guidance on the involvement of children in the school admissions process into any future edition of the Code of Practice. (Paragraph 120)

Preference and risk

28. The Education Act 2002 has allowed LEAs to adopt different ways of administering parental preference. The impact of these changes on cross-border applications has not yet become clear. Any additional complexity in the school admissions system should be avoided. (Paragraph 125)

Admission arrangements, flexibility and discretion

29. Far from being an empowering strategy the school admissions process, founded on parental preference, can prove a frustrating and time-consuming cause of much distress in the lives of many families. (Paragraph 128)
30. The Government's decision to limit the extent of its influence upon school admissions to a largely advisory Code of Practice needs to be reconsidered. Having invested considerable effort in identifying good practice in school admissions oversubscription criteria it is perverse to limit the impact of that effort to mere guidance. It is right that schools need to be able to respond to the needs of their local communities but this should not be at the expense of the Government's broader aims of social inclusion and equity. (Paragraph 129)

Enforcement of the Code of Practice

31. We recommend that the Code of Practice on School Admissions should be supported by revised regulations. In particular, acceptable admissions criteria should be identified and clearly defined in regulation or legislation along with specific guidance on the appropriate manner of their implementation. It should be explicit which criteria admissions authorities are required to implement and which may be implemented at the authority's discretion. Unacceptable criteria should similarly be identified and prohibited. (Paragraph 130)
32. At present, the Code of Practice provides a useful but largely unenforceable framework for school admissions which does too little to assist parents through the complexity of the school admissions and appeals processes. The challenge for the next edition of the Code will be to shift the balance towards meeting the needs of parents for greater clarity in the admissions process. (Paragraph 131)

School performance tables

33. We again urge education Ministers to put greater energy behind the development of more sensitive and accurate measures of school and pupil performance. It is only with such measures that we will be in a position to identify and appreciate schools' successes and to address their weaknesses. (Paragraph 138)

Choice and certainty

34. The DfES research uses as one of its key measures of satisfaction the number of parents who secure a place at a schools for which they have expressed some form of preference. That more than half of those who do not secure a place at their first preference school lodge an appeal against that decision suggest that the Department's definition of parental satisfaction is flawed. (Paragraph 148)

Admission by lottery?

35. It appears to us that there is more work to be done in considering how the admissions lottery approach would affect different groups of children and their families. In particular we are conscious that costs related to school transport can be considerable. Unless school transport can be publicly financed, the impact of failing to get a place at the nearest school will disproportionately burden poorer families. (Paragraph 153)

Information for parents

36. While the Local Government Ombudsmen's report is helpful in highlighting the need to improve poor practice, there are few published examples to support good practice in school admissions and appeals. The recent report from Ofsted and the Audit Commission on school place planning went somewhat towards addressing this omission but more remains to be done. Ofsted is well placed to identify good practice through its school and LEA inspections. We would welcome a themed report from Ofsted on this issue, drawing together examples from school-based admissions authorities and LEAs. Such a report would be well timed to cover the first year of coordinated admissions arrangements leading to school admissions in September 2005 and should not necessarily be limited to secondary school admissions. We recommend that Ofsted should include a review of good practice in school admissions and appeals, at school as well as LEA level, in its future programme of work. (Paragraph 158)
37. We support the findings of the Local Government Ombudsmen on the issue of providing full, fair and accurate information and guidance for parents considering an appeal. Given that broadly the same conditions for appeal apply to all admissions authorities we recommend that the DfES works with admissions authorities to produce exemplar documentation to support existing good practice in this area. We suggest that it may be appropriate to achieve this by supplementing the guidance given in the School Admission Appeals Code of Practice. (Paragraph 159)

Appeals

38. Many of the concerns we have expressed regarding the status of the School Admissions Code of Practice apply equally to the School Admission Appeals Code of Practice. In particular we find that both Codes lack the force and clarity necessary to ensure that good practice is widely applied and that there is therefore a need to shift the balance in both Codes towards greater regulation of admissions and appeals activity. (Paragraph 161)
39. We are concerned that school admission appeals enable entry to schools which have already admitted pupils up to their assessed capacity. Such a practice would be condemned if applied in many other circumstances. More work needs to be done to explore alternatives to the overcrowding of some schools following sometimes very large numbers of successful appeals. We acknowledge the difficulties inherent in waiting list systems for successful appellants, not least because of the turbulence that mid-year school moves can cause in both the gaining and the losing schools and the difficulty of comparing the relative merits of a successful appellants' claim to a mid-year vacancy to that of a new arrival to the area who may meet the oversubscription criteria to a greater extent than some of those on the waiting list. Nevertheless the present arrangements are neither rational nor sustainable and merit urgent review. (Paragraph 164)
40. Aspects of the conduct of appeals panels have been criticised both by the Local Government Ombudsmen and the Council on Tribunals. Each has identified particular difficulties with appeals conducted by voluntary aided and foundation schools and noted the good practice in many LEAs. It is evident that much more needs to be done to improve the quality of the appeals system and the service afforded to parents. We recommend that the Department conducts a thorough evaluation of the proposal to transfer to LEAs the administrative management of all appeals for non-admission to schools and, if necessary, reconsiders its opposition to legislation. In considering this proposal, parties should be mindful of the need for the appeals process to be, and to be seen to be, independent from any admissions authority, including LEAs. (Paragraph 168)
41. With regard to publicly funded Academies, we note that while the School Admissions Code of Practice makes their position clear, the School Admission Appeals Code of Practice does not. Academies are required to have regard to both Codes as a condition of their funding agreements. The School Admission Appeals Code of Practice should be revised to reflect this. (Paragraph 169)

School admissions and appeals: evaluating performance

42. We have been astonished to find that neither the cost of the school admissions process nor of the appeals system has been monitored either by the DfES or by LEAs as part of their own evaluation of the process. In our view more needs to be done by LEAs and by the DfES to evaluate school admissions policy and to ensure that arrangements are effective, equitable and do not involve unreasonable public expense. (Paragraph 171)

Admissions and standards

43. We urge the Government to pay greater attention to the ways in which schools may be enabled to work together to support improvement and share responsibility for challenging pupils. (Paragraph 177)
44. Our recommendation to strengthen the Code of Practice by means of greater regulation will help to avoid the disadvantages inseparable from a seriously unbalanced intake. This alone, however, will not be enough: LEAs must take a lead in their role in casual admissions to ensure that some schools are not over-burdened with challenging pupils while others are left undisturbed. (Paragraph 178)

Schools and their communities

45. We share the view expressed by the Secretary of State that parents should be encouraged and enabled to send their children to their local school. The draft School Transport Bill invites local authorities to develop innovative approaches to school transport in order to find ways of addressing the problems caused by the movement of large numbers of children, often by private car, between home and school. It is our view that energies would be better directed at addressing the reasons why children do not attend their local school, rather than finding ways to make unnecessary journeys easier. Moreover, Government policies that divert children away from their local school, or permit unregulated admissions arrangements in publicly funded schools (as apply to CTCs), are incompatible with the proclaimed intentions of the Secretary of State. (Paragraph 182)
46. We anticipate that those schools which recruit from their local area and have the strongest links with their immediate geographical community will be best placed to make the extended school model work. (Paragraph 184)

Admission by selection

47. It is a matter of considerable regret that significant shifts in policy have taken place without the benefit of any open and explicit debate on the relative merits of either selective and non-selective admissions policies or selective and comprehensive education. The result is a series of initiatives that, under close scrutiny, appear to have been born of fashion and expediency rather than intellectual rigour. (Paragraph 188)

Fair banding

48. We urge the DfES to look into all banding arrangements which do not conform to those established under the School Standards and Framework Act 1998 to ensure that they do not outlive their usefulness and become a barrier to school improvement. (Paragraph 193)

49. Banding offers an important means of mitigating the effects of social segregation inherent in admissions based predominantly on geography. We recommend that the Department actively promotes models of good practice in banding for consideration by all admission authorities. (Paragraph 194)

Selection by aptitude

50. Given the well established links between social class and attainment, and the Government's stated commitment to social inclusion and equity, the integrity of the Government's commitment to aptitude testing is hard to defend without clear evidence of its educational benefits. We have not been made aware of any such educational benefits. Nor have we been made aware of any means by which aptitude can be assessed without reference to ability. (Paragraph 200)
51. Aptitude tests are an additional and unnecessary complication in the school admissions process. Moreover, the resources invested by schools in running these tests are significant both financially and in terms of staff time. It is our view that these costs, to families and to schools, cannot at present be defended. We recommend that the facility for state funded schools to admit pupils on the basis of aptitude tests should be withdrawn. (Paragraph 201)

Partial selection

52. We are aware of no research evidence, nor did we receive any representations, indicating that partial selection contributes in any way to the overall improvement of educational standards. We therefore recommend that this option should be withdrawn. (Paragraph 204)
53. Until such withdrawal takes effect the DfES should conduct an immediate audit of all schools selecting on this basis in order to establish a baseline position from which schools adjudicators and the courts could work when investigating objections and developing their judgements. (Paragraph 205)

Grammar schools: selection by general ability

54. All forms of selection at one set of schools have, as a matter of arithmetic, consequences for other schools. A government that permits the continuing expansion of selection, by ability or by aptitude, can only be understood to approve of both the practice of selection and its outcomes. If that is the position of the present Government it should be publicly stated. (Paragraph 214)
55. We believe that it is time for Ministers to engage in an informed debate about the role of selection in secondary education and its impact across the education system as a whole. The Government needs to explain how it reconciles its insistence that there will be no return to selection with its willingness to retain and increase selection where it already exists. Without an honest and robust engagement with this issue the Government's policy on selection will continue to appear *ad hoc* and without principle. (Paragraph 215)

Grammar school ballots

56. Setting aside the desirability or otherwise of selective systems of education, the current arrangements for a selection of local people to decide the admissions arrangements of their grammar schools are flawed. The petition and balloting arrangements are a gesture in the direction of local democracy but waste the time and resources of all concerned. If the Government believes that a local vote is the appropriate mechanism by which the future of selective schools should be decided then it is high time for a review of the present arrangements. In any event, the current provision for grammar school ballots should be immediately withdrawn so as to ensure that no further resources are wasted in this exercise. (Paragraph 227)
57. The balloting arrangements at present ask the wrong question of the wrong people. It is our view that without proposals explaining the educational and practical consequences of ending selection at a particular school parents have insufficient information on which to reach an informed decision on the question. This leads us to the conclusion that the public money spent on preparation for grammar school ballots has been wasted. (Paragraph 231)

The Government's aims and objectives

58. The Government must focus its attention on ensuring that all schools are good enough. (Paragraph 239)

Formal minutes

Wednesday 14 July 2004

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor

Mr Kerry Pollard

Valerie Davey

Jonathan Shaw

Paul Holmes

Mr Andrew Turner

The Committee deliberated.

Draft Report (Secondary Education: School Admissions), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 27 read and agreed to.

Paragraph 28 read, as follows:

28. We support the Government's aims: for greater fairness, coordination and parental preference in the allocation of school places. However, the Government's attempt to realise these aims through a system based on guidance rather than regulation means that the Government can have had no assurance that its objectives would be widely met. This is disappointing. Fairness in public policy should not be a matter of luck but a matter of course.

Amendment proposed, in line 2, to leave out from "places" to the end of the paragraph. — (*Mr Andrew Turner.*)

Question put, That the Amendment be made.

The Committee divided.

Noes, 5

Ayes, 1

Mr David Chaytor

Mr Andrew Turner

Valerie Davey

Paul Holmes

Mr Kerry Pollard

Jonathan Shaw

Paragraph agreed to.

Paragraphs 29 to 67 read and agreed to.

Paragraph 68 read.

Question put, That the paragraph stand part of the report.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraphs 69 and 70 read and agreed to.

Paragraph 71 read, as follows:

71. It is our view that this example highlights the inadequacy of the current arrangements for ensuring priority for children in public care. Although the Office of the Schools Adjudicator has been assiduous in investigating and upholding objections to admissions arrangements that do not comply with the spirit of the Code, the Adjudicators' powers are limited to those elements in a set of admissions arrangements which are specifically referred to them.

Amendment proposed, in line 1, to leave our from the beginning to "Although" in line 2.
— (*Mr Andrew Turner.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Mr Andrew Turner

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Paragraph agreed to.

Paragraphs 72 and 73 read.

Question put, That the paragraphs stand part of the Report.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraphs 74 to 80 read and agreed to.

Paragraphs 81 and 82 read.

Question put, That the paragraphs stand part of the Report.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraphs 83 to 88 read and agreed to.

Paragraph 89 read.

Question put, That the paragraph stand part of the report.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraphs 90 to 92 agreed to.

Paragraphs 93 to 95 read.

Question put, That the paragraphs stand part of the Report.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraphs 96 to 98 read and agreed to.

Paragraphs 99 to 101 read.

Question put, That the paragraphs stand part of the Report.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraphs 102 to 129 read and agreed to.

Paragraphs 130 and 131 read.

Question put, That the paragraphs stand part of the Report.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraphs 132 and 133 read and agreed to.

Paragraph 134 read, as follows:

134. While there may be schools which appear to perform poorly on the 5 A*–C GCSE measure because of failures in leadership and/or teaching, there are many more which, despite enabling their pupils to make significant progress in learning and achievement, still appear towards the bottom of the performance tables. Such schools may be well run and provide a positive learning environment for pupils of all abilities but may be rejected by the parents of year 6 pupils based on inappropriate but well reported headline indicators of their performance. As these schools become undersubscribed those at the other end of the performance table are able to choose from a growing number of applicants, reinforcing and perpetuating existing pupil profiles, and their relative advantage, with each new intake.

Amendment proposed, in line 7, to leave out from the word “performance” to the end of the paragraph. — (*Mr Andrew Turner.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Mr Andrew Turner

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Paragraph agreed to.

Paragraphs 135 to 157 read and agreed.

Paragraph 158 read, as follows:

158. While the Local Government Ombudsmen’s report is helpful in highlighting the need to improve poor practice, there are few published examples to support good practice in school admissions and appeals. The recent report from Ofsted and the Audit Commission on school place planning went someway towards addressing this omission but more remains to be done. Ofsted is well placed to identify good practice through its school and LEA inspections. We would welcome a themed report from Ofsted on this issue, drawing together examples from school-based admissions authorities and LEAs. Such a report would be well timed to cover the first year of coordinated admissions arrangements leading to school admissions in September 2005 and should not necessarily be limited to secondary school admissions. We recommend that Ofsted should include a review of good practice in school admissions and appeals, at school as well as LEA level, in its future programme of work.

Amendment proposed, in line 6, to leave out from the word “inspections” to the end of the paragraph. — (*Mr Andrew Turner.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Mr Andrew Turner

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Paragraph agreed to.

Paragraphs 159 and 160 read and agreed to.

Paragraph 161 read, as follows:

161. Many of the concerns we have expressed regarding the status of the School Admissions Code of Practice apply equally to the School Admission Appeals Code of

Practice. In particular we find that both Codes lack the force and clarity necessary to ensure that good practice is widely applied and that there is therefore a need to shift the balance in both Codes towards greater regulation of admissions and appeals activity.

Amendment proposed, in line 3, to leave out from the second word “Practice” to the end of the paragraph. — (*Mr Andrew Turner.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Mr Andrew Turner

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Paragraph agreed to.

Paragraphs 162 to 174 read and agreed to.

Paragraph 175 read, as follows:

175. That many LEAs are proactive in placing challenging pupils in an equitable manner is to be applauded; that this happens in spite of, rather than because of, current arrangements for school admission is a matter of concern. Meeting the needs of all children within a local authority area must be understood as the responsibility of all stakeholders, schools and LEAs, alike. Mike Wood, headteacher of the Cornwallis School in Kent described the tensions involved in taking this approach:

“On a day-to-day basis, if you have a child in my school, you would expect my concentration to be on the education of your son or daughter and not worrying about what is happening on the other side of the town... However, many of the moves that are now being made towards collaboration and federation... I think are beginning to show signs of alleviating some of the excesses, and we will begin to tackle some of the issues about, for instance, difficult to place children all ending up in the one school. It is difficult to take that to any kind of natural conclusion, though, in terms of one’s community responsibility in an area which has selection, because how can you define that issue of my being responsible for the education of children in a local community when a significant proportion of them will be taken out of the local community at the wishes of the local population.”

Amendment proposed, in line 4, to leave out from the word “of” to “Mike” in line 5 and to insert the word “LEAs”. — (*Mr Andrew Turner.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Mr Andrew Turner

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Paragraph agreed to.

Paragraph 176 read and agreed to.

Paragraph 177 read.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraph 178 read, as follows:

178. Our recommendation to strengthen the Code of Practice by means of greater regulation will help to avoid the disadvantages inseparable from a seriously unbalanced intake. This alone, however, will not be enough: LEAs must take a lead in their role in casual admissions to ensure that some schools are not over-burdened with challenging pupils while others are left undisturbed.

Amendment proposed, in line 3, to leave out from the word “intake” to the end of the paragraph.–(*Mr Andrew Turner.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Mr Andrew Turner

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Paragraph agreed to.

Paragraphs 179 to 200 read and agreed to.

Paragraph 201 read, as follows:

201. Aptitude tests are an additional and unnecessary complication in the school admissions process. Moreover, the resources invested by schools in running these tests are significant both financially and in terms of staff time. It is our view that these costs, to families and to schools, cannot at present be defended. We recommend that the facility for state funded schools to admit pupils on the basis of aptitude tests should be withdrawn.

Amendment proposed, in line 4, to leave out from the word “defended” to the end of the paragraph and to insert the words “although we recognise that this is a matter for schools.” — (*Mr Andrew Turner.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Mr Andrew Turner

Noes, 5

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Paragraph agreed to.

Paragraphs 202 and 203 read and agreed to.

Paragraphs 204 and 205 read.

Question put, That the paragraphs stand part of the Report.

The Committee divided.

Ayes, 5

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Noes, 1

Mr Andrew Turner

Paragraphs 206 to 208 read and agreed to.

Paragraph 209 postponed.

Paragraph 210 read and agreed to.

Paragraph 211 read, as follows:

211. We recognise that the data on the impact of selection is open to alternative interpretations. However, the recent report from Ofsted on education in Kent makes for uncomfortable reading:

“When national comparisons are made, the proportion of high achieving schools (A* against national benchmarks) is substantially greater [in Kent] than nationally, probably reflecting the number of grammar schools in the county.

The proportion of low achieving schools (E and E* against national benchmarks) is substantially higher than nationally, again probably reflecting the number of secondary modern schools in the county.”

Amendment proposed, to leave out lines 1 and 2 and insert “211. Although we recognise the data on the impact of selection is open to alternative interpretations, we received evidence from three eminent academics with different research interests, all of whom felt that selection by academic ability had an adverse impact on educational standards and post-16 participation rates. The written submission from the DfES cited the most recent research from the NFER which demonstrated, as Professor Jesson’s work had done previously, that the most academically able 25% of the ability range performed equally well, if not slightly better, in non-selective schools. We are aware of the recent Ofsted/Audit Commission report on Buckinghamshire LEA which draws attention to the large disparities in the funding of selective and non-selective schools in the county.

211a. In addition, we were concerned by the conclusions of the recent Ofsted report on Kent which concludes that;”. — (*Mr David Chaytor*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraph, as amended, agreed to.

Paragraph 212 agreed to.

A paragraph—*Mr David Chaytor*) —brought up and read, as follows:

“We are aware of no research evidence that indicates that schools which select wholly by academic ability help to raise standards or post-16 participation rates or that they have a positive effect on the coherence of the local education system or a benevolent effect on social inclusion. We invited as witnesses two supporters of grammar schools, neither of whom were able to furnish any statistical information to support their case.”

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 5

Noes, 1

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Mr Andrew Turner

Paragraph inserted.

Postponed paragraph 209 again read, as follows:

209. Given the challenges facing schools with an unbalanced intake and given also that the Government has made clear that it does not wish to see any expansion of grammar schools, Ministers should consider imposing a cap on the proportion of pupils in any area that may be selected by ability. Such a measure would ensure that non-selective schools in selective areas were at least partially insulated from the impact of falling rolls while also ensuring that, where supported by the local community, grammar schools are able to continue to recruit pupils of high ability.

Paragraph disagreed to.

Paragraphs 213 to 230 (now 214 to 231) read and agreed to.

Paragraph 232 to 263 read.

Motion made, to leave out paragraphs 232 to 263 and insert the following new paragraphs:

“230. The DfES survey of parents choosing a secondary school in 2001 showed that 92% of parents are satisfied with the admissions process and its outcomes²²⁹. This suggests that the process largely works as it should, and that problems with the school admissions process must therefore be seen as particular rather than general.

231. On the other hand²³⁰ only 85% of the sample were offered a place at their favourite school, and two-thirds of those whose application was rejected appealed

²²⁹ Insert reference

²³⁰ See paragraphs 29-32 above

against that decision. In other words problems appear to arise less from the admissions process than from the fact that, especially in some parts of the country, there are too few schools to which parents are content to send their children, and even fewer to which they positively wish to send them. Too many schools are perceived to be inadequate in some way. **Making the rules governing the admission process more rigorous is less likely to improve matters than increasing the number of quality schools available. This is essential if parents' aspirations are to be met.**

232. The Government's first objective (a set out in the Code of Practice²³¹) is that parents' preferences should be met to the maximum extent possible. Because some parents prefer a faith school and others non-faith, some single-sex and others co-educational, some selective and others comprehensive, and some specialist schools and others non-specialist, this cannot be achieved without a diversity of good schools.

233. Real choice cannot be delivered without the transformation of schools which do not command parents' confidence, the creation of new schools, or both. Additional capital expenditure on such schools could be met by charities (as the King Edward's Foundation did in Birmingham when by opening five voluntary aided grammar schools) or private investment where a reasonable return may be anticipated. **The Government should not only seek and guarantee funding from both such sources for maintained schools, but also, by paying for places in independent schools where they cost no more than would be spent on a child in the maintained sector, generate private sector investment in new schools. The Government must encourage the creation of new schools by all available means.**

234. The Government has emphasized the need for a diversity of schools and providers²³², but there is little point in diversifying provision if parents cannot access a school whose provision they prefer for their children because its places are taken up by others. That is but one reason why schools which have special characteristics should be able, if they so wish, to manage their own admissions. The power to do so enables them better to meet their communities' needs, and to be deprived of the opportunity is inconsistent with the Government's desire²³³ for schools to develop their own ethos, specialisms and management arrangements.

235. The complexity of the admission process has been cited as a significant problem. A multiplicity of application forms and authorities to whom to apply may bewilder some parents, but most only have to consider the details of differing admissions criteria because of their need to judge the likelihood of an application succeeding. Such familiarity with schools' admissions criteria is only necessary where applicants'

231 School Admissions Code of Practice, DfES, 2003, para 2.3

232 Five Year Strategy for Children and Learners, DfES, 2004, pp 8-9

233 Ibid.

second preferences are disadvantaged if they fail to secure a first preference. **Greater use of the 'equal preferences' system (in which parents can apply to as many schools as they wish without risking non-admission to an acceptable school) may, in particular, help less articulate parents.**

236. Too much can be made of difficulties faced by children if they fail to gain admission to their local school but are offered a place in another school of acceptable standard further away. With many rural LEAs considering a twenty-mile round trip to school reasonable, **there are few pupils who live so far away from alternative schools that failure to gain admission to their nearest school requires an unduly onerous journey.**

237. Ministers, among others, have emphasized the educational deprivation suffered by some looked-after children. But giving all looked-after children priority would visit the failure of their parents (whether natural or corporate) on the children of those parents who take their responsibilities seriously, including many with special (but unstatemented) educational needs.

238. Among the 28% of parents who did not apply for a place in their nearest state school, the most frequently cited reasons were poor discipline (mentioned by 35%) and poor academic results (31%)²³⁴, and teachers cite poor discipline as their prime reason for leaving the profession²³⁵. If challenging and disruptive pupils impose too great a burden on the less popular schools with spare capacity to which they tend to be allocated, they should not be forced on other schools where they may disrupt the education of others, but either be taught in pupil referral units or supported with additional resources (as recommended above²³⁶) at a level acceptable to the designated school.

239. As fewer parents apply to them, poorly-regarded schools will be in danger of closing or reducing staff. This in itself is a powerful incentive to improve. Failing that, the pool of applicants from which better schools (or their admission authorities) can choose will grow. But this could be avoided. The Government and the Conservative Party have both adopted policies to introduce fast-track routes to expand popular schools, and for new management, drawn from private, public and voluntary sectors, to resuscitate failing schools. **The Government should neither rule out permitting parents to take with their child to an independent school the resource which would have been spent on state schooling (in particular where acceptable local schools are oversubscribed) nor the provision of more schools catering for pupils of particular ability.** It is good that a larger proportion of pupils than in 1997 have been enabled to attend selective schools.

234 Parents' experiences of the process of choosing a secondary school, RR 278, DfES, June 2001

235 Insert reference

236 See para [96]

240. More and more detailed guidance has been issued on admissions since 1993, and new arrangements including mandatory admissions forums and the Schools Adjudicator, put in place. Meanwhile the number of parents appealing against admission decisions has continued to rise, which may indicate greater dissatisfaction or be a welcome sign of rising expectations. Whichever, **it should be the Government's highest priority to provide more good quality school places to meet those expectations.** — (*Mr Andrew Turner.*)

Motion made, and Question put, That the paragraphs be read a second time.

The Committee divided.

Ayes, 1

Noes, 5

Mr Andrew Turner

Mr David Chaytor
Valerie Davey
Paul Holmes
Mr Kerry Pollard
Jonathan Shaw

Paragraphs 232 to 263 agreed to.

Summary agreed to.

Resolved, That the Report, as amended, be the Fourth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till 19 July at 3.30 pm.]

Witnesses

Wednesday 10 September 2003

Anne West, Professor of Education Policy, London School of Economics, **Professor John Fitz**, School of Social Sciences, University of Cardiff, and **John Coldron**, Professor of Education, Sheffield Hallam University.

Wednesday 15 October 2003

Dr Philip Hunter, Chief Schools Adjudicator.

Wednesday 22 October 2003

Dr Bryan Slater, Director of Education, Norfolk County Council and **Robert Douglas**, Team Leader, Admissions, Education Leeds.

Monday 10 November 2003

Sir Peter Lampl, Chairman and Founder, and **Dr Tessa Stone**, Director, The Sutton Trust, **Dr Ian Birnbaum**, Strategic Director, Learning for Life, London Borough of Sutton and Chair, Pan-London Admissions Executive Board, and **Paul Robinson**, Director of Education, London Borough of Wandsworth.

Wednesday 12 November 2003

Mo Laycock, Headteacher, Firth Park Community College, Sheffield, **Brian Jones**, Former Headteacher, Archbishop Tenison's School, Lambeth, **Mike Wood**, Headteacher, The Cornwallis School, Kent, **Dr Sheila Lawlor**, Director, Politeia, **Martin Johnson**, Research Fellow in Education, Institute for Public Policy Research, and **Nick Seaton**, Chairman, Campaign for Real Education.

Monday 17 November 2003

David Bell, Her Majesty's Chief Inspector of Schools and **Sheila Brown**, Head of LEA Inspection, Ofsted, **Nick Flight**, LEA Inspector, Audit Commission, **Rev Canon John Hall**, Chief Education Officer, Education Division and National Society, Church of England Board of Education, **Oona Stannard**, Director, and **Sarah Billington**, Legal Advisor, Catholic Education Service, and **Reverend Canon David Whittington OBE**, National School Development Officer, Church of England.

Wednesday 19 November 2003

Stephen Crowne, Director, Resources, Infrastructure and Governance, **Caroline Macready**, Head of School Admissions, Organisation and Governance Division and **Sue Garner**, Head of the School Admissions and Class Size Unit, Department for Education and Skills.

Monday 1 December 2003

Hilda Clarke, Headteacher, Langley Grammar School, Slough, **Rev Jeremy Hurst**, Chair, Slough School Organisation Committee and School Admissions Forum and **Julia Shepard**, Headteacher, Beechwood School, Slough.

Monday 8 December 2003

David Miliband MP, Minister of State for School Standards and **Stephen Twigg MP**, Parliamentary Under Secretary of State for Schools, Department for Education and Skills.

Thursday 5 February 2004

Simon Flowers, Headteacher, The Cathedral High School, **Graham Myers**, Parent, **Stuart Wilson**, Headteacher, Featherstone High School and **Terry Hall**, Chair, Wakefield Governors' Forum.

List of written evidence

1	John Fitz, Chris Taylor and Stephen Gorard	SA 1
2	John Coldron	SA 2
3	Anne West	SA 3
4	Birmingham Admissions Forum	SA 4
5	Philip Hunter, Chief Schools Adjudicator	SA 5
6	Professor Keith Barnham	SA 6
7	Alan and Chris Woodhead	SA 7
8	Stop the Eleven Plus (STEP)	SA 8
9	Buckinghamshire Parents for Comprehensive Education (BPCE)	SA 9
10	Institute for Public Policy Research (ippr)	SA 10
11	National Union of Teachers	SA 11
12	Stephen Gorard	SA 12
13	Campaign for State Education (CASE)	SA 13
14	Professor David Jesson	SA 14
15	National Association of Schoolmasters and Union of Women's Teachers (NASUWT)	SA 15
16	Pan-London Coordinated Admissions Executive Board	SA 16
17	Professor Anne West	SA 17
18	Department for Education and Skills	SA 18
19	Professor John Coldron	SA 19
20	Natalie Seeve-McKenna	SA 20
21	Bryan Slater, Director of Education, Norfolk LEA	SA 21
22	Professor Anne West (not printed)	SA 22
23	Education Leeds	SA 23
24	Stephanie White	SA 24
25	The Sutton Trust	SA 25
26	Philip Hunter, Chief Schools Adjudicator	SA 26
27	Campaign for Real Education	SA 27
28	Stephen Gorard and Emma Smith (not printed)	SA 28
29	Parental Alliance for Choice in Education (PACE)	SA 29
30	Paul Robinson	SA 30
31	Brian Jones	SA 31
32	Mo Laycock	SA 32
33	Church of England Board of Education	SA 33
34	Catholic Education Service	SA 34
35	Dr Kenneth Stevenson (not printed)	SA 35
36	Graeme Hitchen	SA 36
37	National Grammar Schools Association	SA 37
38	Professor Stephen Gorard (not printed)	SA 38
39	Slough Borough Council	SA 39
40	Guardian newspaper article (not printed)	SA 40
41	Department for Education and Skills	SA 41
42	Department for Education and Skills	SA 42

43	Department for Education and Skills	SA 43
44	Nick Seaton	SA 44
45	Ann Doubleday	SA 45
46	Politea	SA 46
47	Burnham Upper School	SA 47
48	Department for Education and Skills	SA 48
49	David Miliband MP, Minister of State for School Standards	SA 49
50	David Miliband MP, Minister of State for School Standards	SA 50
51	David Miliband MP, Minister of State for School Standards	SA 51
52	Campaign for Real Education	SA 52
53	Association of London Chief Education Officers	SA 53
54	Philip Hunter, Chief Schools Adjudicator	SA 54
55	David Miliband MP, Minister of State for School Standards	SA 55
56	Campaign for Local Education	SA 56

Reports from the Education and Skills Committee, Session 2003–04

First Report	Public Expenditure: Schools' Funding	HC 112
Second Report	The Work of the Committee in 2002–03	HC 348
Third Report	The Draft School Transport Bill	HC 509–I
First Special Report	Government Response to the Committee's Seventh Report of Session 2002–03: Secondary Education: Pupil Achievement	HC 147