



House of Commons  
Education and Skills Committee

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# Secondary Education: School Admissions

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*Oral and written evidence*

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## The Education and Skills Committee

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# Witnesses

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## Wednesday 10 September 2003

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

## Wednesday 15 October 2003

**Dr Philip Hunter**, Chief Schools Adjudicator.

## Wednesday 22 October 2003

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

## Monday 10 November 2003

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

## Wednesday 12 November 2003

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

## Monday 17 November 2003

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

### **Wednesday 19 November 2003**

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

### **Monday 1 December 2003**

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

### **Monday 8 December 2003**

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

### **Thursday 5 February 2004**

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

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Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons library where they may be inspected by Members. Other copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to Parliamentary Archives, Record Office, House of Lords, London, SW1A 0PW (Tel 020 7219 3074). Hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

Professor Anne West (SA 3)

Professor Anne West (SA 22)

Professor Stephen Gorard and Emma Smith (SA 28)

Dr Kenneth Stevenson (SA 35)

Professor Stephen Gorard (SA 38)

Guardian newspaper article (SA 40)





# Oral evidence

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## Taken before the Education and Skills Committee on Wednesday 10 September 2003

Members present:

Mr Barry Sheerman, in the Chair

Valerie Davey  
Jeff Ennis  
Mr Kerry Pollard

Jonathan Shaw  
Mr Mark Simmonds  
Mr Andrew Turner

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### Memorandum submitted by Professor Anne West (SA 17)

#### EXECUTIVE SUMMARY

Two pieces of research on secondary school admissions in England have recently been conducted by the Centre for Educational Research (CER) at the London School of Economics and Political Science in conjunction with the Research and Information on State Education Trust (see West & Ingram, 2001; West & Hind, 2003).

- West & Ingram (2001) investigated objections to school admissions made to the Office of the Schools Adjudicator during the first 13 months of its operation. In the main, objections related to such issues as partial selection, interviews and whether employees/children of former pupils should have priority for places. The majority of objections relating to partial selection were not upheld by the schools adjudicator. Objections to priority being given to children of former pupils of the school and to children with a parent employed at the school were upheld; adjudicators reasoned that these could discriminate against certain groups of pupils.
- Analysis of secondary school admissions<sup>1</sup> criteria carried out by West & Hind (2003)<sup>2</sup> revealed variation in the criteria used (see Annexes A and B). A number of these can be construed as being broadly objective, clear and fair (eg distance, feeder schools and siblings).
- Community/voluntary-controlled schools were more likely than voluntary-aided/foundation schools to include as oversubscription criteria pupils with medical/social needs and pupils with special educational needs. Voluntary-aided/foundation secondary schools on the other hand were more likely than others to use criteria that enable them to “select in” certain groups of pupils and “select out” others (eg priority to children of employees, children of former pupils, children with ability/aptitude in a subject area). One in 10 voluntary-aided schools interviewed parents and slightly more interviewed pupils.
- Ongoing analysis suggests that one in five secondary schools used overtly selective criteria (eg partial selection on the basis of ability/aptitude, primary school record) or potentially discriminatory criteria (eg priority to children of school employees/former pupils/governors) or subjective criteria/practices allowing for administrative discretion (eg interviews, compassionate/pastoral factors). This means that certain schools can effectively “choose” particular pupils and not others (eg the less able and the more challenging). In short, certain parents are less likely to have their “choice” realised than others.
- City Technology Colleges are intended to be representative of the full ability range of pupils in the catchment area. However, the use of various selection criteria mean that in practice such schools cannot be considered to be genuine “all ability schools”.

It is recommended that: (1) the Office of the Schools Adjudicator should have a more pro-active role and be able to undertake investigations of policy and practice of individual admission authorities; (2) admissions policies should be audited by an outside body, such as the Office of the Schools Adjudicator, OFSTED or the Audit Commission; (3) the Department for Education and Skills (DfES) should provide comprehensive guidance on acceptable criteria; one possibility would be to provide a “menu” of admissions criteria; (4) the DfES should commission research to explore the characteristics of successful and unsuccessful applicants for admission to secondary schools of different types (community, voluntary-controlled, voluntary-aided, foundation) in terms of such factors as key stage 2 results, known free school meals eligibility and ethnicity.

<sup>1</sup> Excluding grammar schools.

<sup>2</sup> See West A & Hind A 2003 Secondary School admissions in England: Exploring the extent of overt and covert selection, London: Research and Information on State Education Trust. [www.risetrust.org.uk/admissions.html](http://www.risetrust.org.uk/admissions.html)

## 1. INTRODUCTION

1.1 Research on secondary school admissions has recently been carried out by the Centre for Educational Research (CER) at the London School of Economics and Political Science. This short submission provides an introduction to policy in relation to school admissions and then describes two significant pieces of research that have been carried out by the CER in conjunction with the Research and Information on State Education Trust. The first of these explored objections made about school admissions to the Office of the Schools Adjudicator and the second examined admissions criteria used in English secondary schools. The final section concludes the memorandum and presents a number of policy recommendations.

## 2. POLICY CONTEXT

2.1 The 1998 School Standards and Framework Act and accompanying regulations set a new legal framework for admissions. Associated with the legislation is a Code of Practice on School Admissions. The first Code of Practice came into force on 1 April 1999 and applied to arrangements leading to admissions from September 2000 onwards; a new Code of Practice came into force on 31 January 2003 (DfES, 2003). Key aspects of the Code of Practice relate to the provision of information for parents and guidance concerning the admissions process. Information on oversubscription criteria that admission authorities (LEAs, voluntary-aided and foundation schools) should use is also provided: where more parents have expressed a preference for a particular school in a given year than it has places available, the admission authority must apply the oversubscription criteria in its published admission policy in deciding which parents' preferences it should meet.

2.2 Specific reference is made to partial selection, which is permitted in some circumstances but not others. The first Code of Practice addressed the issue of interviews stating that schools or admission authorities should not interview parents as any part of the application or admission process, although church schools may do so, but only in order to establish a person's religion, including religious denomination or practice. It is significant that the revised Code of Practice (DfES, 2003) states that for the admission round leading to September 2005 intakes and subsequently "no parents or children should be interviewed as any part of the application or admission process, in any school except a boarding school" (s 3.15).<sup>3</sup>

2.3 Turning specifically to oversubscription criteria, the Code of Practice (DfES, 2003) states that the admission authority has a fairly wide discretion in deciding what these oversubscription criteria should be, provided that the criteria are not unlawful; the admission authority has considered the factors which it believes to be most important in ensuring that children receive an efficient and suitable education and has had regard to guidance in the Code; and the criteria are clear, fair and objective and are published (s A.51).

2.4 One of the mechanisms introduced by the Labour Government was the "schools adjudicator", designed to resolve local disputes in relation to, amongst other issues, school admissions. Objections can be made to adjudicators by admission authorities and in the case of certain existing partially selective arrangements, by parents (from 2003, community and voluntary-controlled schools can also object). The Centre for Educational Research has carried out research on the objections made to the Office of the Schools Adjudicator.

## 3. OBJECTIONS MADE TO THE OFFICE OF THE SCHOOLS ADJUDICATOR

3.1 West & Ingram (2001) investigated objections to school admissions made to the Office of the Schools Adjudicator during the first 13 months of its operation (July 1999 to the end of July 2000). During the period in question, there were rulings on 57 objections relating to admissions. These related to admissions policies in different parts of the country, but the vast majority were in London and the South East of England. In almost all cases they were in LEAs with a variety of school types co-existing—such as foundation schools, voluntary-aided schools, fully selective schools and partially selective schools.

3.2 Objections to the Office of the Schools Adjudicator related, in the main, to issues such as partial selection by ability/aptitude, interviews, whether children of employees, former pupils should have priority for places, concern about the testing procedures, and feeder schools to named secondary schools (West & Ingram, 2001). The majority of objections relating to partial selection were not upheld by the schools adjudicator; in some cases the objection was partially upheld (eg by partial selection being reduced) but in only two cases was the objection upheld (in both these cases the partial selection by ability was deemed unlawful, as it had been introduced after the 1997–98 school year).

3.3 Across all the examined adjudications, none of the objections to priority being given to children of former pupils of the school provided evidence showing specific examples of adverse effects, but each time the adjudicator decided that such admissions criteria were unfair and objections were thus upheld. In several

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<sup>3</sup> However, the Code notes that "auditions which are part of objective testing for aptitude conducted by a school with a specialism in a prescribed subject" may be carried out in accordance with its published admission arrangements.

additional cases an admissions criterion referred to priority being given to children with a parent employed at the school; this, it was also reasoned, could discriminate against traveller and refugee children who had moved to the area and was thus contrary to the Race Relations Act 1976.

3.4 Our analysis of the “quasi-regulation” of school admissions (West & Ingram, 2001) revealed that the new legislation and accompanying Code of Practice has had some impact on admissions to secondary schools. Some inequitable admissions criteria have been removed for some schools. This is more apparent with some criteria than others (eg children of employees having priority). In other cases, and particularly in relation to partial selection by ability or aptitude, adjudicators reduced partial selection in some, but not all cases.

#### 4. SECONDARY SCHOOLS ADMISSIONS CRITERIA

4.1 Research on admissions criteria has also been carried out by the Centre for Educational Research. A database of 95% of state-maintained secondary schools in England was created and oversubscription criteria<sup>4</sup> recorded on a school-by-school basis (see West & Hind, 2003). Key findings are presented below.<sup>5</sup>

4.2 Our analysis revealed that some admissions criteria can be construed as being broadly objective, clear, fair and equitable (eg distance and siblings). However, in a significant minority of schools, notably those that were their own admission authorities (voluntary-aided and foundation schools) a variety of criteria were used which appeared to be designed to “select in” certain groups of pupils and “select out” others. These “selective” criteria included giving priority to children of employees; to children of former pupils and the use of partial selection by ability/aptitude in a subject or by general ability (see Annex A and Annex B).

4.3 We found that specialist schools were more likely than non-specialist schools to report selecting a proportion of pupils on the basis of aptitude/ability in a particular subject area.<sup>6</sup> However, voluntary-aided and foundation schools were far more likely to select on this basis than community or voluntary-controlled schools.<sup>7</sup> The issue of partial selection by aptitude/ability is thus more a function of whether schools are in control of their own admissions than of specialist school status.<sup>8</sup>

4.4 It is noteworthy that criteria giving priority to children with medical or social needs were given for nearly three-quarters of schools; however, community/voluntary-controlled schools were far more likely to include this as a criterion than voluntary-aided/foundation schools. Turning to special educational needs, nearly two-fifths of schools mentioned this as an oversubscription criterion. Again, these were predominantly community/voluntary-controlled schools as opposed to voluntary-aided/foundation schools (see Annex A).

4.5 The practice of interviewing parents and/or pupils as part of the admission process will not be permitted under the new Code of Practice; at the time of our study, 10% of voluntary-aided schools in our sample reported interviewing parents and 16% reported interviewing pupils.<sup>9</sup>

4.6 Ongoing analysis suggests that one in five secondary schools used overtly selective criteria (eg partial selection on the basis of ability/aptitude, primary school record) or potentially discriminatory criteria (eg priority to children of school employees/former pupils/governors) or subjective criteria/practices allowing for administrative discretion (eg interviews, compassionate/pastoral factors).<sup>10</sup> This means that certain schools can effectively “choose” particular pupils and not others (eg the less able and the more challenging). In short, certain parents are less likely to have their “choice” realised than others.

4.7 Some grammar schools, which are by definition academically selective, also used a range of practices which make such schools even more “exclusive” than would otherwise be the case by using as oversubscription criteria such factors as aptitude/ability in a subject area or giving priority to the children of former pupils (see West & Hind, 2003).

4.8 City Technology Colleges are intended to be representative of the full ability range of pupils in the catchment area. We found that whilst some attempt was made to obtain a balanced intake in terms of pupils’ cognitive ability, other selection criteria—including, for example, school reports, tests of “aptitude”, a writing test to assess “motivation” to succeed, and questions relating to parents’ occupations—mean that in practice such schools cannot be considered to be genuine “all ability schools”.

<sup>4</sup> For admission in September 2001 in the majority of cases.

<sup>5</sup> These findings, except where stated otherwise, refer to admissions to non-grammar schools.

<sup>6</sup> 5.9% of specialist schools versus 1.7% of non-specialist schools.

<sup>7</sup> 6.5% voluntary-aided schools, 11.2% foundation schools, 0.3% community schools and 0% voluntary-controlled schools.

<sup>8</sup> The distinction between aptitude, ability and achievement is not clear. For example, one school selected up to 10% of pupils on the basis of “proven aptitude in music”; children applying under this criterion needed to have “achieved at least Grade III of the Associated Board . . . in an instrument or voice”. This can be construed as a measure of ability or aptitude or achievement—or all three.

<sup>9</sup> 27 Roman Catholic schools, 11 Church of England schools and 4 schools of other religions or denominations reported interviewing parents; the comparable figures for schools interviewing pupils were 45, 13 and 11 respectively.

<sup>10</sup> This is likely to be an underestimate as some schools used idiosyncratic criteria (see examples in Annex B). It is important to note that not all voluntary-aided and foundation schools provided their admissions criteria (see West & Hind, 2003).

4.9 In short, for some types of schools, there are clear opportunities for schools to “select in” and “select out” pupils; given the links between social background, prior attainment and later examination performance, it seems likely that these practices enable some such schools to obtain higher positions in examination “league tables” than others.<sup>11</sup>

## 5. CONCLUSIONS AND POLICY RECOMMENDATIONS

### *Conclusions*

5.1 Despite attempts by the government to reform school admissions, the evidence reported in this submission reveals that there is considerable room for improvement. Admissions criteria that are not objective, clear or fair continue to be used. The situation should improve with the new Code of Practice (DfES, 2003).

5.2 The new Code of Practice reiterates the concerns about oversubscription criteria that are potentially discriminatory, but were nonetheless in operation at the time of our study (eg giving preference to children whose parents or older siblings had previously attended the school, or to children with a parent employed at the school).

5.3 One issue raised in the Code of Practice, but addressed by very few admission authorities relates to children in public care, who are a particularly disadvantaged group. The Code recommends that “all admission authorities give these children top priority in their oversubscription criteria”. Our analysis of admissions criteria revealed that this was a criterion for only 2% of schools.<sup>12</sup>

5.4 Another issue that is mentioned in the Code of Practice relates to children with statements of special educational needs; where a school is named in the statement, pupils are required to be admitted to that school. This is an area where current practice could be improved. The admissions criteria and brochures we analysed were not consistent in terms of what information was provided. It would be in the interests of parents, especially those with children with special educational needs, to have information about this issue.

5.5 The majority of schools use admissions criteria that are not overtly or covertly selective. However, the policies adopted by a minority of schools are likely to have a negative impact on the intake to other schools, especially in certain parts of the country. It appears likely that more regulation is needed to prevent a continuation of policies and practices that are inequitable and contrary to the principles of social justice.

5.6 The research reported here focused on admissions criteria; however, it is not known whether admissions authorities adhere to their stated policies. This is an area that needs further investigation. A related point is that parents may have to fill in application forms for schools that are their own admission authority; it is important that application forms do not seek information (eg parents’ occupations, child’s primary school record<sup>13</sup>) that would enable them to “select in” and “select out” certain groups of pupils.

### *Policy recommendations*

5.7 The Office of the Schools Adjudicator should have a more pro-active role and be able to undertake investigations of individual admission authorities. Such investigations should include a detailed examination of both policy and actual practice.

5.8 Admissions policies of individual admission authorities should be audited by an outside body, such as the Office of the Schools Adjudicator, OFSTED or the Audit Commission to ensure that they are in accordance with DfES guidance.

5.9 The Department for Education and Skills should provide comprehensive guidance on acceptable criteria, ideally with a “menu” of acceptable admissions criteria included in the Code of Practice.

5.10 The Department for Education and Skills should commission research to explore the characteristics of successful and unsuccessful applicants for admission to secondary schools of different types (community, voluntary-controlled, voluntary-aided, foundation) in terms of such factors as key stage 2 results, known free school meals eligibility and ethnicity.

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<sup>11</sup> An analysis of the percentage of pupils gaining five or more GCSEs at grades A\* to C between 1997 and 2000 found an increase of 3.6 percentage points across all types of maintained secondary schools in our database. However, this figure was only 2.8 for voluntary-controlled schools and 3.4 for community schools, whilst for voluntary-aided schools it was 4.3 and for foundation schools 4.4 percentage points (both of these types of school are in control of their admissions).

<sup>12</sup> Virtually all were community schools.

<sup>13</sup> Our research found that the child’s school record/headteacher’s report was used by a small proportion (1%) of schools.

## REFERENCES

- Department for Education and Skills (1999) Code of Practice on School Admissions. London: DfES.
- Department for Education and Skills (2003) Code of Practice on School Admissions. London: DfES.
- West, A. & Hind, A. (2003) Secondary school admissions in England: Exploring the extent of overt and covert selection, London: Research and Information on State Education Trust. [www.risetrust.org.uk/admissions.html](http://www.risetrust.org.uk/admissions.html)
- West, A & Ingram, D (2001) Making school admissions fairer? Quasi-regulation under New Labour, *Educational Management and Administration*, 29, 4, 459–473.
- West, A & Hind, A (2003) Secondary Schools in London: Admissions Criteria and Cream Skimming. [www.risetrust.org.uk/admissions.html](http://www.risetrust.org.uk/admissions.html)

Annex A

## ADMISSIONS CRITERIA USED

Table A1

ENGLAND: SECONDARY SCHOOLS ADMISSIONS CRITERIA  
(EXCLUDING GRAMMAR SCHOOLS)

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

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

Annex B

## EXAMPLES OF CRITERIA USED BY SCHOOLS

*Voluntary-aided secondary school*

## Group A

1. Children of worshipping members of the Church of England including those worshipping at the Cathedral (up to 58 places).
2. Cathedral day choristers (up to eight places).
3. Children of staff currently at the school at the time of application.
4. Brothers and sisters of children attending the school at the time of application.
5. Children of other worshipping members of other Christian denominations and faiths.
6. Children of any other applicants to the limit of the places available, according to proximity to the school.

### Group B

Pupils selected by ability as measured by the school's assessment procedures in merit order for a maximum of 15 places.

1. Twelve of these places will be selected on overall academic ability.
2. Three of these places will be selected on musical ability.

### Voluntary-aided secondary school

#### Category A1

- (i) Children of families . . . actively involved in local RC communities (max 118 places).
- (ii) Children of families . . . actively involved in Anglican Church Communities (min 40 places).

Should the numbers in any one sub-category exceed the number of places the following criteria will be applied.

- (a) evidence of significant involvement . . . in the church...
- (b) evidence of some involvement . . .
- (c) number of years the family has been involved . . .

#### Category A2

Children of families who are members, but not active members of the local RC and Anglican Church communities . . . with reasons . . . which deserve priority.

Should the numbers in this category exceed the number of places the following criteria will be applied

- (a) evidence of some involvement . . .
- (b) number of years family involved . . .
- (c) weight of reasons . . .

#### Category A3

Notwithstanding all of the above . . . special consideration . . . child with special educational needs, medical problems, or exceptional domestic or social problems . . . with appropriate evidence.

#### Category A4

. . . applications from parents of other Christian denominations . . . supported in writing . . .

Tie break:

- (i) brother or sister attending
- (ii) greater number of years the siblings would be part of the same school
- (iii) weight of reasons . . .

### *Voluntary-aided secondary school*

The governors consider that it is reasonable to ensure that prospective pupils can demonstrate their clear wish to be educated within an environment that has clear and strong emphasis on nautical activities and seafaring traditions. The criteria to be applied in rank order are:

1. Demonstration of a clear commitment to [the school's] nautical ethos, and a wish to pursue a nautical career.

(The Governors would assess this through an interview in which prospective pupils are given the opportunity to demonstrate their interests and ambitions with regard to the school, and express how they would take full advantage of the specialist education offered. The assessment criteria used for the interviews will be available from the school.)

2. Sibling links.
3. Geographical distance.

*Foundation secondary school*

1. Residents within [three named] parishes.
2. Children with a brother or sister attending the school.
3. Children who have benefited from a period of residence outside the UK leading to experience of a language/culture other than English.
4. Children influenced by the culture/language of another country as a result of residence there of one or more parents.
5. Children influenced by the culture/language of another country as a result of work/interests of one or more parents.
6. Children with a proven interest in language/culture outside the UK.
7. Children whose parents work/interests are connected with other countries.
8. Proximity of home to school, those living closest being accorded higher priority.

*Foundation secondary school*

Allocation of places will follow the criteria in order as published:

- Siblings of pupils at present on roll at the School.
- 10% places for pupils by aptitude for Music by audition.
- 5% places for pupils by aptitude for Dance by audition.
- 10% places for pupils with Technological Aptitude.
- Pupils whose parent works at the School.
- Remaining places allocated by geographical proximity to the School.

*Foundation secondary school*

In applying for admission at [name of school] the governing body assumes that parents are seeking a school which provides:

- (a) an all-round education which has enhancements in science and technology and which stresses enterprise skills.
- (b) post-16 courses.
- (c) an ethos which encourages learning and which insists upon the highest standards of behaviour, commitment to work, attendance and dress.

These points, therefore, are explicitly stated on the admissions form.

Conscious that the school was specifically set up to provide enhanced opportunities for pupils throughout the city and the surrounding area and that additional funding is provided to the school for this purpose, the governing body has determined that admission to the school, in the first instance, must ensure that all interested parents/pupils should have a reasonable expectation of admission. In consequence, therefore, each primary school within the defined area will be allocated a number of places determined by size and relative accessibility to the school and the absence of otherwise of a viable alternative.

In the event of oversubscription the following criteria are used, in order:

- (i) the child with the lower level of unauthorised absence in year 5 having priority.
- (ii) the child with the higher overall attendance in year 5 having priority.

*September 2003*

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**Memorandum submitted by Professor John Coldron (SA 2)**

**SUMMARY**

1. Some of the main concerns and issues around admission policies are parental satisfaction, equitability, effects on school intake and composition, whether they help or hinder collaboration, efficiency in the use of resources, and effects of travel on the urban environment.
2. While in England as a whole the great majority of parents receive offers for a place in a school with which they are satisfied more problems are experienced in urban areas and these can be very some in some hot spots with London having particular problems.

3. Polarisation of parental perception of schools is the main reason for the admission crisis in particular hot-spots.

4. There are pressures towards segregation especially in areas where there is polarisation of perception. The fact that these pressures have not resulted in significant segregation does not mean the pressures are not there.

5. For parents who engage in the choice process the most important ingredient of choice (together with practical considerations) is the intake of the school.

6. The majority of parents want their children to go to a good local school.

7. It is still true in most areas that where you live largely determines the school your child will attend.

8. Anxiety is generated when access to acceptable schools is unpredictable and the process is complex or literally unmanageable.

9. Some schools use admission arrangements to manage their intake so as to increase their proportion of easier to educate children.

10. Specialist school status in itself is not likely to lead to a change in the intake of a school relative to others in an area but the unilateral use of the option to select, probably would.

11. School procedures for testing for aptitude reflect a high level of control and a low level of accountability on the part of schools.

#### 1. *Some of the concerns and issues around admissions policies*

1.1 *Parental satisfaction*: Parents and their children may experience high levels of anxiety about admission procedures to secondary school through unpredictability and delay about final decisions. As to outcomes, the majority of parents feel strongly about which school their children attend and may feel desperate when their preferences are not met. Some of the more powerful reasons for choice are fear about the quality of education and about the moral and physical safety of their children at particular schools; sincere beliefs about the need for their child to be educated in accordance with religious or moral principles; and practical issues of family organisation, like childcare, that if disrupted by school admission can cause great personal difficulty.

1.2 *Equitability*: A major dilemma is whether an admissions policy should provide equality of opportunity for parents to gain access to what are perceived to be unequal schools or whether instead it should attempt to mitigate the unequal educational performance of schools consequent on the social segregation of intake by balancing intakes or in some other way. An unavoidable problem is that choice for some parents (eg to attend a school other than their nearest school) reduces the choice for others (eg those who live close to the school).

1.3 *School intake/composition*: Admissions policies directly affect the composition of the school intake which in turn is closely associated with certain measures of school performance. Because of the nature of their intake some schools have a relatively difficult task in many ways (Thrupp 1999) including to educate the same proportion of their pupils to similar attainment levels. This is most obviously true of grammar and secondary modern schools whose admissions criteria, despite other concerns, are transparent, familiar and well understood. Some admission arrangements may allow a less transparent form of selection of intake by schools that results in segregation on the basis of socio-economic status or ethnicity or attainment. This has currently focused on the partially selective procedures such as the selective option of Specialist schools but schools can also exercise selection in other ways for example through catchment areas or religious criteria. The way parents choose schools is also a significant pressure towards segregation of school intake.

1.4 *Collaboration and competition*: There is currently an emphasis on collaboration as a means of spreading good practice and improving schools. Admission arrangements, and the kinds of relations they encourage or discourage between schools, may hinder or help the growth of collaboration. Particularly salient is the level of competition in relevant areas to attract easier to educate children.

1.5 *Efficiency*: Admission arrangements can and do absorb a great deal of resource on the part of schools, local authorities and central government. This includes spending on managing the preference system and the school stock to accommodate all preferences and the level of appeals that result. Some systems may be more cost effective than others.

1.6 *Concern for the urban environment*: there is an issue of wider environmental concern. Some admission arrangements may lead to greater travel within already congested urban areas. There is some responsibility to try, wherever possible, to reduce rather than increase the problems caused by the "school run".



## 2. *The management of admissions in England*

2.1 In England the local management of admissions has led to a great variety of arrangements (Williams et al 2001; White et al 2001). Although all publicly maintained schools (and this includes Foundation and Voluntary Aided schools) are bound by a common code of practice determined by central government (DfEE 1999; and, from 2004–5 DfEE 2003), the history, geography and politics of different locations have had a considerable effect on the adoption of particular admission arrangements in an area.

2.2 There has been a sense of seasonal crisis concerning school admissions (O'Reilly and Ludlow 2002). Some schools are inundated with applications while others cannot fill the places they offer (Coldron et al 2002). Appeals for secondary school places are rising year on year (DfES 2001).

**Table 1**

### ADMISSION APPEALS SECONDARY SCHOOLS: APPEALS LODGED AND HEARD AGAINST NON-ADMISSION OF CHILDREN TO MAINTAINED PRIMARY SCHOOLS IN ENGLAND 1995–96—1999–2001

	1995–96	1996–97	1997–98	1998–99	1999–2000	2000–01
Appeals lodged as a % of total admissions	6.0	6.7	7.6	8.7	9.6	10.3
Appeals heard as a % of total admissions	4.3	4.9	5.5	6.3	7.0	7.5

However looking at the figures for England as a whole, talk of crisis seems like an exaggeration. In a recent project on which we worked with the Office for National Statistics it was found that 92% of parents gained a place in the secondary school for which they had expressed first preference (Flatley and Williams 2001). Ninety six per cent of parents are offered a place in a school for which they have expressed some preference. A third of unsuccessful parents gain entry on appeal (DfEE 2002). In addition, the study found that once their children had been at secondary school for nearly a year a third of these previously dissatisfied parents said they were more satisfied. Therefore the evidence strongly suggests that somewhere between 3% and 4% of parents each year are left lastingly dissatisfied with the outcome of the admission process. A greater proportion is dissatisfied with the process (about 15%).

2.3 However the global picture glosses over the problem of local hot-spots. Problems of school admissions are not evenly spread over the country. Taking appeals for secondary places as an indicator, rural areas have relatively few problems with only 5% of appeals heard, while metropolitan areas have 9% and London nearly 14% (see Table 2 for an estimate on 2001 figures). Discontent about admissions is much more an urban phenomenon and the bigger and more dense the population the bigger the problem.

**Table 2**

### APPEALS HEARD AS A PERCENTAGE OF TOTAL ADMISSIONS 2000–01

	<i>Rural</i>	<i>Metropolitan (inc. London)</i>	<i>Metropolitan (exc. London)</i>	<i>Inner London</i>	<i>Outer London</i>	<i>All London</i>
Primary	2.5	3.8	3.8	3.3	4.0	3.7
Secondary	5.0	10.5	9.1	16.2	13.5	14.3
Combined	3.9	7.1	6.6	8.5	8.7	8.6

2.4 There is indeed a crisis in school admissions not globally but in particular localities. There is a crisis for those parents who are not successful in gaining a place at a school to which they believe they can safely send their child but for whom the private sector is not an option. It is a crisis for the schools which are so unpopular that their difficult job is made much harder, and a (albeit less fateful) crisis for the schools which are so popular that they spend a great deal of time and energy managing the process of admissions and appeals. For LEA admissions managers in deeply polarised areas it presents extreme difficulties in achieving coherent regional schools provision.

## 3. *Admissions in urban areas*

3.1 A relatively large proportion of parents in urban areas take the opportunity to apply for schools other than those closest to home. The ONS survey (Flatley et al) found that four in 10 parents (40%) who lived in London boroughs did not apply to their nearest state school compared with about two in ten (21%) of parents who live in Shire authorities (see Table 3).

Table 3

## PARENTS NOT APPLYING FOR PLACE IN NEAREST STATE SECONDARY SCHOOL BY PARENTAL LEA TYPE

<i>% not applying to nearest state school</i>	<i>%</i>	<i>Base = N</i>
All parents	28	2170
London borough	40	286
Metropolitan authority	31	535
Unitary authority	29	386
Shire authority	21	963

3.2 This, in addition to the greater incidence of appeals in urban areas is evidence of greater choice activity and levels of dissatisfaction. Simple diversity of choice or the availability of transport are not enough wholly to explain the greater activity and associated dissatisfaction observed in large urban areas. Discontent as measured by numbers of appeals is highly localised and is often to be found at its most intense in specific areas within boroughs. The real culprit is polarisation. I mean by polarisation the diverse reputations of schools as perceived by the parents. The perception that some schools are, at best, not even to be considered, and at worst, must be avoided at all costs, while others are highly desirable.

3.3 There has been considerable academic debate about the impact of marketisation of admission policies on the segregation of school intakes. Gorard et al (2002) have shown that the predictions of some commentators (eg Gewirtz et al 1995; Lauder et al 1999) that segregation would increase have not been fulfilled but it does not follow that the latter's analysis of how parents choose and the claim that there is pressure towards social segregation was wrong. Market models do provide an added pressure for segregation but it hasn't happened to any statistically significant degree. Predictions in social contexts are, unlike predictions in the physical sciences, hardly ever borne out because of the confounding effects of multiple factors in open systems and people's responses (eg the counter-activity of LEAs in the interests of the children in their areas).

3.4 It is important to make a distinction between segregation of intakes and the polarisation of parental perception concerning schools in a particular area. It is perfectly possible to have segregation without polarisation of perception and polarisation of perception without segregation. However, segregation has an effect on the performance and reputation of schools and where parents and schools have the means, polarisation of perception is likely to lead to greater segregation (Lauder et al 1999). Although there is measurably greater segregation between rural schools (Gorard 2002) in the absence of polarisation of perception or the practical option of other schools (other than opting for private education) there is not the same anxiety associated with school allocation. Indeed admission officers in rural areas have little difficulty in managing admissions and consider it to be a problem mainly for metropolitan areas (Gorard et al 2002).

3.5 The existence of local occurrences of polarisation is beyond doubt. This is what parents, schools and admission officers tell us consistently. What is more a number of distinguished academics (I am thinking here of the work of Stephen Ball, Pierre Bourdieu, Hugh Lauder among others) have developed a sophisticated model of parental choice that is consistent with these field accounts and provides strong explanations for how parents make choices. In addition to the major concerns about its effects on equity of provision and outcomes for all children polarisation of perception creates an imbalance in the provision of places in most preferred and least preferred schools, high levels of dissatisfaction and anxiety on the part of parents and children, high levels of appeals, the vilification of some schools compared to others and a sense of desperation on the part of some parents. Once a stampede mentality takes hold it is very difficult for the admissions authorities in an area to manage. Transaction costs are high and relations between all parties are put under strain. This is a scenario repeated in many urban areas of the country not just London (Coldron et al 2002).

#### 4. *The importance of intake to parents*

4.1 School choice decisions are based on a complex mixture of reasons, but the evidence is overwhelming that the driver for polarisation of perception is the difference in the social status of the intake of schools. For parents who engage with the choice process the most important ingredient of choice (together with practical considerations) is the intake of the school (Ball 2003 for an overview of the evidence; Lauder et al 1999). Performance tables, the ethos of the school, fear of bullying, fear of a drugs culture, the quality of discipline—all reasons cited by parents when asked about how they choose a school (Flatley et al 2001) are either directly associated in parents minds or highly correlated with intake (Coldron 2002) and in this sense are proxies for the kind of people with whom their child will spend their formative years.

4.2 There is an increased concern at the transition to secondary with the moral and educational careers of their children, and this is articulated with their thinking about particular areas and their populations (Gewirtz et al 1995; Coldron and Williams 2002). This is not just snobbery. Parents really are afraid (whether justifiably or not) for their children's moral, educational or physical welfare.

4.3 Anxiety is generated when access to the most reassuring and therefore popular schools is unpredictable and the admission process is complex and unmanageable. Open enrolment, the right of parents to state a preference, and the existence of a number of admission authorities in an area increases unpredictability. Prior to open enrolment, in non-selective areas, the catchment area principle meant schools' composition reflected the local community. In this sense the advantaged and disadvantaged nature of different communities was reproduced and thereby reinforced selection by mortgage. It is still true in most areas that where you choose to live largely determines the school your child will go to and therefore the social status of the peer group of your son or daughter (Williams et al 2001).

4.4 The desegregation found by Stephen Gorard and John Fitz may be considered marginal in that only a minority benefit from it. Because of other considerations parents still want their children to go to the local school. Nationally 28% opted for schools other than their nearest state school and 40% opted for schools that were not the higher performing schools in the area (Flatley et al 2001). Without residential desegregation socially unsegregated school intakes imply increased travel.

4.5 Having been encouraged to act as consumers those parents who are alert, skilled and with sufficient resources (Willms and Echols 1992; Gewirtz et al 1995; Flatley et al 2001) will more frequently opt away from their local school and will more frequently opt for the most popular schools with consequent oversubscription, a greater risk of rejection and a higher level of anxiety.

4.6 The causes of polarisation are deeply rooted in our highly stratified society and the way in which schools reflect and perpetuate that stratification. The question is whether the benefit to some children and their parents of opting out of their residential communities offsets the difficulties experienced by many others in the schools with bad reputations.

## 5. *The importance of intake to schools*

5.1 Not only do parents choose largely on the basis of intake so do schools. There is considerable evidence (Gewirtz, Ball, and Bowe 1995) (Glatter, Woods, and Bagley 1997; Coldron 2001) that some schools use admission arrangements to manage their intake so as to increase the proportion from more desirable social groups and decrease those from less desirable. To give two vivid illustrations of this from our own work; one school officer on the edge of a large Northern city explained:

. . . We were trying to get rid of this group, because years and years ago the school when it first formed had this bad reputation and up until about seven years ago, about 30%, 35% of our intake was from [the city] and we felt that was part of the problem, that bringing sort of [city] pupils into a school like this, to some extent they drag it down to their tone . . . they tend to drag it down rather than us drag them up. The parents want to send them to a nice school, but they don't want the school rules to apply to their son or daughter. And we were committed with the siblings [the interviewee means the sibling over-subscription criterion] to a vicious circle and quite often . . . another terrible intake. A lot of working class families had large families and you were committed to them sort of . . . And that's one of the reasons why they decided to get rid of the sibling link two years ago.

Another school, this time an oversubscribed Foundation in outer London, took 45 out of an intake of 300 (15%) on the basis of a general ability test, something it will still be allowed to do under the new Code (DfES 2003). It also deliberately avoided taking harder to educate children:

What we do is always try and end up . . . with about 305, 306, 310 . . . What we don't want to do is to be falling below 300 because clearly then the local authority would ask us to take on pupils and there are two categories that they might ask us to take. One would be children in trouble from other schools, which would be a bad risk . . . Or they are going to be children who are refugees who have significant learning and social problems.

Such attempts at intake management in particular contexts can contribute to greater polarisation of perception even though as Gorard et al have shown it does not seem to have resulted in significantly greater segregation on their measures.

## 6. *Specialist schools procedures for assessing relative aptitude*

6.1 We have already noted the motivation of some schools to manage their intake to maximise admission of children from higher socio-economic status families. The selective element of the specialist programme provides another instrument for such intake management. Specialist school status in itself does not lead to a change in the intake of a school relative to other schools in an area. The unilateral use of the option to select does. Where all the schools in an area are specialist this may work to mitigate the problem. A minority of schools are presently using the option to select by aptitude. In general the admission criteria for specialist schools which use the option to select 10% of their intake are diverse, largely unaccountable and sometimes obscure. The selective places we looked at in this study (n = 61) were by definition competitive and most were in schools that were over-subscribed.

6.2 We looked at the details of admission procedure to see how these schools tested for aptitude in the particular subjects. In some there was a clear statement, in others a general statement about there being a test and in the majority it simply referred parents to the school for details. In general what was revealed was a great diversity in methods of testing which reflected the high level of control and low level of accountability schools have for these procedures. These schools in 2000 were operating under the Code of Practice on School Admissions (DfEE 1999) which set some general criteria for methods of assessment but left admission authorities to find their own method of establishing relative aptitude. The new Code (DfES 2003) has not changed this.

#### REFERENCES

Coldron, J and Williams, J (2002) *Parents who appeal against school admissions: Who are they and why do they appeal?* BERA Exeter.

Coldron, J, Stephenson, K, Williams, J, Shipton, L, Demack, S (2002) *Admission Appeal Panels: Research Study into the Operation of Appeal Panels, Use of the Code of Practice and Training for Panel Members.* School of Education, Sheffield Hallam University for the DfES, Research report RR344.

DfEE (1999) *School Admissions Code of Practice* London: Department for Education and Employment.

DfES (2003) *School Admissions Code of Practice.* London: Department for Education and Employment.

DfES (2001). "Statistical First Release: Admission Appeals for Maintained Primary and secondary Schools in England 1999–2000." DfES.

Flatley, J, Williams J, Coldron J, Connolly H, Higgins V, Logie A, Smith N, Stephenson K (2001). *Parents' Experience of the Process of Choosing a Secondary School.* Office for National Statistics and Sheffield Hallam University. DfES Research Report RR278.

Glatter, R, Woods, P A and Bagley, C (1997) Diversity, differentiation and hierarchy: school choice and parental preferences, in R Glatter, P A Woods and C Bagley (eds.) *Choice and Diversity in Schooling: Perspectives and prospects* (London: Routledge).

Gewirtz, S, Ball, S, Bowe, R (1995) *Markets, Choice and Equity in Education* Buckingham, Open University Press.

Gorard, S, Taylor, C, Fitz, J (2002) *Measuring Markets: the impact of twelve years of school choice.* Cardiff University School of Social Sciences.

Lauder, H, Hughes, D, Watson, S, Waslander, S, Thrupp, M, Strathdee, R, Simiyu, I, Dupuis, A, McGlenn, J and Hamlin, J (1999) *Trading in Futures; Why markets in education don't work.* Buckingham: Open University Press.

O'Reilly, J and Ludlow, M (2002) *Thousand pupils adrift in secondary school limbo* Sunday Times August 4 2002.

Thrupp, M (1999) *Schools making a Difference: Let's Be Realistic! School Mix, School Effectiveness, and the Social Limits of Reform.* Taylor and Francis.

White, P, Gorard, S, Fitz, and Taylor, C (2001) Regional and local differences in admission arrangements for schools, *Oxford Review of Education*, 27, 3, pp 317–337.

Williams, J, Coldron J, Stephenson K, Logie A, Smith N (2001). "An analysis of policies and practices of LEA admission authorities in England." in *Parent's Experience of the Process of Choosing a Secondary School*, edited by J Williams and J Flatley: Department for Education and Skills.

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**Memorandum submitted by John Fitz, Chris Taylor and Stephen Gorard,  
Cardiff University School of Social Sciences (SA 1)**

#### EXECUTIVE SUMMARY

1. Admission policies can be characterised as a mosaic of practices. They represent local attempts to balance the sovereignty of parental rights to choose with the statutory duty of LEAs to provide places for all secondary students in their boundaries.

2. While the 1944 Education Act established the principle of parental choice, the 1988 Education Reform Act and the subsequent Greenwich judgement effectively meant that parents can express a preference for any secondary school, regardless of LEA boundaries.

3. The creation of self-governing schools (GM schools, CTCs), alongside existing voluntary schools, all with control over their own admission policies, expanded choice and diversity but also made school choice more complex and more risky for parents. Some parents found they could no longer obtain places in their local secondary schools.

4. The School Standards and Framework Act 1998 attempted to ease the complex administration of admission policies and address parental concerns about access to local schools, but has not entirely succeeded in doing so. Indeed, some LEAs report it has made their task more difficult.

5. LEA guidance to parents on local admissions policies “frame” and can also constrain parental choice in a variety of ways. The high proportion of parents (about 90%) reportedly achieving their first preference may therefore be misleading.

6. Appeals have risen dramatically. In the period 1993–99 the number of appeals more than doubled, from 24,581 to 60,454. The largest number of appeals occurred in the London area.

7. The prevalence of admissions via catchment areas suggest they are attractive because they appear to be fair and are relatively easy to administer. They also lead to, and consolidate, “selection by mortgage” and thus they can sustain and reproduce the social stratification of secondary schools.

8. Extending diversity, via specialist schools, city academies and language colleges, also expands the number of schools with control over their own admissions policies. However, schools that control their own intakes tend to segregate away from adjacent maintained schools by recruiting more advantaged intakes.

9. Banding, where schools are allocated roughly equal shares of high, middle and low performing students, is an effective strategy for the reduction of the social stratification of schools. In LEAs where this occurs, levels of segregation are about half of what would otherwise be expected.

10. Alternatives to current prevalent admissions policies include:

- (a) Employing a single application form, and handling all responses on the same day nationally would help prevent multiple place allocation and wasted spaces, and it would reduce bureaucracy.
- (b) Given the limitation of residential segregation, and its interaction with school segregation, incentives, such as council-tax exemption, could be provided for high-attaining primary pupils to attend designated secondary schools in poorer areas (Schoon, 2001).
- (c) Schools in difficult areas could receive higher levels of preferential funding.
- (d) Authorities might be encouraged to fund surplus places, allowing popular schools to grow past their planned admissions numbers, rather than an increasing number of appeals, and rationalise their school provision through closures where necessary, rather than having a larger number of schools tied to rigidly defined residential areas.
- (e) The arrangements for free travel should be the same across Local Education Authorities and between different school types.
- (f) A return to all-school banding by ability in urban areas, whereby children are tested before entry to secondary school and each school is then constrained to admit students proportionately across the ability range, would help to further decrease socio-economic segregation.

## 1. INTRODUCTION

1.1 The current system for secondary school admissions is the product of nearly a century of schooling—from the original conception of mass schooling to the comprehensive era and now to the current “quasi-market” and the emphasis on “diversity” in education provision. Each phase of major reform to school provision and organisation in the UK has brought about associated changes in the dominant form of school admissions. However, there has never been a single system of school admissions that has operated in every school, or even across an individual region or Local education authority (LEA). Instead, the history of school admissions in England and Wales can be characterised as a complex mosaic of practice and local interpretation. For example, while the comprehensive era is associated with the use of catchment areas in the allocation of pupils to schools according to Dore and Flowerdew (1978) 27% of LEAs during the 1970s operated a system of “parental choice”. By the early 1990s, the era of supposed “parental choice”, approximately 58% of English LEAs surveyed still allocated school places by catchment area (Morris 1993). Furthermore, throughout both periods of reform many schools and LEAs operated a “feeder school” system whereby the allocation of places to secondary schools was determined by the primary school a child attended. Schools with powers to recruit their own intakes further frustrate the idea of parents freely choosing schools. The remaining 160 or so grammar schools have retained the ability to select their intake on academic aptitude since the origins of the tripartite education system, while more recently, CTCs, technology and language schools and specialist academies are also able to select a proportion of their students.

1.2 LEAs are pivotal in these discussions because they remain the arena within which the majority of parents choose maintained secondary schools for their children and because they also frame the kind of choices that parents can make via organisation of secondary schools in their boundaries and because they have a statutory obligation to provide sufficient places for secondary pupils in their area. It is for that reason that we begin our discussion with an overview of LEAs and their responsibilities under successive pieces of legislation and how this relates to the development of admission policies. Drawing on our research which has looked at the impact of school choice policies over a 14 year period (1989–2003 we will then discuss the implications of some of the admissions policies found in operation (Fitz, Taylor and Gorard 2002; Fitz, Gorard and Taylor, 2002; Taylor and Gorard 2002).

1.3 There is insufficient space here to describe the methods used in this study of the impact of choice in England and Wales. It commenced with analysis of the annual school census returns for all secondary schools from 1989 to 2001 (supplemented with figures from PISA). From these, around 80 Local Education Authorities were selected for further consideration of their published and reported admissions policies. From these, 23 LEAs were selected in three contiguous areas for further intensive study, including interviews with LEA officials, and then schools within these. Representatives of all these bodies took part in taped interviews. The datasets were analysed using spatial models, and a segregation index, based on family poverty, ethnicity, first language, and special educational needs (Gorard, Taylor and Fitz, 2003).

## 2. SCHOOL ADMISSIONS POLICIES AND THE LEAs

2.1 Since the 1944 Education Act parents have been able to express a preference for the school(s) they wish their child(ren) to attend. That legislative right has been balanced by the LEAs' statutory responsibility to provide places for all children of compulsory school age, and to manage their resources efficiently. Parents, historically, have been able to choose between state and private education, between LEA and church schools, between single sex and co-educational schools, and, in some areas, between selective and non-selective schools, and between LEA comprehensive and "specialist schools", though not all parents have had the same degree of choice. Nevertheless, some form of allocation of children to school places has operated in LEAs in order for them to fulfil their statutory obligations. The allocation procedures have always varied across LEAs and they have shifted modes over time. For example, from 1944 until the late 1960s tests at 11 plus distributed secondary school children between schools on the basis of ability. With the development of all-ability comprehensive schools, which about 92% of all state secondary students in England and approximately 99% in Scotland and 98% Wales presently attend (Benn and Chitty, 1996), allocation has featured geographical proximity through school transport policies that generally encourage families to use the nearest schools. While these allocative procedures are very different in their educational values and in their consequences for families and for students they can both be interpreted as ways of balancing choice and the LEAs planning responsibilities. The balance between these modes has been shaped to a considerable degree by the political affiliation of the elected members making up city, borough and county councils, with Conservatives most closely associated with the retention of selective education.

### *Open enrolment*

2.2 The 1988 Education Reform Act introduced the principle of more open enrolment which required schools to admit students up to their Planned Admission Number, which in effect meant up to their physical capacity. LEAs were also required to inform parents that that they could express a preference for a school and confirmed their right to appeal against LEA allocation decisions, a right first established in the 1980 Education Act. In addition, the legislation enabled schools to opt out of LEA control and become grant-maintained (GM) schools. These initiatives were designed to increase parental choice between diverse kinds of schools. Moreover, this legislation linked admissions to resources via an age weighted per capita funding formula that determined school budgets. GM schools controlled their own admissions and could, and did, ignore existing LEA admissions principles and procedures in pursuit of recruits (Fitz, Halpin and Power, 1993).

2.3 In some of our study areas, such as Brent, Gloucestershire, Essex and Hillingdon where the majority, if not all, the secondary schools "opted out", LEAs were in effect left "minding the store" through the task of monitoring, as they were still required to do, whether new intakes of children had acquired secondary school places. As one official told us, because of the large number of GM and voluntary schools in the area, his LEA was composed of 192 admissions authorities. Not only did multiple admissions authorities diminish LEA capacity to match students to places, the 1989 Greenwich judgement enabled parents to express a preference for schools outside their own LEA and thereby made admissions policy more complex to administer. Key beneficiaries of the judgement were the GM and voluntary aided schools, who were given an unrestricted capacity to expand their catchments.

2.4 While most LEAs persisted with catchment areas as a primary means of allocation, there were visible hot spots, notably in Bexley, Bromley, Barnet, and Hammersmith and Fulham (among others) where local children were not obtaining entry into local schools as places were now going to out-of-borough families. These cases occurred most frequently in the London area where the LEA size and population density meant that boundary-crossing was relatively straightforward and cost effective. They also occurred in areas which still have selective schools and in areas where GM schools operated rigorous selection procedures, or both. Our evidence suggests that the Funding Agency for School (FAS) did not concern itself with admissions but only with the planning and provision of places.

### *School Standards and Framework Act 1998*

2.5 This admission loophole was addressed in the School Standards and Framework Act 1998 (Sections 84 and 85) where an incoming Labour government determined that the problem was of such a scale that it was prepared to devote a part of its flagship legislation in order to curtail GM schools autonomy in the recruitment of students. We have discussed the Act in detail elsewhere (White et al 1999) but primarily it

placed a duty on the Secretary of State to issue a Code of Practice on School Admissions. The subsequent Codes published in England and Wales contained measures to design to ease the admissions confusion. We deal with these briefly here as these have been discussed more fully in previous research reports (White et al 1999, White et al 2001).

2.6 The guidance contained in the Code sets out the duties and responsibilities of LEAs, the governing bodies of grant-maintained schools and appeals panels. It made similar prescriptions for admissions authorities (whether individual schools or LEAs) who must now publish their admissions arrangements for the benefit of parents. In addition to the Code, the legislation introduced three new elements into the schools admissions framework. Appeals Panels replaced appeals committees, LEAs were required to establish Admissions Forums to oversee and advise on local admission arrangements and the legislation also introduced ministerially-appointed Adjudicators with powers to consider and resolve admissions disputes between parents and admission authorities.

2.7 In general, the legislation confirms the duty of the LEA and other admissions authorities (foundation schools and church bodies) to publish details about the characteristics of their school(s) and their admissions procedures. It also requires all admissions authorities within an LEA, and, in cases where students cross borough boundaries, adjacent admission authorities, to consult with each other about their admissions procedures.

2.8 In other papers we reported that legislation is ambiguous in a number of key areas (White et al 1999, White et al 2001). First, we noted that there still remains in place the 1944 delicate balance between the sovereignty of admissions authorities and the right for parents to express a preference, laid down in the 1944 Act (White et al 1999). It remains the case that admission authorities can exercise a good deal of control over their admissions criteria, always provided these are published and available to parents and that they do not overtly infringe equal opportunities legislation. Second, measures to end the remaining fully selective systems of education are very muted. While parents may ballot for an end to grammar schools, the Code at the same time promotes admissions criteria which include partial selection, based on specific aptitudes or abilities. This is in line with Labour's agenda of modernising the comprehensive ideal but may well also go against the grain of other desirable outcomes such as balanced intakes. And on this last point, there is no overall steer in that direction in the legislation or Code. Admissions authorities are permitted to work directly against that principle in their admissions arrangements and in the "over-subscription" criteria.

#### *Admission policies*

2.9 One crucial aspect of admissions authorities—LEAs and individual schools—is the published guidance they offer to parents about their admissions arrangements and about their over-subscription criteria because this relates directly questions about the proportion of parents who secure their first choice school. While it may be the case that about 90% of parents nationally (but just over 70% in London) are said to achieve their first preference, this has to be placed in the context where admissions authorities lay down a variety of markers that indicate to parent where they are most likely to be successful in gaining entry to a school. "First preference", we argue may well not reflect parents "ideal choice" because first preference is mediated by their assessment of the chances of getting into their version of a "good school", based on factors such as the LEAs admissions policy.

2.10 For example, it is not unusual for LEAs to indicate both the size of secondary school in their areas, which were oversubscribed and the extent to which over subscription occurred. It is left to parent to assess the risk. LEAs also use the proximity criteria to signal which school catchment area applied to what household and then require parent to make a case in writing for an alternative to be considered. Some parents are more able to do this than others, and there are special difficulties here for those families whose first language is not English. It would be fair to conclude that many authorities published their intended allocation of schools and waited for objections, with a null response treated as approval. In the case of over-subscription in any school, a variety of discriminatory criteria were used (including medical and social reasons).

2.11 LEAs have adopted a variety of application procedures for children transferring to secondary school. Some use single form applications, others multiple form applications where parents are required to make a separate application to each school they wish to be considered for. Some LEAs require parents to state only one preferred school while others allow parents to nominate several schools and state their order of preference. The overriding consideration here is that parents who state any kind of preference will be give priority over those parents who may accept the "default" school but who do not state their preference. LEAs also set out their over subscription criteria. The same criteria are broadly used by all LEAs (parent/sibling connection, proximity, catchment area/feeder primary school, first choice, age, single sex or ethos, medical, social or special educational need). The order in which these are applied, however, varies and has important effects. Parental/sibling connection, for example, constrains choice and can also ensure that high and low performing schools retain their previous characters.

Can we gauge levels of parental satisfaction with these general arrangements by reference to the numbers of those who appeal against the decision to allocate their child to a particular school?

### *Appeals*

2.12 Parents frustrated at not achieving entry to their preferred secondary can lodge an appeal to the appeals panel associated with an admissions authority. Appeals over school places have risen dramatically since they were first introduced. In the six years between 1993 and 1999 the number of appeals lodged by parents for secondary school places has more than doubled, from 24,581 (4.2% of all admissions) to 60,454 (9.6% of all admissions). The numbers of successful appeals expressed again as a percentage of all admissions has risen in the same period from 1.36% to 2.08%. Not surprisingly, the number of appeals varies by LEA and by region, with London recording the largest number of appeals. It also provides an interesting illustration of our point about geographical variation.

2.13 Within London there would appear to be two particular “hot-spots” for appeals and parental dissatisfaction: Enfield and Westminster. In the case of Enfield over half of all admissions end up in appeal. The most notable features of this authority are the presence of grammar and Foundation schools. Westminster, on the other hand, contains a large number of Voluntary-Aided schools. It has been shown elsewhere that the number of appeals is related to the combined effect of a large proportion of parents choosing an alternative to their nearest school and the number of schools that have autonomy in the organisation and design of their admission arrangements (Taylor et al 2002). Even though the number of appeals lodged have generally increased over this period several LEAs in London have actually seen a fall. In particular, the number of appeals lodged has declined considerably in Newham and Islington. Inversely the number of appeals lodged has increased in Hillingdon, Kensington and Chelsea, Camden, Barking and Dagenham, and Redbridge.

2.14 It would also appear that parents in London are the least likely to get the decision overturned. In particular, parents in Inner London are very unlikely to be successful in their appeal. Whether this is a failing of the appeals process, a failure of the school admissions system or actually an indication that the original decision was the “correct” one is unclear (see Taylor et al 2002). However, if the number of appeals upheld in the parents’ favour is considered against the total number of admissions then London would be similar to the rest of the country.

2.15 While the rate of appeals can be interpreted as an indicator of market awareness ie the growing propensity of parents to act as consumers and thus attempt to “exit” the system via the appeals process—they more likely reflect other underlying characteristics of the local educational system, namely urbanisation, travel networks, population density and the presence or absence of surplus places. In urban and metropolitan areas for example a larger numbers of schools, close together and with good transport networks mean that parents can realistically think about alternative schools to those allocated by the LEA. It is not surprising, therefore, that the rate of appeals is greater in these areas than in rural ones. There are other factors that contribute to the rates of appeals. Those LEAs which operate a “first preference” system appear to have higher rates than those which privilege catchment area allocation. The larger function of appeals though is that they confirm and secure the parents’ rights to express preferences in a system which can be interpreted as heavily bureaucratised.

### *An overview*

2.16 Many of these earlier concerns that led to the introduction of the 1998 School Standards and Framework Act and the Code of Practice for School Admissions were isolated to London, providing some evidence that the situation in London may have been unique. Indeed, many rural local authorities outside London believed that these legislative changes only applied to a number of London Boroughs. One LEA officer explained “It does seem a lot of it is aimed at solving problems in London that don’t exist in other parts of Britain” (Rural LEA Officer). Another noted, “Just because there is a problem with four London boroughs with different types of schools why impose nationally a system to deal with that, and it has been a total and utter waste of money” (Rural LEA Officer).

2.17 However, reports of similar frustrations grew across many parts of England and Wales throughout the 1990s, particularly in urban areas. It is also worth noting that the introduction of these new measures coincided with the phasing in of new unitary (urban) authorities. Many such new local authorities took this opportunity to alter their admission arrangements from their County counterparts with great momentum (eg West Berkshire and City of Bristol LEAs). Even a number of long-established LEAs were quick to take the opportunity to address issues of inequality and injustice in admissions with the Admissions Adjudicator (eg Hertfordshire).

2.18 While the introduction of the 1998 Act and subsequent Code may have been an attempt to address the frustrations and organisational difficulties in London they have certainly been of some benefit in other areas of England and Wales. However, four years after the Government’s attempt to intervene many fears and concerns still remain, particularly in London. Some Local authorities still have great difficulties in ensuring that they find a school place for their children. One interviewee noted, “People who are living 0.6 or 0.7 [miles], above half way [of a mile], aren’t getting in . . . and consequently have to travel 2 or 3 miles across the Borough to another school.” (Inner London LEA Admissions Officer). In another LEA “there are cases now you know where [school name] is full up in that year and we are phoning around other authorities and trying to get them in elsewhere.” (Inner London Admissions Officer).



2.19 There is some indication that the interventions of the Labour Government have only added to the problems that local authorities have in the admissions process, even in London. For example, when discussing the introduction of admission forums, meant to alleviate tensions between the admission policies of local authorities and schools, a typical response was “oh that, the bureaucracy of it all?” (Inner London LEA Admissions Officer). Many LEAs felt that they have always had good relationships with schools with autonomy in their admissions, and had regularly met informally with neighbouring LEAs. The new legislation simply increased the administrative workload of LEAs without easing any of the limitations and problems of the open enrolment system.

### 3. ADMISSION POLICIES: PROBLEMS AND PROSPECTS

3.1 In this section review briefly the admissions policies and examine their effects. We also suggest alternatives that might be considered. In devising admission policies LEAs, under a statutory duty to be efficient, have to address on number of value, demographic and school organisational issues in order to decide what is appropriate in their situation. In our experience these include:

- (a) achieving efficiency via reviews of the oversupply of school places and related issues such as the consideration of closure or amalgamation of schools and, matching the distribution of secondary school to the geographical distribution of the secondary school population;
- (b) consideration of selective or non-selective education;
- (c) achieving balanced intakes thereby evening out the social composition of schools and consequently school performance across the borough;
- (d) responding to demographic changes via the mix of religiously affiliated schools and in Wales determining the balance between English and Welsh language schools;
- (e) reviewing arrangements such as all-through 11–18 schools or 11–16 plus 6th form colleges, encouraging specialist schools and the maintenance of single sex schools; and
- (f) accommodating the existence of foundation schools in the area.

Against this background some of the policies LEAs can adopt include:

#### *Catchment areas*

3.2 Deciding allocation by the proximity of family residence to schools, so that each school has a designated catchment area, is attractive because it is a transparent policy, seemingly equitable, offers the possibility of “local school for local children” and relatively straightforward to administer. These factors probably account for its prevalence. However, this approach is not unproblematic. For example, catchment areas, the most used form of allocating places in comprehensive schools during the 1970s can lead to a reinforcement of residential segregation and differentiation. One effect, for example, are cases where there is the strong social segregation of schools on peripheral housing estates from other schools in the same LEA. It also leads to what is known as “selection by mortgage”, the use of catchment areas in the allocation of school places into popular schools has led to inflated house prices since demand for housing in these areas increased. In a recent study in Coventry it was estimated that the “premium” for house prices in the catchment areas of popular and high-performing schools ranged between 15% and 19% (Leech and Campos 2000). This is still relevant to the current admissions system since Coventry, for example, continues to use designated areas in the allocation of oversubscribed schools (see Taylor and Gorard 2001 for further discussion on this). Where the housing market and the educational market are, mutually reinforcing, LEAs wishing to move, say, to balanced intakes in their schools will find it difficult to achieve. Pre-conditions would include political will and changes to, or investment in, low cost transport policies that would enable students to travel more freely across the borough.

3.3 Catchment areas work in a number of ways, via nominated feeder primary school, where attendance is automatically linked to priority access to a designated secondary school, but now more frequently via measured distances from the family home to the nearest secondary schools. One overall effect however, is that LEAs that employed catchment areas have levels of school segregation (that is concentrations of socio-economically disadvantaged students in particular schools) 20% higher than would be expected.

#### *Guided parental preference*

3.4 Hertfordshire typified admissions policies based on the invitation to parents to nominate their preferred schools but at the same time offers strong guidance on where they are likely to be successful. In the case of community schools, families in Hertfordshire are required to complete the Secondary Transfer Form (STF) and name three preferred schools. Published admissions criteria for all schools give parents a clear indication of which schools they are most likely to gain admission. The LEA admission brochure (Hertfordshire, 2000) provides parents with considerable information about the number of applicants to all secondary schools, postcode data of successful applicants to schools, vignettes of families choosing schools, and fairly straight forward advice on maximizing chances of obtaining a place at a preferred school. It explicitly advises them to list their local school amongst their preferences.

3.5 The current admissions rules, which apply to oversubscribed LEA community and voluntary schools, prioritise children with statements of special educational needs, children with medical or social reasons for attending a particular school, siblings in the school at the time of application, and geographical proximity, determined by the shortest designated route. In the case of single sex schools, priority for secondary schools is determined by postcode and by what is called the “traditional area”, identified by proportions of families who have in the past selected that school as their first choice.

3.6 Hertfordshire is distinctive in its proactive employment of the School Standards and Framework Act. This arose from the legacy of the former grant maintained schools and voluntary schools creating their own admissions policies, and recruiting out-of-county students. The result of this was that local families were unable to obtain secondary school places in local schools. Ofsted noted in its inspection report, for example, that in 1998 nearly 1,000 children had not secured a place by February for the coming academic year. As a result of its new co-ordinated admissions arrangements this figure had fallen to just over 100 in the following year, and most of these were in the south (Ofsted, 2000). Under the new arrangements, foundation schools feed back to the LEA which applicants they have admitted to their schools and this then allows the LEA to inform parents of unsuccessful applicants of alternative places. Hertfordshire has also vigorously challenged foundation and voluntary schools admissions’ policies before the Schools Adjudicator. It has applied to the Adjudicator on 26 occasions to seek changes to the admissions policies of foundation schools. It succeeded in forcing them to add geographical proximity to their admissions criteria, and, in some selective schools, force those schools to admit fewer children by academic selection than had previously been the case.

#### *Diversity and selection*

3.7 Although diversity has been achieved via policies that have promoted different kinds of state secondary schools since 1988 (inter alia, GM schools, CTCs, technology and language schools, specialist colleges and city academies and through area based interventions such as Education Action Zones), in policy terms it is a viable option for LEAs to consider. It may be answer, for example, to the seemingly intractable social stratification of school within LEAs operating catchment areas. Our research however suggests that this would displace the problem rather than solve it. The evidence is that where individual schools have autonomy over their own admissions policies and this includes religiously affiliated foundation, former GM foundation and specialist schools, the trend is to segregate away from, or, take fewer socio-economically disadvantaged students than adjacent schools. In 2000, for example, 16.5% of the total school intake was eligible for free school meals (FSM). For specialist schools the figure was 14.4%, though specialist language schools it was 10.2%, and for selective schools it was 2.1%. Segregation is high and is increasing in the great majority of LEAs that have persisted with selective education.

3.8 The implications of this, in the light of the current expansion of specialist and faith-based schools, should be immediately apparent. Whatever merits these schemes have (and the evidence for these merits is far from conclusive), they also present a real danger of creating greater socio-economic division in the education system. However, the same argument applies to areas with relatively high proportions of Foundation (opted out) schools (and to Welsh-medium schools in Wales), even where these schools are not specialist, faith-based or selective. What all of these minority school types have in common is the ability to act as their own admission authorities, and perhaps it is this, rather than their marketing identities, that is the chief determinant of increased segregation in their local areas. The presence of fee-paying schools is also related to increasingly segregated Local Education Authorities. This may be related to their admission arrangements, such as the use of selection and the ability of some parents to express their commitment to a particular religion. Diversity drives segregation by giving people a reason other than perceived quality, rightly or wrongly, to use a school other than their nearest. That is, diversification of schooling can override fairness in the distribution of school places.

3.9 If a policy of increased diversity is deemed desirable in the U.K., and that is present government policy (Smithers 2001), then our analysis argues that it should be organised fairly. If advocates of diversity and specialization are convinced that this is best route to raising standards then in all fairness, to test whether their policy options are the right ones, specialist and the faith-based schools should not receive preferential funding. Nor should they be allowed to select, or to use a different admissions process to the schools with which they are in competition. Then we will be able to see the strength of their advocates’ arguments. Two Local Education Authorities in our sub-sample have specialist schools that are based on catchment areas just like the remaining schools in the Local Education Authority (Gorard and Taylor 2001). These specialist schools take approximately their fair share of disadvantaged students, and they do not have superior public examination results.

#### *Banding*

3.10 Banding involves the allocation of students so that secondary schools each have a fair share of able and less able students as measured by primary school assessments. In the former ILEA, for example, a large LEA that adopted this policy over a considerable period of time, students were placed in three ability bands, and theoretically, each secondary school admitted approximately equal number of students in each band. We have no evidence of the extent to which an equal spread of abilities was actually achieved in that authority. However, the policy has the merit of explicitly aiming at balanced intakes and thus aiming for

some evenness in school performance. Our research suggests that LEAs which operate some form of banding (eg Greenwich, Hackney, Lewisham and Tower Hamlets) have levels of segregation running at half of that which would be predicted. On this evidence banding would appear to overcome the stratification of the schooling system driven by residential segregation and catchment area policy.

#### 4. ALTERNATIVE FUTURES

4.1 Given that the “Choice” genie is out of the bottle, it is very likely that some measure of parental choice of school will remain part of any future policy. Nevertheless, it is worthwhile giving consideration to alternatives to the admission policies prevalent in the system. These include:

- (a) Employing a single application form, and handling all responses on the same day nationally would help prevent multiple place allocation and wasted spaces, and it would reduce bureaucracy.
- (b) Given the limitation of residential segregation, and its interaction with school segregation, incentives, such as council-tax exemption, could be provided for high-attaining primary pupils to attend designated secondary schools in poorer areas (Schoon, 2001).
- (c) Alternatively, schools in difficult areas could receive higher levels of preferential funding.
- (d) Authorities might be encouraged to fund surplus places, allowing popular schools to grow past their planned admissions numbers, rather than an increasing number of appeals, and rationalise their school provision through closures where necessary, rather than having a larger number of schools tied to rigidly defined residential areas.
- (e) The arrangements for free travel should be the same across Local Education Authorities and between different school types.
- (f) A return to all-school banding by ability in urban areas, whereby children are tested before entry to secondary school and each school is then constrained to admit students proportionately across the ability range, would help to further decrease socio-economic segregation.

#### REFERENCES

- Benn, C and Chitty, C (1996) *Thirty Years On*, London, David Fulton)
- Dore, C and Flowerdew, R (1981) Allocation procedures and the social composition of secondary schools, *Manchester Geographer*, New Series 2, 1, 47–55.
- Fitz, J Halpin, D and Power, S (1993) *Grant Maintained Schools: Education in the marketplace* (Kogan Page: London).
- Fitz, J, Gorard, S and Taylor, C (2001) School admissions after the School Standards and Framework Act: bringing the LEAs back in? *Oxford Review of Education*, 28, 2–3, 373–393.
- Fitz, J, Taylor, C and Gorard, S (2002) Local education authorities and the regulation of educational markets: four case studies, *Research Papers in Education*, 17, 2, 125–46.
- Gorard, S and Taylor, C (2001) Specialist schools in England: track record and future prospect, *School Leadership and Management*, 21, 4, 365–381.
- Gorard, S, Taylor, C and Fitz, J (2003) *Schools, Markets and Choice Policies*, London, RoutledgeFalmer.
- Leech, D and Campos, E (2000) *Is comprehensive education really free? A study of the effects of secondary school admissions policies on house prices*, University of Warwick Economic Research Paper 581.
- Morris, R (1993) *Choice of School: A survey 1992–93 London*, Association of Metropolitan Authorities.
- Schoon, N (2001) Making the best of the worst, *Times Educational Supplement*, 5/10/01, p 15.
- Smithers, R (2001) Church plan for 20 new schools, *Guardian*, 15/6/01.
- Taylor, C, Gorard, S and Fitz, J (2000) A re-examination of segregation indices in terms of compositional invariance, *Social Research Update*, 30, 1–4.
- Taylor, C and Gorard, S (2001) The role of residence in school segregation: placing the impact of parental choice in perspective, *Environment and Planning A*, 33, 1829–1852.
- Taylor, C, Gorard, S and Fitz, J (2002) Market frustration? Admission appeals in the UK education market, *Educational Management and Administration*, 30, 3, 243–260.
- Taylor, C, Gorard, S and Fitz, J (2003) The modifiable areal unit problem: Segregation between schools and levels of analysis, *International Journal of Social Research Methodology*, 16, 1.
- White, P, Gorard, S, Fitz, J and Taylor, C (2001) Regional and local differences in admission arrangements for schools, *Oxford Review of Education*, 27, 3, 317–337.

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

**Q1 Chairman:** Good morning. I do not know what you call a triumvirate of professors but can I welcome Professor Fitz, Professor Coldron and Professor West to our deliberations. It is a great pleasure. I notice that John Coldron's first teaching appointment was in Huddersfield so that makes him particularly welcome, of course, and Professor West from the London School of Economics knows of my interest in that establishment and John Fitz will know of my past in south Wales. This is now the last session of our look at secondary education. We have already this morning discovered that there is no doubt this is going to be the most controversial part of our five-part inquiry, and I must thank you for your written submissions, particularly the Cardiff team, who have presented us with quite an in-depth analysis. It is not necessary for every witness to answer every question but I will not stop you coming in if you think there is an important point to be made. Just looking at school admissions at the moment, they are pretty all right, are they not? Most people, a very high%—90%—get their first choice? The admissions system is as good as it can get, is it not?

**Professor Fitz:** Broadly, nationally, I think you are probably right. One is finding figures of, say, 90% of parents satisfied and obtaining first choice, but what we are finding are particular hot spots where things are difficult, London being one and the south east the other. I think our shared view would be that nationally, therefore, things are working well but that there are local difficulties which are causing concern. For parents, as I think we say in the paper, secondary school choice in some areas is a very risky business.

**Professor Coldron:** I would agree that it is the hot spots that are the problem. Additionally, in one sense admissions are working okay in terms of parental satisfaction and so on, but there may be other things one wants to do with admissions that offer themselves. The other thing is that in selective areas they are not working terribly well because there are high areas of segregation and so on, so in selective areas you get higher appeals and higher dissatisfaction and higher segregation. That is one element. So there are aspects of the admissions procedures that should be looked at but the most difficult thing is the anxiety, in London particularly and other urban areas. It is urban areas where the difficulties are.

**Professor West:** I would agree with that overall. London and the south east are particularly problematic but there are problems elsewhere as well, particularly where there are a lot of schools that are their own admission authorities—voluntary aided schools and foundation schools—and there are some practices that are problematic in relation to parents being able to predict the outcome of their applications. In some cases, too, quite clearly the choice appears to be not that of the parent but more that of the school in question. That is a generalisation and not universal but I think there are some specific issues there that could be addressed.

The government has gone some way and has made a lot of progress in terms of trying to rectify the system, but my own view is that more can be done which will make for a fairer system. I think that is probably the best way of putting it.

**Q2 Chairman:** There is a sub theme in your paper, Professor Fitz, that seemed to be coming out that suggested that, although there is this figure of 90%, that really was not an accurate representation. There are some paragraphs which seem to suggest that the 90% may look good but there were far more discontented parents underneath that in reality.

**Professor Fitz:** I can present our reasoning on that—and it may well be that Anne has the hard data—which is that when you look at LEA admissions documents they frame choice, so what they say is, “This is your default school; this is the school you are allocated to unless you can make a case to go to another school”. Now, parents have to assess the risk whether they will get into the school of their first choice, and in the end our argument is they choose the default school. Now, choice can be framed in a number of ways. One is the catchment area which is the most prevalent, so that if your local school is X then that is the school that the Local Education Authority says you are allocated to. Some other LEAs say that you can choose one of three schools; you can make three strong choices. Others say that you have a better chance of getting into schools if your brothers and sisters have been there and so on. In a sense the idea of open choice is not quite what it seems, so I am not sure what we are seeing—whether it is 90% of parents choosing their ideal school or they are choosing the one they think they have probably got greatest chance of getting into, which is very different. That is why that sub theme appears in text. There is other research by Stephen Ball and his colleagues which shows that, at a micro level, those are the processes that take place.

**Q3 Chairman:** But is there evidence to suggest that middle class professional parents know how to work the system and how to appeal the system, and that it disadvantages those with less skills?

**Professor Fitz:** That is an argument that we have not put forward because we do not have hard data on that. Other researchers certainly have claimed that, so that is where my position would stay. What Local Education Authority officers have said to us is that in relation to appeals for example, where people were not successful in getting their first choice and went to appeal, they said 10 years ago that those who appealed would have been largely middle class, but that is not the case, they would say, today. I have no hard data on that, but Anne and John may have.

**Professor West:** We do not have hard data on the extent to which middle classes are better able to work the system than others. Our focus was on the criteria that are published. It was not even on the school practices or Local Education Authority practices—it was on published admissions criteria—and on the basis of some of those criteria it is likely

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that some parents are more likely to be successful with their applications for particular school places than are others.

**Professor Coldron:** We did have some hard data on the number of parents who said that they did not apply for their favourite school, their favourite school being the state school they would have put down as their first preference. 85% of parents put their favourite school as their first preference and 92% of those got their first preference, so there is, as John says, a number of parents who are not getting what they call their favourite state school because they are making a strategic decision that that one would not be one they could get into. In terms of appeals, the Office of National Statistics in the national survey found that the background of parents who appealed did not vary according to class or any other background characteristics. In other words, they could not find any evidence for any significant differences in the kinds of parents who were appealing. In our later work on appeals, on another research project we did for the DfES, we did find that our respondents, the parents we were talking to in terms of appellants, were overwhelmingly middle class as it were, and I use that as shorthand, but because they were self-responding it does not necessarily mean that that is indicative of the difference there. So the only evidence I know of is from the ONS survey which is that there was no difference in the background of appellants.

**Q4 Mr Turner:** Professor West, what do you mean by “make it a fairer system”?

**Professor West:** The problem at the moment is that some children stand a greater chance of getting into some schools because of the admissions criteria that are in place so, for example, if interviews are used, that is where certain children are likely to perform better. Now the ability of the admission authorities to interview pupils will go, so that will be removed which, in my view, is a positive step towards a fairer system. There are other criteria: for example, using partial selection or basic ability or aptitude, where certain young people are likely to be more successful at getting places through those channels. There is enormous difficulty separating ability from aptitude and the Committee has discussed this previously, but some of the criteria that we found when we were looking at the criteria could have been a measure of ability, of aptitude, of attainment, for example, in music. So it is likely on *a priori* grounds that some people will have an advantage in getting places. There are other incentives in place for schools to have easier-to-teach children, because they are more likely to cause less trouble in school. If they also are able to select those who are higher attainers at entry to secondary school they are likely to do better in their GCSEs so they are likely to enhance the school’s position, so there are incentives there as well, and I think the system could be fairer if there were a limited range of admissions criteria that could be used that could be considered to be objective at

the very least, and not likely to discriminate or be biased towards certain groups of children than others.

**Q5 Mr Turner:** I would like to come back to you perhaps later on some of those points, if there is time. Could I ask about the risk that parents take in selecting their first preference school? Is it the case that that risk is largely created because most admission authorities give a higher priority to parents who have put a school at first preference in selecting pupils for places at that school than they do for parents who have put a school at second or lower preference?

**Professor Coldron:** Yes, in some places, but, again, you cannot talk globally. The risk for parents does not come from just the arrangements for admission: it comes from the state of the schools, the way schools are perceived—we have called it “polarisation of perception” in our memorandum, it is about location, the way other parents perceive schools, and it is about the admission arrangements and about the organisation of admission authorities within the area. John and Anne’s work, and our own, completely emphasised the importance of the local situation so the risk, I think, comes from that polarisation; from the uncertainty that there are different sets of admission authorities within an area with different criteria; that some schools are the ones that parents will absolutely not want to go to and they are looking to escape from them, but then lots of other parents are looking so they are oversubscribed—that is where the risk comes from and yes, sometimes, the admission arrangements are that first preference adding to that risk.

**Professor Fitz:** I think John is broadly right there. Put yourself in a situation, which is not uncommon, where the most prevalent criteria of admission really is the catchment area, with Local Education Authorities using it as an oversubscription criteria but more often in their policy documents or their admissions documents saying, “Well, this is your local school”. You have a choice then, “Do I go to my local school and have certainty”, or “Do I try and choose what I think is a better school up the road?” You are then into what are the other oversubscription criteria and in the end you think, “If I do not get it do I go to appeal?”, but only 25% of appeals I think are successful, so it is that kind of thing that bears down upon parents. “If I do not take my default school, what are my chances of getting into the other school?” That is the risk.

**Q6 Mr Turner:** But first, I think, what Professor Coldron has pointed to is a failure of supply of good schools. Professor Fitz, you only run the risk of losing your default school if the admission authority demotes you in priority for that school because you have expressed a preference for another school. Are there any examples, that you know of, of admission authorities that do not mark you down for school “A” because you have expressed a preference for school B?

**Professor Coldron:** Yes. In fact, in 1999–2000 when we did our survey that was a minority but nevertheless a substantial group. The new code of practice suggests that as a model of how authorities might operate and suggests not having a first preference system and, if your point is that admissions will be improved by not insisting on the first preference but having a multi preference/equal preference system, I agree.

**Mr Turner:** That is all I want to ask at the moment. Thank you.

**Q7 Chairman:** What about a code of conduct? What is the point of a code of conduct if there is no muscle behind it? Would you have a code of conduct that was obligatory for people to uphold, or do you think that this sort of guidance element of the code is the best way to handle it?

**Professor West:** My view is that it does need to have more force. We are now on the second code of practice in relation to school admissions and when we did our work, and even on the more recent work we have done, there are some criteria used by Local Education Authorities and admission authorities that are considered to be inappropriate like giving priority to the children of teachers but, accepting that is a situation in some LEAs when they act as admission authorities, on the whole the problems arise in relation to schools that are their own admission authorities—not all of them, but there is a problem there. There is a question too about the degree to which that is enforced or not. At the moment you can see the code of practice as being a form of quasi regulation, and I think there is a case to be made for checking up on what is going on, just so that there is confidence that the code is working, if nothing else. At the moment objections can be made and the schools adjudicator will investigate cases, but there is no option for auditing what is going on in the way that there is in some other areas, and I think that, if there were to be just some sort of tightening up, the chances are it could improve the system quite substantially.

**Professor Coldron:** I think the code of practice is quite good within the parameters that it has. I think it does have some muscle. I interpret it as a softly, softly approach which sets out quite strong guidance and encourages people groups and LEAs to use the adjudicator to gain the muscle, and there is quite a lot of evidence that that is happening. If you look at the adjudicator's decisions, you get multiple objections from Local Education Authorities, for example, which is clearly quite a strong way of trying to manage the situation within their areas. So it does have some muscle in a sense. I feel that there then needs to be a slightly more radical approach, which is not going to come from a code of practice but from things like reconsidering whether there should be single admission authorities within areas and so on. The code tries to make that happen softly, softly by the admissions fora and getting people talking together, which may be the right political answer—I am not qualified to say—but if you have a number

of admission authorities in an area it is difficult to manage and you get the kind of unfairness that we have been talking about.

**Professor Fitz:** The code of practice from our respondents' point of view was a two-way affair, really. On the one hand some of our local authorities found that it just bureaucratized the system and got in the way of the usual traffic between local authorities and schools surrounding which they had done on an informal basis. The other side of that was that some Local Education Authorities, and I think we quoted one in Hertfordshire, had used the adjudicator something like 26 times to force schools and their authorities to include proximity criteria with their own subscription because local children were losing out and not getting places in local schools. On the basis of an Ofsted report at one point, just before the school year was about to begin, there were something like 1,000 children without a place, so they used it quite strategically to force other admissions authorities to change their criteria. That did solve the issue so the following year they only had about 100 children who just before school started were without a school place. That, of course, is where you want to be if you are a local authority, so it can have that power to make things even; that is one example of how it can be used.

**Q8 Chairman:** So do parents and students choose schools, or do the schools choose the pupils that they want? Where is the balance?

**Professor Fitz:** The answer to that would be both. They choose schools within a constrained framework, especially where you have things like catchment areas operating, but about one third of schools now have control of their own admissions authorities. What Anne has been saying and what we have found and what our respondents have said is that that is where difficulties do begin because they then can apply admissions criteria that are at some variance with the ones that apply in the local authority. But Anne has got better data on that than me.

**Q9 Mr Turner:** Anne has given the example of the London Nautical School—she has been very selective—

**Professor West:** I have to say it is not London Nautical!

**Q10 Mr Turner:** But there cannot be many schools which have nautical activities as admissions criteria. For instance, cathedral choir schools.

**Professor West:** That is true but there are quite a lot that are rather quirky where we were not even able to put in their criteria because they were so idiosyncratic. I have to say they were selected as the extreme. I wanted to demonstrate the variation that there can be, and I have not given you what are the more classic criteria used by the vast majority of LEAs now.

**Q11 Mr Turner:** Thank you very much—I am pleased to hear that—but what I was going to ask was why does it matter that a school which wants to

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develop a specialism in nautical activities is allowed to be its own admission authority, and another school that has a particular ethos is allowed to be its own admission authority? Surely it is not the existence of the different criteria that is the problem?

**Professor Fitz:** It depends what your aims are in your educational policy. We are working within quite a strong framework which in 1944, but confirmed again in 1988 and promoted again in 1996, prioritised parental choice—that is the thing. The other more recent thing is the move towards diversity so parents can choose between different schools, but the contradiction then arises that if schools are doing the choosing parents are not. That is the difficulty—that parents can express a preference but the schools say that it is not a system of admissions any more; it is almost a system of inclusion and exclusion. That is the way we are probably framing the argument around schools selecting students.

**Q12 Mr Turner:** But surely the problem arises because there are not enough schools of the kind that parents want to go to? That is why schools are selecting parents.

**Professor Fitz:** Yes. I am not sure that quite follows from what I was saying, but it is certainly a view you could sustain. It is not one I would argue but you could sustain that view.

**Professor Coldron:** But what follows from that? We should, therefore, make all schools ones that parents want to go to and we know that intake is one of the most important, if not the most important, reason, or ingredient, in parents' choice. It has an effect on performance of the school, academic performance of the school, the perception of parents in terms of whether it is a rough school or one that their children are going to be safe in, intake—all those—so in a sense it does not matter at all that a school had its own admission criteria if it were not an oversubscribed school, which is your point I think, and it matters a great deal if it is its own admission authority and is an oversubscribed school because that then gives it the opportunity of choosing its intake. The code of practice attempts to mitigate that to some extent, but there are ways of mitigating it even more which is to say that all schools should have the same admission criteria. Why not? But I agree that it is the fact that there are differences between schools and parents are wanting to go to some of them, and in places like London that is catastrophic in terms of the kinds of anxiety that is being caused for children, parents, schools, transactional costs and so on.

**Q13 Jonathan Shaw:** Moving on to criteria, in Kent the Secretary of State has I think upheld the individual schools' admission authorities being able to say to parents "You cannot put first preference if you put your child in for the 11-plus examination". What do you think the impact of that is going to be?

**Professor Coldron:** It is going to cause difficulties for parents, and it has done, even before that judgment. This was my point earlier—that selection is incompatible with school choice in that respect, with

parental choice, so they would have to put down the school they most want and if they decide that is the one with the selective intake and the child does not gain an adequate score on the test, they may well lose out at their next most preferred choice. It is as simple as that.

**Q14 Jonathan Shaw:** Why do you think schools are doing that? Why do you think schools are saying to parents, "If you want to send your child here then you have to put this as first preference and not put your child into the 11-plus"? Why do you think they are doing that?

**Professor West:** I do not feel able to comment on that; it is not something we have specifically researched and it is not something I would feel able to give an informed comment on.

**Q15 Chairman:** We are always quite relieved when academics tell us that they cannot give an opinion because they have done no research or do not know! It is always very refreshing!

**Professor Fitz:** It is something we have not researched. I can give an opinion but if you want an opinion you can ask somebody else. We do not have the evidence on it, and that is the only fair answer, I think.

**Q16 Jonathan Shaw:** Moving on to admissions criteria that give preference to siblings, in Professor West's evidence citing the Race Relations Act—

**Professor West:** It is not preference to siblings. The issue of the Race Relations Act only comes into play when one is talking about admission authorities giving priority to the children of former pupils.

**Q17 Jonathan Shaw:** Hereditary places then?

**Professor West:** Yes, you could say that!

**Q18 Jonathan Shaw:** Would the same not apply for adopted children or fostered children?

**Professor West:** One of my colleagues queried this and asked, "If you cannot give priority to former siblings, should you give priority to current siblings?", and my own view was that the adjudicator has never ruled on siblings being a problematic criterion or adopted siblings or foster siblings. In fact, some authorities make it very explicit that they are including adopted siblings and foster siblings in that same criterion, and nobody has ever suggested that that could be or would be considered to be contravening the Race Relations Act. I suspect that other legislation would come into play in relation to the sanctity of the role of the family.

**Q19 Jonathan Shaw:** What about the admissions criteria in terms of the social and geographical distribution of pupils?

**Professor West:** What about it?

**Q20 Jonathan Shaw:** What effect do admissions criteria have?

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**Professor West:** The distance catchment area is one area that John Fitz would be happy to talk about more. As far as I am concerned, it does mean that children who live in a particular area are likely to go to a school in that particular area and they do not want to travel for half an hour or two hours across the authority to some other school, so I think there are other advantages of having a distance criterion so that children are able to go to a school that is near where they live. I would work on the assumption that must have advantages for the purposes of social cohesion and minimising travel and environmental consequences too, but one could debate that.

**Professor Fitz:** From the Local Education Authority point of view there is much to be said for catchment areas and proximity criteria. For example, and the Chairman would know this, Cardiff goes along with the idea of local schools for local children which is a perfectly admirable line to pursue. From the Local Education Authority point of view it does have the merit of being very fair. If you are in the area you have priority at that school but it is also relatively easy to administer. We now have geographical information systems which make it possible to measure either the walking distance or as the crow flies, and it is transparent. So those are considerable merits in any system. The problem we are finding with catchment areas is they also then follow housing markets, and you get the education market locking in with the housing market and locking people into relatively poor or relatively high performing schools, and it is very difficult to get out of that. To move away from that you then have to think about other things like transport costs, banding and so on, but one of the big things we find with catchment areas is that it is producing segregated systems. Cardiff is an interesting example of that but there are others equally as segregated. By segregation I mean the share the schools have of socially disadvantaged children or relatively disadvantaged children compared with the other schools around them, and catchment areas certainly both preserve segregation and in a sense extend it into the future. You may have read last week, for example, that house prices in certain parts of Reading have been boosted by £30,000 or so and in Coventry it is £15–20,000, so that is the problem, and what you get is segregation in education arising from segregation in the housing market with the two being very closely linked. It is very difficult to break it down but if you have just invested an extra £20,000 in a house within a catchment area you are clearly going to wish to preserve the status of that school and the idea of a catchment area, so that is where we stand on catchment areas.

**Q21 Jonathan Shaw:** So the *Greenwich* ruling has exacerbated some of the problems in terms of parental choice, and is not necessarily the panacea that some people painted?

**Professor Fitz:** Under the legislation it has always been the case. In 1944 and then 1988 supported by the *Greenwich* judgment parents have a right to express a preference, and that has to be set alongside the Local Education Authority's duty to be efficient

in providing school places, so there was always that balance and one of the ways of overcoming that is by using catchment areas. In that sense, therefore, the *Greenwich* judgment certainly promoted the idea that a parent in Huddersfield could express a preference for a school in London—that is what it says basically. Their chances of realising that preference, of course, is constrained by all kinds of things, including local oversubscription criteria and local admissions policies.

**Professor Coldron:** I think that question is the most important one. That is the heart of the difficulty about intakes and performance and of choice. One item that perhaps has not been mentioned by either Anne or John is that local schools increase parental satisfaction to some extent. There are quite a lot of pressures on parents to want local schools. Security—they do not want their children to be travelling too far. Cost. Wanting to be within the community in which they live, and that is not just middle class communities but also working class communities—so there are quite a lot of pressures, not just about educational criteria, that make parents want local schools. The problem, if you think of it as a problem, is it maintains segregation. My view is either you desegregate by having lots and lots of travel subsidy and allowing people to move around, or you say, “No, we go for local schools and somehow mitigate the issue of performance and low performance and low performing schools”. For me it is the latter.

**Professor West:** I just want to add to that and mention the fact that some Local Education Authorities at a Local Education Authority level still use some form of banding to try and get an academically balanced intake. The situation is different with schools that are their own admission authorities, but I think it is worth looking at that as a possible way to try and reduce the segregation and I think that John Fitz has carried out some work looking at the levels of segregation in areas where there is banding, which I think he has written about.

**Q22 Jonathan Shaw:** That is what the Kent secondary moderns would say that are their own admissions authorities, I think, in order to try and get a more mixed income—or should I say intake!

**Professor Coldron:** “Income” is perhaps the right term, but can I say I do not think you need the same criteria across the whole of the country. One needs to do something about London and I think there it is going to have to be an intricate set of measures—banding, catchment areas, possibly federations of schools, a single admission authority across the whole—all sorts of radical proposals, but an intricate mix and interconnection of them. In Cumbria you do not have to worry so much because segregation is going to occur and you will not change that by subsidising travel because subsidising 40 miles of travel is not worth it.

**Q23 Jeff Ennis:** I wanted to respond to what Professor Coldron said in terms of how influential the home to school transport policy of an Local Education Authority can be, because we saw an



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example in Birmingham last year which is the biggest Local Education Authority in western Europe, and they have the biggest network of home-to-school transport arrangements which allows the free movement of pupils for quite long distances across the city. Where you get Local Education Authorities that have very differing admissions policies, would it not be true to say that a counterbalance to that could possibly be having a more extensive home-to-school transport policy to extend parental choice?

**Professor Coldron:** It certainly could be, and I think it could well be used in an integrated package whose aim was to reduce the segregation between schools, yes, as long as the aim of it was not simply parental choice for its own sake but was part of a much more broad aim of reducing segregation between schools. That would mean other things going on as well.

**Q24 Jeff Ennis:** Is it something that Local Education Authorities should have more in the forefront of their thinking, because I think in the present time it is very much a back number, as it were?

**Professor Coldron:** I think they should have it as one of the ingredients but they should have lots of other ideas going on at the same time.

**Professor Fitz:** I think John is right about that. I would also like to see some more equity in the system as well because different rules apply to some sectors in the schools and the Local Education Authority. The Local Education Authority has a three mile limit and so on, but if you are talking about a Welsh medium school where the language of instruction is Welsh, you can travel further than that because that is your closest Welsh medium school, or if you have a religiously affiliated school and your closest school is more than three miles away then you have subsidised transport which does not apply to the rest of the authority, so there is a case for making that system more equal. Taking the point further I think it is an interesting idea that you float about subsidised public transport to increase choice and encourage other things to happen, but then other things arise from that. London, for example, which has a very dense network of transport and dense network of schools because of population density, also has a large number of appeals because parents then have a realistic choice between a much larger range of secondary schools. You do not find that in Camarthen, for example, where there are vast distances between schools—you have one local school—and the same would apply to Cumbria and parts of Yorkshire and East Anglia and so on, and one would want to look at that. Then you might want to put that alongside the cost of appeals. If you are in the system where there are large numbers of appeals because parents are not getting the schools that they prefer, and that is the case in London, then that is a cost. You are tying up a Local Education Authority officer for probably weeks or months at a time and if you set that cost against more transport then it is an interesting discussion to have. I think transport is an interesting point.

**Chairman:** People never mention the environmental costs of half the country churning round Birmingham, Manchester and London.

**Q25 Valerie Davey:** As a sideline on that, we would not have to adjust the traffic problems in Bristol if we had the situation in half-term always. In half-terms and the holidays the traffic flows in Bristol, but not in school termtime. It is a really important factor and I think we have to recognise it. I wanted to draw attention, however, to the elements in the code which says that local admission arrangements contribute to improving standards for all children. Who is holding the ring for that one? It must be the Local Education Authorities, and if it is going to be the Local Education Authorities, then where does that leave the *Greenwich* judgment? That is now 13/14 years old, and what research has been done on the impact of *Greenwich*? Anything?

**Professor Fitz:** We have some data on the proportion of children going to out of borough schools, but again that varies locally. In London it is going to be very high—I have not done the figures in London—and elsewhere it is negligible. I do not have any absolutely clear figures to give you this morning but we have done work on that and it is going to vary locally, as I say.

**Q26 Valerie Davey:** Professor Coldron, you said something about different systems in different areas. Would you agree that *Greenwich* is useful in London but not elsewhere in the country?

**Professor Coldron:** Yes. As far as I understand from the work I have seen, London is more or less a market area. Sheffield might be a market area in itself, or south of Sheffield, but in London, because of its transport arrangements, people could theoretically go almost anywhere for a school. So the best way of thinking about London is as a unitary market.

**Q27 Valerie Davey:** So somebody ought to be looking at improving standards, or perhaps that is what David Puttnam is trying to do now, but who do you estimate is looking at this particular criterion and keeping that to the fore, that all children are considered when we are looking at the admissions policy?

**Professor Coldron:** I think it is a very acute point that the only people who have all of the children in mind within an area are the Local Education Authority or, generalising it, a supra single admission authority body, and in different areas, if you were going to find the most appropriate supra individual admission authority body, you would come up with different solutions. In Cumbria it would be county-wide, in Sheffield it would be borough-wide, in London I do not know—it is far too complex—but it is not at the level of the admission authorities. We have to think a bit above that.

**Professor West:** Adding to the *Greenwich* judgment point, it comes to the fore when you have small Local Education Authorities, or even larger Local Education Authorities, and you have a school on the border and it is important from that point of view.

Otherwise you could increase travel time phenomenally and it would be considered unreasonable for a child to have to travel three miles in one direction when, 400 metres across the border, there is a school they could apply to. Given that so much government money raised centrally goes through the revenue support grant to local authorities it seems to be perfectly reasonable to me that that should stay in place on financial grounds as well as on reasonableness grounds, and that those children should not be disadvantaged because they happen to live across the border.

**Q28 Valerie Davey:** No, but nor should the local children be disadvantaged when the academic parents, or whoever, can play the system—we are coming back to other things. Nobody was unreasonable prior to *Greenwich* in the situation you describe; the difficulty came when it tipped the balance to parental preference as against overall planning. It was another factor in the weighting of the argument, and in certain circumstances it has been to the detriment of not only the young people but the school, and we have to recognise that.

**Professor Fitz:** Following that line, you would want to say that the *Greenwich* judgment has given rise to the hot spots of London, and people moving relatively freely across administrative boundaries into local schools just across the border gives rise to the problems we find, say, in south London. That is true.

**Q29 Mr Simmonds:** I was very intrigued by the answer you gave to Jonathan Shaw earlier. Surely selection is a way, whether by aptitude or academic ability, of mixing up people from different socio economic backgrounds, but from what you were saying before that is not a solution you would consider?

**Professor Fitz:** No. On selective schools by and large, if you look at schools across the country in England and Wales, the figures we have vary enormously but the proportion of children on free school meals is about 16% and if you go to a selective school it is 2.3%. It is not mixed and you find the same kinds of things with specialist schools. Language colleges in our study have about 10% of students on free school meals, and in other specialist schools it is probably 2 or 3% below the national average, so those schools are not mixed. Socially disadvantaged children do not appear in the same numbers there as they appear in schools nationally.

**Q30 Mr Simmonds:** So if you cannot do it by selection or whatever criteria you set down, how do you break the problem that you have of children from socio economically deprived households going to schools in those socio economically deprived areas?

**Professor Fitz:** There are several solutions we propose. Banding has been an effective way of doing that. Here we are talking about the school mix, and some people attach a great deal of importance to the school mix because it has been argued in the past that, if you get a balanced intake within schools

then, broadly speaking, performance rises. Now, this is 1970s data so we are going back a bit. You can achieve that in a number of ways: one is banding but then we have been talking about other things as well—things like improved transport costs so it is cheaper for parents, especially in difficult circumstances financially, to make a realistic choice of schools outside their catchment area. The thing that Anne has suggested is that you could make the funding formula for schools different so they get more money if they take children on free school meals than they would otherwise get under the present formula. You could have council tax subsidies and so on—there are lots of ways you could do it. Each of those are politically sensitive I am sure, and you would need immense political will to do it.

**Q31 Chairman:** And the council tax subsidy would do what?

**Professor Fitz:** Well, maybe you could reduce council tax for people willing to move out of their catchment area into another area. This is just an out-of-the-box idea but you could do that, and there are ways of encouraging people to use schools other than the local school.

**Q32 Mr Simmonds:** Coming on to selection, what do you think is the educational rationale behind selection, if there is any?

**Professor Coldron:** I do not think there is much now. The evidence that is available shows that there is either a very small educational gain or none at all; possibly large social losses; and that differentiated systems by selection tend, as the Pisa study shows, not to perform as well as less segregated systems, so I do not think there is any educational basis for selection although obviously there is a political basis for it. There is not an admissions basis either because the present situation makes admissions very difficult within areas and causes a great deal more segregation.

**Q33 Chairman:** Do Professor Fitz and Professor West share that view?

**Professor Fitz:** You can account for much of the variation between selective schools and non-selective schools by, again, looking at their intakes. That probably accounts for about 85% of the variance between schools. It does not need much to explain, by them being in a school where children of similar abilities are being educated together. If you begin to do the analysis, the socio-economic composition of the schools would explain most of the variation between selective schools and non-selective schools.

**Q34 Chairman:** Professor West, you were rather bucking the system then when you nodded. For the record, were you concurring with John Coldron's point?

**Professor West:** I was concurring. I would also like to add something. The PISA results do seem to be very clear in terms of the disadvantages of having a selective system, as in the tripartite system that used

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to be in place in this country with grammar schools, technical schools and secondary modern schools. There is an equivalent system that operates in Germany and there has been a lot of concern in Germany about the outcomes of the PISA assessment. I think you said you have discussed this previously. There are problems there. I think there are actually very fundamental social problems too associated with selection—and I am talking not so much about selection in the non-grammar schools, as in the extreme situations which arise where you do have selection across the whole of an LEA, where you do get some very, very high performing schools alongside some very, very low performing schools. I think there are social consequences there. The Northern Irish evidence also supports that.

**Professor Coldron:** May I add one small thing. We also have to consider selection and differentiation within schools; that is, streaming, setting and so on. That too is associated with lower educational attainment of the whole group of students. If you reduce the intake segregation between schools, my prediction would be that you would get a pressure from middle-class parents for even greater in-school segregation, so there is no free way of going ahead here. I think if we reduce intake segregation we would have to watch the in-school segregation.

**Q35 Mr Turner:** I am intrigued, Chairman, by the answers I am getting to these questions. Are you saying, all three of you, from the evidence you have given today, that actually you believe selection in any shape or form is damaging to the education of pupils, and, therefore, if you had your way, you would abolish selection in any shape or form in totality?

**Professor Fitz:** Yes.

**Professor Coldron:** Yes.

**Professor West:** Yes.

**Mr Turner:** That is hardly a balanced view, is it, Chairman?

**Valerie Davey:** London, Cardiff, Sheffield.

**Mr Turner:** Having established that, let me ask you—

**Chairman:** I must interrupt. We have invited three very distinguished professors from very different institutions. Whether we like or you like particular answers, I do not think we should impugn the reputation of our witnesses.

**Mr Turner:** I was not suggesting that, Chairman. If they thought that, I apologise.

**Chairman:** I know you were not. But I just wanted to make that clear.

**Q36 Mr Turner:** May I ask then, one further question, after you have informed the committee of that: Has anybody of whom you are aware conducted any research on the performance of those pupils who are actually successful in being selected? Is their performance enhanced by being together with other pupils who have been selected?

**Professor Fitz:** I can think of one study, of which I did the first round, on the assisted places schemes—I was a young researcher on that—back in the 1980s. A subsequent book out by Sally Power, Geoff

Whitty and Tony Edwards has followed those children through, who are now about 25/30 and in the workplace. That tracked quite a few of them through from school to university to the jobs they now have. My reading of this is that there was a slight advantage to those children who had been assisted place students but for a variety of reasons. However, there were also some casualties from that—these things are not as linear as one might think. In terms of the degrees they obtained and the jobs they now occupy, there seemed to be some advantage, but that has to be set against the casualties. That book needs to be read really, quite thoroughly, I think. There is other work.

**Professor Coldron:** Yes, of earlier witnesses to this Committee, Ian and Sandie Schagen. I will be corrected if I get it wrong, but their results were that overall there was a very small—very small—element in favour of selective systems. It was very tiny: statistically significant but not very significant in other ways. But for one group, the less able children—not the highest fliers within the cohort but the less able—if they were in a comprehensive school they would do less work than if they were in a grammar school. That was quite a significant difference. So there was one cohort where it actually benefited that particular group. I am trying to say that these are small, quite small, effects—very small effects—and of course that last one is probably—and Ian and Sandy I think suggest this—connected with intake; in other words, the fact that these people are in the company of other children of very high ability and therefore that pulls them up.

**Chairman:** I think you have given some very revealing answers to Andrew's questions. Andrew, do you want to ask any more?

**Q37 Mr Turner:** The only other area I wanted to explore was the aptitude tests. Certain secondary schools are now being allowed to select 10% of their pupils by aptitude. What impact do you think this is going to make on the education of those pupils and of the totality of pupils at those particular secondary schools?

**Professor West:** This is speculation: I would not have thought it would make a vast amount of difference because those young people would have been selected on that basis. We do not know what additional provision they may or may not have in the schools concerned. As I understand it, the aim of the policy was to give opportunities for young people who would not necessarily have those opportunities to study that specialism in another school. My concern really is: Who are those young people who are being selected on the basis of ability/ aptitude in the subject area? I do not think we know the answer to that question yet, except on the basis of inference and deduction when looking at some of the admission criteria which are used by some schools, which really make reference to having achieved a certain level in music examinations and so on. It has to be said that the schools' adjudicator has been very proactive in this area and it is likely to change—which as far as I am concerned is a good thing. It is likely to try to make sure that there is

more equality of opportunity for young people if it can be determined that they have an aptitude for some particular area. It will be somewhat fairer and more children from different social groups will actually have an opportunity of getting places on that basis. That rather begs the question of whether it is a good thing or not, but that is a different question.

**Q38 Mr Turner:** Presumably, in reference to your answer to my earlier question, you are against allowing some secondary schools to select by aptitude up to 10%.

**Professor West:** It is making it a school choice as opposed to a parent choice. There are various reasons why I am not happy with it, but that is one of them. It is a matter of who is actually being selected as a result of the selective policies. If we know that it was children who had special educational needs, who had medical and social needs, if we knew that they too were having an equal opportunity of getting into some of these sought-after schools, then I think one could feel more confident. The concern is that a lot of schools which have their own admission authority appear not to be giving that level of priority to some of these children who might be considered harder to teach. That is behind all of this. There is a social justice side to it.

**Q39 Mr Turner:** The problem is the people being selected, not the selection process itself. That is what you just said.

**Professor West:** I think the two go hand in hand.

**Professor Fitz:** The figures are fairly clear. The specialist schools are selecting a student population which is different from the schools around them. It is a more slightly advantaged population. The second question, then, is: Do those students do better in specialist schools than they do in the schools around them? The answer is yes and no. Generally, if you take into account the socio-economic composition of the specialist schools and the schools around them, you can probably account for any differences by a difference in the socio-economic composition. In our study we found specialist schools that do better than the schools around them and we found specialist schools that do worse. That is where we stand. Again, it is really down to the intake, to who comes in. That explains a considerable amount of the variance. Other academic researchers find in fact that there is a school effect, but it is not one we have found, I think. That is where we stand.

**Professor West:** There is something I would like to add on that and that is that although specialist schools do select about three times more than non-specialist schools, the biggest effect is whether schools are their own admission authority or not. The schools that are their own admission authority are 27 times more likely to select a proportion of pupils on the basis of ability and aptitude in a subject area than are schools that are not their own admission authority. I do not think I have made it as clear as I should have done. My big concern is having so many schools that are responsible for admission to their school. I think there is a whole

range of strategies, from the hardest strategy that Professor Coldron is advocating to a softer strategy that would be improving regulation, which could actually try to ensure there is a more even playing field—I think that is the best way of putting it—between controlled schools on the one hand and schools that are foundation and voluntary aided on the other.

**Professor Fitz:** If I could add one further point there. I think Anne has made a very important distinction between specialist schools which are their own admissions authorities. It would be possible for an LEA to have a specialist schools programme as way of overcoming social segregation between schools. You could actually think that through as a way of addressing some of the issues that I think we have raised this morning.

**Professor West:** Diversity Pathfinders. I think department officials would be able to say more about that.

**Professor Coldron:** In the new Code of Practice, selection for specialism is considered an over-subscription criterion. That means that it only works to equalise intakes if there are no schools that are over-subscribed, because they are not selecting on that basis. But, of course, if you already have a situation where there is segregation between schools and over-subscribed and under-subscribed schools, then having every school a specialist school is not going to help.

**Chairman:** We have to move on. Kerry Pollard has been waiting patiently.

**Q40 Mr Pollard:** On this issue, Chairman, I am very interested in the catchment area concept. I like that. In my own constituency, St Albans, we have 1,600 secondary school places and 900 local kids. Therefore, all our kids ought, in that case, to be satisfied and they are not. About February/March time my surgery is full of parents coming along and belly-aching that they are having to taxi across to wherever it might be. We have two fee-paying schools, three voluntary aided schools, one single sex boys, one single sex girls, and it makes the concept of a catchment area really difficult. Would that fit in? Is that workable?

**Professor Fitz:** I am not sure how to answer that.

**Q41 Mr Pollard:** We have a good LEA as well. There is no question about that.

**Professor Fitz:** I think that raises this question of parental risk again. How do you play that system if you are a parent confronted with that? What do you do? Do you go for single sex schools because their results are slightly better? Or is it because there is an ethos and your religion demands you really should attend there? It comes back to the point I raised earlier, really. That is the issue about parental risk. I do not know how you play that system.

**Professor Coldron:** That is just an example of the unmanageability of admissions, I think. The managers of the LEA, well all the admission authorities, do a fantastic job really to get anybody placed in that situation. The softly-softly answer would be that the admissions forum would

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eventually come to an agreed arrangement which was much more amenable. The more hard-edged approach would be to say, “No, impose a single admission authority.”

**Chairman:** Let’s move on. Kerry, you have another bite in terms of the admissions process.

**Q42 Mr Pollard:** Fantastic, Chairman! What factors influence parents decisions about school choice? Could I just give an example. I have one new estate built in my constituency. There are 50 children on this estate, 49 girls and one boy, and it is adjacent to the girls’ school. Parents are making a choice there by where they live. What influences parents’ decisions?

**Professor Fitz:** How long is a piece of string? Let me try to pull together what the direction research seems to suggest. I suppose there is about 20 years research on this now in which Anne and I, and John in his own way, have actually been involved. It is not what you might think. Things like school performance are there but not at the top of the list. It is often a sense of what we might call “happiness” but happiness being an index for a whole range of other things. It is about where parents and children think they will be secure; for example, it may well be they would find a girls school amenable because it has a range of possibilities and an ethos which they find attractive. That is certainly one. In that basket of things which we call “happiness” security tends to be at the top of the list. How they go about choosing, of course, is an equally complex process, but the bus-stop and the grapevine are very powerful influences here rather than the cold calculations of what the school performance was like and what the exclusion rates are and so on. All our research would tell you that parents driving past the school bus-stop and looking at the behaviour at the school bus-stop is actually a powerful indicator of how the school sits. There is a whole range of things there. That is where I would say the research has pointed in the past. There is no reason to think why that is not the case now.

**Professor Coldron:** I would reiterate that it is a complex decision. You cannot isolate one item and say that is more important than another. When we talk to parents and ask, “What is the most important item?” They say, “Discipline. But of course it has to have a good academic performance, and it has to have this and that.” So it is always a composite. But, if you are talking about items, academic performance is always mentioned by parents (about 43%), discipline and nearness. So there are practical considerations.

**Q43 Jonathan Shaw:** Is discipline is the same as saying about safety?

**Professor Coldron:** Yes. It is a very complex concept. We have actually talked to parents about that and tried to disentangle what they meant about discipline. And there is a moral side to it, the way that you think people ought to behave. The way you think people ought to be disciplined within a community. There are work practices—you know, “They are not made to do their homework there.” It is about dress—“I would not send my child to school

where there were children wearing that kind of thing.” “Skirts up to here,” was one comment. The important thing is that it is what you would expect: it carries all our moral and prejudicial weight that it would if we said “discipline”.

**Q44 Chairman:** You have not mentioned race.

**Professor Coldron:** No.

**Q45 Chairman:** In terms of research, does the racial mix in a school influence decisions on parental choice?

**Professor Coldron:** In all my interviews, over 10/12 years, I have had no parent saying that they explicitly did not want a child to go there because of race. That is, I think, hiding what they considered to be attitudes that they should not reveal to me as a researcher. So I do not have any evidence about the level of influence that racial intake has.

**Q46 Chairman:** Even our Committee’s evidence in Birmingham showed, for whatever reason, vast movements based on this kind of environment—particularly Asian parents who wanted their daughters to go to girls’ schools, with this enormous movement around the motorway system of Birmingham in order to achieve that. I do not think we have to be naive. Not to understand as constituency Members of Parliament that the reputation of a school in terms of ethnicity does not come up in formal research, but certainly I notice that the fact of schools which have a reputation for a certain racial mix changes parents’ behaviour.

**Professor Coldron:** Certainly the idea of a segregated school for boys and girls would have an influence on certain groups’ opinions about which schools they wanted to go to. I would say that class and socio-economic status is perhaps trumping ethnicity in terms of their choice of schools.

**Q47 Mr Pollard:** Do you mean *class* as opposed to *class*? The school in my constituency that has vacancies—and there are but 10 in the whole of the area—has a lot of Bengali children there. Like you, I have never had one parent admit to me it is because there are Bengali children there. It just will not happen at all. “I’m not a racist.” You will not get any of that. Are all parents equally well placed to navigate the school admissions process?

**Professor West:** In my view they are not. My view—and this is a view—is that some parents are going to be adept at working the system and deciding what is needed from a particular school, contacting the school when their child does not get a place and so on. I think that is likely to be the case—highly likely to be the case.

**Q48 Mr Pollard:** Is that a subjective view?

**Professor West:** It is a subjective view.

**Q49 Jonathan Shaw:** Ah, you would not answer my question!

*Professor Coldron:* I worry about this one.

**Q50 Chairman:** Why do you worry about this one?

*Professor Coldron:* It is quite clear that people will come to decisions of any kind with very, very variable resources. But the idea that some parents do not know what they are doing . . . I am not accusing Anne of that, but there is a certain sense of: “Well, working class parents just cannot manage this process, they are always going to find themselves in the rough end.” I think there has been a danger in that. So, yes, there are quite a lot of parents who come who simply cannot manage this process—there is a lot of material, at its most formal end, as it were, going through all the Ofsted reports and everything else—but they do know what they are doing in terms of the over-subscription criteria. Most people do. About 3% do not, and most of those would be the ones with the least educational qualifications.

*Professor West:* I would like to add to what I have just said by saying that they are also better able to navigate the system because they are able to make better statements saying why their child has specific needs to go to a particular school and so on. It is along the lines of that. They might be more able to get the relevant reports from professionals, if that is what is needed. If that is not needed—in some cases these reports are not needed—they are better able to make a case for their child actually to go to a particular school, and that is in addition to how they might then find out in advance what is needed and what the likelihood of their child getting into a particular school is. So it is a mixture of subjective and objective, I think I would say.

*Professor Fitz:* Could I just read you a little piece from an admissions part of it which is very interesting. This is an LEA. It says you have a designated school, “You may, however, prefer your child to attend another school. . . . If you wish your child to attend a school other than the one designated to serve your area, you will need to complete the relevant parental preference form”—where you have to set out your case. I think I would share my colleague’s view: some parents are simply more able to do that than others. I have had a look at one or two of them and you have a page like this to make the case. You have, in my knowledge, some people who are able to cite the Rotherham judgment in making their case—you know, “This is my first school” and so on—and others who simply say, “If I’ve got to make a case, I can’t do it.” That document asking them to make the case does actually differentiate between parents’ capacity to respond to official forms.

**Q51 Mr Pollard:** Is there a case for parents who are less mobile—mobile in the sense of being able to move about—being disadvantaged?

*Professor Coldron:* They have more choice if they have more economic resources. Yes, that is true. May I just make two other points. Our work on appeals suggests that parents do not have any better chance of winning their appeal according to whether they are from one social class rather than another.

**Q52 Mr Pollard:** There is evidence for that?

*Professor Coldron:* Yes, in our work. The other point is that there is no doubt there are certain obsessive individuals, and this comes out in lots of people’s research. It is quite remarkable, the amount of effort that some parents put into it. Whether that gives much of an edge for the amount of effort they put in, they are certainly piling personal and financial resources into this effort, and they are all of a certain group—what one would call “middle class”. So, yes, that certainly happens. Whether it gives them much of an edge . . .

**Chairman:** I suppose if parents think they are deciding, if they cannot get a school of their choice, that they will alternatively pay for private education, the relative sums might be quite small.

**Q53 Jeff Ennis:** We have made mention in earlier contributions of the PISA study and the fact that overall the UK came out pretty well in that. The one characteristic which was of major concern was “the long tail of underachievement”. Are the current admission arrangements in this country exacerbating or continuing that long trail of underachievement in your opinion?

*Professor Fitz:* My colleague Stephen Gorard is talking about the long tail of achievement tomorrow, I think questioning the idea that there is such a long tail. I think that is one of the arguments emerging.

**Q54 Jeff Ennis:** Did you say he questions it?

*Professor Fitz:* Yes.

**Q55 Chairman:** Who questions this?

*Professor Fitz:* Stephen Gorard, who gave evidence at the first session I think. He is working with Emma Smith, who I think gave evidence last time. They are presenting a paper tomorrow or the day after which raises some questions about whether that tail is long in comparison with other countries in the PISA study.

**Q56 Chairman:** We would very much like to see that.

*Professor Fitz:* You may wish to see that<sup>1</sup>. It raises questions about whether or not the tail is certain as we think it is.

**Q57 Chairman:** We have just had the published information on school achievement and pupil achievement showing 25% of the population leave school with hardly any qualifications. That is not a tail of underachievement?

*Professor Fitz:* That is a tail of underachievement, no question. I think they are looking at, in relation to other, say, competitor countries or to other comparator countries: Is this a long tail? That is the argument. It is much more a question as to whether we are doing better or worse than other countries. That is the question. If you wish to say 25% leaving with qualifications is a long tail and an unsustainable situation, I would perfectly agree with you. I do not

<sup>1</sup> Note: See [www.cardiff.ac.uk/socsci/equity](http://www.cardiff.ac.uk/socsci/equity).

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have an argument with that. It is the comparison. I think that is the issue. It is hard to know where school admissions would fit into this, because that “long tail”, as it were, is driven by lots of other factors as well: parental attainment, levels of income and so on. I would think school admissions is a very, very small part in retaining that—a part but a very small part. The other drivers are probably socio-economic. That is, I think, our take on this.

**Professor Coldron:** I would certainly reiterate that we must not forget other issues—and they are very, very important—like poverty and so on but I think admissions do have a part to play, and that is that we know pupils in less segregated schools do better overall. If admissions could do anything about reducing segregation, then it could do something about reducing that tail. I think the issue of resources (that is, resources following the harder to educate children) would do quite a lot in terms of de-segregating schools. It would take away some of the pressure for schools to select. It might begin to even out some of the intakes and therefore take some of the pressure out from polarisation for parents. But it would also provide more resources to that tail exactly where they are intended, not through initiatives which are away from the child. They would follow the child and they would have a great deal of effect on the morale of teachers within those schools as well. But that is not quite admissions. That is a long way from admissions, but it has an effect. It is all tied up with the same issue. I think there is a case there for admissions having something to do with raising that tail.

**Professor West:** I would agree with that as well. I would also like to add to this idea of additional resources going to certain categories of pupils. To some extent that does already happen with fair funding but in some LEAs, to varying extents, it is actually determined at a local level. If one is going to go down the market-oriented model—which is what we have at the moment, a quasi market—then I think that may well be a way to try to redress the balance. I think one could argue that others might say, “Is that necessary? It should not be necessary,” but it could, if you like, be an extra carrot to try to encourage schools that are their own admission authorities to take some of these harder to teach young people, so that they are not so concentrated in certain community schools, for example. I think there is a possible role there.

**Q58 Mr Pollard:** On the issue of appeals being an indicator of dissatisfaction, in your paper, Professor Coldron—and we have already mentioned this in earlier evidence—it is more a metropolitan or urban problem than it is a rural problem. Indeed, in paragraph 2.4 of your paper, you say, “There is indeed a crisis in school admissions, not globally but in particular localities. For LEA admissions managers in deeply polarised areas it presents extreme difficulties in achieving coherent regional schools provision.” Is it a crisis in your opinion in those localities? Can it be described as a crisis that needs to be dealt with?

**Professor Coldron:** I think so. I think it comes close to a crisis in the way that you talked about in St Albans. I think London has very, very extreme difficulties in different parts of it, so, yes. I mean, I was being slightly polemical there, in that for the individual parents it is an absolute crisis, but, equally, for those other groups, particularly those who are vilified as being rough schools and so on and there is a stampede away from them.

**Q59 Chairman:** Do we have a uniform view, right across the evidence we are getting this morning—this is the sense I have—that some sort of banding system, where you have a balanced intake in schools, would be your preferred option if that could be secured.

**Professor West:** My view is that that could be one option in certain parts of the country. Actually to try that in a rural area, to move in that direction in a rural area, would not be appropriate, because I do not think it is necessary and I do not think one wants to intervene unless there is the necessity for intervention. I think some form of banding, organised at a local level not at a school level, would be a very strong option to consider. Under the current School Standards and Framework Act, the banding, where it is carried out at school level, is carried out on the basis of those who apply to the school, and those who apply to the school are not necessarily representative of that area. They could all be higher attainers, for example, and so it is not really what I would consider to be a form of banding that is actually going to help reduce social segregation.

**Q60 Chairman:** So it would be more appropriate for the LEA to do that rather than individual schools.

**Professor Fitz:** Yes.

**Professor Coldron:** I would say it is not just banding. It is an ingredient in certain parts, exactly as Anne has said, so I would agree with everything she has said. I would say that my view is that the aim of admissions authorities should be to help to equalise intakes, not to increase parental choice, and a whole set of ingredients needs to be brought to that purpose, banding being one of them.

**Professor Fitz:** I agree with both John and Anne on that. I think working towards some notion of balanced intakes within each school is highly desirable, both in terms of social mix and also the data—the now very ancient data—on the effect it can have on student performance. Banding is certainly one way of achieving that. But, again, Anne is absolutely right in saying that it is applicable to urban areas but it will not work in rural areas where schools may be 20 miles apart. Then I think you have to go for another model.

**Q61 Chairman:** What does your research suggest, either to this Committee in terms of its recommendations or the sort of thing you would like to see the Department for Education and Skills change? What are the key changes to improve the situation that we are having in our education sector at the moment?

**Professor Fitz:** There are a number of possibilities which perhaps need to be considered, some of which I think we have mentioned in passing this morning. For example, it may well be the case, that to reduce the bureaucracy and to reduce some of the risk to parents as well one could have an admissions day, where whatever preferences are made are expressed on one day nationally, so that you reduce the number of schools to which parents are applying. That is one way forward. Banding is certainly another. The other one we have mentioned this morning is thinking about subsidised transport. The fourth thing is extra funding following difficult-to-educate children, who present a challenge to schools. That may be for socio-economic reasons, it may be for reasons of disability and so on, so that there is some support for schools to think about mixed intakes, balanced intakes.

**Professor West:** I think in an ideal world—and this is not necessarily highly practical—I would have 150 admission authorities for the country, one per LEA. For religious schools, there is no reason as far as I can see why those schools should not get confirmation of a person's religiosity via a letter from the priest or religious leader. That means that one can then ensure that the church schools actually can maintain their situation. I think there is a big problem if one is going to try to intervene on that front. There is an issue there about open places as well that religious schools might have, but I think that is another issue. I think I would go for reducing the number of admission authorities drastically. I think politically that might not be possible but that would be the ideal option. I would also have a menu of admissions criteria that were considered to be appropriate and acceptable and that were not

discriminatory. I personally would not go for partial selection. Again, that is a value judgment, if you like. I think that banding would be a very sensible way forward in certain areas if done at an LEA level. Also, to ease the burden on some schools that have not previously had more difficult pupils, I think the differential funding would also be a productive area to consider.

**Professor Coldron:** Of the ones that have not been mentioned—and I agree with all of those—I think admission authorities should seek to maximise parental preference overall, rather than giving absolute priority to the first in a ranked list of schools; that is, to follow the model in the Code of Admissions. I think there is some room for the collaborative model, federations of schools, and making active exploration of those as the admission unit and the reporting for league position and so on rather than the individual school. I am very fuzzy on that one but I think it needs exploring. I think the major over-subscription criteria for community schools should be proximity and for voluntary aided schools should be catchment areas drawn up within the single admission authority. Simply on the admissions issue, to improve admissions, selection by general ability should be phased out. There are other reasons one might consider, but if you wanted to improve admissions then that would improve it. Then the main one for me would be the resources following the child, the harder to educate child.

**Chairman:** This has been a most interesting and informative session. We are very grateful. If you have any thoughts on the train, on the bus or at any time over the next days and hours that you would want to communicate to the Committee, will you please communicate with us here by any method that suits you.

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### Supplementary memorandum submitted by Professor John Coldron, Sheffield Hallam University (SA 19)

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1. FINDINGS CONCERNING THE CHOICE PROCESS—SCHOOLS AND PARENTS

1.1 Use of performance tables and likelihood of opting away from local school: There are a number of relevant findings in the nationally representative survey conducted by the Office for national Statistics for our joint DfES study (Flatley and Williams 2001) into the experience of parents. The figures are for 1999–2000.

The findings provided further evidence that parents consider a whole range of criteria of choice and that the academic performance of the school is only one. For example a minority of parents (39%) used performance tables to find out about schools. However parents among whom the mother had a degree or above were nearly twice as likely to consult them as those among whom the mother had no educational qualifications.

We also found that parents in London, those with higher educational qualifications and those in occupational classes I and II were more likely to opt away from their nearest school (see Table 1). This shows that parents who live in London were six times more likely to apply for a place outside their own LEA area than parents who live in a Shire authority and that parents where the mother had never had paid employment were three times less likely than those in Social Class I or II to have applied outside their own LEA; and where the parent had no educational qualifications they were half as likely (two times less likely) to have applied outside their own LEA (see Table 1).

**Table 1**

LIKELIHOOD OF PARENTS APPLYING FOR A PLACE IN A SCHOOL OUTSIDE THEIR OWN LEA AREA (BASED ON ODDS RATIOS FROM LOGISTIC REGRESSION)

<i>Characteristic</i>	<i>Odds ratios</i>	<i>95% confidence intervals</i>	
		<i>Lower</i>	<i>Upper</i>
<i>Highest educational qualification</i>			
Degree or equivalent or higher	1.0	—	—
Other qualifications	0.5	0.4	0.9
No qualifications	0.4	0.2	0.7
<i>Social class of mother</i>			
I & II	1.0	—	—
III non-manual	1.0	0.7	1.5
III, IV & V manual	0.9	0.6	1.4
Never worked	0.3	0.2	0.6
<i>Parental LEA type</i>			
London borough	6.3	4.2	9.4
Metropolitan authority	1.3	0.8	2.0
Unitary authority	2.6	1.8	3.8
Shire authority	1.0	—	—
<i>Nagelerke R<sup>2</sup></i>	<i>0.1</i>		

1.2 Do parents demote their favourite school? Members were interested in whether there was a difference between the school that parents stated on the application form as their first preference and the school they would “really” have preferred. The ONS analysis covered this aspect of parental choice to some extent. Parents were asked if there were any state schools they had not applied to but would have preferred their child to attend. Eight per cent of parents reported that there were. In addition the survey collected the names of all schools to which parents applied for a place. Parents were asked which of these schools they most wanted their child to attend. For the purposes of analysis this school was referred to in the report as the parent’s *favourite* school. It is therefore possible to infer what proportion of parents demoted their *favourite* school to a lower preference in the ranking of their application form. The survey found that while 92% gained entry to the school they had put as their first preference 85% reported that they had gained their *favourite* school. This indicates that about 7% had not put their favourite school as their first preference. The results are presented in Table 2.

**Table 2**  
OUTCOME MEASURES BY COHORT

% offered a place in	Entry cohort of selected child		Total %
	Sept 1999 %	Sept 2000 %	
<i>In a preferred school</i>			
Favourite school	89	81	85
First preference school	93	91	92
Any school for which preference expressed	97	95	96
In a school for which no preference stated	3	5	4
<i>Weighted base</i>	1,192	977	2,170

1.3 Likelihood of parents being offered their favourite school: It was found that there was not a strong relationship between the background characteristics of parents and the likelihood of being offered a place in their *favourite* school. However parents in London were an exception and were the least likely to be offered a place in their favourite school (an odds ratio of 0.3:1.0 compared with the reference category of Shire authorities). While nationally 85% of parents were offered a place in their favourite school in London only 68% receive such an offer. Nationally, 4% of parents were offered a place in a school for which no preference had been stated. Nevertheless, among these parents around half reported they were satisfied with the school they had been offered.

1.4 On the characteristics of schools that parents class as their favourite school. Six in ten of the *favourite* schools (as defined earlier) had higher than average GCSE performance scores than their LEA average. When compared to national figures for the proportions of pupils eligible for free school meals, 46% of *favourite* schools fell within the two lowest national quintile groups (ie in the 40% of schools with the lowest proportions of students receiving free meals). Fifteen per cent of the *favourite* schools were in the 20% of schools with the highest proportions of students receiving free school meals.

When the odds of all the different factors in combination are examined, parents who had no previous experience of choosing a secondary school, were owner occupiers, lived in London boroughs, had a degree level qualification or above and were in Social Class I and II had the highest odds of choosing a *favourite* school with a high GCSE performance score. They were three times more likely to do so than those parents in the reference category (who differed from them in having previous experience of choosing a secondary school and in living in a Shire authority). Parents who had the lowest odds of choosing a secondary school with a high GCSE performance score had previous experience of choosing a secondary school, lived in social sector rented accommodation, lived in a Shire authority, had no qualifications and were parents among whom the parent had never worked. This group of parents were about eight times less likely than the reference group of parents to choose a *favourite* school with a GCSE performance score above the LEA average.

1.5 *Characteristics of parents who appeal*: Five percent of parents in the nationally representative survey reported that they had appealed ( $n=129$ ). In general, these parents did not vary by background characteristics. In other words there was no greater likelihood of a middle class parent appealing than a working class parent. In our work for the DFES project on Appeals panels (Coldron et al 2002) panel members reported their impression that there were now greater numbers of working class appellants. We also found that there was no greater likelihood of a middle class parent winning an appeal ie the Social Class of an appellant bore no significant relation to whether the appeal was successful or not ( $n=317$ ).

## 2. LEA PROCEDURES FOR EXPRESSING A PREFERENCE

2.1 How many LEAs use equal weighting of parents’ expressed preferences? The question was raised as to how many LEAs used an equal weighting procedure. The nationally representative survey (Flatley and Williams 2001) found that 66% of parents were asked by their LEA to list their preference for school, on their application form, in rank order.

In Stage One of the same project (Williams et al 2001) we analysed all eligible LEAs in England (n = 141) and categorised their procedures for allowing parents to express a preference. This data relates to the procedure for September 2000 entry. Finding a means of categorising LEA modes of practice which captures the complexity that exists, whilst ensuring that a useful and usable typology was developed presented several challenges. In some areas LEA admission procedures applied to such a small proportion of schools that describing the LEA mode of practice did not provide a meaningful description of the procedures that many parents experienced there. The procedures found in the composite prospectuses were categorised into four types.

*Type 1: Multiple preferences—Rank order*

The parent is invited to name a number of schools as preferences in rank order and the LEA admission authority attempts to allocate them a place at their first choice school. Though the first choice takes precedence in the majority of cases it is not guaranteed that a parent's first choice will take precedence over someone else's second choice. There are circumstances where a second choice takes precedence, particularly if this means a pupil would be spared a long or difficult journey to an alternative school. Sometimes a multi-stage process is involved where parents may be asked to enter the next stage of the admission procedure and identify further preferences if they have been unsuccessful with their initial preferences.

*Type 2: Invitation to accept a designated school or choose another*

Parents are notified of a place allocated at a school chosen by the LEA on the basis of the general admission arrangements of the authority and invited to confirm that particular school as their expressed preference or to name one or more alternative preferred schools. The parent must confirm in writing that the allocated school is acceptable otherwise it is treated as a non-preference and no place is reserved. This procedure is most commonly used in those areas where a catchment or priority area system is in place. How the consequences of this are handled by LEAs varies considerably. Some LEAs state explicitly that not putting the designated school down as first preference may mean that a place is not available at this "local" school should they be unsuccessful in gaining a place at a different first preference school. Other LEAs state explicitly that parents who put their "catchment" school down as a second preference who do not get their first preference will not be treated any less favourably than a parent who chose the catchment school as their first preference.

*Type 3: Multiple preference equal weighting*

Parents are asked to express multiple preferences and each preference is given equal weighting. LEAs then allocate to one of those preferred schools on the basis of their general admission arrangements. This is often in context where the admission system is complex involving a number of admission authorities. In such circumstances the procedures can seem to be complex unless there is a common admission timetable and a common application form as is now required by the new Code (DfES 2003).

*Type 4: Single preference system*

Parents are invited to express a single preference and if this proves unsuccessful they may apply to alternative school(s) in a second stage of dealing with preferences.

**Table 3**

FREQUENCY OF PROCEDURES FOR EXPRESSING A PREFERENCE (SEPT 2000 ENTRY)

<i>Type of system</i>	<i>No. of LEAs</i>	<i>% of LEAs</i>
Multiple preference rank order	105	74
Invitation to accept designated school or express a preference for other school(s)	18	13
Multiple preference equal weighting	7	5
Single preference	11	8
Total	141	100.0

3. *The management of preferences in wholly selective areas*

3.1 *Selective areas:* Although only a minority, selective admissions present very different issues of management for both school admission officers and parents. The official definition of a selective LEA is one where over 25% of the pupils attend selective grammar schools. There are other areas such as Chelmsford and Colchester in Essex, or Ripon and Skipton in North Yorkshire where all of the schools reasonably

available to parents are organised as either selective grammars or secondary moderns. But because these are sub-areas within larger LEA districts the LEAs are not classified as wholly selective. All wholly selective areas use some version of a standardised test of general ability administered at 11-plus. In practice this was either one produced by an independent research organisation such as the NFER or one developed within the LEA itself. We deal in turn with two aspects of admissions in these areas—the first being the allowance of two first choices and the second being access by pupils to selective tests.

3.2 *Problems of admission management in selective areas:* The advent of open enrolment highlighted a tension between the new inclusive principle that gave parents the theoretical right of attendance at any school of their choice and the older exclusive principle of selection. This, and the requirement to take account of parents' expressed preference creates a difficult issue for parents who wish to apply for a selective place if, at the time of stating their preference, they do not know if their child is eligible for a selective school place. If they express a first preference for a place at a selective school and their child does not reach the required standard (or too many do) it is possible that they would not get their preferred non-selective school because that school may already have reached its admission limit through the allocation of first preferences.

3.3 *Ways in which selective LEAs try to solve the problem:* In the event of a child not gaining admission to a first choice selective school some wholly selective areas manage this difficulty for parents by allowing the next non-selective school preference to be deemed a first choice equal with those other parents who had expressed this as their actual first choice. Thus, parents who apply to selective schools are advantaged over other parents who for whatever reason do not apply. We found two variations of this default process. One is to maintain separate selective and non-selective school preference lists deciding which to use when the child's 11-plus result is known. The second way is to require parents to express preferences for selective and non-selective schools on a common form. If it turns out that the child is deemed ineligible for a place at a selective secondary school the highest preference non-selective school becomes, by default, the first preference. These systems have either been accepted by parents and schools, or at least have operated without any effective objection, over a number of years.

3.4 *Adjudicator rulings:* While the 1998 Education Act reaffirmed both open enrolment and then existing systems of selection the legislation also created the Office of the Schools Adjudicator thereby creating a process for challenging the admissions practices of schools as admission authorities and of LEAs. The Schools Adjudicator has ruled against the default procedures described above in two important determinations one concerning Wirral and the other Torbay. In Wirral the adjudicator decided that tests for selecting to secondary schools should, under the Authority's admission arrangements, take place after rather than before all parents had expressed a preference for the school they wanted their child to attend. The implications of the Torbay Determination are that tests for selection to secondary schools should follow and not precede the invitation to all parents to express a preference.

#### 4. *Management of the problem in areas that are not wholly selective but have wholly selective schools within their area*

4.1 *LEA practice:* A system adopted by a number of areas which are not wholly selective but have one or two selective schools in their area is to ask parents to express preferences for both selective and non-selective schools on a common form without first knowing if their child is eligible (ie has reached a high enough score in the test) for a place at a selective school. The tension mentioned above between the inclusive and exclusive principles is addressed directly by some LEAs. For example one LEA states clearly in its composite prospectus:

“If you enter your child for the 11-plus you should bear in mind that a place at your local comprehensive school or community college cannot be reserved in the event that he or she does not gain a grammar school place.”

In this case advice was then given about the previous year's entry (what marks children had and what marks those who were given a place had). This would have had the effect of reassuring those parents whose children's measured attainment to date was well above average but would put pressure on those considered borderline. It represented a risk for these parents but it allowed most parents to make a reasonably informed choice. Of course the “pass” mark may change each year as the number of students achieving those marks increases or decreases. The local authority acknowledged the fact that,

“... A place is not guaranteed for a candidate who qualifies for a place under the 11-plus selection arrangements ... The guarantee of a grammar school place was necessary in the past when the only alternative was a secondary modern school, which did not cater for pupils of grammar school ability. Nowadays suitable alternatives are available at comprehensive schools and community colleges that cater for the whole academic ability range.”

This robust position is replicated in a number of other areas and would tend to facilitate comprehensive (all-ability) intakes at the non-selective schools in the area.

## 5. Access to tests for places at a selective school

5.1 *Opting in or opting out?* A significant aspect of the admission process to selective schools is how children are entered for the test. We found that there were different ways in which this happened. In some areas all children in the last year of primary school were entered for the test (with parents able to withdraw them by request). This method of entry was common for wholly selective areas. It provides universal access and raises no obvious equity issues beyond those generally associated with selective systems. In other areas children were entered on the primary school's recommendation (with parents able to include them by request). This involves, as a formal part of the process, a discussion with primary school staff about the child's secondary education and raises questions about the status of primary schools' judgements and recommendations. Because there is an element of judgement at this early stage in the child's school career it is possible that some primary schools may inappropriately close off an opportunity for some children.

5.2 *Possible problems with non-universal systems:* There is also the possibility that parents will differ in how they act on the primary school's recommendation. In addition we know from the extensive work on how parents choose a school that there are significant differences in the way that parents from different social groups respond to information and to the task of choosing. In other LEAs, and for all wholly selective Voluntary Aided and Foundation schools, parents must request that their child take the test as part of the application to the school. Skilled and semi-skilled choosers, who tend to be from more advantaged families, will do this more readily than those who are less engaged with the process of choice.

## 6. Evidence as to the educational benefits of selection

6.1 *Evidence from Schagen and Schagen and PISA:* Members asked about the evidence as to the educational benefits of selection. I explained that as I read the evidence the differences between the two systems in terms of exam performance was very small. I quoted two pieces of recent evidence and present them here with more precision than was possible in the hearing. Ian and Sandie Schagen of the NFER have produced authoritative work (Schagen and Schagen 2002) concerning the effects of selection in 149 LEAs in England. They considered the effects at the level of the school (ie for the pupils attending grammar or comprehensive schools) and at the LEA level (the effects for the whole cohort of children in the LEA). At the level of the school there were significant differences but at the level of the LEA there was no significant difference between selective and non-selective. Specifically they concluded that at the level of the school "there is a large 'grammar school effect' which shows that borderline pupils—those who narrowly obtain a grammar school place—obtain much better GCSE results five years later than pupils of equal prior attainment in comprehensive schools" and on the other hand that "pupils of higher prior attainment (key stage 2 average level greater than 5)" fared better in comprehensive schools. They hypothesise that these two gains at school level balance out so that there is no difference between the systems in the performance of children at GCSE at the LEA level.

The PISA study looked at the different performance of national systems (OECD/UNESCO-UIS (2003). We should be very cautious about cross national comparisons but the findings are of interest. This study was concerned to investigate any relationship between school and student characteristics and student performance. They found that "the impact [on educational performance] of school's socio-economic background is much stronger than the effect of any other variable (including school climate, homework, reading engagement etc . . . ) Ch. 7 p219. They also investigated the factors that were associated with social selection and found that academic selection is correlated with socio-economic segregation, "Among the ten countries with the most pronounced socio-economic segregation observed in PISA, all carry out selection procedures that channel students into different streams of secondary education before or at the age of assessment." Ch 7 p220.

## 7. Proposals and recommendations

7.1 *The need to accommodate different solutions:* Any set of recommendations needs to be sensitive to the fact that different areas experience different levels of problems. Policies designed to solve chronic problems in London should not make things worse in Cumbria.

7.2 *Issues to be considered:* We know that the majority of parents want their children to go to good local schools, defined not just in terms of exam performance but also in terms of moral and physical security. They also want predictability and speediness in the admission procedures. The evidence suggests that balanced intakes will reduce the problems of polarisation and are either educationally neutral or beneficial. Further, local contexts must be taken into account. It will therefore take a combination of measures to affect these connected issues. Some proposals are given below.

### 7.3 Proposals and recommendations

#### **Proposal One: The aim of amendments to admissions policies should be to:**

- encourage balanced school intakes;
- maximise parental satisfaction with the process, but more importantly, the outcome;
- increase social justice and maximise overall choice (ie not give choice to some by taking it away from others);

- 
- facilitate cooperation between schools;
  - maximise efficiency and cost-effectiveness as far as possible consistent with other principles; and
  - have concern for wider environmental implications such as traffic congestion.

**Proposal Two: Responsibilities for admissions to schools should rest with one admission authority for a given area (ie VA and Foundation schools should no longer act as the admission authority for their school).** One of the things that increases segregation of intakes and increases the difficulty of managing the process of admissions for both parents and admission authorities is the existence of a number (sometimes a majority) of autonomous admission authorities in an area. The new Code (DfES 2003) has made significant moves to increase collaboration and cooperation but it stops short of taking away the ability of schools to act as their own admission authority. There should be consideration of combining the admission responsibilities into one authority for a relevant area. This seems particularly important in London. Clearly there would need to be extensive discussion with interested parties but the relevant area for London would most effectively be drawn to include the whole area where presently there is a great deal of cross border admission. Unifying admission authorities would greatly improve the appeals procedures of Voluntary Aided and Foundation schools which are at the moment poor (Coldron *et al* 2002).

**Proposal Three: Admission criteria should be common within the area covered by an admission authority.** A single authority for an area implies that admission criteria should also be common for community, Foundation, Academies and CTCs. For religious schools there would need to be an additional criterion as to religious commitment common to all religious schools in the admission authority but in combination with ability banding to prevent covert selection.

**Proposal Four: Admission authorities should seek to maximise parental preference overall rather than giving absolute priority to the first in a ranked list of schools.** This is already a recommended model in the new Code of Practice. It allows admission authorities to balance other criteria such as proximity with parental preference to gain optimal satisfaction. **Proposal Five: Schools should be encouraged to join into collaborative federations and there should be active exploration of the possibility of making federations the unit for admission rather than the individual school.** This could contribute significantly to reducing polarisation of perception especially if Proposal Eight underpins it and banding by attainment is used to balance intake.

**Proposal Five: Schools should be encouraged to join into collaborative federations and there should be active exploration of the possibility of making federations the unit for admission rather than the individual school.** This could contribute significantly to reducing polarisation of perception especially if Proposal Eight underpins it and banding by attainment is used to balance intake.

**Proposal Six: The major oversubscription criterion for community and Foundation schools should be proximity (or catchment areas based on proximity) and, for Voluntary Aided schools, catchment areas.** This is the least worst option and would have the undesirable effect of reinforcing selection by mortgage. Therefore this Proposal needs to work in conjunction with Proposal Eight on resourcing harder to educate children and, in urban areas, the use of banding (perhaps within groups of schools) to mitigate segregation of intake. Admission authorities need to ensure that all schools are able to accept casual admissions of harder to educate children.

**Proposal Seven: Selection by general ability should be phased out.** This includes partially and wholly selective systems. They are not radically more or less effective educationally but they create greater segregation, generate a lot of appeals and are incompatible with parental preference systems.

**Proposal Eight: Resources to schools should follow the child and be based on a calculation of risk factors indicating how easy or hard each child is to educate. A school with a greater proportion of harder to educate children will receive proportionately more resources than a school with fewer children who are harder to educate.** We know certain characteristics of children (such as the socio-economic status of their family, their prior attainment, their mobility between schools, and their first language) are highly correlated with their educational attainment at 16. Some are easier to educate than others. We also know that some schools attempt to select the easier to educate and to exclude the harder. The extra resources would encourage schools to better balance their intakes and this would in turn reduce one of the pressures toward segregation and polarisation of perception. It may also have other advantages; for example it would go some way to complement the advantages already experienced by pupils in schools with high socio-economic status intake; it encourages an inclusive rather than an exclusive response from schools; it acknowledges the additional difficulties that schools as institutions have when they have educationally disadvantaged intakes; it would help to reduce some of the competition between schools and therefore provide a sound foundation for the operation of the Admission Forums or the unitary admission authorities and the development of Federations of schools; it addresses one of the main problems of English education which is the low achievement of the middle and lower attainers; it would improve the morale and the retention of teachers in the schools most in need of stability.

**Proposal Nine: Greater travel subsidies should only be considered as one among a number of ingredients.** Greater real choice may have a role in reducing segregation of intakes in some areas but should not be considered as either adequate in itself or as problem free e.g. an increase in the school run traffic would be an undesirable result. It should be considered as an option in specific contexts.

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**REFERENCES**

Coldron, J, Stephenson, K, Williams, J, Shipton, L, Demack, S (2002) *Admission Appeal Panels: Research Study into the Operation of Appeal Panels, Use of the Code of Practice and Training for Panel Members* School of Education, Sheffield Hallam University for the DfES, Research report RR344.

DfES (2003) *School Admissions Code of Practice* London: Department for Education and Employment.

Flatley, J, Williams J, Coldron J, Connolly H, Higgins V, Logie A, Smith N, Stephenson K (2001). “*Parents’ Experience of the Process of Choosing a Secondary School.*” Office for National Statistics and Sheffield Hallam University. DfES Research Report RR278.

OECD/UNESCO-UIS (2003) *Literacy Skills for the World of tomorrow—Further results from PISA 2000 OECD.*

Schagen, I and Schagen S (2002) *Using national value-added datasets to explore the effects of school diversity* presented at BERA, Exeter, 12 September 2002

Williams, J, Coldron J, Stephenson K, Logie A, Smith N (2001). “An analysis of policies and practices of LEA admission authorities in England.” in *Parent’s Experience of the Process of Choosing a Secondary School*, edited by J Williams and J Flatley: Department for Education and Skills.

*Professor John Coldron*  
Sheffield Hallam University

16 September 2003

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**Wednesday 15 October 2003**

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor  
Valerie Davey  
Jeff Ennis

Jonathan Shaw  
Mr Andrew Turner

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**Memorandum submitted by Dr Philip Hunter, Chief Schools Adjudicator (SA 05)**

There are now 10 Schools Adjudicators, including me. We are ex-Chief Education Officers, Head Teachers, Civil Servants or academics. Although we are appointed by the Secretary of State and supported by a team of Civil Servants, we are independent of Ministers and the Department. There has never in my experience been an attempt by Ministers to interfere in or influence an adjudicator's decision.

We get involved in admission matters when there is an objection to arrangements put in place by an LEA or a school. I attach tables showing the numbers of referrals to the adjudicator this year, the type of objector and the substance of the objection. (We also decide on about 30 statutory proposals a year. These include school openings and closures, changes of age range and changes of status.)

We make our decisions by reference to legislation (mainly the 1998 School Standards and Framework Act) and the School Admissions Code of Practice. Our overall objective is to make determinations that are so clear and consistent that admission authorities will get things right without the need for intervention by us.

Despite this, the number of referrals has shot up this year (from 78 in 2001–02 to 233 in 2002–03). This is because the 2002 Education Act, its implementing Regulations and the 2003 version of the School Admissions Code of Practice:

- (i) Gave community schools access to us.
- (ii) Made good and bad practice more explicit (mainly the priority given to children of school staff and looked after children).
- (iii) Allowed schools which are not admission authorities to object to the admission limits set for them by LEAs.

Our experience has been that there are very many admission authorities that are not following the latest Code of Practice. This is perhaps not too surprising because the Code came into force only at the end of January and it will take a while to settle in. More worrying, many admission authorities (mainly school governing bodies) are not following the proper consultation and notification procedures. Nor is it clear who is responsible for making sure that schools do it properly. There are fewer concerns about procedures where the schools have agreed that the LEA should carry them out on their behalf.

We also rule on objections to partial selection (but not to selection by grammar schools). Under section 100 of the 1998 Act, schools that were selecting some of their intake by ability before 1997–98 can continue to do so, on the same basis, unless we uphold an objection. As time goes on it is becoming more difficult to establish what schools were doing in 1997–98. There have been recent objections to partially selecting schools in Wandsworth and Hertfordshire and, over the years, we have reduced the extent of selection from 50% of the intake to 25% or 30%. The object of this has been to provide access for more children who live close to the schools and it seems to have worked. We can find no evidence that:

- (i) Restricting the extent of selection has had an effect on the academic ethos, quality of staff, traditions or even (though it is a little early to say) the results of these schools.
- (ii) Maintaining selection for some schools at 25% or 30% of their intake has a detectable effect on the intake of neighbouring schools.

We also rule on objections about selection by aptitude. Section 102 of the 1998 Act says that, where an admission authority (often a governing body) are satisfied they have a specialism in a particular subject, a school can select up to 10% of its intake using a test for aptitude in that subject. The test should not be a test of ability or a test of aptitude in another subject. The words "aptitude" and "ability" are not easy to define. In practice this does not matter because there are only a few established tests designed to assess aptitude. We have ruled that use of these tests is lawful and that other means of assessment (such as on the possession of music grades or representation in prestigious teams in sport or performances in the arts) are not.

In recent cases where we approved aptitude selection, we asked the LEA and schools to monitor the process to check that there has been no inadvertent selection by ability, and to publish the results of their checks. We have seen no evidence to demonstrate that:



- (i) The existence of this level and type of selection has any effect on the intake of neighbouring schools;
- (ii) The use of these tests has any effect on the ethos or performance of the schools concerned; or
- (iii) The children selected by the tests do any better in the schools admitting them than they would in the schools they would otherwise attend.

So why do some schools bother with aptitude tests? Head Teachers have said informally that they realise the tests are irrelevant but think they help to project an exclusive image for the school. This is perhaps understandable where there is strong competition from neighbouring independent schools.

October 2003

**Annex**

#### ADMISSION ARRANGEMENTS REFERRED TO THE ADJUDICATORS 2002–03<sup>1</sup>

##### OBJECTORS

<i>Objector</i>	<i>Upheld</i>	<i>Partially Upheld</i>	<i>Not Upheld</i>	<i>Total</i>
LEA	30	36	8	74
Admission Authority School	11	11	18	40
Community Schools	7	9	4	20
Parents	5	0	0	5
<b>TOTAL</b>	<b>53</b>	<b>56</b>	<b>30</b>	<b>139</b>

##### SUBSTANCE OF OBJECTIONS

<i>Subject</i>	<i>Upheld</i>	<i>Partially Upheld</i>	<i>Not Upheld</i>	<i>Total</i>
Partial Selection	18	14	9	41
Catchment/ Feeder	5	0	4	9
Children of Staff	15	20	0	35
Looked After Children	10	28	0	38
Admission Numbers	8	7	16	31
Other	24	85	5	114
<b>TOTAL</b>	<b>80</b>	<b>154</b>	<b>34</b>	<b>268</b>

##### *Notes:*

1. The totals in these tables do not agree since some referrals include objections to more than one admission criterion.
2. There were 33 “variations to admission arrangements” not covered by these tables.
3. Some cases referred in July have not been resolved on 5 September 2003.

#### 1. HIGH COURT APPEALS

##### *Regina v The Schools Adjudicator ex parte Metropolitan Borough of Wirral (20.12.1999)*

The adjudicator decided that the practice of elevating a second preference for an all ability school into a first preference for that school, in circumstances where a child had not been offered a place at a selective school which was the parent’s first preference, was unfair.

The Court did not agree that the determination of the adjudicator was procedurally flawed or unreasonable. In particular, the Court considered that, provided the nature of an objection was clearly stated at the outset and the respondent was invited to answer it, it was for the respondent to provide all the information thought relevant to a determination of the matter. It was not, for example, necessary for an adjudicator to advise the respondent, in the course of his consideration of the issues, of any preliminary views he had formed, thereby enabling the respondent to provide further information designed to influence those views. This case was also an example of one where the court was not prepared to substitute its judgement for that of the adjudicator on the question of the fairness of particular admission arrangements.

<sup>1</sup> Updated table, November 2003.

*Regina v Peter Downes ex parte Wandsworth London Borough Council (14.1.2000)*

The adjudicator had determined that the level of partial selection at two foundation and one community secondary school should be reduced.

In quashing the adjudicator's determination, partly on the grounds that provisions in the Code of Practice and the School Standard and Framework Act 1998 on which the adjudicator had relied did not come into force until shortly after the date of his determination, the Court concluded that when what was or was not the substance of an objection was disputed it was for the Court not the adjudicator to decide on the matter.

*Regina v John Clark ex parte Weights et al (27.3.2000)*

The adjudicator had determined that the proportion of the intake selected for three subjects at one secondary school should be reduced to a total of 10%.

The Court set aside the adjudicator's determination and remitted the matter for determination, by an alternative adjudicator, within 14 days. The particular point at issue here was that, in reaching his decision, the adjudicator was held to have been influenced by information which did not arise directly from the submissions of either the objector or the admission authority. The judgment here stressed that where an adjudicator seeks to rely on such information in framing his determination he should first ensure that the objector and the respondent are given an opportunity to comment on its accuracy or relevance.

At all three judicial reviews, the Judges commented on the importance of dealing with an adjudication with all reasonable speed. While matters remained undecided, parents and their children were left uncertain as to their prospects and administrative problems, arising from already published timetables for each stage of the admissions process, which became increasingly complex.

*Regina v The Schools Adjudicator ex parte Metropolitan Borough of Wirral (20.12.1999)*

The adjudicator had determined that selection tests for designated grammar schools in Wirral should follow rather than precede the opportunity given to parents, under the LEA's arrangements to express a preference for a school at which they wish education to be provided for their child.

Several issues arose which affect the work and responsibilities of adjudicators:

- The adjudicator reached his decision after considering the "fairness" of alternative admission arrangements. He did so with the provisions of the Code of Practice on School Admissions in mind. These call for arrangements to be clear, fair and objective. As the judge pointed out, a view on what is or is not fair, as in this instance, "is plainly a view over which people can legitimately disagree strongly". But once unfairness has been found "the fairness of the corrective mechanism to be applied is for the adjudicators".
- It is the statutory duty of an adjudicator, as it is for any admission authority, to have regard to the guidance provided by the Code of Practice on Admissions. A question arose as to whether it was for the court to assess whether adequate regard had been given by the adjudicator to the statutory guidance given in the Code. In dealing with this point the judge confirmed that the statutory duty: ". . . is to have regard to the Code. It is not a duty to apply the Code." He went on to say that: it was not for the Court to assess the "weight to be given to the Code or to say whether the adjudicator gave it adequate weight".
- The question arose as to whether an adjudicator could reasonably be expected to have regard to matters that had not been put to him in the evidence he was considering. In summary, the judge concluded, in relation to an adjudicator that "unless particular consequences are drawn to his attention, he is only required to consider those which any reasonable adjudicator would regard as obvious and significant in the sense of being fundamental to his decision or at least ones which, upon being considered, would lead to a real possibility of a different decision". (The judge's conclusions on this point, as on those mentioned above, need to be read in full and in context.)

Arising from these proceedings, adjudicators have been careful to ensure that parties to adjudication are aware that it is for them to provide the adjudicator with the evidence they wish to have considered. Adjudicators will have a general understanding of the issues involved in any adjudication but essentially have to rely on the evidence presented to them by parties concerned.

*Regina v The Schools Adjudicator ex parte Watford Grammar School for Boys and Watford Grammar School for Girls (to be heard 3.10.2003)*

The adjudicator determined that the level of partial selection by ability at both schools should be reduced and that the schools' were using unlawful aptitude selection tests.

The claimants argue:

- that the adjudicator’s decision to reduce the percentage of children selected by ability from 35% to 25% was irrational, because there was no evidence that this change would increase the places available for “local” children;
- that the adjudicator was unfair or irrational in concluding that admission by aptitude in the field of music should be deleted. Also, that it was unfair for the adjudicator to seek advice from three experts in testing methods without giving either the schools or the LEA an opportunity to comment upon that evidence.

*Regina v The Schools Adjudicator ex parte Wandsworth Council (to be heard sometime in October)*

The adjudicator determined that the level of partial selection at two foundation and one community secondary school should be reduced. Wandsworth Council is the admission authority for the community school.

The claimants argue that:

- the adjudicator found that partial selection was not a “relevant cause” of any unfairness and should therefore have dismissed the objections;
- that the remedy arrived at by the adjudicator was not rationally connected with any unfairness found, nor supported by a coherent reasoning process.

## 2. PETITIONS TO THE COURT

In addition, there have been three petitions for judicial review which have not been allowed by the courts. These are as follows:

*The Queen on the application of Janette Smith v the Schools Adjudicator*

The adjudicator approved a statutory proposal by Newcastle City Council to discontinue a Middle School. The claimant argued that there was a lack of consultation, that the decision was made on a factually inaccurate basis and that the decision was irrational.

The application for permission was refused on the grounds of delay in submitting the claim. However, the claimants are appealing against this decision.

*The Queen on the application of Indro Sen v the Schools Adjudicator*

The adjudicator approved a proposal by Hackney Council to discontinue a secondary school. The claimant argued that the adjudicator did not have jurisdiction to determine the proposal because the notice was defective, that the adjudicator did not have full regard to the statutory guidance given by the Secretary of State or to the race relations Act and that the adjudicator’s procedures were defective.

The application for permission was refused on the grounds of delay in submitting the claim, standing of the claimant and no prospect of success.

*The Queen on the application of Tracy Bradley v the Schools Adjudicator*

The adjudicator approved a proposal by Bury Council to discontinue a primary school. The claimant argued that the decision was flawed in the light of the LEAs unlawful decision to close the school. The claim was refused on the grounds of delay and that there was no prospect of success.

### ADMISSION ARRANGEMENTS REFERRED TO THE ADJUDICATORS 2002–03 (UPDATED NOVEMBER 2003)

#### OBJECTORS

<i>Objector</i>	<i>Upheld</i>	<i>Partially Upheld</i>	<i>Not Upheld</i>	<i>Total</i>
LEA	30	32	12	74
Admission Authority School	11	11	18	40
Community Schools	7	9	4	20
Parents	5	0	0	5
<b>TOTAL</b>	<b>53</b>	<b>52</b>	<b>34</b>	<b>139</b>

## SUBSTANCE OF OBJECTIONS

<i>Subject</i>	<i>Upheld</i>	<i>Partially Upheld</i>	<i>Not Upheld</i>	<i>Total</i>
Partial Selection	18	14	9	41
Catchment/ Feeder	7	0	3	10
Children of Staff	29	0	0	29
Looked After Children	25	0	0	25
Admission Numbers	7	7	15	29
Other	40	0	39	79
<b>TOTAL</b>	<b>126</b>	<b>21</b>	<b>66</b>	<b>213</b>

*Notes:*

1. The totals in these tables do not agree since the first table of the whole objection and table 2 is a breakdown of the substance of the objection—covering more than one area.
2. There were 33 “variations to admission arrangements” not covered by these tables.
3. Some cases referred in July have not been resolved on 5 September 2003.

*Witness:* **Dr Philip Hunter**, Chief Schools Adjudicator, examined.

**Q62 Chairman:** Can I welcome Dr Philip Hunter to our deliberations and say what a pleasure it is to have you here. You know that this is at the beginning of our inquiry into admissions policy and, of course, as the Chief Schools Adjudicator—I always think that title has come straight out of *The Mikado*, it is a wonderful title—could you open up by telling us a little bit about how you view your job, as Chief Schools Adjudicator?

**Dr Hunter:** Certainly. There are ten of us, all independently appointed by the Secretary of State. I am the Chief Adjudicator, which means really I have got two roles. One is to appoint individual adjudicators to individual cases when they come in, and secondly to try to ensure some co-ordination between them. Adjudicators have two main roles. One is to deal with statutory proposals, which is not part of your inquiry today so I will leave those aside, but they are about school closures and amalgamations and that sort of thing. On admissions, we get called in when there is an objection. If an admissions authority sets up some admissions criteria, other admissions authorities, and indeed now Community schools, can object to those criteria. If they do object, in the form in which they are required to object, within six weeks, then an adjudicator is appointed to go in, find out what is going on and make a decision about whether that admissions criterion is fair, objective, and so on. We respond to objections. That is our role.

**Q63 Chairman:** You have been working fully as the Adjudicator for just over a year now, is it?

**Dr Hunter:** Yes.

**Q64 Chairman:** The process is developing and you are sort of building up case law. In the loosest sense of the term, what is your view in terms of the progress, are you satisfied with how things are going?

**Dr Hunter:** I think, on the whole, we do a very good job. I have got to say that I took over from an illustrious predecessor, who had set up the system, and it was working well when I took it over. I have been developing aspects of it, as one does. We are

tightening up a little bit, I think, on procedures and processes and so on, but we do seem to be able to cope with an increasing number of cases quickly, we deal with almost all of them within six weeks. We do seem to be able to reach decisions which are accepted by most of the people who are affected by them, and I think we do have a deal of respect out there, in the field, from people with whom we get involved. I think also we have got a very good relationship with the Department. So I think we are working reasonably well. Of course, from time to time, as indeed has happened very recently, we are taken to judicial review, and from time to time judges change the rules under which we have got to operate. These things happen, but we develop in whatever context we are required to develop.

**Q65 Chairman:** Is that a concern, that there have been a number of recent overturnings of your rulings?

**Dr Hunter:** Nobody likes being taken to judicial review, it is a pretty awful process, but it happens. Clearly we are operating within the law, and clearly the final say on what is the law is with the judges, so they are there to decide, to make final decisions about processes, and so on, and, of course, we accept whatever they say.

**Q66 Chairman:** You have a large number of schools and admissions authorities up and down the land. Do you expect your traffic to increase exponentially over the next few years?

**Dr Hunter:** I hope it will not. I have to say, it increased a great deal last year, as a result of changes in the Code, and so on, and I think we dealt with 233 cases last year, as opposed to 78 the year before. So clearly we had a very busy year last year, and that was about as many as we could handle, so I hope it will not increase. Indeed, our objective, in a sense—and I am glad I am not on performance-related pay—is to end up with no cases at all, the objective is to reach decisions so quickly and so clearly that people out there will understand what we are likely to decide, if cases are ever referred to us, and hence they do not bother. When there is a change, as there

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was last year with the new Code of Practice, then that changes too, and that has resulted in a large number of cases. But I think, looking back, one does see you get a spate of cases about a particular aspect of admissions procedures, you deal with them and then it gets known out there, if you like, what the rules of the game are, and from then on people tend to observe the rules of the game.

**Q67 Chairman:** Is it not a new rule of the game, if you do not like what your decision is, you go to judicial review?

**Dr Hunter:** I think generally we are getting into a much more litigious society, and people are reaching for their lawyers more quickly than they used to, and that is a concern, but that is the society we are in.

**Q68 Chairman:** You have enormous experience, in terms of your very distinguished career in education, both in London and outside London, and how do you view the process of admissions, do you think the whole admissions world is settling down? We have only just started this inquiry so we are not even beginning to be dangerous, in terms of the amount of knowledge we have. What we see is, as a Committee, with this plethora of admissions authorities, on the one hand, and on the other the Government seeming to have to go up towards centralisation, with plans to have a London-wide system, and so on, that there does seem to be something of a collision course there perhaps. Do you worry about that?

**Dr Hunter:** Certainly, I think that something needed to be done before the 2002 Act and the new Code of Practice, something needed to be done before that. My own view is that the new Code is right, that making admissions forums statutory, having admissions schemes agreed locally, and that sort of thing, was the right thing to do. My view is that, that having happened so recently, probably it needs a bit of time to settle down before one can assess whether it has worked. Certainly, it was in the right direction. I think perhaps, given time, it will settle down and will work for a while, but people change, aspirations change, and, I guess, in five or six years' time, someone will say, "We need another go at that." I think the recent go was right, it was in the right direction and it was the right thing to do, and it needs a bit of time to settle down before it is all thrown up in the air again. As far as the plethora of admissions authorities is concerned, I am rather ambivalent. The whole idea about admissions is that somebody, somewhere, is saying to a group of parents, "You can have a place in this school," and saying to another group of parents, inevitably, where you have got oversubscribed schools, "You can't have a place." Now those parents are going to be very upset about it, very, very upset, for obvious reasons. Where you have got something like that happening the whole system depends on trust, that there are people out there who believe that, despite the fact they have not got what they want, they are working in a system which is broadly fair and broadly equitable. That means, I believe, that a lot of people locally have got to believe in the system, have got to be involved in the system. What that means, I

believe, is that certainly central government has got a role, I hope a fairly small role, actually. Local government certainly has a role and there needs to be something at local authority level, with councillors and other people involved, and school governors have got a role. In a sense, what I would do, though not yet, because I would let the present system settle down, would be to make all schools their own admissions authorities. Probably I would give more powers to admissions forums, and that sort of thing, to counterbalance that to some extent, but certainly the school governors ought to have a role in school admissions.

**Q69 Chairman:** Interestingly enough, you left out the courts having a role?

**Dr Hunter:** They have got a role, deciding what we meant.

**Q70 Chairman:** I am not even referring back to the recent judgments overruling some of your decisions, I am referring to the Greenwich judgment particularly, which changed totally the rules of the game in a fundamental way. I suppose what most people would say, who are unhappy about the present admissions system, or parents who do not get their first choice, they might say, "Well, we had a kind of natural view that we should have priority because we live near the school," and that is the school one naturally would want your child to go to, the local school. Of course, post-Greenwich that is not an assumption that parents can make, is it?

**Dr Hunter:** Greenwich did not say that you cannot go to your local school, it said you can go to your local school irrespective of whether that is in your local authority. I think my view about Greenwich is that it has been there just for so long that you cannot shift it now, even if you wanted to; indeed, probably I would not want to. I was Chief Education Officer for Staffordshire, and a new authority was created in the middle of it, with a lot of cross-border traffic going on between that new authority and the county, and there are lots of places like that. I think Greenwich probably is just there now, people have got to live with it.

**Chairman:** Thank you very much for that. We are going to get into some more detailed questioning now, about the School Admissions Code of Practice.

**Q71 Jonathan Shaw:** Within the Code of Practice it says that admissions criteria should be "clear, fair and objective, for the benefit of all children, including those with special educational needs, disabilities or in public care." It is children in public care that I want to ask you about. I am sure you are aware that 75% of children who leave care do so without any educational qualifications, a disproportionate number are unemployed, in prison and have drug-related problems. Do you think that this Code gives sufficient weight and priority to children in care?

**Dr Hunter:** The Code is very clear. It is a recommendation, it is not a piece of legislation, but it is very clear that children in public care should have priority in school admission procedures. We

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have had a number of local authorities referring admissions criteria to us. Just last night, I realised that the table attached to this paper I put in is rather misleading. In fact, in every case where we have had admissions authorities referred to us, because on the ground those criteria did not include children in public care, we have agreed that schools should be there. I think the message is getting out there, quite quickly actually, that all schools should have admissions criteria which put at the top of their list children in public care.

**Q72 Jonathan Shaw:** Why would they not put it in, in the first place? Why does it require you, Dr Hunter, to tell them?

**Dr Hunter:** We have had some curious discussions with schools.

**Q73 Jonathan Shaw:** Perhaps you could tell us about some of the cases?

**Dr Hunter:** They vary, between schools who say, "We don't need to do that because we do it anyway," in which case we say, "Why don't you put it in your admissions criteria?"

**Q74 Jonathan Shaw:** May I interrupt again, please. Do you say, "Show us then, show us that you do it; give us a list of kids who are in care in your school?" "We haven't got any at the moment," they might say?

**Dr Hunter:** Absolutely. I had a discussion about three weeks ago with a school exactly like that, where they were saying that, and we were saying, "You've got three children in public care, and the school down the road has got 17. Why is that?" So you get into that kind of discussion with them. We are quite clear. Where we have an objection from a local authority, from another admissions authority, that children in public care are not there, we say that they should be there.

**Q75 Jonathan Shaw:** Tell us about this school, compared with the other schools. Were there any distinguishing features of this particular school which did not have many kids in care, compared with the ones which did?

**Dr Hunter:** This school I am talking about did not.

**Q76 Jonathan Shaw:** How would you describe that school?

**Dr Hunter:** It was a school that was doing its best in the area it was in, and clearly did not want to be disturbed by having to deal with children whom it felt might be difficult.

**Q77 Jonathan Shaw:** Are we talking about a high-achieving school?

**Dr Hunter:** It was a high-achieving school.

**Q78 Jonathan Shaw:** In a leafier area?

**Dr Hunter:** Yes.

**Q79 Jonathan Shaw:** Were the other schools so high-achieving, and perhaps were not in such a leafy area?

**Dr Hunter:** Yes. I do not want to go so far as to identify the school.

**Q80 Jonathan Shaw:** I think the prejudice that I might be accused of, with regard to this issue, in the manner that I have put the questions to you, is borne out, that prejudice is correct?

**Dr Hunter:** Yes.

**Q81 Jonathan Shaw:** The poorest kids, the ones who leave without qualifications, the ones that we, the public, have got a responsibility for, who have been abused in every manner, are not getting into the best schools, effectively. These best schools do not even want to put in criteria. That is the bottom line, is it not?

**Dr Hunter:** I think, given the Code of Practice, given the fact that people can complain to us, given the fact that it is getting around what we decide, that will change.

**Q82 Jonathan Shaw:** If you are a child in care, in terms of it being a priority, are the priorities all equal, ie sibling, near the school, kid in care?

**Dr Hunter:** Yes.

**Q83 Jonathan Shaw:** The admissions criteria that I have looked at, there is the top one, you live round the corner, the next one, you have got a sister or a brother, and that is the way it works, in terms of the cut-off point in terms of an available place, is it not?

**Dr Hunter:** My reading of the Code of Practice is that children in public care should go at the top, they should get in first.

**Q84 Jonathan Shaw:** So the Chief Adjudicator is sending this message to all schools in England and Wales, that kids in care should be top of the list, over and above everyone else?

**Dr Hunter:** Yes.

**Q85 Mr Turner:** Is the Code of Practice guidance?

**Dr Hunter:** In our legal terms, we have to have regard to it. It is more than guidance, but it is not instructions, it is not law. So that we are able to say, "This bit of the Act says . . ." this, "but there are other factors around, somewhere else, which point in a different direction, and therefore we do not agree with it," but we do have to be extremely careful with it.

**Q86 Mr Turner:** So where you say, to quote, "kids in public care should get in first," you are expressing a view, you are not expressing the law?

**Dr Hunter:** I am expressing the view expressed in the Code of Practice, which is quite clear.

**Q87 Mr Turner:** To which admissions authorities have to have regard?

**Dr Hunter:** Yes.

**Q88 Mr Turner:** Having had regard, they are entitled, if they have done so honestly, to come to a different view. Is that the case?

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**Dr Hunter:** Yes, that is the case, but they should do that only in circumstances in which they have got a very, very clear set of evidence that having regard to this would put them in grave trouble somewhere else.

**Q89 Chairman:** Sorry. Could you repeat that, Dr Hunter?

**Dr Hunter:** If an admissions authority, or an adjudicator, looks at what the Code of Practice says and, having had regard to it, decides to do something else, I believe there has got to be very strong evidence that would not be in the interests of the children in the area, or what have you, in order for them to be able to do that. In other words, they are very easily challenged.

**Q90 Mr Turner:** In the interests of all of the children in the area?

**Dr Hunter:** Yes, in the legal position in which they are. If I ended up in court defending a decision, that I had regard to what the Code said and decided to do something else, I would be on a pretty shaky wicket, I think.

**Q91 Mr Turner:** Just as a matter of interest, how much does it cost to run your office?

**Dr Hunter:** About a million pounds a year.<sup>1</sup>

**Q92 Mr Turner:** The reason I ask is because, clearly, nobody wants to end up in court, and that applies to schools about which you make decisions, as well as you, in respect of decisions you have made. Have you any examples of cases where admissions authorities, in your view, have had regard to the Code of Practice and come to conclusions which, to some extent or other, run counter to the Code of Practice but which either you have challenged and have been found to be wrongly challenging them, or which you have chosen not to challenge because you felt that the school was right, broadly, in coming to that conclusion?

**Dr Hunter:** Just off the top of my head, I cannot think of one. I suppose they must be around, but the fact that I cannot bring one to my mind immediately says, I think, that this Code of Practice is a very powerful animal, that it is a very powerful piece of writing here. In my experience, all admissions authorities, once they have had it drawn to their attention, of course, and certainly all adjudicators and local authorities read this very carefully, and almost always, I would say, do what this recommends.

**Q93 Mr Turner:** One example is interviewing children, and if you want to establish that a child is a practising Anglican, one way obviously is to see how many times they go to church, which is an objective measure. Is a school justified in finding out how the child feels its faith?

**Dr Hunter:** According to the Code of Practice, no, and according to me, no, because that is what the Code of Practice says. As I understand it, there was

a big debate about that before this piece of the Code of Practice was drawn up, and it ended up with the churches recommending that they should not be interviewing, and it ended with a political decision, if you like, by the Secretary of State that that should go in the Code of Practice. That was agreed in the way it is by Parliament. So there it stands, there shall be no interviewing. That being the case, I work to the Code of Practice, so it is not for me to have a different view. I work to the Code of Practice.

**Q94 Mr Turner:** The admissions authority is entitled to come to the conclusion that it is easy to turn up at church but it is very much more difficult to be a Christian, and that they are entitled to interview to establish whether a child is a Christian. Would you agree with that?

**Dr Hunter:** I would agree with the sort of legal interpretation, that this is guidance and it is having regard to it, and the discussion we have just had. I have to say that if a case came to us—one should not be too hypothetical about these things—it is conceivable that they could advance some reasons and evidence somewhere why they should be able to interview. It is conceivable. In practice, I think I would find it very difficult to work out what those circumstances would be.

**Q95 Chairman:** In terms of how you operate in terms of the Code of Practice, and the way in which you operate, what seems to be lacking is, in a sense, because you react only to people approaching you who are discontent with the process, then you make a decision, but that decision does not become generalised. Each school, every admissions authority, I think you have a particular one which involves the children of teachers in a school, where consistently you are making a particular judgment on that but still it keeps coming back because you have no power really to say, “These are the rules.” When you started talking to the Committee just now, you said that you thought that would all settle down. Do you think it will settle down, or do you think there is still a problem?

**Dr Hunter:** We will see, is the answer. There were two very sharp changes, three, including the interviewing, in this Code of Practice. One was children of teachers and the other was children in public care, where there is a clear message in this Code of Practice that it is not something that ought to be happening. We have upheld consistently objections on those grounds since the Code of Practice came in at the end of January. I believe it is getting out there that this is likely to happen if objections come to us, and I guess that in a couple of years it will disappear. We will see. It may not be a terribly efficient way of doing it, but that is the system we have got.

**Chairman:** That is a fair point. Dr Hunter, we want to move on and look at school admissions authorities, and Val Davey would like to put some questions on that.

<sup>1</sup> Note: See Ev 223 (SA 42).

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**Q96 Valerie Davey:** I was genuinely surprised to realise just how many admissions authorities there are, well over 5,000. If I were a parent reading the Code, I think I would be really pleased to feel that we had a national Code of Practice of such calibre, and yet, with over 5,000 admissions authorities, should I still be as confident, as a parent, that is going to be the criterion that genuinely is used in all of those admissions authorities?

**Dr Hunter:** Clearly, it is not, because we have upheld so many objections. Clearly, it is the case that many of these admissions authorities are not abiding by the Code at present. Really, there are two points. The first is the criteria they are using and whether they are in line with the Code on that. Clearly, as this new Code has come in, it is going to take some time, at least, before all of those admissions authorities know what the Code says and are abiding by it, and, as I say, we will find out in two years' time whether that has happened or not. The other aspect of that I think is probably a little bit more worrying, and that is, it is quite clear that many admissions authorities, many of the school governing bodies that are admissions authorities, are not following the processes correctly. The processes are laid down very clearly here. You are supposed to consult about your criteria, you are supposed to meet to determine what they are, you are supposed to inform people what those are and allow people to object to them. We have come across many, many, many admissions authorities that are not doing that properly, and that is a problem.

**Q97 Valerie Davey:** That indicates that you have taken a proactive role in trying to ensure that these processes are being carried out. Is that part of your job, in fact?

**Dr Hunter:** No. These are objections we have received. We receive an objection, the first thing we ask is, "Let us see your determined arrangements, let's see the minutes of the governing body in which you've made them?" The answer comes, "Well, we didn't bother." So you have to go into the processes, too.

**Q98 Valerie Davey:** Do you think somebody should be taking that proactive role, because it is clear from what you are saying, I think, that parents who are not perhaps as aware of some of these nuances, or some of these issues, are going to be less able than others to exert their right, as parents, to have the choice, which everyone assumes this new Code will give them?

**Dr Hunter:** I think they should, and I believe it is for local authorities to get in there. Where it works properly is where a local authority and the admissions authorities within its area have got an agreement that the local authority should do the processes on their behalf. Where that is happening, on the whole, it is working properly. Where it is not happening is where there has been a poor relationship between ex-GM schools, or what have you, and the LEA, and where there is no agreement

about who is doing what. I think that there is a role for local authorities there, and when I meet chief education officers I am telling them that.

**Q99 Valerie Davey:** As a former chief education officer, I would expect you to do no less. Can I just say though that you seem to be reasonably confident, with the umbrella collaboration established by a local authority, that individual schools will not end up choosing the children, as opposed to what clearly we are identifying as the policy of parents, as far as is humanly possible, having the right of choice?

**Dr Hunter:** You are raising another question there, which is an interesting one. The fact is that wherever you have got an oversubscribed school it is the school that is choosing the children, that is the fact, it is the admissions authority that is choosing the children, and that happens wherever you have got oversubscription. We cannot stop that. Coming back to your general point, I am interested to see, and I think I would expect, given time to settle down, with the new systems, the new schemes, the new admissions forums, and so on, that certainly things will get better, and in a couple of years' time we will be able to see whether actually it has worked properly and whether it needs tweaking.

**Q100 Mr Chaytor:** Dr Hunter, in your written evidence you imply that you have seen extensive abuse by individual admissions authorities of the correct procedures. Currently, you can only respond to complaints. Do you think the system would be more effective if you had powers to investigate where you had reasonable suspicion that an individual admissions authority was not playing by the rules?

**Dr Hunter:** I do not think so. I am not generally seeking more powers, I think I am powerful enough, thank you very much. Certainly it is the case that if somebody thinks there is something going wrong that should not be going wrong then usually there is a route where they can object, and at that point I can take that up.

**Q101 Mr Chaytor:** But if you have received only 233 objections this year, are you saying that is the sum total?

**Dr Hunter:** No, not at all.

**Q102 Mr Chaytor:** What about the missing schools?

**Dr Hunter:** I believe it is for local authorities, local education authorities, to get much more involved in admissions in their area, whether or not they are community schools or foundation schools or aided schools, or what have you. I believe it is for admissions forums and local education authorities to object, where they come across them, to start by negotiating their way through, actually, and, having done that, if they find they cannot do that, then to object. I think that is happening in a number of authorities now. Where that happens we are able to find our way through it, and I think that over a period of time we will get to a stage where all local authorities are taking on that responsibility, and I think that is the way forward.



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**Q103 Mr Chaytor:** In your opening remarks, you said that you thought school governors should have a stronger role and should express their views more. Did you mean about the admissions policies of their own schools, where they are the admissions authorities, or do you think that school governing bodies should have a wider role in expressing a view on the admission arrangements throughout the local authority?

**Dr Hunter:** No. I was saying, what I believe is that all governing bodies should have a role, whether or not they are at present their admissions authorities. I do not believe that, in general, there is any good reason for some schools being their own admissions authorities and some not being their own admissions authorities. In the long term what I would like to see is Government deciding that it has got some minimal role in this, that local authorities at local authority level, local authorities and admissions authorities should have some role in that. I think rather I would strengthen that a little bit, and that all governors have got a role in this and that all three are involved and all three are involved equally, whether the school happened to be a foundation school or an aided school, or what have you. That is what I believe.

**Q104 Mr Chaytor:** In terms of central government's role, do you think the powers that central government has currently are about right, or, just as you feel that local education authorities should play a bigger role, do you think there is an expanded role for central government in determining the shape of the system?

**Dr Hunter:** No, certainly I do not believe there is an expanded role for central government. I think that central government has a role. If, for example, the Secretary of State, Parliament, whatever, decides that all "looked after" children should be first on the list then that is a very proper thing for central government to do, but I hope that central government is quite sparing in its use of the powers it has got. Certainly I do not believe there should be some grand, national system, in the way I think that some people are suggesting for admissions. I think that would be a total disaster.

**Q105 Mr Chaytor:** Between the local authority level and the central government level, is there room for greater co-ordination between local education authorities in the major conurbations?

**Dr Hunter:** Yes, certainly, I think there is, I think it is happening. One of the difficulties that I think the education system in the country is faced with is that there are too many local education authorities, but, given that we have got what we have got, I think people are just getting down to it and doing what they can. Certainly in the old counties where a unitary has sprung up, I think relationships are generally good between those people. It is happening in London. I go to regional meetings of admission officers, and they get on very well together and discuss things properly and professionally at their level. So I think it is happening.

**Q106 Chairman:** Dr Hunter, do you think you are accessible enough to parents objecting to the way in which they have been treated by an admissions authority, or are you a bit of a secret organisation for most parents?

**Dr Hunter:** Certainly we try not to be secret. We go to a great deal of trouble in publishing on our website every decision we make, and all of those things, and putting out press releases, and the rest of it. I would guess that 98%, 99%, of parents in the country do not know we exist, and possibly they ought to. I think there might be a case, in due course, for giving parents more access to us. They have got access to us, as you know, in partial selection, they have got access to us where an admissions authority has reduced the admission number below the capacity, and they are using that, from time to time. Perhaps.

**Q107 Chairman:** It just seems that the number of parents who actually end up bringing an objection to you is small?

**Dr Hunter:** Yes, that is right.

**Q108 Chairman:** One would have thought, the 10% of parents who actually appeal against the decision of the admissions authority, it is strange that such a small number then end up on your side of it?

**Dr Hunter:** Most individual appeals are about the individual circumstances of an individual child, that is the admissions criteria, and I would guess that it is quite difficult to get a number of parents who have been turned down for the same reason, if you like. It might be helpful, at some stage, to give some parents more access to us, but I would not advocate it as a pressing priority.

**Chairman:** Thank you for that. We are now going to move on to school admissions criteria, and Jeff Ennis is going to open the questions.

**Q109 Jeff Ennis:** Dr Hunter, how widespread is the use of admissions criteria that are contrary to the guidance in the Code of Practice?

**Dr Hunter:** Clearly, in terms of the number of objections we uphold, it is quite common. I think there has been a particular problem this year because the new Code of Practice came in at the end of January. By that time, a number of school admissions authorities had moved into deciding what they were going to do, and I do not think really there was time for them to adjust to the new Code of Practice. I would hope that next year there will be fewer cases.

**Q110 Jeff Ennis:** Are there any particular categories of admissions authorities where you are getting the largest numbers of problems?

**Dr Hunter:** Yes. It is the school admissions authorities, the foundation schools and aided schools, and so on. Most local authorities have got the thing pretty clear, there are one or two that have not, I have got to say, and that is worrying, particularly, I guess, some of the smaller unitaries. The trouble in local authorities comes from the smaller ones that have got only one, or perhaps two

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admissions officers, and often they are super people who really have got the thing sorted out, but if that officer goes ill, or something, then there is a problem, and they do go down from time to time.

**Q111 Jeff Ennis:** Looking at the individual schools admissions authorities, is it the ones where we are having problems which are not co-operating with the local education authorities, or is that too much of a generalisation to see?

**Dr Hunter:** I think probably it is too much of a generalisation. Clearly, it is where relationships are not good, for historic or other reasons, that things are going wrong, and that is where we get the difficulties. Whether that is due entirely to the school, whether it is due sometimes to the local authority, I think that is a different matter.

**Q112 Jeff Ennis:** You said, in response to an earlier question, that for certain criteria, for example, the one to do with the children of staff in a particular school, which currently is outside the Code but it is not outlawed, you feel, with the passage of time, this will disappear as a problem, as news of the Code is spread around the admissions authorities. If it does not disappear, do you think there ought to be a mechanism to remove a criterion like that, which is constantly working outside the Code?

**Dr Hunter:** Of course, the mechanism is you. You are in a position to change the law, and that is the only way it can be done, through making something against the law.

**Q113 Jeff Ennis:** Going back to the Chairman's earlier question about the Greenwich ruling, when you said that, obviously, because of the time factor, it has been here since 1989, it is here to stay, given that you feel it is here to stay, do you see it as a barrier to an effective admissions policy across all authorities?

**Dr Hunter:** In a sense, it has been around for so long it is part of the fabric of the thing, and I would not regard it as a barrier. Looking back, it was a problem when it first happened, in a number of areas. I do not think it was a particular problem in most of the county areas, frankly. It would have been a problem had it come in—the establishment of the new unitaries in the middle of counties, where there is a lot of cross-border traffic, I think it would be impossible to go back now on that, really I do.

**Q114 Jonathan Shaw:** I wonder if I can talk about specifics, rather than generalities. The Chairman said that there were not very many parents contacting you, but perhaps there might be a disproportionate number of parents from Kent contacting you. I know that is an area of the country with which you have had a number of dealings. Can I ask you about the admissions criteria and how that can seem then to contradict rulings. If one of the criteria is to maximise, to every possible extent, parents' wishes and many people in Kent would not wish to send their child to a grammar school so they would want to send them to a school that had a wider mix of ability, therefore what we have seen is

some admissions authorities, individual schools, saying to parents, "Well, if you want to come to this school, we don't want your child to take the 11 plus, in order that we can have as wide a mix of ability as possible." If you are looking across the piece, at somewhere like Kent, trying to please everyone is very difficult, but surely is it not reasonable for admissions authorities to do that, given that is a criterion?

**Dr Hunter:** I hope you will forgive me but really I would find it very, very difficult to get into questions about Kent just at the moment. To explain. We have an objection from the local authority to, I think it is, 45 schools in Kent, some of which involve just the questions arising here. About three weeks ago, because of the timing, we put out what we call a 'minded' letter, which said that although we had not been able to reach a decision yet—and, incidentally, the reason we could not reach a decision was that so many of the individual authorities had not done their processes correctly and we had to wait until that had finished—the two adjudicators who are dealing with it "are minded to reach the following decisions." Having put out that letter, we said to the local authority and to the schools, and we had a meeting down there, "Here is our minded letter, this is what we are minded to do, but please give us other views, other information, other evidence, if you have got it." The two adjudicators concerned are writing their determinations at this moment. They will come out in about ten days' time, and it would be extremely difficult if I were to comment.

**Q115 Jonathan Shaw:** I appreciate that, but you could tell the Committee what the minded letter said, because you talked about generalities, and here is an opportunity for members of the Committee to understand the specifics of your task?

**Dr Hunter:** The minded letter said the following, and it is public so we can discuss it, it said there were a number of objections, there were objections on children of staff, there were objections on 'looked after' children, and we upheld all of those objections. That is the first point. The second point was, the minded letter said there was an objection about conditionality, which is the point you are raising. Conditionality is where an admissions authority says "We will give priority to people who do not enter the 11 plus." The minded letter said "We are minded" (the two adjudicators) "to uphold that objection" on the grounds that it did not seem fair, it did not seem fair, to some parents, to say, no matter who you are, no matter where you live, no matter what your child is like, "the fact that your parent has decided to enter you for a test should be a factor in whether or not you get into that school." So the minded letter said "We are minded to uphold that." The other ground, the other objection, was on preference. The objection was that schools should not be allowed to give priority to parents who expressed a preference for that school. I will not go into all the ins and outs of that. The minded letter said "We are minded not to uphold that objection." Having said all of that, as I say, the adjudicators have gone away to consider not only what the

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minded letter said but also the response to that minded letter from the local authority and from the schools themselves.

**Chairman:** Thank you for that extended answer, Dr Hunter. It is most useful.

**Q116 Jonathan Shaw:** Chairman, if I may just wind back the clock to pick up something that we have talked about, children in public care, something which has occurred to me. The Green Paper, “Every Child Counts”,<sup>2</sup> are you part of that consultation process?

**Dr Hunter:** No. I am sorry, perhaps I should have seen it but I have not.

**Q117 Jonathan Shaw:** I am wondering, if you are considering children in public care, might something that you would consider be children who were at risk, in terms of a priority?

**Dr Hunter:** As I say, children in public care, I think, got a good deal out of the Code. It is very clear, and we are very clear, about what it says and how to react to this.

**Q118 Jonathan Shaw:** I am wondering about children on the “at risk” register, whether you had a view as to whether children on the “at risk” register should be a priority?

**Dr Hunter:** I confess, I am not an expert on that matter.

**Q119 Jonathan Shaw:** You are not aware of the recent Green Paper?

**Dr Hunter:** I think I am aware of it, but I have not studied it in the way you have.

**Q120 Mr Turner:** Dr Hunter, I appreciate that you do not want to go into the details of Kent, and I have no right to, other than as of generally with this Committee and my colleague, but perhaps you could explain how you reached the views in the minded letter on two particular issues, because they seem to me to be exactly the contrary of commonsense. One is that you say it is not the child’s fault they have been entered into an examination by their parents, and therefore you cannot prevent a child having priority for a comprehensive school because they have not entered the 11 plus. Point one, of course, does that extend to selective schools as well, where clearly it is not the child’s fault if they were not entered into the exam., does that mean that a selective school is not allowed to take account of whether they were entered into the exam.? Point two, on that. I confess, in a previous life, I advised some comprehensive schools in Kent about inserting this into their admissions policies because they wished to remain comprehensive. The second one is the one about first preferences. A first preference, essentially, is gambling, it is not a lottery, where there is an equal chance, but is gambling on where you place your preference, which is much less predictable, which is one of your criteria, than that

all preferences are equal. Could you go into a little more detail of how you came to those minded conclusions?

**Dr Hunter:** Let us take the first preference one first. There are two arguments. The argument in favour of schools accepting preference as one of my criteria is that they want to know which parents really want to go there, parental commitment is an important factor for them to take into account, and so on and so on, and the Code of Practice is very clear that preference matters and that schools should know which children have first preference. They are the arguments in favour of that. The argument against is the one you have just mentioned, that where you have schools that have preference as a criteria it tends to force parents into second-guessing what is happening to other parents, what are they doing. It encourages tactical voting, if you like, in your terms, and that is a real problem. That is the problem for Kent LEA, that is the reason why Kent LEA are against preference coming in at that stage. Kent LEA want to take preference into account but only at the later stage when parents have got more than one school offered to them. Those two arguments are there. The two adjudicators concerned—it is not me, I have got to say, it is two other adjudicators—took the view that, on balance, at that stage, on the evidence available to them at that time, they came down in favour of preference remaining one of the criteria that would be acceptable. Who knows what they will say in Kent; well I do know what they will say in Kent, I know what they have been saying. There is a real tension there, a real issue and it is a balance of advantages and disadvantages. The same with conditionality. There are real arguments about whether schools should be able to take into account what that parent is saying about other schools. Again, it is about commitment, all those things. Equally, there is quite a strong argument to say that is a kind of blackmail, in a way, saying, “Look, if you put something else down, we’re going to take that into account in what we do.” So none of those issues are easy. There are arguments on both sides, for both of them, and it is a matter for these two adjudicators, appointed by the Secretary of State, to take just these decisions, to weigh up the balance of those arguments, and that is what they do.

**Q121 Mr Turner:** Thank you for those very full answers, and I accept that it is for the adjudicators and that is the law at present, but is it actually any better that the decision should be taken by two adjudicators rather than by the governing bodies?

**Dr Hunter:** Certainly there is a very strong message around, in the Code and elsewhere, that where you have got a number of admissions authorities in an area those admissions authorities should come together and reach agreement about the way forward, so that they are not all adopting different ways of doing things. That is the message that is around at the moment, and I think that is the right message. Kent came up with a model scheme, they could not reach agreement amongst their admissions authorities about what it should be. The Secretary of State imposed a scheme, that scheme he called an

<sup>2</sup> Note: see [www.dfes.gov.uk/everychildmatters](http://www.dfes.gov.uk/everychildmatters).

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equal preference scheme, but actually it is still allowed for a first preference to appear in it. Whether that was right or wrong I do not know, but that is the scheme that Kent were with. It is now for the adjudicators to interpret what that Secretary of State scheme is saying, what the Code of Practice is saying, what the individual circumstances are of individual schools and to make decisions, and that is what they do.

**Q122 Mr Turner:** In the end though, unless the schools change in either capacity or character, I mean that in the non-technical sense, admissions is a zero-sum game, is it not, one person wins, another person loses?

**Dr Hunter:** Yes. That is what happens. You get some schools that are oversubscribed and decisions have to be made about which children get in and which ones do not. As I say, I believe quite strongly the key to it is, is there a system across the country with a lot of people involved in it, a lot of people feeling some ownership of it, and is there some trust that the system, on the whole, is fair, equitable, clear.

**Q123 Chairman:** The Code, as presently constructed, does not permit a banding system, which is intended to get a kind of representative sample of children. It does not allow that, does it?

**Dr Hunter:** Yes, it does.

**Q124 Chairman:** Do you think the arguments have been developed fully on that? When we had three professors here talking about this, they had some concerns about the banding approach?

**Dr Hunter:** Certainly it is around in certain places. It was common in ILEA, and a number of parts of London, where it was used, are still using it. I think there are arguments for saying that where you have got a school that is in an area which has got a very high proportion of difficult families and difficult children, and so on, they should be allowed to try to achieve a reasonably comprehensive intake by some kind of selection, which is what it is. I think, clearly, that is a powerful argument for some schools, in some areas. I do not think it is a generally applicable way of going about things and I do not think one will see it operating very widely, but in some areas it is perfectly alright, Lewisham, for example, have it, and parts of Camden, and so on.

**Q125 Mr Chaytor:** Chairman, can I pursue the point about banding just a little bit. You are saying that there is an advantage in banding for individual schools who are their own admissions authorities, but not necessarily for local education authorities?

**Dr Hunter:** I think, both. I think there are areas where it can work. I think probably it works better actually where an area, a number of schools or a cluster of schools, decides to go in for it. It is not very common and I do not think it should be very common, but I think it is acceptable, permissible or desirable, probably, in some places.

**Q126 Mr Chaytor:** Why should it not be very common?

**Dr Hunter:** I do not think there are many areas where the circumstances demand that sort of approach. Certainly it was true in London, some bits of London, I would guess. I cannot think of anywhere else where really it is widespread other than London.

**Q127 Mr Chaytor:** Can I just refer to the document which was published yesterday by the Audit Commission and Ofsted, "School Place Planning".<sup>3</sup> One of the recommendations of that document is that local authorities should take into account social inclusion in their admissions policies and criteria. Would you agree with that?

**Dr Hunter:** I read that document last night. It is a good document. It is like a lot of these Ofsted things, they are very, very good on the analysis but they do not seem to take it very far other than that.

**Q128 Mr Chaytor:** Is it not for you to take it further when cases come before you? What status will the Audit Commission's and Ofsted's recommendations have in your deliberations?

**Dr Hunter:** Clearly, I have not had time to discuss it properly yet, and we will be doing that. Can I say that I do not believe, and this touches on banding and other things, that you can improve a school by forcing parents to send their children there, and that is the last thing that a school wants which needs improving. You have got to improve schools by other means, you have got to get to the stage where a school is improved and parents want to send their children there. There is absolutely no doubt at all that schools operate better and find the educational standards rising, and the rest of it, if there is a proper mix of children across the ability range. The question is how you get there, and I do not think you get there by forcing parents to send their children there, on the whole.

**Q129 Chairman:** The banding system does not force parents to go there, necessarily, does it?

**Dr Hunter:** Although I was not on the schools side when I was working in ILEA, the banding system I think worked pretty well in ILEA, because it was accepted it was what happened, if you like, and it was across the piece and there it was, and it did provide a reasonable mix of children in schools across the authority. Clearly, it cannot work with 13 different authorities operating in a small geographical area like London, and clearly it has to work. There are bits of London, I believe, where it has been carried on, Lewisham, for example, and, as I understand it, it is working perfectly well there. It is a matter of looking at each individual area and asking yourself "Is that right for this particular area?"

**Chairman:** Thank you. That has been most illuminating. We are working you hard, I realise, Dr Hunter, but, thank you, it is very valuable information you are giving us. We will move on to selection, and Jonathan is going to open the batting on that one.

<sup>3</sup> Note: See [www.ofsted.gov.uk/news](http://www.ofsted.gov.uk/news).

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**Q130 Jonathan Shaw:** Obviously, the Committee has received a great deal of written evidence, and one of the pieces of evidence we received was from a parent governor from Liverpool, Ms Natalie Seeve-McKenna.<sup>4</sup> She has said that the increase in selection in schools in her community has skewed the gender and the ability mix of the non-selective schools. What criteria do you use to determine whether selection, in any form, is skewing the ability range in the population of neighbouring schools which happen to be non-selective?

**Dr Hunter:** Forgive me, are these schools which are selecting by aptitude, are they specialist schools?

**Q131 Jonathan Shaw:** Yes?

**Dr Hunter:** I think the difficulty for an adjudicator looking at it, and clearly I have looked at a number of cases recently in this area, is trying to find the evidence. If you have got selection, commonsense tells you that if one school is selecting children, if it is taking brighter children from elsewhere, one would say that has some effect on those other schools, that is commonsense. But where is the evidence? I looked recently at a number of schools in Hertfordshire and I was faced with an objection which said that "These selective schools are affecting other schools in the area and producing circumstances in which those other schools are receiving children who are less bright, more children on free school meals," and the rest of it. So I looked at the figures, I looked at them in detail, and, yes, there is a difference between the selective schools and the non-selective schools, on average, in terms of CAT scores, ability scores and free school meals, and the rest of it, but there is a much bigger difference within the comprehensive schools, in terms of CAT scores and free school meals. Those much bigger differences are created by a variation in house prices and all the other things that affect these things. So where is the direct evidence which sees a causal link between selection and these things; the answer is, there is none. I used to be a research scientist, there is nothing there that gives you that causal link, the figures do not prove it, if you like, and that is the position we are in. There are huge differences in ability and free school meals parents, and the rest of it, in a truly comprehensive area. If you look at a town like Stafford, where I live, there is a school up on the hill which has got about 5%, or whatever, free school meals, and then there is a school a mile and a half away with 25% free school meals, and that is because of housing, that is because of the house prices and so on. Those are things that are happening everywhere. The question is, if you removed selection, would it make any difference, and I do not see the evidence to say that it would.

**Q132 Chairman:** Selection, full stop, or the 10%?

**Dr Hunter:** That is at 10%. I do not see any hard evidence that selection at 10% is having any effect on schools around. I have got no evidence that selection at 10% is having an effect on the schools themselves either.

**Q133 Jonathan Shaw:** How many objections have you received, on partial selection?

**Dr Hunter:** I think we had 41 last year.

**Q134 Jonathan Shaw:** How have you decided in these cases, does it vary, or are they all the same?

**Dr Hunter:** Upheld 18, partially upheld 14, and not upheld nine.

**Q135 Jonathan Shaw:** Can you give us a snapshot? That is what I said to you before, about Kent, it is just helpful for us to get some illustrative examples. Can you give us one from each?

**Dr Hunter:** Let us take the Hertfordshire ones; perhaps I should not, actually, given what is happening in the High Court at the moment, but, never mind, let us take those. There were 14 schools. Seven of them were selecting only by aptitude, seven of them were selecting by ability and aptitude. Of the aptitude selections, I upheld the objections to ten of them, but they were on the grounds not about the effect they were having on other schools but because they were not using aptitude tests, they were using ability tests. So I did not uphold any of those on the grounds that they were having an effect on other schools around them.

**Q136 Mr Chaytor:** You said that, selection at 10%, you have seen no evidence that it has either an adverse effect on the schools not selecting or a positive effect on the schools selecting. What about selection at 100%?

**Dr Hunter:** Clearly, that has an effect, yes. Those are grammar schools and I am not allowed to get involved with those, so I do not.

**Q137 Mr Chaytor:** We are talking about the 10%, therefore your argument is that the variation between schools defined as comprehensive is as great or greater than the variation between the selective and the non-selective schools, and you say this is a function of house prices. Really it is a function of land-use planning, is it not, and the house price is the proxy?

**Dr Hunter:** I think all sorts of things get in there, actually, reputation, bus routes, all sorts of things suddenly create a position in which one school becomes oversubscribed and schools around them are not, and the chemistry of that is quite difficult.

**Q138 Mr Chaytor:** Coming to testing by ability, rather than aptitude, where schools use tests of ability, either on partial selection or through the 11 plus, or for banding purposes, what is the purpose of a school's own test of ability now we have a national testing assessment regime? Why are Key Stage Two results not good enough?

**Dr Hunter:** The Key Stage Two results are not finely enough tuned to allow a school, if they have got 60 applicants and they are going to take 18, or whatever, to work out which are the 18 to take, so they have to have a separate test and they often use NFER tests.

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<sup>4</sup> Note: See Ev 318 (SA 20).

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**Q139 Mr Chaytor:** Are you confident that the testing that individual schools use is accurate?

**Dr Hunter:** No, but they are using accepted, standardised, recognised tests. We are getting back into the old question of was the 11 plus accurate, or not, and the answer to that is, clearly, it was not, but they are using a test that is accepted.

**Q140 Mr Chaytor:** If you are saying, as a Chief Schools Adjudicator, you have no confidence in these tests, who is accepting them? By whose criteria are they accepted?

**Dr Hunter:** I am saying they are legal.

**Mr Chaytor:** They are legal. They are decent, honest, but not necessarily true.

**Q141 Jonathan Shaw:** Lots of things are legal?

**Dr Hunter:** Yes, but, aptitude tests, I am saying that there is a certain number of recognised aptitude tests that have been devised by universities, or the NFER, or what have you, and those are legal. I am not saying anything about whether they are any good, and so on.

**Q142 Mr Chaytor:** You just had said something about whether they were any good, actually, because you said you were not confident of their accuracy?

**Dr Hunter:** Take the common aptitude test for music, which is a perfectly good aptitude test, it has been around for years, and all the rest of it. That will pick out Mozart, clearly it will, but whether it will pick out, if we have got 60 applicants and 18 places, who is the 12th best and the 18th best, the 24th best, is a completely different question. I think, if you asked the academics again, if you called them back in, they would say it would not, but that is not for me. I am saying it is legal.

**Q143 Mr Chaytor:** On tests for ability then?

**Dr Hunter:** It is the same sort of question, actually.

**Q144 Mr Chaytor:** It will not pick out necessarily the future Einstein?

**Dr Hunter:** It would pick out Einstein alright, well, I do not know who it would, actually, but it would pick out the best, the ones who are streets ahead.

**Q145 Mr Chaytor:** Is there not an issue though that, if we accept that standards in primary schools are rising steadily and levels of literacy and numeracy and scientific understanding are rising, and therefore the proportion of the cohort is achieving high levels at Key Stage Two, actually it becomes more difficult to differentiate, even through a separate ability test and just leaving the approximation of Key Stage Two results, it becomes more difficult to differentiate, certainly once you get to between the 20th and the 30th percentile point? Is this an issue in selecting by ability? If you have only 50% of children attaining a particular level at Key Stage Two, it is easy, but once you get 85% it must be more difficult to differentiate. Is that not true?

**Dr Hunter:** These tests test what they test and they put children in rank order, and that is what they do. What that means, I think, is a completely different

question. What that means, in terms of their potential, whether they are going to achieve or not, what precisely they know about a range of things that are passed or not tested on, all of those are huge issues, but where you have got selection, where you are using a standard selection test, as far as I am concerned, it is legal. I am not saying anything about whether it is a good idea or a bad idea, I am saying just that it is legal.

**Q146 Mr Chaytor:** Leaving aside whether it is a good idea or a bad idea, are you saying you have confidence in the ability of standard tests, either of aptitude or of ability, accurately to predict future levels?

**Dr Hunter:** No, I am not.

**Q147 Chairman:** This certainly runs, Dr Hunter, in terms of a previous inquiry that we have held, that not one of the distinguished academics and experts that we had in front of the Committee could say with any confidence the difference between an aptitude and an ability test?

**Dr Hunter:** Clearly, I have given some thought to those things and I am told that there is a small number of recognised aptitude tests that were devised as aptitude tests, that are labelled as aptitude tests and are marketed as aptitude tests, and that is what they are, and if a school is using one of them then it is legal, as far as I am concerned.

**Q148 Chairman:** But you would recognise that there is a lot of evidence out there about the difficulty of discerning the difference between the two? You are challenged?

**Dr Hunter:** I would challenge anyone who says that you cannot tell what an aptitude test is, in the sense of being devised as an aptitude test and marketed as an aptitude test and it is described and recognised as an aptitude test. I can tell the difference.

**Q149 Chairman:** Level four in music?

**Dr Hunter:** Level four in music is not an aptitude test, that is a test of what children can achieve.

**Q150 Chairman:** So an ability test?

**Dr Hunter:** That is an ability test.

**Q151 Chairman:** You have to have the aptitude to get to level four?

**Dr Hunter:** It tells you a bit about aptitude. It tells you also about how well that child had been taught, how much parental support that child has got, whether it had been told to do its practice, and all the rest of it. There is, in music, a well-recognised aptitude test on the market which does not rely on all of those things, it is a test which tests how good children are at recognising pitch and rhythm and melody and texture, and that sort of thing. There it is, there is an aptitude test. If you are telling parents you are selecting by aptitude, you should be using that. I am not saying anything about whether that is any good or not, I am just saying there it is.

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**Q152 Valerie Davey:** Chair, the parent governor who wrote from Liverpool was concerned also about gender. Have you had any appeals from those parents who want either single-sex or co-ed for their young people, and, secondly, when decisions are being made about changes of school, the nature of the school, do you take that into consideration, if that comes to your attention?

**Dr Hunter:** Certainly it is an issue, and one that is around at the moment. I will not tell you where it is, but certainly individual adjudicators from time to time run into precisely this question and have to take it into account.

**Q153 Jonathan Shaw:** Dr Hunter, you have just described to the Chairman the aptitude test for music and said you did not make a judgment as to whether it is any good or not. Is there a similar aptitude test for sport, performing arts, modern foreign languages, design technology, information technology?

**Dr Hunter:** Yes. There is one for sport, which was developed by Education Victoria, in Australia, and I think there is another one around as well which the Sports Council are coming up with and it is all about how far you can throw and jump and do all those things.

**Q154 Jonathan Shaw:** So they are coming up with it now?

**Dr Hunter:** The Education Victoria one I think has been around for some time, but there is another one being developed. There is one for languages, which I think was developed by the University of York.

**Q155 Jonathan Shaw:** When was that done?

**Dr Hunter:** It has been around for some time. I think it developed in the war, with American soldiers, or something. I do not know. Anyway, it has been around for some time. There is one on information technology, which the NFER came up with.

**Q156 Jonathan Shaw:** That cannot have been around for years?

**Dr Hunter:** No, that is fairly recent, I think, but it is around.

**Q157 Jonathan Shaw:** What I am coming on to is that there are these aptitude tests for the criteria that the 10% of selection is allowed, but it is not allowed for humanities, science and mathematics. Do you know of any aptitude tests for those three subjects?

**Dr Hunter:** No, I do not, I am afraid.

**Q158 Jonathan Shaw:** This has been a question we have asked quite a lot. Could that be the answer to it? The reason why the Government have made these two distinctive categories, one, that you can select 10%, and, one, that you cannot, is because there are no tests. I am being a great help to the Secretary of State.

**Dr Hunter:** Honestly, I do not know what is behind all of this.

**Q159 Jonathan Shaw:** You do not know, but you can tell us categorically, for those criteria that require tests, there are aptitude tests, the one thing you are not allowed to have an aptitude test for there are none?

**Dr Hunter:** No, I am not saying that, I just have not looked.

**Q160 Jonathan Shaw:** You are just advising us that you do not know of any aptitude tests for humanities, and so one could conclude that is why the DfES made that decision. That would be very cerebral of them, would it not?

**Dr Hunter:** Sorry; just thinking this out. I would guess, if you are looking for an aptitude test in maths, clearly that is going to be very, very difficult to distinguish from an ability test, that is what ability tests do, is it not? Humanities, I would need some notice of that. I have not come across those, I have not looked.

**Jonathan Shaw:** No, well we get a bit baffled by it as well, and why science but not information technology?

**Q161 Chairman:** What is coming out of your remarks though, Dr Hunter, is that you recognise these things exist, they are described as tests of not ability but of aptitude, they are there, so they are legal, but there is a deep note of scepticism in what you have told this Committee about how you rate these tests?

**Dr Hunter:** Yes. I would not want to be too sceptical about all of them. I think they have their uses, I guess all of them have their uses, and I would guess that some of them are better than others at picking out kids that later are going to demonstrate some aptitude for these things. As Chief Adjudicator, I am asked the question "Are these things legal?" and my answer is, clearly, they are, they were designed as aptitude tests, they are recognised, they have been designed by people of repute, respect, and there they are.

**Chairman:** Let us draw a line under that for the moment. Let us go on to the last couple of sections. I am sorry to keep you here so long but we are getting great value out of this, so we are grateful. We would like to look at the admissions process.

**Q162 Mr Chaytor:** Can I just come back to this question of the overall objective of admissions policy. Do you think our system actually is characterised by parental choice?

**Dr Hunter:** Yes, I think it is. I think that whenever you talk about parental choice in questions of admissions you have to qualify it by saying that parental choice is choice where there is choice available, and that wherever you get an oversubscribed school it is not the parents choosing, it is the school choosing, or the admissions authority choosing, and that is the fact that people have got to recognise. You get people who tend to go on about parental choice, "Isn't parental choice a wonderful thing?" Of course it is a wonderful thing, but you run up constantly against this point, that it can operate only in schools where there is choice.

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**Q163 Mr Chaytor:** Is it more accurate to describe it as a system of parental preference?

**Dr Hunter:** Yes, I think that is right.

**Q164 Mr Chaytor:** Coming back to the Audit Commission/Ofsted report yesterday, another of their conclusions is that allowing popular schools to expand actually has severe consequences on other schools in the immediate area. My question is, how do you reconcile the maximisation of parental preference with the implications for social exclusion?

**Dr Hunter:** My answer to that is that all these are very difficult questions. Not only does an expanding school have a consequence on other schools around it, it has a consequence on itself. Often you get popular schools which are popular because they are not too big, and clearly it operates against itself if you expand it constantly. Questions like that, the answer is complex and it is local, and in my view that is what local education authorities are for, and that is what they are good at. They are local groups of politicians and officers who are considering all of these very complex balances, and it really is better if you have got a system where they are in a position to make these decisions.

**Q165 Mr Chaytor:** Where the issue comes before you, and this is what we are concerned about, do you take into account the consequences of allowing popular schools to expand with the impact of social exclusion on neighbouring schools and neighbouring communities?

**Dr Hunter:** Yes, indeed, of course we do, much more so in our work on statutory proposals, actually, than admissions, but even in admissions we look at future numbers and decide how far they go, and the rest of it.

**Q166 Mr Chaytor:** Was that a factor in the recent adjudication on North Yorkshire, on Skipton?

**Dr Hunter:** That was a statutory proposal, was it not; that was a school closure?

**Q167 Mr Chaytor:** No, it is an expansion of a school?

**Dr Hunter:** Yes, of course. I am sorry, I could not tell you that.

**Q168 Mr Chaytor:** Could you write to the Committee about that, because I am just interested in if you are saying the impact on social exclusion in the surrounding area is a factor, in your judgment?

**Dr Hunter:** Yes, it is.

**Q169 Mr Chaytor:** I think it would be interesting for us to see the Skipton judgment?

**Dr Hunter:** I shall send you the full determination.<sup>5</sup>

**Q170 Mr Chaytor:** That will be very helpful. Could I ask about conurbations, and earlier you did hint that you thought there was a need not only for a

stronger role for many areas but greater co-ordination between LEAs. What is your view on the idea that there should be an all-London admissions system?

**Dr Hunter:** I think that the all-London system is probably right. There are a number of problems in London and I think that Ian Birnbaum and his colleagues are doing a good job in sorting that out. I think that they, you, and everyone else should bear some things in mind about it, and Ian himself describes that as one of the biggest and most complex systems that there are around. It will go wrong, in five years, ten years, seven years, whatever, probably an election year, it will go wrong, and it is possible probably that in London there are enough people with pencils and paper to be able to sort that out when it goes wrong, and it will go wrong. It will cost twice as much as they think it will and it will go wrong. That will happen. To expand that into a national system would be barmy, because you can have things going wrong in London, you cannot have it going wrong all over the country.

**Q171 Mr Chaytor:** Is there an argument for extending it to the other conurbations? Would you see an all-Birmingham or an all-Manchester or an all-Bradford admissions system?

**Dr Hunter:** Let us see how the London one goes first. May I say, I do not think the needs are so great in Birmingham, Bradford and Manchester, and so on, as they are in London. The need in London has arisen particularly because there are so many small ones around. I think it was needed in London and I do hope it works, and I am sure it will for 95% of the time.

**Q172 Chairman:** So you think it might work in London, you think it is necessary?

**Dr Hunter:** I think it is necessary in London.

**Q173 Chairman:** You think at some stage it will go wrong and it will be barmy to have a national system?

**Dr Hunter:** Yes.

**Q174 Chairman:** I thought you were going to use only very cautious words in front of the Committee.

**Dr Hunter:** Perhaps I have been here too long, actually.

**Chairman:** Dr Hunter, you are a breath of fresh air as a witness, I have to tell you this.

**Q175 Jonathan Shaw:** The City Academies and the CTCs are outside?

**Dr Hunter:** Yes. The City Academies are sort of semi-outside, they have got funding agreements, which means they have got to have regard to what admissions forums, and so on, say. The CTCs are completely outside, and if you want to know what I think about that, I think that is wrong.

**Q176 Chairman:** Can we talk just for a moment about admissions and the satisfaction of parents. It seems to me there still is a message going back to parents. I was looking at the statistics. It is 96% of

<sup>5</sup> Note:

See [www.schoolsadjudicator.gov.uk/decisions\\_all.cfm](http://www.schoolsadjudicator.gov.uk/decisions_all.cfm)



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parents nationally are offered a place in a school for which they have expressed a preference. If that is true, how do you account for only 91% expressing satisfaction with the outcome of the admissions processes? It seems a bit daft, does it not?

**Dr Hunter:** I read that, I think it was in the Department's submission, and I questioned that myself. I guess it is because the first figure was about people given a preference that they had listed, and often there is a big difference between their first preference and their third, and I think the second one was about "Are you generally satisfied with what happened to you?" and people tend to say "No" to that. I am sorry, I cannot explain that.

**Q177 Chairman:** It goes on to say, if 98% of parents are offered places at schools for which they have expressed a preference, how come 10% of parents then appeal?

**Dr Hunter:** Yes; a good question, and I have not got the answer.

**Q178 Chairman:** The truth is, there are a lot of quite unhappy parents out there?

**Dr Hunter:** Yes. I return to the principal point I think I am making, which is that an admissions system is extraordinarily complex and extraordinarily difficult, because inevitably it leads to a position where a small number of parents do not get what they want, and what they want they want passionately for their children, for very obvious reasons. That is inevitable. In whatever system we have got, you are going to have that. In order for the system to survive, generally people have got to have faith in it, they have got to believe that the general system is run by people who are trying to do their best to be fair, objective and reasonable. That means that a lot of local people have got to be involved, have got to have some ownership of what is going on. If you have got that then, if you like, you can put up with the fact that there are a number of very unhappy people around, and having unhappy people around is going to be inevitable.

**Q179 Chairman:** There is a bit of a confidence trick really, in preference, is there not? When a parent is given three choices, the second preference is not the school that a parent wants?

**Dr Hunter:** It depends who they are, it depends where they are, frankly. I was the worst parent out of hell, and I took these decisions for my own children. We were offered a school for our two children, we said, "No, we don't want that one, we want another one." We were offered the other one, by which time we had changed our minds and wanted the first one back. These things happen, and sometimes you can have two schools you cannot make up your mind about, and sometimes for very bad reasons parents want this school instead of that school.

**Q180 Chairman:** Dr Hunter, that is true, but it is a lottery, is it not? There is a body of evidence which suggests that people who have the least chance are the people with the least wherewithal, the lower

incomes, the least education, and the whole system really is predicated on an awful lot of people who are less knowledgeable, do not exercise their options, in the way perhaps a middle-class, professional parent would exercise those options. For a lot of parents from the working-class communities in many of our constituencies there is no choice, is not that the case?

**Dr Hunter:** I think we are back to the role of local authorities, and all the rest of it, because the general system that we have got is predicated, I think correctly, on the idea that you should be able to aspire to send your child to the local school, and we have this system, and, I think correctly, across the country, a feeling of community spirit. Where you have got that, it is inevitable that you have high-performing, posh schools in posh areas and schools that are finding it much more difficult to deliver the same sorts of results in other areas, and that is inevitable. Honestly, I do not see anything wrong with that. If you have got a good community school in a difficult estate which is doing good things for those children, adding value, then that seems to me to be fine.

**Q181 Chairman:** What I am pressing you on, Dr Hunter, is that if you have those two schools, those two sorts of neighbourhoods, what I resent, on behalf of some of my constituents, who are less articulate and less well-heeled, is that presumably they should have the option to apply to go to the high-achieving school, which is not the school on their rather run-down estate. To what extent do you think the process that we have now gives them that full opportunity to do so?

**Dr Hunter:** Clearly, it does not, because the school up the hill is oversubscribed by children who are more local to that school than the ones on the estate. Clearly, those parents would like the opportunity to send their child to that school up the hill but cannot do it because that is further away than their own school, and that is the way the system is operating. This is what I am trying to say, you will not deal with that problem through the admissions system, you will deal with that problem by making sure that those schools on those estates are improving fast and turn into schools which themselves are attractive to those local people. You do that not through the admissions system, you do it through all sorts of other ways, you do it through leadership and in-service training and support, and all the rest of it. You cannot turn a poor-performing school into a higher-performing school by forcing parents to send their children there.

**Q182 Chairman:** In an age of published test results and examination results, you will know as well as members of this Committee that what we see is an accelerated process of where there used to be quite a mixed community school, where parents were happy to send their children to the local school, even if they were more affluent and had a differentiated area. As those tests and exams have been published, there has been this much, much more mobile population amongst those either who can afford to travel or can afford to buy a house in a different area. In a sense,

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it is all very well saying, "Okay, it's up to those schools to become more attractive than the higher-achieving, with greater leadership;" is that totally honest?

**Dr Hunter:** Yes, I think it is. Of course, you were correct in what you were saying, but to counter that, to some extent, there is the fact that the difference between examination results in high-performing schools and local authority schools is narrowing, and that is what we must see. We must see a position in which those poor-performing schools are getting better, faster, than the higher-performing schools, and that is happening to some extent, and that is the hopeful side.

**Chairman:** I am not disagreeing with you on that, Dr Hunter.

**Q183 Mr Chaytor:** Just pursuing that issue, Chair. The impact of league tables on the exercise of parental preference, do you think it has made your job and the administration of the whole system easier or more difficult? You referred earlier to the importance of value added, where do you think value-added measures should be in this whole process?

**Dr Hunter:** It was interesting, looking at the Sheffield research, how low down league tables came in the way parents perceived their local school. Parents perceived their local school in a lot of other ways, behaviour and just looking at it, and league tables came quite low down that list, and that is interesting. I think people are getting to grips with league tables now, actually, the general population are beginning to put them into context. I do not think that people know the difference generally between value-added tables and other kinds of league tables. I think that, on the whole, they are looking at raw results.

**Q184 Mr Chaytor:** Do you think they ought to be looking at value added?

**Dr Hunter:** Yes, of course they should, but they tend not to, because local newspapers tend not to.

**Q185 Mr Chaytor:** When you say you cannot even out the mix of children through the admissions process, what is wrong with the system that applies in New Zealand, where oversubscribed schools are allocated by lottery, it is entirely at random? Would not this give the opportunity for less well-informed parents, who nevertheless aspire to the school up the hill, to get there?

**Dr Hunter:** I come back to the question of trust. They use that in America too, I may say, quite a lot. I do not think the British population, the English population, is familiar with that. I think they would think of that as being rather unfair, and certainly it is better if you can have some very clear, objective criteria, related to distance, or what have you.

**Q186 Mr Chaytor:** This is a nation which plays the Lottery every Wednesday night and every Saturday night, and you say they would not accept it in terms of the allocation of places in schools?

**Dr Hunter:** It is a matter for you to decide; you write this thing, not me, I just administer it. If you want lotteries then write it in there and I will administer it.

**Q187 Chairman:** I think that was about three to one to Dr Hunter. All of us do have this concern about certain people in our community having real choice, and others not. Of course, some people have the choice to enunciate that they would rather go begging on the streets than send their children to a comprehensive school.

**Dr Hunter:** You will not expect me to comment on that.

**Q188 Chairman:** I am sure you are not going to comment on that, Dr Hunter, and nor will I. The fact of the matter is that we do have, when things go wrong, objections and an adjudication process. If you have thrown the ball back into our court and said, "Look, you're the politicians, you make these laws," are there bits of what you have to administer at the moment that you would like to see strengthened, or improved, or just made better, because you have worked the system for over a year, you know it? Just advising us, is there something that would make your job more efficient and more effective?

**Dr Hunter:** I think that my principal demand of you is clarity. If you are very clear and if the Code is very clear about what you expect of me, as a Chief Adjudicator, of adjudicators, then we can administer it. Where we get into difficulties is where the rules seem to be changing somehow, perhaps because a judge takes a different view on what has been happening and what should happen. That is difficult. For example, this Code was less clear than the last one on distance as being an important factor to take into account in admissions procedures. Now that was unhelpful. It would have been much better if you had stuck to the old words and made it clear that is an important thing. What we need, as adjudicators, is clarity. I think, on the whole, we are managing reasonably well. I think, on the whole, we are administering the system, I hope, in the way that you want us to administer the system. Certainly we are managing to do it reasonably quickly, certainly we are managing to do it clearly, in producing all our stuff on the website, and all the rest of it, and I hope you are satisfied with it, that is all I can say.

**Chairman:** We are very satisfied with the evidence you have given us this morning. Can I thank you a great deal, Dr Hunter. It has been a really informative session and we value it very much. Thank you.

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**Letter from Dr Philip Hunter, Chief Schools Adjudicator to the Chairman of the Committee (SA 54)**

## LONDON SCHOOLS ADMISSION SYSTEM

Dr Ian Birnbaum has sent me a copy of his letter to you dated 5 March.<sup>2</sup>

I cannot recall exactly what I said when I met your Committee but I think it was:

- (i) the admissions in London needs reform and I was sure the people involved are doing the right thing; and
- (ii) any big system of the kind proposed is likely to go wrong at some stage and I did not think this one would be an exception. Hence, I hoped the organisers are making contingency plans for when it does go wrong.

I am delighted to see from Ian's letter that he and his colleagues have taken on board my second point. In particular, I was pleased to note that the local systems in London can be free standing so that a failure in one of them does not bring down the whole edifice. I am sure there will be considerable benefits from the new system and Ian and his colleagues are to be congratulated on their initiative.

I think I also went on to say that it would be a mistake to extend the London system to the rest of the country. I remain convinced of this. There are a number of different systems being developed in various places and I am sure that is right. We have suffered enough from people solving London problems and imposing that solution on the rest of us.

I hope this is helpful.

*March 2004*

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<sup>2</sup> Note: See Ev 107 (SA 53).

**Wednesday 22 October 2003**

Members present:

Mr Barry Sheerman, Chair

Mr David Chaytor  
Valerie Davey  
Jeff Ennis  
Paul Holmes

Mr Kerry Pollard  
Jonathan Shaw  
Mr Andrew Turner

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**Memorandum submitted by Dr Bryan Slater, Norfolk County Council (SA 21)**

This evidence is submitted by Bryan Slater, Director of Education for Norfolk LEA.

Norfolk is one of the largest LEAs in England with a school population of about 100,000 attending 450 maintained schools, of which 400 are primary schools. It is a mixed urban and rural authority—the city of Norwich has an effective population of about 300,000.

Education legislation in the last 25 years has treated the issue of school admissions on the basis of “good” being created by improvements in the satisfaction of parental preference, and has de-emphasised the importance of the consequences of that approach.

What has happened over the last 25 years is a journey from an over-planned system to a purely market-driven one. What is needed now is a mixed economy in which some planning takes place that is in the interests of all children but where parents can express a preference for a place at a school which has spare capacity. Planning should be on the basis of enabling every school to be a good school. The right for parents to express a preference for a school was enshrined in the 1980 Education Act. It is unfortunate that many parents, encouraged by the media and, and I have to say, some government publications, still interpret this as “having a choice” ie an absolute right to attend any school they choose. The legislation was a sensible response to the over-planned approach of some LEAs, who artificially held the admission levels at some schools below their physical capacity even though they were popular, so as to “force” children to less popular schools. The present market-driven approach has been intensified by firstly LMS which has in effect made a direct link between funding and pupil numbers, so encouraging schools to take as many children as possible. The emphasis on standards and the “league table” approach has, in addition, encouraged some schools to attempt to avoid those children whose special needs may affect their performance.

In rural areas, it is generally true that competition between schools is relatively weak, but where the effects of admissions legislation are at their worst, they can be pernicious. The effect of the Rotherham Judgement, whereby Authorities are prevented from reserving places for anticipated future needs such as new housing, can often result in popular schools close to urban centres becoming “full”. The consequence being that anyone subsequently moving into the area cannot obtain a place at their local school. The LEA is then obliged to provide transport to the nearest available school place. Norfolk is currently transporting 800 children daily in order to provide them with a school place because their local school is full, at an estimated cost of £900,000 per annum. The parents of these children are denied choice, and the taxpayer is burdened with the very high cost of providing them with education which does not meet their preference.

It is disappointing, therefore, that during the recent consultations on the revised Code of Practice, the DfES steadfastly refused to allow Admission Authorities to reserve places even when additional numbers of pupils moving in during the year could be anticipated. This would have enabled Authorities to manage some of the difficulties caused to parents who move into an area and find no place in the local school, especially when the next nearest school could, in a County like Norfolk, be several miles away. Such “casual admissions” are an increasing problem.

In urban areas, it is very easy for a pattern to be established which effectively results in a two (or even three) tier system of schooling. Popular schools are full, with generally more motivated pupils who have more motivated parents. Such schools do well. The consequence can be the creation of “sink” schools, struggling against the effects of declining pupil numbers and low expectations.

The Norwich conurbation has 11 High Schools. Of these, three have experienced a period in which they have been judged by OfSTED to require Special Measures. Two of the three had clearly suffered from the effect of parents choosing to send their children across the city to more popular schools. All these now have a clean bill of health, but this has required a sustained effort by the schools and the LEA over periods up to two years in order to lift their performance to an acceptable level. The cost in human and financial terms has been significant. A purely market-driven system created winners and losers. We cannot afford an admissions system that reinforces this.

All societies need to strike a balance between the needs and rights of the individual, and the needs of society. Most developed societies see the need to ensure social equity in access to education and the need to avoid the creation of a stratified society as paramount considerations in arrangements made for the provision of schooling to individuals. I would argue that this basic consideration has been (consciously) ignored in this country for a quarter of a century and that fundamentals of our system of admissions to school remain damaging both to society and therefore to all individuals as a result.

Recent changes have sought to modify the system, and will have some beneficial results. All LEA's are about to enter the September 2004 "admissions round" and Norfolk has established new procedures based on the recent legislation and guidance. Previously it has been the Authority's view that parents could only have one expressed preference active at any one time, and advised parents that they risked not having a place at their local school if their (one) preference for another school could not be met. While this may have discouraged ill-considered actions by some, it also meant that children did in fact lose out, because the LEA had no means of anticipating reserve choices for local schools. The new system will operate on the basis of three (ordered) preferences, and will enable the LEA to guarantee places at local schools, in one of the preferences, in almost every case.

Nevertheless, such changes are only cosmetic. Norfolk LEA is one of 80 separate admissions authorities in the county (the others being Foundation and Aided schools). The existence of statutory Admissions Forums, and the exhortation to establish mutually acceptable arrangements for local school admissions, are welcome. These arrangements will do nothing to touch the underlying principles and values of our current system—but they do make it run more smoothly.

I start from the belief, based on experience, that it is possible for all schools to be good schools—ie schools which ensure that all their pupils maximise their potential. It is not necessary to have a market-place approach to the delivery of the education "commodity". Indeed I would argue that the main effect of that is inherently damaging in that it is not in the best interests of all children, creating winners and losers and widening the already over-wide gaps in our society.

*15 October 2003*

#### **Memorandum submitted by Mr Robert Douglas, Education Leeds (SA 23)**

Education Leeds is a private company, wholly owned by Leeds City Council and was set up in April 2002 to provide educational services to and on behalf of Leeds City Council.

Leeds is the second largest metropolitan district in the UK with a population of approximately 740,000. Education Leeds provides services to 42 secondary schools (of which 35 are community schools, two are Church of England Voluntary Aided Schools and five are Roman Catholic Voluntary Aided Schools) across the district. All schools in Leeds, with the exception of four of the Catholic Aided schools are 11–18. The schools range in size from 150 places per year to 300 places per year. There are currently no Foundation schools in Leeds.

We are currently at the peak of the secondary school population with an 11–16 population of about 42,400, and dealt with over 8,000 applications for transfer from primary to secondary school for the 2003–04 academic year. Pupil projections indicate that demand for secondary school places will begin to decline from September 2004 onwards with the total 11–16 population falling to around 38,000 by the end of the decade.

#### **CURRENT ISSUES**

The recent OFSTED report "School Place Planning—The influence of school place planning on school standards" recognises that a LEA is faced with "a task of enormous complexity" and that "The fundamental principles of parental preference and individual school autonomy . . . are difficult to reconcile with efficient central planning." It also recognises that "The weakest and least popular schools frequently serve the poorest, most vulnerable and most disaffected groups" and that "The expansion of popular schools by itself is no panacea."

#### **ADMISSION OF CHILDREN WITH CHALLENGING BEHAVIOUR**

As stated above the secondary school population is at its peak in Leeds and thus there is little flexibility in the system. The schools which have capacity are the weaker schools and receive a disproportionate number of children with challenging behaviour. While the Code of Practice offers some protection to these schools, in reality they serve areas of high pupil mobility and it can be difficult to find alternative places in a system that has reached capacity and where there is resistance by some schools to the admission of challenging children. The pressure on schools to meet and maintain national targets can and does increase this resistance and some Heads have voiced the opinion that school based target setting would help in developing more inclusive practice.

## PUPIL MOBILITY

Leeds has traditionally experienced a high level of pupil mobility and again this tends to be concentrated in areas of the City that have high levels of disadvantage and thus parents and carers are seeking admission to the same schools. One school in central Leeds has had over 40 requests for places during the course of this half term. This is a fairly consistent pattern for this school.

Although Education Leeds has put in place arrangements to try and discourage parents from seeking “In Year” transfers it still remains too easy for parents to move children between schools for what are often relatively weak reasons.

## THE EFFECTIVE MANAGEMENT OF SUPPLY AND DEMAND

Education Leeds has undertaken a major review of secondary and post sixteen provision in the City and this has resulted in a number of successful proposals for school closure—mainly of schools with a record of poor performance and underachievement. However the decision has also been made to maintain provision within the Inner City and to support schools serving some of the most deprived areas of the City. These schools have traditionally not been popular (although a significant number of the local community will choose these schools) and have struggled to attract sufficient preferences though have maintained sufficient numbers to remain marginally viable. Work to improve standards is beginning to show results and planned capacity reflects the downward trend in demographic projections.

The fall in pupil numbers will affect all parts of the City and, in order to maintain the viability of some schools serving the central area, it will be necessary to consult with more popular schools on the edges of Leeds and seek agreement on reduction in the Published Admission Number at these schools.

There is therefore an apparent contradiction between the expansion of popular schools and the strategic need to manage supply and demand and ensure all schools remain viable.

October 2003

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

**Q189 Chairman:** May I welcome Robert Douglas from Leeds to our deliberations. We will be joined by Bryan Slater, Director of Education for Norfolk. There has been a security alert at Liverpool Street Station and he is on his way in a taxi. He will be with us shortly but we will start Thank you, Robert Douglas, for joining us. You are Team Leader for Admissions, Education Leeds. Would you start by telling us a little about Education Leeds?

**Mr Douglas:** Certainly. Education Leeds is a private company formed in April 2002 to take over the provision of education services to Leeds City Council and to run most of the functions of the local education authority. It is a company that is wholly owned by Leeds City Council and has a major involvement from Capita Educational Services. The company deals with most aspects, except early years education, in the provision of education services for the city. Would you like me to tell you a little more about the city?

**Q190 Chairman:** Please do so.

**Mr Douglas:** The city is the second largest metropolitan area in England. We have a population of approximately 740,000 residents. Within the secondary sector, we have 42 secondary schools, 35 of which are community and seven voluntary aided, two Church of England voluntary aided and five Roman Catholic voluntary aided schools. The majority of those schools provide places for the 11 to 18 age group. Out of the 42, there are only four that are 11 to 16 schools. At the present time, we are at the peak of the secondary school population, and so there is very little flexibility in the system. Most of

the secondary schools are full, with the exception of schools mainly within the central area of the city, which are not terribly popular and are not over-subscribed in terms of pupil applications, but do tend to fill up as a result of directly placing pupils at those schools because of that lack of flexibility. The secondary school numbers are forecast to begin to drop in 2004, but, more significantly, from 2005 onwards, we will begin to see quite a rapid drop in the number of secondary school admissions. Certainly up until the end of the decade, I think we are looking at 4,000 fewer secondary-aged pupils by 2010. Beyond that, we cannot really forecast with any degree of certainty but expect that fall to continue after that. At the present time, there is very little flexibility, which can cause us quite major issues in terms of schools admissions.

**Q191 Chairman:** How do you view the school admission process as it impacts? What is your assessment of it in terms of its effectiveness and efficiency as a system?

**Mr Douglas:** By and large, what tends to happen is that in terms of first preference satisfaction, Leeds is very much in line with the national average, and so we are looking at around about 91% first preference satisfaction and 94% parental satisfaction in terms of the first three preferences at secondary age. What happens is that the 6 to 9% of parents who are unsuccessful in gaining a place become very vociferous. That small minority tends to predominate in the way that the admissions system is then perceived because it does take up an enormous amount of time. The legislative framework that now

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22 October 2003 Dr Bryan Slater and Mr Robert Douglas

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exists around admissions has made that 6 to 9% of parents much more litigious. They are very well aware of their rights and are not slow in coming forward to take the admission authority to task if they are not gaining the school of their preference. I think, by and large, the system works reasonably well but there is a vociferous minority of parents that clearly perceives the system not to serve them in their best interests and they are not getting the schools of their choices. The word “choice” also confuses the situation. We do not very often hear about preference; we hear more about choice. That colours perception as well.

**Q192 Chairman:** May I welcome Dr Bryan Slater to our proceedings. Dr Slater, may I sympathise with you. I know you had a horrendous journey and troubles at Liverpool Street, which have also affected some of our staff. We have only just started. Mr Douglas, what about the private sector in this? Is there much provision of a private sector. As a Yorkshire MP, I know there is a very large Leeds Grammar School, but what is the private sector role in this?

**Mr Douglas:** There is a private sector in Leeds. In my experience, it has not impacted enormously on the profile of Leeds. I think it does impact to the north of the city where there is movement out of the city into North Yorkshire for private education. It is the more well off parent who possibly will look outside the metropolitan area in terms of private provision. That is something that, when I discuss admissions with head teachers of schools on the edge of the city, they refer to, that we do lose some more able children, in their belief to private education within North Yorkshire.

**Q193 Chairman:** How many appeals do you have of admissions? What is the level of appeals by parents? How many are successful?

**Mr Douglas:** We have a high level of appeals. That is partly to do with the fact that we publicise very well the mechanisms parents have in terms of challenging any placements that they are given. In 2003–04 across the primary and secondary sector, we had 2,400 appeals. The greater proportion of that will be in the secondary sector. I would say about one-fifth to one-third of those appeals are successful; most of them are not successful. We defend them reasonably well. Probably about one-fifth of those appeals are successful within the secondary sector, but we do have a high number of appeals at the present time. That is partly because we publicise how parents can access that system and also parental perception of inner city schools at the present time.

**Q194 Mr Pollard:** To follow up on the school numbers, you suggested that there might be 4,000 fewer in a very short period of time. I think you suggest in your memorandum that you would take the opportunity of scaling down the least successful schools, and then scaling up. That is one option. Another option might be to shut down one of the least popular schools. Have you thought of that?

**Mr Douglas:** We have undertaken quite a radical review of secondary and post-16 education in Leeds. The Schools Organisation Committee agreed in September a number of proposals which will effectively close four schools serving the central area of Leeds, which have traditionally been unpopular and not achieving the results we need. Two schools in the south are closing. We will lose about 180 places per year as a result of that. We are opening a new school in south Leeds to provide provision there. Of the other two schools, one is a voluntary-aided Church of England school and the other is an all-boys school, which is effectively being replaced by proposals for a city academy within Leeds, and again I think we are losing about 180 places per year as a result of that. There has been quite a radical secondary review process, which has resulted in some closures. We are now moving on to Building Schools for the Future and using Building Schools for the Future as a mechanism to look at the supply and demand situation within the central area. Within Building Schools for Future, we have had some difficult discussions with schools about what their appropriate size should be against the demographic patterns that are emerging. That does include the possibility of amalgamation of two secondary schools, and again we will lose a significant number of places, and reducing the admission numbers at a number of other schools in terms of a replacement building through the BSF process. That then leads on to an outer ring of schools, which are the more successful, popular schools. The members within Leeds have taken the decision to maintain the provision within the inner city because these schools do serve distinct communities, the more deprived communities. Again, on the demographic patterns, if we are to maintain viability within the central area, we will have to look at engaging with those more popular, more successful schools in a discussion about their appropriate size as well. If we do not do something about that, they will simply, assume that parental preference and admission patterns remain as they are, draw children out of the central area, and hence viability issues will creep in again, and I do not believe that certain communities will be served to best effect.

**Q195 Jonathan Shaw:** Mr Douglas, you have made a virtue of the fact that you have publicised the information about appeals in Leeds. Within that information, do you provide parents with the figures that you gave us in terms of the success rate?

**Mr Douglas:** I do not think we do, no. I do not think we give an indication of how successful or otherwise appeals might be.

**Q196 Jonathan Shaw:** On the one hand you are saying, “Appeal; it is your democratic right; this is the process”, and so you are getting lots of appeals, but the chances of them getting through are pretty remote, on the figures?

**Mr Douglas:** Yes.

**Q197 Jonathan Shaw:** Do you think you should tell parents that and be straightforward? If you are giving them information, you are giving them false hope, it sounds to me.

**Mr Douglas:** In the spirit of transparency, yes, we probably should.

**Q198 Chairman:** Dr Slater, thank you for agreeing to help us with this inquiry on admissions. Thank you for your briefing. We know about some of your experience. I do not think any of our members are from the Norfolk area. We are intrigued by your experience. Where are you in terms of your own thinking on admissions? Mr Douglas has mentioned the high degree of happiness or contentment among parents. How do you feel that the admissions system serves your pupils at the moment?

**Dr Slater:** I will try to be brief but that is quite a wide-ranging question. I will do my best to answer it. It is a good opening interview question. First, I think sometimes people think Norfolk is purely leafy lanes, and it is not. We have one fairly sizeable conurbation in Norwich, which, as I have indicated in the paper, has a population of about 300,000. It is a reasonably large urban area. We also have considerable pockets of real deprivation. We have some of the most deprived wards in the UK inside some of the urban areas of Norfolk. When it comes to admissions, I suppose the way I would describe it is that there are three contexts for an authority like Norfolk. First, there is the urban context, where admission matters happen purely internally to an urban area like Norwich or Great Yarmouth. Secondly, there is the periphery of the urban area, where similar things happen to those described for Leeds. Then there is the purely rural area where effectively there is no competition between schools; you go to your local school or you travel 30 miles to the next nearest one. We have an interesting range of experiences of the effects of admissions arrangements. In the past, we have had a large proportion of foundation schools and in some parts almost all the secondary schools becoming grant-maintained, now foundation schools, so they are their own admission authorities, which has had a particular effect on the pattern of admissions in localities. We have seen the effects in the urban area that freedom of parental choice has had on school effectiveness. What I have tried to do in my submission, and where I would sit in this, is simply to argue that we should examine what we think we are achieving with the present arrangements because there is emerging evidence as to what the effects of the present arrangements are. I am not sure that they are the ones expected when those arrangements were originally put in place fundamentally with the 1988 Education Act. I can only understand those arrangements in terms of parental choice and children being worth money to a school as being someone's belief that that would improve the quality of education across the board. I do not believe that there is evidence that that is so. I believe there is very strong evidence that it causes a separation of educational standards where competition is rife between schools. I could evidence that, and have

done in my paper in relation to what has happened in the Norwich conurbation over the years. There are those effects. There are also very important effects for us on the fringes of urban areas where the present legislation does not allow local authorities to keep places at schools when schools are over-subscribed. You know, for example, that there is going to be development in the area but you cannot say that you will keep another 25% of the places for the new housing. You get those schools filling up, often with people coming out of the urban area, and then you do not have local places at local schools for local children. I believe there are significant problems with the present arrangements. The recent OFSTED report highlighted a number of those, and Norfolk would be a place where you could evidence some of the things that OFSTED was saying.

**Chairman:** Thank you for that. Previously in the inquiry, it was pointed out to this Committee that the eastern region is in fact the lowest performing region in the country in terms of children staying in education and going on to higher education. We understand your problems in the eastern region generally.

**Q199 Mr Pollard:** It does not apply across the whole of the eastern region, Chairman. I must defend my area. We do very well in Hertfordshire.

**Dr Slater:** I would say to the Committee that Norfolk has one of the lowest rates in the country for those staying on in education post-16. That has a lot to do with the local economy.

**Chairman:** We did not have the feeling that there was a perfect rural idyl. Getting down to brass tacks, I invite Jeff Ennis to ask questions about the school admissions code of practice. We want to get in as many questions as possible, so please make your answers reasonably succinct, but either of you may come in as you wish.

**Q200 Jeff Ennis:** My first questions is about how education in the Leeds and Norfolk LEAs have promoted the use of the schools Code of Practice, both formally and informally.

**Mr Douglas:** Within our authority in Leeds, there was a tradition prior to Education Leeds taking over, of a culture whereby quite a significant number of secondary schools paid little heed to the education authority. Since Education Leeds has taken over, that has changed. The introduction of the revised code has helped that to some extent, because it does give a context in which, with my statutory duty to admit children and to provide places according to parental preference, I can be more forthright with our schools in terms of their legal responsibilities. We have engaged together within the various forums—head teacher meetings, governor forum and admissions forum—and are publicising and explaining responsibilities and duties across the board. I believe the situation in Leeds has improved over the last two years in terms of our ability, as an admissions authority, to be stronger and more direct with the schools for which we are the admissions



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authority and in engaging with the diocesan authorities as well. I still believe there is some way to go on that.

**Dr Slater:** My position is similar. Our context in secondary schools, however, is that in 62 secondary schools, 16 are their own admission authorities and 14 are former grant-maintained foundation schools.<sup>1</sup> Our discussions have been in that context. We have had very constructive discussions and we will be operating the Code of Practice. We will have an admissions forum and local arrangements whereby admissions are more co-ordinated than they have been in the past. My view of the Code of Practice is that it remains a relatively cosmetic change.

**Q201 Jeff Ennis:** Of course admissions authorities only have to take notice of you; they do not have to act on what you say. Is that sufficient, do you think, or does it need to be beefed up to any degree?

**Dr Slater:** I would ask you: sufficient to what purpose, to what end? What system do you want?

**Q202 Jeff Ennis:** Is it sufficient to comply with the Code of Practice as laid down?

**Dr Slater:** Generally speaking, we have good relationships with foundation schools and with aided schools. We do have local arrangements that work but they are still built on the foundations of a system based on choice and the ability of schools which are their own admission authorities to set their own over-subscription criteria.

**Mr Douglas:** In our local area and from talking with other admission authorities, there is perhaps a localised view that the code is not prescriptive enough. As Dr Slater has said, to some extent it is cosmetic. Certainly, other admissions officers with whom I talk hold the view that it should be more prescriptive and that there should be a stronger framework in which we can implement and deliver admissions policies.

**Q203 Jeff Ennis:** I am not talking specifically about your area, Mr Douglas. You mention that because we have a national standards framework for achievement across all schools, this is often working against pupils with special educational needs or pupils with EBD, or whatever. From an admissions' point of view, what can we do to try and rectify this contradictory situation?

**Mr Douglas:** It is a difficult issue and it is one of the biggest challenges that faces Education Leeds. The recent OFSTED report is quite helpful in encouraging local authorities, admission, school organisation and school improvement to work more closely together. I certainly think that is one area at which local authorities need to look. I have developed within my service good links with behaviour and attendance, and work very closely with the behaviour attendance service in dealing with the admission of challenging children. We have quite a significant problem in Leeds. A significant

number of children exhibit a challenge. These children are directed mainly to the same schools time after time. That leads to a polarisation in terms of provision and how school provision is perceived by communities. I mentioned in the briefing notes that a number of head teachers, when I engaged with them on the challenging children issue, felt that they need one, to meet floor targets, and two, to perform and strive to meet national targets. Admission is just one issue. A challenging child can push them to the absolute limit and that can affect their target for attendance, their five A\* to C, and we are getting more and more of that. We have to find some way for a more equitable distribution. To some extent, it is up to the local education authority to use the structures and frameworks that currently exist. From a personal point of view, in my day-to-day work, I have no compunction about directing a school to admit a challenging child if I feel that is necessary. However, that sets up a negative relationship with the school. It is not a good relationship then for the child to be admitted to that school, and all the things that follow on from that. This is a tremendously wide-ranging issue. Admissions is just one part of that. We need to develop linkages with school improvements. We need to look at things like funding streams as well. In terms of funding social inclusion, there are about 15 to 20 different distribution factors. There are many issues that impinge on that.

**Dr Slater:** I cannot really add much to that. My situation is similar. Precisely the same dilemmas apply in relation to children with special educational needs. I would only add that I do not believe that the needs of those children are put to the front of the queue in our current system and they should be.

**Q204 Paul Holmes:** This is not one of the main questions. I am picking up on what Robert Douglas was saying, that he felt no compunction to direct a school to take a child. In reality, if it is a popular, over-subscribed school, you cannot do that because you have no places anyway. The school that has spare places, for whatever reason, ends up with a much higher concentration of children with special needs, simply because it has spare places and it cannot refuse to take these children.

**Mr Douglas:** That is true, but we have to try to get some equity into the system. We engage with our head teachers on a fairly regular basis about challenging children. Because we are at the peak of our secondary population and there is not that flexibility in the system, we have to look in some cases at directing schools that are full because there is no reasonable alternative. It is not reasonable, in my view, in some cases to push the challenging child into a school that is already overwhelmed with children with existing challenging behaviour. That will do the school no good and it is not going to do that pupil any good. Therefore, we have to find some ways of making a more equitable distribution. The OFSTED report talks about local agreement to do that, and that is fine and we should be working on that, but we encounter a lot of resistance from the

<sup>1</sup> *Note by witness:* There are in fact 52, not 62 secondary schools, 16 of which are their own admission authorities and 14 are former grant-maintained foundation schools.

more popular schools and increasingly from those schools that do have surplus capacity because they are beginning, in some cases, not to cope.

**Q205 Paul Holmes:** If it is a more popular school that is over-subscribed and it has a greater degree of independence on admissions—it is a faith school, a city academy or one of the old direct grammar schools from the past—you could try all you like to get that child in there and say that school is the only one able to take that child, but the school can refuse.

**Mr Douglas:** They can do and they do. Then we engage in a discussion with the school about how they can assist us. The Code does say that an admission authority can direct another admission authority if that is the only reasonable alternative. I have done that on a number of occasions because I believe that is the only reasonable alternative.

**Q206 Paul Holmes:** That was just to pick up on some of the things that Jeff Ennis asked. In the written submissions you have made, you have both been fairly critical of the concept of parental preference, saying that in reality it does not exist, by and large, for all sorts of reasons. One of the factors in parental preference is the cost. If you do not want your child to go to the local school, there is a cost to get your child to somewhere else that is further away. One of the anomalies that arises with that is that if you want to send your child to a faith school some miles away, the local education authority will pay the transport costs, which can be quite expensive. Bryan Slater is talking about a different category but he says that his authority is moving children out daily because the local school is full and they are planning for new housing and the costs are £900,000 a year. It costs over £1,000 pounds for a child to travel to school, although that might be a bit less in an urban area. Recently I was talking to a small church school in Monyash, a village in Derbyshire. It is a Church of England school that has a very strong religious ethos. Anybody in the village who does not want their child to go there because of its very strong religious ethos does not have much choice unless they can personally afford to transport their child some miles away to the next village school, if they can get in there in the first place. No LEAs will pay the transport costs of parents who want their child to go to a school that does not have a strong religious ethos. Am I right in that?

**Dr Slater:** Yes, that is the case.

**Mr Douglas:** Yes.

**Q207 Paul Holmes:** Yet, the schools admissions Code of Practice says that the arrangements should enable parents' preferences for the schools of their choice to be met to the maximum extent possible. Across the country that is clearly not being met. The transport costs can be met if the parents' preference is for the faith school but not if it is for a school that is not a faith school and the local school happens to be a faith school.

**Dr Slater:** No, I do not think it works that way round, if I have understood what you said correctly. Parents can obtain a place at any school, whether it

is a faith school or a community school. The question is whether someone will pay their transport costs in order to go there. Those are two distinct issues.

**Q208 Paul Holmes:** In effect, there is a practical, physical barrier to parents who are less well off because they cannot afford the transport costs of £1,000 a year?

**Dr Slater:** That is so in practice to attend the school of their choice, particularly in rural areas, yes. Could I mention, though, in that context why local authorities take that line? The cost of home-to-school transport in Norfolk is currently £20 million a year out of a total schools budget of something like £400 million. That is a significant element of money already being spent on home-to-school transport in order to carry out our minimum statutory duty.

**Q209 Paul Holmes:** Financially the system is loaded in favour of one particular group in that instance against other people across the country—not in your area, but everywhere?

**Dr Slater:** In practice, it is easier for more affluent parents to exercise parental choice.

**Q210 Paul Holmes:** On a related theme to that of transport costs, when we were taking evidence some time ago on the expansion of specialists schools, we talked to the DfES officials and to Ministers about one of the anomalies there. They are saying that specialist schools, which are expanding rapidly, are supposed to specialise in a particular service, say, modern languages or engineering. I said that surely this is not going to work unless the local education authority pays the transport costs for the parents who cannot afford transport costs but want to send their child to the specialist engineering school five miles away or the specialist language school seven miles away. The DfES seemed to back off again, presumably for the reason you have just given, by saying that they do not intend to do that. Surely, that undermines the whole concept of specialist schools, parental choice and specialisation?

**Mr Douglas:** Yes, it makes it more difficult for certain groups of parents to access those schools, undoubtedly.

**Dr Slater:** However, it depends on how you view the notion of specialist schools. In my authority, we have gone down the road of trying to have a strategic set of different specialism geographically located and an expectation on specialist schools that they will support neighbouring schools in their area of specialism. We see this as a network of expertise which is intended to improve all schools, not necessarily something which should result in parental preferences for a particular specialism because all schools will offer those areas of work but they will not necessarily be the experts in them. We have tried to go down that road in relation to specialism. Almost every secondary school in Norfolk is either a specialist school or on the road to becoming a specialist school. We have tried to do

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that in a way whereby we have encouraged schools to go into different geographical locations for those specialism that will help the system best.

**Q211 Paul Holmes:** In the rural areas of Norfolk, as in the rural areas of Derbyshire where I worked as a teacher, that will not really work in the sense that you have a geographical spread but the geographical spread from this specialist school is then 20 miles down the road from the next secondary school?

**Dr Slater:** However, if you see the future as co-operation between schools and not competition, then you can make that improve the system. Given that we have specialism and the system we have, I see that as a way of everybody upping their game.

**Q212 Paul Holmes:** The final point is this. That is so, although, as both of you say in your written submissions, the existence of school league tables and competition actually can work totally against what you have just said.

**Dr Slater:** With the present arrangements whereby we incentivise the individual behaviour of schools, as opposed to the collective behaviour of schools, that is so.

**Q213 Jonathan Shaw:** On the matter of the criteria, which has been described as a cosmetic change by you, Mr Slater, and endorsed by you, Mr Douglas, last week I asked the Chief Adjudicator about the priority of children in care in terms of the over-subscriptions criteria. He said that should be the top priority, the very top, above sibling status. He said that there were still a number of schools that had not placed this as the top priority in their criteria. Is that the experience of your schools in your area?

**Mr Douglas:** No. In Leeds, we have only five voluntary-aided secondary schools and they have come on board and changed their admission policies to put that as top priority. The Education in Leeds policy has now changed so that that is top priority as well. We do not have a particular issue about that in Leeds.

**Dr Slater:** I had a bit of time this morning on my hands, and I had with me our admissions booklet called *Parents*, which lists the over-subscription criteria of every secondary school. I quickly read through it, thinking that someone might ask that kind of question. I have not done a statistical analysis of it. Of the schools that are their own admission authority, some have adopted that as a criterion, but certainly not the majority. Only a few have done that.

**Q214 Jonathan Shaw:** Would it be a function of your role, in terms of working with those admission authorities within your area, to bring to the attention of those admission authorities the words of the Chief Adjudicator that we heard last week at this Committee?

**Dr Slater:** Indeed, absolutely, but we have no way of enforcing that. Those schools are able to set their own criteria.

**Q215 Jonathan Shaw:** Indeed, but you can bring it to their attention?

**Dr Slater:** Indeed we can.

**Q216 Mr Turner:** To follow that up, we have now established, I think, that Mr Douglas said that children exhibiting challenging behaviour should be the top priority; Dr Slater said it should be children with special educational needs who should be the top priority; and the Chief Adjudicator says it should be children in care. Who is better to decide these things: the Government, the local authority, the schools, or the Chief Adjudicator?

**Mr Douglas:** I am not sure that I said that children with challenging behaviour should be the top priority. I was saying that we need to get an equity into a system to enable us to admit children with challenging behaviour into school in a timely fashion, and that does not happen. I do not think I was saying that they should be top priority in admissions criteria.

**Dr Slater:** It is the case, and it is sad that it is the case, but these are often the same children.

**Q217 Mr Turner:** My question was: who should decide?

**Dr Slater:** In a democratic society, we should allow politicians to make these decisions. We are administrators. We can run a system that you set down for us in law. I think it is for the politicians to come to those decisions. The point we have both been trying to make is that those with the highest need, with the most difficulty, should be given some priority in the overall scheme of things. The present arrangements do not secure that.

**Q218 Mr Turner:** My local authority, which is that of the Isle of Wight, run by a local independent coalition, to be politically clear, certainly believes that more decisions should be taken at local level and fewer decisions at government level. Which politicians should make these decisions?

**Dr Slater:** You are asking us a political question and we are not politicians. My view is that we are giving you evidence about the effects of the present arrangements. It is for politicians to decide whether or not those arrangements are suitable and whether or not to change them. As to the effects, however, I would say in theory, and as an administrator of these things, that the more local you have local decision-making, the more the effects of one person's decisions impact on somebody else. That is something to which we have not given sufficient attention, in my view, in the past. We have to decide as a democratic society where to take these decisions and understand the effects of the decisions on our society and on the children within it. That is what we are trying to help you with today.

**Mr Douglas:** May I add that I think at present, with the framework that exists, there is a lot of local interpretation of admissions law and how that impacts within a locality. Co-ordinated arrangements go some way to standardising that, but it still allows for local determination within wider local areas. That is possibly going to be a

difficulty in terms of effective administration of co-ordinated arrangements. This comes back to the point I made earlier about perhaps there being more prescription within a national code of practice. I think it is quite difficult within an authority like ours, where four or five other authorities border us, to operate different systems for different groups of children. It really comes back to that point: should there be more prescription on a national basis? That begs the question: should we be moving to a national system of admissions that is the same from Cornwall to Cumbria?

**Q219 Mr Turner:** Since you have asked the question, what do you think?

**Mr Douglas:** I think that would make my job a lot easier!

**Q220 Mr Turner:** Could I ask Dr Slater a question about his paper where he describes the current system as purely market-driven?

**Dr Slater:** Not perhaps purely but the fundamentals of the system are based on parental choice and children being assigned a sum of money. The fundamentals of a market underpin the arrangements for school admissions, yes.

**Q221 Mr Turner:** You have answered my question because I think you have accepted that it is not purely market-driven.

**Dr Slater:** Perhaps that was not appropriate.

**Q222 Mr Turner:** May I read something from *Public Finance*, and it is very brief: Inner city comprehensives tend to fail mainly because they have to cope with children who suffer from poverty, an inadequate grasp of English or disrupted home backgrounds or all three. Do you agree with that?

**Mr Douglas:** That is a very loaded question. No, I do not think I do agree entirely. It does impact upon inner city comprehensives and I certainly think in Leeds we can see some effect of that, but what those inner city comprehensives are doing with a difficult client group is actually very good. I do not think we are able to take enough account of that. The system as it presently stands does not support that. It is a very loaded question and I would not entirely agree with it. There is an impact in terms of national targets, but the work that goes on in those schools is of an extremely high quality and, by and large, is serving that client group very well indeed.

**Dr Slater:** I very much agree with that. Some schools have a much more difficult job than other schools to reach national targets. If failure is defined in relation to those national targets rather than in terms of how well a school is doing in its circumstances, then the effect is clear. What I hope and what I work for is a system in which every school is a good school because I think every child is entitled to go to a good school. I do not believe it is necessary for some schools to fail and for other schools to be good. We can have a system in which all schools are good schools. We may need to be more subtle in the way in which we judge schools as to whether they are failing or not, in their circumstances.

**Chairman:** We move on to school admissions authorities.

**Q223 Valerie Davey:** Mr Slater, you said that within your authority there were 16 other admission authorities. Can you tell us how you have co-ordinated that approach and whether this increases the likelihood of schools choosing and having their preference rather than parents, or whether that is largely a factor of over-subscription?

**Dr Slater:** I will give you a very straightforward answer: and it is because in an authority like Norfolk we have very widely geographically distanced schools. Some of those schools are 50 miles distant one from the other. We have informal local arrangements. Our co-ordination of admission arrangements under the code will happen on a geographic basis, so that we take account of local context and so that what we are doing is working with groups of schools. The way in which we need to do that is slightly different in the proportion of schools which are their own admission authorities—for example, in Great Yarmouth, all but one of the high schools are their own admissions authority. That is a very singular context in which to work. The way in which admissions are made, of course, is in relation to over-subscription. If a school is not over-subscribed in the first place, the admission over-subscription rules do not apply. What you tend to get in an urban context is that popular schools are always over-subscribed and unpopular schools are never over-subscribed. It is then that the effect of the individual school's own over-subscription criteria clicks in and has an effect on the system. This is one of the reasons why it is hard for schools which are seen as unpopular to climb out of that; they are always in a situation where they are at the end of the line when it comes to everybody having had their own over-subscription criteria applied to the system. Does that help?

**Q224 Valerie Davey:** It does but in the context that you have clearly set out—and we are looking for a way in which we either change the law or use best practice—have you either good advice for other authorities or are you saying that this aspect of it does not work until you change?

**Dr Slater:** I think we have already said, in a way, that you can go so far down the road of securing an equitable system and a system where every school has a chance to be a good school; but you cannot guarantee it. However well and however cordial your arrangements are with schools that are their own admission authorities, they remain their own admission authorities.

**Q225 Valerie Davey:** Could I ask whether Leeds has a different experience in this same context of how many other admission authorities you are working with within Leeds, and then the effect of it?

**Mr Douglas:** It is really the voluntary-aided sector.

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**Q226 Valerie Davey:** The seven?

**Mr Douglas:** There are seven, two of which are not particularly popular voluntary-aided schools. I do not think the impact is as great in Leeds because we do not have foundation schools. It is still a question of certain schools remaining popular and over-subscribed and other schools remaining under-subscribed, and that cycle continues. Parents will prefer the voluntary-aided sector because they perceive it to be better. That is a difficult one to determine. Within co-ordinated arrangements, we are talking with the diocesan authorities about how they seek to establish the validity of a parent's preference in terms of their religious preference.

**Q227 Valerie Davey:** Do either of you have an admissions forum? I admit that, seeing the context here, it is the first time of this for me. I do not have any experience of an admission forum. Do either of you work with them and, if so, have they been beneficial, and should the rest of us know more about them?

**Mr Douglas:** We have an admissions forum. Personally, I think it could be a lot stronger than it is.

**Q228 Valerie Davey:** Can you tell us a bit about it for those of us who have no direct experience of that?

**Mr Douglas:** The admissions forum is an independent group, independent of the local education authority, and has been established to determine on particularly contentious admission issues. If there is disagreement between admission authorities, the admissions forum is a body where that problem can go. The admissions forum will then make some form of judgment on that and seek to broker an effective partnership. They are potentially very useful. Certainly, I am very happy to work with an admissions forum but I would like it to be a strong body, one that does have clout and power effectively to determine admission disputes.

**Q229 Valerie Davey:** Are you saying it does not at the moment?

**Mr Douglas:** I do not think it does at the moment, no.

**Q230 Valerie Davey:** Dr Slater, can we ask for your experience as well.

**Dr Slater:** We are just establishing it now, as a result of the Code of Practice, in relation the 2004 admission round which we are just entering. We will be having four informal local versions of this because of our geography, but, yes, they will work in that way. They are a step forward. But they can go only so far: they do not actually, in the end, have teeth.

**Q231 Valerie Davey:** I have two supplementaries specifically on that. Will they in time, do you think, determine or give further influence to changes in admissions policy? Secondly, do they work cross-border, between local authorities.

**Mr Douglas:** Other authorities send representatives to other authority forums. For example, in Leeds we have a representative from North Yorkshire who

attends our forum. I do not think at the present time, in the way that they are constituted, they have any specific power to change admissions policies. I think that would be a difficult area for them to stray into because it is a function of the elected local council to set the admissions policy. But certainly I think they should have a role in advising on the effectiveness of an admissions policy and how it is operating within an area.

**Dr Slater:** Yes, very much the same.

**Valerie Davey:** Thank you.

**Q232 Jonathan Shaw:** Dr Slater, Mr Douglas, if you were a head teacher of a school that was not popular—both of you have described such schools, both of you have those within your responsibilities—and the local education authority, the main admission authority, kept on saying, “Because you have some surplus places: you have got to take this child, you have got to take this child, you have got to take this child,” and so it went on, and the school then became more unpopular, the behaviour got worse, standards went down, recruitment became more difficult, retention became more problematic—all those things—would you think, “I’ve tried my level best to talk to the local education authority but they keep doing this to me. They are really not interested,” and might you be tempted to think, “The only way I can get round this, to bring a bit more fairness into the system, so that some of the other schools within the area take some of the difficult, challenging children, is to become a foundation school, become my own admissions authority”? To bring up the drawbridge, effectively, saying, “This is my last stand. This is all I can do to bring a bit more stability, to bring a bit more of a mixed intake, to give parents out there some confidence that this school is not one which takes all the troublesome kids.”

**Dr Slater:** You are right, that is a natural way for someone to think. Could I go back to the situation in one urban area in my own authority where every secondary school did become a foundation school except one, which heroically withstood all those pressures and all those temptations in order that there was a place where we could find a school place for local youngsters. But people make their own choice, do they not, as to how they behave within the framework of the law that we have? You have to take a view in these matters, in my own personal view, about whether the system is for the children or not. If the system is for the children, then we have to have arrangements where we can secure a good school place for every child. Some of the things about which we have given evidence this morning are based on knowledge of circumstances where that is extremely difficult, precisely because people have been put in the position over the years that you describe.

**Mr Douglas:** I do not really have anything to add to that. I think it would be an entirely natural reaction. It would be something to consider if you were put in that position. And it is tremendously difficult for some schools. Without a doubt, some schools, certainly within Leeds, are suffering as a result of

that constant influx of children, partly because of the area they serve and the nature of the child who is that little bit more challenging, so even a straightforward admission or in-year admission can cause difficulty. There are certainly two or three, and possibly four, schools in Leeds where that is now a real problem and those schools are suffering as a result of it.

**Q233 Jonathan Shaw:** Where does it end with those schools in Leeds that you are talking about? Do you just sort of bump along and do the best you can?

**Mr Douglas:** We are trying very hard to engage with those schools to give them perhaps a little bit of breathing space and holding off from admitting the more challenging children and seeking to admit them to other schools. We are engaged in that discussion, we are actively working with our community of schools to try to get some equity into this and to look at what other strategies are available. One of the things at which we are looking is trying to develop Key Stage 3 and Key Stage 4 Intervention and Assessment Centres where children who are exhibiting challenging behaviour can go, so they are not excluded from school and they do not become an admission issue.

**Q234 Jonathan Shaw:** In terms of children excluded from school, what is your experience where a child is placed in a school because that is the only available place, so they are effectively from out of an area or another estate—which brings its own problems? Have you experienced the likelihood of those particular children staying put at that school? Or do they just abscond? This is certainly what heads of schools say to me: “They are placed here, they are here for a week, the kids from such and such estate soon work out they are not from that area and that creates some confrontation. This is a child who has a whole series of problems anyway, so they are off. Within a week, I will not see them again.”

**Mr Douglas:** That does happen, but conversely where a child is taken out of their local circumstance and the influences that that local circumstance may have upon them, sometimes they are actually successful in a school that is not in their area. So it does work the other way.

**Q235 Jonathan Shaw:** I appreciate that.

**Dr Slater:** Absolutely the same experience.

**Q236 Jonathan Shaw:** Do your authorities both have a register of all the children? Do you have a central register of all the children in your LEA area?

**Dr Slater:** Yes.

**Q237 Jonathan Shaw:** You do. And you know where every child is.

**Dr Slater:** We think we do. And that is the problem.

**Q238 Jonathan Shaw:** Mr Douglas?

**Mr Douglas:** I would say we think we do, as well.

**Q239 Jonathan Shaw:** Do you think that is a similar pattern across the country?

**Mr Douglas:** I suspect it probably is.

**Q240 Jonathan Shaw:** “We think we do.” What is making you say, “We think we do”? What are at the edges of this doubt?

**Mr Douglas:** The child who will appear as a casual admission with a history of non-attendance at a school. That may amount to a couple of years and that concerns me. How does that child fall out of the system?

**Dr Slater:** Similarly. Official exclusions is one thing: those are children we know about. But there is a lot of anecdotal evidence—but it is very difficult to pin down—about what is often termed “unofficial exclusions” where a youngster gets into difficulty in the school. They may be near to the end of their school career, and it is not necessarily seen within this school or by the parents as being in everyone’s interest for there to be a formal exclusion. You may find that those are the youngsters who are on the street corners when they are supposed to be in school and they may be regularly not in the school. It is very hard to pin down, but there is a lot of anecdotal evidence that those kinds of things do happen, and that is why we say we think we know where the youngsters are, because some children we think—we have no evidence to the contrary—are supposed to be in school, sometimes are not.

**Q241 Jonathan Shaw:** The group to which you were referring: absenteeism for a couple of years, put from one authority into another, these are potentially high risk children, are they not?

**Dr Slater:** Yes.

**Q242 Jonathan Shaw:** High risk children. The type of children that the Green Paper concerns itself about.

**Mr Douglas:** Undoubtedly. They are vulnerable children.

**Q243 Jonathan Shaw:** What could be done to allow you to sit in front of us giving evidence and to say, “I am much more confident about knowing where all the children are all the time”? Or is that beyond the boundary?

**Dr Slater:** It is about people’s behaviour, is it not? You can regulate everything as much as you want but, in the end, how people behave in the system when there is a lot of devolved autonomy—and we would all argue for the value of devolution of decision-making to schools . . . Fundamentally, in many ways that works—

**Q244 Jonathan Shaw:** Does the issue of so many different admission authorities and people being self-excluded . . . On the one hand that might be a chaotic family and non-attendance; on the other hand, it might be a pregnant teenager in a grammar school, for example—you know, “We don’t want any fuss, we will not have an exclusion. It does not look good for you, it does not look good for the school.” Those are the two extremes in terms of the socio-economics. There are lots of different admission authorities, does that heighten risk in

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terms of a particular vulnerable group of children? Therefore this is an issue that needs to be taken account of when we are looking at the Green Paper *Every Child Matters*.<sup>2</sup>

**Dr Slater:** Absolutely, yes. That is why I did not talk about behaviour within the present system, because we cannot create the kind of safe and secure system for children if . . . It is all in the end down to how people behave in the system and what their cultures are and what their belief systems are. We have incentivised behaviour which enables schools to think it right to put the school above the child. In some cases, their exam results are the overriding factor in how they might handle a particular youngster. While no one is saying that schools should not have regard to their academic performance—of course they should—the issue is whether the way in which they do in practice handle a youngster is in the interests of that child, and, for a child with high levels of need and a child who may potentially be at risk, whether we are currently giving schools the incentives to deal with that youngster in relation to their need.

**Q245 Jonathan Shaw:** You could argue in fact that it is not the admissions authority; it is the way we encourage those admission authorities to behave.

**Dr Slater:** It is both, is it not: you have the system and then it is how people behave within the system that gives you what you get.

**Mr Douglas:** I think with the number of different admission authorities it is much more difficult to keep a track of certain children.

**Chairman:** Kerry Pollard wanted to come in on this.

**Q246 Mr Pollard:** Going back to the forum, how do you access a forum? I am confused about how it all hangs together, because you fill the application form in for a school, you do not get your school and then you appeal, then do you go to a forum and then do you go to an adjudicator? When does it actually stop and how does it all knit together?

**Mr Douglas:** The forum does not actually deal with individual applications for admission; it deals with disputes between admission authorities.

**Q247 Mr Pollard:** And they would go to their adjudicator subsequently.

**Mr Douglas:** Yes, it can go to adjudication. For example, if there is a dispute between the admission authority and a school over its admission limit, that would go to a forum, and if it cannot be resolved in the forum it could go to adjudication. But individual parents do not access the forum.

**Dr Slater:** They have access to an appeal system, and every local authority has to have its appeal system, but the outcome of the appeal system is binding on all parties.

**Q248 Mr Pollard:** I am getting the view that you both suggest that if admissions policy was different we would not have any failing schools. That is coming strongly across to me. I could argue, and I

have a case in my own constituency, Marlborough School—it was failing five years ago, a new head teacher was put in, freedom, money, and all of that, and now it is oversubscribed—that schools can turn round. Would you comment on that. Perhaps failing schools it is not about admissions entirely, but leadership, funding and a whole range of things.

**Dr Slater:** Of course it is about those things, but we can either make it easier or less easy for all schools to be good schools, to be successful schools. I personally want to live in a world where it is possible for every school to be a good school.

**Q249 Mr Pollard:** I think we would all agree with you there.

**Dr Slater:** I do not want to live in one where it is impossible for some to be good. We have a system which makes it very difficult for some schools to be good schools.

**Q250 Chairman:** Is it a council of despair that we are hearing here? Dr Slater, you are a director of education and you are saying that at the end of the day you do not have any power, or you do not have sufficient power, to stop some schools in your patch being discriminated against; in other words, they end up having to take more than their fair share of difficult pupils. You are saying, as a director of education, that is inevitable and there is nothing you can do about it.

**Dr Slater:** I am saying that that is so and that it is a consequence of the present system, even with the present Code of Practice, which will enable us to work more effectively, with the range of . . . It is not just the other admission authorities. I mean, that is the sharpest end of it, but of course popularity and lack of popularity operates across schools for which the local authority is the admissions authority. That is true also. I have tried to say that the present system results in certain consequences, and one of the main consequences is that, even with the Code of Practice, even with admissions forums, even with better coordination of admission arrangements, admission in practice does not result in even intakes across schools. It is more difficult for some schools, therefore, to be as successful as others.

**Q251 Chairman:** Mr Douglas said earlier that he does have the power to direct a school to take a pupil.

**Dr Slater:** Yes, he could do that.

**Q252 Chairman:** Why can that not be used more widely?

**Dr Slater:** You can use it in certain circumstances, where you cannot otherwise provide a school place. You can direct a foundation school to admit a pupil, where otherwise you would not have a school place. But that cannot be the basis of a system. It is only at the tail end of the system that such things come into play as a final safeguard.

<sup>2</sup> Note: See [www.dfes.gov.uk/everychildmatters](http://www.dfes.gov.uk/everychildmatters).

**Q253 Mr Chaytor:** Is there any case whatsoever—because I think this underpins a lot of what we have been talking about in the last few minutes—for individual schools to be their own admission authorities?

**Mr Douglas:** That is a very difficult question to answer. From a personal point of view, I would prefer to see a common admission authority. I think it would be far easier to coordinate more effectively and I think it would be more in the interests of a greater number of parents to have one admission authority that deals with admission into school. That is a very simplistic answer to the question. I think there are probably more strands to it and more depth.

**Q254 Mr Chaytor:** Would that be based in Whitehall?

**Mr Douglas:** No. I do not think it should be based in Whitehall. Within a national framework of a national admissions policy, local education authorities operating a national admission policy across the board for all schools within its jurisdiction. I would not suggest for a moment it should be based at Whitehall; it should be within the local education authority. But, to have one policy that is common to all schools operated by the admission authority for that area, I think would greatly simplify the system for parents.

**Dr Slater:** If we want to design an education system in which the needs of all children are best met and the greatest good is delivered to the greatest number and there is equity and the greatest chance for all schools to be good schools, then that is what you would need to have. That is simply based on experience that the present system does not maximise educational good for all children.

**Chairman:** Jeff?

**Jeff Ennis:** That is the question I was going to ask, Chairman.

**Chairman:** Right, we will move on to the next section, school admissions criteria.

**Q255 Jonathan Shaw:** Greenwich. Did Greenwich affect you?

**Dr Slater:** It affected everybody.

**Q256 Jonathan Shaw:** It affected some more than others.

**Dr Slater:** Yes.

**Chairman:** I think Jonathan is trying to tease out the difference. People say that London coped with Greenwich in a different way from outside London. Is that correct?

**Q257 Jonathan Shaw:** No, it was not.

**Mr Douglas:** It affects us, in that we do have quite a significant migration into Leeds from the south and that can lead to contentions within local communities, where a local community perceives its local school to be X school, even though it may not be their closest school, and children from that community are displaced by children who live outside of the authority being admitted to that

school over and above those particular children, and therefore they are not successful in their preference for that school.

**Q258 Jonathan Shaw:** Representative distribution of pupil ability within schools. Is that a desirable outcome to an effective admissions policy?

**Dr Slater:** You keep asking us these questions as to what is desirable and—

**Q259 Jonathan Shaw:** Okay.

**Dr Slater:**—the way I keep answering them is that it depends on what you want as politicians.

**Q260 Jonathan Shaw:** Certainly. As politicians, in order to come to a judgment, we ask experts. If we just sat in a room amongst ourselves and came to a decision, and said, “We think this . . .” certainly educational experts would say, “You never consulted with us. You did not ask us.” That would be my reply to you.

**Dr Slater:** Okay. I was not meaning to be challenging, I am trying to be clear. My view would be that if you believe that it is best to have a system in which all schools have an equal chance to be good schools, because that produces the greatest good for the greatest number of children and the greatest equity for the greatest number of children, then having a balanced intake is clearly going to assist that. That is not to say that schools which currently have more challenging children and so on cannot be good schools. They can. They can.

**Q261 Mr Turner:** I am getting confused, because when I quoted that passage from Public Finance you were both very quick to say, “But these may be good schools because they are doing a good job.” Surely you measure a school by what it does with the pupils it has, not what it does with the pupils it does not have.

**Mr Douglas:** Yes, but national targets do not support that.

**Q262 Mr Turner:** No, I am interested in good schools, not national targets.

**Mr Douglas:** But good schools are defined by national targets by and large.

**Q263 Mr Turner:** I think by you, but they are not by me and they are not by most parents, are they?

**Mr Douglas:** Well, parents make judgments about schools on a variety of factors but they do look at the grades that are achieved by schools in making those decisions. So, I am not sure. I think most parents do take national targets into account.

**Dr Slater:** I agree absolutely with that. This is why this is not a straightforward issue. This is a complex issue. The question is, I think: What is a good school? I think I would define a good school as one which is capable of enabling every child to maximise their potential.



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**Q264 Mr Turner:** Every child in the school?

**Dr Slater:** Every child in the school to maximise their potential. It is harder to do that with an imbalanced intake than it is with a balanced intake, simply because with a balanced intake you are dealing with a normal distribution curve of abilities and it is easier then to meet the needs of that range of children. Children have very different needs. A school which has a much higher proportion of children with high levels of need, in order to maximise their potential clearly has a more difficult job than a school which does not.

**Q265 Mr Turner:** You assert that a normal distribution curve . . . Actually, I cannot remember what you asserted about it but you referred to a normal distribution curve, but many areas, the catchment areas of particular schools, do not have a normal distribution curve of population in terms of ability. Are you saying that you should strive to achieve that, even if it means pupils having to go past their nearest school to boost or lower the ability range in a school which has an unbalanced ability?

**Dr Slater:** The very fact that we have to have that debate in this country is a measure of how little we understand these matters, in my view. I do not take the view that children from more deprived areas have lower academic ability than children from more affluent areas; I do take the view that it is harder for them to achieve academically at school because of the background that would or would not support that kind of academic performance. We have to be very careful in thinking about how we define those matters in relation to school admissions.

**Q266 Chairman:** Mr Douglas, you are nodding.

**Mr Douglas:** Yes, I would agree with what Dr Slater has said.

**Chairman:** One last point on that, Andrew, or shall we move on?

**Mr Turner:** I think we had better move on while I think about it.

**Chairman:** You do not agree, but we are moving on.

**Mr Turner:** No, I need to think about it.

**Chairman:** We will be able to come back in a moment. We are moving on to selection.

**Q267 Mr Chaytor:** Could I ask about the extent of unofficial selection in your two areas and whether any schools were partially selecting before 1997 and what has happened to partial selection since 1997.

**Dr Slater:** We have, I think, two schools that have some partial selection still and they were there before 1997.

**Q268 Mr Chaytor:** Has anyone challenged that since 1997?

**Dr Slater:** Challenged it? The only mechanism for challenging it will be through the admissions forums, when/if it is seen locally that those partial admission arrangements do lead to an overall problem in the pattern of admissions. And probably we are not quite there yet.

**Q269 Mr Chaytor:** It can be challenged through the adjudicator.

**Dr Slater:** Yes, it could happen through the adjudicator. No, that has not happened.

**Q270 Mr Chaytor:** The schools partially selecting have continued to partially select but it has not been a contentious issue in your area.

**Dr Slater:** It has not got to the point where that is seen as a significant problem across the local pattern of admissions, yes.

**Q271 Mr Chaytor:** In Leeds, was there any partial selection?

**Mr Douglas:** Not of which I am aware. We do have one secondary school that selects for performing arts on aptitude: 10% of its intake for performing arts on aptitude. That is all we have in Leeds at the present time. The issue of informal selection is a bit more difficult. There has been some evidence of the more popular schools using some form of informal selection to get children into schools, which we have begun to challenge quite strenuously with those particular schools.

**Mr Chaytor:** What do you think are the most common divisors by which notionally non-selective schools are in reality selecting by ability by using different methods?

**Q272 Chairman:** Yes, what are these informal methods?

**Mr Douglas:** I have known of circumstances where schools have interviewed parents and children and portrayed it as part of the admissions process. That has happened and we have challenged that.

**Q273 Mr Chaytor:** That will be outlawed under the new Code of Practice.

**Mr Douglas:** Completely, yes.

**Q274 Chairman:** Dr Slater?

**Dr Slater:** It is probably, in some places, easier to see that in relation to casual admissions; in other words, not those coming through as of year group transfers but people moving into areas, for example. It is part of the folk lore that sometimes schools say to parents, "We would not be very good at meeting your child's particular needs. The school down the road is a lot better at dealing with youngsters with special educational needs," for example. I would always seek to redress that where we were able to do that, but the folk lore out there is that that happens.

**Q275 Mr Chaytor:** In Norfolk, where there are more schools that are their own admissions authorities, presumably there are more devices by which informal selection takes place. What about, for example, admissions criteria that gives priority to children of former pupils or serving teachers. Does this exist in Norfolk?

**Dr Slater:** Yes, some schools that are their own admission authority do have those as part of their oversubscription criteria, yes.

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**Q276 Mr Chaytor:** What else does the folk lore say about the methods of operation of schools that are their own admission authorities?

**Dr Slater:** I think I have given the most obvious one.

**Q277 Mr Chaytor:** There must be some less obvious ones that it would be interesting to have.

**Dr Slater:** One of the problems with describing this is that it is not surface behaviour. It is buried in the system and we do not have direct evidence of it, but when you look at the pattern of attendance at schools and the addresses of the youngsters and the schools to which they go, you can often see patterns which would not be random, let us say. So something has happened. Sometimes it is self-selection by parents, who think their child would not be welcome at a school, would not fit in, or however it is described.

**Q278 Chairman:** They think the school exudes a different culture.

**Dr Slater:** Yes. And the system has those features in it, does it not? It is self-regulating in some ways. Parents will not select a school, perhaps, because they think their child would not be happy there or would not fit in. That is not selection but it is the system operating on parental—

**Q279 Mr Chaytor:** If I may pursue this point very briefly. The issue of a school's ethos is commonly seen by government as a very positive thing, one which helps to drive up standards, but your argument therefore is that ethos, distinctive ethos, cuts both ways, because distinctive ethos can actually deter some parents from applying to that school. Is that what you are saying?

**Dr Slater:** I do not want to be seen as arguing against schools having a positive and distinct ethos. Such things are good. I was saying that parents react to their perceptions of schools.

**Mr Douglas:** I think in the system as it exists at the moment, certain schools target certain areas as well. They heavily market themselves in certain areas because they want that particular catchment and therefore a school is then perceived by that community as being the local school for its children, when in fact it is not, it is some distance away. That does happen.

**Q280 Chairman:** What about introducing more random elements into the allocation of places on first preference? Would you be in favour of that? That has been mooted as a way of ensuring that you have a broader cross-section of the community in a school of first preference.

**Dr Slater:** It is defining your community, really—because how big is your community?

**Q281 Chairman:** Or just in terms of first preference: you take all the first preferences, you shake them up, and there you have it. They are allocating places in medical schools in Holland on the basis of lottery, after all.

**Mr Douglas:** I think that would lead to . . .

**Q282 Chairman:** Insurrection?

**Mr Douglas:**—more confusion on the part of parents.

**Q283 Jonathan Shaw:** Loss of parliamentary seats, I would think!

**Mr Douglas:** It would be very difficult. Very, very difficult.

**Dr Slater:** I do not think I could argue for a random allocation of youngsters to schools. I think schools work best when they are part of their local community. That is important. The issue for me is how do we enable schools to have that link with their local community without the negative side that that sometimes can introduce, and enabling schools serving communities where there are more youngsters with higher educational needs still to be successful. That is the trick.

**Q284 Mr Chaytor:** Just following the random question, what about the random allocation to schools who are oversubscribed; that is to say, dealing with the additional applications by lottery? That is to say you would have a basic admissions criteria whereby the school recruited presumably from its reasonably well defined catchment area, although anyone who applied out of that catchment area would be allocated at random. Would that be feasible?

**Mr Douglas:** I am not sure, actually.

**Dr Slater:** It certainly would not work in Norfolk because the geography just is against that. Many of the subscription criteria that enable out-of-area youngsters to come in are related to high level need, so I am not sure about that.

**Mr Douglas:** Again, I think that would be difficult.

**Jonathan Shaw:** The system that we found out about in Auckland seemed to work well in an urban area but we had to challenge them on things like disability and children in care. On the folk lore, do you know of popular schools that were full, where they have a place that becomes available, which will ring up the parent of a child who wanted to go to that school but did not and went to a less popular school, and say to them, "We've got a place now."

**Q285 Chairman:** There is certainly evidence in your submission, Mr Douglas. You have said that is a real problem in Leeds, people moving from school to school, after the whole admission process, during term time. Does that speak to Jonathan's question? Why were you concerned about that? Was that a way of people bucking the system after the rules have been set, as it were?

**Mr Douglas:** It may happen on a very limited basis. I do not think it happens generally within Leeds. Where a parent directly approaches a school, they may not be given the full picture by that school in some cases, depending on the type of child that that parent has. In Leeds, all casual admissions come through the admission authority for all our community schools, so there is not a system whereby a parent just goes to the school and if the school has

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a place they are admitted. For any casual transfer or in-year admission, they have to apply to the admission authority, so we do perhaps have a stronger mechanism for challenging that if that is happening.

**Q286 Jonathan Shaw:** But if the schools are their own admission authorities, you would not know.

**Mr Douglas:** Yes, if the schools are their own admission authorities, it is obviously more difficult, and certainly within the voluntary aided sector there are examples of parents having been turned away yet, I think, we believe there is capacity.

**Q287 Jonathan Shaw:** Does anything like that happen in Norwich?

**Dr Slater:** I have no direct knowledge of that being a significant feature of what happens. But we cannot rule out any aspect of human behaviour, can we?

**Jonathan Shaw:** If the system allows it!

**Chairman:** I want to move onto the admissions process.

**Q288 Mr Pollard:** Could I first of all congratulate you both on the submissions you have put through. I thought they were unusually clear, direct and unequivocal. That is a big statement—from all of us, I think. In Hertfordshire, we used to have a letter attached to each of our admissions application forms two or three years ago, and it was pretty clear where people were in the social order of things because the letters written by the more working-class folk were often not there and the chattering middle classes did particularly good letters, so there was a bit of selection going on. I am pleased to say that all stopped. There is nothing like that in your area, is there?

**Dr Slater:** No.

**Mr Douglas:** No.

**Q289 Mr Pollard:** Thank you. Moving right on, when a parent places schools in order of preference, should all preferences be equal?

**Mr Douglas:** It is difficult, is it not, where you are saying that parents have a preference if all their preferences are equal? We have a system where we invite parents to express five preferences—which personally I think is too many.

**Q290 Mr Pollard:** Absolutely.

**Mr Douglas:** I think coordinated arrangements will deal with that, in that we will have to come into line with other authorities, but we have a system where five preferences are expressed or can be expressed. The majority of parents do not express five; they express normally three, possibly four. Yes, I think they probably should be given equal validity but there is an educative process that would need to be undertaken in relation to parents' understanding of that because parents clearly feel, certainly when they are challenging us, that they have a choice. It is not a preference, it is a choice. If they are given equal preference, then that clearly has to be understood by parents in the way that they then seek to preference schools.

**Dr Slater:** I think we have thought of this. We are just entering a system where we are going to have three choices, in order: 1, 2, 3. We have had a system where we thought it legal only to allow one first choice to be active at any time, but we are now going to have 1, 2, 3. We think it practical to have ordered choice, so that first preferences are clearly first preferences, and you can deal with those on an equal basis and then move to second choices and so on. That seems to me to be in accordance with the parental right to express a preference—because a preference is a preference, and I cannot see that expressing a preference for every school is an expressed preference.

**Q291 Mr Pollard:** Are all parents equally well placed to navigate the schools admission process?

**Dr Slater:** No.

**Q292 Mr Pollard:** How might we equip parents to be equally well placed? Make the process simpler, more straightforward, more transparent? Or have a choice of only one: put this school down and that is it.

**Mr Douglas:** Preference is there and there is nothing to suggest it is going to go away. No, I do not think all parents can access it equitably across the board. We try very hard. We publicise very widely, we publicise in community centres. We actually attend school open evenings. Admissions staff will attend at school open evenings and talk to parents at those open evenings—and the majority of schools take us up on that. So we try very, very hard to engage with as many parents as possible, to explain what they need to do in order to access the system and to be as successful as they can within that system. But for some parents it is difficult. We do have a small minority of parents who do not apply, they just turn up, because they think it is automatic. They do not even bother applying. We have to deal with that as a group of parents very late on within the process, and those parents have no choice at all because by that time most schools are full. So, no, there is not equality across the board.

**Q293 Mr Pollard:** Should we try to row back from the choice and preference thing?—so that in reality there is not much choice: where you live is where you go to your nearest school, that is the practice.

**Mr Douglas:** That would be great. For that to happen, every school needs to be a good school.

**Dr Slater:** This is what I was reading on the train. It is our attempt to help parents. I am sure most authorities do something like this. It describes every secondary school.

**Q294 Chairman:** What is that document, Dr Slater?

**Dr Slater:** It is: *A Parent's Guide to Secondary Schools in Norfolk: School Year 2004–05*.<sup>3</sup>

**Q295 Chairman:** Could we have a copy of that for our records?

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<sup>3</sup> *Note:* A Parent's Guide to Secondary Schools in Norfolk: School Year 2004–05, published September 2003 [www.norfolk.gov.uk](http://www.norfolk.gov.uk).

**Dr Slater:** Of course. We will happily supply this, and we have lots of them. Every parent is sent one of these. We describe each school with its oversubscription criteria. We say what the first year intake number is going to be and how many applied for the school the previous year—so whether the school is likely to be oversubscribed, and that parents should therefore take that into account in the way they express their preferences. We try to make this document accessible and in easy language. Unfortunately it has a photograph of me on the front, which can put people off! We have, in several languages, an introduction at the front, and we can help people whose first language is not English. But, clearly, to access and understand this and to understand the rules is not straightforward. I think the system is becoming more straightforward because of the Code of Practice in arrangements for this forthcoming round, but, clearly, some parents are at an advantage and some at a disadvantage in coping with a document like this.

**Q296 Chairman:** What role do feeder schools play in informing parents about choice and their ability to access certain schools. Is that a role that is taken seriously by the feeder schools?

**Dr Slater:** Yes.

**Q297 Chairman:** Are they encouraged to do so?

**Dr Slater:** Yes, they are.

**Q298 Chairman:** Mr Douglas said that people just turn up. I am surprised, in the sense that: Where on earth were the feeder schools?—which were not trying to reach out to the parents and saying, “Look, you have a very important choice to make for your child. This is how you should consider it.”

**Dr Slater:** Yes, they do. We would expect every school, knowing that a child was transferring, to know that the child knows where they are transferring to and to have access to the system. They would support them in doing that. We communicate directly with each parent by giving them these documents and . . .

**Q299 Chairman:** In a sense, why I am asking that, Dr Slater and Mr Douglas, is that we all want the situation where all schools are good schools, but we may have a situation where all schools are good schools but they may have different specialisms. They are all good schools but one may be more right for one child than another. In a sense, this is a crucial stage, is it not, coming up to the choice at 10 or 11, for teachers to bring some appraisal of what the next phase for that child would be and advise the parent.

**Mr Douglas:** Yes, I certainly think there is a role. Could I perhaps clarify one point. I think where the parents tend not to apply is more moving into reception rather than to year 7. That is where the problem more likely occurs.

**Q300 Chairman:** I am sorry, we are assuming secondary, because this is about secondary school admissions.

**Mr Douglas:** Yes. I just wanted to clarify that. I think the slight danger with feeder schools is they could also give parents misleading information about their chances of getting into certain schools. Again, because they may perceive a secondary school to be the local school but they can in some cases be no absolute guarantee, so that there is also that issue in terms of giving correct and well-informed information to parents, and we have to be a little bit careful about that. I think certainly they can play a role but we have to ensure that they have proper, well-informed information that they are advising parents with, and sometimes that does not happen.

**Q301 Chairman:** On the other hand, you would expect a school that had seen a young child develop over a period of time to be able to say, “Your child has some real ability in science. There is a specialist science school down the road, you might want to prioritise an application there.” Presumably that is precisely what we would want to see, is it not?—advice of that quality.

**Dr Slater:** I think it is something to which we need to give more attention, actually. I would start from: What is going to happen with the 14–19 curriculum? If we succeed—and there are issues about how easy it is going to be to deliver this, but we will get there—if we have a much more differentiated curriculum post-14, with a number of possible high status routes through for youngsters, then the advice given to youngsters and their parents about what is the best route through the system for their own child needs to start very early, and it probably does need to start before year 7, in some senses, in terms of youngsters and their parents thinking through the route through the school system that later on they are going to follow. I would agree with you, that ought to have a bearing on how they look at transfer at year 7.

**Q302 Chairman:** Before we move on to the last section, if a school is its own admissions authority, what is the role of checking? One hears through the grapevine that if a school is its own admission authority it sends out a message: If you do not put us down as your first choice, then you are very unlikely to succeed in entering this school. How is that handled as part of an admissions process?

**Dr Slater:** As part of the information process, did you say?

**Q303 Chairman:** Yes.

**Dr Slater:** In our case we will simply say that a school is its own admissions authority. We will say whether the school has been oversubscribed in previous years and therefore whether it is likely to be oversubscribed in future years, and we set out what those oversubscription criteria are. We simply give the information to the parents.

**Q304 Chairman:** If it is clear that a school will not take a child who has not put the school down as its first choice, how does that become part of the information that the parent has?

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**Dr Slater:** If the school is heavily oversubscribed, then it is logical that you have more chance of getting a place there if you put it down as a first choice rather than as a second choice.

**Q305 Chairman:** It goes back to the level of the quality of information.

**Dr Slater:** Sure.

**Q306 Chairman:** This is what I am trying to tease out. Many parents may not even know about the oversubscription, may not even read that document that you put out, and so will have no chance at all of getting into a school because they happen to have put it as a second preference.

**Mr Douglas:** I would think that most parents, the great majority, will know whether a school is oversubscribed or not. The great majority will—certainly in an urban area.

**Q307 Chairman:** But would not at any time put down three oversubscribed schools?

**Mr Douglas:** It sometimes happens, in a preference system that asks for more than one preference, that they will preference one school three times. They will not give us another preference, in the belief that doing that will mean that we cannot offer them anything other than the school that they have preferred. So there may be an issue there about clear understanding of how a preference will work.

**Chairman:** I think all of us in the education sector assume that these are very simple application procedures and everyone will understand them and maximise their application for their best benefit. However, on to section 6: Objections, Appeals and Adjudications.

**Q308 Mr Chaytor:** First of all, could I just check the figures we were given earlier for Leeds, and then ask about Norfolk. In Leeds there are about 8,000 transfers from primary to secondary—or there were last year. Of those 8,000, there were 2,400 appeals.

**Mr Douglas:** Sorry, that figure was across the primary and secondary sectors.

**Q309 Mr Chaytor:** In terms of secondary appeals, do we know how many there were?

**Mr Douglas:** I do not know the exact figures, but it is round about 1,500, 1,600.<sup>4</sup>

**Q310 Mr Chaytor:** The success rate for appeals is about 20%.

**Mr Douglas:** Yes.

**Q311 Mr Chaytor:** That would apply equally to primary and secondary.

**Mr Douglas:** Yes.

**Q312 Mr Chaytor:** About 1,200, therefore, are going to fail.

**Mr Douglas:** Yes, the majority of appeals are unsuccessful.

**Q313 Mr Chaytor:** We have a significant percentage of total applications. In Norfolk, are there similar figures?

**Dr Slater:** They are a little bit lower. I can supply you with the precise figures but I do not have them with me. I will do that subsequently. The number of appeals annually is about 500, and a similar success rate to Leeds, around a third to a quarter, but I would need to give you those precise figures.<sup>5</sup>

**Q314 Mr Chaytor:** In Leeds, then, over 15, 17, 18% of total applications go to appeal and fail every year. My question is: What does that cost?

**Mr Douglas:** There is certainly a considerable cost in terms of the fact that for mainly three months of the year, from May onwards, there is significant officer time invested in defending those appeals. I can at any one point in time have five members of my team out on appeal hearings, so there is a significant cost. Again, I cannot quantify it in terms of actual money, but if we were to do that we would be talking about a significant amount of—

**Q315 Mr Chaytor:** What is your best guess?

**Mr Douglas:** It is difficult for me to say. I would not feel happy about giving you a figure unless I could check it out.

**Q316 Mr Chaytor:** Do you have a figure for the total costs of processing primary to secondary transfers?

**Mr Douglas:** Again, not with me, but we could make some assessment.

**Q317 Mr Chaytor:** You could identify that figure.

**Mr Douglas:** Yes.

**Q318 Mr Chaytor:** And Dr Slater?

**Dr Slater:** Very similar.<sup>6</sup>

**Q319 Mr Chaytor:** It would be very useful to get as much information about the costs, both of the total system and the appeals procedure itself. My recollection is that earlier in the summer the council for tribunals published a report which actually criticised the appeals mechanisms for school transfer and recommended it be taken out of the local authorities. I think it proposed it was on a sub-regional basis. Do you feel that it is rightly done at the local authority level? Are you satisfied with the way the appeals tribunals work and the expertise of the people on appeals tribunals and the objectivity of their judgments?

**Dr Slater:** Not in all cases, inevitably, because we go to admissions appeals panels defending a decision not to admit a child, so generally we would only do that in circumstances where we felt it was right, and many are overturned. However, that is the system. Those arrangements are not actually run by the local

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<sup>4</sup> *Note by witness:* The number of admissions appeals was 449. The number of these which were decided in favour of the appellants were 174.

<sup>5</sup> *Note by witness:* The number of appeals relating to secondary transfer is 217. The Number of “successful” appeals is 70.

<sup>6</sup> *Note by witness:* The total cost to the LEA of admission appeals system is £85,000. The total cost to the LEA of all work on school admissions: (inc. appeals) is £320,000.

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education authority, they are at arm's length from us. We do not make those arrangements ourselves. Similarly all the schools that are their own admission authority have to have their own appeal arrangements. But with some local knowledge. I think having it at the level of the local authority enables that to happen. The people who are making those decisions are sufficiently local to know what they are deciding. I think that is not unhelpful, given that that is the system.

**Mr Douglas:** I would agree that there needs to be a level of local knowledge. I do have some issues about the quality of the training of appeals panels that can lead to perhaps misconceptions on their part. So there is a big issue about the training of appeals panels, how that is undertaken. The Code of Practice on admission appeals is a helpful document but I would, again, question: Is it strong enough? We do have particular issues where we can find that a school will argue directly against the appeals presenting officer. Where we have an agreed admission limit, we have gone through all the consultation processes. That admission limit has not been challenged through the routes that are open to the school, but when it comes to the appeals we have had instances where the school will directly undermine the ability of the authority to defend those appeals because it will turn round and say, "Actually, we can take (x number) of additional children," particularly if it perceives that those children will come from a particular area that the school wants to serve. That does happen. That then leads on to other difficulties in terms of an authority's strategic management ability in terms of supply and demand. You may say, "There are procedures in place for that to be challenged at an earlier point," and that is true, there are, but we are then reliant on that actually happening and it can cause problems.

**Q320 Mr Chaytor:** Are you saying schools are renegeing on previous agreements over admission?

**Mr Douglas:** It does happen.

**Q321 Mr Chaytor:** There is now a national formula to determine admission limits, is there not? How could that kind of renegeing under agreements established as a result of a national formula be prohibited?

**Mr Douglas:** The net capacity calculation does not actually come into force until 2004 in terms of setting admission limits, but it is a rational tool by which to judge capacity, and we have had an instance this year where the net capacity clearly supports an admission limit of X but the school has said, "No, we feel we can take in excess of that number," and said that publicly, and hence the appeals committee agreed a number of appeals. For the life of me, I do not know how the school is fitting them in because the net capacity certainly does not support the number that they have been taking. Then that leads on to a position where the school may then come back to the authority and say, "Actually, we are

overfull, we need some additional capital investment to address this." It strays into quite major strategic areas for the authority.

**Q322 Mr Chaytor:** Could I move on to the role of the adjudicator. Parents have quite limited access to the adjudicator. I would like to ask for your views on whether you feel that parents should be able to go to the adjudicator on more grounds. Secondly, do you think the adjudicator's office should be more proactive, and, rather than simply responding to cases brought before it, whether it should have the powers to investigate cases where there are good grounds to believe that there are abuses of the system?

**Dr Slater:** Again, it is the absolutism of your question: should or should not. It depends what you want, again, from the system. If you have such a system, then many parents would inevitably use it. Many would pursue, quite rightly and understandably, what they want to the end of the road. The question, to answer that, is: Are the present arrangements insecure? Do they fail to give parents a sufficient recourse to a system whereby the first decision is challenged? Although it is not a perfect system, I think the present arrangements do give parents a very good opportunity to have their wishes re-examined independently. I think the adjudicator should operate at the level, if there were problems perceived in the system, if the local system were seen not to be operating effectively and fairly, then that might be something at which the adjudicator could look. But, I think, to make it a route to access to the individual parent, that would become the system.

**Mr Douglas:** I would agree with that.

**Q323 Paul Holmes:** I would like to pick up on two of the points that have been raised. Robert Douglas was saying that he thought the appeals panel should have local knowledge. In Derbyshire it has generally been the practice that they have brought people in from another part of the county, so they do not have knowledge, they are seen as being independent and impartial. Do you have any comment on the different systems?

**Mr Douglas:** Why I say they should have some local knowledge is that they can understand the context in which agreements have been reached with schools. I think in an urban area such as Leeds that is quite important. It may be different in a county authority—and it comes back to the strategic need, in my opinion, to manage supply and demand as effectively as possible as well. I think there needs to be a context around the knowledge base of appeals panels. Having said that, maybe that has some elements of impartiality, I do not know, but it is that "context" element that I do think is quite important.

**Dr Slater:** I do not think it hurts to have some additional objectivity, provided it is additional. The point about the local knowledge is very, very important, and I think if there is a perception of some influence from somebody who is completely from the outside and therefore completely

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uninfluenced by those things, that may be an additional feature, but I certainly would not want to lose the local knowledge.

**Q324 Paul Holmes:** That perhaps has some bearing on the next question as well. Appeals panels can insist that a school takes somebody on appeal, even though the school is already full. Certainly one of the most popular schools in my constituency contacted me last year. Every year they cannot cope with the number of children in the catchment area because their admission limits are smaller than the actual number in the catchment area. They always end up over the planned admission limit and then the appeals panels—because they are one of the most popular schools in the constituency—always force them to take more on top of that. A school which is always bursting at the seams, after the appeals panels have done their round, is bursting even more at the seams. This is happening every year, year after year after year. Should appeals panels be able to force a school to take somebody on appeal if they are already over the limit?

**Dr Slater:** There are a number of things in that question. First, has the local authority set an appropriate admission limit, given the accommodation? Has the local authority set that limit appropriately in relation to its overall need to provide school places? In some cases schools do need to expand because there is population growth locally.

**Q325 Paul Holmes:** Yes, that is the case in this school.

**Dr Slater:** So that is a strategic decision for the authority. Very often it is not the parent versus the LEA at admissions appeals; very often the school is defending the appeal as well and does not want the additional children. If they are in that circumstance, the arrangement is very much that the appeals panel can make a decision and it is binding on everyone, and, even though the authority and the school are both saying it is prejudicial to the efficient use of resources and so on and impossible and all the rest of it, nevertheless an admission is made and everyone has to cope with it. I do not think the provision of school places through appeals is a proper system. I think that if there is a fundamental flaw in the total number of places available locally, then the local authority should be addressing that at source, so you should not be structurally in that position every year, hopefully. That should not be the system. It may be because of popularity, but that is a different issue.

**Q326 Paul Holmes:** Is it also—again, the point that both of you made in your written submissions—that all the emphasis since 1980 on parental choice is a bit of a sham, because in lots of cases there is no parental choice? The appeals panels are then the last resort for parents, who are saying, “We want to go to that school” and often the appeals panel is backing that up.

**Mr Douglas:** But for a small minority of parents, in our case 6 to 9% of parents. I think with any parental preference system, while you have a system of parental preference, you are not going to satisfy 100% every parent. I do not see how that is possible.

**Q327 Mr Turner:** I have just gone back to this curve. That curve is perhaps a teachability curve, is it not, rather than an ability curve. Am I right?

**Dr Slater:** I would be very cautious in accepting your definition because there is a difference between teaching and learning, but go on.

**Q328 Mr Turner:** The problem, I think, that you have identified is that some schools do not want some pupils because they are difficult to teach or they otherwise upset their perception of their ethos. Can we not reward them for taking more of those pupils by giving them less money for everyone else and a bit more for those more difficult to teach pupils? Would that help?

**Dr Slater:** There are ways of doing that. I am not sure I believe solely in the chequebook as the only meaningful incentive in the system. I think there could be others. However, it is often more expensive to meet the needs of youngsters who have additional needs. Of course it is. There are ways within the system of doing that. Most local authorities give schools with high levels of free school meal entitlement, as a proxy (simply because it is information that is available across the system and a correlate of other factors known to relate to educational underachievement, if I may put it like that) as a way of giving schools extra money, and do so already. But it is a pretty crude system.

**Mr Douglas:** In reading your previous submissions to this select committee, the idea of more sensitive indicators of deprivation was raised. I should think that is quite important when you are looking at inner city schools providing levels of education and dealing with high levels of challenging children. I think we do need to look at more sensitive indicators of deprivation, so that we can target funding more equitably within the system.

**Q329 Mr Turner:** You have, at some length, criticised the disincentives of taking these pupils. What would be the other incentives, then, besides the chequebook?

**Dr Slater:** An index of inclusion. Such things are being worked on. There is an index of achievement, which my authority and a number of other authorities are working with the DfES in trying to develop, which gives a broader measure of how well a school is achieving that which I was talking about earlier, about enabling every child to maximise their potential: broader measures of achievement than straightforward examination results. I think that when we have such measures—and we are getting such measures—the use of them in league tables as a way of signalling to the system that those are the things that are valued, and not just crude examination results on their own—although those always will be important—would incentivise schools to behave in ways that were likely to maximise their

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performance against those measures. I think there is quite a lot you can do. At the moment, the system of accountability, if you like, the way in which a school is portrayed, is very crude indeed. We get Ofsted inspections, and they are pass or fail—both a sharp line—and public examination results, which we are getting, to better measures. We are talking about value-added measures now, but still only those measures, and we need a more subtle, more developed way of expressing to parents and the public at large the value of a school.

**Mr Douglas:** I would agree entirely.

**Q330 Chairman:** We have had a very good session. One last question. Both in terms of what you have said to the Committee and what you gave us in terms of the memorandum you sent in, there is a kind of feeling, reading that and listening to you, that you are rather discontent about the present situation in terms of admissions. I understand that you say that much of this is in our court, as politicians, to change things, but, as Jonathan said earlier on, we do rely on good advice. Are there things that you would want to change in order to make you happier about the admissions process?

**Mr Douglas:** I think I have alluded to some things that I think could help. Certainly the Code of Practice being a more prescriptive document and a stronger document would help. In terms of the casual admission process and the admission of challenging children, I think the things we have just articulated in terms of giving those schools broader measures in which we can assist them would help as well. Those are the two major things that would certainly make my job easier than it is at the present time. I do not mean to give a sense of something that is not working. I think it does work for the majority of parents; but it does not work for a minority and I do not think it works for those most vulnerable children in our society. That is my big concern.

**Dr Slater:** I agree with those. Perhaps I could add one other, which would be I think the clear establishment of an expectation that it is the job of schools to meet the needs of all the pupils in their area—and that could be groups of schools and might best be groups of schools—but that, together with the local education authority, they share a responsibility for meeting the needs of all of the children. We should give that message to the system and we should incentivise that behaviour.

**Chairman:** Thank you very much. Thank you for your evidence. It has been most useful.

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## Monday 10 November 2003

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor  
Valerie Davey  
Jeff Ennis  
Helen Jones

Mr Kerry Pollard  
Jonathan Shaw  
Mr Mark Simmonds  
Mr Andrew Turner

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### Memorandum submitted by The Sutton Trust (SA 25)

#### INCREASING SOCIAL MOBILITY

A study conducted by the Centre for Economic Performance at the London School of Economics has confirmed that social mobility in the UK has declined over the last 30 years or so. The researchers compared a cohort born in 1970 with one born in 1958 and found the economic status of the 1970 cohort to be much more closely related to that of their parents than the 1958 cohort was to their parents. They concluded that there has been a sharp fall in cross generational mobility between those who grew up in the 60s and 70s and those who grew up in the 70s and 80s.

This fall in mobility is to a certain extent due to the fact that increased educational opportunities have disproportionately benefited children with richer parents. For instance, there has been an enormous expansion in numbers going to university but almost all of that expansion has come from the three most affluent social classes so that only one out of eight from the least affluent social class go to university compared to eight out of 10 from the most affluent social class.

The most obvious means by which the state can increase mobility is through the education system, and the move to a comprehensive system in the 70s was supposed to do just that. It is quite clear, however, that this has not happened.

The reason is that our comprehensive system is not comprehensive. We have a strong private sector with better resourced schools taking a disproportionately large share of teachers with the best academic qualifications. We have grammar schools which in many places have effectively become free independent schools for the middle classes. The remainder of our so-called comprehensives show a huge variation in social intake and performance.

In theory, parents can choose schools but in practice schools choose parents. The net result is that we have a socially selective state system. We conducted an analysis of the top 200 performing state schools. Their free school meals entitlement averages 3% compared to a national average of 17%.

In terms of social mobility, we have gone into reverse. In our most academic schools (independent, grammar, and the best comprehensives) and universities, particularly top universities, children from modest backgrounds are conspicuous by their absence.

#### THE STATE-PRIVATE DIVIDE

It is an illusion that we can ignore the state/private divide and improve the state sector to the point where no one need pay for their children to go to independent schools. For one thing a large share of teachers with the best academic qualifications are in independent schools. We funded a survey completed earlier this year by Alan Smithers' team at Liverpool University comparing the qualifications of teachers in both sectors of education.

The survey found more than half the Oxbridge graduates in teaching are to be found in independent schools-which take 7% of pupils but have 13% of teachers. Teachers in independent schools are seven times more likely to have gone to Oxbridge and five times more likely to have gained a PhD. Crucially teachers in independent schools are also much more likely to hold a degree in the subject they are teaching particularly in shortage subjects such as maths, physics and languages. Physical education was the only exception.

Since private schools have a legal right to exist, and since many are excellent educational institutions, the sensible answer is that the most successful should be opened up 100%, voluntarily, to all the talents.

We have put the idea into practice, and we know it works. Last month saw the start of the fourth year of entrants to the Belvedere girls' school in Liverpool to be admitted solely on merit, not social status or the ability to pay. And not a handful of places, as in the Assisted Places Scheme, but all places. Parents are means-tested and pay according to their means. The results have exceeded our expectations.

The school now has a vastly more diverse social mix, with more than 70% having all or part of their fees paid, plus academic standards have improved. It has the support of the local community, and of local state primary schools, from which the great majority of pupils come. Because this is a partnership between parents and sponsors, the Sutton Trust and the Girls' Day School Trust, with the sponsors paying 55–60% of the annual fees, all this has been achieved at a cost to us of £3,400 per student, slightly less than the average cost of a state school place.

The private/public divide is what distinguishes the British system from other countries. This divide warps the whole system, including university entrance. It follows that the removal of privilege that would result from opening up independent day schools would benefit the whole system too. For one thing, affluent parents would find it far harder to opt out of the state system and would thus have a vested interest in engaging in the state sector, while the best qualified teachers would be available not just to well off students.

#### TOP-PERFORMING STATE SCHOOLS

The key to the success of the Belvedere scheme has been successful outreach and the school employs an outreach officer and runs masterclasses for children from local primaries. Based on this experience we have employed the same approach to opening up a top state school, Pate's School in Cheltenham. This grammar school is situated in the heart of an area of deprivation, and over the years ever fewer children from the dozen local primary schools have gained places.

The Sutton Trust project aims to open the school up to its local constituency, and at the same time provide much needed enrichment for local able children. Each year 130 children take part and students come in to a dedicated classroom at Pate's in small groups for one afternoon a week throughout the year. The effect has been remarkable: this year 20 out of 130 places were gained entirely on merit from project schools, compared to an average of seven over the previous five years. Also the children involved have had their self-esteem and self-confidence boosted and have a more focused approach to their school work, which rubs off on the rest of the class.

It shows the talent is there if you can reach it. We are not advocating a return of grammar schools, simply facing the facts as they are. And there are lessons here for the whole system. The issues faced by Pate's and other grammar schools are shared by many of our leading comprehensives, and this scheme could make an enormous difference to those schools.

#### OUR RESEARCH

In 2001, the Sutton Trust conducted a large-scale study of secondary school admissions procedures. The research analysed DfES reports and data, supplemented by a study of schools' and LEAs' admissions booklets and a survey of 56 LEA's. Whilst the results are now slightly out of date, we nevertheless feel they provide useful background information. This is presented as an appendix.

## APPENDIX

### SUTTON TRUST SURVEY OF SECONDARY SCHOOL ADMISSIONS PROCEDURES

#### THE RESEARCH

In 2001, the Sutton Trust conducted a study of secondary school admissions procedures. The research analysed DfES reports and data, supplemented by a study of schools' and LEAs' admissions booklets and a survey of 56 LEA's. This is a summary of the main findings.

#### INTRODUCTION

The LEA is the admissions authority for 70% of schools. For the other 30% of self-governing but LEA maintained schools the school's governing body is the admissions authority. In total, there are 1,208 separate admissions authorities, each of which can have its own admissions policies.

Central government has a dual role. Its admissions policies specify whether a school can select by ability or on faith grounds, and it now maintains a list of such schools. At the time of our survey (2001), there were 724 such schools<sup>1</sup>, teaching 18% of 14 year olds. The remaining 2,772 secondary schools are not selective by ability or faith, although any school's admissions authority can declare a specialism and admit up to 10% by aptitude for a particular subject.

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<sup>1</sup> This is based on January 2000 statistics. The DfES counted 162 grammar schools and 583 faith schools, 21 of which were also grammar schools. The DfES now recognises 164 grammar schools, although no new grammar schools have opened since then.

Most secondary schools have one admissions policy for their entire intake, but about 10% have a different policy for the minority of their intake. This includes schools partially selecting by aptitude, Church schools which reserve a percentage of places for non-members, and sometimes comprehensives which due to historical reasons select a minority of students.

Central government's second role is to design and enforce the regulatory framework for schools' admissions policies, procedures and oversubscription criteria. The main element is the Code of Practice, which all LEA maintained admissions authorities (but not CTCs) have to operate.

#### THE COMPLEX NATURE OF ADMISSIONS

The phrase "admissions criteria" usually refers to oversubscription criteria. Within the Code of Practice and the law, each admissions authority can select their own oversubscription criteria. A survey of 56 LEAs for the Sutton Trust suggests that 18 different criteria are used, which can be grouped into seven main categories<sup>2</sup>:

<i>Main categories</i>		<i>Criteria</i>	<i>Examples</i>
Priority Groups	1	Catchment area	School named on the SEN statement
	2	Partner primary	Attend feeder/linked/partner school, may be automatic or priority entry
Distance	3	Home to school	Straight line, safe/lit/paved route, public transport
	4	Home to alternative school	Straight line, safe/lit/paved route, public transport
Family connection	5	Sibling at school	At application or entry-may include or exclude 6th form
	6	Past relation	Recent or at any time-may include parent, aunt/uncle, grandparent
	7	Parent employee	Parent employed by/governor of school
Religious Belief	8	The faith	Commitment (baptism/attendance) letter from a priest
	9	Related faiths	Commitment to a related faith
	10	Other/no faith	Recognised other faith or acceptance of main faith's ethos
Testing	11	Ability	Score on entry test/s
	12	Banding	Score on entry test/s
	13	Aptitude	Demonstrated aptitude for a subject
Personal request	14	Single sex	Request (with reasons) for single sex
	15	Religious Education	Request (with reasons) for religious education
	16	First preference	Given to 2nd choice by LEA if allocated nearest school is full
Special need	17	SEN statement	School named on the SEN statement
	18	Supported need	Medical, social or educational need (with supporting letter from appropriate professional)

#### TYPICAL PROCEDURES

In the autumn preceding a child's move to secondary school, parents receive the new LEA secondary admissions booklet, and visit schools. Application forms are completed and submitted to the admissions authorities in December, which administer preferences and oversubscription criteria in the next two months. In March and April acceptances of first and other preferences are made, and appeals may be lodged.

LEAs operate two main kinds of preference system for community and voluntary-controlled schools. Around 80% of LEAs allow multiple preferences, usually ranked, but sometimes of equal preference. The remainder have a single preference system, sometimes with a suggested school filled in.

<sup>2</sup> Also, an Islamic school due to open in 2002—was to include selection by lot as an over-subscription criteria.

Arrangements also vary between LEAs as to how many forms parents need to fill in and how the forms are processed. Only two-thirds of LEAs have synchronised the dates for applications, offers and acceptances across all their schools.

On average, parents apply to 1.9 schools (1.8 outside London, 2.4 in London), with almost half of parents outside London only applying to one school. 20% of London parents apply to four or more schools.

#### ACCOUNTABILITY

In 1999, there were significant changes to the procedures, publication and regulation of admissions arrangements, which mark a watershed from earlier practices. Firstly, there is a new code of practice on admissions. Secondly, every admissions authority for a state funded school must now publish its admissions arrangements, especially its oversubscription criteria and the degree of oversubscription by school. The LEA is responsible for publishing an admissions booklet in autumn each year for parents which should contain the admissions arrangements for every school within the authority, including those which are self-governing.

Thirdly, the proposed admissions arrangements for every LEA maintained school must be circulated beforehand each year to other admissions authorities in the area, and be discussed in the new Schools Admissions Forum. If the forum cannot resolve a problem, then any admissions authority can raise an objection with the Office of the School Adjudicator (this power does not extend to parents, except where schools select wholly or partially by aptitude or ability).

The fourth new accountability mechanism is the Office of the Schools Adjudicator (OSA), which applies the code of practice. When a Schools Adjudicator investigates an objection, their decision is final, unless subject to judicial review for process. One of the ways of measuring dissatisfaction with the admissions procedures is to look at the number of decisions made by the OSA. In 1999–2000, the first year of operation, there were 68 decisions, but there were fewer than twenty in each of 2000–01 and 2001–02.

#### SELECTION

There are three types of selective admissions policy:

- (a) Grammar schools-wholly selective by academic ability;
- (b) Partial selection by ability; and
- (c) Partial selection by aptitude.

There are 164 grammar schools in England, accounting for 4.7% of schools and 4.5% of secondary school students. A study by researchers at Sheffield Hallam University for the DfES found that an additional 61 schools (1.7% of the total) use partial selection. Sutton Trust research, which looked at 56 LEAs, found that 76 out of the 1,292 schools surveyed (5.9%) use partial selection. If this pattern was repeated across the country, this would mean 5.6% of schools use partial selection.

We feel that this is likely to be an overestimate<sup>3</sup>, but given that the Sutton Trust partial survey found more schools selecting than the “complete” DfES study, it seems clear that the DfES figure is a significant underestimate.

Our survey also found significant differences between different types of schools. No voluntary-controlled schools selected part of their intake, and only a small number of community schools did. The percentage was much higher for both voluntary-aided and foundation schools:

	<i>Sample</i>	<i>By ability</i>		<i>By aptitude</i>		<i>Both</i>	<i>Total using partial selection</i>	
			%		%			%
Community	807	4	0.5	7	0.9	(1)	10	1.2
V-controlled	27	0	0.0	0	0.0	(0)	0	0.0
V-aided	238	14	5.9	15	6.3	(5)	24	10.1
Foundation	220	11	5.0	35	15.9	(4)	42	19.1
Total	1,292	29	2.2	57	4.4	(10)	76	5.9

<sup>3</sup> Our survey did not include the North East (where there are no grammar schools) Yorkshire and Humberside (where there are a small number) and the South West (where there are slightly more than the national average).

We estimate that about 80% of schools which use partial selection are self-governing, even though self-governing schools account for just 30% of the total. The percentage of schools which select is also much higher in London than elsewhere. Only 10% of partially selecting schools are in Metropolitan LEAs, even though Metropolitan area schools make up 31% of all schools.

#### OVERALL

It is clear that school admissions is a very complicated area. Over 1,200 admissions authorities apply different policies on selection by faith and/or academic and/or aptitude, using a selection from 18 different oversubscription criteria. The picture is further complicated if parents decide to make multiple applications, which may cross LEA borders and procedures.

But despite-or perhaps in some cases, because-of this complexity, parental satisfaction with the system is high. 85% are satisfied with the admissions process<sup>4</sup>, and 91% are satisfied with the outcome. Just 0.5% of parents felt they had no or limited choice. 85% were offered a place at their favoured school, with just 4% not being offered a place at one of their named preferences. Interestingly, half of those who were dissatisfied with the outcome had been offered a place at their favoured school, suggesting they felt constrained as to which schools they could apply. And this is the key: in the case of school admissions, “choice” is something which is disproportionately available to the middle classes.

This is particularly the case in London, where school quality is starkly different between and even within boroughs. In London, just 68% of parents are offered a place in their favoured school, and 12% launch an appeal (compared to 4% elsewhere). London parents are much more likely to apply for a place outside their own LEA (33% against 11%) and apply to more than one admissions authority (54% against 30%). 40% of London parents did not apply to their nearest state school (30% elsewhere). It is clear from a large number of press articles (*The Observer*, 24 August 2003) that this is a very important subject for parents in London. We would suggest that the relative ease of travel in the capital and high concern about the state of schools in some boroughs-whether justified or not-contributes to the problems in London.

October 2003

*Witnesses: Sir Peter Lampl*, Chairman and founder of The Sutton Trust and *Dr Tessa Stone*, Director, The Sutton Trust, examined.

**Q331 Chairman:** May I welcome Sir Peter Lampl and Dr Tessa Stone from The Sutton Trust to our deliberations. We are mid way really through our year on secondary education, where we have been looking at a range of issues and coming to the conclusion in that year on report—and we have been reporting out the different discrete sections as we have done them—that school admissions is one of the most challenging areas we have looked at. As I tend to say to the Committee, we are getting dangerous because we are learning something about it at this stage. We are in a situation where we are looking for guidance. The Sutton Trust has a reputation for finding that particular niche which gets us all thinking and the study you commissioned from the London School of Economics certainly got people thinking about social mobility and what the education system is contributing to that. In terms of the admissions system on which we are focusing today, what part do you think the admissions system in this country contributes to that decrease in social mobility, or do you think that has nothing to do with it?

**Sir Peter Lampl:** Before I answer that may I say a couple of words? First of all, Tessa Stone will contribute as appropriate, she is my colleague. Thank you very much for the invitation to come here. Yes, obviously the social mobility work which was done at LSE has shown that in fact social mobility has declined in this country over the last 30

years or so and it is actually rather disappointing. The movement towards a comprehensive system was meant to make us more socially mobile rather than less socially mobile. The problem is, as we explain in our memorandum, we do not have a comprehensive system. We have private schools where parents with the means can opt out, we have grammar schools which are selective schools, we have church schools where there are many opportunities for covert selection; I am not saying they necessarily do it, but there are certainly opportunities. That is a big percentage of schools; our data says 17% of secondary schools are church schools. You have a lot of special cases and the data we have put together in looking at high performance schools shows that although we have all these rules which theoretically should be assigning children to schools in a fair way, in practice there seems to be something else going on. If you look at the best performing schools in the country, they have about 3% free school meals compared with a national average of around 17%. There is a lot going on here that is preventing us becoming a socially mobile society.

**Q332 Chairman:** Many of us who admire the work The Sutton Trust has done recognise that it has been pretty sharply focused—this has been one of your strengths—on helping bright children from poor backgrounds succeed. Some of us, when we are looking at this particular topic of admissions,

<sup>4</sup> Data on parental satisfaction and appeals comes from the DfES survey *Parents' Experiences of the Processes of Choosing a Secondary School (2001)*.

wonder how you square that with what happens to the kids who are not quite so bright and what happens to those if you are encouraging more of the bright ones to leave schools they would otherwise be in and go to schools where there is a concentration of bright young people.

**Sir Peter Lampl:** You are right that this is where we originally focused and where a lot our focus is. We have now developed the work of the trust and we now start with early years, in primary and secondary. We try to cover the whole spectrum. I think my view is that action at the top does not preclude action at the bottom or action in the middle. We have a problem in all areas. The kinds of things we are proposing, which are related to independent schools and grammar schools, are not in any way suggesting going back to a selective system or increasing selection. What we are saying is that there are some high performing schools out there, but when you look at the data they are almost exclusively the domain of well-off kids and we think there are some practical ways in which you can make those opportunities available to a wider audience. Just to address your point about the so-called creaming off effect, one of the things you will have read about is the school in Liverpool, the Belvedere school, which is an independent school where we have provided open access to everybody. The facts are that 72 children a year go to that school and we, together with the Girls' Day School Trust, are funding just over 50 a year, so it is over 70%. We take from all over Liverpool and surrounding areas. When you look at the transition from primary to secondary in the catchment area of the school, it is about 10,000 a year. We are looking at 50 who might not have gone to state schools who are going to the Belvedere school. It is not a big effect. What we are doing is recognising reality. There are these schools out there. We are into the seventh year of a Labour Government, little has been done in a meaningful way about independent schools in terms of working with them. Grammar schools are still here, seven years later. I am just recognising reality. These schools are there, they are obviously excellent schools and what we are trying to do is give kids who otherwise would not have the opportunity to go there, the opportunity to go there.

**Q333 Chairman:** Do you think there is an opportunity to develop your particular ideas in that regard through the modification of the charitable status of private sector schools?

**Sir Peter Lampl:** When you look at private sector schools, unfortunately they do not do a huge amount which is charitable. The biggest thing they do is spend just over 6% of their income on funding students who are not paying fees. They are subsidising fees. When you look at where that is going, about half of that goes on scholarships which are not means tested and are for up to a maximum of 50% of the full fee. So half of the 6%, 3%, is not really focused on the kind of kids we are trying to help who are kids who cannot afford the fees. If you look at the other 3%, you find that a part of that is used to fund the parents who get into trouble while

their kids are at schools; they are essentially people who have been able to afford the fees, but because of divorce or loss of job they then need funding. Part of that is actually used to fund teachers' children, which is a big benefit for teachers who go into independent schools. We estimate the amount of money actually left to fund children who genuinely need more than 50% of their fees paid is probably less than 1%. Yes, there is a lot more that independent schools could be doing and I made this point at the HMC conference; I made a speech there about this and said there was a lot more they should be doing in this respect.

**Q334 Chairman:** You have done a lot of work. Have any of your projects led you to the conclusion that they could be generalised? Are there things we could take up as a government?

**Sir Peter Lampl:** Yes, there are several. Let us stay with this topic; there are obviously SATs and higher education, but we are not talking about those. Staying with this topic, we are now into the fourth year of the scheme in the Belvedere school, we have proposed to the government that scheme be expanded to 12 schools. That scheme could be expanded to over 100 or 200 schools eventually. There is no shortage of candidates, of schools which would like to do it. These are schools which are in the inner cities, independent schools which would like essentially to have "needs-blind" admissions, as the Americans call it; we call it open access. This means that children are admitted to those schools irrespective of their ability to pay. That scheme can be expanded cost effectively; the average cost we are paying per pupil at the Belvedere school works out at about £3,400, because we are paying about 55% to 60% of the fees, that is the Girls' Day School Trust and The Sutton Trust, and parents are paying the rest. Essentially we have a partnership between sponsors, which in our case means us and the parents. If the government stepped into our shoes, they could be funding an excellent school for a little bit less than the full cost of a state school place. The economics of it work and we have suggested that initially it could be expanded to a dozen schools and eventually to many more schools. We could talk about the other scheme which is the Pate's scheme, but maybe you want to open up to other people. I should just like to say that the Pate's scheme, where we have taken a state school which has very low free school meals eligibility, and it has essentially become, like many good state schools, not just grammar schools but also comprehensive, a middle-class school and we are spending about £40,000 a year to put in a full-time outreach officer running master classes at the school for children from primaries in under-privileged areas. We have increased the number of children going to the school from these primaries substantially from an average of about 7 per year to 20 last year. We have also had 160 children<sup>1</sup> on enrichment classes who are all getting the benefit of spending time at a very good secondary school and creating relationships there.

<sup>1</sup> *Note by witness:* There are in fact, 130 children on enrichment classes, not 160.

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That is a scheme which could be taken up more widely. The one thing I have learned since doing this educational philanthropy is that positive intervention actually works, not just in the schools sector, but also in the university sector. There are two examples here. The success of the Belvedere scheme has been a full-time outreach officer at the school, master classes at the school, working with primaries. We take students from about 90% of the primary schools in the catchment area. This has been a scheme which has been generally accepted and taken up by large numbers of people.

**Q335 Jeff Ennis:** May I go back to your memorandum and the conclusion you drew about the fact that in the case of school admissions choice is something which is disproportionately available to the middle classes, and you have already quoted the Belvedere example and the Pate's scheme? In the types of LEAs I represent in Doncaster there is no independent sector. How can we develop a best practice model when there is no independent sector available over and above this Pate's scheme?

**Sir Peter Lampl:** I presume, like everywhere else in the country, Doncaster is an urban area, you are going to have a big disparity, some good state schools and some not so good state schools. There are several things you can do. The first is clearly that if you have a good state school which has a disproportionate mix of children from well-off backgrounds, you can do something positive at relatively low cost. I want to come on to a couple of issues, which have developed since we submitted our memorandum. One is to let children from less-privileged backgrounds know what choices are available to them. Very often they do not know. Middle-class people usually know. That is the kind of thing we are doing in Cheltenham. We are actually exposing them to the opportunity. The second thing is making that opportunity available if they decide they want to do it, or giving them a chance. Obviously in the case of an independent school this requires funding, but in the case of a state school, it just means they are sensitive to them applying. The other side of the coin, which I know some of your previous witnesses have talked about, has been physically getting kids to a school of their choice. Since we submitted our memorandum, we have had the Boston Consulting Group do a study of school transport, of getting kids to school. It is very obvious from that, for instance, if you take the bottom income quintile, that the average distance most kids travel to school is just over one mile. If you take the top income quintile in this country, they travel almost three miles. There is a huge difference. If you look at car ownership, the bottom quintile has about 0.6 cars per family. The top quintile has almost two. This is not just a matter of saying we have to provide transport. This is a big issue. In fact what we have looked in some detail at is school busing and it is a very exciting and interesting proposition. You can actually bus kids to school very cost effectively and do a huge amount for social inclusion. A lot of the reason for kids from less-privileged background not exercising school choice

is because physically parents cannot get their children there. Also, over and above just the educational thing, the cost benefit shows that if you bus all primary school—you could also bus secondary children—children who have to travel over one mile, it would cost about £180 million to provide the buses and save you £450 million in terms of saved time for parents, fewer environmental effects, saved time for everybody else. It is a very interesting proposition. I think something you need to think about as part of this inquiry is the whole transportation aspect of this.

**Q336 Jeff Ennis:** As the Chairman knows, I have mentioned home to school transport at a number of previous evidence sessions, not just on this subject. It seems to have a very low priority with the Secretary of State in terms of educational provision, because it is not directly into the classroom. It appears to me that you are guiding us more towards a hands-on involvement by the local education authority in terms of the school admissions policy. Would that be the case?

**Sir Peter Lampl:** Yes, I think it should be more proactive. To think that you are going to come up with a set of rules so theoretically everyone has choice is just not the reality. There are two things here. One is that the rules are quite difficult to devise anyway in the first place. Secondly, you cannot prove this but I always suspect that covert selection is always going on over and above the rules. To think you can just devise a set of rules which is correct is not the answer. You have to expose kids to the opportunities and you have to let them partake of those opportunities if they decide to take up those opportunities. Most importantly, you have to give them a way of getting there reasonably efficiently and I am advocating free school busing. Right now they cannot: unless you go to your local school you do not get subsidised to go to school. Even if you did, buses do not generally run from your home to the school. It can be very inconvenient to get from home to school on public transport. That is a big area.

**Q337 Jeff Ennis:** You have already indicated that we have a mixed economy in education in this country. There is no totally comprehensive local education authority area. Is there a model which you would recommend to the Committee in terms of achieving equity in school admissions, one which can favour kids from poorer backgrounds whose parents are not particularly interested in which school they go to as well as the kids from middle-class backgrounds?

**Sir Peter Lampl:** School transport, proactive intervention in situations are the key issues. In terms of getting the rules right, I have a lot of sympathy with having fewer admissions authorities. You have so many admissions authorities, the thing is so complicated, so many schools do their own admissions. You should try as far as possible to have the LEA do the admissions and go for that model. I have seen that some of the previous witnesses have testified to that.

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**Q338 Valerie Davey:** By contrast to Jeff's, my constituency has ten independent schools. The need there is to get the social mix in the 20 state schools. Would you be prepared to look at working in the other direction? If diverse social mix is a criterion of a good school, then we actually need it the other way.

**Sir Peter Lampl:** Yes, that is right. You have to get diverse social mixes as far as you can in independent schools and state schools.

**Q339 Valerie Davey:** So the admissions policy in Bristol needs to be looking at both.

**Sir Peter Lampl:** Yes. We have to take the independent sector into account in all of this and as far as possible I should like to include them in the solution. Just because they are not under government control, etcetera, it is really important. A lot of them would like to help. I think we have come up with a scheme which does make sense and is acceptable to a lot of independent schools, which is this voluntary "needs-blind" admission. I really think that can help the situation.

**Q340 Valerie Davey:** It helps the situation in independent schools inasmuch as you get highly academic youngsters from low income families, but it does not help in my situation because of the disproportionate number of schools from which that minority left would then be coming. Your proposal is actually based on academic selection, which is where I think the Chairman started. Academic selection in a situation like mine denudes the state sector of the relatively small numbers of high achievers if we are not very careful. I do want to say to you, that like you I am facing reality rather more than I did in the past. Therefore I met the heads of my independent sector schools last week. They are looking for options and opportunities to work with state schools and we are trying to come up with ideas which do not say to the state sector "You're not as good as us". They are sensitive enough to realise that you cannot just go around saying "You're no good. What can we do for you?". Have you any other ideas which you can relate to our situation, which might bring those links together in a way which is positively beneficial to both sides?

**Sir Peter Lampl:** We actually pioneered so-called independent/state school partnerships and that is originally how I got involved with the government. We got a couple of schemes going with King Edward's Birmingham and Dulwich College working with state schools and then the Labour Government came in in 1997 and abolished the assisted places schemes. I was introduced to Stephen Byers and we then got the independent/state schools partnership schemes off the ground. Those are helpful and actually that scheme could be much bigger than it is. It is running at about £2 million to £3 million a year and could be a much bigger scheme<sup>2</sup>. I do not really think it is the answer. It is a sort of sticking plaster. To have partnerships in all sorts of ways, joint use of facilities, classes, etcetera,

and we have funded and looked at all those possibilities, is well worth doing, but to integrate the independent day schools in the inner cities truly into the education provision for everybody is really the way to go. I agree that there will be some selection. You are not increasing selection as those schools are already selective, you are just maybe selecting some different kinds of people; other people will be being selected. At the moment well-off people have the opportunity to opt out of the state sector into what are by and large academically the best schools in the country. There was a headline in the *Sunday Times* which is what is wrong with this country. The headline said "Top state school in Reading got better results than Harrow". It damn well should. I am sorry, but Harrow is not a very good academic school. This was a huge "Isn't that amazing? They actually did better than Harrow". I am sorry, but when I was at school you could go to the best academic school in this country for free and that is the way it should be. We all accept that these private schools should all be better and we have to get away from this "Oh, it's a private school, we don't like you" or "It's a grammar school". There is too much dogma and ideology in all this. Let us try to be practical.

**Q341 Valerie Davey:** But also let us be fair. What you are actually saying is that what you want for the best youngsters is a social mix as well which gives them that edge.

**Sir Peter Lampl:** Yes, I want the best youngsters, who have the ability and the aptitude, to have the opportunity to go to these academic schools.

**Q342 Valerie Davey:** Where does that leave the rest?

**Sir Peter Lampl:** I am not looking at going towards a totally selective system. We are talking about maybe 100 or 200 schools. The main focus has to be to improve state schools full stop. We are focusing on that. That does not preclude doing something to open up the top end. That is all I am saying. I agree with you. We happen to be funding four specialist schools a year. I know you have doubts about that programme. I happen to think it has some merits. Most of our effort is focused on the state sector and improving general provision for everybody, but we would like to open up the top end as well.

**Dr Stone:** May I add that one example where this sort of scheme might best fit the situation you find in your constituency is in the outreach? In the Pate's scheme in particular the key to this is that you are not just dealing with a scheme which is interested in creating good recruitment for the school, you are actually dealing with a scheme where we have a full-time member of staff who goes into these primary schools for a morning a week every single week. That is the sort of interaction which, if you replicated it in the independent sector in Bristol you would have a dedicated member of staff who is providing outreach and relationship building as well. That is a key to the success of some of these things.

<sup>2</sup> *Note by witness:* It is running at about £1.25 million this year rising to £2 million in 2005-06.



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**Q343 Valerie Davey:** We are beginning to think, from my meeting last week, that someone as a catalyst effect, a neighbourhood link to other links, might be useful.

**Dr Stone:** Exactly and that develops a relationship whereby it is not the independent school saying “We’re better than you and let us help you”, it is much more developed.

*The Committee suspended from 4.30 pm to 4.40 pm for a division in the House.*

**Q344 Chairman:** Basically the evidence we get from the PISA studies and places like that is that the system which seems to benefit most children across the piece is a non-selective system entirely. How do you react to that sort of evidence or do you think it does not make any difference to the system we already have in the UK?

**Sir Peter Lampl:** As you know, in all previous surveys we actually did rather poorly. We did much better in PISA. We have a study under way to look at all that. I have lived in Germany, worked in Germany, owned businesses in Germany and I think their selective system works quite well. I know they did poorly in PISA, but they have done better in previous surveys. At the end of the day, according to PISA we do quite well at the 14 or 15 level. We have a big fallout at 16 and 17 and, if you look at the OECD data, when our kids get out into the big wide world, the workplace, we are way behind other countries in terms of the level of education and training. I think on a whole system basis that the jury is still out. It is a theoretical discussion: we are not going to go back to a selective system in this country, there is no way. We did it very badly, let us be honest. The people who were deselected had a pretty rough time and the method of selection was, and still is today, pretty bizarre: just to have a single test and then draw a line above a certain number and everyone above the number gets in and those below it do not. The way other countries do it is a better way to go. I am familiar with Germany where it is done by consensus, where people move between schools after they are selected. You could argue that maybe an unselective system, where you have some sort of setting in schools, works quite well. I am very happy to accept that. For the brighter kids, if you said to the average middle-class person who does not really have a political affiliation that they could send their child to a grammar school if they were of that ability—forget the system benefits—to an individual grammar school in an area, rather like my old school, where there is only one grammar school in Cheltenham, Cheltenham Grammar School, they would perceive that child would do better in that school than if he went to a comprehensive because he would with his peers and because there would be a certain ethos of achievement in the school, he would be getting better qualified teachers and people with degrees in the subject, all that sort of stuff. For the individual child, there is no question that a kid who is selected will probably do better in the selective system. Okay so there is a comprehensive school which has better value added, but people look at the

hard data which are the results at the end of the day. The value added stuff is very soft and suspect at this point. It cannot take into account what is a more important factor even than the ability of the child, which is the level of parental support. If I took two schools, one where they were all Afro-Caribbean or white working class and they all tested the same as another school with, say, Asian children or children from middle-class backgrounds, they could all test the same but you and I know at the end of the day as a headmaster that the school with the Asian children is going to show huge value added. Has that been added because the school has added that value? Is it because they have supportive parents, parents making sure the kids do their homework, making sure the kids behave properly, all that stuff? For the kid who has the ability, that child is probably going to do better in a selective school. From a system point of view, I agree with you if you have a wholly selective system, which we had in this country, and I am not at all advocating going back to that. It worked much better in Germany where there are three types of school and kids move between schools after the selection takes place and selection takes place at a later age, so I think there are lots of benefits there. The PISA stuff by itself is not the final answer on selection.

**Q345 Helen Jones:** We have heard from you about how you think children of high academic ability could be dealt with. Do you have any suggestions for how we might improve the performance of many of our children who are of average ability or even those who have a special need, using the system such as the one you have told us about? I think you will accept that it is relatively easy for a school to produce very good results when it has a highly academically selected intake. Have you done any work you would like to tell the Committee about on how we might improve the results for many of the other children in the system?

**Sir Peter Lampl:** One of the things we are funding, although we have not done any independent research, is specialist schools. We are funding the Phoenix school as a specialist school. We are looking at low-performing inner city schools where we put one of our people on the governing body, we put some money into the deal and work with those schools. I know there is a lot of debate about how well they do. I happen to think that the data which is produced is optimistic on their performance and the Committee came to that conclusion. Some of it does stick. The fact that they have to put together a strategic plan means the school gets more of a focus and in those sorts of ways, yes, we are working. The other route of City Academies is somewhat more controversial, just because of the amounts of money involved. I am not sure that investing £20 million or £30 million in a school for 700 or 800 children is cost effective. I cannot say I have a better idea, but something the Committee should be thinking about is persuading someone like myself to put a bit of money in, though the whole thing is mainly government funded. I really have a question-mark over whether putting that much money in one

school, new buildings, new staff, making it a quasi-independent school, is money well spent and whether it could not be spent more effectively in other ways.

**Q346 Helen Jones:** Would you envisage, under the system you outlined to us as a possibility, independent schools taking in, for example, children of average ability from poorer families as opposed to children of high academic ability from poorer families or even children with special needs?

**Sir Peter Lampl:** The selective independent schools on which we have been focusing will not want to do that and if you try to get them to do that they will say they are not going to participate in the scheme. It is very difficult. There are some independent schools, and you could talk to the Independent Schools' Council, which are less academic and which are prepared to do that kind of thing. You could expand the scheme to the less academic independent schools who are not taking a highly able intake.

**Dr Stone:** That is right. We tend always to focus on the highest performing independent schools. There is a vast selection out there. I was recently giving evidence to the Bedford Charity which owns four independent schools in the Bedford area and is currently considering what it should do with those schools and is thinking about the mix of intake. They have a very different attitude to selection than, say, the Belvedere does or some of the top academic independent schools. They are looking at a broader intake and wondering how best to make their bursary schemes serve the community in the best way they can. They are looking at special needs and they are looking at the sort of students you are talking about. There are enough independent schools out there with different approaches and different constituencies that it would be possible to expand it in a variety of ways.

**Q347 Mr Turner:** I take it that you believe that social selectivity is a bad thing.

**Sir Peter Lampl:** Yes; in general I agree.

**Q348 Mr Turner:** Is that because of its educational outcomes, or is there another reason?

**Sir Peter Lampl:** There are two reasons. One is the educational outcomes. I also think that you learn as much from the children you were at school with and at university with as you do from the school. It is a real shame that we have a system in this country where children go into independent schools when they are three or four years' old and they stay in that system the whole time and all they meet are children with the same sort of backgrounds. I think that causes a lot of problems in our society and the fact that children from less privileged backgrounds are not mixing with those children has a lot of social outcomes which are undesirable. That is one of the reasons I am very interested in bringing independent schools into the education provision for everybody, so you do get more of a social mix, both in independent schools and state schools. I really have a question-mark over this. At the moment people with means can afford to send their children to

independent schools and have nothing to do with the state schools. If that automatic right is affected, if the good independent schools are removed from that equation, I believe the knock-on effect will be that they will become much more interested in this. One of the problems we have in this country, which is totally wrong, is that people with means and good jobs and money are not really engaging with the state sector, because they are not part of it and they are not using it and they have an opt-out. If you were to close off that opt-out to a certain extent, like the Belvedere scheme, saying "Hey, you can't just come here because you can afford the fees" and a lot of those kids were to be displaced, there would be much more interest in the state sector, which would be a good thing.

**Q349 Mr Turner:** So it is soft educational achievement measures rather than hard educational achievement measures. I think you said both, did you not?

**Sir Peter Lampl:** I said both; yes.

**Q350 Mr Turner:** But the hard educational achievement measures . . . ?

**Sir Peter Lampl:** The hard educational achievement measures are if you let kids from less privileged backgrounds go to independent schools. There is no question that if you send the same child to an independent school—and this has been researched by LSE and the Institute of Education in London—as opposed to a state school there is higher value added in an independent school, just because of resources and all those sorts of reasons.

**Q351 Mr Turner:** In your statement you say that there has been a fall in mobility between the 1960s and 1970s on the one hand and the 1970s and 1980s on the other. To what do you attribute that fall in mobility?

**Sir Peter Lampl:** It is not me. I will tell you what the research attributes that to. Two major reasons. The first one is that actually the gap has widened enormously between the bottom and the top over that period. If you look at what people in the City were earning compared with teachers 30 years ago, not just teachers but working class people etcetera, that gap has grown enormously. This means that you have a bigger gap to jump than previously, in order to become more mobile. There is a bigger disparity in income. The second reason the researchers have come up with has been that although there has been increased educational opportunities which have been created over that period, they have gone disproportionately to well-off people and that has been because well-off people are getting their kids into independent schools, getting their kids into good state schools, getting their kids into university. You have seen the university participation rate for kids from the lowest social classes is about one in eight and at the top end it is eight out of ten. There is a huge disparity, much bigger than other countries, far bigger than the United States, where you are looking at 45% from the bottom income quartile getting into university.

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We are about 15% on that basis. What has happened is that although increased educational opportunity has been created in this country, clearly more people going to university, it has gone disproportionately to the haves rather than the have-nots.

**Q352 Mr Turner:** You are saying that increased educational opportunity was created between these two periods, that is the 1960s to 1970s, compared with the 1970s to 1980s.

**Sir Peter Lampl:** Yes; children born in those periods.

**Q353 Mr Turner:** I am sorry, I thought you were talking about those who went to school. Children born.

**Sir Peter Lampl:** They took a birth cohort from the 1950s and they took a birth cohort from 1970 and compared them 30 years later, the relationship between parents and children from the 1950 cohort compared with the 1970 cohort. They discovered that the earnings and social position of children born in 1970 was much more closely related to their parents' earnings and social position than kids born in the 1950s.

**Q354 Mr Turner:** Most people would observe that the biggest single change which took place for those who were born in the 1950s compared with those who were born in the 1970s, was the abolition of grammar schools or the large-scale diminution of the London grammar schools.

**Sir Peter Lampl:** That was one of the things which took place and the other thing which took place was big expansion in universities, which was another area of opportunity. I am not sure you can attribute that to the abolition of grammar schools.

**Q355 Mr Turner:** Attribute what?

**Sir Peter Lampl:** Attribute the decreased social mobility to the abolition of grammar schools. I am not sure that conclusion follows.

**Q356 Mr Turner:** You have no evidence to the contrary but—

**Sir Peter Lampl:** I do not have any evidence but what has happened is that we got rid of grammar schools in order to try to improve social mobility and what we put in its place was supposedly a comprehensive system, but it has not worked that way unfortunately.

**Q357 Mr Turner:** It has reduced social mobility.

**Sir Peter Lampl:** I am not sure. The school system has and the fact that many opportunities at universities have gone disproportionately to the middle classes. It is a combination of schools and universities which has done that.

**Q358 Mr Pollard:** Does competition between different schools and different types of school raise standards?

**Sir Peter Lampl:** You are talking to someone who has spent most of his life in business and has been competing in all sorts of businesses. In general I think that is true. We have a very strong independent

sector in this country. If you look at the surveys they are probably, arguably, academically some of the best schools in the world. One of the reasons is that they compete with each another and they are very competitive and they compete with state schools. I do think competition raises standards; I believe it does.

**Q359 Mr Pollard:** You implied at the beginning of your presentation that you were disappointed in the Labour Government. You said that six years in and we are where we are. I just wondered whether my reading of that was correct and if it was correct, what would you suggest should have been done?

**Sir Peter Lampl:** The Labour Government has been good in some areas and not so good in others. In terms of what was done in primary schools, in terms of raising standards, it has been great and that has been a good thing; what is now going on in secondary schools with specialist schools in another area. The Labour Government is trying to improve the general level of education in this country, which is a great thing. What it has not done is address the issues of social justice in my opinion, both at the school end and at the university end. I think it has stayed away from that for political reasons. It has been very disappointing that there has not been more action in this area of selection into schools, secondary schools. It has left the independent sector alone basically. It has said it is not going to challenge the charitable status, it has done a few partnerships, it has sort of ignored it. I do not think that is the right answer. It has not really done anything about grammar schools. I think the answer to grammar schools is not to abolish them, but to open them up and make them available to a wider audience. A lot of them are effectively free private schools for middle-class kids and that is wrong. In terms of improving social mobility and social justice, it has been very disappointing. In terms of trying to raise education standards overall, it has done okay. It has not changed the balance of who benefits from those. You are focusing on a really crucial aspect, which is how kids get allocated to schools and how it all works. There are so many things. I keep coming back to school busing which is a huge social inclusion issue, which government has not addressed: school transport. In the States and Canada it is very different. It is the school's responsibility to get your kid from home and to school. The school day starts when the kid leaves home and actually finishes when the kid gets back from school. It is very interesting. Here it is your problem. I am sorry, but if you do not have a second car, theoretically you have the choice to go to a school of your choice but in practice you do not. The government say there is actually school choice, but we all know deep down that a lot of people do not have school choice. What I am concerned about is to get real school choice.

**Q360 Mr Pollard:** It is interesting that you mention choice. I shall give you an example in my own constituency. We have a girls' school.

*Sir Peter Lampl:* What is your constituency?

**Q361 Mr Pollard:** St Albans; it is very middle class. It is heavily oversubscribed: 180 are admitted each year and they have about 300 applicants, so little choice there. It is obviously popular. Would you suggest that this school should be expanded so that it satisfies all the choice that is in the system?

*Sir Peter Lampl:* That is a very difficult question.

**Q362 Mr Pollard:** You have been forthright so far, Sir Peter.

*Sir Peter Lampl:* I do not have a strong view on this one. It is a very difficult question whether you let schools expand. There is obviously an optimal size for school and if you double the school because you have double the applicants, it is not clear that is going to work anyway and then you have to look at the effect on other schools. I do not have a strong view on that. There are many people better qualified to give you an opinion on that.

**Q363 Chairman:** There is a bit of me, when I hear some of the things you say, which would have thought you would support something like banding: a school with a diverse background but a range of abilities mixed together and educated together. That in a sense is as important for many people as your ability mix across the social divide. Are you against banding?

*Sir Peter Lampl:* I do not think I am. I still have some questions around how it really works in practice, because, as I understand it, maybe you or somebody can explain it, a school can elect a certain number of bands and then if it is over-subscribed it has to accept a certain number of children in relation to how many are in the band. I presume those children are then actually selected on a random basis. Say there are three times as many children or applicants in a certain band as there are places, I assume that is then done on a random basis. In a perverse sort of way, if I am in a middle-class area, there are going to be lots more kids in the top bands—I am just trying to think how it works—would it not behove me to persuade my child not to do so well in those tests and maybe there is a lot more room at the bottom end? It seems a little perverse. I do not know how it works. I like the idea. The other thing is that you are banding in terms of ability and not parental background and parental support is as big if not a bigger factor than ability. I believe you can assure an ability mix with banding, assuming everyone is taking the test straight up, but can you really assure a social mix? I am very interested in banding: I just have some questions as to how it might work in practice and whether it gives you the end result you want.

**Q364 Jeff Ennis:** I do not know that you would advocate it, Sir Peter, but you obviously put great store on getting a better social mix, which I totally agree with. Do you think we ought to have a minimum percentage of children which each school ought to have on free school meals?

*Sir Peter Lampl:* I do not want to come in and say you have to have a certain percentage. We have looked at the top 200 state schools and it is pretty shocking. They have 3% free school meals. I would say to all those schools, the London Oratories, the Pate's grammar schools—Pate's is doing it voluntarily—that they really have a social mix problem and we would like them to do something about that. There are ways of doing it and we have a model and maybe you provide the school with some funding. It has to be a soft touch approach. To go in saying everyone has to have at least 10% free school meals, the average is 17, is wrong. When you see the grammar schools on 2.1%—

**Q365 Jeff Ennis:** You certainly think schools should look in admissions terms at trying to—

*Sir Peter Lampl:* Absolutely. I would be saying to those schools, we would like them to work on their social mix, but in a sensitive way, persuading kids to apply.

**Q366 Mr Simmonds:** You said that competition raises standards.

*Sir Peter Lampl:* Yes; I think it does.

**Q367 Mr Simmonds:** You think competition raises standards. Assuming that choice is part of competition, do you think that a solution to the problem you are identifying is to increase the choice that parents have as to the number and type of schools they could choose to send their children to?

*Sir Peter Lampl:* There is a trade-off here. If you get too many schools coming in, if you have a completely free market, I am not sure I am really for that. If you just open the whole thing up, you are going to get even more differential choice between the well-off and the not-so-well-off. A certain amount of choice is desirable. I am not sure I would just say that every school is its own admissions authority and they have complete freedom of choice. I am not sure I would go that far. There is a trade-off here.

**Q368 Mr Simmonds:** Do you not accept that in the purest argument, if you had total free choice, people would not choose based on a monetary decision-making process? They would make a choice on what was best for their particular child, irrespective of the socio-economic background they came from. Therefore you would solve that socio-economic problem you are talking about.

*Sir Peter Lampl:* Yes, I think there is an argument for that.

**Q369 Chairman:** Just to conclude, okay, you have been in this business of delving into a whole range of very interesting areas for six or seven years now, if I remember rightly. If you were Secretary of State, what changes would you make in general? Is there anything in admissions that you would change that you think would be, not exactly a silver bullet but, the most positive way to change the system we have now?

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**Sir Peter Lampl:** What would I change in general? We have worked in a number of areas. University admissions need to be sorted out and we have a task force working on that, in which I am involved. That whole area, which you have looked at and we have all looked at, is something I would change. The other thing on the university side is university funding. Incidentally, I almost completely agree with your Committee's recommendations on that and totally support that and have come out in print on that. On the school side, what I would really change, is that one of the problems with education has been that there has been so much change, even in the short time I have been involved, which has been nearly seven years now, there have been four Secretaries of State for Education, five Schools Ministers, four Higher Education Ministers, a lot of turnover in the Civil Service. I would say that is no way to run a business and in my opinion this should be run more like a business and we should be coming up with more practical cost effective solutions to problems. I wish we could get away from ideology and really come up with practical solutions like the sorts of things we have proposed here. School busing should be looked at very carefully. Just one of the things I would focus on is looking at the school starting times; it is a really important issue. In the States there are three types of schools: elementary schools start at seven thirty, middle schools start at eight fifteen, high schools start at nine. That means you can bus all the kids and you can get three runs in the morning, a lot of trips in the middle of the day to take them to museums, etcetera, and you get three in the afternoon. It is a very efficient way of getting kids to school. One of the things, if I were Secretary of State, that I would be looking at very carefully, is starting secondary schools between 8.00 and 8.15

and primary schools at 9 to 9.15. We could then have at least four guaranteed bus runs per day and spread out the whole thing. The rush hour is becoming a huge issue. There are many practical things like that. I would like to see us getting away from things like City Academies, which are huge amounts of money and create big publicity, and trying to come up with practical, cost effective solutions to our education.

**Q370 Chairman:** You used the word "ideology", we did not. What ideological policy does this Government have which you would like to change?

**Sir Peter Lampl:** I think this Government is opposed to any selection. If ever I suggest doing anything with private schools or grammar schools—and I have suggested it to three secretaries of state now, they are not very interested, they just do not want to know. It is "I don't want to get involved with grammar schools and independent schools are not my department". That is one thing. There is a hostility to selection and I might share that but practically selection is taking place whether you like it or not. This ideological thing of not wanting to be involved in anything which is selecting is another problem. I find it amazing that this Government has used the private sector in health, in schools, in certain areas like running LEAs, etcetera, but in terms of the biggest private competence in this country in education, private schools, they have not really in any effective way to use that resource for the general good. I think there are some ideological reasons why that is. I should like to see us very practically use that resource. We have a proposal, and there are others, on how you could work with the independent sector in a meaningful way.

**Chairman:** Sir Peter, thank you very much for your time and your evidence. You have been as full and frank as ever. Thank you very much indeed.

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**Memorandum submitted by Dr Ian Birnbaum, Strategic Director, Learning for Life, London Borough of Sutton, and Chairman, Pan-London Co-ordinated Admissions Executive Board (SA 16)**

This written evidence is submitted by Dr Ian Birnbaum, Chief Education Officer of the London Borough of Sutton, who is writing here in his capacity as Chair of the Pan-London Co-ordinated Admissions Executive Board. This Board is responsible for overseeing and steering through the Pan-London Co-ordinated Admissions Project.

**BACKGROUND TO THE PAN-LONDON CO-ORDINATED ADMISSIONS PROJECT**

Through his work with the Department for Education & Skills in helping to put together the new framework and regulations for Co-ordinated Admissions, Dr Birnbaum established a framework for an approach to co-ordinated admissions throughout the whole of London. On behalf of London authorities Wandsworth Borough Council made a bid to the Office of the Deputy Prime Minister for funding to provide the information and communications technology infrastructure to allow this project to happen. The bid was successful and in April 2003 the ODPM made available £1,485,000 for the project.

**WHAT IS THE PROJECT?**

The project creates an infrastructure so that applications and offers for secondary school places can be fully co-ordinated across London. To understand how this will be done, we need first to summarise the key aspects of co-ordination which have to be in place by 2005.

Under the new regulations for co-ordinating secondary admissions each local authority has a responsibility as both a Maintaining LEA and a Home LEA. As a Maintaining LEA it is responsible for co-ordinating all the applications made to the schools that it maintains whether those applications come from parents inside the LEA or outside it. As a Home LEA it has a responsibility to ensure the co-ordination of applications made by its residents whether those applications are to its own schools or to schools outside the authority.

The regulations impose upon the Home LEA fairly minimal responsibilities for co-ordination but they do provide it with the power to go much further than this. The minimal level of co-ordination that the Home LEA must provide is to make available a common application form on which all residents will set out their preferences in rank order. The Home LEA is then required to send that information to admission authorities within the Home LEA and to other Maintaining LEAs for applications outside the Home LEA.

It does have the power, however, assuming there is mutual agreement between LEAs, to eliminate multiple offers arising from different Maintaining LEAs making offers to the same parent. The Pan-London Co-ordinated Admissions Project establishes this process across the whole of London and the LEAs adjoining London.

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

#### WHAT ARE THE BENEFITS OF ELIMINATING MULTIPLE OFFERS?

In essence one person's multiple offer is another person's lack of offer. By ensuring that no one gets more than one offer it should be possible to satisfy the preferences of far more parents at the point of which the offer is made. And because far fewer parents will be left with no offer under such a system it will also reduce the anxiety and frustration which many parents and pupils feel.

Whilst the system cannot guarantee that every pupil will be made an offer on offer date it will go a long way to ensure that most do. It cannot guarantee an offer for every child because in some areas a large degree of over-subscription will mean that only when multiple offers from independent schools and City Technology Colleges are removed will it be possible to allocate places to everyone.

#### HOW WILL THE SYSTEM WORK?

In order to ensure that all 41 participating LEAs co-ordinate their admissions effectively in what is a very complex operation we are using the ODPM grant to ensure that each local authority has a local admissions system and that these systems all connect to a Pan-London Register, effectively a central database. Each local admissions system will transmit information between itself and other local admissions systems via the Pan-London Register.

The applications and preferences from all residents will be input into the Home LEA's local admissions system. The system will then relay to all the Maintaining LEAs' local admissions systems those applications that are for those Maintaining LEAs' schools. The local admissions system in each Maintaining LEA will then receive from its local schools potential offers that might be made and will determine which single offer to make usually by offering the highest preference on the parents' form amongst those schools potentially making an offer.

That information will then be sent back to the Home LEA's local admissions system which will be able to determine, again by reference to the parents' form, which of the potential offers from the Maintaining LEAs it should make. Once again it will choose the one which is the highest on the parents' form amongst those Maintaining LEAs potentially making an offer. The information will then be relayed back to the Maintaining LEAs' local admissions systems which will then re-allocate any spare places.

The process will continue backwards and forwards until a steady state is reached. Once such a steady stage is reached it means that there are no multiple offers within the system. At that stage each Home LEA will be in a position to make a single offer.

Such a complex system could not operate without good quality local admissions systems and a database to connect them all together. Our project has commissioned such systems and a database is in preparation building on the ICT on-line infrastructure we already have in London, which we call the London Grid for Learning.

Some local authorities already have a local admissions system and the project will provide funding to ensure that they can interface properly with the Pan-London Register so that there is maximum automation in the process.

## WHY IS THIS PROJECT IMPORTANT?

This project represents the most extensive level of admissions co-ordination ever developed in the United Kingdom and possibly well beyond the United Kingdom shores. Indeed, it is probably the most complex piece of co-ordination ever put in place for local government. More importantly, in the context of the Select Committee's work, it represents a pilot project which could be rolled out for England as a whole and, indeed, it has been constructed with that very purpose. We envisage that within a few years of its going live in 2005 it will be possible to extend its operation so that admissions across the whole of England are co-ordinated in this way. That would mean that no one in England as a whole would receive multiple offers from maintained schools, and if City Technology Colleges can be brought into the arrangements, which we believe they should, only multiple offers from independent schools would remain.

## FURTHER DEVELOPMENTS

As well as this exciting project, London is also working with Hertfordshire on a parallel project which will put in place an on-line admissions system for parents from 2005. It is intended that London will be a pilot for this on-line project so that all London parents can, if they wish, make their applications on-line. This part of the project is at a very early stage of development since we are currently concentrating on establishing a co-ordinated admissions system. But we expect that both should be able to go live for 2005.

## CONCLUSION

We believe that what we are doing in London in relation to admissions is highly significant and that the success of the project will have considerable benefits for the parents and pupils of London and beyond. We will be very happy to talk further to the Select Committee about the project and its implications and we will be happy to provide further evidence, either in writing or orally, as required.

*November 2003*

### **Memorandum submitted by Mr Paul Robinson, Director of Education, London Borough of Wandsworth (SA 30)**

## THE LONDON CONTEXT

### *Features:*

- Hierarchy of schools in the eyes of parents which condition choice and satisfaction with the system.
- Large number of different admission authorities, a mixture of admission criteria and appeal arrangements.
- Significant movement of pupils across borough boundaries.
- Secondary schools with a large number of feeder primary schools.
- Highly developed independent sector, which attracts a higher percentage of able and motivated pupils than the national average.
- Large number of multiple acceptances of offers effectively blocking the offers to other children— a state of affairs, which will be largely though not totally eradicated by the new co-ordinated admissions, arrangements.
- Variable picture in terms of transition and attainment between Key Stage 2 and Key Stage 3.
- High pupil mobility means that in most LEAs there is a significant but changing group of children without a school place in-year (ie outside the normal admission round). Most LEAs do not have a common source of information, for schools for which they are not the admission authority, on which children are admitted and who is on waiting lists. When LEAs track children with no school place it is difficult to obtain up to date information, particularly for children getting school places in neighbouring LEAs.
- As vacancies appear in all year groups in successful schools during the year (because of mobility) this often means places are offered to pupils on waiting lists who already have a place in another school rather than placing children with no school place.

### *A few of the issues:*

- Building confidence and trust in the whole system.
- Balancing the interest of individual schools with a wider corporate responsibility to support the interests of all pupils.
- Cracking the conundrum of admissions outside the normal admissions round.
- Reducing the negative influences on the transition between Key Stage 2 and Key Stage 3 and building on the positive.

*Witnesses:* **Dr Ian Birnbaum**, Strategic Director, Learning for Life, London Borough of Sutton, Chair of the Pan-London Admissions Executive Board and **Mr Paul Robinson**, Director of Education, London Borough of Wandsworth, examined.

**Q371 Chairman:** May I invite Dr Ian Birnbaum and Mr Paul Robinson to join us? Thank you very much for joining us and thank you for spending your time listening to the earlier evidence session. Thank you very much for giving up your time. This Committee is looking at admissions. Although in the last batch of evidence we did roam very widely, we do really want to focus on the admissions area. In a sense, what we are trying to get under the skin of, is that if there is any indicator at all—and there is a group of indicators—the people who are least happy about the admissions policy in our country are those who live in London. This is your expertise and you come up with a very exciting proposal, the Pan-London Co-ordinated Admissions Project, which you are going to enlighten us about. May I start by asking whether you would like to say anything to kick us off? Could you encompass in part of what you have to say what you think is at the heart of the unhappiness about London's education at the moment? We have two leading parliamentarians who expressed deep unhappiness about the state sector in London just recently. What is going on in London that you would like to tell the Committee about?

**Dr Birnbaum:** That is a big question. You want us to focus on admissions, but obviously there are plenty of other issues to do with London schools. What we are about is trying to make access to schools in London as fair and open as possible. One of the features of London, partly a consequence, I guess, of some dissatisfaction with some schools in some areas, is that people are willing to move around quite a bit in order to send their kids to schools. We have a lot of cross-border applications. This makes for a very complicated system, a system where it is actually very difficult for parents, particularly those who are not used to dealing with complex systems, to predict what the outcomes are. So you have a situation where some parents are playing the system quite well and are ending up with perhaps as many as half a dozen offers and other parents, who are less able to play that system, end up with none at all. Ultimately the thing evens out and offers are made, but the anxiety which is involved for those parents who do not get any offers is very considerable. There is also the issue about the exercise of choice or preference and some parents do not seem to understand or expect that they will be able to apply for any school other than their local one. That may be true, but we want to provide a system which eradicates, as far as possible, those multiple offers I mentioned and also encourages parents to express their preferences. It does not solve the bigger London problem; an admissions system could not do that. It does provide a more equal playing field on which parents can make their choices.

**Mr Robinson:** It is a very complicated question and we could spend a lot of time talking about it. Least a perception of there being great choice, because schools are so accessible in London because of the transport network. You can get to many schools without it being too difficult a journey. There is a real

hierarchy of schools in the minds of parents, if they cannot get their first choice school, even if their second or third happen to be a very good schools, there is always going to be a degree of dissatisfaction. The accessibility of the schools combined with the reality when admission criteria are applied to over-subscribed schools means that a lot of parents are going to be disappointed. It means that a function of living in a conurbation is that there could be dissatisfaction, especially when, in terms of pupil performance, there is such a wide variety from very high performing schools, which is partly reflected in the quality of the education they get, but also partly a function of the ability of the youngsters, to schools which serve some of our most deprived estates and which have large numbers of casual admissions, including asylum seekers and where pupil performance is a lot lower. If you happen to be a parent whose child can only secure a place in that school, when you have ambitions to go to another one, you will be unhappy.

**Q372 Chairman:** The evidence suggests that most parents have a high choice; even in London quite a high percentage get the school of their choice, do they not?

**Dr Birnbaum:** There is no evidence for that in terms of admissions across boundaries, because parents at the moment do not rank their preferences across boundaries. At most what they do, if there is a co-ordinated system within their own locality, is rank them within that locality. Actually in many cases they are forced into a position where they have to say which is their most preferred school because that is the only one basically which will look at them. If they do not put that one first, then they will not get the next one. One of the features of the system we are going to talk about is that it does not do that, it removes that. It allows parents genuinely to say the one they most want. Okay their chances of getting it might be slim, but it is the one they most want so they put it first. The system we are proposing and in fact most of the local authorities in London have now signed up to this, would allow them to do that. Effectively, if they do not get their first preference, their second preference is treated as their first preference. That is very important.

**Q373 Mr Chaytor:** In view of the issues you have identified which characterise the situation in London specifically, given that you have both listened to the previous witness, is there anything in the evidence given by Sir Peter Lampl which you think helps resolve the London problem?

**Mr Robinson:** The commitment of people who are willing to invest time and money in state education is very positive. People have ideas about how we might improve education and enhance the links between the maintained sector and the independent sector and that must be a good thing. We must try to learn from one another. Where I guess I disagree with Sir Peter is that the problem, as I see it, is not with the high achieving, most able youngsters. They tend to



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thrive in most settings and when you can look at various pieces of research evidence, it is difficult to draw conclusions about which setting is best. Its possible that bright youngsters in grammar or independent schools may do marginally better than if they went to a good comprehensive school, though it is hard to be certain. The children the state has to look after and the children who are the most challenging tend to be the ones that are least wanted. These are the ones who are going to display challenging or bizarre behaviour, youngsters whose parents are perhaps not going to be supportive, pupils who are going to be difficult, the youngsters with special educational needs. By the way, there are some children with special educational needs who are wonderful to teach. If they have a hearing impairment or are partially sighted or if they are wheelchair-bound, everybody would like to educate those children, particularly if they are reasonably bright. The children folk do not want are the ones who are going to be awkward, cause disruption to lessons, children perhaps who have had a very damaged upbringing, those are the children we should measure the success of our education system by.

**Q374 Mr Chaytor:** How does the Pan-London Co-ordinated Admissions Project tackle that issue? Is it deliberately designed to distribute those children more evenly between a larger number of schools?

**Dr Birnbaum:** No.

**Q375 Mr Chaytor:** If not, are we not still stuck with the same problem of large concentrations of challenging children in certain schools?

**Dr Birnbaum:** It is perhaps just worth saying a little bit about what the project is trying to do.

**Q376 Mr Chaytor:** Before we move on could I just ask you, Dr Birnbaum, about Sir Peter Lampl's evidence as well? Do you think there is anything specific in what he has proposed, not just the fact that he has lots of millions to spend? Is there any single specific idea which would address the issues you have identified?

**Dr Birnbaum:** Like Paul, I think any degree of collaboration we can have across sectors is a good thing and indeed if, within the co-ordinated system, which we will talk about, we had independent schools as well, that would be even better. The issue is that you have high concentrations of pupils which most schools do not want in certain schools. That clearly affects their ambiance, affects their outcomes and it is solving that that matters. Going back to the Chairman's question right at the beginning, there are what used to be called sink schools, schools like that who for no fault of their own find themselves in circumstances where to be a high achiever is very difficult. They are a big problem and I did not actually hear anything in Sir Peter's evidence which would lead me to believe he had a solution to that and that is a big issue. You asked whether our scheme can do that. It is not designed to do that, to be honest. I guess what we are trying to do is limited, although that limited outcome is pretty complex. In

essence, what we are trying to do is to encourage as much flexibility as possible in terms of the preferences parents can make within the legal framework we currently have. We are trying to avoid the situation where at the point of offer some parents get a number of offers and others do not get any. To achieve that is quite a complex business. It sounds very simple. To achieve it just within a single authority is quite complex, to achieve overall is very complex. It is well worth doing because it is those parents who are more socially disadvantaged who generally find themselves with no offer, or what they do is just put down their local school. It is to get away from that, that this scheme is there. Its outcomes are limited, but nevertheless they are very beneficial.

**Q377 Mr Chaytor:** From those parents who have been used to having three or four offers, do you anticipate some backlash when, on 1 March next year, they realise they only have one offer?

**Dr Birnbaum:** Obviously careful preparation will be necessary. Parents who used to get three or four offers would still in the end have to choose one. What we are asking them to do effectively is to choose in advance. Rather than wait to see how many they get, we are asking them to say up front which they most want and to put that first; what they second most want and put that second and so on. Having done that, having made that commitment, that then goes into the system and that is used. Those parents who used to get three or four offers arguably are still getting the highest offer that they wanted, it is just that they are making a commitment to what they want in advance.

**Q378 Mr Chaytor:** Will parents who wish to apply for a selective school as well as a non-selective school be able to get the result of the test for the selective school and if their child does not pass the test, will they then be able to insist on their first priority for a non-selective school?

**Dr Birnbaum:** Yes.

**Q379 Mr Chaytor:** How will that work between the date of the results of the test and 1 March?

**Dr Birnbaum:** Let me assure you first that we already have a limited version of what we are proposing in Sutton where I work. We have had co-ordinated admissions within Sutton for four years and we have one of the largest degrees of selection in the country with five grammar schools out of 14. It works and it works because if parents put down a grammar school first, it is because that is what they most want. They do not know at that stage whether their son is going to pass the test. Then they put the other schools they want. Later on their son or daughter takes the test or tests. If they do not get through, their second choice then becomes their first choice because they have not got their first choice. So they are not disadvantaged in any way by having put a grammar school down first or the other way round. If they want to put a comprehensive school first, they

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can do that. They do not have to second guess what the outcome is going to be and that is very important.

**Q380 Mr Chaytor:** Am I right in thinking this is a matter of contention in Kent at the moment and is the adjudicator about to give a revised adjudication? If the adjudicator's final decision were that this was not an acceptable form of practice because it gave those parents who wished to put their children into a selective school two bites of the cherry, how would you respond in terms of the Pan-London Project?

**Dr Birnbaum:** As I understand what the adjudicator is minded to say, this is about individual schools' own admission criteria. There are several schools in Kent who have criteria which include a requirement that they be put first. In a sense they are operating a first preference first system for them. Kent is putting forward what I have just described, which is the equal preference system, and is arguing that there is an incompatibility between what the county system is and individual schools saying "You must apply to us first". In a logical sense there is not an incompatibility because there is a strict distinction between what each school does in terms of applying its criteria and what the local education authority does in dealing with all the potential offers which are coming from various schools. In that logical sense there is none. I have to say it is up to the adjudicator in the end what he says, but I believe that there is an incompatibility in terms of outcome if he allows that to happen. If an authority, having got a scheme which allows that degree of flexibility to parents, then has schools which can override it by saying they have to be put first, that seems to me to undermine the whole scheme. I do not know how Kent have argued it with the adjudicator. I would hope, even if the adjudicator is minded and goes ahead and does that, that if the same thing happens in London, we would want to argue very strongly that there is incompatibility of outcome here whatever the logic of the case.

**Q381 Mr Chaytor:** Given you said the co-ordinated scheme is designed to make the whole process fairer for more parents, would you accept therefore that it is incompatible to have a system which gives certain parents two bites of the cherry? How can you defend the equal preference if the objective of the scheme is to make it fairer across the board?

**Dr Birnbaum:** The equal preference does not give anybody two bites of the cherry. What it is doing is asking what you most want and if that school actually offers you the place, then that is the one you will get.

**Q382 Mr Chaytor:** But if it does not, then you have a fallback position.

**Dr Birnbaum:** That is right; if it does not, what do you second most want, what do you third most want? The problem with a first preference first system is that it forces parents to guess in advance what is the most likely outcome. They may not most want the school which is saying if you do not put us first we will not consider you, that is what they are

saying in effect. They may not most want that school, but they may have to calculate that if they do not put that school down because of where they live, they will not get anything else. What that system is doing is taking away their choice completely. What the system is doing which we are describing is opening it up. In that sense there does seem to be an incompatibility between the two objectives.

**Q383 Valerie Davey:** It is interesting that we focused, rightly, on London with its complexity but other areas of the country are looking at your system. Do you think it is unique to the London diversity or are there aspects of it which you think will be taken up in other areas in the country?

**Dr Birnbaum:** The need to co-ordinate admissions is something which is a nationwide one. Indeed within the legal regulations there is a requirement for a limited amount of co-ordination, co-ordination within each authority. The issue with London is that there is a great deal of cross-border movement, a great number of cross-border applications and that is why it matters so much to London. What I have just described also happens on the edges of almost every other local authority. Even if you are in a county—and remember that we hope we are going to have eight counties which are going to be part of this system—if you are living on the edge of a county then you are probably going to be applying to more than one authority. In that sense, there is still a need for some degree of co-ordination across boundaries. If that does not happen, then you are still going to have multiple offers. Whilst the size of the authority means it is not as pressing in some areas, it seems to me it is still necessary. We would see our project perhaps in time being rolled out across the whole of England, a form of UCCA system really I suppose. Quite what happens to Wales, I am not sure, but that is certainly a possibility for England.

**Q384 Valerie Davey:** No less a person than the Chief School Adjudicator reckoned it was going to crash at some stage, three, five, seven years down the line on the London basis, so taking an Englandwide basis it looks a gone conclusion. What was your reaction to Dr Philip Hunter's comment and how do you feel about it?

**Dr Birnbaum:** I think we all want an evidence-based approach. I was not sure what evidence he was using to make that judgment because clearly we have not tried it before and indeed even the UCCA system, complicated though it is, does work as a system. I would not be suggesting that we roll it out to the whole of England straightaway, of course not. I think we need to get it right in London and London is the hardest nut to crack. If we do get it right in London, then the orders of magnitude to go from London to the country are actually not that great, because logically the process is the same. We will have in our system a number of failsafe elements, and I do not just mean technological failsafe elements but legal elements, which will mean it is possible, if a particular authority does not actually give the information it should, for that authority's offers to have to be made by it alone and you take

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that out of the co-ordination system. The way the law is currently written that will be quite legal. It would be foolhardy of me to say no, there will be no problem, because there probably will be, but we will solve as many of those problems as we can up front. I am much less pessimistic than Philip Hunter on this. I did not see where he got that evidence from but he is entitled to his views as the Chief Adjudicator.

**Q385 Valerie Davey:** Do you feel Sutton is working? How far have you got with it in Sutton? Is that your pilot in a sense for seeing what would then happen?

**Dr Birnbaum:** Not really. We have been doing it for some time in Sutton and it does work in that we maximise the number of offers we can make, we have not had any technical difficulties, the schools like it, the parents like it, there are fewer appeals, that sort of thing. So Sutton is a long-standing pilot, but there are several authorities this round who are trialing part of the system, trialing the in-borough co-ordination bit of the system. That will work through this year. By the end of this round, we will have about 12 authorities which have tried it. Of course the big one is the inter-borough co-ordination. We will be testing that in advance with our database, but that will happen for real in 2005. That has never been done before, so we cannot know whether—

**Q386 Chairman:** Could we bring Mr Robinson in, in terms of this customer satisfaction or what he sees from the Wandsworth point of view? How are your teachers and parents responding to this new system? What is your judgment?

**Mr Robinson:** We are all holding our breath because this has never been done before. Whenever you are working with 33 London boroughs and over 400 schools and dealing with technology, although the technology is fairly straightforward and not too complicated, I suppose you can, if you allow yourself, have the odd sleepless night about it. The prize is such a wonderful one though. If your constituency were in London, the postbag would be very heavy with letters from parents who were unhappy that late on in July, even in August, they still had not secured a place for their child and the only reason for that being that other parents were holding onto multiple acceptances of offers. This system will almost eliminate that. At the moment the City Technology Colleges and Academies may be outside it. They can join, but they need to choose to join. Additionally, there will still be parents who will apply both to the maintained sector and to the independent sector and may not let you know until late in the day whether they are going to accept a place in a maintained school.

**Q387 Chairman:** They might also apply to a religious school. I understand that the Oratory, for example, which we all know about, will not entertain anyone who does not make that school both in terms of faith and in terms of first choice. They will not entertain them at all. They do not have to join your system, surely? There will be a whole patchwork of religious denomination schools who will not opt in.

**Dr Birnbaum:** This is what I was saying earlier about the distinction between the local authority co-ordination aspect and the individual school's criterion. I guess the example you have given of religious schools has led the adjudicator to be minded to say what he is saying in relation to Kent, where it is not church schools which are doing that. Logically there is no incompatibility. What we are saying is that parents can put their choices down one by one and in terms of the way we will decide which place they get, we will give them the highest amongst those which are making an offer. However, if there are some schools—and the Oratory is one—which will only make an offer to a parent who puts them first, in the case of the religious schools they generally do that because it shows religious commitment and that is what they argue. Then parents have to take account of that. If they put the Oratory second, it is still true that if they do not get their first choice, then we will give them their second choice, if it is being offered, but if the second choice is the Oratory, the odds are very low that it will be offered. Do you see what I mean? The Oratory will still be part of the system, it is just that because it is requiring parents to put it first, then it is operating its own first-preference-first system in the school. That is legal, we cannot do anything about that and we have to live with it.

**Q388 Jeff Ennis:** How effective is the current school admissions code of practice? Is it working? Does it need to be beefed up? Are admissions authorities giving it due regard?

**Dr Birnbaum:** It is very early days; the current code of practice is very new. It is hard to answer your question in terms of how effective it is being. What it contains within it, backed up by regulation—as you know from previous evidence, the code of practice itself is not a requirement, it is something admissions authorities have to have regard to—does allow us to do what we are proposing to do in relation to co-ordination. We could not do it really if we did not have the backup of the regulations. Basically, schools just would not opt into it. They are required to opt into a limited part of it and we believe it will be possible to get them to opt into all of it. In that sense the code of practice is very welcome.

**Mr Robinson:** Yes, I would agree with everything Ian has said. The other parts are quite new and interesting and we shall just have to see how it works. The fact that schools are no longer allowed to interview youngsters is particularly important for those schools with a religious character. The fact that I guess the government has given the lead to Children Looked After with admission authorities being asked to give priority to them is also important. In London authorities have embraced these ideas or are looking at them very seriously at the moment. We would probably want to give it a year or two before we answered your question properly.

**Q389 Jeff Ennis:** I guess we are going to have to wait a few years in terms of the Pan-London Project. Eventually, if you feel there are inadequacies within

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the current code, will you be making submissions to government to try to improve it? Is that the intention?

**Dr Birnbaum:** Absolutely. We have worked quite closely with the government in formulating it. I was on the small working group which was set up to look at it. The original intention of the government was a much grander scheme than they have in the code of practice. Originally the government were proposing a fully co-ordinated scheme across the whole of England, which was a bit foolhardy, but there was a time at which that was being proposed.

**Q390 Jeff Ennis:** Why do you think they have drawn back from that?

**Dr Birnbaum:** We actually made a representation to the government from London and said that from our point of view we felt that was a step too far and that we could see the merit of what was being proposed, but to go from nothing—by nothing I mean a number of authorities not even co-ordinating admissions to their own schools—to a system where you had co-ordination across the whole of England would be an extremely bold step. I talked earlier in passing about the Wales position and I was not being flippant. Wales of course is not included in this and that is quite interesting. If you are on the Welsh border, quite what happens I am not sure, if you have a fully co-ordinated system.

**Mr Robinson:** I am sure you are going to ask us later, but just in case you don't, I want to put a marker down so that we may be able to come back to it. In London, apart from the issue of co-ordination which has caused a lot of unhappiness and *angst* among parents and pupils, locally elected members and officers, the other issue which is a cause of concern and which we think we need to crack, although I cannot say to you that I can answer, is to do with additional and casual admissions and the fact that we have such high pupil mobility. That can have a profound effect, not only on the youngsters, but also on individual schools. There is a real job to be done behind the scenes, trying to win the hearts and minds of head teachers and other admissions authorities, which you may want to talk about later.

**Chairman:** That is a very important point.

**Q391 Jeff Ennis:** Are there any omissions in terms of criteria which ought to have been included in the code of practice with regard to school admissions?

**Dr Birnbaum:** One of the things the code of practice does not really tackle, is the schools' own admissions criteria, except in general terms. Obviously there are general statements about it, but it is pretty vague compared with some of the more precise statements. Clearly it is a hot potato and the question is how specific one wants to be about admissions criteria. It is partly because the code of practice is as vague as it is on that, that we have the situation in Kent, for example, where it appears that the adjudicator is going to say that it is perfectly satisfactory to have a scheme which the government itself is actually imposing of an equal preference scheme, but that individual schools can do something which is

different in outcome to it. It is partly because the code of practice is so vague about criteria that that situation comes about.

**Q392 Chairman:** It is not only vague, it can be ignored. It is not binding, is it?

**Dr Birnbaum:** No, that is true. It has to be held in regard, but if it said something rather more about, for example, the relationship between schools' own admissions criteria and the co-ordinated scheme, then I would say that the adjudicator, because he would have regard to the code of practice, probably would have been minded to say something different to what he is going to say in the current situation. Whilst the code of practice is not binding in the sense that it is not legal, not like regulations, because there is an adjudicator and because he has gone on record saying that actually in most cases he will be guided by the code of practice, that is what will happen. After all, we may have schools which interview, even though they are not supposed to under the code of practice. I guess what will happen there is that will be referred to the adjudicator and then the adjudicator will say "Sorry, you can't do that because the code of practice says you should not do it".

**Q393 Chairman:** So it is not mandatory, it is patchy because of the religious schools saying they must be the first choice. We are getting to a very strange position in terms of the assessment of this code of practice, are we not?

**Dr Birnbaum:** I am obviously not here to defend the code of practice, heaven forbid I should do that.

**Q394 Chairman:** You would like it to be toughened up. This is coming through every word you are saying.

**Dr Birnbaum:** This is a very difficult area. I can see why the government have not toughened it up, because the matter of schools' own admissions criteria starts then to impinge upon a whole number of other issues in relation to what degree of self-determination there should be for a school versus central policy and how important parental preference is compared with an assessment of need, those sorts of issues. These are big issues. I do not doubt that. The code of practice does not actually deal with those at all; apart from Children Looked After it just does not deal with them at all.

**Q395 Mr Turner:** My authority, which is the Isle of Wight, is the one which can opt out of the Pan-England Co-ordination Admissions Programme. Could you tell me how many parents were left with no offer in, say, August, over the most recent three years either in each authority in London or in your own authority or somewhere?

**Dr Birnbaum:** In my authority, and it would be interesting to compare it with Wandsworth, we have a co-ordinated system and there were no parents without offers.

**Mr Robinson:** In Wandsworth you are in the low teens. What you are facing may not necessarily be the same parents and the same youngsters who did

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not have an offer say in June and July. What we tend to unearth are pupils whose parents have not bothered to make an application. The education welfare officers, using their lists and by knocking on doors often discover that nothing has been done about applying for places for some youngsters. Then you find that a number of families have moved into the area and perhaps did not know they were going to move into the area until the last minute, or perhaps they did and did not do anything about it; so the education welfare service picks up those. There is quite a chunk of youngsters in this category. It is not always a problem associated with the function of the admissions system, it is simply that some unique and curious cases are being picked up.

**Q396 Mr Turner:** Rumour has it that Bromley, Croydon, Sutton have operated these co-ordinated schemes. I do not know whether that rumour is correct. Could you describe the effect of introducing such a scheme in your borough and what you know about the other two boroughs I have mentioned? Also, how does it happen at the moment in Wandsworth?

**Dr Birnbaum:** As far as I know neither Bromley nor Croydon have operated a scheme, although Croydon is looking to operate the same scheme as the Sutton scheme. Sutton have done this now for four years. The situation before that was that we have nine different admissions authorities in Sutton across the 14 schools, the eight schools which are foundations or voluntary aided and the six community schools. We had a limited degree of co-ordination across the six community schools, but the other eight operated their own system so a parent could get four or five offers and did. Remember there was no legal basis for this, it was entirely voluntary. What we agreed with the schools was that in the interests of a better deal for parents, we would co-ordinate the admissions in the way I said earlier, but I will quickly go through it again, that all of the schools would agree that parents should put down the schools they want to apply for in the order they want them and that schools would be bound by that. That works very well. We use software because it is quite complex to do it. Parents understand it; it is more difficult to understand than the other system. The outcomes are better. That is the system we have in Sutton at present.

**Q397 Mr Turner:** In Sutton is it done independently of the local education authority? Is it an independent body like the pan-London one is proposed to be, or is it the LEA doing it on behalf of Sutton?

**Dr Birnbaum:** It is the LEA doing it on behalf of schools, although there is a Chinese wall between the LEA as an admissions authority and the LEA as a co-ordinator. Incidentally, the pan-London scheme will also still have the LEA doing it. It is just that there is another level above in the pan-London one, but it is still at an LEA level.

**Mr Robinson:** As in a number of authorities, in Wandsworth we have three voluntary aided schools, four foundation and three community schools. They all jealously guard their autonomy. Many of the

schools until a few years ago had their own selective tests, because a number of schools have partial selection. The approach we had in Wandsworth was to encourage the parents to apply to as many schools as they would like, wait until they received multiple offers and then decide which one they wanted to hold onto and then let the others go. This caused lots of problems. The first thing that happened was that the schools agreed with the authority that we needed to introduce a single common test which would be taken on a single day, rather than schools all having different tests and youngsters having to sit lots of tests. The schools also agreed with us that we should move to a co-ordinated arrangement which, when the code came out, we deferred introducing because we wanted to implement the approach which is now set out in the code. We would have introduced a system similar to that in Sutton, even if the new code had not been published.

*The Committee suspended from 5.56 pm to 6.06 pm for a division in the House.*

**Q398 Helen Jones:** I should like to go back on something you mentioned earlier, if I may? Could you tell the Committee how widespread are the use of admissions criteria by schools which are contrary to the guidance in the code? I am talking about both formally stated and informal methods for admissions.

**Dr Birnbaum:** I can only talk for my own authority, to be honest. I do not have evidence beyond that. What I guess I would say in general terms is that any authority which knows that some of its schools have admission criteria which are incompatible with the code of practice does have a line of action, which is to refer it to the adjudicator. The chances are very high that the adjudicator would say that such practice could not continue because it is incompatible with the code of practice. That is a general answer to your question. I do not know of any schools in Sutton which have criteria which are incompatible with the code of practice. Having given you that general answer, perhaps I could just add one thing. The way the system is framed does make it difficult for authorities because it is adversarial. We do want to work in co-operation with schools as far as we can. It is therefore difficult sometimes for an authority to get into a situation where it takes some of its schools to the adjudicator because it does not like their practice. I am not saying that is what should happen. I believe an authority should be robust. Probably part of the reason that some of these practices go on is that there is that tension in terms of an authority's desire to maintain good relationships with its schools.

**Mr Robinson:** I am not aware of any formal cases when admissions authorities are not abiding by the code. There is a perception, some rumour and anecdotal evidence about things which go on which are a little bit untoward, but it is very hard to get the evidence to substantiate that.

**Q399 Helen Jones:** You referred earlier in your evidence to the particular situation in London where there are lots of cross-border applications between

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authorities which perhaps in other areas of the country only applies at the margins. I should like you to tell us, in the light of that, how the Greenwich judgment has affected your two authorities. Do you think it will still remain relevant after the implementation of your co-ordinated admissions project?

**Dr Birnbaum:** The Greenwich judgment clearly does have an effect in that it means that admissions authorities—and it only applies to admissions authorities of course—cannot have criteria which differentiate between applicants on the basis of their local authority area. In practice, that means that it would not be possible for grammar schools, which are effectively regional schools, and over 50% of our children in grammar schools come from outside Sutton, even if they wished to, to have criteria which restricted that, which certainly used to be the case some time ago. That is the first bit. The second bit is what is the relationship between what we are saying and the Greenwich judgment? The Greenwich judgment is unchanged as a judgment although clearly the court would have to re-interpret it in view of the new legislation—and as I understand it, the new legislation does not actually overturn the judgment—and what we are proposing is compatible with the Greenwich judgment.

**Q400 Helen Jones:** Does that mean that there are many more people within your authority area who do not get their first choice of school within the local authority area than there used to be before the Greenwich judgment?

**Mr Robinson:** It is very difficult at the moment, because we do not ask parents to rank their preferences, to know whether folk are getting their first preference or not. It is only after we have the co-ordinated arrangements in place and parents are able to list their preferred schools in rank order, that we will be able to make a judgment about the proportion that are getting first or second preference. It is going to be very difficult to make comparisons with the time prior to the Greenwich judgment. Unlike Sutton, Wandsworth is an inner London borough and at one time the schools were part of ILEA. The distribution of the schools often does not make an awful lot of sense in terms of borough boundaries. The natural catchment areas, in so far as there are natural catchment areas in London, cross borough boundaries. If people, for example, were looking to their local school, it is possible that youngsters in Lambeth would look to come to some of the schools which are located in Wandsworth. Equally, there are some estates in Wandsworth where the nearest secondary school is in Richmond. In a sense the Greenwich judgment is almost an irrelevance to people locally; they just see schools as the local one for them.

**Q401 Helen Jones:** The admissions project you are working on, certainly from the sound of it makes life easy for the parents in applying to schools. Would it help in any way to tackle the problem which you

highlighted earlier where some schools are taking far more than their fair share of children with problems? If it would not in your opinion, what would?

**Dr Birnbaum:** The answer is that it will not, because the main determinant of some schools taking a large proportion of children nobody else wants is that they are not popular in effect, so they have places available and those children who cannot get a place anywhere else get them there. Because schools' criteria are often based upon distance and because we know that there is actually a geographical relationship between socio-economic status and where you live in effect, you inevitably get some schools which are going to take more pupils who are difficult because of their background; they are more challenging. The system we are putting in place does not tackle that at all, because we are allowing parents still to make their decisions based upon what they want. We are allowing schools to set their criteria based upon what they require to measure over-subscription, as long as it is in line with the code of practice. What will make a difference? It follows from what I have said that the only way you can tackle that is to be much more centralist about where children go. You have to start to reduce the degree of parental preference, that bit, and start to increase the element of central determination. Only in that way could you get a different mix. This has happened before in the aforementioned ILEA and indeed that was actually done. You asked about banding earlier. Banding will not solve this because each band is not dealt with randomly, it is dealt with in relation to the over-subscription criteria. In the end if that band is not full, then you have to go down to the lower ones. So you can still get a higher proportion of children in lower bands because you cannot fill the upper ones. It is a very difficult issue and it really would require a very prescribed element of central determination to put it right.

**Q402 Helen Jones:** What in your view—it would be helpful if you could give the Committee your view—ought to be the balance between individual parental preference and outcomes for the education system in London as a whole.

**Dr Birnbaum:** That is a political question, is it not?

**Q403 Helen Jones:** No, it is an educational question about how you get the balance right.

**Mr Robinson:** Clearly some very important principles collide. There are issues of school improvement, parental preference, the best outcomes for youngsters and in a way, as somebody involved as a professional officer within the education system, I am quite pleased to see that a political judgment needs to be made here. I would say the nut to crack, if we are trying to make headway, is not going down a centralist route in terms of the way you sort out applications in year seven, it is the issue I talked about before, ie casual admissions. It is this issue that does exacerbate some of the problems schools in the most difficult situations face and exacerbates the problems which some of the children and families face. It is a fact that a high proportion, a very high proportion, of the

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most needy are admitted on a random basis at various periods in the year, and do accumulate in a few individual schools. You can either try to find a way of winning hearts and minds to ensure all schools accept a fair proportion of those children—and that is obviously what Ian, myself and other colleagues are trying to do when we are talking to heads and governors—or you find a way of shaping the funding system in favour of those schools that admit a disproportionate share of those children and look at other ways to support those schools. So, for example, I know that the Association of London Government—this will not go down very well with MPs who do not represent London constituencies—are making a case for extra funding because of the extra cost associated with the education of each child with high mobility. They probably cost between an extra £4,000 to £13,500 each. You could change both the grant system which goes to authorities and then the fair funding formula which allocates the money to schools in such a way that takes account of that level of mobility and turbulence.

**Q404 Mr Pollard:** Moving on to choice, preference and selection, I live in Hertfordshire and represent St Albans, which is a very middle-class area. We have pupils coming from Barnet, Brent, Harrow and Enfield into our schools and we also have migration from the north to south coming from Luton and Bedfordshire. That is essentially for two reasons. One is that our schools are excellent. Secondly, we have a lot of single sex and faith schools and that is where the attraction is. I just wonder how that would fit in with your model. It was suggested earlier on by Sir Peter Lampl that if we did away with faith schools it would be better. I would not support that under any circumstances, but would that help the situation, do you think?

**Dr Birnbaum:** What, doing away with faith schools?

**Q405 Mr Pollard:** And single sex schools.

**Dr Birnbaum:** You are asking some difficult questions.

**Q406 Mr Pollard:** It is a quick one, yes or no.

**Dr Birnbaum:** Probably not actually. Faith schools clearly exist historically because that is the way schools were established; they would not be there if they were not faith schools. That is part of the difficulty, is it not? Quite what it means to ask, if there were no faith schools would it be better . . . ? You could argue there might be fewer schools because of that unless you actually took them over. The issue is about the degree to which schools should be able to determine their own admissions and what criteria they use to do that on the one hand and the other circumstances, which are social circumstances, the need of the child, on the other. It goes back to what we said earlier. That in the end is a political question and it is very difficult educationally to draw the balance between them. In terms of your situation in Hertfordshire, we hope Hertfordshire is going to come into this system, so that degree of movement will be co-ordinated.

**Q407 Mr Pollard:** Do all parents have equal access to choice and finding their way through the systems which are in place for such choice?

**Dr Birnbaum:** Probably not; not that the information is not available to all parents equally, not that we do not make a real effort to try to reach out to parents who probably are the least able to guide their children through the system. It is simply that you are obviously starting with an uneven base and some parents do find it very difficult. A lot of our time is trying to reach those parents. The greatest assets we have are the primary schools, the head teachers and the teachers there and the governors and they do an awful lot in getting out to those parents and letting us know when there are problems and we obviously try to make up for the difficulties they have working their way through the system.

**Q408 Chairman:** May I just push you on one element of this particular topic? You are both very experienced in this. If there were a person or family living in a borough of London which had some poor performing schools and the choice was not very wide, what would be their chances of leaping boundaries and getting into a high performing school? Is there any chance at all? Is it regularly done? Is it easy to do?

**Dr Birnbaum:** It depends obviously on the criteria which those high performing schools are using. If they are using mostly distance and siblings and if those parents do not live near to the school, the chances are very small. If, on the other hand, they are using other criteria such as the London Oratory, which uses religious affiliation, then it is clearly possible to widen the net because distance is not the only criterion. If they are selective schools, that is they are selecting on ability, then once again you have the possibility of travelling further.

**Q409 Chairman:** If you were the brightest kid in London or, let us be realistic, a fairly bright child and you wanted to go right the other side to a grammar school within London, would you have a good chance of getting into a selective school?

**Dr Birnbaum:** Yes. In Sutton, although the selective schools do reserve some of their places on the basis of distance, subject to your being of the right academic level, they all have places which are not related to distance at all. If a child is very bright, yes, he/she could travel from one end of London to the other to go to a Sutton school or indeed a Kingston grammar school. Of course the problem is getting the child there; there are those impediments. If you have good comprehensive schools in areas like that where children are getting in in relation to distance, then somebody on the other side of London would not have a hope of getting in.

**Mr Robinson:** What you do not want to be is a first born child, you want to have ten brothers and sisters who are older than you, all of whom have got places in different schools so you have a wide choice. Or, if there is a very good school you like, you want your parents to have enough money to buy a house which is almost next to the school and that is why there is some house price inflation around certain schools.

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10 November 2003 Dr Ian Birnbaum and Mr Paul Robinson

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The system is in many ways an unjust one and an unfair one. However you try to alter admissions criteria, you are still going to come up with a degree of unfairness.

**Q410 Chairman:** By and large, if you are a middle-class professional, you can move and get a reasonable school in London. Yes?

**Dr Birnbaum:** Yes.

**Q411 Chairman:** That is the truth.

**Dr Birnbaum:** Yes.

**Mr Robinson:** Or if all else fails you can buy your child an education, provided you satisfy the independent school section's criteria, whatever they may be.

**Q412 Mr Turner:** Could you quantify the reduced number of appeals and the house price inflation around good schools? Two very different questions.

**Mr Robinson:** I could not. I have drawn on other research, which I do not have at my fingertips.

**Dr Birnbaum:** I have some figures for Sutton. Over the last three years the number of appeals has gone from 329 out of 11,000 applications to 103. Of those only eight were upheld, whereas out of the 329, 22 were upheld; it is roughly the same proportion being upheld but obviously there is a reduction. There is no doubt that in Sutton we have seen a reduction in the number of appeals. Incidentally for a relatively small authority 11,000 is quite a shocking number of applications, is it not?

**Q413 Mr Turner:** On the funding model, given that you proposed it, would you be willing to use your powers of innovation under the 2002 Education Act to double, triple, the funding for these most undesirable pupils? Would that help the schools?

**Mr Robinson:** Most authorities will have some sort of special criteria related to funding. It may be based on free school meals. We had an element in our fair funding formula last year in Wandsworth which dealt with pupil mobility as a way of trying to capture some of these youngsters. I have to say that whatever you try to come up with in a basic formula for distributing money at a school level, there are always other parts of the school community which will point out that they are at a disadvantage and there is an unfairness in it. We are constantly trying to find a way which achieves a fair distribution of the money and supports the children most in need.

**Q414 Mr Turner:** You have described the pan-London. Am I right in saying that it does not matter much whether there are 30 or 300 admissions authorities?

**Dr Birnbaum:** That is right. The number of admissions authorities is not the determining factor in relation to the way the scheme works.

**Q415 Mr Chaytor:** Equally, does that not follow that the fewer the admissions authorities, the simpler it is to operate a co-ordinated system?

**Dr Birnbaum:** In a way it is. If the local authority is managing all the admissions because it has mostly community schools, then arguably there is less data. Having said that, in practice in Sutton for example, although we have six community schools, we actually treat them in the same way as the foundation schools and they determine their own admissions; it is one of the ways to keep the Chinese wall. In a sense you are right.

**Q416 Mr Chaytor:** In Sutton each of the community schools has its own admissions criteria.

**Dr Birnbaum:** We are the admissions authority but they actually apply the criteria for us.

**Mr Robinson:** That is an issue, is it not? It is rather inconsistent that certain schools are their own admissions authority and other schools are not. You would either say make all the schools admissions authorities or none of them and that you are very clear about it. In terms of the code you are very clear about the role of government, and very clear about what local authorities can do. It is also necessary to allow local authorities the levers in order to influence what is happening in admissions authorities if they are the schools and the governing bodies. It is that sort of balance which you are looking to work with.

**Q417 Mr Chaytor:** You are both arguing for a slightly stronger role for the LEA in co-ordinating the whole process.

**Mr Robinson:** I want enough in order to try to win the hearts and minds of those people who are making decisions ie schools are individual admission authorities. Sometimes I think it would be very nice to have in my back pocket more leverage than I have at the moment. If I do not have that leverage, I shall still try to persuade and influence people.

**Dr Birnbaum:** The code of practice and the regulations give us enough authority to co-ordinate admissions. What it does not give us so much leverage on is each school's own admissions criteria.

**Q418 Mr Chaytor:** May I move on very quickly to appeals? Now that I understand we have an agreed formula for calculating the capacity of every school, why is there a need for an appeals process?

**Dr Birnbaum:** It always was the case that schools had their published admissions number.

**Q419 Mr Chaytor:** The formula which now applies is more . . . ?

**Dr Birnbaum:** Related to capacity. In the end appeal panels have to take a view on the needs of the child and the parental case versus what the school can bear. In legal terms, there still is a place for an appeal authority to judge. Although the admissions authority will be saying that on efficiency grounds it cannot take any more, they may make a judgment that they can because of the needs of the particular child.



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**Q420 Mr Chaytor:** Mr Robinson, do you think that the current arrangements for the appeals panels are satisfactory, or do you think there ought to be a greater distance between the appeals panel and the local authority?

**Mr Robinson:** I know that the Council on Tribunals have talked about regional appeals. It works reasonably well from my experience for community schools where effectively parents come to the town hall to have appeals heard independently. There is a perception amongst parents that when you apply to a voluntary aided school or a foundation school and the appeal is heard in the school itself, even though the people are appointed by the governing body and are not the governors themselves, that maybe does not provide the distance and independence they want. There may be an issue there to look at. I think it is a question of perception rather than there being anything particularly wrong with those appeal panels but I know that some parents are worried by it.

**Q421 Mr Chaytor:** Does each of you have a figure for the cost of the appeals process in your own authority? It would be interesting. I do not know whether research has been done on this across the country, but I suggest it is a staggeringly high figure which would surprise most people. Can you give us an indication?

**Mr Robinson:** I had a feeling this might be asked, but having said that and having talked to my people, I have not been able to find a figure yet.

**Q422 Mr Chaytor:** Would you be able to, if you went back and gave it some thought? Would you be able to write to us with a reasonably reliable estimate, because it would be valuable information?

**Mr Robinson:** I shall do my best.

**Dr Birnbaum:** I am sorry, I do not have a figure. Obviously I have the number of appeals and certainly I know that less resource is being expended because of the reduction in the number of appeals, but I do not know precisely what that resource is.

**Q423 Mr Chaytor:** Could you let the Committee have something?

**Dr Birnbaum:** Yes, I could do an estimate.<sup>3</sup>

**Q424 Chairman:** This has been a very good session. May I finish by saying that one thing coming through is that you have a fund of knowledge which we want to continue tapping into? If you would not mind, we will follow up this session with some queries from our staff and special advisers. A last

question I want to ask is that many people in this complex world of education say that if it is not broken why fix it? What are a couple of advantages you see in the system which make it better? You are still going to have a whole range of schools people who are less likely to want to go to and a whole range of schools they really would like to go to. What is the purpose of all this hard work creating a new system?

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

**Mr Robinson:** I cannot really add anything to that. The system may not be broken at the moment, but it has been creaking for a while in London and this will oil that a little.

**Q425 Chairman:** You are both public servants. If you were a politician, would you not be a little worried that the most articulate and able grouping of your population which can manage to work the system so well that they get four or five offers, is suddenly going to be stopped from doing that? Are they not the very chattering classes which can make your life as a politician very difficult?

**Dr Birnbaum:** I experienced this first hand because I introduced the system in Sutton and Sutton parents are known to be fairly chattering.

**Q426 Chairman:** Not as bad as St Albans.

**Dr Birnbaum:** No, probably not. We will have to compare notes on that. Yes, it is difficult, but it is a matter of explaining that actually you are not taking away choice, the situation is the same. It is just that they have to decide up front what they most want rather than being a bit more leisurely about it and deciding when they know what they are being offered. That is the main difference. Once you get that across, it is not as radical in relation to choice as it first seems.

**Mr Robinson:** My experience is that when you explained things to people they apply common sense and they can see that it is right, that this is what we should be doing. In part why we did not do it before was because we did not have the technology. Now we have it I believe people will support it.

**Chairman:** This has been most informative and we are all very grateful for your attendance. Thank you very much.

<sup>3</sup> Note by witness: See Ev 107.

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**Letter from Dr Ian Birnbaum, Chair, Pan-London Secondary Schools Admissions Project to the Chairman of the Committee (SA 53)**

**LONDON SCHOOLS ADMISSIONS SYSTEM**

I noted with interest the report in last weekend's Observer (No 10 insider fuels school selection row, 29/02/04). You will recall that when I was invited to present evidence to the Select Committee I was keen to point out that the outcomes of co-ordinated admissions to secondary schools across London are, in the context of the committee's wide-ranging inquiry into schools admissions, limited. Nevertheless, they are very beneficial.

As you will recall, the aim of the London Schools Admissions System is to make the admissions system fairer by giving all parents the single best offer of a place in a preferred school on the same day. It will lead to more parents getting a preferred school earlier with fewer getting no offer at all. The new system will be simpler for parents, easier to manage and reduce the workload for schools, because far fewer parents will drop out after offers are made.

I was disappointed, therefore, to see that the article painted the system as one rife with risk—a view I appreciate that committee members may have taken from Dr Philip Hunter.

I thought, therefore, that I would take the opportunity to update you on the progress of London's co-ordinated system. I am delighted to say that all 33 London boroughs and eight education authorities surrounding the capital have now signed up to the scheme and all of its core elements. I am also pleased to report that the development of the technology that will allow us to speedily and efficiently transfer information about applicants between the participating authorities is going well and on schedule. Of course, any system like this is dependant more on people—the politicians, admissions officers, school based staff and, to some extent, parents themselves—than it is on technology. But the technology will be an enormous help, though, like all such systems, it carries an element of risk. Because of this, we are putting in place a number of safeguards to minimise the risk and maximise the benefits.

The key thing that clearly we have to avoid is a situation where on 1 March offers are not made. There are three situations which could cause this—only one of which involves the technology. We have designed the system to avoid all three, and it might be helpful if I set these out here.

The first risk is that a local authority fails to share the basic information about who has applied where to neighbouring authorities. This is actually a legal requirement so will have to happen nationally anyway. However, because in London we have put together a communications structure which makes it as easy as possible for this information to be shared, it is actually much less likely to be a problem in London . . . And to minimise the risk factor, we have set the deadline for sharing this information (which is mid-November) relatively early so that there will be time to chase up any authorities that have not relayed the information by the agreed date.

The second risk is that an authority will fail to share the information about the potential offers it can make with other LEAs. We have designed the system and constructed the admissions scheme in such a way that the impact of this would be minimised. All that would happen is that the Pan-London system would remove that LEA from the sifting process which eliminates all multiple offers. Offers would still be made on 1 March but the LEA which has been excluded would need to make the offers itself. This would mean that there would be some multiple offers but still far fewer than if we weren't operating the system at all. This situation would in fact be no different to the one that will occur in most of the rest of the country where coordination will be much more limited.

The third risk is that the computer system might fail. In order to reduce this risk we are making use of the London Grid for Learning infrastructure which is well developed and well respected—indeed the Grid has been chosen to be the new Regional Aggregation Body for the whole of London. We are also putting in place replacement servers which could be enlisted in, we think, the unlikely event that the existing system breaks down. Moreover, as each local system is freestanding and sourced from a variety of suppliers, it is highly unlikely that all could fail. We are also convinced that we have built in enough time for the final sifting process to allow us to recover if any breakdowns occur.

I hope this reassures you and your Committee that we have taken very seriously the risks involved and that we have minimised the possibility of things going wrong. We remain convinced that the system will offer significant benefits to parents and children in providing more offers earlier and avoiding the anxiety we know occurs when a child is made no offer at all. We also feel it will benefit schools in giving them much more reliable information earlier about their cohort.

Finally, I would like to give you advance notice of a launch event for our funders—the ODPM—and other interested parties—schools, suppliers, local politicians and project partners that we will be holding on Tuesday 22 June.

*5 March 2004*

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**Wednesday 12 November 2003**

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor  
Valerie Davey  
Jeff Ennis  
Helen JonesMr Kerry Pollard  
Jonathan Shaw  
Mr Andrew Turner

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**Memorandum submitted by Mr Brian Jones (SA 31)****1. INTRODUCTION**

This memorandum is written in a personal capacity and does not necessarily reflect the views of my former employers, the governors of Archbishop Tenison's School. The following opinions are based on my experiences within the inner London education system, after working for over 38 years in various types of maintained comprehensive secondary schools throughout the capital. During this period, I also represented my colleagues as a senior official of my then professional association. In January 1992, I was appointed Headmaster of Archbishop Tenison's C of E Boys' V.A. Comprehensive School in the London Borough of Lambeth. I retired from this position on 31 August 2003.

**2. CURRENT ADMISSIONS PROCEDURES AT ARCHBISHOP TENISON'S SCHOOL**

At the School, the governors operate a "banding" admission system to ensure a balanced academic intake. This involves Year 6 primary school boys, who wish to apply for a place at Tenison's, being invited into the School after the Open Days and after they have completed an application form to take a National Foundation Educational Research (NFER) Cognitive Abilities Test (CAT). The testing process usually takes about three hours and the school can accommodate between 60–70 boys at each session. The children are required to sit a battery of tests:

- (i) Verbal (comprehension/literacy test)
- (ii) Quantitative (arithmetical test)
- (iii) Non-Verbal (IQ test)

At the end of the tests, all the papers are sent to the NFER for marking and approximately a fortnight later, the results are dispatched to the school. The NFER provide a score for each child in academic rank and alphabetical order plus various distribution graphs. They also provide an individual performance analysis for each child. The information can be used for diagnostic, predictive and banding purposes. It is very useful at this stage to have some indication of the levels of achievement that the child has the potential to attain at both Key Stage Three (SATs) and Key Stage Four (GCSE).

This information is also utilised by the school to place new entrants in their Year Seven tutor groups. Each tutor group comprises children of approximately the same academic ability, as reflected by the tests. Each child is placed into one of three bands. Band 1 = above average ability; Band 2 = average ability; Band 3 = below average ability. In recent years, the school has been heavily over-subscribed in each band. In these circumstances, the Governors have prioritised applications from bona fide worshipping Anglican families, followed by other Christian denominations.

Although as a church school the governors have the right to interview prospective pupils prior to offering places, the governors have chosen not to exercise this option. However, the governors do need to assure themselves that the child and his family will be supportive of the Anglican/Christian ethos of the school. In order to satisfy this requirement, the governors take into account reports from the primary school and local clergy.

Offers of places are usually made in January and parents of the successful children are asked to accept the offer within 10 working days. Parents of unsuccessful applicants are informed of the outcome of their son's application and of their right to appeal to an independent panel. For a variety of reasons, it is the case that not all offers are accepted. The school is then able to offer these places to other families in accordance with the admissions criteria.

### 3. SUGGESTIONS FOR LONDON BOROUGH CO-ORDINATION

Currently in Lambeth and surrounding LEAs, similar tests are being taken in different schools at approximately the same time. It is not unknown for a child to have taken the same tests up to three times at different schools in a two week period. This is clearly stressful for the child and wasteful in terms of administrative and other costs on the part of the testing schools. I believe that the time has now come for the local education authority where I worked (Lambeth) to discuss with the secondary and primary school heads, a way in which the whole process can be co-ordinated and streamlined. If agreement can be reached with the primary schools for their Year Six pupils to sit a *nationally* recognised test (eg one set by the NFER) on the same day, for which the papers would be marked externally, secondary heads would no longer have to make their own testing arrangements. Lambeth children would benefit by taking one test in the security of familiar surroundings without having the stress and trauma of visiting different schools in different locations.

I recognise that reaching agreement on the above will not be easy and the main obstacles can be identified as follows:

- Securing the agreement and co-operation of all secondary heads.
- Overcoming the initial objections of primary heads, some of whom would be opposed to testing, on ideological grounds.
- Ensuring that if the primary schools are to administer the tests, that they are conducted in accordance with the NFER requirements. If the requirements are not followed, the tests would be invalidated and meaningless, so some in-service training would be required.
- There would have to be a “*clearing-house*” system established by the Local Authority, which had the confidence of both secondary and primary heads and the parents of the children taking the tests.
- Special arrangements would have to be made for children attending schools or living outside Lambeth.

Currently, I regret to say that I do not believe the secondary heads would have confidence in the Lambeth LEA’s ability to co-ordinate or administer the process efficiently or effectively. Therefore, I recommend that this should be out-sourced to an independent agency. This agency would be responsible co-ordinating the system and for providing the secondary heads with the test results of children who had applied for a place at their school.

It would also be necessary for agreement to be reached between secondary heads for a unified date for notifying parents of the result of their application (probably a pan London date of 15 March). Again, the notification could be handled by an external agency through whom all applications for admission would have to be channelled. Parents, who would be invited to complete the form, indicating in rank order their preferences for a Lambeth secondary school, could use a common application form. This form could be completed with the assistance of primary heads and then submitted to the agency for processing. It might be possible, if agreement could be reached, for this form to be used for all secondary schools in Lambeth. However, cognisance would have to be taken of the views of the voluntary-aided Church schools, which would need to ask questions regarding for example, faith, worship attendance, etc. This may prove to be contentious as the voluntary-aided church schools might wish to continue using their own application form, but this would have to be used in conjunction with the agreed Borough application form.

During the process, the agency would obviously have to consult with the receiving secondary schools so that the latter could provide a list of children that they were prepared to offer places to, in accordance with their individual admission policy. The agency would then be responsible for liaising with the various schools to ensure that they were able to fulfil the wishes of the parents and the schools as best they could. On an agreed date, (possibly 15 March or nearest working day), parents would be made an offer of one school.

Such an arrangement has been reasonably successfully piloted, in the London Borough of Croydon, and this has considerably reduced the number of children without the offer of a place. It has also reduced the number of appeals because once this system is operative, the right of appeal will only apply to a family’s first preference.

I hope that the Committee will find this paper of assistance during their deliberations.

7 November 2003

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**Memorandum submitted by Mo Laycock, Headteacher, Firth Park Community Arts College,  
Sheffield (SA 32)**

SECONDARY SCHOOLS ADMISSIONS PROCEDURES AND CURRENT LEGISLATION

THE HIGHS AND LOWS OF CURRENT PRACTICE

*Context of Firth Park Community Arts College*

- 43% Free school meals.
- 47% On the SEN register for learning and/or emotional behavioural problems.
- 25% Black and ethnic minorities. A large percentage of refugees/asylum seekers.
- 1995 School in serious weaknesses. Mo Laycock appointed September 1995.

INDICATORS

- 77% attendance.
- 10% five + A\*-C GCSES.
- Falling rolls.
- Deficit budget.
- Poor community reputation.
- Low expectations within the school and community.
- Split site school. 1.5 miles apart. Students and staff travelling two to three times daily.
- No discussions on teaching and learning. "The community is to blame".
- Steady decline since the loss of the steel industry in Sheffield in the early 1980s.

2003

- Full with a waiting list and appeals into the school. 1,365 on roll 11–16 yrs.
- 88 teaching staff. 61 appointed by Mo Laycock.
- 5 + A\*-C GCSES 28% 2003.
- Specialist School Status in Performing Arts 2002.
- Extended School for Sheffield LEA 2003–06.
- One site new building and refurbishment completed Sept. 2000.
- Rigorous Self Review and a "can do/will do" culture.
- Excellent Ofsted inspections 1997 and 2001. "Leadership at Firth Park School is inspirational"

Ofsted 2001.

- Independent shared 6th Form College to open on our old school site for community 16–19 years old students—September 2004.

Situated in Sheffield Brightside political ward the 6th most deprived ward in the country. David Blunkett is our MP; "The Full Monty" was filmed in our area. High unemployment, single parents etc. Parochial community attitudes. Sex "n" drugs and rock "n" roll are alive and well in our community.

A whole school belief that "Firth Park is Fantastic" and can only get more Fantastic.

1995–2001 we suffered massive turbulence as a result of spare places. Statistics at their highest were 24% turbulence. Now much reduced as we are full as a school.

As a school in Challenging Circumstances and from 1995 involved in HMI monitoring visits, LEA focused support etc. the issues around admissions, spare places, being instructed to take difficult turbulent and consistently failing students was a massive challenge to us. In trying hard to improve and make a difference to the lives of students we were constantly hit with "critical mass" issues re the numbers of challenging, at risk, off the wall, failing students from dysfunctional families with low self esteem, low self confidence and no belief in education. These students demand copious amounts of time which we give freely and creatively. Yet many of their problems are outside of our control. This further damaged the school, had a detrimental effect on decent, hardworking students and have caused us nightmare situations/experiences including aggressive/violent parents/students and high rates of exclusion.

Having marketed the school well, improved results, worked hard on primary liaison strategies we are now full and not able to receive problem students. This means we are better off, but we have pushed the problem on to three to four other Sheffield Secondary schools in inner city areas with surplus places. This is not the answer to these problems.

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## THE CITY OF SHEFFIELD

Sheffield has huge socio-economic differences from Sheffield Hallam political ward and six schools with 6th forms being at the top of the league table and always full with waiting lists. Hallam is the most advantaged political ward in Europe.

There are 27 Secondary schools in Sheffield and they divide fairly easily into three groups of nine. Group I—the most advantaged areas of the city, including two voluntary aided RC schools with their own admissions and selections criteria.

Group 2—The middle of the road schools of nine in total. Mostly white highland schools in stable communities.

Group 3—The nine inner city schools. Of these the following factors pertain:

Special Measures × three schools

Serious Weaknesses × four schools

Fresh Start × two schools.

All nine inner city schools are now out of all categories and are improving at two to three times ahead of national averages. All have suffered/continue to suffer at the hand of current admissions legislation and turbulence issues. Current admissions legislation allows the other 18 schools to be full or nearly full and prevents them from having to take problem pupils, but these problem pupils also have potential and aspirations. It is quite unfair to expect schools with surplus spaces to have to engage these damaged and difficult students whilst also being expected to improve at an annual rate. We should be looking seriously at a brokerage arrangement to share the potentials and problems of such students across all 27 schools in Sheffield to ensure equanimity and inclusive education, as well as reducing critical mass problems.

Such a brokerage arrangement re admissions into schools is within current legislation and could be possible via local agreements to go above standard number dependent on school size. Alternatively the legislation could be altered to improve equity of admissions ie:

School A—To go over standard nos × three students per year group.	} dependent on school size
School B—five students per year group	
School C—six students per year group	

In so doing all schools would share the burden, potential and problems of turbulent students. The latter individuals would get a better deal and the arrangement would be a more fair and just one for all concerned.

## THE CURRENT SITUATION RE SCHOOL ADMISSIONS

I believe this to be a hot potato for any political party and electorate votes. The Labour Government has introduced an admissions Code of Practice. But there remains considerable scope for schools, particularly for those responsible for their own admissions policies and procedures and those in advantaged and over subscribed areas to select. This can be seen to operate at a covert and overt level.

I strongly believe that if education is ever to move to an even playing field that these anomalies need to be reduced.

All headteachers in urban areas should be seen to be jointly responsible for an effective education of all Secondary age students in an equitable way.

The educational reforms introduced in 1988 led to the development of a “quasi market” place in school education system. Allowing voluntary aided schools and GM (Foundations schools) to manage their own admissions arrangements equates to a selection process by creaming off the best. This also maximises their league table positions and is a self fulfilling prophecy, which says little about the quality of teaching and learning but more about positive/aspirant critical mass issues re students.

In 1998 the School Standards & Framework Act set a new legal framework for admissions, associated with a code of practice. This provided the LEA with an adjudicating responsibility but little else changed.

This Code of Practice allowed a pecking order of admission into a school based on parental preferencing and criteria i.e. sibling, catchment, SEN, feeder schools etc.

Such admission arrangements allow selection via voluntary aided, foundation schools and specialist schools where students and sometimes parents are interviewed re suitability for placements in the school.

Current legislation allows schools to select students in order to gain a balanced intake of ability known as “banding”. This legislation encourages certain schools to select a skewed cohort representation of higher ability students. This is not comprehensive education in relation to the ideal and equanimity.

Students with SEN issues, refugees and asylum seekers tend to be banded into certain schools with no selection criteria. The criteria in relation to religious beliefs is another anomaly for the comprehensive ideal.

In essence admission criteria are not objective or fair and some would contravene current legislation in relation to the Race Relations Act 1976.

In short, for some types of schools, there are clear opportunities to select certain students, assume the links between social background, prior attainment and exam performance, these practices enable certain schools to obtain higher league table positions than others (*see* West & Hind 2003). This has nothing to do with effective teaching and learning but is based on socio economic positions and a self fulfilling prophecy re League Tables.

Current legislation in relation to admissions criteria allows divisive practice and some schools “doing well” at the expense of others. This is not fulfilling the comprehensive education ideal and is not about teaching and learning, but rather more a self fulfilling inequitable prophecy which says more about where pupils live than the quality of education.

Other issues for some schools in more challenging areas who also have extra difficulties in relation to admitting asylum seekers and refugees and the unpredictability of these admissions whether students are able or otherwise. The funding to support such students via EMAS grants is woefully poor and does not meet the needs of such students. Schools have to make choices about mainstreaming such students, funding the budget resources to support them or alternatively ghettoising such young people in a separate contained pathway and provision. This again does not by any means meet the aims of the comprehensive school ideal.

I believe that legislation should change to ensure that community youngsters attend their community Secondary school only. I also believe that extra funding should be allocated to schools where levels of deprivation, turbulence, asylum seekers/refugees are high, to allow access to an even playing field. I believe all Secondary schools should take responsibility for all turbulent and difficult Secondary age students to share this potential.

The current admission process and legislation is fraught with anomalies and opportunities for some schools to exploit the system and be advantaged by these opportunities, whilst ensuring that other schools work under enormous and unfair pressures to ensure a process of improvement.

5 November 2003

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*Witnesses:* **Mrs Maureen Laycock**, Headteacher, Firth Park Community College, Sheffield; **Mr Brian Jones**, Former Headteacher, Archbishop Tenison’s School, Lambeth; and **Mr Mike Wood**, Headteacher, The Cornwallis School, Kent; examined.

**Q427 Chairman:** Can I welcome Brian Jones, Mike Wood and Mo Laycock to our deliberations and say that the Committee, as ever, is very grateful when busy people give of their time to help the Committee with an inquiry, so thanks indeed for agreeing to come this morning and help us really to increase our knowledge about the admissions process. We have been looking at secondary education for some months now—this is the final phase of an inquiry—and we are I suppose halfway through this final phase, so we are just about beginning to ask the right questions—or we think we are—but as you are all heads of schools perhaps you will give us an evaluation of our performance after you have heard us! Just to break the ice, can I ask if Mo Laycock could just give us a little background of your school and your experiences briefly? We do know it in a sense because you are were highly recommended by one of our members, Paul Holmes—

*Mrs Laycock:* A former pupil—when it was a grammar school, I hasten to add!

**Q428 Chairman:** He did not tell us that! He is unfortunately unable to be here because his wife is in hospital, so we have his apologies.

*Mrs Laycock:* My school is Firth Park Community Arts College in Sheffield; I have been the head teacher there since 1995 when the school was in a serious Ofsted categorisation. It is in Sheffield Brightside and my local MP is David Blunkett. At the point I went there it was split site, falling rolls, low expectations, poor community reputation; it has currently 47% of students on the special needs

register for learning and/or emotional behavioural problems, 43% free school meals, 25% black ethnic minority students, and a large proportion of those are refugees and asylum seekers. Its attendance at that time was 77%. We are now a one site school and full, with waiting lists and appeals; our results have gone up from 8% in 1995 to 28% this year and we reckon we will get 32% next year; we are a specialist school in performing arts which has been a significant area of development for the school, and we are the extended school for Sheffield. We continue to serve an area of considerable socio economic deprivation, and low expectations of parents. I think of our 1,365 students only four parents have gone on to university, so the issue about raising standards and the issue that is linked in with admissions and getting students to believe in the value of education themselves is something we work very hard on, because we cannot assume that parents are going to give education great value. In my first few years there in relation to admissions we had a spare places because the school was not popular, and I do not know how aware you are of Sheffield but it has huge socio economic divides. I live in Hallam which is the most advantaged apparently political ward in Europe and Brightside is the sixth most disadvantaged in the country, so in relation to the admissions issue I was instructed on very many occasions to take some of the most turbulent, difficult children in the authority whilst trying to improve the school whilst having HMI crawling all over us and that was hugely challenging. I am not in that situation now but it still features in other schools so I feel very strongly about the whole admissions issue.

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**Mr Wood:** I am head of the Cornwallis School in Maidstone; it is a specialist technology college. It is a Kent high school and the Kent selective system means we are what in old parlance would have been a secondary modern. Since 1989 we had 2% 5 As—Cs; we have moved up to 67%. I think the move from 2 to about 45% was very much on the same intake—in other words, the school had massive under achievement. We had gone GM to get independence from the local authority to try to push up standards because we felt that the local attitude, not the politicians but the local people, did not believe you could get a good education in a non selective school. We were about 800 strong at the beginning of the 1990s; now we are 1650. We had no sixth form until 1992. The sixth form now numbers just over 300. We do not have nearly as many free school meals, for instance, as my colleague here—it is about 7% now. Special needs is about 20%; at the beginning of the 90s it might have been just over 30%, so there has been a change in the intake, as I suggested earlier. About 55 youngsters have statements and we have improved things I think by simply believing in the youngsters and by trying to raise their self-esteem, by getting parental support, by lowering class sizes, by putting a lot of individual help in and a whole series of methods over a long period of years.

**Mr Jones:** I was the head of Archbishop Tenison's until I retired on 31 August of this year. I had been there since 1992. Archbishop Tenison's now is a very different school from the one I inherited. When I went there in 1992 they did not have special measures—it was a school of risk, that was the parlance of that time. Staff morale was pretty low; truancy was rife, as was vandalism in the school; expectations from the staff and the children were very low and there was little or no support coming from the Local Education Authority. We quickly realised at that time—when I say “we” I am talking about my governors and myself—that something fairly radical had to be done if we were to raise standards, and we decided with the parents that the best solution was to break away from Lambeth and become grant-maintained. That gave us the freedom as well as the enhanced resources to begin that very long journey of turning the school around. In 1996 1% of our youngsters got 5 and more A—Cs; in the last year I have figures for 56.2% got 5 or more A—Cs, and I think by anybody's reckoning that is a fair improvement. If one takes into account the ability of the cohort on arrival at the school, only about 16% of those youngsters could be regarded as above average, so we went from 16% which is what could have been predicted at the start of the secondary school, to 56.2%. We are in the London borough of Lambeth; about a third of our children come from Southwark, two thirds from Lambeth, and we get a small number of children from the other surrounding boroughs—Westminster, Wandsworth and Lewisham—but not too many. Eighty per cent of our children are black: 40% of the total being of Caribbean origin and 40% of the total being of African origin. You will see from the paper that I prepared, Chairman, that I have given you a detailed

breakdown of the ethnic results as far as that is concerned, and I think we are hoping that we can as a school dispel the myths that London schools cannot cope with black children and produce good results when 75% of our Caribbean boys get 5 or more A—Cs and 57% of our African boys do. I think I will leave it there.

**Q429 Chairman:** It speaks volumes. What you seem to be saying is that you can get a decent education in London in the state sector. This is about admissions policy so can I ask Mo Laycock, firstly, with the success you have had in driving up your achievements in your school, how far as you became a specialist college for the performing arts, did you use this 10% choice not on ability but on aptitude? Did you use it at all in order to change who you were getting into the school?

**Mrs Laycock:** No, we did not, and we will not. Indeed, Sheffield is quite an interesting city in relation to the fact that, with the exception of the two church Catholic schools, we are a city of 27 secondary schools that are comprehensive and we have very good collegial relationships with one another and with the Local Education Authority. So no, no Sheffield school selects apart from the two schools that are church schools who have their own admissions arrangements, so I feel strongly that I never would select. If parents opt for our school and put in a preference for our school because they have a child that is particularly good at the arts then they have to join in the normal arrangements for trying to get them a place at the school. The way that we have driven up standards is to work very hard with the community, with the primary schools, with the students to get them to believe in themselves, their own self esteem and self confidence. The arts have driven things up but no, we have not selected.

**Q430 Chairman:** As you have improved your school and as its reputation has improved in the community as a successful school, has a neighbouring school gone on the slide?

**Mrs Laycock:** In my area of Sheffield—and our area of Sheffield is where the *Full Monty* was filmed and where the Sheffield steel workers once lived—there are three other secondary schools and I think I put in my paper that two of those were in special measures a few years ago and have been fresh-started—Firth Vale and Parkwood—Hind House was in special measures so we were all appointed as head teachers at a similar time, so on a good day we think our schools are excellent and on a bad day we are as bad as one another. But the Local Education Authority is very good. The director of education there has very much a city wide approach to improvement and to support, but clearly schools like mine and my three other neighbouring schools have attained every strategy that is within the Government. I am part of an EAZ, EIC and all aspects of EIC are in my school; New Opportunities Fund, Objective 1, MTAG, MTAG EIC—in fact, when I met David Miliband he thought I had things



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in my school even he had not heard of! So it is about joining all of those up into a big picture and making sure you use those resources as well as you can to improve the school.

**Q431 Chairman:** So in a sense you are saying no, the other schools around you did not go on the slide.

**Mrs Laycock:** No, we have all improved hugely.

**Q432 Chairman:** Have you become less of a local community school? In terms of where your pupils come from, as your achievements went up, do you now find people travelling further away in order to come to your school rather than going to their local schools?

**Mrs Laycock:** No, because when I went to the school less than 50% of the local children were coming to the school. There was no belief in the school; they were travelling the city. We now have 94% of them back. We do have some spillage into the south west of the city where six schools do still have sixth forms and with that comes a whole other number of issues in terms of parental perceptions and their place in the league table.

**Mr Wood:** We use a 10% aptitude test, a standardised NFER test.

**Q433 Chairman:** What sort of specialism are you?

**Mr Wood:** Technology. I would happily drop the test tomorrow and have discussed dropping it with the local authority because we feel in a selective area it does not really make any difference. In other words, we simply are not bringing in children through that test. Whichever test you use it tends to correlate quite closely with tests for ability, so all it is doing is identifying who is going to be in the top 25% who go to grammar school anyway, so we feel it is having little or no effect. Where it has been used is over the years, as we became popular and people could not get in except within a designated area, as it were, then people from further distance used the test as a possible means of entering if they were particularly interested in coming to a specialist school. As far as the improvement in results goes, I made the point earlier I think that the year we had 2% we took in the brothers and sisters of those who got 2% and from those we achieved 45%. Beyond that point, the 45 to the 67/68 we have had in the last two years, I think there is some influence in terms of a changing intake.

**Q434 Chairman:** But did you introduce the 40/40/20 at that time? Was that your school or another?

**Mr Wood:** No.

**Mr Jones:** That was mine.

**Q435 Chairman:** So, Mr Wood, you do not do anything like that?

**Mr Wood:** No. I am not quite sure what it is!

**Q436 Chairman:** But you do the 10%. You cannot tell the difference between ability and aptitude?

**Mr Wood:** I think it is extremely difficult. It is very difficult to find anyone who will say they can give you a cast iron test which will demonstrate an aptitude for technology. We have tried to keep away from any test which required verbal ability—in other words, we tried to move towards non verbal tests. Earlier in the whole exercise we used a different approach which was far more based on an individual interview; then we were advised that that was not terribly objective. We felt that produced a more interesting spread of children, and we used to show them a video and get them to look at the problems of the elderly in terms of, say, opening tins and then show them a tin opener and say, “Tell us how you would re-design that”, and you got some very interesting responses from 10-year-olds, and then we were told, “Well, no, you must not do that; you must go to an objective test, because otherwise there might be some serious questions”, and we feel now what we are simply measuring, one way and another, is intelligence.

**Q437 Chairman:** So you do not interview now?

**Mr Wood:** No.

**Mrs Laycock:** I do not interview at all.

**Q438 Chairman:** Now, Mr Jones, you are the 40/40/20 school?

**Mr Jones:** That is right, we re-introduced banding into the school. You remember that the ILEA used to select for secondary schools on the basis of banding and when the ILEA disappeared in a lot of London boroughs, including Lambeth, the banding went out of the window with the result that our school very quickly became heavily skewed towards the lower ability end, and it was comprehensive in name only. It really was a secondary modern school, if I can put it crudely. After a lot of deliberation we decided that the best thing to do, in order to try and achieve a balanced intake, was to move towards a banding system. We had to get the permission of the then Secretary of State, Gillian Shephard, and that was not easy to get but eventually we got it, and what we do now is pre test the youngsters with a standard NFER test, a CAT test, which tests verbal, non verbal and numeracy, and at the end of the day we get a standard assessment score which enables us to place the children in one of three bands, Band 1 being above average, 2 average, and Band 3 being below average. If we are, and we have been every year, over-subscribed in each of these then as a church school various church qualifications come in, and those children who attend church regularly get priority over other children.

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**Q439 Chairman:** How do you know that?

*Mr Jones:* If they wish to get priority because they are bona fide worshippers we ask them to submit a form from their clergyman, their minister or their pastor commenting on their attendance and whether, in fact, they would benefit from an education in an Anglican school.

**Q440 Jeff Ennis:** For completeness, could I ask Mr Jones what percentage of pupils are on free school meals?

*Mr Jones:* It has gone down in recent years but it is somewhere around 40%.

**Q441 Jeff Ennis:** Do our witnesses accept the need for admissions to be co-ordinated in areas and, if so, who is best placed to achieve that sort of co-ordination?

*Mrs Laycock:* We think there is the need for co-ordination of admissions and I believe the party best placed to do so with complete objectivity is the Local Education Authority, but I believe this is a particularly difficult problem for all of you because, if you were going to start again, you would not start with what we have. Historically we have major issues to shift if we are ever going to get any kind of equality on the issue around admissions, because it is so very clearly linked in terms of parental preferencing to the league table, which I think is a self-fulfilling prophecy.

*Mr Wood:* I would agree that the Local Education Authority is the correct body. In Kent in a selective system, however, it is extraordinarily difficult to get a totally fair system. My concern is for parents: I have no doubt you have perhaps seen or I know you have spoken to the adjudicator. There has been a recent adjudication in Kent, and I would be interested to know what level of intelligence you require or even reading ability to be able to understand it. It is very logical and I understand entirely why the decisions have been taken, but I sympathise totally with the parent. This happens very frequently: somewhere well into double figures within the last ten days of parents have asked for clarification, asking, "If I put this school first and I do not get a place what will happen?" It is not easy, particularly when you are in an oversubscribed school as I am and you, as a parent, are also attempting to get your child into a grammar school.

*Mr Jones:* I certainly do think that there should be some sort of co-ordination of the system. I would have considerable reservations about the local authority doing it, and the sort of co-ordination that I am talking about is the sort of co-ordination that you have got with UCAS, the universities' clearing house, where the forms are all sent and channelled through but the individual universities and colleges decide who they will offer places to. That is something that I think is desperately needed. You have a crazy situation in Lambeth, as I outlined in

my paper, where four other schools in my borough test the children for banding, as do some of the surrounding local authorities and some of their schools do it as well and Wandsworth does it in its entirety, and you can have a crazy situation where one child over a short period of time can take the test two or three times. That is not at all fair on the children or the parents. So I have been arguing for one test to be taken in the comfort and the security of their existing primary schools so that that result can then be fed into those schools that want to use a banding system. You have also got the advantage that at the end of the day, if all the choices go back to the clearing house, then one choice will be emerging; the parents will be offered one place; and it will stop the nonsense that you have at the moment where some parents have several places and some children have none at all, and that again is not fair. It does also present problems for the receiving school: sometimes the receiving school only finds out fairly late in the day that a parent has changed their minds and their child is going to another school, and if that happens in September you could be left with an empty desk in a classroom in year 7, which is not good.

**Q442 Jeff Ennis:** Are you saying it should not be the Local Education Authority because of the London scenario, and because you have so many LEAs cheek by jowl with each other?

*Mr Jones:* Yes, I think you have got that. You do need a pan London solution or a cluster of local authorities because there is an awful lot of cross-border movement. You have a lot of children going from Lambeth to surrounding areas, particularly Wandsworth, and we get a lot of children coming in from Southwark, so I do think there needs to be some sort of cross-borough co-ordination. I do not honestly think that the local authorities are equipped to be able to do that.

**Q443 Jeff Ennis:** There is the experiment with the pan London admissions scheme. Is that going to succeed, in your opinion, or is it going to have major problems?

*Mr Jones:* There are certainly going to be teething problems and certainly in the summer term when I was active I do not think they had got the software because you are going to need software to be able to administer it. If they have everything in place then fine, it should work because it seems quite a simple thing to do, and they can certainly learn lessons from UCAS, but knowing the way the London boroughs operate there will be a lot of teething problems. Watch this space!

**Q444 Jeff Ennis:** Obviously the new code of practice has not been in place that long. How has it impacted on your admissions policies? Does it need to be beefed up or relaxed?

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**Mr Wood:** I do not think it has seriously impacted yet. For instance, we simply paid no attention to the issue of children in care before. The number in care at my school in the last year was only four—I have checked up on that before I came. We do not know, now that the adjudicator has said it must be top of the list, whether that will increase. I have mentioned that the number of children with statements is about 55 in the whole school, that is around 10 per year which is quite high compared with other non selective local schools, and perhaps indicates the fact that we are popular, but there has been no major significance as yet in terms of numbers.

**Mrs Laycock:** I think it is too early to say as well. I would support the fact that there is a one choice being made by parents now and I think I can say from my knowledge of the four primary schools with whom we work very closely that, again, the majority of students from those schools will be coming to my school and the last two years, if they put another school first and have not got in, they have assumed from previous practice they would be able to get into Firth Park and that has not been the case, and the community has learned by that. In relation to child protection, looked-after children, interestingly I have just looked at some statistics and we have 9.8% of Sheffield city's most at-risk children in our school, higher than any other school. I would support the fact that those students need to be helped and directed into a school where they are going to be, hopefully, given a good education and helped to move beyond the problems they currently face.

**Q445 Jonathan Shaw:** Can I ask you about a matter you mentioned to the Committee in your opening statement about receiving children who were extremely turbulent and disruptive when you had available places? In our briefing papers we were given an article written about Jill Clough who was the head teacher in East Brighton—

**Mrs Laycock:** I know her.

**Q446 Jonathan Shaw:**—and what you were describing sounded very similar to that which happened in Brighton, although I think perhaps Brighton were not as fortunate in terms of the amount of resources and the excellence in cities, etc, that your school has. You have praised your Local Education Authority. Can you describe some of the tensions when that was happening on a frequent basis?

**Mrs Laycock:** When I first went to the school there were 940 students there—there are now 1,365 and we are full with waiting lists—but for three or four years we had places and Sheffield, as I have described, is an area of considerable socio economic divisions and quite a number of difficulties in terms of turbulent families in a whole variety of ways plus the refugees and asylum seeker issues, although actually those children are the most aspirant. But, yes, we were told—first of all, asked—to take children who had been permanently excluded from other schools or

who were in difficulty or from at-risk families, but you have to look at your critical mass numbers in your schools of the children working with you and those that are in similar difficulties or more extreme difficulties, so I did put up a big fight with a Local Education Authority on many occasions and, to be fair, they always listened, and on occasions they did support me and try and get that child into another school. But Ofsted and HMI are picking up on turbulence being a problematic feature of certain schools and, as David Miliband states, success in school is related to socio economic circumstances, so it was very difficult. I would say as a local area we grow our own difficult students. I have some very challenging students and very low parental expectations, and children that do not go to school being able to read or write their name and, in some cases at five, not able to use a knife and fork properly, so the whole issue about challenging students is alive and well within my school without having to be given extras. I did maintain good relationships, however, with the local authority throughout that. Interestingly, I did a little bit of local research before coming here and Abbeydale Grange in Sheffield is now a sink school at one side of the city, and that head teacher has taken 38 students into his school since September—all difficult students.

**Q447 Jonathan Shaw:** Mr Jones, you say you are a comprehensive only in name, to paraphrase?

**Mr Jones:** Initially, yes.

**Q448 Jonathan Shaw:** Mr Wood, is your school a secondary modern only in name in terms of the intake?

**Mr Wood:** What we described in terms of the intake, no. Just to partially comment on your question, under the system until this year, when parents will know the 11-plus result, we have had all applicants to us and know that, for instance, up to 40% of our intake has disappeared. It is 25% across the whole area but 40% of those would be attempting to get into my school. We are producing results which sit comfortably with the rest of the country in terms of comprehensive education but we are missing quite a significant proportion of the brightest children.

**Q449 Jonathan Shaw:** One of the questions that the Chairman asked was, as your school has improved, what has the impact been on the other secondary schools within the area?

**Mr Wood:** There are two schools within perhaps three miles of us. One of those has just come out of special measures; one has just over 20% 5 As-Cs this year. They are both around the 500 pupil mark. The local authority has decided with the co-operation of our governing body and the other two schools' governing bodies to attempt to work the three schools in a federation which began

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unofficially at Easter and will be formally designated when it is possible to do that under the present legislation.

**Q450 Jonathan Shaw:** So these three schools are coming together?

**Mr Wood:** Yes. That is looked at as the potential way forward now. It is very difficult to assess the effect of one school's success against two other local schools in that situation, but I would be misinterpreting the facts if I suggested that our success has not inhibited other schools. I believe it has, yes.

**Q451 Jonathan Shaw:** What is the solution?

**Mr Wood:** I hope the solution is in the federal idea but, in a sense, there is no answer to your question because, as long as there is a thing called parental preference, no one can impose a solution if parents choose to go in particular directions.

**Q452 Mr Turner:** Could I start with you, Mrs Laycock, only because you have used a particular couple of phrases in your paper. Firstly you refer to the "comprehensive ideal" and elsewhere you say, "this is not comprehensive education in relation to the ideal and equanimity". What is the "comprehensive ideal"?

**Mrs Laycock:** I think the comprehensive ideal is that every child in secondary education is entitled to a good education such that they leave having fulfilled their potential, being able to move on to further, higher education if they have the aptitude for that, or into the world of work with the self confidence and self esteem to know that they are a positive, valued citizen and someone who is going to make a difference to society. The situation we currently have is not an ideal one and I have said so in my paper, which you have read.

**Q453 Mr Turner:** So effectively you are saying that some schools, given their intake, are incapable of delivering that entitlement?

**Mrs Laycock:** I am saying that some schools have more difficulty in delivering that entitlement by the very nature of the students that attend that school, and I would suggest that within Sheffield, and I have put this in my paper, there are 27 secondary schools and they go very easily into three groups of nine—the most affluent advantaged top of the league table, the middle of the road schools, of which I was an acting head of one at one point, and the nine inner city schools. Now in relation to the nine inner city schools, all of whom have had heads appointed in the last six to eight years, those are progressing and achieving two or three times above the national average, and the pattern of what we are doing is therefore changing in Sheffield. So I am not saying it is impossible; I am saying it is more challenging, more difficult, and I might also say, to be honest, that there are some schools coasting with an intake

where it is not easy because all young people can be difficult, but if you have a critical mass of aspirant young people from good homes and parents who want them to succeed then the outcome is not too surprising.

**Q454 Mr Turner:** But your remedy, essentially, is to change the pupils?

**Mrs Laycock:** If I were starting again I would say to you that every school should have a normal curve of distribution of ability levels in every single comprehensive school, and selection should not take place at 11 and the Local Education Authority ought to manage that process through the data they have of students in the primary schools. So if every school had a normal distribution of the ability range, then indeed we would really be looking at prior attainment and how that school adds value to those students from the age of 11 in terms of outturns at key stages 3 and 4.

**Q455 Mr Turner:** And you are talking about the national normal distribution curve being replicated in every individual school?

**Mrs Laycock:** Yes, which is not possible.

**Mr Turner:** I think we have identified, not only today but over previous days, a number of problems and evils, if you like, in the current system—multiple offers, turbulence particularly for schools that are not full, the first choice lottery, and maybe others. What are the three key evils you all believe should be corrected in the current admission system?

**Q456 Chairman:** Did you say "evils"? That is interesting terminology but I am sure our heads can deal with it!

**Mr Jones:** Given that in this country parents have always got to be allowed to express a preference for a school, when they are given the opportunity to express more than one preference that is when the problems start to arise, so I think there is sometimes too much choice, and that choice needs to be co-ordinated, if you like, by what I have suggested earlier on—some sort of clearing house. The other evil is that with a large number of schools prepared to choose, each school having its own admissions policy—and I have nothing against that—it does mean certainly in my locality that parents might end up having to fill in half a dozen application forms, and that is wasteful. I think there should be some coming together of the various admissions authorities to produce a common application form in the same way that UCAS has done. I do not think it is beyond the wit of man and I am quite sure that, if the churches are spoken to nicely, they would come along. The other evil is the multiplicity of different dates for offering a place to a parent. Certainly as far as London is concerned, there should be one date and, as far as possible, on that particular date every single child should be in possession of a place offer.

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**Mr Wood:** I would stress what I said earlier about the needs of parents. I feel that the system at the moment is extraordinarily confusing for them and all moves should be made to try and make sure the information they get is simple, straightforward and timely. The position of Kent this year was that the final adjudication was received on 31 October; I would question whether it is not possible to have some kind of cut-off date so all the arguments can be kept away from that parental decision-making process because that seems to be unfair to me. What has not been raised is my concern that a few parents, where they end up perhaps trying to work the system and sending their child to a school which is not the nearest designated one for free transport, can suddenly find themselves with quite significant bills. I tried to take an average situation at my own school and the person who organises transport said, "Yes, £2.50 a day for 200 days a year". That is £500 per child if you do not end up in the school that the Local Education Authority has designated gives you free transport. If you have three children, it does not take long to work out that, over that lifetime which is still secondary education, that is many thousands of pounds and I do not think we make any allowance for that enormous burden on some parents.

**Mrs Laycock:** The biggest evil is the league table because the league table means that parents right across any city are going to try and get their child into the school that is at the top or near the top of the league table. Making one choice now or one preference is perhaps going to help that although it is too early to say, but even so I know there will be parents in Sheffield trying to get their children into the school at the top of the league table and, if they fail, the whole process of appeals and the vagaries of that are skewed towards middle-class, aspirant articulate parents, so it does not address issues of equality at all.

**Q457 Mr Chaytor:** Could I start by asking Mr Jones about the reference to UCAS, because you argued that the admissions process should be co-ordinated in a way similar to university applications but that means you are arguing against parental choice, does it not?

**Mr Jones:** No.

**Q458 Mr Chaytor:** But in the UCAS system it is the universities that choose the students, not the other way round.

**Mr Jones:** Yes, but if the school is oversubscribed then the school has to decide which of those children it will accept, and it will have an admissions policy and obviously some parents who fulfil a certain criteria in the admissions policy are going to get priority over others.

**Q459 Mr Chaytor:** On the question of individual schools being their own admissions authorities, do you accept that in itself is a denial of parental choice?

**Mr Jones:** No, I do not.

**Q460 Mr Chaytor:** But how can it not be? If I live in the catchment area of the London Oratory my child cannot go to the London Oratory because I am not Catholic, so surely it is the school choosing and not the parent?

**Mr Jones:** Faith schools are slightly different. As an Anglican school we obviously give priority to Anglican children.

**Q461 Mr Chaytor:** So that is a denial of parental choice to all parents?

**Mr Jones:** Well, no. If parents want to get a place in an Anglican school then the solution is there for them when they start going to a Church of England church.

**Q462 Mr Chaytor:** But let us pursue this. How do you explain the fact that there are more children in Anglican schools between Monday and Friday than there are children in Anglican churches on Sunday?

**Mr Jones:** Simply because not all of the children that we have in my school are Anglicans but Anglicans do, in fact, get top priority and then the next tier down are bona fide worshippers of other Christian denominations.

**Q463 Mr Chaytor:** But it is still a denial of parental choice; that is what I am trying to tease out. Do we have a system of parental choice? Are you arguing for that?

**Mr Jones:** What I am arguing for is obviously that parents have got to have a right to express a preference. We have 92 places every year; we get 3-400 people applying; there are going to be parents disappointed. The only way round that would perhaps be to enlarge the school, which is physically impossible.

**Q464 Mr Chaytor:** But is there a case—and presumably you think there is but I am interested in finding out what the case is—for the individual school deciding on the oversubscription criteria, rather than the Local Education Authority doing it by lottery, for instance?

**Mr Jones:** If I can stick with the church sector because that is the sector I know most about, each church school will have its own different ethos and in order to maintain that ethos I think you have to have parents and youngsters committed to supporting that ethos, and it is only right and proper that that is reflected in the admissions policy.

**Q465 Mr Chaytor:** But the difficulty is that with church schools overall, and I am not referring to yours, part of the ethos is that there are fewer members of children on free school meals and fewer children with statements. Is this coincidence or is this part of the ethos of Anglican and Catholic schools?

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**Mr Jones:** I really would not want to speak for the Anglican church and I certainly would not want to speak for the Roman Catholics but, as far as my own school is concerned, we do get a very broad spread across the socio economic groups. If you were to push me I would say that perhaps we are not truly representative in ethnic terms of the local population because far more black children in south east London go to church than white children, so they obviously get priority and this is obviously reflected in the ethnic profile of the school.

**Q466 Mr Chaytor:** Moving on to the issue that each of you have raised in your opening presentation, the impact of league tables, do you think that league tables as currently constituted are primarily a measure of school achievements or a measure of school intake?

**Mrs Laycock:** I believe that school league tables in general tell you where a child lives, and it is catchment of the school. I do not believe that school league tables tell you very much about teaching and learning in that school. My eldest son who has just completed a politics degree and is working in London went to the school in Sheffield at the top of the league table and left with nine A\* and As and five As in his "A" level but he would say the only people in that school that knew him and really engaged with him were the PE Department because he was also good at sport but he was with a hugely critical group.<sup>1</sup> Those children I knew from being tiny and they all know they would go to university and all knew they would be successful. I believe testing and accountability is very important and I want to continue with that, but I think the league table is destructive and a self-fulfilling prophecy. Adding value and looking at how children progress on entry to that school is the way forward. If I can cite some examples of refugees and asylum seekers in my school who come in years seven and eight with no English at all and achieve, as they did last year, many of them A\* to C but some a whole range of Ds and Es, that is incredible added value but it does not show up in the league table to my school. They have done that in three or four years whereas everybody else did it in 11 years.

**Mr Wood:** I do not think there is any simple answer to this question. I fully respect what you have just been told about the influence of the league tables. On the other hand, if I go back to 1989 and see that 2% of the children at my school were identified in the lists in the local newspapers as getting five As—Cs, I find myself turning to staff and saying, "We cannot any longer use the excuse of selection". Even if we do use it and say that 25% of the local population have been selected we are getting appallingly poor results for people in the top 30% of the ability range if you follow my argument, and 5% would be with us and we are simply failing them, so that numerical evidence, whether published in league tables or not I question, has been extremely useful to us. However,

when it did not suit my purposes several years ago, when in fact it seemed to me that the numbers were suggesting that we would not do quite as well as I thought we should, I am afraid I binned the numbers and said, "We are going to do better" and we did, because some of it is motivation of teachers and motivation of students. This is an extraordinarily difficult area and simple answers are probably wrong answers. Now, if one attempted to get rid of the league tables or did what some are suggesting and have area league tables, parents would find ways of putting schools into the hierarchical classification which you described earlier, which is very usual in different areas. There are almost three layers of schools.

**Q467 Mr Chaytor:** But would you say that had there been a value-added league table it would have been of equal value to your purpose in driving up standards in school, or was it the accident of a raw scores league table that enabled you to make the progress you have?

**Mr Wood:** I feel there is far greater validity to value added league tables and had they been there from the beginning—and I appreciate they could not have been; we just did not understand how to do that ten years ago—they would have been very useful and as they are slowly being introduced I am very interested in their usefulness. What is slightly worrying me is that there are already arguments about whether one value added table is better than someone else's, and that is getting rather silly.

**Q468 Mr Chaytor:** On the question of the catchment area, you have each touched on the issue of parents moving their children across conurbations and large distances. Do you think there is a positive value in doing that or is there a positive value in having children able to go to their nearest school? What should be the objective of policy? Should it maximise choice to the extent that it encourages people to travel large distances, or should it encourage parents to have confidence in their local school?

**Mrs Laycock:** Children should go to their local comprehensive school, and that is where they should go. If all the kids in my community came to us then they would be welcome but it would still not give me the normal distribution curve. I then think the Government has to look at how the schools are funded and recognise that we are not on an even playing field, so where there is a skewed ability downwards or whether there are socio economic circumstances, whether they use free school meals which is a rather blunt tool or whatever, there has to be some differentiation after that. I do not believe it is good for students to go to schools outside of their local community and, indeed, it can be quite damaging sometimes. We have had kids who have come back to us who have got in at the other end of the city and culturally they have not coped very well. There are differences in expectations and in values. Mine is an area which is virtually all council house,

<sup>1</sup> *Note by Witness:* This consisted of a mass group of aspirant students.

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and if our students are moving to the other end of the city where the values are different they do not sometimes even fit in and they come back—either by their own choice or sometimes because they have been kicked out.

**Mr Wood:** My answer is a rather cynical one. Over the years we have worked with various schools on the continent and at a particular school in Germany the head I was visiting said, “What do you mean travel to school? Everyone walks or use their bicycle. It is a local school. Is that not the way everywhere?” I believe there is an obsession in England that if you tell everyone to go to their local school, which used to be the case really until the law changed in the 80s, then a proportion of the population begins to be obsessed by the fact that the grass is greener on the other side, and I genuinely do not know how to overcome that. I see that as an ideal solution; it clearly works in Germany, but I no longer believe that would be tolerated by the local populations in England.

**Mr Jones:** I am looking at it from an inner city perspective where you have a huge choice of schools, and I do wonder sometimes, when people ask me what my community is, what that community is. We are the only boys church school in the fairly wide catchment area, boys are going to drive past other secondary schools to come to mine, and I think that will probably always be the case as far as the church sector is concerned.

**Q469 Helen Jones:** All three of you have taken over schools that were in difficult circumstances and what interests us as a Committee is you have tackled that problem in very different ways, so I want to try and tease out something about your admissions process, if I may. I would be right in saying, would I, that you, Mr Jones and Mr Wood, represent schools where the intake has changed fairly substantially since you took over?

**Mr Jones:** I do not know if I would use the word “substantially” but there has been a considerable change in the intake and we are moving towards a more balanced academic intake. We are not there yet but we are moving towards it. It is not something where you bring in a new admissions policy and you think things are going to change—they do not. It plays only a small part, if you like, in raising and changing perceptions and raising achievements—an important but small part.

**Q470 Helen Jones:** Do you still interview parents, Mr Jones?

**Mr Jones:** Only after we have offered them a place. We do not interview them prior to offering them a place.

**Q471 Helen Jones:** You are a church school. I spent all my teaching career in church schools—albeit not in the Church of England—and how do you decide, if you give preference to children who are practising

Anglicans, what constitutes a practising Anglican? How do you know that they are telling the truth? And how do you cater for parents who suddenly develop an interest in going to church—who are “born again”—a year or so before their children apply to your school? I am a Catholic: you are either a baptised Catholic or you are not. Fairly simple!

**Mr Jones:** When we send out the pack, there is included in the pack, in addition to the prospectus, the admissions policy and the application form, what we call a “clergy form”. We invite those parents who want to claim priority under this to get their clergymen to fill it in for them, and we are particularly interested in the frequency of church attendances. The governors have decided that, in order to count, they have to go to church at least once a fortnight and to have done that over a 12-month period. So, if the bright parent suddenly gets the call when the kid is in year 5 and they go regularly to church, they would then qualify; if they get the call in the middle of year 6, unless they have an accommodating vicar they probably will not qualify for priority.

**Q472 Helen Jones:** You are saying to us that under your admissions process it is quite possible for parents, if they so wish, to manipulate the system.

**Mr Jones:** I would say it was, yes. I think with any system you are going to get manipulation.

**Q473 Helen Jones:** I wonder, then, how you and your governors square that with your duty to look after children with special educational needs or children who are in care. And I wonder if the other heads could also tell us how they see admissions to their schools coping with that. Because you are often then dealing with people who are not in a position to manipulate the system but who nevertheless have needs which I think we would all agree ought to be catered for within a comprehensive system.

**Mr Jones:** You will find, if in fact you look at the profile, that we do have a number of children in care who come along. One of the reasons they choose us, although they are church-going as well, is because of the benefits that they can obtain from the pastoral care system, and we are fortunate as an Anglican school to have a full-time chaplain on the staff as well, which bolsters things. A lot of them come in under the normal criterion that they are going to church (with their foster mother or with their legal guardian) and they apply in the normal course of events, so we do get our fair share of children who perhaps would be regarded as disadvantaged.

**Mr Wood:** If I may take, just as the example to answer your question, the statemented pupils I mentioned earlier. In the last couple of years, since this became an issue because of the Code of Practice, when our number of statemented children was rising and they were coming, as it were, from outside our normal catchment area, the LEA have allowed us just to carry those 12 as extra pupils. I feel that is a

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comfortable solution, because I would worry that taking a statemented child from 10 miles away, because that is the parents' choice and the LEA has designated our school at the request of the parents, could misplace a child with enormous social deprivation for all I know. It is a very hit-and-miss system. But the way in which we have been allowed, as an oversubscribed school, simply to run over and say, "If you have 12 statemented children, you can accept 12 more," which my governors and I accepted, has made it less of a concern that someone else would be pushed over the edge and not allowed in who would previously have got a place.

**Q474 Helen Jones:** You select 10% by aptitude, do you not?

*Mr Wood:* Yes.

**Q475 Helen Jones:** You previously said to the Committee that you do not really feel that the tests are particularly valid. How then does the admission of children with special needs or children in care fit in with your system? Do you select the 10% and then you—

*Mr Wood:* Forgive me, until this year, the issue of children in care did not enter into it: if they applied, we did not know that they were in care necessarily until afterwards. So I cannot comment on how that will affect things in the future, but it works approximately like this: we take in 250 children a year. Twenty-five of those would be on the aptitude test. We have a small unit for visually impaired children and they would get the next opportunity. That would never be more, I think, than a maximum of three children a year. We then move to any special medical reasons—and very rarely does anyone use that category. We then move to siblings at the school. That takes in about 40% of the places. Then it begins to be more on distance.

**Q476 Helen Jones:** Could I ask Mrs Laycock. You have experienced this, if you like, from the other side of the system, where you have had to cope with a lot of children with particular special needs. How do you feel the needs of those children should be dealt with within the admissions system and how do you, as a head who has looked to raising standards in a very difficult area, feel that schools can have an open admission system which admits a lot of children with particular difficulties and still raise standards?

*Mrs Laycock:* I go back to what I said earlier, and that is that I do believe children from the local community should go to their community school. That will bring to my school a higher number of challenging students and children with special needs by dint of its actual area, but I am actually happy to accommodate those in the first place. If we were looking at an ideal, I would say—and I have said this as chair of secondary heads in Sheffield—that I believe all 27 of us are jointly responsible for the education of all secondary age children in our city. Therefore, the problem that you have with the

current situation in relation to admissions and movement of students after the age of 11, is that if schools are full they do not have to take those students, and so if schools have places they take a disproportionate number. As I mention in my paper, what we are trying to do in Sheffield—and I do not know whether we will be successful, but case law allows it—is to look at a brokerage arrangement, dependent on school size—if it is a small school of 800, it would allow them to go over two or three places; mine, a bigger school, five or six—so that there was a real sharing of the problems of those young people but also the potential, because they all do have potential, and it is down to, in the end, a critical mass issue. But at the level of when they enter your school aged 11, if they come in having preferred your school and want to come there, then I think that is a positive decision and that we there have a responsibility to educate them and help them achieve.

**Q477 Helen Jones:** You have raised quite an important point, which I think is one I would share, that all the heads in the area have joint responsibility for the education of children in that area. I would like to hear from our other two witnesses, if I may, how they think that should be dealt with. Is there a community responsibility as well as a responsibility to your particular school? If so, what changes would both of you like to see in the admissions system that would cater for that? Or do you think a head's duty is simply to their particular school?

*Mr Wood:* I think my view is changing. As a former GM head, I was keen to have independence in order to improve the lot of the children in my own school. I now see some of the long-term effects which have resulted in that hierarchical set-up which you describe, and I believe we have now to move more to a wider responsibility. That is a very easy thing to say and very difficult to put into practice. On a day-to-day basis, if you have a child in my school, you would expect my concentration to be on the education of your son or daughter and not worrying about what is happening on the other side of the town. So there is a real tension in schools. However, many of the moves that are now being made towards collaboration and the federation, which I described earlier, I think are beginning to show signs of alleviating some of the excesses, and we will begin to tackle some of the issues about, for instance, difficult to place children all ending up in the one school. It is difficult to take that to any kind of natural conclusion, though, in terms of one's community responsibility in an area which has selection, because how can you define that issue of my being responsible for the education of children in a local community when a significant proportion of them will be taken out of the local community at the wishes of the local population.

**Q478 Helen Jones:** Do you believe that hinders an efficient education system, the fact that you still have selection?



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*Mr Wood:* Yes.

**Q479 Helen Jones:** Mr Jones, I wonder what your view is on this, coming from a church school.

*Mr Jones:* We have always taken the view that the pupils in our school and their families are entitled to our first priority but we have never walked on the other side of the road when our neighbour is in trouble. We have offered, from time to time, our specialist knowledge and help to local schools when they have been in difficulty or if we have some specialism that they do not have. We certainly cooperate with three other schools now at sixth form level. It is not just the secondary sector either; we have very good links with our primary schools as well. We have a very good art department and we frequently invite children in from the local primary school, boys and girls—we are a boys school—to come in to get some specialist tuition, and to be able to use our equipment which they would not otherwise have the opportunity of doing at the primary stage.

**Q480 Helen Jones:** Could you comment particularly on the secondary admissions on that, Mr Jones. I would be interested in your view, from a church school. How do you balance maintaining the ethos of a church school with a duty to the education of children in the wider community?

*Mr Jones:* I think we have to do what is practical and reasonable. I think there is a danger that one can stretch oneself a little bit too far. As I said, my priority as head was always to the boys and their families in the widest possible sense, but if we had any slack in the system then we could make that available to the wider community.

**Q481 Helen Jones:** One final question, if I may. We constantly talk about parental choice. In fact it is parental preference, not parental choice. Do you think the current system actually misleads parents, in that many of them in fact do not get their choice of school, the school gets its choice of pupils?

*Mrs Laycock:* In my school, the children who opt to come—parents' preference, choice, whatever you put—get in generally.

*Mr Wood:* As we as heads complain and get in touch with the local authority and the excellent administrator of admissions in Kent, she would maintain that, in the end, the vast majority of parents get what they want. I must concede that.

*Mr Jones:* I think when parents come in to visit one's school, one has to be up front and explain exactly the admissions criteria: who gets priority, what they need to do to get that priority. If they do express a preference for the school, I think you have to give some indication as to how likely they are to be successful.

**Q482 Valerie Davey:** Has the Greenwich judgment had any impact on your guidance or your situation now? It caused a huge furore initially. Is it still of influence?

*Mr Jones:* It certainly does. If you look at the whole pattern of migration in inner London you will find that there are the big players, like, for example, Wandsworth, who take an awful lot of children in. They are mass importers. As is Bromley, where I live. There are always horror stories of children who live next door to the school in Bromley who are unable to get there because you have children coming down from Greenwich. So, yes, it does have an impact. To a certain extent, I dare say that we are probably as guilty in Lambeth as the rest because we are also importers. Although we lose a lot, we also import a lot of children from the London Borough of Southwark. So it is a problem and I do think it needs to be sorted out.

**Q483 Valerie Davey:** Out of London, does it still occasionally become a feature in your thinking, or is it not important?

*Mr Wood:* Not really where we are located, although I suspect—although I do not have any details—that it is probably a factor on the borders of Kent with the outer London authorities, Bromley and Bexley.

**Q484 Valerie Davey:** And Sheffield?

*Mrs Laycock:* It is not an issue in Sheffield. I mean, it is the Soviet Republic of South Yorkshire!

**Q485 Valerie Davey:** Indeed. But the factor that concerns me about Greenwich now, about which I would like to ask you, is who actually has the advocacy for the children of a community? Before Greenwich, the LEA had absolute prior responsibility for ensuring that every child who lived in their area got a place. Now who do you see as the advocate for the children? Your local community? Your LEA? Who is really responsible now ultimately that every child gets a place?

*Mr Jones:* I think that responsibility still devolves upon the local education authority where the child lives. They have a legal responsibility for that particular child.

**Q486 Valerie Davey:** But it is virtually impossible.

*Mr Jones:* It is very, very difficult, yes.

*Mr Wood:* In practice, I would agree, that is where the responsibility lies and the local authority in Kent clearly take that responsibility very seriously.

*Mrs Laycock:* In Sheffield it is the local authority. Indeed, for the last two years we have also had what we call a “bulge year”, of larger numbers of students coming in at aged 11, and we have worked as 27 heads to look at how those could be accommodated in schools that are generally full. We have not

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allowed—and it has not been an issue—that the schools in more advantaged areas have been able to take in more, thus therefore there being an expectation they will continue to do so. Quite the reverse has taken place, and that has happened quite collegiately.

**Q487 Valerie Davey:** We have a complex system of school admission policies; the new framework, clearly—which will be significant; LEAs; and parents exercising a preference but uncertain in most cases, in many cases, as to where they are actually going to be. You are three very experienced heads, and the relative length of time you have been at those schools and the way you have brought them forward is, I think, a lesson to all of us. You have done that, you have been encouraging parental choice for your schools and now suddenly they are full. And that is the ultimate problem, where you have oversubscribed schools. Do you not feel that you have changed your character now, that you are now selecting as opposed to encouraging those parents to select you?

**Mrs Laycock:** As I said earlier, the students from my local community do come to my school, and, in looking at demographics over the next few years, they will continue to do so. I do not think Firth Park is ever going to be oversubscribed to the point where they are fighting at the door to get in.

**Q488 Valerie Davey:** You are comfortable.

**Mrs Laycock:** I am comfortable. It would be nice, before I leave there, if they were actually advertising houses—they do not at the moment—for sale “in the catchment of Firth Park Community Arts College”.

**Mr Wood:** With 55 statemented pupils, almost 300 special needs pupils, I do not think I could agree with you—although the proportions in other schools local to me will be greater than that.

**Mr Jones:** It grieves me every year that we are not able to offer places to youngsters who I think would thrive and benefit from the offer that we have in Tenison’s, but we are just simply bulging at the seams. It is sad. It is also sad that there are not other schools like ours in the immediate locality.

**Q489 Valerie Davey:** That means boys’ schools.

**Mr Jones:** Yes.

**Q490 Mr Pollard:** Can I tell you, as a practising Roman Catholic, that you have to go to church twice a week now to get into a Catholic school. My belief is that it will be daily mass before long!

**Mr Jones:** I am glad to hear it!

**Q491 Chairman:** It depends on the number of children you have.

**Mrs Laycock:** As a lapsed Catholic who was locked up in convent school until I was 18, I can assure you that was the case.

**Q492 Mr Pollard:** On the number of children, I have seven children, so I qualify in every case. Is it a perception, do you believe, that church schools are stronger on discipline and that is why people are attracted to them.

**Mrs Laycock:** In Sheffield, I do not believe that is the case, that the two church schools are perceived to be stronger on discipline at all. Indeed, we are working with the Leadership Incentive Grant. I work in a collaborative group of six other heads from very different schools and I think the perception was that when we got into the league LIG that those at the top of the league table would shine a light towards those at the bottom and that we would all flourish and suddenly get better. Actually, people are finding out that there is more good practice in schools like mine, particularly around behaviour in management. My lead behaviour person, my assistant head, is actually working in one such “advantaged” school doing quite a lot of training.

**Q493 Mr Pollard:** I did not say the practice but that there is a perception outside . . .

**Mrs Laycock:** Not in Sheffield, no. It is the league table.

**Mr Wood:** I do not see that at the one church school in Maidstone. My former post, albeit many years ago, was as the deputy head of a church school, the first joint church school in Surrey, which was Anglican and Roman Catholic. I think parents wanted that school for the positive ethos that they felt was there, however, I think that they would have forgotten the positive ethos if we had not been improving results.

**Mr Jones:** I think a very, very small section of our community thinks that we are, sort of, “hot” on discipline. The vast majority like the ethos, like what we have to offer. We do sell this when they come around on open days, and we do stress the fact that we come together as a school each day for an assembly and that we also have, as I mentioned earlier, the chaplain. We do not just take on boys, we take on families. I think it is the whole package that they sign up for.

**Q494 Mr Pollard:** Does competition between schools and different types of schools raise standards?

**Mrs Laycock:** I think that—

**Q495 Mr Pollard:** From the Socialist Republic of Sheffield.

**Mrs Laycock:** I feel very strongly and passionately about raising standards. I suppose we are quite lucky in Sheffield in relation to the way we do work

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together. Clearly, I do think that competition, looking at what is happening in your neighbouring schools or across the way, does focus the mind clearly. The night before the GCSE results come out, I do not sleep—and I play with data and so on and so forth! So, yes, of course it does. I do not think that is unhealthy either, I just think that the way those results are published is unhealthy.

**Q496 Chairman:** Is there not an aspect, a kind of sub-theme to your argument, that because you are running a school in a working-class area that the kids are inherently less able than the kids across in the middle-class parts of Sheffield that you described earlier?

**Mrs Laycock:** It depends on how you define ability and how you test that. If you look at the ability range as they come in, in terms of Key Stage 2 SATs they are lower than other parts of the city. That is not just to do with those schools, that is parenting, that is expectations, that is lifestyle, et cetera. Therefore, it is my job, it is our job, to follow on the very good work of the primary schools and raise those expectations and those outcomes. I actually believe, and I say to my kids: Success in life is about 10% intelligence and 90% bottle and determination and self-belief. That is what we are trying to do. All around my school there are posters—I am an ex-head of art—saying “Firth Park is Fantastic” and they believe in it now. We are actually changing the culture. When the HMI came in last year, they said that a parent had said, “Students’ self-belief rises when they come to Firth Park” and that is what we are about.

**Q497 Chairman:** You keep coming back to the theme that it is league tables. It is not reputation, it is not good behaviour of your pupils or the fact that in some schools they wear uniform; it is other things. You keep coming back to the fact that the only thing that would attract parents to send their children to a school is the league tables.

**Mrs Laycock:** I think the league table is a hugely significant factor on parental choice. I do lose children from my community, who to go the other end of the city, or try to, because of the league table. It is there. It is a factor. The other things we are trying to do as a school—in relation to the community, the reputation, working with parents and students—have brought a lot of them back but that has been a hard-won struggle. I continue to say that the league table is unhelpful because, no matter how hard parents believe in our school, I am not going to ever get 84% (which is the top of the league table in Sheffield) at five A\*-C on our current ability intake.

**Chairman:** Kerry, I am sorry, I cut across your questioning.

**Mr Pollard:** That is all right. What factors influence parents’ decisions about school choice?

**Helen Jones:** Could we finish in relation to competition?

**Q498 Chairman:** Mike, do you want to comment?

**Mr Wood:** My answer on the competition point would be that I suspect competition does to an extent raise standards. We went GM in the early nineties. The key point about GM to my mind—and the resources were very important, but the real issue—was independence; that knowledge that you sat as a head in your office and realised you could not blame the LEA any more. That very sharply focused one’s attention on raising standards. Otherwise, when you were in an LEA, cosy system back in the eighties, it was possible to blame other people. I think we have moved on from there now. Competition may well now be creating some problems in some schools, as we have said, and I think we have to look to other mechanisms for the future and have a greater sense of responsibility for pupils across the whole community, and that may manifest itself in a variety of ways. It may be that heads are cooperating, it may be that there are formal federations and so on.

**Q499 Chairman:** Mike, competition for you is unfair, is it not? You start at the very beginning in a race where you are shackled, because in a selective system like Kent there are schools that have a totally different basis of entry and you are going to find it very difficult to compete with them, are you not? It is inherently unfair competition for you, is it not?

**Mr Wood:** My answer to that is that I have four children and I do not live in Kent, and all of my children have been at comprehensive schools. So, yes, is the answer.

**Q500 Chairman:** The answer is yes. Okay.

**Mr Wood:** There has to be a recognition by secondary schools that we are in a market place and obviously the league tables do influence parents’ choice. We found that out when we got the 1% in 1996: it was the devil’s own job to attract parents with motivated, bright kids, into the school. We did it, over a period of years. It is also the cascading effect that it has, not just on the head but also on the heads of departments and the subject teachers, because each year now you have the examination results, they are analysed pretty well, and you can actually put somebody on the spot who perhaps is not coming up to spec *vis-a-vis* what you would expect of them within the context of your own school. I would say, yes, to a certain extent it does have an effect on raising standards, as far as GCSE results are concerned.

**Q501 Chairman:** Brian, to you too: you have a system in London where talented youngsters are creamed off in terms of moving across London to grammar schools. Do you find that unfair competition?

**Mr Jones:** Yes, you still get a number of children from Lambeth which you lose when you really want them—and they go off to St Olav’s, a highly selective

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boys' grammar school down in Bromley. We also have on the doorstep a number of very, very good independent schools. We have in the past lost children to those schools. As a result of the abolition of the assisted places scheme, we have managed to pick up a small number of children, who in the past, if the bursaries were available, would have gone to an independent school. They are not going to an independent school, they are coming to my school, and they are thriving.

**Q502 Chairman:** Brian, could I press you and our other heads on this. We had three academics sitting where you are sitting, from very different universities, and we pushed them on the question of whether a selective education system delivers a better education across the board for all the pupils in an area or not. What is the effect of selection in your view for all the pupils?—not just the pupils who go to your school, but across the piece.

**Mr Jones:** I have to put my hands up and confess, because I do not want to be called a hypocrite, that both of my children went to highly selective schools, so I am very much in favour of selective schools. Having said that, what I wanted for my own children I want for the parents who send them to my school. We certainly have, I think, managed to do that. This year alone we had two boys get places in UCL and another youngster get a place in King's to study medicine. What does worry me slightly, if I am being frank, is that those very able youngsters are not able to meet with a large cohort of equally bright youngsters. They are limited in this extent. You can have four or five very able children in a year, and obviously they will mix with one another, they will be in the same class, but, if my instincts were leading me, I think I would much prefer them to be in a much larger group so that they would get the benefit of the input from other equally bright children.

**Mr Wood:** I do not approve of selection, as my comment about my own children's education illustrates. I think it does have an unfortunate knock-on effect in particular areas and leads to this hierarchical arrangement of schools. I also think one of the features of it in Kent—and I am not sure whether this is replicated elsewhere, in other selective areas—is that you end up with smaller schools, and in some cases that can actually be a disadvantage to pupils because you cannot offer the breadth of curriculum. You can get that the local community is too small to get a good balance within a school and I think that may be an effect of selection.

**Mrs Laycock:** I do not believe in selection at all. I think all it does is produce sink schools, who get headlines to say that they are rubbish schools and the kids in it then think they are rubbish. When I first went to Firth Park, the kids and the parents thought it was a rubbish school and they do not now. I just do not believe in that. I take on board the issues about critical mass of aspirant attaining young people—and that, I think, takes me back to how the

distribution of young people should go into schools across the city, so that there were more opportunities for groups of able and aspirant children to be together and for other children to see them and apply themselves to improving their attainment. An example in my school: we did get, for the first time in the history of Firth Park School, a girl into Oxford three years ago. We had to work incredibly hard with her and her mother, a single parent, and her own self-belief as to whether she could actually cope, should she go, et cetera. She got in and she just got a 2:1.

**Chairman:** Andrew, do you want to come in on this line of questioning, because it is an area that interests you too.

**Q503 Mr Turner:** You said earlier that funding should differentiate for student ability, if I may paraphrase. I think that is very interesting. How should that funding be arranged? Brian has just mentioned the problems as that of critical mass in his school. Would you think there should be a very significant difference in the pupil funding of pupils with different abilities where there is not the bell curve in a school?

**Mrs Laycock:** Yes, I do believe—and I think my two colleagues here would say the same—it is much harder if you have a critical mass of young people who are low attaining and have low expectations. In a culture of all of that as well, it is much harder to move things forward. I do think the resources do need to be addressed to go into those schools. This year there has been a massive problem about school funding—and, indeed, my situation was pretty grim as well. I think the resources have to be directed to schools where there is an agreement—and there is evidence with which everybody agrees, whether it be free school meals and those on family income support or whatever—that indeed those schools deserve extra resources because they have got a harder job. I think the other way of working with it, which is what we are doing in Sheffield and which David Miliband has supported, is that all 27 secondary schools in Sheffield will have a specialism by 2006. That is another area of being able to even-up the playing field and say, "This is a good school and we have a specialism in this," without the 10% selection aspect.

**Mr Wood:** I want to rather violently disagree with that because I think it is too simplistic. Simply giving additional money to a school does not necessarily mean it is going to improve the quality of education for the pupils. There must be more to it than that. I was at a meeting with half a dozen heads last week from different parts of the country and it suddenly became a theme that there was considerable annoyance amongst heads at the feeling that the present Government was pushing too much money through things like Excellence in Cities and League, et cetera, into schools that were failing or in difficulties, without having mechanisms actually to guarantee that that money was being effectively used. I think that is a concern. The distortion can be

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such that the per capita funding between my school and one down the road—which is in great difficulty, admittedly, with a far higher proportion of special needs pupils—is approximately £900 per head different. That is very, very substantial indeed.

**Mr Jones:** There was a considerable amount of resentment among many of the secondary heads in Lambeth at the way the finances were being distributed. We ended up with a feeling that it was in inverse proportion to success: in other words, those schools that were perceived as failing got a lot of extra money, and Lord knows why they got the money, whereas those schools which were succeeding would probably have done even better, given the same sort of funding that you had given the so-called failing schools, and that was not fair. But the system in Lambeth was never, ever transparent.

**Q504 Mr Chaytor:** Does each of you think it would be necessary for the Government to intervene to such an extent and allocate such a large share of the budget to schools that are in difficulties, if the proportion of children were more equally distributed between all schools?

**Mrs Laycock:** I do not think there would be the necessity then to differentiate in that way because there would be a level playing field and therefore that intervention would not be necessary. I would have to agree, as a school that has been on the receiving end of considerable resources, that the accountability is very important as well. But I would still argue it was very necessary and continues to be necessary.

**Mr Wood:** If there was a more even spread of pupils, your point is correct, and I accept it entirely.

**Q505 Mr Chaytor:** It would be cheaper to improve quality—

**Mrs Laycock:** In the long-run, yes.

**Q506 Mr Chaytor:**—by having a fairer distribution of pupils than to intervene retrospectively, after the event.

**Mr Wood:** Yes, I certainly think so. I am still concerned, though, about that point I made earlier regarding independence and motivation and leadership of head teachers, because just spreading out the children evenly does not necessarily make for a good education.

**Mr Jones:** It is good counsel for perfection.

**Chairman:** We are moving to the end of this session. We have kept you a long time and I am very grateful to you. Jonathan has another question.

**Q507 Jonathan Shaw:** I just want to ask you about change in the climate. You have all been experienced head teachers, and there is so much focus these days, at the moment, while we are doing this inquiry, on admissions and the impact that has on standards. Each of you has spoken about how you have

dragged your schools up from low points to the position where they are achieving much better results. How has the climate change? Has it all changed or has it just been down to you? Has there been a pressure applied—social policy, government policy, by parents—do you feel?

**Mr Jones:** I think the determination came from within me to change the whole culture of the school, from one of colleagues having low expectations to one of them having high expectations, and all that came from that. I am a great believer in motivating the youngsters, and nothing motivates children more than praise. It is a very powerful motivator—we know that from our own experiences. It is also the way that colleagues respond with colleagues, children react with other children, and how staff and children interact; there is a whole package there that I think is very important indeed for the success and to raise the achievement. There is no one ingredient. I would suggest there are no magic wands to bring this about overnight: it is just sheer dogged hard work, day in and day out, month after month, and year after year, and if you carry your staff and your parents with you and the children are responding then I think you have the right ingredients, if you like, for a good school.

**Mr Wood:** I think I would talk more generally about the climate that has changed in the thirty-plus years that I have been in teaching. There was very little press coverage of education 30 years ago; now, it is never out of the newspapers, be they local or national, although some of it is very distorted. I think that it is a very good thing that we have put education at the centre of our national life. Looking at that from the parental point of view, I used to despair of the parents who would come to look round my school on open day and ask, “Does the bus stop nearby?” Now, you will get parents who actually ask you about the literacy strategy and so on. That is wonderful, that they are taking a keen interest in their children’s education rather than the mere logistics of getting them to the school or what they are going to have for lunch.

**Mrs Laycock:** I think leadership, head teacher leadership, is absolutely vital in taking the school, whatever that school is, further along. In my school I have 88 teaching staff but I have appointed 61 of them, and I had to move people out. People had to go, either willingly or otherwise. I think there are some other factors as well. In the last seven years, the Department, the DfES, is listening to schools more. There is much more a sense of partnership, of what works and what we are doing well together—I am involved in a number of groups around the DfES and NCSL—and I think buying into a joined-up picture of where we are all going on behalf of all staff and students. The self belief issue. The ethos. You know, if you walk into my school, children will say, “Hello,” “Good morning,” “Can I help you?” shake hands, have eye contact. That is part of our behaviour policy. It is about all of us working hard together. It is dogged hard work. It is not about

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super heads who can come in for two years and do something and then disappear; it is about persistence, it is about consistency, it is about dotting all the i's and crossing the t's. It is also about the human face, I think, of the Government. Ours was the school Tony Blair and David Blunkett visited in February. Indeed, on a visit around the school over the hour and a half, Tony Blair played on the guitar with our band Jabberwocky and put David on the drums. That hit every national newspaper—and *Private Eye*! I am very proud of that. But that was fantastic for my school, my parents and my kids. This was unheard of, and it was the first time a prime minister had been to a Sheffield school since 1969. I do believe there is a better kind of partnership and big picture of what we are all trying to do together, not just within a school. I do not feel I am isolated in what I am doing.

**Q508 Chairman:** You used the word “leadership” rather than good management. Is there a difference between them?

**Mrs Laycock:** Yes, I think there is. Massive.

**Q509 Chairman:** What is the difference between a well-managed school and a well led school, then?

**Mrs Laycock:** I think leadership is absolutely vital. A leader, I believe, however, that person displays it—and you may have picked up that I am a bit of an extrovert and I probably display it in a fairly loud and eccentric way, but leadership does not have to be like that—leaders have to have a passion for what they are doing and have to inspire others to work with them in that team. Management is, I think, a level down, and that is far more to do with bureaucracy, administration and keeping things happening, but it is not inspirational.

**Chairman:** Thank you for that. You have been wonderful witnesses. You have given us a great deal of time and we have learned a lot. We are very impressed by the quality of the heads that obviously we have in this country. Thank you very much for coming to talk to us.

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#### Memorandum submitted by the Institute for Public Policy Research (SA 10)

The Institute for Public Policy Research is an independent charity whose purpose is to contribute to public understanding of social, economic and political questions through research, discussion and publication. As part of its project “Schooling in London” (see [www.ippr.org/london](http://www.ippr.org/london)), it published in February 2003 “Not Choice But Champion: a New Look at Secondary Admissions in London”.<sup>1</sup> Its argument is as follows.

In practice, secondary admissions are not equally problematic across the country. Difficulties arise *when*:

- there is a large choice of schools within a reasonable travel to school area;
- selective schools take a significant proportion of the pupil population; and
- a significant proportion of schools are their own admissions authorities.

Such conditions are most likely to be met within the conurbations, and particularly within London. London’s unique circumstances contribute to the unique severity of the difficulties there.

The quasi-market in schools depends on an admissions system in which parents exercise “choice” (strictly, express a preference) based on an informed judgement about local schools. Yet much of the discourse on “good” and “bad” schools is based on loose thinking and misleading data such as raw performance tables. By far the best predictor of a school’s performance is the nature of its intake.

Many conclude that value added tables will solve this problem, but there are serious methodological difficulties in their construction. There is little relationship between the value added results published so far and the reputation or popularity of schools. This is one reason why the “good school, bad school” rhetoric is unhelpful. Parents’ assumptions about the standard of a school frequently do not reflect the achievements of the school. Another is that it ignores a central finding of school improvement research, that all schools have a mix of strengths and weaknesses, some persistent, some transitory. Unfortunately, this misleading discourse has been reinforced by the Ofsted inspection process, which despite detailed evaluations of strengths and weaknesses ends with a simple published conclusion.

The experience of London secondary schools places in question the whole concept of the quasi-market as a means for whole system improvement. Parental choice is exercised with high levels of ignorance about the product range. Diversity in a market only works when consumers make diverse choices, but the strong tendency for “consumers” of London secondary schools to choose the same schools creates excess demand at one end of the graph and inadequate demand at the other, without any mechanism tending towards equilibrium.

In London, parental preference is hollow within a pattern of very popular and very unpopular schools, where the popular select their pupils. Parental satisfaction with transfer arrangements is significantly lower in London than in the country generally; around 70% of pupils are placed in the secondary school of first preference compared with 85% nationally. While the national average percentage of appeals on admissions in 2000–01 was 10.3%, the inner London average was 18.8% and the outer London 21.0%. It may well be

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<sup>1</sup> A copy of the document is available in the Parliamentary Archives Office.

that satisfaction is even lower than these figures indicate. Not only do they obscure cases in which the desired school was not a stated preference because of the small likelihood of success, they do not measure unhappiness about the whole process. This is found drawn out and stressful by the knowledgeable, and confusing and alienating by those who have not learnt how to play the system.

The reliance on parental preference prevents an admissions system which deals with social aspects of school intakes. The PISA study has produced evidence of the impact on performance of the social mix of the intake. It found that the average socio-economic make-up of a school's intake has a stronger relationship with performance than students' socio-economic status itself. In other words, the pupil mix is a vital factor. In addition, there is some link between overall achievement and non-selective secondary systems.

*Principle:* Achieving a Socially Mixed intake should be a Policy Ambition

London schools are socially segregated, but the degree varies greatly, due to a number of factors including geography, the presence of grammar schools in some boroughs and adjacent counties, and the admissions policies of individual LEAs. The grammar school effect should not be underrated, because many of them select from a very wide catchment area across a number of LEAs.

*Recommendation:* Admission by selection according to ability or aptitude must be ended. This would affect all maintained schools, including grammar and specialist.

The current admissions system does not reflect a balance of interests. It is based on a simple market concept in which the parent is treated as the consumer. Indeed the 1998 Act reinforced this by giving admissions authorities an overriding duty to comply with parents' declared preferences. The interests of social justice are not served by such a limited perspective. State education is not an individual consumption good, but a public service provided to meet a variety of aims, only some of which relate to individual learners. Others are social and political, relating to social order, social cohesion, the inculcation of democratic and liberal values, and so on. A school admissions system should reflect that variety of aims, so that the interests and views of the local community, the state, and the children themselves are taken into account in addition to parental preference.

London children sometimes want very different outcomes from their parents, such as: moving on with friends, to a familiar school, a local school, a good school. There is a case for an independent "child-centred" factor in secondary school admissions. It should reflect the child's wishes, but also a judgement on the child's needs, in which the primary school should play a major role. It cannot be right that the child who is at the centre of the process should formally have no part to play and no rights.

The public as represented by local government has interests in admissions, for example socially balanced intakes, which is inadequately covered by setting oversubscription criteria for community schools. A very substantial proportion of London admissions is non-standard, when there may be no local school with vacancies, or the available school is undersubscribed and already suffers disproportionately from pupil turnover. It is important that all secondary schools offer places to a proportion of applicants who are likely to be mobile. In combination with measures on waiting lists, this would ensure in the most popular schools some casual vacancies become available to high-need pupils.

The complexity of the current admissions system arises largely because individual voluntary aided and foundation schools are their own admissions authorities. London has 219 secondary admissions authorities. Of course this independence is attractive to some schools, but there is no justification for it in view of the wider policy context of a schools system. Ultimately, a large number of these schools would not voluntarily surrender this right.

*Principle:* The Government must accept the principle of compulsion on schools in improving the fairness of the system.

*Recommendation:* In 2005 the LEA should become the admissions authority for all maintained schools in its area, including Voluntary Aided, foundation, CTCs, and academies.

*Recommendation:* London local government must agree a single admissions system for the city. Consideration should be given to the possible roles of catchment areas, and banding, within this single procedure.

*Recommendation:* When new schools are being planned, consideration should be given to piloting Year nine as the age of transfer, so that pupils would attend the same school from three to 14.

The Government's collaboration agenda is an ideal vehicle for implementing an admissions procedure to replace competition between schools. If pupils were admitted to a federation rather than an individual school, they could then be allocated to the constituent schools by a process which balanced the range of legitimate concerns, including the virtue of socially balanced intakes.

*Recommendation:* In the longer term, all London secondary schools should form federations. When a federation is formed, admissions would be to it rather than to its constituent schools. Within a federation, admissions to the schools would be on the basis of parental preference, child's preference, child's need, and community interests.

5 September 2003

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#### **Memorandum submitted by the Campaign for Real Education (SA 27)**

While the Select Committee is considering the question of school admissions, may we please ask that Members reflect on the following:

First, a philosophical point:

When you took evidence from Professors Coldron, Fitz and West on 10 September 2003, Professor Coldron said: "... My view is that the aim of admissions authorities should be to help to equalise intakes, not to increase parental choice, and a whole set of ingredients needs to be brought to that purpose, banding being one of them." Professor Fitz concurred: "I agree with both John [Coldron] and Anne [West] on that. I think working towards some notion of balanced intakes within each school is highly desirable, both in terms of social mix and also the data—the now very ancient data—on the effect it can have on student performance. Banding is certainly one way of achieving that." This suggestion, of course, is moving towards what Fred Naylor of the Parental Alliance for Choice in Education has described as "compulsory social mixing". It would be a major step towards the Marxian ideal of "equality of result" at the expense of the liberal democratic ideal of individual "equality of opportunity". Ideologically, it is totalitarian socialism, and it should be recognised as such. Also, unless all parents can be persuaded to accept this arrangement, it is in conflict with the rights of parents as expressed in Article 2 Protocol No 1 of the European Convention on Human Rights, which gives parents the right to choose an education for their children "in conformity with their own religious and philosophical convictions".

It should also be noted that recommendations by adjudicators, that parents whose children are entered for the 11-plus must state their preferred choices of school before they know whether or not their child has qualified for a place at a grammar school, put these children and their parents in an invidious position. This damaging recommendation is unnecessary and clearly intended to discourage competition and choice. Children seeking admission to a grammar school should not be penalised by the threat that, if they are unsuccessful, they may end up in an unpopular "sink" school. They should be allowed the full range of options just like everyone else. And, surely, if pupils who had gained places in grammar schools were immediately removed from the LEA's admission system, smaller numbers would make the system easier, and less costly, to administer? (Over recent years a considerable bureaucracy has grown up to deal with school admissions. In 2002–03, for example, England's 150 LEAs spent £60 million on school admissions at the expense of Individual School Budgets.)

Furthermore, the Government's chief admissions adjudicator, Dr Philip Hunter, seems very confused about how specialist schools are supposed to select their pupils. In the *Times Educational Supplement* on 11 July, Dr Hunter sought to explain how specialist schools could avoid breaking the law by differentiating between aptitude and ability. But despite the acknowledged assistance of Professor Dylan Wiliam of King's College, London, Tim Oates of the QCA and Chris Whetton of NFER, his recommendations were an incomprehensible mish-mash of "Third Way" fudge. So it is good to see that where parents and schools in Hertfordshire have been able to use the courts against adjudicators' decisions, the adjudicators have lost their case and been forced to surrender, not only in Hertfordshire, but in other places too (see, for example, *Times Educational Supplement*, 24 October 2003, page 15).

Other points, picked up anecdotally from parents and teachers who have contacted us and which Members of the Select Committee may like to consider, include:

- That there are strong objections to the Government preventing schools, especially church schools, from interviewing either prospective parents or prospective pupils before offering a place. Such measures will undermine the freedom of good schools to maintain their ethos and a disciplined environment (though not, it should be noted, before the Prime Minister's older children have gained the full benefit from such an environment).
- Concern about the undue emphasis placed on arbitrary catchment areas in schools' admissions criteria. Catchment areas are used for bureaucratic and other reasons. They are not for educational reasons, and they will not raise standards.
- That so-called independent Appeals Panels are too much under the control of LEAs and local authorities. In an honest system, Appeals Panels would be genuinely independent, instead of being packed with LEA appointees with limited room for manoeuvre, as they usually are.
- A strong feeling that Standard Numbers should be based on the maximum physical capacity of a school. They should not be manipulated downwards in popular schools to force children to take places in unpopular schools.



- Issues about how schools can be expected to provide an equally high quality education when the Government's "Fair Funding" system fails to give equitable funding to very similar schools? (See David Miliband's Written Reply to Graham Brady's PQ dated 8 and 9 September 2003.)

Finally, may we suggest that education ministers and the Select Committee need to decide whether they are aiming genuinely to raise academic standards or whether the primary purpose of their education policies is "compulsory social mixing" and "equality of result" in the hope of producing a new, politically-correct society.

If the primary objective is to raise academic standards, the evidence strongly suggests that undermining competition between genuinely diverse schools, and systems of schools, will reduce standards for all pupils—it will not raise them (see David Miliband's Written Reply to Graham Brady's PQ dated 20 May 2003). If you hope to raise standards, you should be encouraging parental choice of school, not seeking to destroy it. Competition between pupils, between schools, and between different types of school, will raise standards. The Government's apparent determination to limit the numbers of places at good schools, and to limit genuine choice and variety between schools, is a disincentive to improved performance, which, of course, is why ministers are now taking measures to manipulate entry to universities. Such measures will simultaneously encourage ineffective schools to continue failing their pupils and discourage the better schools.

Further information on these matters is available in *Comprehensive Ideology: Burns and the Betrayal of Two Communities* by Fred Naylor, CRE, 2002 and *Grammar Schools in the Twenty-first Century*, NGSA, 2001. Incidentally, Members of the Select Committee may also find it useful to read Professor S G Prais's article about the flawed methodology used in the PISA reports in the *Oxford Review of Education*, Vol 29, No 2, 2003. And, possibly, Professor Prais's earlier work on flawed DFES research evidence. This is entitled "Grammar Schools' Achievements and the DfEE's Measures of Value-added: an attempt at clarification", *Oxford Review of Education*, Vol 27, No 1, 2001.

24 October 2003

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*Witnesses:* **Dr Sheila Lawlor**, Director, Politeia, **Mr Martin Johnson**, Research Fellow in Education, Institute for Public Policy Research, and **Mr Nick Seaton**, Chairman, Campaign for Real Education, examined.

**Q510 Chairman:** Could I welcome our witnesses to this session. It is very good of you to give of your valuable time. I am sorry we have overrun the first session a little, but it was excellent value and so we had to keep a few more questions flowing. I think you will know—I know Martin Johnson was in at the last session listening—that we have had a whole year for our main inquiry, apart from all the other things the Committee does, and that has been looking at secondary education. This is the last phase in that. We are looking at school admissions policies. It is the hottest issue, the most difficult issue probably, of the five topics we have looked at. We are very grateful that you are with us today and we would very much like to hear from you. We have an admissions policy in this country. We have particular problems in some areas of the country, particularly London, and there has been a lot of evidence about the special conditions in London. Could I invite you, first, to say a couple of words to introduce yourselves and then to say what you think of the current state of the admissions policy that we have. Is it perfect? If it is wonderful and it is not broken, should we not leave it alone? Or does it need a radical overhaul? If you can do all that in two or three minutes, I would be very grateful.

**Dr Lawlor:** My name is Sheila Lawlor and I am director of a think tank called Politeia. Thank you very much for inviting me. I will try to summarise my thoughts in about two minutes, if I may. I think the schools admissions policy we are operating now and the one which is planned under the new Code of Practice is essentially a very dishonest system. I

think it is dishonest because it is designed to give the impression of choice but that choice is a chimera. The system where you had central or local government allocation of places, on the whole remains, except for those schools which are their own admissions authorities. We have a familiar model of central planning. We have seen it in other countries in economic terms, the Soviet Union or China, Five-Year Plans, Great Leap Forwards, but in this country we are not willing to say it is essentially a centrally planned model with no real choice. Because the two main parties—schools which are not their own admissions authority and the parents—are excluded from this very important decision: the schools themselves and the parents, in practice. This has disadvantages, I think, for the schools' professionalism. We are trying to encourage schools to take great responsibilities for teaching young people, and in any teaching institution—and I speak as somebody who has been in a teaching institution—one of the central marks of its professionalism is responsibility for admissions; sensible responsibility delegated. We are also undermining parental responsibility because this is a vital area where parents are responsible for their children. The aims of the system are many, but it is very unclear what is the precise aim. If it is simply to make sure that no child does better than another, it might be better to close down all good schools so each was equally bad. However, if it is to ensure—and it is an aim I share—that all children, particularly those who are disadvantaged in one way or another, have as good a chance of a good education as every other child, I would say there are

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better ways to do it, Chairman. This, at heart, is a problem really of ideology. There are two ways of running a school system. There is the centrally planned model, with admissions authorities, admissions forum, criteria, an adjudicator, an appeals panel and the secretary of state and the LEAs, or there is a free system of choice, where parents would apply directly to a school and the schools would admit or not the pupil. In my view, the best way to help disadvantaged children, in fact all children, is to have a choice model, so that, where good, schools will get better, and poor schools will too get better. Because, in the end, I think we have played around with a system which in one way or another has been collectively planned and run, with many laws, constant change, fresh admissions criteria, fresh bodies to supervise the appeal, a system which lacks transparency, clarity and accountability. In the end I would say that it is better to have a free system really because I would go along with John Maynard Keynes who thought it was better to get things “roughly right than precisely wrong”.

**Q511 Chairman:** I take it that you are not content with the present system!

**Dr Lawlor:** No, not at all.

**Mr Pollard:** Very perceptive of you, Chairman.

**Q512 Chairman:** Martin Johnson?

**Mr Johnson:** Thank you, Chairman. Good morning. As you will have seen, I come from quite a long teaching background and a trade union background, but I have been a researcher with the IPPR for nearly three years and rely very much on evidence as a basis for policy making. I think the weakness of the present system is that it veers too much towards the concept of education almost as a consumer good, in that it appears that the only parties with an interest in school admissions are schools and parents. Education is not a consumption good; it is a service, offered by the state for all kinds of economic and social reasons. Therefore, there are a large number of stakeholders in the education service: the state, as I have said; the community, because schools perform community duties; as well as the parents, the schools and the pupils themselves. We at the IPPR do not think that the present system represents that range of interests as well as it should.

**Q513 Chairman:** Thank you. Nick Seaton.

**Mr Seaton:** Thank you, Chairman. I am Chairman for the Campaign for Real Education, which is a pressure group mainly consisting of parents but about one-third of our supporters are teachers. We press for basically higher standards and more parental choice. I think most people accept that there are not any perfect solutions about admissions. It is a difficult area. But also people get very concerned by moves to undermine parental choice in favour of compulsory social and academic mixing.

Encouraging youngsters from less privileged homes is a noble ideal to be applauded, but it should not be done by discriminating against others. Nor, I think, should the Government restrict the freedom of law-abiding citizens. Almost all the problems with admissions occur simply because there are too few good state schools. That is the great problem, I think. I think the Government and ministers need to decide: Is the aim equality of opportunity or equality of results? If it is equality of opportunity, why undermine the best schools?—as in Gloucester, the grammar schools—and I have a particular interest in the grammar schools. Is it compulsory social mixing? Is that more important than parental choice? If so what rights have politicians, whether local or national, to deny parental preferences? There is a huge debate about what exactly is social inclusion. By all means, encourage, as I said earlier, youngsters from less privileged homes to move up in the world and get a good education—that is fine—but why should schools have to accept someone who disrupts everyone else? Why do they have a right to be included? Why is there no great fuss in other countries about selection? I think it is basically because they have good technical schools and so on which are popular with parents, so, if youngsters do not get into the most academic schools, they still get a good education, leading to good jobs. How can church schools and faith schools accept all-comers, as the Government is suggesting? Surely that destroys the school’s whole purpose. Or is it just the intention to use the title for political purposes?—to give, as Sheila said, the impression of parental choice, whereas in the end all schools will be the same. I think the system at the moment is not working well. The emphasis is going too much toward State-control at both national and local levels and basically cutting out parents. We get quite a few complaints from parents. They are very sad cases, where youngsters are being forced into schools that their parents do not want them to go to simply because the LEA has an awkward catchment area or it wants to boost the performance of a poor school or something like that. It seems to me that the key point is, as any good manager would say, “If you want to boost the performance of a whole system or a business you leave the ones that are doing well to get on with it and put all your efforts into improving the less good.” You do not start to tinker with the ones at the top and undermine the ones who are doing well in order to supposedly help the ones at the bottom. It just will not work. Apart from that, there are not the resources or the people to do it.

**Q514 Chairman:** We have had evidence given to this Committee—to take the London example, following the Greenwich decision on which schools will take which pupils from outside their area—that you no longer have the notion of community schools, certainly in London and possibly in other areas like Bristol and Leeds and so on, the big cities. Has it not been the case, though, that it is almost impossible to have a good social mix because schools no longer can serve their communities? The community does not go to the school that is nearest to them. Indeed,

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in London people travel vast distances in order to go to school. How has that Greenwich decision, in your view, affected the nature and quality of our schools?

**Mr Seaton:** Basically, I think most parents will go to their local school if the local school is a decent school. That is really all they want. It is common sense that the less distance the children have to travel, the better. But if the local school is a bad school, then they will travel. They do need choice, and if you deny that choice you are just making an excuse for the poor performers and weakening the high performers.

**Q515 Chairman:** Sheila Lawlor, what is your view, post-Greenwich.

**Dr Lawlor:** If parents are to have any opportunity to find a good education for their children without having to pay through the nose—and I think the figures in London are nine to 10% of parents are now educating their children independently, which is ahead of the national average—I think it is important that you can have the cross-border traffic. We are publishing a piece by the assistant director of education at Wandsworth, and in his borough they have 6,000 pupils into Wandsworth from surrounding boroughs. It does not offer them particularly more problem or less problem, but it is important that we do preserve the role of the parent, so I would welcome anything which encourages such choice rather than restricts it.

**Q516 Chairman:** You celebrate the freedom that the Greenwich decision gave parents.

**Dr Lawlor:** I am not really a celebrator of anything about the system, Mr Chairman. I am sorry.

**Q517 Chairman:** Interestingly enough, when you said there is this deep unhappiness, other evidence the Committee has had already suggests that if you are an articulate, middle-class professional living in London and you can play the system, it works very well for you and you can get four or five choices of school. If you are less articulate and less knowledgeable, you will end up with one or sometimes no offers of a school.

**Dr Lawlor:** I think this is a problem with how the system is. If one were to move to a choice-based system right through—so that, at the end of primary school, the heads of the primary schools worked with the parents to help advise on a good choice of school where they really did have a chance, where they had connections, and where they could advise the parents and the family and where there was greater freedom—I think this would work. I have sat with heads in, say, Paris, and in Paris, in admitting pupils, where the pupils apply, there is an element of selection by the school, there is no doubt about it. But it is not a dirty word. It is a very open system, where the rules are always bent in order to encourage the children, partly those who live in the catchment

and partly those who are able<sup>2</sup>. It is a system, I think, which is working better because you have that element of choice and cross-border traffic.

**Mr Johnson:** Actually, I would not overemphasise the importance of the Greenwich judgment, in itself, as a single item. After all, it only affects people or largely affects people in areas where there are a number of small urban LEAs. If you look at London, which is, I have argued in my paper, unique in many ways, the Greenwich judgment came only shortly after the abolition of the ILEA, and of course there was cross-borough travel, a considerable amount, in the time of the ILEA. The Greenwich judgment, in London, really allowed the continuation of that traffic. Of course we do have, as I am sure you are aware, lots of examples where schools are located close to the borders of LEAs. Their natural catchment area, if I can put it that way—and that is not an unproblematic concept, as we have heard earlier this morning—is derived as much from a different LEA as from their own.

**Chairman:** We are into the subject now and Jonathan would like to ask a question.

**Q518 Jonathan Shaw:** Thank you. I would like to ask Sheila Lawlor, you have made your criticisms of the admissions system abundantly clear to the Committee and you have said a school should decide whether to admit or not the pupil.

**Dr Lawlor:** Yes.

**Q519 Jonathan Shaw:** Should there be any guidance from government/LEA at all, particularly for children in care?

**Dr Lawlor:** We have the law of the land which, as it stands, to my mind is too top heavy and too prescriptive right down to the bottom, but there must always be a legal framework to protect the interests of those who need to be educated. It is how we administer, how we define such a framework—where we can draw the lines and how we administer it.

**Q520 Jonathan Shaw:** Should children in care be admitted or not? Should there be a priority or not? Who decides, the school or the State, when 75% of them leave schools without any qualifications at the moment?

**Dr Lawlor:** I think you have answered your own question, because the State has proved a pretty rotten carer for children in care, and perhaps we need to look beyond the State to find adequate means of representing children in care who are a very vulnerable group in society.

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<sup>2</sup> *Note by witness:* It is an open system where the rules are always bent in order to encourage the children who live outside the catchment area, not inside the catchment area, and partly those who are able.

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**Q521 Jonathan Shaw:** That is why, perhaps, the adjudicator has said—and a couple of weeks ago he sat where you are sitting and answered questions—that this should be a number one priority for schools which are oversubscribed in their admissions' criterion. Would you agree with him?

**Dr Lawlor:** I do not think the model which we are working at the moment—or which is not working very well at the moment—is the best model for a free society which gives opportunity to all. That is why I think an overhaul is needed. I would say that where you had a system of open and free choice, which encouraged greater responsibility by schools, and greater powers to go with what we expect of professional people and of those responsible for children, the parents or the people in loco parentis if they are in care, you would have better schools all round, at the top, the middle and the bottom, and we would not all be chasing a tiny number of good maintained schools, especially in the big metropolitan areas.

**Q522 Jonathan Shaw:** Mr Seaton, what is your view? Should schools be directed to take children in care as priority number one if they are oversubscribed?

**Mr Seaton:** I am inclined to think not. It is a difficult decision, I accept. I do accept those sort of children need special care, but I think a lot will depend on the local circumstances and the circumstances of the school: Is it suitable for that child? I do not think we ought to concentrate our efforts on any sort of minority of children. I think we have to think of the main body first. I am not saying minorities of any sort do not matter, at all, but all I am saying is that we should not set the system or gear the system just to cater for the minorities and forget about the majority, basically. But I take your point.

**Q523 Jonathan Shaw:** So, generally speaking, both you and Sheila Lawlor are agreed: Not really. You say it is up to the school. It is entirely up to the school whether they take a child who is in care—and we know the consequent success of children in care—or quite an able child. That is up to the school, basically.

**Mr Seaton:** I do not accept that head teachers and school governors generally are uncaring people. I am sure, given the circumstances, and if they think they can do the best for that child, most people would help out if they can.

**Q524 Jonathan Shaw:** We heard from a head teacher, Mr Wood, earlier on—who, I am sure you will agree, is a caring man. He said very openly and candidly that children in care were never on the list: It really was not on the radar. If we do not put them on the radar, no one is ever going to consider them, are they? We are just not going to make any advancement for the most disadvantaged kids in our society.

**Mr Seaton:** It is whose fault that they are not on the radar?

**Q525 Jonathan Shaw:** We are now putting them on the radar. You are saying that they should not be.

**Mr Seaton:** No, locally, I mean.

**Q526 Jonathan Shaw:** Well, locally, nationally, whatever. We have heard from a head teacher, a very experienced able head teacher, who said they were not even on the radar. We know the background of the success of the kids in care. Now the adjudicator is saying: Number one priority for oversubscribed. But the two of you do not agree with that. You think it is the head teacher's decision. But we have already heard that it is not on the radar.

**Dr Lawlor:** I disagree because I am saying that I do not think a system which is centrally run and planned is working. I do not think it has served such children. I do not think by constant fine-tuning of the system or putting one case this year and another next and by reconstructing priorities, there will be an improvement. In the end, you can run a system around one group: whether a clever group, a hard-pressed group, a socially excluded group. There are many different groups in society, and either you see a society built up of minorities and run by officials, that is what it amounts to, or you put your trust in teachers. For instance, take care for the mentally handicapped, which I recently discussed with a private provider. He does a great deal of work for the National Health Service and he is brought in directly and looks after disturbed children and young people. He is filling a gap which the State simply cannot fill. By contract we are funding children elsewhere but they are getting a raw deal, so why not try to move beyond this vision of a run-system, planned and provided, where you decide the targets, and put your trust in professionals and let the funding follow them accordingly? That would be my model.

**Q527 Jonathan Shaw:** Mr Johnson, do you agree as well?

**Mr Johnson:** I think the example you have chosen is an extremely good one of a situation in which there are interests above those of individual schools. Here is a social issue which has not been addressed. Parliament has decided that it should be addressed by placing its priority in the admissions code. My only comment on that is that, in my view, the new code is going to be a little bit slow in ensuring that that particular criterion does in fact take effect in all the schools, particularly those which would be loathe to do so.

**Q528 Jonathan Shaw:** Do you think some schools would be loathe to do so?

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**Mr Johnson:** Don't you?

**Q529 Jonathan Shaw:** No, I am asking the questions. I have been a witness for things, but I am trying to find out.

**Mr Johnson:** I think there would be some.

**Jonathan Shaw:** Thank you, Chairman.

**Chairman:** Andrew, I would like you to pick up the cudgels on Schools Admissions Policies, Competition and Performance.

**Q530 Mr Turner:** We are reviewing admissions policies. Could I ask what you think the outcomes are of the present system that are unsatisfactory. The earlier witnesses provided some processes. Could you describe some of the outcomes of the present system that you think are unsatisfactory or damaging or whatever.

**Mr Johnson:** The first thing is that it is important to remember that in a lot of places the present system works not too badly in practice. I think it is very important to have regard to the particular geographical and social characteristics of an area, which is why I think a local education authority has an important role to play in the system, because they are aware of their own local circumstances. As I think the Committee has heard frequently, the problem lies particularly in the larger cities. I think there the outcomes which are unsatisfactory are, broadly, that there is insufficient balance of intakes between the schools. I think one important reason why that is a problem is that it does tend to lead to a number of schools in which it is extremely difficult, difficult almost to the point, if not to the point, of impossibility, for the pupils in those schools to achieve at the levels that they may have the potential to do so because of the accumulation of problems and difficulties in that school. I think Mo Laycock earlier referred to a critical mass of pupils being necessary. There are too many schools in our cities which lack that critical mass under the present arrangements. It is a question of overall educational attainment.

**Q531 Mr Turner:** May I come back to that after I have heard the other two answers. What are the unsatisfactory outcomes?

**Dr Lawlor:** I think it is a system where you have encouragement for parents to appeal and you have some authorities where there are very high proportions of appeals. You have heard in this Committee from people who run this system and who have different perspectives as to whether it is too tight or not free enough, but I think those who are running and operating the system, and also those parents who are using it, may be dissatisfied. That in itself—a feeling that, though we live in a democratic country, you do not really in the end get to the bottom of who takes the decision, and whether you have had a fair hearing—is bad for a system.

**Mr Seaton:** Basically, I think nationally the figures do not look too bad for the outcomes, but, when you look at particular areas and that sort of thing, there are some which are very, very bad. Another thing I think we ought to consider, which for ideological reasons is not often considered, is that all the evidence, the raw evidence, which has not been adjusted for valued-added or estimated free school meals, shows that selective systems in Northern Ireland and in this country, selective areas or selective LEAs, produce results that are about 10% absolutely better than totally comprehensive systems and about 25% relatively better. If we are aiming for higher standards throughout the system, I would suggest that there ought to be more selective schools not fewer. And the secondary modern schools, since 1967, have improved.<sup>3</sup> People always decry them, but they have improved at six times the rate of comprehensive schools in five or more GCSEs, so secondary modern schools, although people get snooty about them, do and can produce extremely good results. I think people know the rough intake of a school, whether it is a selective school or it is taking youngsters from a not-very-prosperous area and so on. Most parents, if they look at the tables and the results in the league tables, will take that into account. Nobody expects their schools to do miracles, but, for all that, I think we have to build on what is good rather than undermine what is good for the sake of what is bad and spoil the whole ship.

**Q532 Mr Turner:** Could I come back to Mr Johnson. You said that not having a balanced intake leads to an almost impossible task for schools. Are you saying it leads to lower standards overall, that most schools do not have a balanced intake?

**Mr Johnson:** I would not want to say that any school that did not have the normal distribution nationally or for its LEA was unbalanced and therefore could not be a successful school. I am talking about schools at the end of the distribution, if you like. I do think the fact that they find it very difficult to get their children to achieve at levels which they may be capable of in aggregate has depressed the overall attainment.

**Q533 Jeff Ennis:** We have already heard evidence that the top 200 state schools in this country have an average of 3% children on free school meals. The average across all state schools is 17% free school meals. What does that tell us about the current admissions system in this country?

**Mr Seaton:** I am not saying that free school meals is something that should be ruled out as a factor in making a judgment. I think it can give some indication of where a school is underperforming or overperforming. But free schools, we have to remember, are only estimates of the number of parents who are calculated to be eligible for free

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<sup>3</sup> *Note by Witness:* The results have improved at six times the rate of comprehensive schools in five or more grade A\*-C GCSEs or equivalent.

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school meals; they are not a basic factual piece of evidence. Certainly, if the top-performing schools only have 4%, we would expect those schools to do well. They are doing well. But, as I have said, I think the key point is to concentrate on the ones which are doing less well and leave the good ones to get on with what they are doing. Equalling out, to me, equality of results, is a very, very dangerous thing.

**Q534 Jeff Ennis:** In the top schools, you are suggesting, you would have a limit or a cap on the number of children who are on free school meals to, say, 3%–4%. Is that what you are telling us?

**Mr Seaton:** No. I am saying I do not honestly think it matters all that much.

**Dr Lawlor:** Your question is that some schools have 3% on school meals and do better but there are schools where—

**Q535 Jeff Ennis:** If some schools have 3%, that means other schools have 50-odd %.

**Dr Lawlor:** I think that the premise of the question is a bit simplistic.

**Q536 Jeff Ennis:** You are here to answer the question, not to say whether it is simplistic or not.

**Dr Lawlor:** Thanks. Could I just give you an example, because this is why I think there is a problem with the way the question is put. I heard yesterday of a borough where in some schools 30% of the intake were on free school meals and those were top performing schools in the borough—outperforming even schools where your 3% may have been—but there were other schools where there were 30% and they were not doing well. This quite experienced director of education explained that, in his view—and the school meals test is a test for disadvantage, there is no doubt about it—it is a matter of how good the school is at teaching the children which matters and how the funding system works. He linked it to funding, which is not for your Committee today, but I would say that, if you can get schools with one-third intake on free school meals which are top performing schools, it is very heartening, and we should try to look at those models for success.

**Q537 Chairman:** That seems very similar to what the Prime Minister says.

**Dr Lawlor:** You have a very great leader.

**Chairman:** The Prime Minister does make the case consistently that we should compare like with like. When he gets concerned, as I understand it, and when this Committee gets concerned, is when schools, which on paper look as if they have the same sort of intake, are performing very differently. But I think that is a different issue. Jeff, have you finished?

**Q538 Jeff Ennis:** I just wonder what Mr Johnson thought.

**Mr Johnson:** Not surprisingly, I would draw the opposite conclusion to that reached by Sheila. I think it is another piece of evidence that pupil performance, and therefore school performance, is very, very largely due to factors outside the school, and particularly the social backgrounds of pupils. About 80% of the variation of school performance is due to factors outside the school, which, if I may just continue, is one reason why excessive parental interest in which particular school their children should attend is rather misplaced.

**Q539 Jeff Ennis:** Jonathan has already mentioned about the situation with children in care. Is the new admissions system fair to children with special educational needs?

**Mr Seaton:** Basically, again, this is a root problem of the whole state system, in that honest psychologists say there are about 5% of children with genuine special needs of various types and difficulty, but we accept in the state system that around 20% of children have special needs. In some schools it is 50%. That figure is largely because a lot of these special needs, a lot of the experts would say, are actually created by poor teaching of reading. It is not that the child is mentally deficient or has a problem with anything, it is just that they have not been taught well in the early stages of their primary education. I think, again, the Government should be looking to reduce . . . I know we have the National Literacy Strategy, but, again, it has not worked as well as it might and we should be looking to reduce those special needs to about 5%. But, by all means, the children who have special needs need special treatment, and the money should be there for it.

**Mr Johnson:** Under the new Code, SEN has not been given any particular place, unlike the needs of children in care. I think there is a good argument for saying that it could have been. The problem is, of course, that the introduction of too many factors into the oversubscription criteria then gives the problem of ordering those, and it does make the admissions system potentially much more complicated. But I do think, if Parliament did not take the view that it should make a decision in that direction, that it should be open to individual local authorities to take that view given the circumstances of their own area. Of course, then it would not be effective unless and until the local authority became the admissions authority for all the schools within its area. Constantly on my mind during this session is that wonderful phrase you had from Dr Hunter, “a drift to the posh,” I think, which is a pressure on schools at the moment. In so far as that does exist, that is a pressure not to take pupils with special educational needs very often.

**Dr Lawlor:** With special educational needs, there are different sorts of needs. Some are clearly educational needs: children who have missed out on a primary education which equips them for secondary education. There is a problem very often with young male children in primary school—we see this in the

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Anglo Saxon world—where at a certain stage they become less academically oriented and it is very hard to get them through the primary stage ready for secondary. There are all kinds of special educational needs, but there are also social needs, and I think we need to be clear of what they are. I do not think there is any blanket answer: different children will need different support. I know some heads who are very keen to have children with a special educational needs statement because they get a great deal more money—and they are quite open and honest about it. I think the system, so far as we have it, seems to work quite well because it represents a great deal of extra funding to a head who will be quite happy to have special educational needs children when they are there. But I would like, from the point of view of the child, to break down that need into what is really needed and try to tackle it as early as possible.

**Q540 Jeff Ennis:** On the London paper that the IPPR presented—so this question is addressed to Martin—they are advocating the return of the middle schools to resolve the problem: schools should admit pupils from 13 to 14. Speaking as an ex-middle school teacher, the reason why the middle schools disappeared was because of SATs, level 2. Are you advocating that we do away with SATs at level 2 and just have level 3?

**Mr Johnson:** We did not say that!

**Q541 Jeff Ennis:** Do you think there might be a return back to middle schools?

**Mr Johnson:** In practice, I think a lot depends on population changes. If we have areas of London where the school population is rising and school building needs to take place, then there might be a case for rethinking. I know it goes against the grain, because I know the few LEAs which still retain the schooling are under some pressure; Devon is getting rid of the middle schools in Exeter at the moment, for example. But I myself have been a proponent of middle schools because I feel that the ones I have seen are pretty successful.

**Chairman:** I want to move to the second on banding. David wants to ask a question on that area.

**Q542 Mr Chaytor:** Thanks, Chairman. Mr Seaton, in your submission to the Committee you described banding as “totalitarian socialism,” a miniature step towards the “Marxian ideal” and you go on to rail against political correctness and talk about a “mish-mash of Third-Way fudge”. Some people might think you have a political agenda!

**Mr Seaton:** Yes, Chairman.

**Q543 Chairman:** You have every right to have a political agenda at this Committee.

**Mr Seaton:** I based that on *A Dictionary of Marxist Thought* edited by Tom Bottomore, Laurence Harris, V G Kiernan and Ralph Miliband—who I guess is the father of our current schools minister.

**Q544 Chairman:** He is the father, and he taught me at the London School of Economics.

**Mr Seaton:** Right. Anyway, it says that the main components of Marxist educational theory are: “Free public education, compulsory and uniform for all children, assuring the abolition of cultural or knowledge monopolies and of privileged forms of schooling . . . Later, other objectives were made explicit, such as the necessity to weaken the role of the family”—which is what Sheila was talking about earlier, taking away the responsibility from parents and giving it to the State. It also says, “The community is assigned a new and vast role in the educational process” and there is to be “a switch from competitiveness to cooperation . . .” This seems to me to almost mirror many of the educational policies that are going on at the moment. When we talk about banding, if you are going to put a mix of academic ability, social class, religious affiliation and so on into a school, what are you aiming for? Is it equality of results? Is it so that all the schools are all the same and all the youngsters come out exactly the same?

**Q545 Mr Chaytor:** So the head of the Church of England boys’ school from whom we heard earlier, who operates the banding system, is a Marxist.

**Mr Seaton:** No, I am not saying that at all. Do you mean banding within the school? I am talking about banding in admissions. Are we on two different things here? Maybe I did not make that clear.

**Q546 Mr Chaytor:** We are talking about banding as a criterion for admitting pupils to the school.

**Mr Seaton:** Yes, okay.

**Q547 Mr Chaytor:** It is what happens in the Church of England school. Is this totalitarian?

**Mr Seaton:** It seems to me to be a dangerous path. It is leading not to equality of opportunity (giving all youngsters the best possible opportunity to do well whatever their background or race or culture or anything else); it is using the system to produce equality of results.

**Q548 Chairman:** If I may intervene, the head who actually expressed these views and had this school was one who was most favourable towards selective education, and the reason he had introduced it was that he was in a school in very challenging circumstances and he wanted to raise the ability range that were coming into the school—so 40% were above average ability, 40% were average and 20% below. A very selective principle, which, in one sense, Mr Seaton, you would have agreed with.

**Mr Seaton:** No, because you are not measuring it really. Are you measuring it on any objective criteria? Do the youngsters do a test for social class?  
**Chairman:** No.

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**Q549 Jonathan Shaw:** On ability.

**Mr Seaton:** Academic ability, fine. But if they are a Muslim and the school has too many Muslims, do they get refused a place or what? It seems to me a dangerous concept.

**Q550 Mr Chaytor:** Mr Seaton, the way banding has always operated in the former Inner London Authorities, and still in some Inner London Authorities and in other parts of the country, is entirely on academic ability or alleged academic ability. What is your objection to having a balanced distribution of ability within a given school?

**Mr Seaton:** I think most teachers, if they are honest, and most of the research, suggests that youngsters learn better with other youngsters of similar ability.<sup>4</sup>

**Q551 Mr Chaytor:** Which research?

**Mr Seaton:** Well, Dr John Marks. He did a campaign for us actually, for the Campaign for Real Education, a good few years ago which was well documented. I can produce that for you.<sup>5</sup>

**Q552 Mr Chaytor:** I am looking at your pamphlets here. Of the last ten pamphlets, your name appears as the author of three of them, Fred Naylor as the author of four, and someone called David Marsland as the author of another three. It is not exactly a broad spread authorship, is it?

**Mr Seaton:** No. It is just that we have been so busy over recent years with lots of other things. We are a voluntary organisation, not publicly funded or highly staffed or anything, and we have tended to take what has come rather than actually go out and commission work.

**Q553 Mr Chaytor:** You started in 1987 with 14 members. How many members do you have now?

**Mr Seaton:** We do not have members, we have supporters, but round about 3,000. I mean, it goes up and down all the time. As people's children go through school, they drop out and so on.

**Q554 Mr Chaytor:** Could I ask Dr Lawlor about the issue of banding. What is your objection to banding?

**Dr Lawlor:** I did not say I had an objection or I did not. What I have an objection to is an admissions authority determining for a school the banding. The Code of Practice as it is coming out—the most recent, with the section on banding which I had a look at—is quite prescriptive. If a school chooses to exercise banding, and many schools do, their heads and teachers and governing bodies decide: “This is the best way. We want a comprehensive intake. We can cope with setting or streaming children for lessons in individual subjects according to ability, top 25%, bottom 25%, middle range, 50%,” if you

like. They know their applicants, they know how they can organise it and they feel that is how they will get the best out of the children and the teachers. That in itself would be a school decision. We have a grey area with the Codes of Practice as you are suggesting, because the grey area suggests that for schools who are proposing a banding procedure there are quite prescriptive guidelines. I think you really do need in any system to be clear. Is banding something which is a preference by an admissions authority? Is banding something which schools will be encouraged to follow? Or is banding something, if they do choose to have a banding admissions policy, where they must follow the guidelines? I just think you have to get it clear. I myself would rather leave it to the school because I think the school is best placed to say how best to teach the children in its educational and pastoral care.

**Q555 Mr Chaytor:** Your preference is that all schools ought to be their own admission authorities.

**Dr Lawlor:** I would prefer. I did speak to a head about this yesterday. He was his own admissions authority. It was not a school I know—I will say where it was, but I do not know whether it should be repeated. It was in Enfield. He said he thought that most schools could run their own admissions policy pretty sensibly and would resolve, in the interests of the children and the teaching staff, how to do it. He thought 80% of schools could cope with that, and maybe 20% was the figure who at the moment could not. That figure has been . . . mentioned by many heads from different areas, and not people by any means who would think very carefully about the kind of system they operate; they simply think of the problems they have to deal with. It would make life easier, more sensible, give them a direct relationship with the parents—because they have found that if they can explain to a parent why your child will not suit our school but another school and so on, parents are more willing to take things from heads and teachers whom they see as professionals, rather than an anonymous appeals procedure. I would urge the Committee to consider whether all schools could be their own admissions authority. Then it would be for the law of the land to decide what framework they would operate under, but the schools could be their own admissions authority. It would help to restore the responsibility which I think schools would welcome and I think it would give a direct face to a system which parents feel very often lost in.

**Q556 Mr Chaytor:** You want to see a fully fledged market in secondary education.

**Dr Lawlor:** The word “market” nowadays is often seen, I am afraid, as a dirty word. I would say free system. I think there is a lot in Britain and in the history of this country . . .<sup>6</sup> Even in countries where

<sup>4</sup> See Ev 145

<sup>5</sup> See Ev 145

<sup>6</sup> *Note by Witness:* Its cultural attitudes which led to such a system evolving until the mid 20th century, that is until the mixed system was expressly terminated, often for reasons, not of education but of ideology and politics in the post war decades.



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you have had a much more centrally controlled system, such as in Germany or in France (for the Länder in Germany, or in France, as we all know about what every French child has to do at certain times) nonetheless, though you have in theory quite a planned system, in practice there is a great deal more freedom for parents and, indeed, for schools. 25% of French children are educated in non-state schools but funded principally by public money. In Germany, for instance, in the nursery sector a Land may not set up a Land nursery school unless there is no independent or voluntary school there, and the funding must follow. So every country has found ways of decentralising what in practice is a centralised system, and they find it works.

**Q557 Mr Chaytor:** How do you reconcile on the one hand your concern with maximising parental choice and on the other hand with giving power to individual schools as their own admissions authority? Within the market model, exactly who are the buyers and who are the sellers? Who are the producers and who are the consumers?

**Dr Lawlor:** It is a very fair question. I would answer that we have two systems and neither will be perfect. Some people will feel it is a fairer system to take out the parents and the school from the equation and try to run the system as a system for everybody. Others will say, as I would say, that it is better to have a free system with direct accountability and responsibility between the professional party involved, the teachers and the school, and the parents. Yes, there will be some differences, but I would ask: Would there be more differences and more problems and more unhappy people and fewer bad schools in such a system than at present? I think that unless Parliament in the end can put its hand on its heart and say, "Another system will work better in the interests of everybody, including disadvantaged children,"<sup>7</sup> it is worth considering, because we have not tried it and it is worth trying. Other countries have tried it and it works.

**Q558 Mr Chaytor:** How can it be a free system if parents are actually denied their right of choice by the decision of an individual school?

**Dr Lawlor:** Parents are now denied their right of choice.

**Q559 Mr Chaytor:** Surely, but you are arguing for greater choice. The proposal you are putting forward would actually reduce choice.

**Dr Lawlor:** I am saying that the system we have essentially now is dishonest. This whole idea of preference which the code of admissions really does go into quite a lot, and all the many, many papers on the idea that "parental preference must be met unless . . ." and then there are certain criteria, this, I understand from local authorities and head

teachers, is taken very often as meaning that parents have choice. They do not have choice. I think the people in this country must be treated as grown up people—schools as well. I might apply to a school, I might be turned down—as I have been, indeed. This can happen. All right. You can live with the choices you make yourself and fail. What we have now is a system where people are expressing preferences, not making choices, and there is nobody to whom they can really bring their case, make it and either be accepted or rejected. I am not sure that the system as we have under the Code of Practice as now intended will make for greater choice. It will not make for greater choice than a free system.

**Q560 Mr Chaytor:** Is not the logic of your argument the abolition of ability and aptitude as admissions criteria?

**Dr Lawlor:** It would be for the school admissions bodies, the governing body and the head teacher. That, again, I think is a problem with your code of admissions. The deliberate express exclusion of the head from any decision seems to me an attack on the professionalism of the head. No, it would be for the school and the head to decide. I know many schools which went grant maintained after 1988, and they took a deliberate decision, but even after the five years allowed within the law to change character they would not. Their mission was to educate all children. I am sorry to disagree and go on to say that there is a case for every sort of school, but the issue between us is who takes the decision as to what sort of school it should be.

**Q561 Mr Chaytor:** Would you accept that the more schools which take a decision to admit on grounds of ability or aptitude, the greater the denial of choice to more parents?

**Dr Lawlor:** I think if we let the system, the heads and governing bodies decide, you would find that the system would even out, probably more in line with what parents wanted than what we have now. We do not know because this country, uniquely, has not done it.

**Q562 Jonathan Shaw:** You are saying that it is the teachers and the governors who should make the decisions. We hear from teachers, from governors, and they are, not always but generally, saying, "We want the LEA to be the admissions authority." Schools have choices at the moment—to become foundation, voluntary aided, community schools—and most schools choose to be community schools.

**Dr Lawlor:** Yes.

**Q563 Jonathan Shaw:** So there is that choice. What are you so worried about?

<sup>7</sup> *Note by Witness:* Another system **would not** work better in the interests of everybody, including disadvantaged children.

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**Dr Lawlor:** I was asked about admissions policies and whether there should be choice. Your question is why am I worried that schools do not have the choice of admissions policy. You have brought up the point that schools do not want that choice.<sup>8</sup>

**Q564 Jonathan Shaw:** No, they have made that choice and their choice is the LEA.

**Dr Lawlor:** If they make that choice and want to delegate . . .<sup>9</sup> Let me give you a counter-example. After the 1988 Act, when financial delegation to schools—which has, I think, been proved by all sides to be a great success—was mooted, I remember many, many discussions with heads and governing bodies who did not want to have financial delegation. They did not want to be responsible. If we are seriously interested in the whole business of educating children, we need to delegate as much responsibility. If people do not want to take it on crucial areas about the character of their school, about the pastoral and educational support for their children, it may be that the teaching profession is not for them. We have found—and this was a hard lesson—that people who really are interested in teaching will take the vital decisions and go that extra mile, but if we do not encourage that sort of person—<sup>10</sup>

**Q565 Jonathan Shaw:** I am not sure that the admissions criteria is going to form an important part of teacher training. I think that parents would be more concerned about people training to be teachers in terms of their ability to teach maths, English and science et cetera. Your example of the devolution of funding, I accept. However, at the moment there are different systems operating. It is not something new for schools, as was the devolvement of funding, so it is not a good example. If a school wanted to make the choice to become a voluntary aided or foundation school or a community school, they could do. They have the freedom to do that at the moment.

**Dr Lawlor:** Yes.

**Q566 Jonathan Shaw:** You are saying that because they have not experienced it, it means that they do not understand the freedom that they are missing.

**Dr Lawlor:** No, no. I am sorry, voluntary aided schools are a particular model of school which comes from the 1944 Act. On the whole they tended

to be those church schools which could find—and there was a big battle about it in the forties—enough money for capital projects and capital expenditure. That has subsequently been reduced, but essentially they are in an independent position: they had a different kind of governing body and they were subject not to the local education authority on many things. They have long been quite independent in many areas. The foundation schools are, as you know, the ex GM schools.

**Q567 Jonathan Shaw:** I do know all the different criteria.

**Dr Lawlor:** The question is: If you have had a school which has been run by a local authority, where the local authority is the admissions authority, and has not delegated admissions, does the school have choice. My point is that I think the system has got it wrong. I would start with the schools and have the local authorities not running the admissions but I would hand it to the schools. You have one view, and it is perfectly respectable, many people think it, but I have another.

**Q568 Jonathan Shaw:** The Committee are forming a view from the evidence that we receive. My final point is that a head teacher this morning, Mr Wood, went GM and now he is back in the LEA.

**Dr Lawlor:** He made the choice.

**Q569 Jonathan Shaw:** Right. So choices are available now.

**Dr Lawlor:** Choices to admit your pupils yourself are not available. The Code of Practice will not make it available. The care of the pupil, very often for six years, pastorally and educationally, is a very important responsibility. If you admit your pupils, you probably.<sup>11</sup> I will tell you what one head said: “I prefer and we all prefer as a school body to live with our own mistakes, not somebody else’s.” That is a very important thing to remember in a free society.

**Q570 Mr Pollard:** I wonder if I could ask Dr Lawlor a very simplistic question. I apologise—I did go to a grammar school but I am not as bright as the rest on the Committee. In St Alban’s, my constituency, a very middle class constituency, one of the most middle class in the country, we have 1600 school places, 950 local places—so we import a lot of children. One school, STAGS, St Alban’s Girls School, has 180 places and 350 preferences. How do we square that with parental choice?

**Dr Lawlor:** Life is not simple. One man to whom I spoke yesterday had 180 places and 2,000 applicants. Is it fairer that the school decides or that the local authority decides? It is simply a matter of which system you run. Yes, in the end, life brings its

<sup>8</sup> *Note by Witness:* If schools do not want that choice it may be because this over centralised and bureaucratic system at every level has effectively driven out the able, independent, responsible teachers. Without proper responsibility and the prospect of exercising exercise of professional judgement, able people will not become teachers. When you drive away the most able, less able will take the slots.

<sup>9</sup> *Note by Witness:* You cannot deny that there has been no real choice over admissions policy in the present system and it takes exceptional heads to defy and stand up to the trend.

<sup>10</sup> *Note by Witness:* We will be left with poor teachers, poor schools and heads unable to take proper responsibility, with the consequences for unfortunate and failing children which we are already seeing.

<sup>11</sup> *Note by Witness:* Will take far more trouble to teach and help that pupil, especially if you have made a mistake, than if a category has been wished on you by bureaucratic procedure.

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mixed blessings, and many times we are treated unfairly, but I am arguing for a system where, if there is a grievance, the grievance is not by virtue of somebody who is outside the relationship between the school and the family, who is simply doing this as an official running a system. You will have a greater advantage for the professionalism of the teachers and the school and for the parental responsibility if that relationship is direct. Yes, it is difficult, but there are not any easy choices. We have those problems now. I do not think if we move to a different sort of system you would have more of a problem. You would probably have fewer appeals and fewer of this very complicated arrangement which you have all heard about, because I have been reading all the papers and the evidence from the local authorities. I must say it is a tribute to your singlemindedness. Do you know just how much, if you were a headmaster or a headmistress, you would have to read if you were coming here, just to know what the law is? That is the most recent. For those reasons, no system is going to be perfect. The question I would ask is this: Is the system you have going to be fairer to your school in St Alban's, and the parents and those responsible, and seen to be fairer—and, you know, it is a democratic society, seen to be fairer—than a more anonymous system where there is a third party doing these vital things for you?

**Q571 Mr Pollard:** In 1994—just as a piece of evidence for you, perhaps—we had GM schools, faith schools and private sector schools. It was as free a system for choice as you can get and it was a mess. An absolute and total mess.

**Dr Lawlor:** In St Alban's are you talking about?

**Q572 Mr Pollard:** Yes, it was. It was a complete mess.

**Dr Lawlor:** In what respect?

**Q573 Mr Pollard:** Some kids got three offers, some got none, and it was a year and a half before the system was sorted out. Now we have gone back to a collegiate system of selection which everybody seems satisfied with. Nick Seaton mentioned earlier on that the system was “not too bad”, where 96% of pupils were getting their choice of school. Are you suggesting change to suit the 4% who did not get their choice? where the tail would be wagging the dog—which is what you were advocating not to do. You say that minorities are ruling, it is not good. You are suggesting that because 96% are okay generally, that the system should be changed to suit that 4%.

**Mr Seaton:** No. To be honest, I would suggest that those people who are less than satisfied is probably a lot more than 96%. But, for all that, whatever it is, the 4% who are left, or more, are generally fairly tragic cases. The thing is, basically, that the system is moving. It is a slow process but it is moving away from parental responsibility and parental choice to the state, both locally and nationally, taking all the

responsibility. That is my fear. If I could briefly go back to the point about schools being their own admission authorities, I do not think that is incompatible with parental choice. If the head and the governors set an ethos for the school—which may be a highly academic school, it may be a caring school which wants to help children with special needs or low achievers or it may be a faith school or anything—parents know what that school does, they know what sort of a school it is, and many will choose it. Many of the schools, given the choice, will go down these different directions, I am sure. I do not think the two things of having the school as an admissions authority and parental choice are incompatible at all. I mean, look at our Prime Minister sending his children to the London Oratory: he wanted the ethos of the school. To me, that is fine.

**Q574 Jeff Ennis:** On the idea of every school being its own admissions authority, the prime concern of a school and the governors of a school is to educate all the children within that school to the very best of their ability, I would suggest, no matter what the type of school is. Everybody would accept that as a given. Is there a responsibility within each admissions authority and the individual school to the wider community, to its neighbouring schools? Does it have to take into concern what their strategy is? Should we be looking at a federation of schools within an area to provide a good educational system for all schools, not just for the children within the individual school?

**Mr Seaton:** This idea of variety between different types of school, obviously it would work in urban areas, but in rural areas, where you probably have only one school within a 10-mile radius, this school has to cater for everyone. This idea of federations of schools, I think, again, it is producing another excuse for failure, in that, as far as I can see, there is talk of publishing the exam results for the federation rather than the individual school and things like that. It could hide failure. That is my worry, quite honestly. I am sorry, what was the key question again? I apologise.

**Q575 Mr Pollard:** That is the main point: Do they need to take regard of the wider community? And when I say the wider community I mean the other local schools that may be impacted upon by their selective policy, or whatever their admissions policy is.

**Mr Seaton:** Maybe it is idealism but I still think most teachers, most schools, most governors care about their local communities and want to serve their local communities.

**Q576 Mr Pollard:** But they do not have to take consideration of the other schools' admissions policies.

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**Mr Seaton:** I think a bit of competition between schools is fair enough. Again, I think that would raise standards all round and improve parental satisfaction.

**Q577 Mr Pollard:** What do you think about that, Mr Johnson?

**Mr Johnson:** The one thing that struck me about the evidence given to you by the head teachers this morning was the assumptions of autonomy which they all carried with them. Even Mo Laycock, who seemed to want to be part of a community of Sheffield schools, spoke, as I interpreted it, as if it was up to her, effectively, and her governing body, of course, as to how they played it. Schools are part of a public service. They are funded by the taxpayer. Even, to a very great extent, voluntary aided schools are funded by the taxpayer, and so they must be accountable. That is a word we have not heard this morning, but I think it is a very important word. I do not see within the present system, on admissions or a range of other issues, the degree of accountability to the local community on the part of the individual schools that I would certainly wish. On admissions, if the LEA were the admissions authority for all the schools in its area, then the LEA is open to pressure from its citizens. Of course, there is ultimately the ballot box, but, more realistically and in between elections, if it was understood that councillors ultimately were responsible for the way the schools in their area admitted pupils, then their surgeries would be full of people knocking on their doors. There would be heat and it would be effective. That is democracy in action.

**Q578 Chairman:** You are trying to recreate communities where the heads who gave evidence this morning said they do not exist. Mr Wood said, "People now in London come from a very, very long way away. What is my community? Is it the community of church affiliation that comes from all over London? Is it the people who come from the next borough?" All of them said, in a sense—except for the head from Sheffield who has more of a community-based school—that a community is very difficult to identify for many schools these days.

**Mr Johnson:** I agree it is an issue. As you say, Chairman, it does depend on the geography very much. In London it is sometimes difficult—not always. You do find schools which are stuck in the middle of a very large estate—I am talking about within London—and you would say, "That school should serve that estate." It would not have a balanced intake. There are other circumstances in which that is not so likely. But the fact is that if for every school within a borough, within the London context, the borough were responsible for the admissions to that school, then the people of that borough could complain to that LEA and that council if things were not going well. At the moment, the adjudication system is difficult and long-winded and it is not direct.

**Q579 Chairman:** Martin, you call your ideas "Radical proposals on secondary admissions". How far would your new proposals address that problem better than what is proposed by the Government at the moment?

**Mr Johnson:** In what sense, Chairman?

**Q580 Chairman:** You are talking about your idea of collaboration between schools, and I think we have not really given you a chance to elaborate on that. That is why I am trying to bend over, to be fair to you, because you have had less of the questioning.

**Mr Johnson:** Thank you.

**Q581 Chairman:** You say you have a radical new proposal, based on a collegiate system and collaboration between the schools, and I do not think it has been articulated this morning just how that would work.

**Mr Johnson:** Our paper contains a number of proposals, some of which are complementary, some of which are alternatives, perhaps. If it were thought that the federation route were the appropriate one, I think it would have many advantages for London in particular. The advantages of a federation are many and not limited to admissions. A federation of schools could optimise the curriculum offer and care for every pupil within a selection of schools.

**Q582 Chairman:** We are familiar with the Tim Brighouse proposals. We went to Birmingham for a week and we know about this, but focus it on admissions. How would you help admissions?

**Mr Johnson:** If admissions were to a federation and not to an individual school—and I accept there are some difficulties in terms of parental acceptance of that idea but, nevertheless, I think the case could be argued and won ultimately—if pupils were admitted to a federation rather than the school, then that would site each pupil within a particular geographical area. I do take the view that the large majority of parents do not want their children to make excessively long journeys—and I know some do at the moment, but not that many. The vast majority of parents would opt for their local federation. Then the principle would be that, within that federation, the placement in the individual school would be decided on the basis of a balance of needs and volitions. The parental preference would be one factor, but so would be the pupil's preference and so would be—and this is another thing which is not recognised within the present admissions system—the educational needs of the pupil as defined, perhaps, by the primary school and any other relevant reports. It is a combination of those factors that would be used in deciding the most appropriate of the schools in the federation for any particular pupil, and at the same time there could be reference to the social good, the community good, of having more or less balanced intakes in all schools.

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**Q583 Chairman:** You keep going back to this local and community link and you are very passionate about it. In your conclusions, I notice you say, “Then there remains a task for the Government supported by all parties involved in London schools. There is an ethical appeal to the upper strata of London society. The advantaged have a particular responsibility to be part of society and to help build it. In London, the advantaged have a duty to open their minds to the real quality of education, to realise that it is in their self-interest to use local provision, and in everyone’s interest to play a part in continuing improvement of local provision.” That is very passionate. But you have said you base your research on information and good examination of the evidence, so it is evidence-based. Have you evidence that that passionate appeal is what we need in the UK for admissions policies?

**Mr Johnson:** To be candid, I think the evidence is there and I do not think it is being publicised sufficiently.

**Q584 Chairman:** We have all sorts of parents making choices across London. They feel free. They can put their child on a quite safe form of transport, they can move across London. For people who are mobile, it is a wonderful set of choices, is it not? That is why I am surprised that Nick and Sheila seem to be discontent. It seems to me that they have got what they want.

**Mr Johnson:** The evidence I am talking about is the evidence about the quality of London’s schools. I think the evidence is quite substantial that London schools are better than the national average in the context of their pupil intakes.

**Q585 Chairman:** So you would be disappointed if Parliamentary colleagues of ours had little faith in London’s state provision.

**Mr Johnson:** I am extremely disappointed whenever—

**Q586 Chairman:** I am talking cross-parties here.

**Mr Johnson:** As I have put in my report, I am disappointed whenever the most advantaged strata within London society are unaware of the quality of the schools around them. It is the case—there is evidence, there is statistical evidence—that for any given social background London schools do better.

**Q587 Chairman:** Is there any of this on which you would like to comment, Sheila Lawlor?

**Dr Lawlor:** I have not read your paper. I will read it and comment on it specifically, if I may.

**Q588 Chairman:** And send it to the Committee?

**Dr Lawlor:** I will, if I may. Just on the community thing: in the end, is it not a matter of how you define community? This is a serious problem, especially

where families work quite a long way now from where they live. Children go to school in the most amazing directions. I get a train on Cambridge station every morning and I see little people coming up from London, Hertfordshire—the catchment is huge—and also coming down from King’s Lynn in Norfolk. These are children making very long journeys on the train. Their parents have taken their decisions. It is not just—

**Q589 Jeff Ennis:** Are these free school meals children that we are talking about here?

**Dr Lawlor:** Oh, my goodness, I don’t ask them!

**Q590 Jeff Ennis:** You do not need to.

**Dr Lawlor:** As you know, you have the cross-border traffic—and for all kinds of reasons. It may be that parents are working some distance from home. It is exactly the same with free school meals children. If you ask any of the directors of inner London . . .<sup>12</sup> I referred to Wandsworth, where there are 7,000 children coming in from across the border; that is about one-quarter of the Wandsworth intake. So, yes, you do have cross-border traffic, but the question is: What is your community? It is a lovely idea, community, but is it your community at work, where your parents work? Where you live? Or where your children make friends and go to school? There are so many communities. It is a hard question, in practice.

**Q591 Mr Turner:** Mr Johnson, are you aware that the United Kingdom has schools which are less segregated than the average in the European Union in terms of parental occupation, family wealth, reading score or country of origin, and they are only more segregated than the average in terms of sex.

**Mr Johnson:** That is correct. That is Smith and Gorard—yes?

**Q592 Mr Turner:** Yes. What is this segregation that you are so worried about?

**Mr Johnson:** A lot of the debate about segregation I do not really understand. Firstly, it is an argument about whether it is increasing or decreasing; now it is an argument about whether there is more or less than other countries in Europe. I am interested in the amount there is. The segregation indices remain around the 30 to 35% level. It is a political decision about whether that is acceptable or not.

**Q593 Mr Turner:** Right. Okay. Nick Seaton said that almost all the problems occur because there are too few good state schools. It is not the case that, however many or few admission authorities there are, and whatever the admissions criteria, unless

<sup>12</sup> *Note by Witness:* The cross border traffic is not broken down into free school meals children for the good reason that they are not presumed to be less able than more advantaged children.

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more places in good state schools become available, the same number of pupils and their parents will continue to be disappointed?

**Mr Johnson:** On the one hand, I think it would be impossible ever to create a system in which all schools were seen in their communities as having equal status. That is not going to be possible. On the other hand, there is a lot of misapprehension, as I have already said, about the quality of schools. Because the measured outcomes of schools are so dependent on their pupil intakes, you cannot actually make judgments about the quality of schools in the way that is frequently done. People use the term “good school, bad school” quite erroneously. Many of the schools which have very poor, apparently, raw score outcomes—in which Nick is so interested—are very good schools according to a lot of criteria. I think the terms “good school”, “bad school” are of negligible utility.

**Q594 Mr Pollard:** Too simplistic.

**Mr Johnson:** Well, schools do make a difference. That is not to deny that they do make a difference.

**Q595 Mr Chaytor:** Just pursuing that point, Chairman, could I ask each of our three witnesses if they think there would be a value—given that we have league tables and that league tables will continue in some form or other—in having an indicator of the school intake in the league table side-by-side with the school’s raw score? That is to say, should there be the percentage of children on free school meals next to the percentage of children getting five A\*-C at GCSE?

**Dr Lawlor:** I am sorry, but I do not believe in having league tables at all. I do not think they are a very helpful way of proceedings, so the more bits you add on to them I do not think is satisfactory. But if schools want to publish their intakes, and boast and use it as a way of attracting pupils, that would be fine, but I am not in favour of the league table culture.

**Mr Johnson:** I am glad to be able to agree with Sheila on something. I think there is a problem, in that value-added is a lot more difficult to measure in a way that is intelligible than a lot of people imagine. The other factor, actually, is that parents take less notice of league tables than a lot of people think. Surveys of the way parents behave in choosing a school for their children suggests that they do not look at the performance of schools very much: they look at perceived behaviour of the pupils. But I think there are all kinds of reasons why league tables are problematic. I personally do not think that tinkering with them in the way you have suggested would help.

**Q596 Chairman:** Nick, are you a league table man or not?

**Mr Seaton:** I am absolutely for league tables. I am not sure about Mr Chaytor’s question. I am not really sure what the right answer is in that case, whether there should be a social factor or not. There is something, again, that sort of slightly rubs me up the wrong way. I think when you are talking about social factors all the time, as compared with academic results, you are making a basic assumption that, just because you come from a deprived background, you cannot do well. I would not accept that at all. To me, that is quite wrong. I am all in favour of raw results; I am extremely hostile to value added tables and so on because I think there is so much distortion going on with value added that it is like a four lap race. The person who is winning on the second and third laps is not necessarily the person who is going to win the whole race but all that matters really is the person who wins the whole race; just as, with league tables and qualifications, all that matters is the certificate the youngster gets to put before an employer when he or she applies for a job. Again, I think if we are not careful we can get very muddled in statistics. I notice that Martin, in his paper, talks about<sup>13</sup> “. . . discourse on good and bad schools is based on loose thinking and misleading data . . .” There is an awful lot of misleading data around. I am all in favour of publishing the raw results, because I really do think that parents who are considering a school or who live in an area have a pretty good idea themselves, most of them.

**Q597 Mr Chaytor:** Are you against the principle of value-added? That is, are you opposed to schools publishing the extent to which they have developed each child’s potential, or are you opposed to the particular methodologies that are being used?

**Mr Seaton:** If a school is taking a very good intake from a primary school, where they have done extremely well in the primary school and yet the GCSE results are awful, in that case, I think the value-added is showing you something which is quite important. You can say, “Well, that school is not adding the value for those youngsters that it should be.”

**Q598 Mr Chaytor:** But without a value-added indicator, I would not know that.

**Mr Seaton:** No. I take your point. All I am saying is that value-added, if you are not careful, can get so confusing—and I am talking about some of the work of Professor David Jesson, for instance. It can reverse the true picture.

**Q599 Mr Chaytor:** Would you like a simpler model?

<sup>13</sup> *Note by Witness:* See schooling in London: An Overview, IPPR 2003.

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**Mr Seaton:** I would like to see raw results. I do not mind value-added, but I think the raw results should be there so that people can make their own judgment.

**Chairman:** I think we are going to draw a line there. It is coming up to 12.30. It has been a very illuminating session. Thank you very much for your attendance. It has been refreshing to hear such a diverse range of opinions. Thank you very much.

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**Supplementary memorandum submitted by Mr Nick Seaton, Campaign for Real Education (SA 44)**

In answer to Q550 from Mr Chaytor on 12 November, I said that “. . . most of the research suggests that youngsters learn better with other youngsters of similar ability” and, in answer to Q551, offered to produce evidence for the Committee. In particular I was referring to the pamphlet, *Value for Money in Education: Opportunity Costs and the Relationship between Standards and Resources*” by John Marks.

In this pamphlet Dr Marks argues for more teaching of whole classes grouped by ability and provides ample evidence for the greater effectiveness of such methods. On page 33 he refers to “. . . the evidence which now exists for the advantages of more diversified systems such as the tripartite systems in France, Germany and the Netherlands or the remaining selective schools—grammar and secondary modern taken together—in this country.”

The argument that grouping/schooling by ability is more effective is reinforced by results in Northern Ireland, where their selective schools, taken together, perform around 10% better than ours. Also by David Miliband’s Written Reply to Graham Brady’s PQ dated 20 May 2003, part of which stated that the percentage of our pupils achieving 5 or more grade A\*–B GCSEs in the year 2002 was:

In wholly selective LEAs	32.1%
In wholly comprehensive LEAs	23.1%
National average	24.6%

(Please note the counter-argument to Mr Miliband’s attempt to negate these figures in his Written Reply on the National Grammar Schools Association website ([www.ngsa.org.uk](http://www.ngsa.org.uk))).

In addition, there is a wealth of similar evidence for the comparative success of selective schools and this applies to less academic pupils too. For example, on page 7 of *Comprehensive Ideology: Burns and the Betrayal of Two Communities*, Fred Naylor notes that: “The much-maligned secondary modern schools of today are achieving ca. twice the rate of success [in 16+ exam results] of the **whole** of the maintained sector (grammar schools and all) in 1967”—though some of this improvement is probably due to grade inflation.

On the matter of manipulated/misleading data, Members will also have noted the report in *The Times*, 24 November 2003, headed “Attack on grammars “misused figures”. This stated that Richard Alldritt, chief executive of the Statistics Commission, had agreed that Charles Clarke, the Education Secretary, and the Department for Education and Skills had been undermining grammar schools on the basis of “bogus statistics”. Further information on this can be found on page 6 of *Grammar Schools in the Twenty-first Century*.

Such evidence is very relevant to school admissions, because many parents know about it and greatly value different types of school from which to make choices for their children, wherever possible. This is not a plea for a wholly selective system—we believe that parents and pupils should be offered the widest possible choices including comprehensive schools and schools with sixth forms. This evidence is simply offered to re-emphasise that genuine diversity raises standards and should, therefore, be encouraged and promoted, not undermined. It also seems important that Members of the Select Committee should not allow themselves to be misled by statistics that have been manipulated for ideological or political reasons.

One further point should, perhaps, be emphasised.

The 1997 Labour manifesto promised: “Standards, more than structures, are the key to success. Labour will **never** put dogma before children’s education. **Our approach will be to intervene where there are problems, not where schools are succeeding.** Labour will **never** force the abolition of good schools whether in the private or state sector. Any changes in the admissions policies of grammar schools will be decided by local parents.” (Emphasis added.)

All very sensible and generally acceptable. The key point is whether or not Ministers and their colleagues intend to keep their promises.

## REFERENCES:

- Value for Money in Education: Opportunity Costs and the Relationship between Standards and Resources by John Marks (Campaign for Real Education, 1992).
- “Think tank speaks up for streaming”, TES, 26 June 1992.
- Comprehensive Ideology: Burns and the Betrayal of Two Communities by Fred Naylor (Campaign for Real Education, 2002).
- See also, The Betrayed Generations: Standards in British Schools by John Marks (Centre for Policy Studies, 2000). Here it says: “These results indicate that selection is better for all pupils, not just those selected to attend grammar schools . . . The good overall performance of a selective system is, in part, due to the good performance of pupils at the widely under-rated secondary modern schools.”
- Grammar Schools in the Twenty-first Century, (National Grammar Schools Association, 2001).
- “The teachers” plot to make our children into failures” by Minette Marrin, Daily Telegraph, 17 December 1998. This explains why Special Needs are more prevalent than necessary.
- Also, Special Educational Needs: an analysis of a new growth industry by John Marks (Centre for Policy Studies, 2000).
- “Almost all Sue Lloyd’s pupils can read properly but a third of children in England cannot. Why?” by John Clare, Daily Telegraph, 28 November 1995. This confirms that effective teachers such as Sue Lloyd and Ruth Miskin can teach “virtually all” their pupils to read within a year or two of their entering school, and regardless of their home background or even their initial knowledge of the English language.
- For an academic study of the high levels of reading achievement that are possible, regardless of the background of the pupils, see also Accelerating Reading Attainment: The Effectiveness of Synthetic Phonics by A.E. Watson and R.S. Johnston, The Scottish Office, 1998. Other successes are documented on the Reading Reform Foundation website ([www.rrf.org.uk](http://www.rrf.org.uk)).
- “Mistress of the three Rs” by Valerie Grove, The Times, 16 May 1996.
- Attack on grammars “misused figures”, The Times, 24 November 2003.

2 December 2004

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**Memorandum submitted by Sheila Lawlor, Director, Politeia (SA 46)**

Note on contributor. Sheila Lawlor is the director of Politeia, a think tank which publishes—for the benefit of policy makers and advisers and the wider public—specialist analyses and research on important social and economic subjects. Its aim is to help inform the wider policy debate in the UK (and other countries). Politeia’s authors include academics, philosophers, economists and other specialists with detailed knowledge and mastery of a specific subject who can contribute to the national discussion. Sheila Lawlor’s most recent book is *Churchill and the Politics of War* and she writes on social and education policy.

## BACKGROUND

Most schools today must admit their pupils according to the admissions criteria set out by their “admissions authorities”, in general the LEAs (although some schools are their own admissions authorities and this note does not discuss them). Head teachers may not be involved in the process and the schools’ governing bodies must accept the admissions authorities’ criteria. The admissions authorities are obliged to consult other LEAs and other (including church) bodies and to establish the admissions arrangements. An Admissions Forum settles differences between admissions bodies and the criteria are subject to change by an “adjudicator”. . . . While parents may express a “preference” for a school, the admissions authorities are not necessarily bound to meet this preference, and the parents may appeal to an appeals tribunal.

The admissions system is based on the 1998 School Standards and Framework Act, the 2002 Education Act, the 1996 and 1997 Education Acts and a series of additional acts as well as codes of practice. Under the 1998 Act the secretary of state for education and skills is required to issue a “code of practice”. . . . A new code of practice was issued in January 2003

1. *The Admissions System, dishonest, complicated and failing*

The system is dishonest in that parents may express a “preference” but do not exercise a choice. It is complex and expensive to administer, and, on many important measures, a failing system. Despite the complicated regulations, the broad working of the scheme does not appear satisfactory in that there is confusion about the underlying principle of “preference”, there are high levels of appeals, yet there is also a desire by some LEAs to go further in reducing “choice”; the proper responsibilities of schools and parents



are undermined and educational standards here have fallen behind those of comparator countries. The recently issued code of admissions (under the section 84 of the School Standards and Framework Act 1998) is likely to exacerbate matters, making them more complex, more expensive, more inconclusive and less transparent.

Some of the parties involved in the admissions process suggest the idea of choice is misleading, for though parents may express a preference, they have no real choice. This in turn leads to a cumbersome and unsatisfactory appeals procedure, where only a small proportion of appeals are upheld. (See eg Oral evidence to Education and Skills Committee, 22 October 2003). Though some head teachers are committed to the bureaucratic LEA/DfES relationship, and appear to revel in the Kafkaesque structures through which different pots of support are awarded to those who play the system, other, often excellent head teachers with the highest academic standards, bridle under the top heavy bureaucracy and object to the system for admissions run by the LEAs and DfES officials, who decide the basis for admission, and who should have priority. A significant number of heads have broken ranks to say it would be better if most schools could act as their own admissions authorities.

### *2. The Central Problem: a dirigiste system from which parent, pupil and school are excluded*

One of the main problems is the pretence that parents have a choice, whereas those responsible for running the system insist they do not. The law allows parents merely to express a preference and requires the admissions authorities to meet that preference, but only provided it falls within certain criteria. In practice, the system is one where the two main parties to the decision on school admission—parents (and their children) and schools—are excluded. Instead there is a state run admissions system in which a number of bodies are officially involved: the Admissions Authorities, the Admission Forum, the Adjudicator, the Appeals Panels and a number of different laws and directives must be taken into account (both education and other), together with the official stipulations, codes and guidance for a number of subsidiary matters eg arrangements for banding, for admissions when there are more pupils than places (oversubscription), for admissions by “aptitude” not “ability”(!).

The decisions, then, are taken by the state—decisions which in a free society belong to parents, their children and schools. Admissions are controlled by the local authority (unless delegated to the school) and the Admissions Authority (normally the LEAs) determine the admissions criteria. The system is collectivist, though there are two caveats: the parent may appeal against a decision, and the school will be “consulted” by the Admissions Authority. In practice the system appears to be bureaucratic, complex and expensive to administer and lacks the transparency essential to any proper and fair procedure.

The upshot is that it is extremely difficult to find out where exactly ultimate authority lies for the admission of a pupil to a school.

As matters stand, the proposed further “fine-tuning” of the system from the centre can develop in one of two ways. There can be a fully fledged state run procedure, where politicians and officials decide the criteria for school admissions for every child in the country and legislate for every difficult case, and all pretence of parental choice is eliminated. Or, the present incoherent system can continue in its present rather dishonest manner, with a veneer of “choice” and a reality of layers of central planning and uncertainty as to where final responsibility lies, with a myriad of caveats and appeals, an even more complex and bureaucratic system, to mask the absence of real choice. Neither of these options is likely to overcome the many disadvantages of the system as it has developed.

### *3. Disadvantages: The System undermines the professionalism of teachers and responsibility of parents*

The system undermines the proper professionalism of the teaching staff of a school and its head, on which the future of schooling in this country rests. Admitting those who will flourish in the school and benefit from the teaching is integral to the professional life of a school, as admissions to any teaching institution are; and teaching and pastoral support will be given to the pupil for years to come. Responsibility should not rest with the anonymous bureaucrat, the nameless official or the bureaucratic criteria made by outside bodies. School admissions, by their nature, are a personal matter, personal to the school or teachers, especially the head, and personal to the family. The decision to admit is a decision made in respect of a given pupil. If the criteria are wrong for that school, or if the bureaucratic procedure predominates, a school can be left with somebody else’s mistake. Teachers, like other people, find it far easier to live with their own mistakes and surmount them. A school can best judge who will benefit from it. As things now are, schools who have no control over admissions must, nonetheless, do their best for pupils over perhaps six years. Officials can not run schools, they cannot determine what is taught or who is taught or how it is taught and they should not be permitted to take such responsibility. The success, or failure, of education in this country ultimately rests with the teachers and the schools. No amount of regulation can improve the quality of teaching and the professionalism of dedicated head teachers. At best over intervention can distract head teachers who substitute dealing with officialdom for running good schools. At worst it can undermine what good heads and teachers do, taking them from their important work.

The system also undermines the proper responsibility of parents for their children's education and parents' professional relationship with the school. The parents entrust their children to the school, not to the state's officials. For that reason the decision for school admission rests between them and the school. Indeed, if a school rejects a pupil, that decision can be explained to the family best by the school and the child perhaps steered in the direction of a more suitable school. (With direct application to secondary school by families, primary schools could become involved in helping and advising parents on the options available to them.) A family is more likely to accept the direct decision by a school than one made by an official. (This is born out by heads whose schools are their own admissions authorities).

#### 4. Outcomes

Admissions—What measures for success? There is no direct way of measuring the success of admissions policy, for the measure chosen will, by its nature, reflect a given ideology. For instance those (normally on the left) who want a “rational” scheme, run by central or local bureaucracy so that every pupil has the same education, may consider that the present system should be measured in terms of the extent to which the comprehensive model is being imposed without unnecessary complication. On such a measure, the evidence suggests that the present system falls short of this ideal. There is either too much choice, and too little tidiness; or, some pupils may be doing better than others, so more “fine tuning” and codes are needed.

Those often of a conservative or liberal disposition, who believe that freedom and diversity are as important for education as for other areas of life, may suggest that a reasonable measure of the system might be parental satisfaction, and that the proportion of appeals, and their cost should be taken into the tally. So too should the overall view of parents who do not appeal, though they may be unhappy with the system as it works.

There are also other measures which might be considered: the cost and complexity at each stage of the system from making the law itself to the appeals procedures; the number of officials employed to make the system work; the amount of time spent by the different bodies. A further measure in a free society should be the extent to which the system inspires the confidence of people in this country.

#### STANDARDS

The longer term measure. Standards in England and Wales have fallen significantly below schools those of similar industrial democracies where the education systems are less engineered and micro-managed by the state and there is a greater choice of school for parents. For instance, standards in this country in both vocational and academic subjects are now pitched significantly below those for 16–19 year olds in a number of similar industrial democracies, both on the continent and in the US. The Politeia Study *Comparing Standards Academic and Vocational 16–19* shows that in both the vocational sphere and the academic, the standard of examinations and curricula for similar age and stage is lower in the UK. This report, compiled by a team of academic and vocational specialists in UK universities and Germany, illustrates that the curricula here lacked the breath and depth of those of other countries, and a detailed discussion of the curricula and exams for native language, history and mathematics shows the weaknesses in this country, by comparison with four European and two Anglophone models. The standards here even for the higher achievers, notably in mathematics, are below those for the same ability range in other European countries, and pitched nearer those for the lower ability ranges. The same is also true of vocational training for being a chef, nursery nurse and electronic engineering. (\*This study is submitted in evidence with this paper).

#### FUNDING

The admissions framework is linked to the funding of schools and may have grave implications for encouraging successful schools. The recent study by Adrian Butler and others *Funding Failure* (Politeia, 2003), analyses how funds are allocated to schools and suggest the mechanism for funding may also offer perverse incentives to poor schools. (\*Submitted in evidence)

#### CHOICE

This system in practice allows far less choice to parents than other, more apparently rigid centralist systems. In the case, for instance, of France and Germany, the systems there promote far greater choice in terms of the type of schooling available to parents and publicly supported. Recent research on the nursery years and the 16–19 phase shows the extent to which government policies in comparator countries promote a structure and funding system so that parents can exercise greater choice over their children's schooling. (\**Comparing Pre-School Standards The Report of the Politeia Education Commission and Comparing Standards Academic and Vocational 16–19 Year Olds. The Report of the Politeia Education Commission.* Copies are submitted as part of this evidence)

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 DISADVANTAGED CHILDREN

The plan to single out certain categories for priority admissions treatment is not designed to tackle the specific educational or social need of specific children. Many of such needs emerge during the primary years when emotional, academic and social development tend to go hand in hand. It is unlikely that further refinements of the admissions procedures will necessarily help. In the case of the specific proposal to give children in care priority, this appears to be a case of giving greater powers to local authorities who have been a proven failure with such children (as eg Islington, Cambridgeshire and others). It may be that a given school can overcome some of the disadvantages suffered in local authority care, but such schooling will need to be specialist, will need highly motivated and determined teaching, while the dominant “caring” role of the local authority should simultaneously be reviewed. *Prima facie* there is no evidence to suggest that by putting pupils who have different needs to the top of a queue for a given school will help the problems they face academically, socially and emotionally.

### 5. *The Future*

At present there is a lack of clarity about the system’s aim. If the idea is to ensure that no parent does better than another for their child, then why not close down all good schools, so all schools are equally bad? If it is to ensure that the children with educational or social problems have as much of a chance to attend as good a school as others, then it might be more sensible to tackle these problems individually as a separate, manageable matter, rather than framing the entire system of education for all children around a given special case. Or if it is designed as a centrally planned, dirigiste system, there are simpler and cheaper ways of allocating children to a school than under the clumsy system now in operation and proposed for the future.

At heart this is a problem of ideology. Those who believe in a free society, believe the state should not take such decisions and that in the interests of the freedom of parents and teachers such decisions should rest with them. Taking that decision helps and encourages the responsibility which is precious to democratic life—the responsibility which, as matters stand, is usurped by government and its officials and taken away from parents and schools.

I would suggest that all schools should act as their own admissions authorities. This would restore to schools and teachers their proper role and one vital to the life of a school as an academic—and pastoral—institution. The arrangements could be quite simple. It may be that the co-ordination of the scheme could, as has been suggested, be on the lines of the UCAS system, with primary schools helping parents and pupils to take these important decisions.

*Shelia Lawlor*  
Politeia

8 December 2003

### **Letter from Mr Nick Seaton, Campaign for Real Education (SA 52)**

Further to our supplementary memorandum to the Select Committee dated 30 November 2003 and its covering letter to you dated 2 December 2003<sup>1</sup>, may we request that the Select Committee takes the enclosed correspondence between Fred Naylor and Messrs Britton and Normington as evidence when compiling its report into secondary school admissions.

Perhaps the most disturbing aspect of this affair is Permanent Secretary David Normington’s letter to Fred Naylor dated 11 February 2004. It is simply not good enough for Mr Normington to acknowledge the serious error made by his Department, then simply to suggest they “could have done better”. Although not directly referred to, it is precisely because such misinformation lies uncorrected in the public domain that the DfES can claim in its Further Memorandum (SA 41) to the Select Committee that “there is still no clear answer” to questions about the relative performance of different types of school.

It is also wrong for Mr Normington to claim that the DfES now has “more robust and sophisticated” methods of measuring the performance of pupils and different types of school. Anyone who uses their common sense can see that the DfES’s “value-added” methods are fundamentally flawed—see, for example, the disbelief expressed by BBC Newsnight presenters Kirstie Wark and Stephanie Flanders on 15 January 2004. When challenged, David Miliband was unable satisfactorily to explain why grammar schools (and especially The Crypt Grammar School in Gloucester which is under threat of closure) could shine in the “value-added” tables for pupils between the ages of 11 and 14, yet seemed to be failing their pupils between the ages of 14 and 16. To explain this, Mr Miliband would have been forced to admit that the Department’s “value-added” calculations are so inadequately engineered that, in order to maintain the same “value” between the ages of 14 and 16, all grammar school pupils would need to achieve grade A\*s in all their (8 best) GCSEs. As the system stands, the grammar schools’ high performance at K53 makes it impossible to add any value at all! (See [www.ngsa.org.uk/Value Added](http://www.ngsa.org.uk/Value Added)).

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<sup>1</sup> See Ev 145.

The DIES seems determined not to admit it has deceived the public in the past. Worse, it seems determined to continue to mislead. But surely, the Select Committee has a duty to ensure that information from supposedly impartial civil servants is free from prejudice and bias?

*28 February 2004*

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## Monday 17 November 2003

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor  
Valerie Davey  
Jeff Ennis  
Paul Holmes

Helen Jones  
Mr Kerry Pollard  
Jonathan Shaw  
Mr Andrew Turner

*Witnesses:* **Mr David Bell**, Her Majesty's Chief Inspector of Schools in England (HMCI) and **Mrs Sheila Brown**, Her Majesty's Inspector, Head of LEA Division, Office for Standards in Education (Ofsted) and **Mr Nick Flight**, Education Performance Specialist, Audit Commission, examined.

**Q600 Chairman:** May I welcome Ofsted in the shape of David Bell and Sheila Brown back to our deliberations? Kerry has already said that there is a feeling of *déjà vu*, but not for me as unfortunately I missed your last performance. I am sorry I was away. I heard there were rave reviews. I have known of Nick Flight for he has served in local education authorities very close to Huddersfield, my own constituency. Nick Flight, welcome; the LEA inspector in the Audit Commission. Sheila Brown is head of LEA Division of Ofsted and David Bell is the Chief Inspector of Schools. Everyone is aware that this is the final phase of our look at school admissions. I am going to ask you to say a few words in a minute to open up, but just to set the scene, we were a little puzzled at one stage at the beginning of this inquiry, the fourth part of our inquiry into secondary education this year, when Ofsted said more or less that they did not really get into admissions. It did strike me as funny at the time because here you are, this inspectorate which we all expect to help drive up standards in schools and we had a witness only last week from a school in London who found that until he had special permission a few years ago to change the balance of intake of his pupils, he had very great difficulty getting out of a cycle of decline. He received special permission to take 40 above average, 40 average and 20 below average pupils and he said that gave him the opportunity. The illustration I am putting to you is that there is a relationship between school admissions and how well schools can and cannot achieve. Without further ado, would you like to say something to dispel the feeling that you are not interested in school admissions because they do not have anything to do with school achievement?<sup>1</sup>

**Mr Bell:** Thank you very much, Chairman. Good afternoon ladies and gentlemen. Ofsted and the Audit Commission have always looked as part of the LEA inspection programme, at admissions and school place planning. However, our recent report, as you have suggested, started to pick up some of those wider issues in relation to school improvement and other factors. In relation to admissions our inspection evidence suggests that this service is at least satisfactory in the vast majority of authorities and is in fact judged to be highly satisfactory in over half of the authorities inspected. We have identified

a number of factors recently which have contributed to this improvement in the way in which local authorities deal with admissions, for example, the development of the admissions forum, which is a new requirement on LEAs to bring together the different admissions authorities in an area. In respect of school place planning, again we would say that the overall performance of local authorities is sound. It is fair to say that the complexity of this area of work appears to make it difficult for local authorities to perform at the highest level. It is the case that most LEAs have now taken effective action in relation to the supply of school places. Surplus capacity in the primary sector has been reduced through effective action on the part of local authorities but of course there are other issues in relation to school place planning which go beyond simply supply and demand. We have seen evidence that local authorities are linking together school improvement and school place planning strategies, but there was limited evidence of this contributing to raising standards. One of the most important points we have made is in relation to school organisation plans, which all local authorities must produce, because actually we felt in a number of cases they lacked a clear exposition of the LEA's strategy. It is obvious, but worth re-stating, that school place planning and admissions are highly charged issues. For parents the issue of where children go to school is of major concern and can arouse very strong emotions. As we have highlighted in our recent report, it is not altogether straightforward. It is important—and I would want to stress this point—that, in managing supply and demand for school places, councils' freedom for manoeuvre is significantly constrained. The fundamental principles of parental preference and individual school autonomy, which underpin legislation, are difficult at times to reconcile with efficient central planning at the level of a local education authority. Moreover, the task for local authorities in planning school places is one which touches on political, economic and social policy at all levels. That is not a counsel of despair for councils. Changes in government policy and legislation in recent years have strengthened the hand of councils. For example, the removal of grant maintained status has removed that as one potential escape route for schools facing closure. In addition, the admissions code of practice and the requirement on admissions

<sup>1</sup> Note: See [www.ofsted.gov.uk/news](http://www.ofsted.gov.uk/news).

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authorities to work together has been an important factor as well. We would say that there are still issues which remain unresolved, in particular using school place planning to promote the improvement of schools standards more actively. Issues do remain, for example the increasing polarisation between popular and unpopular schools, the weakest and least popular schools often serving some of the most vulnerable and disaffected groups of pupils. Of course councils which provide support for such schools do need to put their work for individual schools in the context of a wider corporate plan for school place planning and education more generally. It might all seem an intractable problem and it does require a high degree of partnership and persuasion. I would just emphasise that point again. The amount of prescription which can be brought to bear on this area is circumscribed by legislation and therefore it is important that local authorities take on a partnership, an influencing role to enable all players to play a role in the provision of places for all pupils. In the conclusion of our report, we did highlight a number of issues which we think are worth further examination, including looking at local authority housing and planning policies in relation to school place planning, looking at issues in relation to inclusion of pupils with special needs and so on; undoubtedly important issues to look at. I would just conclude by saying that admissions and school place planning are highly charged issues which do not lend themselves to simple or easy solutions.

**Q601 Chairman:** Thank you; that is an excellent introduction. We would agree with that last note you sounded, that there is no easy solution to the problems we have been looking at over these last few weeks. Can we push you a little on the relationship between what government will and will not allow? When you conducted your inquiry with the Audit Commission, did you pick up on the notion that banding, or a system of fair banding, would be valuable to particular schools in order to solve some of the problems, particularly of the lower performance schools?

**Mr Bell:** May I just ask Nick to draw upon some of the evidence we found during our study?

**Mr Flight:** We did not look specifically at banding across all the authorities which are using that. One of the authorities we visited as part of the thematic inspection, did use banding as a means of allocating places. It was one of the London boroughs, which continued to use the old ILEA system which it had been using for some considerable time. Our view was that in that particular case it was working well and it did indeed bring about a more balanced intake than would have been the case otherwise. We did not have the evidence through looking at the operation of banding in a whole series of authorities to come to a view as to the overall success or otherwise of that system.

**Q602 Chairman:** As you looked at the evidence in the thorough way you did, did you find, certainly the Committee is getting the feel, that on the one hand there is a group of—not to be cruel—administrators

who are desperately searching for a more rational way of allocating the school places and organising admission, that the pan-London initiative which is being developed and piloted at the moment is one part of that. On the other is a whole group of people who see that the advantages of that might have some real political disadvantages because it might restrict choice for some people who at the moment, by understanding the system or working the system, get far greater choice. Did you pick up on the balance between those two?

**Mr Bell:** Yes, you are right to describe the dilemma in the way you did. What we did not find was people saying this is completely unworkable, we cannot do it, we cannot make this work. We did not find that but we did find councils in particular saying that they recognised the limits of what they could do, using power, but actually recognised the extent to which they had to use persuasion to have others working with them for the common good. You might say that is all very well, but what happens if persuasions fails? That is the system we have at the moment and we have seen examples of where local authorities, working with schools and working with other admissions authorities can actually make sense of what is there at the moment. I just want to say that it is not an absolutely dire or desperate situation, there is a genuine set of policy choices here which faces government in relation to the powers of councils against the decisions or preferences of individual parents and people just have to make that work on the ground at the moment.

**Chairman:** Thank you for those opening answers.

**Q603 Mr Chaytor:** Whose initiative was it that started this investigation off? Was it Ofsted, was it the Audit Commission or were you asked to carry out the inquiry by the department?

**Mr Bell:** Ofsted and more particularly the Audit Commission have had an historic interest in school place planning over a series of reports, very important reports. There was a view that this was an issue between Ofsted and the Audit Commission which would repay further attention. Going back to the Chairman's point earlier, perhaps it was trying to go just a little beyond what we gather from our own evidence—yes, we have evidence about admissions; yes, we have evidence about school place planning—and trying to put that into a broader context.

**Q604 Mr Chaytor:** Has the Government ever suggested to Ofsted that there ought to be some systematic inquiry into the impact of admissions policies or the relationship between admissions policies and achievement?

**Mr Bell:** No, not in my time as Chief Inspector.

**Q605 Mr Chaytor:** In the report you give a figure for surplus school places of 8.6%, which is an improvement over the five-year period. You also say that overcrowding in schools rose during that five-year period from 2.6% to 3.6%, so there is a paradox here. We have an increasing number of schools which are overcrowded, but overall we have a

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reduction in surplus places. Do you think those figures are about right, because 8.6% would seem quite high to people looking from the outside? How do we deal with this paradox of surplus places overall, but increasing amounts of overcrowding in particular schools?

**Mr Bell:** I will ask Nick Flight to deal with the issue of the percentage against the overcrowding, but I would make the point about the percentage of surplus places. There has really been concerted action on the part of successive governments to remove surplus capacity from the education system; that has been really ongoing for ten to 15 years. Most councils have the message on that one. The figure is not necessarily surprising, given the pressure to move surplus places over many years.

**Mr Flight:** The overcrowding figure relates particularly to secondary schools and in the last five or so years, or slightly longer, numbers in secondary schools have been rising and local education authorities have found there that there is real pressure and there are particular hot spots. Those figures are not particularly surprising given the demographic trends of the last few years and in that context they are not particularly unreasonable.

**Q606 Mr Chaytor:** Are you saying that is more or less acceptable and the best we can do under the circumstances? To put it another way: should the object of policy be to reduce the level of overcrowding further and the level of surplus places further or do you think we have reached a satisfactory balance?

**Mr Flight:** What those figures mask is the variation between local authorities. In a sense what is important is that in some local authorities the inspection evidence is that they have not grasped the nettle of surplus places sufficiently; in others, they have done very well on those matters. Likewise with regard to secondary overcrowding, some authorities are in real difficulties on that and others are not. It is difficult to draw too hard and fast a conclusion from the overall figures.

**Q607 Mr Chaytor:** In terms of the levers the Government has at its disposal are there particular incentives or particular combinations of carrots and sticks which government can use with local authorities and local authorities can use with schools?

**Mr Bell:** I am sure that is a question you will want to put to DfES officials when they come before you, but it is certainly the case that over time, pressure to remove surplus places has been accompanied with options to access new funding for further developments. One can see the logic of that kind of approach, that some incentive has to be given to councils to do this because it is difficult to remove surplus places. That has been the traditional approach to removing surplus places, but in a sense giving authorities some incentive to do so.

**Q608 Mr Chaytor:** Is there a case for increasing the incentives available to further refine the balance in the system?

**Mr Bell:** It is a very interesting one when it comes to surplus places in general. At the tail end of our last meeting I made the point that if you remove surplus places too much you remove a degree of flexibility within the system. There is always this question of how many surplus places you require in the system to enable preference to be expressed and choice exercised. Nick may have a view from the Audit Commission but I think there has been this working assumption that if you get much beyond 10% or thereabouts we really are beginning to waste money. That is the other point we should make, that if you have an excess of surplus capacity, arguably you are tying up money in places which are unfilled when that money could be used to fund the education of children who are actually in schools. Nick may have a view on that percentage figure.

**Mr Flight:** Very similar. Anything above 10% is a cause for some concern; within inspections it is the trigger for further investigations as to why the figure was at that higher level. Since the report the Audit Commission did about just these issues back in the mid-1990s, *Trading Places*, which you might be familiar with, it has often been asked what level of surplus places it would recommend all authorities should be aiming for. We have resisted actually saying that there is an ideal percentage of surplus places for all authorities, because this situation does vary very considerably between rural county and a quite tight-knit metropolitan borough.

**Q609 Mr Chaytor:** Your report refers to the impact of lack of co-ordination within local authorities, between different departments, housing, planning, education. You indicate that in some circumstances this has led to severe problems for schools and even schools failing. Could you elaborate on that and maybe give us examples of where this has been the case?

**Mr Bell:** I think the one which is often cited, and Nick may have other examples, is where a decision is moved to depopulate an area on the back of a housing policy, which then has fairly dramatic and immediate effects on the pupils, because the families move away from the area as houses are demolished. That is not to say there are not often good reasons for councils taking those actions, but it is important that such decisions, say about housing policy, are not taken in isolation so that the effects on education and schools are properly understood.

**Q610 Mr Chaytor:** Is there a specific recommendation in the report which will deal with that?

**Mr Flight:** The report does recommend that the different parts of the council work more effectively together. That is quite an important theme within the report, of making sure that school place planning is regarded as a whole council issue and not just simply something for the education department. As David says, housing policies can have an impact on school intakes and therefore on school performance.

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**Q611 Mr Pollard:** In my constituency of St Albans we do not have any spare places at all; we are absolutely choc-a-bloc. That means to say that there must be lots more with higher than 8.6%. I just worked out that if we were 8.6%, we would have 136 places in our system and that would give a huge amount of choice which many parents would welcome. Are we not getting to the point where we are driving them too far? If you look at public schools, their class sizes are down at 25. Should we not be aiming for smaller class sizes? Once you take capacity out of the system, it is gone for ever and houses get built on it or something else happens.

**Mr Bell:** I suppose the second part of your question is more a question of political choice than it is for inspection. As far as the first point is concerned, it would probably be inappropriate to have a nationally determined figure, because the circumstances in your constituency might be quite different from the circumstances elsewhere. Presumably what one should say is that all councils should be alert to their own particular circumstances and plan school places accordingly.

**Q612 Mr Pollard:** We dodge about every year and one village in my constituency is being disadvantaged this year because of the change in the longest distance journey criterion. Each year we change from village to village saying this year this one is being disadvantaged. If we had a few more places we would all be happy.

**Mr Bell:** To some extent that is one of the local peculiarities, and one might say rightly so, of admissions policies, because it would be quite wrong to sit in London and say this is the admissions policy for all schools in all circumstances and all parts of the country. There has really always been a responsibility on admissions authorities to consult, if they are proposing to make changes to their admissions arrangements, so that people will have their say.

**Q613 Helen Jones:** May I take you back to what you said earlier about the relationship between education policy and other council policies such as housing and planning? You ask in your report for better liaison between the different parts of local education authorities, but can you tell the Committee whether you believe that will be enough to resolve the problems, given in fact that we still have schools who are their own admissions authorities? It is not really within the hands of the LEAs, is it?

**Mr Bell:** It goes back to what I said about the partnership arrangements and admissions authorities, as you rightly point out, exist in a number of forms and a number of varieties and in some number in places. In those circumstances, where the law has given those authorities the rights they have, then what you can expect, what one should expect, is those bodies to work together. There is increasing evidence, partly because councils' powers have been strengthened, that people are taking the view which goes beyond the boundaries of their own school, if they are a single

school admissions authority, and looking at the impact more generally. It goes back in a sense to the practicalities of making the system we have at the present time work.

**Q614 Helen Jones:** I understand what you say but your report did find that relationships with other admissions authorities could be quite unsatisfactory in a number of cases. Given that, what would your view be, simply in terms of planning education, about all schools becoming their own admissions authorities? Do you think that is workable? Do you think it would benefit educational attainment?

**Mr Bell:** It would be very complex indeed because we know that there are some students who do not easily fit in the system. For example, we highlighted one of the areas for further work as the impact of admissions policies on pupils with special educational needs. One would have to be very careful about thinking through all the implications of school admissions if they were delegated to the level of the individual school. The argument might be put that there is a fair number of schools which are already their own admissions authorities and that seems to work, notwithstanding what you said about unsatisfactory relationships. If one moved to a situation where every school was its own admissions authority, one would still envisage having some kind of body holding the ring as it were. How would you deal with those clashes between admissions authorities? How would you deal with the needs of individual students who do not necessarily easily fit into the system? How would you manage issues to do with ensuring that all children actually had a school place? There could be an issue that all the admissions authorities act in a particular way and some children were left out of the system. I am not saying, because it is not a decision for me to make, whether there should be one or many admissions authorities, but I think there would still be outstanding issues which would be above the level of the individual school, even if one moved to a position where all schools were their own admissions authority.

**Q615 Helen Jones:** May I then put to you the opposite case? Have you found any evidence of this? You talked about the consequences for schools of, for instance, depopulating an area. Did you look in your report at the other extreme, where there has been a lot of house building and therefore there is pressure on schools? Did you find any evidence that schools were selecting the students rather than the students selecting the schools?

**Mr Flight:** Our inspection evidence relates very much to LEAs and the operation by LEAs of their admission criteria. Our work did not involve looking in any detail at all at individual schools and being able to make a comment on the extent to which individual schools were choosing pupils to suit themselves. We do not have evidence on that. Coming to the bigger question you put, which was about the opportunities in the situation of rising rolls, for local authorities to be quite innovative and to take advantage of that opportunity of having to



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provide more places to re-order their provision. There was an example within the report of an authority where they took the opportunity to close one school, to re-open it on a new site, to expand two or three other schools and to re-orientate their provision with a very specific view as to what that could do to raise standards across those schools. It is probably easier, there are greater opportunities to do that kind of thing in a situation of rising rolls rather than falling rolls where you are having to take places out of use.

**Q616 Mr Turner:** You have made 15 recommendations and judging by what you have said there are some fairly extreme examples, such as if an elderly council estate is demolished clearly it will depopulate a school. You have talked about the waste of money inherent in surplus places, but could you tell me the educational evils which those 15 recommendations are designed to abate?

**Mr Bell:** The second key point for action is where we talk about taking deliberate steps to improve unpopular schools. That seems to me to be directly related to the issue of potential under-achievement and schools being perceived not to be very successful by parents. That is an important issue in this report. We were not saying, as perhaps some of the coverage suggested, that there is never a case for expanding schools which are popular; we never argued that. What we did say was that that in itself would not necessarily bring about change or improvements in schools which were unpopular. We gave a very clear message in this report that councils have to take deliberate action to improve standards in schools where the standards are too low. That is a very direct relationship to educational attainment. I would also make the point about inclusion and pupils with special educational needs. Looking at the impact of policies on pupils with special educational needs and ensuring that they are well catered for seems to me to be another important element of an education strategy.

**Q617 Mr Turner:** Yes, but you have not actually disclosed what is wrong, that is not working under the present system. I accept schools have to be improved, but what is it about admissions policies that makes it difficult to improve schools?

**Mr Bell:** That specific point was less to do with admissions policies and more to do with school place planning issues. It seemed to me that on school place planning grounds one could say “Let us just expand popular schools; they are popular and parents recognise them, choose them and so on”. If that is the policy and that alone is the policy, it seems to me to leave major issues in relation to those children who attend schools which are less popular and where perhaps the education is not that good. That seems to me to be a school place planning issue rather than directly a schools admission issue. Or, of course, clearly if you open up more popular schools to more children, then there is an issue of how you select those children by the admissions criteria and so on.

**Q618 Mr Turner:** May I take you to paragraph 31 where you say restrictive criteria “. . . can exacerbate social tension, once they divorce a school from its local community”. What is your evidence for that?

**Mr Flight:** This was referring to the situation in one of the local authorities we visited where the school had admissions criteria which resulted in it taking a very tiny proportion of its pupils from within the area in which it was situated. That was a significant issue for the people living in that community and something which the LEA felt did have an impact on its social inclusion policies. That was one particular example.

**Q619 Mr Turner:** Social tension is more than an absence of social inclusion, is it not?

**Mr Flight:** Yes; indeed.

**Q620 Mr Turner:** So what is the social tension?

**Mr Bell:** It is clearly evidenced that people in the local community were very concerned that there was a school in their community which very few local youngsters were able to attend. One of the things we do not say in paragraph 31—and I am pleased that you cited that—is that because of that particular admissions criteria it is therefore wrong. We actually say, if we are talking about voluntary aided or foundation schools, potentially faith schools, they have had an historic obligation to serve beyond their own boundaries and that is fine. What we are trying to highlight there is that potential tension between, on the one hand, the admissions authority acting in good faith against its own mission<sup>2</sup> and on the other hand the local community thinking they cannot get access to this school. It is right for us to highlight that without saying one approach is right or the other approach is wrong. There is another example of policy tensions between schools serving the local community on the one hand and schools with a wider admissions policy, perhaps related to a faith background and so on.

**Q621 Mr Turner:** On the recommendations in paragraph 34, you refer to restrictive admissions again. Clearly any admissions criteria are designed to be restrictive, are they not, because they are designed to choose pupils?

**Mr Bell:** Yes. Clearly your admissions criteria determine the basis on which you will admit pupils to the school and those are obviously particularly relevant, whether you have more pupils applying for places than there are places available. What we highlighted here—and this is something which local authorities and other admissions authorities said to us—was that in some cases there can be practices which perhaps do seem to disadvantage one group of pupils or another or may not necessarily let enough pupils from the local area come in and so on. Examples were given to us of restrictive admissions arrangements which we felt local authorities should at least look at and potentially challenge.

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<sup>2</sup> *Note by Witness:* There is a potential tension between the admissions authority acting in good faith consistent with its own mission, not against its own mission.

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**Mr Flight:** Yes, I would agree that is the case. There are also issues that local authorities have to consider in relation to the appropriateness of admissions criteria under the code of practice and whether those are being fairly applied, whether individual schools are operating fair criteria.

**Q622 Mr Turner:** But even within the code of practice, all admissions criteria advantage one group and disadvantage another group where a school is oversubscribed, do they not?

**Mr Bell:** By definition you might say that if a school is saying it has something to do with local children as opposed to children who live far away, you might describe that as restrictive but within the bounds of the regulations that is quite reasonable. What the admissions code of practice does is identify those elements of admissions arrangements which may be considered less fair. That is what Nick was citing. You are absolutely right of course: admissions will highlight particular characteristics which need to be promoted.

**Q623 Mr Turner:** Could I take you to paragraph 61, deliberately and artificially limiting the percentage of pupils from one ethnic group cuts across the principle of local schools serving their local communities. You give that as a reason for rejecting that sort of criterion. That would be true if you substituted the words "social class" for "ethnic group", would it not?

**Mr Bell:** I am not entirely sure what point you are making.

**Q624 Mr Turner:** There has been some suggestion during our evidence sessions that schools which have a preponderance of one social class have something wrong with them educationally. You have rejected the idea of deliberately limiting concentration of an ethnic group in a school and I am asking you whether you would reject the idea of deliberately limiting the concentration of one social class in a school.

**Mr Bell:** In some ways we are back to the question about banding which was raised earlier. It is a difficult one in some ways for me to comment on, because that really is a matter of policy. What I would say is that I am not persuaded that such limits on social class or background as suggested are sensible, frankly.

**Q625 Chairman:** I get the impression that you are treading on egg shells, you are very nervous. After all, you are Ofsted. We have had academics in front of us, we have had people from think tanks who believe that a selective admissions system for all the children in one local education authority actually delivers an inferior service across the piece. It might advantage the third of children who go to a selective school, but overall there has been evidence both from PISA and from the academics we have had in front of us, that that does not deliver. Surely your remit in Ofsted should make you less timid. If children are getting less good education than they otherwise would, you should be the champion,

should you not? You should be saying to ministers that the evidence out there is that most children get a worse deal in a selective system.

**Mr Bell:** That in itself is a contestable proposition.

**Q626 Chairman:** It is a hypothesis. I am saying, if that were the evidence. Why do we have academics saying this and Ofsted too timid to say anything of the kind?

**Mr Bell:** I have been described as many things, but timid is perhaps not one of them. As far as what you have said about the makeup of a school is concerned and that determining the success of the school, that is not correct. There are schools serving disadvantaged communities, which are doing a first-rate job for their students and there are schools which serve very advantaged communities which do not do such a good job for the students. I would not come in front of you and say the evidence suggests that if you have the social composition of this sort in a school it is destined for failure. Certainly not. What we would recognise and we have said this publicly and said it again last year in the annual report, is that some schools face greater difficulties than others where you have a concentration of students, where attitudes to education are not positive, where parental support is lacking. I would be very nervous indeed about suggesting that schools could not be good schools just because of the social makeup of the community they serve.

**Q627 Jonathan Shaw:** Do you ever find in your inspections that there are schools completely flouting the admissions criteria, the code of practice?

**Mr Bell:** It is not something that Ofsted would look at in relation to school inspection. We do not look in detail at that. It is not something we have the evidence to comment on. This study did not take us further on that and we would not get down to the level of detail, the general work on LEA inspection, looking at school admissions.

**Q628 Jonathan Shaw:** Do you think it is something you might look at in the future, given the changing role of Ofsted with the Green Paper?

**Mr Bell:** We have had this conversation before about how much Ofsted is asked to do in an inspection. I think we would resist it and I shall say why. It would divert us from what we should really be doing.

**Q629 Chairman:** We probably ask this question because every time you come before us your empire has grown.

**Mr Bell:** You must have been here in spirit at the last meeting because that point was made frequently. I will tell you why I do not think we should do that. I think that is to focus on the process side of school performance and less on what that school is doing with the pupils it has. We are then back to the danger that we are starting to make assumptions about what the pupils can achieve in that school because they come from a particular background. I believe that is very dangerous indeed.

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**Mrs Brown:** As we move towards children's services and the inspection of children's services and the whole way in which different departments within a council and agencies work together for the benefit of children and young people, though we will not necessarily look specifically at the admissions policies of individual schools, the experience and the outcomes for those individual children and young people and particularly vulnerable young people will be part of the whole perspective. In a sense, we will be getting at it from a different end of the telescope.

**Q630 Jonathan Shaw:** That was the point I wanted to expand on. An admissions policy may well impact upon children in public care. Children in public care, as we have heard from the Chief Adjudicating Officer, is number one for surplus places. If you are inspecting a school which does have a history of surplus places and has consistently said no, we are not going to take children in public care, that impacts upon the rest of the services and the opportunities for the most vulnerable children. Surely, in the future, that is something you are going to have to look at.

**Mrs Brown:** Inspections of LEAs at the moments do comment on the provision made by the LEA in terms of supporting children and young people who are looked after, children who are in public care. We already have the base line for that in terms of LEAs' performance, so it would link very nicely.

**Q631 Jonathan Shaw:** That is the LEA, but obviously it is difficult to be so prescriptive for every single school and issues do arise, particularly where schools are their own admissions authorities. What I am wanting to discuss is the point that if we are going to create opportunities for children who are number one in terms of surplus places according to the adjudicator and schools are continuing you flout that and you find that, will you make a comment on that? Will you say that, especially given your wider role? You surely cannot operate in silos, because that is the whole point of the Green Paper, that you have to be part of the glue which joins it all together.

**Mr Bell:** Exactly. There is certainly greater focus in the new inspection framework on the educational outcomes of different groups of pupils. If such children were in the school, there is a better opportunity to look at what is happening. You are making the point that that is all very well, but they cannot get into the school.

**Q632 Jonathan Shaw:** Absolutely.

**Mr Bell:** Then I think we are back to Sheila's point about trying to use our joined-up responsibilities to find out what is happening. One way of getting at that, for example, is if there is going to be a focus on the opportunities for children in public care. Generally in our work we would begin to tease out what happens to these children, where they go to school, what kind of experience they have had when they or their surrogate parents have turned up and said they wanted a place. You are absolutely right,

that there is an opportunity to get at that through our wider responsibilities, but probably in the main not through the inspection of individual institutions.

**Q633 Jonathan Shaw:** I suppose that is right for surrogate parents. What ability will you be looking at? What demands does the local authority make on behalf of the children in their care to get into the best school or does it just collude with the education department and say they will go to the school which all the kids in public care go to because there is a surplus of places. It is not going to challenge to make sure the school does follow the code of practice.

**Mr Bell:** Again one would emphasise the kind of partnership rules to that; schools working together would say that they all have a responsibility to those children. You are right, we have an opportunity, through this new approach, to find out what is happening to particular groups of vulnerable children. Children in public care are a great example. These are children who have done abysmally in the education system historically and it seems to me to be only right that we use what mechanisms we have to find out what is happening to them in the future.

**Jonathan Shaw:** I am very pleased to hear that. We had a very eminent head teacher of a very successful school before the Committee and he said that his school had never considered—very openly which is very helpful and refreshing that we hear that—the issue of surplus places for children in care. It is certainly out there.

**Q634 Valerie Davey:** We have covered some of my questions but I should like to go straight to the issue of the LEAs and their remit as admissions authorities. Do you have any evidence from your inspections of LEAs that they have systems which are either more effective in improving standards in schools or more detrimental in that factor?

**Mrs Brown:** In terms of education standards, not in relation to admissions?

**Q635 Valerie Davey:** Yes; in terms of the admissions policy they use. What relationship does it have to the standards attained by all those children for whom they are responsible? Are there some admissions policies which are better than others?

**Mrs Brown:** Certainly the findings for last year's inspections—and Nick has looked at this in more detail—indicate that LEAs are better at making the link in terms of their strategies, in terms of the pieces of papers. When they are planning they make the link between school place planning and admissions policies and school improvement, but we found it more difficult to identify where that was actually having an impact. From my reading of things, I should be interested 12 months from now, when the new code of practice is more embedded and the expectations on an LEA are being fulfilled in a more coherent fashion, to see whether in fact we can see that. Currently we do not see much evidence of it.

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**Q636 Valerie Davey:** Do you have any guidance to give local authorities when you are discussing during their inspection their admissions policy? What do you say to them? What issues are raised on admissions on those inspections?

**Mr Flight:** During the inspection of LEAs in terms of the criteria they use we found very few examples of unfair criteria or criteria which appear to be working against the educational interests of the pupils of the area. The inspection evidence is that generally LEAs do operate fair criteria. Even when all the criteria are fair, that does not necessarily solve the problem. If a school is oversubscribed, you change the criteria, you get a different set of unhappy people. The important thing and what we therefore look at in inspections is to make sure they are fair, transparent and are properly explained to parents. That is another very important part of the inspection process: parents need to know exactly what it is that the LEA is going to do when they allocate places and the explanation of it is important.

**Q637 Valerie Davey:** That does not cover the attainment of those children, does it? How are you looking and what evidence do you have that one system or another ensures that there is a wider attainment by all young people as opposed to some doing very well or others not doing very well? Or is it easier in an authority where the LEA is the only admissions authority as opposed to where it is one of five or ten?

**Mr Bell:** I would have thought—and I am happy to hear what colleagues say on this—that it is quite difficult and would be quite difficult to demonstrate a causal link between the admissions policy and the outcomes achieved by the pupils. I just need to think that through, but it would be quite difficult to find the evidence which would support the admissions policy in a direct impact on how students learn and the quality of students' learning. We do know that lots of in-school factors then start to come into play about how students learn. I would have to be quite honest with you and say we do not have that link and aspirations are laid out in policy and strategy documents, but that is quite different from being able to see what impact this is having and finding the evidence you are looking for. I shall have to go away and think about that one, but I have my doubts.

**Chairman:** Some members would like to push you a little on that.

**Q638 Valerie Davey:** If you come back to saying, as Ofsted has clearly done, that these are the characteristics of a good school and this is what is going to lead to attainment, for all children, not just for a minority, then surely the admissions policy is an element in ensuring that there are more schools like that, not fewer, within an LEA.

**Mr Bell:** If you take Nick's point then one can demonstrate with admissions policies that they are clear, they are transparent, they are fair and so on—and that is not unimportant of course; it is important that people have confidence in the admissions systems and that can have an impact—that is quite

different from saying that you can demonstrate that as a result of these admissions criteria pupils achieve better things in schools. I just think that is very difficult to do.

**Valerie Davey:** Fair to whom? I have heard this word and it stands out very clearly and it is very important. To whom is a particular admissions policy fair?

**Q639 Chairman:** For example, when you look at Kent and 18 months ago, there is fair which is fair because it is open, transparent and all the rest, for those people in a selective system, but if you take something which has not only a selective system but then a system of specialist schools, some of which are taking 10% on aptitude, what does that say to you as a chief inspector about those schools which the rest of the kids go to? In other words, one third perhaps go to the selective system, people going off to the specialist schools with some degree of selection and what we are asking in a sense is what Ofsted says about the quality of education for those children who do not go into the selective system.

**Mr Bell:** We said very publicly at the time we were asked to provide data on Kent that it was not for us to get into the locally determined questions of what policies the council adopted. Our evidence suggested that Kent had amongst some of the highest performing schools in the country and had some low performing schools. Even within those groups there was variation in performance. It is a bit of a leap then to go from that to say that is all to do with the admissions criteria of the selective system in Kent. That seems to me to be a debate of a different order altogether. One could look at a lot of systems which are not selective and still see that very wide range of pupil attainment in schools. We have to be careful we do not jump to conclusions on the basis of what appears to be evidence which supports the line of argument, very cautious in that respect. We were very open in what we said in Kent schools and nobody disputed that because it came from our inspection evidence and the evidence of the performance in tests and examinations of Kent pupils.

*The Committee suspended from 5.06pm to 5.16pm  
for a division in the House.*

**Q640 Jeff Ennis:** Following this particular thing, and I accept what David has already said about every school being judged on its own merits in terms of performance and we cannot generalise too much, but we have already heard evidence that of the top 200 state schools the average number of pupils on free school meals at those top 200 state secondary schools is three per cent and the national average is 17%. We do not have figures for the bottom 200 state schools, but I guess, off the top of my head, I would be safe in saying that the number of children on free school meals in those schools would be a lot higher than the 17%. Looking at admissions policies and trying to make every school in the country a good school, should LEAs and other admissions authorities be looking at trying to establish some

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sort of federation system to try to address these issues or a fair banding system? Are there any models of that sort which you think we could recommend to try to make every school a good school? Basically, are pupils on free school meals being discriminated against in terms of the admissions authority and what can authorities do in looking at federations of schools or fair banding systems to try to ameliorate that situation?

**Mr Bell:** There is no evidence that pupils on free school meals are being discriminated against, although I would not dispute the data you suggest. I have to repeat the point that we should not ever get to a situation where we say, if pupils are of this background or that background they cannot achieve. From my perspective that is the road to ruin and we should always have high ambitions. I was very interested that you picked up the federation point. I might have said the last time I was here that we are probably in some virgin territory when it comes to federation arrangements, schools working together, some very exciting and very interesting examples of that happening. We just have to wait and see. What it is really important is the kind of principle which underpins that approach and that is all schools being responsible for all pupils. That is a powerful, powerful argument in an area where schools, however successful or not so successful they are, do recognise that they do have a responsibility to other schools. That might be evidenced by offering courses to students from more than one school, it might be evidenced by students working together, teachers swapping over, school management teams working together. That is a very powerful move, but it is early days and this might be an issue of federations and schools working together that the Committee would return to and I am sure Ofsted will be looking at that very carefully.

**Q641 Chairman:** It is a systemic failure in many cases, is it not? When we went to Birmingham, the fact of the matter was that when you get to an inner city school it was not that every school had planned for a particular inner school to have the rough end of the deal, but you knew there was a school with excess capacity and you knew that school was going to get pupils who had been pushed out of other schools for poor behaviour, you knew that school was going to receive more special educational needs pupils, you knew that if there were political refugees settled in that city they were likely to be put into that school because it had capacity. We went to one school and in the middle of term there were 20 families applying to join that school on that day and the turnover was such in that one school that if you add all those up it is not a conspiracy, it is a systemic failure in one way, is it not?

**Mr Bell:** It would be hard to argue against that. We can all cite examples of schools where all these factors seem to conspire to make circumstances particularly difficult. One observation I would make is that some of those factors you described do go beyond the school gates, that they are not beyond the influencing of the local authority and other agencies. For example, if you take what you

mentioned about refugee families, there are actions which can be taken, as we reported recently, which will assist. You are absolutely right to say that it becomes harder and harder, the more of those factors that come together. It does not seem to me then to be a case that such schools are hopeless and nobody can do anything about them, it just illustrates the fact that some of the interventions have to come from outside the school and not just from inside the school itself.

**Q642 Chairman:** To try to be an honest politician, I have to tell you that was George Dixon's school I was using which has been extremely successful in turning itself round and the head got a knighthood last year. Was it not you, or your immediate predecessor, who said to the Committee that they believed schools could only achieve so much, that it was 80% external influences like family support and 20% the school. Was it you?

**Mr Bell:** I think I might have said that, but that is not to cap the ambitions and aspirations, it was to make the point that successful schools work in a partnership with parents and others from outside the school gate. The example you cited illustrates that it is not impossible even for schools facing the most challenging circumstances to succeed. It is a reality that it is harder for many schools to succeed when those different factors come together. We always have this balance to strike. On the one hand I do not want to imply that schools can sort everything out for themselves, irrespective of what is going on outside, yet on the other hand, we must avoid the danger of consigning some children, some families, some schools to the scrap heap and saying there is nothing we can do within the school for them. That is in some ways an even greater danger.

**Q643 Jeff Ennis:** I was going to compare special educational needs children and the fact that a great weighting has been put on children in care being considered for school admissions. Would it be possible to have some sort of weighting system for schools which were actually not taking a fair proportion of children with special educational needs and how could we address that?

**Mr Bell:** That is a very interesting issue and to some extent the Government opened this issue up in its recent policy paper on primary education, *Excellence and Enjoyment*, where it said that there is a perception abroad that if you are a school which is taking active steps to include children with special educational needs, somehow you are penalised, in particular in relation to performance tables. I think that was a recognition of a complex issue. It is not one of these ones which is easy. You could say let us not include children with special educational needs in any account of how the school is doing, because that might be fairer. On the other hand, that might be deeply damaging, if we imply that somehow children who have special educational needs are not capable of achieving. That is a really difficult one, but it is encouraging and I am very pleased to see that the Government will be opening up a consultation on that issue: how do we best account

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for children with special needs, in a sense to incentivise schools to admit all children irrespective of their needs?

**Q644 Jeff Ennis:** I do not want to put words into your mouth, but from the responses you have already given, it appears to me that you feel because it is such a complex issue there needs to be some sort of central control mechanism to some extent. Whether that should be through the LEA or perhaps through these admission forums, which are only just becoming established, if issues like the ones I have raised to do with free school meals and special educational needs are not sorted out on a fair and equitable basis within an area, is there a need to beef up the existing role within LEAs or admission forums?

**Mr Bell:** It is always a difficult one in some ways. You encourage me to be bold in what I say but equally I have to take account of the reality as it is. For a range of other reasons, not least those related to school autonomy, we will not go back and probably should not go back to a system where everything was done by the man or woman in the centre, wherever the centre is. However, we can move from a situation where it is every school for itself, to a situation where, through local admissions fora and other bodies and ways of working, we get this expectation that all schools have a contribution to make to greater education. It is a bit of a blind alley then to say let us go back to central planning or central control of school admissions. That is not going to happen, as far as I can see, in the short term and we must not divert our efforts from making the system we have now work.

**Q645 Jeff Ennis:** It appears to me that you feel the actual role of LEAs in terms of the current admissions system is about right then.

**Mr Bell:** Our evidence would support that. Where LEAs take their work with other admissions authorities seriously, it can work well, yes. Equally, there are points for the future for LEAs to improve that, not just LEAs, actually other admissions authorities. It is really important to stress the point that we do not just have the one admissions authority. In lots of places we have a number of admissions authorities. Everyone has a responsibility to make this work.

**Q646 Mr Pollard:** I want to ask Nick Flight, as an auditor, whether the cost of appeals has been thought of. In my area we have hundreds of appeals every year, it costs an arm and a leg and it raises expectations. Could I ask whether 30 should be the maximum class size at any time, as we have done with primary school class sizes? That seems to have worked quite well and it would stop many of the appeals and bring costs down and that would mean more money going into front-line education.

**Mr Flight:** Limiting class sizes in secondary schools is a much, much bigger issue than limiting class sizes in years one to two. We have not done any research as to what the practicalities are about doing that. I am sure your point about the cost of appeals is

absolutely pertinent. It is an expensive business. We do not have figures about that kind of detail on LEA expenditure. I believe you were asking the two directors, who were themselves unclear about the actual cost of appeals within their own education authorities. We have not collected that across the board.

**Q647 Mr Pollard:** Could you look at it?

**Mr Flight:** It would be interesting to know exactly how expensive this was.

**Chairman:** Will you think about it and write to us?<sup>3</sup>

**Q648 Jonathan Shaw:** I want to touch briefly on organisational change and parental preference, grasping the nettle to close a popular school. You give examples of where you see good practice, councils, local authorities being proactive and taking difficult decisions. Obviously other authorities do not do that for a variety of reasons which we understand, political reasons, popularity; it is a very painful process closing a school, allowing schools to wither on the vine, which does happen. Can you tell the Committee whether that is commonplace?

**Mr Bell:** It is now less common, partly because of what we were saying earlier about the drive to remove surplus places. I think, for the reasons which Nick cited around this 10% figure, that it has concentrated the minds of LEAs and some more critical judgments which we have made about LEAs recently have been related to places where the nettle has not been grasped and it is clearly having an impact in terms of how money is well used. It is less common. You have rightly highlighted the great difficulties in any situation of closing a school. I cannot recall whether it is in this report or another we have published—

**Q649 Jonathan Shaw:** A school in East Brighton was given as an example to this Committee.

**Mr Bell:** Even when you close a school which is apparently unpopular, there is nothing more designed to galvanise public support than a proposal for closure and that is just a painful, painful business.

**Q650 Jonathan Shaw:** Should popular schools be required to expand to meet demand?

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<sup>3</sup> *Note by Witness:* The main direct costs are those of staff time in two areas: education officers, with particular responsibility for admissions, and legal officers. In both cases the time spent on, and therefore the cost of, work on admission appeals is a small proportion of their overall work and is not separately quantified in national returns. It is not, therefore, currently possible to estimate in any meaningful way the overall cost across the country of administering admissions appeals. However, these costs are themselves only part of the picture. There may be additional costs, for example, in translation facilities and time spent by other staff, such as education welfare officers. Significant unquantified costs also include those incurred by parents and children in terms of time, travel and sometimes legal expenses, as well as the cost to schools in terms of enquiries and following up on pupil placements.

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**Mr Bell:** I do not have any problem in principle with popular schools being allowed to expand, but of course that cannot be unlimited as far as I would see; just practicalities would say whether they can be allowed to expand. There is also an issue which is not often highlighted as much as it might be: is there a tipping point where the very reasons that people have chosen a school and it has become popular are then lost when it gets to a size beyond which nobody ever intended it to be? That is a practical issue. I just go back to the point we made in the report: no problem in principle with popular schools being used and expanded as part of our concerted school improvement strategy, but not if it means other schools being allowed to wither on the vine, withering on the vine in personal terms, when you think of the children and young people who have to continue to be educated in such schools.

**Q651 Jonathan Shaw:** If local authorities are so keen to make these strategic decisions, have local authorities sufficient powers to make decisions at an appropriate pace so the process is not too long and drawn out?

**Mrs Brown:** Our findings of this last year's inspections were particularly interesting because over half of the LEAs we inspected this year were graded less than unsatisfactory in their first cycle of inspections. There are some key areas of improvement, one of them being around the leadership of senior officers and elected members and the speed and security of decision making which have significantly improved. We are finding that LEAs are much better now at making the key decisions and making those quickly, compared with what they were able to do in the first cycle. Our view would be that the powers are there and they are just much better at using them. In terms of political leadership, we are seeing the corporate activity of the LEA within the wider council has been more about community leadership, which comes back to some of the points members of the Committee were raising about a sense of having this shared responsibility across all the council's activities for the children, young people and families in their area. The decisions made within the LEA can have a significant impact on other services of the council and, equally, things like housing have an impact on what the LEA is able to do.

**Jonathan Shaw:** If you close a school it obviously impacts on a community.

**Q652 Paul Holmes:** We have talked about the problem that at one end you have parental choice and you have some schools selecting covertly or overtly. At the other extreme you have the schools which lose out. In paragraph 51 of your report, you talk about the schools which become sink schools and go into a spiral of decline; because they have spare places they must take all the pupils nobody wants and therefore they get worse and worse. You then say in paragraphs 55 and 56 that sometimes you just perhaps should not shut these schools anyway because you say that closing the school does not enhance a disadvantaged community. How do you

square that circle, that if a school is into a spiral of decline, then the community it is in the middle of will be even worse if it loses the school? What is the answer to that? What do you recommend?

**Mr Bell:** There is no straightforward answer to that. This is an issue interestingly which plays out in both the urban and rural settings because the argument is often advanced in relation to rural schools that if you close the school you are going to have an enormous impact on the rest of the community. I do not think that it is easy to square the circle on this one. There are some circumstances, and local authorities do not do this lightly, but they have decided that everything else has not worked and it might be better to educate children just slightly further away from the local community. Equally, there are cases, and I visited schools and I am sure members of this Committee have visited schools, where everyone said that school was a goner, it was never going to recover and then something happens, perhaps a new head teacher, new sense of energy and vision around the school and you do not recognise it five years later; not even five years, three years later it can be a very different place. It is really, really difficult and any local authority which is making such decisions is trying always to weigh up those factors. To be very honest with you, I do not think local authorities have an easy answer, there is no simple answer to this one.

**Q653 Chairman:** What about the Archbishop Tennyson answer, that they had special permission to take the 40 above average, 40 average and 20 below? The head told us that turned the school round. Is that not a format? Is that not a system you approve of as Ofsted?

**Mr Bell:** Schools will sometimes say to you that their chances for improvement were enhanced when they had a more balanced intake, but I know from schools, even some I visited very recently, with exactly the same pupils, exactly the same intake of pupils, but the school has just been transformed. What the school has done in a sense is grow its own: it has actually developed better the characteristics, the attributes of the students who are there and made them achieve much more than they ever thought of achieving. It is not a panacea to say all you have to do is engineer the admissions to bring about school improvement. There are ways in which schools can improve without changing the admissions or changing the intake. Equally, as we have acknowledged, sometimes schools get beyond the point of recovery and then the decision of closure may well be the right one.

**Q654 Paul Holmes:** It might be interesting to get an Audit Commission comment on this one. If you are a parent and you are in a disadvantaged community and your local school is failing for whatever reason, you have a bit of a problem. Because you live in a disadvantaged community you are probably not that well off, but if you want to send your child to a school some distance away, which is seen as successful for whatever reason, you have to pay the transport costs yourself. Two thirds of LEAs will

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pay for children to go miles away to a faith school, but no local education authority will pay for children to go miles away to the specialist school which suits them or whatever. If specialist schools are to have any meaning, LEAs should be paying for kids to be going miles in different directions, passing each other to go to the sports college or language college or whatever. Equally, surely, in terms of fairness and opportunity, why are we paying for one group of children to go 10 or 15 miles to a faith school but not for other groups of children to go 10 or 15 miles to the a school that their parents would choose for them?

**Mr Flight:** The transport costs for LEAs are a really significant element in their education budget and the way in which they attempted to deal with that under quite severe financial constraints was to comply with their legal obligations. You draw attention to what is a real tension for LEAs in that to make a reality of parental preference for all parents, regardless of their income, would require considerable additional expenditure on school transport, which is a political choice, which it has not been possible for LEAs to take. It is quite true, that to make a reality of parental preference for everybody, regardless of income, would require considerable expenditure.

**Q655 Chairman:** Have you assessed Sir Peter Lample's ideas for introducing the American style school bus?

**Mr Bell:** We have just had a brief opportunity to look at his evidence. It looked very interesting but we have not had a chance to comment.

**Q656 Valerie Davey:** The City Technology Colleges had enough money to do their own buses. Would you suggest that if a school thought it was important enough, they would perhaps have to use some of that funding to get children to their school? Is it legal?

**Mr Bell:** As I understand it—and I will stand corrected—I think that school governors have the freedom to deploy their budgets in the interests or to the ends of the school. Schools' governors may in some circumstances say a group of their students is finding it very difficult to get to school and they will put on transport for them. That is an option, but presumably that is a local version of what Nick Flight just described as the choices you have to make in a time when budgets are tight.

**Q657 Mr Chaytor:** On the question of league tables and admissions, if it is misleading, as you argue, to use pupil intake as an excuse for a school being in the lower quartile of the league tables, is it not equally misleading to deny the impact of pupil intake as an explanation for a school being in the upper quartile of the league tables?

**Mr Bell:** I would not want to draw an absolute connection, is the point I am making.

**Q658 Mr Chaytor:** In your anxiety not to draw an absolute connection, do you feel you are being led to underestimate the reality of the impact? It is the 80/

20 admissions. Where is the balance in a school's position on the intake between the value added by the school and the nature of the pupil intake.

**Mr Bell:** It is an important point we would stress through inspection, if I may just highlight that. We would want to use a variety of measures to judge the effectiveness of a school.

**Q659 Mr Chaytor:** In your inspection framework you do not consider a school's admissions policy.

**Mr Bell:** We do not consider the admissions policy, but increasingly we are considering the added value offered by the school. In the sense that one knows the starting point of the pupils, notwithstanding how the pupils got there via the admissions system, you are then in a position to judge the effectiveness of the school. I think that will be increasingly important information and it is not to deny the connection between deprivation and achievement; that is well documented. It is equally not to make an excuse of it because there are some schools serving very deprived communities which are doing an absolutely cracking job in offering their youngsters a really first-class education.

**Q660 Mr Chaytor:** Your report is extremely interesting, but it is limited to the 150 LEAs which are admissions authorities. In addition there are several hundreds of schools which are admissions authorities and you are making a virtue almost of not examining the impact of their admissions policies.

**Mr Bell:** I suppose we have to be realistic in what we do and we got at that second hand by looking at the work of LEAs in relation to many of those other admissions authorities. It is just being realistic about what we can do. It is important that Ofsted continues to focus on the quality of education being offered to the children in any particular school, rather than getting to other debates and discussions and inspection activity about how the children got there in the first place, notwithstanding the value of this kind of thematic report on an occasional basis.

**Q661 Chairman:** Children do not go to an individual school alone, they also go to school in a local education authority area and that can impact dramatically on the quality of the education they receive. Is that not right?

**Mr Bell:** Yes. We did highlight in our report looking at the impact of local education authorities, that the effectiveness of the local education authority is not always a strong determinant of the success of individual pupils and individual schools. That was something we talked to the Committee about a year or so ago.

**Q662 Chairman:** When I accused you of being a bit timid and said I wanted you to be more bold, I only want you to be more bold on the basis of your good research or your investigative skills, your inspections. If the inspections tell you something strongly which should be changed, then this



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Committee would expect you to declare willingly those changes which should take place without fear or favour or worry about our political masters.

**Mr Bell:** I have no such worries.

**Q663 Chairman:** Is there anything about admissions policy you would like to see changed, or would we be right to go away and say you are pretty happy with the situation as it is and nothing needs changing?

**Mr Bell:** I think we have demonstrated that the admissions arrangements can work well, provided local education authorities exercise their leadership responsibilities effectively and all admissions authorities—and if one wants in a sense to say schools, who are admissions authorities—recognise that they have a commitment to all pupils. In the end, that is a kind of moral imperative rather than

a legislative imperative or anything which one could necessarily change just by changing Acts of Parliament.

**Q664 Chairman:** Is the Prime Minister right that faith schools get better results than non-faith schools?

**Mr Bell:** If you look at the data, there is no doubt that faith schools do a particularly good job, there is absolutely no argument about that on the basis of the data. We have looked at inspection evidence as well and there are some interesting trends there too. Yes, faith schools do offer a good education, but so do lots and lots of other schools in the country as well.

**Chairman:** Thank you very much and thank you very much for your attendance. We will see you soon.

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**Memorandum submitted by the Church of England Board of Education<sup>1</sup> (SA 33)**

**NATIONAL GUIDANCE TO DIOCESAN BOARDS OF EDUCATION ON ADMISSIONS  
TO CHURCH OF ENGLAND SCHOOLS**

This Guidance has been produced for Diocesan Boards of Education, and provides an overarching series of principles on admissions to Church of England Schools to which DBEs should have reference in framing or reviewing their own guidance to their schools. It has the authority of the Church of England Board of Education, and reflects the national policy of the Church of England as agreed by the General Synod, the Archbishops' Council and the House of Bishops.

**INTRODUCTION**

The Church of England pioneered elementary education in the first half of the nineteenth century, both to give children an experience of learning within a Christian community and to serve the nation. Between the establishment of the National Society in 1811 and the first national Census in 1851, the Church of England established some 17,000 schools with a view to “educating the children of the poor in the principles of the Established Church”. State provision of education did not begin until the Elementary Education Act 1870.

Today, there are over 4,700 Church of England maintained schools, of which about half are Voluntary Aided or Foundation schools. Church of England schools today serve many different kinds of communities, in rural, urban and suburban areas. They reflect the distinctive Anglican tradition of being the Church for the whole nation. In living and proclaiming the Gospel of Christ for today's generation, they embody a commitment to make a positive contribution to our complex society from a distinctively Christian standpoint. The increasing popularity of Church schools challenges the Church to think seriously about what it means to believe, along with the General Synod, that “Church schools stand at the centre of the Church's mission to the nation”.

Church of England schools have a concern, in the name of God, both to nurture Christian children in their faith and to serve the wider community of which they are part. In the words of the late Lord Runcie, when he was Archbishop of Canterbury, they can:

- Nourish those of the faith;
- Encourage those of other faiths;
- Challenge those who have no faith.

St Irenaeus said, “The glory of God is a human being fully alive.” Church schools are called to bring that fullness of life to all their pupils, whatever the beliefs of the children or their families. A recognition that Christ came to teach and to serve must therefore be at the heart of all discussion about the nature and purpose of Church of England schools, and the contribution of their Admissions Policies to securing their distinctive character.

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<sup>1</sup> See Education & Skills 4th Report, Session 2002–03, Secondary Education: Diversity of Provision, HC 94, Ev 188.

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THE POLICY OF THE CHURCH OF ENGLAND

The national policy of the Church of England is that Church of England schools should be *both* distinctively Christian *and* inclusive communities. The fullest expression of this policy is contained in *The Way ahead: Church of England schools in the new millennium* (2001) (see especially Chapters 3 & 4). The policy is stated in the Resolution approved by the General Synod of the Church of England on 15 November 2001:

*“That this Synod ask*

*(a) the whole Church to build up the relationships described in the [Way ahead] report, especially to ensure that Church schools are distinctively Christian institutions, rooted in the life of the parishes whilst being open to the diverse communities they serve;”*<sup>2</sup>

It is also reiterated in the Statement issued by the House of Bishops on 15 January 2002:

*“Historically, Church of England schools have been a service to the nation’s children and this requires them to be inclusive in admissions, as most already are. We are committed to ensuring that all Church of England schools should seek to offer places to children of other faiths and of no faith in their local community.”*<sup>2</sup>

NURTURE AND SERVICE

As stated earlier, Church of England schools have a duty to nurture children from Christian families in the Christian faith and to live and to share the Good News, as well as to serve the wider community in the name of God. This requires them to be both distinctively Christian and inclusive institutions, confident in faith and reaching out to others. It is not possible here to give a definitive statement of where the balance between the nurture and service functions should lie for any particular Church of England school. That balance will depend upon the category or phase of the school, its ethos, history and tradition, and its local circumstances, including the number of Church of England schools in the general vicinity, and the governors’ view of the purposes of the school. How that balance is resolved will have a considerable impact upon the nature of the school’s Admissions Policy.

In general, Church of England Voluntary Aided or Foundation schools have usually adopted one of two generic types of Admissions Policy:

- (i) an Admissions Policy that gives precedence to Anglican (or Christian) children; or
- (ii) an Admissions Policy that specifies a certain number of “Open” and “Foundation” places. (“Foundation” places are generally reserved for applicants who meet Church-specific criteria, whilst “Open” places are available to all other applicants.)

It is possible to illustrate a number of scenarios in which such policies might operate:

- A C of E VA primary school is the only school in the village and the only Church VA primary school for many miles, and gives priority to the children resident in the local parish (by virtue of residence, not religious affiliation). However, there are insufficient children living in the parish to fill all the places, and the school therefore recruits children from further afield on the basis of Christian commitment. Whilst the service function is uppermost in the Admissions Policy, the nurture function is prominent in its application. The school is socially inclusive, being rooted in the local community, but also welcoming those from outside. The school reflects the Church of England’s national policy in being a distinctively Christian and inclusive community.
- A C of E VA primary school is located in a suburban area, which is relatively affluent. The Admissions Policy gives precedence to children from Christian backgrounds but reserves a number of “open” places, so the school draws Christian children from areas of social deprivation in a wider catchment area, as well as Christian and non-Christian children from the immediate vicinity. The nurture function is uppermost, and the school is socially inclusive. The school reflects the Church of England’s national policy.
- A C of E VA secondary school is located in a deprived area of an inner city. The Admissions Policy specifies a certain number of “open” and “foundation” places, drawing children from the immediate area and from farther afield. The service and nurture functions are balanced according to the numbers admitted within each category, and the school is socially inclusive. The school reflects the Church of England’s national policy.
- A C of E VA secondary school is the only such school in a large town, and the demand for places far exceeds the number available. The Admissions Policy gives precedence to children from Christian backgrounds, and so the nurture function is pre-eminent, but nevertheless reserves a number of places for children from other faiths. The make-up of the school population reflects the socio-economic background of the children admitted. The school is distinctively Christian, but also inclusive, and so follows the Church of England’s national policy.

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<sup>2</sup> The full texts of the Synod Resolution, the Statement by the Houses of Bishops, and the former Archbishop of Canterbury’s article in the *Times Educational Supplement* (11 January 2002), explaining the Church’s view, are attached as annexes to this note. The full text of *The Way ahead* is available on [www.natsoc.org.uk](http://www.natsoc.org.uk)

These are, of course, illustrative scenarios, and it is not possible to reduce the number of possibilities to those outlined above. Indeed, there will be many variations in resolving the balance of nurture and service. In considering the purposes of the school, the governors should also consider *additional* measures to promote an inclusive approach to education, such as community-based programmes and joint working arrangements with other maintained schools. All Church of England schools should educate their pupils to celebrate the diversity of humanity, and be committed to fostering good community relations.

The kinds of issues that a governing body will need to consider when reviewing its Admissions Policy will include the following:

- How does present admissions practice relate to the school's Trust Deed?
- Does the Admissions Policy reflect the national policy of the Church of England?
- What is the right balance for us between nurture and service?
- Is the school a distinctively Christian community?
- Is the school serving the local worshipping community?
- Is the school grounded in the local community?
- Does the Admissions Policy discriminate unfairly against a particular group?
- Is the school socially inclusive?

There are no definitive answers to these questions, but in reviewing its Admissions Policy a governing body should have due regard to the responsibility of all Church schools to be living Christian communities strongly related to the local community and working effectively with other schools in the area, irrespective of category.

#### THE CHURCH OF ENGLAND BOARD OF EDUCATION'S RECOMMENDATIONS

Many Church of England schools are popular with parents and therefore oversubscribed. This is a particular issue for Church of England secondary schools, because there are relatively few of them in comparison with the Church of England's primary provision, but also a feature of many of our primary schools. It is also a feature of our increasingly secular society that many parents who do not have a particular religious affiliation are being drawn to schools that have a strong sense of values.

The Church's national policy is to expand the provision of Church of England secondary school places in particular (but also primary school places where there is need), so as to ease the pressure on places and enable heavily oversubscribed schools to become more inclusive in admissions.

Against this background, the Church of England Board of Education sets out the following principles in respect of Admissions Policies for Church of England Voluntary Aided and Foundation schools:

- The Admissions Policy should seek to ensure that the school is a distinctively Christian community, whilst being rooted in the local community in all its diversity.
- All Church schools should reserve some places for children of other faiths and/or the local community, as apposite to local circumstances. This should be achieved either through catchment or proportion.
- All Church schools should regularly consider how they are responding to the needs of the local community, including the families who live near the school.
- Voluntary Aided and Foundation schools should aim, wherever possible, to offer a number of places as a high priority to children with special educational or medical needs. Where governors give priority to children in these categories, they should be confident that they can provide a good quality of education for those children.
- In any new Church of England primary or secondary school, it should be the policy to establish within measurable time—if it is not possible from the outset—a substantial number of pupils with a Christian background.
- In a new Voluntary Aided school, the aim over time should be to achieve an appropriate balance of "Open" and "Foundation" places sufficient to ensure that the school is a distinctively Christian institution whilst being grounded in the diverse local community.
- Where Admissions Policies recognise applications from other Christian denominations, these should be full members of Churches Together in Britain and Ireland or of The Evangelical Alliance (or their local equivalents).

#### *Voluntary Controlled Schools*

- In a Voluntary Controlled school, the Local Education Authority is responsible for admissions, but should consult the governing body every year. *The Way ahead* recommends that Voluntary Controlled schools should periodically review their distinctiveness as Christian institutions and consider whether a legitimate case can be made to the LEA to include Christian background within

the admissions criteria, providing this does not compromise their tradition and responsibility as a neighbourhood school. As an example of such a policy, the Voluntary Controlled schools of one diocese have policies in which “priority may be given to children whose parents are members of the Church of England or Methodist Church”.

#### *Consultation with the Diocesan Board of Education*

Diocesan Boards of Education should give guidance to schools on Admissions Policies, and governing bodies should use this guidance as an aid to their discussions. The governors of Voluntary Aided and Foundation schools must review their Admissions Policy at least every two years even if no change is proposed and consult the LEA and all other admissions authorities in the area. As amended by the Education Act 2002, the Diocesan Boards of Education Measure 1991 now empowers the DBE to give advice on admissions to Church of England schools within the diocese, to which advice they must “have regard”. The School Admissions Code of Practice requires the governing body to consult the DBE before consulting others (ie the LEA and other admissions authorities) when reviewing its Admissions Policy.

The governing body of a Voluntary Aided or Foundation school should therefore ensure that the DBE is consulted about admissions *in advance* of any wider consultation, and that it has regard to the advice received from the DBE. In practice, this will require a formal minute of the governing body acknowledging the advice received, and setting out the governors’ response to that advice. Where the governors decline to accept the advice given by the DBE, they must be able to justify their decision. However, it should be noted that the Secretary of State is likely to take cognisance of the DBE’s advice in determining an objection to denominational criteria. The adjudicator may also take into account the DBE’s advice (if relevant) in determining an objection to any other aspect of the arrangements.

14 November 2002

#### **Annexes**

*Annex 1:* The General Synod Resolution, 15 November 2001

*Annex 2:* Lord Carey’s article in the *Times Educational Supplement*, 11 January 2002

*Annex 3:* Statement issued by the House of Bishops, 15 January 2002

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### **Memorandum submitted by the Catholic Education Service (SA 34)**

#### **1. PURPOSE OF CATHOLIC SCHOOLS**

Catholic schools were established to provide a Catholic education to baptised Catholic children in a local area. They are seen by the Church as the “principal means of helping parents to fulfil their role in education.”<sup>3</sup> This remains the primary function of the schools but many also increasingly serve the wider local community in a variety of ways, whilst maintaining a strong Catholic ethos. They are distinct from Church of England schools in serving a minority faith within the country. As part of their ministry as parents, the Code of Canon Law requires parents to seek a Catholic education for their children, wherever possible:

“Parents are to send their children to those schools which will provide for their catholic education. If they cannot do this, they are bound to ensure the proper catholic education of their children outside the school.”<sup>4</sup>

Service to those who are amongst the most deprived and underprivileged in our society has also always been central to the mission of Catholic education and continues to be so today. Many Catholic schools were established in the 19th Century to meet the needs of poor Catholic immigrants from Ireland but the mission remains strong today, although the historical imperative has diminished. Catholic dioceses today are conscious of their responsibility to meet the needs of established local Catholic families, Catholic traveller children and Catholic immigrants from other parts of the world, especially Eastern Europe and parts of Africa and Latin America. Dioceses and governing bodies, as the admission authorities of voluntary aided schools, work to ensure there is sufficient provision wherever possible for these groups whilst reaching out to children and young people of other faiths and none in ways appropriate to local circumstances.

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<sup>3</sup> Canon 796.1 Code of Canon Law by the authority of Pope John Paul II, 25 January 1983.

<sup>4</sup> Canon 798, Code of Canon Law.

## 2. RELIGIOUS POLARISATION

The Catholic Education Service welcomes the recognition in the recent Ofsted and Audit Commission Report, “School place planning: The influence of social place planning on school standards and social inclusion”<sup>5</sup> that the social engineering put forward by the Cantle Report<sup>6</sup> “offers neither a practical nor a desirable solution” to the problems of racial and religious segregation. As our evidence demonstrates, Catholic VA schools are racially diverse institutions, which reflect the racial profile of their communities. Where there are specific issues of racial or religious tension in the local area, schools and dioceses are working with local education authorities, admissions authorities of other VA and foundation schools and community groups towards local solutions. The work initiated by the Catholic Diocese of Leeds in Bradford is one example. Catholic education in England and Wales has a culture of religious tolerance and pupils are encouraged to understand and respect faiths other than their own. Anecdotal evidence suggests that this is one reason why Muslim parents sometimes express a preference for a Catholic school rather than a community school.

Indicative figures in some of England’s most racially diverse areas demonstrate that Catholic schools are genuinely inclusive. For instance, pupils of other faiths or none constitute approximately 32.5% of the Catholic secondary school population in Wolverhampton, 33% in Croydon and 42% in Tower Hamlets. In Leeds 15% of pupils in Catholic secondary schools are from other faiths or none, although in Oldham, which is recognised as having generally polarised communities and where capacity in Catholic schools is more constrained, the figure is only 7%. The Diocese of Salford, in which Oldham is situated, is now working very closely with the LEA and other faith groups to address local circumstances. Inclusivity is influenced by many factors, not all within the control of Catholic dioceses and governing bodies, including the perceived desirability of neighbouring community and other schools and the demographic strength of the Catholic population in the areas from which a school draws. In general, the Catholic Church is not seeking to increase the numbers of its schools or their capacity.

## 3. DISTRIBUTION OF CATHOLIC SCHOOLS

There are 394 Catholic Voluntary Aided (VA) secondary schools and 1,817 Catholic VA primary schools in England and Wales.

The distribution of Catholic schools reflects the demography of the Catholic population in England and Wales, with the strongest concentration of schools to be found in the North West, in the dioceses of Salford, Liverpool and Shrewsbury. In these areas, Catholic Voluntary Aided schools make up 17–18% of the maintained secondary school stock and 82–83% of primary schools. By contrast, relatively few Catholic VA schools exist in Wales, East Anglia and the South West. There are also significant numbers of Catholic VA schools in other major conurbations and urban areas, including London, West Yorkshire and Birmingham.

Typically, a Catholic VA school was situated in its present location with the agreement of the local education authority at the time it was established in an urban area to draw from a wider than average catchment area, based on parish boundaries. Changes in demographic patterns have impacted on these historical catchment areas in different ways, with implications for the schools’ admissions policies. Inevitably a “local” area for a Catholic school will generally be larger than that for a community school.

## 4. PUPILS

The Catholic Education Service Census for 2003 showed that there were 265,872 Catholic pupils and 66,198 (about 20%) pupils of other faiths or none being educated in Catholic secondary schools. Whilst this memorandum focuses on secondary education, it may also be useful to note that the Census also showed there were 357,378 Catholic pupils and 72,348 pupils of other faiths being educated in Catholic primary schools in 2003.

Catholic schools also serve marginally more racially diverse pupil populations than their community school equivalents. In May 2003, the Catholic Education Service published *Ethnicity, Identity and Achievement in Catholic Education*.<sup>7</sup> This demonstrates that in 2001:

- 11% of Catholic secondary schools had over 40% ethnic minority pupils, against 10.2% of other maintained secondary schools.
- 9.2% of Catholic secondary schools had between 20 and 40% ethnic minority pupils, against 7.9% of other maintained secondary schools.
- 10.1% of Catholic secondary schools had between 10 and 20% ethnic minority pupils, against 8.4% of other maintained secondary schools.
- 13.2% of Catholic secondary schools had between 5 and 10% ethnic minority pupils, against 9.3% of other maintained secondary schools

<sup>5</sup> HMI 587, October 2003.

<sup>6</sup> Community Cohesion: A Report of the independent Review Team, chaired by Ted Cantle (Home Office, 2002).

<sup>7</sup> A copy of the report is annexed to this paper.

- 56.3% of Catholic secondary schools had between 0 and 5% ethnic minority pupils, against 63.9% of other maintained secondary schools.

Closer analysis of the statistics also reveals that, given that Indian, Pakistani and Bangladeshi pupils (being largely Hindu, Sikh and Muslim) are significantly under-represented in Catholic schools, the percentages of minority ethnic pupils in Catholic secondary schools are surprisingly close to national averages and that they actually have higher percentages of Caribbean, African and some other ethnic backgrounds. For instance, Black Caribbean, Black African and Black Other pupils make up 6% of the population of all Catholic secondary schools compared with 3.1% of the populations of other maintained secondary schools.

The report also notes that those schools with higher percentages of minority ethnic pupils tend to be located in deprived urban areas with higher percentages of pupils eligible for free school meals ("FSM"). For instance, in the 11% of Catholic secondary schools with over 40% ethnic minority pupils, 26.3% of those were eligible for FSM in 2001. At the other end of the scale, of the 56.3% of Catholic secondary schools with up to 5% ethnic minority pupils, 13.6% of those pupils were eligible for FSM, in comparison with 12% of the ethnic minority pupils in other equivalent maintained secondary schools.

An analysis of the economic background of pupils provides evidence that pupils at Catholic schools are drawn from all sections of the community and Free School Meals indicators are generally comparable to adjacent community schools.

The diversity of the pupil populations in Catholic schools, in terms of racial and social mix, working in an atmosphere of mutual respect, empathy and religious understanding, provides a strong foundation for Catholic schools to contribute to community cohesion in the areas in which they are situated.

The Catholic Education Service acknowledges the important contribution towards community cohesion made by local education authorities who provide free home to school transport for Catholic pupils to Catholic VA schools, ensuring that they are accessible to all social groups. Clearly, the relatively small number of Catholic schools mean that the Catholic school is less likely than a community school to be a pupil's nearest school and transport policies based on distance alone may make it more difficult for less prosperous parents to choose a denominational education for their children. There is some evidence of this in Worcestershire LEA, which withdrew free home to school transport to schools with a religious character from September 2000, although it is not yet conclusive.

## 5. EMERGING DEVELOPMENTS IN CATHOLIC SCHOOL STRUCTURES

At present there are nine joint Roman Catholic-Church of England schools in England and Wales, with a small number more planned to open in the near future. Joint sixth forms also operate with the most established being the links formed with St John Fisher High in Harrogate.

In addition, dioceses across the England and Wales are exploring different ways of establishing schools to meet the needs of the Catholic community in their particular local circumstances. Many Catholic schools have gained specialist status, plans are in train for the first Catholic and ecumenical academies (in Liverpool and Southwark) and several dioceses are already working with governing bodies of Catholic schools and others to respond to new regulations which facilitate collaboration and, from 2004, federation.

## 6. SELECTION

Catholic schools are truly comprehensive, resisting grammar school routes and welcoming children of every ability, including those with Special Educational Needs, race and ethnic mix and, where there is capacity, religion. The vast majority of Catholic VA schools, where they are oversubscribed, select only on the basis of religion. In some parts of the country, the Catholic community is also carrying out particularly innovative and successful work with disaffected young people, whether excluded or at risk of exclusion. The work of the Zacchaeus Centre in Birmingham is especially notable in this regard.

The Catholic Education Service supported the Government's proposal to phase out interviewing on faith grounds. This practice, which some head teachers and governors of very oversubscribed schools found facilitated a useful dialogue about the ethos of the school and the pupil's faith background, was perceived by some as a covert form of selection on social or academic grounds. The Catholic Education Service believes that the admission procedures should be transparent and equally accessible to all; it was particularly concerned that the practice could discriminate against Catholic families and others for whom English was not the first language.

The Catholic Education Service has no evidence that the power of Catholic VA schools with a specialist status to select up to 10% of their pupils on the basis of aptitude or ability compromises their ability to serve the entire Catholic community and contribute to community cohesion.

## 7. ADMISSIONS CRITERIA

The Catholic Education Service does not publish model admissions policies for Catholic schools because it recognises the need for them both to reflect and respond to local circumstances. Two examples, from very different parts of the country, are therefore given.

The following example is typical of admissions policies for Catholic secondary schools outside London. It was provided to the Catholic Education Service by the Diocese of Shrewsbury, which serves the population of New Cheshire, Shropshire and Telford and Wrekin, with parts of Derbyshire, Greater Manchester and Warrington. Many of its 119 schools are located in areas of significant deprivation.

\_\_\_\_\_ is a Catholic Secondary School situated in the Diocese of Shrewsbury and is maintained by \_\_\_\_\_ Education Authority. As a Voluntary Aided School, the Governing Body is the Admissions Authority and is responsible for taking decisions on applications for admissions. For the schools year commencing September \_\_\_\_\_, the Governing Body has set its admissions number at \_\_\_\_\_.

ADMISSIONS TO THE SCHOOL will be made by the Governing Body in accordance with the stated order of parental preference subject to the following set of ADMISSIONS CRITERIA forming a priority order where there are more applications for admission than the school has places available.

1. Baptised Catholic children from the parish(es) of \_\_\_\_\_ and attending Catholic Primary Schools in those designated parishes.
2. Children who have a brother or sister at the school at the time of admission.
3. Baptised Catholic children from other Catholic Primary Schools.
4. Baptised Catholic children from non Catholic Primary Schools.
5. Non Catholic children whose parents wish them to have a Catholic education.

[Notes. By definition, Secondary Admissions tend to be more complex. In some LEAs, Voluntary Aided Schools under criterion 1 list the partner Catholic Primary Schools rather than designated parishes. Criterion 3 can be further broken down into:

- Baptised Catholic children living in the designated parishes but attending Catholic schools outside those parishes.
- Baptised Catholic children from parishes other than the designated parishes who attend a Catholic primary school of a designated parish.
- Baptised Catholic children from parishes other than the designated parishes and who attend Catholic schools other than those of the designated parishes.]

### Notes

- (a) All applicants will be considered at the same time and after the closing date for admissions which is \_\_\_\_\_.
- (b) All Catholic applicants will be required to produce baptismal certificates.
- (c) If category (1) is oversubscribed, children who satisfy (1) and (2) will have priority over children who satisfy only (1). Subsequently if in this or any category there are more applications than places available, priority will be given on the basis of distance from home to school, those living nearer to the school having priority.
- (d) The Governing Body reserve the right to admit children with proven and exceptional medical and social needs where admission to the school might best help satisfy those exceptional needs, providing that such application is submitted with appropriate evidence or reports from a doctor or social worker. If the school is named in a statement of special educational needs the Governing Body has a duty to admit the child to the school. Where applications are received from Catholic and non-Catholic children in public care they will respectively be admitted to the school in that priority order and in advance of the outlined order of criteria.
- (e) For occasional applications received outside the normal admissions round and if places are available then children qualifying under the published criteria will be admitted. If there are places available but more applicants than places then the published oversubscription criteria will be applied. Late applications will be treated as per the policy published by the Local Education Authority.
- (f) If an applicant for admission has been turned down by the Governing Body, parents can appeal to an Independent Appeals Panel. This appeal must be sent in writing to the Clerk to the Governors at the school within 14 days (10 working days) of refusal. Parents must give reasons for appealing in writing and the decision of the Appeals Panel is binding on the Governors.

The following example comes from a school in the South East, where, as in London, many schools are heavily oversubscribed.

### *Admissions Policy and Criteria*

\_\_\_\_\_ Catholic School was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its Governing Body as part of the Catholic Church in accordance with its trust deed and Instrument of Government, and seeks at all times to be a witness to Jesus Christ.

The Governing Body has responsibility for admissions to the school and intends to admit 150 students to Year 7 in September 2004.

### *Oversubscription Criteria*

1. First priority of admission will be given to committed and practising baptised Roman Catholic children from families where one or both parents/carers are baptised Catholic and practising.

2. Second priority of admission will be given to baptised Catholic children who themselves are committed and practising. In interpreting commitment and practice the Governors take into account frequency of regular attendance at Sunday Mass. A higher priority will be given where there is a higher regular frequency of attendance at Sunday Mass. When the school is oversubscribed with applicants whose commitment and practice has been verified by the Parish Priest the Governors will refer to the preceding paragraph in prioritising places and will then take the following factors into account, in order of priority shown:

- (a) Looked after Catholic children.
- (b) The presence of a brother or sister in the school at the time of admission.
- (c) Pastoral or medical reasons which have been verified by an appropriate professional authority and given reasons as to why the school is the most suitable and that these reasons are accepted by the Governors.
- (d) Proximity to the school.

Any places unfilled under (1) and (2) will be offered in accordance with the following practice in the order of priority shown:

3. Baptised Catholic children whose frequency of attendance at Sunday Mass is irregular or occasional.
4. Baptised Catholic children who may not be attending Sunday Mass at the time of application.

Sub categories (a), (b), (c) and (d) apply in prioritising applications in the above two groups.

5. Baptised children of other Christian denominations whose practice can be supported by a priest, minister or pastor of the denomination.

6. Baptised children of other Christian denominations who are not practising but whose parents have a commitment to the aims and ethos of the Catholic school.

7. Children of other faiths where parents are in sympathy with the aims and ethos of the Catholic school.

8. Any other applicant.

Sub categories (b), (c) and (d) apply in prioritising applications in the above four groups.

### *Notes (These form part of the Policy and Criteria)*

Governors will require parents to nominate a parish priest from whom written verification as to the frequency of attendance at Sunday Mass will be established and help the Governors prioritise places.

Parents are required to attend for interview before places are offered solely to help Governors assess levels of religious commitment and practice.

Looked after children has the same meaning as in Section 22 of the Childrens Act 1989 and means any child in the care of a local authority and provided with accommodation by them.

Catholic means a member of the Church in Communion with the See of Rome and includes the Eastern Churches in Communion with Rome.

Baptised means sacramental baptism in accordance with the rights of the Catholic Church. Catholic children baptised in other Christian denominations should have a certificate of reception into the Catholic Church.

Proximity means priority will be given in this sub category to those having the shortest distance from the school measured in a straight line from the front door to the main gate at Winlaton site measured as the crow flies. Please note proximity to the school is a sub category and regular attendance at Sunday Mass is a higher priority, eg a student with regular attendance at Sunday Mass will have higher priority than a student with irregular attendance but living nearer.

Register of Interest—in addition to the right of appeal unsuccessful applicants will be offered the opportunity to be placed on the register of interest which will be maintained in order of the criteria set out in this policy and not in the order in which applications are received. The register is renewed on 1 September each year.



It is taken from the Archdiocese of Southwark, which covers the London Boroughs south of the Thames, the county of Kent and Medway Unitary Authority. Clearly admissions interviews of the sort referred to in this policy will be phased out in line with the Code of Practice on Admissions.

The Catholic Education Service and diocesan education departments recognise that not all schools have always had exemplary admissions policies. They work to ensure that governing bodies, as admission authorities, review their criteria to ensure they comply with the Code of Practice on Admissions 2003 and contribute positively towards meeting local needs, strategically, in terms of school place planning and improvement and community cohesion.

8 November 2003

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*Witnesses:* **The Reverend Canon John Hall**, Chief Education Officer, Education Division and National Society, Church of England Board of Education and National Society and **Reverend Canon David Whittington**, National Schools Development Officer, Church of England Board of Education and **Ms Oona Stannard**, Director, and **Ms Sarah Billington**, Legal Advisor, Catholic Education Service, examined.

**Q665 Chairman:** May I welcome Sarah Billington and Oona Stannard, John Hall and David Whittington? I am sorry you were kept waiting but the divisions have slowed us down rather today. It is a rather hectic session when we have to keep running to vote. You will know you have been nicely set up by me asking that last question to David Bell, but you must have been quite pleased with the answer. I want to get straight into this because we have a limited amount of time. It is said that only 3% of the population of London go to church, any church, at the moment, half of those from the black community, yet you have all these schools. What on earth justification have you for such a tiny number of people going to church any longer, but you seem to have a vice-like grip on 17% of the education of our children. Is that a reasonable thing to have at this moment?

**Canon Hall:** You need to bear in mind two historic realities: one is that the Church of England and the other churches were the founders of the education system in England, well ahead of the state getting in on the act. Because of decisions taken in 1870 and 1906 and so on, there we are still in partnership; we work in effective partnership. The second point is that I should like to draw attention to the national census results a couple of years ago which suggested that 72% of the adult population of England in the privacy of their own homes described themselves as Christian. We have evidence from all kinds of opinion polls which suggests that somewhat over 50% of the adult population in England regards themselves as either members of in some broader sense Church of England. I do not contest the particular data you offered on attendance at worship in London, because I do not have that to hand, but attendance at worship figures, though interesting in themselves, need to be handled with care and they certainly do not describe the whole position.

**Ms Stannard:** It would be fair to say that Catholicism is a minority religion in this country; it is about 10% of the population and we have about 10% of the schools. I would like to argue that there is a reasonable match there in terms of proportion rather than a vice-like grip.

**Q666 Chairman:** I always like to try to get you slightly on the back foot to start. Is there anything you would like to say briefly to the Committee about selection and your own schools before we get started?

**Canon Hall:** I should like to say that the Church of England's position is very clear about our schools: one is that they have a distinctively Christian character and the other is that they are open and inclusive to those who wish to send their children there as far as is possible. Distinctive and inclusive, there to serve the wider community, also there to nourish Christian children in their faith; that is the definition the Dearing report gave us in 2001, which the Church of England is entirely happy to adopt and did adopt very clearly at the General Synod. I have to say also that it reflects the historic commitment of the Church of England in terms of provision of schools. As I earlier indicated, when the National Society, which is one of the bodies I serve, was founded in 1811, it was to establish schools for the whole population.

**Ms Stannard:** The Catholic Church comes from a slightly different position in the sense of the schools we offer. It is worth setting in context that when we began our major provision of maintained Catholic schools in the 1850s, we were serving a largely disadvantaged and marginalised Irish community at that stage. Our tradition goes back in terms of serving disadvantaged communities. I hope you would agree that there is testament to the success of that in terms of where those communities are now. We believe that it is quite possible to have social inclusion which happens through very good collaborative work in all sorts of innovative partnerships and that our schools, coming from a world religion across races, will provide evidence that they are racially very diverse in those areas where there are diverse populations. The very high proportion of African children and children of Caribbean heritage in our schools surprises many people; in fact now more than those of Irish heritage. Our free school meal levels are on the same level as other community schools, so we would certainly say we are not socially selective either. It is fair to say that our central purpose is to provide an education in the faith for those of the

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faith. Thereafter, certainly where there are places available, we welcome those of other faiths and none, who seek to be educated with us. We are not therefore from that premise seeking an expansion either. We remain there firstly to serve Catholic pupils who want that sort of education, but at the same time are there to be an active part of the local community and to serve the wider needs. You will often hear us refer to the common good and that is a very important principle for us, certainly not to be isolationist in our schools.

**Chairman:** I think we are going to have a lot of confessions this afternoon about our denominations. I am an Anglican who sent all his children to Church of England schools. Helen, who is going to ask you a question now, is from a different background.

**Q667 Helen Jones:** I want to explore, if I may, the different policies of the churches in relation to expansion. The Church of England has taken a decision, as I understand it, to increase the number of Church of England secondary schools, where Oona Stannard has just told us that is not particularly the view of the Catholic Church, except where a need arises for education for Catholic children. Could you outline to us precisely why the Church of England has taken that decision? What do you think the effect will be on other schools in the neighbourhoods where you decide to expand? Then perhaps Ms Stannard could elaborate on why the Catholic Church takes a slightly different view.

**Canon Hall:** The current position as far as primary schools are concerned is that one in four schools in England is a Church of England school at primary level. At secondary level it is one in 20. That is very different from the position which Oona will outline for the Catholic Church, which is one in ten at primary and one in ten at secondary, broadly. That is simply historic. Until the 1994 Act we had elementary education, so right the way through to 14 and beyond the 1944 Act, in the 1950s and 1960s, the Church of England did not feel the need or the desire, or wish or the motivation to enlarge the number of secondary schools; other communities took different decisions at that stage. The result of that is that we have fewer than 200 secondary schools in England and they are scattered around in a very odd dispersal. There is quite a large number of them in London and in the North West, but there are whole reaches of the country without Church of England secondary education at all. Even in those schools which do exist we find very many heavily oversubscribed; not all. Incidentally we claim distinctiveness for our schools, not greater success. That is an important point to make. The Church asked Lord Dearing to chair a review of Church schools which ought to address this issue. It began its work in January 2000 and reported in June 2001 and I think members of the Committee were given a copy of the report. He outlined three things essentially: one is about distinctiveness and inclusion, very important; the second was about development of provision; the third was about the vocation to teach

and how we can encourage more people to come into teaching from the Church's point of view. We have 200. What he said was expand by a further 100 over the next five or six years, or equivalent places to 100. It is big proportionately, but not massive in itself. What is absolutely fascinating is that in the two years or so since he reported and since the General Synod approved his report there has been a remarkable development. There are about 20 new secondary schools already opened, 15 clearly planned, a further 27 in mind and others being talked about. It does seem that it is a positive development, whose time has come, responding to a need. How is it actually happening? In some cases entirely new schools, in other cases community schools becoming Church of England schools by a process of closure and re-opening. As Lord Dearing challenged us and as we were very happy to be challenged, many of those are in difficult circumstances. They are not by any means, far from it, all in leafy areas. Do we have a policy, a plan, which says we want schools here, there and everywhere? We have not developed a very detailed plan of that sort, because we believe it needs to grow from the local community working together. It is not something we are imposing in terms of detail, far from it. It is growing up and bubbling up in local communities.

**Q668 Helen Jones:** I do not think you answered the second part of my question. How do you determine the effect on other schools in the neighbourhood when a Church of England school opens? The Committee would also be interested, arising from what you have said, to know how you judge the effect on a community. The community school closes down, for whatever reason, and re-opens as a Church of England school. What happens to the parents in that community who may not, for whatever reason, want their children to go to a Church of England school and have now lost the opportunity to send them to a state school nearby.

**Canon Hall:** Church of England maintained schools are of course state schools by definition. I thought I implicitly answered the question, but I am happy to do so explicitly.

**Q669 Chairman:** Helen is a lawyer as well as a teacher.

**Canon Hall:** That is helpful to know. In some cases it is where there are rising rolls and the LEA has determined there is a need for an additional school and the diocese has negotiated with the LEA and they have together agreed that such a development should happen. Certainly a few of them have arisen in those circumstances. I take for example Sunderland where the LEA and the diocese were working together. David Whittington was Director of Education for the Diocese of Durham in those days. They came to the conclusion that there was a need for additional places and looked to the Church to provide them. There are other cases where an existing community school has become a Church of England school without any change in any way at all, other than the head coming in new. All the pupils

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have remained there, the governors have been found places with a new governing instrument and perhaps the head is the only new person. There are others where the head has continued, has led the school into this new development and is leading the school as a Church school. That is what I meant by saying that it bubbles up from local circumstances. It must be the school community as well as the Church locally and the wider community, the LEA, everyone agreeing together that this is an entirely acceptable proper development. What we are not seeking to do is then to impose a restrictive admissions policy by any means, but to serve the local community as it is.

**Q670 Helen Jones:** Perhaps Ms Stannard could give us her view on that before I ask some supplementaries.

**Ms Stannard:** Voluntary aided schools are there in response to demand, not basic need. We do have 394 Catholic secondary schools across the country and they are generally as best as possible matched to where the populations are and we do have experience of closing schools as well, where the demographic trends have led that to be an appropriate move. That said, we do try very hard to maintain an inner city presence so that as demographic trends may have left inner cities at times in a fairly rapidly changing state, we want to be there whilst the community wants us there. We respect choice and diversity for all members of the population. Just as we appreciate in a pluralist society the respect for us having our own schools, we want the community at large to have the choice of schools they may wish. We perfectly accept that is not going to be Catholic schools for everyone, even though were that not the case, there would be all sorts of philosophical and, most importantly, practical reasons why we would not be seeking to have more schools than the Catholic community needs. Issues like how we staff our schools and maintain that particular character of schools is quite critical and relies on having teachers with the right experience and so on.

**Q671 Helen Jones:** May I ask you about admissions policies? As I understand it—and correct me if I am wrong—admission to Catholic schools depends on whether you were or were not baptised a Catholic in the first place. Many Church of England schools look at church attendance. We heard some evidence for it from Brian Jones, the former head of Archbishop Tennyson School, in a session last week. If I am correct in saying that—and we are talking about schools before they look at filling surplus places in this instance—what is the tension between serving the community as a whole and giving that preference? If either Church of England schools or Catholic schools look at church attendance, how far back do you go and how far can you stop parents manipulating the system by experiencing a sudden conversion 12 months before they want to get their child into a particular school?

**Canon Hall:** The situation with Church of England schools is that half of them are voluntary controlled and therefore subject to the local education authority's admissions policy. For the other half, the governing body develops its own admissions policy and some of them give some recognition to church attendance for some of the places. The story suggesting that admission to Church of England schools is on the basis of attendance is often oversold and that is perhaps a story derived from one or two particular accounts which got into the papers and from one or two schools people have extrapolated the much wider position. As you are aware from the guidance we have shown you that we have issued to the diocese, we are very clear that schools ought to have inclusion as part of their admissions policy and that they ought therefore to make at least some places available to those of other faiths and to those of no particular faith as well. What we are clear about is that it does no good. It is not right, nor is it good for its reputation, if a local school does not admit some local people, whether it is a Church school or not, according to parents' will. That is the official position. The vast majority of Church of England schools see themselves as, by varying devices, wanting to achieve that end. It may be that in a particular community, if we can take a primary school, there are two schools: one is a community school and one is a Church of England school. The Church of England school might be in the more affluent area of town and the community school might therefore be serving a more socially disadvantaged community. In practice, if the Church of England school has a policy which gives some preference to Christian practice, the very strong chance is that they will admit from the whole town rather than just from the immediate area around the school and it is our advice that they ought to consider very carefully, in their own particular circumstances, admissions policies which lead to inclusion in that kind of way.

**Ms Billington:** In terms of Catholic schools, the vast majority of the schools, taken over the country as a whole, do give preference to baptised Catholics as you suggest rather than look at practice.

**Q672 Helen Jones:** That is because you are not allowed to leave, is it not? You may lapse but not leave.

**Ms Billington:** In other parts of the country, where there is oversubscription by Catholics—and that is particularly true in parts of the South East—then schools do look at practice and will seek a priest's reference. In terms of how far back they look, I cannot answer that very accurately, but I think they would be looking certainly at more than 12 months, perhaps a couple of years. Equally, we have to be mindful of not wishing to discriminate against people who have recently moved into an area or who have moved into the country. There has to be a degree of flexibility there in terms of that. The question about conversions of convenience is one which is quite emotive, but it is impossible to judge people's motives. If they are attending church for

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three years before the relevant age of the child, they may continue to do that afterwards, even if it was not their intention. It is not our job to examine the motives of the parents or to seek to close to the door of a Catholic education to a child who is a baptised Catholic and whose parents or carers have been practising, have been attending church. I am quite calm about that.

**Q673 Helen Jones:** If a Catholic school is oversubscribed, you are saying most schools look at practice rather than the geographical area. How do you stop that damaging other Catholic secondary schools? It is usually secondary schools we are talking about. Secondly, I should like to hear the criteria you think most schools use if they have surplus capacity once they have admitted Catholic children in their area?

**Ms Billington:** In terms of the criteria which they use if they have surplus places after taking the Catholic applicants, because each school is its own admissions authority my answer has to be fairly general. There is a split between those schools which have policies which give preference to families, to pupils who come from a faith background; that could be a background of any world faith, to show a sympathy with the concept of a faith school and a faith culture. There are other schools which do that by looking for practising Christians, Anglicans. We are moving away from that. Over the last four years or so, if you look at the trend, we have been moving away from giving preference to Christians over other world faiths and becoming more conscious of the need to reflect the diversity of the local community, which a world faith criterion does more accurately and that is what we encourage. Thirdly, there will be some schools which have an open access policy, so after the Catholic criteria, siblings would be a normal criterion anyway, but in the more difficult areas, it is simply a criterion of a distance measurement or something like that, so there is equal access.

**Q674 Mr Pollard:** I want to confess as well, Chairman. I am a practising Roman Catholic with seven children all educated in the Catholic faith. I think I am the only Member of Parliament with a Prayerful Productivity Medal.

**Ms Stannard:** You are keeping us going.

**Q675 Mr Pollard:** Absolutely right. I want to say to Oona Stannard that I read your memorandum and I want to ask a question on paragraph 3 "Distribution of Catholic Schools". It says "... 17-18% of the maintained secondary school stock and 82-83% of primary schools". I find that hard to believe.

**Ms Stannard:** That refers to the dioceses listed above where there are very high concentrations of Catholic populations traditionally: in Salford, Liverpool, Shrewsbury it is as high as is quoted there.

**Q676 Mr Pollard:** Heavens above. John, you told us you plan to expand your schools, yet we are told reliably that school rolls are falling. It would seem then that if you are expanding your schools and school rolls are falling some schools will have to shut down. Does that concern you at all?

**Canon Hall:** I do not myself believe that is likely to be the impact. Just remember that the figure for the moment for secondary schools is one in 20, so we are only expecting to move up marginally from that. That is a very small percentage. If we move up to seven per cent, that is not going to have a massive impact on the rest of the system.

**Mr Pollard:** In my own constituency we have Catholic masses now in the cathedral of St Albans and we have done that for many, many years and that seems to me to be a coming together of the two Christian faiths and we all started with the same stock anyway so it seems to me we are moving back together. The Anglican Church only has to apologise and they would be welcome back straightaway!

**Jonathan Shaw:** The Pope might not agree.

**Q677 Mr Pollard:** He told me to say that. There is a movement for coming together and there are good examples, certainly I know some in Scotland where schools share premises and share staff and all that and it seems to work very well. I wonder whether, particularly if you think of the Northern Ireland situation, it might be particularly helpful if faith schools came together. Do you both have a view on that?

**Canon Hall:** This does give me an opportunity not just to talk about the existing joint schools we have, of which there are 10 with the Roman Catholic Church, mixed between secondary and primary, but also something like 52 joint with the Methodist Church around the country, all of them primary schools. We are looking for opportunities to work together and I am delighted that has presented itself in Liverpool where a new joint Church of England and Roman Catholic academy is planned in Liverpool.

**Q678 Chairman:** When you are planning them to be in specific places, is it where the communities need them or where you want to put them?

**Canon Hall:** I should love to be a very directive director on this, but in practice it has to bubble up locally. We have expressed an aspiration. We are encouraging dioceses, where they are not moving forward on this very strongly, to do so.

**Q679 Chairman:** Sometimes you have given up in hostile environments and just left the community and got out. I can think of Church of England schools where you have left the community, have you not?

**Canon Hall:** I hope that is not the case. We have had to close Church of England schools and that is undoubtedly the case. A large number of Church of England schools over the years, as schools have changed, have closed.

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**Q680 Chairman:** So the Church of England has not had failing schools which they have walked away from.

**Canon Hall:** The Church of England has had some failing schools which we have stuck with and are transforming. I am very happy to say that there are particular cases, which I was thinking of earlier when you were talking of Archbishop Tennyson's School, of schools which have been in very challenging circumstances and which are now with inspiring new leadership doing extremely well.

**Q681 Chairman:** Sometimes witnesses do put a gloss on things. You had a wonderful joint school, Catholic/Anglican school in Oxford, did you not, which you have now walked away from? It is not all glowing, wonderful, onward partnership situations is it? There are some real difficulties.

**Canon Hall:** I would ask Oona to comment on that. It was not our wish that that school was closed. I ought just to say that we work very closely as far as the Church of England is concerned with other Christian denominations as well. In practice many of our schools give no preference to Church of England membership over other Christian denominations and that was something I wanted to say.

**Ms Stannard:** Whilst retaining our schools as very clearly identified Catholic schools, we nevertheless have many examples and wish to promote more and more of where our schools are working with other Christian schools and indeed schools where pupils of other faiths predominate and we would be very happy to supply the Committee with examples of that. Just off the top of my head, thinking about some work which happened in Bradford between one of our Catholic secondary schools and a Moslem girls' secondary school where through the actual pupils' initiatives with the teachers they wanted to come together and set up some joint activities and involve parents post 11 September and that work continued. A school not far from here in the East End of London where yes, we have a Catholic primary, but very close there is another primary which is nearly exclusively Moslem pupils and the two heads have worked hard to have one shared playtime a week. They set up a joint drama activity, they have moved to one another's school for collective worship, even though that is not a school of any identified faith. I could go on like that. We do seek to be working in partnership with many others. We are educating our young people for our pluralist society, but we believe that we can do both: prepare them for that and give them a very good grounding of an education in their own faith. That is what we have continued to seek to do.

**Q682 Paul Holmes:** According the religious trends survey of 2002–03, 12.2% of the adult population of England and Wales will say they are members of a church and 7.4% will attend church regularly on a Sunday. In a typical community, in so far as such a thing exists, about 90% of the population are not members of a church or churchgoers. In quite a

number of communities the only local school is a faith school. For example, I was talking to a teacher recently who works in a small village in the Peak District in Derbyshire and the school is a very active Church of England school, very proactive in religious terms. If parents in that village did not want their child to go to an active faith school, they would have to take their kids away from all their friends in the village and bus them at their own expense to another village or town some miles away. Does that bother you at all or affect your planning on where you might put faith schools or how faith schools operate in communities?

**Canon Hall:** Where it hits most strongly is how Church of England schools operate within rural communities or other communities where they are the only local school. There is no doubt in my mind at all that they give absolute preference for children locally, where the parents want to send them there, that they are not in any sense ashamed of being Christian and being Church of England, that is what they are, they are strong in that, but they do not operate in a way which is seeking to ram it down the throats or proselytise, they are simply seeking to be a clear Christian presence serving the local community as it is. The Christian gospel, Christian values are certainly built strongly into the life of the school, but there is a clear recognition that not everyone in the life of the school is adherent to that, nor a requirement that they should be. Overwhelmingly that works extremely well.

**Q683 Paul Holmes:** But the parent who does not want to send their child to school—and I can certainly give you examples of schools where the head of a junior school says they cannot tolerate non-faith in their school. A parent in Sheffield has lodged an official complaint about that, so it does happen. The parent who does not want to send their child to that school has no choice unless they can afford personally to ship their child some miles away, away from all their friends, to another school, whereas two thirds of LEAs will pay for children to go many miles to a faith school, but they will not pay for children to go many miles as an alternative to a faith school. Does it not bother you at all that there is clearly an unfairness in the system there?

**Canon Hall:** I am conscious of it. I am conscious of two things. This may seem a slightly political answer, but it is a slightly political question. There are many people who suffer the opposite way round, Christians who would like to send their children to a Christian school, but cannot do so because there is not one, certainly beyond 11, near them. The other point about home to school transport is also a very interesting one. If it is only two thirds of LEAs, that is quite a reduction on the case for denominational transport as it was at one time. It seems to me that the argument could cut in the direction of providing effective transport for everyone who wants to follow a particular choice.

**Ms Stannard:** May I make a point about this home to school transport? It is the case that it goes back into historical agreements between LEAs and the

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churches in terms of where those schools were located and that that is what gave rise to agreements about home to school transport.

**Q684 Valerie Davey:** My background is somewhat different. I was an RE teacher but in a state school and I find it quite difficult to talk about faith schools because the implication is that the others are non-faith schools. I find this completely unacceptable, given the figures you have been quoting earlier about the number of people who in the privacy of their own home might say that they were of a faith and/or our concern over integration, whether in Northern Ireland or indeed in our own communities on the mainland. You spoke very positively about being open and inclusive. In terms of admissions, therefore, in terms of getting open and inclusive, would it not be better for the denominations and other faiths to be committing their time and effort to teachers and to getting teaching of RE, which is a compulsory subject, throughout all our schools? Would that not be a better way of evening out the problems and ensuring our commitment to all children for inclusion?

**Canon Hall:** It is an important thing but not necessarily a better thing; the two are not mutually exclusive. It seems to me that it is possible for us to attempt to do both/and. The Church of England is quite heavily involved in supporting RE teachers in various ways. Some of our trusts have given very generously towards both recruitment and training of RE teachers and it is an issue we have taken up very vigorously with government because we are very concerned at the lack of people coming through to teach RE. Sometimes, despite the important place RE has in schools and interestingly the increasingly popular place that RE has in schools, we are also aware of the fact that there is quite a bit of unsatisfactory teaching in RE and we want to do something about that. We can do both/and and we need to put our energies into both aspects of that.

**Q685 Valerie Davey:** What do you feel about that?

**Ms Stannard:** I too am a passionate supporter of community schools and the quality of education which goes on therein. Much of my professional life has been working in community schools and I was for many years an HMI. My concern is about the quality of education which any child is entitled to wherever they are educated. There are just times perhaps when I wonder if we do not lose sight of the agenda, which should be to make every school as good as possible rather, dare I say it, than suggesting that so many ills are always traceable back to admissions, which I would have to refute. What parents want is a first-class education in a good school for their children wherever they are. They want choice in that. That is what I want us all to be putting our backs into and ensuring that there is very good partnerships and that we are all learning from one another in those schools, be we teachers or children. RE, yes, very important in all schools, but I would suggest that what we are seeing in a church school which is distinctive goes far beyond the RE.

For example, in a Catholic schools there will be a sacramental life to the school as well and that is appropriate in those circumstances, but very different in a community school.

**Q686 Valerie Davey:** If, as you heard from David Bell, there is something which is special and important about a Church school, what is it? You have answered in part. Could it not be transferred and should we not be encouraging that transference. It seems from my personal experience, and I am not a Catholic, I am a Methodist so it is not the sacramental element, it is the pastoral element, that it is the support. It does seem to me that could be established in all schools and that is what I would prefer to see.

**Ms Stannard:** There is much one can transfer and emulate and many religious values are also human values. I would also go back to the lead of my chairman, Archbishop Nichols, who speaks about values and the danger of suggesting that values are something you can bolt on or say if you could bottle these values you would pass them around. Values actually come, in the context in which I am working, from nurturing the roots of the plant and the whole plant. They are the fruits of all of that, they are not something which has been taken off a shelf. The whole of the institution of a Catholic school will be working to that and to do justice to your questions we would need to have a conference for many days.

**Q687 Chairman:** You will realise that we have been looking at a whole range of other issues in the secondary inquiry, it is just that admissions is this last sector.

**Canon Hall:** I think the bottling of the ethos was something David Blunkett said when he addressed Diocesan Directors of Education in 1998 and it has had wide currency. What seems to me to be clear is that there are very many people in education in all kinds of contexts who know that developing the whole person is important and that is what education is about. The particular difference in a Church school is that there is a gospel principle which gives rise to that value, which is about the sense of children being created and loved by God and having an eternal destiny which goes well beyond their work and everything else. The task of education is to enable them to fulfil their own God-given potential. If that is the object of the exercise, going so way beyond league tables or anything else, then it will have all kinds of impacts.

**Q688 Valerie Davey:** Surely you believe that for every child.

**Canon Hall:** Absolutely.

**Q689 Mr Turner:** Could I ask you each to tell me very briefly how your respective bodies represent—if that is the right word—the schools which carry the designations of those bodies, of your churches?

**Ms Stannard:** You will find that there is quite a difference structurally between the Church of England and the Catholic Church because for the

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Catholic Church the diocesan authorities are where local responsibility lies and it is the wishes of the Diocesan Bishop which are paramount. That said, the Catholic Education Service is charged with representing the Catholic Bishops' Conference of England and Wales on all matters to do with policy and education and the statutory interface. We carry that and liaise back very carefully with all our dioceses, but within that framework they are fairly autonomous. They will agree on codes and policies and so on through negotiations which we have.

**Canon Hall:** The situation with the Church of England is slightly different, but it is not dramatically different. The local trustees are often vicar and church wardens and sometimes they are the Diocesan Board of Education. They have a particular responsibility to their school as custodian trustees. Nevertheless, the diocese has a statutory role in relation to the school, both through the Diocesan Boards of Education measure of 1991, which succeeded earlier measures and is amended by Acts of Parliament and stands as part of the law of the land and in other ways. The power, the statutory responsibility does not lie with us at the centre. We are a strategic team wanting to support the diocese in their responsibilities. The measure does give Diocesan Boards of Education particular powers and duties and was amended by the 2002 Act to allow it to give guidance on admissions to schools in the diocese, guidance to which the schools have to have regard and that is in the direction of the inclusion.

**Q690 Mr Turner:** Thank you for that. A very brief supplementary to Ms Stannard. Am I right that you only represent diocesan schools, you do not represent non-diocesan Catholic schools?

**Ms Stannard:** By definition there is really no such thing because the local Ordinary, the Diocesan Bishop, is responsible for agreeing that a school has that Catholic designation. So all our Catholic schools are either independent within the independent sector, just under 200, or they are voluntary aided schools. We have no voluntary controlled schools. In the vast, vast majority of cases, those schools are under the umbrella of the diocese. For example, in the days when there were high numbers of religious orders, they would have been their own trustees but they tend to have handed those schools to the dioceses now. They would nearly all be diocesan schools.

**Q691 Mr Turner:** But you do not represent those which are not diocesan schools.

**Ms Stannard:** There are not really any.

**Q692 Mr Turner:** I am thinking of the London Oratory, for example.

**Ms Stannard:** I expect the London Oratory would be in a relationship with its Diocesan Education Board. Forgive me, there was a point I did wish to make relating to the responses to the last two questions. The Church of England has a right and indeed a role with its schools having to refer back to the diocese in

terms of admissions, codes and so on. Somehow we do not have that same right in statute and it is quite a significant difference which we do not actually think is very helpful. It would be welcomed by us if our diocesan authorities were that same reference point on admissions policies as is the case with the Church of England.

**Q693 Mr Turner:** This applies again to both of you. You both have a function of making available Church schools to all pupils; in the Catholic schools it is a requirement of canon law, in a way it is a somewhat watered down version—and I do not mean that in a derogatory sense. Do you not feel that you have a duty to make such a school available as far as possible to every child who wants to go to one?

**Canon Hall:** As far as possible and that is why we are looking to expand secondary provision. It is certainly the case that some of our schools, secondary schools especially, are oversubscribed at the level of seven to one. That means that huge numbers of children are being turned away. I take David Bell's interesting point about the turn point at which a school becomes too large. We are not majoring on expanding popular and successful schools. If there is an opportunity for that and it seems right and the local community accepts it, then we are not against that. We are looking at filling in spaces where there simply is not the provision. Until quite recently there was virtually nothing between The Wash and the Scottish border apart from a couple of secondary schools and that is already changing.

**Canon Whittington:** I would add a reminder about our role as partners with LEAs. This was an issue you were talking about quite a lot with Mr Bell earlier on. The Diocesan Boards of Education and our Catholic colleagues are substantial players in partnership with LEAs to the good of all the schools—picking up your point on that. Of course we want, absolutely, the best possible opportunity for each and every youngster whatever school they go to and the fact that we have a range of schools of our own for which we have statutory responsibilities which involve us in a tier of involvement of which this is a part, means that we really do have the opportunity, in the name of the Gospel at times and at other times just in the ordinary everyday way which we handle things, to try to work as really positive partners with our LEAs to the best benefit of all the youngsters. That is really key to what we are about.

**Q694 Chairman:** Is the perception wrong then that Church schools, both Catholic and Anglican seem to be more associated with the leafy suburbs than the tough inner city areas? Is that a misconception?

**Ms Stannard:** It is.

**Canon Whittington:** Yes.

**Canon Hall:** It is. Certainly as far as our primary schools are concerned, they are everywhere: rural areas, inner urban areas above all, not so much in suburban areas because the bulk of the development was in the nineteenth century so we are thinner

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spread in the areas which developed in the twentieth century. As far as secondary is concerned, I have already indicated that we are patchily spread, but quite a large number of our secondary schools, not just the brand new ones, but the long-existing ones are serving very tough communities and not always finding it easy. That is why I wanted to make it clear earlier on that what we are talking about is not success but distinctiveness. We want excellence, doing the best possible for the pupils in the school and it gives me enormous encouragement to see some schools which have been in quite difficult circumstances being transformed by a new head.

**Q695 Mr Turner:** On the same theme, in your Board's recommendations to schools you say that the admissions policy should seek to ensure that the school is a distinctively Christian community—the admissions policy should do this. In the Catholic memorandum an example is given "First priority of admission will be given to committed and practising baptised Roman Catholic children". How can you tell whether a child is committed? How can you tell whether the admissions policy can ensure the school is distinctively Christian if you do not ask the children when you are admitting them how their faith works.

**Canon Hall:** This is really about interviews.

**Q696 Mr Turner:** Yes.

**Ms Stannard:** I have to be honest and say I am not frightfully keen on the word "committed". In a sense you can say you are committed to being in that kind of education by seeking a place and that shows you are committed. Practice in terms of worship is a much more objective thing to get hold of. Does that answer the question you were putting to me?

**Q697 Mr Turner:** Yes.

**Canon Hall:** Lord Dearing's advice to us is clear, that if there is a significant percentage, or at least a strong enough percentage of children of practising Christian families within the life of the school, as within the staff, that will have an impact on the school as a whole and that will enable it to fulfil its particular mission. There is a very clear commitment to it having other percentages, other people as well, but unless you have something which is clearly Christian about the place, other than just the head and one or two staff for example, then it is perhaps quite difficult to fulfil its purpose.

**Q698 Mr Turner:** So practice is evidence of commitment is what you are essentially saying.

**Canon Hall:** That is right.

**Q699 Jeff Ennis:** I should like to ask our two sets of witnesses what the trends are in terms of appeals against admission in Church of England schools and Catholic schools. Are they increasing, about the same?

**Ms Stannard:** I have to say that I have no evidence to suggest that they are increasing, but equally I cannot go beyond that. I do not have the data.

**Ms Billington:** We could come back to you with evidence, if that would be useful.

**Canon Hall:** I have not collected data on the part of Church of England schools in terms of admissions appeals. I know that there are some schools which have really alarmingly high numbers of admissions appeals and it is a very, very difficult thing for everyone to cope with. They are certainly not at the level of seven to one, as we were saying earlier. They take them seriously.

**Q700 Jeff Ennis:** I wondered whether you thought that by removing the power to interview some pupils that would impact on the number of appeals currently being taken through the system?

**Ms Stannard:** I am delighted that interviews have been removed and it was something we were keen on for quite a long time. Whether or not it has impact on appeals remains to be seen because the removal of interviews is not enacted yet.

**Q701 Jeff Ennis:** Why do you feel so strongly about that? Why are you saying that? You seem to be quite committed on that particular point.

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

**Canon Hall:** I have no absolute evidence, but we did trawl around the dioceses and we came up with fewer than ten Church of England schools which did interview. It had always been our position that the Church of England schools did not need to interview and should not interview, yet, despite this very small number of schools interviewing, there was a general perception out there that interviews were going on and that they were being used for social prioritisation. That was not the case, but it seemed to us that it was very advantageous to let that go. We had pressed government that they should be banned and we were delighted to agree that they should be.

**Q702 Paul Holmes:** We have heard some comments about faith schools doing well and the Chief Inspector said that faith schools do well academically. There are two possible explanations put forward for this: one we have heard a little bit about which is the values. As we are all in a very confessional mode, I was a teacher for 22 years and I never taught in a faith school, but every school I ever worked in always taught values and valued the children. Other people suggest it might be something to do with admissions, either covert or overt, that faith schools might do a bit better academically. Government statistics and Ofsted statistics do show



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that faith schools on average take fewer children with special educational needs and fewer children who qualify for free school meals than national averages. For example, in 2001 when the Education Bill was going through Parliament, John Hall talked about St Christopher's school in Accrington which was a Church of England school with fairly good academic standards, 12% of its pupils have special educational needs. Right next door to it, literally, in the same deprived urban area, is Moorhead High which has much lower GCSE standards. Sixty-nine point eight per cent of its children have special educational needs. Is it because one is a faith school and one is not that there is a difference in GCSE attainment, or because one in some way is selective and the other one is becoming a sink school and taking nearly 70% of the children with special educational needs?

**Canon Hall:** The average story across the country, certainly according to the evidence Lord Dearing's review extracted from Ofsted a couple of years ago, was that if 17% is the free school meals average across the country, for Church of England schools it is 15%. That is not dramatically different. Our trend has been towards greater inclusion since then and we are continuing in that direction. I should be delighted to see the free school meals being entirely at parity.

**Ms Stannard:** I understand our free school meal levels are pretty much on national levels. Your SEN point is absolutely valid and it gives me concern in case there may be things we should be doing better. Since this became apparent to me, I have even had a conversation with David Bell and said this was something which would be really useful to look into. What is involved in this? Equally I have had some schools which have suggested to me that they go the extra mile before seeking statementing and they feel they do not need the recourse to statements and so on. I just do not know the validity of that. If I were an HMI now, I would be charging round drawing up an exercise to look into that because it is a very interesting point. Equally, there are other schools, and I was in a school not far from here this morning, very racially diverse pupil population, not many pupils on the SEN register—about the national average having said that. I asked the head why the levels were lower on average within the Catholic community. He replied that he had very stable staffing, very, very experienced staff. He said he was fortunate that many of his children had come in early on and he had worked with them through the whole of their school careers. Good on them. They are lucky. There will be other schools where you have great turbulence, many of our schools at present with high levels of refugees and asylum seekers. They are questions which merit further investigation.

**Q703 Mr Chaytor:** Could I ask about the link between faith schools and social segregation, with particular reference to the cities which experienced the riots two years ago? I was interested in the submission from the Catholic Education Service

about Oldham. You quote the figures for the proportion of children who are non-Catholic in schools in Wolverhampton, Croydon, Tower Hamlets and in those boroughs the figure of non-Catholics is very high—32%, 42%. In Oldham it is only seven per cent. You explain that by saying that Oldham is recognised as having generally more polarised communities. My question is: what is the relationship between cause and effect? Do you first of all get polarised communities and then get a smaller proportion of non-Catholic children in Catholic schools, or is it the other way round?

**Ms Stannard:** I am sorry, could you say that last bit again?

**Q704 Mr Chaytor:** Your written submission is defending the small proportion of non-Catholic children in the Catholic secondary schools in Oldham by saying that Oldham is generally recognised as having more polarised communities than the other towns you quote. My question is: does the pattern of admissions to the school reflect the polarised community, or is the fact that the school only has a very small proportion of non-Catholics a determining factor in creating the polarised community?

**Ms Stannard:** I would very much hope that if all schools in an area are nearly fully subscribed with their Catholic pupils that does not, nevertheless, isolate them from others and working with all those other schools around, be they Church of England, community or whatever. There is a sense in which Catholic schools will continue to be filled with Catholic pupils first wherever they are. Thereafter, as a community we must be seeking all ways possible to work inclusively with everybody else.

**Q705 Mr Chaytor:** Are you saying that there is no relationship at all with the nature of the secondary schools or the intake of the secondary schools and the level of segregation within the wider community in a given town or city?

**Ms Stannard:** That is what Cantle found, was it not? The Cantle report did not find statistics in terms of where those children were coming from and in which schools they were to back up that assertion.

**Canon Hall:** Ted Cantle, in his report on the riots, addressed directly the question whether faith schools had contributed to that polarisation and concluded that it was not that, that polarisation was in fact on the basis of where people lived in those towns.

**Q706 Mr Chaytor:** I am not taking the Cantle report as the definitive statement on this. I am testing it out. Are you content to rest with that conclusion?

**Canon Hall:** No, I am not content. What I want to say quite clearly is that schools in those circumstances need to develop inclusion in two ways and Oona has said this. One is in terms of admissions. As you will know, there are very popular Church of England secondary schools in many parts of the North West which are not heavily oversubscribed. Nevertheless, I know that some of

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them are looking carefully at how they can change their admissions policy so as to create more inclusion in terms of admissions. There is another thing which Ted Cattle also referred to, which is what Oona has referred to, which is creating inclusive educational links between schools. I know that our schools in Oldham, for example, have worked very hard at that and are working hard.

**Q707 Mr Chaytor:** May I switch to a specific question for the Church of England representatives and it relates to another town where riots took place and that is Bradford? In your written submission, there was a list of new Church of England schools which had opened, two of which were in Bradford. Four or five weeks ago there was interesting research from Bristol University which identified Bradford as the most segregated city in Britain and again raised the question of the relationship between the nature of the secondary schooling and the level of secondary education. Do you think that the opening of two new Church of England schools in Bradford will serve to widen or narrow the gap between communities in Bradford?

**Canon Hall:** Would it be a sufficient answer if I were to quote from a Moslem teacher in one of those schools, who said what a delight it was to be at a school where it was possible to name God and not be laughed at? Certainly one of the schools—and I think the other as well—is reflecting very much the local community it is set in. One is in a more white area and one is very mixed in its admissions practice and in its style but very clear about what its Church of England call is: to be a school which takes faith seriously. I believe that there are many of our schools which are able to bridge divides in a way which other schools perhaps cannot. I do not want to overclaim there, but if you take faith seriously as a fundamental principle in the life of the school, then you reach out to those other faiths and want to create a very positive link with them. It is dialogue in practice.

**Q708 Mr Chaytor:** Your new national guidance is very strong on inclusiveness and on opening up the schools to those of other faiths or of none. Are you monitoring the extent to which this is now happening, that is to say, do you have statistics?

**Canon Hall:** I have no statistics to quote.

**Q709 Mr Chaytor:** Is this the result of systematic monitoring of the pattern of admissions of both the existing Church of England schools and the new schools which have opened?

**Canon Hall:** We certainly have many stories to tell.

**Q710 Mr Chaytor:** That is not the same as a systematic collection of data.

**Canon Hall:** We have not done it ourselves. We are a small team at the centre. Dioceses themselves are responsible for that relationship and I can certainly see what I can find and write to you.

**Ms Billington:** Mr Chaytor drew attention to a particular point in our memorandum. It is not just a question of semantics, but he said that we had defended the 7% in Oldham. It is more that we contextualised it by saying that Oldham was generally recognised to have race and religion polarisation. We were not defending the seven per cent.

**Mr Chaytor:** I accept that.

**Mr Pollard:** It is not a question but a statement. My good friend Jeff Ennis asked about appeals. I just want to say that in my area the appeals for Catholic schools are going up, there is no question about that. In one school in particular you have to perform two small miracles now to get your children in.

**Q711 Chairman:** One of the interesting things is that the local priest can control entry into a Catholic school because it is not automatic that a child, even if a Catholic couple ask for baptism, will get it if they are not regular attenders at the church. Is that right?

**Ms Stannard:** It is typical that there will be preparation for baptism. It is not something where you simply phone up and ask for three o'clock next Sunday. There are preparation courses leading up to the baptism and that decision as to whether to proceed would then remain with the parish priest, yes.

**Chairman:** It has been a long session, it has been a very illuminating one for us. We are grateful for your attendance and the contributions you have made. If, when you are going away from here in a bus or taxi or whatever mode of transport, you think there is something this Committee should have heard that you did not articulate or a question we should have asked, we should be very grateful if you would contact us and if you would allow us to be in further contact by whatever method. Thank you.

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## Wednesday 19 November 2003

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor  
Valerie Davey  
Jeff Ennis  
Paul Holmes

Helen Jones  
Mr Kerry Pollard  
Jonathan Shaw  
Mr Andrew Turner

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### Memorandum submitted by the Department for Education and Skills (SA 18)

#### SUMMARY

- 96% of parents nationally<sup>1</sup> are offered a place at a school for which they expressed a preference. 85% nationally are offered the school they most want (their favourite school). 70% of parents in London are offered their favourite school.
- Of the 4% of parents nationally not offered a school for which they expressed a preference, half reported they were satisfied with the school they were offered.
- 91% of parents nationally are satisfied with the outcome of the admissions process. 85% of parents are satisfied with the schools admissions process.
- 10% of parents applying for a secondary school place in 2000–01 appealed.<sup>2</sup>
- There are 1,211 admission authorities for secondary schools; 150 LEAs, 510 foundation schools and 551 voluntary aided schools.
- From September 2005 LEAs will be required to co-ordinate the admissions process for parents living in their area, making sure that, as far as practicable, all children receive an offer of one school place on 1 March. Many LEAs have moved towards co-ordination for secondary entry in September 2004.

#### INTRODUCTION

1. The greatest influence on parents' satisfaction with the school admission system is whether their child is offered a place at a school they consider to be a good school. The Government's commitment to addressing the problems of schools with weaknesses and raising standards is designed to increase the number of schools that are acceptable to parents.

2. The Government's belief is that as many parents as possible should be able to gain a place at a school for which they have expressed a preference. The admissions framework put in place by the School Standards and Framework Act 1998 was designed to support parental preference and to ensure that admission arrangements are fair and transparent. But it is for Local Education Authorities (LEAs) to provide sufficient school places in their area for all those who want one. And it is for admission authorities (the governing bodies of foundation and voluntary aided schools, LEAs for community and voluntary controlled schools) to decide their own admission arrangements, and which children to admit in accordance with those arrangements.

3. The 1998 Act:

- introduced a statutory requirement for all admission authorities to consult annually on their admission arrangements;
- provided for the appointment of independent Schools Adjudicators to resolve disputes where local agreement on admission arrangements cannot be reached;
- made admission appeal panels independent of LEAs and schools;
- prevented any new selection by academic ability; and
- enabled existing partial selection to be removed by the Adjudicator, following objections by other admission authorities or parents.

4. The Act and its implementing Regulations were supported by statutory guidance, in the School Admissions Code of Practice and the School Admission Appeals Code of Practice.

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<sup>1</sup> DfES Research Report 278 (2001) "*Parents' Experiences of the Process of Choosing a Secondary School*".

<sup>2</sup> DfES Statistical First Release "*Admission Appeals for Maintained Primary and Secondary Schools in England 2000–01*", July 2002. The figure is not available for 2001–02.

5. Research into Parents' Experiences of the Process of Choosing a Secondary School carried out by Sheffield Hallam University and the Office for National Statistics (ONS), published in June 2001, showed that the framework worked well. 96% of parents obtained a place for their child at a school for which they had expressed a preference and 92% received an offer of a place at a school the admission authority thought was their first preference. 85% received an offer of a place at their favourite school, although this figure fell to 70% in London. Of the 4% of parents nationally that were not offered one of their preferred schools, half reported they were satisfied with the school they had been offered. The most common reason parents gave for wanting a place in their favourite school was academic outcomes (43%), although this rose to 49% in London. The vast majority of parents said that they were satisfied with the outcome of the application process (91%). A slightly lower proportion (85%) expressed satisfaction with the process itself. The research also suggested that parents were more satisfied when there was strong rather than weak co-ordination of the admissions process.

6. The research found that, once other factors were controlled for, there was not a strong relationship between the background (personal or social) characteristics of parents and their likelihood of being offered their favourite school. The variable that most strongly related to the outcome was LEA type. Parents in London were the least likely to be offered a place in their favourite school. Similarly, socio-demographic variables were not strongly associated with satisfaction with the outcome of the process. A stronger factor was again the type of LEA in which parents live, with the experiences of parents living in London differing from those living elsewhere. This was evident in relation to their degree of participation in the process. For example, after controlling for other variables, parents living in London were more likely than those living in other parental LEA types to:

- consult performance tables;
- make multiple applications for schools;
- apply outside their own LEA area; and
- not to apply to their nearest state school.

The researchers concluded many of these are interrelated and have to do with the greater accessibility of schools in London. A summary of other findings from the research is at ANNEX A and a discussion of London issues is at ANNEX B.

7. In the light of the research and after consultation, the Government strengthened the framework in the Education Act 2002 with measures designed to improve local discussion and co-operation to ensure that admission arrangements work for the benefit of local parents and children to the greatest extent possible. It also amended the Codes of Practice. The measures include:

- mandatory co-ordination of admissions, which will make the process easier and more transparent for parents. Parents will apply for all the schools they want their child to attend on their home LEA's common application form. Only one offer of a school place in the area will be made, and that offer will be sent to all parents on the same day by the LEA, either on its own behalf or on behalf of a school governing body that is the admission authority;
- mandatory Admission Forums, with members representing those with an interest in admissions. Forums are charged with considering how well local admission arrangements are working collectively for all local parents and children. They should consider how admissions processes could be improved and, in particular, how the needs of challenging and vulnerable children are being met; and should try to promote agreement on admissions issues. All admission authorities in an area must have regard to any advice issued by the Forum;
- wider consultation requirements so that foundation and voluntary aided schools must consult community and voluntary controlled schools on their proposed admission arrangements. Those schools may then object to the Adjudicator if they wish. Previously it was for the LEA to object on their behalf which could put the LEA in an awkward position as it needs to maintain good relations with all local schools; and
- abolition of section 91 of the School Standards and Framework Act so that designated faith schools can no longer keep places open if there are insufficient applicants from the faith.

#### ADMISSION ARRANGEMENTS

8. The LEA is usually the admission authority for community and voluntary controlled schools. The governing body is the admission authority for foundation and voluntary aided schools. LEAs may delegate authority for admissions to the governing body of a community or voluntary controlled school but we are not aware that delegation is widespread. Of the 3,426 secondary schools in England the LEA is the admission authority for the majority—2,375 (69% of secondary schools nationally and 54% in London). The table attached at ANNEX C shows how numbers in each category of admission authority have changed since 1987. Between January 1987 and January 2003 the number of secondary school admission authorities increased by 68%; the number of LEAs increased by 54% and the number of voluntary aided schools increased by almost 2%. (The number of voluntary aided and special agreement schools fell by 12% as the special agreement category was removed in the new framework for schools introduced in the School

Standards and Framework Act 1998.) In 2003 there are 24% fewer foundation schools than there were grant maintained schools in 1999 when the category was removed. (In 1999 there were 668 grant maintained secondary schools; in 2003 there are 510 foundation schools.)

9. Parents have the right to express a preference for any school they wish their child to attend and that preference must be met unless certain conditions apply—usually that the school is full. Any parent refused a place at a school to which they have applied has the right of appeal to an independent appeal panel. A note on school admission appeals is at ANNEX D.

10. Admission authorities must determine admission arrangements for their schools, including admission numbers, following consultation with other admission authorities in the area. Foundation and voluntary aided schools must additionally consult the governing bodies of community and voluntary controlled schools. Before going out to wider consultation, LEAs must consult the governing body of schools for which they are the admission authority and the governing bodies of Church of England schools must consult their Diocesan Board of Education.

11. Other admission authorities in the area—and in the case of foundation and voluntary aided schools' arrangements, the governing bodies of community and voluntary controlled schools—may refer an objection to the Schools Adjudicator within six weeks of notification of determination. Parents may object to partial selection of any type that could no longer lawfully be introduced (for example, banding which is not “fair banding” as described in paragraph 20, or partial selection by ability, or aptitude selection for more than 10% of places) and to admission numbers which are lower than the school's net capacity. And the governors of schools for which the LEA is the admission authority may object to the admission number determined for their school.

12. When determining admission arrangements, all admission authorities must comply with the law on admissions (a note on the legislative background is provided at ANNEX E) and to all other relevant legislation—notably on sex discrimination, race discrimination, disability discrimination and human rights. They must also have regard to the statutory guidance given in the School Admissions Code of Practice. This indicates that admission authorities should aim to ensure:

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

13. The amended Code, issued in January 2003, clarifies good and bad practice in determining admission arrangements. It states that admission authorities should carefully consider the possible impact, direct or indirect, on equal opportunities, of their oversubscription criteria. It indicates that criteria which give preference to children whose parents or siblings previously attended the school or whose parents followed particular occupations, such as teachers, could disproportionately disadvantage others such as ethnic minority, Traveller or refugee families who have recently moved into the area. It points out it would not be good practice for admission authorities to set or seek to apply oversubscription criteria that had the effect of disadvantaging certain social groups. It reminds admission authorities that they have a duty to promote racial equality and must, therefore, assess the impact of admissions policies on ethnic minority pupils and parents.

14. The amended Code also indicates:

- that looked after children (children in public care) should be given priority in admission arrangements;
- that testing for grammar schools should take place after parents have expressed a preference;
- that for primary admissions all admission authorities are expected to allow parents who want to, to defer entry for children below compulsory school age;
- that schools are not required to keep waiting lists but where they do they must be kept in the order of meeting the oversubscription criteria and new applicants can be placed ahead of those already on the list if they meet the criteria better;
- that parents of 5th form pupils have a right to an appeal if their child is refused a place in the school's 6th form;
- that headteachers have no individual role in admissions;
- that parents need to be given reasons when they are told they have not been offered a school place for their child;

- that from 2005 no parents or children, including, for the first time, at schools designated by the Department as having a religious character, should be interviewed as any part of the admissions process. The Catholic Education Service and the Church of England Board of Education support this. We are however persuaded that there are good reasons for interviewing for boarding places because children are faced with particular challenges and opportunities in a boarding school—and this is the one exception;
- that faith schools can contribute to community cohesion by having admission arrangements that are inclusive of other faiths and of all elements of the population of their local area. Some faith schools already achieve inclusiveness by designating a proportion of their places for which children of their own faith or denomination will be given priority, and the remainder as community or open places for which local children will be given priority; and
- that LEAs are recommended to refer objections to the Schools Adjudicator on behalf of parents, if necessary.

15. Although they are not maintained schools, Academies are required by their funding agreements to comply with the School Admissions Code of Practice. (Other independent schools, including City Technology Colleges (CTCs) which were set up under the previous administration, are not covered by the legislative provisions or the Code of Practice. However, LEAs are encouraged to invite CTCs to participate in co-ordinated admission arrangements and Admission Forums.)

#### CO-ORDINATED ADMISSIONS

16. LEAs must draw up schemes, for agreement with the Admission Forum and other admission authorities in their area, to co-ordinate admissions for their residents for September 2005. Co-ordinated schemes are an administrative process to make school admissions easier, more transparent and less stressful for parents—they do not mean that all admission authorities in an area have to have the same or similar over-subscription criteria. LEAs may draw up secondary schemes for September 2004 and a number have chosen to do so, including London boroughs. A feature of co-ordinated admissions is that, on 1 March, LEAs should make an offer of a secondary school place to the parent of each child in their area—either at a preferred school or, if that is not possible, at another school. Only one place will be offered within the LEA area, substantially reducing the number of multiple offers currently made. (The Sheffield Hallam University and ONS research showed that, nationally, 11% of parents received more than one offer). As well as ensuring that, as far as is practicable, every child going through the secondary transfer process is offered a place on the same day, co-ordination will give LEAs the information they need to be able to track those children whose parents do not accept any offer made. This will enable them to intervene at an earlier stage to ensure that the child is provided with an education.

#### USE OF OVERSUBSCRIPTION CRITERIA

17. In the normal year of admission, schools may not refuse an application until the school is full—that is, until the published admission number is reached. Oversubscription criteria do not come into play unless the school is oversubscribed. Professor Anne West's research for Research and Information on State Education (RISE) reported that the most commonly used oversubscription criteria appear to be siblings (96%), distance (86%) and medical/social need (73%). However, researchers found a variety of other criteria in use, including priority on the basis of a school being the parent's first preference, adherence to a particular faith, and catchment area. The Sheffield Hallam University and ONS research undertaken for the Department shows that a variety of practices exist in the interpretation of the criteria and these may influence the predictability of whether a place at a particular school is likely to be secured. The research also showed the relative importance of predictability to parents. The revised School Admissions Code of Practice emphasises that it is important that all oversubscription criteria should be clearly explained and objectively assessable; for example, oversubscription criteria must explain how distance will be measured or precisely what is meant by "sibling" so that parents can assess their chances of gaining a place.

#### SELECTION BY ABILITY—GRAMMAR SCHOOLS

18. There are 164 designated grammar schools in England (19 in London, in line with 5% of secondaries nationally) which select all or substantially all of their pupils on the basis of high general ability. The Government considers that local people are best placed to decide the future of local grammar schools. Selection at grammar schools can therefore only be removed through a parental ballot or by approval of statutory proposals published by the school's governing body. Further details of how the ballot system operates are at ANNEX F.

#### PARTIAL SELECTION BY ABILITY

19. Those schools which operated partial selection by high academic ability before 1998 may continue to do so, provided there is no change in the basis of selection, although the selection may be reduced or removed by the Schools Adjudicator following an objection. Adjudicators have reduced the percentage of selection by ability where they considered it to be against the interests of children or other schools in an area. For example, in 1999 Hertfordshire LEA objected to a number of schools' admission arrangements, including those of the Watford Grammar Schools for Girls and Boys (not designated grammar schools under section 104 of the School Standards and Framework Act); and their ability selection was reduced from 50% to 35%. Earlier this year, in response to objections from other Hertfordshire schools, the same schools' ability selection was reduced to 25%, as was ability selection by Queen's School, Parmiter's School and Dame Alice Owen's School. But it was not reduced from 25% at Rickmansworth or from 10% at St Clement Danes School.

#### BANDING

20. Banding involves testing all children applying for a school's places, placing them into ability bands, and if the school is oversubscribed, deciding which to admit by reference to those bands. The Government believes that banding arrangements are compatible with the comprehensive principle, provided the arrangements are fair, objective and are not used as a means of admitting a disproportionate number of high ability children. The introduction of fair banding is permitted under section 101 of the School Standards and Framework Act, which allows admission authorities to adopt arrangements which select by reference to general ability so long as the arrangements are designed to secure that children admitted into a normal year of entry are fully representative of the range of children applying to the school for that year of entry (as opposed to the range of ability nationally or across a LEA area). Fair banding may only be introduced following the approval of statutory proposals. Other types of banding which existed before 1998 may continue, provided there is no change in the proportion of children or the basis of selecting.

#### SELECTION BY APTITUDE

21. As with partial selection by ability, schools which selected any proportion of their pupils by ability or aptitude for any school subject before 1998 may continue to do so under Section 100 of the School Standards and Framework Act 1998, provided there is no change in the basis of selection or successful objection to the Adjudicator.

22. Also, Section 102 of the 1998 Act allows the admission authority of any school with a specialism to select up to 10% of intake on the basis of the child's aptitude. This applies only to the following prescribed subjects:

- physical education or sport or one or more sports;
- the performing arts or one or more of those arts;
- the visual arts or one or more of those arts;
- modern foreign languages or any such language; and
- design technology and information technology.

23. Selection by aptitude offers children who would otherwise not have priority under a school's oversubscription criteria the opportunity to gain a place there and benefit from the school's specialist teaching and facilities. The School Admissions Code of Practice says "A pupil with aptitude is one who is identified as able to benefit from teaching in that subject, or who demonstrates a particular capacity to succeed in that subject. . . . The essential factor that the admission authority must determine is whether a child demonstrates a capacity to learn or to develop skills in that subject."

24. Selection by subject aptitude is not restricted to schools in the specialist schools programme. The research by Anne West mentioned in paragraph 17 found that 6% of specialist schools so select—which is consistent with the Department's figures—but so do 2% of non-specialist schools. Of the 685 schools that were specialist in September 2001 (latest figures), a total of about 40 selected a proportion of pupils by aptitude for their specialist school specialism. Of these, 23 were technology specialist, eight arts, five sports and four language. We do not have figures on other aptitude selection by these or other schools, but Anne West's research suggests that the subject most often selected for may be music.

25. Tests for aptitude must be objective and have a distinctive subject focus, and the assessment must test only for the subject aptitude concerned and not for ability or any other aptitude. The Chief Schools Adjudicator recently ruled that some aptitude selection mechanisms being operated by schools in Hertfordshire were not appropriate—because they appeared to be selecting on subject ability or prior attainment rather than aptitude—and should be removed from the schools' admission arrangements. But he confirmed, on advice from experts, that there were acceptable ways of testing aptitude for all the subjects in question; and has since allowed the schools concerned to restore their aptitude selection using different

and better tests. To guard against the possibility that the schools' tests might inadvertently pick out an undue proportion of the most able, the Chief Adjudicator asked Hertfordshire LEA to monitor the ability profile of future intakes.

#### EFFECTS OF SELECTION

26. A number of researchers have considered and tried to isolate the effect of selection on standards, but the picture remains unclear. School performance is affected by many different factors, some relating to the school, some relating to individual pupils and their family background. As recorded in the Department's publication "A New Specialist System: Transforming Secondary Education", there is four times as much variation in pupil attainment within schools, as between schools. A wide range of performance is observable within every school type. Socio-demographic differences between LEA areas make it difficult to say how far differences in their schools' achievements relate to the existence or absence of selection. It is even more difficult to say whether pupils make more progress in grammar schools than they would in comprehensives, because no-one knows which children in comprehensive areas would have got into grammar schools had they tried.

27. Though there is no one piece of research giving a definitive picture of the situation in England, some relevant evidence is mentioned below.

28. A 2001 study into Pupil Performance by the National Foundation for Educational Research (NFER) distinguished three types of LEAs: those with fully comprehensive secondary education, those with up to 20% of pupils in grammar schools, called "low selection", and those with more than 20% of pupils in grammar schools, called "high selection". Using value-added datasets, it compared progress made by pupils from two separate cohorts over the five year secondary cycle, ie KS2 1997 to KS3 2000 and KS3 1998 to GCSE 2000. The researchers concluded that the "low selection" areas had a slight but significant performance advantage over the fully comprehensive areas, which in turn had a rather greater advantage over the "high selection" areas. They also found that the most able pupils perform just as well, if not better, in comprehensive schools; and that the impact of different school types is most evident in pupils whose ability is borderline for grammar school entry.

29. An OFSTED paper looking at standards in Kent, the education authority with the largest number of grammar schools in England, found that Kent had a higher proportion of high-achieving schools than the national average, but it also had a higher number and much higher percentage of low-achieving schools than its statistical neighbours.

30. Grammar schools did well in the value-added section of the 2002 school performance tables, for the early secondary years, 11–14. In the run-up to GCSE, other schools did better. In the 14–16 phase, 84 out of 86 state schools in the top 5% of value added performers in the 2002 school performance tables were non-selective.

#### FAITH SCHOOLS

31. The churches have long played an important role in educating children (see Annex E) and they continue to make a significant and valued contribution. A great many parents support the continuing role of church or other denominational schools in the education system and this is often related to their religious nature. The Government believes its policy on faith schools and inclusion is clear and consistent; it supports diversity in the education system, including faith schools.

32. Most voluntary aided schools are faith schools. There are 4,280 aided schools in England, of which 551 are secondary. Schools designated as having a religious character may and do give priority on the basis of religious or denominational commitment. They may not and do not discriminate on the basis of ethnicity. Many faith schools already admit pupils of other faiths or no faith and there are Anglican schools with a high proportion of Muslim pupils. The Government's aim is that all faith schools should adopt more inclusive policies and the School Admissions Code of Practice encourages them to do so, spelling out that from intakes for 2005, faith schools should not interview parents or children as any part of the admissions process.

33. The Government recognises that divisions along ethnic lines are a problem in some areas, but does not attribute them to whether or not children attend faith schools. Different communities may live separately because of a wide range of socio-economic factors such as employment, housing and urban development. If they live separately and each school admits its local children, schooling will be separate, even where there are no faith schools. What is important is that admissions policy encourages fairness towards all ethnic and social groups, and that education policy generally leads to more tolerance and understanding of racial and religious differences.



## PARENTAL PREFERENCE AND SOCIAL SEGREGATION

34. The Sheffield Hallam University and ONS research assessed the characteristics of parents' favourite schools to see if there was a relationship between the social composition of the school and the social class background of the prospective parents. They found that 60% of the favourite schools had higher average GCSE results than their LEA average. When compared to national figures for the proportion of pupils eligible for free school meals, 46% of the schools identified as favourite schools fell within the two lowest national quintile groups (the 40% of schools with the lowest proportion of pupils receiving free school meals). By comparison, only 15% of favourite schools were in the 20% of schools with the highest proportions of students receiving free school meals.

35. Further analysis of the results showed that the odds of parents who lived in social sector accommodation choosing favourite schools with higher GCSE performance scores than their LEA average were less than half those of parents who were owner occupiers (0.4:1.0). Parents of a child whose mother's highest qualification was below degree level or who had no qualifications were half as likely to choose a favourite school with a high GCSE performance score as parents of a child whose mother had qualifications at degree level or above.

36. Parents who lived in London boroughs were twice as likely as those living in other LEAs to have chosen a favourite school with a higher GCSE performance score than its LEA average. Parents who lived in London boroughs, had no previous experience of choosing a secondary school, had degree level qualifications or above, were owner occupiers and were in Social Class I or II had the highest odds of choosing a favourite school with a high GCSE performance score. Parents who had the lowest odds of choosing a secondary school with a high GCSE performance score had previous experience of choosing a secondary school, lived in a Shire authority, had no qualifications and the mother had never worked.

## Annex A

### RESEARCH INTO FACTORS WHICH MOTIVATE PARENTS WHEN CHOOSING THEIR CHILD'S SCHOOL

#### SUMMARY

1. The research was undertaken for the Department by Sheffield Hallam University and the Office for National Statistics (ONS). "Parents' Experiences of the Process of Choosing a Secondary School" was published in June 2001.

2. Of the more than 3,000 parents interviewed for the report, 39% listed performance tables as an important information source in finding out about schools. Other things being equal, the use of performance tables was more likely among certain groups, with London parents being twice as likely to use them as parents in other Metropolitan or Shire authorities.

3. Academic outcomes were the most commonly quoted single reason for choosing a favourite school. However, parents often had several reasons for preferring or rejecting a school, and they relied as much on intuition and informal information gathering as on formal independent information sources.

#### BACKGROUND

4. The published research was conducted in two parts. Stage 1 studied LEAs' admissions systems and modes of practice. Stage 2 was a nationally representative survey of 3,333 parents of pupils entering secondary school in 1999, 2000 and 2001, conducted by telephone interview. All respondents were selected from the Labour Force Survey as having children in the relevant age groups.

#### KEY FINDINGS

5. The key findings from the telephone survey of parents were as follows:

- 72% of parents applied to their nearest state school; 87% of parents applied for places only in their LEA area; but 33% of parents applied to more than one admission authority. Other things being equal, parents living in London were three times as likely to apply to more than one admission authority;
- 28% of parents didn't apply to their nearest school; parents in London were two and a half times more likely than parents in Shire LEAs not to apply to their nearest school; and
- the main reasons why parents didn't apply to their nearest school were that the school had poor discipline (35%), poor academic results (31%) and bullying problems (15%); 12% of parents said that they did not apply to their nearest school because it was not a denominational school.

6. When parents were asked about the main information sources used in choosing a school, those most commonly mentioned were visits to the schools (78%), talking to other parents (70%), school prospectuses (69%), primary school teachers (49%), LEA booklets (45%), performance tables (39%), OFSTED reports (25%), newspaper articles (22%), asking others not elsewhere mentioned (15%), Parent Teacher Associations (10%) and Internet (4%). 90% of parents used more than one source; 52% four or more.

7. The high percentage of parents who relied on school visits and prospectuses may be an indication that parents do place a degree of importance on the facilities the school offers. However, the report also found that when parents were asked about their reasons for choosing a favourite school, only 13% described resources/facilities as a factor. The other main reasons for choosing a favourite school were: academic outcomes (43%); the sort of things that normally feature in schools' over-subscription criteria, such as siblings there or nearness to home (40%); travel convenience (35%); child's preference (31%); the school's ethos (15%); quality of staff (14%); pupil behaviour (10%); curriculum/teaching methods (8%); school status (6%); gender of intake (4%).

8. Of those who used performance tables as an information source, 86% said they found them useful, but only 32% said they were the most useful source of information. 56% saw them in a newspaper, 38% in a school publication, 10% in a LEA publication, 2% in a Departmental publication, and around 3% on the Internet. (Some parents had seen them in more than one place.)

9. Other things being equal, use of performance tables was more likely among certain groups and London parents were twice as likely, and parents in Unitary authorities significantly more likely, to use them than parents in other Metropolitan or Shire authorities. Other factors connected with greater use included the mother having a degree or higher educational qualification; owner occupier or private renter as opposed to social rented sector tenant; mother in social class I, II or III non-manual; and no previous experience of choosing a secondary school. Compared to the overall 39% who used performance tables, 49% of London parents did so, but only 27% of social sector renters and 20% of parents in a couple where both were unemployed.

#### IMPACT ON ADMISSION POLICIES

10. The research prompted many of the admissions reforms in the 2002 Education Act, designed to create a fairer admission system which parents would find easier to understand. These included:

- co-ordinated admission arrangements, by 2005 intakes;
- mandatory Admission Forums to monitor arrangements and broker local agreements, including measures to protect vulnerable groups;
- extending the information LEAs must provide to parents on the choices available, and how to make those choices;
- widening the circle of those who should be consulted on and may object about admission arrangements (to include all local schools);
- various steps to increase access to faith schools for those outside the faith, including a repeal of section 91 of the 1998 Act; and
- ending interviewing by church schools, from 2005 intakes.

#### Annex B

#### LONDON ISSUES

1. While the admissions framework applies in the same way in London as to the rest of England, the city faces some difficulties which are more extreme than elsewhere in the country and which have an impact on meeting parental preference.

2. The first of these is the issue of supply of school places. In some boroughs, especially those whose schools are particularly sought-after, it would appear that demand greatly exceeds supply. For example, the OFSTED report on Wandsworth in May 2000 stated that there were 3,000 applications for fewer than 2,000 places. This is by no means exceptional. Although figures are not collected centrally, evidence shows that an unacceptable number of children in some London boroughs have no school place at all. This is, in part, due to the difficulty LEAs have in tracking the movement of pupils into and out of their area, and also because some parents will not accept places at the schools available to them. The research on Parents' Experiences of the Process of Choosing a Secondary School found that London parents were more likely to prefer a school with higher than LEA average GCSE performance scores and less likely to be offered a place at a preferred school.

3. However, because many London parents apply for more than one school, quite possibly in more than one borough, most boroughs have sufficient school places overall to meet the demand for them. But parents' perceptions of the hierarchy of schools lead to those they perceive as "better" schools being heavily

oversubscribed, while schools of poorer reputation struggle to attract applications. Places at these are likely to be offered to parents less successful in their applications, often resulting in great dissatisfaction and parents preferring to keep their child at home than to send them to an unsatisfactory school.

4. A feature of co-ordinated admissions is that, on 1 March, LEAs should make an offer of a secondary school place for each child in their area—either at a preferred school or, if that is not possible, at another school. As well as ensuring that, as far as is practicable, every child going through the secondary transfer process is offered a place, co-ordination will give LEAs the information they need to be able to track those children whose parents do not accept any offer made. This will enable them to intervene at an earlier stage to ensure that every child is provided with an education.

5. With funding from the Office of the Deputy Prime Minister, all London LEAs are co-operating in developing a “PAN-London register”—a centralised admissions and transfer system—which will facilitate the electronic exchange of details on school applications and offers of school places between boroughs, and aid implementation of co-ordination. As so many London parents apply for schools in both their own and a number of neighbouring boroughs, this joint initiative will provide parents with a more seamless service while making inter-LEA communication more effective.

6. The London Challenge strategy will join up neighbourhood renewal and other policies essential to making the best of school improvement. The strategy will focus on the five boroughs—Islington, Haringey, Southwark, Hackney, Lambeth—where there is most to be done and which include some of the secondary schools facing the greatest challenge. In these areas particularly the aim is to seek a genuine transformation, a step change in aspiration and expectation. The strategy is also focusing on the schools facing the most difficulty in establishing an achievement culture, wherever they are in London. These schools are in the frontline in our quest to break the link between deprivation and under-achievement. We have carried out rigorous diagnostic work on each school, holding case conferences to prescribe solutions (involving LEAs) and follow-through with the LEA, using Leadership Incentive Grant and other programmes. We have appointed a team of expert London Advisers who are well engaged with schools and LEAs. They are working in the 55 schools, assessing plans for change, ensuring they are being implemented effectively and have the highest chance of success.

7. The London Challenge strategy supports change, aiming to make a clear break with the past. The strategy includes:

- significant investment in Academies—independent schools fully funded by the state—potentially involving several Academies in one borough. New Academies will be required to work together and with other schools to secure wider change;
- new schools, through competitions, enabling new providers, including groups of parents, to bring forward innovative ideas—re-engaging communities that have lost confidence in their local schools and where many pupils leave an area for their secondary education;
- increased sixth form provision—including new sixth form colleges and school sixth forms—in places where little is currently available;
- targeted use of “extended” schools—open in the evening and at weekends, providing a full range of services and support to students and their families and breaking down barriers to achievement;
- the creation of the new specialist system, with every secondary school specialising in an area of strength and together providing a coherent offer to parents;
- encouraging schools to work together as a means of providing support and leadership capacity in weaker school; and
- the need for 20 new schools by 2008 to respond to growing pupil numbers—the London Challenge Team will be encouraging LEAs to work together on planning school places.

## Annex C

### NUMBER OF SECONDARY SCHOOL ADMISSION AUTHORITIES

Year (January)	LEAs	Admission Authorities				Total
		Voluntary Aided	Special Arrangement	Grant Maintained	Foundation	
1987	97	542	83	0	0	722
1988	97	530	82	0	0	709
1989	97	521	76	0	0	694
1990	97	508	72	20	0	697
1991	109	500	70	50	0	729
1992	109	486	65	130	0	790
1993	109	468	63	262	0	902
1994	109	365	52	554	0	1,080
1995	109	353	48	622	0	1,132

Year (January)	LEAs	Admission Authorities				Total
		Voluntary Aided	Special Arrangement	Grant Maintained	Foundation	
1996	109	353	39	642	0	1,143
1997	119	351	38	652	0	1,160
1998	132	350	38	667	0	1,187
1999	150	349	38	668	0	1,205
2000	150	543	0	0	500	1,193
2001	150	547	0	0	497	1,194
2002	150	549	0	0	501	1,200
2003	150	551	0	0	510	1,211

## Notes:

Most consistent, reliable data only available from 1987.

31 March 1990—abolition of ILEA creating 13 London Boroughs.

1 April 1996-31 March 1999 Local Government Reorganisation.

1998 School Standards and Framework Act created the categories of school we have today.

1 September 1999—deadline for formerly grant-maintained schools to move into one of those categories (most chose foundation, some chose voluntary aided); special agreement schools became voluntary aided.

## Annex D

## SCHOOL ADMISSION APPEALS

## BACKGROUND TO THE APPEALS PROCESS

1. Current legislation gives parents a right of appeal against refusal of a place at any school they have applied for. Parents must initially make their appeal to the admission authority, which is then responsible for establishing an independent appeal panel to hear their appeals. Regulations<sup>3</sup> specify how a governing body or LEA must constitute a panel, and the statutory School Admission Appeals Code of Practice gives further advice and recommended good practice.

2. In cases where a child has been refused admission to a school because this would breach infant class-size legislation,<sup>4</sup> a panel may only uphold an appeal under two circumstances: if the admission authority has made an error which has resulted in the child being denied a place they would otherwise have been offered; or if the admission authority's decision to refuse admission was "unreasonable".<sup>5</sup> Panels have greater latitude in other primary and secondary school appeals to consider the merits of individual cases, balancing the benefits to a particular child of being admitted to the preferred school against any "prejudice" caused to the school and other pupils by the admission of an additional pupil.

3. The Secretary of State has no powers to review an appeal hearing or the decision of an independent appeal panel; only the courts may overturn a panel's decision. However, the Local Government Ombudsman may investigate parental complaints of maladministration in how an appeal has been conducted, and make recommendations—where maladministration is found, the recommendation could be to arrange a fresh hearing with new panel members

## REVIEW OF THE APPEALS PROCESS

4. In May 2002, the DfES published Sheffield Hallam University's research report into the operation of appeal panels, use of the Code of Practice and training for panel members.<sup>6</sup> The report found that both the Code and the existing training material commissioned by the Department were well-used and well received, but recommended that appeals training should be more "role specific". As a result, an "extension" pack is in preparation, containing material which builds on the original training pack and with modules concentrating on issues which are relevant to panel clerks, chairs and presenting officers respectively. The new material has been piloted, and will be widely distributed for use by individual admission authorities.

5. The Council on Tribunals (COT) Special Report on School Admission and Exclusion Appeal Panels was published in May 2003, and makes a number of recommendations which the COT feels would increase the independence, quality and consistency of panels. Many of the recommendations have been anticipated by the School Admission Appeals Code of Practice published in January 2003 and the development of an

<sup>3</sup> The Education (Admissions Appeals Arrangements) (England) Regulations 2002.

<sup>4</sup> Limiting infant class sizes to a maximum of 30 children to a qualified teacher.

<sup>5</sup> "Unreasonable" has been defined by the courts as meaning, in this context, acting in a way in which no other authority or governing body, having due regard to its legal responsibilities, would have acted.

<sup>6</sup> DfES Research Report 344 (2002), "Admission Appeal Panels: Research Study into the operation of appeal Panels, Use of the Code of Practice and Training for Panel Members".

on-line discussion forum for those involved in the appeals process (going live in September 2003). The Department has been asked to respond to the COT's report, and has asked for comments on the COT's recommendations from schools and LEAs before doing so. A reply will be sent by late October, and will be published on the COT website.

#### RECENT CHANGES MADE TO LEGISLATION AND GUIDANCE ON APPEALS

6. The law relating to arrangements for setting up appeal panels used to be in the School Standards and Framework Act 1998. This has now been moved to Regulations, giving flexibility to make minor administrative changes quickly if required.

7. Previously, internal candidates for entry to 6th form could not appeal if they were refused a place, as they had already been admitted to the school so were not technically being refused admission. Legislation now gives those candidates the same right of appeal as external applicants.

8. The School Admission Appeals Code of Practice was revised and reissued in January 2003. Changes are mainly to layout and presentation, although the latest version takes account of relevant court cases and findings of Local Government Ombudsman investigations since 1999, and suggests good practice such as giving parents advance notice of the names of panel members, so they can make any concerns about impartiality before a hearing, rather than after. The Code also sets a time limit within which appeals must be heard ie within 30 school days of the appeal being lodged or of the closing date for receipt of appeals.

#### APPEAL STATISTICS

9. The overall number of appeals heard has risen from 53,370 in 1997–98 to 66,145 in 2001–02. It is not clear why there have been more appeals each year. The Sheffield Hallam University and ONS research showed that 93% of parents were offered their first preference school for September 1999, but that this fell slightly to 91% for September 2000. If this were part of a pattern, the reduction could lead to higher numbers of appeals. However, the research also pointed out that there was no simple relationship between the number of parents gaining their first preference place and the level of appeals. It illustrated this with the examples of Walsall and Bury LEAs, which had a similar percentage of first preferences met (94% and 93.7% respectively were quoted in their 1999 OFSTED reports), but very different rates of appeals. In Walsall, appeals were relatively low, while in Bury there were five times as many appeals as the Metropolitan District average. The research also found that there was no straightforward relationship between how admissions were administered (modes of practice) and the level of appeals. It stated that some LEAs experience a very high level of appeals for reasons such as the popularity of particular schools, overall shortage of places compared with demand or variations in the perceived quality of schools.

10. The proportion of successful appeals has remained at around 33% for each of the last three years. In 2001–02, 32.4% of secondary school appeals were successful.

11. In London, parents are less likely to succeed at appeal—18.1% of secondary school appeals are successful (see the attached Statistical First Release). The Sheffield Hallam University and ONS research showed that 12% of parents in London made an appeal compared with 4% in all other types of LEA.

### ADMISSION APPEALS FOR MAINTAINED PRIMARY AND SECONDARY SCHOOLS IN ENGLAND 2001–02 SFR 17/2003

#### INTRODUCTION

This Statistical First Release gives information about appeals lodged by parents against non-admission of their children to their preferred school for England in 2001–02. Figures for primary and secondary schools and for 1997–98 to 2001–02 are shown in the tables.

#### KEY POINTS

##### *All schools*

- 94,900 appeals were lodged by parents against non-admission of their children in 2001–02, 5% more than in 2000–01.
- In 2001–02, 66,100 appeals were heard by a panel compared with 63,900 in the previous year; appeals heard by a panel represented 70% of appeals lodged in 2001–02, a similar proportion to 2000–01.
- 21,700 appeals were decided in parents' favour compared with 21,200 in the previous year; appeals decided in parents' favour represented 33% of appeals heard by a panel in 2001–02, a similar proportion to 2000–01.

#### *Primary schools*

- 25,700 appeals were lodged by parents against non-admission of their children for 2001–02, a 5% decrease from the previous year.
- 16,200 appeals for 2001–02 were heard by a panel compared with 17,500 for the previous year; appeals heard by a panel represented 63% of appeals lodged in 2001–02, a decrease from 65% in 2000–01.
- 5,500 appeals were decided in parents' favour compared with 6,200 in the previous year; appeals decided in parents' favour represented 34% of appeals heard by a panel in 2001–02, a decrease from 35% in 2000–01.

#### *Secondary schools*

- 69,200 appeals were lodged by parents against non-admission of their children for 2001–02, an increase of 9% from 2000–01.
- 50,000 appeals for 2001–02 were heard by a panel compared with 46,400 for the previous year; appeals heard by a panel represented 72% of appeals lodged in 2001–02, a decrease from 73% in 2000–01.
- 16,200 appeals were decided in parents' favour compared with 15,000 in the previous year; appeals decided in parents' favour represented 32% of appeals heard by a panel in 2001–02, a similar proportion to 2000–01.

#### DEFINITIONAL NOTES

Admission authorities: LEAs for Community and Voluntary Controlled schools and governing bodies for Voluntary Aided (VA), Aided and Foundation schools, are required under the 1998 School Standards and Framework Act to constitute an independent appeal panel to hear appeals by parents against the non-admission of their child to a school for which they have expressed a preference.

#### TABLES

Table 1: Appeals lodged by parents against non-admission of their children to maintained primary and secondary schools: England 1997–98 to 2001–02.

Table 2: Appeals lodged by parents against non-admission of their children to maintained primary and secondary schools by type of school: England 2001–02.

#### FURTHER INFORMATION

An additional table giving Government Office Region and Local Education Authority breakdowns will be available shortly after the publication of this release on the DfES website: [www.dfes.gov.uk/statistics/DB/SFR](http://www.dfes.gov.uk/statistics/DB/SFR).

#### NOTES TO EDITORS

1. Data for 1997–98 to 2001–02 are derived from the Department's Survey of Admission Appeals and are as reported by LEAs and schools; LEAs provided data for their Community and Voluntary Controlled schools. VA, Aided and Foundation schools provided their own data. The data for VA, Aided and Foundation schools for 1997–98 to 2001–02 were collected as part of the Department's Annual Schools' Census.

2. Numbers of compulsory school age pupils are derived from the Annual Schools' Census.

3. Summary statistics on admission appeals for 2001–02 are due to be published by the Council on Tribunals in their Annual Report in December.

**Table 1**  
**APPEALS LODGED BY PARENTS AGAINST NON-ADMISSION OF THEIR CHILDREN TO MAINTAINED PRIMARY  
 AND SECONDARY SCHOOLS—ENGLAND 1997–98 TO 2001–02**

		1997–98	1998–99	1999–2000	2000–01	2001–02
<b>Primary</b>						
Total pupils of compulsory school age	Number:	3,592,329	3,588,967	3,575,328	3,552,631	3,509,012
Admission Appeals lodged by Parents	Number:	30,868	32,194	28,728	27,106	25,680
Heard by Appeals Committee	Number:	20,178	21,219	18,712	17,505	16,164
	Percentage (1)	65	66	65	65	63
Appeals decided in Parents' favour	Number:	9,564	9,341	7,290	6,208	5,510
	Percentage (2)	47	44	39	35	34
<b>Secondary</b>						
Total pupils of compulsory school age	Number:	2,765,426	2,813,615	2,868,171	2,913,139	2,943,125
Admission Appeals lodged by Parents	Number:	46,103	53,739	60,454	63,611	69,210
Heard by Appeals Committee	Number:	33,192	38,961	43,943	46,366	49,981
	Percentage (1)	72	73	73	73	72
Appeals decided in Parents' favour	Number:	10,752	12,642	14,182	14,993	16,218
	Percentage (2)	32	32	32	32	32
<b>All Schools</b>						
Total pupils of compulsory school age	Number:	6,357,755	6,402,582	6,443,499	6,465,770	6,452,137
Admission Appeals lodged by Parents	Number:	76,971	85,933	89,182	90,717	94,890
Heard by Appeals Committee	Number:	53,370	60,180	62,655	63,871	66,145
	Percentage (1)	69	70	70	70	70
Appeals decided in Parents' favour	Number:	20,316	21,983	21,472	21,201	21,728
	Percentage (2)	38	37	34	33	33

(1) Number of appeals heard by a committee expressed as a percentage of the number of appeals lodged by parents.

(2) Number of appeals decided in favour of the parents expressed as a percentage of the number of appeals heard by a committee.

**Table 2**

**APPEALS LODGED BY PARENTS AGAINST NON-ADMISSION OF THEIR CHILDREN TO MAINTAINED PRIMARY AND SECONDARY SCHOOLS BY TYPE OF SCHOOL—ENGLAND 2001–02**

	<i>Number of pupils of compulsory school age</i>	<i>Number of Appeals Lodged by Parents</i>	<i>Appeals withdrawn before reaching an Appeals Committee</i>		<i>Number of Appeals heard by Appeals Committee</i>		<i>Appeals Decided in Parents' Favour</i>	
			<i>Number</i>	<i>% (1)</i>	<i>Number</i>	<i>% (1)</i>	<i>Number</i>	<i>% (2)</i>
<b>Primary</b>								
Community (3) and Voluntary Controlled	2,777,367	22,868	7,352	32	13,874	61	4,771	34
Voluntary Aided and Aided (4)	608,490	2,261	349	15	1,817	80	613	34
Foundation (5)	123,155	551	71	13	473	86	126	27
<b>Total Primary</b>	<b>3,509,012</b>	<b>25,680</b>	<b>7,772</b>	<b>30</b>	<b>16,164</b>	<b>63</b>	<b>5,510</b>	<b>34</b>
<b>Secondary</b>								
Community (3) and Voluntary Controlled	2,063,262	48,680	12,950	27	32,806	67	12,292	37
Voluntary Aided and Aided (4)	291,858	6,265	572	9	5,534	88	1,229	22
Foundation (5)	588,005	14,265	2,300	16	11,641	82	2,697	23
<b>Total Secondary</b>	<b>2,943,125</b>	<b>69,210</b>	<b>15,822</b>	<b>23</b>	<b>49,981</b>	<b>72</b>	<b>16,218</b>	<b>32</b>
<b>All Schools</b>								
Community (3) and Voluntary Controlled	4,840,629	71,548	20,302	28	46,680	65	17,063	37
Voluntary Aided and Aided (4)	900,348	8,526	921	11	7,351	86	1,842	25
Foundation (5)	711,160	14,816	2,371	16	12,114	82	2,823	23
<b>Total</b>	<b>6,452,137</b>	<b>94,890</b>	<b>23,594</b>	<b>25</b>	<b>66,145</b>	<b>70</b>	<b>21,728</b>	<b>33</b>

(1) Number of appeals expressed as a percentage of the number of appeals lodged by parents

(2) Number of appeals decided in favour of the parents expressed as a percentage of the number of appeals heard by a committee/panel

(3) Community schools, previously County schools

(4) Aided schools, previously Special Agreement schools

(5) Foundation schools, previously Grant Maintained schools



## Annex E

## LEGISLATIVE BACKGROUND

1. This Government inherited a system which gave parents the right to express a preference for the school they would like their child to attend (first introduced in the Education Act 1980). A significant legal ruling in 1989, (*Greenwich Judgement*,<sup>7</sup> established that LEAs could not give priority to children simply because they lived in the authority's administrative area; all applications must be considered equally.

2. The Education Act 1944 prescribed three categories of school: county, voluntary and special. Voluntary schools were of three types: voluntary controlled (VC), voluntary aided (VA) and special agreement (SA). The local education authority (LEA) was the admission authority for both county and VC schools, but in the case of both VA and SA schools the governing body (GB) was the admission authority. Prior to 1944 there had been two categories of school: board and voluntary schools.

3. The Education Act 1980 introduced parental preference. Admission authorities were required to publish their admission arrangements and comply with parental preference.

4. The Education Reform Act 1988 established grant maintained (GM) schools who could opt out of LEA control into central government funding and thereby gain more autonomy. Schools could be established as GM; or existing county, voluntary controlled, voluntary aided and special schools could opt for this status. GM schools were their own admission authorities.

5. The School Standards and Framework Act 1998 abolished GM Schools and created the categories of schools that we have today; Schedule 2 of the SSFA provided indicative allocations of new categories with provisions allowing for schools to change to a different category in certain circumstances, but ex-GM schools could choose their new category. County schools became community; controlled schools became voluntary controlled. Special agreement schools became VA schools. GM schools which had formerly been county or controlled schools tended to choose foundation status, but a substantial minority of all GM schools chose voluntary aided status.

6. This Act also enabled GM schools, which were formerly special schools, to become foundation special schools. The admission of children with statements of special educational need is covered by the Education Act 1996. Consequently the admissions provisions in the 1998 Act do not generally apply to children with statements of special educational needs. If their statement names a particular school, the school must admit them, regardless of its usual admission arrangements and criteria.

7. Local Government Reorganisation has resulted in an increased number of local education authorities. In 1995 there were 109; by 1999 this had risen to 150.

## Annex F

## THE GRAMMAR SCHOOL PETITION AND BALLOT ARRANGEMENTS

1. For the purpose of grammar school petitions and ballots, the 164 grammar schools are subject to one of three arrangements, falling under two basic ballot models. The three arrangements are as follows:

a. **Whole Area ballots:** In local authority areas where more than 25% of the secondary school population attended grammar schools at the time the legislation was drawn up, all grammar schools in the area will be taken together under one ballot. These are areas such as Kent and Trafford where grammar schools are central to the pattern of secondary provision. Any change to the pattern of grammar schools would therefore have wide-reaching effects across the authority. 10 authorities are currently subject to these whole area ballots.

b. **Grouped Ballots:** Groups mostly cover grammar schools in areas which do not meet the 25% cut off above. Schools are grouped for the purposes of petitions and ballots with others located relatively close, often to avoid the possibility of grammar school provision becoming available to only one sex where it has previously been available to both, but also where the schools are likely to share significant numbers of feeder primary schools.

c. **Stand-alone Ballots:** There are 12 schools for which a petition would only relate to that individual grammar school. These are referred to as stand-alone schools. They may be the only grammar school in a local authority area (such as Stoke on Trent or Cumbria), or cater just for a specific area of the authority (such as Ripon, where the only ballot to date took place. Parents voted to retain selection).

2. In Whole Areas and Groups, petitions and ballots must be on the question of change for all the grammar schools in that area or group.

3. The electorates for the different ballots fall into two basic models. For Whole Area (sometimes referred to as "selective area") ballots, parents are eligible to sign a petition either if they live in the local authority area<sup>8</sup> and have children up to the age of 16 (including pre-school), or if they live outside the local authority

<sup>7</sup> *R v Greenwich London Borough Council, ex parte John Ball Primary School* (1989) 88 LGR 589 [1990] Family Law 469.

<sup>8</sup> Special arrangements apply to Sutton Local Education Authority and Nonsuch High School for Girls which is physically located in Surrey. Exceptionally, for this whole area arrangement, eligible parents also include those resident in the Nonsuch ward of Surrey Local Authority.

area but are registered as the parents of a child at a school maintained by the local education authority. For the Grouped and Stand-Alone ballots, parents are eligible if they have children attending a school from which, over the past three years, five or more children have transferred to the grammar school. These can be independent or maintained schools. Transfers from years above the normal age of transfer to the grammar school do not count, and parents whose only child is in a school year above the normal age of transfer are not eligible to take part in the petition or ballot. Where a petition or ballot relates to a group of grammar schools, the feeder school need only meet the five pupils over three years definition for the group of grammar schools as a whole, not for each school. These arrangements are often referred to as “the feeder school model”.

4. The distinction between the two electorates was intended to represent local circumstances. In areas where a high proportion of secondary pupils are at grammar schools, a change in the admission arrangements of all the grammar schools could have a more widespread effect; and more parents will have a direct interest in the result of any ballot. We therefore felt it right to extend the opportunity to vote more widely.

5. In the other areas, grammar school selection tends to be a more localised issue. Here the electorate was drawn up to enfranchise those with the most direct interest in a change to the grammar school’s current admission arrangements—parents of pupils at schools with a tradition of feeding children into the relevant grammar school(s).

6. In both models, before a ballot can actually be held, the Ballot Administration Company (BAC) which conducts ballots on the Department’s behalf must first receive a petition signed by at least 20% of the eligible electorate. In order to provide an exact figure, the BAC will write to the schools concerned, including grammar schools to identify qualifying feeder primaries, and obtains lists of eligible parents. They will then use these lists to calculate the petition threshold.

7. Legislation sets out the form a grammar school petition must take—including detail a parent must include for the company to validate their signature. The petition period runs from 1 September to 31 July, and all completed petitions must be received by this date. If sufficient signatures are not received, the petition fails and must be begun again from scratch in any subsequent attempt. If the threshold is reached, the BAC will make arrangements for a ballot to be held. If a ballot results in a vote in favour of change, the legislation sets out a timetable by which the admission authorities concerned must bring forward new admission arrangements. If the vote is in favour of the status quo, then a five year moratorium on further petitions comes into effect. The moratorium on Ripon Grammar school ends in March 2005.

DfES

October 2003

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*Witnesses:* **Mr Stephen Crowne**, Director, Resources, Infrastructure and Governance; **Ms Caroline Macready**, Head of School Admissions, Organisation and Governance Division, and **Ms Sue Garner**, Head of the School Admissions and Class Size Unit, DfES, examined.

**Q712 Chairman:** Can I welcome Sue Garner, Stephen Crowne, and Caroline Macready to our deliberations. It is always a pleasure to have civil servants from our Department meeting the Committee. We, as you know, have been conducting this inquiry into secondary education for over a year now; this is the last phase on admissions and then we are going to look at the whole matter, so we are getting to the end of quite a long and stimulating journey. This is the penultimate session, with the Minister coming in December. So you are the Department’s experts on admissions. Would you like to say a couple of words?

**Mr Crowne:** Yes. Thank you for inviting us; my colleagues Caroline Macready and Sue Garner are experts, and I head up the section that deals with the subject. That is not ducking any of your questions but Caroline and Sue between them deal with both the policy and day-to-day casework that we have on this, and have a great deal of experience in this area. The only other point I wanted to make by way of introduction is how important this work is for the Department because it is about parents and children’s sense of

satisfaction with a key part of the education process, and these are very difficult decision that parents and schools have to make. We do invest a lot of time and effort into examining how that process is working, and seeking to improve it where we can. Clearly we could go on about some of the key principles that underpin the system but I am sure those will come out in the questions.

**Q713 Chairman:** Thank you, and perhaps I can start. A lot of parents find the school admissions process very traumatic because there is so much left to chance concerning what year you are in, the cohort, whether a lot of children are applying for that school that year or not, and it is a very traumatic time for parents. Have any of you been through that?

**Mr Crowne:** Yes, indeed.

**Ms Macready:** Yes.

**Q714 Chairman:** And Sue has not?

**Ms Garner:** No.

**Ms Macready:** Those of us with children have been through it.

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19 November 2003 Mr Stephen Crowne, Ms Caroline Macready and Ms Sue Garner

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**Mr Crowne:** Personally I did not find it traumatic. I think I had a relatively simple choice locally. The evidence that we see across the system is that experiences do depend on locations, and there are clearly particular issues around London where the evidence shows that levels of satisfaction are rather lower, and I think it is important that we continue to base our policy development on those precise factors that tend to make more or less satisfaction in the system.

**Ms Macready:** And we also have done our best recently in the admissions reforms of the Education Act 2002 and implementing regulations and codes to ensure that the process does not contribute to the stress felt by parents, and we hope very much that developments like co-ordinated admissions will make a complete difference to parents' experience of the process.

**Q715 Chairman:** Do the three of you work at all with Professor Tim Brighouse?

**Mr Crowne:** Yes, indeed. We liaise closely with the whole London Challenge team and Tim's role is providing leadership there. As I implied earlier, we do regard London as one of the key issues in admissions, simply because the evidence shows that levels of parental satisfaction tend to be lower here. What is important from our point of view is to fully understand the wide range of factors that bear on levels of parental satisfaction. We start from the presumption, I think, that the key to raising overall levels of parental satisfaction is to ensure there are more good schools for parents to choose from. That fundamentally underpins the whole strategy and, against that background, we want to develop admissions arrangements so that individual parents are not faced with the kind of traumatic choice that some may have had to make, and to ensure that those parents in particular who would prefer to send their children to local schools for all sorts of very good and practical reasons have a better choice available to them in every locality.

**Q716 Chairman:** Professor Brighouse was quoted as saying the other evening that London parents in particular got themselves in something of a frenzy over admissions policy and that did not represent the true picture; that there are plenty of good schools in London that give them a reasonable choice. What is your view on that?

**Mr Crowne:** I think parents have a wide range of views on what they would like and expect from their schools. I think we, civil servants, should be very careful of assuming that (1) all parents want the same thing and (2) we know what that is. I am particularly struck by evidence that shows that there are differences in preference: some parents prefer local schools; other parents prefer schools with higher GCSE scores; some parents prefer rapidly improving schools or schools that they think cater particularly for their children and children from the same kind of background. So I think the important thing from our point of view is to ensure that parents have access to information and, as I say, that we are putting effort into improving all schools so they have

a reasonable choice, but I do not think we are in the business—and we should not be—of trying to substitute our judgment as to what parents want for their children.

**Q717 Chairman:** Would it not be true to say though that the difference between a major city, for example, or anywhere, is that if you are a particular middle class professional you understand the system, you have a much better way of using the system to your advantage, than if you were from a relatively disadvantaged background with less education, and that very often the latter people end up with really no choice at all, because even if they were awarded a place in a school that was quite pleasing for them they may not be able to afford to travel to it?

**Mr Crowne:** I will ask Caroline to come in on what the evidence shows about that because there is some interesting evidence. The point I want to stress is the one I made before: that different parents will look for different things in a schools and I would hesitate before judging that certain parents are choosing certain kinds of schools because they do not know about or they are unable to access other kinds of schools. We have an obligation, and so do local authorities and admissions authorities, for ensuring that good information is available about characteristics of all the schools, not just exam results but a whole range of factors the parents want to take into account, and the parents can access that information in a way that minimises confusion and aids understanding.

**Q718 Chairman:** Just keeping on that point, the inability to afford travel could be decisive, could it not?

**Mr Crowne:** It could, of course, and travel and other practical issues are undoubtedly significant constraints on choice in the system, and are very practical constraints. When we talk about parental preference we always have to caveat that with the circumstances that individual families find themselves in and their ability to access provision.

**Ms Macready:** I would like to come back to the question of whether parents who are middle class or with professional jobs are more likely to get what they want out of the admissions system. I know you have received quite a lot of evidence primarily from John Coldron on some research that we commissioned that was published in June 2001 into parents' experiences of secondary admissions, which clearly showed that, among those parents, the likelihood of getting the school which you applied for, which was your favourite among all those applied for, did not vary with socio economic characteristics. That research was able to draw the families in its sample from the Labour Force Survey because it was done by the Office of National Statistics for us, so they knew a lot about family backgrounds and they tested for a lot of socio economic characteristics, and there was no difference in the likelihood of getting your favourite school between the different social classes, between owners and renters, between two parent families and

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single parent families, employed and unemployed parent families, which was quite encouraging. Now, it may be that the aspirations of different parents differ and that perhaps certain types of parents' aspirations are easier to satisfy in the admissions process, but, as Stephen said, we do not want to second guess them and say they are wanting the wrong things: we should be pleased with that evidence that what they want is on the whole coming out of the admissions process for them. As you indicated, perhaps the levels of dissatisfaction are greater in urban areas, particularly London, but those areas often have quite good transport networks. The question of whether parents can afford transport may be more likely to arise in rural or semi rural areas.

**Q719 Chairman:** So, joining all those threads together, what do you think, with all your experience, should be the purpose of a school admissions policy?

**Mr Crowne:** I think the primary driver ought to be parental satisfaction. We have adopted, over the years, an engineering approach. The system is underpinned by some key principles to do with localism and parental choice, but in trying to improve it we look very precisely at how it is operating and the evidence about parental satisfaction with that, and to improve it where it seems to be necessary to improve it. I think it is very important that we are clear about what you can do through improving admissions arrangements and what are much broader issues to do with the shape of the system and what parents expect from it, and those are really about the quality of the education, as I indicated earlier, and whether parents feel there are enough good schools around. So it is very much an engineering approach based on evidence, and trying to ensure that at every stage we are building trust and confidence among parents in the operation of what is essentially a local system. This is why the system of adjudicators and admissions forums is very important, because they put the onus quite clearly on resolving local issues locally and co-ordinating admissions and so on and the parents' experience in the process, given the sensitivity of the issues, is as positive as possible. So those are the key indicators that we look for.

**Q720 Chairman:** Is there anything your colleagues would like to add to that?

**Ms Macready:** No. I will wait for your next question!

**Q721 Jonathan Shaw:** Mr Crowne, you said that the satisfaction with the admissions process was very important to the Department, and we have heard that there is lower satisfaction in London, and London has particular issues that the Committee are well aware of. Do the satisfaction statistics take account of all applications to all secondary schools, or is it just within the home LEA? Therefore, if you are a parent in London applying for a school outside your home LEA, will you know that?

**Ms Macready:** The figures I was quoting from before were from national research. We do not at the moment have annual statistics which measure how many parents get the school of their choice; we have to do more research to find that out. The way the research of 2001 worked was first to establish which schools parents had applied for in or outside their home LEA and, secondly, to ask them, of all those applied for, which was your favourite and did you get an offer for it, so LEA residence was not important to those statistics. The research did look at how many parents applied for places at their nearest school and how many did not: it also had some figures on how many applications were outside the home LEA and how many were not, which we can send if you like, but I do not think you would draw any different conclusions from them than the 85% figure I mentioned.

**Q722 Jonathan Shaw:** If a parent chooses three or five different schools, one to five, should each preference be of equal value? Did the 2001 research take each preference—if they got one of their preferences, between one and five—to be of equal value?

**Ms Macready:** What the 2001 research did was essentially to produce three figures. First, it just asked the parents what schools they had named on an LEA preference form or by applying direct to the school—one school for some parents, several schools for other parents. It established what percentage of parents had got offers of at least one of the schools they named and that came out as 96%. Then they asked what percentage of parents got a school that would appear to be their first preference. At the time it was difficult to establish conclusively which was the first preference, apart from going on to the favourites question, because what they had to count as first preference for the survey purposes was anything that the admission authority who received the application might have thought was first preference, so that was either a direct application to a school, or the top name on an LEA form if the LEA form asked for ranking, or, if they applied outside their home LEA, that counted as a survey measured first preference as well. For those schools which the admission authority thought the parent made first preference, whether rightly or not, 92% of parents got one or more of those. But then when it came down to asking the parent: "Which one was your favourite?", and looking at that and looking at the 25%, they did look at it in various ways.<sup>1</sup> If, now, you are asking what we think about whether parents should have lots of equal preferences or ranked preferences, the law says, as amended in the 2002 Act, that if a parent is invited to express a preference or preferences and expresses several preferences, they all count as statutory preferences which must, in principle, be complied with. But then, of course, as no child needs more than one school place, the co-ordinated admissions arrangements come in to ensure that no child is offered more than one school place, and the co-ordinated arrangements are the

<sup>1</sup> *Note by Witness:* 85% of parents got their favourite choice, not 25%, as stated.

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scheme agreed locally—and I am sure you know about the Kent scheme. It is still up to Local Education Authorities to decide when they draw up their application forms how they will regard those different school names on the application form when it comes to deciding between potential multiple offers. When co-ordination is required across the country, which will be from September 2005 intakes, every LEA will have to invite the parents to name on their form all their preferred schools in order, including the ones outside the home LEA, but different schemes in different places may then take a different view about how to deal with potential multiple offers. The way we recommend in the Admissions Code<sup>2</sup> is to start off by saying, “Well, let’s look at whether this child fits the over-subscription criteria of various schools regardless of the order in which the parent has placed them”, and only if there look to be two schools who want to take this child, do we then say, “Which do the parent rank highest on their list on the LEA’s form?” That is our model scheme: we think it is good: we think it copes with lots of different situations, but local education authorities who want to do something else and who agree with their admission authority schools to work another way are allowed to do that, and there is an example of an LEA very near Kent which has decided that it wants to consider first preference first in its co-ordinating scheme. It is allowed to do that, and it is relatively simple and accepted in that LEA because they have 25 schools<sup>3</sup> and the LEA is the admission authority for 25 out of the 27, so it works quite well there but it would not work very well in more complicated situations. Have I answered your question?

**Jonathan Shaw:** Extensively!

**Q723 Jeff Ennis:** The aims and objective section of the new Code begins by saying that, “School admission arrangements should work for the benefit of all parents and children in an area”. Has the revised Code achieved that objective?

**Ms Macready:** We certainly hope that it will have improved things. We do not claim perfection and, indeed, it is too early to see what effect the new Code has had because, although it came out in January or February this year, the first admissions round to which it applies is the September 2004 intake, and some of the things it deals with will not come in until 2005 intake. Co-ordinated admissions for secondary schools are one of those.

**Q724 Jeff Ennis:** So what sort of issues that were not included previously do you hope the new Code addresses? What were the main problem areas that needed to be addressed before the Code came in?

**Ms Macready:** One of the main problem areas, which we have already discussed, was parents’ experience of the process of admissions. They found it, as our 2001 research revealed, a real problem when they had to go to different admission authorities to make applications and might all hear

at different times, and some parents could get several offers and other parents might get none, because the first lot of parents were sitting on several. So we tackled that by legislating for co-ordinated admissions by saying that that should work so that the parent fills in just one form, takes it to just one place, all the consideration of the application then goes on, and the result is, hopefully, a single offer for each child on a set day, so all children and parents know at once. There were other aspects we also improved in the latest round of admission forums: we made admission forums mandatory in all areas, and we particularly hope that they will make local agreements to help the admissions of those children who sometimes can lose out—vulnerable children, children of families who arrive after the admissions round, looked-after children or children in care, and all those others who may not have got the best deal from the system before.

**Mr Crowne:** Underlining that point, there are some steps through the Code which are about tightening up and strengthening parental preference and consistency across the piece, and strengthening people’s ability to challenge the local authority and certain arrangements, but the key driver has to be to get local collaboration and agreement to deal with local circumstances. When you are talking about these vulnerable children in particular it is very important that we are adopting a highly collaborative and consensual approach, because these things do need to proceed by local agreement. We should not seek to legislate in every detail on how it should work because we will never get that right. I think that is why the admissions forums, for example, are so important. It is very important that everybody in that circle plays their part in trying to get the best solution locally for all of the children. It is very easy to think that legislation can do it but it cannot, and we have to get that sense of local collaboration in every area, and I think there are positive signs of that happening.

**Ms Macready:** Another thing the admissions forums will do is road-test the admissions literature in draft and say, “We are parents, do we understand this? Does it give realistic advice on how to work your way through the admissions system and how to make the right choice for your child?”, and there are some other changes that we can come back to, if you like. We have widened the circle of schools who can object to the adjudicator, which has given the adjudicator a lot more business this year because we could see there were some practices going on which the previous Code discouraged but nobody was picking up on, and from 2005 intakes it will not be possible for church schools to interview—

**Q725 Chairman:** What do you do about those practices? You only have to take note of the Code and not obey it.

**Ms Garner:** You have to have regard to the Code. Because we have a local system with local consultation we do say in the Code quite clearly that Local Education Authorities should object to arrangements that are incorrect. We did have a case before we revised the Code where the local

<sup>2</sup> Note: School Admissions Code of Practice, DfES, January 2003.

<sup>3</sup> Note by Witness: There are in fact 27 schools, not 25.

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government ombudsman was involved in considering a complaint from a parent, and they found that they had been incorrectly operating interviewing and that the LEA had not objected to this arrangement and the LEA in question was fined. Coming back to the question about changes to the Code, when we introduced the last Code in 1999 we kept a record of all the letters we had where people said, "Well, this part is not terribly clear; it is a little ambiguous; could you explain it more carefully?", so those kinds of changes were made, and things that come up in between, such as our local government ombudsman case about measuring distance—those kinds of things—we tallied up and kept so we revised those and gave Local Education Authorities and other admission authorities that information as well.

**Mr Crowne:** What we are seeing with the Code in other ways is a ratcheting up of the local pressure to ensure consistency and fairness and, as Caroline has said, a number of the cases that adjudicators now deal with are a reflection of that greater level of awareness of where there is inconsistency and potential unfairness, and those are gradually being worked through the system. These are things, however, that have to be handled carefully and sensitively because these cases often have good arguments on both sides, and you need to get to a position that represents a balance in the interests of the children. I am confident that we have the pressure in the system now to work through and to deal with outstanding cases of unfairness, always recognising that these are very complex issues and they do require careful judgment. The record of the adjudicators in this is extremely good.

**Q726 Jeff Ennis:** That leads me nicely up to my next question because the Code again says, "... admission authorities should aim to ensure that: ... admission criteria are clear, fair and objective, for the benefit of all children, including those with special educational needs, disabilities or in public care". Given that sort of grand aim or objective, whatever you call it, how come you leave technology colleges outside the co-ordinated admissions procedure? What is the *raison d'être* behind that?

**Mr Crowne:** As you know, CTCs were set up as independent schools at the time deliberately to be outside, as it were, of the maintained system. Current government policy is to encourage CTCs to participate in the local system, and many are increasingly doing that, and indeed we are encouraging them to consider becoming academies which, of course, through their funding arrangements, are required to observe the Code and participate.

**Q727 Jeff Ennis:** But is that enough, Mr Crowne, if we are to have a co-ordinating policy encouraging them? Should we not make them?

**Mr Crowne:** I think you might want to pursue that with David Miliband when he comes but certainly I think—

**Q728 Jeff Ennis:** But does it make sense from your point of view as an official trying to deliver a co-ordinated admissions policy?

**Mr Crowne:** Anything that aids local collaboration between schools in these areas is helpful and in the interests of parents and their children, but CTCs are starting from a different position and I think we have been encouraging them increasingly to take part and accept, as it were, their share of responsibility for the effective operation of the whole system, and that would be a process that will continue. I certainly hope it does.

**Ms Macready:** We will certainly look to see how many CTCs are participating in local co-ordinated admission arrangements. In fact, a very high proportion were going to their local admissions forums where they existed even before we made them mandatory and said that CTCs should be invited. I hope that when we do that count we will find that they have participated in local systems. If not, we will have to come back to your question.

**Q729 Jeff Ennis:** Is it the intention to monitor statistically the number of appeals that may arise in areas where the CTCs stay outside the system, and compare it with CTCs that come within the system?

**Ms Macready:** We hope there will not be too many of those, but we do get annual appeal statistics which tell you for each LEA how many appeals there were and how many succeeded, so we have the basis for monitoring that.

**Q730 Jeff Ennis:** So from a statistical point of view we can identify the main admissions authorities that are creating the problems, whether it is the foundation schools or the LEA?

**Ms Macready:** The only complication perhaps is that the CTCs' own statistics will not be part of the national statistical collection.

**Q731 Valerie Davey:** Very specifically, when you are doing a survey on the CTCs, would it include analysis of how much of their funding they use to provide their own transport?

**Ms Macready:** That thought had not occurred to me. I will take it back to my colleagues.

**Valerie Davey:** Can I place it with you very firmly, because it does affect the admissions criteria for those schools.

**Q732 Chairman:** What was the original rationale for leaving city technology colleges out of the system?

**Ms Macready:** When they were set up it was not the same system. For instance, the system of local consultation on admission arrangements and of adjudicators was not there then, let alone the further additions to the system in the 2002–03 round. When city academies were set up those things did exist and, as a result, the government and legislation that set them up made sure they would be part of the family of schools. But the CTCs came from an earlier era; the CTCs sponsors and those who run them had rather different contracts from the ones that have

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now been entered with the academies. Ideally all the CTCs will become academies, and we can only hope that that will happen soon.

**Mr Crowne:** That is a matter for their choice, of course.

**Ms Macready:** One of the original fifteen already has; another one is thinking about it.

**Q733 Mr Pollard:** The Chairman has charged me this morning with not mentioning how good the schools in my constituency are, and how well led they are, and how we have three in the top one hundred in the country, so I am not going to mention that! I am going to go on to appeals. We have been talking to local education authorities, and they do not know how much appeals cost. The Audit Commission on Monday told us they did not know how much appeals cost either, yet in my own area we have hundreds every year, so somebody must know how much they cost. Is there a way whereby we could make it easier for people by, for example, having a system so that when schools get full they cannot accept any more? This then leads on to training for appeals panels. I sat on appeals panels years ago and I was not trained at all apart from listening very carefully and using my best judgment, which meant generally I would err on the side of the parents and not on the side of the school.

**Ms Garner:** I was not quite sure where the first part of that question ended! If the question is do we know how much appeals cost then, no, we do not.

**Q734 Mr Pollard:** Does anybody know how much they cost?

**Ms Garner:** I would have thought local education authorities do. I am surprised that they do not.

**Q735 Mr Pollard:** No. I asked the other day and two LEAs did not have a clue, and the Audit Commission asked the same question—not a clue. Somebody must know, because it costs an arm and a leg.

**Ms Garner:** We do not know because we would have to get it from local education authorities.

**Q736 Mr Pollard:** Should we know?

**Mr Crowne:** That is a good point. We are interested in two aspects of this, are we not: one is whether the process of appeals does the business as far as parents are concerned—and we have data on that—but I think you are right, we ought to have a better understanding of what are more effective and less effective arrangements in terms of cost and administration, and I think that is a fair point to make.

**Ms Macready:** Adding to that, one reason why we do not know how much appeals cost is that they are not like tribunals like the Special Education Needs Tribunal, with paid members and legally qualified members. Everybody who is a member of an admission appeal panel is doing it voluntarily with no pay, so there is just the cost of setting up and arranging the panels, which is the sort of thing that may not be separately identified in the

administrative costs of admission authorities. Also, if you ask LEAs I would expect them to have some idea about how much it cost them to arrange the admission panels for schools for which they are admission authority, but I would not necessarily expect them to know how much their foundation and voluntary aided schools, who set up their own appeal panels, were spending on those.

**Mr Crowne:** It is important that we understand better what good practice, cost effective practice, looks like in this area, and that is why I am very happy to take away your point because cost and user satisfaction are two sides of the same coin really. There must be better and worse ways of organising the process to deliver satisfaction in a cost effective way, and I think you are right—we ought to have a better understanding.

**Ms Macready:** But I think I would not like to go down your road of saying that in certain circumstances the schools should be able to say, “Sorry, we are full, no more appeals”. We think it right for a parent to be able to appeal any time that a school rejects them, and the way the appeal process works, certainly once you get past infant classes, at the first stage is to say, “Was it right according to the school’s oversubscription . . .”

**Q737 Mr Pollard:** Can I stop you because I know exactly how it works because I sat on them for years. In primary school class sizes we are saying they cannot have more than thirty unless maladministration took place—that is generally the truth of it. Why can we not say the same for secondary school class sizes? In my area I have class sizes of 35-37 and, if you ask any teacher, they would say that is too many to deal with.

**Ms Macready:** The principle you are mentioning is, of course, related to the fact that it has been thought right to have a clear limit on infant class sizes, because it was thought that it was more important in those younger age groups to be taught in small classes and not as important to performance once you got past seven. So there is not the same need for a limit from that point of view for the older age groups. It is not, therefore, as clear-cut that adding one more child to the class will spoil the education of all the rest. At the moment the second stage of the appeal, which you know all about but it is possible that you have colleagues who have not been on appeal panels so much so they may not, does enable the parent to say, “All right, I know this class is full but it is more in the interests of my child to have a place at this school than it will hurt the others to budge up a bit”. It is only fair to allow parents to make that case to an appeal panel if they have been turned down and, if the appeal panel does not think it is strong enough, they will not accept it. I would also add that I hope that training for appeal panel members has got much better since you sat on panels. We have certainly produced the Admission Appeals Code which, hopefully, all panel members read.

**Mr Pollard:** I was not good enough!

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**Q738 Paul Holmes:** Quickly, and carrying on partly with Kerry's question, you are saying that obviously the emphasis for the appeals panel is on the individual set of parents saying in their child's case we should allow them into the school, but is there not a flaw here because the appeals panel therefore are not looking at the school overall? For example, one school in my constituency is very popular, its catchment area is bulging at the seams with lots of new housing, lots of families with children, and lots from outside the catchment area who want to get in there as well, and year after year it has taken over its planned admission limit and it is just bursting at the seams, yet every year the appeals panels are overriding their decisions and putting more pupils in until the whole school is bursting at the seams and simply cannot take more people, but the appeals panel just does not take any notice of that at all.

**Ms Garner:** The whole point about appeals is that not only do you hear the parents' case but also the admission authority's case for why the children cannot be admitted to the school. We have been talking to various admission authorities about this, because they quite often just say, "Well, this is the admission number and it has been reached and we cannot take any more." They do not explain to the panel in the same passionate terms that the parents do why they cannot take any more pupils and what would be the consequences for other children, for the school—those factors are not made to the appeal panel in quite the same way. We have paid Information for School and College Governors, an organisation that has been working for us before on appeal panel training, to devise training for presenting officers, as well as chairs and clerks to panels, so that presenting officers do their job better and get that information over to the panel in a stronger way.

**Q739 Paul Holmes:** Certainly that is not the case in the school I am talking about. For example, since all the schools reorganised in Chesterfield in about 1992 and year after year since then the number has gone up and up and it just physically cannot take more pupils, but every year the appeal panels say that we must, and yet this case has been made strongly every year to the appeals panel.

**Mr Crowne:** In individual cases there is a balance to be struck, but in general terms what we are trying to do is find a way of maximising parental satisfaction and, if demand for a particular school is growing, to provide more flexibility for individual schools, but we all know that there is a practical constraint on that in the short term, so there is always a difficult balancing act in any one year about how you can best accommodate parental choice within the resources you have. I cannot comment on individual cases but you are always going to get that tension locally of what is in the interests of all children and how you can accommodate the interests of particular children who want to go to that particular school.

**Q740 Paul Holmes:** But looking at it from the other side of the fence, parents have a fairly limited ground on which they can appeal. Is there a case to be made to say that parents should be able to appeal on a wider range of issues than they are allowed at the moment?

**Ms Macready:** My understanding is that, once you get past infant classes for five to seven year olds where the appeal grounds are very limited, a parent can make any case they want to an appeal panel. They can use any argument they wish.

**Q741 Paul Holmes:** Specifically, for example, the Disability Discrimination Act as of last September/October now applies to educational establishments. Is there any sign a year in of an increase in numbers of appeals saying that a particular school is not applying the Disability Discrimination Act? One reason I ask that is that government statistics show that there are certain categories of schools taking far fewer children with special educational needs, which would include disability, voluntary aided schools, grammar schools, CTCs, and which take well below national averages of children with special educational needs. Is there therefore a case for parents to make appeals on the grounds that the DDA is, in a broad wave of schools, not being applied?

**Ms Garner:** They are able to make that case out although we do not have very recent statistics, and we do not at present plan to count specifically the number of Disability Discrimination Act related appeals.

**Q742 Paul Holmes:** You do not plan to? That ought to be a requirement of the Disability Discrimination Act.

**Mr Crowne:** The general point is that schools are required to obey the law in relation to disability discrimination, so they are simply not allowed to have arrangements that discriminate, and they are under a duty to make reasonable adjustments to accommodate disabled children so that is a very strong requirement for disability. For special educational needs, in the case of a statement, the school is named in the statement, so the statementing process takes account of the school admissions side. For the wider group of children with special educational needs you are right, there is a variety of outcomes across schools, both in the extent to which they regard themselves as inclusive schools in the SEN sense and in their ability to cater for a wider range of SEN children. It is very important that the information that is provided for parents who have children with particular kinds of special educational needs which may not amount to a statement makes it clear what that school can offer but, whatever oversubscription criteria the school has—and of course the school can only apply those when it is oversubscribed—it has to comply with parental preference so that those oversubscription criteria are applied completely fairly across the whole number of pupils applying.



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**Q743 Paul Holmes:** Very quickly and very precisely, if something like the Disability Discrimination Act is to be more than just a statement of principle, surely it has to be enforced? Unless you are going to leave it to the Disability Rights Commission, which has limited power to intervene, should not people in your position be making a proactive effort this year, next year and the year after and be looking to see that it is being applied?

**Mr Crowne:** Well, we are, because it clearly does make clear that there is a set of legal requirements—of which this is part—that must be complied with. Also, the group of children with SEN statements overlaps substantially but does not include all of the group with disability so we have very, as you know, clear arrangements for protecting the rights of children with statements of special educational needs. For the group that would fall outside that in terms of disability we should and we will need to monitor how the law is being applied in schools, recognising that the difficult area for a lot of schools will be the ability to make reasonable adjustments to their facilities and provisions to accommodate different kinds of disability.

**Paul Holmes:** Although that technically is not an excuse under the Disability Discrimination Act.

**Q744 Mr Chaytor:** You have told us that you do not know the cost of the appeal system. Do you think it is good practice generally for any department of central government to construct a whole new series of legal requirements in this vast elaborate bureaucracy of appeals we have, without having any idea of what the costs are going to be for local authorities? I am just looking at the information you have sent in to the Committee, and the number of appeals to secondary schools would appear to have increased from 1997 to 2001 by just a little over 50%. These are staggering figures. Are you saying that nobody at any point has ever anticipated what the cost might be, or tried to assess what the cost might be, or adjust the settlement to local authorities, let alone individual schools, to take account of these costs? Is this good practice?

**Mr Crowne:** Admissions appeals, of course, have been part of the landscape for a very long time and by their very nature appeals are demand-driven, so it is extremely hard at any one moment to predict over the next period the way appeals are going and, of course, one of our key policy objectives is to seek to improve the system not just of admissions but the attractiveness of the schools system overall, to reduce the number of appeals. As we all know, however, there are pressures in the other direction as well. People are rightly more prepared to challenge and push to see how they can best protect the interests of their children as they see it, so it is to that extent demand-led.

**Q745 Mr Chaytor:** But there are other demand-led services where we know the costs and we make efforts to predict the cost.

**Mr Crowne:** I accept that and there is a case for knowing more about these costs. I am simply trying to explain how we got to where we are, really. In

terms of funding local authorities, as you know we have a system for funding local authorities which takes some broad indicators of need, and we do not try to estimate for every single individual service area within education, for example, the different pressures—that would be incredibly complicated. There is an onus on local authorities and ourselves to seek to ensure that we have the most cost-effective arrangements, and I think that is a fair point—that more needs to be done to ensure that.

**Q746 Mr Chaytor:** Moving on to the role of the adjudicator, do you know the cost of the adjudicator's office?

**Ms Maccready:** Yes. It is in the adjudicator's annual report. We can find out the running costs and we would be happy to send you a note on that. All told it is rather less than the million pound figure that Philip Hunter gave you, but we will send it.<sup>4</sup>

**Q747 Mr Chaytor:** Do you know if that is increasing or decreasing, given that appeals to secondary schools have gone up to 50% in five years? Are we seeing the same increase in the number of approaches to the adjudicator?

**Ms Maccready:** They are entirely different trend paths. As Stephen said, the appeal mechanism has been there for a long time. Since I became involved in admissions in 1998, nothing the government has done has made it any more expensive. Indeed, we have encouraged appeal panels to be smaller because large ones were intimidating for parents, but the difficulty there is if you establish a right it is very difficult to take it away even if it does start to get more expensive, and more parents have started to exercise their appeal right, not because more parents are dissatisfied—we actually compared the results of our 2001 research with earlier work by the Audit Commission called Trading Places, and the signs were that over that time, between 1996 and 2000, more parents were getting a school of choice and a school they were satisfied with—but what has happened is that parents have become more conscious of their rights, more aware that they have nothing to lose by an appeal and may gain something, and they have tended to appeal even in cases where they have already got a school they will maybe consider satisfactory in the hope of getting a better one, so that is what has happened there. But that is quite different from the adjudicators because they are considering objections to admission arrangements, and when they tend to get more cases is when the law has been changed so more people can object to them, or in the early years after a legal change which brings more objections forward.

**Q748 Mr Chaytor:** So have the referrals to the adjudicator increased in the last couple of years?

**Ms Maccready:** As Philip Hunter I am sure told you, he had a leap in cases in 2003. The 2003 cases were higher than in the first year of 1999 but in 2000 they

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<sup>4</sup> Note: See Ev 223.

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went down from 1999, and in 2001 and 2002 they went on going down, and then they went up again in 2003.

**Mr Crowne:** Can I make a point here which is that the productivity of adjudicators has gone up. They are dealing with more cases with less resources and producing very good performances.

**Ms Macready:** Yes. Their staffing costs have gone down.

**Q749 Mr Chaytor:** Moving on to the grammar school ballot system, whose idea was this? Did it come from the Department? Did it come from a Minister? A Minister's special adviser? A No 10 policy unit?

**Ms Macready:** I do not know. It certainly did not come from any of us! It was a manifesto commitment, was it not, in 1997?

**Mr Crowne:** I would not want that to be misunderstood. As a matter of fact, none of us was involved.

**Q750 Mr Chaytor:** So the regulations were in place before you were appointed to your present post?

**Ms Macready:** Yes.

**Q751 Mr Chaytor:** In terms of the specifics of the regulations then, in respect of the area ballots we have this astonishing requirement for 20% of eligible parents to sign a petition to call for a ballot. Is there any precedent for that anywhere else within the United Kingdom for any other kind of ballot arrangements? What sort of modelling was done to decide on 20% as against 15%, or 5%, or 50%? Where did this figure come from, and what is the logic for it?

**Ms Macready:** I do not know exactly where it came from: I do not know what modelling was done.

**Q752 Mr Chaytor:** Do you know who would know?

**Ms Macready:** I believe, from reading what was said at the time that the 1998 Act was passed, that it was felt to be a reasonable figure—not too high which 50% would have been and not too low as 5% would have been—but I cannot describe what the thinking was.

**Q753 Mr Chaytor:** Could you tell us who would be able to describe the precise thinking, because this is absolutely relevant to our inquiry? Somebody somewhere must know where the buck stops.

**Mr Crowne:** It is a difficult one—

**Q754 Mr Chaytor:** That is why I am asking it!

**Mr Crowne:** The arrangements we have are enshrined in the statute, and were extensively debated at the time.

**Q755 Mr Chaytor:** But it was the general principle that was enshrined in statute. It is the precise details of the mechanics of the ballot that are obviously the really interesting point.

**Ms Macready:** I am afraid a whole lot of those details are also in the primary legislation. You cannot vary the 20% by secondary legislation. There are a whole lot of other significant features of the

mechanism that are there on the face of primary legislation. Naturally we have considered whether, if one were to want to change it, one could by primary legislation and there is extremely little one could do because it is so specific in the Act itself.

**Q756 Mr Chaytor:** If we were to look at the other kind of ballots, the feeder school ballots, someone somewhere decided that five was the figure to determine eligibility for participation of the feeder school ballots from primary schools, but is this not the equivalent of keeping black voters off the presidential election, because all that happens is that schools that have no tradition of sending pupils to grammar schools are denying parents the right to exercise a vote. Why five? Does this not give an enormous advantage and, arguably, a veto to the parents of children who are privately educated in primary school to determine the shape or the future of the state system?

**Mr Crowne:** I cannot answer “Why five?”, and whether there is any magic around five, but clearly the general approach was to strike the right balance in terms of threshold requirements and eligible voting, and to try and capture as fairly as possible the potential and actual users of the system who should be the main determinants of the pattern of provision, and I think there is a judgment here about how you set thresholds and design the voting population and you have to look at the whole package in the round. Clearly you can take different views on how strong the test for change should be. I think the basic philosophy that underpins these arrangements is that, firstly, they should be for local determination, which is why you have essentially a local test; secondly, because there are likely to be strongly held views on these kinds of issues, making a significant change should be based on a significant expression of view locally; and clearly a third element would be how much volatility in the system you might create if there is a lot of change, to have to manage successive change in the system. Because there is no doubt parental satisfaction in general—and I am not just talking about selection now—depends on real predictability of how the system is going to move forward.

**Q757 Mr Chaytor:** This “significant expression of view” surely, if not denied, is at least severely limited by the threshold of the five, because in many of the areas that would be subject to or could be subject to feeder school ballots, the majority of parents in the system are not part of the electorate. The electorate is rigged for a minority of parents.

**Mr Crowne:** These are precisely the kinds of issues that will be debated—

**Q758 Mr Chaytor:** Is this not the case, that the majority of parents with a stake in the system are denied the right to vote?

**Mr Crowne:** I have to say that there is a judgment to be taken in the round about how all these things will operate in the system. I am not arguing against you in terms of the specifics that you identify, but, if you look at the system as a whole, it has to be about how

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it works as a whole, and that is a judgment which was made at the time and debated it extensively when the legislation was being considered. Clearly, it would be possible to come to a different set of conclusions about how the system as a whole should operate.

**Q759 Mr Chaytor:** But in your view, would it be preferable for all parents within the state system to have the opportunity of expressing their view about the future shape of the state system?

**Mr Crowne:** I think that is essentially a policy question. I think I really ought to invite you to ask David Miliband when he comes.

**Q760 Helen Jones:** I want to take you back to something you said earlier, Mr Crowne. You said that the aim of the admissions system was parental satisfaction. Do you accept that that is not quite the same thing in all cases, although it will be in some, as providing the best possible education for the majority of children or do you think the two go together?

**Mr Crowne:** I think it is possible for different parents to have different views about what constitutes the best possible education for their child. I think I stressed that earlier on. I do not think it is any part of our job to try to second-guess or tell parents what constitutes the best possible education for their child. If I may just give an example of that: there will be some parents who, when they are ranking the criteria they look for in schools, will put very high the levels of GCSE point score, for example. But, equally, there are parents who are no less committed to standards of education for their children who look for other things and who do not necessarily rank the top-scoring school, as it were, against that indicator as the one for their child. I come back to this: it is the parent, who knows the child, who is in the best position to make the judgment about what constitutes the best education for that child.

**Q761 Helen Jones:** Indeed. When we are looking particularly at appeals, do you not consider that the two things, parental satisfaction and the best possible education for the majority of children, may sometimes be incompatible?

**Mr Crowne:** Of course it is possible, but I think when we are looking at parental satisfaction, it is as much about the process of having been listened to, even if the final result is not precisely the one you would have wished. And of course you would expect, within this, discussions with expert educators about what is in the interests of the child. I am not quite sure what kind of cases you had in mind.

**Q762 Helen Jones:** I am thinking of an appeals process, which you were asked about earlier. Do you not consider that the parents of children already in a school who may well not wish their child to be educated in classes of 37—which I can tell you, having taught them, are not conducive to very efficient education—should have some weight in the

appeals process as well as the applicant? Should their views not be given more weight than they perhaps are at the moment?

**Ms Garner:** It is the role of the presenting officer in each case actually to make that point for those parents. They are supposed to explain why it would not be efficient to admit any more children to the school, and what the effect would be on the other children. In the Admission Appeals Code of Practice<sup>5</sup> and in the training that is provided for panel members—that has been paid for and organised by the Department and we have had it disseminated through LEAs—it is made quite clear that panel members are supposed to weigh up the needs of the one child which the parent has expressed, with the needs of the many which the presenting officer should express. Because we have found there have been weaknesses in the presenting officers' ability to make that case, we have had more training done for presenting officers.

**Q763 Helen Jones:** I understand that, but which should be given the most weight?

**Mr Crowne:** I think it is always going to be a balance in the end. But I think the presumption is that you go as far as possible to meet the needs and the wishes of an individual child provided it does not breach the effective provision of education of the many. I think it is a balance. It is important in terms of promoting trust and confidence among the parents, that we really do bend over backwards to ensure that as far as possible we can accommodate parental preference. But, in the end, there will be a judgment to be made about where you draw the line in the kind of case you have just mentioned. To take parents with you, I think you need to explain why it is that in this case it is not possible, why, in the view of the school or the appeals panel, it would not be in the interests of the child because of the needs of the children in general. I think the evidence shows that provided the process is explained, it promotes the confidence of parents and you get a higher level of satisfaction, even if the parent does not get their initial first choice.

**Helen Jones:** I think we might come back to that, but thank you.

**Q764 Jonathan Shaw:** To pick up on comments from Mr Chaytor, there has only been one ballot proposal from Ripon. Did the ministers ask for a report on how the operation, successful or otherwise, was carried out in Ripon?

**Ms Macready:** I do not remember them asking for a report, but they had to have papers on the Ripon ballot for a number of reasons. At first, both sides claimed that the ballot code had been broken or the ballot regulations had been broken by the other side, so they had to do a lot of investigation, which was dealt with by ministers as to what had happened and whether there had been difficulties. There may not have been a report, as such, of an evaluation nature, but certainly they were told about the details.

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<sup>5</sup> Note: School Admission Code of Practice, DfES, January 2003.

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**Q765 Jonathan Shaw:** There was quite intensive investigative work regarding the allegations from both sides.

**Ms Macready:** We certainly investigated allegations/complaints from the representatives of both parties.

**Q766 Mr Turner:** Do you think it is reasonable that in a secondary school the teachers should be able to choose, as I was able to, to teach 37 very able pupils?—the *quid pro quo* being that I could teach very much less able pupils in a class of 18.

**Ms Macready:** Those two options were available to you in one school.

**Q767 Mr Turner:** Yes, it was a *quid pro quo*. We could have had two classes under 30.

**Mr Crowne:** I think it is reasonable for the head and the governing body to decide how best to use the resources of the school in the interests of all the pupils. If it is clear—I am not saying it is necessarily the case in this one—that a particular pattern of organisation, streaming, setting or whatever, is appropriate then they are entitled to do that. I would, however, say that in a relatively extreme case, like the one you have mentioned, that it is desperately important that the approach of the school is explained to the parents and there is an ability to have some discussion about why it is felt necessary to organise it in that way. I think I come back to trust and confidence. It is not in a sense important whether my view is whether it is reasonable or not, the important thing is whether the parents consider it is reasonable. I think that is the process that we ought to look at in that particular case.

**Q768 Chairman:** Sue, you are looking as though you want to come in.

**Ms Garner:** No. I was thinking that he has covered that quite nicely.

**Q769 Mr Turner:** Where there is a two-part intake school and it has 1,500 pupils, and a couple moves into the village in November with a seven year old and a five year old, and the seven year old can get into the local school but the five year old has to be taxed three miles to another school, is that reasonable?

**Ms Macready:** The seven year old too would be covered by the infant class size unit.

**Q770 Mr Turner:** Yes, but he gets in because there are only 29.

**Ms Garner:** He could be an excepted pupil if the LEA did not think that three miles was reasonable. Clearly the LEA has made its decision that there is another school within a reasonable distance that has a place available and therefore taxis the child three miles to that school. But the excepted pupil provision in the Infant Class Size Regulations allows them to go over 30.

**Q771 Mr Turner:** Good. Talking about a middle school—and this is a real example—if an appeal panel decides the child cannot be admitted to a school in November and they are being taxed 10 miles to a middle school, is that logical?

**Ms Macready:** It depends on the facts of the case. Perhaps it might be said that it would be unreasonable to the other children for that child to be added to make the class into the size which would run health and safety risks for the remaining pupils.

**Q772 Mr Turner:** Would it be reasonable for an admission authority to be able to reserve places on the basis of evidence of what has happened in previous years? Because the kind of families who move into catchment areas in the middle of the school year are more likely to be vulnerable than otherwise, and those are the families who most need to be able to get their children into a school. Should the regulations not be liberalised to enable some places to be reserved to take account of turbulence?

**Ms Macready:** The Code says they may not, because there is a fundamental principle of parental preference in the law. That says that if a parent applies for a place at a school and the school, at the point when they apply, actually has a place it can give them, it must give them that place. If you try to reserve places while parents are knocking at the door, you are really running counter to complying with the law of parental preference. I agree that it is a difficult situation but no school ever has absolute certainty that another child will come along in a week or three months or whatever. If there is evidence that there has been a net increase in people wanting a place over each year, then maybe the school does not have enough places to offer and should make a case for increasing its capacity to deal with more children. But reserving places, I am afraid, does run into these basic problems.

**Mr Crowne:** This is a key area where local collaboration is essential. There are two kinds of case. One is what I would call the ordinary in-year arrangements, where you would expect a local agreement about what will happen. But I suspect you are thinking about where you have large numbers, maybe refugees, maybe different kinds of mobile population, and there I think we do look to the local authority to show leadership in trying to determine the best way for the system as a whole to accommodate that kind of turbulence. There is no doubt—and you will have heard this, no doubt from other witnesses—that this kind of turbulence is very difficult to manage in individual schools but also at the system level. From an admissions point of view, because of the legal background that Caroline is describing, it is difficult to see how you could, as it were, regulate for all the hard cases you might come across. I think you have to rely on a high degree of leadership locally, and consensus and collaboration about how to deal with the circumstances that you have. That is why admissions forums and the other measures we are talking about are designed to promote that kind of collaboration and put the local authority in a clear leadership role.

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**Q773 Mr Turner:** Do we know why there is such a variety between local education authorities in particular but also other admissions authorities in the number of appeals and successful appeals? Is it related to the number of good schools or the number of lousy schools, or lower aspirations or trade-offs which very often residents in rural areas accept? Or are some people simply dissuaded from appealing because the person on the other end of the phone says, "There is not much point because you would never win"?"

**Ms Macready:** We have some information from research we have done. We did the research I have already discussed into admissions generally and some later research (to which Sue can add) into admissions appeals specifically. The first lot of research remarked that their impression—and this is perhaps an educated guess—is that you get most appeals where there is most variation between local schools in quality. If all schools are quite similar in quality, whether they are similarly good or similarly average, there tend to be fewer appeals. Our researchers commented on two examples, Walsall and Bury, where there appeared to be 94% of parents getting first preference schools in both cases, but one had five times as many appeals. They put this down to the range of schools. There may be a lot of other issues, to do with how aspirational parents are and how keen to get the very best of what is available locally, or else possibly how keen they are to avoid a particular school that none of them wants to send their children to. There will be a whole range of reasons.

**Ms Garner:** This shows that it is very difficult just to pinpoint one thing. It can be the way the letter telling them that they have not got a place but that they can appeal is worded. If it provides information on success rates in previous years and they are quite low, a lot of parents think, "There's no point in going through this process if we don't stand a chance of winning."

**Mr Crowne:** I think this is an important point you raise. We should be cautious about using numbers as an indication of satisfaction or something else, because my experience would suggest that it will depend a lot on how the process is explained and the subtle messages that are sent about prospects for success and the desirability of complaining—which is a big issue, as anybody knows in any service area. The extent to which we encourage complaints to get improvement is critical in the way that those complaints are then handled.

**Ms Macready:** May I stress two things in the latest Code of Practice. First, when admissions are coordinated and all parents hear about their place offer from the LEA, that LEA will also have to tell them why they did not get offered a place at the other schools they applied for, which may simply be the way the co-ordinated scheme is worked to give them the best of the multiple offers available, and that letter will also have to explain about admission appeal rights. It is very important that parents are always told of their admission appeal rights, but it is also important that they are always given the reasons why their application did not succeed. This has not

always happened in the past. In our new codes we say that it must, because sometimes parents are not told why their application was rejected. Had they been, they would have realised there probably was not much point in appealing. Simple things like that to improve the process can change the statistics.

**Q774 Jonathan Shaw:** The head of admissions from Education Leeds told the Committee that they promoted their appeals process far and wide to ensure that the demographic process was seen to be done but that very few actually were successful. When I asked him if he told the parents as he promoted the appeals process that very few were successful, he said, no, he did not. I wonder if this is something that you may look at, given the comments you have just made. Should we have a system that sets parents up to fail? If satisfaction is so important to the Department, as you have said, Mr Crowne, then clearly this undermines satisfaction if it is not a process that provides balanced information. Would you agree with that point?

**Mr Crowne:** I would agree with that point. In the case you have mentioned—and I do not know the details—

**Q775 Jonathan Shaw:** It is in the transcript. You will be able to read it.

**Mr Crowne:** I will do that. But the question you have to ask is: In what way? What information was presented? Because I think it would be misleading if it was the case that, as I say, you all have this right of appeal and we are inviting you to take it up, but in practice that is going to result in dissatisfaction. There is a balance in this, is there not? Because I think we would all say that we should do more to ensure that people understand the recourse that is available to them if they are dissatisfied, but to balance that with realism about being able to make progress.

**Jonathan Shaw:** Education Leeds were put in there because there was a failing education department. Obviously that is something you may want to look at.

**Q776 Mr Pollard:** Sue Garner mentioned efficiency when talking about the officers presenting on behalf of the local authority. In my experience, that was a word that was used time and time again. It seems to me that if you get up to the numbers that my colleague was talking about earlier, 37—and that is not uncommon these days, as we all know—the question of safety should be brought much more to the fore. I think you mentioned earlier on, Caroline, the health and safety issue, and that has never, in my experience, been mentioned at all by any officer I have heard presenting. It is often relatively junior officers who are sent along to present in these cases. That is no reflection on their ability, but I think it underpins the way the local authority views the appeal process as being a bit of a nuisance and something to get on with, and they do the best they can, but I think we must do better. If we started

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driving down, so that there were not frivolous appeals, then it might help the process and make it more efficient (to use your word).

**Ms Macready:** We, the department generally, did do one helpful thing last year, which was that school spaces were re-measured and admission authorities were asked to look at those new capacity measures before deciding how many places to offer. Hopefully, where a gap had opened up between what the school could safely take and what their admissions number or acceptance number was, re-measuring the space will have improved that a bit.

**Mr Crowne:** But I think I would accept your basic thesis, which is that you can expect a higher quality of input from the local authority side if the number of cases is reasonable. There is a balance in all this.

**Q777 Mr Pollard:** Absolutely.

**Mr Crowne:** I think we have all said this already, and it is very important, that we are presenting from the admissions authority, the local authority side, a clear understanding of the local circumstances, and what is possible in that particular school is vital. Just relying on a general statement of what is right and what is not, is not good enough, because it has to be in the circumstances.

**Mr Pollard:** Thank you.

**Chairman:** We will move on to school admissions authorities.

**Q778 Valerie Davey:** In England at secondary level there are over 1,200 admissions authorities, of which over 1,000 are individual schools. What do you think the arguments are for and against making all schools their own admission authorities?

**Ms Macready:** We are not in a position of making all schools their own admission authorities.

**Q779 Valerie Davey:** I am not asking in particular. I am asking in theory, on the basis of principles, what are the arguments for and against doing that?

**Ms Macready:** I cannot myself see any strong arguments for making the community and voluntary controlled schools their own admission authorities myself because, if schools in those categories wanted to be admission authorities, they could seek to change category to foundation or voluntary aided. If they have not done that, one assumes that they take the view that the burdens would outweigh the benefits and therefore force them to accept the benefits.

**Q780 Valerie Davey:** You are putting the onus back on the school. I am asking the Department what is the argument for and against on principle.

**Mr Crowne:** So far as the operation of the system is concerned and the Code as it is now, and with the levers and mechanisms we have in place to ensure there will be consistency with that, I do not think we see any difficulty in a larger number of admissions authorities. I think the general policy that ministers have adopted of increased diversity whilst, as it were, protecting the interests of the individual seeking to access the system would allow an increased number of admission authorities without excessive difficulty.

I think it really comes back to how the system is actually operated and the practical arrangements and the quality of the process of the individual school at admission authority level. So I do not think there are huge issues of principle there; I think it is about the practicality of doing it. As Caroline has said, the option is there. Some schools may see it as part of their particular ethos or mission to wish to vary, to adopt different kinds of admissions policies, if that is consistent with our notions of diversity in the system. Equally, some are quite happy to be part of a wider system which is under local authority admission authority control.

**Q781 Valerie Davey:** Is not the practicality of it that, as soon as a school is oversubscribed, it is its own admissions policy?

**Mr Crowne:** No.

**Ms Macready:** No, it is not, because there are certainly many oversubscribed schools among the community and voluntary controlled schools. An interesting side effect of when secondary coordination becomes the norm across the country, is that because parents will have to be invited to express at least three preferences, an averagely subscribed school will probably have three times as many applicants as places if parents take up all three. Whether you are your own admission authority depends on your school category. It is possible for a community or voluntary controlled school to be its own admission authority if the LEA has delegated to it that responsibility but in general it depends on your school category.

**Q782 Valerie Davey:** Are you saying that you are confident in the process that we now have, such that the schools are not, in fact, in any way at all, choosing or having a preference for the children who come in, but that the criteria hold fast and parents—not in every individual case, obviously—are the drivers and get their preference for the school?

**Ms Macready:** I think you have put a different question there.

**Q783 Valerie Davey:** But they are related.

**Mr Crowne:** Yes, they are related. This is the burden of my earlier response. There is not so much an “in principle” argument; whether people have confidence that, in practice, the way the system is now and is likely to improve, will improve their experience of the system. We are saying that this is less about whether we have more or less admission authorities, it is more about how individual admission authorities and schools operate the system. We are confident but not complacent that the new Code and co-ordinated admissions will help, but obviously we will continue to monitor how it is going and make any necessary improvements. The balance we always have to strive for is between getting the right degree of consistency and fairness in the system and allowing the degree of local decision-making that has become enshrined in our arrangements and which successive governments have considered to be a good thing. So it is a balance. We always default to: What is the experience of

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people going through the scheme? How can that be improved? And focusing on measures to increase trust and confidence in the actual operation of the system rather than in the principle argument about whether more or less admissions authorities would be a good idea.

**Q784 Valerie Davey:** I think it is quite important because even the Chief Schools Adjudicator has said, “Where a school can choose children it will, left to its own devices, inexorably drift towards choosing posh children.” What is in the system to ensure that even the Chief Schools Adjudicator’s concern is unwarranted?

**Ms Macready:** We are moving into different territory now about what oversubscription criteria a school has. There have to be oversubscription criteria in the arrangements of every school, whoever is the admission authority and whether or not it has been oversubscribed in the past, and those oversubscription criteria have to be established by April of the year before the intake in September—and at that point obviously the admission authority cannot tell which individuals are going to qualify under them. Once the oversubscription criteria have been settled, they are published and they have to be stuck to. If they are not stuck to, then there will be problems in the appeals stage. I think Philip Hunter’s quote was more about what sort of oversubscription criteria different sorts of schools may choose. But we should not confuse “deciding to give a particular group priority” with “selection”—which is, in my book, something you do on an individual basis faced with individual applicants, where they go through a test of ability or aptitude. That is selection when faced with the individuals; the other is a pre-determined statement of whom you will accept if you have more applicants than places. The Code of Practice says that certain oversubscription criteria are common and acceptable—like sibling links, distance, proximity, social needs, catchment areas, feeder primary schools, and those sort of things. Then there are other possible oversubscription criteria, which are perfectly lawful, sometimes only for certain types of schools; for instance denominational priority for schools of religious character. They may not be in the “common and acceptable” list but schools are perfectly entitled to choose them.

**Q785 Valerie Davey:** If I may stop you, I think this begs two questions. First of all, whether what you are now describing is still clear, fair and objective, or to the benefit of all children, which is the question my colleague was asking earlier. But I would like to ask you one last question: Given the situation that you are describing under the new Code, do the LEAs have sufficient authority to establish a fair system which is recognised and leads to an effective admissions policy in their area?

**Mr Crowne:** Provided all the admission authorities in the area are abiding by the Code and administering the system effectively, with the

coordinated arrangements coming in, I think we can have confidence that the arrangements overall are sufficient. The reality of this is that wherever you have an oversubscribed school of any kind, you have to have some basis for selecting the children. But this word “selection” as Caroline has made clear, needs to be understood very clearly. It is not giving the head—the head has no role in this—the ability to select individual children; it is done blind. You have your criteria; they have to be applied completely fairly between whoever applies, if the school is oversubscribed; and there is recourse for appeal in other ways in the case of parental dissatisfaction. For me this is very much about whether in practice these arrangements in the Code are being adhered to, rather than how the system should operate. I am pretty confident, actually, that if we get this consistency and fairness, as per the Code, you will get the right kind of balance and fairness in the outcome. The issue is whether in every case these arrangements are being adhered to.

**Valerie Davey:** Thank you, Chairman.

**Chairman:** We will turn to school admissions criteria.

**Q786 Helen Jones:** If, as you were saying, we want to get to a fair outcome, why is it that the Code of Practice only points out the “inadvisability” of discriminating against certain social groups? Why does it not prohibit it?

**Ms Macready:** It points out that there is various legislation which prohibits discrimination and that admissions authorities would not want to break that legislation. It then points out that certain things they might put in oversubscription criteria could carry that risk. It is not really for the Code to say definitely that doing things would breach the Race Relations Act unless there is case law on that exact situation.

**Q787 Helen Jones:** So in your view it is sufficient to say to schools this is “inadvisable” rather than that this is prohibited?

**Ms Macready:** I think it is all that one can say in the Code unless one is talking about a particular situation that has been into court.

**Q788 Helen Jones:** Why do you need to talk about a particular situation? I am sorry, I am not following you. If we want to get to a fair system, why does the Code not say, “You must not discriminate against certain social groups”? Surely that would be a completely fair Code of Practice, would it not?

**Mr Crowne:** I think the Code does have pointers to take account of the wider social mix issue. There is a sentence which says “The criteria should as far as possible cater for all elements in the school’s local community.” But I think it comes back to this point about how much we seek to prescribe these things which have to reflect, in the end, local circumstances and give the right degree of local discretion. Whenever something like that appears in the Code, that does give people a hook on which to hang a question about local arrangements, and then the adjudication arrangements and so on can be brought into play. It is there, in that sense, but I think we have

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to distinguish what are clear legal requirements through other legislation which gives certain rights which are very clear and must be observed, from things which have to be taken into account but will manifest in different ways in different local circumstances.

**Q789 Helen Jones:** It is all right for local arrangements to be unfair then, is it?

**Ms Macready:** No, we are saying that the Code is good practice guidance, it is not law. It cannot say, "Thou shalt not." It can say, "It is bad practice to do this and it risks, in some cases, a breach of law." Then a school who sees that bad practice in another school's admission arrangements may say, "I know that if I object to that to the adjudicator, that will be taken out." That is how this bit of the system works. But the Code cannot lay down strict law.

**Q790 Helen Jones:** Would you not accept that that is rather a long-winded way of doing it? Why do we have to rely on the adjudicator to enforce fair practice rather than setting that out very clearly in the Code? Is that not rather an expensive and cumbersome way of doing things?

**Mr Crowne:** I would argue the opposite case. If we sought to legislate effectively from the centre for all of these areas, we would produce an unholy bureaucracy that none of us would want—not least all the parents who need to access the system. That is why one of the key principles of the system and the system of adjudication, which is not the first resort, is built on a local process of trying to build consensus and agreement about the way that all of these arrangements operate in the interests of the local people, but giving an outlet to the adjudicator to consider each case on its merits. I can say confidently that for us to seek, essentially, to prescribe, in the way that I think you are suggesting, would not produce the kind of outcomes that parents would wish to see. I do understand your point about trying to be clearer about what fairness means. If you look at the way that the adjudicators work, I think that gives us a high degree of confidence that they are sensitive to all of these kinds of issues, but they do in the end have to balance considerations in individual circumstances.

**Q791 Helen Jones:** I was suggesting that perhaps we might describe discrimination, which does not seem particularly peculiar to me. But could I look at how the Code of Practice works in other areas. It is very clear that the adjudicator has also said that looked-after children should be top priority when you are dealing with oversubscription criteria. The Committee has had evidence that in many cases it is not in fact the case where the schools are their own admission authorities: some schools do apply it; others do not. In that case, do you think the Code of Practice is giving a strong enough steer on acceptable admissions criteria? What do you know about how far that is being applied and what action could be taken against schools who are not applying

it? Because we have talked about parental preference but we are dealing here with children who do not have parents to argue for them.

**Ms Macready:** That is why, when we did the latest version of the Code, we felt we wanted to make it absolutely clear that they should have top priority in oversubscription criteria, no argument. We sent the Code out to all admission authorities, we pointed out the new things in it, the new requirements. You are right that not all the admission authorities did voluntarily put looked-after children there at the top when they determined their admission arrangements for 2004. In some places this was picked up by other schools or their LEA making an objection to the adjudicator. Kent LEA, for instance, objected where they did not see looked-after children number one. In other places, it was not. I recall that, when you saw Bryan Slater from Norfolk, he said he had been reading his schools' admission arrangements and, lo and behold, some of them had not put that in at the top of their criteria. We found ourselves wondering, "Well, should the LEA not have been reading those rather earlier, at objection time, and made an objection?" That is really how we would like to deal with that.

**Mr Crowne:** Absolutely. Could I just underline that. It is for the local education authority to object. It is quite clear in the Code what should happen. The local authority is best placed to consider what is happening locally and they are entitled to object.

**Jonathan Shaw:** They may not object.

**Q792 Helen Jones:** What if they do not object?

**Mr Crowne:** The local authority is responsible for children in care.

**Q793 Helen Jones:** We are getting back to this balance again, are we not, between criteria that can be applied everywhere and relying on someone to object? Would it help in these cases, in your view, if the adjudicator was given the authority to investigate proactively admissions policies rather than waiting until he received a complaint?

**Ms Macready:** I think it would make it a little difficult for him to carry out his quasi-judicial role at a later stage, if he had been in there saying, "I don't think that is right," at an earlier stage. There may be an argument for somebody investigating admission arrangements, though that would take a lot of somebody's time, and with the local consultation processes that we have set up it really should not be necessary, because for any school admission authority's arrangements there are a very large number of other schools in the local area, as well as the LEA, who could pick that up and refer it to the adjudicator if it is not right. The Department does investigate if we receive a complaint from a parent or somebody else. We then may investigate and may write, perhaps saying "We see this is not in your admission arrangements, and it should be."

**Mr Crowne:** We are always proactive in responding to those kinds of cases.



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**Q794 Helen Jones:** But it seems very hit and miss, would you agree? We set down all these criteria and we are relying on someone to get somewhere to pick up the things that are wrong with them and object, before we can make sure they are working properly. Is that the best way of doing it?

**Mr Crowne:** I think you have to look at the costs on the other side as well and how the system would work. We are very clear that if it turns out that the current arrangements are not providing the right kind of rules and incentives to ensure the kind of consistency that is embodied in the Code, we will need to consider what more needs to be done. I would underline the very important role that individual local authorities now have in ensuring—because they can object—that this consistency is being applied. We have talked about looked-after children, but it applies more generally as well. There is an element of local leadership that really needs to be picked up. If that is not working, then we will need to review, I think.

**Q795 Helen Jones:** Could I take you to another area about which we have been concerned and where we wonder whether this is working properly. We have received evidence that children of asylum seekers may be unable to access regular education, partly because of poor co-ordination between different parts of the council and partly because they move around. Do you know how many asylum seeker children are currently living in England? Do you know how many of them are receiving full-time education?

**Ms Macready:** None of those present here have that information, but we can find out for you.<sup>6</sup>

**Mr Crowne:** That does not mean the Department does not know.

**Q796 Helen Jones:** Does anybody know?

**Mr Crowne:** Could we send you that information?<sup>7</sup>

**Q797 Helen Jones:** It would be very helpful. We recognise as a committee that taking in children with any particular special needs puts a strain on the school—and certainly children of asylum seekers, who may not speak English, come into that category. What arrangements are in place to support schools in that position? If you happen to be a school in an area where there may be many children of asylum seekers, what arrangements is the Department putting in place to make sure that those schools have the proper support to make sure that those children can receive a decent education and that the other children in the school are not disadvantaged at the same time?

**Mr Crowne:** The primary responsibility, of course, rests with the local authority. A lot of the local authorities which face these issues to the greatest extent are very active in working with their schools to ensure that the right kind of provision is available both within the school and also to support those families and pupils outside school. If we are talking about admission arrangements, I think it is very

important that, in taking a view on the best way of providing for these children, local authorities do look at how admissions are handled and they take it as their role to lead the building of a local consensus of that amongst the schools. I think anybody would be concerned about arrangements if it were clear that the children were simply ending up in one school because that school happened to have the available places but no facilities. So it is something that has to be managed very proactively locally and it does have to be, in the end, a shared responsibility between all the schools in the area. We are quite clear about that. That is a difficult thing sometimes to get consensus on, but the onus has to be with the local authority in leading thinking within that area about the best way of providing for the children, and that applies in areas not to do with asylum seekers or refugees but where there are clear social issues around provision as well.

**Ms Macready:** The admission forum is a very good place to have that discussion and decide what should be done.

**Q798 Helen Jones:** Yes, that may be so, but what in your view should happen to schools who are their own admission authorities and may well not be participating in this process? You are quite right, that is what should happen in the best of all possible worlds, but we do not live in the best of all possible worlds, do we?

**Ms Macready:** The admission forum should have those schools represented on it. The arrangements that they discuss locally for securing places for vulnerable children, including asylum seekers and other categories, should apply to every school and every school should play their part in accommodating them. Typical arrangements that have been made in some places are that, if there are children of a defined category who need places, they should not all be put in the one school which has places but two children, say, meeting this description will be placed in every school, even if a school is already at its admissions limit.

**Q799 Helen Jones:** Who is the guardian of the interests of asylum seekers' children?

**Mr Crowne:** The local authority has ultimate responsibility for ensuring the education of the children in its area. That is why they have to have the lead responsibility in this. They have responsibility for providing education within school but also outside school as necessary. That is pretty clear. The other point I wanted to make is that fairness in oversubscription criteria rules out criteria that can expressly discriminate against groups of children such as this one. I was just talking to Sue about whether we could think of fair criteria that could be proxies for that. It would be very hard to come up with a fair criterion under this system that would allow schools to exclude asylum seekers. That is not to say there are not some severe practical constraints on asylum seekers accessing individual schools, particularly when they are oversubscribed, but if people are abiding by the Code and participating proactively in the forum, that should give a good

<sup>6</sup> Note: See Ev 220.

<sup>7</sup> Note: See Ev 220.

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basis for resolving these issues in the best interests of the children. That does require the local authority to work hard to create that consensus.

**Ms Garner:** May I add that some authorities, when they have had agreed protocols and some schools which are their own admission authorities have refused to accept pupils, have actually come to us, and we have advised ministers on issuing the directions, so that those schools are actually made to take part in those protocols that they have already agreed and on which they are reneging.

**Helen Jones:** Thank you.

**Q800 Mr Turner:** The record will show what Helen's last question was, but I am amazed that your answer was not "the parents". They are the guardians surely of the child's interests.

**Mr Crowne:** Yes, it depends whether there are parents, the circumstances of the parents and so on. I think my general answer would be that where you have particularly vulnerable groups, the local authority has particular responsibilities to look after the interests of children—not just children in care but vulnerable children generally. A lot of these families would be known to social services and so on. Yes, I am not undermining the fundamental responsibility of the parents but in terms of ensuring the provision is there and accessible, that is undoubtedly with the local authority.

**Ms Macready:** We were talking about asylum seekers and there are many asylum seeker children without parents.

**Q801 Mr Turner:** The question I was going to ask related to your answer again, Mr Crowne, when you used these phrases: the Code is "being adhered to" and achieving "consistency and fairness as per the Code". When you used those phrases, did you mean the Code is being had regard to by the admission authorities or did you mean the Code was being implemented as if it were the law by those admission authorities?

**Mr Crowne:** I mean two things, I think. One is that in strict legal terms it is having regard to because that is its status in law. But there is also a sense in which the spirit of the Code is being applied. Because there are some principles embedded which you would expect to see translated as far as possible in every situation. We were talking earlier about the needs of the community. We do expect, through the admissions forum, schools to come in a cast of mind to observe the spirit of the Code, in the interests of children, because it has been designed to protect that interest. So, yes, in strict legal terms it is having regard to, but it is sending a strong message, I think, about the spirit of the Code that we would like all admissions authorities to adopt.

**Q802 Paul Holmes:** To pick up on a frustrating thing from this session and earlier sessions where we have taken evidence, you were saying on the asylum seekers example that it is the local authority's duty to make sure that those kids are not all ending up in one school. But the local education authority simply does not have that power to do that. It is quite clear

when you look at children who present educational difficulties, whether it is asylum seekers' children or whether it is children with special educational needs or children in care, that they end up in the school that has spare places—which tends to be the inner city school in difficult circumstances but the school that has spare capacity. To take the example of asylum seekers, the children of asylum seekers do not end up in the affluent middle class suburbs, they end up in the cheap spare housing that is available in the inner city boroughs. You are saying it is the local education authority's responsibility to make sure this does not happen but they simply do not have the power to do this. The rules, as devised by the Government and applied by the Department, they may turn a blind eye to.

**Mr Crowne:** I would not for a moment suggest that you can resolve all these issues easily, simply by getting local agreement amongst schools, because clearly there are very practical considerations, like the location of asylum seekers and where their accommodation is, which will, of course, affect their ability to access the system. I do not think we should pretend for a moment that we can resolve the much bigger social issues through the school system. That is not sensible. We are saying that there is an onus on the local educational system to work out the best educational solution to the presenting problem, given that there will be geographical considerations of the kinds you have mentioned. We are not for a moment suggesting that it is an easy job that local authorities have to do here, but the very strong message we are giving is that if the spirit of the Code is applied then this becomes more of a shared responsibility between admissions authorities and schools, in whatever the locality is, than maybe it has been in some cases in the past. That should help, but I am not suggesting that this is going to resolve it.

**Q803 Paul Holmes:** We have government statistics which show quite clearly that the spirit of the Code is not applied.

**Mr Crowne:** We have a new Code, we have the arrangements for objection, we have the role of the adjudicator, we have clear signals about the local authority leadership role here, and we will of course continue to monitor how that goes.

**Q804 Mr Chaytor:** Do you think that an individual's general ability or aptitude is predetermined by the age of 11?

**Ms Macready:** I think I would like to go on to your follow-up question, which will be about the responses of admission authorities to that.

**Q805 Mr Chaytor:** Yes. But I would like to ask the Department whether the Department's view is that ability and aptitude are predetermined by the age of 11.

**Mr Crowne:** We are getting into developmental psychology here. I think the evidence is that abilities and aptitudes develop over time. There is an element, as it were, that is to some extent predetermined but there is always scope for development.

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**Q806 Mr Chaytor:** Does it make sense to use either ability or aptitude as a criterion for admissions to secondary school if the evidence is that it develops over a period of time?

**Ms Macready:** I think probably it varies depending on what particular ability or aptitude you are talking about. We can only answer for the admission arrangements that have been legislated for that, the law says are allowed. The continuation of selection at grammar schools, for instance, is not dependent upon getting a group of psychologists together every year, saying, "Do we think this year that we can test for ability at 11?" It is dependent on whether the local parents using the ballot mechanism we were earlier discussing, vote against the continuation of selection. I think the only thing I can usefully say is that we are very grateful to the Chief Adjudicator for his decisions relating to Hertfordshire schools this July, which have gone a considerable way to establish that there is such a thing as aptitude for certain subjects which can be differentiated from general academic ability.

**Q807 Mr Chaytor:** That is not what the adjudicator said to our Committee, as I recall. Having said, "although there are a number of recognised aptitude tests", he then went on to say that he had no confidence in the aptitude or ability tests to predict future levels of attainment. The adjudicator is saying that there are such things as tests, and he is reminding the Hertfordshire schools, which were not previously using any kind of assessment but which are now using these tests, that he has no confidence in them. Is that progress?

**Ms Macready:** I think what he was saying was that you cannot guarantee that all of the people who pass this aptitude test now will get better results than everybody else later.

**Q808 Mr Chaytor:** What is the purpose of doing it if the results of the test are likely to be negated in future and if we are not actually selecting people who we are assuming have the aptitude?

**Ms Macready:** Tests for aptitude for a prescribed subject are not allowed under the law. Admission authorities of schools with specialisms in those subjects are at liberty to use them. It is really their decision whether they want to use them as one of their over-subscription criteria or not. I would not like to say what they all think they may or may not be gaining from them.

**Q809 Mr Chaytor:** What is the distinction between ability and aptitude?

**Ms Macready:** I think the Chief Adjudicator's Hertfordshire's decisions do help you. He says that if you are testing for aptitude you are looking for different things from those you test if you are looking for academic ability. The tests that he would approve for aptitude are ones that are very specific to the subject and which can equally well be passed by a child who has not had tuition and parental support (such as provision of instruments at home if the subject is music).

**Q810 Mr Chaytor:** How in the case of music do we identify aptitude without reference to ability? How is it possible to have aptitude with music without demonstrating some ability in music?

**Ms Macready:** He did find that there was an objective test applied by Dame Alice Owen's school in Hertfordshire that depended on recognition by the child of pitch, rhythm, texture and harmony, those sort of things. I do not have the details of it but this is about the innate possibility of recognising things that are important to music, which he thought it is quite likely that a child could display whatever they scored in their SATs tests, shall we say. He also said that it was important for schools using this aptitude test to check the ability distribution of the children who passed and the children who did not, to make sure they were not actually disguised ability tests.

**Q811 Mr Chaytor:** Your explanation of the distinction is based entirely on the Adjudicator's retrospective justification. Would it have been a good idea if the Department clarified this in advance rather than waiting for the adjudicator to come up with an answer in response to a particular reference by schools in Hertfordshire?

**Ms Macready:** The Code did attempt to distinguish, as did the previous Code, between potential and attainment. For aptitude you are looking for the potential to be good at something, whereas with ability you are looking at whether you are already good at it. That was the best that could be found by way of distinction by the Department at the time the Code was written. We are grateful to the Chief Adjudicator for putting flesh on its bones.

**Q812 Mr Chaytor:** Are you satisfied with the definition that was originally provided in the Code of Practice?

**Mr Crowne:** I think it is always helpful to have a general definition to exemplify through specific examples. Yes, I am satisfied with the general definition. I think it is helpful for everyone who is involved in this to see specific examples of how that definition is applied in practice.

**Q813 Mr Chaytor:** Can I ask one other question on the issue of selection by ability, if the proportion of children in Key Stage II achieving Level Four and Level Five and higher levels in SATs is increasing year-on-year (and it has increased significantly over the last five years) is it not the case that it becomes increasingly difficult to differentiate between children roundabout the 25% for entry to grammar schools because if you have a greater number of children bunched round that point, at the bottom end of the upper quartile and the upper end of the second quartile, what does that say about the validity or the reliability of selection tests for grammar schools?

**Mr Crowne:** I do not have the figures in front of me. I do not think as a matter of fact we are seeing a compression of the distribution of achievement at Key State 2 on the national curriculum level scale. The general picture is that at each stage there are

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improvements which shift the distribution upwards. The exception to that is at the lower end of the spectrum, you have certainly seen a kind of pushing up, with lower achieving schools improving faster. I am not quite sure that I accept the basis of the question; nor am I sure that even if it was the case that it had produced a narrower distribution range it would undermine the validity of particular selection approaches.

**Ms Macready:** I also doubt whether as a matter of fact all grammar schools take 25% of the population in their area, they may be taking very different percentages.

**Q814 Mr Chaytor:** As a general principle do you accept that at each SATs level there is a movement upwards? It must follow there are now more children eligible who are likely to pass the selection test for a grammar school than there were previously and therefore it must follow it becomes more difficult to differentiate between those who are admitted or should be admitted and those who should not be?

**Ms Macready:** That is assuming the sort of bunching that you see in SATs would be replicated in the tests which grammar schools apply for entry, which are rather different tests. They obviously do not use SATs results for entry, partly because they come too late, but also because they want to make a finite distinction between their applicants.

**Mr Crowne:** The other assumption you may be making is that you hold the standard of the selection test constant year-on-year, I think what would happen in practice is if there is a general improvement in standards you would tend to want to raise the bar in terms of the selection threshold.

**Q815 Mr Chaytor:** The consequence of improvement would logically be an increase in the number of places in selected schools?

**Mr Crowne:** If you accepted that you held the threshold constant: but you do not necessarily have to make that assumption, that is a matter for policy really.

**Q816 Jonathan Shaw:** Briefly on that, does the Department hold the selection procedures of schools since the Schools Standards Framework Act came in? Do you know the procedures of all the selective schools in the country that had this process in place prior to 1997?

**Ms Macready:** No, we do not.

**Q817 Jonathan Shaw:** You did say in answer to Mr Chaytor that you doubted that all grammar schools selected 25%, do you say that was an educated guess?

**Ms Macready:** I think it must be an educated guess. Even if it is the average percentage over selective areas—and I know it is not the average percentage overall—it would not necessarily apply to every particular school in those areas.

**Q818 Jonathan Shaw:** That is not information that has been sought by the Department or that it holds?

**Ms Macready:** What we tend to collect is the composite prospectuses of all local education authorities, which explain the admission arrangements to all of their schools.

**Q819 Jonathan Shaw:** If you do not know that we cannot be sure that all schools are operating within the law.

**Ms Macready:** I do not believe that the law says what selection tests you may or may not use for getting into a grammar school. There is rather more specificity now about tests for aptitude.

**Q820 Jonathan Shaw:** The schools within the guidance will not be allowed to use interview for entry. We heard that earlier in the week from the Church of England and the Catholic Church. City Technology Colleges are, I understand, and will be allowed to continue to interview, is that correct?

**Ms Macready:** The City Technology Colleges unlike the Academies are not bound by their funding agreements to follow what the maintained schools have to do so they can do that.

**Q821 Jonathan Shaw:** They will continue to do that, so that would explain the rationale. The appeals process for City Technology Colleges is not for the Adjudicator it is directly for the Secretary of State, is that correct?

**Ms Macready:** City Technology Colleges cannot have an objection taken to the Adjudicator against them about their admission arrangements.

**Q822 Jonathan Shaw:** It goes to the Secretary of State.

**Ms Macready:** I think if people wish to object it would come to the Secretary of State. There is not a legal mechanism saying so, that is what would happen in practice. Their individual admission appeals are also done on a rather different basis.

**Q823 Jonathan Shaw:** Has anyone objected to the Secretary of State because they have not got a place?

**Ms Macready:** I do not know whether we know that because it would be more likely to come from colleagues dealing with CTCs than to me. We can write to you about that.<sup>8</sup> I am sure they have.

**Q824 Jonathan Shaw:** Whilst you are at it you could tell us what the reasons were for objecting and did any of the objections come out of the interview process? Of those people objected at the interview process were any from minority groups?

**Ms Macready:** We will certainly see what information we can gather.<sup>9</sup>

**Q825 Jonathan Shaw:** It does not sound as if there is a fool-proof system against discrimination here.

**Mr Crowne:** We can write to you about that with as much of that information as we have.<sup>10</sup>

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<sup>8</sup> Note: See Ev 216.

<sup>9</sup> Note: See Ev 216.

<sup>10</sup> Note: See Ev 216.

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**Ms Garner:** City Technology Colleges do have appeal arrangements. People can always write to the Secretary of State to complain about anything. We will check that and see what has come to the Department.<sup>11</sup>

**Jonathan Shaw:** Public money funds these schools, what we want to be sure of as a Committee when looking at admission procedures is they are a fair process in accordance with the law.

**Q826 Chairman:** How carefully does the Department monitor whether there is a selective process in operation? How rigorously do you monitor the overall spectre on all of the pupils? Do you see that as a very important responsibility?

**Ms Macready:** I do not think we have a specific process for monitoring selective processes and selective areas apart from the general monitoring that we do on standards in all schools.

**Q827 Chairman:** The Department is responsible for the overall welfare and attainment of all children in an area, are you not?

**Mr Crowne:** There are two things I want to say, firstly as we have already discussed decisions about whether to have selection or not are fundamentally for local determination, so in a sense formally the Department does not need to evaluate because we do not have a formal part in the decision-making process. However, secondly, as Caroline has said, we do have a very important responsibility to monitor and encourage improvement in all schools. I think you will know from the evidence that you have heard that the research background on achievement in a selective system shows a very complex picture. In very broad terms you get good and less good schools of all kinds, including grammar and secondary. The main thrust of our policy is to seek to improve every school in the interests of those children, and that is really where the effort has gone in recent years.

**Valerie Davey:** While you are making enquiries about the CTCs would you also ask about the number of children excluded from CTCs in the appeals system because from my experience that also has an impact on the admissions policy in the relevant LEA.

**Q828 Mr Pollard:** What involvement has the DfES had in the development and overall monitoring of the Pan-London Co-ordinated Admissions Project?

**Ms Garner:** What role have we had? We have taken part in the steering group and given advice on that. We have worked with the Office of the Deputy Prime Minister when they were considering the bid in London and provided advice on that. Again, really an advisory, encouraging and monitoring role.

**Q829 Mr Pollard:** You mentioned the funding, particularly £1.485 million, is that sufficient?

**Ms Garner:** It is what they applied for.

**Q830 Mr Pollard:** Right.

**Ms Garner:** It is what they were asking for. Local Education Authorities are responsible and they would know how much they need to do this.

**Q831 Mr Pollard:** Does that include the eight neighbouring authorities as well?

**Ms Garner:** I am not sure where it covers.

**Q832 Mr Pollard:** Is there any assessment made on the effect it would have on the eight neighbouring authorities?

**Ms Garner:** I know they have been involved in discussions but I do not know if they have said that this is going to have an impact on them in a negative way. Hertfordshire already have co-ordinated admissions and I do not expect this is going to be a problem for them.

**Q833 Chairman:** Who will provide the funding?

**Ms Garner:** The Office of the Deputy Prime Minister.

**Q834 Chairman:** It sounds as though you are really saying in this case, "we are not involved in this".

**Ms Garner:** It is a local authority administration issue and the funding comes from them.

**Mr Crowne:** I would not like you to have the impression DfES are not involved. We are all the Government, are we not, and I think it is important that we do contribute, as we have through Sue, to this important development. The fact that it has been orchestrated through the Office of the Deputy Prime Minister is just the way that we do things in Government, I do not think you should read anything into that.

**Q835 Chairman:** Are you taking a keen interest in how that develops?

**Ms Garner:** Very.

**Mr Crowne:** As we said, London is an important test bed for developments in admissions because the evidence shows it presents some of the key challenges to admission arrangements.

**Q836 Chairman:** You picked up on the comment by the Adjudicator.

**Mr Crowne:** I did see that.

**Q837 Chairman:** He was concerned that the roll-out was on an England-wide basis.

**Mr Crowne:** What we would say, and I think it has been guiding everything we have been doing, is we want to respond to the actual position on the ground, we should not over-generalise, we should not say because it is good here it is going to be good there. There is a lot to learn from how these new arrangements can work, we have to make sure they do work effectively and we need to draw out whatever general lessons there might be. I do not think we should start with the presumption this is the way that you have to go.

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<sup>11</sup> Note: See Ev 216.

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**Q838 Chairman:** Can I ask all three of you this question, what do you feel most needs attention in terms of the Department in this whole area of admissions? What keeps you awake at night or is a small cloud over your head? When you think about admissions what worries you and concerns you and where do you hope you can make some change?

**Ms Macready:** I think I worry about when too many parents congregate round too few schools because of wrong perceptions or mis-perceptions about the other schools not being good enough for their children. We have done a great deal recently to try to make the admissions process better and to try to tackle inefficiencies and unfairnesses in the system, but no process can really pull all the tricks when many more parents want a particular school than it has places available and will not be satisfied with other things. An area to keep working on is parental perception of the schools available to them, as well as making sure all those schools are generally good.

**Mr Crowne:** I agree with that. I would add what worries me most is whether we can maintain and enhance confidence in the processes and the systems against a background where, quite rightly,

individuals increasingly question and are prepared to challenge the way that we do things. It is very important for any public service area to constantly try and raise its game in terms of how it provides satisfaction so that you people do retain confidence in the local system. That is a really big challenge. These are some of the most difficult decisions that parents have to make. They are very sensitive decisions and parents do wonder whether they have made exactly the right decision and constantly question whether they have. It is that. It about raising our game, the whole system's game.

**Ms Garner:** My main frustration is that although we give guidance and we provide all of the levers for local authorities and local admission authorities to object to other people who are not following the guidance as they should, that so many LEAs are reluctant to use the system that is available for them. I was very frustrated in reading Norfolk's comments about the system and then going back and finding they had not objected to any admission arrangements in Norfolk LEA at all. That is a source of frustration to me.

**Chairman:** Thank you very much, it has been a very interesting session. Thank you.

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#### Supplementary memorandum submitted by DfES (SA 43)

#### ADMISSION ARRANGEMENTS—ACADEMIES AND CTCs SELECT COMMITTEE— CTC ADMISSIONS

##### ACADEMIES

Academies are required in their funding agreements to comply with admissions law. Academies must consult on their admission arrangements in the same way as maintained schools; they must comply with the code of practice on admissions and must take part in co-ordinated admission arrangements and admissions forums; but adjudicators have no role in relation to Academies.

Decisions by Academies are subject to judicial review. The Secretary of State could himself take an Academy to court in order to enforce its funding agreement (because the funding agreement is a contract between the Secretary of State and the Academy and in the event of a breach of contract by either party the usual legal remedies apply).

Academies are required to comply with the code of practice on admission appeals, and appeals are dealt with by independent panels. The Department has no record of any representation to the Secretary of State about the non-admission of a child to an Academy or about the conduct of an appeal.

The Department does not collect data on appeals made to independent appeal panels against non-admission to an Academy.

##### CITY TECHNOLOGY COLLEGES

1. CTC Funding Agreements stipulate that CTC intakes should be representative of the full range of ability among pupils in the catchment area and broadly representative of the community in the catchment area; and, subject to those requirements, students who are in the judgement of the Principal most likely to benefit from what the College has to offer, have the strongest motivation to succeed and intend to continue in full-time education or training until the age of 18.

2. It is for CTC governing bodies to determine a College's admission policy but it must be in line with the Funding Agreement requirements.

3. Since 1999 CTCs have followed a common set of guidelines agreed with Ministers and developed to ensure greater fairness and openness in CTC admission and appeal procedures. A copy of the guidelines is at annex A. The key points of the guidelines are as follows:

- all CTCs to use a common nationally standardised test to check the appropriate distribution of ability;
- there will be no unstructured interviews with students;

- 
- there will be no interviews or structured discussions with parents;
  - the criteria for assessment will be clear and be capable of being fairly replicated;
  - the selection process will be as objective as possible, and provide the same opportunity to all and be capable of faithful replication;
  - no factors outside those to be assessed will have a bearing on the decision;
  - the Principal’s judgement will be on the basis of clearly set out and detailed grounds and from a clear evidence base;
  - appeals will only be allowed where the College’s published admissions procedure has not been properly and fairly applied;
  - appeals will be heard by a panel or committee including the involvement of a person independent of the College; and
  - where an appeal is upheld the application will be considered afresh following the procedure in its entirety so far as the changed circumstances permit.
4. This means that the CTCs follow a two stage admissions process:
- All eligible applicants are invited to take the common NFER admissions test which is used to allocate the applicants to one of nine ability bands. NFER inform the Colleges of the number of applicants they should be admitting from each ability band according to the national distribution of ability. (The national distribution is used because of the lack of information available about the distribution of ability within each CTC’s catchment area.)
  - The second stage of the process is for the CTCs to select from within each ability band those students who are, in the judgement of the Principal, most likely to benefit from what the College has to offer, have the strongest motivation to succeed and intend to continue in full-time education or training until the age of 18. Each CTC decides how they will conduct this stage of the process eg one College uses structured discussions, another taking part in a practical exercise and a third information provided as part of the application form. The method chosen must take account of the guidelines attached at Annex A. Information about the process is included in the CTC’s published admissions information.
5. Once decisions have been made about who will be offered a place at the CTC the unsuccessful applicants are placed on a reserve list. Places on the reserve list are allocated within the ability bands using the same methodology as that used for the allocation of places. Places from the reserve list are allocated according to the place that becomes vacant. CTCs publish the date at which the reserve list for the new intake is dissolved. Vacancies thereafter are filled using the College’s casual entry policy.
6. Appeals against non-admission are only allowed on the grounds that the College’s published admissions procedure has not been properly and fairly applied. Each College determines its own appeals process but again this must take account of the principals included in the guidance at Annex A. Information about a College’s appeals procedure is included in the College’s published admissions information.
7. Since the guidelines were agreed, the Department has been monitoring the admissions policies of individual Colleges, now on an ad hoc basis when changes are made, offering advice where necessary to ensure that they are in line with the agreed guidance.

Annex A

### CTC Chairmen’s Forum

## ADMISSIONS PROCEDURES

### INTRODUCTION

CTCs are committed to the principles of openness and fairness in their admissions procedures. They acknowledge and are committed to meeting their legal obligations as amplified in the Funding Agreements, namely to ensure that admissions arrangements secure as far as is possible that the intake of pupils is representative of the full range of ability among pupils in the catchment area and broadly representative of the community in the catchment area. Subject to this overriding requirement they are required to admit students who, in the judgement of the Principal, are most likely to benefit from what the college has to offer, have the strongest motivation to succeed and intend to continue in full-time education or training up to the age of 18.

Under these legal and contractual requirements and within the context of the CTC joint mission statement the CTCs have agreed to the common principles and good practice guidelines set out in this paper. It is according to these principles that each CTC will operate its admissions policy as approved by its governing body. Each policy will be lodged with the DfES.

#### A. KEY ADMISSIONS PRINCIPLES AND GUIDELINES

The CTCs agree to the following principles and guidelines, to take effect at the latest in the admissions round for the Autumn 2000 intake.

- The method and criteria by which CTCs draw up their intake list—if oversubscribed—will be in line with the legislative requirements and the principles set out in this paper and will be clearly identified and publicised to all applicants. In each case they will be demonstrably fair, consistent, replicable and objective.
- All CTCs that recruit at 11 years to use a common, nationally standardised NFER non-verbal reasoning test in order to check the appropriate distribution of ability. The test results will be placed in nine bands (or stanines). This is the sole test of general academic ability to be used by the CTCs in the first part of the admissions process to determine the nine ability groupings.
- It is recognised that there is a variety of ways for a CTC, having regard to its obligations under the Funding Agreement, to determine which pupils within each of the nine ability bands should be admitted. Any such assessment will be done in accordance with the principles set out later in this paper.
- There will be no unstructured interviews with students. It should however be open to CTCs to use “structured discussions” (either one-to-one or in groups) to determine specialist aptitude providing they comply with the assessment principles referred to above.
- CTCs have agreed a common proforma to be used where they wish to seek additional information from primary schools.
- There will be no interviews or structured discussions with parents of individual students. This is not to rule out the attendance of parents to accompany children during the assessment activities, but whether the parents are present or not the assessment will be solely based on the child’s responses. CTCs will continue to use home-school agreements and recognise that, in line with the provisions in the School Standards and Framework Act, these cannot be used as a criterion for admissions.
- Final decisions will be made on the basis of the professional judgement of the Principal, made in the light of Funding Agreement and statutory requirements and the CTCs’ commitment to fairness and openness, as set out in this paper.
- Appeals will be allowed only on matters relating to the administration of the admissions process. All 15 CTCs agree to conduct appeals in accordance with the agreed principles and guidelines.
- CTC reserve list systems will operate on the basis that places on the reserve list are allocated within stanines using the same methodology as that used for the allocation of places. Colleges will publish the date at which the reserve list for the new intake is dissolved. Vacancies thereafter will be filled by the casual entry policy.
- For admissions other than through formal entry at Year 7 the CTCs will operate a policy which as far as possible follows the principles set out in this paper.
- Ability distribution curves based on the NFER scores from the admissions ability test to Year 7 pupils recruited each year to be made available in September each year to DfES and at any time to those with statutory rights of access (DfES, OFSTED, HMI).
- CTCs undertake to work in co-operation with other secondary schools in their catchment areas on practical issues common to all schools (eg timing of procedures, the process of notification of offers).
- Any discussion about catchment area changes are to be resolved on an individual basis with the DfES.
- Issues relating to religious qualification to be resolved with the DfES on an individual basis, but in accordance with the principles set out in this paper on the allocation of places within ability bands.

#### EXCEPTIONS:

- It is recognised that BRIT school, which admits at 14 years, and has particular requirements including the need to use auditions and whatever else is needed to determine performance based specialist aptitude.
- Dixons have middle school complications, as the rest of the city’s secondary schools recruit at later than 11 years.



## B. KEY PRINCIPLES GOVERNING THE SELECTION OF PUPILS WITHIN EACH ABILITY BAND

### INTRODUCTION AND BACKGROUND

1. The crucial requirement on CTC admissions is that pupils must be admitted to ensure as far as possible that the intake of pupils is representative of the full range of ability among pupils in the catchment area, and broadly representative of its community. For convenience, this may be referred to as stage one of the admissions process. Subject to this, CTCs ensure that from among applicants of different abilities students are selected who, in the professional judgement of the Principal, are most likely to benefit from what the college has to offer, have the strongest motivation to succeed and intend to continue in full-time education or training up to the age of 18. This paper sets out the common principles by which all 15 CTCs agree to operate in this second stage of the admissions process.

### PRINCIPLES

2. The principles are as follows:

Criteria for assessment should be set for the selection process which are clear and can be fairly replicated.

What is being looked for/assessed in the student should be clearly set out in sufficient detail to enable those operating the process to be clear about their responsibilities. It will also help the process to be as objective as possible.

In carrying out assessments under this part of the admissions process the method of the assessment and its relationship to the information sought should be clearly set out.

Any selection method should provide the same opportunity to all students and to be capable of faithful replication.

No factors outside those set out to be assessed should have a bearing on decisions.

It will be necessary for the Principal of a college to use his or her professional judgement. This will be done on the basis of clearly set out and detailed grounds and from a clear evidence base.

## CTC CHAIRMEN'S FORUM

### ADMISSION APPEALS

#### Key Principles

#### GROUNDINGS FOR AN APPEAL

Appeals shall only be allowed where they are made on the grounds that the College's published admissions procedure has not been properly and fairly applied. Appeals shall not be allowed which are made only against the Principal's professional judgement whether or not to admit a child.

#### APPEALS PROCEDURE/HEARINGS

The appeals procedure will be determined by the Governing Body.

An appeal should be made in writing stating the grounds on which it is made. The procedure for hearing appeals should be set out in the College's admissions policy. It should be designed and operated in such a way as to ensure that appeals are dealt with promptly and fairly.

Appeals will be heard by a panel or committee including the involvement of a person independent of the College. No person with a connection with the child concerned shall be a member.

#### CONDUCT OF APPEALS

The conduct of the appeals hearing shall satisfy the requirements of natural justice. In particular each side should be given the opportunity to state their case without unreasonable interruption, written material presented as part of the appeal should be seen by all parties, and if new information arises during the proceedings, parties should be given an opportunity to consider and comment on it.

#### THE DECISION

Where the claim that the College's published procedure has not been properly and fairly applied is upheld, the application will be considered afresh following the procedure in its entirety so far as the changed circumstances permit; and the decision whether or not to admit the applicant will not be influenced by any consideration of the number of students already admitted.

#### DfES

*December 2003*

**Supplementary memorandum submitted by the Department for Education and Skills (SA 41)**

Q795 AND Q796

1. *By what measure should the effectiveness of admission arrangements be judged?*

Efficiency, parental satisfaction and impact on standards are three criteria important to local judgement about the organisation of admissions.

2. *Do the number of appeals suggest that the school the parent places in second preference may not be one he wishes his child to attend, but one which he finds less objectionable than the school listed in third place?*

You cannot deduce parents' motives from appeal numbers; their precise reasons for appealing vary widely, according to research on Admission Appeals conducted for us by Sheffield Hallam University. This indicated that parents want what they see as the best for their child, and to feel that they have done everything possible to get it. Some will therefore appeal for another school even though they know the benefit to be marginal and either school would do. In any case, at present it is not always possible to tell which school is the first preference, as parents can apply to LEAs and schools which are their own admission authority at the same time, without stating which school they would most like. Parents can have as many appeals as they have made applications and received rejections. Many make multiple appeals. It is even possible to appeal for a place at your declared second preference school, having been given one at your first preference school.

If this is the case, can the statistics on parental satisfaction provided in your memorandum be said to represent the true picture?

For the reasons given above, the statistics we gave in our memorandum are much more likely to represent the true picture, than the appeal statistics. They come from the Sheffield Hallam University and ONS research on parents' experiences of choosing a secondary school. A nationally representative sample of parents was asked about all the preferences they had expressed and which school place they got; from this, the researchers could tell that 96% received an offer of a place at least one of the schools they had named, 92% from a school which would have seemed—to the admission authority receiving it—to be a first preference. Then they were asked to say which school they most wanted for their child (their favourite school); 85% had received an offer of a place at that school. The study also found that 6% of parents, who had not got their favourite school, were satisfied with their outcome all the same.

3. *How are the interests of children whose parents are unable or unwilling to invest in the school admissions process protected?*

The Code of Practice encourages LEAs to make every effort to ensure that parents express a preference, and understand the consequences if they do not. LEAs adopt a variety of techniques. Examples include returning forms via the child's primary school so that parents who haven't applied can be identified; schools either take action themselves or notify the LEA so that they take action. We have heard of LEA admissions officers making home visits with application forms. For children approaching primary school age, LEAs often notify local nurseries and put adverts in doctors' surgeries and libraries to remind parents of the importance of applying for a place. Under coordinated admissions, LEAs will be responsible for allocating places to children they are aware of, whose parents do not apply for a place; though the 1997 Rotherham judgement requires that such places are allocated only after expressed preferences have been dealt with.

4. *What evidence do you have on the operation of admission forums?*

The decision to make Admission Forums compulsory was based on the positive feedback we received from areas where voluntary forums operated. This showed that they were an effective way of addressing local admission problems and resolving disputes. That has since been confirmed by the thematic report on "The Influence of School Place Planning on School Standards and Social Inclusion", published in October by Ofsted and the Audit Commission, on which the Committee took evidence from David Bell and Nick Flight. The report found that "Effective Admission Forums have played their part in promoting cooperation, good practice that will be extended by the implementation of the Education Act 2002." Admission Forums only became mandatory this year and have a wide range of functions. It is therefore relatively early days to assess their impact. Once the new arrangements have bedded in we will undertake a full evaluation.

5. *How do calculations of school capacity relate to schools' permitted intake numbers?*

Admission authorities should have had regard to the school capacity indicated by the new DFES net capacity formula, when they determined admission numbers for intakes from September 2004. The formula gives an indicated admission limit, but admission authorities may, following the statutory admission consultation process, determine a higher or lower admission number. If they determine a lower number they

must publish a notice in the local newspapers, giving the admission number indicated by the formula, the admission number they have determined and the reason for the lower number. They must also state that parents may object to the Schools Adjudicators. Admission numbers are part of admission arrangements, so other admission authorities and schools have objection rights too. The governing bodies of community and voluntary controlled schools may object to the admission number determined by the LEA for their own school, if they disagree with the number. Admission authorities should not admit above their published admission number, unless there are exceptional circumstances. Admission Forums should be monitoring whether schools in the area are abiding by their admission limits.

6. *Is a representative distribution of pupil ability across a number of schools a desirable outcome of an effective admissions process?*

Local people are required to make judgements about their priorities. For some schools, the distribution of pupils according to ability is considered a desirable outcome. Elsewhere, other factors have higher priority.

7. *What are the merits of banding systems based on geographical areas rather than on the applications to individual schools? Why do you think the Code does not encourage LEAs to develop this approach?*

The Code does not encourage LEAs to develop banding arrangements based on geographical areas because the law no longer allows this type of banding to be introduced. It may continue only where it was in place at the beginning of the 1997–98 school year and has remained unchanged since. It is difficult to see how a banding system based on moving pupils around within a geographical area could be consistent with parents having the right to express preferences for an individual school, and get a place there unless the school is full of higher priority pupils. Fair banding—which ensures that the ability distribution of those admitted to a school mirrors the ability profile of applicants to that school—may do little to balance intakes across an area, but is the only form of banding consistent with parental preference. (We assume that Archbishop Tennison School whose Head told the Committee that his school admits a higher proportion of its high ability than of its low ability applicants, has banding dating from pre-1998.)

8. *Is the DfES aware of how many asylum seeker children are currently living in England? How many of them are not receiving full time education?*

We do not require LEAs to provide information on the number of asylum seeker children living in their areas, and whether or not they are receiving education. However, section 14 of the Education Act 1996 gives all children living in England the right of access to education, regardless of nationality or immigration status.

Latest information from the Refugee Council would suggest that there are around 82,000 children from asylum seeking and refugee backgrounds in schools in England, with around 60,000 in London and the South East. It is not possible to differentiate between these two groups of children or to say how many children are out of school.

9. *How are schools being supported to meet the needs of asylum seeker children?*

Schools receive funding to support the needs of asylum seeker children in the same way that they do for all other children on their school roll—through the Education Formula Spending Share. In addition there is financial support from two Standards Fund grants:

- the Ethnic Minority Achievement Grant which is mostly devolved down to schools so that head teachers can use it in the most appropriate way to support underachieving minority ethnic pupils and those who have English as additional language needs. For this financial year the total available is £154 million; and
- the Vulnerable Children grant—which allows LEAs to allocate funding, based on local needs, to provide coherent support across a range of vulnerable children, including those with asylum seeking backgrounds. LEAs will be able to fund services for these groups of children and to provide additional ones to improve their access to education. The total amount for this financial year is £84 million.

10. *Who is the guardian of asylum seeker children's interests?*

If an asylum seeker child is with its parents, then they have responsibility as guardian of the child's best interests. In cases where a child is looked after by the Local Authority, then the Authority has responsibility.

11. *What are the educational arguments for and against selection? What is the evidence on the educational impact of selection across the whole ability range?*

For several years now, various research has tried to establish a link between pupils' performance and the type of school attended, or the system in the area. However, there is still no clear or complete answer to the question. It is always difficult to agree on an exact comparator to the grammar school pupils, and different researchers use different data and methods, which others then question. The main conclusions of recent key research are as follows.

Research by NFER published in 2001 concluded that there was little difference between comprehensive and selective systems in terms of overall GCSE results; with a slight advantage for areas with low selection over fully comprehensive areas, and a greater one for comprehensive over fully selective areas. When all factors are taken into account, the most able pupils in grammar schools seem to perform no better, and if anything a little worse, than those in comprehensive schools. However, the least able pupils performed slightly better in secondary modern schools than in comprehensives.

Professor David Jesson of York University has found that when the GCSE performance of pupils in selective areas who do not attend the grammar schools was compared with that of pupils of similar prior Key Stage 3 (KS3) attainment in non-selective areas, the pupils in the selective areas lag well behind their peers in the non-selective areas.

DfES value-added statistics, published in the 2002 performance tables, showed that grammar schools add more value to their pupils at Key Stage 3, comprehensives at Key Stage 4 (KS4). However, benchmarking analyses by our statisticians of the 2003 results suggest a fall in grammar schools' KS3 value-added scores in 2003, when most level 8 and all extension papers were withdrawn. We conclude that grammar schools' propensity to enter pupils for the higher level papers was an important factor in the 2002 results.

In 2000, a Department of Education in Northern Ireland (DENI) report looking into the effects of the fully selective system in the province found that the existence of the 11-plus had a damaging effect on those pupils who failed to gain a place at the grammar school, particularly those "borderline" children who achieve a score very close to the pass mark. Children arrived at the non-grammar secondary schools with a sense of failure, and schools had to devote a great deal of effort into forming a supportive environment to increase self-confidence. By contrast, those arriving at the grammar school were significantly buoyed by their success. It has been suggested that this "grammar school effect" may be a contributing factor to the performance of grammar schools at KS3. The DENI report also found that the existence of the 11-plus had a backwash effect into Key Stage 2 (KS2) with a significant narrowing of the curriculum as schools concentrated on preparing children for the 11-plus.

Earlier this year, the Secretary of State asked OFSTED to prepare a report on standards in Kent—the education authority with the largest number of grammar schools in England. The report concluded that the LEA had a higher proportion of high-achieving schools than the national average, but it also had a higher number and much higher percentage of low-achieving schools than its statistical neighbours. These conclusions agreed with a further study by Professor Jesson, which stated that in Kent and Medway, both the grammar and non-grammar schools performed at a lower level than similar schools elsewhere.

Evidence from OECD's PISA Study suggested that comprehensive school systems in industrialised countries produced narrower social differences and, on average, better pupil performance than systems which divided students in the secondary sector. However, Professor Stephen Gorard of Cardiff University has considered the PISA evidence and found that in this study, the UK has below average differences on reading scores between rich and poor.

A report by the National Audit Office, "Making a difference: Performance of maintained secondary schools in England", published on 28 November, includes analyses by NFER of the performance of various school types, including selective schools. NFER compared value-added, adjusting for external factors shown to have a significant effect and available from DfES statistics—such as percentage of pupils with SEN or eligible for Free School Meals, pupils' gender and ethnicity, and the degree of mobility/stability. They concluded (on 2002 results) that pupils at grammar schools made one third of a level more progress in KS3 and one GCSE grade less progress in KS4.

12. *Does the DfES hold information on selective procedures in schools in 1997–98? If not, how is the Schools Adjudicator to establish whether schools are conforming to the law?*

We hold details of which schools were fully selective at the start of the 1997–98 academic year, but not of the exact details of individual admission arrangements for either fully or partially selective schools. When an objection to partial selection is made, the Adjudicator asks the school concerned to produce their 1997–98 arrangements.

13. *What is the evidence on the comparative performance of children selected by aptitude and those who are not?*

This information is not collected by the Department as there are no markers in our statistics for aptitude selected children or aptitude selecting schools. However, as part of his recent decisions on partially selective schools in Hertfordshire, the Chief Adjudicator did lay down the principle that admission authorities should monitor the ability distribution of aptitude selected pupils to ensure that tests used do not select by ability rather than aptitude.

14. *If the ability to select by aptitude is a valuable tool, why do so few schools seek to use it?*

It is an available tool and some admission authorities have found it useful. The law allows them to operate it under certain specific conditions. We are not aware of any research about why it is taken up.

15. *Is it wise to launch the project for the 2005 admissions round without a pilot? Has the department expressed concerns about this strategy?*

Co-ordinated admissions schemes at LEA level are not untried. They have operated effectively for many years in Enfield and Hertfordshire (the third largest LEA in England in terms of secondary schools and pupils). Birmingham successfully operated a secondary scheme for 2003 intake. By 2004, a substantial number of LEAs will be co-ordinating secondary admissions fully (including Kent, the largest) or partially, eg using common application forms and timetables).

The Pan-London admissions project goes further by involving all London Boroughs in a common system. This is highly desirable in the interests of parents, because of the particularly high degree of cross-border travel to school in London. It is a LEA-led initiative. Although the IT system to facilitate the Pan-London project goes live across the city for the 2005 admissions round, it is being piloted for 2004 admissions in eight London boroughs—Greenwich, Hammersmith and Fulham, Haringey, Hillingdon, Islington, Newham, Richmond and Wandsworth.

We are supportive of the Pan-London strategy which all London boroughs are signed up to. The project has been well-planned and executed so far, and the aim of the pilots is to identify and resolve any technical problems before it goes live across London. The Project partners have ensured that there is sufficient lead-in time to fully test the system and contingency arrangements have been agreed.

2 December 2003

**Supplementary memorandum submitted by the Department for Education and Skills (SA 42)**

OFFICE OF THE SCHOOLS ADJUDICATOR

THE COSTS OF THE OFFICE OF THE SCHOOLS ADJUDICATOR ARE LISTED BELOW

**Expenditure April 2001 to March 2003**

	2001-02	2002-03
	£'000	£'000
<i>Adjudicator programme costs</i>		
Adjudicators' fees	203 <sup>1</sup>	212 <sup>1</sup>
Adjudicators' expenses	19	30
Adjudicator training/meetings	2	6
Legal fees	11	21
Publicity	20 <sup>2</sup>	7 <sup>2</sup>
Consultancy fees	89 <sup>3</sup>	2 <sup>3</sup>
Administration/consumables	19	5
<b>Total</b>	<b>363</b>	<b>283</b>
	2001-02	2002-03
	£'000	£'000
<i>Staff running costs</i>		
Staff salaries	197	134
Staff expenses	2	7
Staff training	4	2
Administration/consumables	3	6
<b>Total</b>	<b>206</b>	<b>149</b>
<b>Total expenditure</b>	<b>569</b>	<b>432</b>

Notes

<sup>1</sup> Includes National Insurance contributions.

<sup>2</sup> Relates to COI fees for media handling.

<sup>3</sup> Relates to website reconfiguration and maintenance.

#### CITY TECHNOLOGY COLLEGES

1. The number of funded Year 7 places in September 2003 at 13 CTCs was 2,441. At the end of September there were 2,502 Year 7 students on roll in the CTCs. Most CTCs recruit a few pupils above their funded numbers in year 7 to take account of drop out in later years.

2. Brit CTC—which specialises in performing arts—admits at Year 10. It has 127 funded places and 138 Year 10 students.

3. 11,700 children applied to the CTCs for places in Year 7 in September 2003 and 349 applied for Year 10 places at Brit.

4. Eight CTCs interview.

#### *Appeals*

5. Under their funding agreement, CTCs are only required to consider appeals against non-admission on the basis of maladministration. However, we understand Harris and Brit both take other issues into account. The figures below show only the appeals that went to committee. Most CTCs receive around 50–100 written appeals from parents.

6. For those that admit at Year 7 there were 145 appeals (73 of these were for Harris CTC). 16 appeals were successful (11 from minority groups). 12 successful appeals were for Harris CTC.

7. For Brit CTC there were 14 appeals, two from minority groups; seven were successful.

8. Between September 2002 and September 2003, the Department received six letters objecting to the fact that a child did not get a place in a CTC. The following reasons were given:

- a child wanting to apply before the normal age of admission (which is not allowed by the current funding agreement, but consideration is being given to this in the future);
- non acceptance of a child with a statement of SEN;
- parent wanting to apply from outside the admissions area;
- complaint that undue preference is given to high achievers by use of a national or regional ability distribution (rather than the ability distribution of the area) as the basis for the banding system;
- complaint about the selection criterion, and bias against children from independent schools;
- complaint that siblings of current pupils do not have priority.

The Department is not able to distinguish how many of the complaints were from ethnic minority groups.

#### *Exclusions*

9. In the academic year 2002–03 there were 17 permanent exclusions and 460 temporary exclusions (with 1,342 days lost). The rate of exclusion is not uniform across the CTCs, for example Brooke Weston excluded no pupil, Emmanuel CTC excluded 80 (with 192 days lost).

10. For the academic year 2003–04 so far, there have been seven permanent exclusions and 145 temporary exclusions (with 310.5 days lost).

2 December 2003

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**Monday 1 December 2003**

Members present

Mr Barry Sheerman, in the Chair

Mr David Chaytor  
Valerie Davey

Mr Kerry Pollard  
Jonathan Shaw

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**Memorandum submitted by Slough Borough Council (SA 39)**

**1. SLOUGH**

Slough is situated in the Thames Valley in the South-East of England. It is an urban area, including the town of Slough and its large business areas, but also areas of greenbelt surrounding the town. It shares many of the characteristics of West London as well as those of some other Berkshire areas.

Slough was established as a Unitary Authority in April 1998, the area was formerly part of Berkshire County Council. Slough Unitary Authority is one of the smallest in the country. Neighbouring authorities include Buckinghamshire to the north and west, Royal Borough of Windsor and Maidenhead to the south, London Borough of Hillingdon to the east, and Surrey to the south-east.

**2. NUMBER OF PEOPLE**

There are 119,067 people resident in Slough Unitary Authority (source: Census 2001), including 26,591 children aged 0–15 years.

The number of people in Slough has increased by 13,700 (13%) since 1991. This is the 11th highest increase in England and Wales (out of 376 authorities) and the 2nd highest increase in the South-East region<sup>1</sup> (source: Census 2001, National Statistics Online Profile).

**3. NUMBER OF YOUNG PEOPLE**

In 2001, 27.3% (32,540) of the population of Slough were young people and school children under 19 years of age. 8,211 (6.9%) were aged 0–4 years; 8,350 (7%) were aged 5–9 years; 8,369 (7%) were aged 10–14 years; and 7,610 (6.4%) were 15–19 years. Overall, Slough has a younger than average population, with higher numbers of 20–39 year olds and fewer older residents than the UK average.

**4. ETHNIC AND RELIGIOUS DIVERSITY**

Slough has a very diverse ethnic population. Whilst the largest heritage group in Slough is White heritage (with 75,843 people making up 63.7% of the population), Slough has one of the smallest proportions of White heritage people in the country (ranking 367th out of 376 authorities), and the lowest in the South-East authorities.

The largest ethnic minority groups are Indian (16,719—14%); Pakistani (14,360—12.1%); and Black Caribbean (3,470—2.9%). Slough also has one of the highest percentages of people born outside the UK in the country (24% are born outside the UK compared to 9% nationally). Furthermore, Slough has the highest proportion of people born outside the European Union in the South-East region.

Slough has the highest concentration of Muslim (13.4%), Sikh (9.1%), and Hindu (4.5%) residents in the South-East; and the highest proportion of Sikh residents in the country.

**5. DEPRIVATION**

Slough has 3.4% unemployment (2001 census), low in comparison with some parts of the country, but the highest in the Berkshire area. Slough people have average levels of income, but this masks significant localised poverty, some based on geographical areas and some on particular cultural groups. Many Slough residents are in low paid employment, often outside the borough, while 70% of those employed in Slough are not local residents<sup>2</sup>.

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<sup>1</sup> Excludes London.

<sup>2</sup> OFSTED, Inspection of Slough Local Education Authority, May 2001.

Indices of Deprivation 2000, produced for national government, rank wards and local authority areas on a number of factors including income; employment; health deprivation and disability; education skills and training; housing and geographical access to services. These scores are combined into a single deprivation score for each area.

Slough is ranked 107th out of 354 districts (where district ranked 1 is the most deprived), putting it amongst the top third most deprived local authorities in the country.

There are 14 wards in Slough, six of these are ranked in the bottom 25% of most deprived wards in the country, although none are in the 10% most deprived. A further six are also in the bottom half of wards in terms of deprivation, with only two in the top half, and none in the top 25%.

The most deprived wards overall in Slough are Britwell, Stoke, Baylis, and Chalvey. The least deprived wards overall are Langley St Mary's and Cippenham.

Chalvey is in the bottom 10% of wards in the country for education skills and training. Chalvey, Baylis, Stoke, Wexham Lea, Central and Farnham wards are in the bottom 10% in terms of housing. Stoke, Chalvey, Britwell, Wexham Lea, Baylis, and Central are in the bottom 10% of wards for child poverty.

Slough has a higher than average proportion of the working population with low or very low literacy skills<sup>3</sup>. It also has a higher proportion of those in the working population having low numeracy skills.

As in the rest of the Thames Valley, employers perceive skill shortages in ICT, office and secretarial, marketing and sales<sup>4</sup>.

## 6. ORGANISATION OF SLOUGH SCHOOLS

Slough has 47 schools organised into nursery, some infant and junior, primary, secondary, and special schools. Slough has 11 secondary schools, comprising of seven non-selective, and four selective schools.

## 7. DEMOGRAPHICS OF SLOUGH SCHOOLS

### *Category of school*

NUMBER OF SCHOOLS BY CATEGORY (SOURCE PLASC, JANUARY 2003)

<i>Type</i>	<i>Community</i>	<i>Voluntary controlled</i>	<i>Voluntary aided</i>	<i>Foundation</i>	<i>Total</i>
Nursery	5	0	0	0	5
Infant	6	0	1	0	7
Junior	3	0	1	1	5
Primary	7	2	3	5	17
Secondary (non-selective)	4	1	1	1	7
Secondary (selective)	0	0	1	3	4
Special	2	0	0	0	2
Total	27	3	7	10	47

Four of the five nurseries share a campus site with infant/junior schools; the fifth is a stand-alone nursery. Five of the infant schools share sites with the five junior schools; the other two infant schools are not partnered with a junior school. Slough has one of the highest levels of selection in the country, with four selective grammar schools and seven non-selective schools.

The following lists the differences between the categories of school. It should however be noted that these are general differences; ownership of land and other characteristics may differ for some individual schools.

Community schools (formerly county schools)—usually the LEA employ the staff, own the school land and buildings and has the primary responsibility in deciding admissions arrangements.

Foundation schools (mainly former Grant Maintained schools)—usually the governing body employs staff and decides admissions arrangements. The land and buildings are usually owned by the school or by a charitable foundation. Slough has a higher than average proportion of pupils attending Foundation schools, both at primary (27% compared to 3% nationally) and at secondary (43% compared to 16% nationally).

<sup>3</sup> Learning and Skills Council, Berkshire Profile, February 2003.

<sup>4</sup> Business Needs Survey 2001.



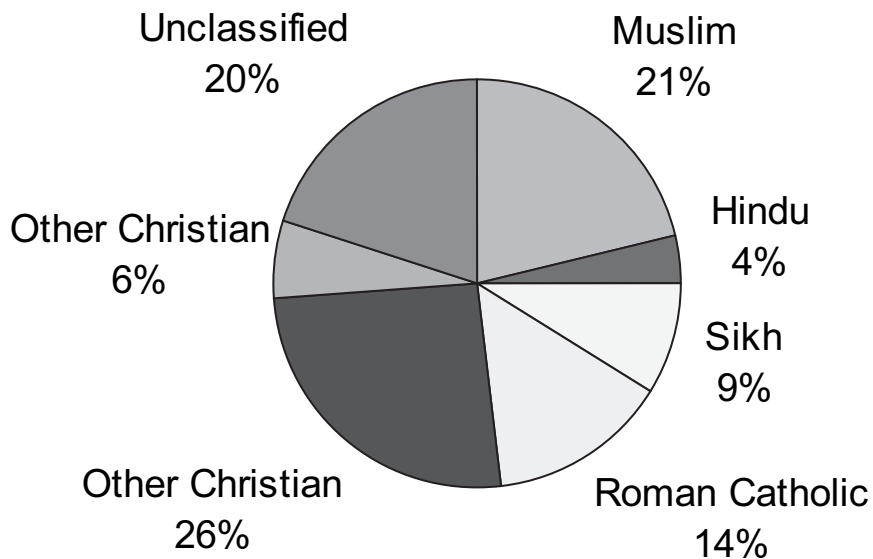
Voluntary Aided schools (normally church schools)—usually the governing body employs staff and decides admission arrangements. The land is usually owned by a charitable foundation and the governing body contributes towards capital costs. Foundation governors representing the charitable foundation or diocese sit on the governing body. Slough has a higher than average proportion of pupils attending Voluntary Aided schools at the secondary stage (18% compared to 15% nationally), but a slightly lower than average proportion at primary schools (16% compared to 19%). All of Slough’s Voluntary Aided schools are Catholic schools (five primaries and two secondaries).

Voluntary Controlled schools (normally church schools)—usually a charitable foundation owns the school but the LEA employs staff and decides admissions arrangements. A higher proportion of Slough secondary pupils attend Voluntary Controlled schools than nationally (7% compared to 4%), however a slightly lower proportion of primary pupils attend Voluntary Controlled schools than nationally (5% compared to 10%). All Slough’s Voluntary Controlled schools are Church of England schools (two primaries and one secondary). The 2001 census shows 54% of the population to be Christian (Church of England, Catholic, and other Christians) one of the lowest proportions of any authority.

*Denomination*

Slough has seven denominational primaries: five Catholic and two Church of England. There are three denominational secondaries: two Catholic and one Church of England. However, because of the diversity of religious beliefs in Slough, many of the pupils attending these schools are from other faiths. In addition, there are also other community and Foundation Schools with a majority of students from a particular faith, particularly Muslim majorities.

THE PERCENTAGE OF PUPILS BY RELIGIOUS FAITH IN SLOUGH SCHOOLS

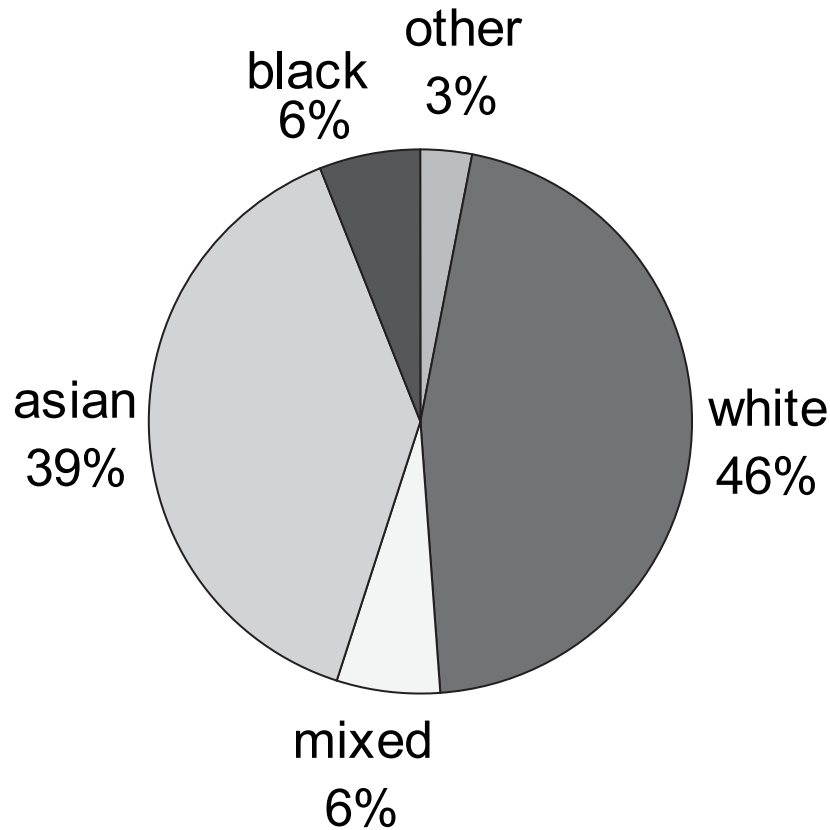


PROPORTION OF PUPILS OF DIFFERENT FAITH GROUPS IN SLOUGH SCHOOLS  
(SOURCE PLASC JANUARY 2002 AND CENTRAL PUPIL DATABASE NOVEMBER 2002)

<i>School</i>	<i>Other Christian</i>	<i>Roman Catholic</i>	<i>Muslim</i>	<i>Hindu</i>	<i>Sikh</i>	<i>Other</i>	<i>Unclassified</i>
<i>Non-denominational Primary Schools</i>							
Castleview School	18%	0%	14%	13%	34%	4%	16%
Cippenham Infant School	53%	1%	13%	3%	8%	11%	11%
Cippenham Junior School	53%	3%	12%	4%	10%	14%	5%
Claycots Primary	45%	2%	14%	3%	1%	8%	27%
Foxborough Primary School	43%	3%	16%	4%	7%	13%	14%
Godolphin Infant School	6%	1%	37%	5%	11%	2%	39%
James Elliman School	15%	2%	44%	5%	10%	6%	19%
Lea Infant School	10%	1%	64%	4%	13%	4%	4%
Lea Junior School	10%	1%	57%	3%	9%	3%	17%
Lynch Hill School	51%	3%	7%	0%	1%	8%	29%
Marish Infant School/Nursery	39%	4%	11%	4%	7%	18%	16%
Marish Junior School	48%	3%	12%	5%	9%	17%	6%
Montem Primary School	12%	2%	58%	4%	7%	4%	13%
Parlaunt Park Primary School	51%	1%	2%	1%	9%	17%	19%
Pippins School	49%	3%	1%	3%	8%	3%	31%
Priory School	4%	1%	2%	1%	1%	0%	90%
Ryvers School	30%	1%	19%	6%	17%	9%	17%
Thames Valley Infant School	6%	4%	74%	2%	4%	4%	5%
The Godolphin Junior School	12%	1%	53%	9%	18%	4%	3%
The William Penn School	11%	0%	39%	3%	4%	4%	38%
Western House School	30%	1%	9%	2%	7%	2%	49%
Wexham Court Primary School	35%	1%	27%	6%	10%	5%	16%
<b>All non-denominational primary schools</b>	<b>28%</b>	<b>2%</b>	<b>25%</b>	<b>4%</b>	<b>9%</b>	<b>7%</b>	<b>25%</b>
<i>Denominational Primary Schools</i>							
Colnbrook CE Primary School	49%	2%	6%	1%	4%	1%	36%
St. Mary's CE Primary School	26%	0%	32%	3%	6%	9%	25%
Holy Family Catholic School	2%	93%	0%	0%	0%	0%	5%
Our Lady of Peace Junior	12%	80%	2%	1%	1%	0%	3%
Our Lady of Peace RC Infant	8%	61%	1%	2%	1%	0%	27%
St Anthony's Catholic Primary	12%	79%	0%	0%	0%	2%	7%
St. Ethelbert's Catholic	10%	48%	2%	1%	1%	2%	37%
<b>All denominational primary schools</b>	<b>14%</b>	<b>55%</b>	<b>7%</b>	<b>1%</b>	<b>2%</b>	<b>2%</b>	<b>19%</b>
<i>Non-denominational Secondary Schools</i>							
Baylis Court School	12%	1%	56%	3%	8%	3%	17%
Beechwood School	45%	3%	7%	3%	5%	25%	13%
Herschel Grammar School	14%	3%	22%	7%	13%	2%	41%
Langley Grammar School	28%	3%	6%	15%	23%	11%	15%
Langleywood School	48%	1%	11%	2%	8%	10%	19%
Slough Grammar School	22%	3%	22%	11%	21%	5%	15%
The Westgate School	44%	4%	9%	3%	16%	7%	17%
Wexham School	29%	0%	42%	6%	13%	7%	2%
<b>All non-denominational secondary schools</b>	<b>29%</b>	<b>2%</b>	<b>21%</b>	<b>7%</b>	<b>15%</b>	<b>8%</b>	<b>17%</b>
<i>Denominational Secondary Schools</i>							
Slough and Eton CE School	9%	1%	73%	1%	2%	2%	12%
St Bernard's Convent School	6%	81%	0%	0%	1%	0%	11%
St Joseph's Catholic High School	15%	77%	1%	0%	2%	0%	4%
<b>All denominational secondary schools</b>	<b>10%</b>	<b>56%</b>	<b>22%</b>	<b>1%</b>	<b>2%</b>	<b>1%</b>	<b>9%</b>
<i>Special Schools</i>							
Arbour Vale School	24%	7%	31%	2%	7%	7%	23%
Littledown School	24%	18%	0%	0%	0%	0%	59%
<b>All special Schools</b>	<b>24%</b>	<b>8%</b>	<b>29%</b>	<b>2%</b>	<b>6%</b>	<b>7%</b>	<b>25%</b>
<b>All Slough Schools</b>	<b>25%</b>	<b>14%</b>	<b>21%</b>	<b>4%</b>	<b>9%</b>	<b>6%</b>	<b>20%</b>

*Ethnicity*

THE SCHOOL POPULATION BY BROAD ETHNIC GROUP  
(SOURCE PLASC JANUARY 2003)



There is a higher proportion of individuals from non-white ethnic heritage in the school population than in the resident population (54% compared to 36%). In particular, there is a higher proportion of individuals of Asian heritage in the school population (39%) than resident in Slough of all ages (26%), this may reflect a younger ethnic minority population, larger families, and/or school preferences.

THE SCHOOL POPULATION BY ETHNIC HERITAGE GROUP  
(SOURCE PLASC JANUARY 2003)

<i>Ethnicity</i>	<i>% of secondary school pupils</i>	<i>% of primary school pupils</i>	<i>% of special school pupils</i>	<i>% of all pupils in Slough</i>
<i>White Heritage</i>				
British	43.3	39.5	49.0	41.8
Irish	0.7	1.7	0.0	1.1
Traveller Of Irish Heritage	0.1	0.0	0.0	0.0
Gypsy/Roma	0.6	0.3	0.0	0.4
Any Other White Background	2.7	2.7	7.7	2.8
<b>White Total</b>	<b>47.4</b>	<b>44.1</b>	<b>56.8</b>	<b>46.2</b>
<i>Mixed Heritage</i>				
White And Black Caribbean	2.6	1.9	1.2	2.3
White And Black African	0.4	0.3	0.0	0.4
White And Asian	1.9	1.8	0.0	1.8
Any Other Mixed Background	1.3	1.2	0.4	1.3
<b>Mixed Total</b>	<b>6.3</b>	<b>5.2</b>	<b>1.5</b>	<b>5.8</b>

<i>Ethnicity</i>	<i>% of secondary school pupils</i>	<i>% of primary school pupils</i>	<i>% of special school pupils</i>	<i>% of all pupils in Slough</i>
<i>Asian or Asian British Heritage</i>				
Indian	13.7	19.3	8.1	15.9
Pakistani	20.8	20.1	30.1	20.6
Bangladeshi	0.3	0.3	0.0	0.3
Any Other Asian Background	2.3	2.7	0.8	2.4
<b>Asian Total</b>	<b>37.1</b>	<b>42.4</b>	<b>39.0</b>	<b>39.3</b>
<i>Black or Black British Heritage</i>				
Caribbean	2.1	1.8	1.2	1.9
African	3.4	2.5	0.8	3.0
Any Other Black Background	0.9	0.4	0.0	0.6
<b>Black Total</b>	<b>6.3</b>	<b>4.7</b>	<b>1.9</b>	<b>5.5</b>
<i>Other Heritage</i>				
Chinese	0.2	0.5	0.0	0.3
Any Other Ethnic Background	1.4	1.6	0.8	1.5
Not Recorded	1.4	1.5	0.0	1.4
<b>Other Total</b>	<b>3.0</b>	<b>3.6</b>	<b>0.8</b>	<b>3.2</b>

#### *Gender*

The total school population comprises 49% female and 51% male. There is one single sex secondary school for girls in the borough (Baylis Court School) all other schools are mixed. Whilst offering diversity and choice, the existence of the girl's schools impacts on other non-selective secondary schools, leading to a disproportionate number of boys in other schools. The intake of Slough and Eton and Beechwood Secondaries is currently around two-thirds male. Historically, the girl's school has particularly tended to attract a high percentage of Muslim girls.

#### *SEN Units or Special Classes*

In total one in five children in Slough (3,825) are identified through the SEN code of practice as having some form of Special Educational Needs. Overall 1% of primary pupils and 1.9% of secondary pupils are educated in special schools, this is in line with national averages. A minority of pupils attend out of borough special schools or other out of borough provision.

#### PUPILS WITH SEN BY GENDER AND ETHNICITY

		<i>SEN not-stated</i>	<i>SEN—stated</i>	<i>All SEN</i>	<i>All pupils</i>
Gender	Male	62.0%	68.5%	63.0%	50.5%
	Female	38.0%	31.5%	37.0%	49.5%
Ethnicity	White	53.3%	52.9%	53.2%	46.2%
	Black	6.2%	4.0%	5.8%	5.5%
	Indian	7.8%	8.2%	7.9%	15.9%
	Pakistani	22.9%	27.5%	23.6%	20.6%
	Other Asian	1.4%	1.2%	1.4%	2.7%
	Other heritage	7.0%	4.8%	6.6%	7.6%
	Not known	1.5%	1.5%	1.5%	1.4%

Source: PLASC, January 2003

#### SPECIAL SCHOOLS, SEN UNITS, AND SEN RESOURCES IN SLOUGH

<i>School</i>	<i>Type of provision</i>	<i>Age range of provision</i>	<i>Type of need</i>	<i>Number of places</i>	<i>Occupancy (May 2003)</i>
Arbour Vale School	Special School	2–19	Moderate—severe learning difficulties, profound and multiple learning difficulties, other low frequency/high complexity difficulties, eg autism	240	245

<i>School</i>	<i>Type of provision</i>	<i>Age range of provision</i>	<i>Type of need</i>	<i>Number of places</i>	<i>Occupancy (May 2003)</i>
Littledown School	Special School		Emotional and/or behavioural difficulties	32	19
Cippenham Junior School	Primary School Resource	7-11	Specific learning difficulties	n/a	n/a
Ryvers Primary Schools	Primary School Resource	3-11	Autistic Spectrum Disorder	6	6
Beechwood School	Secondary School Resource	11-15	Specific learning difficulties	15	18
Chalvey Early Years Centre	Assessment Unit/ Nursery	2-4	Assessment Unit for Mild-moderate communication and learning difficulties	10	8
Priory	Resource	3-11	Physical, sensory and/or medical difficulties	45	28
The Westgate School	Resource	11-15	Physical and/or medical difficulties		To be opened Sept 2003
Foxborough	Hearing Impairment Resource	3-11	Hearing Impairment	10	7
Langleywood School	Hearing Impairment Resource	11-15	Hearing Impairment	5	3
St Ethelbert's School	Speech and Language Resource	3-11	Speech and Language Difficulties	15	15
Colnbrook School	Resource	3-11	Moderate Learning Difficulties	15	18
Wexham Secondary School	Resource	11-15	Autistic Spectrum Disorder	12	5
Non-selective schools	In School Learning Support Unit	11-15	In school centre for disaffected young people		
Wexham Park Hospital/ Teaching and Support Services (TASS)	Hospital Unit	All ages	Provision while receiving short term medical care	n/a	n/a

THE PERCENTAGE OF PUPILS AT EACH STAGE OF THE SEN CODE OF PRACTICE IN SLOUGH MAINTAINED SCHOOLS

<i>SEN Code of practice</i>	<i>% of secondary school pupils</i>	<i>% of primary school pupils</i>	<i>% of special school pupils</i>	<i>% of all Slough pupils</i>
School Action	10	12	0	11
School Action Plus	5	5	0	5
Referral	1	0.2	2	0.6
Statemented	2	1.5	98	3
No SEN	82	81	0	80

702 pupils have a statement of SEN.

NUMBER OF PUPILS WITH STATEMENTS OF SEN BY AGE, TYPE OF ESTABLISHMENT AND TYPE OF NEED  
(SOURCE SEN2 AND 8B, JANUARY 2003)

Establishment	Age	Aspergers	Autism	Reason for statement										
				Emotional and Behavioural	Hearing Impaired	Medical	Moderate Learning	Physical	Profound and multiple	Severe Learning	Specific Learning	Speech and Language	Under Assessment	Visual Impaired
<i>Slough residents in Slough Maintained Schools</i>														
Mainstream schools	Under 5		2					3				2		2
	5-10	3	4	19	4	4	26	4		3	4	28		1
	11-15	3		17	1	5	42	8		1	26	10	1	4
	16-19			8			3	1		1	7			1
	All ages	6	6	44	5	9	71	16		5	37	40	1	8
Resourced provision/units/special classes in mainstream schools	Under 5					1		3						
	5-10		4				9	10		1		11	2	1
	11-15				4		4	3		14				
	16-19			1							3			
All ages		4	1	4	1	13	16		15	3	11	2	1	
Special Schools	Under 5		2				1	1	1	2				
	5-10		4	8	1	1	23	1	1	18		5	1	
	11-15		2	5		1	47	3	9	38	1	5		
	16-19						11		5	22	1			
	All ages		8	13	1	2	82	5	16	80	2	10	1	
Pupil Referral Units	Under 5													
	5-10													
	11-15			2							1			
	16-19													
All ages			2							1				
<i>Out of borough Pupils with statements of SEN in Slough Maintained Schools*</i>														
Mainstream Schools	All ages	2	3		4	2	4	9			1		1	
Special Schools	All ages		2	6		1	12		2	11		2	3	

\*Slough receives remuneration for the 4 pupils under assessment

NUMBER OF PUPILS WITH STATEMENTS OF SEN BY AGE, TYPE OF ESTABLISHMENT AND TYPE OF NEED  
(SOURCE SEN2 AND 8B, JANUARY 2003) (Continued)

Establishment	Age	Aspergers	Autism	Reason for statement										
				Emotional and Behavioural	Hearing Impaired	Medical	Moderate Learning	Physical	Profound and multiple	Severe Learning	Specific Learning	Speech and Language	Under Assessment	Visual Impaired
<i>Slough residents educated in other borough maintained settings</i>														
Mainstream schools	Under 5												1	
	5-10		1	1	4	1	2	1			4	6		
	11-15			12	1	2	10	3			8	4		
	16-19			1			1				1			
	All ages		1	14	5	3	13	4			13	10	1	
Resourced provision/ units/special classes in mainstream schools	Under 5													
	5-10													
	11-15			1	1							4		1
	16-19							1						
	All ages			1	1			1				4		1
Special Schools	Under 5					1		2						
	5-10		6	1		1	1	1		3	1	1		1
	11-15	1	2	6	2		6	1	1	2		3		1
	16-19			1						2				
	All ages	1	8	8	2	2	7	4	1	7	1	4		2
<i>Slough residents educated in independent and other non-maintained provision</i>														
Non-maintained special schools (incl Hospital Special)	Under 5													
	5-10											2		
	11-15	1	1	11	1		1					3	1	
	16-19											2		1
	All ages	1	1	11	1		1				7		1	1
Independent special schools	Under 5					1								
	5-10		2	1				1				1		
	11-15		2	5	1			1			1		1	
	16-19		1	3							1			
	All ages		5	9	1	1	1	1		1	1	1	1	

None of the places in Slough schools are residential/boarding. The proposed PFI project is considering providing some residential places for pupils with Autistic Spectrum Disorders.

Educated Otherwise

*Educated outside mainstream schooling*

THE NUMBER OF PUPILS EDUCATED OUTSIDE SCHOOLS  
IN MAY 2003 BY REASON AND PROVISION

	<i>School Refuser</i>	<i>Emotional and Mental Health</i>	<i>Pregnant</i>	<i>Exceptionally at Risk</i>	<i>Dual Roll</i>	<i>Total</i>
Step Out				10		<b>10</b>
At Home	5		1			<b>6</b>
Wexham Park PRU— Hospital Schoolroom		8				<b>8</b>
Looked After Children's Service					33	<b>33*</b>

\* Two pupils are included in the establishments listed below.

Education that is provided by parents is monitored and supported by the Education Welfare Service and School Improvement Team.

Northbrook (including Haymill) Pupil Referral Unit, which covers Key Stages 1-4, had 89 pupils in attendance in January 2003. 61 pupils were on the unit register only, 23 were dually registered at another school and five pupils also attended a FE college or were with a voluntary provider.

Activate which provides for pupils with a wide variety of needs had 21 pupils in attendance in January 2003. Activate is a work based training scheme, offering an alternative to mainstream schooling providing work related learning. The scheme, which started in September 2001, is based at Sara Lee and is run by the council in partnership with East Berkshire College and the Slough Business Community Partnership. The centre offers a work-related curriculum to young people who have often become disenchanted with school, which can lead to poor behaviour and attendance. Trainees are helped to secure work placements as well as working towards vocational qualifications.

*Vulnerable pupils*

Slough currently has £250,000 available through a standards fund grant for Vulnerable pupils to support key groups, these include: looked after children; Gypsy Travellers; Asylum Seekers; young carers; school refusers; teenage parents; and young offenders.

The purpose is to develop a strategic approach within the LEA to support vulnerable school age children and improve access to education, attendance, inclusion and standards.

*Excluded pupils*

Slough's target is to become the first authority in the country with zero permanent exclusions. The authority fulfils its responsibility to offer full-time provision for all pupils excluded for more than 15 days.

Successful steps have been taken, supported by funding through the Behaviour Improvement Programme, to increase the capacity of mainstream schools to support children and reduce fixed term exclusions.

8. ADMISSIONS FORUM

The Education (Admissions Forums) (England) Regulations 2002 came into force on 20 January 2003 and require all Local Education Authorities to establish an Admissions Forum to consider admissions within their areas. Slough LEA had already established an Admissions Forum on a voluntary basis in May 2002.

The key role of the Admissions Forum is to:

- Consider how well existing and proposed admission arrangements serve the interests of children and parents within the area of the authority.
- Promote agreement on admission issues across the various admission authorities.
- Consider how information can be provided for parents and review documentation.



- Monitor the admission of children who arrive in the authority's area outside the normal admission round, with a view to promoting arrangements for the fair distribution of children among local schools.
- Review the admission arrangements for children with special educational needs, looked after children, and children who have been excluded from school.
- Consider any other admission-related issues that may arise.

Although the Forum has previously considered some of the issues referred to above, the scope of the Forum has been widened by the new regulations and a range of issues will be considered by the Forum at future meetings.

The Forum consists of a group of core members including representatives of the LEA and Dioceses and representatives of community and voluntary controlled schools, voluntary aided schools and foundation schools. The Forum also includes at least one parent governor representative and may include not more than three persons who appear to the authority to represent the interests of any section of the local community. Any adjustments to the membership, to comply with the new regulations, will be made during the summer term 2003 and considered by the Council.

Until recently the Forum has met only occasionally, normally to consider the LEA's admission arrangements for the forthcoming school year. The new regulations require that a Forum must meet at least three times during its first year and at least twice yearly thereafter. The Forum continues to be an advisory body only and may only submit advice and recommendations to Admission Authorities.

Under the Education Act 2002 a new Code of Practice for Admission has been published this requires authorities to have fully co-ordinated admission schemes in place for the 2005–06 school year.

In March 2003 the Admissions Forum consulted on published admission numbers for September 2004. The Education Act 2002 repealed the requirement for schools to have standard numbers. These are to be replaced by published admission numbers (PAN) in 2004–05, based on net capacity indicated admission numbers (IAN).

## 9. PERFORMANCE DATA (2002–03)

### *Key Stage 1*

- Results of KS1, in reading, are above the national figure at Level 2 + (Slough 86% : National 84%)
- Reading results at Level 3 are two percentage points below the national figure (Slough 26% : National 28%)
- In writing, the results are four percentage points above the national figure at Level 2 + (Slough 85% : National 81%) and at Level 3 they are six percentage points above (Slough 22% : National 16%)
- There is a consistent pattern of achievement above the national level at Level 2. Achievement at Level 3 is below the national figure in reading but significantly above in writing.
- In mathematics. Slough Schools match the national context at Level 2+ (90%). Achievement at Level 3 is two percentage points below the national figure (Slough 27% : National 29%)

### *Key Stage 2*

- Results in English in 2003 at KS2 are in line with the national results at Level 4 and Level 5. There has been a two percentage point increase in Slough's results since 2002 at Level 4 and a three percentage point increase at Level 5. Within this there is a significant improvement in reading of two percentage points at Level 4 and nine percentage points at Level 5.
- Performance at Level 4 in mathematics is four percentage points below the national figure.

### *Key Stage 3*

- KS3 results show an upward trend, with substantial gains in mathematics and Science. In particular, there is significant improvement at Level 6+.

### *Key Stage 4*

- Slough compares very favourably with its statistical neighbours. The range at GCSE 5 A\*-C is between 38.6% and 54.0%, with Slough achieving 54.0% against a national figure of 52.6% and a SE Regional figure of 54.8%

## 10. ADMISSIONS APPEALS

- There are approximately 15–20 appeals per month.
- This figure increases dramatically in June to over 90 appeals.
- An approximate total number of appeals heard per year is 300. This figure has risen particularly over the last two year period.
- The ethnic background of appeals hearings (for 2002) is:
 

Pakistani	41%
UK (European)	25%
Indian	19%
Black/African	5%
Other European	4%
Mixed Ethnic Origin	5%
- Of the approximate 300 appeals heard per year up to 25% (or 75 appeals) require interpreter support.
- Broad costs of interpreter support (at £40 per session) is £3,000.
- Up to four hours of officer time is used per appeal (equal to 1,200 hours per annum or ca 170 office days).

## 11. NFER—THE IMPACT OF THE STRUCTURE OF SECONDARY EDUCATION IN SLOUGH, NOVEMBER 2001 (PARA 1010–1015)

“Because Slough Borough Council (SBC) covers a small geographical area, a high proportion of its population lives close to its borders; this means that it is relatively easy for Slough children to attend schools outside the borough, and for non-Slough children to attend SBC schools. It is therefore relevant to consider the education systems of neighbouring authorities, in particular Buckinghamshire and Windsor and Maidenhead. Bucks also has a selective system and one of its grammar schools (Burnham) is only just outside the Slough Border; in fact for some pupils in primary schools, it is the nearest grammar school. This means that some Slough children take the Bucks selection test either instead of, or as well as, the Slough test.

Windsor and Maidenhead, like Slough, is a new LEA, a unitary authority created by the abolition of Berkshire County Council. Although, like Slough it covers a small geographical area, it includes different systems of education. Both towns are comprehensive, but in Maidenhead the age of transfer to secondary education is 11 while in Windsor there are many middle schools catering for pupils age nine to 13. There is also, however, one secondary school (Churchmead, at Datchet) which under Berkshire was the designated non-selective school for some Slough pupils; it is now part of Windsor and Maidenhead, but although closer to Windsor than Maidenhead, it takes pupils at age 11, including large numbers from Slough.

The result is that, in theory at least, Slough parents can choose from a range of types of schooling. They can enter their children for the Slough and/or the Bucks 11-plus test, in the hope of securing a grammar school place; if they are opposed to selection (or if their child fails the test), they can apply for admission to a comprehensive school in Windsor and Maidenhead. In practice, however, the choice for the majority of parents is likely to be limited. Their child may not succeed in gaining admission to a grammar school, and they may not have the resources to pay for travel to a school outside the borough.

The other side of the equation is that the Slough grammar schools attract applications from a large number of families who live outside the borough. Hence in 1998, 40% of the Year 7 pupils in Slough grammar schools came from outside Slough. It is not perhaps surprising that this fact is resented by local people who feel that grammar school places which would otherwise have been available for Slough children are given to outsiders instead.

There are also differences in admission to grammar school in terms of the ethnicity and socio-economic status of the families represented. According to SBC records, in 1999 17% of the white children in Slough maintained primary schools transferred to grammar school; the percentage of Pakistani pupils was lower (1%) and that of Indian pupils much higher (29%). More than a quarter (26%) of pupils in non-selective schools were eligible for free school meals (FSM), compared with only 8% of those in grammar schools.

In this difficult situation SBC wishes to provide the fairest and most effective system of education for pupils from all ethnic communities in the town. As explained in section 1.1, it does not have the power to abolish selection, even if this were considered desirable. However, Slough has a responsibility to provide clear unbiased evidence about the impact of selection on the borough’s children and schools. Moreover, an understanding of the impact of selection should help Slough to operate effectively within the present system”.

*Witnesses:* **Miss Hilda Clarke**, Headteacher, Langley Grammar School, Slough, **Reverend Jeremy Hurst**, Chair, Slough School Organisation Committee and School Admissions Forum (SACRE), **Ms Julia Shepard**, Headteacher, Beechwood School, Slough, examined.

**Q839 Chairman:** Can I thank Hilda Clarke, the Headteacher of Langley Grammar School, Slough, Reverend Jeremy Hurst, Chair of the Slough School Organisation Committee and the School Admissions Forum and Julia Shepard, Headteacher, Beechwood School in Slough. Thank you very much for helping us with our informal session. People should never agree to an informal session because it makes it more difficult in the formal session. We have been primed. We have had the informal session and I know that all three of you held back a bit to let other people speak who were not going to get a chance to speak later, is there anything you want to reflect on that were shared round this chamber earlier on?

**Revd Hurst:** I think if you were to ask the questions now, you have all done a lot of listening, we do not know what is in your mind.

**Ms Shepard:** I think there are one or two aspects of helpful practice that we could discuss round some of the issues, certainly round young people who are coming into the town after the September move that may be useful.

**Miss Clarke:** I think the only issue I would like to raise is to put some numbers round how many pupils do apply to the grammar schools in the Slough area. I would just like to make the point that people have to opt-in to do the 11-plus in Slough. You might have thought all pupils in Slough primary schools do the 11-plus, far from it, it is only those that opt-in. The only other point I would say is that you are not listening to the parents' views, I do not think that has been put across to you, you have not heard that. I think parents in Slough cope with very, very complex systems indeed. I know Jeremy is very active in our community so he will know how complicated the parents' views of this are. I think we have quite sophisticated parents in Slough because they have to manage and understand a complex admission system, not just post 11 but also for primary age as well.

**Q840 Chairman:** We had hoped to meet some parents today but it has not worked out. Certainly I hope if we can make the case through our back-up team in the local press we would very much like to receive any submissions from parents on the system in Slough. That is a very good point. Can I push you a little on the percentage of students who do opt into the 11-plus process?

**Miss Clarke:** The figures I have are purely for the number of applications we have and the rough percentage is what we call out of the Slough post-code area. The last two years, so this current year and the previous year, the 11-plus went back into the Slough primary schools. They were not doing it on the same day as people outside the Slough community do it. For the 2003 entry, September 2003, we had approximately 2,300 candidates sit for the four grammar schools, that is for 530 places roughly, out of that 2,300 about 800 to 900 are not Slough people. That number does vary a lot, I will

say that. In the entry 2001 we had roughly 1,800 sitting the test, for entry in 2002, 2,000 and for entry in 2003, 3,200 applicants, so the numbers have been steadily rising. I do know, my school is a prime example of that, I have had a massive increase in the number applying from outside Slough. My school is the most affected of the four grammar schools because I am out on the eastern edge so I am at the edge nearest to Greater London so more people see me as attractive rather than the schools that are further in to Slough, and obviously the Catholic element draws from everywhere. That is the four grammar schools and those are some numbers sitting the 11-plus.

**Q841 Chairman:** The question that I was hoping to pursue was this one about the fairness of the system, do you think that the system of admissions here in Slough is fair? If it is not entirely fair would you change it in any way?

**Miss Clarke:** The system is very complicated because there is an admissions process at 11 to the Slough non-selective schools and there is a system of admission to grammar schools. If you look at the forms the forms are quite straightforward, so I think all of the admissions authorities try and make it as clear as possible. As you saw currently those two systems operate side by side, so you can apply to the grammar schools and you can also still get your preference for a non-selective school as well. The systems are clear, they run parallel, they do not disadvantage one way or another. If anything people get two bites of the cherry, you can apply to the grammar school system and still get your first preference, the new common admissions form is meant to amend that. Added to that people are looking at different admission systems in Windsor, Maidenhead, Buckinghamshire, Hounslow and Hillingdon and suddenly then it makes it very complicated and in that sense it can become unfair because you have to work very hard to understand all of those systems. Certainly what we find is when we are talking to a massive number of parents at open evenings and open mornings is that people struggle to understand how they fit into those admissions systems. If they want to they can choose a different system to opt in to, yes they can, but understanding it is complicated.

**Q842 Chairman:** Apart from being complicated you are an attractive school, you sit in Slough, even if you sit on one end of Slough, and you told me informally earlier that you take people on merit in terms of how they score in the entrance test, hypothetically all of your pupils could come from outside Slough, could they not?

**Miss Clarke:** Yes, because our admissions policy, as with the other two foundation schools, is purely on ability, so purely performance in the test. Yes, they could come from outside Slough, we do not control it, and we do not make decisions based on where they come from.

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**Q843 Jonathan Shaw:** You do not make any decision based on where they come from, do you make any decisions based on their circumstances, for example is the first priority of your own admissions authority, children in public care, would they get priority?

**Miss Clarke:** No. It is purely on performance in the test. When we make the selection we look down the list, all it is is numbers, there is no identifying character to the numbers on the page. When we make the offer I do not know gender, where they come from, background or anything whatsoever, it is purely on performance in the test.

**Q844 Jonathan Shaw:** Thank you. Presumably there are a number of pupils who have a similar score then you have to look at them. What I am trying to understand from you is that would there be circumstances that a child in public care would get any form of preference for an over-prescribed place at your school in any circumstances?

**Miss Clarke:** Not under the current system that we have. We do not cut the numbers, if it is 30 on the numbers all 30 get offered a place. The over-subscription in school admissions is also a problem, once you have taken ability into consideration it is then siblings and proximity to the school.

**Q845 Jonathan Shaw:** Again you put that above children in public care despite the Adjudicator setting that out in the current practice?

**Miss Clarke:** Having been taken to the Adjudicator the Adjudicator did not make that point to us. We were taken to the Adjudicator two years ago, the three foundation grammar schools, and the Adjudicator did not criticise us for that on our admissions policy. Special circumstances are given to children with special education needs. They are given different treatment for doing a test and we follow the principles on that. We do not have, as Slough has, looked-after children as a priority, no.

**Q846 Jonathan Shaw:** If I can put to you that the Adjudicator came to our Select Committee and I asked him this question, "Are you saying loudly and clearly to all admission authorities in England that children in public care should be number one?" You know the reasons why, should your school, should your admissions authority, one, ignore that and, two, wait to be told that and as a defence say, "we were not told so therefore it does not matter".

**Miss Clarke:** I understand the point that you are making there very strongly. What I would like to say is that we do have a few children in our school who are looked-after children. I am not trying to be awkward or do it by the letter of the law but we have been taken by the Adjudicator to the High Court on judicial review and I have to say that we have never been told that that is the basis of the criteria. What we do say, and I would like to state it this way, is that because admission is purely by ability what we do not allow ourselves to be judged by, is people's circumstances or where they live. I am sure that the governors of the school would be happy to look at a looked-after child category but

for that we have to go out, as demanded of us, to change our admissions policy and do that. If the Government said that really is something that is defective then I am sure we will work at that. Having gone through all of those people and adjudication we have never been picked up on that. We do have children in our school who are in the looked-after category.

**Q847 Jonathan Shaw:** Given the circumstances that have been explained by Julia Shepard's school and presumably you have a number of children who are looked-after, et cetera, do you have anything to say about that set of circumstances? Is it too difficult? Do you think that is right? The point is that unless there is an initial objection about children in care, about some parent or the local authority, in this case Slough, saying you should put it as number one then it will not happen, a parent has to raise it in order for the adjudication process to take place, what do you think about this?

**Revd Hurst:** To reply to that, each school operates its admission policies according to status. The community schools in Slough operate the policy that is laid down to them by the authority, which is as you have said. I have not heard of it being an issue in those schools. One of the complexities of this situation, and you have heard such a lot about the complexities already, is that we are dealing with foundation schools. Three of the grammar schools are foundation and one is a voluntary agent school and they set their own admissions criteria. When the Schools Admission Forum meets in this room it is aware of the great limitation on its powers because it can deal with the schools which come under the authority's jurisdiction, it cannot deal with foundation schools, this is part of Government policy.

**Q848 Jonathan Shaw:** I am grateful for that. Do you have a view on that? You are operating within a system, you have explained to us there are constraints around it, we want to put a report together that perhaps looks at Government policy, the rights and the wrongs of it, Jeremy, tell us what works and what does not work and the point about children in public care, is that okay not to be at the top of the list?

**Revd Hurst:** I have answered about children in public care, if they are listed in the admissions criteria that is that.

**Q849 Jonathan Shaw:** Do you think a school should not have it at the top of its list? Do you think a school that has its own admissions authority should have children in care as number one? Is that too difficult?

**Revd Hurst:** My own personal opinion is, yes, it should be. I am certainly clear about that. As far as the community schools in Slough are concerned the admissions criteria are the ones that are set out in front of you. A foundation school sets its own admissions criteria.

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**Q850 Jonathan Shaw:** You are saying there are constraints within the system, what constraints would you like to see done away with?

**Revd Hurst:** I have been involved in education for a long time, in the days when there was an education committee an education committee had jurisdiction over the schools in that area and as a result of government policy successively over the last 15 years many of those have been removed from the Local Education Authority and it is then not a question of sitting in a council chamber and making decisions which then affects all schools, it is a complex process of negotiation between bodies with limited powers, consulting with another body, having the opportunity to do this and not do that. This is true of school organisation committees such as the Schools Admission Forum, where you get contradictions built into Government policy. The question of sixth forms came up earlier in the meeting and to my mind a school which has a sixth form is in a privileged position compared to a school that has not. Sister Mary made that point very, very forcibly. What is to be the case for schools in Slough when only the grammar schools have fully fledged two year sixth forms? If you wished to introduce them the power to do that has been taken away from the School Organisation Committee and given to the Learning and Skills Council. That kind of internal contradiction is something that we bump into all of the time.

**Q851 Jonathan Shaw:** Julia Shepard, do you have any comment?

**Ms Shepard:** I would say that the working practice in admissions in Slough is good. The Slough Admissions Team is very powerful. I think we would all agree that it is challenging to all of us in the different sectors. We also have a team for looked-after children in the authority who are ambassadors for those young people. What it leads me to is—and this is a personal view—I feel that if you have parents or guardians who are prepared to spend time and energy in getting to grips with an admissions system you are more advantaged and more likely to arrive at a destination that you hope for than if you have parents who have not got the time, the wherewithal or the inclination to do that. I make that as a general point. I would also follow on and say for me context is huge, the context of a young person. I think we do have to look at the context of the youngster and what has helped them in the past, what has not helped them and help them into the best position for them. We know that youngsters come through at different levels of advantage and disadvantage, we know that. There are some very sophisticated type of tools and indicators that show us that, YELLIS is one that we use. There are many tools in the market and they are of great use taking into account a whole range of factors, how likely they are to achieve, etc. It saddens me in a way that the admissions procedure mitigates against that level of sophisticated information that we have, and I guess that it is just not fair if you are a child that happens to sit in one position.

**Q852 Mr Chaytor:** Could I ask each of our witnesses, do you think parental choice should be the cornerstone of the schools admissions system?

**Revd Hurst:** If you answer yes then you live with the consequence of that, that parental choice is obviously what parents want, but they simply cannot have it in a free system, and the obvious result of that is if all parents choose the same school. People have often made the comparison that you cannot treat schools like supermarkets, do I go to this one, do I go to that one. If you have a system of parental choice and also a system which operates across LEA boundaries, which is the present case, you have to live with the consequences of that. You then have schools which are over-subscribed and have you heard earlier about the huge numbers of children in this authority who are the subject of appeals. You also live with the consequences of so many moving out and so many moving in, the length of the school day, there are all sorts of consequences of parental choice. The other side of the scale from the over-subscribed school is the under-subscribed school. If I may just continue, all of the schools that were talked about this afternoon were over-subscribed, the four grammar schools plus Westgate and Wexham. I am a governor of a school that has always been under-subscribed, it is in Langley. There are two schools Langley Grammar School and what used to be Langley Secondary Modern School and the preference is for the grammar school. There is a deep-rooted expectation there that if your children do not get into the grammar school you then move them out of the area. That is in the minds of parents even though that door was closed. The school has been running under-capacity for years and because of the entrenched attitude the school is doubly disadvantaged, firstly by selection and secondly by this parental choice. As a result the school is being under-subscribed. There are vacancies. If there are parents who want to get their children into a school when they have moved into the area and find their local school is full they will have to travel with the child to an under-subscribed school. That in itself does not sound too bad but there are numerous groups of asylum seekers and refugees and this school took 80 casual admissions during the course of the year, some of whom spoke not a word of English and as a result of this their performance in the measurable tests is low and the school is then seen as a low achieving school. Heroic efforts are made to get these recently arrived immigrant children to a level where they speak English and are able to participate in the education process and the school is marked down as a result of their presence there. I could go on. These are all consequences of parental choice.

**Q853 Mr Chaytor:** You described the characteristics of the system as it applies in Slough now as a system that is uniformly normally based on parental choice, do all parents have a choice?

**Revd Hurst:** You heard Councillor Mansell not wishing to use the words parental choice but parental preference. Where parents do have a

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choice in many cases it is not met. If I may pick up a point, working as a parish priest in the area which is served by Herschel Grammar<sup>1</sup> I am aware of very, very widespread parental anxiety and also anxiety amongst children who really do not know where they are going to be next year. The selective system will separate families and will also separate friendships. Some are exploring the possibility then of getting out of the Slough system in order to avoid what are seen as secondary modern schools and they go to Maidenhead, they look outside the area. It is very disturbing for children not knowing where they will be in a year's time.

**Q854 Mr Chaytor:** Julia, on parental choice?

**Ms Shepard:** I cannot see a point where we are going to step back from parental preference or parental choice.

**Q855 Mr Chaytor:** What I am trying to tease out is what do you think is the difference between parental choice and parental preference? Which does apply in Slough? How many people does it apply to? If there are problems with it what should the alternatives be?

**Ms Shepard:** I suppose some people have a great deal of choice, some people have diminished choice and a few people have very little choice. I do not think that it is necessarily different here to other authorities across the country. As you know we network with colleagues from all over the place and that is the kind of view I think is broadly held in education circles. I think it is going to be difficult to come back from parent preference. I use the word "preference" carefully because I think as a society we have now got used to being able to express our preferences and articulate those and set about having some of those preferences met or at least being able to explore them. Where I think we are at grievous fault in the system is how we measure the success of schools. I think the kind of information that the Government, I have to say, allows to be presented in the public arena about schools being deeply flawed does not help. I do not think it is sophisticated enough, I think it is far too crude. It has promoted this scrabble for choice based on erroneous information right across the country. Some of the bases on which parents and students choose their schools are based on myth and not on fact. I know for our school that the feedback from parents in the local community has been the transformation over the last two years. I know if I invite people to the school and they come over the threshold they are taken with the environment, the ethos, the politeness of the students and some of the work they are doing. Previously their judgments would have been based on skewed information. Perhaps it is worth repeating this afternoon the Audit Commission's finding that if you look at the contextual information and beyond that, the value-added information, some of the schools that are cited as the bottom 10% on performance if you apply

enough measures to them become part of the top per cent of performing schools in the country. Until we move to a more sophisticated way of measuring success and education in society we are going to operate within a very flawed system.

**Miss Clarke:** Julia's evidence is very articulate on that. People can state their preference and parents state their preference whatever the systems are but the reality of choice is not there because you cannot deliver the flexibility of what parents want. Julia has amply pointed out the basis on which parents are making judgments, sometimes it is on myth and sometimes it is on misinformation. One of the first things I did when I arrived in Slough was actually to go to a meeting held in the local community that Jeremy held in order to talk face to face with people in the community about what they thought we were doing about taking children into school and what the reality of that was. There is parent preference, we have that, but the reality of choice is not there. It is different in each area. Having worked in a big county like Cheshire we were all comprehensives and there was a pecking order and people moved. So what you got was people buying houses next to what they thought were the most successful comprehensive schools, they were big schools and you did have under-capacity there and I saw the knock-on effect of that. I think it is almost an impossible thing to do to have satisfied choice, you can give preference but I do not think you can satisfy choice. I would like to see a system that can do that.

**Q856 Mr Chaytor:** Do you feel that choice ought to be a basic principle even though accepting in many parts of the country we do not have choice for everyone and it is difficult to reconcile it with the availability of places in particular schools, given the nature of geography, and so on? Are you convinced that offering all parents the choice of their school ought to be the basis of the system?

**Miss Clarke:** I think it is what we should strive for because if we go for prescription I think there are a lot of problems in that as well. I think we have to work for that, we have to work very hard and it does make people work hard. If anything it has to make us work closely together and challenge some of the points that Julia has put forward about how we see people's perceptions.

**Q857 Mr Chaytor:** If choice were the basis of a system how do we reconcile that with ability in terms of the criteria for selection? In Slough the figures we have been given for the year 2000 are that 87% of children in Slough did not go to selective schools, given they are the best resourced schools and parents would prefer their children to go to the best resourced schools how do you reconcile choice and ability as admissions?

**Miss Clarke:** You are assuming that 87% apply to go to grammar schools, I would say it is way below that. They exercise a choice by not sitting the test. If you have a selective system it does not mean a lot of people vote with their feet, they make tactical choices about where their children should go. The

<sup>1</sup> *Note by Witness:* The area is served by Langley Grammar, not Herschel Grammar.

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second point is that, yes, if you have selection ability then in effect you are cutting the cake of choice in a more complex way. Here in Slough we have other issues facing schools, we have a Sikh secondary school and that cuts across the cake, gender education cuts across the cake, any local authority near to you cuts across the cake and that is why it becomes very, very difficult to be able to materialise choice and allow people to actually have 100% effectiveness or even 50% effectiveness of their choice, that is where it makes it is even more difficult to do. If you put in a variable then choice is diminished by it.

**Q858 Mr Chaytor:** Do you think it is possible to accurately assess general intellectual ability at the age of 11?

**Ms Shepard:** That is something that I spent a bit of time working on and I find it very odd that much of our work in education now is predicated on the theories of multiple intelligence and different ways in which the brain develops and operates. I find it odd that we do measure youngsters at 11 when we have a whole breadth of information at our disposal. I find it a very strange system with a very narrow measuring band. Relating it back to the kind of choice and preference we have, I feel very strongly that we should be developing centres of excellence of all sorts, sporting, artistic, cultural, creative, mathematically, linguistic in our community schools and if somebody has a very strong reason that their preference is to move out of that community that is where the choice comes in that we should be looking at. I find it is sad that for some youngsters they feel that their measure of ability has been taken at 11. Some youngsters do not take the 11-plus, so it comes back to equality of opportunity, is that because some parents do not know, do not want to risk it, to me there are a whole range of factors that make it a very unequal kind of system.

**Revd Hurst:** Just returning to the question of parental choice, I think this is a phrase you should not use. I think all politicians should drop the phrase because it is misleading, arouses false expectations and the case against it has been made by all of us here, particularly by Hilda. I think we need to find an alternative means. Can you measure the intelligence of a child at the age of 11? The answer is no, it cannot be done to my satisfaction. The point was clearly behind the 1960s driving force behind the move to comprehensive education.

**Miss Clarke:** We measure children's ability now at 7, 11, 13, 15, 16 and 17, there is almost a compulsive nature about it. We do it in one form of a test at 11 and we adopt the NFER non-verbal, verbal reasoning maths test that is one way of doing it. In fact we are actually judging children much earlier than that, we judge them at seven and we are saying that you are at that level at a certain time and we say that you are not at as good a level as somebody else. The children that we now find coming to sit our 11-plus are not as nervous, they are used to test situations and they have experienced that through doing tests, they go

through a regime that tests them as early as seven years old. We use that 11-plus test as a snapshot of a child's ability at that point. I think everybody would say that if you take that snapshot at 12 or 13 that will change. That is the tool that we are using, we are using the NVR and VR testing end and will be a maths paper, it is based on the curriculum, therefore it is based on the teaching value. We support that as a way of taking a snapshot at that particular time of that child but it is only one measure and other measures are used round the country. There is a selection that is used with aptitude tests as well, they are taken as a snapshot. It is being done in many other ways, perhaps the oldest way of doing it is in a way that is more traditional and geared towards what they have been taught in terms of curriculum. Yes, I support the system, I think it does work as a snapshot at that particular time.

**Q859 Mr Chaytor:** Accepting it is a snapshot does it follow that really determines the level of resource that is invested in a child for the whole of their secondary education, that snapshot puts them above 11, or whatever the mark is, and they get a higher level of resource invested in their education, is that measurable?

**Miss Clarke:** You are assuming that grammar schools have higher levels of resource, and I do not think that is true anymore. If you are talking about sheer income coming into the school that is via pupil numbers. In many case a lot of the grants that the Government have are not applicable to schools like mine, we are too high-performing or there are not behavioural issues or attendance issues. So you are making the assumption that at 11 if you get to grammar school the resource and the quality is better, and I argue strongly against that. I think the quality and the resource you get in schools however they move at 11 is based upon the school itself and the resources that go into it. You are assuming that all grammar schools are necessarily the best schools and there can be a question mark against that. I am sure that the resource element that goes into Julia's school is a very rich quality of teaching and things like that, what you are exposing them to should not be different, whether it is a grammar school or anything else, the quality of the resource should be the same. I would argue that that is what I think this Government has tried to do, target resources to where there is specific need, and that has been another layer of that. I question the assumption of the question that you make there.

**Ms Shepard:** If I may just make another comment about choice, I do feel that some young people in the town have an element of choice taken away from them. We are very lucky in Slough in that we have good and effective schools in all sectors. In our primary schools are student population works effectively, well and productively and they are achieving in their primary schools, in their local communities, in mixed schools and mixed groups. I do feel that for some of our young people the choice to continue learning in a way that is rich and fulfilling for them is taken away from them. We are

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fudging the issue on choice in many different ways. For some of the youngsters I have met choice has been taken away from them and they are no longer operating with cohorts and the breadth of population they were operating with before.

**Q860 Valerie Davey:** I have a factual point which I would like to clarify, Hilda you mentioned something like 2,300 sat the grammar school tests for the four schools and probably 800 or 900 had come from outside, totting up the number of places, and that is the best estimate I can do without any background knowledge of Slough, 1,495 places are available in the total number of secondary schools going in at age 11. It would appear from that, and I am only doing a quick deduction, that practically every child is sitting that exam. Is it your understanding that the Slough youngsters are across the piece sitting this exam?

**Miss Clarke:** As far as I can see we do not think that. I am only giving you rough figures. It is very complicated and we are working on post-codes, the SL post-codes go way out of the Slough LEA area. There is a problem about looking at some of these figures here. I cannot give you anything reliable on that. We also have some Slough children who go to primary schools out of Slough, so there is registering in a different category. That is why I would treat all of our figures with some question mark, I cannot be as accurate as I would like to be. From what we see in the primary schools now that the test has gone back into the Slough primary schools and they run them we know not of all of their Year Six are sitting to do the test. There is a margin of error. If I was given more time I could come back with something that would be a little more accurate. We know not all Year Six sit the test. There are Slough children outside Slough in primaries who are coming back into the system, they are Slough children because they have a Slough postal address. I apologise I cannot give you a clearer picture.

**Q861 Valerie Davey:** Thank you very much indeed, I am sure the officers here can help us with figures. I would now like to move on to the appeal system in Slough. We have gone through this complicated system for parents and then they are not satisfied. Can you tell us roughly how many parents appeal? What is the process? It would appear again just as you apply in parallel you have an appeal system in parallel. I am really concerned to know whether it is a worthwhile procedure. Do you have any idea what it costs? At the end of the day have you made more parents and children unhappy or in fact more satisfied as a result of that system?

**Miss Clarke:** If I do the foundation schools, the three foundation schools run a common appeals independent panel, St Bernard's runs its own so I cannot give any data for that but I can give it for the three foundation grammar schools. In the 2001 entry there were 254 appeals, of which 50 were successful. In the 2002 entry there were 334 appeals and 17 first preferences were allowed, 28 below 110. In 2003 entry there were 331 appeals, 18 on first

preference and 58 below 110 below. Over the last two years the Adjudicator decided there should be a second right to appeal for those who got over the grammar school mark but did not get their first preference, the numbers would be 50, 45 and then the top one is something like 70. I have these available on paper if you would like those. In my own school out of that lot we have had 13 successful appeals in 2001, we had 26 in 2002 and 30 in 2003. When they get to the right of appeal you have to house them whether you have the space or not, it is a significant number to have to absorb. Once they have done the test everybody has the right of appeal if they have not got their first preference. We now run into nearly four weeks of appeals just for those three foundation grammar schools here in Slough. They have the right of appeal and if they are not happy with the result of that independent panel they can go to the local Ombudsman, and he has been dealing with about seven or eight cases each year. It reached its extreme this summer when a parent went to judicial review and got refused. We ended up in the High Court in the summer holidays, which a parent funded and it must have cost them £10,000 because they ended up paying our costs. Their child had a mark below 110 but they felt that they should be given the right to appeal, appeal and appeal. That was a parent from a very modest background indeed.

**Q862 Chairman:** Surely it would not have been that modest if it cost £10,000?

**Miss Clarke:** I mean by that for what they paid they could have afforded private education, now that shows a certain desperation. There are lots of other good schools, not just mine by any stretch of the imagination, and obviously I am not here to discuss private cases, but I was surprised that somebody would go to that length. There is a cost to us of running appeals (and I would have to look carefully at those figures) we have to hire a hall because we are not allowed to do it in our school for four weeks. We are allowed to pay our clerks who run the whole system but we are not allowed to pay the independent members, and we get through a lot of them. There is the whole administration. If I can give you a global figure, because we have to pay for the cost of papers and appeals, I budget something like £25,000 to £30,000 a year for the 11-plus test and appeals. I think the appeals might cost about £10,000.

**Q863 Valerie Davey:** Let me just tell you, you are the first of the witnesses who have come before us who has any idea as to cost, so well done.

**Miss Clarke:** Selection has a massive impact in Slough, in some ways detrimental, but it also has a massive impact in Hounslow and Hillingdon as well. A large number of my pupils come from there and a lot of appeals come from those areas, it is not just impacting here in Slough it is impacting in those two areas as well.



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**Revd Hurst:** The system is complex, expensive and distressing. The complexity of it relates to the whole complexity of the system and when you have been working with a system, which I have with the Schools Admission Forum, you get to know this. Parents do not know this because they only deal with it once or with siblings perhaps twice. You heard earlier about the difficulty of understanding the whole admission system, the appeals system is also complex. That is the first point. It is expensive, those figures have been given by Hilda. The panel members are all volunteers and if they were paid for their time you could pretty near double that figure. It is distressing, and I returned to David Chaytor's question about parental choice, because expectations are aroused by the principle of choice, which has been a politician's slogan for years, you feel that you are able to choose. I choose Langley Grammar School but I do not get my child in so therefore I am upset, I go through the whole process, expectation is still high and I find it is dashed. Some people do not accept it, they will not even accept the verdict of the appeals panel.

**Q864 Chairman:** Can I follow up on that point, you seem to have devised a system in Slough that is very off-putting in terms of the original application for a school, especially if they want to go to a selected school, from all of the evidence that we have had so far it seems to be set up for middle-class professionals that know their way round this complex area, the person who can afford a judicial review and who knows about judicial review compared to someone living on a local authority estate with a modest income—it seems to me to be unequal—and however bright their child is they are going to have difficulty comparing to your middle-class professional

**Revd Hurst:** It is not set up for them but it works to their advantage.

**Miss Clarke:** Can I make a point there, you keep talking about middle-class, if you were to look at the cohort of parents that apply to grammar schools in the area it is not your standard middle-class category that are doing it.

**Q865 Chairman:** Can we have the social class background of your pupils in terms of proportions?

**Miss Clarke:** It is very difficult to ascertain because we are not allowed to say what somebody's social class is.

**Q866 Chairman:** You know from free school meals, and your percentage is very small!

**Miss Clarke:** It is very small. There is a significant percentage of my parents who are now unemployed, who are two income families, they work shift work round the airport, indeed the whole industry in that area is characteristic of the description of the employment graphic that you would have seen for Slough and the surrounding areas. I also know that a lot of my parents cannot afford significant things at all but the one thing they spend a lot of money on is education. Their belief, their high motivation of what they want is the kind

of education they want for their child. The vast majority of those who appeal are not well-versed and middle-class, they come from very, very modest backgrounds, backgrounds where many of them are poor English speakers, so we have to have people who will interpret, all of the appeal documents have to be in alternative languages as well. If people want to come they can bring somebody to interpret for them. It is a very different type of profile than what you would have found if you looked in one or two other selective areas. We had Ofsted this last March and I said to them, "Just look at the school, look at the backgrounds of our pupils, look at the data and you will not find a predictable profile that you would expect of a grammar school", that is because in Slough and Hounslow it is very different, it really is very different. You are more likely to opt-in to Buckinghamshire Schools to be honest.

**Q867 Valerie Davey:** Can I come back to Julia on the effect of appeals and the expectation that it raises and where that leaves some of the youngsters who will be turning up and their families coming to your school?

**Ms Shepard:** In September despite a lot of leg work that has been carried out by the admissions team and my own staff I do hold my breath on the first day of term because the list of students that we have may or may not turn up and others may turn up. Some students will have applications in elsewhere, they may well be waiting for appeals. What does that do for those youngsters who do not have a smooth start? They come into school late. We put a lot of work into our induction process and we try and pick up an run with that but sometimes a youngster does not understand why they are delayed starting school—sometimes it is in deference to their parents—some youngster join the school very late in the year, some students through the management of their parents have been out of school for some time despite being offered places in our school or perhaps in other schools. For some youngsters at the beginning of the academic year, particularly the transfer into Year Seven, it causes some difficulty, not for the majority but for a significant minority of youngsters I would say. I have to say that my experience of youngsters who have been waiting for appeals in other authorities and our own authority once they are placed within a school both the student and parent are positive about their school experience but rather sadly they have had to go through such a long-winded and lengthy process. I am sure much of that is added to by some of the parents' shame for youngsters when they have had to go through that process and arrive at school late. I also think it contributes to our overall turbulence in school. We may come back to young people who arrive in the authority during an academic year, their route into school is an interesting one.

**Valerie Davey:** I am tempted to ask you more about that but I will let my colleagues come in. Please make sure that issue does come up later.

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**Q868 Mr Pollard:** I was staggered when I read Slough LEA teacher turnover is 70% annually, is that okay or is that still as bad four days a week?

**Ms Shepard:** We are talking history here. Before I joined Beechwood there were significant issues round recruitment and retention. Since I took up as head teacher I have probably had more stability staff wise than most other schools. I have had three staff in two years move on for promotion. The school is now growing and I appointed seven extra members of staff for September. That is a good news story for Beechwood, however there are some serious issues round recruitment and retention which we would like to raise in this area. It is very difficult to recruit in this area, it is not a Beechwood issue or a particular school issue, we are really not very far from London but we have very different pay conditions which makes a significant difference. If somebody were to go a very short distance down the road their pay is thousands of pounds more. It is a very expensive housing area, it is very difficult to appoint staff in all sectors perhaps in the way that we would wish to do. What it does do for us, and what we have certainly done at Beechwood, is it leads us into training on our own and certainly at Beechwood we really have, I have to say, a top quality continual professional development programme with very powerful expert and experienced teachers to go back and reflect on their practice and share that with others, but it is an extra burden on the school, it is an extra work stream, we are training people as well as the fact that schools need to improve rapidly and an enormous amount. Anybody in Slough will tell you that recruitment and retention is an issue because of the cost of living, because of our proximity to London, because we have been missed out on the London Challenge. We are in the M4 corridor, we are a town that is rich and exciting but with a lot of challenge. We need to be able to pay people an appropriate amount to work in our area. I believe schools like Beechwood need to be able to pay well to attract and retain the best.

**Q869 Mr Pollard:** Does selection on academic ability encourage or discourage social integration?

**Miss Clarke:** In my school I see a lot of social integration as a result of the mixed pupil population I have there, again I would like people to come and look at what is happening with the pupil population, it is not what most people expect, it is multi-ethnic, multi-national, multi-faith, it is slightly more boys than girls, we have families from all kinds of backgrounds there as well, yes it does encourage social integration in the area that I am working in in Slough, yes it does, quite clearly.

**Ms Shepard:** I do not think it encourages social integration at all frankly. This is a personal view, I think it is divisive and I think it moves against the heart of the community. We have young people who are bussing and travelling all round Slough and I think it does detract from a community feel, a community contribution. Having said that we have said already in Slough we work very positively and very well across all sectors and we all engage in

work to mitigate against that. For example we have an enterprise Path Finding scheme in a non-selective school in another part of town and we do work closely on different projects, our staff mix and some of our students mix, and we have to engineer that. I think that selection does not encourage harmony. It matters a lot to the youngsters here which school they go to and where they live, more than it should I think.

**Revd Hurst:** May I go back to your previous question about staff retention, everything that Julia says is true but there is one extra factor, if you have a talented and ambitious teacher who is looking for promotion it is not a good thing to spend too long in a non-selective school. Slough schools are relatively small and also we do not have a sixth form and a teacher will be well advised to move out and not to stay.

**Q870 Chairman:** That is a surprising thing to say. Slough is like Kent, quite a small bubble in terms of selection than in the rest of the country. As Members of Parliament, and some who do not have selection, we are all looking for talented teachers of the highest level, why would that be a bar on someone's promotion to have experience in a non-selective school?

**Revd Hurst:** A lack of sixth form teaching, a lack of teaching across the range. Assuming they have the ability to look for other jobs at their interview the interviewer will ask, "what experience do you have with A-level teaching?" I can quote particular people who have been deputy heads or heads of departments in schools where I have been governor who have said, "it is now in my interest to move on".

**Ms Shepard:** Without wishing to be rude I think the world has moved on. I think the pecking order in education has changed very significantly and to be quite honest with you if you can make the grade in a school that has challenges your school career is set up. I have teaching support staff in my school and the work they are doing, the pace at which they change, the developments they are involved in they are highly appointable, they are building their careers, their careers are made. The pecking order has changed now. People are looking at schools in challenging circumstances to be really cutting-edge, good practice, strong professional development programmes and they are the people that can do the biz, it has changed.

**Revd Hurst:** We disagree on that. On the question of social integration, you have been informed frequently of the movement in and out of the borough, which is largely caused by a selective system, it is not good for social integration if pupils are educated elsewhere.

**Q871 Mr Pollard:** Competition between schools, it is competitive within schools?

**Ms Shepard:** Recently I was reading some research that was saying that the differences are greater within a school compared classroom to classroom than they are amongst schools. I think going back quite some time there was an element of looking at

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your neighbour to see how well your neighbour was doing and looking at some of the practices they were using. Things did sharpen up in a number of things. I am somebody who believes that some things did need to be sharpened up. Some of the level of competition we have seen nationally has been detrimental and has taken the focus away from the learners, the young people, and has perhaps engaged us in activities that have drawn away from that.

**Q872 Chairman:** If I can pursue you on that, we have seen across the board over the last couple of years some policies that seem to have resulted in standards rising, standards rising in literacy and numeracy, surely you are feeling the benefit of that whether it is forced up by a testing regime or not? Are the benefits there or is all this money being wasted?

**Ms Shepard:** No. Perhaps I have not put that across strongly enough, there has been a rise in standards. I do not think the rise in standards has been because of competition from one school to another, I think the raise in standards has been around some national strategies that have had good elements to them. I think it has helped us to review and monitor and make judgments internally and it has been helpful to compare ourselves not against our neighbouring schools but against schools that have similar characteristics so that we know what range there is in terms of performance. I think there have been some huge benefits but what does worry me is when I sit down with one of my Year 11 students and I am mentoring them (all of them have mentors to help them toward their GCSEs) what that young man is reflecting to me is he is tested-out and I find it very hard to get him really highly motivated about his Year 11 exam, he is not really very nervous about them because he has been hyped up so many times for so many tests in his education lifetime that actually he is not very daunted by the GCSEs, the significance of them has not come across to him, he is sick to death of being tested. We run the risk in this system of measuring what we can measure and what we think is worth measuring of performance but we are actually losing our overall perspective about a young person as they come through the school system.

**Miss Clarke:** In terms of the competition element I think this is a problem for parents because these are measures that are seemingly about league tables. We could teach within schools and work within schools and our heads within schools would say, "our school is much more than that". We are always forced to make that comparison and of course it is an artificial comparison because it sets schools inappropriately against each other and that is what it should not do. I have a high ability range and I should be held to account for that in the same way that I should not be matched when the Government publish league tables, where some schools will be vilified and some will be awarded in completely the wrong context and the wrong way. Competition has sharpened schools up but it should be about the quality of education we all

provide to every child that passes our threshold and that should be equally stimulating and challenging to those children whatever type of school it is and if we fall below that we should be taken to account for that.

**Q873 Chairman:** Would value-added be a better measure?

**Miss Clarke:** It is one of the measures but it should not be exclusive. We would both say there should be multiple measures and we need parents to appreciate that. One of the frenetic elements around that is that they look at the league tables and they will say, "that is a good school, that is not a good school". That is far, far too simplistic a judgment that is going on. We need to get a sophisticated picture over that and we are not helped by the profiling that goes on at the moment.

**Revd Hurst:** The only place where schools should actually compete against each other is on the sports field. I do not see competition between schools as institutions, they are arranged in parents' minds in a pecking order, as Hilda said earlier. Going back to the sports field, all of these extra-curricular activities are all ways of integration and what happens in the classroom is not seen but parents do stand on the touchline and watch the school in action on the rugby field and they see young Johnny who is going to be a goal kicker in years to come and they probably go to the school concert or drama production and these are very prestigious and they help to form the image in the parents' minds of the school.

**Q874 Jonathan Shaw:** Jeremy, you said that politicians should stop using the term "choice". The Government do not publish league tables, do they, the Government publish information about schools' results which are available to the public. Hilda Clarke said that you should be held accountable to that, perhaps it would be interesting to hear your comment. For many years there was a group of people within the community who knew how the schools performed, that was the middle-class, they knew which schools were performing well. The fact that we now have the publication of results it has focused the thoughts, attention and interests of far more parents. I think that is something that teachers and head teachers are guilty of moaning about too much quite frankly, and I say that as somebody who comes from a teaching and social work background. Coming back to what politicians do, that is a reasonable point but it goes back the other way too. I find scores of parents say things to me about the league tables and they say things like Jeremy Hurst, about the achievements of schools, which are far more positive things than moaning on about the league tables. I put that to you, ladies and gentleman.

**Ms Shepard:** Some of those schools that—to use your term—the middle-classes thought were doing extremely well have been shown over the years to be significantly under-performing and were travelling on their comfort zone and on their reputation. Some of the schools that are judged,

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and cruelly judged, as being lower down the league tables—and it is a fact they have had a greater level of challenge than others schools—it is inappropriate to compare them in a great big pot along with everybody else. Where I think education is finding it damaging is not round accountability—I am okay with accountability, I am okay about being monitored, I am okay about being heavily monitored and I would like to think that everyday in my working life I am working towards helping those youngsters to achieve in whichever way they possibly can, and attainment and examination results are a part of that—but do not compare me with the school down the road that is selective, do not compare with me with a school that is in a very affluent area, it is not the same, the level of challenge is different and we need to understand that. Accountability, yes. Public accountability that is ignorant, that is not moderated in any way, that is crude, damages the youngsters and the staff and the community. It is not actually very good for a youngster who knows they are working their socks off to go into a school that is being bandied round in the media for being a school that does not do very well. The fragile self-esteem of some of our learners is further damage, it is not helpful and I am very surprised it is something that has been allowed to continue. DfES may not publish them as league tables, they do call them performance tables, and it is crude and frankly it tells us very little.

**Q875 Chairman:** That message will be going quite strongly in our report I suspect.

**Miss Clarke:** It also does undermine an enormous amount of work which we do in schools. Schools have become a lot more sophisticated about getting themselves out into the community and telling parents what they are doing. Jeremy is quite right, although perhaps it is not always on the sports field that schools will show it, it is all of the other dimensions, it is the creative element, it is the artistic element, there is a whole area that we are out there showing what our pupils can do and achieve and also in an area like Slough we are doing that together through the Creative Partnership Scheme and the Business Arts Council.<sup>2</sup> Our schools are all working together and there are fantastic displays of work and showing the performance of our pupils in many different areas as well as sport. What I am trying to say is why we get so irritated about performance tables is because it is not really a picture, we work very hard to have this broader picture of our schools, whatever school we are, in all of the many dimensions and then to see that undercut when they produce the performance tables. For us, that is professionally very disheartening and what is it continually doing to our pupils as well in whatever context they are?

**Q876 Jonathan Shaw:** If you get a decent GCSE you stand to earn £80 or £90 extra a week. If we are about changing the deprivation cycle is that not

more important than some of the other things you have been talking about? That is not a view that I hold but I am saying it is an important part if we are to change deprivation?

**Revd Hurst:** It is not the information, it is the use to which the information is put. If I went to a doctor for an examination I would not want that detail to be conveyed to my life insurance company, that information should be used for its own particular purposes. When SATs were first introduced I remember it was said this would be for diagnostic purposes and it was not used for diagnostic purposes. It was never presented in the first place for it to be used in the way that it is used now. The same is true for league tables. Perhaps it is a bit naive that use would not be made of them. I think this explains the intense anger that most of the teaching profession feel about that.

**Q877 Mr Chaytor:** Can I just come back to the question of value-added and parental choice and preference Has the local authority in Slough shared with the schools the contextual value-added indicator? These indicators are the latest ones available and suggest that four of the non-selected schools in Slough are in the top 25% nationally of value-added and that three of the selected schools in Slough appear in the bottom 25% of value-added indicators. Do you think that this information should be available to parents?

**Miss Clarke:** I have heard about the non-selective ones, I have not heard of the others. I would be interested to know where that data is available and whether you have some data ahead of DfES' current publication which we have not seen?

**Q878 Mr Chaytor:** This is May 2003 data, the new one is due shortly.

**Miss Clarke:** That is where they then look at the value-added at different key stages. If I can make a point there, in my grammar school I take about 30% of the ability range and that is compared with schools that take between 5% and 12% ability, so I will always appear lower down in achievement matched against those. Slough does show all of the data very extensively and has a very good data performance unit that provides a wealth of data back to the schools. Meetings are held publicly amongst the heads and we share that data between us. We are very much held to task, there is open, free use of that data, strong use of it in Slough and we do use the tools and we are held accountable to it.

**Q879 Mr Chaytor:** The question is, should it be available to parents either in the league tables or in the inspection reports or on the schools website or in the *Slough Express* or *Slough Observer*? Should it be available to parents, and I am talking about the value-added information specifically?

**Miss Clarke:** The question of value-added is being able to understand it. If you do not understand how to read statistics it is useless. I have sat in meetings where that data has been explained to teachers and it takes a lot of explaining, so to look

<sup>2</sup> *Note by Witness:* The name of the organisation is the Education Business Partnership.

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at them could like that is very, very difficult. I know last year was the first time they published value-added and there were problems. We did talk about that and parents came back to us, so we use value-added to get the information we give out to parents, but we do it in a way that we hope contextualises. So long as you give them the correct means of interpreting it it is okay, but like all data it can be misused.

**Ms Shepard:** I think this is one of those issues where we cannot have it both ways. We should be celebrating the huge success of the non-selective schools but I would not want it to be in the same sentence and comparing it to where other sector schools were in those particular kind of tables. Can I come back on the issue round GCSEs, it just seems incredibly narrow to me that we measure somebody's potential in adult life against such a narrow band of activity such as GCSEs. Certainly the tables are beginning to take much more note of vocational opportunities that we are introducing across our schools. I think the vocational curriculum and the vocational opportunities will give a better picture of an individual's achievement and attainment. If you talk to employers and you talk to some of the skills and attributes they would like, I actually do not think they are fulfilled wholly by the GCSE examination. The curriculum development and the breadth of qualifications that are becoming available to us are a way forward as long as they can be encompassed in some way and taken note of. If performance tables continue to use GCSEs, I know they are not, we would not have any choice, would we, we would have to plug away at this exam which may be inappropriate for some youngsters. We actually have to be much more open and creative about what we consider success to be.

**Q880 Chairman:** As Chairman I have one privilege, I get to ask the last question. It has been really interesting coming to Slough, it is a lovely place, the weather has not been that good, but for many of us who are not representative of a selective system it is like coming into a bubble, here are you, you are a selective system—we more or less got the feeling in the informal meeting that some people do not like it very much, but you do not see the option of changing it, you are going to live with it and work within it as well as you can—if you were the Secretary of State or you had a magic wand what changes would you make, if anything?

**Revd Hurst:** I do not know how helpful the question is because we are not there, that tells you more about the person who is answering the question, I think, than anything else.

**Q881 Chairman:** Pretend you are on *Question Time*.

**Revd Hurst:** I think that as it is at the moment there is a built-in inequality which the system contains and therefore I hope in the long-term the system will be changed and I hope it will be changed to the extent that the prestige of the present non-selective schools will match that of grammar schools.

**Q882 Chairman:** That is a pretty good answer to my question.

**Ms Shepard:** I would make community schools in the broadest sense the heart of local areas. I am thinking of some of the schemes that are coming to the extended schools. I would have to say I would divert funding to areas of significant disadvantage. Frankly, if we do not there is a penalty that we will all pay in the future if areas of disadvantage do not have more money invested in them, in lots of different ways in terms of opportunity, in terms of environment and in terms of challenge. I have to say that for staff who work in challenging circumstances I would wish to pay those more and I would wish to attract the best staff. I would even go as far as saying that for people to be promoted into senior positions in education they should have to spend some time in challenging circumstances, to recognise the full range of educational needs of the country. I would look at more ways of empowering our young people through systems like schools councils and local councils and give them some power over some decision-making, some of the things that we are doing in the schools, but I may formalise a little bit more. The more that young people take responsibility for their education, for their schools and for their communities the more richness and improvement we will see across society.

**Q883 Chairman:** Would you like to be able to go back to a system like the Greenwich judgment which created this ability to move so far and community schools became very difficult?

**Ms Shepard:** What I would not like to do is go back to where we were, we are not in a standstill situation. I would like to keep the benefits that have emerged from our current system. We have spoken about the partnership in Slough. It is the first time I have worked in a selective system and there is learning to be had across the town from all parts of the selective system, I would not want to lose that. For me a sense of community, belonging, somewhere to contribute, somewhere to be nurtured, somewhere to be challenged and somewhere you enjoy being is fundamentally part of life in this country and I think the way that we have dismantled some of our community is detrimental. I think we do pay the cost in terms of people's mental health and in terms of crime and disorder. I think we are paying that cost now in society.

**Q884 Chairman:** Thank you.

**Miss Clarke:** Last point, apart from saying Julia would make a very good Secretary of State for Education—

**Q885 Chairman:** I was having the same thought.

**Miss Clarke:** —I would follow her lead and guide. I think selection has to be blamed for lots of the ills that can be dealt with in other ways, it is one aspect of a devised education system that we have. As education secretary I would like, whatever it is, to talk with my other colleagues and say, "let us

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look at the investment in education”, it is not just about schooling, I think it is about the community, wider than just the people who live round that school. Although in our school we are firm believers of that and we do have a community programme and that is one that we want to adopt, it is about enriching the school community in their own right and to do that with resource and with support teachers and the whole value of education

that takes it beyond the schools and takes it to a life of learning agenda as well. Those are the changes that I would make.

**Q886 Chairman:** Could I thank all of you for putting up with our questions and say we are delighted that you are here. Thank you very much.

**Miss Clarke:** Thank you for listening to us.

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## Monday 8 December 2003

Members present

Mr Barry Sheerman, in the Chair

Mr David Chaytor  
Valerie Davey  
Paul Holmes  
Helen Jones

Mr Kerry Pollard  
Jonathan Shaw  
Mr Mark Simmonds  
Mr Andrew Turner

*Witnesses:* **Mr David Miliband**, a Member of the House, Minister of State for School Standards and **Mr Stephen Twigg**, a Member of the House, Parliamentary Under Secretary of State for Schools, examined.

**Q887 Chairman:** Can I welcome our duo of ministers David Miliband, the Minister of State for School Standards, and Stephen Twigg, Parliamentary Under Secretary of State for Schools. This is your second tour as a duo and we thank you very much for coming. We specifically want to ask questions on this phase of our report enquiring into admissions policy. We realise it is quite thorny ground for the Government; it is very controversial. The evidence that we have taken has certainly indicated that if we did not know it before we started. The admissions policy seems to be in a bit of a mess from the evidence we have taken so far. Would you agree with that, Minister, that it is a bit of a mess?

**Mr Miliband:** That would not be the phrase that I would choose, no. The Chief Inspector, David Bell, when he came to the Committee said that he thought this was an area in which there were no easy answers and all the evidence was contested. I think that is true, but significant numbers of parents and pupils up and down the country get into the school that they want and feel that the process works well for them. I would not agree that saying it is a mess is a sufficient description of the current situation. I have some reflections on the evidence you have taken and I am happy to give those, but I do not know whether you want to carry on with questioning?

**Q888 Chairman:** Go ahead, please.

**Mr Miliband:** Having read the evidence which I thought was extremely interesting, I have four or five reflections that I would like to put to you and Stephen may want to chip in with his particular responsibilities in relation to London where some of the issues are most acute. The first reflection is that there is a temptation in this area either to argue that the intake of a school determines the overall attainment of the school; or to argue the opposite, that it has no impact at all. I do not think either of those positions is either true or tenable. Some pupils are harder to teach than others and it is important that their needs are recognised in the system. By the system I mean not only the admissions system, because funding can also help to tackle the needs of particular difficult pupils. What I think is also important to emphasise in addition to the extra help that some pupils need is that whatever their intake, schools of all kinds have proven that they can make a huge difference to the life chances of those children. I think first of all you have to say that there are two extremes to the argument, neither of which seems to

me convincing. Secondly, the biggest driver of parent and pupil satisfaction is how many good schools—the quality of teaching and learning in institutions—there are in the area. If the number of good schools is rare it is very difficult to get the sort of satisfaction levels that one would want. I cannot over-emphasise—and I think this was brought out by a number of your witnesses—the importance of the overall school improvement drive led at national and also at local level, targeting local need. Thirdly, I was struck how many times you and your witnesses referred to the PISA study. The important point that they make is while we have a relatively high quality system we have a low equity system. Many of your witnesses drew the link between the high quality, low equity nature of our system and admissions. However, I think it is important to bear in mind that PISA found that within school variation in the UK was four times greater than between school variation. I think that speaks very much to a place one sees for admissions in a debate about low equity in our system. The within school variation that exists to a greater extent in the UK than in almost any other country partly reflects the comprehensive nature of intake, but it also reflects variation in teaching quality within schools. I think it is important to bear in mind that importance of within school variation in discussing the role of admissions in our system. Fourthly, just to put on the record, we are very clear that this is an area where the balance between local and national responsibility is important. We have a constitutional settlement which for a hundred years has devolved responsibility for school organisation to local communities, notably through local education authorities (although not only through that) and also through the partnership between the state and faith communities. I think it is important to say that the Government values that constitutional settlement and wants to see it strengthened. My final point is that this is about process as well as outcomes and one of the striking things to come from the parental surveys is that obviously parents want to feel that their child has got into a school which is right for them, but they also want to know that the process by which school places are allocated or achieved is fair and transparent. I think the moves towards a more coordinated system are designed to reflect and respect the fact that process as well as outcomes matter in this and we have to make sure

that efficiency and lack of bureaucracy marks the admissions process. I hope that the reforms that are being brought in gradually will help to deliver them.

**Mr Twigg:** When I first came before this Committee just over a year ago after I was appointed, we talked about the emerging strategy for London schools. I know from reading the evidence of the sessions on this part of your secondary inquiry there has been quite a focus on London. I think that makes a lot of sense because one of the issues in London is about a lack of coherence and coordination but also about a lack of parental satisfaction, particularly around transfer from primary into secondary school. I think it would be useful to share with you a piece of research we published two weeks ago as part of the London Challenge which shows some encouraging signs about levels of parental satisfaction in London compared to other parts of the country, but also highlights the need for us to focus on certain parts of London—which is what our strategy does—where the levels of parental dissatisfaction are considerably higher. As a final point, to concur with David's final point, I think the move to a coordinated system of admissions, while a positive move nationally, would be particularly important for parents and pupil experience of that transfer in London.

**Q889 Chairman:** Both of you finished on that particular note and in one sense does one not detect from the evidence we have taken so far that quite a percentage of parents are not so interested in fair and transparent but whether they get a good deal out of it? There is a lot of evidence to suggest that if you are a more sophisticated player in the admissions game, if you have more knowledge of it—perhaps knowledge plus mobility—you regularly end up with four or five choices of school in London as opposed to the parent who is less able to play the system who ends up with only one or, in some cases, no choice. Is the method you are choosing going to alienate a large number of what are known as the chattering classes when they end up with only one choice and are not allowed to play the game any more?

**Mr Twigg:** I recognise that is a possibility. I think I concur with the evidence that Ian Birnbaum from Sutton gave when he appeared before the Committee that that is unlikely. My own borough in Enfield has operated a coordinated admissions scheme for some time and I do not think it has had that effect in terms of the attitudes of parents within the borough. There are significant numbers of children who do end up in a position where they do not have any offer of a place until quite late on in the process and the big positive effect of moving to coordinated admissions is that those children, whatever background they come from, will have that guarantee of an offer of a place. I think the benefit of that will far outweigh any concerns that there might be amongst some other parents that they cannot hold on to three, four or even five places, which happens at the margins at the moment.

**Q890 Chairman:** When the Committee visited Birmingham, and last Monday when we visited Slough, what we picked up was the enormous

transportation and environmental cost of children in this country being shipped round. When we went to Birmingham we discovered there was the largest girls' school in Europe. Half the population who wanted an all girls' school were ferrying pupils round the Birmingham road system to take advantage of that. In Slough we found that a very high percentage of pupils were coming from London. They were from London because Slough has a selective system and has grammar schools. That does seem strange. You can measure content and discontent in different ways and you can see in London that a much higher percentage than in the rest of the country send their children to independent education, private education. That mobility across boundaries from all around London also gives London parents the chance to opt into a grammar system, does it not?

**Mr Twigg:** It does, and I think the position in London is complex. It partly reflects history with regard to the previous arrangements in the Inner London Education Authority. I think you are right to say that it partly reflects the situation in outer London with respect to neighbouring authorities and the availability of selective options that may not exist within the actual London boroughs. I think on the broader question of transport and the associated financial and environmental factors around transport, it is perhaps less of an issue in London than it might be in rural or semi-rural areas because by and large there are transport links in London that do enable children and young people to get about and travel that bit further to school. That issue does demonstrate the importance of us taking a look at the arrangements for school transport as we set out in the Queen's Speech. There have been a lot of concerns raised by authorities and by all parties in local government about the current arrangements which, as you know, go back nearly 60 years, for support for school transport and the impact that that has not just on the choices that are available at the local level but also some of those broader economic and environmental factors that you rightly refer to.

**Q891 Paul Holmes:** I was interested in some of the opening speculation about what is most important in school pupil achievement: what the school does and the teachers do and the background that the pupils come from. David Bell, the Chief Inspector, said to the Committee quite recently that from his long study of the issue about 20% of the factors affecting pupils' success came from within the schools' control and about 80% came from external influences. Would you agree with your Chief Inspector?

**Mr Miliband:** I have read his evidence but I do not have to hand the context in which he said that. As I look at data which shows performance in schools in different free school meal bands at Key Stage 2, Key Stage 3 and Key Stage 4 there are two things which are striking. One is that there is a correlation between how many pupils on free school meals are in that school and their educational achievement. The second thing that is striking is that for every school



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meal band there are significant numbers of schools—upwards of a quarter at every level including the highest free school meal bands—who are performing not just above the national average but in the top half of performance for the schools that have fewest pupils on free school meals. Clearly in those schools they are making more than 20% of difference to the achievement of those pupils because they are more bucking the national trends. I would want to see exactly what David Bell was saying. If he was making a judgment on how successful we are as a nation across all schools I do not think there is anything inherent that says that schools are only able to make 20% of difference. I would be surprised if he was saying that.

**Q892 Paul Holmes:** Given some of the facts that are fairly controversial and the vast majority of schools that are going to special measures do represent the deprived areas—whether it is inner cities or whether it is more rural areas like north Derbyshire or north Nottingham coalfields—there are all sorts of examples like that which do seem to back up what David Bell was saying. Obviously admissions to school is very important. What is the main purpose of schools admissions policy? Is it to reflect parental choice or is it to allow the school to select the pupils it wants? Or is to create a balanced intake of pupils to create a more random school?

**Mr Miliband:** Different parts of the country make different choices about the relative priority they give the different factors in the organisation of schools admissions. This was touched on in a couple of the supplementary questions that the Committee put to us after the first memorandum that we submitted. Different areas place a different value on the efficiency of the process, on the primacy of parental satisfaction and on the impact of standards overall. Our job is to set the Code of Practice in a way that promotes fair and transparent admissions procedures. That is what we seek to do, but it is impossible to generalise as to how different admissions authorities balance those factors.

**Q893 Paul Holmes:** Are you saying that the Government do not take a view on what the purpose of admissions policy should be as long as it is fair and transparent?

**Mr Miliband:** Our job is to set the framework as per the Code and that is what we do. As we said to you in the supplementary answer, efficiency, parental satisfaction and effect on standards are three factors that one could use to measure the effectiveness of different systems. It is up to local admissions authorities to do that. The Government is not an admissions authority and so obviously does not do that itself.

**Q894 Paul Holmes:** If the Government are taking a fairly stand-back approach and saying that it is up to the devolved power of local authorities, there are now 1,211 different admissions authorities—many of those are individual schools—quite a lot of those admissions authorities have been created by this Government since 1997. In quite a lot of those cases

the local education authorities cannot control the number of schools who become specialist and have some control of admissions. They cannot control the setting up of city academies. They cannot control the faith schools. They cannot control city technology colleges. Where is the balance? With the local education authorities or with these multiple admissions authorities, many of which have been set up since 1997?

**Mr Twigg:** The figure of a thousand-plus admissions authorities, does that include the specialist schools?

**Q895 Paul Holmes:** It is the whole range, yes.

**Mr Miliband:** Specialist schools have the power to admit up to 10% of pupils who have an aptitude for certain specialisms. However, 94% of the specialist schools do not actually use that power so I think one has to be slightly careful in the way that one uses the notion that every admissions authority acts with the same degree of independence because clearly they do not use some of the freedom that they have got. I do not think that anyone here believes that local education authorities run schools. I think people believe that head teachers run schools. The national Government sets up the curricula and inspection and assessment framework and the local government provides the support and other infrastructural services, but the principal of subsidiarity applies at each level of the schooling system.

**Q896 Paul Holmes:** You have not really answered the question there in that of the 1,211 admissions authorities 150 are local education authorities but within their boundaries they have 510 foundation schools, 551 voluntary aided schools. Government policy is adding in things like city academies which they will have no control over whatsoever. The expansion of new faith school is being encouraged.

**Mr Miliband:** The city academies have to conform to the Code of Practice on admissions. They are adhering to the Code and they are required to adhere to the Code. I think that is the right way to balance the respective rights and responsibilities of the individual institution and the national interest for a fair and transparent process.

**Q897 Chairman:** What is the difference between adhering to a code and taking note of a code?

**Mr Miliband:** If it is not being taken note of then it is not being adhered to and it is open to challenge.

**Q898 Paul Holmes:** If the Government are taking a fairly stand-back approach and saying it is down to the local education authorities but the local education authorities are saying that they have all these different varieties of schools which they cannot control, was the Code of Practice devised to create a fair and transparent system, or was it devised to allow parental choice or school choice or to create a balanced intake?

**Mr Miliband:** I did not say it is now down to the local education authorities; it is down to the different admissions authorities which include local education authorities. The Code of Practice is

designed to promote a fair and transparent admissions process in line with due differentiation between central government responsibility and local responsibility. I think that the evidence so far is that the Code is having a useful effect and I think it has provided a degree of a benchmark for admissions authorities and that is a useful step forward.

**Q899 Paul Holmes:** Are you still sticking to the line that there is no government view on what would be desirable from admissions policies in an area?

**Mr Miliband:** It is imperative that the Government has a view that the admissions policy should be fair and transparent, but that is the limit of our responsibilities or powers in this area and it has been for the last century.

**Q900 Paul Holmes:** Why give the specialist schools the power to select 10% on aptitude or ability? Regardless of how many actually do, you gave them the power to do that. Why give them that power if you think the local education authorities and the local admissions authorities should be the ones who have the choice?

**Mr Miliband:** I think that the validity or usefulness of the specialist flexibility is that in subjects like music and sport we think that the recognition of aptitude in the small minority of admissions decisions is a valuable flexibility for schools in developing centres of excellence in a particular area.

**Q901 Paul Holmes:** Just music and sport? Not maths or engineering?

**Mr Miliband:** You will know that there are five specialisms where it is allowed. It is not allowed in the humanities but it is in music and sport and the areas where we think an aptitude test is unlikely to blend into an ability test.

**Q902 Jonathan Shaw:** The Chairman mentioned adhering to or noting the Code. I just want to ask you a bit about children in care. The Adjudicator, Dr Hunter, said that he was very clear that children in public care should be number one in terms of surplus places for schools that are over-subscribed. We have interviewed people in Slough, we have also taken into account what witnesses have said to us here and what is clear is that having regard does not necessarily mean that children in public care will be number one priority. As you point out, Minister, it can be challenged. Is that really a satisfactory state of affairs when 75% of children who leave school do so without educational qualifications? They have to wait. That is always the thing about children in care, the waiting. Children in care have to wait for schools to be challenged; it is not making them the priority.

**Mr Twigg:** I think that what is absolutely vital is that we have made a really significant change here by saying, through the Code, that looked after children should be right there at the top of our priorities. I do agree that we have a duty as ministers to make very clear what we mean by that and that that is an expectation that we have of schools and communities across the country. I understand the percentage of looked after children who achieve five

A\* to C at GCSE is something like 8% and that is scandalous. I think that by saying what we have said in the Code we have sent out a very powerful message. Clearly we have to look to see how that is developing as the Code is now in practice to see that schools are keeping to that.

**Q903 Jonathan Shaw:** I am encouraged to hear you say that. So that is something you will monitor to see that that is actually happening. How will you know whether it is happening if places are not challenged?

**Mr Twigg:** I think we have an opportunity to take this forward, which is, of course, the legislation announced in the Queen's Speech, the Children's Bill. The thinking in terms of the Children's Bill is to place a duty on local authorities in respect of the educational achievements of looked after children. I think that does provide the opportunity to carry out precisely the monitoring that you are rightly suggesting we should carry out.

**Q904 Jonathan Shaw:** In terms of that monitoring that will be given to OFSTED, David Bell said that he did not inspect admissions arrangements so how will they know?

**Q905 Mr Twigg:** I think, as part of the inspection, his inspectors will be looking at a range of factors in terms of the implementation of policies. I think that while OFSTED clearly has a role to play, my point was perhaps a slightly different one which is that the present thinking in terms of the children's legislation proposed is to give a specific role to the local authority. It may well be that the local authority can work in conjunction with OFSTED, but I think it is a specific responsibility there for the local authority which, of course, has that wider responsibility for children in its care.

**Q906 Jonathan Shaw:** The local authority have children in care and they are not the admissions authorities for a particular high performing school which is clearly saying that they do not want children in care in their school. The evidence is there. Who is going to take these schools to the Adjudicator?

**Mr Miliband:** The local authority. It is the local authority that has that responsibility for children in its care.

**Q907 Jonathan Shaw:** I suppose it all does require challenge rather than the admissions authorities or the schools actually making that decision themselves. It is not very pro-active.

**Mr Twigg:** We are moving in the right direction. We have started with the Code. The next stage with the changes being made to the provision of children's services at the local level is to then have the right lever for ensuring that the Code is effective at the local level. I think there is good sense in saying that placing that duty upon local government makes sense to enable the local authority to play that role effectively on behalf of the children in its care.

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**Q908 Chairman:** Minister, in your opening remarks you said “adhered to”. That means “stuck to” in my translation. We took evidence, for example, from a head who basically said that they do not interpret it in that way. When we asked what happened, having been taken to the Adjudicator on this, he said that they did not ask about that. They were doing a number of things which we considered to be in breach of the Code, but no-one is doing anything about it. It is a sort of *laissez faire*. Who is out there to make sure that all these admissions authorities take note of the Code? It is not strong enough, is it?

**Mr Miliband:** In relation to children in care I think Stephen has given you a very clear answer. The local authority is in pole position to do that. Is that the question you are asking?

**Q909 Chairman:** When we go out as a Committee into the local authority and a head of a school says that it does not apply and I am asking you what is going wrong?

**Mr Miliband:** I either suggest that the local authority is perfectly happy with the distribution or it is not providing the degree of challenge that is necessary. The Code is there to provide a benchmark to ensure that there is proper opportunity. The obvious question is to ask the local education authority if they are satisfied with the arrangements for children in care or do they not realise what power they have.

**Q910 Chairman:** The fact of the matter is that the evidence given to this Committee is that the Code is not strong enough. It is not adhered to; it is not stuck to; it is advisory. Up and down the country admissions authorities, whether individual schools or not—are disregarding it.

**Mr Miliband:** I would say that whilst it is tempting for ministers to believe that for every problem that exists the answer is to take power to themselves, actually a properly functional system depends on a balance of responsibility between central and local government. If local government has power in this area and is not using it, the answer is not to nationalise the power. The answer is to ask why they are not using it.

**Q911 Chairman:** I know you do not like sending out circulars, but have you ever sent a circular out to local education authorities suggesting that they could use this power?

**Mr Miliband:** I am very happy to provide the Committee with the voluminous correspondence that has been sent over the last three or four years on repeated occasions to local authorities. I have a feeling this is an area in which we are often accused of being overly bureaucratic and overly zealous in our dissemination of information about the powers that exist.

**Mr Twigg:** Specifically in respect of looked after children, part of my answer was to acknowledge that there is not sufficient power at the moment at the local authority level and therefore it is a matter of local autonomy and the proposals as they stand for

the children’s legislation are to place a duty on the local authorities to do that which does not exist at the moment.

**Q912 Helen Jones:** That seems an awfully long-winded way of going about it. If we are all agreed—as I think we are—that the education of looked after children has been scandalously neglected for many years, and we all accept that schools ought to be doing more about it, why do we have to go down this long-winded route of giving the power to local authorities then expecting local authorities to refer matters to the Adjudicator if schools are not complying with the Code? Would it not be simpler just to make those provisions in the Code mandatory?

**Mr Twigg:** I would hope that the reference to the Adjudicator would, in a sense, be a last resort and the local authority would have relationships at the local level that might well enable the position we all want to bring about without it having to go to the Adjudicator. I can understand a sense of frustration that we are not simply saying that we will legislate and it will all be done from the centre, but I concur really with David’s answer that I think it makes more sense to say that these are matters best led at the local level. What I suppose I was acknowledging is that at the moment the local level does not necessarily have the duty that I would like to see it have and this legislation with the Children’s Bill provides the opportunity to do that.

**Q913 Helen Jones:** It is possible, is it not, that a local authority could decide that it was discharging its duty to looked after children even if a particular school was not giving them priority in the over-subscription criteria? I think what we are trying to tease out of you is why the educational opportunities of looked after children should vary depending on which local authority they happen to find themselves in and how pro-active that local authority decides to be.

**Mr Twigg:** If there were those circumstances I suppose I would like to look at them as well as anyone else to see what the reasoning was. I think that this is the sort of decision and approach that is best decided at the local level.

**Q914 Helen Jones:** Why?

**Mr Twigg:** Because I do not think that it is my job or David’s job or Charles Clarke’s job to make of all of these very detailed decisions from the centre. I think we are legitimately criticised in the past for having had an over-centralised approach to certain aspects of policy, and what we are seeking to say through the arrangements in the Code of Practice and through other legislation is that actually the local level is an important level for all sorts of different decisions, of which this is one.

**Q915 Helen Jones:** This is not about that sort of detail, is it? It is about a very clear national policy regarding looked after children. What we are trying to tease out of you is why the implementation of that policy should vary from authority to authority?

**Mr Twigg:** All authorities have the Code; the Code is not something that applies to some and not to others. It is not mandatory in any authority. The implementation of that is at the local level, but that implementation has to be in the light of the Code; it is not regardless of the Code. It may be that there would be particular circumstances that would dictate a particular approach in an area. What I think is important is that we fill the gap that undoubtedly exists at the moment under which there is not an expectation that the local authority will play that role on behalf of its looked after children. I would hope that local authorities would be doing that anyway, but if the evidence is that that is not happening everywhere I think we close that loophole with what we are saying through the children's legislation.

**Mr Miliband:** It is also correct to say that where the Secretary of State believes that an authority is acting in an unreasonable way he has the power to direct them to act in a different way.

**Q916 Helen Jones:** That is true, but we could have a long discussion about the concept of unreasonableness in law which would take us down a lot of blind alleys perhaps. What we are asking you is why it is not simpler simply to make that provision mandatory. At the moment I am not convinced by your answer. What was the reasoning that the Department went through—particularly in regard to looked after children—in not making these provisions mandatory?

**Mr Miliband:** I think that the decision to go down the Code route—if I can put it like that—was made with respect and with a view of the overall needs of the admissions system and it would be less bureaucratic and more tuned to local needs, better able to respond to a change in circumstances. If we went down the route of having a Code and then tried to add a whole range of requirements that would fail to take into account individual needs. I hear what you say about the concept of reasonableness, but I think that it is understood and can lead to rather rapid conclusions and I think most of us, if we see something unreasonable, we would be able to get pretty quick agreement on it. I do not think it is as toothless as you suggest.

**Q917 Chairman:** I think you are getting the sense from the Committee that we are not too happy about some of your replies. If you look at the formal evidence we took last week in Slough and also if you visited them, here we saw a pretty reasonable authority with good leadership which feels rather frustrated with the present system because they can hardly do much with the selective system you have left them with even if they wanted to change it. However, the message you are giving out here did not seem to be clear to them. Their schools are saying that schools are not admitting this particular vulnerable group of children.

**Mr Miliband:** It is worth pointing out that that is a fairly new requirement; it came out in January so we are talking about something which is less than a year

old. If you are not convinced, let us go away and marshal our arguments in a way which is as convincing as possible.

**Q918 Valerie Davey:** Since local authorities are now back in favour should communities not feel more confident that the admissions policies reflect the fact that schools are based in their communities?

**Mr Miliband:** Obviously we want to have strong links between schools and communities. Of the four priorities that the schools directorate sets up, one of them is the link between schools and the wider community. However, we face a real dilemma here which is that every child going to their local school might produce the most segregated educational distribution of pupils that one can imagine. It rather depends on what you mean by the question. If your question is: should a school have strong roots and links with their local community then obviously the answer is yes. If you mean by that: do we believe that every child should go to the school closest to them, the answer to that is no.

**Q919 Valerie Davey:** There is no debate in any situation until you get over-subscription and this is where the dilemma falls such that the individual schools who are their own admissions authorities apparently take priority over the local authority which was trying to hold the balance. I think this is part of our difficulty in trying to understand where the balance really lies. Does it lie in a case of over-subscription with a school with all the criteria that are found in the Code—which they may or may not adhere to, or may or may not have cognisance of—or does it lie, ultimately with the local authority because they have the good of the wider community at heart?

**Mr Miliband:** The balance of what?

**Q920 Valerie Davey:** Of the admission of a child to a certain school.

**Mr Miliband:** In the new system that is being put in, it would depend on the ranking of the school by the parent and also the admissions criteria of the school. We now know that the conditionality practice is being removed from the system as it has been ruled unfair by the Adjudicator so I think one can say quite clearly that each school will have its own criteria which will be applied in a fair and transparent way. Every parent will apply to three schools of their choice in ranked order. The school will not know which ranking they have been given. You will then have a clear listing of the order in which pupils are admitted to different schools, be that on the grounds of sibling, distance or faith (although faith without an interview).

**Q921 Valerie Davey:** In Slough 20% of their youngsters go out of Slough and 20% or more from other authorities come in. Even then you are asking that local authority to be holding the rein and looking after the community.

**Mr Miliband:** But we are moving from a system where a school with pupils coming from a range of authorities had hundreds of applications from

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individual parents. There will be a step reduction in the amount of bureaucracy that is attached to the system because parental preference will be funnelled through other systems. There has been some piloting done in two or three parts of the country where there have been some quite complex admissions patterns, but nonetheless the introduction of coordinated admissions has introduced a degree of efficiency to the system.

**Mr Twigg:** I think two of the London chief education officers, Ian Birnbaum and Paul Robinson from Sutton and Wandsworth, set it out very fully when they appeared before you. The potential benefits that are going to come to London parents and London communities from the Pan-London system when it comes in in 2005 will be considerable. In fact, there are already benefits coming from those authorities like Birmingham and also some of the London boroughs, including my own borough of Enfield, where there is that process. Even where you have a selective element—as we have with one school in my borough and others nearby in St Albans—there is that possibility of a process which I think is a good deal fairer and more transparent and, most importantly, it does not leave a position where you have a minority—a significant minority—of children and parents left with no school place until the very last minute.

**Q922 Valerie Davey:** I agree with you entirely that the new system is an improvement and certainly we hope it will be more efficient. It will allow parents to have a clear understanding of the process but I do not see that it helps in fostering communities and schools with their communities while this wide range of communication and travel is going on and there is no local authority able to have a direct influence, it would appear, on that process. The criterion at the top would appear to be efficiency. I accept that, it is important. Then it is parental choice and then school admissions policy and at the bottom somewhere is the need to hold that balance potentially for the good of the community and standards throughout those schools.

**Mr Miliband:** Surely the two of us can agree that the degree to which a school is engaged with its community is about far more than simply admissions. Whatever system you have in a school that is over-subscribed there are difficult decisions being made, but the degree to which a school is genuinely engaged with its community is what it does all the way through the year: before school, after school, weekends, summer holidays, the extent to which it is open to the community for out of hours use, the extent to which it works with other schools, teacher training which is done between schools. All those factors seem to me to have a disproportionately large influence on the extent to which a school is seen as something that is precious and valued by the community compared to the admissions issue.

**Q923 Valerie Davey:** I agree with you, but it does not seem that the admissions policy helps that process. In fact, in many cases it is the opposite.

**Mr Twigg:** I would not want to overstate this point, but I think that the coordination of admissions in practice is giving more of a role to the local education authority. I apologise for using the example of my own borough again, but the LEA has that role even alongside a grammar school and a number of faith schools and a relationship with a whole pattern of various schools in Hertfordshire and Barnet and elsewhere. My own sense of it as a local member of Parliament is that it has had one effect which is to encourage a closer relationship between secondary schools, even across some of those barriers between the one grammar school and the comprehensives.

**Mr Miliband:** Could we bring up the Australian context? There pupils but also, in brackets, teachers, are allocated to schools in some states on the basis of a computer programme. I think of all of the strengths of the Australian systems none of the participants in it would say that it does anything to strengthen the community links that you are talking about. It is de-humanised almost. It has the notion that the central state knows best and it will tell you where to go as a school child and where to go as a school teacher. I do not think that does much to strengthen the community aspects which I know you believe in.

**Q924 Helen Jones:** We have heard quite a lot from you already about the importance of coordinating admissions and I think we can certainly agree that there has been a step forward on this recently. However, if that is so important can I ask you why CTCs are not included and are not required to participate in the coordinated admissions arrangements, particularly when academies are and they are both state funded schools?

**Mr Twigg:** I think the situation in respect of CTCs is without doubt an anomaly and I do not think that either of us would sit here and deny that. We are talking about a small number of schools and a situation that we inherited from the previous government. I think in the previous evidence given by officials from the Department one of the ways forward to correct that was set out, which is to encourage CTCs to become academies so that they then become part of that coordinated approach. One of them has already done so and another is in discussion with us about taking that matter forward.

**Q925 Helen Jones:** I agree that we are only talking about a small number of schools, but they can have quite an impact in the area in which they operate and an impact on the other schools in the area. Is the Department thinking of further ways that they can either encourage or compel CTCs to become academies and, if so, what changes would that require to their funding arrangements?

**Mr Miliband:** Quite substantial. The CTCs were set up on the basis of a particular prospectus which included the admissions arrangements to which you refer and it is out of respect for the basis on which they were set up that we have not compelled—to use your phrase—them to change because I think that would alter the terms of trade on which they were set

up. What I think we can legitimately do is to encourage them to follow the route of academies which have to have regard to the admissions code as we discussed earlier. If they are going to admit pupils across the ability range they have to do it in relation to the proportion of pupils who have applied to the school rather than according to national ability bands. I am encouraged that one has already decided to become an academy; another is interested in doing so. Of the two that have joined they are interested in federating with other schools and I think all that is to the good. However, they were set up on a particular basis and we think it is right to respect the basis on which they were set up while encouraging the benefits of the academy operation. It is worth saying that we have had three academies going for over a year and we have had 12 academies going since September so we have a relatively new offer to make to those CTCs and I think as they see the way in which the academy admissions process is working they will be encouraged to join them.

**Q926 Helen Jones:** We have had some discussion about the interview process for CTCs and our understanding is that they are not actually allowed to interview but they are allowed to have what is called a structured discussion. What is the difference? Have you thought of at least bringing their admission arrangements into line with other schools and getting rid of that interviewing process, whatever you choose to call it?

**Mr Miliband:** If a structured discussion means that all parents who are interested in applying to a school are invited—invited, not compelled—to come to the school on their own or in groups to parents' evenings or to see the school at work during the day, that is a good thing. If it is structured in the sense that the head teacher and other teachers explain the way the school works and they give the parents as much information as possible, that is to be encouraged. It fosters an understanding that we want to see across the system. If a structured discussion means an interview with each pupil, to either encourage them or discourage them to apply, that is not something that is allowed by the Code. That is the difference, but the fact remains that CTCs were set up on a different basis; they were not set up on the same basis as academies and that is why they operate under a different set of rules.

**Q927 Chairman:** Can CTCs have interviews or only structured discussions?

**Mr Miliband:** They can have structured discussions. I will write to you about whether there are any legal case laws as to what constitutes a structured discussion. CTCs are not required to operate under the Code.

**Q928 Helen Jones:** Do you accept then, whether you call it an interview or a structured discussion—we are not entirely clear what the difference is—that the kind of arrangement that you just described actually disadvantages a number of children whose parents are perhaps not so articulate at those discussions or who do not turn up?

**Mr Miliband:** It could lead to that kind of discrimination. That is why, to take account of that sort of disadvantage, we have said that academies should not operate on that basis. That is the simple answer to what you are saying. Academies are encouraged to be as open as possible—as other schools are—with as many parents as possible about the way in which the school works and what makes the school tick. That is not the same as interviewing or having a structured discussion with each and every parent before they apply.

**Q929 Helen Jones:** It could be that where CTCs are concerned some families do not even apply in the first place because they are put off by that process. Does the Department have any evidence on that?

**Mr Miliband:** I do not have any evidence. What I know is that the CTCs have used a model of nine ability rankings for applicants and they take pupils from each of those nine ability ranges. Just so that we are absolutely clear, I think that the accusation that is made or the worry that you have is that within each of those nine ability rankings there is a temptation or a tendency for particular groups of people to be chosen within those ability ranks. I think the CTCs would make a very strong argument that they are very comprehensive in the ability range that they take. They take pupils from the bottom 10% of ability and the same proportion from the top 10%. What you may be worried about is that they take particular groups from within those deciles. It is worth pointing out that they do take pupils from every single one of those ability ranges. From our point of view the reason the academies have been set up in the way they have is that we think it is important that every child has an equal chance of getting in them.

**Q930 Helen Jones:** Are you telling the Committee, Minister, that you believe that the current structure by which CTCs are able to interview is not an appropriate one?

**Mr Miliband:** What I would say is that it seems that it is an anomaly that results from the unique way in which they were set up in the mid 1980s.

**Q931 Chairman:** The memorandum that you have sent to us (SA42, City Technology Colleges, point 4)<sup>1</sup> says, "8 CTs interview". You have to make up your mind whether it is a structured discussion or an interview.

**Mr Miliband:** Nobody is trying to hide behind what it is called. We have been absolutely clear that the CTCs were set up on a particular basis which allows them to have interviews even if they are called structured discussions.

**Q932 Chairman:** You explain that in terms of historic reasons.

<sup>1</sup> Note: See Ev 223.

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**Mr Miliband:** Exactly.

**Q933 Chairman:** If you do not like the admissions procedure, both CTCs and City Academies—and City Academies are very much the progeny of this administration—have a common appeal system to the Secretary of State. Why have you again allowed Academies to have a different system? This is not because you inherited it?

**Mr Miliband:** We deliberately gave the Academies a different admissions procedure.

**Q934 Chairman:** But not a different appeal procedure. They both appeal to the Secretary of State not to the Adjudicator. Why is that?

**Mr Miliband:** Because the Secretary of State has a funding agreement with them. As the Academy is organised it has a funding agreement with the Secretary of State.

**Q935 Chairman:** What has a funding agreement got to do with the fact that if in a state school parents believe their child has been unfairly refused admission the appeal is not to the Adjudicator but to the Secretary of State?

**Mr Miliband:** Maybe the words funding agreement are misleading. The funding agreement sets out all aspects of the way in which the school will work so it is the appropriate basis on which to judge the way in which the school is working, whether it is adhering to the Code or whether it is adhering to other aspects.

**Q936 Chairman:** You are being a bit nimble on your feet, Minister. On the one hand you explain that it is all inherited and you could not help it, it was an old administration from years ago. Two minutes ago it was all something inherited from Kenneth Baker and that was a long time ago and you do not want to disturb historic decisions.

**Mr Miliband:** Correct.

**Q937 Chairman:** Two minutes later, I pointed out to you that the appeals procedure is very new because it is in City Academies as well as CTCs.<sup>2</sup>

**Mr Miliband:** We had our opportunity to do something different from the CTCs. In the case of the adherence to the Code and the way in which the admissions work, we did. In relation to appeals, we did not. What is inconsistent about that?

**Q938 Chairman:** We feel it is inconsistent following the reasoning of your argument in the early part of this investigation.

**Mr Miliband:** I do not see why.

**Q939 Chairman:** This is a scrutiny Committee of your Department that you are talking to and what we are interested in is consistency. We feel that it is an inconsistency if CTCs have a very different system which you have explained is because it is

historic. When we point to a very modern innovation—City Academies—they share some of those characteristics which are not new and you have actually included them. The appeal procedure is the same as the CTCs.

**Mr Miliband:** I think we have both been labouring under a misapprehension. Let me try to explain. An individual parent gets an independent appeal to an appeal panel just like in other maintained schools. Schools that dislike others' admissions arrangements cannot go to the Adjudicator, but that is not the role of the individual parent. I hope that clarifies the situation. Do you see the distinction between the parental appeal against admission or lack thereof, and the appeal by another admissions authority—be it a school or an LEA—against the way in which an Academy is operating its admissions arrangements?

**Q940 Chairman:** We will think about this because my information tells me that appeals on admissions to CTCs and Academies go to the Secretary of State not to the Adjudicator.

**Mr Miliband:** I think that must refer to generic appeals by admissions authorities against the whole operation of the way in which the system works, not appeals by individual parents against the entry or otherwise of their child. I hope that clarifies the situation and suggests that we were both consistent.

**Chairman:** We will come back to it. We are now going to look at admissions to London schools.

**Q941 Jonathan Shaw:** The Pan-London Project is going to have responsibility for coordination which is obviously complex within London, to say the least. It will be the political responsibility for providing those places; providing a child a place will be with the boroughs. Is that correct?

**Mr Miliband:** The political responsibility, absolutely, yes.

**Q942 Jonathan Shaw:** What about accountability? Is there going to be confusion? Are we going to see boroughs blaming the Pan-London Project and the Pan-London Project putting the blame back on certain boroughs?

**Mr Twigg:** I think that question strikes at the heart of what we have called the London Challenge because what we have done and what Estelle Morris set out when she launched it almost 18 months ago is to go for a voluntary approach where, rather than re-organising London's education authorities or nationalising it or whatever, we are saying that we will keep the 33—the 32 boroughs and the City of London—and have a small team headed by Tim Brighouse based in the Department working with them. It is a voluntary approach. There is a danger with it which is exactly the one you described, but so far I have to report that it is very positive, that the voluntary approach is working well and my sense is that boroughs across London—inner and outer—under the leadership of all three main political parties are really signed up for trying to bring this about successfully.

<sup>2</sup> *Note by Witness:* Academics are required in their funding agreement to set up independent appeals panels appointed in accordance with the provisions of the School Admission Appeals Code of Practice.

**Q943 Jonathan Shaw:** What have been the early difficulties and challenges that you have managed to resolve and what are the ones that are still outstanding?

**Mr Twigg:** One of the big challenges—I do not know whether I am going a little bit beyond the subject today—is about new schools. That clearly has a great relevance to the whole issue of admissions and part of the reason that parents in London are often dissatisfied with the transfer at 11 is quality but also about supply of places. There are boroughs where there are nowhere near enough places to educate every child who lives in or close to that borough. We have seen that with a couple of high profile cases in the Press. We are having some success in working with our colleagues in London local government and in schools in London to identify not only the need for additional schools (which is not really argued about) but where they should go in order to have the maximum impact on the quality of choice that is available at 11. I think we are making some progress on that. On the specific issue of coordinated admissions, there was a sense that we did not want to overload the system and what we are doing in London is introducing the secondary coordination a year before the primary. That was a request that came to us as ministers from London local government which we accepted, so there is a delay in the primary coordinated admissions by a year.

**Q944 Jonathan Shaw:** Dr Hunter approved of the Pan-London Project but he was not wildly optimistic. He said that it would cost twice as much as you expect it to do and it would go wrong at some point in the future because of a different set of circumstances and you would have to change some of the process.

**Mr Twigg:** I read his evidence with some concern as the minister responsible for this area. I was a little reassured when I then moved on to read the evidence from the two directors of education, particularly from Ian Birnbaum from Sutton who has very much led on this project. I think it is vitally important that we move forward at a pace that minimises the dangers of that sort of failure. That is part of the reason why David and I agreed to the suggestion from the London chief education officers to delay the primary so that we could be certain to get right the secondary admissions phase beginning in 2005.

**Q945 Jonathan Shaw:** Is some of the failure in terms of providing parents with sufficient places that they are satisfied with? Is that because we have such a large number of selective independent schools in London so basically we are not getting the critical mass of ability range, class, et cetera. There are schools with high levels of special needs where parents do not want to send their children. The average is 6.9% and in London it is 13.6%.

**Mr Twigg:** I would tread with care with the statistics and that is a statistic that we do quote as a Department. Of course, the statistics are given with respect to the location of the schools not the location of the pupils and we do know that there will be pupils coming into London independent schools who are

not actually from London. Equally, some London pupils go outside. However, I think it is fair to say both from that and from anecdotal evidence that the percentage going to independent schools from families resident in London is above the national average.

**Q946 Chairman:** How much higher?

**Mr Twigg:** My own view would be it is a little bit less than double because of the effect that I have just described with pupils coming into London from outside.

**Q947 Jonathan Shaw:** It works the other way round as well. Children from Hounslow go out to the grammar school in Slough.

**Mr Twigg:** I am talking specifically about private schools. If you are talking about selective schools then pupils are going in and out and there is a slightly higher percentage than elsewhere. I have always said with respect to the London Challenge that I think there are two strands to it. One is about a general improvement in the quality of schools and the system of schools in London, but the other is about the perception of schools in London. There is actually a good case to be made, and Tim Brighouse makes this very eloquently, that actually London schools are a lot better than people think. I mentioned at the beginning the survey that we have just published. What is interesting about this survey is that it compares the attitude of parents in London to parents in the rest of the country. Parents of secondary age pupils in London have, in general, a poorer opinion of what schools in London are like than parents of pupils out of London. However, when asked about the actual secondary school their child goes to, 51% of London parents are very satisfied with the secondary school their child goes to compared to 39% for parents nationally. Whilst I think we are right to focus on improvement, particularly in the boroughs where parental dissatisfaction is especially high, there is also an element of saying that it is partly about perception and things are often better than people in general—including parents—think they are.

**Q948 Jonathan Shaw:** Do you think the fact that there is a higher number of children going to independent schools fuels that?

**Mr Twigg:** Without doubt it is part of the picture in London. There are some very wealthy people in London who would probably send their children to independent schools however good the state schools were, but we also know that there are significant numbers of parents in London who are not that well off who will scrimp and save in order to send their children to private schools. That is part of the reason behind having the London Challenge, in particular the focus that we are having on the five boroughs where the levels of parental dissatisfaction at secondary transfer age are the greatest (three boroughs in the north of London: Hackney, Islington and Haringey; and Lambeth and Southwark in the south of London). I was asked at another event a month or so ago if I would see a



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decline in the percentage of parents going for independent schools as an indicator of success for the London Challenge. Although I was a bit reluctant to give myself another performance indicator, I think it would be if we started to see fewer of those parents scrimping and saving because they have the confidence that the local school—or another school available to them—is a good one for their child. I think that would show that we are succeeding.

**Mr Miliband:** Further to the news last week that he has given up his job with Rothschild, I think Stephen must be referring to the shadow chancellor as the sort of parent you have in mind.

**Q949 Chairman:** Do you get depressed in your job, Minister, when a leading member of Parliament says that he would rather beg on the streets than send his child to a London comprehensive?

**Mr Twigg:** Absolutely and particularly when he made a specific reference to a particular school, which is a school I know very well.

**Q950 Chairman:** And which this Select Committee has visited.

**Mr Twigg:** Yes, Lilian Baylis.

**Q951 Chairman:** I understand he had never visited.

**Mr Twigg:** Absolutely. I think he has an invitation from Gary Phillips, the Head teacher, to visit.

**Q952 Chairman:** It must be disappointing also when you cannot persuade your own London Parliamentary colleagues to use the state system.

**Mr Twigg:** I would make a slight differentiation in the two circumstances. What Diane said was that she did see improvement and that the new Academy that is due to open in Hackney, the Mossborn Academy, had her son been a year younger she would have been very happy to send him there. I think she did reflect a significant strand of opinion amongst people in Hackney and other parts of inner London and what I think she did not do—that Oliver Letwin did do—was refer specifically to a school about which he knew nothing. She was talking about a general sense of dissatisfaction that we know does exist among parents in Hackney.

**Q953 Chairman:** Would you not say to all Parliamentary colleagues that the message should be that you can get—because we have been asking witnesses—high quality secondary education in London.

**Mr Twigg:** Yes, absolutely. You can. The reality is that if you look across free school meal bands London secondary schools consistently out-perform secondary schools in other parts of the country. However, we have to accept that the levels of general parental satisfaction with schools in London are lower than the rest of the country and that is why we need to address certain schools which are perhaps not doing as well as they should do, but also addressing the general reputation of London secondary education and for me that is part of why we have the London Challenge strategy.

**Chairman:** I suppose the cheery message is that we do have a prime minister—I think the first one in the history of our country—to send his children to state schools and in London.

**Q954 Mr Chaytor:** Just pursuing that point, two weeks ago the National Audit Office produced its report identifying the impact of external social factors on school league tables and, as a result of that, there were some remarkable changes in the position of the league tables. Islington, for example, was immediately transported from being the 133rd local authority to being the 9th best. My question was going to be, “What is your message to parents in Islington?” but maybe you have answered that in response to the chairman. My next question is, do you intend to publish this information so that parents will not only have a league table of raw results, a league table containing a value added measure and then a new league table that places local authorities in order after adjustment for the social economic factors that apply to each local authority?

**Mr Miliband:** We publish data about schools, obviously. Last year we took the first steps towards the introduction of a richer set of data by publishing two sets of value added data for secondary schools, Key Stage 2 to 3 and Key Stage 3 to 4. I am pleased that this year we are able to publish a Key Stage 2 to 4 value added indicator. We have also managed to make it very complicated so we still have some way to go before we can give parents easily accessible information that provides a genuinely rounded picture of the performance of different schools in an area. The sooner we can do that the better. My view is that we can never go back to the days when professionals held information about the performance of different schools and the public were not allowed to see it. What we have to do is make sure that the information the public sees is as rich and as balanced as possible. I think the reception last week for the value added data in primary schools shows that if you give people a richer diet of information they will respond in a more sensible way.

**Q955 Mr Chaytor:** In terms of the National Audit Office information on the social economic factors, that means yes.

**Mr Miliband:** The National Audit Office used various indicators of deprivation. They also used boys and girls, which is relevant. The idea of using more contextualised information is, I think, a useful one. At the moment we are studying the right way to do this. I do not want to mislead you by saying that the way in which the NAO did it is definitely the right way of doing it, but I think the principle of giving information that is as useful as possible and presents as rounded a picture as possible is a good one.

**Q956 Chairman:** I just want to take up two loose ends. Jonathan, in his questioning to you, left off the other part of the Adjudicator’s remarks. Dr Hunter said, “If they rolled it out nationally it would be a disaster”.

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**Mr Miliband:** He was talking about one national scheme. No-one is proposing that.

**Q957 Chairman:** Nobody is suggesting that there should be a national scheme at all?

**Mr Twigg:** No. The situation with regard to London is for the reasons we have in part already covered.

**Q958 Chairman:** So there is no intention at all to have a national scheme?

**Mr Twigg:** You mean that South Shields admissions would be coordinated in the same scheme as Plymouth?

**Q959 Chairman:** Yes. One witness did mention the possibility.

**Mr Twigg:** Our reputation for innovative thinking has clearly travelled far and wide.

**Q960 Chairman:** The information that I have points out that no appeals on individual children go to the Adjudicator at any school. Appeals on admission arrangements—that is over-subscription criteria—go to the Adjudicator except in the case of CTCs and Academies.

**Mr Miliband:** What I said was totally consistent with that. I said that the individual parents get independent appeal to an appeal panel, not the Adjudicator, just like in other maintained schools. However, when there is a generic issue raised about the admissions policy and the way it is being operated that is not a matter for an individual parent, that would be a matter for another admissions authority to take up.

**Q961 Mr Pollard:** Would you agree that the appeal system described as complex, expensive and distressing by one witness in this inquiry in Slough is in need of review? Yes or no?

**Mr Miliband:** The fact that one witness says that does not mean that we should have a review. So I suppose that means the answer is no. If you mean are we setting up a capital “R” review of the appeals process, no. If the witness from Slough would like to provide details of the way in which it was distressing and unhelpful, then we will look at it seriously.

**Q962 Mr Pollard:** In Slough we had the first indication of any cost put on appeals. We asked the National Audit Office when they were here but they did not have a clue and your ministerial colleagues did not seem to have much idea either. Slough knew exactly what the cost is: one officer, full-time and some other associated costs as well. Is that something you need to get a grip on?

**Mr Miliband:** You have had some interesting discussions as to whether there is any correlation between parental satisfaction and the number of appeals, which I think is quite an interesting area. I have seen that the number of appeals has gone up. We need to see whether that is part of a long term trend or whether it is a blip. Obviously if significant numbers of people are worried about it or if it is taking up disproportionate costs, then we have to be concerned. I would like to see if it is a trend and I

would like to see whether there are ways in which other local authorities are managing the process to keep down the cost.

**Q963 Mr Pollard:** When a school is full, should that be the over-riding criteria? When a school is full there should be no appeals, except for mal-administration.

**Mr Miliband:** I think you are always going to have to have an appeal system, otherwise you are going to end up in a situation which is contrary to natural justice.

**Q964 Mr Pollard:** Would that not become dangerous, especially if we are thinking about machinery being used in schools, for example?

**Mr Miliband:** No school, however many pupils it does or it does not admit, should be putting its pupils into danger.

**Q965 Mr Pollard:** The appeals panel are not necessarily going to know that that situation exists.

**Mr Miliband:** The school is able to make representations about why it cannot take any more pupils if that is a particular issue. Of course, no-one knows which subjects pupils might take so it is quite a long way down the road by the time you get into that, but there is obviously room for those sorts of representations to be made.

**Q966 Jonathan Shaw:** Robert Douglas, who is responsible for Education Leeds (the company now running education in Leeds) told the Committee that they actively advised parents about the appeals process and therefore they had a high number of parents appealing. I asked if those appeals were upheld very often and the answer was that they were not upheld very often. He conceded that the same amount of information was not provided in terms of how many parents succeed. I wonder if there should be a role here for some sort of inspection. Where an authority is giving all this information, there is a huge number of appeals with very few getting placed, is that a satisfactory process? I cannot believe it can be, or are we just stuck with it?

**Mr Twigg:** I think I concur with David that there needs to be an appeal right, but looking at the statistics for different authorities there are clearly very different things happening in different authorities and I think part of that is to do with the availability of information for parents and how that is couched. I think it is also to do with the rules that particular authorities adopt. I have the figures for London and Enfield it has a massively higher number of appeals than any other London borough. That is because they allow multiple appeals through the year. An appeal may fail and then another appeal is made, which is the approach that the local authority adopted there. I do think there is a case to look at the consistency between the different authorities, but perhaps more importantly this refers to what the witness from Leeds said on the availability of information to parents and how that is couched. We would welcome the thoughts of the Committee when you report on that. I would

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certainly welcome it with respect to London and the impact that the Pan-London coordinated admissions may or may not have on appeals, but also I think it would have a broader benefit nationally.

**Q967 Paul Holmes:** I want to go into a little more detail about the appeals panel and school capacity. Hilda Clarke, who is Headteacher of Langley Grammar School in Slough, gave evidence to the Committee that on this year's admissions round for coming in, in 2003, the appeals panel for her school resulted in 30 more pupils being allocated to the school, more than the school's indicated admission number. A couple of weeks ago I gave an example to the DfES officials who were giving evidence about a school in my constituency, Brookfield School (which I know well because it was the first one I ever worked at). The governors had written to me with exactly the same issue as the school in Slough. They are a popular school, massively over-subscribed and every year the appeals panel puts in extra pupils into the school over and above the planned admissions limits. Now, of course, they are over and above the assessed capacity limit. What is the point in having planned admission limits and now the assessed capacity limits (that say that this is the maximum capacity this school can physically take) if year after year after year the appeals panels ignore that because they do not have to take notice of it and they just keep putting extra pupils in all the time?

**Mr Miliband:** The point of it is to try to provide for the right checks and balances in the system so the appeals panels operate in a sensible way. How many did they admit?

**Q968 Paul Holmes:** She said that this year they were given 30 extra pupils over the school's admission numbers by the appeals panel.

**Mr Miliband:** How many form entry is the school?

**Q969 Paul Holmes:** Five form entry.

**Mr Miliband:** So they have 30 pupils on top of 150. The simple answer to your question what is the point in having the various bits of data and guidance that we put out is that it is there to create the right framework for appeals panels to make the right decisions in individual cases.

**Q970 Paul Holmes:** The DfES officials when they were answering this question said—a little bit like you were saying earlier—that it is all down to the local education authorities; they are obviously not sending people on to the appeals hearings and putting the school's case well enough. I was back in Brookfield in my constituency 10 days ago talking to an A Level class and I had a meeting with the head and told him this. He said that he or his deputy go to all the appeal meetings and they put their own case. They have had some success, but still year after year they get the appeals panel saying they have to take extra children even though they are physically bursting at the seams of a school that was built in the

1960s with very narrow corridors and stairways and all the rest of it. The school is just bursting at the seams.

**Mr Miliband:** I do not know the circumstances of the other schools in the area. I do not know if the other schools are full. I do not know the reasoning behind the appeal panels' judgments in those cases. Obviously it is a blessing—although sometimes in a very large disguise—to be a popular school. I do not know the individual case so it is quite hard to comment on the rights or wrongs.

**Q971 Paul Holmes:** The general point, whether it is Slough or Chesterfield, is that you do have schools that, for whatever reasons, are popular, and the appeals panels do not have to take notice of the physical capacity of a school. They can keep sending pupils there beyond the capacity of the school to take them.

**Mr Miliband:** They can, although I have not had generally argued to me that they are biased too far in favour of just admitting too many pupils to popular schools. If anything, the case has been made the other way sometimes: all the extra pupils—the appeal pupils or the pupils that come during the year—get quote, unquote, dumped in the less popular schools. There are obviously different practices in different parts of the country. I will look to see if there is a trend that the appeals panels are putting too many people through. Inevitably it is a local decision and I think that is right. It is far better for them to be doing it locally than for me to be trying to decide it.

**Q972 Paul Holmes:** I will ask the school to send you all the details.

**Mr Miliband:** That would be a good idea. If they send me the details I will make sure someone looks at them.

**Q973 Mr Chaytor:** Minister, you have argued very strongly against the nationalisation of decision making over school admission policies and criteria, so why do we not have local parental ballots for aptitude selection?

**Mr Miliband:** In the case of the up to 10% of intake that specialist schools can select, I think that the decision of a specialist school to take up to 10% of pupils has far less systemic impact than the decision to have selection across a whole area or to have selection in the case of an individual grammar school.

**Q974 Mr Chaytor:** Does it not follow, therefore, that if selection by ability across a whole area or part of an area has a more systemic influence, it is more logical that that should be subject to primary legislation and not devolved to local decision making?

**Mr Miliband:** I think in both cases you have degrees of local flexibility. In the case of the up to 10% aptitude selection that less than 6% of specialist schools use, you have the flexibility in the hands of the school governing body. In the case of grammar

schools or grammar school systems, you have local flexibility in the hands of local parents. Both of them are forms of local flexibility.

**Q975 Mr Chaytor:** You would accept surely that the more peripheral form of selection—that is selection by aptitude—has been decided by government in primary legislation.

**Mr Miliband:** No, I would not accept that at all because the local selection by aptitude is done by the individual school. I do not require any specialist school to have 10% of places reserved for pupils with a particular aptitude. In fact, in four of the nine specialisms we do not allow it, but in those where it is allowed it is entirely up to the school whether or not they use the up to 10%.

**Q976 Mr Chaytor:** In terms of the parental ballots we do have, the ballots of selection by ability, in about 50% of the selective areas feeder school ballots will be necessary and in those feeder school ballots a significant proportion of parents whose children are educated privately at primary school level would be entitled to vote. Do you think it is fair and reasonable that the future shape of the state secondary education system should be determined by parents of primary aged children in private schools? In many cases they would have a veto over the future arrangements.

**Mr Miliband:** Everyone has one vote so I do not think anyone has a veto. The primary school pupil in a private school is a potential state school secondary school pupil. When Parliament discussed this in 1997–98 it came to a view as to how the balance should be struck between a whole range of different interests across a whole range of quite detailed issues in relation to grammar schools. Clearly in this case it was striking a balance of refusing to assume that for a pupil who was in a private primary school, it is impossible to envisage circumstances in which they would be a state school secondary pupil.

**Q977 Mr Chaytor:** But by using the threshold of five children who had previously gone to the grammar school, you are actually excluding a considerable number of parents already in the state primary system. Would you accept there is some inconsistency?

**Mr Miliband:** What I would say is that it is Parliament trying to strike a balance. I have not been back to debates—either in Committee or on the floor of the House—as to why five was chosen, but I think Parliament was seeking to strike a balance and that is what it did with the figure of five.

**Q978 Mr Chaytor:** If you are arguing that parents of primary aged children in private schools should have the votes, does it not equally follow that parents—

**Mr Miliband:** They are subject to the same five person hurdle. Let me understand what you are saying. A large number of pupils from private schools are ending up at the grammar schools.

**Q979 Mr Chaytor:** That is largely inevitable, I would think, but my point is, can you defend the exclusion of parents of children in state primary schools whose schools happen not to have sent five pupils to the grammar school in the previous year?

**Mr Miliband:** I think it is dependent on the grounds of balance. That is the way it was originally argued over.

**Q980 Mr Chaytor:** Do you feel the balance is now right or is it time to review this balance?

**Mr Miliband:** I do not like setting up reviews just when systems are coming in. The new system has been operating since 1998 when it received royal assent so we are less than five years into the operation of the new system. It needs time to run and then we can decide whether it is working well or not.

**Q981 Mr Chaytor:** University tuition fees received royal assent in 1997 and we are reviewing those. It seems a useful precedent for primary school ballots.

**Mr Miliband:** Much as I want to maintain your stout support for the Government on university tuition fees, and alarmed as I am at the prospect of losing your support on that, I know that you are enough of a man of principle to see the difference between the two issues.

**Q982 Chairman:** We all know why there has only been one case—in Ripon—because the Government stacked the deck absolutely against anyone who wanted any change. After Ripon there has not been one because it is impossible to get it and it is not worth the effort. Are you really saying to this Committee that it has not had time to bed in. Everyone knows it is impossible to win on the present laws.

**Mr Miliband:** I do not think that anyone who piloted through the 1998 Act would say that the deck was stacked.

**Q983 Chairman:** It was theoretical, but in practice it is. Everyone knows it. Ripon proved it. If you wanted to make it fairer you would have to change the laws. Five years after David Chaytor has every right to say that it is about time you reviewed it because you review other things much earlier than five years.

**Mr Miliband:** One of them is about the organisation of the system of schooling and one of the things that David and others have said, rightly, is that stability is important in school organisation matters. When it comes to getting more money into higher education I think that is a slightly different kettle of fish.

**Q984 Mr Chaytor:** If we could look at another aspect of the ballot, as things stand parents go into a ballot having to decide for or against the status quo. They have no concept of an alternative to the status quo. There is no positive proposal of another form of organising secondary schools in their area put before them. Do you think that is a limitation on the ballot process? When people go into most ballots or elections or referenda they are voting positively for

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an alternative programme or model or system, rather than simply passing comment on the status quo.

**Mr Miliband:** That is interesting. I had not thought of it in those terms. I rather assumed that in the case of a grammar school ballot it was pretty clear that you were voting either to maintain a system where a quarter or a third of pupils were selected at age 11 and two thirds or three quarters were not and therefore you were voting for a system—grammar schools and secondary modern schools—or you were voting for a comprehensivised admissions system. I hear what you are saying about the fact that you are not voting between two systems, you are voting for or against one system, but it is pretty clear what the impact on the 11-plus is, is it not?

**Q985 Mr Chaytor:** It is, but in those previous cases of re-organisation where the local authorities had the power to draw up plans there were considerable structural adjustments, either the closing of schools, merging of schools, changing 11 to 18 schools so that there were 11 to 16 schools and sixth form colleges. This is now excluded from the ballot debate and would it not be the case that there would be many of the current selective areas where a re-organisation along the 11 to 16 schools and sixth form college lines could well receive significant public support? But this cannot be part of the debate on the ballot.

**Mr Miliband:** In my experience people are pretty clear on whether they support the 11-plus or whether they do not. I do not think that is the most persuasive argument. I think the areas where this is a live debate are pretty well rehearsed. People have pretty strong head and heart views on this so I am not convinced that that is actually a clinching argument.

**Mr Twigg:** I suppose to an extent the circumstances would depend on the particular pattern locally and the situation in Kent might be different to the situation in a London borough that might have one grammar school or two or three. Nevertheless my own sense of it would be that people would feel that the alternatives were either the status quo or to move to a fully comprehensive system. I take David's point that within the fully comprehensive system there is a range of possibilities about how things are organised 11 to 16 and post-16, but my guess would be in those circumstances that that would form part of the currency of the debate and those who are campaigning for a change would broadly set out the kind of system they were proposing to change to. I think the view ultimately would be determined by people's view about whether it was appropriate to have an 11-plus system.

**Q986 Mr Chaytor:** The key point surely is that those proposing the change do not have the power to determine the future shape because it would require the LEA to take responsibility for that. In the School Admissions Code of Practice it says, in respect of primary schools, absolutely unequivocally that selection by general academic ability should not be used as a criteria for admission to primary schools.

So what is the argument in favour of using selection by general academic ability as an admissions criterion for secondary schools?

**Mr Miliband:** I do not think that any of us are arguing for admission on the grounds of academic ability at age 11. As you know, the Government legislated to prevent the extension of admission on the grounds of academic ability and certainly I would be very surprised if you can find anything that I have said to suggest that I think that is the right way to organise admissions.

**Q987 Mr Chaytor:** The answer is that there is not one.

**Mr Miliband:** Some people make the argument. There are plenty of people out there who make the argument, some of whom have come to your Committee. It is completely legitimate for them to make that argument, but it is not an argument that the Government has been advocating. If we had been advocating it we would have said that there should be more admissions on the grounds of academic ability.

**Q988 Mr Chaytor:** The Secretary of State has said repeatedly that any debate about the future of selective admissions policies in secondary schools must be informed by the question of standards. In the submission that your Department has made to the Committee looking at the evidence on the relationship between admissions policies and standards, every single piece of evidence quoted (SA41, paragraph 11)<sup>3</sup>—unless I have misread it—indicates that although it is difficult to make these judgments overall at Key Stage 4 pupils in comprehensive schools and systems perform marginally better than those in grammar schools and systems.

**Mr Miliband:** That is true.

**Q989 Mr Chaytor:** This is the evidence that your officials have given to us, so how does that impinge on the Secretary of State's determination to make standards the key factor in shaping the future of admissions policies?

**Mr Miliband:** I think it hinges on local people's discussion and debate on the benefits or otherwise of a selective system. As I indicated at the beginning of this session, this is much contested terrain. It is contested around Key Stage 3; it is contested differently around Key Stage 4; it is contested around Key Stage 2 to 4; it is contested even round destinations beyond Key Stage 4. I think it impinges on the Secretary of State's suggestion that standards should be relevant to the extent that local people want to take this evidence into account in their deliberations.

**Q990 Chairman:** The effect of selection on overall standards has never been contested in the labour party as I recall.

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<sup>3</sup> Note: See Ev 221.

**Mr Miliband:** Indeed, and some people might think we have a very advanced conversation in these matters and have come to a settled and clear view and look forward to the day when everyone else has the benefit of such a full and frank conversation about it.

**Q991 Paul Holmes:** In question 11 of your memorandum you quote evidence from OFSTED looking at Kent, from the Department of Education in Northern Ireland looking at primary schools in Northern Ireland, from the DfES, from Professor David Jesson of York University, from the NFER and they all, in different ways, say the comprehensive systems produce better results for children than a selective grammar school systems. Given that, in question six you are asked the question, “Is a representative distribution of pupil ability across a number of schools a desirable outcome of an effective admissions process?” Your answer is, “Local people are required to make judgments about their priorities. For some schools, the distribution of pupils according to ability is considered a desirable outcome. Elsewhere, other factors have higher priority.” Does that answer—given all the evidence that you have produced that selective systems are actually worse for pupils than comprehensive ones—make it more important, if you are going to have a grammar school ballot, that every parent of every child in the authority area should be allowed to vote? If you only allow the grammar school pupils to vote and the feeder schools who send more than five per year to them, you are excluding all the children in the secondary moderns, all the children in the primary schools who do not send their children to grammar schools, and yet your evidence shows that they are losing out because of the grammar school.

**Mr Miliband:** It is important to say that there is quite a big distinction between what David said—which is absolutely true—that at Key Stage 4 the evidence points towards the small but not insignificant benefit that the average pupil in a comprehensive school derives from being at that school. However much you or I might like the evidence to be clearer cut for each and every stage of secondary education it is not that clear cut. I look forward to the increasingly successful performance of comprehensive schools as we focus—as we should have done a long time ago—on what goes on in the classroom as well as who comes in the school gate, and can show that schools who take a wide range of ability can deliver very high standards of teaching and learning. We are not able yet to demonstrate that with the sort of one way traffic that you or I might like.

**Q992 Mr Chaytor:** That still does not answer the question that if all the evidence you produce in this memorandum says that there is an advantage at Key Stage 4 for children in non-selective systems, that must therefore mean that there is a disadvantage for many of the children in the selective system who do not go to the grammar. If you believe, as in question six, that local people should be given the choice

about their priorities, should it be giving all the local parents the choice not just the ones who have already chosen to get their children into the selective systems?

**Mr Miliband:** It is not just the ones who have already chosen. The details of the arrangements before the ballots were debated at great length four years ago and a balance was struck between how wide the area should be drawn, which feeder schools should be included and how can you get as fair as possible representation of all views, and Parliament took the view that it did. I think if you are saying that you do not agree with the balance that was struck then, that is perfectly legitimate and within your rights, but that is not to say that it is not a balance that has been struck.

**Q993 Mr Chaytor:** It is a balance that excludes the majority of people who lose from a selective system and includes the majority of people who gain from the selective system.

**Mr Miliband:** I am not clear it does do that. I do not see why that is the case.

**Q994 Chairman:** We have had a whole range of academics sitting where you are sitting now who told this Committee when asked if they believed a selective system is better or worse for the overall cohort of pupils. They all said a selective system was worse for the generality of people. The PISA study seems to suggest the same. It seems strange that the Minister for Schools is doing a delicate bit of footwork again round this issue. The truth is that many people would have expected an incoming labour government to address this situation. A significant proportion of students in this country are not getting the benefits of the education they deserve because the selective system has remained in place.

**Mr Miliband:** 4.5% of secondary students attend grammar schools, 164 schools. Of course, the whole point is that it is not only those who are affected because there are other schools in the area, so it is not an insignificant number who are affected by this. It is important to have the numbers clear; it is not just 164 schools out of 3,000. There are 164 grammar schools and there is a significant number of schools—200—schools which are affected by those decisions. Of course one should not dismiss that at all. If you are concerned about school standards you have to be cognisant of that. Equally, many of the same people would say that we should be strengthening local democracy and that there should be limits on the amount of national power; that national government is not in the right position to make detailed discussions about school organisation at local level. That is a view not just of this labour government but which has existed certainly since the 1944 Education Act. I think that those of us who are passionate for comprehensive education also recognise that there is a division of responsibilities between central and local government. This Government has respected that division of responsibilities. You have two clashing values, if you like, and that is what politics is made of and how you resolve it. The Government has decided not to

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nationalise the process of school organisation in this country. If we are to take that step, that step needs to be taken in the name of nationalising the system with all eyes open as to what it involves. I think the primary school point is a complete red herring in this regard because it involves none of the issues and history that the grammar school debate involves.

**Q995 Paul Holmes:** I think that misses the whole point of the question, which is when you are having a ballot for a grammar school you are excluding the majority of the schools and pupils who lose out from having grammar schools. You are only including mostly the schools, parents and pupils who benefit from a grammar school system. You are saying you do not want to have a national centre dictating what local practices should be, but if you are going to have—as in question six of the memorandum—local people making local judgments, let all of the local people affected vote and not just the ones who benefit from the selective system.

**Mr Miliband:** The question that Parliament addressed in 1998 was who is “all” because “all” in your question is different in different areas. Parliament decided there was a significant difference between a wholly selective system—a wholly selective borough, for example—and an area where there was a single grammar school, and different arrangements should apply because “all” was different in those two cases.

**Q996 Paul Holmes:** A single grammar school or 10 grammar schools are all affecting the schools within the travel to school area because they are creaming off all the best pupils.

**Mr Miliband:** Most people say there is quite a big difference between a single grammar school and a grammar school system.

**Mr Twigg:** I think that is right and I think it is clearly a very difficult area to decide what those parameters are and what the boundaries are. I think it is reasonable to raise it in those terms, but certainly thinking about schools in London would you just include parents who are resident in that borough when in fact there would be a history—not even a recent history—of children coming from across borough boundaries? There is the issue that we discussed earlier on of pupils who would be leaving London or coming into London. I can think of examples in Hertfordshire where there are young people coming across from boroughs like mine and other outer London boroughs. I think that definition of what “all” constitutes is actually a much more difficult issue than it might at first place look. When we went through this in Parliament it was reflected in that and as I recall it many of the grammar schools and grammar school campaigners were not at all happy with some of the definitions and would have preferred only to have involved those who go to the grammar school or those very closely associated with a grammar school, so it was not as though it was a debate between a settlement that we came up with that had support from the grammar schools and something else that did not. It was, I suppose, a balance being struck to bring about a system that

could reflect local concerns. We can carry on having a debate about this, but to return to where David started I do think, with respect to the Chairman, that we are still relatively early on in what is a new set up.

**Q997 Valerie Davey:** Coming back specifically to the national local division of responsibility, we have just said quite clearly that there are different situations in different local areas. Why could they not be left to organise their own ballot?

**Mr Miliband:** There are national rules to try to reflect different local circumstances and that seems to me to be a reasonable way of doing it.

**Q998 Chairman:** That is a bit lame, Minister. If local democracy rules okay, surely the point is a very strong one: leave it up to local communities to set their own rules.

**Mr Twigg:** I think to some extent my answer relates to that because that might make some sense in a city where there is very little movement in and out but it would be very difficult to apply in circumstances where you have a mixture of schools and perhaps in particular where the grammar schools are very close to boundaries between boroughs (as in the case of London), or in the case of boundaries of big cities like Birmingham and London with surrounding counties. Which local authority would we be saying would make that decision or take the lead on carrying out that consultation? It is not necessarily as straightforward in those sorts of circumstances as it might be in a county where you had an 11-plus system throughout the county, which is clearly part of the concern and I understand that, but it is only one aspect of the concern because there are grammar schools and selective systems taking a number of different forms, which is why the legislation was set up in the way that it was.

**Q999 Chairman:** My attention has been drawn to Sutton. Sutton has a grammar school and a large number of people come across the border into Sutton and send their children to that grammar school. The children in the feeder schools in Sutton do not get into the Sutton grammar school in large numbers. Why could there not be a ballot of those people in the feeder schools in Sutton to decide on whether they are going to have a grammar school system or not? I can see you as ministers switching between where it affects the local community where it is convenient, but very often the local communities are totally isolated in this because what is the local grammar school is attended by very few local people. This localism argument is really shot out of the water, is it not?

**Mr Miliband:** I do not think it is shot out of the water, no.

**Q1000 Chairman:** It is severely holed beneath the water line.

**Mr Miliband:** I think when Parliament discussed this it tried to recognise that there was a difference between the Sutton situation—assuming it is as you describe it—and the Kent/Trafford situation which are selective systems rather than an individual

grammar school and Parliament tried to set different rules to recognise that different reality. I do not think it is shot out of the water in that sense.

**Q1001 Mr Chaytor:** How can you separate aptitude and ability in respect of information technology?

**Mr Miliband:** I would prefer to talk about music. As it happens I asked for a note on different aptitude tests where they have worked.

**Q1002 Mr Chaytor:** Has it come yet?

**Mr Miliband:** It has not, no. To be fair I only asked for it on Friday. I had a premonition that this might come up. The Chairman asked me in oral questions two months ago about aptitude versus ability in the context of the Adjudicator's further pronouncements on this area. As you know, we are trying to distinguish between gift and practice and that is the way in which the aptitude measure is applied. It is restricted to five of the nine specialisms to try to recognise that in some areas we cannot make a distinction between aptitude and ability. In these five we believe we can and there are, as the Adjudicator himself has said, aptitude tests in these areas to try to recognise that.

**Q1003 Mr Chaytor:** The Adjudicator said they were useless.

**Mr Miliband:** He said that in certain cases they were not distinguishing sufficiently between aptitude and ability, but in another case he upheld the aptitude tests as being perfectly legitimate.

**Q1004 Mr Chaytor:** He also said they were no predictors of future attainment.

**Mr Miliband:** That is a different point. The fact that someone is gifted in music or sport at the age of 11 and wants to try to make a career of it, the fact that they do not end up being Yo-yo Ma or Jonny Wilkinson does not mean that it is illegitimate for them to try to be so.

**Q1005 Mr Chaytor:** Surely the whole purpose is that they are going to make some progress in their chosen field and the Adjudicator's judgment is that the aptitude tests that currently exist do not distinguish between aptitude and ability and are not predictors of future attainment. It does not mean that they only predict that those people can be superstars.

**Mr Miliband:** Or even professionals. However, in relation to some aptitude tests he found that they were perfectly good and he was perfectly happy for them to be used.

**Q1006 Mr Chaytor:** Are you content therefore for schools to select, with an appropriate aptitude test, on the grounds of aptitude and then to discover

that the children selected turn out at the age of 14, 15 or 16 to be completely useless at the subject they were selected for at 11?

**Mr Miliband:** It depends on what you mean by content.

**Q1007 Mr Chaytor:** Is that not the logical extension of the policy we have now got?

**Mr Miliband:** No, that is the opposite of the logical extension of the policy that we have. The logical extension of the policy that we have is that we have more people in music and sport and the other three subjects who are getting provision that develops their gift.

**Q1008 Mr Chaytor:** Have we done some research to monitor the performance of the people selected by aptitude?

**Mr Miliband:** Not as far as I know, no, but I am very happy to write to you about it.

**Q1009 Mr Chaytor:** How can you make the statement you have made?

**Mr Miliband:** You asked about the logic of the policy and I explained about the logic of the policy.

**Q1010 Mr Chaytor:** There seems to be no monitoring of what has taken place. There is no research done in advance of deciding on the policy.

**Mr Miliband:** How can you say there is no monitoring taking place when we can tell you that 5.5% of schools are using the freedom that they have been given.

**Q1011 Mr Chaytor:** I think your memorandum to the Committee says there is no monitoring of the performance of pupils. Was there some research done in advance?

**Mr Miliband:** You will have to ask someone who was here at the time. I was not so I am afraid I cannot help you on that.

**Q1012 Chairman:** In principle do you think it might be worthwhile to monitor whether the 10% of children allowed to go into schools on aptitude do better, worse or the same as the others?

**Mr Miliband:** We know that less than 6% of pupils are admitted on that basis and we know that a very small proportion of specialist schools use the freedom they are given in this respect. Those that do largely do not use it for 10% of pupils.

**Q1013 Chairman:** Could the Department, without any other legislation, instruct all the specialist schools to take 10% on aptitude?

**Mr Miliband:** I do not believe so, no, because the admissions policy is a local matter, not a national one.

**Chairman:** Minister it has been a very good session. Thank you very much, both of you, for your attendance and we look forward to the next engagement.



**Supplementary memorandum submitted by David Miliband MP,  
Minister of State for School Standards (SA 49)**

I promised to write to you with the answers to outstanding questions raised by the Committee when Stephen Twigg and I appeared before you on 8 December.

#### CTCs

The Committee asked if CTCs can interview pupils or only hold structured discussions and I said I would let you know of any case law on what constitutes a structured discussion. I can confirm that CTCs can hold structured discussions only. These discussions must give the same opportunity to all students and be capable of faithful replication. In practice this means that a CTC will identify beforehand a set of questions to be asked at the structured discussion, and all applicants will be given the same set of issues and questions.

Our lawyers are not aware of any case law relating to structured discussions.

#### TRENDS IN ADMISSION APPEALS

The Committee asked whether trends in appeals show that too many appeals are allowed by panels without regard to the capacity of individual schools. There is no way of telling this from the statistical returns made to my Department. Someone would have to sit in on every appeal and make a subjective judgement. All we can say is that this should not happen, if panels are operating according to the law and the Codes of Practice.

As the Committee knows, most admission appeals (except for infant class sizes, see below) are two-stage. Usually the admission authority convinces the panel in the first stage that it followed its admission arrangements correctly, recruiting up to its published admission number and beyond. But the second stage gives parents the chance to say why their child should be admitted, even though by definition that means exceeding published capacity. The panel then balances the advantage to the child, against the disadvantages to everybody else. In this second stage I wouldn't say that the school's capacity is being disregarded—just re-evaluated by an independent panel, on the basis of the evidence presented. But panels are obliged to “have regard to . . . any reasons put forward . . . as to why the child's admission would be inappropriate”; and to assess in every case whether admission of an additional child would cause prejudice to the efficient provision of education or use of resources at the school. If Committee Members believe they know of cases where appeal panels patently failed to do this, my officials would be happy to check them out, given the details. It may be that the panel members concerned, or the presenting officers, have a training need. On the other hand, the panel may have judged—reasonably, on the evidence before it—that the school could safely and efficiently cope with more pupils than the published admission number.

There were particular concerns about appeals in Slough, which the Committee visited. I believe that in Slough, as in some other selective areas, parents may have a “grammar school appeal”—where they can argue that their child should be regarded as having met the selective standard—as well as the statutory appeal for a place at a particular school. It would be interesting to know whether this contributed to the burden of appeals, as reported to the Committee.

When the Government introduced a limit of 30 on infant classes, in the School Standards and Framework Act 1998, we thought it necessary to guard against successful appeals causing widespread breaches; so we restricted the grounds on which appeal panels could admit additional pupils to infant classes already at the limit. In these cases, the appeal only succeeds if the panel is satisfied *either* that the decision to refuse a place was not one which a reasonable authority would make, or that the published admission arrangements weren't properly applied, and the child would have been admitted if they had been. Since these restrictions were introduced, the number of successful primary appeals has fallen dramatically. Those who believe that too many appeals succeed, might favour introducing similar restrictions for secondary admissions. However, research conducted by Sheffield Hallam University in 2002 revealed that many parents and appeal panel members were highly critical of the infant class size appeal system. They felt that appeals were futile where the appeal panel members were not allowed to exercise their discretion, and balance advantage to the applicant against disadvantage to others. Knowing what store parents set on getting a place for their child at their preferred secondary school if at all possible, I do not believe that such restrictions would be well-received.

#### PERFORMANCE OF CHILDREN SELECTED BY APTITUDE

The Committee asked if my Department had carried out any research on the performance of children selected by aptitude. I confirm that we have not carried out any such research, although of course others have.

## ACADEMIES

It was suggested that Academies were not giving parents the same deal on appeals as maintained schools, because Academies could not be referred to the Adjudicator. In case there is any lingering confusion, may I try again to explain why I do not believe this to be the case. Adjudicators get involved in admissions only when there is an objection to the admission arrangements a school or LEA wishes to have for pupil intake in a future year. These objections must be distinguished from parental appeals, which happen when parents are not given a place for their child at a school they have applied for.

Academies, like maintained schools, have independent appeal panels to hear parental appeals. Their admission arrangements, which will have been agreed by the Secretary of State following local annual consultation very like that undertaken for maintained schools, cannot be the subject of objections to the Adjudicator—but we do not accept that that disadvantages individual parents trying to get a school place for their child. Most objections about admission arrangements come from LEAs or schools. There are only two circumstances in which groups of parents can make objections to the Adjudicator about maintained schools' proposed admission arrangements. The first is if the admission arrangements include types of selection that cannot now lawfully be introduced, such as partial selection by ability, or selection by aptitude over 10%. Academies are not allowed to have these arrangements anyway. The second is if the admission number set for the school is below its capacity, according to the Department's capacity measurement formula. This formula does not apply to Academies, whose funding agreements ensure that their capacity is fully used (except where they are new schools building up). So the Committee can be assured that parents do not lose out by being unable to refer an objection to the Adjudicator—who has no powers over whether a pupil should be admitted to a particular school.

*David Miliband*

*12 January 2004*

### **Supplementary memorandum submitted by David Miliband MP, Minister of State for School Standards (SA 50)**

You asked for references to the external research on the performance of children selected by aptitude, which David Miliband had in mind when he wrote to Barry Sheerman on 12 January.

The letter was referring to a 1996 study the Department commissioned from NFER's Martin Coffey and Chris Whetton, entitled "Aptitude Tests and Technology—an investigation of aptitude and its relationship with GCSE scores". On re-reading it, however, it does not fully address David Chaytor's enquiry for two reasons. First, the researchers were unable for practical reasons to compare aptitude test scores at 11 with pupils' GCSE outcomes five years later, so based their conclusions on "fit" between GCSE outcomes and scores from tests administered to Year 11 pupils. Secondly, the non-verbal reasoning tests the study used as aptitude tests would not meet the conditions for aptitude tests in present admissions law.

I apologise for any confusion caused.

David Miliband's Office

*19 January 2004*

### **Letter from the Chairman of the Education and Skills Committee to David Miliband MP, Minister of State for School Standards**

Thank you for your helpful letter dated 12 January 2004. I was particularly interested in your comments about the structured discussions which form part of admission arrangements in CTCs. In particular, the committee would value further clarification on the following points:

1. You have provided a clear description of the characteristics of structured discussions. How do these compare to the characteristics of good interviewing practice?
2. Having established the characteristics of structured discussions, we should like to understand what is the purpose of these interactions. In particular, we are keen to understand what is gained by the use of structured discussions that cannot be established through a paper-based application process?
3. Finally, we understand from your evidence that structured discussions, because they are not interviews, are permitted under the Code of Practice on School Admissions. If this is indeed the case, is there any barrier to prevent all schools from incorporating structured discussions into their admissions process? Would you support wider use of this admissions device?

Chairman, Education and Skills Committee

*28 January 2004*

**Supplementary memorandum from David Miliband MP,  
Minister of State for School Standards (SA 51)**

Thank you for your letter of 28 January, seeking further clarification on a number of points relating to structured discussions at CTCs.

We would expect the characteristics of good interviewing practice to be very similar to those of structured discussions. However, there are important differences between the law relating to admissions to CTCs—which are independent schools and as such free to set their own arrangements—and the guidance relating to maintained schools and Academies, which restricts the use of interviews except in very limited circumstances.

The admission authorities of all maintained schools must have regard to the School Admissions Code of Practice, and Academies are similarly required to do so by their funding agreement. The Code clearly states that, from September 2005 intakes, no parents or children should be interviewed as any part of the application or admission process in any school. The exceptions to this are that boarding schools may conduct interviews—but only insofar as they are necessary to assess suitability for a boarding place—and sixth forms may hold subject discussions with prospective pupils. Therefore for maintained schools, the position on interviewing is clear.

In the case of CTCs admissions it was previously perceived that the interviews were subjective in nature, and that the process could not be sufficiently clear or demonstrably fair. In 1999 the CTCs agreed that where interviews were used they would move to the use of structured discussions with criteria being set for the discussion which were capable of objective assessment and could be fairly replicated.

The purpose of the structured discussions is to enable CTCs to comply with their Funding.

Agreement requirements to ensure that from among the applicants of different abilities students are selected who, in the professional judgement of the Principal, are most likely to benefit from what the college has to offer, have the strongest motivation to succeed and intend to continue in full time education or training up to the age of 18.

It is for the Governors and senior management of a CTC to determine the detail of how they select the students but any such assessment should be carried out in accordance with the following principles:

- criteria for assessment should be set for the selection process which are clear and can be fairly replicated;
- what is being looked for/assessed in the student should be clearly set out in sufficient detail to enable those operating the process to be clear about their responsibilities. It will also help the process to be as objective as possible;
- on carrying out assessments under this part of the admissions process the method of the assessment and its relationship to the information sought should be clearly set out;
- any selection method should provide the same opportunity to all students and to be capable of faithful replication;
- no factors outside those set out to be assessed should have a bearing on decisions;
- it will be necessary for the Principal of a college to use his or her professional judgement. This will be done on the basis of clearly set out and detailed grounds and from a clear evidence base.

The reason given by CTCs who use structured discussion in preference to other methods of assessment is that it benefits the less academically able.

*David Miliband*

*9 February 2004*

**Letter from the Chairman of the Education and Skills Committee to David Miliband MP,  
Minister of State for School Standards**

Thank you for your letter dated 9 February 2004. Your reply to the first two points raised in my letter of 28 January is clear. However, I am not satisfied that you have addressed the third point regarding the wider use of structured discussions. For your convenience, our remaining question is repeated below.

Finally, we understand from your evidence that structured discussions, because they are not interviews, are permitted under the Code of Practice on School Admissions. If this is indeed the case, is there any barrier to prevent all schools from incorporating structured discussions into their admissions process? Would you support wider use of this admissions device?

Should you not support the wider use of structured discussions in publicly funded schools other than CTCs, and in order to ensure that we receive the fullest possible reply, I should be grateful if you would explain exactly what means are available to you to prevent their use more widely.

Chairman, Education and Skills Committee

*27 February 2004*

**Supplementary memorandum from David Miliband MP,  
Minister of State for School Standards (SA 55)**

Thank you for your letter of 27 February, continuing our dialogue on interviewing and structured discussions.

The School Admissions Code of Practice does not mention structured discussions. However, we are clear—and say in the Code—that no maintained school should interview children or their parents as any part of the admissions process, except in the case of boarding schools interviewing to assess suitability for a boarding place. The Code goes on to add that any meetings which take place before admission to maintained schools—for example at an open-evening—should not form part of the admissions process, and that schools should make this clear. Therefore, the Code makes clear that we would not support any kind of pre-admission discussions at maintained schools, which would include the wider use of structured discussions. As I have explained in my previous letters, the position with CTCs is different. They are independent schools not legally required to have regard to the Code of Practice.

All maintained schools are required to have regard to the statutory Code of Practice when determining their admission arrangements, and all admission arrangements are of course subject to local consultation. Where local education authorities or other admission authorities (or in the case of admission arrangements at voluntary aided or foundations schools, all other schools in the area) are satisfied that a school's published admission arrangements do not meet the requirements of the Code, they can refer an objection to the Schools Adjudicator. The Code encourages LEAs to object on behalf of parents if they consider admission arrangements are not in the best interests of local parents and children. It further points out that LEAs that do not object to admission arrangements that are stated in the Code to be bad practice can be held accountable by the Local Government Ombudsman. Also, my officials will raise with the relevant admission authority any admission policies they are made aware of which are not consistent with the Code.

*David Miliband*

*9 March 2004*

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## Thursday 5 February 2004

Members present

Mr Barry Sheerman, in the Chair

Mr David Chaytor  
 Jeff Ennis  
 Mr Nick Gibb  
 Paul Holmes

Mr Kerry Pollard  
 Jonathan Shaw  
 Mr Andrew Turner

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*Witnesses:* **Mr Simon Flowers**, Head Teacher, The Cathedral High School, **Mr Graham Myers**, Parent, **Mr Stuart Wilson**, Head Teacher, Featherstone High School, **Mr Terry Hall**, Chair, Wakefield Governors' Forum and **Mr Jim Winter**, Assistant Chief Education Officer, Inclusion & Lifelong Learning, examined.

**Q1014 Chairman:** Can I welcome our witnesses this afternoon to this formal meeting, it is very good to have Stewart Wilson, Simon Flowers, Jim Winter, Graham Myers and Terry Hall with us. Thank you for your time. We have had a very good informal session, this is a session for the record. No one can remember a select committee taking official evidence on record in Wakefield before so it is a first. Can we get you started by pointing out that in the informal session the only worrying thing about it was that it all seemed too good to be true, everyone seemed happy about it. Is that the case? Are there any improvements that you would like to see from where you are coming as two heads and as a parent of a pupil working in the system here?

**Mr Flowers:** The main concern I have is the whole concept of parental preference and the way that that is understood by parents and the way that it affects my school's ability to be full and therefore to be able to manage the school effectively. I feel the parental preference issue is key, I know it is set down and I know it is accepted but it is the main concern for me.

**Q1015 Chairman:** I would like to send you some evidence that was given to this Committee from Archbishop Tenison's School and the head said exactly that. He turned round a school in London only when he was given the ability to choose a different ability balance, he was in charge of the ability balance. We will send you what he said, however you can no longer do what he benefited from. Instead of parental preference, Simon, are you saying in a sense that that is what you would like? Would you like the sort of control where you could say I want 30% from the higher band and 30% from the lower band, do you want to be able to do that?

**Mr Flowers:** No, that is not what I am interested in. What I am interested in is local children coming to my school, the community I serve filling the school I work in.

**Q1016 Jonathan Shaw:** The local community will come to your school if it has confidence that their children are going to get a good education? I can think of examples in my constituency where parents did not send their children and things have now changed, they have turned the reputation round and now they are queuing up at the door, why can that not be the same for your school?

**Mr Flowers:** I think it can be, I think that is possible. I think the parent preference agenda stands in the way of that. It will take an awful long time and a lot of children will suffer in the time scale between that being the case—and I believe we will get there—and where we are now. I think it can be solved a lot quicker if we can change the way that parents preference schools.

**Q1017 Jonathan Shaw:** It would be quite Stalinist to say, "that is your area, you have to come to this school" and there will be no choice about it. You will come to this school, you will have one choice, that is it, that will effectively be what you are advocating.

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

**Q1018 Jonathan Shaw:** Surely what you are saying is that it will take too long in order for the community to get to that position in a voluntary way rather than a forced way, the way that you are subscribing it is a very difficult thing to implement.

**Mr Flowers:** We were there before with catchments. The idea is that you have consistency over a significant length of time, you do not have this trend idea of people looking at league tables and not really understanding what they are saying and parents making parental preference on limited information. There is a predictability about it, there is an expectation and accountability and the community and the school are working together to provide that.

**Chairman:** It is interesting that my colleague is describing a Stalinist approach, we have just come from a Schwarzenegger—

**Jonathan Shaw:** Governorator!

**Chairman:** Indeed you have to go to school in your local district. That is a very interesting contrast. Post the Greenwich decision you can move across the

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boundaries in counties. We have had evidence to the Committee that it is almost impossible to run a community school because hardly any of the children come from the local community, so we understand your position.

**Q1019 Mr Gibb:** I know you have only been the head for two years, you are the new head, so this is not an attack on you, to be brutally frank the Cathedral School has 960 pupils, 16% of them manage to achieve five or more GCSEs, 11% get no GCSEs at all. If you talk about the intake, let us look at the value-added, you get 94.3, which is in the bottom of the bottom quartile. Frankly these are hideous excuses, why would anybody want to send their children to your school with those kind of statistics? This is not a false picture, this is a brutally—

**Mr Flowers:** That is a false picture, this is the point.

**Q1020 Mr Gibb:** Is it?

**Mr Flowers:** Yes. This year we are going to get nearly 30%, the following year we are going to get over 30% and then the following year over 40%.

**Q1021 Mr Gibb:** Then what is your problem?

**Mr Flowers:** The problem is that the parents do not believe that. We cannot convince them until we can say our school is full, we can deal with the budget, deal with the staffing, I can appoint people and keep them, I can retain and recruit and I can set a curriculum that is appropriate without having to look over my shoulder at my budget. At the moment we have too many surplus places and the parents view is that that kind of bad year—which was a blip—will happen again. They will always think that. This school is 10 years old, formed out of a failing school before, we need a clear run at having a chance to prove what we can do. We are doing it, but against the odds. We have not been able to get specialist status because we cannot get there because we are too busy doing other agendas. We need some breathing space and it is round the admissions agenda we could do with it.

**Q1022 Mr Gibb:** Given value-added and taking into account the quality of the intake you are saying that in two or three years' time people will send their children to your school when your results do not show a value-added of 94%, you will find parents flocking to your school?

**Mr Flowers:** I really hope so but I do not think so. I think what will happen is between then and now we are going to have to go through Ofsted and we are at risk, I will lose staff, and the ability to deliver what I know we can deliver, which is the 30% and 40% potential, will not be realised. I have six teachers in core missing, which is English and maths, because I cannot actually recruit. That is the reality. What I need is a chance to build success. What I am saying is that if we had the chance to do it we could do it but whilst ever the perception is, be it from the school, the parents or the potential teachers coming to us we are going to struggle to attain what we are capable of.

**Q1023 Mr Gibb:** If we conceal the results of the school we would not ever be in a position to examine what you are doing and improve the school, that is the alternative. You are suggesting hide the results and do not allow parents to choose their school, that is the alternative. Is that not a worse alternative where poor performing schools continue to perform below par and no one knows about it?

**Mr Flowers:** What do you mean below par?

**Q1024 Mr Gibb:** 94% value-added is below par.

**Mr Flowers:** Value-added is a score, I do not think it is the score, it is a score. I do not think it tells the whole story. We have a 20% turn-over of students, between Year 7 and Year 11, we lose 20% of our students.

**Q1025 Mr Gibb:** I am not surprised.

**Mr Flowers:** We lose them because they go to local schools and we get a back-fill of students who are not fitting in to local schools so to use a value-added score raw like that does not make sense, it does not tell the true story. Children at Key Stage 2 do not come through to Key Stage 4.

**Q1026 Chairman:** What help do you get from the LEA?

**Mr Flowers:** We get a lot of help. I think their hands are tied. The problem is not with the LEA, the problem is with the overall policy.

**Q1027 Chairman:** It seems to me some of the problems you have in Wakefield are that you are not bad enough, were you to get special measures or extra help or extra resources that would have to be drawn down from different pots of money, is that your problem?

**Mr Flowers:** I cannot speak for Wakefield. I know if we were to be deemed a school requiring special measures—which is a risk for us—that would knock parent confidence even further.

**Q1028 Chairman:** Of course it would.

**Mr Flowers:** That is not a good thing.

**Q1029 Chairman:** Can we share with the rest of the panel what they feel about this dilemma?

**Mr Wilson:** I would like to say that the key issue in terms of admissions and how it affects the school's ability to move forward for Featherstone is mid-year admissions. Taking last year as an example, we had 60 children coming into the school mid-year, 40 of which stayed. If you are asking a school to plan for improvement, improvement does not happen, you have to take hard decisions based on your finances and your staffing to support pupil learning. You have this unstabilising effect on every class as these children keep coming in and out. I would argue that when a school is facing challenges, and many of us see that over a period of time lots of schools will face challenges, they should not hide behind any statistics, they should not have a magic wall put round to protect them. What I think they should be given is a targeted amount of support. Your first comment about everything seems happy, you were

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given very positive comments earlier and the reason I am positive about mid-year admissions is because I went to the local authority and said “this is a problem, would you look at it?” They looked at that problem and they invited a number of head teachers, five of us involved from early on, to say, “what do you think? What is your way of working this?” Now we have put something in place that we are going to try for two years that will minimise the effect on those schools with places. I think that is what I would call intelligent accountability because when you are fighting against the odds in many ways what you are looking at is you are not only trying to improve the quality of teaching and learning in the classroom but when you are looking over your shoulder at other schools, the specialist status they get, the education action zone they get, the leadership incentive grant they get we have the capacity in these schools to apply for those add-ons. However, that is the difficulty because each time myself or one of my staff goes for any additional funding it is diverting me from the classroom and teaching and learning. I think that is the danger, if you want a school to improve then help them over that difficult time. Ironically we have to succeed against the odds to get the better money in where the task is slightly less challenging at that particular point.

**Q1030 Jonathan Shaw:** I totally take your point about the time it requires to raise this £50,000. I know from the schools in my constituency the ones who seem to get the money much more quickly are the ones with fewer problems in the way that you have told us about your school, I know that to be the case. Do the local authority help, Mr Winter? You know that it is difficult for Mr Flowers’ and Mr Wilson’s schools spending that time raising money, what are you doing in Wakefield to assist? What are the schools doing to collaborate? Is it going to take one person to go out and do that, an entrepreneur, and raise that money? What are you doing?

**Mr Winter:** For us it is about collaboration, about working together and sharing and learning from each other, part of that additional money is coming. I can give you lots of examples through Pathfinder-type work that is bringing additional money into schools. Unfortunately it does not affect all schools equally, there is not a perfect process. We know that some of our schools in Wakefield which are less than a mile away from schools in Leeds would be £300,000 better off if they were funded under the Leeds formula rather than the Wakefield formula. We accept that that is a fact of life, although we do continue to press for better funding. We deliberately felt it would be helpful to hear from schools that struggle with the system so you see that not everything is perfect in Wakefield, it is really to demonstrate to you about how the admissions process can help or hinder. It is not a short-term issue. When you look at simple figures about attainment, and I am not decrying them at all, what we are trying to do is look at local schools in terms of local children, which is really, really important to us. In our view the admissions system is designed to

try and facilitate local youngsters going to local schools, it does take time and in terms of Cathedral, the LEA and Cathedral are work closely together and in terms of Cathedral trying to raise its profile in the community. It is about what steps you take to turn that round, some is about money, some is about reputation, some is about culture within the school. We try to address all of those issues with the school.

**Q1031 Jonathan Shaw:** What are you doing to help Mr Wilson and Mr Flowers raise £50,000?

**Mr Winter:** We are working with the school to identify sponsors where we can the bring money in. There are not many sponsors round in the local area of Featherstone and other schools are competing for money. You will see in Wakefield that 11 out of 18 schools have—

**Q1032 Jonathan Shaw:** You have done exceptionally well.

**Mr Winter:** In some areas it was harder than others, for example in Featherstone.

**Q1033 Jonathan Shaw:** You are probably top of the league tables in that respect.

**Mr Winter:** We would like to think that as well.

**Q1034 Chairman:** That may be depressing for Simon Flowers. Simon, with a name like “Cathedral School” and a bishop who arrives for his enthronement on an Arriva bus I am sure he has the energy to lead your school to raise £50,000?

**Mr Flowers:** No, he has not, no. We have gone to the church and the diocese for their support but there is no money in that sense to support the school. What we are committed to doing is to make every effort we can without having to tax the parents, which is illogical and unfair.

**Q1035 Mr Chaytor:** Can I pursue the question of the excessive consequence of parental preference, can I address this question to Mr Winter, if there were amendments to the LEA’s admissions policy and it prevented mid-year transfer, other than those occurring from the consequences of parents moving into a new catchment area, would this not help to even out the distribution of children across schools in the area?

**Mr Winter:** We are not allowed by law to stop mid-year transfers. What we can do, and I can talk to you about the procedure, is we can swing parents strongly against it. It is almost always not in a child’s interest to transfer mid-year unless there is a house move. We have youngsters who want to transfer in Year 10 and Year 11 when the GCSE courses have started so we give them things like boarding cards for buses so they can continue to attend their existing school. Our education welfare officers counsel very, very strongly against youngsters moving. We require them to go back to the school they are leaving, to see the head teacher of the leaving school and to talk about things like bullying, we also ask them to see the head teacher of the receiving school. We operate what we call a managed moves procedure whereby

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the youngster is registered for eight weeks between the two schools and if the move works out then the transfer can take effect if it does not work out the youngster goes back, and that has had some success.

**Q1036 Mr Chaytor:** Do you think it would be useful to change the national legislation to rule out these mid-year transfers—

**Mr Winter:** It is not possible, no.

**Q1037 Mr Chaytor:**—other than moving house?

**Mr Winter:** There are circumstances where a fresh start is helpful. We have seen incidents where youngsters have had significant concerns about the way they do or do not get on with class mates, each case is looked at on its own merits. We can help in some circumstances, it is about how you manage the whole process, and that is why what we try to do is counsel parents against mid-year transfers whenever possible.

**Q1038 Mr Chaytor:** Within an LEA where you have two neighbouring schools and for whatever historical reason they have diverged in their levels of attractiveness to parents is the simple solution to merge the school into one?

**Mr Winter:** It depends how you feel about schools and their community. We have consistently, and I think rightly, taken the view that schools serve local communities.

**Q1039 Mr Chaytor:** It is not a question of closing one site and shifting all of the kids, it is that you have one institution, say with one management and two campuses.

**Mr Winter:** That would take the view that the management of the existing school is defective.

**Q1040 Mr Chaytor:** Not necessarily. It does not mean that the management of the school that is more attractive would become the management of the new combined school. Is this not a structural, organisational way of mitigating the worst effects of parental preference? You are calling the bluff of the parental preference policy.

**Mr Winter:** I think it is a sledgehammer approach. You heard earlier on about the history of some mergers and changes that have been made over time and the way that people perceive schools. Thornes Park, which was the school that was there before Cathedral, was not popular at the time, a whole new campus was developed and a whole new building was developed. I do not think changing the name over the door of the senior management is necessarily the right way to go. I accept in some circumstances that might be the best solution for the school but I do not think we are in that position in Wakefield.

**Mr Hall:** I would like to support what Mr Winter has said. I would also like to draw your attention to what was said at the pre-meeting by Jeff Ennis, MP that parent accountability is needed in this area in that ten years ago the parents of the children of today went to either one of those schools under question. They did not like it, they did not want it

and therefore their children will not have it. Until we get the parents accountable to their children to say, “you are going to that school and you will learn”, I think we are still going to be struggling for the next generation at least. That is echoed by many of my colleagues on the Wakefield Association of Governors.

**Q1041 Paul Holmes:** There are two points arising out of that, first of all, Stuart, you were saying that you have 60 mid-year transfers a year, in general are they parents moving in and out of the area or children who are being persuaded to leave for the more popular schools round you?

**Mr Wilson:** The vast majority of children come with some form of complex difficulty, it may be they have moved home, in some cases part of their family is not aware where they have moved to for safety reasons, we have children with special educational needs and we have some children who have genuinely moved house to the Wakefield area joining the school. With the admissions consent what tends to happen then is that a family may have moved into the catchment area of a local school, the catchment area is full and therefore they are given Featherstone as a second choice because there happens to be a place at Featherstone. My argument previously was in terms of planning. We are pleased to work with all children at Featherstone High School. In terms of planning and the best provision of it you clearly need some sort of handle on that. I am hoping that situation is improving. Early indications of a policy we are trialling this year are positive but we will review that in a couple of years.

**Q1042 Paul Holmes:** Out of the 60 how many are the children of parents who have moved into your catchment and how many are re-located from else where?

**Mr Wilson:** I would say less than a quarter would be people who would be coming naturally due to their position.

**Q1043 Paul Holmes:** 45 out of 60 are being dumped on you.

**Mr Wilson:** Or they have not been able to get into their local school and this is their nearest school.

**Q1044 Paul Holmes:** How true is that of your school, Mr Flowers?

**Mr Flowers:** A very similar story. I will give you an example of another type of problem, a student from our catchment who preferenced else where had gone to another school and the student is having difficulties but because the student lives in our catchment but attends a different school the parents preferenced us so we have to receive this student who is struggling at the other school because they live in our catchment. That is illogical, that means that I am picking up a child who is on the verge of permanent exclusion from another school because they cannot handle that child. Because they are living in my catchment they should have come to me in the first



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place or they should stay at the school they are in. The system does not allow for that. That is just one example. We have a similar story, about 60 children.

**Q1045 Paul Holmes:** Out of the four schools that serve the most deprived areas how many have specialist status?

**Mr Winter:** What do you mean by specialist status? You have Cathedral and Featherstone who do not have specialist status, you have Airdale which does have specialist status and we have City High that is a beacon school that does not have specialist status.

**Paul Holmes:** 11 out of 18 have specialist status but only one out of four of the most deprived, which reinforces the point we were making.

**Q1046 Chairman:** Can we bring our parent in on this. Graham, how do you view the dilemma the two heads have expressed to the Committee, they are worried about the ability of parents to have choice or schools to choose their pupils, whichever way you look at it it runs against what they would like at a community school, where all of the talents in that community came to the local school and they build something in the heart of the community, do you have any sympathy there?

**Mr Myers:** I certainly have. There are three things I have noted down while people have about speaking round the table, if I can go through them. I will go through the preference or choice bit, from your point of view, if I may ask, was it the intention to give parents preference or choice? Which way round was that? We all have preferences, I can preference whichever schools I wish and I could do whatever I want but that does not mean to say I have a choice at the end of the day. What was the intention behind the policies that were put forward?

**Q1047 Chairman:** As you know, Graham, our job is to check the Government, the executive, we are not the executive, there have been a number of administrations in this country who have talked the language of parental choice, part of what we are trying to uncover is is this genuine parental choice or do schools choose pupils. I have to say that the evidence that we have received is, to say the very least—and not pre-judging today's session—very interesting.

**Mr Myers:** I appreciate that. Yes, I can preference as many as I wish but I have not seriously got a choice at the end of the day, it is down to the admissions policy of the school or the authorities that send my child to a particular location. I do not seriously have that choice at this moment in time. I am not sure what I can do about it if I am honest, because it is very difficult if a school becomes mightily popular, either through reading league tables or word of mouth or whatever it may be. It would be very difficult to put everyone into that particular school, save expanding the school at the expense of another school within a particular authority. I do not believe as parents we have any more choice than we have always had. You were talking about this Stalinist

approach, I think it is still there, it is just under another terminology. We were saying that we have a choice when in actual fact we have not.

**Q1048 Jonathan Shaw:** You were not able to cross the borough boundary before the Greenwich ruling.

**Mr Myers:** You cannot necessarily now.

**Q1049 Jonathan Shaw:** You can.

**Mr Myers:** We have preference to.

**Q1050 Jonathan Shaw:** If there is an available place in Timbuktu you can go there.

**Mr Myers:** At the moment there are no spaces available in schools. The push I see as a parent is to close a lot of the smaller schools down and have limited pupils within community schools to ensure that places currently available in other schools are used up. We have been driven away from the community approach and moved into bigger schools, if you will, to ensure there is cost savings and all that goes with that. I am not sure that is necessarily good from an educational point of view but it does save money. It still means there are less places in those other popular schools at the end of the day.

**Q1051 Mr Pollard:** It is a dichotomy.

**Mr Myers:** I am not sure there is an easy answer to that.

**Q1052 Mr Pollard:** Simon, you suggested that ten years ago the school you now lead was a failing school and was closed down, lessons were learned from that experience and transposed to make sure you did not go down the same route again, Nick's analysis was that results were not as good as they might be, can you take us through that? I got the feeling that student aspiration was the difficulty, it is surely down to teachers to inspire so that students aspire and succeed?

**Mr Flowers:** On the second point I think parents have a key role there. As a single teacher we see a child a very small amount of time.

**Q1053 Mr Pollard:** We have all had teachers that really inspired us.

**Mr Flowers:** That is why we do the job but the reality is that parental support makes that vital bit of difference. As for the history of the school, I was not there but my understanding of the situation is that the school is performing better.

**Q1054 Mr Pollard:** I was not pointing a finger, I am genuinely interested.

**Mr Flowers:** There is a story to tell, which we will not go into, to do with the school over the last ten years and to do with leadership and a lack of consistency. There is also a story to tell about where we are now compared to where the school was 10 or 11 years ago, we are on the threshold of something very strong. Your second point is key to it all, it is about having the right number of quality staff in front of children on a consistent basis, in the end that is what

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makes the difference in the school, and that is what we do not have because we are under so much pressure with recruitment and retention of staff, which is again related to all of the other issues.

**Mr Wilson:** Regarding the parental role, one of the things I would like to share with the Committee is when I was interviewing at my school I would ask everyone I met, the pupils, the staff and the governors the same question, and it had two parts: “Tell me something you would like to improve about the school?” I got the usual you find in almost every parental questionnaire, the litter, the smoking, the bullying, not enough homework and too much homework—it is rare not to find both of those in the same school. I expected that from a wide group of people. What shocked me is when I asked everybody to tell me something they were proud of about the school, and I actually had a tally, I wrote it down on a piece of paper as I was going round and out of 22 people that I asked only four respondents could tell me something positive about the school. In terms of parental information that is why we started what I have brought with me today, a newsletter, to tell them how well their children do and to make sure we get into the community and they can see their children succeeding. I think that is one of the things that has allowed parents to come into the school more, an increasing number of parents come into the school, and as they walk in they can see photographs of their children succeeding. I agree, we have to raise the children’s aspirations. One of the factors I find very difficult is that we only have one in 40 of our local families—and we do get most of our local children, which is why the normal admission period does not cause us the problems, it is mid-year that is our challenge—who have had experience of further education. We are still struggling to say, “I know you did not stay on at school, things have changed, this is the proportion of children wanting to go there, there are other things than working at the local shop, have a look”. We took some of our pupils to Cambridge University and arranged for them to go on a trip and we nearly lost one pupil because the parents were not willing to fund the bus fare for three miles down the road. One of my colleague drove them there. That is what we have to break, generation after generation saying “this type of education is not for us”. It does take time and I think we need to go at that issue as powerfully and quickly as we can.

**Mr Winter:** Just to add to that, it is as much about family and community aspirations as it is about good teaching. Children will be inspired if they want to be inspired, if they are able to be inspired. If they come from a history where there is no value-added attached to education and training, possibly because of historical situations—and I can give you an example of the mining industry, where men went down the mines and the mine looked after them. There was no need for education and training—it is difficult to break into that cycle. It is not just about teaching and learning, it is about families and learning family skills, intervention, working with families to develop community confidence and

expertise. I suggest if you are talking about aspiration you need to look broader than what goes on in schools.

**Q1055 Jonathan Shaw:** Do you have an educational maintenance allowance?

**Mr Winter:** We pilot it at £30 a week. It is not just about money, it is about those aspirations and valuing that. We still have very low stay-on rates but at the same time our GCSE scores have gone up significantly over the last six or seven years but there has been no significant shift in the number of youngsters staying on beyond 16. You ask yourself why that is the case. As I say that is why in terms of 14 to 19 provision we are looking at the learning community again. There is a history in Wakefield that people tend not to travel outside of their community, or significantly travel. Wakefield is in the corner of a district and somewhat away from people who live down in Hemsworth and they will not look elsewhere and move out of their community, it is about travel and things like that.

**Q1056 Jonathan Shaw:** We understand that the evidence is that EMAs have given 5% to 6% for recruitment and retention to education.

**Mr Winter:** We would struggle to meet that. I would say it is 3% to 4%.

**Q1057 Mr Pollard:** You suggested earlier on that on your application form there was a written bit for parents to fill in, many authorities have done away with the written bit believing that it aids the better educated, more middle-class families, some would argue it is an aid to the middle classes having a better choice than others, have you thought about that?

**Mr Winter:** It is not, if you like, so that people can state their case in an academic or learning sense, it is to demonstrate to us—<sup>1</sup>

**Q1058 Mr Pollard:** Like my child only has one leg.

**Mr Winter:** It is a simple form. If the child has particular medical or special needs that means that the child may need to go to another school. I would like to think that is not about intellect or ability to present yourself it is about demonstrating particular reasons why you should go to that school rather than another school.

**Q1059 Chairman:** When we went to Birmingham and when we went to Slough we touched on a problem that you do not have, there was a very large single sex girls school in Birmingham, one of the largest, a little larger than your largest high school, that put the whole intake out of balance for all of the other schools. If you wanted to send your son to a school that was 50/50 you could not do it, in Birmingham you had an enormous girls’ school, Slough was similar. Is it not slightly hypocritical of us all when we look at the same situation in terms of the more talented and less talented child, is there not an ability, as in the school I mentioned in London, to have a sort of banding so you can get a fair

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<sup>1</sup> *Note by Witness:* Whether there are any specific medical reasons why the child should be admitted to that school.

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balance of the different kinds of talent and then if you get a system that delivers the most over-generous supply of the most talented youngsters in a few schools and the less talented children in other schools this system is always going to be unfair unless you have some kind of system that gives everyone a fair shot. On the one hand it could be through community schools, as Simon Flowers wants, on the other hand you could equally say you have to have a mixed ability intake.

**Mr Winter:** I would say that communities are different. If you look at what schools are about, which is developing well-rounded individuals, capable of working in teams, speaking for themselves and making rational choices I am not sure that is much of an issue, it is where you degenerate into a simple discussion about academic attainment, which is important, that is when I think the difference between schools and parental preference sharpens the work that Cathedral and Featherstone and other schools in disadvantaged areas do in terms of developing well-grounded individuals, it is not recognised in any of the schools. Very often, as we were saying earlier on, when parents look to see what school they want they place as much emphasis on how other youngsters behave within the school, about whether or not there is a view about bullying, those are things that parents feel are important, and so do we. Just to take a narrow view that all schools ought to be equal in terms of attainment I think is to miss the point in a sense because it is about developing well-rounded, rational and capable young people.

**Q1060 Chairman:** I take that point. Simon wants to deliver a community school, he says a lot of the talented children leave his community, leave his catchment area and go elsewhere with the necessary problems for his school. If you as an LEA were able to say there has to be a balance here—as we said it worked in the past in other communities—would that be helpful rather than less helpful because you have a whole range of schools with a fairer chance of delivering what you said to more pupils?

**Mr Winter:** I think it would. What you are arguing for is a move towards a Stalinist system, whereby youngsters are designated to go a local school and they have to go there. I think the way forward for a school like Cathedral is very much along the lines of its reputation within the community, its relevance within the community, letting the community see what goes on in Cathedral not just during the school day but in the evenings, at weekends, it is a focal point of the community so they are happy to send youngsters there. I think the alternative, which is to say that all children must go to Cathedral in all circumstances, is probably not the right way forward, although I can see its attractions in a simple academic sense.

**Q1061 Mr Chaytor:** Pursuing the question of the reasons for parental preference, on the basis of parental preference and the information that parents have what do you think is the most powerful information available to parents in exercising their

preference over schools? Is it the league tables? Is it word of mouth? Is it Ofsted reports or is it some vague perception that is impossible to describe?

**Mr Wilson:** Mine is very simple, it is to come and look round. What we say to parents is—

**Q1062 Mr Chaytor:** I am not saying what parents should do, what is your judgment of how most parents do form that opinion?

**Mr Wilson:** What tends to happen with us is by the time that children are in Year 6 they have made their mind up as a family which secondary school they are going to. Then there are issues about admissions where they are not sure whether they want to come to a particular school. We simply say, “choose a day, come and have a look at us”. We find that is very powerful because you are then taking away from the text, from the data, because the data is valuable and can be interpreted in different ways, “come and look for yourself and see how your child would fit in with the expertise here”. The most powerful message is we invite the children to take them round on the trip because children will tell parents what it is really like. We find that is very powerful with parents.

**Q1063 Mr Chaytor:** Are you saying that that is what the overwhelming majority of your parents do, they form their opinion on the basis of a personal visit to the school?

**Mr Wilson:** The overwhelming majority is by local reputation.

**Q1064 Mr Chaytor:** Where has this come from, is it based on league tables statistics, is it based on word of mouth and gossip amongst neighbours, is it based on an Ofsted Report? Ofsted, as far as we were told, seriously believe that a huge amount of parents log on to the Ofsted website and read the report before they make a judgment.

**Mr Wilson:** In our case it tends to be based on what is talked about outside the primary school gates, many of their children’s brothers or sisters are at the school, it is that type of reputation, and that certainly works well for us in most cases. If they are not sure then it is “come and have a look”. It is the general impression locally.

**Q1065 Mr Chaytor:** Do league tables form any part of that?

**Mr Wilson:** I am sure it will nationally. In the case of Featherstone High School we asked our parents when they came to see us and they were working on what they had heard about the school from their friends, Auntie Nellie or Uncle John, whoever it happened to be.

**Mr Flowers:** It is not the same for us. It is the same but it is a different proportion. When I have talked to parents en masse and taken questions and answers and from having individual conversations with parents the league tables feature much higher in the discussion. The press has an influence, luckily we have had some very good press for the last two years, before we had a lot of negative press. The school is still regarded as a new school. The point made earlier is absolutely right, the parents are the children who

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went to the previous school, and also conversations round the primary school gates. For us the impression I get from parents is that with their amount of understanding they study the league tables and Ofsted Report to some degree. A lot of our parents do not have access to the internet so they do not get the Ofsted Report that way.

**Q1066 Mr Chaytor:** As a parent how familiar or how much time have you spent considering league tables?

**Mr Myers:** Quite a lot of time has been spent on all of the areas that you have discussed so far. With regard to league tables, I have visited four schools in my particular youngster's case. There is a growing number, whilst it might be a minority, who are utilising all the available information to try and give them a chance to make a better preference.

**Q1067 Mr Chaytor:** What weight do you give or do you think parents, friends or neighbours of yours give to the statistics and league tables?

**Mr Myers:** It is an indicator. My biggest weight is actually given to visiting the school and looking at the teachers, the classrooms and the children as they are walking round that school. I like to see how they behave in that school and what their discipline is like, or lack of discipline is as the case may be; that is my biggest drive. To get me to those particular schools in the first instance it has to be the league tables or Ofsted Report that I will look at as a guide.

**Q1068 Mr Chaytor:** Do you think in the existing format of the league tables the information contained is appropriate or are there improvements that could be made or should there be more indicators included or should it be less detailed?

**Mr Flowers:** Personally I think the effect of the league tables is enormously damaging.

**Q1069 Mr Gibb:** You would conceal all of the information.

**Mr Flowers:** I think the information should be there but we need to shake it up and start again.

**Q1070 Mr Chaytor:** What single change could be made that would improve it from your prospectus?

**Mr Flowers:** I think you have to get away from the raw scores because it does not tell the context of the school at all. Value-added is a move in the right direction, it has to tell a story of what we are dealing with, we are not comparing like with like in the league tables. It puts enormous pressure on Key Stage 2 and the results agenda and all of the damage that does to primary school kids in Year Five and Year Six and it puts enormous pressure on Key Stage 3 because of the hot-housing of Key Stage 2. In my opinion it is ever so, ever so damaging.

**Q1071 Mr Turner:** Mr Myers, correct me if I am wrong but in the earlier session you suggested that it would be selfish if your child was able to be selected because of his good performance, why is that more inappropriate than your child being selected because of his Catholic upbringing?

**Mr Myers:** No, I said there were two ways of looking at things, one with my selfish head on and one without my selfish head. If I am being purely selfish, driven for my child then great I will go and try to pick what I believe to be the best school. I may be wrong in that as schools can change over a small amount of time in some cases. If it is based on an aptitude test then fine I will let my child do the aptitude test with the best of children and have a really good idea that he has a good shot of getting into a particular school. If I come away from that and think from a community point of view I do not necessarily think that it is fair. If you or anybody pushed me into that, fine, I will go with that challenge. Myself and my wife work very hard with our children at home to try and get them to a particular standard and not everyone necessarily has the opportunity to do that. We do put a lot of hours in with them not just with school work but with their other activities. We have taken the decision to do that and we have decided to promote that from our point of view. Yes, if people want to make it challenging we will do that; I will happily go along with that. I do not have to agree with that but if that is going to get the best answer for my child I will go that way. I do not think that it is the best thing to do.

**Q1072 Mr Turner:** I accept that. Of those two approaches, the selfish and the unselfish, how would you describe the decision you have taken to apply for your child to go Catholic school which is not open to every child?

**Mr Myers:** We happen to be a Catholic family so that is why we are choosing to go to a Catholic school. He is already in a Catholic primary school and I want to continue in that ethos.

**Q1073 Mr Turner:** Is that a selfish decision or is that unselfish?

**Mr Myers:** That is a Catholic decision, it is keeping the same religion, continuing on that basis.

**Q1074 Mr Turner:** There are three options, there is selfish, there is unselfish and there is Catholic.

**Mr Myers:** In that particular instance.

**Q1075 Mr Turner:** Why can there not be a fourth option like academic excellence?

**Mr Myers:** I believe that St Thomas a Becket is already established on that particular basis. That particular aspect does not need to sway me because I am already swayed by the fact I believe it is. However, that may well be a critical factor in some people's opinion.

**Q1076 Mr Turner:** If you lived in the catchment area of Mr Flowers' school would you go to Mr Flowers school or apply to a different school?

**Mr Myers:** I think the answer is no if I am totally honest. I have a lot of sympathy because I believe all of the evidence is stacked against the two heads represented at the moment. I cannot understand that if we are agreed on one side, as Mr Gibb pointed out, with the low scores and all that goes with it that the school that Simon represents has to be under special

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measures to get additional assistance, I do not follow that. If we are accepting that looking at the league tables it suggests that there is a potential problem why not accept there has to be help given to those particular schools rather than them having to justify it. The other point is that I cannot quite follow the £50,000 limit, some schools are brilliant at raising money, they walk out the door, they send a leaflet out, "can we raise £50,000" and the next day it is there. Other schools have no chance of raising that over a good period of time. Why impose a limit that is impossible for the ones who probably need to raise it?

**Q1077 Mr Turner:** Thankfully I do not have to defend the Government's policy on that. Can I move on to Mr Winter, first of all can I ask you to put on the record the answer you gave me earlier about why you moved from a system where a first preference had a higher value than a second preference, and so on, to a system where each preference has equal value?

**Mr Winter:** For two reasons, one is that we believe that local children should as far as possible go to local schools, we think an equal preference system is likely to achieve that. Secondly, under our previous arrangements a youngster could opt for a voluntary aided Catholic school and the local authority community school and be given two bites of the cherry, whereas we are concerned if we were to perpetuate a system of preferencing and priority based on preferencing the young person who could not get into the voluntary aided Catholic school may not get into his or her local school if that was their second choice and the equal preference system gets round that problem.

**Q1078 Mr Turner:** Thank you very much. Finally, again during to the earlier session it was suggested that there were pupils who were having to travel a long way to primary schools because of the class size rule, how many exceptions to the class size rule have you sought?

**Mr Winter:** I do not have that information, we can provide that information separately if that would be helpful.

**Q1079 Mr Turner:** You are not unwilling to do so.

**Mr Flowers:** I just want to make the point with respect to what Graham is saying, if I use this cohort that is going through Year 11 now, according to the external data, not the school data, we are on track with our current Year 11 to get what they are capable of. If Graham's son came to our school with the ability to get seven A-Cs we could deliver that.

**Q1080 Mr Gibb:** What about nine?

**Mr Flowers:** If he has the ability for seven, if he has the ability for nine, if he has the ability for 13, some of our children do 13, we can deliver with the children that have the ability, we just do not have very many of them. We are perceived in the league tables as being under-performing because we do not have many children who are very bright.

**Mr Myers:** That was the point I was trying to make, it does influence you. I was asked a straight question.

**Chairman:** You were being even-handed.

**Q1081 Jeff Ennis:** It is really a supplementary question along the lines of the diversity agenda in terms of the secondary education model and the schools model and the fact that Wakefield has taken advantage of that in that nearly 11 schools out of 18 are specialist schools, we have a situation in Wakefield where we have Catholic schools open to people such as yourself, Graham, of Catholic persuasion but when it comes to primary schools a lot of the areas have Church of England schools and Catholic schools and yet when we get to the secondary sector we still have a predominance of Catholic schools, we have very few Church of England aided secondary schools and my question is directed towards you, Graham, do you think it is better from a diversity point of view if authorities like Wakefield ought to look at establishing a Church of England or ecumenical secondary school to balance up that level of diverse division?

**Mr Myers:** A straightforward answer would be, yes, to equalise the situation. However, I thought the idea was to integrate people irrespective of colour, creed or faith. The more we keep establishing different religious schools, the worse the situation will become.

**Q1082 Jeff Ennis:** You would prefer the Catholic schools to become ecumenical?

**Mr Myers:** Very probably. Again it is back to confidence and a perception of how those schools may perform if it goes that way, that is the worry from my point of view. What I see in Catholic schools at the moment is that there is very good discipline, and I do not dispute there may be in other schools as well, but I have seen others schools that do not have that discipline. I do not know if that is tied to religion or not. Certainly the Catholic schools that I have visited have been very good on that aspect.

**Q1083 Jeff Ennis:** I do not know if you want to comment on my strategy for Wakefield.

**Mr Winter:** It is an interesting point to make. I would say that Catholicity or adherence to the Church of England is not so much about aided status or community status, I think the ethos as far as we can is about maintenance of discipline. We have a Church of England controlled school that delivers if you like a Church of England ethos, so I am not sure it is about aided or community status. We recognise that all schools have a different flavour and have different things to offer. I said earlier on they reflect their community and I think that is as true of church schools as it is of specialist technology colleges. It is important to remember we do not select by aptitude in Wakefield, that was a deliberate decision. In that sense our schools are still community schools and the only admissions criteria are the ones that you see in your handbook that you have. We are not moving children in to those areas

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of specialism, what we are doing is trying to ensure that the schools do deliver distinctive flavours that can then be made available to the wider community, art college expertise would be made available right across the piece, there is evidence of us doing that within Wakefield.

**Q1084 Chairman:** This Committee looked at diversity and the Government's plan for diversity and enthusiasm for diverse academies, foundation schools and specialist schools and all of that—that is a separate inquiry—do you not think that people like Simon and his colleague deserve a level playing field? On the one hand they do not have a level playing field because of the whole system of admissions you cannot have a community school and on the other hand all the time you have 11 out of 18 schools with £50,000, however it is raised, it is not only not a level playing field, it is getting less level by the minute. When we had your briefing paper you had nine specialist schools now you have 11, my heart goes out to Simon and Stuart, it is getting more tilted all of the time.

**Mr Winter:** If that is an argument for fairer funding I would certainly agree. I see no reason why a school cannot deliver a distinct ethos, I see no problem with that at all. The issue for all of us is about having a fairer funding regime. If you are saying that you do not believe that the funding regime in the UK for secondly schools is fair then I would find that difficult to disagree with.

**Q1085 Chairman:** What I am saying is that these two guys and their schools are the ones that seem to me to need the extra help, support and resources for staff and equipment and everything else yet they seem because they are not special category to miss out on everything and at the same time down the road, across the authorities others are getting much more.

**Mr Winter:** In one sense I would agree with that because that is true. In another sense in terms of other streams of funding and support that schools are receiving there are other factors that you need to take into account, it is not simply a matter of saying this is a specialist school or not. There is other funding coming into the authority for other types of work, some of which will benefit Simon and Stewart and others will not. The funding system is complex and it does not treat all schools fairly.

**Q1086 Chairman:** We have done a report on school funding and we noticed how complex it is and I think the Secretary of State is about to find out how complex it is.

**Mr Wilson:** I would just like to make two points, if I may, when we look at averages in terms of the data it can sometimes hide how well individuals and groups of pupils perform within that school. I have been quite stunned by the quality of work, academic and otherwise, national awards have been won against very strong competition, national technology awards and in other areas. In many schools there is a lot of success. What I want to emphasise and one thing I want to acknowledge is

that at the moment our school Featherstone has a journey to make and I see that, the statistics are available to identify that journey. The first thing that you do when you become a new head teacher is recognise that and then address it. I would not want to hide behind that challenge, I think it is a challenge that we are ready and able to face and one that we will succeed with over time. The issue is that however you present the data—and I would agree that the move to a value-added data is positive, that makes the situation better—that again does not tell the whole story, as was mentioned earlier.

**Chairman:** What I am getting at is here we have two recent reports from Ofsted that urban schools are not doing well, they are finding it tough to lift themselves, that is what the data shows. In one sense we are here and we are hearing evidence that there are some very good reasons, in terms of admissions, that that might be the case. It is what I described as an uphill struggle on an uneven playing field. One of the startling things we saw was—it was a school that was in special measures—the George Dickson School in Birmingham, that had been rock-bottom and a charismatic head with a lot of assistance and Excellence in Cities money and he just turned that round—he got a knighthood for his efforts. There is hope for both of you—arise, arise! He had the Excellence in Cities capability as well as a great deal of backing from Tim Brighouse, the LEA and also Tim Brighouse's cross-matching of schools and collegiate system. We also—we will send both of you both lots of evidence—interviewed a head teacher in Slough who took over a school I think which in a very short time had four heads in two years and she had arrived and again I think made a magnificent job of turning the school round. Both of them had the resources behind them whereas I think you are just in the category which does not.

**Q1087 Paul Holmes:** One of the big items of education spending in some LEASs can be school transport. When we were taking evidence in London the Norfolk LEAs talked about a big chunk of their budget being used, Wakefield covers a fairly big geographical area how much money is spent on transport funding?

**Mr Winter:** The cost of transport funding is significant, we spend just getting on for £2.5 million on transport. What we found over the last couple of years is the cost of individual transport contracts have gone up significantly, and I think that has been reflected nationally. There are some issues round a shortage of specialist transport and the cost of that. I think also the move towards inclusion in mainstream schools has meant that there have been more journeys to get youngsters into mainstream schools rather than to take them to a special school. The issue round mainstream schools in terms of accessibility is one that we are involved with at the moment because it is not just about transport, it is about how you get to school, it is about local transport plans, it is about travel to school and walking to school plans. We are involved in some review of our transport policy and we are trying

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to encourage more young people to travel independently and also to walk to school wherever possible.

**Q1088 Paul Holmes:** Two particular things come out of transport in relation to admissions and in relation to preference and choice, one is to do with faith schools, one third of LEAs have stopped funding transport on the grounds of faith, what do you do here?

**Mr Winter:** We still provide transport and we have no immediate plans to stop it.

**Q1089 Paul Holmes:** If a parent wants to choose a school on the grounds of faith 15 miles away they have to pay transport and that skews the admissions to the parents who can afford it. If you have specialist school policy, and you have for 11 out of 18, and if a parent said "I want to send my kid 10 miles away but I cannot afford the transport" would you pay for that?

**Mr Winter:** No.

**Paul Holmes:** That works against specialist schools and against parental preference unless you can afford it.

**Q1090 Mr Turner:** Why did you make that decision not to provide the transport that Paul referred to?

**Mr Winter:** A question of cost, the costs would be enormous and we also believe that schools that are specialist schools and also comprehensive schools provide local provision for local youngsters. Remember our schools do not select by aptitude, we believe for youngsters the local school will provide that well-rounded education. The way which we address specialist issues is to share that speciality and there are schools and colleges which will share their expertise with other schools within the area without the need for youngsters to travel. What is happening in terms of the 14 to 19 year olds is that teachers will travel to where the youngsters are. Where you talk about a collegiate approach in the North East of Wakefield I think staff will increasingly travel to provide that specialist teaching to youngsters rather than expecting youngsters to all get on a bus or coach and travel to the provision.

**Q1091 Mr Turner:** None of that answer applies to the Catholic schools?

**Mr Winter:** As far as Catholic schools are concerned we continue to provide transport, we always have done. We believe that youngsters' parents ought to be able to select on the basis of religious belief without being prejudiced.

**Q1092 Chairman:** What about the Church of England schools?

**Mr Winter:** We do not have any VA Church of England schools.

**Q1093 Paul Holmes:** On the grounds of equity and parental preference you will pay for a child to go ten miles to a Catholic school on the grounds of faith, what if you have a parent in some area where their local school has a pretty strong religious ethos and

they are atheist, would you pay to transport their child 10 miles down the road to a school that has a much less religious ethos, would you fund that?

**Mr Winter:** The way I read it is that community schools are there for local children and local children are expected to attend their local schools because all schools are ecumenical, they educate all children equally. I would expect children to go to the local school.

**Q1094 Chairman:** What about Muslim girls, would you provide their transport?

**Mr Winter:** No, we would not.

**Q1095 Chairman:** Why not?

**Mr Winter:** First of all the Muslim girls school is not within the state sector and therefore different rules apply. As things stand at the moment we would not provide transport in that circumstance.

**Mr Chaytor:** Can I clarify this, I understand there is a voluntary aided Catholic school within Wakefield, on the borders of Wakefield, if I wish to send my child to a voluntary aided Anglican school two minutes away in Barnsley—

**Jeff Ennis:** There are not any, that is the point I was making earlier.

**Q1096 Mr Chaytor:** The issue is that if there were -

**Mr Winter:** We cannot answer hypotheticalals

**Q1097 Mr Chaytor:**—you would not provide travel costs to go to a faith school outside of the LEA?

**Mr Winter:** It has not arisen to my knowledge in the recent past.

**Q1098 Mr Chaytor:** It could arise.

**Mr Winter:** We will consider our policy if it does arise.

**Q1099 Chairman:** It is very interesting about the Church of England, there is Simon sitting there with all of the problems he has, with a name like that, right next door to where the Bishop lives. Simon, the money that you are looking for could it not come from that sort of focus?

**Mr Flowers:** I have thought about it.

**Q1100 Mr Chaytor:** On the diversity issue is there any evidence that the growth of a more diverse range of specialist schools has increased the number of parents choosing on the basis of the specialism or does it have no effect whatsoever? What I am trying to say is there is evidence parents choose on the basis of diversity rather than on the basis of perceived quality.

**Mr Winter:** From my perspective it is very difficult to say because it is not one of our criteria, we do not ask parents to give reasons why they choose, other than special needs. Our policy would not allow parents to travel huge distances to a special school because of the distance criteria. We do not have evidence one way or the other.

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**Q1101 Mr Chaytor:** For parents who are mobile it would not be an issue if they travelled 10 or 15 miles and trooped their children off.

**Mr Winter:** If they could get into the school, they would not be able to get in because of the distance criteria.

**Mr Chaytor:** There is no evidence that it has really made a difference.

**Q1102 Mr Gibb:** Can I go to Graham Myers' point about choice versus preference, the theory used there should be choice and the theory was good schools would expand and less popular schools would contract and ultimately close or become good schools. I just want to know from Jim Winter, if the Catholic school has hugely expanded itself, they have expanded to cope with that demand, what are you doing to help the popular schools on your list of 18 schools to expand are or you not letting them because you have surplus places?

**Mr Winter:** We do not have much in the way of surplus places. We have allowed St Wilfrid's to expand, we have supported their request because we are short of places in that area so therefore has been some expansion. Remember, of course, the Catholic schools can take non-Catholic children even though 75% or 80% must be Catholic children. St Wilfrid's will soak up some of the demand in that area. If you look at the schools in the area you will see that pretty well all of them are full.

**Q1103 Mr Gibb:** What about Ossett?

**Mr Winter:** There has been some expansion but it is on a very tight site and there is not a lot scope to expand that school.

**Q1104 Mr Gibb:** If there was a request from a school that had the physical capacity to expand would you allow it to expand even though there are surplus places in Featherstone and Cathedral?

**Mr Winter:** It depends very much on circumstances but as a general answer I would say no because it is about school place planning. We are not in the business of sucking children out of schools to go to more popular schools. We want local schools to serve local children well and to meet their needs well. We are not generally in the business of expanding popular schools to meet demand.

**Q1105 Mr Gibb:** Does that not undermine the whole ethos behind the 1988 Education Act?

**Mr Winter:** I do not think so.

**Q1106 Chairman:** Terry, you have been waiting patiently to get in.

**Mr Hall:** I would like to go back to your suggestion that we saw the Bishop of Wakefield, being a strong Church of England member I know that Wakefield suffers through the church exactly like we do through the schools, we have no money. The parish share is absolutely nil, so I think the idea of going to the Bishop and asking him for a gift will not be met.

**Chairman:** The Church of England nationally in a recent report suggested it wanted to expand the number of secondary schools that were in its remit, it has less than it wants, if nationally it looks for more schools I merely suggested it could be a marriage made in heaven between Simon and the bishop! He could be a conduit. I am meeting him next week, some of my colleagues have been invited to come to my room and meet him.

**Q1107 Jeff Ennis:** For the sake of the record I was going to ask our witnesses who should set the admissions policy, Central Government, the LEAs or should it be up to individual schools to determine their own individual admissions policy? We discussed this in the earlier session of course.

**Mr Winter:** I believe it should be the LEA, not just because I work for the LEA, but I believe there needs to be consistency in a defined geographical area. I think local education authorities are best placed to know the local needs and provisions in the area and are therefore best placed to set the admissions policy.

**Q1108 Jeff Ennis:** I would like to hear from the other witnesses as well.

**Mr Wilson:** I would agree that the LEA should set the admissions policy because I think the principle of getting as close to a decision as possible is a sound starting principle. There are dangers of a school setting its own admissions policy across the area. The LEA seems to be as close as is manageable, and I appreciate others views on that.

**Mr Flowers:** I agree. Personally I think the Government need to have a look at what their role is in this and give the LEA more freedom to adapt to the local conditions.

**Q1109 Chairman:** Do you have a local parish council in your patch?

**Mr Flowers:** No.

**Mr Winter:** No.

**Q1110 Chairman:** There are no grass-roots in that way.

**Mr Myers:** It is very difficult. I am back to the previous place I was at before. It depends what benefits there are going to be attached to that particular school if they have their own admissions policy, can run it themselves and whether by cherry-picking the best candidates they are going to get additional funding from central government to promote their own ideals. Back to the unselfish bit, that would be very unfair on everybody else if that was the case and would lead to an "us" and "them" situation.

**Mr Hall:** My relationship with the LEA as Chairman of the governors, representing the governors of Wakefield is very good. Providing that we meet with Mr McLeod on a regular basis I have no fear about leaving it to the LEA because he would tell the governors what he was doing and that is of paramount importance.



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**Chairman:** A very sound point.

**Q1111 Paul Holmes:** Returning to the final part of my question, I am not picking on Wakefield, the point I want to make is about what I see as institutional bias in terms of parental preference, it would be interesting to have a comment from Terry from a Church of England point of view and from Graham from a Catholic point of view. If a parents said “because of my religious belief I do not want my child to go to my local junior school”, in this case a Church of England school in Sheffield, but to go a few miles down the road in the Peak District, you have to go some miles down the road and that means transport and there is no LEA. On the grounds of your belief you do not want your child to go to a strong religious school yet they pay for transport costs to go to a Catholic school, to go to a Church of England school, to go to a Muslim school or to go to a Jewish school yet it seems to me institutional bias within our state system in favour of one group of parents preference on faith grounds against another group of parents on non-faith grounds. I would be interested in your comments.

**Mr Myers:** I think I can understand where you are coming from on that one. From my children’s point of view they are happy with the day and how it works within their current school, a Catholic school in Barnsley. It is a good belief for them and a strong discipline for them to be brought up with. I think the environment helps them with other subjects, the discipline is there through the faith and that carries them through other subjects accordingly. I do not know what the outcome would be if I was told they had to go to a school that was possibly not as religious—and I do not want to go down that track as such—without that strong desire for something that drives the school on. It is finding that strength in other schools to ensure that children get behind something. In a Catholic school it is pretty easy to get behind the religious faith and go down that track, that seems to carry them through. It is finding that strength in some other quarter in other schools that do not have that strong belief which is hard.

**Q1112 Paul Holmes:** The taxpayer would fund your transport costs for your preference based on your faith but for another parent who would not want their child to be in a local faith junior school they would not get their transport costs funded.

**Mr Myers:** It is not fair, it could not be fair in its own right. Then again, I suspect local authority hands are tied in some areas, the amount of cash they have available to them and they will have a policy to follow. It is like the admissions policy, it has a strict, laid down criteria that you follow, but if you have more cash you can widen the criteria.

**Mr Hall:** My children went to a Church of England school, I moved house so that they could, but that suited me as well as the children. That faith, as Graham said, that was given to them builds not only their spiritual side but their cultural side as well and I can see now that my children’s children, my grandchildren, have the same belief, they go to this school. I do not see it as being fair or unfair. What I

see is the fact that my children went to a Church of England school, they received the education I wanted them to receive and it stood them in excellent stead, as two of them have gone to Cambridge and one decided to join the police.

**Q1113 Chairman:** I agree there is one successful person there!

**Mr Hall:** Probably.

**Mr Winter:** Is the school a voluntary aided school or a community school?

**Q1114 Paul Holmes:** I am not sure in either case.

**Mr Winter:** Catholic secondary schools do not have geographical catchment areas so in that sense there is always a community school close by, a defined community school. It may well be the same in your case, the problem is where you have a single school in an isolated village and there is little choice and it is difficult to go elsewhere. If it was a community school the governors have a responsibility to ensure that the school reflects the needs of the local community as far as they can. There will always be schools that emphasise sport or art or religion more. In one sense you have to accept that you have to accept the rough with the smooth. If it is a voluntary aided school that is a different issue, there is an argument to say there should be a geographical catchment area in the same way there is for community schools.

**Q1115 Mr Turner:** Jim, in answer to Jeff you implied it was necessary to have consistency across the authority as a reason why the LEA should be in charge, why is it necessary to have consistency?

**Mr Winter:** I think you will find that most local authorities up down the country have relatively consistent policies. With the code of practice what is happening is nationally it is driving local authorities towards greater consistency about certainty for parent. I think it is about ensuring that people are treated well. I would be concerned if one of our schools gave priority to the children of staff at the school, I know it happens in some local authorities, over other children who live locally. Therefore I think the policy we have, which is quite indiscriminate, is the right way. I feel all our schools should have that otherwise, first of all, there is no fairness and perceived bias in respect of the children of staff of the school but just as importantly to ensure that local children can go to local schools. That is why I would be concerned if there was an inconsistency across the district. I will not talk about selection, you are not asking about selection today. Selection means that some local children cannot go to local schools. Some would argue that is a good thing, the converse to that is I have seen it happen to children who live two or three doors away from a high school, a grammar school and they are not able to go to their local school. I have real difficulties with that.

**Q1116 Mr Pollard:** I wanted to come out of the closet and admit I am Roman Catholic. We were in California recently and one of the universities had a

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specialist teacher training college that gave a two year qualification to teachers teaching in difficult schools and difficult areas, have you thought about doing anything like that? If you get the best teachers you stand a better chance of raising standards because you will inspire that?

**Mr Flowers:** That is a good point. We do a lot of work with ITT and GTP students in school, a lot more than any school I have ever seen, apart from one up the road. We find that the calibre of students through GTP is particularly strong and through ITT when they come into an inner-city agenda they find it very, very tough. Maybe we have had a bad run recently but we have had several give up the profession because the workload and the pressures of job were so tough. If there was a different way of training them so they can be brought into it more—

**Q1117 Mr Pollard:** Recognise it is a career progression.

**Mr Flowers:** There is a fast track teaching system. What I am saying is if the teacher training was to be invested in in a slightly different way we could secure these teachers and that would make all of the difference to our type of schools.

**Mr Wilson:** I would like to argue to support working with not only teachers when they join the profession but also with student teachers. Again, like Simon, we see that as a big part of our role. I think we sometimes underestimate the gift of the teachers that are in all of our schools, what we tend to find is that people are differentiated in their giftedness, in a sense, some teachers work extremely well in one context, some in another. I have certainly got experience of different authorities where a number of identified gifted teachers were moved into a different school that was having a difficult time and they all left within a month. It is not a simple situation, it is not the individual it is the interaction between the individuals, be those teachers, managers, leaders, pupils and parents, et cetera. The

point that the teacher is key I would agree with totally, the teacher and the pupil and the relationship between them.

**Mr Pollard:** The view in this system was that you could not just send one teacher, you had to send half a dozen and therefore you felt they were a community themselves and they bring their expertise and raise standards.

**Chairman:** That is a very good point, we did find that. We also found mentoring afterwards was so important. That gave commitment and mentoring later and they had 82% rate of retention that year compared to 60% normally.

**Q1118 Jonathan Shaw:** Jim, you said to me earlier informally that you read our session at Slough and the issue that we have pursued about children in public care and you said that is a top priority for Wakefield, as it is for Barnsley, as it is for Thomas a Becket, I do not see that in the list of others?

**Mr Winter:** We do for all of our Catholic LEA schools but not explicitly this year. There is a time lag in terms of amending the policy. We have met with them very recently and I have spoken to the diocese just a couple of days ago in preparation for it and they are absolutely clear children in public care will be the top priority.

**Jonathan Shaw:** Thank you.

**Q1119 Chairman:** That was the last question. It leaves me to say what a good session it has been, both the informal and formal, we really got to the heart of the matter. We were delighted by the reception, we were delighted the West Yorkshire Police were kind enough to make sure we were secure and safe, I hope the lady sitting at the back has learned a great deal from our deliberations. Thank very much to Jenny Price and Kevin Swift and the five people who have given us their time.

**Mr Winter:** On behalf of the LEA thank you very much for coming, you are very welcome any time.

# Written evidence

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## Submitted to the Education and Skills Committee

### Memorandum submitted by Chrissie Garrett, Acting Assistant Director, Inclusion Support Birmingham Admissions Forum (SA 04)

Thank you for your letter of 18 July 2003 inviting written submissions to the Education and Skills Committee's inquiry into school admissions.

I am responding on behalf of Tony Howell, Chief Education Officer, as Acting Assistant Director with responsibility for Admissions and Appeals arrangements in Birmingham LEA.

Co-ordinated secondary transfer arrangements required under the statutory School Admissions Code of Practice were recently considered by Birmingham Schools Admissions Forum. The Forum expressed concern about the duty on LEAs to exchange information with other LEAs on applications and potential offers of places without fixed specified dates.

To agree dates for exchange of information with neighbouring LEAs requires each LEA to agree the same dates with their neighbours. This is impossible for individual LEAs to co-ordinate. Could a national timetable which all LEAs are required to adhere to, be considered?

The Forum also expressed concern about the lack of facilities in some LEAs to exchange information electronically. This needs to be carried out in a format acceptable to all LEAs.

Birmingham Admissions Forum's view was that the 2005 inter-LEA secondary co-ordinated arrangements should be delayed whilst these matters are resolved.

*19 August 2003*

### Memorandum submitted by Professor Keith Barnham, Physics Department, Imperial College (SA 6)

Ever since I myself took the 11-plus examination I have been convinced that selection at secondary level is morally, educationally and socially wrong. This opinion has been strengthened by my experiences as a parent living in selective and non-selective LEAs and throughout a lifetime in education including the last several years as a Professor of Physics. The main reasons for this conviction are:

- selection results in inferior education for pupils at the selective schools and in the other secondary schools in selective areas.
  - the continuation of the grammar and other selective secondary schools and of the ethos surrounding them is a main contribution to the still lamentable staying-on rate at 16 in the UK compared to our competitor countries.
1. The present government's approach to selection is muddled and resembles that of previous Tory governments for the following reasons:
    - They talk about "parental choice" conveniently forgetting that where selection is concerned one parents "choice" inevitably means many more parents face a loss of choice. The only true "choice" is when all schools in an area can teach all abilities and all the children can go to all the schools.
    - They appear to agree, in private, that selection at 11 is wrong, but have made the ballot system so difficult there is no way that parents can end the grammar system.
  2. Specialist schools are re-introducing a form of selection by leading to a "two tier" system in many areas. When I raised this with a minister I was told that this was a problem but before long all schools would be specialist. This is crazy as:
    - I am convinced that for the great majority of children at 11 they and their parents have no idea what will turn out to be an appropriate Specialisation
    - in many areas geographic considerations will mean many parents are left with very restricted or inappropriate options
    - what is the "choice" for parents who, like me, would like their children to be open to the widest possible range of options ie they prefer their children to go to a good comprehensive school?
    - There is no doubt that too early specialisation in the UK is one of the problems why we have lagged behind industrial competitors.
  3. In order to improve secondary education in the UK the government should return to its first manifesto and its commitment then to end all selection in secondary schools.

*August 2003*

**Memorandum submitted by Alan and Chris Woodhead (SA 7)**

We are writing to provide evidence that:

- the operation of a selective system for secondary education in part of North Yorkshire has been ineffective, unfair and there is no valid standard for selection.
- the process for parental ballots to remove a selective system is unfair.

1. We have three children. All went to the same primary school in Ripon. Our first child, a boy, did not have to take a selection test but was entered into Ripon Grammar School on only the assessment of the head teacher. Our second child, a boy, had to take tests, and was selected for entry to the grammar school. In the years between our second and third child taking the selection tests the proportion of the local cohort deemed eligible for entry to the grammar school was reduced. Our third child, a girl, took the tests and was placed in a borderzone, the scores on her verbal and non-verbal reasoning test having been averaged out. Despite having exactly the same average score as one other child in her class at school this child was allowed entry to the grammar school on appeal. Our daughter was not.

This demonstrates that there has been unfairness, inconsistency and a lack of valid standards in the application of selection. It also demonstrates social segregation in that two of our children were educated in a different school from our other child, the schools being about 13 miles apart.

2. There was a marked difference between the verbal and non verbal reasoning scores, of the order of 104 for verbal reasoning compared with 136 for non verbal reasoning for our daughter. With this difference it is evident that at least in part aspects of her educational potential were very high, which we pointed out to the appeal panel. But even then she was denied entry to grammar school.

This demonstrates a lack of valid standards in the application of selection. It also demonstrates that the selective process may not be value free in that verbal reasoning scores for tests in the English language are more likely to be adversely influenced if a persons first language was not English compared to non verbal reasoning tests. This latter point indicates that the method of selection is at risk of social segregation.

3. Our first child gained 10 GCSEs and four A Levels . He was selected for entry to Nottingham University and a year ago gained a 2:1 degree in Chemistry with Management. Our second child gained 10 GCSEs and four A levels and is an undergraduate at Loughborough University on a degree for Chemistry with Forensic Science. Our daughter, who went to a local comprehensive school, having not been selected for entry to Ripon Grammar School gained 10 GCSEs and, this month, gained four A Levels (a “B” in Biology, a “B” in Religious Studies, a “C” in Chemistry and a “D” in General Studies). She has accepted a place on a degree programme at Lancaster University.

This demonstrates a lack of valid standards in the application of selection in North Yorkshire both in the selection tests and the operation of the appeals panel.

4. The ballot procedure to stop selection at Ripon Grammar School involves a vote of parents whose children are at feeder schools. The definition of a feeder school is one from where a small number of children, from memory five, have been admitted in the latest three years. The number bears no relation to the proportion from the school roll. As a direct consequence of this definition, parents of children at fee-paying schools have a disproportionate vote in any such ballot. In the ballot which was held parents at one such fee-paying feeder school had a vote even though not one child had entered the grammar school in the two previous years.

This demonstrates that the process for parental ballots to remove a selective system is unfair.

5. Entry to Ripon Grammar School can occur after the first year. If this occurs then other selection criteria apply. There has been a small, but noticeable difference in the number of children entering Ripon Grammar at age 13, just before main choices are made for GCSE study. One local fee paying school takes children up to age 13. There has been a small but noticeable difference in the proportion of children from fee-paying schools entering Ripon Grammar School at aged 13 compared to other years.

This demonstrates unfairness in the local operation of selection in favour of children from fee-paying schools who can more easily have “two bites of the cherry”.

6. We have a nephew and a niece who moved to this area from North Wales. Our nephew tried to gain entry to Ripon Grammar School when he was about 13 years old. He was required to take a test in French. At his secondary school in North Wales, where most lessons were taught in English he studied both Welsh and French as additional languages. Consequently his abilities in French were not as competent as they may otherwise have been. He did not gain entry to the grammar school. For information he is now studying for a degree in Engineering at Sheffield Hallam University.

This demonstrates segregation in the local operation of selection making it more difficult for children who gain entry after being taught in schools in Wales.

7. There has been a significant difference between the proportion of children at Ripon Grammar School who are in receipt of free school meals. It is significantly less than the proportion of children at other secondary schools

This demonstrates that the operation of selection results in social segregation. It also demonstrates that the operation of the selection process is highly likely to be unfair to children from less affluent families eg those from single parent families.

25 August 2003

### Memorandum submitted by Mr Martin Frey, STEP (SA 8)

#### INTRODUCTION

STEP has campaigned since 1997 to Stop the Eleven Plus, grammar school selection in Kent.

Government policy on selection and admissions affects us directly through the Grammar School Ballot Regulations and indirectly through government toleration of the adverse effects of selection on children and the communities of Kent.

<i>Summary</i>	<i>Para (Note)</i>
— Selective admission to grammar schools dominates education in Kent, from primary school to post-school.	1-3 (G, F)
— Selection sets schools into rigid hierarchies that serve children and the communities of Kent very ill.	4 (A)
— Government grants to help weaker schools in selective LEAs subsidise selection.	5 (B)
— Selection will continue to dominate Kent education as long as the government remains wedded to the Grammar School Ballot Regulations: they are unworkable. Reliance on vulnerable parents to decide the future of the 11 + is a neglect of duty, not an extension of democracy.	7-12 (C-E)
— Government focus on “performance, not structures” concentrates on a narrow spectrum of performance and serves to distract attention from other fundamental issues surrounding selective admissions.	13-18 (A, F-I)
— The Education Act 2002 seemed to place welcome restrictions on selective LEAs but, as I write, is being used to try to extend selection in Kent, a (potentially) retrograde outcome we would look to any government to prevent.	19-end

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#### SUBMISSION

1. Of Kent’s 102 secondary schools, 33 are grammar schools taking around 27% of all pupils transferring to secondary school each year.

2. Issues surrounding selection absorb thousands of man-hours each year:

- Primary schools counsel parents, coach children, attend marking and appeals panels. KS2 results are poor. Parental pressure on primary staff has led to cheating in SATS and the 11 + .
- Ongoing disputes have delayed settlement of admissions procedures since 2001, involving secondary governors, headteachers, LEA members and officers in bitter conflicts.

3. Ofsted confirm that Kent has well above average levels of serious weakness and the research of Professor Jesson indicates that many of our grammar schools are under performing.

4. Admissions determine school performance and can all but overwhelm the influence and effort of individual schools. The government and Kent LEA both stress choice and diversity. Kent has the greatest diversity of school performance in England. The difference in pass rates (five or more A\* – C GCSE passes, 2002) between the lowest and highest performing schools is over 95%. (Note A)

5. We do not imply that top scorers are good schools, or that the weaker are bad, but selection creates a fog through which no one can see clearly. Would you send your child to a school where only 1 in 5 pupils get good GCSEs? Or how about just 1 in 25? In this fog, parental preference is all too often an expression of avoidance, not choice. Real choice comes when acceptable alternatives are on offer: a greengrocer does not widen choice by stocking rotten apples.

6. The government pays substantial grants to LEAs with weaker schools (schools with pass rates less than half the national average for five good GCSEs). As weaker schools are a side effect of selection, a high proportion of these grants go to selective LEAs. By concentrating on performance and ignoring structure, the government is subsidising the self-inflicted wounds of selective LEAs. (Note B)

7. We had looked to the government in 1997 to complete the job so forcefully carried out by Mrs Thatcher in the 70's, but left unfinished. What we got were the Grammar School Ballot Regulations. These are unworkable. (Note C)

8. We do not believe there was ever any intention that the regulations could produce change. The National Grammar School Association say they were told in 1998–99 that the regulations were designed to maintain the status quo. (Note D) Minor tinkering in 2000 made the regulations even worse—and we are promised more tinkering soon but have absolutely no expectations of a workable system emerging.

9. The Electoral Reform Society has not been able to prepare the key document, the electoral register, in time for it to be of any use in either of the last two years. Without the register no petition can be verified and no ballot can be held. These regulations guide us through the looking glass into a wonderland of absurdity.

10. The Government condemns the 11+ as harmful to the development of a significant proportion of young people, yet places the entire responsibility for the future of grammar school selection onto the shoulders of campaigners, largely drawn from busy parents with young children. Ending the 11+ is government business.

11. While the Government hides behind absurd regulations, the consequences for campaigners have, all too often, been intimidation and threat. These tend to fall on people when work and family commitments give them little spare time and when they may be particularly vulnerable to retaliation. (Note E)

12. Deep cynicism has been the main result. Government slogans like “bog standard comprehensives” or the “end of the comprehensive era” always seem to come at critical moments in our campaign. It has been hard, at times impossible, to avoid concluding that this government is actually rather fond of selection.

13. Beyond the Ballot Regulations, government policy has been focussed on the single criterion of school performance and confined to data from the performance tables and to Performance and Assessment data from Ofsted PANDA. The effects on post school performance, community schooling, school transport, social inequity, etc, have all been ignored.

14. No attention has been paid to diversity of performance. (Note A) No attention has been paid to the consequences of high concentrations of children entitled to free meals or with special needs in the secondary moderns. In Kent's grammar schools 1 child in every 450 on roll has a statement, in the secondary moderns 1 in 24 (data from performance tables, 2002). In Kent's grammar schools 1 child in 40 is entitled to a free school meal, in our secondary moderns, 1 in 4 (data from Performance Tables, 2000 and Note F). We do not believe these disparities arise solely from lack of ability among those with statements or entitled to free meals. There is something seriously wrong with an admission process that causes almost half our secondary moderns to have more than 1/3rd of their roll registered or statemented with special needs. These are not “mainstream schools” in any normal use of the term. (Data from Performance Tables, 2002)

15. No attention has been given to the growing body of data that indicates post school performance from “hot house” schooling, in both grammar and independent schools, does not live up to its promise. (Note G)

16. The Learning and Skills Council has surveyed levels of qualification among the workforce. Kent & Medway have by far the lowest proportion of graduates in the South East region, startling in a system designed for high fliers. (Note H)

17. In “The Voice of the Learner” the LSC surveyed the experience and attitudes of learners, the recipients of selective education. They found evidence of discouragement and disillusion with education consequent on 11+ results and also of racial discrimination inherent in the selective process. (Note I)

Both these LSC papers have met with a resounding silence from Kent LEA and the DfES.

18. We welcome that the last Education Act 2002 ensured that parents must express their preferences before the results of selection procedures are known, confirming the decisions of the Adjudicator for Schools has made in Kent and elsewhere.

19. With some significant reservations, Kent schools have welcomed co-ordinated admissions:

- Kent is the largest LEA and, with a large number of Foundation and Aided schools and the 11+, one of the most complex and divisive, so it is strange that the LEA has rushed into the process early and made us the guinea pig.

- Despite strenuous efforts schools have been unable to anticipate how a co-ordinated scheme would be arrived at so much effort has been spent and much wasted. As we write we do not know the actual scheme that will be imposed.
- Despite Kent's complexity, parents have in the past known which school their child had been allocated before Christmas. A co-ordinated scheme will not allow parents to know their child's school until 1 March. This delay will also delay the start of the appeal season and may increase the number of cases that are still unsettled by September. Primary to secondary transition preparation will be severely hampered.
- The LEA will be handling all communication with parents. Most Foundation and Aided schools, accustomed to handling this part of the process themselves, regard it as a vital part of establishing a good relationship with parents at the earliest opportunity. They do not trust the LEA to handle this with sufficient sensitivity and have doubts that the LEA can handle such a mass of data with sufficient accuracy.
- The LEA is attempting to use co-ordinated admissions to overturn past decisions made by the Adjudicator for Schools, and the outcome of this attempt is not known at the time of writing. In particular the LEA wishes to overturn an admissions criterion known as "conditionality" and used by many Foundation and Aided schools.

20. While Kent is a fully selective system, it also has a number of very successful comprehensives. It is impossible to maintain comprehensives alongside selectives without some degree of separation. If parents were able to decide whether they preferred the selective system or the comprehensive system after their children had passed or failed the 11+, the separation would break down and Kent's comprehensives would become secondary moderns. (see paragraph 18, above)

21. With some separation the grammar/secondary modern system can work in parallel with the comprehensives. Without separation we will have a three-tier system: grammars and two tiers of secondary moderns, a retrograde step for the comprehensives and a disaster for the lowest tier.

22. Conditionality is the separation mechanism that works best. It is a criterion that gives admission priority to families that have not entered their child into the 11+ procedures. Conditionality means families must choose between the two systems. If they opt for the 11+, the test will do what it is intended to do, decide whether a child goes to grammar or secondary modern.

23. With conditionality, those that fail the tests are unlikely to get comprehensive places. Without conditionality, those that fail will have an undiminished chance of a comprehensive place, often at the expense of those whose unconditional first preference was for that comprehensive place. Without conditionality comprehensives would become secondary moderns in all but name.

24. Kent LEA has objected to the Adjudicator for Schools in each of the last three years. This year's adjudication process has an added complication as the Secretary of State has not yet imposed a co-ordinated admission scheme and the linkage between this imposition and the adjudication processes has not been understood by schools or the LEA and, very probably, not by the DfES either. Schools have known what is going to happen when it happens and not before. The outcome is, as yet, unknown.

25. If the adjudicator upholds the LEA's objections to conditionality, there will be a significant increase in the number of secondary modern schools and this government will have presided over a very significant increase in selection.

26. The environmental impact of school transport is a new issue in Kent. Responding to the Secretary of State's draft co-ordinated admission scheme, the LEA complains that, under the draft scheme, governors of Foundation and Voluntary Aided non-selective schools may give insufficient attention to environmental issues associated with home to school transport. They lay no such stricture on grammar schools. In 2000 Kent's Director of Education estimated that selection increased the cost of home to school transport by 45% (KCC Education Committee papers, 10 February 2000). This extra cost impacts directly on pollution and congestion. We live in hope that the Government will take note of such issues and register that there is more at stake with selective education than examination data.

27. We believe that choice and diversity in secondary schooling is desirable—but that a great danger results when the main product of choice is a rigid hierarchy of schools. Rigid hierarchies are the inevitable outcome of selective admissions. The main losers in hierarchical systems are precisely that group of 25% or so who gain too little from school, a group that shows up very clearly in the PISA studies of the OECD. It is children in this group that have fared badly in this year's GCSEs. While we have much to celebrate in English education, this group highlight our major problem: it is what stands between us and a world-class education system, second to none.

28. Admissions are at the heart of Kent's problems. Co-ordinated admissions are a long stride in the right direction, selection a great leap backwards.

## NOTE A

THE 20 LEAs WITH THE LARGEST AVERAGE PASS RATE DIFFERENCES  
(Pass rates from Performance Tables, 5 or more A\* – C passes, GCSE 2002)

LEA	Schools Grammar	All	Pass Rate Lowest	Pass Rate Highest	Difference (Highest–Lowest)
1 Kent	33	102	4.7%	100.0%	95.3%
2 Slough	4	11	5.1%	99.8%	94.8%
3 Calderdale	2	15	7.0%	99.7%	92.7%
4 Northants	—	39	6.7%	98.0%	91.3%
5 Birmingham	8	76	12.0%	100.0%	88.0%
6 Essex	4	78	13.0%	100.0%	87.0%
7 Medway	6	19	13.0%	100.0%	87.0%
8 Wolverhampton	1	18	14.0%	99.9%	86.0%
9 Lancs	4	88	14.9%	100.0%	85.1%
10 Lincs	15	63	15.0%	100.0%	85.0%
11 Plymouth	3	17	15.0%	100.0%	85.0%
12 Walsall	2	20	14.0%	99.0%	85.0%
13 Liverpool	1	32	14.0%	98.8%	84.8%
14 Reading	2	7	15.9%	100.0%	84.1%
15 Southend	4	12	17.0%	100.0%	83.0%
16 Havering	—	18	16.7%	99.0%	82.3%
17 Herts	—	77	17.0%	98.0%	81.0%
18 Bucks	13	34	20.0%	100.0%	80.0%
19 Bradford	—	27	14.3%	94.0%	79.7%
20 Wirral	6	22	20.0%	99.7%	79.7%
Total, Average all LEAs	164	3,171	21.1%	80.1%	59.5%

- These 20 LEAs have 66% of England's grammar schools, but only 24% of all schools. Many are areas of high prosperity/low deprivation yet all bar two manage to maintain schools with results worse than any school in Hackney.
- Does a school where all children get good GCSEs make up for the fact that many families are compelled to send their children to a school where only 1 in 5 (or even 1 in 25) do so?
- If the average pass rate for two school is 50%, is it better to have one on 95%, the other on 5%, or is it better when one is on say 55%, the other 45%? We prefer the latter. Parents have choice between clearly acceptable alternatives. Overall, staff morale improves and both schools have headroom for improvement.
- Herts (the Government's preferred "model" for admissions, an LEA with even more adjudications than Kent) has no grammars, but a lot of partial selection.

## NOTE B

Derived from DfEE table of totals allocated to weaker schools Jan 2001.

- "Weaker" = less than half national average pass rate for 5 A\*-C GCSEs.
- Total £s/total secondary roll (11–15) gives average £s/pupil for each LEA, used to derive LEA rank order. (Money actually goes to the weaker schools only.)

LEAs—All Selective

—Partially Selective

—All

## COMPREHENSIVE

Rank	LEA	Total £s	£s per pupil	5A* – C Pass rate, 2002	Also in Note A?
1	Thurrock	375,000	47.08	47.6	
2	Reading	240,000	37.72	45.2	Y
3	Lincolnshire	1,620,000	37.72	55.3	Y
4	Southwark	340,000	31.42	37.0	
5	Nottingham City	425,000	29.34	32.2	
6	Medway Towns	560,000	28.79	49.7	Y



Rank	LEA	Total £s	£s per pupil	5A* – C Pass rate, 2002	Also in Note A?
7	Southampton	330,000	27.56	44.0	
8	Walsall	560,000	26.54	43.0	Y
9	Slough	180,000	23.46	51.6	Y
10	Swindon	260,000	23.13	48.2	
11	Derby	345,000	22.44	53.6	
12	Telford & Wrekin	235,000	20.92	51.0	
13	Hackney	160,000	20.51	32.5	
14	Tower Hamlets	280,000	20.18	44.4	
15	Kent	1,740,000	19.37	55.1	Y
67	Bucks	350,000	10.68	65.9	Y
133	Surrey	145,000	2.66	60.0	
134	Cornwall	75,000	2.39	54.3	
135	West Berkshire	25,000	2.18	58.3	
136	Bath & NE Somerset	25,000	2.08	60.0	
137	North Somerset	25,000	2.07	54.0	
138	Redcar and Cleveland	20,000	1.93	49.2	
139	Hounslow	20,000	1.24	50.6	
140	Bromley	25,000	1.22	61.0	
141	Redbridge	20,000	1.07	64.4	
142	Kensington & Chelsea	0	0.00	56.6	
143	North Tyneside	0	0.00	49.0	
144	Isles of Scilly	0	0.00	63.0	
145	Rutland	0	0.00	61.0	
146	Bracknell Forest	0	0.00	45.9	
147	Wokingham	0	0.00	63.8	
148	Shropshire	0	0.00	58.9	
	<b>TOTAL/AVG</b>	<b>33,075,000</b>	<b>11.03</b>	<b>50.5</b>	

**Note:** Bucks, fully selective, far more prosperous than Cornwall and top of the league tables, yet receiving more than four times Cornwall's average per pupil. There are four fully selective LEAs, three with above average performance, in the "top" 15.

**The Government is subsidising the downside of selection, weaker schools, the self-inflicted wounds of the 11+.**

*Full table available if required.*

#### NOTE C

29. The regulations require a petition "signed" by 20% of eligible parents. To be eligible parents must have a child under 16. They must be resident in the LEA, or have a child at school in the LEA. Why is selective education of interest only to parents of children under 16? Why exclude parents who have experienced the system in its entirety, yet include some with no experience at all? Employers, young adults, grandparents—all are excluded. In partially selective areas those who have recent experience of secondary education may be entirely excluded (eligibility is confined to primary schools). Do we need passports or a 10-euro note in our pocket to be eligible for a Euro election? Come to that, do we need a petition before a Euro election can be held? And if such a petition had a threshold of 20% of eligible voters, would we ever have another Euro election?

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

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

32. This process is flawed at its foundation and unworkable in Kent.

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

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

35. If a form is filled in by just one person it is automatically invalid—there must be details of at least two people on each petition form . . .

**36. These procedures are fundamentally flawed, the details ridiculous. The thought that the Grammar School Ballot Regulations were designed to preserve the status quo is inescapable. (Note D)**

NOTE D

37. *Extracted from a Memo To All employees & Governors of Highsted Grammar School, from: JEHL, date: 10.9.99, subject: The campaign against Grammar Schools.*

38. I have today received a letter from the Electoral Reform Ballot Service informing us that they have received an indication that a petition is to be sought for a ballot regarding the future of Grammar Schools in Kent.

39. We are therefore required to submit a full list of all eligible parents with current addresses including postal codes. I have written to ERBS to say that our records for this year will not be fully up to date until about 25 September leaving us insufficient time to submit all the details they require by 29 September. This is quite genuine!

40. As you will be aware only parents of school age children are permitted to vote, therefore none of our Senior School parents will be eligible.

41. However, there is no need to panic as yet, since Kent Grammar Schools are to be “petitioned and voted about” as a block. This will require the signatures of about 80,000 petitioners though we cannot guarantee that all inclusions will be genuine, it is nevertheless a vast undertaking and will not be lightly achieved. **The Grammar Schools’ Association has been given to understand that the procedure has been made as difficult as possible in order to try to maintain the status quo.**

*(memo continues—entire text available if needed).*

NOTE E

42. The consequences of campaigning can be severe. For example:

- a. Under a long standing agreement a secondary modern school used the games field of an adjacent grammar school for sports day. That agreement was unilaterally broken two days before sports day in July 2003 when the management of the grammar school discovered that a prominent member of the STEP campaign had once been a governor of the secondary modern.
- b. The direct victims of this retaliation were schoolchildren—but this is not an easy load for any campaigner to bear, least of all a parent with children in local schools, children who may themselves be singled out for similar vindictive retaliations.

43. Much is made of inter-school co-operation and Kent’s Director of Education is at the forefront of such initiatives. Incidents like this make a mockery of any idea of community and co-operation within a selective system.

NOTE F

*Parliamentary Written Answer, Estelle Morris to David Chaytor, 1/11/2000, no 135541*

LEA	Selective Schools			Non-Selective Schools		
	% SEN stated	% on FSM	% ethnic minorities	% SEN stated	% on FSM	% ethnic minorities
Kent	0.1	2.4	4.5	3.6	14.3	3.2
Buckinghamshire	0.1	1.4	13.8	3.0	11.9	25.8
Lincs	0.2	1.9	3.0	3.9	11.3	1.0
Birmingham	0.2	5.1	36.7	1.8	36.1	42.5
Trafford	0.0	4.9	9.6	2.3	29.0	12.5
Wirral	0.1	5.4	2.1	3.0	34.4	1.1
Medway	0.2	3.7	9.9	4.1	13.8	4.7
Gloucestershire	0.2	2.1	6.3	2.6	8.8	2.8

<i>LEA</i>	<i>Selective Schools</i>			<i>Non-Selective Schools</i>		
	<i>% SEN statemented</i>	<i>% on FSM</i>	<i>% ethnic minorities</i>	<i>% SEN statemented</i>	<i>% on FSM</i>	<i>% ethnic minorities</i>
Sutton	0.1	1.2	23.7	2.6	11.9	7.8
Bexley	0.1	3.8	10.0	2.5	16.0	11.1
Lancashire	0.2	3.0	5.8	3.9	16.4	7.0
Southend	0.1	2.8	7.3	1.5	19.7	3.7
Slough	0.2	5.1	51.8	4.6	25.5	53.1
Warwickshire	0.1	1.2	5.0	2.6	8.6	5.4
Essex	0.0	0.7	9.2	1.6	10.8	2.2
Torbay	0.1	4.7	1.6	2.8	19.7	1.1
Plymouth	0.2	3.8	2.8	2.1	17.2	1.4
Barnet	0.0	1.4	34.1	2.7	18.0	37.8
Bournemouth	0.0	2.3	3.2	2.9	14.0	2.1
North Yorkshire	0.0	1.5	2.9	2.4	7.2	1.0
Calderdale	0.3	1.9	5.6	2.9	18.7	11.8
Kingston	0.0	1.0	35.7	2.3	12.1	17.6
Poole	0.1	2.4	2.4	1.9	9.9	1.0
Bromley	0.1	1.2	16.5	3.0	13.1	10.0
Redbridge	0.1	2.9	48.0	1.4	17.6	48.2
Wiltshire	0.1	0.5	1.2	2.1	7.0	1.4
Reading	0.1	0.4	13.7	3.3	15.9	17.0
Walsall	0.0	2.7	27.0	2.8	18.7	17.5
Enfield	0.1	2.5	26.8	2.0	23.6	32.5
Kirklees	0.0	2.3	8.1	4.3	19.1	20.2
Telford & Wrekin	0.0	0.9	5.6	5.2	21.5	6.2
Liverpool	0.0	7.5	8.5	1.8	38.2	5.4
Cumbria	0.1	1.7	0.0	3.1	13.3	0.9
Devon	0.3	2.1	1.2	3.3	9.7	0.9
Wolverhampton	0.0	2.6	19.4	2.4	22.5	32.6
Stoke-on-Trent	0.0	1.1	5.1	3.2	25.7	7.6

From our direct experience, we estimate that a minimum of 10%, perhaps 20%, of children with statemented needs are of high ability. Grammar schools seem unwilling to make the adjustments necessary to cope with able children with special needs.

(Ethnicity—see also Note I below).

#### NOTE G

44. *From the Daily Mail, 26 October 1998 (also reported in other papers)*

45. State students who overtake the privileged by Tony Halpin, Education Correspondent.

46. Students from comprehensive schools are far more likely to succeed at university than those from fee-paying independents, according to a study. They are 20% more likely to get a first class degree and are less likely to drop out of university. Academics who carried out the research said yesterday that they had been startled by the findings.

47. They said that universities should consider discriminating in favour of students from comprehensives—admitting them even if their A-level results were worse than those from independent schools.

48. Dr Bob McNabb, who led the study by Cardiff University's business school, said: "Kids who go to independent schools are more likely to get better A-level grades because of the resources that their schools are able to put into their education. But once they get into university, students with the same A-level grades who come from the comprehensives are likely to be more able than those from independent schools, possibly because of innate ability or because they are harder working or more motivated."

49. Dr McNabb said they had had a bigger struggle to get to university and appeared more determined to do well when they got there. "If everything else is constant, a comprehensive school student is 20% more likely to get a first class degree than the equivalent student from an independent school," he said. "They are also more likely to get a better class of degree generally."

50. The study looked at the results of all graduates of universities in England and Wales between 1973 and 1992. About 55% had been to comprehensives; a quarter to fee-paying schools and the rest came from grammar schools, sixth form colleges and by other routes. The students from comprehensives did better on average than those from all the other types of school.

51. Pupils from independent schools claim about half the places at Oxford and Cambridge each year, though they comprise only 20% of all sixth formers. The Government has been pressing the two universities to attract state school students. The study suggested that bright comprehensive students, particularly in inner city areas, were losing out because similar pupils from fee-paying schools were more likely to do well in A-level exams.

52. It urged universities, when offering places on the basis of A-level results, to consider asking for lower grades from sixth-formers in comprehensives to compensate for the disadvantages they faced at school. The study said: “The better degree performance obtained by those students who had been to comprehensive schools, compared with those who attended other types of school, for given A-level scores, supports a policy of positive discrimination in favour of the former in awarding university places.”

End of *Daily Mail* report. The research paper is available if needed.

53. STEP Comment: We welcome new University admissions policies that reflect the results of this research and other but regret that it has had no effect on government policy on grammar school selection.

#### NOTE H

54. From Kent & Medway LSC, April 2002—Strategic Context

55. In 2000 there was clear room for improvement in Kent and Medway’s participation in structured learning post-16 (82%). Level 2 attainment by age 19 was just below the average for the South East but by this age, over 11% more had achieved Level 3 than in Kent and Medway. For adults locally the picture was similar: in 2000, 47% of adults in the South East had achieved Level 3 or higher, compared with 37% in Kent and Medway. In addition, as many as 20% of people aged 16–65 in Kent and Medway had basic skills needs. (Extract ends. Entire text available if needed.)

56. From Kent & Medway LSC, April 2002—Economic Context

57. Although in recent years Kent and Medway’s economic performance has been relatively good in historical and national terms, it still lags significantly behind the rest of the South East. Our workforce is the least qualified and skilled in the region. A major issue is that the greatest growth in employment in the South East is forecast to require skills at Levels 4 and 5—the Levels where Kent and Medway is especially weak.

58. There are serious implications for people in or entering the local workforce, with lower levels of employability than elsewhere in the South East.

(Extract ends. Entire text available if needed.)

59. STEP Comment: Combined with the evidence for lowered university performance.

(Note G), this report is a long term indictment of Kent’s selective system. It goes to the heart of the underlying ethos of grammar schooling and we are amazed that the Government position remains narrowly focussed on crude exam data.

#### NOTE I

60. Extract from LSC & Kent and Medway Learning Partnership joint paper, “The Voice of the Learner.” The entire text available if needed. (NB the word “Comprehensive” is here used to mean any non-grammar school. The LSC regret the confusion in an LEA where most non-grammar schools are not comprehensive but secondary modern. It is a confusion shared by a many, probably most, parents. Untangling this confusion is one of our campaign’s greatest challenges.)

61. From section 6.4.3.2 Selection at age 11

62. A clear message came through from several groups that the system of school selection at age 11 in Kent & Medway had a profound effect on young people. Those who did not manage to get into the grammar schools felt they had been classed as stupid and believed they were not given the same quality of teaching or level of support that the pupils at grammar schools were. On the other hand, some young people who had attended grammar schools were unimpressed, but instances of this were far fewer. Parents were very concerned if their children did not get into grammar school. They were very clear that young people who went to the grammar schools ended up aiming higher than those that went to the comprehensives. Those that go to the comprehensive, particularly if they had expected to go to a grammar school, have trouble settling and are de-motivated.

(Extract ends)

63. From section 7.6 Effect of Selection at Age 11

64. Despite the view of some stakeholders that failing to get into a grammar school at age 11 did not affect the aspirations of young people, the research with young people, their carers and with representatives of BME (Black, Minority Ethnic) groups suggested strongly that young people who do not get into grammar schools develop lower aspirations than those who do and can become severely de-motivated and disaffected

as a result. There is a stigma attached to the comprehensive schools and the expectation is that young people who go to them will achieve less. This is evidenced by the desperation of the parents of young people who only just fail to achieve a place to get the decision overturned.

65. Some BME communities perceive prejudice in the grammar school selection process. This highlights the need for the selection process to be transparent and for liaison with BME groups to address this perception.

66. Young people at both grammar and comprehensive schools told us that grammar schools provided more, and better quality, careers advice than did comprehensives and that the quality of teaching at comprehensives was lower than at grammars. Action should be taken to ensure that young people at both types of school have access to the same level and quality of advice and to ensure that they are aware that this is the case.

(Extract ends)

67. STEP welcomes that Kent grammar schools admit 4.5% from ethnic minorities (Note F), but our ethnic minority population is very small by national and south east regional standards and is predominantly Indian, with Chinese the second largest group. The prejudice perceived by BME groups may nonetheless be real and may be particularly felt by ethnic groups than Indian and Chinese, two groups with a strong tradition of academic success.

*Martin Frey*  
Step

*September 2003*

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**Memorandum submitted by Dr Ian Scoones, Secretary, Buckinghamshire Parents  
for Comprehensive Education (BPCE) (SA 9)**

**SUMMARY**

- BPCE believe that to admit children to different types of secondary schools on the basis of a widely discredited test is unfair to individual children, denies all children access to a broad based curriculum, has severe cost implications, and has a negative impact on social inclusion—effectively discriminating against pupils from ethnic minorities, pupils from lower socio-economic backgrounds, and pupils with disabilities or special educational needs.
- Selection also breaks up friendship groups, fragments communities, distorts provision within the primary sector, and contributes to increased traffic congestion during the school run—compounding problems of road safety and pollution.
- This memorandum summarises the evidence to demonstrate that selection in Bucks is unfair (1-30), that it produces a structurally distorted secondary system (31-40), and is expensive (41-52).
- The memorandum goes on to show that proposed changes by the LEA for 2005 tacitly accept that selection is flawed (53-65). Finally, the memorandum makes recommendations that the Government should follow in order to end selection and bring Buckinghamshire into line with 90% of the rest of LEAs throughout the country (66-74).

**INTRODUCTION**

1. Buckinghamshire Parents for Comprehensive Education is a non-party political campaign group seeking to replace Buckinghamshire's selective secondary education system with a fair and equitable comprehensive system. The group has links back to the campaign to end selection in the 1970s. At that time, despite significant levels of support for the introduction of a comprehensive system throughout the county generally, and within the Chiltern District Council area in particular (where a referendum showed a majority of 60% in favour of comprehensive education), the County Council decided to retain selection.<sup>1</sup>

2. More recently BPCE has worked to collect sufficient signatures to trigger a ballot on the retention of selection as laid out in the legislation introduced by the present Government. Although, in the year in which we submitted completed petition forms to the Electoral Reform Ballot Service, we were able to collect nearly a thousand validated signatures, our efforts fell a long way short of the 18,000 signatures required to trigger a ballot. BPCE believe that our inability to raise sufficient signatures to trigger a ballot does not reflect any

<sup>1</sup> T, McLellan, Acting Chairman, Buckinghamshire County Council Education Committee, Report of the Schools Sub-Committee, 28 January 1975.

apathy on the part of the people of Buckinghamshire towards the issues at hand, nor does it indicate the outcome of any ballot. It is, rather, a function of the process itself which, it seems to us, has the unintended consequence of hampering the democratic process rather than facilitating it.<sup>2</sup>

#### SELECTION IN BUCKS

3. Buckinghamshire LEA operates a 100% selective secondary education system. Admission to secondary schools in Bucks is governed by procedures set out in the “Guide for Parents” sent to parents in the autumn before their children transfer to secondary schools. This is a complex document that makes considerable demands upon parents, who are required to make preferences between schools on the basis of information contained in the guide. The order of parental preferences can affect decisions as to which schools their children will be allocated.<sup>3</sup>

4. The LEA’s “Secondary Allocation Procedure” [11 + ] uses verbal reasoning tests [VRTs] to ensure that children are placed in the sort of secondary school which, the LEA argues, can best meet their needs. These tests are independently produced by the National Foundation for Educational Research (NFER). The tests are not directly linked to National Curriculum subjects, but have been specially designed as a way of assessing a child’s potential and to show whether they can think a problem through. The skills measured in the test are intended to ensure that those pupils most suitable to grammar school are placed appropriately.<sup>4</sup>

5. Familiarisation—takes five sessions to complete. Schools undertake it at the beginning of the autumn term.<sup>5</sup>

6. Practice—two practice tests are taken once familiarisation is complete. They are exactly the same format as the actual tests.<sup>6</sup>

7. BPCE believe that the LEA’s claim that the VRT can measure suitability for grammar school is flawed. Although the VRT is independently produced by NFER, all the evidence suggests that it is impossible to assess a child’s potential and suitability for different types of school at age 11. As Professor Richard Pring has pointed out to your committee, “The decision to move to a comprehensive system by most local authorities after 1965 was based on the very clear evidence from Vernon and others that ‘intelligence’ is not a fixed and innate factor which can be accurately measured at the age of 11”.<sup>7</sup> Chris Woodhead, the former Chief Inspector of Schools, was quoted recently as saying, “There is no test for potential, you can’t [test for it] in any scientific way—it’s a wing and a prayer”.<sup>8</sup>

8. Each year considerable numbers of upper school pupils transfer into grammar school sixth forms to pursue AS and A level courses, demonstrating the failure of the 11 + to assess a child’s potential. This migration of pupils also illustrates the educational bankruptcy of a policy designed to separate the “academic” from the “non-academic” in an era where participation in education beyond the age of 16 is the norm rather than the exception.

9. The LEA claim that the familiarisation and practice process provided for all students ensures that no pupil is disadvantaged at the time of taking the test.<sup>9</sup>

10. We believe that this claim is extremely disingenuous. It is well known that there is a thriving and lucrative cottage industry in Bucks specialising in the private tuition of children in preparation for the 11 + . The LEA is perfectly aware of this situation, and yet does nothing about it. Private tuition, for those who can afford it, clearly places some children at an unfair advantage.

11. The LEA does not recommend further practice than that provided by its familiarisation and practice packs.<sup>10</sup> We are concerned that, while many LEA schools follow this advice, some don’t, again putting some children at an unfair advantage over others. Furthermore, the preparatory school sector in Bucks makes no bones that one of its aims is to prepare its fee paying children for entry to state grammar schools.

12. The Special Needs and Disability Act of 2001 places a duty on admission authorities not to discriminate against children who are disabled or who have special needs in their access to education. The LEA, however, takes a very curious view of this responsibility, asking parents of a child with special needs to consider whether it is appropriate for their child to take the 11 + and whether the child would be appropriately placed in a grammar school.<sup>11</sup>

<sup>2</sup> A BPCE delegation under the auspices of the Campaign for State Education, along with other delegations from campaign groups around the country, met with the Secretary of State in March 2003 to discuss the shortcomings of the petition and ballot procedures.

<sup>3</sup> Admissions to Buckinghamshire Primary and Secondary Schools, Guide for Parents, September 2002–August 2003 Entry.

<sup>4</sup> Guide for Parents, p25.

<sup>5</sup> Guide for Parents, p25.

<sup>6</sup> Guide for Parents, p25.

<sup>7</sup> Professor Richard Pring, Memorandum, House of Commons Education and Skills Committee, Secondary Education: Diversity of Provision, Fourth Report of Session 2002–03, Ev 3.

<sup>8</sup> Chris Woodhead, speaking on BBC Radio 4’s Straw Poll, 1 August 2003.

<sup>9</sup> Guide for Parents, p25.

<sup>10</sup> Guide for Parents, p25.

<sup>11</sup> Guide for Parents, p26.

13. BPCE believe that it behoves the LEA to extend access to all aspects of its educational provision to those with disabilities or special needs. The LEA, by contrast, seems to want to discourage parents from seeking a grammar school place for their disabled or special needs child, pointing out that it is not possible to either offer extra time or offer extra points to compensate for any special needs.<sup>12</sup>

14. The LEA provides a complex review and appeal procedure intended to consider “exceptional and extenuating circumstances” where the LEA have offered an upper school place and parents feel that their child would be more suited to a grammar school education.<sup>13</sup>

15. BPCE believe that this account of the review and appeal procedure is very misleading. Far from the procedure being in place to consider “exceptional and extenuating circumstances”, it is integral to the allocation process.

16. The LEA point out that for 2000 entry, children were required to achieve VRTs of 121 for automatic qualification. Approximately 27% of children achieved the qualifying score and, after the review and appeal process, approximately one-third of all children were placed in a grammar school.<sup>14</sup>

17. These figures suggest that around one in five of grammar school pupils will have gained their place on appeal, a situation which could hardly be described as catering for “exceptional and extenuating circumstances”.

18. The high number of children taking up places at grammar schools on appeal exposes the fact that there is nothing mysterious about the automatic qualification mark of 121 points. Children who achieve this score or marginally above it are not fundamentally different from their peers who score marginally below it. Rather, 121 points represents a pragmatic score at which the LEA can be confident that fewer children will qualify for grammar schools than it has grammar school places to offer.

19. Given this fact, and despite its suggestion that the review and appeal procedure should only be embarked upon in exceptional cases, the LEA is perfectly aware that significant numbers of pupils will get to grammar schools via review and appeal.

20. BPCE believe that this situation benefits predominantly middle-class families who have the cultural capital to successfully negotiate the labyrinthine review and appeal procedures. Furthermore, some schools (predominantly those with higher than average intakes of children from middle-class backgrounds) submit their children to an additional round of tests (the Richmond Test) which are taken in order to provide review and appeal panels with evidence of suitability for grammar schools.

21. The review and appeal panels have recently been the subject of a heated correspondence in the local press, with suspicion being cast on the ability of panels to make decisions as to the appropriate school for a particular child.<sup>15</sup>

## THE CONSEQUENCES OF SELECTION

### (i) *Facts*

22. The facts of selection, according to Cllr Marion Clayton (Con)—cabinet member with responsibility for schools—are that: “In September 2002, 8243 pupils transferred to secondary schools. About 30% qualified for grammar school places, the 30% comprising 23% from Bucks LEA schools, 3.5% from schools in neighbouring counties, and 3.5% from what are known as “partner schools”—either independent schools in Bucks, or out-of-county close to the Bucks County boundary”.<sup>16</sup>

23. This means that while only around one in five Bucks children transferred to grammar schools, about one in four of their classmates at grammar schools are from the independent sector or from out of county.

24. The actual situation is even worse than this. While 23% of Bucks year six pupils transfer to grammar schools, the evidence suggests that the majority of these pupils come from the most affluent areas of the county. For instance, it has been reported in the local press that in relatively deprived urban areas of the county as few as 7% of pupils transfer to grammar schools.<sup>17</sup> In relatively affluent areas of the county it is not unknown for up to 50% of a primary school’s children to transfer to grammar schools.<sup>18</sup>

25. This bias towards the affluent is compounded by the fact that one in five of grammar school pupils will have gained their place on appeal, a system that favours middle-class parents who are best placed to negotiate the review and appeals procedure.

26. BPCE are particularly concerned about the number of pupils gaining places at grammar school on appeal because of the findings of research conducted by Dr Ian Schagen and Dr Sandie Schagen for NFER.

<sup>12</sup> Guide for Parents, p26.

<sup>13</sup> Guide for Parents, p26.

<sup>14</sup> Guide for Parents, p26.

<sup>15</sup> Bucks Herald, May and June 2003.

<sup>16</sup> Peter Gasson, Policy, Performance and Information Officer, Bucks County Council, email to Ian Scoones, for Marion Clayton, 17 January 2003.

<sup>17</sup> Bucks Herald, 29 January 2003.

<sup>18</sup> See Butlers Court School Governors’ Annual Report to Parents, 2002–03.

27. In oral evidence taken before your committee Dr Sandie Schagen has stated that,

“What we found was that the grammar schools seemed to work not by enhancing the performance of the most able which is sometimes suggested but by greatly enhancing the performance of what we call borderline children—those who just managed to scrape into grammar schools. There are two theories about borderline children: within a selective system there is a view that they do better in secondary modern schools where they can be top of the pile rather than struggling at the bottom of grammar schools, but there is also the view that they may get pulled up within a grammar school, and certainly our evidence showed very strongly the latter. We were quite amazed when we saw the difference in performance of children with the same starting point, the same Key Stage 2 results, and what they would get by Key Stage 3 in a grammar school compared with another [secondary modern] school”.<sup>19</sup>

28. If, as Dr Schagen suggests, the educational benefit of grammar schools is greatest for those children at the borderline, BPCE believe that it is scandalous that the beneficiaries of selection should be children who scrape in because their parents are more able to negotiate the system than the parents of their peers who are no less able and who are consequently at risk of under achieving in secondary modern schools.

29. Cllr Clayton argues that the 11+ is meant to be a mechanism whereby children in Bucks are selected for a programme of accelerated learning that best suits their abilities.

30. Instead, it provides a means for the relatively affluent both inside and outside the county to secure an exclusive education for their children without having to pay expensive school fees. That this is so is attested to by indices of social inclusion. 11% of upper school pupils are eligible for free school meals compared to 1% of grammar school pupils. 30% of upper school pupils are from minority ethnic backgrounds compared to 18% of grammar school pupils.<sup>20</sup>

## (ii) Structure

31. There are 13 grammar schools and 21 upper (secondary modern) schools. Eight of the grammar schools have achieved specialist school status. Four of the upper schools have specialist status.<sup>21</sup>

32. Many parents of children who have qualified for grammar schools can expect within their catchment area to have the choice of single sex schools, a mixed school, and a choice of specialisms. As long as a within-catchment school is chosen, the LEA will meet transport costs for journeys over three miles.

33. Parents of children destined for upper schools will usually have no choice of schools within their catchment area. There are no single sex upper schools.

34. Because the LEA will meet the travel costs of children travelling over three miles to their catchment area school, only parents of upper school children who can afford to pay for transport will have the choice of a school other than that within catchment.

35. 16,953 years 7-11 pupils (61%) attend upper schools.  
10,645 years 7-11 pupils (39%) attend grammar schools.  
2,035 years 12-14 pupils [sixth form] (34%) attend upper schools.  
3,992 years 12-14 pupils [sixth form] (66%) attend grammar schools.<sup>22</sup>

36. These attendance figures have important implications for the two sectors. The larger sixth forms at grammar schools entail funding benefits which although targeted at years 12–14 cascade down through the lower school.

37. The smaller sixth forms at upper schools mean that the range of AS and A levels on offer will be restricted. This fact compounds the problem by encouraging the most able upper school pupils to transfer to grammar school sixth forms, depleting upper schools of talent, role models, and funding.

38. The 61% of children at upper schools in years 7–11 have a greater diversity of need than those selected for grammar schools.

39. 21% of upper school pupils have special educational needs (SEN) but no statements of SEN, compared to 4% of pupils in grammar schools.<sup>23</sup>

40. The rate of pupil exclusions is higher for upper schools than for grammar schools.<sup>24</sup>

<sup>19</sup> Dr Sandie Schagen, Oral Evidence Taken Before the House of Commons Education and Skills Committee, Secondary Education: Diversity of Provision, Fourth Report of Session 2002–03, Ev 66.

<sup>20</sup> Buckinghamshire Upper Schools Forum, *The Penalty Costs of Upper School Funding: Towards Greater Fairness in the Secondary Sector*, by Professor Rosalind Levacic *et al*, 2002, p4.

<sup>21</sup> Gasson.

<sup>22</sup> January 2002 Annual Schools Census Form 7 Returns, in Levacic, p1.

<sup>23</sup> Levacic, p5.

<sup>24</sup> Levacic, p5.



(iii) *Costs*

41. According to Marion Clayton in an open letter to Secretary of State Charles Clarke, “the majority of [Bucks] schools find themselves in the position of having to set deficit budgets.” She goes on to argue that, “the only explanation for this is the additional pressure imposed by central government on schools”.<sup>25</sup>

42. While BPCE accept that this has been a difficult year for school funding nationally, we believe that the LEA is wrong to blame central government entirely for the difficulties currently being experienced by Bucks schools.

43. This view is supported by the Buckinghamshire Upper Schools Forum, for whom Dr Katy Simmons (Chair of Governors at Cressex Community School, High Wycombe) has pointed out that, “The national problems provide a smoke screen for local problems which are the result of long term inequalities [ . . . ] Deficit budgets have been a fact of life in Bucks for a long time. They are new in the rest of the country. The reasons we have them is the fault of the [selective] system because the money is not being distributed properly”.<sup>26</sup>

44. Furthermore, Professor Rosalind Levacic has pointed out that, “it is upper schools rather than the grammar schools which have been experiencing deficits in a much higher proportion than one would expect if Buckinghamshire schools were like schools in other LEAs”.<sup>27</sup>

45. Most alarmingly, Dr Simmons has suggested a link between the financial difficulties experienced by upper schools and concentrations of ethnic minority pupils. It is the upper schools with significant numbers of ethnic minority pupils which endure the largest deficits, “The data shows that the ethnic composition of a school is a strong determinant of deficit budgets [ . . . ] Not surprisingly, the few areas in Buckinghamshire serving areas of deprivation and with significant numbers of ethnic minority pupils are suffering most”.<sup>28</sup>

46. It is our view that the costs associated with selection have contributed greatly to the current financial plight of Bucks schools.

47. The costs of the admission procedures associated with selection have been estimated at £2 million per year.<sup>29</sup>

48. Last year the LEA spent £13.2 million on transport, of which £6.7 million was spent on home-to-secondary school transport. Half of this cost (£3.35 million) could be directly attributed to the selective system.<sup>30</sup>

49. This year the LEA is budgeting to spend £15.5 million on transport. The cost this year of bussing pupils to grammar schools is £4.6 million—up £1.25 million on last year.<sup>31</sup>

50. The LEA has therefore spent at least £6.6 million this year on the costs of selection.

51. To put this into perspective, the County Council found an extra £2.8 million this year, to bring the current total annual education budget for Buckinghamshire to £194.6 million.<sup>32</sup> We welcome the fact that the greater proportion of this extra money has been targeted at upper schools with their historical legacy of deficit budgets.

52. Unfortunately, the result has been that the county’s 190 primary schools have been left with only £860,000 as their share of the extra money to be divided between them. Consequently many of them have had to set deficit budgets for the first time, while upper schools continue to experience deficits. Schools in the Chiltern area have reported a combined deficit for the year of £1.42 million.<sup>33</sup>

## SELECTION FROM 2005

53. The LEA has announced a consultation about proposed changes to school admissions and secondary school catchment areas to take effect from September 2005.<sup>34</sup>

54. It is doing so because the Education Act of 2002 and the School Admissions Code of Practice 2003 require all education authorities to review their admission procedures.

<sup>25</sup> Marion Clayton, Bucks Examiner, 5 June 2003.

<sup>26</sup> Dr Katy Simmons quoted in the Bucks Free Press, 6 June 2003. See Levacic, pp27–28 for the figures that support this claim.

<sup>27</sup> Levacic, p28.

<sup>28</sup> Dr Katy Simmons, “The underachievement of ethnic minority pupils in Buckinghamshire LEA”, Submission to the House of Commons Select Committee on Education and Skills, February 2003, paragraphs 27–28.

<sup>29</sup> Buckinghamshire Upper Schools Forum website, [www.missingbucks.org/releases.asp](http://www.missingbucks.org/releases.asp), 9 December 2002.

<sup>30</sup> Letter from Cllr Marion Clayton and Cllr Rodney Royston (transportation), Bucks Examiner, 15 May 2003.

<sup>31</sup> County Cllr Clare Martens (Lab), verbal report to BPCE Committee, June 2003.

<sup>32</sup> Bucks Examiner, 10 April 2003.

<sup>33</sup> Bucks Examiner, 17 July 2003.

<sup>34</sup> Getting a School Place From September 2005: Consultation about Proposed Changes to School Admissions and Secondary School Catchment Areas, June 2003.

55. The LEA hopes that its proposed changes will maximise the opportunity for more children to attend a preferred school, set schools at the heart of their communities with local schools being available for local children, and to reduce journey times for children to enable them to have more time for other activities.<sup>35</sup>

56. BPCE believe that the LEA is also undertaking its review of secondary (predominantly grammar) school catchment areas in order to attempt to curb its spiralling transport bill.

57. We support the LEA's proposal to set schools at the heart of their communities, and agree that it must reduce its transport bill. Unfortunately, we see no evidence that the proposed changes will bring this about. Transport costs will not be cut substantially because grammar school catchment areas remain too large. Schools will not be at the heart of their communities so long as communities are split by selection.

58. The consultation exercise, however, has brought to light a surprising and significant admission on behalf of the LEA.

59. In its attempt to reduce the distance grammar school pupils have to travel to school, the LEA proposes to end the practice of using 11+ scores as the final over subscription criterion for grammar schools.<sup>36</sup>

60. The LEA tells parents it is doing this because, "The VRT (11+) score a child achieves can be affected by a number of events such as a family bereavement, sickness or disability. Many girls start menstruation during the time of the testing".<sup>37</sup>

61. However, in its briefing document sent to schools and governors (but not to parents), the LEA is more candid, stating that, "Circumstances sometimes mean that many children do less well in the [11+] than their ability would predict".<sup>38</sup>

62. Conceding this point, the LEA goes on to argue that any appeals panel convened to assess a child's true ability would have to leave the actual score achieved by a child unchanged because, "there is no way of measuring a number of marks that would be fair to that child and all of the other children". Therefore, to admit children to an oversubscribed grammar school on score order would disadvantage children who had under performed in the 11+ but whose score could not be changed because there is no fair way of altering it relative to the scores of their peers.<sup>39</sup>

63. Regrettably, the LEA only proposes to adopt this admirable logic for children who score the 121 marks needed to pass the 11+. And yet it must be the case that if the 11+ cannot accurately reflect ability above the pass mark it certainly cannot reflect ability at the pass boundary or below it.

64. Furthermore, if appeals panels are unable to assign accurate and fair scores above the pass mark, there is no reason to suppose that they can fairly and accurately state that a child who has under performed in the 11+ should actually be deemed to have or have not qualified for grammar school.

65. BPCE believe that, having finally acknowledged that the 11+ does not give an accurate reflection of the ability or potential of pupils, the LEA should have the good grace to follow the example of 90% of the rest of the country and discard selection by ability as the primary criterion for transfer to secondary school.

## RECOMMENDATIONS

66. The LEA would no doubt ask the committee to disregard the evidence submitted by BPCE and consider instead the results achieved by the selective system.

67. Undoubtedly the results are impressive. Last year 64.4% of pupils achieved five or more GCSEs at A\*-C, significantly better than the national average of 51.5%.<sup>40</sup> But league tables do not tell the whole story.

68. The LEA is rightly proud of the GCSE results achieved by teachers and pupils within the Bucks system. BPCE share that pride in the hard work of teachers and pupils, but we recognise that higher than average scores would be expected from a county with the above average socio-economic circumstances of Buckinghamshire.

69. However, Bucks is one of the 20 LEAs with the largest performance differences between their highest and lowest achieving schools.<sup>41</sup> Furthermore, there is a 37% gap between white pupils and pupils of Pakistani heritage achieving five or more A\*-C GCSEs.<sup>42</sup>

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<sup>35</sup> Getting a School Place, p3.

<sup>36</sup> Getting a School Place, p7.

<sup>37</sup> Getting a School Place, p7.

<sup>38</sup> Getting a School Place (Schools and Governors), p11.

<sup>39</sup> Getting a School Place (Schools and Governors), p12.

<sup>40</sup> Bucks Examiner, 30 January 2003.

<sup>41</sup> See STEP Submission to Education and Skills Committee, Inquiry into Secondary Education: Admissions, Appendix A, August 2003.

<sup>42</sup> Dr Simmons, Submission, paragraph 20.

70. Research suggests that comprehensive systems match or better the performance of selective systems. Dr Sandie Schagen reports that her work shows that, “at GCSE level, comprehensive LEAs get slightly better results than those where a large proportion of children are in grammar schools”.<sup>43</sup> Even the National Grammar Schools Association has to grudgingly admit that, on the benchmark of five or more A\*-C GCSEs, the top 25% of pupils in comprehensives achieve better results than children in grammar schools.<sup>44</sup> We see no reason why a comprehensive system in Bucks should not at least match current performance, if not improve upon it, without the disastrous consequences of selection detailed above.

71. We believe the Government should act to end the many injustices of selection and introduce a fair and equitable comprehensive system to bring Bucks into line with 90% of the rest of the country.

72. Failing this, the Government should abandon the unworkable petition and ballot procedure it has put in place. It should instead undertake independent reviews of the impact of selection in all the areas where it persists. It should also fund all affected LEAs to produce detailed and costed plans for a transition to comprehensive systems.

73. The reviews and plans should then be put to local parents to decide whether to retain selection or switch to comprehensive systems.

74. BPCE believe that parents, aware of all the facts and reassured that any change will be properly managed and funded, will overwhelmingly support the introduction of comprehensive education.

*Dr Ian Scoones*

*August 2003*

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#### **Memorandum submitted by the National Union of Teachers (SA 11)**

1. The National Union of Teachers welcomes the opportunity to make a contribution to the Education and Skills Committee’s Inquiry into School Admissions.

2. The Government’s attempt to rationalise and make admission procedures more consistent across all schools and authorities is to be welcomed. However, the increasing diversity and complexity of admission procedures over recent years has not been of benefit to the education service and, in the long term, is not in the best interests of the majority of pupils and parents.

3. The NUT believes that admissions based on partial selection should simply be ended. With the exception of the application of fair banding procedures, all places in all schools should be available to all applicants.

4. The School Admissions Code of Practice, introduced in April 1999, went a long way to encourage local admission authorities to consider having co-ordinated admissions arrangements, including standard application forms and common timetables. The guidance, however, was not enough in all cases to enable them “to agree co-ordinated admissions schemes with other admission authorities in an area as they wished” (paragraph 10).

5. The NUT, therefore, welcomed the proposal in the consultation that LEAs would be required to co-ordinate the admissions process for all schools in their area, including foundation and voluntary aided schools. This would enable parents who applied for school places in an area to receive responses on the same day.

6. The NUT has maintained consistently that prominent amongst the information provided for parents, must be the date on which the decision is made about when applicants will be admitted to a particular school. This date should be the same for all schools sharing an admissions authority and/or between neighbouring admission authorities.

7. Where voluntary agreement on co-ordinating mechanisms cannot be reached locally, the Secretary of State has the power to impose the schemes he considers appropriate, after local consultation, bearing in mind the interests of children and parents in that LEA. The NUT believes it is important that the effect of partial selection procedures, including selection on the basis of aptitude in a local area, should be considered carefully. Clear guidance on the elimination of partial selection, which has an undesirable effect in a local area, is particularly useful in the Schools Admissions Code of Practice.

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<sup>43</sup> Dr Sandie Schagen, letter to Bucks Examiner, 7 December 2001.

<sup>44</sup> Nick Seaton, “Evidence of Performance in Selective Systems”, National Grammar Schools Association Meeting with the Secretary of State for Education, 12 February 2003.

#### PARENTAL PREFERENCE

8. The NUT maintains that when it is in a framework providing genuine equality of opportunity, the principle of parental preference should be fulfilled to the greatest extent possible. The issue, however, of how to treat parents' ranking of preference has always been difficult since, in extreme cases, ranking of schools in terms of preference has resulted in some schools considering only those applicants in which their school was the first preference.

9. Whichever system is adopted, the fact that a particular school has been ranked more highly by one parent than by another should not give the child of the first parent a stronger claim to a place. A fairer system, already being operated by a minority of LEAs, is to adopt a staged approach system, in which only first preferences are sought and processed before moving onto the next stage of place allocation.

#### ADMISSION FORUMS

10. The NUT welcomed the setting up of Admissions Forums, as recommended in the School Admissions Code of Practice. Making Admissions Forums mandatory in every area will help to develop a more equitable admissions system. These functions would include:

- considering existing and proposed admission arrangements in the context of how well they serve the interests of local children and parents;
- brokering arrangements to ensure that SEN pupils and "challenging children" are distributed fairly between schools;
- monitoring schools admission numbers; and
- considering and approving local co-ordinated agreements.

11. The NUT believes that admission authorities should have regard to the agreed and published advice of Admission Forums. However, this will not fully protect some under-subscribed schools from taking large numbers of vulnerable or "challenging" children.

12. The work of Admission Forums and School Organisation Committees has been made more difficult by the Government starting a damaging debate about faith schools. The 1944 settlement, in relation to Church of England, Roman Catholic and non-conformist schools, was both pragmatic and fragile. There has been a continuing debate, at local level, about the relationship between denominational and maintained schools. While there have sometimes been specific and contentious local debates about admission policies, local authorities and diocesan bodies have sought to resolve them.

13. The NUT believes that further clarification needs to be made, advising schools that they do not have to have waiting lists. The issue of "waiting lists" must be debated further so that advice issued discourages schools from using them, since this could result in inequitable practice.

14. The NUT has welcomed, however, the strengthening of the guidance in the Code of Practice on School Admissions (2001), which will reduce unfair practices, such as parents being able to use waiting lists in primary schools, and will also make it clear that "Fresh Start" and other struggling schools will not be required to take excessive numbers of "challenging" pupils.

15. The NUT has asked for further clarification from government about information on admissions and the immigrant status of children living in this country". As a principle, it is right that each applicant should be judged on his/her merits, in accordance with the published admissions procedures. Admission authorities should not be required to make judgements about immigration status when considering applications for school places.

#### COMMUNITY COHESION/FAITH SCHOOLS

16. Currently, schools designated by the DfES as having a religious character may interview pupils and/or families, but only in order to assess commitment to their own faith or denomination, in the context of such interviews being an over-subscription criteria. Since most church schools do not interview, however, but rely on reference from the Priest or Ministers to establish any required religious or denominational commitment, the guidance on interviewing has not always been relevant. In addition, the NUT believes that references from the Priest or Minister should not be used as part of an application or admissions process.

17. The NUT welcomes the intent from the main churches that there will be no interviews taking place from 2005 other than for boarding places; before then, any church schools may interview to assess religious commitment and boarding schools to assess suitability for boarding. It is essential that faith schools are as inclusive as possible and that the current practices which they employ to restrict submission should be removed.

## GRAMMAR SCHOOLS/PARTIALLY SELECTIVE SCHOOLS

18. The effect of partial selection procedures should be considered carefully. The NUT has made its opposition clear to selection by aptitude as well as ability. The distinction between the two descriptions is semantic. The NUT believes it is not possible for a system to claim to be comprehensive if selection is in place. There should be the abolition of selection by ability and aptitude. The system at the moment is partially comprehensive. A broad and balanced intake should not be hindered by any pre-assessed ability or aptitude requirement. If the Government is committed to a more diverse education system, then it must remove completely the selective system that is still in place. In reality, there are 164 grammar schools in England, each likely to be creaming from the intake of three times that number of de facto secondary moderns. Approximately, 20% of schools in England and the children in them are, therefore, faced with the effects of selection. Inclusive admission policies are admirable in theory but this cannot be the case in England where there is selection both in grammar schools and in schools with partially selective admission policies.

19. The NUT has maintained consistently that there is a far better and fairer way to develop individual strengths and aptitudes than the setting up of specialist schools. Alternatively, each LEA could have been required to establish centres which different children could have attended at different times to have their special talents developed.

20. All secondary schools may select up to 10% of their intake on the grounds of “aptitude”. However, no definition of, or procedure for, selection by aptitude distinguishes it reliably from selection by ability. In fact, MPs only recently, on the all-party Education and Skills Committee<sup>45</sup>, concluded that:

“We are not satisfied that any meaningful distinction between aptitude and ability has been made and we have found no justification for any reliance on the distinction between them.”

The specialist school programme of itself does not lead to more children taking selective entry tests, but the ability to select 10% by aptitude could.

21. The NUT would like to endorse the research undertaken at Leeds University<sup>46</sup> on School Admissions which said that:

“Specialist school status in itself does not lead to a change in the intake of a school relatively to other schools in the area. The use of the option to select does. Our view is that it is probably the case that there is a principled and political objection to an increase (or even continuation) of selection by general ability on the part of this government but that the 10% option for selection by aptitude will have similar effects.”

22. The NUT would support also the statement made in the Leeds University research (September 2001),<sup>47</sup> which says that:

“Some schools are presently using selection by aptitude as one way of managing their intake so as to increase the proportion of pupils from higher status socio-economic groups and there is little accountability or regulation of the way specialist schools select by aptitude. Expansion of the specialist school programme offers more opportunity, therefore, to others who have a similar motivation. Even if there is principled resistance to selection in many specialist schools, an expansion of the number will create legal pressures for specialist schools to introduce selection by aptitude. In some areas where pressures for polarisation are already present, the situation is likely to get worse leading to perceptions of superiority and inferiority in the eyes of parents, contributing to a downwards spiral. For some schools that will be difficult to prevent with all the unfortunate consequences of such polarisation”.

23. The NUT supports a number in the recommendations of this research. They are that there should be:
- a tighter regulation of admission arrangements, particularly on the testing arrangements for aptitude;
  - a review of the potential for litigation from parents denied access to specialist places because of where they live; and
  - a review of the means by which schools manage their intakes and ways in which this may be better regulated—eg, encouragement, through the spreading of good practice and/or regulation, for all schools to share responsibility for admitting “difficult” children.

24. The Government appears to envisage a three-tier rather than a two-tier system of education. The introduction and moving towards specialist status, combined with specialist and advanced specialist status compounds the detrimental affects of a tiered system.

25. The advantages available to specialist schools could be such that they can attract large numbers of parental preferences, simply because of their status, irrespective of the quality of education offered by other secondary schools.

<sup>45</sup> Secondary Education: Diversity of Provision, House of Commons Education and Skills Committee (May 2003).

<sup>46</sup> Admission Policies and Practices of Selective and Partially Selective Schools in England (Leeds University—September 2001).

<sup>47</sup> “Admission Policies and Practices for Selective and Partially Selective Schools in England” (Leeds University—September 2001).

26. Internationally also, the evidence is stacked against the tiered approach to secondary education urged by the Government. OECD's Programme for International Student Assessment (2000) found that, "the more differentiated and selective an education system is, the larger are the typical performance differences between students for more and less advantaged backgrounds".<sup>48</sup> In other words, applied to England, this finding means that the intention of tiered system—that of achieving equality of access to high quality education—achieves precisely the opposite of that which is intended. Tiered systems lead to inequality of access.

27. The NUT would endorse also the research undertaken by Tony Edwards and Sally Tomlinson, "Selection Isn't Working" (October 2002),<sup>49</sup> which concluded that:

"Where schools, whether specialised by faith or by curriculum, are over-chosen, then in some way or other it is they who do the choosing. In so far as diversity tends towards more selection and more social segregation, then the greater the diversity, the greater the selectiveness."

28. The research concludes that as aptitude for a particular form of curriculum cannot be reliably identified at the age of 11, then there is no logic even in a 10% selection on that basis. Entry to specialist schools should be entirely by "interest".

## CONCLUSION

29. The NUT believes that admissions to schools should not be subject to selection, by tests, by parental interview or by other means unless it is an agreed element of achieving and maintaining a reasonable balance of pupils in each and every school in terms of ability and gender where the school is mixed. The NUT believes that parental preference should be fulfilled to the greatest extent possible and that there should be a place at a local successful school for every child. Parents must be able to see fairness and transparency in terms of any admission scheme that is in operation.

September 2003

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## Memorandum submitted by Stephen Gorard, Cardiff University School of Social Sciences (SA 12)

### SCHOOL CHOICE POLICIES AND SOCIAL INTEGRATION: THE EXPERIENCE OF ENGLAND AND WALES

#### SUMMARY

Families in the United Kingdom are able to express a preference for any state-funded school, as well as to decide to pay for a private education for their children. *All* schools are therefore choice schools. The range of types of schools is growing within the publicly-funded sector. This chapter considers the impacts that 15 years of choice and diversity have had on school compositions, standards, cohesion and justice. It presents a summary of the findings of what has so far been the largest study of a system of school choice and concludes with suggested lessons for the future and for other governments such as the United States.

The emphasis of the paper is on social cohesion and on changes in the distribution of students between schools (termed "segregation" here). These changes are illustrated in terms of student poverty, ethnicity/race, first language, and special educational needs. The levels of, and changes in, student segregation between schools are largely determined by geographical factors, and to some extent by the nature of local schools, rather than by the method of allocating students to schools. Nevertheless, since the introduction of extended choice in the UK in 1988, the overall level of segregation in the school system has declined. One reason for this is that the process of parental choice can override the segregation that routinely takes place when students are simply placed in neighborhood schools. The evidence also suggests that choice and diversity are not clearly linked to each other. Choice appears to drive schools towards uniformity (pressure from below), while such diversity as there is has been largely imposed (from above). Choice is, in general, linked to declining segregation while diversity is, locally, associated with increasing segregation. The mix of students within schools also has possible implications for their standards of achievement.

This chapter first introduces the nature of choice in the UK, and the range of schools that can be chosen from, before considering the arguments that have been presented in elsewhere both for and against the role of choice in education. It briefly discusses how families choose schools in practice and then describes the impact of 15 years of a national school choice system on social and economic segregation among schools. It describes in some detail the two most important determinants of school segregation—the nature of local housing, and the diversity of local schools—and then ends with some suggestions for ways in which the benefits of choice could be preserved while minimizing its potentially segregating effects.

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<sup>48</sup> Improving both Quality and Equality (Insights from PISA 2000—OECD 2002).

<sup>49</sup> Selection Isn't Working: Tony Edwards and Sally Tomlinson (A Catalyst Working Paper—October 2002).

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 THE NATIONAL POLICY BACKGROUND

The work reported here is an investigation of the long-term impact of market forces in education provision for students aged five to 18 (or in grades K-12, although the chief focus of the study reported here is on secondary students, aged 11 to 18, with a less detailed analysis of primary-age students). The UK has become something of a “social laboratory” by virtue of the extent to which policies promoting “competition” and “choice” have been developed. The study provides evidence for the first time concerning the long-term impact of markets in education, of the type that some commentators have rightly complained did not exist (Archbald 1996, Jeynes 2000). This is because, elsewhere, school choice “has rarely been put into practice in any but the most restricted form, so little has accrued about its consequences” (Weiss 1996, p.vii). Therefore, “research comparing the distribution of students by social class in a system of choice to the social class distribution that would have existed based solely on neighbourhood school assignment is clearly needed” (Goldring and Hausman 1999, p 497). Social class is not the sole criterion of interest relating to segregation in UK schools, but it is the one of most concern to commentators there (whereas segregation by race/ethnicity has been the major concern in the US). It is also important to note that, whereas official data about the family income of students pre-dates the introduction of choice policies, figures on ethnicity/race have been collected for less than a decade.

The focus here is on changes over time in order to compare the choice system with the status ante. This is necessary because the UK, unlike other countries experimenting with choice, conducted their “experiment” across the whole national school system, leaving no control or comparison group. The emphasis is on public-public choice more than public-private choice (but see Gorard 1997). The mix of students in a school matters, but primarily for social cohesion rather than school improvement (Gorard *et al* 2003). In one sense, it does not really matter what the curriculum states about citizenship compared to the importance for students of experiencing mixed ethnic, gender and religious groups in non-racist and non-sexist settings. The school mix is also closely related to academic results (note, for example, that all schools deemed “failing” in the UK have high levels of student poverty); however, the emphasis of this chapter is on the mix itself, rather than academic outcomes. In summary, raw-score examination results have improved in the era of choice; state schools have progressed faster than private schools; and the achievement gap between social groups (as defined by sex, income, or race, for example) has declined overall.

Problems in allocating the available school places are not new. The 1944 Education Act underlined a general principle that children were to be educated in accordance with the wishes of their parents and allowed parents to appeal against the decisions of their Local Education Authority if they wished (Stillman 1990). The process of allocating places at school had two components. First, an examination at the end of primary schooling (taken around the age of 11 and known as the “11 +”) was used to determine a “suitable” type of school within a tripartite system of grammar, secondary-modern and technical schools. This selection was made largely on the basis of ability. Second, a specific school was selected within that type where “allocation here is achieved largely through consultation between parents and primary school and secondary school, under the guidance of general principles laid down by Local Education Authorities” (NFER 1969, p 1). The regular use of choice procedures among more privileged families coupled with selection by ability is believed to have limited the role of education in promoting social mobility at that time (Pohlmann 1956).

By 1969, the selective tripartite system and the notion of selection at 11 + were disappearing. Most Local Education Authorities moved towards a system of comprehensive secondary schools (although these retained considerable diversity in terms of age-range, sex composition, and religious affiliation), catering to students across the ability range. In areas with no other system of allocation, an automatic system of neighbourhood schools operated. Dore and Flowerdew (1981) reported from 1968 to 1977 an increasing use of catchment area systems for secondary schools, replacing the use of examination results and other methods. This was supposed to be fairer and to reduce the existing disparities between the standard of education obtained by different families. In practice, evidence arose that such a procedure was unintentionally racially discriminatory because of the racially segregated nature of local housing (CRE 1983).

The Education Act of 1980 formally legislated, at a national level, the parental right to a voice in the allocation of school places. It also created the Assisted Places Scheme, which allowed able children from poor families to attend fee-paying schools at public expense (Edwards *et al.* 1989). This legislative trend towards explicit parental preference continued with the 1988 Education Reform Act (and subsequent case law), the 1991 Parents’ Charter and the 1992 White Paper. All of these steps represented a shift away from the period before the 1980s when the practices were set by individual Local Education Authorities, and parental preference was, at least according to national legislation, only relevant to selective or single-sex schools, voluntary-aided schools, or opting out to the fee-paying sector.

Consequently, all publicly funded schools in England and Wales are now “choice” schools, and all published raw-score outcome figures termed “performance” tables from 1990–2001 (although these have not generally formed the basis for parental decisions in practice, see below). The 1988 Education Reform Act gave all families the right to express a preference for any school (even one outside their Local Education Authority) and denied schools the right to refuse anyone entry until a standard or planned admission

number (PAN) was reached.<sup>50</sup> Most of the funding to schools then followed students *per capita*. After 1988 the number of families selecting schools other than the local catchment (neighbourhood) school increased substantially. Where families are denied access to their selected schools (due to over-subscription for example), they have the right to appeal against their assigned schools. The number of parents exercising this right to appeal has also risen greatly. All of this aimed toward a situation in which good schools thrived and poor schools either changed or perished. An intrinsically monopolistic state provision was supposedly replaced by choice and diversity, although this market is a limited one since, among other things, schools do not operate to maximize their profit, and money does not change hands between client and provider (Le Grand and Bartlett 1993).

Considerable powers for self-management were passed to schools, which could, after a ballot of parents, also opt out of Local Education Authority control completely to become Grant-maintained institutions (now termed Foundation schools). These were able to apply their own selection procedures for a significant proportion of their intake. City Technology Colleges operated with explicit criteria for the allocation of their limited places, but, in practice, researchers found considerable variation between colleges in how these criteria were applied (Murphy *et al* 1990). Voluntary-Aided Schools had a majority of their governors appointed by a religious foundation and, since it was the governing body of these schools that determined admissions, the differences between them in terms of admissions policy were substantial.

Despite the existence of a supposedly national framework of parental choice within an essentially comprehensive system, diversity in the admission arrangements also continued for all other secondary schools (Jowett 1995). Some Local Education Authorities still used the 11+ examination; others encouraged individual applications to schools (especially in areas with high proportions of Grant-maintained schools or cross-border transfers). Some Local Education Authorities asked parents to state a preference, but most authorities merely published their intended allocation of schools and waited for objections, with a null response treated as approval. In the case of over-subscription in any school, a variety of discriminatory criteria were used (including medical and social reasons). The picture of school allocation remained a complex one.

The 1988 Education Reform Act also introduced a compulsory National Curriculum, which specified a number of “core” and eligible subjects (such as science and history) to be taken by all students and specified the amount of curriculum time to be devoted to each subject. This had the effect of equalizing the opportunities of most children, as well as leaving little time within the normal school day for subjects deemed by some within the Government as undesirable (such as sociology or media studies). Therefore, the publicly-funded schools that parents were now able to “choose” became more similar in terms of provision at the same time. The same Act introduced compulsory testing at four key stages within the common National Curriculum, and the publication of league tables of raw-score performance figures. (For more on the policy enactments, see the chapter by Neville Harris.) The curriculum now contains provision for the teaching of “citizenship,” still a relatively minor part of schooling, which includes modules on the following themes:

- Civil society.
- Communities, cultures and identities.
- Personal and social skills.
- Sex and relationships.
- Sustainable development.
- Life, events and people.
- Health and safety.
- Careers.

The 1998 School Standards and Frameworks Act changed the situation again, perhaps most notably by addressing inequities in school admissions policies, arising in the main from the actions of the former Grant-maintained and voluntary schools (West and Ingram 2001). Otherwise the most notable policy of the current U.K. administration has been the state-sponsored encouragement of diversity. The Minister for Schools is considering the use of vouchers, subsidies for parent-run private schools, and incentives such as payment by results (Canovan 2002). Private, non-profit-making companies are taking over the running of some schools, especially those that have received poor inspections (Shaw 2002). “City Academies” have recently been introduced to solve specific problems in London (Kelly 2002). A recent Green Paper on education created a portfolio of diverse schools in England which include 33 new City Academies, 300 advanced schools, and 2,000 specialist schools. According to the Minister for Education, “The model of comprehensive schooling that grew up in the 1960s and 1970s is simply inadequate for today’s needs . . . The keys are *diversity* not uniformity” (Department for Education and Skills 2002, p 6).

<sup>50</sup> In practice, popular schools generally seek to admit students above their PAN where allowed to do so, presumably because it increases their funding. It is more often the local education authorities who wish to restrict entry, in order to balance numbers between schools in the area (irrespective of parents’ wishes).

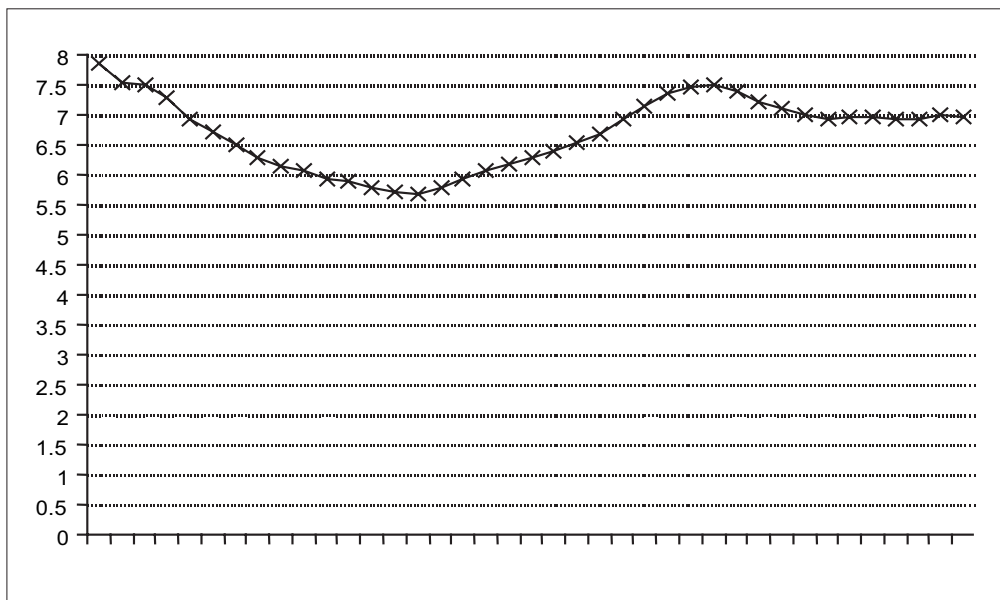


*What types of schools are there?*

A key difference between choice in the UK and in the USA and elsewhere is that it largely ignores the private sector. Only around 7% of students in England attend fee-paying schools (Benn and Chitty 1996), and this figure drops to 2% in Wales and 1% in Scotland (Gorard 1996). Many more families than this report that they would consider a private school if they could afford it, so in times of prosperity numbers tend to grow (Abrams 2001). Figure 1 shows the trend in these figures from 1964 (when the tripartite state system was changing to a comprehensive one) to 2002. The highest recorded proportion of fee-paying students was in 1964 (7.9%), and this dropped during the comprehensive era to a low of 5.7% in 1978. The causes of this drop are likely to include both economic factors and increasing satisfaction with the state sector. By the time of the 1988 Education Reform Act, the figure had risen to 7.3% again, and in the following few years the figure rose again to a mini-peak of 7.5% in 1991. The determinants of this blip probably include the continuation of a trend clearly discernible from 1978 onwards (perhaps economic in nature) and temporary suspicion among some middle-class parents about the National Curriculum and associated testing regime (see above). By 1995, when all compulsory-age students at state-funded schools had entered during the era of choice, the proportion at private schools had stabilised at an even 7%, and it remained at 7% in 2002 (the latest figures available at time of writing).

Figure 1

## PERCENTAGE OF STUDENTS IN PRIVATE SCHOOLS 1964–2002



Private schools were not bound by the terms of the 1988 Education Reform Act and therefore did not have to introduce the National Curriculum or take part in the associated testing regime. However, the curriculum was itself largely based on that already used in top private schools anyway, and private schools were more than happy to take part in the tests. This was partly to ensure ease of transfer between sectors, and partly because their results (in raw-score terms) placed them at the top of all relevant tables. Only a “super class” defined by wealth and status, plus some professionals, use private schools and thus opt out of the state system altogether (according to Adonis and Pollard 1998). The remainder of the more privileged classes have access to the most desirable schools because of the link between school reputation and the cost of local housing, and because their children gain access to selective education in disproportionate numbers.

The policy changes described above included the 1980 Assisted Places Scheme, whereby some of the students at private schools had their fees paid for by the state. But this involved a tiny fraction of fee-paying students in a minority of otherwise very exclusive schools, within a very small private sector. The scheme was means-tested but did not focus on the very poor or on ethnic minorities, and never captured the public imagination. None of the Assisted Places Scheme schools in one study actually filled their eligible places (Gorard 1997). Otherwise, the private sector was largely unaffected by the choice policies described above. These amounted to what is effectively a national voucher scheme involving all state-funded schools of whatever type.

In addition to this range of traditional and less-orthodox private schools, there are state-funded but independent City Technology Colleges and City Academies (much less than 1% of schools). These are public and private joint-funded independent schools within the state sector, designed to tackle underachievement in urban areas. There are also a somewhat larger number of state-funded schools funded directly by central government, rather than via their Local Education Authorities (originally termed Grant-maintained, now Foundation, schools—perhaps 8% in number).

The recent Education Act of 2002 further blurs this distinction between state and private provision by encouraging state schools to form companies, and companies to take over failing schools, authorities and assessment. Private schools can now sponsor City Academies (partly because take up of sponsorship by traditional industry has been so low), and authorities are being encouraged to pay for children in challenging circumstances to attend private schools. These moves towards greater collaboration between state and private will lead to the more rigorous monitoring and registration of private involvement in education. However, these changes are very recent and are not reflected in the longitudinal research evidence presented in this paper.

Another key difference between the UK and the USA (and elsewhere) lies in the relationship between religion and the state. In the UK, all schools are required by law to provide a daily communal act of worship and to provide religious education (which is a compulsory part of the National Curriculum). Parents are permitted to withdraw their children from this provision but the onus is on them to do so, and withdrawal requires formal arrangement. There is also a smaller but stable number of state-funded schools with a denominational status, most commonly Anglican, but also Catholic, Jewish, Moslem or other religious basis (termed Voluntary-aided or Voluntary-controlled schools making approximately one quarter of all secondary-age schools). Therefore, there is less pressure to attend private schools for religious reasons, and this is probably part of the reason for the relatively small size of the private sector.

Most schools are now coeducational, but a few are still single-sex (particularly girls-only). Most schools are now, at least, nominally comprehensive in the ability of their intake, but around 4% of students attend selective grammar schools, and another 4% attend secondary-modern schools (in areas with a selective system these take students not eligible to attend grammar schools) A growing proportion of schools specialize in one curriculum subject (specialist schools are at time of writing over one quarter of secondary-age schools), while some teach in a language other than English (around 10% of schools in Wales, for instance, are designated Welsh-language). There are a very few non-traditional schools (Steiner and Summerhill, for example), and a declining number of schools (now less than 5% of all schools) exclusively for children with special educational needs whose students have been progressively included in mainstream schools. It should be noted that apart from private schools, the school types in the UK are not mutually exclusive, meaning that the percentages for each sector total considerably more than 100. A Foundation school could be selective, single-sex, specialist *and* denominational, for example.

#### THE MERITS OF CHOICE?

School choice is purported to have three main advantages over a system of strict areal assignment to school (in Witte 1990), and the loose alliance of politicians who pushed through the mixture of measures in the 1988 Education Reform Act probably represent each of these constituencies (Gorard 2000). First, there is the libertarian notion of choice for its own sake (Erickson 1989). School choice programs are popular, as evidenced by opinion polls, and the increasing participation of many sections of society after such policies have been introduced (as evidenced by class, ethnicity and language). It is now probably politically unacceptable to take away the right of parents to choose, and it is not clear that opposition to the notion of choice can be sustained logically (Brighouse 2000).

The second argument, which is perhaps the most important for choice advocates, is that market forces will drive up educational standards (Chubb and Moe 1990). Successful schools will be popular. Weaker schools will be unpopular, progressively losing their per-capita funding until they either improve or close. Over time, therefore, the general standard of schools will be higher. Evidence about this claim is presented elsewhere (Gorard *et al* 2003), but the present paper is more concerned with equity and therefore only considers school outcomes in terms of patterns of polarization. Insofar as it is possible to ascertain, school examination results have risen since 1989 both in absolute terms, and in relation to the fee-paying sector. This has had the side effect of reducing differential attainment in terms of social groups, such as those defined by geography, poverty and ethnicity.

Finally, there is the argument for equity (Cookson 1994). Choice of school extends a privilege to all that was previously available only to those able to afford houses in desirable suburban catchment areas or to send their child to a fee-paying school. Markets, by reducing bureaucratic rules and procedures (such as catchment areas) enable poor and ethnic minority families to make choices previously not open to them, including seeking a better quality of service elsewhere. Markets can be seen as extending a privilege that some members of society already have (Coons and Sugarman 1978) and therefore as an antidote to social stratification (Spring 1982). In the UK, because the majority of schools are already religious (in name, at least), choice is not much based on arguments about respecting religious pluralism.

Choice might be especially popular with the disadvantaged sections in many communities, such as immigrant, minority, and one-parent families, who have been deserting some large inner-city schools (Levin 1992). Witte (1998) reported that a Milwaukee voucher scheme attracted very low-income families, with considerably below-average incomes for local publicly-funded schools, and mainly Black or Hispanic in origin. This suggests that choice might therefore lead to successful desegregation by income and ethnicity over time (see also Cobb *et al* 2000). Other well-founded studies also suggest that choice can lead to greater integration in the US (Greene 2000). Perhaps changing the basis for allocating school places from one based on fixed attendance zones to one based on choice will simply alter the basis for segregation, rather than

increase it (Coleman 1992). “Stratification by merit” is the basis of USA colleges, for example, and it is unlikely that this would be improved by fixed local attendance zones (and, of course, no one has suggested it for this reason). A “consequence of the absence of choice in education is that there is extensive stratification of schools” (p 260) by income and race. Choice could instead lead to a school system stratified by performance and behavior (and therefore to improvement).

In the UK, the Performance and Innovation Unit, a temporary non-governmental think-tank, cites public school catchment areas (the assignment of students to schools on the basis of residence) as the greatest barrier to social mobility (2001). Instead, it proposes “reducing the weight given to geographical catchment area as a determinant of access to the best State schools” (p 39). This would counteract the scope for middle-class parents to “buy” a good education for their children by moving to areas adjacent to desirable schools.

On the other hand, market policies could be said to undermine welfare states. Welfare policies came into existence in the UK on the premise that state action was necessary in order to achieve social justice within capitalist economies. This was to be achieved through the redistribution of wealth, and the provision of health, education and social welfare services which were free at the point of delivery. The policies ensured that those who could not afford to pay could still benefit from them. Market forces could dismantle the machinery through which equity was intended to be achieved, increasing the rewards for the already privileged strata of society and reducing them for everyone else. Perhaps school choice will lead to increased selection by ability and social class (Glennerster 1991), and “those endowed with material and cultural capital will simply add to their existing advantages through choice policies” (Waslander and Thrupp 1995, p 21). Markets in education apparently lead to a waste of effort in marketing rather than teaching and learning, and an increase of selection, and their beneficiaries are the middle classes rather than the poor (Finkelstein and Grubb 2000). Successful schools are limited by the size of their classrooms and therefore do not generally grow to accommodate the demand as a business would. Instead, they become more selective, as data from other countries indicate. Fisk and Ladd, for example, reported that “the most obvious negative consequence of the Tomorrow’s Schools reforms is that enrolment in New Zealand . . . became increasingly stratified” (2000, p 10). See Gorard (1999) for elaboration of this theme.

In the UK, it has been reported that choice leads to “the polarisation of schools, with those in more working-class areas sucked into a spiral of decline . . . This polarisation has happened on a massive scale in England, especially in London” (Macleod 2001, p 7). In summary, after 14 years of relatively unrestricted choice policies, many commentators would agree with the TES (2002) in concluding that “as every international comparison has shown, English schools are more socially differentiated than any others in Europe. Some hardly warrant the description “comprehensive” at all, thanks to the parental choice policies pursued by successive governments. They may be even more socially stratified than the old grammar and secondary moderns they replaced” (p 20). We now have the data to enable us to decide which of the two views outlined above is actually correct.

#### HAS SEGREGATION INCREASED?

The evidence from studies on the process of choice is quite clear (eg Gorard 1999). Public choice theory does not provide a good description of the process of choice according to the reports of those involved. The most commonly reported source of information about schools is word-of-mouth; schools have a widely-held local reputation, which explicit marketing is slow to change. Families consider very few alternatives on average (fewer than two schools). Parents and children do not generally emphasize academic and school performance factors when selecting a school; rather they are primarily concerned with safety and happiness. Parents of a four-year-old are generally thinking about the security of their child, and the convenience of the school. Parents of a 10-year-old (the oldest cohort in primary schools, commonly 100–300 students in size) looking for a secondary school (where their child will be in the youngest cohort in a school which is 1,000–3,000 students in size) will naturally be concerned with issues such as bullying, rather than academic outcomes in six- or seven-years’ time. The children themselves generally want to go to school with their friends. Many families therefore select their nearest school anyway, and most of the rest obtain their expressed preference. Just about everyone who does not get their preference then appeals as a matter of course (Gorard *et al* 2003). One would not, under these circumstances, expect the introduction of choice to have made a marked and sustained difference in patterns of school use. Indeed, this is what the study described below found.

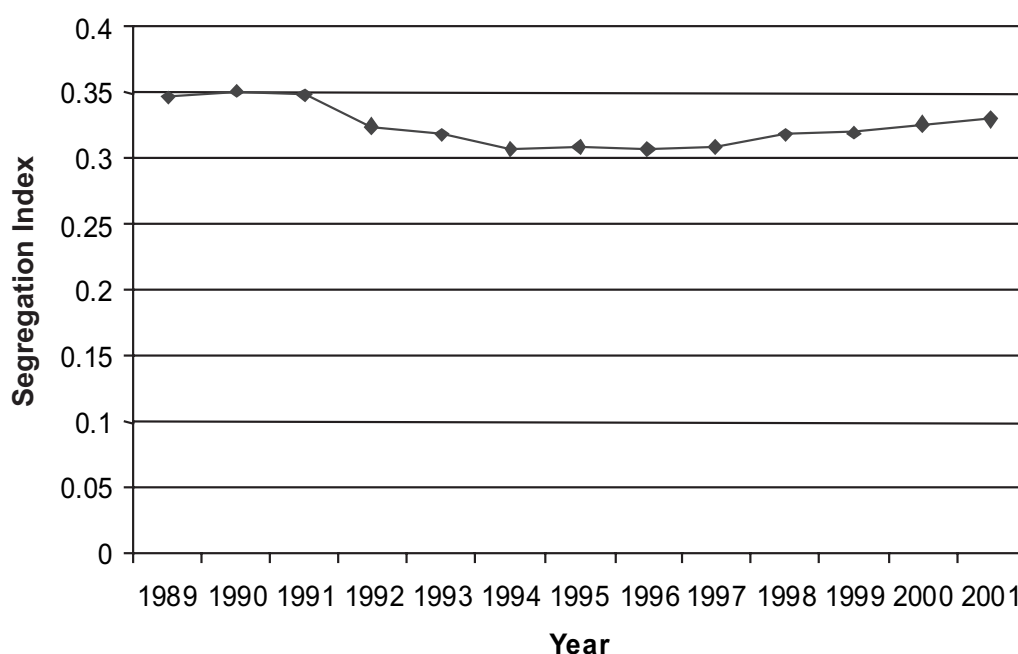
There is insufficient space here to describe the methods used in this study of the impact of choice in England and Wales. It started with analysis of the annual school census returns for all secondary schools from 1989 to 2001 (supplemented with figures from PISA). From these, around 70 Local Education Authorities were selected for further consideration of their published and reported admissions policies. From these, nine Local Education Authorities were selected in three contiguous areas, and then schools

within these. Representatives of all these bodies took part in taped interviews. The datasets were analysed using spatial models, and a segregation index, based on family poverty, ethnicity, first language, and special educational needs.<sup>51</sup>

Figure 2 shows the level of between-school segregation in all state-funded secondary schools in England from 1989 (the last year before open enrolment) and 2001. The first thing to note is that schools in England were, and remain, socially segregated. In any year, around one third of students would have had to change schools in order for there to be an even spread of “poor” children between schools. The period before open enrolment was not, therefore, some golden age of equity. Some commentators have commenced their analysis as though the education system was somehow less stratified before 1988 in England and Wales (in Gorard and Fitz 1998a). What this research confirms is that, prior to the introduction of market-driven policies, secondary schools in England were already socially stratified. It appears, though, that whatever the stratifying effects of market forces may be, the effects of pre-existing catchment areas and “selection by mortgage” may have been worse. In fact, the segregation index for 1989–90 is the highest for the years for which school census data still exists.

Figure 2

CHANGE IN SEGREGATION BY POVERTY OVER TIME IN ENGLAND



*Note:* the points in this graph show the proportion of children from families in poverty who would have to exchange schools for there to be a precisely even spread of poverty between schools.

From 1990 to 1994, segregation in England broadly declined from a high of above 35% to around 30%. The national change in figures for all primary schools is almost identical to those for secondary schools. Segregation between all schools in terms of families in poverty decreased after 1989–90. Where other indicators are available, segregation by ethnic group, first language, and additional educational need has also declined since 1989. These changes over time represent important and long-term shifts in the socio-economic composition of schools. There is no evidence, on the figures presented here, to link education markets with increasing segregation. These policies are not necessarily associated with increasing concentrations of disadvantaged children in some schools and their absence in others, rather the reverse. In 1995, 1996 and 1997, segregation in England stayed at around 30%. This suggests that the imposition of school choice on a system with the level of segregation found in 1989 led to progressively less segregated schools (in general) as successive cohorts moved from primary to secondary school. Once all of the students in secondary schools had entered since 1989, this trend ceased and the position stabilised. In essence, the

<sup>51</sup> The figures were obtained from the annual school census. The level of segregation for any area of analysis is defined as the proportion of disadvantaged students who would have to exchange schools for there to be an proportionate spread of disadvantage. More precisely, where  $A_i$  and  $C_i$  represent the number of pupils in the minority group and total number of pupils in each school respectively,  $X$  and  $Z$  are the total number of pupils in the minority group and the total number of all pupils sampled in each country.

$$S = 0.5 \times \sum \left[ \left| \frac{A_i}{X} \right| - \left| \frac{C_i}{Z} \right| \right]$$

impact of choice policies—if that is what it is—was limited and relatively short-lived. Subsequently, from 1998 to 2001, segregation in England increased every year to around 33%, after a change of government in the UK in 1997, and the introduction of the 1998 School Standards and Framework Act.

According to the PISA study, by 2001 the UK still had lower-than-average segregation among schools on all relevant indicators of social disadvantage and attainment (Table 1). It was, with Luxembourg, the only country to be in that position (but it should be noted that this dataset cannot compare in completeness to the one used above). Unlike Luxembourg, however, the UK also had less-than-average polarization of results (by family wealth for example). This polarization, or segregation by outcome, is strongly associated with the degree of selection in any national school system. After 12 years of public choice, the UK still has one of the fairest school systems in the European Union.

**Table 1**

SEGREGATION INDEX (S) FOR LOWEST 10% SCORE ON PARENTAL OCCUPATION SCALE, LOWEST 10% SCORE ON PISA INDEX OF FAMILY WEALTH, AND STUDENTS BORN OUTSIDE COUNTRY OF RESIDENCE

Country	Parental occupation	Family wealth	Country of origin	Reading score
All EU	33	28	48	49
Austria	36 (+.04)	24 (−.08)	49 (+.01)	62 (+.12)
Belgium	36 (+.04)	26 (−.04)	45 (−.03)	66 (+.15)
Denmark	33	28	42 (−.07)	39 (−.11)
Finland	36 (+.04)	21 (−.14)	55 (+.07)	27 (−.29)
France	31 (−.03)	31 (+.05)	47 (−.01)	56 (+.07)
Germany	36 (+.04)	33 (+.08)	41 (−.08)	61 (+.11)
Greece	43 (+.13)	26 (−.04)	48	58 (+.08)
Ireland	29 (−.06)	30 (+.03)	45 (−.03)	39 (−.11)
Italy	30 (−.05)	27 (−.02)	55 (+.07)	58 (+.08)
Luxembourg	24 (−.16)	23 (−.10)	24 (−.33)	41 (−.09)
Netherlands	30 (−.05)	23 (−.10)	41 (−.08)	66 (+.15)
Portugal	40 (+.10)	36 (+.13)	35 (−.16)	48 (−.01)
Spain	32 (−.02)	28	57 (+.09)	40 (−.10)
Sweden	27 (−.10)	29 (+.02)	40 (−.07)	29 (−.26)
UK	31 (−.03)	26 (−.04)	46 (−.02)	43 (−.07)

Note: The values in each cell are for S calculated for the lowest 10% of the sample as measured by family wealth, parental occupation or reading score, or for those born outside the test country. The figures in brackets are the proportionate deviation between S for that country and for the EU as a whole, ie (country score—EU score)/(country score + EU score).

The overall pattern of reduced segregation between schools from 1989–95 also appears in every economic region in England (and Wales). Schools in Wales were more mixed in socioeconomic terms than their counterparts in England (Gorard and Fitz 1998b), and segregation there continued to decline to 2001. Similar trends have emerged from Scotland (Paterson 2001). The greatest proportionate decreases were in the South East and Outer London. These differences between the home nations and the variation of trends over time within England would suggest that there are several factors affecting between-school segregation. In accounting for the patterns observed in school segregation over time, both demographic and socioeconomic changes have to be factored into the analysis alongside changes in policy (see below). One should not naively attribute any and all changes in segregation to the introduction of choice and competition in the state-funded education system, as other researchers have done (eg Gewirtz *et al* 1995).

The findings also suggest no strong connection between markets and the changing rates of school closures, nor schools going into “spirals of decline.” The number of children per secondary school in England has generally been increasing since 1947 (the earliest figures available). This is partly due to population growth and urbanisation, partly due to successive raising of the school-leaving age, and more recently due to school closures. In the period of our investigation (1989–2001), the number of students per school dropped slightly in the first year after the 1988 reforms, but has grown steadily since. This would lead us to expect that schools in “spirals of decline” would be rare, since even “unsuccessful” schools might be expected to grow in numbers (or at least maintain their size). In addition, the closure of schools leads to mixing students from previously distinct catchments, and could lead directly to less socioeconomic segregation. Economic growth (in this case of numbers of schools) would tend to lead to segregation, while declining numbers leads to desegregation (Kacapyr 1996).

Over the period from 1990 to 1995, therefore, when segregation between schools was declining, the number of state schools was also falling, and so the school population was divided into fewer units. At the same time, fewer students from higher-income families attended fee-paying schools and fewer students with special needs attended separate schools (see above). Between these factors, all of which may or may not be related to market forces, we may be able to explain much of the drop in segregation.

#### THE GEOGRAPHY OF SCHOOL PLACEMENT

Segregation declined in most Local Education Authorities (and the same is true at the district and school level). Areas with a sizeable proportion of residents living in poverty are more likely to be evenly distributed than in areas where only a small proportion of the population are living in poverty. As overall levels of poverty rise, the population in poverty are likely to be more evenly distributed. Conversely, as overall levels of poverty fall the population left in poverty are likely to be more concentrated in space, at least in the short term. There is extreme bifurcation of income in some Local Education Authorities which lose a large proportion of its population to fee-paying schools. One Local Education Authority had 44% of students leave the borough to attend faith-based and Foundation schools elsewhere. Thus, the Local Education Authority has a very large proportion of free-school-meal students in its schools, and very little Local Education Authority-level segregation—“equality of poverty.” Where the population is not bifurcated, segregation can still be lower because of the uniformity of the population. Segregation is generally lower in the North East and Wales, where the population is less variable in terms of class structure, income and other socioeconomic indicators. The suggestion here is that segregation depends on the local variability of potential school users as much as their allocation to schools.

However, some Local Education Authorities showed little or no change in segregation between 1989 and 1995. In some cases the lack of change is due to a lack of alternative schools (the Scilly Isles has only one school) or low population density (Dyfed has an average of 0.2 persons per hectare). A partial explanation also lies in the Local Education Authority procedures for allocating contested secondary school places since 1989. In Cardiff, for example, secondary schools used matched primary schools whose leavers were guaranteed a place. As these primary schools themselves ran a catchment area system so, effectively, did the secondary schools. Another example involves the rule that siblings of those already in a particular school take priority. This would lead to a slight inhibition in the year-on-year socio-economic variation within a school. Similar considerations apply to Local Education Authorities who are only prepared to fund free travel to the closest school from a child’s home. In effect, these Local Education Authorities are saying to poor families: “The Government claims you can choose any school you like, but if you choose a non-adjacent one you must pay for the travel yourself.” In summary, these stable Local Education Authorities are those in which a market for schools is incapable of operating—for structural, geographical or political reasons.

A minority of Local Education Authorities showed an increase in segregation between 1989 and 1995, but only one showed a regular year-on-year increase. Some of these Local Education Authorities, such as Bromley and Buckinghamshire, run an overtly selective system of grammar schools, while others, such as Haringey, are deeply affected by the policy of Grant-maintained (Foundation) schools. These schools control their own admissions policies and therefore draw their intake from wide areas that often extend beyond the boundaries of Local Education Authorities. If these schools are drawing in a more privileged intake than surrounding neighbourhood schools, then this would show up as increasing segregation. Overall, these differences between Local Education Authorities highlight the danger of attempting to generalise from a small-scale study in a few areas.

In general, the decline in segregation is greatest in densely populated regions (with housing for rich and poor close together), with large numbers of secondary schools and with transport links that make the idea of choosing from a range of schools a feasible proposition for parents from across the socio-economic spectrum. They are, therefore, perhaps the most likely to show change in a market-like situation. It would be expected that offering choice of schools, or any other change in the policy of allocating school places, would have less impact on patterns of enrolment in rural areas with fewer candidate schools within a reasonable travelling distance for most families. The largest single factor determining the level of segregation in schools is therefore the pattern of local housing, since even in a system of choice most children attend a school near their home. And the irony of this, as one commentator notes, is that “in Britain, the dominant view . . . is still that selection of students by ability . . . is an insidious route back to elitism . . . , yet selection by residence is acceptable even if it is leading to the concentration of privilege among better-off families living close to more-desired schools” (Hirsch 1997, p 163)

British cities represent a distinct ecological structure, largely as a result of the large public housing sector (Herbert and Thomas 1990). They are typically characterised by distinct neighbourhoods, each with their own socio-spatial dialectic, and different social groups live in distinct areas of the city (Reynolds 1986). This can influence more than variations in housing since “the social geography of the city is itself likely to generate or reinforce differences in values from one neighbourhood to another, for the socio-demographic composition of different neighbourhoods creates distinctive local reference groups which contribute significantly to people’s attitudes to life” (Knox 1995, p 62). The role of schools and education in urban, and even rural, life plays its own part in generating and reinforcing these different values between neighbourhoods. Indeed, many schools have been part of creating neighbourhoods, as they provide

significant points of community contact (Davies and Herbert 1993). As Robson (1969) discovered in a study in Sunderland, parental attitudes toward education were strongly affected by the character of their residential neighbourhood. “The *de facto* segregation brought about by concentration of social classes in cities result in schools with unequal moral climates which likewise affect the motivation of the child, not necessarily by inculcating a sense of inferiority, but rather by providing a different ethos in which to perceive values” (Wilson 1959, p 845).

In England and Wales, different social classes have long been substantially segregated from each other by residence, which has made any attempt to create a good social mix in local comprehensive schools very difficult, and the situation does not seem to be improving. In fact, residential segregation may itself be reinforced by the rising cost of property in desirable catchment areas, leading to selection by postcode and the continuance of educational “ghettoisation” (Association of Teachers and Lecturers 2000). Leech and Campos (2000) reported that in Coventry there is an estimated premium of 15% to 19% for neighbourhoods surrounding popular schools. This is more significant given that Coventry Local Education Authority operated a “designated” area policy for oversubscribed schools. Advocates of increased school choice have suggested choice as a partial antidote to this self-sustaining cycle of residential segregation, and there is some, albeit limited, evidence that this is possible. There has been a progressive rise in the use of schools further away from home since 1980 (Stillman 1990), and out-of-catchment schools have been chosen by more children from “struggling” neighbourhoods than “prosperous” ones, and this is likely to reflect a greater dissatisfaction with their local school among those living in poorer areas (Parsons *et al* 2000).

Benn and Chitty (1996) report that at the peak of the comprehensive process (sometime around 1968), 62% of comprehensive schools drew children mainly from council housing estates or areas of mixed housing with a standard element. By 1994 this had fallen to 31% of comprehensive schools. So, if the geographical link between home and school was weakened, even slightly, during the 1990s by a program of school choice, then perhaps residential segregation also declined over time by creating a circle of integrating forces? This is what Taeuber *et al* (1981) described as the “Belfast” model, when they found some evidence that residential segregation by ethnicity declined in Kentucky following the increasing integration of schools. UK policies to produce mixed housing schemes providing enough affordable houses in each area are popular with those, such as Demos and IPPR, who wish to extend choice to the socially excluded (Sutcliffe 2000). A similar phenomenon was hypothesised by Goldhaber (2000) who suggested that, paradoxically, by increasing choice in urban areas one can actually reduce white flight and associated residential segregation, since parents no longer need to move away from city centers in order to use suburban schools. It is certainly the case for a variety of reasons (the nature of travel, for instance) that geographical location is the key to understanding the impact of choice on the school system (Taylor and Gorard 2001).

#### DIVERSITY OF SCHOOLING

Choice does not lead, naturally, to diversity of provision in the UK. All schools are constrained not only by the National Curriculum and its testing and inspection regime, but also the more general equal opportunity, racial equality, and human rights legislation in force. The pressure to diversify school provision, and move away from what one minister unfortunately referred to as the “bog-standard” comprehensive model (ie undifferentiated all-ability schools), comes from policymakers and their advocate-advisers rather than popular demand. The large private schools that were part of the Assisted Places Scheme are very similar in nature.<sup>52</sup> City Technology Colleges are few in number. Many Foundation (previously Grant-maintained) schools changed to their current status simply to avoid the threat of closure by their local authority, or to retain selection. They were not, generally, motivated by a different mission (such as religion), and for the majority of schools opting out of Local Education Authority control may have seemed to risky, and was anyway only possible where there was considerable local parental support. Specialist, faith-based, and Welsh-speaking schools are not generally being driven to expand in number by parental choice based on their *sui generis* nature (but based on their somewhat specious claims to be more effective than standard schools, see for example Gorard 2001). The heads of schools that seek to become specialist are motivated by the additional £150k that they receive initially, plus a further £123 per pupil per annum recurrent funding. Diversification in the UK is almost entirely top-down in nature.

Local levels of segregation of disadvantaged students are largely determined by non-educational factors, such as the geography of each area. Once these wider factors are accounted for, areas in which there is little diversity in the nature of local schooling (where all schools are Local Education Authority-controlled comprehensives, for example) have generally lower levels of segregation, and have until recently tended to reduce those levels further. Areas with considerable diversity, on the other hand (where school allocation by selection, faith, fees, or specialism appears), have higher levels of segregation and have tended to maintain these levels over time. Where diversity increases, so too does segregation. This remains the case in the analysis of our national dataset whatever the publicised criteria of allocation to schools are (Gorard and Fitz 2000).

<sup>52</sup> There are some very small private schools, arising largely from home schooling arrangements, usually with a minority religious basis. These are very cheap and volatile in nature, usually providing their own curricula, and leading to their own tests and so not appearing in league tables of results.

The implications of this for the current expansion of specialist and faith-based schools should be immediately apparent. Whatever merits these schemes have (and the evidence for these merits is far from conclusive), they also present a real danger of creating greater socioeconomic division in the education system. However, the same argument applies to areas with relatively high proportions of Foundation (opted out) schools (and to Welsh-medium schools in Wales), even where these schools are not specialist, faith-based or selective. What all of these minority school types have in common is the ability to act as their own admission authorities, and perhaps it is this, rather than their marketing identities, that is the chief determinant of increased segregation in their local areas. The presence of fee-paying schools is also related to increasingly segregated Local Education Authorities. This may be related to their admission arrangements, such as the use of selection and the ability of some parents to express their commitment to a particular religion. Diversity drives segregation by giving people a reason other than perceived quality, rightly or wrongly, to use a school other than their nearest. That is, diversification of schooling can override fairness in the distribution of school places.

If a policy of increased diversity is deemed desirable in the UK, and that is present government policy (Smithers 2001), then our analysis argues that it should be organised fairly. If advocates of diversity and specialisation are convinced that this is best route to raising standards then in all fairness, to test whether their policy options are the right ones, specialist and the anachronistic faith-based schools should not receive preferential funding. Nor should they be allowed to select, or to use a different admissions process to the schools with which they are in competition. Then we will be able to see the strength of their advocates' arguments. Two Local Education Authorities in our sub-sample have specialist schools that are based on catchment areas just like the remaining schools in the Local Education Authority (Gorard and Taylor 2001). These specialist schools take approximately their fair share of disadvantaged students, and they do not have superior public examination results.

#### PROMOTING EQUITY AND SOCIAL INCLUSION

What this evidence shows is that there are various determinants of school segregation. The most important ones are geographical, including population density, the nature of local housing, the diversity of the local population, and local levels of residential segregation (see also Willms and Paterson 1995). Once geographical and economic determinants are accounted for, there is little variance left in the model, and most that remains is accounted for by school organisation factors, such as the nature and number of local schools. There is almost nothing left for marketisation to explain, and it is accordingly very difficult to attribute school-level changes to policy changes over time. The local variation in the implementation of national policy, and the lack of diversity or even alternative schools in some regions, show a simple and universal model of market outcomes to be invalid (it depends on the status ante, for example, see also Narodowski and Nores 2002). What choice policies may do is change the rules by which segregation takes place, but without markedly increasing or eliminating levels of segregation that are largely shaped by structural factors.

Given that the genie is out of the bottle, it is very likely that some measure of parental choice of school will remain part of any future policy. The choice process can be reformed by coordinating the admissions process across and within Local Education Authorities (Sutcliffe, 2001). Using a single application form, and handling all responses on the same day nationally would help prevent multiple place allocation and wasted spaces, and it would reduce bureaucracy. Given the limitation of residential segregation, and its interaction with school segregation, incentives, such as council-tax exemption, could be provided for high-attaining primary pupils to attend designated secondary schools in poorer areas (Schoon, 2001). Alternatively, schools in difficult areas could receive higher levels of preferential funding. Authorities should be encouraged to fund surplus places, allowing popular schools to grow past their planned admissions numbers, rather than an increasing number of appeals, and rationalise their school provision through closures where necessary, rather than having a larger number of schools tied to rigidly defined residential areas. The arrangements for free travel should be the same across Local Education Authorities and between different school types. A return to all-school banding by ability in urban areas, whereby children are tested before entry to secondary school and each school is then constrained to admit students proportionately across the ability range, would help to further decrease socioeconomic segregation.

Until recently, there has been relatively little diversity within the UK school system where the National Curriculum and associated orders (including those for religious and personal and social education) have constrained differences. Therefore, a considerable increase in choice (ability to express a preference) has not led to balkanisation of the school system. The biggest differences between types of schools have been in the methods of recruiting and allocating students, and it is difficult to untangle these from their claims to different ethos and effectiveness. The implication of this for those wishing to see greater equity is that all schools should be allowed to recruit across larger areas (and appropriate free travel should then be provided for the poorest sections of society). Most crucially, diversity of provision should stem from demand, and should take place in a clear culture of different but equal for all school types—with equal funding, and identical procedures for application, allocation and appeals. Only then will we be able to see whether it is the specialisation that makes specialist schools special, and whether it is the religious ethos that leads voluntary-aided and voluntary-controlled schools to better examination results, for example. My own



suspicion is that neither proposition holds and that schools are, quite rationally, using the rules of school choice to improve the nature of their annual student intake as well as attempting to improve the nature of their outcomes.

23 July 2003

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**Memorandum submitted by the Campaign for State Education (SA 13)**

**SUMMARY OF MAIN POINTS**

- The committee will want to examine some issues in relation to the new Code of Practice on school admissions and the extent to which its overall aim will be met ie that “school admission arrangements should work for the benefits of all parents and children in an area”
- The Code allows LEAs to adopt different means of working out parental preferences, eg treating them as equal or treating them as ranked. All would be equally acceptable to the DfES. This could lead to problems in some areas.
- The Code does little to alter the situation that schools which are their own admission authorities are more able to choose pupils as they set their own admission criteria.
- It is as yet unclear how actively admission forums will interpret their role to “assess how well existing and proposed admission arrangements “serve the interests of local parents and children”.
- Government policy seems to be if there is no local objection then a particular admissions system can continue. This passive stance seems to be an abdication of responsibility.
- Many schools which are admission authorities have an over subscription criterion which requires parents to express a first preference for the school and the school gives priority to those applications. The committee should examine this practice and its implications.
- By creating CTCs and Academies Governments have complicated further an already too complex admissions system.
- Faith schools are publicly funded presumably on the basis that they have something to offer the community. If that is so it is contradictory to allow them to select only pupils from their particular religious group.
- London is a special case. The committee might wish to investigate this further.
- It is only when parents start to choose schools for their children that they realise that for many the reality is that schools choose pupils. Parents and their children have more choice of schools if all local schools admit children of all abilities.
- Parent groups have to be highly organised if they wish to object using the limited opportunities they are given to object, not least because they would have to be aware of the potential difficulties a year ahead.
- The Government’s approach to giving parents rights to object to local admission policies including selection is hugely inconsistent.
- Both schools and the Government should ask themselves why many English children should continue to face selection at 11, as clearly many schools are able to demonstrate that excellence can be achieved without selective admissions.
- It is clear that the petitioning and balloting system put in place by the School Standards and Framework Act will not result in an end to selection.
- CASE believes selection by aptitude should be removed, it creates complications and unfairnesses and there is no evidence of its contribution to raising standards.
- In the absence of Government action changes in covert selection will only come about if local agencies ie LEAs, school governing bodies and Admission Forums take action.
- If parents want their child to have access to particular facilities, sport facilities for example, the law allows them to express a preference for the school, this gives the “choice” to the parent, selection on aptitude gives the choice to the school.
- Clearly an education system can play a part in encouraging social cohesion. Selection results in schools which are socially divided.
- In discussions of admissions and selection the effect on children is often ignored.
- The existence of selection adds to costs, diverting money which could be better spent on pupils’ education. This applies also to the costs of administering the selection process.
- There is evidence to indicate that retaining selection lowers standards in the areas where it remains.

- In conclusion—1. If selection on ability and aptitude were removed admission processes would become simpler and fairer for pupils, parents and schools. 2. If the Code of Practice is to ensure “school admission arrangements should work for the benefits of all parents and children in an area” there will need to be more changes. 3. The Government should grasp the nettle of ending selection otherwise its harmful effect on children and their education will continue.

#### IMPLEMENTATION AND COORDINATION OF SCHOOL ADMISSION POLICIES

##### *The School Admissions Code of Practice 2003*

1. The admission criteria for entry to schools when they are over subscribed are decided by the admission authority following consultation and in line with current government circulars. In voluntary aided and foundation (ex grant maintained schools) schools the admission authority is the governing body, in county and voluntary controlled schools it is the LEA.

2. There has been an increase in the number of schools able to act as their own admission authority, setting the criteria for admission when the school is over subscribed. This resulted in part from the Education Reform Act 1988 which allowed for the setting up of grant maintained schools. Over 30% of secondary schools are admission authorities.

3. A new Code of Practice (February 2003) has introduced several changes notably the requirement that LEAs are to co-ordinate admission arrangements. There is much to welcome in the Code which should encourage more fairness in admissions. The overall aim of the Code is to ensure that “school admission arrangements should work for the benefits of all parents and children in an area”. Parental and pupil interviews are to be ended for all schools to which the Code applies.

4. Most provisions of the Code apply to intakes from September 2004 but some will only be introduced for intakes in September 2005. As a result it is too early to provide evidence of the effects of the new Code. Secondary school appeals have increased, the latest figures for secondary schools show 69,200 appeals were lodged by parents against non-admission of their children for 2001–02, an increase of 9% from 2000–01.

5. However it would be useful for the committee to examine some issues in relation to the Code and the extent to which its overall aim will be met ie that “school admission arrangements should work for the benefits of all parents and children in an area”.

6. The Code indicates that LEAs can adopt different means of working out parental preferences, eg treating them as equal or treating them as ranked. All would be equally acceptable to the DfES.

7. Two possible complications suggest themselves:

- (a) The Code requires selective LEAs to ensure parental preferences have to be expressed before selection tests for the grammar schools so as not to disadvantage parents living further from the school wishing to have all ability education for their children. However if all preferences are treated equally this will mean parents who live nearer the all ability school but who enter their child for the entrance test will still be enabled to have two “first choices” one for the grammar school and one for the nearer all ability school.
- (b) When eventually inter LEA arrangements are to be drawn up neighbouring LEAs might adopt different approaches to preference. This could mean parents applying on their LEA form for neighbouring LEA would have their preferences treated differently.

8. The Code does little to alter the situation that schools which are their own admission authorities are more able to choose pupils as they set their own admission criteria. Evidence already submitted to the committee (Secondary school admissions in England: Exploring the extent of overt and covert selection. West and Hind. RISE [www.risetrust.org.uk](http://www.risetrust.org.uk) April 2003 ) shows that schools which are admission authorities are far more likely to introduce selection.

9. Clearly the admission forums are crucially important to bring about fairness in the system. However this is as yet untried in all LEAs. It is as yet unclear how actively these forums will interpret their role to “assess how well existing and proposed admission arrangements “serve the interests of local parents and children”. It is not clear how much advice in addition to the Code will be provided to Admission Forums. It is possible that consultation with all schools and parents from the forum will be patchy and that admission forums could be unrepresentative.

10. Although the Code is clear that admission criteria should be clear fair and objective there will be no change unless objections are made, even presumably over admission criteria which do not seem to meet the requirements of the Code. This illustrates what seems to be the overriding Government policy ie if there is no local objection then the situation can continue. This passive stance seems to be an abdication of responsibility.

11. Many schools which are admission authorities have an over subscription criterion which requires parents to express a first preference for the school and the school gives priority to those applications. The committee should examine this practice and the implications of it. It seems to advantage schools which are admission authorities. It means where parents live equidistantly from two schools they are forced to put the one which has this criterion first and thereby might lose their second ranked preference. It seems to conflict

with schemes which allow all preferences to be treated equally. However since faith schools are allowed to give priority to parents who want faith education it seems reasonable that all ability schools in selective areas should be allowed to give priority to parents who want comprehensive education. This is an issue in Kent which no doubt the committee will want to investigate.

#### *CTCs and Academies*

12. As the Code (6.4) points out Academies and CTCs are independent schools although publicly funded. By creating these independent schools Governments have complicated further an already too complex admissions system. CTCs have to be invited rather than required to participate. This seems incredible for what are publicly funded schools.

13. Academies and CTCs must be brought into all local arrangements including Admission Forums, requirements to consult locally and publications. The common application form should include academies and CTCs. Their admission policies must be monitored and made public.

#### *Faith schools*

14. If faith schools are to remain we wish to see them required to open places to pupils living in the local area, regardless of their faith or none. Faith schools are publicly funded presumably on the basis that they have something to offer the community. If that is so it is contradictory to allow them to select only pupils from their particular religious group.

15. It is likely that there are primary schools which are designated as having a religious character but have all their places as open places. There might be many village schools which fit this category. There should be more secondary schools with the same policy.

#### *London*

16. Coldron found that “competition for places in London schools appears to be more intense than elsewhere. London parents were the least likely to be offered places for their child in the school they would most like—nearly 70% compared with 85% nationally. (Coldron Research Report 2001 DfES)

17. It is surprising therefore that the DFES study from the London Challenge—“Transforming London Secondary Schools” published earlier in the year although drawing attention to the large numbers of pupils moving across London had nothing to say about the effect of admissions. The committee might wish to investigate this further.

#### *Parents and admissions*

18. Since the 1980s much has been made by successive Governments of the concept of parental choice. It is only when parents start to choose schools for their children that they realise that for many the reality is that schools choose pupils. Rather than a choice of local schools many parents are faced with a pecking order of schools. Parents and their children have more choice of schools if all local schools admit children of all abilities.

19. Although admission authorities are required to consult on admission arrangements it is only when the admission process starts that parents realise that some admission criteria exclude their children. By then of course it is too late for parents to object either to the LEA or the admission forum, or even if they were entitled, to the Adjudicator.

20. If local schools propose to introduce selection by aptitude parents cannot object. They can only make their views known indirectly by pressing admission authorities ie to object to their local LEA or the governing bodies of voluntary or foundation schools, or contacting the Admission Forum, in particular the Parent Governor Representatives. Parent groups have to be highly organised if they wish to object using the limited opportunities they are given to object, not least because they would have to be aware of the potential difficulties a year ahead. Nonetheless the Government has seen fit to restrict their rights to object.

21. The Government’s approach to giving parents rights to object to local admission policies including selection is hugely inconsistent (paras 22–27).

22. In the specific case of existing partial selection on ability parents can object to the Adjudicator when a school publishes its proposed admission criteria. Objections have to be made within six weeks of the notice of admission arrangements in the newspaper. Objections have to be made by 10 or more primary parents living in the relevant area.

23. The previous Code of Practice indicated that parents should make sure that in their complaint they offer evidence of the effect partial selection is having. It said their evidence should show that:

- local pupils who could otherwise expect to be admitted to the school, are in effect being denied admission;

- other schools in the area are suffering adverse changes in their pupil profile as a result of the school creaming off high ability pupils;
- there are difficulties for pupils placement across the whole area;
- many children are having to travel unreasonable distances to school;
- it is difficult for the LEA to ensure that there are sufficient school places;
- an already limited choice of school in isolated rural areas is being limited; and
- children are being adversely affected by having to sit a number of tests to gain a place at a local school.

24. It is not clear why this advice to those objecting to existing partial selection does not appear in the current Code. Contacts CASE has had with parents wishing to object in the past indicates that it is difficult for them to assemble evidence for the Adjudicator.

25. If a local school wishes to start banding its intake, as this change requires a statutory consultation, parents can object, in the same way as any other local people. The School Organisation Committee has to consider the objection. The Adjudicator may be called upon to make a ruling if the SOC disagrees in its response to the proposal.

26. In relation to grammar schools (except for the unlikely possibility that governing bodies will make a change) **only** parents can vote for change to end selection.

27. Parents may object if local schools propose to fix an admission number which is lower than its capacity assessment. So while parents may not object if every local school starts to select 10% on aptitude thereby potentially reducing available places to their child they can object if the schools wish to reduce admissions by 10% or less, which may have a similar effect on the availability of places.

### *Selection*

28. In brief current Government policy seems to be—“no-more selection (except banding, in sixth forms and by aptitude)” and “existing selection can stay unless some local people want it to change”. Clearly the Government wishes to promote inclusion and high standards. The Code states that admission arrangements should work for the benefit of all. That said it is difficult to see why the Government maintains a policy on selection which is clearly at odds with these aims.

29. In a recent article the Chief Schools Adjudicator said schools proposing to select should ask themselves why they need to select pupils. He said “*There should be a clearly thought through statement of what the school hopes to achieve by selection and why it is prepared to devote resources and energy to a process that has proved to be both time consuming and expensive*”. Times Educational Supplement 11.7.2003

30. All primary schools are comprehensive in their admission policies. Both secondary schools and the Government should ask themselves why should many English children continue to face selection at 11, as clearly many schools are able to demonstrate that excellence can be achieved without selective admissions.

## SELECTION IN THE ENGLISH EDUCATION SYSTEM

### *Grammar Schools*

31. There are 164 grammar schools in England, each likely to be creaming from the intake of three times that number of *de facto* secondary moderns. So we have a situation in England where roughly 20% of secondary schools, and the children in them are faced with the effects of selection.

32. Of the 150 LEAs in England—15 LEAs (Bexley, Bournemouth, Buckinghamshire, Kent, Kingston, Lincolnshire, Medway, Poole, Reading, Slough, Southend, Sutton, Torbay, Trafford and Wirral) can be considered fully selective. About one in five of their secondary pupils are in grammar schools.

33. Another 21 LEAs have grammar schools (Barnet, Birmingham, Bromley, Calderdale, Cumbria, Devon, Enfield, Essex, Gloucestershire, Kirklees, Lancashire, Liverpool, North Yorkshire, Plymouth, Redbridge, Stoke on Trent, Telford and Wrekin, Walsall, Warwickshire, Wiltshire and Wolverhampton).

34. The School Standards and Framework Act stopped the few LEAs which are the admission authority for their grammar schools from publishing proposals to change their status to comprehensive. Only the governing bodies of the grammar schools concerned are allowed to do that under the regulations now in force.

35. It is clear that the petitioning and balloting system put in place by the School Standards and Framework Act will not result in an end to selection. Not only are there the complex requirements for huge petitions; unfairnesses in the eligibility to vote and virtual silencing of education professionals and the Government, but, crucially there are no plans for a comprehensive system for which local campaigners can campaign. So “better the devil” you know” arguments hold sway. Meanwhile the cost of gathering

information to provide parental lists in order for petitions to be gathered has so far resulted in public spending of £1,102,945 since 1999 (Written Parliamentary Answer David Miliband 8 April 2003). (Appendix 1 details some of the complexities of the system).

36. Much of this research quoted in this submission has been examined in a pamphlet by education Professors Edwards and Tomlinson which has been submitted to the Committee. (Selection isn't working. Diversity, standards and inequality in secondary education. Tony Edwards and Sally Tomlinson. Catalyst. October 2002). They concluded that the retention of grammar schools is a matter *of public interest on which Government policy should be much clearer than it is*.

37. Edwards and Tomlinson quoted research by Bradley and Taylor which showed an increase in selection in that grammar school places have increased by nearly 20% between 1992 to 2000. The Government has recently announced that school expansion will be made easier. If grammar schools take this opportunity to expand selection will increase.

#### *Overt and covert selection*

38. Apart from overt selection research by West and Hind found covert selection by unfair admission criteria in a significant minority of secondary schools which are their own admission authorities. Change in these will only come about if local agencies ie LEAs and Admission Forums take action.

#### *Partial selection*

39. When the school next door selects it puts pressure on neighbouring schools to do it, in order to keep their places in the pecking order.

#### *Partial selection on ability*

40. In 1997 rather than ending the partial selection on ability which had been introduced in some areas as a result of schools opting out the Labour Government stopped any further selection and introduced a means of change, should there be local objections, in the School Standards and Framework Act. Section 100 of the SSFA allows schools which were selecting pupils on the basis of ability or aptitude at the beginning of the 1997–98 school year to continue provided that it has continued to admit on this basis continuously since that time and that there is no increase in the proportion of pupils selected and no change in the basis of selection. An amendment allowing parents to object to existing partial selection was introduced as the SSFA went through Parliament when it was pointed out that although the Government had criticised the effect of partial selection it had provided no opportunity for local parents to make a change.

41. Although it is impossible yet to have a clear national picture it seems despite past opportunities to select most schools have not taken up the opportunity. In some partial selection hotspots such as Wandsworth and Hertfordshire Adjudicator's decisions have reduced some selection by ability.

#### *Partial selection on aptitude*

42. All schools which have a specialism may select 10% of their intake on "aptitude" for specified subjects. No definition of, or procedure for, selection by aptitude distinguishes its reliably from selection by ability. The previous report from the committee was right to raise concerns about this provision to select. CASE has been in correspondence with the DfES over this for many years (see Appendix 2). It seems Government pronouncements in order to justify it become more and more tortuous. CASE believes selection by aptitude should be removed, it creates complications and unfairnesses with no evidence of its contribution to raising standards. There are many reasons for this (paras 43–49).

43. The committee's previous report quoted work by West and Hind, which found some schools selecting on aptitude were, in reality, selecting on ability or attainment.

44. Researchers at Sheffield Hallam University (Admission policies and practices of selective and partially selective in England, Coldron et al BERA 2001) who have worked on school admissions, have concluded "*Specialist school status in itself does not lead to a change in the intake of a school relative to other schools in the area. The use of the option to select does. Our view is that it is probably the case that there is a principled and political objection to an increase (or even continuation) of selection by general ability on the part of the Government but that the 10% option for selection by aptitude will have similar effects*".

45. Even if only 10% of places are reserved for pupils with a particular aptitude, many **more** children will be put through the test, if schools start to select. Parents living locally will be concerned that their children might not get in and might be tempted to put them in for the test "just in case". This adds to the burden of tests on our children.

46. Inevitably the introduction of 10% selection on aptitude reduces parental choice for all local parents whose children do not have the "aptitude" who might otherwise have got a place.

47. When challenged the usual Government response is that most schools do not use their right to select, so the retention of this policy is justified by saying it is rarely used.

48. Currently few schools have taken up the 10% selection on aptitude option. However it is easier for schools which are admission authorities to introduce selection. Of the 25 specialist schools listed in a recent parliamentary answer as selecting part of their intake only one is a community school. (PQ 23 January 2002. House of Commons). Any community school that wishes, with local agreement, can transfer from community to foundation status. A school becoming a foundation school becomes an admission authority. There has been an increase in secondary schools becoming admission authorities. If more schools were admission authorities it would be easier for 10% selection to spread in a domino effect as neighbouring schools react to one school introducing selection. So there is the potential for a huge increase in selection.

49. Access to particular facilities has been cited in support of aptitude selection. However if parents want their child to have access to particular facilities, sport facilities for example they can express a preference for the school, this gives the “choice” to the parents rather than the schools. Government should be aiming to ensure all children have access to the specialist facilities they might need—regardless of which schools they attend.

#### *Social segregation and selective admissions*

50. If we are to encourage a socially cohesive society, children need to learn how to live and work together. Clearly an education system can play a part in encouraging social cohesion. Selection results in schools which are socially divided. The Government is committed to promoting community cohesion through schools (Schools Organisation Committee Guidance consultation document Spring 2003) An important factor in achieving strong, bonded communities with a common sense of place, is to allow them to grow together. As a IPPR report said *..the quality of local social relations affect the quality of life of individuals and families . . . At the aggregate level, there is evidence to show that areas with a predominance of certain types of social relations or social capital, wil be healthier, more prosperous or less crime ridden than others.* (Reclaiming community Nash IPPR 2002) What better starting place for this than in schools?

51. The comparison between the proportion of children known to be eligible for free school meals in selective and non selective secondary schools (2.7% compared to 17.1%) illustrates the stark social division as a result of selection (Written Parliamentary Answer 1.11.2000).

52. In Buckinghamshire, a fully selective LEA, for example, there is clear evidence that selection discriminates against children on the basis of class, race and special needs. The non selective schools in Bucks have 11% of their pupils eligible for free school meals, compared to 1% in the grammar schools; there are 30% ethnic minority pupils compared to 18% in the grammar schools; and 21% with special educational needs compared to 4% in grammar schools (The Penalty Costs of Upper School Funding. Levacic, March and Newson IoE. October 2002).

53. The Institute of Public Policy Research (IPPR) recently reported (Schooling in London An overview. Martin Johnson. IPPR February 2003) on schooling in London. Drawing attention to the social segregation of London schools and its effect on performance, the report recommended that *Admission by selection according to ability or aptitude must be ended.*

54. An End Child Poverty report published recently (Child Poverty and Education Briefing Paper End Child Poverty and National Children’s Bureau 2003) looked at the class gap in attainment. It drew attention to the fact that the rate at which the performance of children from different social classes diverges during secondary schools is faster in areas where the 11 plus is retained. It called for *the removal of all types of selection within the maintained system, and the establishment of admission policies geared towards maximising the social mix in any school.*

55. Some researchers have concluded that there is little difference in overall outcomes between selective and comprehensive systems. In view of the effect of selection on social inclusion and children, this is an argument for change. (Using National Value-Added Datasets to Explore the effects of school diversity. Ian and Sandie Schagen. British Educational Research Association. September 2002; Comprehensive secondary education—building on success. 2002 published by the Campaign for State Education: The Grammar School Question. Crook, Power and Whitty. Institute of Education. 1999)

56. House prices can rise in areas of popular schools so only those able to pay these inflated prices can get their children into these schools (Is comprehensive education really free? D Leech and E Campos. J R Statistical Society 2003). This has led some to argue that the 11 plus would be fairer than this “selection by mortgage”. However in these situations children do not feel failures if their parents fail to buy a house in the right street; ability to pay plays a strong role in selective areas as parents pay for coaching to pass the exam and in any case, house prices are subject to many other influences.

### *Children and selective admissions*

57. In discussions of admissions and selection the effect on children is often ignored.

58. All children now face tests at KS2. In areas where selection exists children face further testing. Selection can be criticised as unfair now just as it was when, for the majority of children, it was abolished. The effect of selection on children is also just the same now. The majority of children enter secondary school with a sense of failure. Schools taking children who fail the selection tests know that their first task has to be to rebuild their self-esteem.

59. The London Office for a Children's Commissioner (Changing Schools, the impact of the school admission process on children. Hood and Templeton. Office of the Children's Rights Commissioner for London 2002) conducted research into the views of children on school admissions in four London primary schools. They found the bad effect on children when local secondary schools selected in various ways—The pupils experience of this is entirely negative—more selection processes, more rejections, more anxiety and a divisive force within the classroom

60. Save the Children investigated the effect of taking the entry tests for secondary education on children in Northern Ireland. The report (Children's Voices in Education. Save the Children. November 2001) concluded *The views and experiences of the children spoken to in the course of our research suggests that testing has a far more detrimental effect on children than Government is often willing to admit. The level of fear and anxiety that children admitted to was frightening.*

61. In selective Northern Ireland the recent Burns report (Education for the 21st century Report by the Post Primary Review Body. NI. October 2001) examined all aspects of selection and concluded it should end. It said *We were particularly impressed by the views of young people and their experiences of the tests and their effects on themselves and others. We have been left in no doubt that the tests are socially divisive, damage self esteem, place unreasonable pressures on pupils, primary teachers and parents, disrupt teaching and learning at an important stage in the primary curriculum and reinforce inequality of opportunity.*

### *Admission and school transport costs*

62. School transport costs are an important factor in all areas, particularly rural ones. The existence of selection adds to these costs, diverting money which could be better spent on pupils' education. This applies also to the costs of administering the selection process.

63. A report on Buckinghamshire by researchers from the Institute of Education (The Penalty Costs of Upper School Funding, Levacic et al I of E 2002) said *"The relatively high costs of home to school transport in a rural authority make the delegation target more difficult to achieve. There is evidence that much of these higher costs derive from the selective system and that the costs have been rising more rapidly than the rate of inflation. Buckinghamshire spends £3.5 million more on secondary home to school transport than the Statistical Neighbour average"*.

64. A report to Kent Education Committee (Paper from CEO Kent to Kent CC education committee 10.2.2000) estimated that about £102,000 a year could be saved on administration costs if selection ended. An additional £2.5 million could be saved on transport.

65. Data from the recently published London Challenge report (The London Challenge. Transforming London Secondary Schools. DfES 2003), shows large numbers of children moving across London for secondary education. The fact that seven of the 33 London boroughs have grammar schools contributes to this pressure on children (and roads).

### *Admissions and school and pupil performance*

66. In its last report the Committee drew attention to the PISA report and its finding that selective practices can have the effect of depressing pupil attainment. The PISA study found that the more differentiated and selective an education system is the larger the typical performance differences between students for more and less advantaged family backgrounds. When looked at overall in comparison to Germany for example our system is considered comprehensive, but there are many parts of England where the system is very divided, just as it was before comprehensive education was introduced.

67. There is evidence to indicate that retaining selection lowers standards in the areas where it remains.

68. Jesson's research (Selective systems of education—blueprint for lower standards? Education Review 15(1) 2001) indicates that in the 15 LEAs which he considers to be wholly selective the proportion of schools in special measures is higher than in comparable LEAs; the proportion of schools facing challenging circumstances is almost double that in non selective LEAs. This is despite the fact that many of the selective LEAs serve relatively advantaged communities. He concludes that *selective education depresses the performance of whole communities, and this at a time when the emphasis is on doing everything possible to enhance a nation's educational performance.*

69. The recent OFSTED report into selective Kent is an illustration of this overall lowering of standards. When OFSTED compared Kent with its statistical neighbours taking account of free school meals it found that schools in the county were “substantially” more likely to require special measures or have serious weaknesses. (Kent Local Education Authority. Paper by OFSTED. January 2003)

70. Research by both Jesson and Schagen and Schagen has shown that contrary to previous findings more able pupils do better at GCSE in comprehensives. (Schagen and Schagen, Using National Value- Added Datasets to Explore the effects of school diversity BERA 2002)

#### 71. CONCLUSION

72. If selection on ability and aptitude were removed admission processes would become simpler and fairer for pupils, parents and schools.

73. There will need to be more changes if the Code of Practice is to ensure “school admission arrangements should work for the benefits of all parents and children in an area”.

74. Unless the Government grasps the nettle of ending selection its harmful effect on children and their education will continue.

### Appendix 1

#### WHY A PETITIONING AND BALLOTING PROCESS WILL NOT BRING ABOUT AN END TO SELECTION IN GRAMMAR SCHOOL ADMISSIONS

1. As a result of Government policy as many, or possibly more, children face selection tests for entry into secondary education now as when the Government first took office.

Before eligible parents can be balloted on whether or not local grammar schools should admit children of all abilities there must be a petition signed by 20% of eligible parents calling for a ballot. This petition must be completed in the petition period. The Electoral Reform Society must check it having first got the names of all parents from the local schools. For roughly half the grammar schools only parents who send their children to feeder schools can sign and vote, for the other selective LEAs (Bexley, Buckinghamshire, Kent, Lincolnshire, Medway, Slough, Southend, Sutton, Torbay and Trafford) all parents living in the area are eligible.

2. Forty-eight parental ballots would be needed (10 area and 38 feeder ballots) to decide changes to the admission policies of the 164 English grammar schools. This will not happen.

3. Crucially the effect of the legislation is that parents do not have a plan for a local comprehensive system to decide about. All other school reorganisations would be decided following local consultations on specific proposals. Even before signing a petition parents want to know what a local comprehensive system would look like; a question campaigners cannot answer. This is a fundamental drawback. Parents cannot know what the implications of their decision would be or that any changes would be properly funded. So pro-selectionists get away with defending the status quo. The talk is of abolition and “better the devil you know”. Children and their rights and the effects of selection on children and their educational opportunities do not get the consideration they deserve.

4. There are many other practical difficulties. In general

- All campaigns need people willing to devote a great deal of their time. This is difficult in any circumstances but campaigners to end selection have found they need the hide of a rhinoceros to cope with vilification and misinformation of local and national press.
- Campaigns are long drawn out and complicated. Campaigns have to focus on getting signatures on the petitions although the real issue is selection. As a result there is no real debate with official information about the effects of selection. Once a ballot has been triggered, the DfES would allow a two sided A4 leaflet to be sent out via schools providing its content is agreed with the DfES. This was a later concession, following the Ripon ballot. It entirely misses the point that it is as soon as signatures are sought that unfair practices emerge and misinformation begins.

#### 1. *Barriers to an informed local debate*

- The system seems **designed** to ensure there is no proper debate. Several campaigns became heavily immersed in correspondence with the DfES about the interpretation of Section 107 of the SSFA and the Ballot Information Code. Discouraged by the Ballot Information Code, teachers and LEAs do not make their views clear. So, a “neutral stance” from the professionals means in practice support for the status quo. This line seems to have the support of the DfES. This means parents are not informed by professionals and there is no real local debate.



- In the campaigns which have been carried out LEAs have not brought forward any plans for consultation on proposals on what change to the admission policies of grammar schools might mean. This might be because they interpret such an action as likely to “influence the outcome of a petition or ballot” ie unlawful under Section 107 of the SSFA.
- Headteachers and teachers are discouraged from speaking out in favour of change or about issues surrounding the testing for fear of offending Section 107 or the Ballot Information Code. A “neutral stance” from the professionals means in practice support for the status quo. This line seems to have the support of the DfES.
- This means parents are not informed by professionals and there is no real local debate. Teachers in Ripon, although they were advised by the LEA that then DfEE said they could “give an opinion based on fact” (whatever that means) they were also advised that they should err on the side of caution. Only two headteachers in Ripon gave an opinion—the head of the secondary modern and the head of the grammar school, both in favour of the status quo. Parents in Ripon assumed that silence from primary teachers meant support for selection. Primary head teachers may not want to make their views public in case local parents think they will not help their child pass the 11 plus. It is not unusual for teachers in selective areas to be asked “is my child grammar school material” when the five year old starts school!

**Extract From the Ballot Information Code, From Schedule 4 to the Education (Grammar School Ballots) Regulations 1998**

1. The principles specified in paragraph 2 shall apply to providing materials for parents relating to a petition or a ballot.
2. Material provided:
  - (a) should provide information which is as factual and accurate as possible, with a view to helping parents reach a soundly-based decision about whether grammar schools should or should not retain selective admission arrangements;
  - (b) insofar as it offers opinions, predictions or view, it should do so on the basis of fact or a reasonable interpretation of fact; and should clearly distinguish between what is a fact and what is opinion or prediction;
  - (c) should be objective or explanatory, seeking to clarify the issues without omitting important facts or arguments, and without selecting facts or arguments in such a way as to distort or mislead;
  - (d) should not be likely to cause alarm, concern or offence
  - (e) should not in content, tone or presentation be party political
  - (f) should not attack the view of individuals or of groups taking a different view of the future of selective arrangements at grammar schools

**Extract From Section 107 of the School Standards and Framework Act**

1. An authority to which this section applies shall not occur any expenditure for the purpose of:
  - (a) publishing any material which, in whole or in part, appears designed to influence—
    - (i) eligible parents in deciding whether to request a ballot under section 105, or
    - (ii) the outcome of such a ballot
  - (b) assisting any person to publish any such material; or
  - (c) influencing, or assisting any person to influence, by any other means—
    - (i) eligible parents in deciding whether or not to request such a ballot, or
    - (ii) the outcome of such a ballot
2. This section applies to—
  - (a) any local education authority, and
  - (b) the governing body of any school maintained by a local education authority

- There is a lack of clarity in the process about the issue of whether or not a governing body, PTAs, school staff for example can make clear that it would support or would not support an end to selection, as this would inform local parents. For example in a letter to CASE in November 1999 the DfES said “*a school may incur expense in presenting factual information, and may state their position as long as it is clear that it is their opinion.*” *Anyone who issues information using a schools’ resources . . . is acting on behalf of the school*”.
- The DfES will claim that since the rules were changed parents will be informed as schools are allowed to send out material, cleared by the DfES, once a ballot has been triggered. This illustrates a complete misunderstanding of the effect of its own legislation. Discussion, claim and counter

claim begins once any attempt is made to gather signatures on a **petition**. Also the Ripon ballot showed that there is no opportunity for a proper debate once the ballot is triggered, as ballot forms can be returned immediately and the time for informed debate had gone.

## 2. Petitions

- Campaigns need to know how many signatures they need to gather and, in the case of feeder school ballots, the identity of these schools, as only parents with children in those schools can sign the petition and vote. The process of collecting the information to calculate the threshold number for any ballot and the identity of feeder schools is very lengthy. This information is collected by the Electoral Reform Services. Last year the Kent Stop the Eleven Plus campaign registered for several petitions. The ERS was not able to collect the threshold information needed before the petition period expired. The work needed to be done by the ERS to collect parental lists once the letter is received is expensive. Over a million pounds of public money has been spent so far.
- Amazingly, although one in five of the electorate have to sign a petition before a ballot can be held, only 10 signatures are needed to trigger the requirement that the Electoral Reform Services start to contact the schools to collect the information. So a great deal of public money is required (over a million pounds has been spent so far) just to assemble the information for the petition. This public money would be better spent on encouraging an informed debate as in Northern Ireland.
- As one in five of the electorate have to ask for a ballot, signatures from thousands of people have to be obtained before parents can even be **asked** about change to a comprehensive system. For example in Buckinghamshire over 18,000 signatures would be needed. Arrangements for petitioning to trigger a referendum about introducing a directly elected mayor require only 5% of the electorate.
- Campaigners find it difficult to get the parental lists as only parents from the particular school can ask for them. Many parents are frightened of putting their head above the parapet in this way.
- Collecting signatures door to door takes a great deal of time. The petition takes ages to fill in. This has to be done in school playgrounds (assuming the head has allowed that to happen) or during evening after evening on doorstep. It is complicated, many parents misunderstand how to fill it in. Trafford campaigners find that they could only get a few signatures each night, it takes about 10 minutes and sometimes more to discuss and fill in the petition on the doorstep. Large numbers of people willing to go door to door are needed.
- The DfES has interpreted Section 107 that petitions cannot be gathered in schools and cannot be sent out via schools, indicating its view presumably that mere distribution indicates support.
- The number of parental signatures campaigners are required to collect in order to trigger a ballot to change grammar schools to admit children of all abilities varies considerably. In Ripon—587 were needed for one grammar school; in Kent it is over a thousand per school.
- It seems that in order to be a legal petition, a form has to be signed by more than one person. We understand the ERS will validate forms stapled together.
- The child's name, although required on the petition form, is not sent to the ERS on the parental lists and so cannot be verified. Some parents are reluctant to fill in the child's name.
- Petition signatures cannot be carried over from one petition period to another despite that fact that only one cohort of parents becomes ineligible each year and a new one eligible. In other words the legislation assumes parents will change their minds about wanting a ballot from one year to the next. The ERS could invalidate any which have become invalid as the child has left school.
- There have been complications about when signatures are validated, as the ERS is checking petition signatures against lists in the term in which the signatures are received, and therefore having to obtain updated lists term by term. This does not happen automatically. It is up to the ERS whether they consider they should ask schools for an update, if only a few signatures arrive in one term the ERS will not ask schools for updated lists for that term. This will mean that some parents might sign the petition, being eligible at that time, but might leave the school before the list is compiled and therefore not be a "relevant eligible parent" and their signatures will therefore be invalid.
- It would be possible to send a petition with enough signatures to trigger a ballot in to the ERS, at the end of a petition period, but because the ERS had not obtained the lists for that summer term it would therefore have to calculate a new threshold from the Autumn lists. As a result, a petition which would have been valid had the summer term lists been obtained, could be invalid because a new, and potentially larger, threshold would have been calculated from the new academic year's lists.

- Regulation 7(4) says clearly that a petition must be received during the petition period. However Regulation 9(10b) allows for a petition to be received in the summer holidays, and says that the signatures will have to be collected during a petition period and will be checked on the next term list once obtained, unless the summer term list has been obtained. The regulations therefore seem contradictory.

### 3. *Defining the electorate as parents of children attending “feeder schools”*

- The decision to make a distinction between areas where 25% of secondary places are selective (which would have area ballots) and other areas where change can only come through ballots of parents at feeder schools, has led to other complications. Roughly half the grammar schools in the country would be subject to feeder school ballots.
- As the Ripon campaigners demonstrated, the definition of what should constitute a feeder school seems to have been arbitrary. As we know from a previous meeting with civil servants there was no modelling of the impact of the regulations.
- In feeder school areas local parents are often disenfranchised, although if their local grammar schools were comprehensive these schools would be their local schools.
- This is contrary to what Government promised ie that local parents will decide. It is also contrary to Government policy of encouraging local community involvement in schools.
- The DfES justifies the feeder school regulations by saying “*parents of children at feeder schools have the strongest interest because their children might be expected to become pupils at grammar schools*”. This completely ignores the fact that selection affects all children at school, including the many who apply and are rejected. Primary schools which get no selective places are affected by the selective system. Parents whose children attend the primary schools which do not send enough children to the grammar schools and who may want comprehensive education cannot petition or vote. Their interest is just as strong.
- Private school parents are inevitably over-represented in the feeder school electorate as prep schools are more likely to qualify, so in effect money buys influence in the ballot. In Ripon a quarter of the electorate were private school parents whereas in the LEA only 4.6% of children attend private primary schools. Campaigners to end selection in Ripon were unable to get the parental lists for these parents and therefore could not reach them with any information.
- Infant school parents are disenfranchised, however if they had sent their children to an all through primary school they would be eligible.
- Parents in small schools are disenfranchised because the schools are too small to have sent the qualifying number of children to the school.
- Parents who send their children to nursery units attached to primary schools are enfranchised, whereas those who send them to stand alone nursery schools are not.
- There is inconsistency in that there is a difference in entitlement for parents living outside the area, depending on whether it would be an area or feeder ballot. In an area ballot only parents actually sending their child to a state school in the area concerned are eligible parents. In feeder school ballot all parents living outside the area are enfranchised if their child goes to a feeder school, so these parents get a vote even if they have no intention of sending their child to the grammar school(s) in question. The numbers of these parents are included in the total of which 20% signatures have to be obtained. Whereas in an area ballot only parents who actually send their children to maintained schools in the area concerned are eligible.
- Similarly these feeder school parents are part of the electorate of which 20% of signatures have to be obtained. In an area ballot only the parents actually sending their child to a school in the area would be included.
- Similarly in area ballot areas nursery parents sending their children to stand alone nursery schools would be entitled to register but not in feeder school areas.
- The decision to fix a limit of a number of pupils entering the grammar schools as a trigger for the eligibility to vote results in other anomalies again in comparison with area ballots. Naturally some feeder schools which send five children have far more parents than others which also qualify. As a result if one more child passes the test to go to the grammar school in a particular year so that the trigger number is reached this has a disproportionate effect on the electorate, affecting the size and composition of the electorate, and perhaps thereby the outcome of a ballot. For example in Ripon the school with the second largest parent body was a private school 10 miles away.
- In some areas where a couple of grammar schools draw from a huge area the parental electorate in a feeder school ballot would involve large numbers of parents who are probably uninterested and certainly difficult to reach—however their number adds to the total needed. For example in Kingston which has two grammar schools and would be a feeder ballot, the three large primary schools in neighbouring Merton would be feeder schools—60% of pupils at the boys’ grammar school come from out of the borough.

- It is possible to argue that there might be racial discrimination as a result of the feeder school process in some areas. In Birmingham it is possible that Afro Caribbean and Pakistani parents are more likely to be among those unable to vote as their children do not attend feeder schools. This should be investigated as an unintended outcome of the regulations.
- Much of the delay in getting information from the ERS is because of the feeder school process. Despite regulations requiring information to be provided about feeder schools from grammar schools within 10 days and then parental lists from the feeder schools within 15 days, there has been a delay in schools providing information, so takes a very long time after the start of the petition period for the ERBS to produce threshold figures and lists of feeder schools. For example for the six Birmingham grammar schools following notification by the petition organiser on the 1 September 2000 it was not until the 4 February 2001 that the information was given to the petition organiser. There have been similar delays over Latymer school in Enfield.
- There is no way in which petition organisers can check if the feeder school lists are accurate. There have been inaccuracies, in the Barnet lists for example.

## Appendix 2

### DEFINING APTITUDE AND ABILITY

#### Extract from a letter to CASE from the then Department for Education 26 January 1993

You ask in your letter for the Department's definition of the words ability and aptitude. I assume you are referring to their use in both section 16(2) of the Education Act 1980 and section 104(1)(d) of the Education Reform Act 1988, which both refer to an example of a change in character resulting from the making or alteration of arrangements for the admission of pupils by reference to "ability or aptitude". These words are not statutorily defined. Ability can be defined as possessing enough strength, power or means to perform in a particular area. Aptitude can be defined as a potential or suitability for acquiring an actual ability in a particular area. These definitions should not be treated as definitive interpretations of the two terms, as the terms have some degree of overlap in meaning, and it is difficult to define one term without also mentioning the other. That may be why both terms are used in the legislation, to make clear that selection by reference to either ability or aptitude would constitute a change of character.

*September 2003*

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#### Memorandum submitted by Professor David Jesson, Centre for Performance Evaluation and Resource Management, Department of Economics, University of York (SA 14)

##### INTRODUCTION: INFORMATION GUIDING PARENTS ON SEEKING ADMISSION TO A SCHOOL

The single most powerful evidence in the public domain concerning the "quality" of secondary schooling is provided by the annual publication of Performance Tables. These give schools credit for, amongst other things, the percentage of pupils achieving five or more "good" grades (A\* to C) at GCSE. This percentage is the single most quoted indicator of school performance, and whilst the Performance Tables do convey other useful information there is little doubt that it is this indicator which is widely understood and used for comparing schools.<sup>53</sup> One of the intentions of the original decision to publish such information was to provide parents with "relevant information" concerning the schools which they might wish to choose for their children to attend.

The public perception of the results of selective education is largely conditioned by the publication of these Performance Tables which (in effect) rank schools by their performance on this specific measure. Schools achieving high levels of performance are assumed to be "doing well" while those with more modest results appear to be "doing less well".

This indicator therefore has a potentially powerful impact on the choices which parents make for their children—and, in particular, on the perception that grammar schools provide the "best" education for all children.

Grammar schools, by selecting a high ability intake at age 11, generally achieve high levels of outcome at 16. This is not to be ignored, but its significance is usually mis-represented as showing the superiority of the education provided by these schools.

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<sup>53</sup> Much of the emphasis of the government's School Improvement programme is directed towards encouraging schools to maximise their performance on this specific measure.

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## CONCERNS

This note is to suggest that grammar schools need to be held to account more carefully than at present—and that this can be achieved by using indicators that reflect more appropriately the levels of performance they achieve. By doing so it is likely that parents will be more adequately informed of the relative merits of schools in their area.

At present the most common indicator for comparing secondary school performance is, as described above, the percentage of pupils achieving five or more A\* to C passes. This is generally appropriate for schools taking in a wide range of pupils by ability, but does not represent a sensible indicator for grammar schools.

Most grammar schools achieve around 100% success on this indicator and there is very little differentiation between them.<sup>54</sup>

## PROPOSAL

A new indicator should be developed specifically for comparing the performance of selective schools—thereby offering parents a greater degree of information about the relative merits of the education provided within these schools.

This indicator should measure the percentage of pupils achieving five or more A\* or A passes at GCSE. Some grammar schools (in 2002) achieved only 10% on this measure whilst others achieved almost 90%.<sup>55, 56</sup>

Clearly this is important evidence about the relative quality of the education provided by these schools, and would provide useful additional evidence for parents in choosing schools for their children.

There are sound reasons for providing parents with all relevant information to guide the choices they make for their children. It is important that the information provided does not mis-inform them about the relative quality of schooling in their area.

*This is a modest proposal to ensure greater transparency in the provision of such information.*

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### **Memorandum submitted by the National Association of Schoolmasters Union of Women Teachers (NASUWT) (SA 15)**

## SUMMARY

The submission by NASUWT highlights a number of key concerns relating to the issue of school admissions in the secondary education sector. In particular, the Association's submission highlights the need for the following:

- the establishment of a national framework to achieve consistency in the arrangements for school admissions;
  - the policy on the establishment and expansion of specialist schools to be abolished;
  - an end to the culture of competition between schools;
  - the abolition of the school performance tables;
  - a review of the policy to expand the number of selective schools;
  - an end to selection within the state schools sector on the basis of aptitude or ability;
  - the abolition of school admission forums;
  - a review of the implications of the 14-19 agenda for the future of school admissions system.
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<sup>54</sup> It is of interest to note that pupils of similar "ability" educated in comprehensive schools also achieve similarly high levels of performance. This is, however, less obvious to the general public since these particular pupils may only form a small minority within the schools in which they are educated. The average performance of all pupils in these schools (which is what is published in the Performance Tables) will clearly be rather lower simply due to the lower starting attainments of many pupils at the age of 11.

<sup>55</sup> Interestingly the 15 City Technology Colleges (which recruit a representatively comprehensive sample of pupils in their locality) achieved an average of 15% on this measure. This suggests the measure may have additional value in developing high quality educational performance in a much wider range of schools.

<sup>56</sup> The author of this note has developed such an indicator and has presented this at a series of seminars organised by the Specialist Schools Trust. Members of the Select Committee may wish to request further information on this matter.

#### MAIN SUBMISSION

1. NASUWT is pleased to be invited to contribute to the work of the Work and Pensions Select Committee. NASUWT represents the interests of over 211,000 teachers in schools and colleges throughout the United Kingdom.

2. NASUWT believes that the Inquiry raises a number of highly important issues relating to meeting the needs of young people and their families and for teaching and learning. In particular, the Inquiry has a number of wider implications in terms of addressing issues of social inequality and social justice arising from equality of access to and distribution of school places.

3. The Association recognises that previous international research has demonstrated the importance of socially inclusive education systems for the standards achieved by young people.

4. The existing body of research indicates that low achievement can be tackled effectively by the ending of hierarchical arrangements between schools, which is linked to differential funding arrangements and differences in the mechanisms by which schools select their pupil intake.

#### SELECTION

5. The Government has made clear the need for Britain to compete on the global stage. New and higher order knowledge and skills are needed within the workforce. Schools have a vital role to play in terms of the nation's economic future.

6. NASUWT asserts that systems of school organisation and admission must provide equal access to the highest quality learning opportunities for all young people whilst contributing to high expectations for all. There should be no return to the days of the tripartite system that ensured a privileged education for the few whilst limiting opportunities for the many.

7. It was in the 1960s that the then Labour Government recognised how selection in education, and the operation of the 11-plus system, was constraining the country's development. It was a deeply damaging system which affected adversely the lives of many young people branded as "failures" from an early age.

8. The comprehensive model was an attempt to end the elitism of the previous arrangements by guaranteeing the highest quality learning opportunities for all young people. Despite this worthy aspiration, progress towards the comprehensive ideal has been hampered by the continued existence of grammar and other selective schools, including grant maintained schools, city technology colleges and academies.

9. The available evidence demonstrates that, rather than helping to raise educational standards, the system of selection undermines educational performance which is so central to economic performance.

10. The Organisation for Economic Development (OECD) Programme for International Student Assessment (PISA) provides a major comparative analysis of data on skills levels amongst young people at the end of their compulsory schooling. Based on an analysis of student achievement in 32 countries, the report suggested that high educational standards were threatened within those education systems where access to educational opportunity for young people is based on selection on grounds of ability or social, cultural or economic characteristic.

11. Indeed, a major conclusion of the OECD was that high educational achievement for all young people could be improved substantially by educating children from all social and economic backgrounds together.

12. This raises important questions about the purpose, validity and consequences of selection in education systems, and raises further questions about the merits of parental choice and differential funding arrangements for specialist schools.

13. One of the arguments made in favour of the Government's plans to expand the number of specialist schools is that such schools would remain in the state sector. However, it should be borne in mind that specialist schools receive premium funding levels per pupil compared to their non-specialist counterparts and may not be bound by the same regulatory controls that apply to maintained schools, for example in relation to the admission and exclusion of pupils. Rather than promoting social inclusion and excellence for all, the specialist schools developments have exacerbated the problems of social segregation within our education system.

14. But the problems do not end there. It is also the case that the new breed of specialist schools are able to exercise the right to select up to 10% of their pupil intake on the basis of aptitude. 10% is a significant number in its own right and one which could be increased in the future. At the present time, research evidence has identified that the freedoms available to some schools has resulted in an amplified problem of covert selection and exclusion. In short, the creation of "sink schools" is likely under the current arrangements.

15. The potential for comprehensive education to deliver high standards and to tackle the achievement gap between students is undermined by the “depressing” effect of continued selective education arrangements.

To be clear, research evidence demonstrates that pupils, educated in LEAs that have selective provisions, appear less proportionately in the two highest categories of GCSE performance whilst in greater proportions amongst those students in the average and below average achievement categories.

16. Selection, therefore, suppresses educational performance between schools, LEAs and between nation states. The Association is concerned that despite the fact that the Government has recognised these problems it nevertheless plans to increase the number of specialist schools. NASUWT believes that this is likely to exacerbate the problems of selection and undermine the goal of creating a world class knowledge economy.

#### PARENTAL PREFERENCE

17. The converse of the practice of schools selecting pupils, it has been suggested, is the policy of parental preference, which was intended to provide the opportunity for parents to select schools which they would want their children to attend. In fact, the policy has been a fallacy.

18. It remains the case that many parents find the admissions process confusing. Often, parents mistakenly believe that a place will be available for their child at their first preference school. Successive governments have fostered a misguided belief amongst parents in the myth of parental choice, exacerbated by the publication of school performance data in the form of the league tables. In turn, this has encouraged a socially and educationally divisive belief in the existence of “good schools” and “bad schools”, which has, in turn, undermined educational standards by depressing pupil and parental expectations and motivation at those schools deemed to be less desirable. The Association recommends strongly that the divisive policy to publish school performance tables be rescinded, whilst taking appropriate steps to improve the transparency and equity of the admissions system.

#### CO-ORDINATING ADMISSIONS

19. LEAs play a key role in the co-ordination of admissions. However, the effectiveness of local co-ordination is also dependent upon the manner in which foundation and voluntary aided schools operate.

Successive governments have established arrangements which have encouraged a free market system in relation to school admissions. Regulations which enable certain schools to apply their own admission practices have caused considerable distress and confusion to many pupils and their parents. The Association does not believe that equality of educational opportunity and high expectations can be fostered within an environment for school admissions in which there are winners and losers. At the heart of the Association’s concerns is the impact of selection.

20. The Association believes that national consistency is required to afford improved transparency and confidence in the admissions system as a whole. This would also benefit young people and their parents who need to make applications for a school place in a neighbouring local authority area.

#### ADMISSIONS FORUMS

21. NASUWT has long questioned the merits of the admissions forums. The Association believes that LEAs are perfectly able to organise consultative mechanisms to address the difficulties which may arise from the admission process and to arrive at outcomes which consider local issues in the context of the overall provision of the authority. The Association is further concerned that issues of representation, transparency and democratic accountability have been inadequately addressed in the establishment of the forums. For these reasons, NASUWT recommends that the admissions forums be abolished.

#### NUMBER OF SCHOOL PLACES

22. The Association asserts that the formula for determining the number of school places should have a high level of transparency. It should take account of health and safety requirements not only on overall capacity but also for specialist curriculum provision. Governing bodies and heads should not be allowed to admit more and more pupils into unsuitable accommodation. NASUWT casework demonstrates that accidents are occurring in schools when vast numbers of pupils are moving round the school, particularly at change of lessons in corridors that were never built to accommodate them. Overcrowding also contributes to pupil indiscipline.

23. At the same time, it should be recognised that deregulation has intensified competition between schools with deleterious effects. Schools continue to compete to attract a limited number of pupils by seeking to develop a “market” advantage over neighbouring schools. Competition between schools has failed to deliver improved educational outcomes and has deflected schools from their principal purpose: to ensure high educational standards for all. This policy of competition continues to be encouraged, as successive

governments have extended the operational freedoms of certain schools and sought to expand the number of selective provisions. The Association believes that these measures have not contributed to an open and fair admissions system, and it might reasonably be assumed that the current system has produced discriminatory outcomes. The practices of the new cadre of schools such as the academies must be carefully monitored and scrutinised to avoid any unintended adverse outcomes.

24. The Association is also minded to note the new arrangements which are being established in a number of LEAs for the provision of 14-19 education. Notwithstanding the outcome of the Tomlinson review of the 14-19 phase, it is nevertheless the case that the Learning and Skills Act 2000 and the Education Act 2002 have encouraged schools to secure collaborative arrangements with other local schools and colleges, not only to ensure the delivery of a diverse curriculum but also to assure their future financial viability. The present deliberations on the future arrangements for school admissions, must take account of these developments, where pupils might need to be enrolled at more than one institution to receive access to their curriculum entitlement.

#### EQUALITY IMPACT

25. The absence of comprehensive, rigorous and systematic ethnic monitoring and other equal opportunities data has served as a major blockage to progressing equality of pupil achievement, a point which has been made by a range of bodies, including OFSTED and the Commission for Racial Equality. It is essential that data are available to track the transition of students (for example, those from black and minority ethnic groups) from primary to secondary education, not only in terms of their overall progress and achievement, but also in relation to the type and “quality” of secondary schools to which they gain admission.

26. In this submission, the Association has made the case that initiatives such as the establishment of specialist schools may have operated counter to equal opportunities considerations. The Government should report on the equality impact of the specialist schools programme and other measures taken which have altered local arrangements for comprehensive school admissions. The Association also recommends that the potential equality impact of all proposed Government programmes should be the subject of report prior to their introduction.

*5 September 2003*

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#### **Memorandum submitted by Ms Natalie Seeve-McKenna (SA 20)**

I am a parent governor of my LEA’s local comprehensive school, Calderstones School in south Liverpool and write in a private capacity.

The school is a relatively successful 11-18 school, but surrounded geographically by five competing voluntary aided secondaries which all select Year 7 applicants by interview and/or ability tests. The five schools are variously, Church of England Boys, Church of England Girls (2), Jewish and a grammar school.

Inevitably, the selective schools continue to recruit more and more of the children who would compose the A and even B stream of the comprehensive school.

The selective schools would all appear to have increased the numbers they are able to recruit into Year 7, with consequent negative impact on the comprehensive school. What were three and four form entry schools appear over the last five years to have grown to five, in the cases of the Church of England Schools.

This academic year’s intake (September 2003) for the comprehensive school contained boys to girls at a ratio of 3:2—the result of the grammar school’s move to co-educational status. The school, its governors and parents are especially worried at this imbalance, believing it undermines the principle of co education, and creates undesired classroom environments.

There are now three selective schools competing for girls from those primary schools which feed the comprehensive school, as well as the two grammar schools.

Forced to compete with the selective schools, the comprehensive school’s results at GCSE A-C have fallen slightly in recent years.

A culture of competition for selection, and perception of comprehensive education for “those that do not make it”, has begun to appear in the middle class primary schools in this area.



There are severe problems for inclusivity, with both parents and children actively excluded from local schools which they pay for and maintain, and the creation of a two tier system that effectively fences off a large number of white middle class children.

16 September 2003

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**Memorandum submitted by Stephanie White (SA 24)**

*“I am envious of all the children that I see setting off to school. I am physically and emotionally wounded, because I feel myself to be forgotten among the children of this country.”*

Public concern about school admissions generally concentrates on whether children are able to access the school of their choice. This submission focuses on a less publicised issue. There are children, probably thousands of children, without any access to mainstream schooling, and sometimes without access to any education at all. These are generally the most disadvantaged children in society, children in care in particular. My personal experience is of asylum-seeker children in London. But this is a problem which goes wider than this group, and may be a problem in other cities as well as London. No-one knows how many children are going without a school place, or for how long; and there are no clear lines of responsibility for ensuring that children are educated. This is a hidden scandal, which needs urgently to be addressed.

**SUMMARY**

*Eligibility*

My evidence is based on personal experience of working with refugees for over five years. It relates to problems in the London area.

*Evidence*

1. Children seeking to find a secondary school place mid-year experience difficulties.
2. Children who need to enter GCSE years (Year 10 or 11) are being left without any education.
3. Foster parents are not used to a situation where you have to fight for school places: unacceptable delays are occurring in even registering children for education and going to appeal on their behalf.
4. Social workers are unable to find school places for children in their care.
5. Alternative education for children not able to get a school place takes months to come on stream, is not full-time, does not lead to public exams and is not broad enough in scope.
6. There is evidence of bureaucratic inefficiency and lack of appropriate training for admissions staff in some boroughs.
7. Parents need far more support than they are getting to navigate the admissions process under conditions of scarcity.
8. Families in temporary accommodation are told that they cannot apply to schools.
9. Many children who are in fact under 16 are age disputed. This means they cannot look for a school place or a college place. They are in limbo.

*Issues which need investigating*

It is in the interests of the educational establishment to discourage appeals, but duplication of applications means that waiting lists are unacceptably long. We need to know what the “real” figures are. Everybody agrees that there is a shortfall of places in London. How large is it?

We also need to address the fact that as more schools gain special status there is an ever-shrinking pool of schools which can be directed to take pupils.

We need to have accurate estimates of how many children are out of school because they have not been offered a school place. How long have they been out of school? Are children in care, black children<sup>57</sup> or refugees over-represented in this category in relation to their number in the population?

What happens to children who don't get a school place? Are they disappearing from education altogether which will ultimately make them more difficult to employ? Are they being offered a narrower curriculum which does not lead to public exams, and a shorter school day?

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<sup>57</sup> Anecdotal evidence suggests that parents in South London are angry: “It's the black kids who don't get school places”.

### *Eligibility*

I worked as a primary school teacher for 13 years in the London Borough of Hounslow. I also have a CELTA qualification. For the past five years I have been working as unpaid co-ordinator of a team of volunteers who deliver English lessons to refugees and asylum-seekers attending the Refugee Council's Day Centre in Brixton. During that period I have encountered many refugee families and many unaccompanied minors who have asked me for help in getting into school. I have made representations on their behalf to a wide range of London councils and taken out formal complaints procedures on occasion. I have corresponded in a private capacity with my MP and the London Commissioner for Schools. More recently, I have sought advice from the Children's Rights Section of the National Care Standards Commission and the Who Cares Trust, both of whom advised me to continue to try to raise the profile of children not being admitted to any school.

I am submitting evidence in my private capacity, not as a representative of the Refugee Council. By the nature of my job, my perspective is limited. **My evidence relates to London which is a special case because there is a shortage of places at secondary school.**

I have made the Refugee Council aware of your willingness to accept late evidence so that they can respond in their own right.

### *Evidence*

1. **Children seeking to find a secondary school place mid-year experience difficulties.** These mobile children are frequently from poorer families in temporary accommodation and children in care. The drop-in English classes we ran for adults have received an ever-increasing influx of teenagers who are out of school. We average eight to nine a day now. Not all of these could expect to be in school, but, for example, R A and M C—both unaccompanied minors—have been waiting over five months for a school place. During that time no provision has been made for their education. The position for accompanied children of refugees is no better. M R has been waiting for five months too, but he has no bus pass so he can't even come to the drop-in classes in Brixton.

2. **Children who need to enter GCSE years (Year 10 or 11) are being left without any education** whatsoever. They are often told they must wait till they are 16-plus to go to college. Apart from the waste of educational opportunity this represents, children who have been through trauma desperately need the companionship and structure to their lives which school provides. Good schools can achieve excellent results. B only joined a school in Hammersmith in December 2002 but in the following summer she achieved five GCSEs with A-C grades. Only today I was told that a fifteen-year-old waiting for a Year 11 place was not allowed to appeal. When I challenged this, I was told that Year 11 is full and the admissions department is too short staffed to schedule an appeal hearing before the New Year. By then it will be too late for the child to join any class. M C has been out of school since she arrived in May, she works hard in our drop-in classes and is desperate to go to school. Her education authority say that all Year 11 children will be told "in the next few weeks" what is to happen to them.

3. **Foster parents are not used to a situation where you have to fight for school places** and they are often not told of their right to appeal. They are worn down by the presence of bored, disappointed youngsters twenty-four hours a day. They lose faith in democracy when their letters to councillors, Directors of Education, Mayors and MPs go unanswered and they are powerless to secure an education for the children in their care. One foster mother with two children out of school for over a year said she might have to ask for one of the boys to be removed from her care because the other had at last got a place at school. The friction and jealousy in her household had reached intolerable levels. Either the division of responsibility between carers and social workers for getting children into school is not being made clear or social workers are failing in their duty. Crucial months are allowed to elapse between a child being put into care and being registered with the Education Authority.

4. **Social workers are unable to find school places for children in their care.** Quote from an email received in Feb 2003:

"I managed to enrol three Albanian boys at the Albanian Youth Action Group. I took the decision to do something as I and the education department officer tried to put pressure to get these boys into school. Despite continuous pressure from myself and this officer it appears that Southwark does not have any places for this year. Apparently, there are about 500 children (district—ie British and resident) without a school place. I am quite astonished but not surprised as there seems to be a shortage of places in other London boroughs. I am asking for your help to assist with contact to find school places for the following five children . . ."

5. This extract raises another important issue of concern to me. Something may be better than nothing while you wait for a school place, but **is alternative education appropriate?** Our classes are clearly not, and yet children have been told they cannot access LEA emergency provision because they are coming to us (Southwark). Other children have been told to go on a waiting list for an access to education course (Lambeth). While they waited for that, they were not allowed to go on a school's waiting list. I don't dispute that some of these courses are very good, but they are not full-time or broad in scope. This system also "massages" the statistics on the under-provision of school places. I have made representation to the National Care Standards Commission about the fact that their guidelines on education talk about appropriate provision, which could be used to soft-pedal the right to mainstream education for children in care.

6. **Admissions staff are under pressure:** there aren't enough places to go round. But I have also found plenty of **evidence of bureaucratic inefficiency:** children not put onto the computer data base; Heads avoiding taking children by only looking at the pile of forms every half term; registration or appeals postponed for three to four weeks while social workers are on holiday; inadequate staffing in admissions departments leading to long delays in getting appointments or processing applications. You need to be vigilant and have access to a fax and answer-phone to get a child into school. Some boroughs don't publicise the Right to Appeal. The process of appealing would be extremely difficult for a new arrival/non-English speaker to understand, but in my experience it does speed up admission. When I have registered a formal complaint it has got me nowhere. Southwark Social Services took two and a half months to decide that they could not be held responsible for leaving a child without education for nearly a year. During that time no move was made to get a school place for the child. My complaint was forwarded to Education. Their complaints Officer could not deal with it because it related to admissions! These children need their own ombudsman.

7. **Parents need far more support than they are getting, especially new arrivals who are unfamiliar with our system.** N is a sick woman with a bright 10 year-old daughter F who has scoliosis and cannot dress or toilet herself. With my help, she spent sixteen months fighting three different education authorities to provide an education for her daughter.<sup>58</sup> (See attachment 3). In May the Red Cross traced her son and arranged for him to be sent to Britain. The fight has started all over again. There is no place for him at any of the three schools where he applied and no one has told her she had a right to appeal.

"Nobody listen to me . . . Anyone don't give me any letter about this. Five months, no classes for him. I do not know when my troubles will cease. Always I used to worry about my daughter, now I worry about my son."

8. **Families in temporary accommodation are told that they cannot apply to schools.** The majority of able-bodied asylum-seeking families are dispersed, so that those who remain are either very sick or under the care of the Medical Foundation for Victims of Torture. Children like S are translators and carers for their traumatised parents. They have a right to education which is being denied.

9. Children under 16 are fostered, as far as possible by adults of the same race. Children over sixteen can be placed in children's houses, not fostered, and sent to college not school. Both measures reduce the pressure on over-stretched social service departments. **Many children who are in fact under 16 are age disputed**—ie told they are over sixteen. While the process of verification is going on they are not able to access either college or school. They are often very distressed and unable to cope. It took so long to get U's documents sent from Afghanistan that he missed a whole school year. He is now in an FE college. E also missed two terms. He is now in school.

### *Recommendations*

1. Funding should be made available to **create new places** immediately in boroughs where there is a serious mismatch between the number of children in the borough and the number of school places available.

2. We need to keep a **central register of available places**, so that children waiting for a place in one borough can be offered the opportunity to travel to another. Bus passes, though cheap, may not be the best solution where long distances are involved

3. If **alternative education** has to be made available in the short term, it must include the right to register for public exams. It must also include access to arts, science and sport.

4. **Places for 14 to 16 year olds at FE Colleges are not coming through fast enough.** Too often provision is only for 16-plus and is very part-time. Refugee children need more full-time, fast-track programmes which will help them to get at least some GCSEs. We also need specialist courses for bright children who have never had the chance to learn to read and write—either because their lives were disrupted by war or because they were sold into slavery.

5. **Local authorities should be required to keep up-to-date records of children living in their boroughs** and what educational provision has been made for them.

6. **Children's right to education should be enshrined in law**, not in guidelines, with appropriate time limits set for finding a school place and penalties imposed for failure to comply.

7. **Access to schooling should be a priority consideration when families in temporary accommodation are rehoused.** Moving children from borough to borough means that they are always at the bottom of the list for school places.

8. We need to **shift the responsibility for finding a school away from the social workers and back onto the education authority.**

20 October 2003

<sup>58</sup> Every time the child got near to getting a place the family was moved to temporary accommodation in another borough.

**Memorandum submitted by the Parental Alliance for Choice in Education (PACE) (SA 29)**

**ADMISSIONS TO STATE SCHOOLS**

Admissions to state schools involve two factors: the wishes and preferences of parents; and the policies of those legally responsible for providing the school places. As far as the wishes and preferences of parents are concerned a clear distinction must be made between preferences which relate to their human rights under the European Convention (reinforced by their incorporation into the 1998 Human Rights Act) and those which relate to less substantial themes, such as the temporary popularity of schools and their teachers, examination successes and convenience of access etc.

Most of the present day appeals by parents over admissions are based on individual preferences of the minor kind. The procedures of the local authorities, drawn up to deal with them, contain a set of rules to ensure that the parents who are finally unsuccessful in gaining admission of their children into schools of their choice are treated as fairly as possible. Proximity to the school, the presence of older siblings in the school and other prescribed conditions form the basis of this procedure. Legal decisions, such as the South Glamorgan judgment, have also played a part in the process.

A much more important issue is the need to fulfil the Human Rights of parents. This is best tackled “before the event” rather than “after the event”. Article 2 of Protocol No 1 of the European Convention on Human Rights guarantees parents the right to have their children educated “in conformity with their own religious and philosophical convictions”. Of the 30 or so members of the Council of Europe the UK is the only nation to attach a reservation to this right. The right is supported “only so far it is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure.”

For the Government to fulfil its legal requirements in relation to this parental right it is necessary for it to plan the provision of school places to match the religious and philosophical convictions of parents as closely as possible. This requirement has been largely ignored by governments over the last few decades, and the omission is largely responsible for the problems surrounding school admissions today. The recent incorporation of the parental right into UK legislation makes the task of the Government more urgent.

The most important philosophical distinction between school types occurs in the secondary sector—between the comprehensive and the differentiated or “selective” sector. The political notion that schools must engage in compulsory social mixing (matching the social mix of the population at large) is anathema to a large section of the nation’s parents. It is forcing parents to change their places of residence or to send their children to independent schools. It is also beginning to play havoc in admission procedures to Church of England Voluntary Aided schools. Many that are oversubscribed give first priority to the children of practising Anglicans and other Christians, but some are deliberately turning away children of committed Christian families in the interests of compulsory mixing by social class. This is a clear denial of parents’ rights under the Human Rights Act, although recent statements by its bishops show a failure on the part of the Church to recognise it.

Under the present system it sometimes happens that aggrieved parents group together to challenge the deliberate refusal of local education authorities to provide education for their children, which conforms with their human rights. The best example of this was provided by the Dewsbury case. Kirklees Metropolitan Council in 1987 refused children admission to the schools of their parents’ choice, allocating them instead to a school where the pupil population was overwhelmingly Asian. The 26 sets of parents kept their children out of school for a whole year, educating them in a room above a pub with the aid of volunteers. Although the Kirklees policy of “countering a Eurocentric syllabus” (on the grounds that it was racist) applied to all schools, it was clear that the schools that had formed the parents’ first choice did not follow that policy. In particular they did not adopt a common form of worship. The parents won their case in court. It was shown that the schools, which had excluded the children, had places available. They were forced to allow the children to take them up. The parents’ Counsel summed it up as follows: “They have, and continue to have a natural desire that their children should be educated in a traditional English and Christian environment. They believe that parents from other cultural backgrounds and with other faiths should have similar rights and have been much heartened by the very full support that they have at all times been given by the leading members of the Muslim community, many of whom have children at Headfield School.”

This demonstrates how the Human Rights Act should apply in a multicultural society and how it should control admission procedures. There are three recognised options in multicultural education. The Cultural Diversity Option recognises the rights of those from different faiths or cultures. The Assimilation Option is aimed against those from ethnic minorities, whilst the Equality Option is aimed at using the schools to merge all the cultures into something new, against the religious and philosophical convictions of the majority of the population.

*Fred Naylor, MA, MSc (Cantab)*  
Hon Secretary, The Parental Alliance for Choice in Education (PACE)

5 November 2003

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**Memorandum submitted by Mr Graeme Hitchen (SA 36)**
**ADMISSIONS IN SKIPTON**
**INTRODUCTION**

1. The Skipton area of North Yorkshire has two academically selective schools (one boys VA school, one girls VC school) operating alongside two “modern” schools termed secondary modern locally. Nearby is also the largest all ability (comprehensive) school administered by North Yorkshire. This all ability school takes a significant proportion of its planned intake from the satellite towns of Keighley which is within the City of Bradford administrative area. North Yorkshire also operates selection in Ripon where there are a single selective school and a single modern school. The proportion selected is 28% following two NFER reasoning tests in both towns. Skipton’s education service is administered by North Yorkshire County Council Education Service (NYLEA).

**SPECIFIC CHARACTERISTICS**

2. Skipton provision of secondary education is selective and access is skewed by the use of professional coaches in order to gain an advantage in the 11 + test. This has the effect of making a place at a grammar school largely out of reach of the poorer families in the area. This is indicated by the low take up of places at the school serving the council estate in Skipton.

3. The ballot regulations for the continuance of selective education, and social exclusion are intrinsically linked. An indicator is whether a school’s parents would qualify for a vote in any such ballot. To qualify a school should have sent five children to the grammar schools in the last three years. The local council estate school with 220 children would not be able to vote in any ballot as they have not provided enough pupils to the grammar school in the those three years. This school serves as an example of social exclusion as it clearly exists in, and takes its pupils from, the poorest area of Skipton.

4. The proportion of take up from this school has been as follows:

2000	1	
2001	0	
2002	2	
2003	2	(1)

5. This demonstrates two points—the absurdity of the ballot regulations that firstly it effectively takes away any say about selection from such a school and secondly, the level of social exclusion that exists. Some children have in the past passed the 11 + but the children went to the secondary modern indicating peer pressure not to attend the grammar school within such communities.

6. A letter from the local tutor company is attached and although they advertise assistance with KS 2&3 SATs, GCSE and AS/A2 the most prominent claim in this letter is the pass rate at 11 +. December is the time the 11 + results appear. It is interesting to note the charges here of £27 for a full lesson (1 hour) compared to the charges noted in the recent Northern Ireland report on selection (£12–15). In the Northern Ireland report this level of charge was considered “inconceivable and beyond their means” by “working classes parents”.<sup>(2)</sup>

7. Skipton schools’ post 16 provision is entirely through the grammar schools unlike Ripon, where the secondary modern (Ripon College) has post 16 provision. There are opportunities for students to study to post 16 in Skipton at the local FE College but the numbers do not make up for any shortfall in the cohort that would be expected when compared to the rest of the county. Coupled with the marked difference in passes between boys and girls this reinforces the social exclusion and lack of opportunity for boys from the lower socioeconomic groups.

8. For reference the proportion of boys passing has been as low as 34% boys to 66% girls of the 11 + passes in 1997 to as high as 46% boys and 54% girls in 1999. From the town of Skipton itself (the grammar schools’ catchment also includes the local rural community) there were only six boy passes in 2000 for a year group of 87.<sup>(3)</sup>

9. What is of concern is the mismatch of provision to ability by other measurements. Head teacher recommendations were only recently removed from the procedure in North Yorkshire. Yet these recommendations were consistently greater than there were grammar school places; a point often used by NYLEA in appeal to show head teacher recommendations were unreliable. The performance of primaries in the Skipton area is extremely high and the head teacher assessments may well be accurate. It would therefore mean that there are more children suitable for a grammar school education than places are available and would show a stark shortfall in suitable provision. It is very difficult to argue that children are being educated to their maximum potential if there is such a mismatch.

10. The impact on results and aspirations amongst 11 years old has never been looked at by NYLEA particularly when considering those recommended by their head for a grammar school place, but who did not pass the 11 +.

11. The Skipton area has strong indications of low aspirations and low achievement than would be expected in a similar town elsewhere in the county or indeed the country. The take up of post 16 amongst the cohort that took the 11+ five years earlier is estimated to be about 35% and is far worse when considering boys. The two grammar schools only educate 26% at post 16 of the initial cohort that took the 11+ seven years earlier<sup>(4)</sup>. The county average is estimated to be 45% for post 16 study to A level. No official figures exist and only North Yorkshire LEA can find accurate figures through pupil tracking.

12. These figures are estimates but are sufficient to be the basis of a hypothesis that low aspiration and achievement is endemic particularly amongst the less wealthy. Any major change in selection should not be allowed to ignore such points. As will be shown later however, a major change has been allowed to happen without considering these points. This seriously questions the attention given to the DFES desire for LEAs to look self critically at standards in their selective areas.

13. As indicated the better off families pay for coaching so it is the less well off families that have to appeal in greater numbers. They are less able to prepare and present a case to an appeal panel than parents from a more educated background. As will be seen admissions in North Yorkshire can be highly complex.

#### SKIPTON COMPARED TO RIPON

14. It is useful to compare Ripon with Skipton both being market towns under the same LEA administration and both being selective.

15. One of the other major indicators of a distorted result is the difference between the two towns 11+ pass scores. Ripon and Skipton cohorts take the same test. Ripon and Skipton have broadly the same size cohort with Skipton's being slightly larger (Average cohort 1997-99 Ripon 262, Skipton 322)<sup>(3)</sup>. The explanation for the consistent difference between the pass scores from NYLEA defies statistical reason "it is because the numbers taking the test in Ripon and Skipton are different that you get different cut off marks for the... (28%)"<sup>(5)</sup> Clearly if you are seeking the 28 percentile the marks should be similar. The raw data for analysis is available to NYLEA.

16. The pass mark has been consistently higher in Skipton than in Ripon for a number of years. There is no other explanation than coaching is altering Skipton's score. Paradoxically Skipton parents are being told that their child "is not deemed suitable for a grammar school education" yet in if they lived in Ripon their child would be deemed suitable. This explains the higher appeal rate in Skipton reflecting greater dissatisfaction with selective scheme decisions.

17. The rate of appeal in Skipton compared to Ripon also indicates dissatisfaction with the results of the selective tests. Average number of appeals between 1997 and 2000 was Ripon 21 and Skipton 66<sup>(3)</sup>.

18. What follows is the chronology of admissions in the Skipton area of North Yorkshire over the past three years. Whilst the following issues may seem at first parochial they are indicative of the problems that surround admissions in or near to selective areas. These issues stem directly from the operation of a selective admissions scheme. Any attempt to administer a fair system requires extra resource (accurate selection tests for example). Skipton's experience demonstrates by not applying significant extra resources, added to parental push to do the perceived best for their children (ie coaching), NYLEA operates in the outer reaches of legal acceptability.

#### ADMISSIONS 2000

19. An Ombudsman complaint was upheld after 10 parents considered their treatment in the appeals panel was unfair. The parents made the point that their child was not coached so the test result should be considered unreliable as coaching distorted the test results. NYLEA unexpectedly produced "research" to say coaching had little effect. The evidence was an extract from "Bias in Mental Testing" by Arthur Jensen. Jensen's work is controversial and certainly is not widely accepted. This extract was not disclosed to parents even though some had made the point about coaching in their written submissions. This was completely against the Code of Practice that "there should be no grounds for the admission authority to produce substantial new information at the appeal"<sup>(6)</sup> This had the effect of disorientating a number of parents who were not used to such panel procedures and the sense of grievance was acute. The Ombudsman complaint was upheld and resulted in all appeals being reheard in July 2000 (approximately 45 sets of parents took up the reappeal). This resulted in over allocation at both grammar schools. The Ombudsman in her report found that "the Panel was fair but consistently unfair" and they had clearly used the criminal burden of proof (beyond all reasonable doubt) rather than civil (balance of probabilities).<sup>(7)</sup>

20. The Ombudsman decided to ignore the disclosure of evidence point in the final report for reasons that have never been made clear. She wrote to NYCC Chief Executive however, after her report was published—"I would recommend... provides in advance and research sources"<sup>(8)</sup>. NYCC ignored this advice and the Ombudsman had to return to this issue the following year.

21. As an anecdote from 2000 NYLEA opposing the reappeal after the Ombudsman complaint from a pupil that had gained over 80% in her KS2 SATs. As reappeals took place in the July, KS2 results were available. Fortunately that appeal was upheld but the parents who were from the local council estate were grateful for assistance in the second appeal. They contemplated not going through with the second appeal

due to their experiences from the initial grammar school appeal where they felt very intimidated. The sudden production of Jensen's extract was what upset them most. That pupil has since achieved maximum KS3 SATs scores (Maths Eight, English Seven, Science Seven) at the grammar school.

#### ADMISSIONS 2001

22. A complaint was made in 2001 again regarding the non disclosure of evidence although the Ombudsman decided that this had not affected the outcome of the appeal. The Ombudsman went on in her report "Mrs H should have either been provided with specific information in advance of her appeal . . . or told where she could easily get hold of the material. This amounts to maladministration"<sup>(9)</sup>. Clearly NYCC and NYLEA has ignored their experiences from 2000 and the follow up letter from the Ombudsman.

23. It became apparent that during the year from 2000 to 2001 NYCC had introduced a new concept of "Selection Appeal Panels" which it stated to the Ombudsman were not statutory appeals. The change was not explained to parents and was not consulted about locally. Only NYCC can explain why it introduced this new concept of appeals and not tell anyone about it. It drew criticism from the Ombudsman "What I do criticise is the Councils' failure to ensure that parents are made fully aware of their statutory appeal rights". Parents thought that the new Selection Appeal Panel was their only appeal.<sup>(9)</sup>

24. Also in this year parents were turned away from the all ability school in the area (South Craven School) administered by North Yorkshire but whose catchment area adjoined the grammars. This was due to large cohort within the all ability school's catchment area and the school had reached its Maximum Admissions Limit. The parents complained to the Director of Education and the Ombudsman that they had made a deliberate choice of an all ability school and had withdrawn from the selective test yet did not gain a place.

25. The cause of the problem was NYLEA was operating an apparently elevated second preference scheme where priority as given to pupils from the all ability area but who had taken the 11+. Those applicants to the grammars had either failed to gain a place through numbers or had failed to pass the 11+. The NYLEA scheme was in existence after the two Wirral High Court judgements which followed Adjudicator's decisions. The Adjudicator had decided that elevated second preference was unfair. An officer of NYLEA was later to dismiss Wirral's relevance to North Yorkshire by stating in an Admissions Forum that those judgements only applied to wholly selective areas. This missed the point that preference before selective test, the centre piece of second Wirral case, was incorporated into the 2003 Admissions Code of Practice.

#### ADMISSIONS 2002

26. The main controversy was connected again with the operation of the elevated second preference to the local all ability school. Two parents took counsel's advice and that opinion was that the admissions criteria was unlawful in that NYLEA gave places at the all ability school whose parents had placed it second or third ahead of out of catchment area children that had the school as first choice. This was whilst the old Code of Practice was in force and the law only allowed for a single choice. It became apparent that NYLEA was not operating elevated second preference but blatantly giving places to 2nd or 3rd choices without elevation. These 2nd or 3rd choices had failed to gain a place at the grammar schools or other schools. The NYLEA procedure was a clear support mechanism for grammar school applicants giving them a protected place at the all ability school. This place was at the expense of parents who wanted an all ability education from the outset. This places more gives more virtue to selective applications than all ability applications. The all ability school has asked for proper recognition to be given to first choice applications but these requests have been ignored.

27. The legal advice was used in the admission appeals and placed the panel in an impossible position. After a High Court judgement following an admissions case in Sheffield<sup>(10)</sup> if an appeal panel knows that the admissions process is illegal it has to allow the appeal. There was no rebuttal legal evidence from NYLEA. All of the appeals were allowed at the end of the second day of an 8 day cycle ie the majority of parents did not have to attend an appeal. This made the all ability school 10% over subscribed.

28. The Governors of the all ability were concerned this could happen again and asked why NYLEA believed its admissions procedure was legal. This point has never been answered. NYLEA has claimed verbally that their admissions process was legal in contradiction to the parental counsel's advice but no supporting legal document has ever been seen. It must be concluded, in the absence of any explanation that the NYLEA was running an illegal admissions procedure. It may go some way to explaining why NYLEA agreed, in some haste, to an increase in the grammar school numbers in 2003 completely outside the terms of the Code of Practice. An increase meant that legal problems were alleviated for 2003.

## ADJUDICATORS REFERRAL 2003

29. NYLEA consulted about increasing capacity at both the grammars (from 87 to 91 at each) and at the all ability school (from 275 to 300) for admissions in 2004. This was routine followed net capacity assessments. As late as 8 Jan 2003 the numbers above were being published by NYLEA as part of the consultation process<sup>(11)</sup>. In late January the boys VA grammar school governors decided to increase its numbers from 87 to 112 from *September 2003*. That was completely outside the Code of Practice and the DfES wrote to both admission authorities in this regard.

30. It should be borne in mind that consultation for 2004, according to the Code of Practice had to have been completed by 1 March 2003 for admissions 2004<sup>(12)</sup> and there was little time for that. NYLEA have not explained why it did not inform the boys grammar that it could not increase for September 2003. Rather it went along with the legally dubious route and decided to increase the girls VC school by the same amount. It cited equal opportunities but as the attached letter from the DfES ambiguously states this may not have been necessary.<sup>59</sup>

31. South Craven school and City of Bradford in the face of such a disregard of the Code of Practice went to the Adjudicator. The two main objections were firstly lack of consultation obviously for 2003 but for 2004 as well. City of Bradford was never informed about any of these new increases for 2003 or 2004 and as an adjoining authority they would be expected to be so. This was reported to the community schools in Skipton on 27–28 January 2000.

32. The second point of objection was the impact such a large number of higher ability children going to the grammar school would have on the ability mix of Bradford schools in Keighley, and the North Yorkshire all ability school. A consultation about a contentious increase in selective places deserved the fullest and most complete discussion, if you accept that social exclusion and lower standards *could* exist. To allow such increase without any discussion about them is to ignore them.

33. The Adjudicator decided that consultation could be disregarded and placed more importance on increases in places at perceived popular schools and he allowed the increase from 87 to 112 at both grammar schools<sup>(13)</sup>. He was highly critical of NYLEA's consultation process with regard to the City of Bradford but not in the way it dealt with its own community schools. This decision by the Adjudicator has created some far reaching precedents when considering social exclusion, standards, consultation and school planning:

- (a) No consultation meant that there was no discussion about social exclusion and raising standards before increases in grammar school numbers were allowed.
- (b) Schools Organisation Plans can be ignored as these increases did not appear and were not mentioned in the Adjudicators decision.
- (c) Ignore Section 89 (5) b. of the 1998 Act which states no major changes to consulted admissions. The Adjudicator did not consider this in his report.
- (d) Use applicants to take the 11+ rather than actually take up of places as justification for allowing increases (with the new intake of 112 at the boys grammar only 98 places were actually taken up).
- (e) He ignored in his report the Sex Education Act which was the reason given by NYLEA for increasing the girls grammars numbers.
- (f) He based his decision on the applicants for schools not places taken. Although allowing the boys admission number to go up to 112 on the basis of boys sitting the 11+ only 98 took up places.
- (g) He ignored the Admissions Forum minutes.

34. As it stands there is nothing to stop NYLEA or any other LEA forcing through an increase in admissions in such a manner in future years. This Adjudicator decision will give them encouragement that they can be successful.

## GENERAL

35. It is clear that in almost every selective area other admissions must support the selective test or run into administrative problems and this is the basis of the long running disagreements in Kent for example. This is because parents whose child does not pass the 11+ in general do not want them to go to a secondary modern school. This was at the centre of the two Wirral judgements, other Adjudicator decisions (Torbay) and features strongly in North Yorkshire.

36. The theory behind academic selection is two stepped. First you can successfully select by academic ability at the age of 11. Secondly a pupil will benefit most from attendance at the type of school indicated by that 11+ test. Yet parents do not like the choice on offer if their child does not pass the 11+. They either travel to all ability schools elsewhere or they expensively coach their children to ensure a pass, as in Skipton. The system intrinsically favours the better off. A solution is to make choice of school for 11+ not by a particular school but by a choice of entry for the test. This will mean a pass gets a grammar school place and a fail a secondary modern place, automatically becoming their first choice. It will remove at a stroke all problems with elevated second preference that the new Admissions Code of Practice now allows.

<sup>59</sup> Note: Not printed.



37. A great deal is spoken about choice with regard to schools. Choice can only follow opportunity. If a parent is denied an opportunity to attend a particular type of school they have no choice. In Skipton the recent 29% increase in selective places will only benefit out of catchment children leaving the level of selection where it was (28%). After what will be a multi million pound spend to increase places, it will offer grammar school places to pupils outside of Skipton that can get post 16 at their local all ability school. It will also keep the lack of opportunity for the people of more modest means, so denying them a choice. It may also significantly affect nearby school's ability to improve standards.

*Graeme Hitchen*

10 November 2003

#### Sources

- (1) Source—parents at the school.
- (2) Research on Selection in Northern Ireland Section 7.1 Coaching for the Transfer Test.
- (3) Source—various letters from NYLEA to parents before appeal 2000–03.
- (4) Estimates from League table results and NY Schools Organisation Plan.
- (5) Letter from the Director of Education to the Editor of the Craven Herald dated 29 February 2000.
- (6) Code of Practice School Admission Appeals 1999 paragraph 4.35.
- (7) Ombudsman complaint 99/C/5295 *et al* against North Yorkshire County Council.
- (8) Letter from Ombudsman to NYCC Chief Executive dated 9 October 2000.
- (9) Ombudsman Report 00/C/17287 *et al* dated 30 May 2002.
- (10) R and Sheffield City Council ex parte Phillipa Hague; Jennifer Bell and Meron Tesfayohannes [1999] (19 March, 1999).
- (11) North Yorkshire LEA—Admissions Policy for 2004–05—Minor Changes dated 8 January 2003.
- (12) Admissions Code of Practice 2003 Annex A—section A10.
- (13) Adjudicators decisions ADA/000447 *et al* dated 29 September 2003 and ADA/000315 dated 29 September 2003.

#### Memorandum submitted by the National Grammar Schools Association (SA 37)

1. Article 2 Protocol No 1 of the European Convention on Human Rights gives parents the right to choose an education for their children “in conformity with their own religious and philosophical convictions”. Although this is now part of our law (Human Rights Act, 1998), it is honoured more in the breach than the observance. The main thrust of recent government policies has been to force children to attend their local school, regardless of the religious, philosophical or academic ethos of that school. This suits the bureaucratic and political mindset, but it directly conflicts with the rights of parents.

2. We should emphasise that the requirement by adjudicators that parents whose children are entered for the 11-plus exam must state their preferred choice of school BEFORE they know whether or not their child has qualified for a place at a grammar school are vindictive and anti-choice. This requirement clearly militates against parents who believe in “equality of opportunity” as against “equality of result”. It also complicates the admissions system unnecessarily: without this requirement, pupils who achieve a place at a grammar school could immediately be removed from the LEAs’ admissions process to reduce the numbers in the system.

3. A fundamental point arises out of the evidence presented by Professors Coldron, Fitz and West on 10 September. In answer to a question (Q35) from Andrew Turner MP, all three professors admitted they believed that: “Selection in any shape or form is damaging to the education of pupils, and, therefore, if [they] had [their] way, [they] would abolish selection in any shape or form in totality.”

This is a very disturbing admission from three influential academics, who might be expected to present an unbiased view based on objective evidence, rather than their ideological beliefs. It is contrary to all objective evidence, which shows that taking the performance of grammar and secondary modern pupils together, a selective system produces results, on average, (around 10% or more) better than a totally comprehensive system—see, for example, *The Betrayed Generations: Standards in British Schools 1950–2000* by Dr John Marks, CPS 2000; *Grammar Schools in the Twenty-first Century*, NGSA 2001; and information on the National Grammar Schools Association website, [www.ngsa.org.uk](http://www.ngsa.org.uk).

Against all the unmanipulated (ie not adjusted for value-added measures, or estimated levels of free school meals) your expert advisers are suggesting that selective schools show only “very tiny” advantages in exam results over the comprehensive system. They base this observation on the work of Schagen and Schagen. Value-added places too much emphasis on intermediate results, rather than final results. Hence, value-added results often conflict with the results that come out of the system.

Amongst a great deal of other evidence showing the superiority of selective schools, Dr Marks quotes the following GCSE results:

Data for GCSE for 2002 (Statistical First Release 26/2002. 17 October 2002)

<i>School Type</i>	<i>% 5 + A*C</i>	<i>Pts/Pupil (8 best)</i>	<i>Pts/Pupil (All)</i>
Grammar	97.3	52.4	63.5
Secondary Modern	38.6	30.6	34.1
Comprehensive	48.4	33.9	39.0
Selective System	58.2	37.9	43.9

(Presumably “8 best” and “All” refer to subjects.)

Dr Marks has also noted that secondary modern school pupils in England achieve GCSE results which are only slightly below those for comprehensive school pupils. Also that the secondary modern schools’ results are particularly good for English and Mathematics, where they are, on average, better than those for about 900 comprehensive schools, a third of the total. On the measure of five or more A\*-C GCSEs (or equivalent), secondary modern schools’ results are, on average, better than those for 700 comprehensive schools, a quarter of the total. Moreover, Fred Naylor has noted that since 1967, secondary modern schools have improved their percentage of pupils gaining five or more A\*- GCSEs (or equivalent) at six times the rate of comprehensive schools.

It seems remarkable that neither the Select Committee, nor its expert advisers, seem to have taken any account of such evidence in their deliberations. We should also point out that information from Comprehensive Future and the Campaign for the Advancement of State Education invariably ignores evidence on standards that does not favour their ideology.

When around 50% of pupils are now achieving five or more A\*-C GCSEs, this measure is obviously unsuitable for the top 20 to 30% of pupils. To measure their performance, it is necessary to look at five or more A\*-A grade GCSEs or five or more A\*-B grade GCSEs. For example, on 20 May 2003, Graham Brady MP received a written answer to a Parliamentary Question about the percentages of pupils gaining five or more A\*-A grade GCSEs and five or more grade A\*-B grade GCSEs in wholly selective areas, wholly comprehensive areas, and nationally, for the year 2002. The answer from David Miliband, the schools standards minister, was as follows:

	<i>Wholly Selective LEAS</i>	<i>Wholly Comprehensive LEAS</i>	<i>National Averages</i>
5 or more A*-A grade GCSEs	15.1%	8.6%	9.7%
5 or more A*-B grade GCSEs	32.1%	23.1%	24.6%

4. We should also emphasise that some grammar schools get 10 or more applicants to take the voluntary 11-plus exam for each available place. This clearly shows that parents and their children are prepared to face extremely fierce odds in the hope of achieving an education in accordance with their philosophical convictions and human rights. It also shows that parents would like the choice of more, not fewer, academically selective schools. (Of course, parents may choose to have their child educated in accordance with the comprehensive ideal, but this should be understood as a philosophical/political choice, rather than an educational choice which is based on evidence about which system produces the better academic results.)

5. All of the above is, of course, relevant to school admissions. Parents in all parts of the country want a choice of selective schools. Politicians, however, have control of taxpayers’ money. So they have a duty to supply that choice wherever possible. They also have a duty to ensure fair, acceptable and objective admissions criteria to cater for that choice.

National Grammar Schools Association

15 October 2003

**Memorandum submitted by Ann Doubleday (SA 45)**

#### 11 + ADMISSIONS POLICY FOR CITY TECHNOLOGY COLLEGE

I wish to make the Select Committee aware of one of the possibly unforeseen effects of the independence of CTCs on admissions of children in their area.

The Harris CTC in Upper Norwood has an entrance examination for children of 11+. My grandson whose application is strongly supported by his headmaster at Beulah Primary School, was due to take the examination. Unfortunately, the previous week he was diagnosed with impetigo and my daughter informed the Harris School. Harris said he could not take the examination on the specified day and neither were there any means of his taking it at a later date. This totally excludes him from any possibility of attending the school nearest to his home.

He was given a course of antibiotics and on the day before the examination a doctor pronounced the infection had cleared sufficiently for him to go to school and issued a certificate to that effect. The certificate was faxed to Harris who maintained their position that he could not sit the examination. So, on the day of the examination he was in his primary school, exposing the other children there to any contagion (impetigo is spread only by physical contact) while not permitted to sit for one and a half hours in a separate desk in the Harris School where he would be in physical contact with his own pencil.

Croydon LEA quoted the advice given to all schools in their area, issued by Croydon Health Authority in August 2001:

“Impetigo

Direct contact may help to spread infection, especially on the hands. Antibiotics are indicated.

Exclusion: Children should remain off school until the lesions are crusted or healed. This may be reduced by covering the lesions. The disease is not reportable and time away from school will be between four and 10 days. If the lesions can reliably be kept covered, exclusions may be shortened.”

Croydon LEA said that he could have been allowed to sit the examination in one of their schools but that the CTC is outside their remit and totally independent.

We made a number of suggestions to the school:

- that any remaining visible lesions should be covered—even though not infectious;
- that he could be put in a separate room and we would willingly pay for an invigilator of their choosing;
- the headmaster at Beulah would have been happy that he should sit the examination in his primary school, again with an independent invigilator;
- that children who are ill on the day should take a different examination at a later date;
- this is done in a number of (financially) independent schools.

The school was unwilling even to discuss any of these suggestions. Both the local LEA and the DFES, who contacted the school on our behalf said the school is independent of their authority and effectively a law unto itself. We don't dispute their legal right, only question whether they are using this right in an appropriate way. Apart from the obvious disappointment of my grandson and the family, there are wider issues:

1. General unfairness. One would expect the school to aim to provide education for all those children who can benefit from it, regardless of their health on a particular day.
2. Practical repercussions. Parents who are aware of this ruling will be tempted to lie about children's health and send them with more serious infections if they know the children will otherwise be excluded.
3. The school is maintained largely by public funds—it cannot be right that it should be able to make its own rules, however—capricious, and there be no public responsibility, local or national, for their effects.

*Ann Doubleday*

*18 December 2003*

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**Submission from the Headteacher of Burnham Upper School following the Committee's visit to Slough on 1 December (SA 47)**

- Burnham Upper School is a Bucks secondary modern school sitting astride the Buck/Slough border.
- We are oversubscribed—400 applications for 130 places this year.
- We are overfull, with a capacity of 699 and a population of 740, before September 2003.
- There is an Assessment Method for Secondary Schools [ DfES/0739/2001 ] which sets out the Net Capacity of a school.
- Admittedly this is, like all such Methods in Education, guidance.
- Nevertheless, by this Method, our capacity is 130 in any one year.
- We had reluctantly agreed to 140 in light of our budget deficit problems.
- We had constructed a timetable and hired staff on that basis.

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

Whilst I acknowledge that Independent Appeals Panels have a vital role to play in respect to Stage Two appeals, it cannot make sense that such a Panel can overrule or have no regard to an Assessment method of Capacity based on measurement and due process.

The effects of such an action have been substantial on this school. I would like to think that this example could prompt a re-evaluation of the process of arriving at a sensible method of establishing a manageable intake of a school.

Should you require any further information, please do not hesitate to contact me.

*L J Smales*  
Headteacher

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**Memorandum submitted by Mrs Patricia Fairburn, Council on Tribunals (SA 48)**

**GOVERNMENT RESPONSE TO A REPORT FROM THE COUNCIL ON TRIBUNALS ON  
SCHOOL ADMISSIONS AND EXCLUSION APPEAL PANELS**

On 28 May you sent a copy of the Council's Special Report on School Admission and Exclusion Panels to Sheila Scales and Caroline Macready. Sheila has temporarily taken up a new position, and Alex Sevier has taken over her duties in Improving Behaviour and Attendance Division.

Your report has helpfully focussed on some important issues. Over the summer we have sought the opinions of our key partners—including local education authorities, teacher unions, admission authority schools and admission and exclusion appeal panel members and clerks—on your recommendations. They agree with us that many of those recommendations are useful and practical and should enhance the operation of admission and exclusion appeal panels. But they disagree with other recommendations, as do we.

Annex A to this letter responds to the 15 recommendations concerning Admission Appeal Panels only.

Annex B responds to the six recommendations concerning Exclusion Appeal Panels only.

Annex C responds to the three recommendations concerning training issues for both Admission and Exclusion Appeal Panels.

We hope that you and your colleagues will find our response helpful. As you will see, at a number of places in Annex A we envisage addressing recommendations through the new admission and exclusion appeals website we have set up jointly. You can access it on <http://www.dfes.gov.uk/schooladmissions/discussion/>. We would be happy to have your comments, and work with the Council on future developments.

*16 October 2003*

**Annex A**

**RECOMMENDATION 1—TO INCREASE THEIR INDEPENDENCE AND IMPROVE THE QUALITY AND CONSISTENCY OF SERVICES TO PARENTS, ADMISSION APPEAL PANELS SHOULD BE ORGANISED AND MANAGED ON A REGIONAL BASIS**

We do not accept this recommendation. Legislative change would be necessary to make LEAs responsible for administration of all appeals in their areas, and we have no plans to amend admission or appeals legislation at present. 90% of external partner respondents supported our view that such panels would be expensive to set up and run and would be more inconvenient for parents to attend because of the distance and cost of travelling etc. Most LEAs are large enough to run a professional service on their own and smaller LEAs already collaborate with each other. Furthermore, there is likely to be a loss of local knowledge which could disadvantage appellants.

**RECOMMENDATION 2—THE DISQUALIFICATION CRITERIA SHOULD BE EXTENDED TO EXCLUDE FROM MEMBERSHIP OF THE PANELS ALL TEACHERS FROM WITHIN THE PARTICULAR LEA AREA OF THE SCHOOL WHICH IS SUBJECT OF THE APPEAL(S) IN QUESTION**

We understand that there are very few teachers who actually serve on appeal panels and that many LEAs do not invite them to serve. Where they do, they must abide by the provisions in the Appeals Code which require them to withdraw from a case where they have or may be perceived to have a conflict of interest. Like some respondents, we believe that teachers can make a useful contribution to appeals with their direct experience of education; and we would not wish to aggravate local shortages of panel members.

**RECOMMENDATIONS 3 AND 6—ADMISSION APPEAL PANELS SHOULD HAVE EITHER A LEGALLY QUALIFIED CHAIR OR SEPARATE PANEL OF LAY CHAIRS, WITH SPECIAL TRAINING IN CHAIRING SKILLS; PANEL CLERKS SHOULD BE LEGALLY QUALIFIED AND SPECIALLY TRAINED IF THE CHAIR IS NOT LEGALLY QUALIFIED**

We do not think that it is essential to have a legally qualified chair or clerk for panels to operate efficiently. We do, however, strongly support the view that chairs and clerks should be committed, undertake appropriate training and have access to legal advice when necessary.

As you know, being legally qualified is not a pre-requisite to applying the principles of natural justice efficiently, and legally qualified chairs or clerks might tend to make the appeal discussions more formal, which could put some appellants off. These recommendations would also add to costs.

**RECOMMENDATIONS 4 AND 5—THE CODE OF PRACTICE NEEDS TO INCLUDE GUIDANCE ON THE SELECTION OF PANEL CHAIRS IN ADVANCE OF THE HEARING; THE CODE SHOULD INCLUDE ADVICE ON THE NEED FOR GOOD PREPARATION BY PANEL MEMBERS, AND THE BENEFITS OF IDENTIFYING IN ADVANCE THE KEY ISSUES FOR CLARIFICATION AT THE HEARING**

Like most of our respondents, we agree that these recommendations would contribute to effective consideration of cases; and we understand that they are already applied as practice by as many panels across the country. We shall incorporate them next time we have occasion to revise the Appeals Code.

**RECOMMENDATION 7—THE ESTABLISHMENT OF A SPECIALIST CADRE OF ADMISSION APPEAL CLERKS**

We support this recommendation, but not in the context of a regionally or nationally-organised appeals system.

Like by the majority of our partners, we feel that a cadre of clerks could serve as a pool which would particularly be helpful to schools that run their own appeals and have difficulty in finding sufficient numbers of panel members. There is no reason why such a pool of competent clerks could not be established on an LEA or inter-LEA basis, and this is already the case in some areas.

**RECOMMENDATIONS 8, 9 AND 10—PROMOTE THE SHARING OF GOOD PRACTICE AND THE WORK OF EASI; INFORMATION ON THE AVAILABILITY OF ADVICE AND ACCESS TO SERVICES FOR PARENTS LOCALLY; AND PANEL MEMBERS TO BE GIVEN A COPY OF THE CODE OF PRACTICE AS PART OF THEIR INDUCTION**

The vast majority of respondents supported our view that these proposals will help to make the operation of appeal panels more effective both for appellants and for panel members. We note that these recommendations are already applied by many admission authorities. The Department's Admission Appeals and Exclusion Panels Discussion Forum has recently gone live, and we intend to use this as a means of dispensing advice, sharing good practice and keeping members informed of relevant court rulings and changes in guidance.

**RECOMMENDATION 11—GROUP METHOD FOR HEARING MULTIPLE ADMISSION APPEALS**

Although we agree that this proposal has merit, particularly as it offers better value compared to single appeals, some respondents felt that some parents would be less willing to discuss the details of their appeals at group rather than at single appeals. On balance, we take the view that it would be sensible to leave the choice to admission authorities to decide locally, taking account of their particular circumstances.

**RECOMMENDATIONS 12 AND 14—PARENTS SHOULD RECEIVE BETTER INFORMATION ABOUT THE SPECIAL CASE OF INFANT CLASS SIZE APPEALS; AND THE CODE OF PRACTICE SHOULD INCLUDE MODEL DECISION LETTERS TO BE USED BY CLERKS**

We agree with these recommendations in principle. The large majority of respondents supported our view that, on the issue of class size appeals, parents as well as other parties could benefit from even more simple and straightforward guidance than is currently offered. When we last consulted on having model letters in the Code, respondents' views were mixed. But this time, the great majority of respondents agreed they would

be helpful. So we will develop simpler class size guidance model letters, and display them on our internet Discussion Forum. We will also consider incorporation into the Appeals Code when we next have the opportunity to update it.

**RECOMMENDATION 13—THE NEW ADMISSION ARRANGEMENTS SHOULD INCLUDE A COMMON CUT-OFF DATE FOR ACCEPTANCE OF ALL OFFERS OF SCHOOL PLACES BY PARENTS**

We agree in principle that a common cut-off date would be of benefit to admission authorities, and for those applicants who apply during the normal admissions round. Most of our respondents also agreed, though a significant minority did not. Co-ordinated admissions schemes will, however, address the issue that concerned you, in another way. The co-ordinated admission schemes we have seen solar do include a date by which offers of places in an area's schools should have been accepted.

**RECOMMENDATION 15—ADMISSION APPEALS, INCLUDING FOR VA AND FOUNDATION SCHOOLS, SHOULD BE MANAGED AND RUN BY LEAs REGIONALLY**

This recommendation closely relates to recommendation 1. Neither we nor the majority of our respondents agreed to it. *I-lad* the recommendation been for VA and foundation school appeal to be handled by LEAs at LEA level, it would have found majority support from these particular respondents. But there is still significant opposition from those schools and their representatives so, even this move would require controversial legislation, for which we have no plans.

**Annex B**

**RECOMMENDATION 1: EXCLUSION APPEAL PANELS SHOULD ALWAYS HAVE A LEGALLY QUALIFIED CHAIR**

**RECOMMENDATION 3: IN THE ABSENCE OF A LEGALLY QUALIFIED CHAIR EXCLUSION PANELS SHOULD HAVE THE SERVICES OF A LEGALLY QUALIFIED CLERK**

We do not accept these recommendations. The majority of the respondents that commented on them supported our view. Being legally qualified is not a pre-requisite for applying the principles of natural justice. Making legal qualifications a requirement for chairs or clerks would tend to make proceedings more formal, which could alienate or intimidate some parents. The change would require legislation and there would be no guarantee of an adequate supply of legally-qualified volunteers.

We agree that chairs and clerks need good-quality training. We are therefore commissioning on-line tutor-led training materials for chairs and clerks. These should be available in April 2004.

**RECOMMENDATION 2: EXCLUSION APPEALS SHOULD BE HEARD BY THE SPECIAL EDUCATIONAL NEEDS AND DISABILITY TRIBUNAL (SENDIST)**

We do not accept this recommendation. A majority of the respondents that commented on it agreed with our view. The great majority of excluded pupils do not have statements of SEN. Local panels are intended to provide parents with an accessible and rapid mechanism for appealing against the exclusion of their child. SENDISTs are organised on a regional basis and their average disposal time for cases is over four months. Transferring exclusion appeals to SENDISTs would therefore mean longer journeys and higher travel costs for parents and longer delays in determining the outcome of appeals. It could also transmit the misleading message that all bad behaviour was the result of some condition beyond the child's control.

**RECOMMENDATION 4: THE SECRETARY OF STATE'S GUIDANCE TO EXCLUSION PANELS NEEDS TO INCLUDE MORE COMPREHENSIVE GUIDANCE ON THE ROLE OF THE CLERK**

We accept this recommendation, as did the majority of respondents. We are reviewing our current guidance with the intention of producing revised guidance next year.

**RECOMMENDATION 5: THE GUIDANCE TO EXCLUSION APPEAL PANELS SHOULD EMPHASISE THE BENEFITS OF HOLDING A PRE-MEETING BEFORE THE HEARING TO CLARIFY THE ISSUES UNDER APPEAL AND AGREE THE PANEL'S STRATEGY FOR THE HEARING**

We accept this recommendation, as did the majority of respondents. Our revised guidance will cover this issue.

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**RECOMMENDATION 6: THE GUIDANCE TO EXCLUSION PANELS NEEDS TO INCLUDE BETTER AND MORE DETAILED ADVICE ABOUT ACCOMMODATION FOR APPEAL HEARINGS**

We do not accept this recommendation. The law prescribes a short time scale within which independent appeal panels must be convened. We do not believe it would be right to make this more difficult by banning the use of council premises which, for some hearings, may be the only accommodation available at short notice. We will remind local authorities that, when they communicate with parents, they should make clear that appeal panels are independent of the authority. We will emphasise this in our revised guidance.

**Annex C**

**TRAINING**

**RECOMMENDATION 1: THERE IS NEED FOR A SPECIFIC REQUIREMENT IN THE SECRETARY OF STATE'S RESPECTIVE GUIDANCE TO ADMISSION AND EXCLUSION APPEAL PANELS TO THE EFFECT THAT IT IS MANDATORY FOR ALL PANEL MEMBERS TO RECEIVE FULL INDUCTION TRAINING BEFORE BEING ALLOWED TO HEAR APPEALS**

We believe that making training mandatory may increase burdens and may result in less willingness for volunteers to work in this capacity. However, it is our intention to recommend that LEAs should provide induction training to new exclusion appeal panel members in our proposed guidance.

As for admission appeals, the School Admission Appeals Code recommends admission authorities to ensure that all panel members receive appropriate training before hearing appeals. We understand that in almost all cases members have been on induction training before sitting on a panel. We will of course continue to promote the need for new members to receive induction training as soon as practicable.

**RECOMMENDATION 2: THERE IS A NEED TO REMEDY THE LACK OF TRAINING IN CHAIRING SKILLS FOR THE CHAIRS OF ADMISSION AND EXCLUSION APPEAL PANELS, HAVING REGARD IN PARTICULAR TO THE JSB'S FRAMEWORK OF COMPETENCE FOR TRIBUNAL CHAIRS AND MEMBERS**

We accept that there is a need to address the lack of suitable training in chairing skills for chairs of admission and exclusion appeal panels. For admission appeal panels, a new training package has recently been developed by the Information for School and College Governors which includes specific components on chairing skills. The package will be available before the end of the year. As for exclusion appeals, we intend to address this through the on-line tutor-led training material which is being commissioned.

**RECOMMENDATION 3: THE TRAINING FUNCTION FOR ADMISSION AND EXCLUSION PANELS SHOULD BE ORGANISED REGIONALLY, AND PROPER SYSTEMS PUT IN PLACE WITHIN LEAs AND ADMISSION AUTHORITIES FOR ESTIMATING AND EARMARKING RESOURCES FOR FUTURE TRAINING NEEDS**

We are concerned that this would slow down the system and render some volunteers unable to fulfil their duties as appeal panel members. This recommendation may also extend the time it takes appeal panels to organise and deliver training compared to local training events.

For both admission and exclusion appeal panels we believe that the way training is organised should be for local decision according to local circumstances and resources. That said, we are aware that some LEAs already work closely together and co-operate on a regional basis to provide training.

*16 October 2003*

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**Memorandum submitted by Campaign for Local Education (SA 56)**

We are a group of parents who live in the borough of Wandsworth, where a number of secondary schools are partially selective.

We have in the past week sent to the schools adjudicator an objection to the admission arrangements of two partially selective schools in the borough. We are asking the adjudicator to end selection at these schools because we believe that selective admission arrangements do not serve the best interest of local parents and children in the area.

We are aware that the Education and Skills Committee was taking evidence about secondary school admissions earlier this year and that we are probably too late to submit evidence formally to the Committee. However, we would be pleased if you would consider the enclosed papers in connection with the forthcoming publication of your report on secondary school admissions.

We are parents of children of compulsory school age receiving primary education who live in the Tooting area of Wandsworth. We wish to object to the admission arrangements proposed by Graveney and Burntwood Schools for entry in 2005, under paragraph 90 (2) of the Schools Standards and Framework Act, 1998. This statement, and the accompanying completed forms, constitute a joint objection under the terms

of the Statutory Instrument 1999/125 (Education (Objections to Admission Arrangements) Regulations 1999) paragraph 6(2). The objection refers to selection by ability and thus falls within the provisions of SI 1999/125 paragraph 5(2).

The admission arrangements proposed by Graveney and Burntwood Schools, which were published in the *Wandsworth Guardian* on 22 April 2004. As you will see, the notice provided by Wandsworth Town Hall contains an incorrect address for the Office of the Schools Adjudicator. We notified Wandsworth Council of this error on 23 April 2004 and asked for a correction to be published in the local press. A copy of this letter was sent to the Office of the Schools Adjudicator. Wandsworth Council has not, however, considered it necessary to publish a correction. We have therefore notified potential objectors through a letter published in the *Wandsworth Guardian* on 27 May 2004.

#### SUMMARY OF OBJECTION

We object to the admissions arrangements published by Graveney and Burntwood Schools on the grounds that the schools propose to continue to select a high proportion of their pupils by general ability and we believe that these arrangements do not serve the best interests of too many local parents and children in the area.

We believe that these arrangements still prevent, unnecessarily, too many local children from attending their closest secondary school and, instead, force them to make unwanted longer journeys by public transport to alternative schools, at their families' own expense.

We believe that these arrangements particularly discriminate against local children from less privileged backgrounds, against local children with Special Educational Needs, and against local children from certain Black and Ethnic Minority groups.

We believe that these arrangements, by preventing many local children from attending their closest secondary school, force parents to make multiple applications to alternative schools, many of which require tests other than the Wandsworth Year 6 Test. We believe that the children are therefore unduly affected by having to sit too many different tests.

We believe that the social and medical grounds category for admission at Graveney and Burntwood Schools is vague, and that the published admission arrangements should clearly explain what evidence of social and medical grounds for admission is required, to avoid possible misinterpretations and/or abuse.

We believe that the published admission arrangements of Graveney and Burntwood schools should also include a definition of the sibling rule that clearly identifies the cut-off date when a sibling who has left or is leaving the school ceases to confer sibling priority to an applicant, to avoid possible misinterpretations and/or abuse.

We reject the notion that Graveney and Burntwood Schools need to continue to select on ability in order to achieve a balanced intake.

The pages that follow contain evidence to support our objection to the admission arrangements of the two schools.

#### BACKGROUND

Graveney School and Burntwood School each propose to continue to select 25% of their intake by general ability. Selection was introduced at Graveney, a co-educational comprehensive school, and at Burntwood, a girls' comprehensive school, in the 1995–96 school year. Previous objections to selection by parents have led to decisions by the schools adjudicator to reduce the proportion of the intake that is selected at both schools. We believe, however, that the admission arrangements still do not serve the best interests of too many local parents and children in the area.

Last year, selection was reduced further at both schools by the schools adjudicator. The grounds on which parents objected to the adjudicator last year, however, raised substantially different issues from the grounds on which we are now objecting.

In 2003, parents in the Battersea area of Wandsworth objected on the grounds of the damaging cumulative effects of three partially selective schools, including Graveney and Burntwood, upon the intake of other local secondary schools, in particular Battersea Technology College. They particularly claimed unfairness to children and parents living in the North Battersea area.

The current objection is made by parents who live in the Tooting area of Wandsworth on the grounds of the unfairness of the admission arrangements to children and parents living in the Tooting area. Our main grounds for objecting to the admission arrangements at Graveney and Burntwood Schools are that we believe that these arrangements still prevent, unnecessarily, too many local children from attending their closest secondary school, and instead force them to make unwanted longer journeys by public transport to alternative secondary schools, at their families' own expense. These grounds raise similar issues as the objections which were made by parents in the Tooting area in 2002, and which the adjudicator last year considered to be dissimilar from the objections of the parents in Battersea in 2003.



Below we present evidence to support each of the grounds of our objection to selection at Graveney and Burntwood Schools.

We believe that the admission arrangements still prevent, unnecessarily, too many local children from attending their closest secondary school.

### *Graveney School*

The parents who are objecting to partial selection by ability have children who go to primary schools that are within one kilometre (just over half a mile) of Graveney School (see Map 1). They are the primary schools that are nearest to Graveney, as defined by the OFSTED website. The majority of children live within easy walking distance of the school. In the past these primary schools have been described by Graveney School as its “feeder schools”.<sup>60</sup> For the overwhelming majority of parents who send their children to these primary schools, Graveney School is their closest secondary school. Before selection was introduced, Graveney was a popular local school for the children of the Tooting area. Prior to selection, it is believed that the effective catchment area of Graveney School was of about one mile (1.6 kilometres) radius.<sup>61</sup>

Since partial selection was introduced at Graveney School, however, our experience has been that there have been too few places available to local children, other than siblings (discussed further below) and those who gain entry through the selective test (Category 1 places). At present, 25% of Graveney’s intake of 250 pupils is by general ability and, in 2003 (the last year for which complete figures were available) over 40% were admitted as siblings, leaving less than a third of places to be allocated to children by virtue of their proximity to the school.

As a result, at present, only a minority of children from the nearest local primary schools transfer to Graveney School. Wandsworth Council has provided us with figures for the secondary school destinations of children from the seven primary schools that are nearest to Graveney School (Table 1 and Attachments C and E). These show that, out of 404 children transferring to secondary schools in 2003, fewer than one in three (116) went to Graveney School. We also collected more detailed information directly from six of the seven primary schools, providing us with data on the children’s secondary school destinations not just in Wandsworth but in other boroughs (Table 2). These data show that, of the children who did not attend Graveney school, at least 80 went to co-educational, non-denominational comprehensive schools that were considerably further away. These schools were Southfields Community College (33), Chestnut Grove School (24), Dunraven School (8), Mitcham Vale High School (6), Battersea Technology College (4), Bishopsford Community School (3), ADT City Technology College (2), Tamworth Manor (2), Archbishop Lanfranc (2) and Elliot School (1).<sup>62</sup> Children from primary schools in the Tooting area are therefore attending ten other co-educational, non-denominational schools. We would argue that, without selection by ability, these children would almost certainly be attending Graveney School. We would therefore argue that local pupils are being denied admission to their nearest school.

### *Burntwood School*

We also believe that the selective admission arrangements at Burntwood School prevent many local girls from attending their closest girls’ secondary school. For most girls living in the Tooting area, the nearest girls’ secondary school is Burntwood School. At present, 25% of Burntwood’s intake of 283 pupils is by general ability and, in 2003 over 28% were admitted as siblings, leaving less than half of the places to be allocated to children by virtue of their proximity to the school. In 2003, girls were offered places on distance up to 1.34 miles away from the school, a distance that excludes much of the area of Tooting where local children, covered by this objection, live (see Map 2).

As a result, a sizeable minority of girls from the local area are unable to attend Burntwood School. In our survey of local primary schools (Table 2), approximately one in five of the girls who transferred to non-denominational single sex (girls’) schools in 2003 did not go to Burntwood School. These girls went to a number of single sex schools further afield, including Ricards Lodge (7), Norwood School (3) and Norbury

<sup>60</sup> There is one other school, Links Primary School, that is also within one kilometre of Graveney School, according to the OFSTED website. However, because this school is in Merton, most parents live in Merton and are not eligible to object to Graveney’s admission arrangements. This school has, therefore, not been included in the case presented here.

<sup>61</sup> Our definition of the “Tooting area” in this objection covers the combined catchment areas of the Wandsworth primary schools located within one kilometre of Graveney School (as defined on the OFSTED website), excluding the catchment area of St Boniface RC School, which has a broader parish catchment area. A “local” child in this objection is a child who lives in the Tooting area.

<sup>62</sup> There are minor discrepancies between the data provided by Wandsworth Council (Table 1) and by the primary schools (Table 2). These discrepancies probably arise from late changes due to appeals, which are not necessarily recorded by the primary schools. Thus, Wandsworth Council’s figures show two more children transferring to Graveney School, compared to the primary school data, and three fewer children transferring to other co-educational non-denominational schools in Wandsworth.

<sup>63</sup> Wandsworth Council’s figures (Table 1) show four more children transferring to Burntwood School than the data collected from the local primary schools (Table 2). It is not possible to tell whether or not this means that four fewer girls therefore went to other girls’ schools further afield. The discrepancy is not large enough to alter the argument put forward here.

Manor High School (2).<sup>63</sup> The problem is particularly acute for some schools, like Franciscan School, where for cultural reasons, a high proportion of parents wish their daughters to go to single sex schools. **We would, therefore, also argue that local girls are being denied admission to their nearest girls' school.**

**We believe that, because local pupils are denied admission to their nearest secondary school, they are forced to make unwanted longer journeys by public transport to alternative schools, at their families' own expense.**

Local children, denied admission to *Graveney School*, are travelling to alternative schools that are considerably further away. In 2003, the 80 local children who went to co-educational non-denominational schools, other than Graveney, travelled to ten different schools. Of these, five are in more distant parts of the borough, including Balham, Wandsworth, Battersea and Putney. The remaining schools are in other boroughs: Lambeth, Merton and Croydon. Local girls, unable to attend *Burntwood School*, are travelling to girls' schools that are also considerably further away. None of the alternative girls' schools is in Wandsworth. One is in Merton, one in Lambeth and one in Croydon.

Travel to all these alternative schools involves long, complicated and potentially dangerous journeys. The largest number of children from the local area, who are going to co-educational schools elsewhere, are travelling to Southfields Community College in Wandsworth, a journey for which there is no direct bus route and one requiring a particularly early start, since the school day begins at 8.20am. Travel to the nearest alternative co-educational secondary school, Chestnut Grove School in Balham, also requires two buses for most local children.

**We regard the distances that children are travelling as unreasonable.** These are 11-year old children. It would (rightfully) be illegal to allow them to stay at home on their own, yet they are expected to travel long and complicated journeys by public transport in an inner city area, often very early in the morning or after dark in the winter evenings. Parents with younger children are often unable to accompany the children on these journeys and so they are forced to travel alone. The journeys that the children are expected to travel are at their parents' expense. As is explained below, these are often vulnerable children with special educational needs (for example, children for whom English is a second language) or children who are economically disadvantaged, whose parents are least able to pay for journeys to school.

The fact that local children are unable to go to their nearest school means that, each year, there are great difficulties in finding secondary school places for the children. In 2003, at one local primary school, Sellincourt, children transferred to 23 different secondary schools, while those from Franciscan School transferred to 20 different schools and from Eardley School to 19 different schools. It is common for local children to be the only child from their primary school to be attending their secondary school, with the accompanying disruption of social and community ties making secondary transfer particularly stressful for these children.

The difficulty of finding secondary school places for the children means that many remain unplaced, at a time when the future of their peers has been settled. Many children are unplaced even at the end of the summer term before they are meant to transfer to secondary school. At Franciscan School, there were still 10 children who were unplaced in July 2003. These children miss out on the preparations made by the secondary schools to ease the transfer of the children from primary schools, further disadvantaging them.

The information presented here so far has mainly related to secondary transfer during 2003. Since then, selection has been reduced at both Graveney and Burntwood Schools. However, we would argue that this reduction, which was made in response to the problems posed by selection for children elsewhere in the borough, has been insufficient to make much impact on the problems posed for children in the Tooting area. The evidence for this is, first, that the numbers of children who are unplaced remains high. When we conducted our survey of primary schools during March–April 2004, over 1 in 10 children in five of the seven primary schools nearest to Graveney were still unplaced (Table 3) (not printed). This is in spite of the centralised admissions procedure introduced this year in Wandsworth, as part of which offers were sent out to children on 1 March 2004. Even at the end of May 2004, Wandsworth Council was still unable to provide data on the 2004 secondary school destinations of children in the borough. Second, although the high number of unplaced children means that patterns for 2004 admissions are not yet completely clear, our survey of local primary schools indicated that emergent patterns are similar to those for 2003. In particular, only a minority of children from the Tooting area will be transferring to their nearest secondary school, Graveney, in 2004. Out of 247 children who have been placed from five local schools, only around 1 in 3 (94) will be going to Graveney School in 2004.

Indeed, the impact of selection on children in the Tooting area is likely to increase further in 2005 because the number of school aged children in the area is increasing. This is particularly likely to affect children at the two schools that, up till now, have benefited most from reductions in selection at Graveney, Furzedown and Penwortham Schools. In 2004–5, for example, the Penwortham School Year 6 form will have three classes, not two as at present, and instead of 48 children, there will be 75 children to place from Penwortham School Year 6 next year. Furzedown School has also now increased its entry to a two-form entry, compared to the present one-and-a-half form Year 6 class.

<sup>63</sup> Wandsworth Council's figures (Table 1) show four more children transferring to Burntwood School than the data collected from the local primary schools (Table 2). It is not possible to tell whether or not this means that four fewer girls therefore went to other girls' schools further afield. The discrepancy is not large enough to alter the argument put forward here.

It has in the past been suggested by Graveney School that the fact that local children attend so many different secondary schools is an aspect of parental choice. We believe, however, that the present arrangements are a denial of choice for many local parents and children. Wandsworth Council now collects systematic information on the secondary school preferences of parents. Some of this information was supplied by Wandsworth Council to the Member of Parliament for Tooting, Tom Cox, on his request (Attachment F) (not printed). This information suggests that, at three primary schools in Furzedown Ward, the proportion of pupils offered their first choice of secondary school varies directly with the proportion offered their nearest secondary school, Graveney. At Eardley School, for example, the proportion of children offered their first choice of secondary school is considerably lower than at either of the other two Furzedown Schools, and the proportion obtaining a place at Graveney School is also considerably lower than at the other two schools. Eardley children will be transferring to at least 18 different secondary schools in 2004, a higher number than children from either of the other two primary schools.<sup>64</sup>

**We believe that the admission arrangements at Graveney and Burntwood Schools particularly discriminate against local children from less privileged backgrounds, against local children with Special Educational Needs, and against local children from certain Black and Ethnic Minority groups.**

The attached tables (not printed) summarise our evidence that the admission arrangements at Graveney and Burntwood Schools particularly discriminate against local children from less privileged backgrounds, against local children with Special Educational Needs, and against local children from certain Black and Ethnic Minority groups. The tables compare the profiles of the seven Wandsworth primary schools nearest to Graveney School with the profiles of Graveney and Burntwood Schools. The data have been obtained from the most recent OFSTED reports for each school. All the reports were carried out within the last three years.

Graveney School, in particular, has in the past maintained that its pupil profile is representative of this area of south London. We would argue that this is not the case and that the differences between both Graveney and Burntwood Schools and the surrounding area can be linked to the selective admission arrangements.

#### *Local children from less privileged backgrounds*

Children from less privileged backgrounds are defined here as those who are eligible for free school meals. Eligibility for free school meals is a standard measure of social deprivation.

Graveney and Burntwood Schools have a much lower proportion of children eligible for free school meals than do local primary schools in the Tooting area. The proportion of children eligible for free school meals in the two selective secondary schools, taken together, is 17% compared to an average of 31% in local primary schools. Graveney School in particular discriminates against children from less privileged backgrounds: only 11% of children are eligible for free school meals at Graveney, compared to an average of 31% in local primary schools.

We believe that the discrimination against children from less privileged backgrounds is associated with the schools' admission arrangements. First, selection by ability means that relatively few places are offered on distance and that therefore the proximity places are based on a very small area. For example, proximity places at Graveney were based on a distance of only 0.32 miles in 2003. This excludes key areas of social housing in the area, such as the high rise social housing north-east of Thrale Road and the streets on either side of Franciscan Road. Second, selection by ability is dependent on the use of the Year 6 test (a point addressed in more detail below). Parents from wealthier backgrounds can afford tutors for their children, who are therefore more likely to perform well in the tests. Third, the social and medical grounds for admission at Graveney allow parents employed at the school automatic admission for their children after two years' employment, and this discriminates against children whose parents are unemployed (see below).

#### *Local children with special educational needs*

Graveney and Burntwood Schools have a much lower proportion of non-statemented children with special educational needs (SEN) than local primary schools in the Tooting area (Table 6). The proportion of children on SEN Registers at Graveney and Burntwood Schools is 13%, compared to an average of 26% in local primary schools. Taken together, the two selective secondary schools therefore have around half the proportion of children on SEN Registers found in local primary schools. The proportion of children on SEN Registers is lower at each of the selective secondary schools than at any of the local primary schools. Local children, who are already educationally in special need, are being further disadvantaged by having to travel to secondary schools further away than is necessary.

<sup>64</sup> We asked Wandsworth Education Department for information about the first choice secondary school preferences of children from *all* the primary schools covered by this objection. The letter (Attachment E) was sent to the Director of Education (Paul Robinson) on 23rd April 2004, and was copied to the schools adjudicator. However, although Wandsworth Council has supplied us with some of the information on secondary school *destinations* that we requested (Attachment C), it has not supplied us with any of the information that we requested on secondary school *preferences*. Parents were asked about their secondary school preferences on the application form for admission to Wandsworth secondary schools, which had to be returned by 24 October 2003, and the information should therefore be available to Wandsworth Council.

We believe that the partial exclusion of children with special education needs from Graveney and Burntwood Schools arises directly from selection by ability, since many of these children have educational needs which mean that they are unlikely to do well in selective tests.

*Local children from certain Black and Ethnic Minority groups*

Graveney and Burntwood Schools have a lower proportion of children from Black (Caribbean heritage, African heritage and other Black) backgrounds than local primary schools in the Tooting area. Taken together, less than a quarter of the children at the two selective secondary schools are from Black backgrounds, compared to nearly a third at local primary schools. Graveney School has a particularly low proportion of pupils from Black backgrounds: only 19% are from Black backgrounds at Graveney, compared to an average of over 30% at local primary schools. There is therefore evidence of discrimination against children from certain ethnic backgrounds, particularly Black backgrounds, at the selective schools, especially at Graveney School.

We believe that the partial exclusion of Black children from Graveney School can be linked to its admission arrangements. Selection by ability means that places offered on distance are based on a very small area, and this excludes much of the catchment areas of three schools which are close to Graveney (within 1 kilometre) and which have high proportions of children from Black backgrounds (Eardley, Franciscan and Sellincourt).

We believe that these arrangements, by preventing many local children from attending their closest secondary school, force parents to make multiple applications to alternative schools, many of which require tests other than the Wandsworth Year 6 Test. We believe that the children are therefore unduly affected by having to sit too many different tests.

Because there is a low likelihood that local children will gain a place at their nearest secondary school, parents have to make applications to a large number of alternative schools. However, although there is a Wandsworth Year 6 Test covering entrance to secondary schools in the borough, many schools, even in Wandsworth, have additional tests. There are additional aptitude tests at, for example, Chestnut Grove School, Southfields Community College and Saint Cecilia's Wandsworth School. In addition, ADT College has a separate application procedure and test. Moreover, children applying for schools outside the borough, for example, Dunraven School in neighbouring Lambeth, are also subject to separate tests.

We believe that sitting a large number of tests has a deleterious effect on the children and hinders their educational progress in Year 6. Many of the tests are abstract verbal and non-verbal reasoning tests that have little educational value. The Wandsworth Year 6 Test is particularly stressful for local children because the results determine the child's educational future. There is therefore tremendous pressure on the children to perform well. As noted above, we also believe that the Wandsworth Year 6 is not objective and favours children from wealthy backgrounds whose parents are able to afford private tutors to coach their children for the test. We therefore believe that the children are unduly affected by having to sit too many tests.

We believe that the social and medical grounds category for admission at Graveney and Burntwood Schools is vague, and that the published admission arrangements should clearly explain what evidence of social and medical grounds for admission is required, to avoid possible misinterpretations and/or abuse.

The wording of the social and medical grounds category for admission at both Graveney and Burntwood Schools (Category (ii)) is practically identical. The category gives priority to "children with known special medical or social needs, including Looked After children, which, in the opinion of the Governing Body, would be suitably provided for in the School". This wording can be compared, for example, to that of Ernest Bevin College, which is much more precise. The latter's social and medical grounds category includes "applicants with professionally supported evidence of an acute personal or medical need for a place at the College".

We believe that the vague wording of the social and medical grounds category at Graveney and Burntwood Schools needs to be amended to avoid possible misinterpretations and/or abuse. In particular, we are concerned that the category is used at Graveney School to include "siteworkers' places". We understand that parents who have been employed at Graveney School for at least two years are granted a place for their child(ren) at the school. Although we understand that the numbers of places allocated on this basis are not large, we take this issue very seriously. We believe that the granting of siteworkers' places could amount to a contravention of equal opportunities regulations. The School Admissions Code of Practice states that discrimination on the basis of parental employment could have the effect of disadvantaging certain social groups in the community (3.12). We believe that siteworkers' places are one of the mechanisms by which children from less privileged backgrounds (especially children whose parents are unemployed) are disadvantaged in admissions to the school.

We believe that the medical and social grounds category, as used by Graveney School, operates as a form of indirect selection, in that, with regard to siteworkers' places, the school has already first selected the parent. The social and medical grounds category in effect operates as a device to further minimise the number of proximity places available to local children. We believe that the category may therefore be a

means of circumventing the decisions regarding selective places made by the independent adjudicators in the past. That is why we believe the adjudicator needs to consider this issue as part of our objection to the selective arrangements at the schools.

We believe that the published admission arrangements of Graveney and Burntwood Schools should also include a definition of the sibling rule that clearly identifies the cut-off date when a sibling who has left or is leaving the school ceases to confer sibling priority to an applicant, to avoid possible misinterpretations and/or abuse.

The sibling rule at both Graveney and Burntwood Schools is essentially the same. Both schools give priority, under Category 2(i), to “any applicant who has a sibling *currently attending the school* and who is not admitted under Category 1 (ie by general ability)”.

The definition of the sibling rule used by Graveney and Burntwood Schools is unlike that employed by other Wandsworth secondary schools. Ernest Bevin College, for example, gives priority to “applicants who have a sibling *attending the College on the date of admission* and who are not admitted under Category 1”. The rule adopted at Ernest Bevin, and elsewhere in Wandsworth, clearly identifies the cut-off date when a sibling who has left or is leaving the school ceases to confer sibling priority to an applicant. That date is the date of admission of the applicant. We believe that a similar rule should be used at Graveney and Burntwood Schools.

The current definition of the sibling rule at Graveney and Burntwood Schools allows for a more generous interpretation of sibling priority than that adopted at, for example, Ernest Bevin College. Graveney offered 41% of its places under the sibling rule in 2003 and Burntwood offered 28% of its places, compared to 9% of places offered under the sibling rule at Ernest Bevin College. The high proportion of siblings admitted at Graveney is contrary to promises made in Graveney’s Consultative Document of November 1993 that siblings would not exceed 35% of intake (ie 88 children).

We believe that the sibling rule is being utilised at Graveney and Burntwood Schools as a means of extending selection by giving priority to the siblings of previously selected children. We therefore believe that the sibling rule may be another means of circumventing the decisions regarding selective places made by the independent adjudicators in the past. That is why we believe the adjudicator needs to consider this issue as part of our objection to the selective arrangements at the school.

We reject the notion that Graveney and Burntwood Schools need to continue to select on ability in order to achieve a balanced intake.

It has been argued in the past that selection by ability is needed in order to achieve a balanced intake.

We do not, however, believe that the schools need to continue to select on ability in order to achieve a balanced intake. We do not regard the current intakes to the schools as balanced. Rather, the intakes to the schools are clearly skewed towards more able, or advantaged, pupils.

Indeed, we regard the intakes to the schools as socially unbalanced, with evidence of the partial exclusion of economically and socially disadvantaged children and of children from certain Black and Ethnic Minority groups.

Further, we believe that selection by ability, over the past 10 years, has undermined the balance between primary and secondary schools in the area. With increasing numbers of primary school age children in the area, there is increasing demand for secondary school places, yet the admission arrangements of Graveney and Burntwood Schools are restricting access to secondary schools for local children. Indeed, we believe that selection has disrupted pre-existing flows between schools and taken away vital elements in the balance between primary and secondary education in this area.

In conclusion, we believe that there is no evidence that partial selection is in the interests of local children. In the absence of such evidence, we ask the Adjudicator to rule against selection.

June 2004