

Fair admissions to higher education: recommendations for good practice

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Foreword by Professor Steven Schwartz

I was asked by Charles Clarke, Secretary of State for Education and Skills, to lead an independent review of the options that English higher education institutions should consider when assessing the merit of applicants for their courses, and to report on the high-level principles underlying these options. I was supported in this review by a Steering Group representing a range of stakeholders. Our review began in June 2003, and this is our final report.

Admissions are the responsibility of universities and colleges themselves, and rightly so. Institutions should be able to set their own criteria, choose their own assessment methods, and select their own students. But it is important that everyone has confidence in the integrity of the admissions process. Access to higher education matters to many people, and so do fair admissions.

Our inquiry has looked at the available evidence relating to admissions. We published two consultation papers and received a large number of responses. I have personally debated and discussed with a wide range of people and organisations some of the most controversial issues facing our review. How do we define merit and what is a fair admissions system? To what extent should background factors be considered when selecting students? What exactly does transparency of admissions criteria and processes mean? Are some assessment methods more reliable and valid than others? Can a system in which large numbers of applicants are offered places based on predicted examination results be fair?

The Steering Group presents in this report a set of five principles which it believes are the basis of fair admissions. We recognise that there may be challenges for some institutions in implementing the principles; but we also believe that it is in the interests of all universities and colleges, as well as applicants, that they are adopted. We make a series of wider recommendations aimed at the education sector as a whole, and we look to those identified in the report to progress these recommendations swiftly.

It is our intention that this report acts both as a catalyst for action, and as a practical guide to fair admissions to which institutions can refer in reviewing and developing their admissions policies and processes.

In publishing this report, I would like to place on record my thanks to the members of the Steering Group, who contributed generously of their time and ideas, and brought a range of opinion and experience to bear on this complex topic.

Finally, to end on a personal note, I was delighted to act as Chair of this review, because I believe that we should be trying to build a society in which as many people as possible are free to make choices about how they live and free to achieve their potential. The fairest and most acceptable way to achieve this is through higher education. If we have a fair admissions system, then success will not depend on connections, money or influence but on talent and motivation. This is a goal worth working towards.

Steven Schwartz
Vice-Chancellor, Brunel University
Chair of the Admissions to Higher Education Review
September 2004

Executive Summary

1. Background

- 1.1 The Admissions to Higher Education Steering Group was asked to develop a statement of high-level principles about admissions that all English institutions providing higher education (HE) could adopt. Its terms of reference, and details of its membership, are available at Appendix 1.
- 1.2 The Steering Group consulted on the issues relating to fair admissions in autumn 2003 and produced a series of draft recommendations for consultation in spring 2004. This is the final report.

2. Why are admissions important?

- 2.1 A fair and transparent admissions system is essential for all applicants. Higher education is a valuable commodity: it can affect salary, job security and power to influence society. The number of people in England who seek an HE qualification has grown enormously, with over 934,000 full-time undergraduate students and an additional 521,000 studying part-time. Overall, the benefits of HE are strong. But they also vary considerably from course to course and between institutions, in terms of both the learning experience and graduate outcomes. The sector is diverse and choice of course and institution matters. In this context, it is vital that all stakeholders in the admissions process – applicants, parents, schools, colleges, teaching and admissions staff – believe the system is fair.

3. What are the issues?

- 3.1 The student population studying HE is diverse, but certain groups are still under-represented. A large number of factors can affect who participates in HE, of which admissions is one. The remit of the Steering Group is not to make recommendations on all these factors, but to focus solely on admissions. Within that context the Group accepts the evidence that admissions processes are generally fair. However, it also believes there is room for improvement and it has identified a number of issues that need to be addressed as we move towards our goal of an admissions system that is both fair and seen to be fair:
 - There are differing interpretations of merit and fairness;
 - It can be difficult for applicants to know how they will be assessed;
 - The information used in assessing applicants may not be equally reliable and consistent;

- Some courses have high drop-out rates, which may be related to admissions processes;
- For courses that are over-subscribed, it can be difficult for admissions staff to select from a growing pool of highly-qualified applicants;
- Some applicants face a burden of additional assessment;
- There is uneven awareness of and response to the increasing diversity of applicants, qualifications and pathways into higher education;
- Most offers depend on predicted grades, not confirmed examination results;
- The legislation applicable to admissions is complex and there is uneven understanding of what it means for admissions policies and processes.

3.2 These issues are addressed in a) the Group's high-level principles for fair admissions; b) the implementation guidelines developed by the Group to support individual institutions in implementing the principles; and c) a set of wider recommendations for the sector as a whole and for key organisations involved in admissions. All of these are summarised below.

4. What is a fair admissions system?

- 4.1 The Steering Group believes a fair admissions system is one that provides equal opportunity for all individuals, regardless of background, to gain admission to a course suited to their ability and aspirations. Everyone agrees that applicants should be chosen on merit: the problem arises when we try to define it. Merit could mean admitting applicants with the highest examination marks, or it could mean taking a wider view about each applicant's achievements and potential.
- 4.2 Prior educational attainment data remains the best single indicator of success at undergraduate level, and continues to be central to the admissions process.¹ However, the Group has considered suggestions that equal examination grades do not necessarily represent equal potential. The effect of social background on attainment begins to appear by the age of two. Many applicants have responsibilities at home or at work, or interrupted schooling, that can affect their educational achievement. And recent research shows that, all other things being equal, students from state schools and colleges tend to perform better at undergraduate level than students from independent schools and colleges.
- 4.3 It is not the task of higher education admissions to compensate for educational or social disadvantage. But identifying latent talent and potential,

¹ This has been demonstrated in respect of A level results, although there is currently a lack of similar evidence about the predictive validity of other Level 3 qualifications.

which may not fully be demonstrated by examination results, is a legitimate aim for universities and colleges which seek to recruit the best possible students regardless of background. Eighty-six per cent of respondents to the Group's first consultation agreed that universities and colleges should consider the obstacles an applicant might have had to overcome, and 65% thought they should take account of an applicant's educational context.

- 4.4 The Steering Group does not want to bias admissions in favour of applicants from certain backgrounds or schools. The Group does, however, believe that it is fair and appropriate to consider contextual factors as well as formal educational achievement, given the variation in learners' opportunities and circumstances. The Group also wants to ensure that the factors considered in the assessment process are accurate and relevant and allow all applicants equal opportunity to demonstrate achievements and potential. This is facilitated by 'holistic assessment,' or taking into account all relevant factors, including the context of applicants' achievements, backgrounds and relevant skills. 'Broad brush' approaches are generally not appropriate; applicants must be assessed as individuals.
- 4.5 The Group recognises that there are practical limitations in the short term on such a comprehensive approach and recommends that, initially at least, institutions apply holistic assessment to borderline applicants and applicants for over-subscribed courses. The Group believes that it is desirable for even the first sift to consider contextual factors in some way, but this will require the standardised provision of agreed information on application forms.
- 4.6 The Group believes it is justifiable for an institution to consider an applicant's contribution to the learning environment; and that institutions and courses which confer particular benefits upon their graduates have an obligation to make reasonable efforts to recruit a diverse student community. The presence of a range of experiences in the laboratory or the seminar room enriches the learning environment for all students. A diverse student community is likely to enhance all students' skills of critical reasoning, teamwork and communication and produce graduates better able to contribute to a diverse society. The Group is aware of a recent decision by the US Supreme Court upholding a university's 'compelling interest in obtaining the educational benefits that flow from a diverse student body'.
- 4.7 Fairness does not mean that the Government should choose students. The Steering Group wishes to affirm its belief in the autonomy of institutions over admissions policies and decisions. Moreover, it should be clearly recognised that it is perfectly legitimate for admissions staff to seek out the most academically excellent students.

5. Recommended principles

5.1 The Steering Group recommends that all universities and colleges should adopt the following principles of fair admissions:

Principle 1: A fair admissions system should be transparent

Universities and colleges should provide, consistently and efficiently through appropriate mechanisms, the information applicants need to make an informed choice. This should include the institution's admissions policy and detailed criteria for admission to courses, along with an explanation of admissions processes. It should include a general indication of the weight given to prior academic achievement and potential demonstrated by other means.

The latest available information should also be provided about the entry qualifications of applicants accepted on each course, and procedures for complaints and appeals. Institutions should conduct and publish a periodic analysis of admissions data, and provide feedback on request to unsuccessful applicants.

Principle 2: A fair admissions system should enable institutions to select students who are able to complete the course as judged by their achievements and their potential

Ability to complete the course must be an essential criterion for admission. In assessing applicants' merit and potential, institutions may legitimately consider other factors in addition to examination results, including: the educational context of an applicant's formal achievement; other indicators of potential and capability (such as the results of additional testing or assessment, including interviews, or non-academic experiences and relevant skills); and how an individual applicant's experiences, skills and perspectives could contribute to the learning environment.

However, applicants should be assessed as individuals: it is not appropriate to treat one applicant automatically more or less favourably by virtue of his or her background, school or college. At any stage in the admissions process, all applicants should be given an equal opportunity to provide relevant information or demonstrate relevant skills. Admissions criteria should not include factors irrelevant to the assessment of merit: for example, institutions should not give preference to the relatives of graduates or benefactors. Admissions staff have the discretion to vary the weight they give to examination results and other indicators of achievement and potential and therefore to vary the offer that they make to applicants, providing this is done in a way which is consistent with the principles of fair admissions.

Principle 3: A fair admissions system should strive to use assessment methods that are reliable and valid

Assessment can legitimately include a broad range of factors. Some of these factors are amenable to 'hard' quantifiable measures, while others rely on qualitative judgements. This should continue: both legal and lay opinion place value on the use of discretion and the assessment of applicants as individuals.

Admissions policies and procedures should be informed and guided by current research and good practice. Where possible, universities and colleges using quantifiable measures should use tests and approaches that have already been shown to predict undergraduate success. Where existing tests are unsuited to a course's entry requirements, institutions may develop alternatives, but should be able to demonstrate that their methods are relevant, reliable and valid. Where qualitative judgements are used, contextual criteria against which applicants are judged should accord with the Steering Group's guidelines. Universities and colleges should monitor and evaluate the link between their admissions policies and undergraduate performance and retention, and review their policies to address any issues identified.

Principle 4: A fair admissions system should seek to minimise barriers for applicants

Admissions processes should seek to minimise any barriers that are irrelevant to satisfying admissions requirements. This could include barriers arising from the means of assessment; the varying resources and support available to applicants; disability; and the type of an applicant's qualifications (e.g. vocational or academic).

Principle 5: A fair admissions system should be professional in every respect and underpinned by appropriate institutional structures and processes

An institution's structures and processes should be designed to facilitate a high-quality, efficient admissions system and a professional service to applicants. Structures and processes should feature: clear lines of responsibility across the institution to ensure consistency; allocation of resources appropriate to the task; and clear guidelines for the appointment, training and induction of all staff involved in admissions. The Steering Group suggests that institutions would find it simpler and cheaper to implement these guidelines if at least part of the admissions process were conducted by centrally located staff.

6. Wider recommendations

- 6.1 The Group welcomes the commitment by the Quality Assurance Agency to review their code in light of its work. The Group also notes that the admissions process would benefit from a more consistent implementation of the code of practice by institutions.

- 6.2 There are also some wider recommendations designed to produce a high-quality admissions process and facilitate holistic assessment while minimising any increase in the overall cost to the HE sector. Many of these recommendations will involve a range of partners in addition to universities and colleges. They are set out in the following paragraphs.

Making applications

- 6.3 The Steering Group asks the Secretary of State for Education and Skills to set up a high-level implementation group as soon as possible to achieve post-qualification applications (PQA). The current system, relying on predicted grades, cannot be fair. It does not meet the Steering Group's recommended principles of fair admissions, since it is based on data which are not reliable, it is not transparent for applicants or institutions, and may present barriers to applicants who lack self-confidence.
- 6.4 The Steering Group welcomes the decision by the Universities and Colleges Admissions Service (UCAS) to extend its electronic services to all applicants for 2006 entry. This has the potential to produce a more integrated service for applicants and effect major improvements to the admissions process.
- 6.5 The Group notes that discrepancies between application systems for full-time and part-time study will make it difficult to implement the Schwartz principles for applications for part-time courses. It therefore recommends that UCAS, in partnership with Universities UK (UUK), the Standing Conference of Principals (SCOP), the Association of Colleges (AOC) and other relevant bodies, should seek views on the issues involved for part-time applicants and make recommendations to a centre of expertise on admissions proposed by the Steering Group (see below).

Assessing applicants

- 6.6 The Steering Group recommends that UCAS and other admissions services review the design of application forms in partnership with higher education admissions staff, schools and colleges. This review should specifically consider the provision of summarised information to help admissions staff to assess contextual factors, such as educational context.
- 6.7 As well as providing greater flexibility and choice for learners, the Steering Group understands that the Tomlinson review of the 14-19 curriculum will provide opportunities to stretch the most able, and that it will allow for more fine-grained, contextual judgements about learners' achievements. This will address the issue many admissions officers currently face, when courses are over-subscribed, in selecting from a growing pool of highly-qualified applicants. The Steering Group welcomes recognition of the need to move towards this greater differentiation as quickly as possible.

- 6.8 The Steering Group also welcomes the Quality Assurance Agency's review of Access courses. Its recommendations relating to consistency of academic standards and description of student achievement are likely to be helpful to admissions staff. Similarly, the Steering Group welcomes the aim of the QCA-led programme on vocational qualifications to develop a unit-based national system of qualifications and credit.
- 6.9 Additional assessment should be kept to a minimum and institutions using it should consider its purpose carefully. However, assessing an applicant's potential for HE study, or recognising ability which may not be reflected fully in Level 3 examination results, is a key issue for fair admissions. It relates directly to the Government's commitment to widen participation. A test that is able to predict performance in HE may help to uncover hidden talent. The Steering Group therefore recommends that a national research study is commissioned from an independent body to assess the idea of a national test of potential. The Group notes that US-style SATs are one test worth exploring, alongside other possibilities. It therefore welcomes the Sutton Trust's proposals for an operational pilot of US-style SATs as a potential common test in the UK, and would welcome the evaluation of other tests with this objective in mind.² If the proposed study concludes that an additional test can help assess potential for HE, and if such a test is to contribute to fair admissions and help widen participation, then equal access to it is essential. The Group believes that any such test must sit within the new 14-19 framework, and that the structure of the proposed new diploma offers an opportunity for the inclusion of such a test. If the proposed research concludes that a national test of potential would offer significant benefits, the Steering Group urges the Government to grasp this opportunity as it takes forward the Tomlinson proposals.
- 6.10 In the meantime, the Group recommends that its proposed centre of expertise on admissions should lead an investigation, in partnership with Universities UK, the Standing Conference of Principals and member institutions, into the scope for greater co-ordination of common tests.

Collaboration to achieve an applicant-centred approach

- 6.11 The Steering Group asks admissions staff and relevant bodies to consider the desirability and feasibility of common interviews.
- 6.12 The Steering Group also believes there may be scope for a more applicant-centred approach to the many forms related to admissions (for example, for financial aid, health checks, and Criminal Records Bureau checks).

² US-style SATs are general aptitude tests, used widely in the admissions process for universities and HE colleges in the United States and elsewhere in the world. The National Foundation for Education Research has conducted research trials in the UK; see McDonald, Newton and Whetton (2001). See too Admissions to Higher Education Steering Group (2003), p.27 for further discussion.

Equality of opportunity within the legal framework

- 6.13 Universities and colleges should review their admissions policies and, together with relevant partners, any special admissions arrangements, with the aim of ensuring equality of opportunity within the legal framework.
- 6.14 The Steering Group believes it is timely for the HE sector as a whole to review special admissions arrangements (for example, compact schemes). Such a review should aim to ensure that there is equality of opportunity across the country for people in similar circumstances to participate in schemes giving preferential treatment or to be considered under special measures.
- 6.15 Universities and colleges should make reasonable efforts to treat EU, EEA nationals and UK nationals not resident in the UK in ways that are as equivalent as possible to the way in which they treat UK-resident applicants. The principles of fair admissions should also be extended to applicants from outside the EU and EEA as far as is practically possible. The proposed centre of expertise on admissions should investigate the issues relating to applicants from outside the EU and EEA, with the aim of establishing guidelines for English institutions in assessing applications.

Advice and professional development

- 6.16 The Group recommends the creation of a central source of expertise and advice on admissions issues, perhaps situated within the HE Academy. Its purpose would be to act as a resource for institutions who wish to maintain and enhance excellence in admissions. The Group recommends that HEFCE initiates discussions on taking this proposal forward, in liaison with UUK, SCOP and UCAS.
- 6.17 The Department for Education and Skills should act to ensure that consistent levels of advice and guidance are available to all applicants. The Steering Group welcomes the role to be taken by UCAS in coordinating the information, advice and guidance services that it provides to schools and colleges.
- 6.18 The Group notes and supports efforts made by professional bodies in adult guidance to ensure an appropriate qualifications framework and appropriate training for their members. The Steering Group urges them to continue this work and to review it in light of this report.

6.19 Where other professional staff (for example, National Health Service staff or teachers) are involved in the admissions process, for example in interviews, they should receive appropriate training from the university or college, and should also receive support and recognition within their own organisations to enable them to carry out this role properly.

7. Options for assessing merit

7.1 The Steering Group lists in Section F methods for assessing merit from which institutions may choose and stresses that these methods should be implemented in accordance with the principles of fair admissions.

8. Reviewing progress towards fair admissions

8.1 Universities and colleges must retain autonomy over their own admissions policies, and the right to make their own judgements in assessing applicants. However, the Steering Group believes that there is a need for some mechanism to review progress in implementing the recommendations on fair admissions. In consultation, 73% agreed that this was necessary, although there were mixed views on what the mechanism should be. The Group asks the Secretary of State for Education and Skills to commission a review of the admissions system after three years, with the aim of assessing progress in implementing the recommendations of this report.

Admissions to Higher Education Steering Group
September 2004
www.admissions-review.org.uk

Section A

Background

Purpose and scope of this review

- A1. The Admissions to Higher Education Steering Group was asked to make recommendations on fair admissions. After examining the evidence and consulting with stakeholders, the Steering Group accepts the evidence that admissions are generally fair, but believes that there is scope for improvement. This set of recommendations is being published at a time when many claims have been made (both accurate and inaccurate) about the admissions process. Biases of one sort or another are alleged.
- A2. This report is intended to bring some clarity to the admissions debate. The review was concerned with the following questions: How should higher education (HE) students be chosen? Are examination scores the only relevant indicators of undergraduate success or should universities and colleges also consider other factors, such as educational context and broader achievements and skills? How can we support admissions staff in their role? To what extent can we offer guidance on assessment methods? What information do applicants need to make informed choices and what feedback, if any, should unsuccessful applicants receive? These questions are of vital interest to employers, schools and colleges, the higher education sector, Government, applicants' families, and, of course, the applicants themselves. This report attempts to answer these questions while at the same time elucidating the principles and processes that constitute a fair admissions process.
- A3. The scope of this report is applications from the United Kingdom for undergraduate courses provided by English institutions.³ Its recommendations relate to applications from mature and young learners with the full range of Level 3 qualifications for part-time or full-time study at degree or sub-degree level. The Steering Group recognises that institutions and individuals in Northern Ireland, Scotland and Wales may well be interested in the implications of the recommendations. The full terms of reference for the Admissions to Higher Education review, and the membership of the Steering Group, are available in Appendix 1.

³ This report covers all institutions providing HE, including those FE colleges which provide HE. Applicants from the European Union and the European Economic Area must, in principle, be treated in the same way as UK applicants. However, extending all aspects of fair admissions principles to these applicants involves complex, longer-term developments across all member states. See E20. Applications from non-EU and non-UK nationals raise a number of financial and other considerations which are not dealt with in this report. The Group notes that it is likely to be in institutions' interests to extend the principles of fair admissions to these applicants, as far as is practically possible. See E21.

- A4. The review specifically covered admissions and thus focused directly on the admissions process. There are a number of related issues that may affect applicants' experience of the admissions process and influence its longer-term outcomes. Some of these issues can be described through the concept of the 'student life-cycle'. They range from raising the aspirations of learners, to curriculum design of HE courses, to employers' policies on graduate recruitment.⁴ The Steering Group is aware of these issues and welcomes measures being taken across the education and higher education sectors, for example through the Aimhigher initiative, to address them. The Steering Group does not, however, make recommendations on these related issues. Other matters to consider include the statutory duties placed on universities and colleges by the Race Relations Act and the Disability Discrimination Act. While this report discusses some implications of the relevant legislation, it does not focus on particular groups of applicants, but aims to make recommendations that are fair for all applicants.
- A5. While applicants for part-time courses are in principle addressed by the recommendations, the Steering Group notes that there are currently barriers to full implementation of the report's guidelines for this group. In terms of access to information, the experience of applicants to part-time courses is different from that of applicants to full-time courses. Part-time courses also often have different entry criteria and application forms. As far as part-time courses are concerned, there are also issues for the HE sector as a whole: some information about applicants for part-time study is collected but information about applicants and courses is not gathered and made available in the same way as for full-time students, even though the Universities and Colleges Admissions Service (UCAS) has expressed its willingness to establish a part-time student information service.

Review method

- A6. The Steering Group undertook a two-phase consultation to inform its work. Its first consultation paper, published in 2003, covered the key issues relating to fair admissions. Draft recommendations were published in April 2004 in a second consultation paper. Responses expressed overwhelming support for the proposed high-level principles, and made many helpful comments on implementation and broader developments. The Steering Group also benefited from discussion and debate at consultation events around the country (see Appendix 2). The results of the consultations were invaluable in informing the thinking of the Group as it sought to clarify the issues which need addressing, and to frame its recommendations. The Steering Group wishes to record its thanks to those who contributed to the consultations. A brief overview of responses to both consultation papers is available in Appendix 3. A fuller analysis of responses and further details of the review process can be found at the Admissions to Higher Education Review's website at www.admissions-review.org.uk

⁴ See for example HEFCE (2001).

Why are admissions important?

- A7. Higher education (HE) is a valuable commodity: it can affect salary, job security and power to influence society. Despite the introduction of fees and the abolition of grants, the financial return of an HE qualification in terms of increased earnings is large.⁵ It is therefore unsurprising that the number of people in the UK who seek an HE qualification has grown enormously (see A12).
- A8. In 2003, more than 470,000 people⁶ applied for admission to full-time courses in UK institutions offering higher education. Because of the expansion of HE, each year there is room for the majority of applicants. But the sector is diverse and the choice of course and institution matters. It matters because the benefits of HE vary considerably from course to course, in terms of both the learning experience and graduate outcomes. This is reflected in different retention rates, graduate employment rates and graduate salaries.⁷ For a proportion of applicants to highly selective courses or institutions, the admissions process involves intense competition for a limited number of places. Failure to gain admission can arouse powerful emotions, and with good reason. The graduates of the most selective universities and courses tend to do well in later life. They get good jobs, they are admitted to the best postgraduate programmes and they develop relationships which will support them throughout their careers.
- A9. A fair and transparent admissions system is essential for all applicants. As we enter an era in which students may face substantial tuition fees, applicants must become informed consumers. They need to know how to compare institutions and courses and how to interpret a prospectus. All applicants, including those from backgrounds currently under-represented in HE, also need to know how to present their attainments to admissions staff so that their achievements are fairly assessed. As will be seen in this report, whether institutions and courses are 'recruiting' or 'selecting',⁸ admissions staff face many common issues in ensuring the best fit between applicant and course, although the methods by which these are addressed may vary.
- A10. Given the fierce competition for the benefits of HE, it is vital that all stakeholders in the applications and admissions process – including schools, colleges, admissions staff, employers and, of course, applicants and their families – believe that the system is unbiased. The system must not only be fair, but must also be seen to be fair. Everyone must feel confident that all applicants with the ability to succeed have a fair chance of gaining admission to higher education.

⁵ See, for example, McIntosh (2004).

⁶ This figure covers all UCAS applicants (UK and overseas) for full-time and sandwich undergraduate study in UK institutions. Total figures for applicants to part-time courses are not available.

⁷ Numerous studies have shown the extent of the variation in benefits which can accrue from different courses and institutions. See, for example, Conlon and Chevalier (2002); Chevalier and Conlon (2003); and Walker and Zhu (2001). Elias and Purcell (2004) do, however, find that, after controlling for other factors, the advantage accrued from attending a pre-1992 university has disappeared seven years after graduation.

⁸ 'Recruiting' takes place when there are sufficient places on a course such that all applicants with the required grades normally get a place. 'Selection' takes place when there are many more applicants than places available.

A11. Our admissions arrangements have developed over time to respond to wider changes in the English education system. However, the pace of change in recent years, in both the secondary and higher education sectors, means there is a need to look closely at whether the admissions system is still appropriate and effective.

Context and recent trends

A12. The numbers of both full and part-time HE students have increased significantly since 1963, and are continuing to rise. There are now 934,000 undergraduate full-time students in England, and a further 521,000 undergraduates studying part-time.⁹ The amount of public funding spent on undergraduate study was estimated to be around £5,000 per student in 2003/04. This figure includes institutional funding, public contributions to tuition fees and student support.

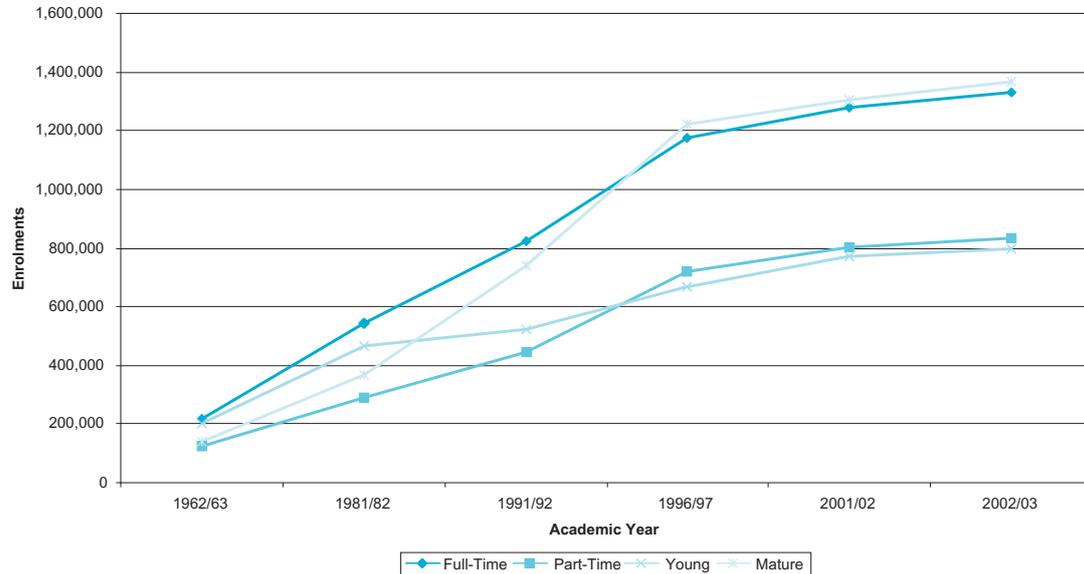
A13. The composition of the HE sector, and of student applicants, has also become more diverse over time in a number of ways. A significant number of students now enter HE without 'traditional' A level qualifications (in 2001, 16% of young entrants and 71% of mature entrants were admitted on the basis of non-A level qualifications such as Access and Vocational Qualifications, and other criteria such as Accreditation of Prior Experiential Learning (APEL)).¹⁰ The number of students studying part-time has risen and accounted for 35% of all undergraduates in 2002/03. Likewise, the number of 'mature' (21 and over) undergraduates in the UK has increased, so that mature students formed around 60% of the total undergraduate population in 2002/03.¹¹

⁹ These figures relate to UK and overseas students studying undergraduate courses at English HE and FE institutions (including the OU) in 2002/03.

¹⁰ Source: the Higher Education Statistics Agency (HESA) Student Record.

¹¹ See footnote 9.

Figure 1: Full-time, Part-time, Young and Mature Undergraduate Enrolments at HE Institutions in Great Britain, 1962/63 to 2002/03



A14. These changing patterns in HE reflect changes elsewhere in the education sector. Educational attainment prior to HE has improved steadily over the past twenty years. The proportion of young people achieving two or more A levels or equivalent has risen from 14.9% in 1982/83 to 34.6% in 1999/2000.¹² 90% of those achieving two A levels and 50% of those achieving a vocational Level 3 qualification enter higher education by age 21.¹³

A15. Today, secondary and further education offer a wider range of opportunities than ever before. Learners have greater choice and can progress to HE by studying both academic and vocational subjects; in recent years there have been a number of initiatives to encourage the uptake of vocational learning.¹⁴ Key Skills aim to encourage the development and recognition of broader skills such as working with others and problem solving. Mature learners can follow similar pathways and have the additional options of Access courses and Accreditation of Prior Experiential Learning (APEL).

A16. In contrast with the past, HE in England is characterised by diversity and mass participation. Depending on the course and the institution, there are significant differences in entry requirements and starting points. Some courses place great emphasis on academic excellence, others place more emphasis on vocational relevance; others may be more learner-centred, aiming to provide learning opportunities appropriate for a particular

¹² Source: the Higher Education Statistics Agency (HESA) Student Record.

¹³ Youth Cohort Study, Cohort 8, Sweep 3, England and Wales.

¹⁴ These include, for example, the introduction of vocational GCSE subjects, the Learning and Skills Council's increased flexibility funding allowing learners aged 14 to 16 to study vocational subjects in FE colleges and the recent reforms of the Apprenticeship programme. The latter now includes Young Apprenticeships (for the 14-16 age group), Apprenticeships (at Level 2) and Advanced Apprenticeships (at Level 3).

community. This diversity should continue: a diversity of institutions, of approaches to learning and of courses allows greater choice for students.

- A17. The Admissions to Higher Education Steering Group recognises that, while admissions processes today continue to benefit from careful planning and management, there is a need to ensure that they respond appropriately to a system of mass participation by a diverse pool of applicants entering HE via a variety of routes. This need is particularly pressing in view of the Government's commitment to expanding the provision of vocational learning pathways and to increasing and widening participation in HE.

Under-representation of certain groups in higher education

- A18. Students from families with professional and non-manual occupations continue to dominate full-time HE enrolments. In 2001/02 only 26% of young entrants to full-time degree courses came from skilled manual, partly skilled or unskilled family backgrounds.¹⁵ This occupational class difference is greater at the more selective universities and colleges. While participation by under-represented groups has increased significantly over the last 10 years, the gap in participation rates is still wide. Its principal cause is the continuing pattern of lower prior attainment by young people from poorer backgrounds. An additional problem is that well-qualified young people from poorer backgrounds are not applying in proportionate numbers to the most selective universities.¹⁶ And while students from minority ethnic backgrounds are over-represented in HE generally, they are under-represented at pre-1992 universities and colleges. This may be due partly to geographic clustering and a preference for particular subjects, but in addition, minority ethnic applicants to some colleges and pre-1992 universities appear to have a lower chance of receiving offers than other applicants, all other things being equal.¹⁷
- A19. Despite recent growth in the number of learners who enter HE with vocational qualifications, research by UCAS found that vocational students cited a number of reasons why they felt disadvantaged. These included a relative lack of guidance about HE and a lack of confidence in the credibility of their qualification due, in part, to difficulty relating it to university entrance

15 See HEFCE (2003b). Over 40% of the UK population is classified as such, based on their current or most recent occupation.

16 See Admissions to Higher Education Steering Group (2003) Appendix 1, for more details.

17 For a fuller discussion of factors contributing to this uneven spread, see Connor et al (2004), p.14-16. Within this general under-representation in pre-1992 institutions, applicants from minority ethnic backgrounds may be over-represented on some courses in these institutions. Students from minority ethnic backgrounds comprise over 30% of the total intake in medicine, dentistry and law, double their average representation across all subjects. These subjects tend to have the most competitive entry requirements and are offered more commonly in pre-1992 universities. (See Shiner and Modood (2002) and Connor et al (2004), chapter 4.) HEFCE has announced its intention to re-examine data on offers to minority ethnic applicants. (See HEFCE (2003a), paragraphs 45-46.)

requirements.¹⁸ It also may reflect a lack of relevant and accessible HE provision, particularly on a part-time basis.¹⁹ Whilst awareness of the diversity of qualifications and pathways into higher education is gradually increasing, knowledge is still uneven across institutions. Learners with vocational qualifications are also spread unevenly across the HE sector (see B22). However, since the introduction of Foundation Degrees in 2001, these issues are beginning to be addressed. Foundation Degrees offer a vocational and flexible route into higher education which has appeal to a wide range of students. Currently, almost half of all Foundation Degree students are studying part-time.

A20. As already noted (A4), this review focused directly on the admissions process. The subjects of prior educational attainment, curriculum design and mode of study lay outside its remit. This report does, however, address whether differences in background and opportunities are relevant to fair admissions.

Methods of assessment for admission to higher education

A21. There is considerable variation in the way in which admissions staff in HE assess the suitability of applicants.²⁰ This reflects the diversity of entry requirements, applicants and learning pathways, but also the uneven relationship between supply and demand. For the majority of applicants and courses, little or no selection is required: if applicants apply for a course that is not oversubscribed and they gain the required grades or level of achievement, then they are likely to get a place. However, if applicants' qualifications are unclear, then admissions staff are likely to seek clarification; and where courses attract more qualified applicants than there are places, some way of differentiating between apparently equally qualified applicants is needed.

A22. Admissions staff for many courses do consider broader factors such as educational context, relevant skills or other indicators of individual potential or capability in addition to Level 3 examination results (and sometimes instead of them).²¹ They generally do so for the following reasons:

- Identifying the potential of students whose ability might not be reflected in their grades;

18 See UCAS (2002).

19 See Sanderson (1999) and Hodgson and Spours (2000).

20 An overview of current practices was included in the Steering Group's first consultation paper, Admissions to Higher Education Steering Group (2003), pages 8-15.

21 English Level 3 qualifications include National Vocational Qualifications Level 3, GCE A levels (General Certificates of Education) and Vocational A levels or VCEs (Vocational Certificates of Education). The Key Skills at Levels 2 to 4 attract UCAS tariff points. See also Glossary and footnote 14.

- Differentiating between apparently equally qualified candidates for courses with competitive entry;
- Encouraging students from a background without a tradition of HE to apply to university or college;
- Recruiting from a pool of diverse applicants those who collectively will form the best possible group of students;
- Assessing course-specific skills or an applicant's suitability for a profession (such as teaching or medicine).

Section B

What are the Issues?

Introduction

- B1. It is important to note that across all universities and colleges, and all subjects, admissions processes generally appear to be fair and there is a great deal of good practice within the sector on which to build.²² This is not to say there are no problems: there is evidence of some discrimination against some minority ethnic applicants in pre-1992 universities and colleges (A18) and there are wider issues relating to fairness that might not be reflected in admission statistics. Furthermore, public perceptions are important. The Government has identified the need to reinforce public confidence in the fairness and transparency of admissions.²³
- B2. The Steering Group has identified the following problems to which it believes solutions are needed as we move towards the goal of admissions processes which are both fair and seen to be fair:
- There are differing interpretations of merit and fairness;
 - It can be difficult for applicants to know how they will be assessed;
 - The information used in assessing applicants may not be equally reliable and consistent;
 - Some courses have high drop-out rates, which may be related to admissions processes;
 - For courses that are over-subscribed, it can be difficult for admissions staff to select from a growing pool of highly-qualified applicants;
 - Some applicants face a burden of additional assessment;
 - There is uneven awareness of and response to the increasing diversity of applicants, qualifications and pathways into higher education;
 - Most offers depend on predicted grades, not confirmed examination results;

²² See National Audit Office (2002), paragraphs 1.19 to 1.20. See, too, DfES (2003b), p.5

²³ See DfES (2003b).

- The legislation applicable to admissions is complex and there is uneven understanding of what it means for admissions policies and processes.

Each of these issues is explored in more depth below and addressed in specific recommendations set out in Sections D and E. Appendix 9 provides a table linking the issues and the recommendations for ease of reference.

There are differing interpretations of merit and fairness

- B3. Everyone agrees that applicants should be selected on merit; the problem arises when we try to define it. Merit could mean admitting applicants with the highest marks in Level 3 examinations, or it could mean taking a more holistic view of an applicant's achievements and potential, looking at the applicant as an individual and taking into account all relevant factors including context, background and relevant skills.
- B4. Although the interpretation of merit is a matter for individual institutions, the Steering Group believes each institution's interpretation of merit should be made explicit in its admissions policy. The purpose of the Steering Group's report is to clarify what is meant by 'fair admissions'. In considering this question, the Group examined a great deal of evidence. The evidence, which is summarised below, suggests that equal examination grades do not necessarily represent equal potential. This has implications for admissions practices, if universities and colleges are indeed to recruit the best students for their courses. It is likely to have implications for oversubscribed courses, where admissions staff need to differentiate between apparently equally qualified applicants; it also has implications for all other courses, as it can help admissions staff judge whether applicants are capable of succeeding.

Educational and socio-economic disadvantage affect pre-entry achievement

- B5. In the UK, young people from skilled manual, partly skilled or unskilled family backgrounds are far less likely to achieve high grades in A level examinations than those from professional, intermediate or skilled non-manual backgrounds.²⁴ The effect of social background on attainment begins to appear by the age of two.²⁵ DfES analysis shows that pupils from lower-income households are over-represented in schools that add the least value to pupils' performance.²⁶ It also shows that pupils from lower-income and higher-income homes alike all make greater progress in schools with a low percentage of pupils with free school meals. This means that some applicants will have grades lower than they might have achieved had they attended a different school, or had their families been wealthier. Clearly, much work is needed to address this disadvantage earlier on in children's lives, but this lies

²⁴ Admissions to Higher Education Steering Group (2003) Appendix 1. This evidence uses A level grades and AS grades taken alongside A levels. It does not include data relating to other Level 3 examinations.

²⁵ DfES (2003a), DfES (2003b).

²⁶ This analysis drew on a number of sources, including Feinstein and Symons (1999), Gibbons (2002), Strand (1997) and Yang and Woodhouse (2001). See also DfEE (2001).

outside the remit of the admissions review. The Steering Group does not believe that the higher education admissions system should be responsible for compensating for social disadvantage or shortcomings in other parts of the education system. What it does believe is that universities and colleges have a responsibility to identify the talent and the potential of applicants and to treat all applicants fairly and transparently. Institutions should also recognise that talent and potential may not be fully demonstrated by examination results. Recruiting the best students for their courses is a legitimate aim and, in order to achieve this aim, institutions should explicitly consider the background and context of applicants' achievements.

The type of school attended affects the predictive validity of examination grades

- B6. Prior attainment is the main known determinant of undergraduate performance.²⁷ However, there has been much debate and research about whether the characteristics of an applicant's school or college affect performance at undergraduate level, once prior attainment has been taken into account. These characteristics include 'school type' (state or independent) and 'school performance' (as measured by the average performance of the school's students in Level 3 examinations).²⁸ The Steering Group has received expert advice on the validity of the most recent studies of schooling effects. This is summarised in Appendix 4.
- B7. On the basis of this expert advice, and with the caveats noted in the rest of this paragraph, the Steering Group accepts the evidence for a 'school type' effect. This means that, other things being equal, students from state schools and colleges tend to perform better at undergraduate level than students from independent schools and colleges. The Steering Group notes the heterogeneity of the independent school sector and the fact that the school type effect may not be consistent across this sector. For example, the school type effect may not apply to low-fee independent schools, but applies strongly to high-fee schools. The Steering Group notes that the state sector is also heterogeneous, and that individual pupils in some state schools may well have advantageous personal circumstances.²⁹ Estimation of the school type effect is more difficult at the highest end of the A level range (where students are most likely to be competing for places on the most selective courses with high entry requirements), though the effect is still valid. Note also that the most recent study, while authoritative, presents only a partial picture: it examines data relating only to 18-year old entrants with A level qualifications entering full-time degree courses. It does not compare the predictive validity of various other Level 3 qualifications, or look at part-time courses.

27 This was confirmed in HEFCE (2003c), though with the caveats noted in B7 about the school-type effect and the focus on 18-year old entrants with A level qualifications.

28 'School type effect' and 'school performance effect' are terms relating to both schools and FE/sixth form colleges. Existing studies on school performance use data only from A/VAS level examinations.

29 For example, their parents might pay for additional tuition outside school.

B8. The Steering Group accepts that there is a lack of consistent evidence for the 'school performance' effect; that is, there is a lack of consistent evidence that students from poorly performing schools do better in higher education than similar students from better performing schools, all other things being equal.³⁰

Other contextual factors can be relevant – but how should they be measured?

B9. Many admissions staff consider other contextual factors, including, for example, an applicant's responsibilities at home or at work and interrupted schooling. Responses to the Steering Group's first consultation suggest that there is widespread support for assessment that takes contextual factors into account. 86% of respondents were in favour of considering the obstacles an applicant might have had to overcome. The effect of such long-term contextual factors on an applicant's pre-entry achievement is not measurable. Nevertheless, contextual factors – and in particular an applicant's response to them – can help to indicate skills and qualities linked to success in HE, such as time management, motivation and conscientiousness.

B10. A related issue is how to consider contextual information fairly, treating applicants as individuals. Emphasising the applicant's response to context, rather than the context itself, may present the most feasible solution. The task then focuses on assessing relevant skills and qualities and on collecting the appropriate evidence for this assessment.³¹

There is agreement that diversity is important, but lack of clarity on how to achieve it

B11. Contextual factors can also include considering an applicant's contribution to the diversity of the student community. It can be argued that diversity brings educational benefits, that students learn not only from tutors, books and laboratories but also from one another. Exposing students to peers from different backgrounds can be seen as an important part of their education. Such views appear to be widely supported: 96% of respondents to the first consultation said it was important for universities and colleges to have students from a wide range of backgrounds.

B12. Although there is broad agreement that diversity is important, there is considerable uncertainty about how it should be considered in the admissions process. The Steering Group recognises that the HE system in England, where admission is normally to a particular course rather than an institution, presents some particular issues for English institutions that have diversity as part of their mission. Specifically, the small numbers of students

³⁰ See Appendix 4.

³¹ These longer-term contextual factors should be treated separately from the factors considered under 'special consideration' regulations, under which a school or college can apply on behalf of a student to an examination awarding body. These regulations allow the awarding body to take into account the effect of circumstances such as recent personal illness, accident and bereavement when awarding grades; see Joint Council for General Qualifications (2003), p.53. There is anecdotal evidence that some HE admissions staff are not aware of these mechanisms and may be asked to consider these circumstances too, possibly leading to 'double counting'.

involved make it difficult, and sometimes impossible, to achieve a mix on each individual course that is representative of wider society.

It can be difficult for applicants to know how they will be assessed

B13. Transparency is important to enable all applicants to make the right choice. With the introduction of variable tuition fees, it will become even more significant because students will be placed more obviously in the role of consumers.

Transparency of criteria and processes

B14. While universities and colleges generally publish their admissions policies as well as admissions criteria and processes for individual courses, the level of detail varies. One particularly important issue that is often unclear is the interpretation of merit and fairness (see B3 and B4). Are equal grades treated as being equal, or is context considered? What else may be taken into consideration? When additional assessment is used, what is its aim? Do applicants know what is expected of them? Assessment is, of course, of limited value if applicants know in advance what to do or say. However, basic information, such as the broad aim of the assessment process and the skills admissions staff are seeking to assess, would give all applicants the opportunity to prepare appropriately, whatever additional coaching and advice they may receive. It may be impossible to level the playing field, but all applicants should be given a good idea of its shape.

Transparency produces informed consumers

B15. Transparency about admissions policies, criteria and processes has the additional benefit of aiding self-selection by applicants. If applicants can see that they are unlikely to meet the criteria for a course, they may be less likely to apply for it. This may result in fewer 'wasted choices' on application forms and could help lower drop-out rates. Conversely, greater transparency might prevent other applicants from wrongly discounting themselves from particular courses.

The information used in assessing applicants may not be equally reliable and consistent

B16. We have seen earlier (B7) that examination results, though the best known single indicator of success in HE, are not always wholly reliable indicators of potential or predictors of undergraduate success. There are additional problems. The study quoted on examination results as a predictor³² – like many – focused on 18-year olds with A levels entering full-time degree courses. There appear to be fewer data available to inform the assessment of other learners. General issues relating to all applicants include: the lack of consistency in information provided by or gathered about applicants; and the reliability and validity of assessment methods.

³² See HEFCE (2003c) and Appendix 4 of the present report.

B17. There is wide variation in the support provided to applicants in preparing their personal statements for application forms. Although guidance is provided by the Universities and Colleges Admissions Service (UCAS), it is not always clear to applicants that information about contextual factors could be relevant. Levels of understanding of what is required vary significantly among staff who advise applicants or write references.³³ Anecdotal evidence suggests that some staff and parents advise to the extent that the personal statement cannot be seen as the applicant's own work. At the other extreme, mature applicants not enrolled at a school or college may rely entirely on their own judgement. These problems may be amplified for applicants for part-time study, who apply directly to the university or college on a form of the institution's design rather than a form of a standard format.

How reliable and valid are additional assessment methods?

B18. A wide range of methods of assessment are in use in addition to Level 3 examinations. These range from considering GCSE results, to aptitude tests, to interviews. Only some of the assessment methods used have been demonstrated to predict undergraduate success. While our generally high retention rates indicate that admissions staff perform their difficult task well, the Admissions to Higher Education Steering Group is concerned that there is generally no expectation within institutions that the reliability and validity of methods being used should have been established and no processes within institutions to approve the criteria adopted. The Group is also concerned that there is no central and authoritative source of advice for admissions staff about the reliability and validity of different methods.

Some courses have high drop-out rates, which may be related to admissions processes

B19. The UK as a whole has one of the highest completion rates for HE among OECD countries,³⁴ but some courses have high drop-out rates. These courses are often at institutions that excel at widening access. The evidence suggests that the decision to drop out is a complex one and that people who drop out do so for a combination of reasons.³⁵ Institutions with courses with high drop-out rates should investigate the reasons for this, and, where these reasons relate to factors which can be assessed in admissions, they should review the reliability of their admissions practices. For example, assessment of applicants' ability to complete the course should take account of the support likely to be available to admitted students. While the Steering Group recognises the financial incentives for institutions to enrol the planned number of students, it believes it is unfair to admit applicants who are unlikely to complete the course.

³³ These include Connexions personal advisors, learning mentors, information, advice and guidance (IAG) staff, and, within schools and colleges, HE and careers advisors.

³⁴ See OECD (2003) pp. 48-49.

³⁵ These typically include lack of compatibility between the student and the course or institution, lack of preparation for higher education, poor academic progress, lack of commitment to the course, financial hardship, and personal problems. See Davies and Elias (2003) and Universities UK (2001).

For courses that are over-subscribed, it can be difficult for admissions staff to select from a growing pool of highly-qualified applicants

B20. A specific issue concerns some very competitive courses, which receive many applications from highly-qualified applicants. Applicants with high marks, who could have once expected to be admitted to their first choice course, may now be rejected in favour of applicants whose qualifications appear more or less identical.³⁶ The unpredictability of the process is one of the reasons why admissions have featured so heavily in the news. Under competitive conditions, perceptions about 'unfair' admissions processes and decisions persist. Lack of transparency in admissions criteria and the patchy provision of feedback to applicants exacerbate the problem.

Some applicants face a burden of additional assessment

B21. Some applicants may face up to six sets of separate requirements: for example, sitting tests or attending interviews. Preparing for and then undergoing this assessment can constitute a significant burden. Multiple additional assessment can make it difficult for applicants to continue to meet their study requirements as well as responsibilities at home or at work. Travel to interview can be expensive and some assessment (for example, auditions and tests) incur costs. These factors could be a deterrent to applicants with limited financial resources or from a background with no tradition of higher education.

There is uneven awareness of and response to the increasing diversity of applicants, qualifications and pathways into higher education

B22. Learners with non-A level qualifications are spread unevenly across the HE sector. While A levels have been the traditional entry requirement for HE courses, significant numbers of students now enter HE with other types of qualification. In 2001/02, 16% of young entrants and 71% of mature entrants were admitted on the basis of non-A level qualifications (such as Access and Vocational Qualifications) and other criteria such as Accreditation of Prior Experiential Learning (APEL), but these entrants were concentrated in some courses (such as nursing) or in some universities and colleges (typically in post-1992 institutions and colleges of higher education). A related issue for some applicants is that key skills qualifications are not recognised by all admissions staff.³⁷

B23. The cause of this uneven spread is unclear. The curriculum mismatch between some vocational and Access qualifications and some HE courses appears to be one factor. This can be a legitimate consideration. Applicants need to be equipped with the knowledge necessary to progress successfully. However, while the Steering Group considers that curriculum development is outside its remit, it does note that some institutions effectively exclude learners with vocational and Access qualifications from many of their courses. The Group welcomes developments – such as bridging courses – to address

³⁶ For example, in 2002/03 the University of Cambridge rejected over 5000 applicants who went on to achieve three or more grade As at A level (University of Cambridge data).

³⁷ UCAS research suggests that 74% of member institutions have at least one course for which Key Skills achievement is encouraged and 49% have at least one course for which Key Skills tariff points are counted towards an offer. Lack of recognition by admissions staff may be due to unfamiliarity with Key Skills, a perceived lack of relevance to the admissions process or the incomplete availability of Key Skills programmes.

curriculum mismatch. Another factor may be the lack of familiarity of admissions staff with some qualifications. If this is the case, it points to a need for better training and continuing professional development. The Steering Group does not consider lack of familiarity with an applicant's qualifications to be a legitimate reason for not considering that applicant.³⁸ The Group also welcomes the work of Aimhigher and the proposed Lifelong Learning Networks as a means of clarifying progression routes within regions.³⁹

There is currently no national credit accumulation and transfer system

B24. There is a problem of credit transfer in the HE sector, with students facing major barriers when attempting to transfer between institutions (and sometimes even when transferring between courses within the same university or college). In the White Paper, *The Future of Higher Education*,⁴⁰ the Government asked the Higher Education Funding Council for England (HEFCE) to look at credit systems, including compatibility with the European Credit Transfer System. Universities UK (UUK) and the Standing Conference of Principals (SCOP) have set up a group, chaired by Professor Bob Burgess, Vice Chancellor at the University of Leicester, to scope this topic, among others. The Admissions to Higher Education Steering Group welcomes recognition of this problem and hopes that the recommendations of the Burgess Group, expected in autumn 2004, will identify action to make progress on this issue.

Most offers depend on predicted grades, not confirmed examination results

B25. Admissions offers are mostly based on predicted examination grades that are confirmed later. Overall, half of predictions are accurate and half are not (although the accuracy of predictions varies by school/college and by subject).⁴¹ Several reviews have recommended that the education sector adopt a post-qualification applications system (PQA) in which admissions decisions are made after examination grades are known.⁴² Such a system is likely to be fairer and more efficient. In addition, it might help students who lack self-confidence, because, for example, they are unfamiliar with higher education or because of their current educational or personal circumstances. It might help students on one-year Access courses who must currently apply at a point when they and their tutors may not have an accurate picture of

38 In the case of Access courses, it can be difficult for admissions staff to achieve familiarity. Variations in the requirements for the award of the Access certificate and in methods of recording student achievement are a cause for concern among admissions staff. The Quality Assurance Agency (QAA) has recently undertaken a review of Access to HE provision (QAA, 2004). A database of QAA-recognised Access courses is available on the UCAS website at: www.ucas.com/access/index.html

39 See HEFCE (2004).

40 See DfES (2003a).

41 See Dhillon (2004). This research looked at predicted grades submitted to the AQA examination board, which is only one of several examination boards, not at all predicted grades submitted through UCAS. However, the findings are broadly similar to those in UCAS's own research.

42 The CVCP-led Review of National Applications/Admissions Systems (1994-96) and (1998-99) proposed a model for PQA which was subsequently rejected in consultation. In 1996 the findings of the CVCP enquiry were passed to the Dearing committee - see Dearing (1996). See also DfES (2002); Commission on the Organisation of the School Year (2000); and House of Commons (2001).

their capabilities. There is anecdotal evidence that some students currently might choose not to apply at all, or may restrict their choice of course, because they do not think their marks will be good enough. In a post-qualifications system, they would already know their marks before applying. However, PQA might reduce the amount of time available for assessing applicants.

The legislation applicable to admissions is complex and there is uneven understanding of what it means for admissions policies and processes

B26. The Human Rights Act, Race Relations Act, Sex Discrimination Act, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sexual Orientation) Regulations 2003 and Disability Discrimination Act all have an impact on admissions policies and processes. Since this legislation is complex, and much of it untested in the courts, it can be difficult for universities and colleges and individual admissions staff to be certain their policies and processes are lawful. While there are staff development programmes in universities and colleges covering the legal framework for admissions, there is still an uneven understanding of what can be considered and why. For example, not all admissions staff are clear that improving access to HE for disadvantaged or under-represented groups is a legitimate aim for institutions and that the European Court of Human Rights⁴³ has held that the aim of redressing a pre-existing situation of inequality is a legitimate objective of differential treatment. This is particularly important in relation to special admissions arrangements such as 'compacts'⁴⁴ or other schemes aiming to address existing inequalities. Appendix 5 outlines some of the legal issues that institutions providing higher education need to consider when developing their admissions policies and procedures.

43 See Belgian Linguistics Case (1968) and Lindsay v UK (1986).

44 See footnote 66 for a brief description of compact schemes.

Section C

A Fair Admissions System

Introduction

C1. The Admissions to Higher Education Steering Group believes in the autonomy of institutions over admissions policies and decisions. Fairness does not mean that governments should choose students. Preserving academic freedom requires that academic institutions retain three basic rights in relation to teaching: the right to choose who will teach, what will be taught and to whom. This means that the specific applicants that a university or college accepts should be a matter for each institution and no one else. Moreover, it should be clearly recognised that it is perfectly legitimate for admissions staff to seek out the most academically excellent students. Admissions must, however, be fair to applicants, and in developing its recommendations, the Steering Group has paid particular attention to the interests of applicants.

What is a fair admissions system?

- C2. After considering the issues, evidence and arguments summarised in the earlier parts of this report, the Steering Group has reached the opinion that a fair admissions system is one that provides equal opportunity for all individuals, regardless of background, to gain admission to a course suited to their ability and aspirations.
- C3. The Steering Group believes that admissions should not be biased in favour of applicants from certain backgrounds or schools. The Steering Group does, however, want to ensure that the factors considered in the assessment process are accurate and relevant and allow all applicants equal opportunity to demonstrate achievements and potential. This is facilitated by 'holistic assessment'.

Holistic assessment

C4. In practice, the admissions process is often straightforward. If applicants clearly demonstrate that they meet the necessary course entry requirements, and the course is not over-subscribed, they receive an offer. However, when it is unclear whether an applicant meets the necessary course entry requirements, when there are more qualified applicants than can be accommodated, or when applicants' suitability for some professions or courses is being assessed, admissions staff consider additional types of information. These might include, but are not limited to, personal statements, the school or college reference and the results of additional assessment, including interviews. The Steering Group believes that it is fair and appropriate to consider contextual factors as well, given the variation in

learners' opportunities and circumstances. Assessment that considers a broad range of additional information, including relevant skills and contextual factors as well as academic achievement, can be termed 'holistic assessment'. The Steering Group believes that the use of holistic assessment, when further information about a candidate is needed, reflects the aims and nature of the English HE system. (In some countries, by contrast, admissions staff rely solely on examination results and differentiate between applicants as necessary by looking at these results in finer detail.) Ideally, the achievement of all applicants would be clarified and supplemented through holistic assessment and the Steering Group makes some recommendations to facilitate this in the longer-term (see E5 and E8). The Steering Group recognises that there are practical limitations in the short term in applying such a comprehensive approach and recommends that, initially at least, institutions apply holistic assessment to borderline applicants and applicants for oversubscribed courses.⁴⁵ For holistic assessment to be fair, admissions staff considering relevant skills or contextual factors should treat each applicant as an individual and should use an evidence-based approach. Admissions staff should not make generalised assumptions solely on the basis of the applicant's social background or school/college.

A diverse student body

- C5. The Steering Group also believes that it is justifiable for an institution to consider an applicant's contribution to the learning environment. This is because the presence of a range of experiences and perspectives in the laboratory or in the seminar room enriches the learning environment for all students. The Steering Group believes that a diverse student community is likely to enhance all students' skills of critical reasoning, teamwork and communication, and to produce graduates better able to contribute to a diverse society.⁴⁶ The Steering Group is aware of a recent decision by the US Supreme Court upholding a university's 'compelling interest in obtaining the educational benefits that flow from a diverse student body'.⁴⁷ A range of evidence was presented in that case to illustrate these benefits.
- C6. Furthermore, the Steering Group believes that those institutions and courses which confer particular benefits on their graduates have an obligation to make reasonable efforts to recruit a diverse student community. On this point, the Steering Group endorses the view taken by the House of Commons Education and Employment Committee in its Fourth Report⁴⁸. The committee says it is desirable 'to achieve a more representative social mix in admissions to high-status research-intensive universities, many of whose graduates go on to occupy positions of power and influence in business, industry, the professions and in politics'.

45 The practical implications of holistic assessment are discussed in D11 and D12 and in E5 to E15.

46 Recognition of the value of a diverse learning environment and a diverse teaching body and police force is reflected in the setting of targets for the recruitment of teachers and police officers from minority ethnic backgrounds. See

<http://www.homeoffice.gov.uk/crimpol/police/equality/dismantlingbarriers.htm> and <http://www.tta.gov.uk/php/read.php?articleid=1006§ionid=46>

47 United States Supreme Court (2003). This comment was in relation to admissions practices at the University of Michigan Law School.

48 House of Commons, Education and Employment Committee (2001), paragraph 74.

Section D

Principles Underpinning Fair Admissions

Introduction

D1. Section B of this report identified problems with the current admissions system. Section C set out the Steering Group's definition of fair admissions and its views on matters that it believes institutions striving for fairness should consider. The next two sections of the report are concerned with how the problems the Steering Group has identified can be addressed. This section recommends a set of high-level principles that the Group believes underpin fair admissions, and which received overwhelming support in the consultation exercise. It also presents guidelines for universities and colleges in applying these principles. Section E makes wider recommendations for universities and colleges and other bodies with the aim of producing a high-quality and cost-effective system that is workable for all participants. For ease of reference, Appendix 9 provides a table setting out the links between the problems, the principles and the recommendations.

Principles underpinning fair admissions

- D2. The Steering Group recommends that universities and colleges adopt admissions principles that will support:
- Transparency;
 - Selection for merit, potential and diversity;
 - Reliability, validity and relevance;
 - The minimising of barriers;
 - Professionalism.
- D3. The principles, and the accompanying guidelines for their implementation by universities and colleges, are discussed in detail in this section. Development of both the principles and the guidelines has been informed by the Human Rights Act, Race Relations Act, Sex Discrimination Act, Disability Discrimination Act and other relevant legislation. Universities and colleges may also wish to refer to Appendix 5 for further clarification of legal considerations. They should also refer to the Quality Assurance Agency's code

of practice on recruitment and admissions for guidance on some related procedural matters.⁴⁹ The diversity of the HE sector means that the mission and aims of institutions will vary, and that some courses are likely to have more flexible entry requirements than others. For these reasons, the implications of the Steering Group's guidelines for admissions practice will vary between and within institutions.

- D4. In implementing the principles and guidelines, institutions need to consider the diversity of applicants and learning pathways. The principles and guidelines apply to all applicants – mature and young, from all ethnic groups, with the full range of Level 3 qualifications – for all types of undergraduate HE study: part-time and full-time, sub-degree (including Foundation Degree) and degree. As already noted, current arrangements for applicants to part-time study and information provision about part-time students present barriers to full implementation of the report's guidelines. (Our recommendations on part-time students are at D19 and E6.)

Transparency

Principle 1: A fair admissions system should be transparent

Guidelines: information

- D5. The Cooke report and the Quality Assurance Agency's (QAA) code of practice both emphasise the importance of providing applicants with the information they require to make an informed choice of course and institution.⁵⁰ Many universities and colleges already provide a lot of useful information for applicants. Responses to the Steering Group's consultations indicate there is still a need to support and extend this type of good practice to ensure that information is consistent across the sector and easily accessible.⁵¹ The Steering Group encourages universities and colleges to provide information consistently and efficiently through appropriate mechanisms, and to signpost this information in their prospectuses. Information should include:
- i. admissions policy and detailed criteria for admission to courses, with an explanation of admissions processes. This should indicate
 - the likely weight given to prior academic achievement and potential demonstrated by other means
 - how applicants may demonstrate potential and relevant capability

49 Quality Assurance Agency (2001). There is some overlap between the QAA code and the recommendations of this report. The major difference is that this report presents principles and the reasoning behind them.

50 The Cooke recommendations (HEFCE, 2002) include publishing figures for entry grades, completion and first destination or employment outcomes - see paragraph 12a, p9 for details. See too QAA (2001).

51 An example from consultation illustrates just how important this is. Woolton Bassett School wrote 'Current minimum grade requirements published in prospectuses often mis-lead applicants and lead to some students wasting their choices. [The recommendations] would be very helpful in giving students help in making realistic applications.'

- whether such potential and relevant capability will be considered on top of a set level of examination results or is a means of earning credit alongside a flexible level of examination results (see D14);
- ii. the latest available information about entry qualifications of applicants accepted on each course in previous years (including median and range);⁵²
- iii. a periodic analysis of admissions data for the institution as a whole (indicating offer rates for applicants from particular ethnic and social groups, and by school type and sex);⁵³
- iv. clearly signposted procedures for complaints and appeals with mechanisms in place (for example, clear audit trails for admissions decisions) to allow the provision of appropriate information (see also D8, D25(i) and Appendix 6).

The information relating to specific courses should also be included in UCAS or equivalent entry profiles⁵⁴. The Steering Group welcomes the progress being made in developing entry profiles for all courses and urges universities and colleges to contribute as appropriate.⁵⁵

- D6. In addition to information published directly by institutions, data on the quality and standards of HE programmes will be available to potential applicants through a new national 'Teaching Quality Information' (TQI) website to be hosted by Higher Education and Research Opportunities in the UK (HERO). Institutions should signpost applicants to this site from their prospectuses⁵⁶. The information available will include detailed, quantitative Higher Education Statistics Agency (HESA) data on students' entry qualifications, progression, completion of awards, and employment rates⁵⁷, together with information on learning and teaching strategies, summaries of findings of external examiners, and other qualitative information provided by institutions.
- D7. While recognising that the TQI website will become an increasingly important source for applicants, the Group recommends that relevant information should also be made available to applicants in other easily accessible and targeted ways, including application information packs, and signposted from the Aimhigher portal and institutional prospectuses (www.aimhigher.ac.uk) and the UCAS website (www.ucas.com)

52 The timetable for the preparation of printed prospectuses would preclude use of the most recent data, but such data could be available or signposted from institutions' websites.

53 The practical implications of this analysis will need to be explored more fully (see the Steering Group's initial impact assessment on the Review website at www.admissions-review.org.uk)

54 Entry profiles are drawn up by individual institutions to provide details of entry criteria, including non-academic attributes, of courses within the UCAS scheme.

55 Currently 14,500 courses have entry profiles and a further 6,000 are in production. The aim is for 75% of all courses to provide entry profiles by December 2004 and 85% by July 2006.

56 Available at: www.tqi.ac.uk

57 In a market economy, applicants should be equipped to make informed choices. In this matter, the rights of the applicant should take precedence over potential objections by institutions to the use of these rates. Universities and colleges may wish to provide explanatory notes on the data where necessary. The Lambert Review has also recommended that data on graduate starting salaries be published. See Lambert Review (2003).

Guidelines: feedback

D8. The Steering Group believes that universities and colleges should provide feedback on request to unsuccessful applicants. In the first instance, 'feedback' means explaining why an applicant was unsuccessful. The Steering Group recognises that there will be practical constraints on the form of feedback that can be given (some courses attract 30 applicants for every place). The Steering Group recommends that each institution decide for itself the form of the feedback it can offer applicants. The QAA Code of Practice on Recruitment and Admissions recommends that all institutions should consider how decisions and the reasons for these decisions are recorded. The Steering Group considers that it is essential for institutions to have an audit trail documenting reasons for admissions decisions and that this audit trail provide the basis for feedback. In many cases feedback is likely to be straightforward (as when an applicant does not have appropriate grades or levels of achievement). An example feedback letter is at Appendix 7. To facilitate the provision of both an audit trail and feedback, the Steering Group encourages universities and colleges to provide appropriate training for admissions staff in documenting reasons for admissions decisions – see too D25(iii). The Steering Group considers that there are potentially significant efficiencies to be gained from developing methods of electronic scoring to complement electronic application forms (see E5). Some requests for feedback may take the form of queries about the processes involved. Such queries are likely to be answered more easily when an institution's processes are clearly laid out. Queries about processes have the potential to become complaints (see D25(i)). The publication of clear information about admissions criteria and processes may itself help reduce the number of requests for feedback.

Selecting for merit, potential and diversity

Principle 2: A fair admissions system should enable institutions to select students who are able to complete the course as judged by their achievements and their potential

Guidelines: key tenets

- D9. Two important beliefs held by the Steering Group underlie the recommendation of this principle:
- Ability to complete the course is an essential criterion for admission to HE;
 - Applicants should be assessed as individuals: it is not appropriate to treat one applicant automatically more or less favourably by virtue of his or her background or school/college.

Guidelines: Level 3 qualifications

D10. Prior educational attainment remains the best single known indicator of retention and success at undergraduate level. This has been demonstrated clearly in relation to A level results, although the lack of analysis across the full range of qualifications, learners and courses has already been noted (see E22 for a recommendation on this issue). The continuing use of prior attainment data will of course need to reflect future changes in Level 2 and 3 qualifications. This includes changes that may be implemented as a result of the Tomlinson review,⁵⁸ the review of vocational qualifications for young and mature learners by the Qualifications and Curriculum Authority, the Learning and Skills Council and the Sector Skills Development Agency, and the Quality Assurance Agency's review of Access courses.⁵⁹

Guidelines: considering other factors

D11. In assessing applicants' merit and potential, universities and colleges may usefully consider a broad range of information in addition to examination results, including relevant skills and contextual factors.⁶⁰ These include:

- i. The educational context of an applicant's formal achievement. Universities and colleges should refer to recent studies on schooling effects (see B6 – B7 and Appendix 4). These studies indicate that the type of school attended can affect the ability of examination results to predict performance in HE. The studies suggest that equal grades do not necessarily represent equal potential: the ability of two applicants with the same grades might differ. Conversely, two applicants with different entry grades might perform equally well in HE. The studies do not, however, provide evidence for adopting a 'broad brush' approach that automatically requires higher or lower grades from particular applicants. Universities and colleges should be mindful of the heterogeneity of both the independent and the state/maintained sectors and the influence of factors other than schooling;
- ii. Indicators of individual potential and relevant capability, such as
 - the results of additional testing or assessment, including interviews
 - an applicant's non-academic experiences and relevant skills, such as practical skills or the Fair Enough? criteria.⁶¹ These skills can be

⁵⁸ See DfES (2004).

⁵⁹ QAA, 2004. The programme to develop a more responsive system of vocational qualifications was initiated by the Parliamentary Under Secretary of State for Skills and Vocational Qualifications. Details of the programme are available at http://www.qca.org.uk/qualifications/types/592_1619.html

⁶⁰ This will generally be for reasons outlined in A22 above. However, admissions staff considering information about schools and colleges would need to ensure that applicants from Northern Ireland, Scotland and Wales were not disadvantaged by a lack of access to similar information about schools and colleges there.

⁶¹ The Universities UK 'Fair Enough?' project identified a number of objective criteria linked to success on courses. Generic criteria include being self-organised, motivated to learn and interested in the subject area, and working well independently. See Universities UK (2003), p.8. A number of universities and colleges are currently piloting these criteria in admissions. The Joint Information Systems Committee (JISC) Lifelong Learning Programme will review the use of these criteria alongside existing methodologies. There is some overlap between Fair Enough? criteria and key skills.

demonstrated in a range of contexts. For example, applicants can demonstrate that they are self-organised by successfully fulfilling responsibilities at home or at work while meeting study requirements. The ability to study well independently could be demonstrated by a high-achieving applicant from a school or college with high teacher turnover, or without home support;⁶²

- iii. The educational benefits of diversity. Generally, admissions staff are not legally permitted to consider an applicant's race, sex, sexual orientation or religion in determining whether or not an application is to be accepted.⁶³ However, they may consider an individual applicant's experiences, skills and perspectives and how these could contribute to the learning environment of the course or to the wider student community. When doing this, admissions staff
 - should consider a broad range of potential contributions to the diversity of the student community. These could include, for example, paid or unpaid work experience, gap year experiences, home responsibilities, experience of diverse communities or cultures, and musical or sporting skills
 - should not automatically make offers to or require higher or lower grades from applicants from particular groups, backgrounds or schools, although in some cases universities and colleges may have special admissions arrangements (see D12(ii) below)
 - should not seek to establish quotas for applicants from particular groups, backgrounds or schools.⁶⁴

Guidelines: opportunity to present information

D12. At any stage in the admissions process, all applicants should be given an equal opportunity to provide relevant information or demonstrate relevant skills. Special measures may be adopted for certain applicants if these measures are required to allow them to be considered on an equal footing with other applicants: for example, interviews to clarify the curriculum

⁶² Demonstrating capabilities and potential through skills developed in response to challenging circumstances indicates a positive accomplishment. This is different from and separate to the existing process of applying to an examination awarding body for special consideration, as discussed earlier (see footnote 31).

⁶³ Compliance with the Disability Discrimination Act (DDA) requires a different approach. Admissions staff are obliged to consider an applicant's disability, and to make reasonable adjustments where their admissions arrangements place a disabled applicant at a substantial disadvantage: see section 28T DDA. In addition, the DDA does permit universities and colleges to discriminate against disabled applicants where the discrimination is justified (for example, in order to maintain academic standards): see DDA section 28S.

⁶⁴ Quotas usually involve setting a number or proportion of places for applicants from particular groups, backgrounds or schools and seeking to recruit that number. Such applicants are often considered separately from other applicants. It is not legal in the UK to set quotas in relation to race, sex, disability, sexual orientation or religion. Quotas in relation to other criteria are not necessarily unlawful, but issues of indirect discrimination may arise and such quotas would need to be shown to be objectively justified. Quotas are not the same as targets, which universities and colleges may set in order to inform the direction and scale of policy and planning, and will not necessarily result in a particular number of admissions from any particular group, background or school.

covered in a qualification.⁶⁵ Institutions considering additional information or skills should consider the following points:

- i. In assessing applications, admissions staff may be constrained by practical issues. Admissions staff dealing with large numbers of applications may not have time to assess each applicant holistically. The process of 'sifting' applicants, applying more complex methods of assessment with each successive sift, is used widely and is an appropriate response to this problem. The Steering Group believes that it is desirable for the first sift to consider contextual factors in some way, but acknowledges that this would require the standardised provision of agreed information on application forms (see also E5 and E8);
- ii. The Steering Group recognises that compact and related schemes do much good work in encouraging and supporting learners in progressing to higher education and supports the continuation of this work.⁶⁶ Compact schemes and other measures that confer an advantage in the admissions process may be adopted if they can be objectively justified and it can be demonstrated that the scheme is proportionate to its aim. Raising aspirations and improving access to HE for those from disadvantaged or under-represented groups is generally a legitimate aim. Compact schemes could be vulnerable to legal challenge if they target only a limited number of schools or colleges, or give only some disadvantaged potential applicants the opportunity to participate (see Appendix 5).⁶⁷ The Steering Group encourages universities and colleges to collaborate in schemes such as compacts to provide parity of opportunity across England (see E19). Such schemes should be monitored to ensure that they do not inadvertently discriminate on the basis of ethnic background, religion, disability or sex.

Guidelines: irrelevant factors

D13. Admissions criteria should not include factors irrelevant to the assessment of merit. For example, this means that institutions should not give preference to the relatives of graduates or benefactors.

Guidelines: discretion

D14. Admissions staff have the discretion to vary the weight they give to examination results and other indicators of achievement and potential. This means that admissions staff have the discretion to vary the offer that they make to applicants, provided this is done consistently with the principles of fair admissions.

⁶⁵ Better training of admissions staff and provision of relevant information on Level 3 qualifications will help to minimise the need for some measures.

⁶⁶ Compacts are arrangements between providers of higher education and secondary or further education. Their primary aim is to raise aspirations and improve knowledge of HE. They often require a student to identify and progress towards key steps (such as attendance and homework targets) that will help prepare him or her for HE study. They can also allow for students in partner schools and colleges to receive an advantage in the admissions process, provided they meet their targets.

⁶⁷ Those institutions with admissions policies that include special consideration of applicants from a particular geographical area (for example, 'local applicants') are advised to seek specific legal advice.

Reliability, validity and relevance

Principle 3: A fair admissions system should strive to use assessment methods that are reliable and valid

Guidelines: admissions policies and procedures

- D15. As noted above (C4), assessment can legitimately include a broad range of factors. This will help give all applicants equal opportunity to demonstrate achievements and potential. Some of these factors are amenable to 'hard' quantifiable measures (for example, the use of examination grades to measure achievement), while others rely on 'soft', qualitative judgements (for example, the effect of personal circumstances on that achievement). This should continue: legal and lay opinion both place value on the use of discretion and the assessment of applicants as individuals.
- D16. The process of assessing applicants, whether using quantifiable or qualitative measures, should be transparent and the reasons for decisions should be recorded. All assessment methods should be informed and guided by current research, good practice, relevant national reports and guidelines of professional bodies.⁶⁸ Staff conducting assessments should have received appropriate training (see D25). When interviews are used, the Steering Group specifically recommends that they are structured, as these are more likely to predict undergraduate success.⁶⁹ Admissions policies and procedures should cover, among other important information, details of all the assessment methods used by the institution. These may include:
- Structured interviews and auditions;
 - Additional testing;
 - Use of tests other than Level 3 qualifications.
- D17. Where qualitative judgements are used, contextual criteria against which applicants are judged should accord with the guidelines described in D11. Subject-specific criteria should be agreed by the institution's Admissions Committee (see Appendix 6) to be relevant. The Steering Group believes that the proposed centre of expertise in admissions (E22) would play a useful role in sharing and confirming good practice in relation to qualitative criteria.

⁶⁸ The latter includes, for example, the Bristol Royal Infirmary Inquiry (2001) (also known as the Kennedy Report), which includes recommendations for admissions processes for medical and other health-related courses.

⁶⁹ In an overview of literature relating to the validity of medical school interviews, Ferguson, James and Madeley (2002) conclude that interviews can provide 'useful additional information that has predictive power for outcome' (p.956). Kreiter, Yin, Solow and Brennan (2004) test the reproducibility of interview scores (again for admission to medical school) and conclude that interviews are not reliable. See, too, Patterson, Lane, Ferguson and Norfolk (2001) for description of a competency-based selection system for general practitioner registrars in which structured interviews are judged to help to elicit useful information.

D18. Where possible, universities and colleges using quantifiable measures should use tests or formats that have already been shown to predict undergraduate success. If existing tests or formats are unsuited to assessing a course's entry requirements, then institutions may develop alternative quantifiable measures, but should be able to demonstrate that these are relevant, reliable and valid.⁷⁰ The Steering Group notes that, given the current evidence base, institutions may not yet be able to comply fully with this recommendation. The Steering Group would welcome a central specialist source of advice for institutions on admissions (E22), which could play a significant role in developing common agreement across the sector on the reliability and validity of methods of assessment. Until the evidence base improves, institutions should consider carefully whether additional quantifiable assessment is necessary and whether alternative means of assessing applicants would be appropriate (see too E10 to E15). The Steering Group also notes that using valid and reliable measures does not mean that test results should be interpreted mechanistically: admissions policies and procedures should continue to allow the use of discretion and informed academic judgements in making decisions about individual applicants.

Guidelines: application forms

D19. Universities and colleges, in partnership with schools and colleges, UCAS and other bodies as appropriate, should review application forms, and any other forms used in assessment, with the aim of making sure they elicit relevant information consistently across applicants and allow applicants equal opportunity to demonstrate their suitability for the course. This may require, for example, redesign of the UCAS form and its equivalents, including university and college application forms for part-time students (see E6).

Guidelines: links between policies and procedures and performance

D20. Universities and colleges should monitor and evaluate the link between their admissions policies and procedures, their undergraduates' performance and retention rates, and they should review their admissions policies or support services as appropriate to address issues identified. Issues can include poor performance and retention, either across all students, on a course, or among those with particular characteristics.

⁷⁰ In this context, the Steering Group defines 'reliable' as meaning that two people applying the same method would reach the same conclusion about the same person, and 'valid' as meaning that the method predicts what it is supposed to predict.

Minimising barriers

Principle 4: A fair admissions system should seek to minimise barriers for applicants

Guidelines: potential barriers

D21. Admissions processes should seek to minimise any barriers that are irrelevant to admissions requirements.⁷¹ This guideline applies to barriers potentially arising from:

- Means of assessment;
- The varying resources and support available to applicants;
- Disability;
- The type of an applicant's qualifications.

D22. Each institution should consider these issues in relation to its own admissions processes, bearing in mind that each applicant needs to address the requirements of up to six course choices.

D23. Admissions staff are generally aware of the varying support and resources available to applicants. There is already much good practice in ensuring that financial difficulties do not prevent participation in additional tests or travel to interview, and that testing and assessment processes are designed carefully and explained as clearly as possible to minimise the effect of disabilities or coaching. There is general recognition that administrative processes and interview and assessment arrangements should use applicants' time efficiently and consider their personal convenience, including their responsibilities at home or at work. In all these areas, universities and colleges should support and extend good practice.

D24. There is similarly much good practice, particularly in post-1992 universities and in colleges offering higher education, in providing opportunities for progression from work-based and work-related learning pathways. Learners would benefit from clearer identification of progression opportunities across the HE sector. Universities and colleges should support admissions staff in making informed judgements about the suitability of individual applicants through regular training and updating on the full range of qualifications and of pathways into higher education. Admissions staff should also have access to specialist advice on Level 3 equivalent qualifications from EU and other countries.⁷²

⁷¹ There are many potential barriers to entering HE, including, for example, low aspirations and achievement and fear of debt. Much is being done across the sector to address these barriers. This section is concerned with barriers specific to the admissions process.

⁷² Institutions may seek information and advice about the comparability of qualifications from over 180 countries across the world from UK NARIC, the National Academic Recognition and Information Centre for the United Kingdom. UK NARIC is a national agency under contract to the Department for Education and Skills; see www.naric.org.uk for details. UCAS also produces a guide to international qualifications: see <http://www.ucas.com/candq/inter/index.html>

Professionalism

Principle 5: A fair admissions system should be professional in every respect and underpinned by appropriate institutional structures and processes

Guidelines: institutional structures and processes

D25. Admitting students to higher education is a serious undertaking. The outcomes of admissions decisions are of interest to many stakeholders: parents, employers, schools and colleges, Government and, of course, applicants. An institution's structures and processes should be designed to facilitate an efficient, high-quality admissions system and a professional service to applicants. Institutional structures and processes should feature the following:

- i. Clear lines of responsibility for admissions policy and processes across the institution to ensure
 - the consistent implementation of institution-wide policy and processes
 - that course-specific criteria and assessment methods are consistent with institutional guidelines
 - the efficient provision of feedback on request to applicants and clear procedures for complaints and appeals;
- ii. Allocation of resources appropriate to the task. This may involve
 - providing appropriate administrative assistance
 - adjusting the teaching workload of academic admissions staff to give them sufficient time for their admissions duties
 - raising the status of admissions as a task, perhaps by considering institutional recognition and reward of good practice by admissions staff;
- iii. Clear guidelines for the appointment, training and induction of all staff involved in admissions. Training for those assessing applications is likely to include
 - information about external issues, such as the full range of UK Level 3 qualifications,⁷³ progression routes, equal opportunities, and relevant legislation. The Steering Group welcomes the UCAS-co-ordinated initiative to provide a national accredited programme of continuing professional development for admissions staff

⁷³ Institutions should have processes to obtain accurate information about the qualifications of EU and EEA applicants. See, too, footnote 72 above.

- information about the institution's policies and processes and, where applicable, training in assessment methods used within the institution or for a particular course
- advice on the proper recording of admissions decisions.

D26. It is desirable for such training to be of a consistently high-quality across the sector, and the Steering Group recommends that UCAS lead discussion on some form of quality assurance for institutions' own training in this area. Where other professional staff (for example, National Health Service staff or teachers) are involved in the admissions process, for example in interviews, they should also receive appropriate training, support and recognition within their own organisations for this role.

D27. The Steering Group suggests that institutions would find it simpler and cheaper to implement the guidelines in D25 if at least part of the admissions process were conducted by centrally located staff. Having a smaller number of staff making decisions produces efficiencies (in training, for example) and facilitates consistent implementation of agreed policies. A degree of centralisation is likely to facilitate the implementation of all five principles. The Steering Group recognises that some institutions will wish to retain the involvement of academic and other non-central staff (and some professional courses require it).

D28. The Steering Group expects that universities and colleges will review their admissions systems in the light of its recommendations. It encourages institutions to include in such reviews consideration not only of policies and procedures, but also of structures and responsibilities, as described above. The Group believes there is much good practice within the HE sector in the management and audit of admissions systems that can be shared (see E22 for a proposal of how good practice could be shared). An outline for a 'model' institutional admissions policy is set out in Appendix 6.

Section E

Recommendations Requiring Co-ordination across the Education System

Introduction

- E1. The previous section made recommendations on high-level principles underlying fair admissions which the Steering Group would like to see each university and college adopt. This section makes wider recommendations, many of which will involve a range of partners in addition to universities and colleges. These recommendations have been guided by the need to produce a high-quality admissions process and facilitate holistic assessment while minimising any increase in the overall cost of the admissions process to the HE sector.
- E2. The Quality Assurance Agency's code of practice relating to recruitment and admissions has been a key source for the Steering Group's work.⁷⁴ The code's precepts and guidance relate to a broad range of processes. This means that there is some overlap with this report. There is, however, a significant difference in focus. In line with its terms of reference, the Steering Group focused on underlying principles, and on clarifying what fairness in admissions means. The Group welcomes the commitment by the QAA to review their code in the light of its work. The Group also notes that the admissions process would benefit from a more consistent implementation of the code of practice by institutions.
- E3. The following broader issues or developments affect the implementation of all the 'Schwartz principles'. The Steering Group recommends that these be addressed as a matter of priority.

Making applications

Post-qualification applications (PQA)

- E4. An admissions system relying on predicted grades, only half of which are accurate, cannot be fair. It does not meet the Steering Group's recommended principles of fair admissions, since it is based on data which are not reliable, is not transparent for applicants or institutions, and may present barriers to applicants who lack self-confidence. For these reasons, the Steering Group wholeheartedly supports a move to PQA, believing that it will facilitate the

⁷⁴ See Quality Assurance Agency (2001), Section 10: Recruitment and admissions.

implementation of all five principles of fair admissions. In addition, PQA will produce a system that is more efficient for all participants and will offer financial savings. The move to a fully electronic and thus faster application system will allow more time for the assessment of applications after results are known. The Steering Group notes that a CVCP-led review recommended PQA almost a decade ago⁷⁵ and that support now reaches from the Secondary Heads Association and the Girls' Day School Trust through to many universities and colleges. The Steering Group asks the Secretary of State for Education and Skills to set up a high-level implementation group as soon as possible to achieve PQA. The Group also notes the work of the PQA Group of the Secondary Heads Association and looks forward to its recommendations concerning a practical way forward on PQA.

Electronic application forms

- E5. The Steering Group believes that the standard use of electronic application forms will effect major improvements to the admissions process and welcomes UCAS's decision to extend its electronic services to all applicants for 2006 entry. The Group notes that UCAS will support e-delivery through new products and services and that a version of online application designed specifically for applicants not in an educational institution (for example, mature applicants) will be offered in September 2004. The use of electronic application forms has the potential to produce a more integrated service for applicants and specifically to facilitate the following processes:
- Transfer of information from applicants;
 - Inclusion of relevant material such as transcripts and unit grades;
 - Sharing the results of Criminal Records Bureau and health checks;
 - Structuring the personal statement and reference, in particular through the insertion of course-specific prompts;
 - Inclusion of 'contextual indicators' (see the examples on page 46);
 - Recording decisions by admissions staff;
 - Providing feedback to applicants;
 - Monitoring by institutions.

Some of these processes are discussed in more detail later in this section.

⁷⁵ See footnote 42.

Examples of possible 'contextual indicators' and of structured prompts, both general and course-specific, which could be included within electronic application forms

Contextual indicators

- The 'Townsend Deprivation Index'* score for each applicant's home neighbourhood;
- Structured information about the type of school attended.

Structured prompts

- What qualities or skills do you think are necessary for the profession of x?
- Please give us examples of additional responsibilities and achievement outside school/college. These can include responsibilities at home, work or elsewhere. Please include your response to particular circumstances or challenges;
- Have you any comments on the applicant's academic record and any factors that might lead to underperformance at A level or equivalent, or at interview? (Please include matters such as the applicant's family circumstances, health, progress through school/college where relevant. Please do not include short-term factors considered under 'special consideration' regulations.)**

* This index measures material deprivation – for more information see Townsend, Phillimore and Beattie (1988).

** See footnote 31.

Applying for part-time study

E6. The Steering Group has already noted that there are discrepancies between application systems for full-time study and for part-time study. These discrepancies will make it difficult to implement the Schwartz principles. It is, for example, difficult for applicants to find out about the full range of part-time opportunities and to compare courses and entry requirements. It has been argued that applicants for part-time study tend to apply to only one local institution. However, while in the past there may indeed have been limited availability of part-time study in any one area, with the growth in the availability of part-time study and distance learning, applicants now have a greater choice. They have the same right as applicants for full-time study for their choice to be an informed one. Similarly, admissions staff are likely to have a better understanding of the factors that affect the success of part-time students in HE if information about them is gathered consistently. The Group welcomes UCAS's commitment to establishing

a part-time student information service with a view to being able to collate good-quality data on part-time students, and it notes that UCAS already collects some part-time HE course information. However, the Steering Group recognises that application procedures for some part-time courses have been designed carefully to address specialist criteria and believes that more detailed evidence from across the sector is needed before proposing a solution. It therefore recommends that UCAS, in partnership with information and guidance services, UUK, SCOP, Association of Colleges (AoC) and other relevant bodies, seeks views on the issues involved in applications for part-time courses and makes recommendations to the proposed centre of expertise on admissions.

Assessing applicants

- E7. The Steering Group believes that assessment that includes a broad range of factors will help give all applicants an equal opportunity to demonstrate achievements and potential (C4). From an institution's point of view, looking at a range of factors can help to uncover potential, differentiate between applicants, assess suitability for a profession and recruit a diverse student body. In making the following recommendations, the Steering Group has sought, where possible, to reform or make better use of current processes and testing, rather than add to them.

Improving information available for assessment through re-design of application forms and the personal statement

- E8. The Steering Group has already noted that there is limited information available to help admissions staff to assess broader factors such as educational context, indicators of individual potential or capability or students' potential to contribute to the university or college (see B10, B16 – 17 and E5). In particular, there are variations in the extent to which personal statements and references include information about, for example, disruptions to schooling, socio-economic context, home responsibilities or other challenges applicants might have had to overcome. The extent to which personal statements and references help admissions staff assess suitability for a subject also varies. The consultation produced strong support (84%) for re-designing application forms (through, for example, including appropriate prompts in the personal statement and reference spaces) in order to elicit relevant information more consistently. The Steering Group recommends that UCAS and other admissions services review the design of application forms in partnership with higher education admissions staff, schools and colleges. This review should specifically consider the provision of 'contextual indicators', or summarised information about contextual factors, on application forms.⁷⁶ The purpose of these indicators is to inform the 'sifting' of applicants, as proposed in D12(i).

⁷⁶ The Steering Group is aware that a number of institutions already provide some contextual analysis of an applicant, based on home postcode or school performance. A number of institutions have supplementary application forms to elicit information about contextual factors.

E9. The Steering Group notes that UCAS has already done much relevant work as part of its Electronic Data Transfer Study.⁷⁷ The Joint Information Services Committee (JISC) project 'Specifying an e-portfolio: enhanced learner information for flexible admissions and transitions into higher education' is reviewing how admissions staff use information and evidence. The project aims to make information and evidence available in an accessible electronic form that can be customised to support the admissions process and give feedback to the applicant.⁷⁸ The project is specifically examining the potential of entry criteria and course information provided in individual course entry profiles to structure the personal statement. This would allow academic staff to set prompts for their own courses. UCAS and other admissions services should also consider the inclusion of additional information to produce a fuller transcript of applicants' achievements. A more informative application form may in itself reduce the need for additional testing.

Reform of qualifications: Differentiating between applicants and understanding their achievements

E10. In the longer-term, reform of qualifications offers the opportunity to provide admissions staff with more useful information that will help to differentiate between applicants and minimise the need for additional testing. As well as providing greater flexibility and choice for learners, the Steering Group understands that the Tomlinson review of the 14-19 curriculum will provide opportunities to stretch the most able, and that it will allow for more fine-grained, contextual judgements about learners' achievements. This will address the issue many admissions officers currently face, when courses are over-subscribed, in selecting from a growing pool of highly-qualified applicants. The Steering Group also welcomes recognition of the need to move towards this greater differentiation as quickly as possible.

E11. In the short-term, where applicants are apparently equally-qualified, referring to their unit grades at A level may be helpful in distinguishing between them. (The Steering Group does not, however, wish to see a spurious level of precision in relation to this finer differentiation.) Discussions have taken place between UCAS and the Joint Council for Qualifications to progress the provision of this information. UCAS will consult with the higher education sector and schools and colleges. It is possible that other existing sources of information could also be useful in the admissions process.⁷⁹

E12. The Steering Group welcomes the recommendations of the Quality Assurance Agency's review of Access courses. The recommendations relating to consistency of academic standards and description of student achievement

⁷⁷ Further details on the Electronic Data Transfer Study are available from UCAS upon request.

⁷⁸ This project is part of the JISC Lifelong Learning programme. See <http://www.nottingham.ac.uk/e-portfolio/>

⁷⁹ The Steering Group notes that various additional tests are used widely in schools and colleges. Tests such as Yellis and ALIS (see Glossary) are not designed for use in the admissions process, but it is possible that data from them may be of some use.

are likely to be helpful to admissions staff.⁸⁰ Similarly, the Steering Group welcomes the aim of the QCA-led programme on vocational qualifications to develop a unit-based national system of qualifications and credit.

Assessing potential: additional assessment and tests

- E13. While recognising the potential value of additional assessment,⁸¹ the Steering Group is also aware of the potential burden for an applicant of up to six sets of admissions requirements and means of assessment. As already noted, the Steering Group believes that additional assessment should be kept to a minimum and asks institutions using additional assessment to consider its purpose carefully. Where the aim is to differentiate between apparently equally-qualified applicants, the Steering Group believes that better use of existing information or reform of qualifications and processes (as described above) are preferable to introducing additional assessment. Where the aim is to clarify unfamiliar qualifications, the Group believes that better training and information provision for admissions staff are preferable to additional assessment for applicants.
- E14. Assessing an applicant's potential for HE study, or recognising ability which may not be reflected fully in Level 3 examination results, is a key issue for fair admissions. It relates directly to the Government's commitment to widen participation in HE. A test that is able to predict performance in HE may help to uncover hidden talent. The Steering Group therefore recommends that a national research study is commissioned from an independent research body to assess the idea of a national test of potential. The Group notes that US-style SATs are one test worth exploring, alongside other possibilities.⁸² It therefore welcomes the Sutton Trust's proposals for an operational pilot of US-style SATs as a potential common test in the UK, and would welcome the evaluation of other tests with this objective in mind. SATs are widely used in the United States and elsewhere in the world and the results of preliminary trials in the UK are promising⁸³, but the Group recognises that there are other possibilities. If the proposed study concludes that an additional test can help assess potential for HE, and if such a test is to contribute to fair admissions and help widen participation, then equal access to such a test is essential. The Group believes that any such test must sit within the new 14-19 framework, and that the structure of the proposed new diploma offers an opportunity for the inclusion of such a test. If the research finds that a national test of potential would offer significant benefits, the Steering Group urges the Government to grasp this opportunity as it takes forward the Tomlinson proposals.⁸⁴

⁸⁰ See footnote 59.

⁸¹ Additional tests may be used to (i) assess the potential of applicants whose examination grades do not reflect their ability; (ii) differentiate between applicants with the same (actual or predicted) Level 3 grades; or (iii) assess aptitude for a specific course or profession.

⁸² US-style SATs are general aptitude tests, used widely in the admissions process for universities and HE colleges in the United States. The National Foundation for Education Research has conducted research trials in the UK; see McDonald, Newton and Whetton (2001). See too Admissions to Higher Education Steering Group (2003), p. 27 for further discussion.

⁸³ See McDonald, Newton and Whetton (2001).

⁸⁴ The Steering Group notes that the validity of significantly different tests in predicting undergraduate performance could not be confirmed until the first cohort of students taking those tests graduated. This means that results would not be available for four to six years.

E15. In the meantime, assuming they prove to be reliable and valid, the Steering Group welcomes and encourages the trend towards common tests, for example the Biomedical Admissions Test (BMAT) and the National Admission Test for Law (LNAT), being used or introduced across several universities and colleges, rather than individual institutions introducing their own tests.⁸⁵ Such collaboration has the potential to minimise the burden of additional testing. The Steering Group recommends that the proposed centre of expertise (E22) should lead an investigation, in partnership with Universities UK, the Standing Conference of Principals and member institutions, into the scope for greater co-ordination of common tests.

Collaboration to achieve an applicant-centred approach: common interviews and processes

E16. Interviews are commonly used to assess suitability for a profession, especially in teaching, medicine and the health sciences. Since interview formats for any one subject tend to be similar across institutions, the Steering Group asks admissions staff and relevant bodies⁸⁶ to consider the desirability and feasibility of common interviews, noting that this already occurs for some courses. A common interview means that an applicant undergoes only one interview on behalf of all institutions to which he or she has applied, and that the results are made available to those institutions. This approach would of course require agreed structures, standards and methods of recording and scoring performance and is thus less likely to be appropriate to specialist courses. The Steering Group believes that this is a desirable development in its own right, in line with the recommendation to share good practice through the proposed centre of expertise. The Steering Group recognises however that some universities and colleges perceive institutional interviews to have advantages: some place particular emphasis on intensive personal engagement with applicants. This may be through a desire to support applicants, particularly those from local disadvantaged backgrounds, throughout the admissions process. It may alternatively reflect a strong sense of community within the institution: staff wish to engage personally with those whom they may subsequently teach. Interviews are a two-way process and can also be important for applicants in their choice of institution, for example as an opportunity to learn more about the location of teaching and teaching methods. The benefits of institutional interviews should be considered in any discussions about common interviews.

⁸⁵ The BMAT is used by Oxford, Cambridge and University College London and the veterinary schools for entry to medical and veterinary or physiological sciences courses. Scottish medical schools are piloting a psychometric test. The LNAT is to be used at eight English universities.

⁸⁶ The relevant bodies include the Council for the Heads of Medical Schools, the Department of Health, the General Social Care Council, other accrediting bodies, the Department for Education and Skills, the Standing Conference of Principals, the Teacher Training Agency, the Universities and Colleges Admissions Service, and Universities UK.

E17. The Steering Group also believes there may be scope for a more applicant-centred approach to the many forms related to admissions (for example, for financial aid, health checks, and Criminal Records Bureau checks). It notes that meetings have taken place between UCAS, the Student Loans Company and the Criminal Records Bureau to discuss the possibility of sharing data and integrating relevant processes. It also notes the specific options presented by the UUK/SCOP Advisory Group on Bursaries in relation to the administration of bursaries from September 2006.⁸⁷

Equality of opportunity within the legal framework

E18. The Steering Group recommends that universities and colleges review their admissions policies and, together with relevant partners, any special admissions arrangements, with the aim of ensuring equality of opportunity within the legal framework. Guidance on legal points is included in Appendix 5, although it is the responsibility of each individual institution to ensure that its own admissions arrangements are lawful.

Compacts

E19. As well as each university or college reviewing its own admissions policy and procedures, the Steering Group believes it is timely for the HE sector as a whole to review special admissions arrangements (for example, compact schemes) to ensure that there is equality of opportunity across the country for people in similar circumstances to participate in schemes giving preferential treatment or to be considered under special measures. The Steering Group believes such a review should be sector-led, and is pleased to note that a consortium of institutions offering HE, led by the University of Leeds, has been awarded Aimhigher national funding to explore the development of a collaborative scheme for special admissions arrangements which could operate across the HE sector. This will include looking at the nature and purposes of such schemes, geographical coverage and accreditation, quality assurance, transferability and mobility issues. The Steering Group welcomes the intention that the project take full account of the recommendations from the Admissions to Higher Education Review.

Fair admissions and EU and EEA applicants

E20. In principle, applicants from the European Union (EU) and European Economic Area (EEA) must be afforded the same treatment in admissions as UK-domiciled applicants. The Government's commitment to the Bologna Process, by which a Single European Higher Education Area is to be established by 2010, adds further impetus to the extension of fair admissions principles to EU and EEA applicants. In practice, however, this will involve

⁸⁷ This Group was set up in response to an invitation from the Secretary of State for Education and Skills to UUK and SCOP to develop an administrative model for sector bursaries.

complex developments across member states, including the UK. Practical considerations for universities and colleges include arrangements for interviews and other assessment, the design of assessment processes and the availability of common contextual indicators. Implications for UCAS include the setting of closing dates and management of response dates, the provision of results services and the construction of the UCAS tariff. The Steering Group recognises that the extension of fair admissions across EU and EEA nationals and UK nationals not resident in the UK is a long-term process. It recommends in the interim that, within current constraints, universities and colleges make reasonable efforts to treat such applicants in ways that are as equivalent as possible to the way in which they treat UK-resident applicants.

- E21. While institutions are under no legal obligation to treat applicants from outside the EU and the EEA in the same way as UK-domiciled applicants, the Steering Group considers that the principles of fair admissions should be extended to such applicants as far as is practically possible. The Steering Group recommends that the proposed centre of expertise (E22) should investigate the issues with the aim of establishing guidelines for English institutions in assessing applications from outside the EU and the EEA.

Advice and professional development

A central source of expertise

- E22. The Group recommends the creation of a central source of expertise and advice on admissions issues. Its purpose would be to act as a resource for institutions who wish to maintain and enhance excellence in admissions. Such a centre could lead the continuing development of fair admissions, evaluating and commissioning research, and spreading best practice. The remit of the centre should explicitly include providing expertise and guidance in admissions in relation to both young and mature learners with the full range of Level 3 qualifications in both degree and sub-degree courses. The centre should be sector-led, perhaps situated within the HE Academy, and should co-ordinate rather than duplicate existing activity. The Steering Group recommends that HEFCE initiate discussions on taking this proposal forward, in liaison with UUK, SCOP and UCAS. In addition, the Steering Group asks those organisations routinely researching issues relating to admissions, retention and success (for example, the DfES and HEFCE) to include in the remit of their research the full range of students, qualifications and courses.

Training and support for guidance staff

- E23. The Steering Group recognises that teachers, tutors and other staff in schools and colleges providing guidance for applicants have a vital role in the admissions process. There is anecdotal evidence that some advice may rely on outdated or incomplete information. The Group notes that its recommendations on transparency will be effective only if those giving advice have access to the most up-to-date information about HE and the admissions process. It is therefore essential that those giving advice receive appropriate training and support and regularly update their knowledge (just as admissions staff in HE must receive appropriate training). The Steering Group has noted the responses from schools and colleges highlighting the need for improved guidance for applicants. The Steering Group also notes the work of the 'End-to-end Review of Careers Education and Guidance'⁸⁸ which is likely to highlight the issue of impartial and objective advice and guidance as critical for applicants. The Steering Group strongly recommends that the Department for Education and Skills act to ensure that consistent levels of advice and guidance are available to all applicants. The Steering Group welcomes the role to be taken by UCAS in coordinating the information, advice and guidance services that it provides to schools and colleges through its new 'ucasplus' initiative.
- E24. The Steering Group also notes and supports efforts made by professional bodies in adult guidance⁸⁹ to ensure an appropriate qualifications framework and the appropriate training and continuing professional development of their members. The Group urges them to continue this work and review it in light of the Schwartz recommendations.
- E25. As noted earlier, where other professional staff (for example, National Health Service staff or teachers) are involved in the admissions process, for example in interviews, they should receive appropriate training from the university or college. They should also receive support and recognition within their own organisations to enable them to carry out this role properly.

⁸⁸ This is a DfES-led review of careers and education guidance for young people aged between 11 and 19, focusing on delivery by schools, colleges, work-based learning providers and the Connexions Service.

⁸⁹ These include the National Association of Educational Guidance for Adults and the Institute of Career Guidance.

Section F

Options for Assessing Merit

Introduction

- F1. The terms of reference for the Steering Group include reporting on the options which English institutions providing HE should consider adopting in assessing the merit of applicants, their achievement and their potential for different types of courses.
- F2. After extensive research and consultation, the Steering Group has reached three key conclusions in relation to options:
- A fair and transparent admissions process is determined not only by the choice of assessment option but also by how it is implemented: ‘how you do it matters at least as much as what you do’;⁹⁰
 - Most assessment options are likely to be better indicators of achievement and potential if their implementation acknowledges contextual factors (such as educational context and personal circumstances);
 - Acknowledging contextual factors and considering other additional information should also help to ensure that all applicants have equal opportunity to demonstrate relevant achievements and potential.
- F3. The importance of careful implementation is reflected in the detailed guidelines in Section D of this report. By contrast, the list of options below is relatively brief. The options are grouped to clarify the broad purpose of different assessment options and the relationship between them. As noted earlier, some options are quantifiable measures while others rely on qualitative judgements. The Steering Group’s view is that options from this list are acceptable only if they are interpreted and implemented in accordance with the principles and guidelines in Section D.

⁹⁰ Responses to the Steering Group’s first consultation paper focussed more on principles, processes and implementation than on assessment options. These responses informed but did not determine the list of options in this section. The Steering Group recognises that some options, while not attracting overall popular support, can contribute usefully to the assessment process in some specialist institutions or for some courses. The list of options put forward by the Steering Group was also informed by the results of the UCAS Electronic Data Transfer Study, about which further information is available from UCAS upon request.

List of options

Option one: formal academic achievement or equivalent

F4. This can be demonstrated through:

- Continued use of Level 3 grades or credits;⁹¹
- Portfolios, as used for example in some creative and performing arts courses (where the relevant achievement may be in the form of specific practical or vocational skills) and in Accreditation of Prior Experiential Learning (APEL);
- Reference to an applicant's longer-term educational achievement, such as GCSE grades;
- Credit earned through additional preparatory programmes.

The interpretation and weighting of formal achievement can be informed usefully by:

- Reference to educational context;
- Reference to personal context and circumstances (see also option 2 below).

A possible method of ranking or sorting formal achievement is:

- Reference to module results or unit grades.

Option two: existing evidence of skills and criteria linked to success on HE courses

F5. This assessment option focuses on skills and criteria demonstrated prior to the application. Evidence can be gathered from a broad range of contexts, for example, academic and extra-curricular, or through responsibilities at home, in the community or at work. The Fair Enough? criteria (including motivation, independent working and self-organisation) or skills requirements listed in entry profiles may provide a framework for description. Evidence can be gathered and assessed through:

- The redesign of application forms to include appropriate prompts;
- Fulfilling the requirements of compact arrangements (such as homework and attendance targets);

⁹¹ A level grades remain the best single known indicator of retention and success at undergraduate level. (As noted earlier, studies establishing this have generally not included the full range of qualifications, learners and HE study options.)

- Achievement at additional and non-compulsory academic support programmes (such as Saturday schools, summer schools and master classes).

Option three: additional assessment

F6. Additional assessment is any assessment commissioned or carried out as a result of an application to an HE course. It may include:

- Structured interviews⁹²;
- Auditions;
- Demonstrations of practical or vocational skills;
- Written work;
- Generic or subject-specific tests of aptitude;
- Generic or subject-specific tests of critical reasoning.

Key points to address in carrying out additional assessment in accordance with the principles and guidelines described in Section D of this report include:

- Establishing that the method of assessment or type of test is reliable and valid;
- Providing appropriate training to staff involved;
- Giving applicants clear guidelines as to the purpose of the assessment, what is expected of them and how they can prepare.

F7. The above options for assessing merit have been included on the basis that each has the potential to be implemented in accordance with the Steering Group's recommended principles and guidelines. Since the English HE sector is diverse, individual institutions will continue to have different views of which options are appropriate and necessary. Since admissions staff will wish to ensure that criteria and processes are relevant to a course, options may also vary within institutions.

⁹² A structured interview is designed to facilitate the consistent gathering and evaluation of relevant information across all applicants. This does not necessarily mean that all applicants are asked the same questions, though some admissions staff do use this approach. The form of a structured interview varies from a question and answer session to a discussion. The interview may include competency-based questions that are designed to gather evidence about applicants' past behaviour. It may include technical questions that seek to assess an applicant's understanding of factual matters. Interviews may seek to assess applicants' critical thinking skills by asking them to interpret a piece of information or solve a problem.

Section G

Reviewing Progress Towards Fair Admissions

- G1. The Government has made it clear that it wishes universities and colleges to retain autonomy over their own admissions policies and the right to make their own judgements in assessing individual applicants. This is essential to maintaining academic freedom and should be welcomed. However, the Steering Group believes that a mechanism is needed to review progress in implementing its recommendations on fair admissions. The Consultation produced support for a mechanism for review (73% agreed that it was necessary) but mixed views on what the mechanism should be. The Steering Group believes that the mechanism needs to avoid an administrative burden and to place ownership of admissions policies and criteria firmly with universities and colleges.
- G2. Adoption of the Schwartz principles of fair admissions is clearly in the interests of universities and colleges, given the benefits to them of selecting students appropriately and efficiently. The adoption of agreed principles will also help to command confidence in the admissions process among applicants, their teachers and families. This may in turn help to ensure that public debate is better informed and has less need to question the essential fairness of admissions systems.
- G3. The Steering Group does, however, believe that a mechanism for formal review is desirable. The Group requests the Secretary of State for Education and Skills to commission a review of the admissions system after three years, with the aim of assessing progress in implementing the recommendations of this report.

Section H

Practical Implications of the Recommendations

- H1. The Steering Group recognises that its recommendations, although having the status of guidance rather than regulation, will have an impact on universities, colleges and other bodies. The formulation of the recommendations has been guided by the need to minimise any increase in the overall cost of the admissions process to the HE sector. The Steering Group expects that some of its recommendations will result in efficiencies. Where there are additional costs, the Steering Group expects universities and colleges to prioritise these within existing budgets. Achieving a fair admissions process is of vital interest to all stakeholders, including the higher education sector itself.
- H2. The Steering Group carried out an initial impact assessment of the practical implications in its draft recommendations. The Group consulted widely on this initial impact assessment in order to develop its understanding of the practical implications and costs of its recommendations and to weigh these against the benefits it believes will flow from them. The Group thanks those individuals and organisations that contributed responses, participated in consultation events or provided information. These contributions were invaluable in informing the final report. The initial impact assessment will continue to be available on the Admission to HE Review's website (www.admissions-review.org.uk)
- H3. The Steering Group acknowledges that moving towards a fairer admissions system is a long-term process that will require some broader developments across the education and higher education sectors as well as continuing commitment from institutions. The Steering Group hopes that this report will also result in more immediate gains. Defining merit and fairness in HE admissions involves questions of value – questions that those participating in the admissions process may interpret differently. Admissions will continue to involve individual judgement as long as people rather than mechanisms make decisions, and as long as those applying are treated as individuals rather than as sets of figures. However, the high-level principles in this report do represent consensus on common values; a consensus that the Group hopes will support admissions staff in their judgements. The Group hopes, too, that the recommended options for assessment and guidelines for their implementation will offer legitimacy to institutional processes. As noted above, some developments are of a longer-term nature and will require action across and between education sectors. In the meantime, there is much that individual institutions can do – and must do, if we are to reinforce public confidence in the fairness and transparency of admissions arrangements.

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Appendix 1

Terms of Reference and Membership of the Admissions to Higher Education Steering Group

(Announced to Parliament, 22 May 2003)

The terms of reference of the project will be as follows:

To report to the Secretary of State for Education and Skills on the options which English institutions providing Higher Education should consider adopting in assessing the merit of applicants and their achievement and potential for different types of courses.

To report on practical implementation of such options using evidence-based good practice.

To report on the high-level principles underpinning such approaches which institutions would be expected to adopt.

The Group should consider in particular:

- a) The need to reinforce public confidence in the fairness and transparency of admissions arrangements;
- b) The diversity in the missions of providers of Higher Education, and of their students;
- c) Maintaining the autonomy of institutions in academic matters including the systems and processes by which applicants are admitted.

The report to the Secretary of State should be submitted by summer 2004 following a period of consultation with universities and the wider public.

Professor Schwartz will be supported by a steering group whose membership will be as follows:

Professor Sir Colin Campbell, Vice-Chancellor, University of Nottingham
Mrs Pauline Davies, Headmistress, Wycombe Abbey School, High Wycombe
Mr John Gardiner, formerly Chairman, TESCO plc
Ms Janet Graham, Head of the Admissions Office, University of Cambridge
Professor Sir Howard Newby, Chief Executive, Higher Education Funding Council
for England
Sir Peter Lampl, Chairman, Sutton Trust
Mr Anthony McClaran, Chief Executive, Universities and Colleges Admissions
Service
Mr John Morgan, Headteacher, Conyers School, Yarm, Stockton-on-Tees
Dr Bernadette Porter, formerly Rector and Chief Executive, University of Surrey
Roehampton
Dr Alan Stanhope, Principal, Cornwall College of Further Education, St Austell

In addition, Professor Schwartz and the steering group may seek specialist advice
from other persons and organisations.

Appendix 2

Consultation Events

The following is a list of organisations and groups consulted through lectures and seminars during the period September 2003 to September 2004.

Adam Smith Institute
Association of Commonwealth Universities
Association of Managers of Student Services in Higher Education
Association of University Administrators
Careers Research and Advisory Centre
Council for the Advancement and Support of Education (Europe)
Council of Heads of Medical Schools
Engineering Professors Council
Fair Play on Admissions Group
Girls' Schools Association
Girls' Day School Trust
Headmasters' and Headmistresses' Conference
Higher Education Liaison Officers Association
Independent and State Schools Partnership
Institute of Economic Affairs
National Union of Students
Oxford, Cambridge and RSA Examinations
Royal Society for the Encouragement of Arts, Manufactures and Commerce
Russell Group Admissions Officers' Committee
Secondary Heads Association
Social Market Foundation
Standing Conference of Principals
UKCOSA: The Council for International Education
Universities UK
University Vocational Awards Council

Additional events

Universities and Colleges Admissions Service: nine Regional/Standing Groups, November 2003
AimHigher (DfES) Annual Conference, 11 December 2003
BBC Radio 4 Higher Education Debate, 31 January 2004
'Aim Higher' Conference (organised by Neil Stewart Associates), 9 February 2004
Queen Mary, University of London, Public Policy Seminar, 23 June

Appendix 3

Overview of Responses to the Consultations by the Steering Group

Introduction

This Appendix includes a very brief overview of all responses to the Steering Group's consultations on the key issues relating to fair admissions for higher education and its draft recommendations. The first consultation paper (published September 2003) and the second consultation paper (published in April 2004) and fuller analyses of responses received by the deadlines are available on the Admissions Review website at www.admissions-review.org.uk. Please note that the overview provided in this Appendix, and the figures quoted in the main paper, include late responses. This means that the statistics quoted here, while providing a more complete picture of respondents' views, may differ from those on the website.

First consultation

- 361 responses in total (335 by the deadline of 21 November 2003), with over one third of responses from higher education institutions (HEIs);
- Consensus (70%) that students should be selected on a combination of their potential to (i) excel academically, (ii) contribute subsequently to society, and, in particular, (iii) complete a course successfully;
- Overwhelming consensus (96%) that HEIs should have students from a wide range of backgrounds – but varied views on whether HEIs should choose students partly in order to achieve such a mix;
- Strong support (86%) for considering obstacles an applicant may have had to overcome, and for making lower offers for these reasons (71%) – but need for consistency noted, and concerns over legal issues and practical implementation;
- General agreement (65%) to considering applicants' educational context, but less agreement (53%) on whether lower offers should be made as a result;
- Very strong support (87%) for the principle of additional measures of assessment – but some concerns about over-assessment, standardisation and coachability;
- General view that applicants should be considered individually, taking all relevant factors into account;

- Over 70% in favour of including the following in a list of options for assessment methods: school performance data or school type; additional objective criteria (eg Fair Enough? criteria); interviews; explicitly considering personal background; compacts; earning credit through additional preparatory programmes; and Accreditation of Prior Experiential Learning (APEL);
- Smaller majority in favour of centralised admissions (62%) and using GCSE grades (58%). Little support (34%) for use of class rank;
- Mixed views on additional testing with 55% in favour of additional testing and 45% against, and 67% in favour of aptitude testing and 33% against. Many advocated use of existing rather than new tests;
- Just over half (54%) were in favour of post-qualification applications (PQA), while 34% were unsure and 13% were against;
- Measures based on the Quality Assurance Agency (QAA) Code of Practice on Recruitment and Admissions aimed at transparency and professionalism welcomed;
- Feedback, complaints and appeals procedures suggested by respondents;
- Universities and Colleges Admissions Service's Admissions Tutors training programme welcomed;
- Perception that the consultation focussed on the traditional 18-year-old A-level applicant to full-time degree courses, and therefore did not sufficiently cover mature or part-time students or those following vocational pathways;
- Concerns about legal aspects of operating a fair admissions system;
- Concerns and suggestions on practical implications of possible principles and options – fair admissions principles without fair practice could mean unfair admissions.

Second consultation

- 280 responses in total (259 by the deadline of 28 May 2004), with over one third of responses from higher education institutions (HEIs);
- Overwhelming support for the high-level principles of transparency (98%), reliability and validity (96%), selecting for merit, potential and diversity (94%), minimising barriers (98%), and professionalism (97%);
- Over 70% in favour of greater use of the QAA Code of Practice and moving to a more centralised admissions model;
- 84% favoured the re-design of application forms and a smaller majority (65%) agreed with the standard use of electronic application forms;

- Agreement (71%) that there should be a collaborative review of compact schemes, and 68% wanted to see the Tomlinson review result in a 14–19 framework allowing the measurement of factors other than achievement;
- Concerns about the proliferation of additional tests with 63% of respondents agreeing that there should be greater coordination of admissions tests across the sector. 75% wished to see greater use made of existing information;
- Mixed views on the proposal concerning common interviews with 34% in favour and 32% against – a further 34% were not sure. Responses focussed on practical issues but welcomed more common criteria and a common structure;
- 74% would welcome a central source of expertise and stressed the need for its independence;
- Half of all respondents commented on options for assessment and the greater clarity for institutions provided by this section was welcomed. More than half of those who answered the question supported the use of a wide range of factors and evidence. Some felt that additional assessment should be minimised because it could benefit those who received coaching;
- Strong consensus (73%) that a mechanism to encourage adoption of the principles would be necessary, although there were some concerns about institutional autonomy. There was also diversity of views on what the mechanism should be;
- There were relatively few comments on the initial impact assessment. There were some concerns about under-estimation of resource implications and the differential effect on institutions, but the initial impact assessment was generally welcomed and seen as fair;
- Strong support for PQA by several respondents.

Appendix 4

Statement on Schooling Effects on Higher Education Achievement

The first consultation paper published in September 2003 by the Admissions to Higher Education Steering Group, *Consultation on Key Issues Relating to Fair Admissions to Higher Education*, included an appendix entitled 'Higher education admissions: the place of prior attainment and factors that can affect its predictive ability'.¹ This appendix looked at the relationship between prior attainment and performance in higher education and at factors which might affect this relationship, including school type and school performance.

One of the key pieces of research in this area is reported in the HEFCE publication *Schooling Effects on Higher Education Achievement* (HEFCE 2003/32).² This report describes research to determine whether the characteristics of an applicant's school or college can be used in an assessment of his or her potential in higher education (HE). The report examines particular characteristics such as 'school type' (state or independent) and 'school performance' (overall performance of a school relative to other schools, based on its students' average performance in examinations).

In view of the potentially controversial nature of the report's findings, and of the widespread public debate of the issues, the Steering Group looked closely at this research and other related studies and received independent expert advice on the HEFCE report. It concluded that the HEFCE research is the most rigorous analysis available of schooling effects, using a large dataset and leading-edge statistical modelling techniques.

The following statement on the findings is provided by the authors of the HEFCE report and the Steering Group's independent experts as an authoritative guide.

'Research for *Schooling Effects on Higher Education Achievement* represents the most robust available analysis on this topic. However, in order to simplify the analysis, HEFCE restricted the population to the most straightforward group of entrants.³ HEFCE have since investigated 'gap year' and other students entering at age 19 and found very similar schooling effects as found for the 18 year old entrants in their original study.⁴

1 Admissions to Higher Education Steering Group (2003) *Consultation on Key Issues Relating to Fair Admissions to Higher Education*, Appendix 2. Sheffield: Admissions to Higher Education Review.

2 Higher Education Funding Council for England (2003) *Schooling Effects on Higher Education Achievement*. 2003/32. Bristol: HEFCE.

3 The population was restricted to home, English-domiciled, full-time A level entrants to three or four-year degree courses at English HEIs aged 18 on 31 August of the year of entry (1997). Entrants studying medicine, veterinary science, dentistry and architecture, and entrants with unknown or very low (one to four) A level points were excluded, as were students from schools that could not be categorised.

4 Higher Education Funding Council for England (2004) *Schooling Effects on Higher Education Achievement: Further Analysis – Entry at 19*, forthcoming HEFCE publication.

'The research for *Schooling Effects on Higher Education Achievement* provides valid evidence for the key findings:

- a. A-level grades are the single most important factor in determining the expected HE achievement;
- b. The effect of school performance on HE achievement is inconsistent;
- c. Students from independent schools appear to do less well than students from other schools and colleges, all other things being equal. The size of this effect varies between the equivalent of one and four A level points;
- d. For the most highly selective HEIs, students from LEA schools do consistently better than similar students from independent schools, though the effect of having been to a further education college or grant maintained school is unclear.

'In terms of identifying ability at the top end, the research does look at top achievers and finds some evidence of a school type effect, although technical problems associated with the wide range of ability contained within the A grade band and with the existence of a top limit (30 points) to the recording of UCAS points in the data set, makes the estimation of schooling effects at the top end more difficult'.

The fact that the HEFCE research is rigorous and robust does not mean that it is the definitive answer on schooling effects or that it claims to be. Nor does it set out to determine the causes of such effects. However, in accordance with the principles recommended in their second consultation paper, the Steering Group believes that providers of higher education, when reviewing their admissions policies, will wish to bear this research in mind.

Appendix 5

Legal Issues

The Admissions to Higher Education Steering Group considers that institutions will need to examine the legal implications for them before choosing to implement any of the recommendations.¹ The information provided below is of a general nature only and is provided to assist institutions with a general understanding of what the Steering Group considers to be the relevant law. This appendix is **not** a substitute for legal advice, which should always be taken in any particular case.

General

Many institutions are public bodies established by statute; others are chartered corporations. Some institutions have Visitors to oversee and adjudicate upon the proper application of their rules. Some complaints made by applicants in relation to admissions may currently fall within the jurisdiction of a Visitor.² Where complaints are currently within the jurisdiction of a Visitor, judicial review of the decision of the Visitor will be available in relation to *ultra vires* actions, abuse of power or procedural unfairness, but not in relation to complaints of error of fact or law.³

In other cases, institutions are generally treated as judicially reviewable public bodies.⁴ As such, they are obliged, for example, to act fairly towards candidates for admission, and treat them in an even-handed manner.⁵ They are also obliged to make clear to candidates the entry criteria they are applying, so that candidates are in a position to supply the information necessary to persuade the institution that they can satisfy the criteria.

The Steering Group does not, however, consider that the public law obligations of institutions extend to a duty to give reasons for rejection to all unsuccessful candidates where this has involved the exercise of subjective judgement, and selection between applicants by a number of individuals. The Court of Appeal has held that where a public body is, in effect, conducting a competition between applicants, there is no duty to give reasons for rejection to unsuccessful candidates.

¹ 'Institutions' includes any institution providing higher education and not just higher education institutions ('HEIs').

² The Higher Education Act 2004 provides that Visitors of 'qualifying institutions' will no longer have jurisdiction over student complaints, including complaints about admissions. The Act sets out which institutions are qualifying institutions. It is expected that the body designated by the Secretary of State to operate the student complaints scheme for England will be the Office of the Independent Adjudicator ('OIA'). However, the OIA will not deal with complaints made by applicants in relation to admissions. It is envisaged that these complaints will be dealt with via the internal complaints procedures of the institutions concerned with a right of access to the courts if complainants are not satisfied with these decisions. Institutions may wish to take legal advice on the implications for them of these changes.

³ *R v Hull University Visitor, ex parte Page* (1993) AC 682

⁴ *Clark v University of Lincolnshire* (2000) 1 WLR 1988, at paragraph 15

⁵ *R v National Lottery Commission ex parte Camelot* (2001) EMLR 3

It should also be noted that the courts will not adjudicate on matters of academic judgement. In general, the Steering Group would expect that the exercise of academic judgement by an institution in selecting its students would also not be adjudicated by the courts.⁶ The Steering Group notes that the Freedom of Information Act 2000 comes into force in January 2005 and covers the governing bodies of institutions offering higher education. Section 40 exempts personal data, and it is not expected that institutions would be under a duty to disclose information about individual admissions decisions. However, institutions may wish to take legal advice on the wider implications of the Act.

Equal treatment without discrimination

In addition to their general public law duties to act fairly, lawfully and rationally in the selection of candidates, institutions are subject to a number of statutory duties not to discriminate on various grounds. Currently, these grounds include race, sex, disability, sexual orientation and religion or belief. The Steering Group considers the relevant national legislation to be as follows:

- Race Relations Act 1976 as amended ('the RRA'), S. 17 (and also see S. 71, imposing a general duty on institutions as public bodies to eliminate discrimination and promote equality of opportunity);
- Sex Discrimination Act 1975 ('the SDA'), S. 22;
- Disability Discrimination Act 1995 ('the DDA'), S. 28R, S. 28S, S. 28T;
- Employment Equality (Religion or Belief) Regulations 2003, Regulation 20;
- Employment Equality (Sexual Orientation) Regulations 2003, Regulation 20.

Further regulations are anticipated by December 2006 at the latest, to outlaw discrimination on grounds of age, in order to complete the implementation of the Equal Treatment Framework Directive 2000/78/EC.

With the exception of the DDA, which has a somewhat different structure in order to recognise the need of disabled people for reasonable adjustments to be made to avoid disadvantage to them, the discrimination legislation in general applies a two-fold definition of discrimination, as follows:

Direct discrimination: where, on a prohibited ground, the discriminator treats the victim less favourably than he treats or would treat others to whom the prohibited ground did not apply, in a materially similar situation. It is important to note that (again with the exception of the DDA) it is no defence to a complaint of direct discrimination that the treatment on the prohibited ground was justified.

⁶ (Asha Foundation) v The Millennium Commission (2003) EWCA Civ 88, where the competition between the applicants was for lottery funding.

Indirect discrimination: where the discriminator applies to the victim a provision, criterion or practice which he applies or would apply equally to others, but which puts persons of the victim's race, sex, religion etc at a particular disadvantage when compared with other persons, and which the discriminator cannot show to be objectively justified. In order to justify the application of a provision, criterion or practice that has a discriminatory effect on members of a particular sex, racial group etc, the discriminator must show that it was a proportionate means of meeting a legitimate end.

It follows from the above definitions that it is unlawful for an institution to treat a candidate for admission less favourably than other candidates on a prohibited ground (except disability), regardless of the existence of any benign motive or 'justification' for the treatment.⁷

In cases where a practice is alleged to be indirectly discriminatory an institution may be able to demonstrate that the practice is in pursuit of a legitimate aim. It is likely to be the proportionality of the practice in question as a means of attaining that aim that will, in most cases, be decisive of the lawfulness of the practice. Thus, the Steering Group considers that institutions should be prepared to show that their admissions practices are properly tailored to the aim pursued; are supported by evidence that they are effective in achieving the aim pursued; and that they are no more unequal in their effects than is necessary in pursuit of the aim in question.

Disability discrimination: it is unlawful for an institution to treat a person less favourably, including in its admissions arrangements, as a result of their disability than it treats others, where this treatment is not justified. An institution must also take reasonable steps, including in its admissions arrangements, to ensure that a disabled person is not placed at a substantial disadvantage in comparison with a person who is not disabled. This applies unless an institution is justified in not doing so.

Compact schemes: the Steering Group considers that institutions should carefully consider the lawfulness of any compact scheme. The lawfulness of such a scheme will, of course, depend on its terms. However, the Steering Group considers that such a scheme may engage Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention) (see below) and other domestic legislation and as a result should be objectively justified, in that it pursues a legitimate aim and is reasonably necessary and proportionate to the aim pursued.

The Human Rights Act 1998

By virtue of Section 6(1) of the Human Rights Act ('the HRA'), public authorities are under a duty not to act incompatibly with a Convention right under the European

⁷ However, Section 26(1) of the SDA allows the admission of students of one sex only to single-sex establishments.

Convention for the Protection of Human Rights and Fundamental Freedoms.

'Public authorities' are defined at Sections 6(3) and 6(5) of the HRA as including any person certain of whose functions are functions of a public nature, but not when such persons are performing private acts. The Steering Group considers that, since it is strongly arguable that institutions are performing functions of a public nature, institutions should conduct themselves on the basis that they are subject to the duty under Section 6(1) of the HRA when admitting students. Institutions may wish to take legal advice on whether, and how, the HRA applies to them.

A number of Convention rights may also need to be considered by institutions. These include:

Article 8: the right to respect for private and family life. Institutions may need to consider whether information of a personal nature required from candidates (such as, for example, information concerning their family situation or finances) goes further than is necessary, and could be regarded as needlessly intrusive into the students' private lives;

Article 2 of Protocol 1: that no person is to be denied the right to education. The Court of Appeal has recently held that this right is engaged in relation to higher education, as well as primary and secondary education;⁸

Article 14: the right to the enjoyment of the rights and freedoms set forth in the Convention without discrimination on any ground, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Article 14 is engaged only where the discrimination complained of falls within the ambit of one of the other rights protected by the Convention.

EU law

The EC Treaty contains a number of provisions concerning education and vocational training (for example, Articles 3(1), 126 and 127). These articles taken together with Article 12 of the EC Treaty prohibiting discrimination on the grounds of nationality have resulted in the acknowledgement by the European Court of Justice of the principle that Member States must not discriminate against students from other EU Member States on grounds of nationality in relation to access to education courses or tuition fees.⁹ In general, access to higher education must be made available on the same terms to all EU and EEA nationals. Discrimination based on residence in a particular member state could be regarded as indirect discrimination on grounds of nationality, and will be unlawful unless objectively justified.

⁸ Douglas v North Tyneside MBC (2003) EWCA Civ 1847

⁹ See, for example, Blaizot v University of Liege (1988) ECR 355.

Appendix 6

Outline of Model Institutional Admissions Policy

A. Structures and processes

Institutional context

- Institutional aims;
- Statement of how the admissions policy helps the institution to achieve its aims;
- Confirmation that the admissions policy complies with relevant legislation and is guided by the principles outlined by the Admissions to Higher Education Steering Group.

Assignment of key responsibilities for admissions within the institution

- Clarification of responsibility for institutional admissions policy;
- Admissions committee, the constitution of which should reflect relationships to widening participation, teaching, support, staff development and other activities and areas as appropriate. The terms of reference may include, for example
 - i. Overseeing the admissions process across the institution to ensure that it is in line with institutional guidelines. Where admissions are decentralised, this may involve receiving reports from faculty, school and departmental staff
 - ii. Ensuring that admissions staff are trained and receive adequate support to do their job
 - iii. Ensuring that assessment methods comply with institutional guidelines
 - iv. Ensuring compliance with the Disability Discrimination Act, the Race Relations Act and other relevant legislation, and consistency with the Quality Assurance Agency Code of Practice on recruitment and admissions
 - v. Monitoring applications and offers, reviewing admissions practice and preparing a report each year

- vi. Reviewing the admissions policy and making recommendations as appropriate to the relevant committee or body within the institution;
- Explanation of the roles and responsibilities of:
 - a. Central admissions staff
 - b. Faculty, school and departmental admissions staff.

B. Information and assessment

Transparency

- Statement of the information provided to applicants (see main report, D5);
- Statement of institutional policy on the interpretation of merit and potential, and clarification of where information about course-specific interpretations is available;
- Explanation of assessment methods used across the institution, where applicable, and clarification of where information about course-specific assessment methods is available. Such information may include
 - i. The reasons for using particular methods
 - ii. The format of the assessment method
 - iii. What admissions staff will be looking for
 - iv. How applicants can prepare for the assessment
- Statement on any special admissions arrangements.

Selecting for merit, potential and diversity

- Statement of institutional policy on considering contextual factors and, where appropriate, on seeking to recruit a diverse student community;
- Explanation of where to find details of course-specific interpretation;
- Confirmation that at any one stage in the assessment process, all applicants will be given an equal opportunity to demonstrate their skills, achievements and potential.

Reliability, validity and relevance

- Confirmation that assessment methods are reliable and valid;
- Explanation of the process for approving the use of assessment methods within the institution.

Minimising barriers

- Statement of institutional policy, where applicable, on recognising diverse learning pathways, and explanation of where course-specific information can be found, including
 - i. Institutional policy on accepting vocational and Access qualifications, and availability of APEL
 - ii. Note of which subject areas do/do not accept or offer these
 - iii. Note of foundation year and bridging course availability
 - iv. Clarification of credit transfer arrangements;
- Explanation of availability of financial help, as applicable, to help pay for assessment costs, including travel to the institution or assessment centre;
- Explanation of availability of advice and assistance for applicants with disabilities.

C. Appendices

Feedback and complaints

- Clarification of what feedback can be given, explanation of procedures;
- Clarification of grounds for complaint, explanation of procedures.

Admissions staff

- Procedures for appointing, training and supporting admissions staff;
- Policy on workload adjustment for academic admissions staff.

Appendix 7

Example Feedback Letter

I am writing in response to your request for feedback following your unsuccessful application to study English at the University of XXX, UCAS code YYY.

This course attracts large numbers of applicants. We require applicants to achieve (or be predicted to achieve) at least BBB in A-levels or equivalent. Most applicants achieve at least these grades. In order to distinguish between applicants, but also because we want a fuller picture of applicants' achievements and potential, we consider a range of other factors as well.

You were predicted to achieve a BBB, so you met the basic entry criterion. We then graded your personal statement against the criteria listed in the UCAS course entry profile. The maximum score against each criterion is 5. Your scores were as follows:

Academically able to undertake the course (evidence of appreciative and critical reading)	3
Commitment to the study of English (typically through a wide range of reading)	4
Communication and interpersonal skills (different writing skills, rhetoric, debate and discussion)	3
Ability to engage in independent research and ability to work as part of a team	2
Total	12

This year applicants needed to score at least 16 on the personal statement to receive an offer.

I hope that this information is helpful and that you have found a place on an alternative course.

Appendix 8

Glossary

A level and equivalent qualifications – Level 3 qualifications.

Access to Higher Education courses – Normally one year courses (Level 3) that prepare mature learners without the necessary qualifications for entry into HE.

Accreditation of Prior Experiential Learning (APEL) – When a learner gains entry to, or credit towards, a programme of study or qualification through demonstrating the skills and knowledge they have acquired through life, work experience and study, and their appropriateness to a programme.

Advanced Level Information System (ALIS) – An additional test designed for use in schools and colleges. It provides performance indicators for post-16 students across all sectors of education and includes analysis of A level, AS level, Advanced GNVQs exams and now AVCEs.

Advanced Apprenticeships – A qualification that allows students to learn on the job, building up knowledge and skills, and gaining qualifications and earning money. There are different levels available, but they all lead to National Vocational Qualifications, Key Skills qualifications and, in most cases, a technical certificate such as a BTEC or City & Guilds.

Aimhigher – A Government initiative to inspire learners to consider higher education, especially those who come from families and communities with little or no history of HE. It is being implemented at (local) area level upwards.

Aptitude tests – Designed to measure intellectual capabilities for thinking and reasoning, particularly logical and analytical reasoning abilities.

Assessment and Qualifications Alliance (AQA) – An examination board that offers a range of qualifications and services, including GCSE, GCE, VCEs, Entry Level and Access to Higher Education.

BioMedical Admissions Test (BMAT) – Used by Oxford, Cambridge and University College London and all the veterinary schools for entry to medical or physiological sciences courses. The test is developed and administered by the University of Cambridge Local Examinations Syndicate (UCLES).

Bologna Process – An agreement of 32 European states to establish a Single European Higher Education Area by 2010.

Bristol Royal Infirmary Inquiry (also known as the ‘Kennedy Report’) – Review into the management of the care of children receiving complex cardiac surgical services at the Bristol Royal Infirmary between 1984 and 1995. Led by Professor Ian Kennedy, Professor of Health Law, Ethics and Policy at University College, London. See website: www.bristol-inquiry.org.uk/final_report/index.htm

Burgess Group – Set up by Universities UK and the Standing Conference of Principals to look at credit systems in HE institutions. The group is led by Professor Bob Burgess, Vice Chancellor at the University of Leicester.

Centralised admissions – A system in which staff located centrally within an institution (in an admissions office or similar) administer most or all of the admissions process in that institution.

Compacts – Arrangements between providers of HE and secondary or further education. Their primary aim is to raise aspirations and improve knowledge of HE. Some allow for students in partner schools and colleges to receive an advantage in the admission process, provided they meet specified requirements.

Council of Heads of Medical Schools (CHMS) – A representative body for the deans/heads of university faculties of medicine and medical schools in the UK.

Credit system – A systematic way of describing an educational programme by attaching credits to its components.

Credit transfer – When students transfer between institutions or courses and use the credits already earned to complete a full programme.

CVCP – Committee of Vice Chancellors and Principals; renamed Universities UK in December 2000.

DfES – Department for Education and Skills.

Electronic data transfer study – Undertaken by UCAS (2002/2003) to look at the development, and implications, of using electronic application data.

Entry profiles – Developed by UCAS and drawn up by individual institutions to provide details of entry criteria, including non-academic attributes, of courses within the UCAS scheme.

European Credit Transfer System – A system of credit transfer across Europe which facilitates the recognition of periods of study abroad (a key objective of the Bologna Declaration – see Bologna Process).

Fair Enough? criteria – Characteristics identified by Universities UK as being linked to success on courses, such as being self-organised, motivated to learn and interested in the subject-area, and working well independently. The characteristics were identified through a UUK-led project and are being trialled at some institutions.

Further Education (FE) – Academic and vocational education for people over 16, generally to Level 3 (i.e. below degree level). It is provided in a range of settings including FE colleges, school sixth-forms, work-based learning providers, and adult and community learning institutions. Since 2001, further education in England has been planned and funded by the Learning and Skills Council.

Girls' Day School Trust (GDST) – The main representative body for independent girls' schools.

General Social Care Council (GCSS) – Registers social care workers and regulates their conduct and training.

Headmasters' and Headmistresses' Conference (HMC) – The main representative body for independent boys' schools.

Higher education (HE) – Education provided by a university or college that is usually funded by the Higher Education Funding Council for England. Higher education courses include: first degrees, postgraduate study, and courses for the education/training of teachers.

Higher Education and Research Opportunities in the UK (HERO) – An internet portal for academic research and higher education in the UK which will host the planned Teaching Quality Information website.

Higher Education Funding Council for England (HEFCE) – Responsible for distributing public money for teaching and research to universities and colleges and monitoring its proper use.

Holistic assessment – Assessment that covers a broad range of information, including relevant skills and contextual factors, additional to academic achievement.

Kennedy Report – See Bristol Royal Infirmary Inquiry.

Learning and Skills Council (LSC) – Responsible for funding and planning education and training for people aged over 16 in England. Its national office is in Coventry, with 47 local Learning and Skills Councils across England.

Level 3 qualifications – Level 3 qualifications recognise the ability to gain, and where relevant apply a range of knowledge, skills and understanding. Achievement at this level involves obtaining detailed knowledge and skills and is appropriate for people wishing to study at HE level. It includes, for example: Certificates for Teaching Assistants; National Vocational Qualifications Level 3; and GCE A levels and Vocational A levels or VCEs.

Local Education Authority (LEA) – Support and challenge schools to achieve continuous improvement while retaining a number of core roles that cannot be carried out by individual schools, such as planning the supply of school places, making sure every child has access to a suitable school place, and intervening where a school is failing its pupils

National Admission Test for Law (LNAT) – To be used for the first time at eight English universities in November 2004 for entry in 2005/6. Participating institutions are: Birmingham; Bristol; Cambridge; Durham; East Anglia; Nottingham; Oxford; and University College, London.

Office for Fair Access (OFFA) – An independent body, appointed by the Secretary of State. Before any university or college can charge higher variable fees, it must first have an access agreement, approved by OFFA, which sets out how it is going to encourage applications from under-represented groups. OFFA's remit will not include universities' admissions policies or procedures.

Post-qualification Applications (PQA) – A system whereby applicants make their applications to universities and colleges on the basis of their actual, rather than predicted, grades.

Post-1992 institutions – Universities and colleges established after 1992.

Pre-1992 institutions – Universities and colleges established before 1992.

Quality Assurance Agency (QAA) – An independent body funded by subscriptions from universities and colleges of higher education, and through contracts with the main higher education funding bodies. It was established to provide an integrated quality assurance service for UK higher education.

Quotas – Setting a number or proportion of places for applicants from particular groups, backgrounds or schools and seeking to recruit that number.

Reliable (in terms of assessment) – Means that two people applying the same method would reach the same conclusion about the same person.

School performance effect – The hypothesis that students from poorly performing schools and FE/sixth form colleges do better in HE than similar students from better performing schools and FE/sixth form colleges, all other things being equal.

School type effect – The hypothesis that students from state schools and FE/sixth form colleges do better in HE than similar students from independent schools and FE/sixth form colleges, all other things being equal.

Secondary Heads Association (SHA) – One of the main representative bodies for secondary schools and colleges.

Selecting/recruiting courses or institutions – ‘Selecting’ courses/institutions are those where there are many more applicants than there are places, and ‘recruiting’ courses/institutions are those where there are sufficient places on a course such that all applicants with the required grades normally get a place.

Sifting – The process of successfully applying different methods of assessment and using each method to eliminate a proportion of applicants.

Special consideration regulations – These regulations allow an examination awarding body to take circumstances such as recent personal illness, accident and bereavement into account when awarding grades to a student.

Standing Conference of Principals (SCOP) – The main representative body for higher education colleges in England and Northern Ireland.

Teaching Quality Information (TQI) website – Hosted by HERO and available from 2004/05, this website will provide detailed information for prospective students.

Teacher Training Agency (TTA) – An executive non-departmental public body established by the Education Act 1994. Its purpose is to raise standards in schools by attracting able and committed people to teaching and by improving the quality of teacher training.

Tomlinson Review – See Working Group on 14–19 Reform.

Townsend Deprivation Index – This is an index used in admissions that measures material deprivation.

UCAS – Universities and Colleges Admissions Service. The central organisation that processes applications for most full-time undergraduate courses at UK universities and colleges.

UCAS tariff – A points system developed by UCAS to report achievement for entry to HE in a numerical format. It helps to establish agreed equivalences between different types of qualifications and provide comparisons between applicants with different types and volumes of achievement.

UCLES – The University of Cambridge Local Examinations Syndicate is the awarding body that has developed the BMAT test.

Universities UK (UUK) – The main representative body for UK universities.

US style SATs – A general aptitude test used widely in the United States and elsewhere in the world for admission to higher education.

Valid (in terms of assessment) – Means that the method predicts what it is supposed to predict.

Value-added – A measurement of progress made. In terms of schools, if one school is increasing the achievement level of its pupils more than other schools are, then its pupils gain an additional advantage. It is this relative advantage that has come to be called 'value-added'.

Variable tuition fees – From 2006, universities and colleges will have the freedom to charge fees up to a maximum of £3,000 for each year of full-time study. Students do not have to pay the fees before they study, but need to pay them after graduation and when they are earning more than £15,000 a year. Students on low incomes will receive financial support.

Vocational qualifications – Qualifications that recognise attainment in certain occupations, careers or professions which are traditionally non-academic.

Work-based learning – The achievement of 'planned learning outcomes' derived from the experience of performing a work role or function.

Working Group on 14–19 Reform (also known as the 'Tomlinson Review') – Set up in spring 2003 to make recommendations to the Government on the reform of 14–19 education.

Work-related learning – Learning during term-time, in voluntary and paid employment, as well as sandwich courses and other academically recognised learning.

Yellis – A value-added approach to measuring the progress of Year 10 and Year 11 students in secondary education. The Yellis test provides a baseline against which progress (in terms of GCSE grades) can be compared against that of other students who have taken the Yellis test.

Appendix 9

Problems, Principles and Recommendations

Problem	Principles	See recommendations in the following paragraphs of the consultation paper:
Differing interpretations of merit and fairness	Transparency Selecting for merit, potential and diversity	D5i D9 - D14 E5; E7 - E9; E10 - E12; E13 - E15; E20 - E21
Can be difficult for applicants to know how they will be assessed	Transparency Professionalism	D5; D8 D25 - D28 E20 - E21
Information used in assessing applicants may not be equally reliable and consistent	Selecting for merit, potential and diversity Reliability, validity and relevance	D12 - D14 D15 - D20 E5; E6; E8 - E9; E20 - E21 ; E22
Some courses have high drop-out rates	Transparency Selecting for merit, potential and diversity Reliability, validity and relevance Professionalism	D5 - D7 D9 - D14 D15 - D20 D25 - D28 E23 - E25
For over-subscribed courses, it can be difficult for admissions staff to select from a growing pool of highly-qualified applicants	Transparency Selecting for merit, potential and diversity Reliability, validity and relevance Minimising the barriers	D5 - D7 D9 - D14 D15 - D20 D21 - D24 E5; E8 - E9; E10 - E15; E20 - E21
Some applicants face a burden of additional assessment	Minimising the barriers	D21 - D24 E13 - E15; E16 - E17; E20 - E21
Uneven awareness of and response to the diversity of applicants, qualifications and pathways	Professionalism	D25 - D28 E6; E10 - E12; E20 - E21; E23 - E25
Most offers depend on predicted not actual grades Relevant legislation is complex and there is uneven understanding of it	Transparency Selecting for merit, potential and diversity Reliability, validity and relevance Minimising the barriers Professionalism	E4; E5 D5 - D8 D9 - D14 D15 - D20 D21 - D24 D25 - D28 E18 - E21; E22; E23 - E25 See also Appendix 5.

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