

COMPREHENSIVE FUTURE

A Plan for Fairer School Admissions

Introduction

1. Comprehensive Future is an organisation that believes the best possible education should be provided free for everybody and the most effective way of achieving that is to provide schools that can cater for the entire community in which they are located. Although this would naturally include stopping academic selection for the few remaining grammar schools, there is also a great deal of selection happening across the whole country in places which are supposed to have a 'non-selective' system. Too often what is presented as providing opportunities for parents to choose school places, actually results in schools choosing the children they will admit. Comprehensive Future believes this is wrong. This paper is about small but significant changes that could be made to the Admissions Code which would help allow more parents to get what they want and their children deserve.

Improving the School Admissions Code

2. There is little wrong with the School Admissions Code. Its fundamental purpose: to ensure that school places are "allocated and offered in an open and fair way" and that the "criteria used to decide [this] are fair clear and objective"; is universally supported. However, it could be strengthened by looking again at permitted oversubscription criteria - that is, how admission is decided if there are more applicants than places available - to reduce the scope for 'covert selection'.
3. It is not so much particular criteria but the way they are used that causes problems. Bad practice can often be separated from good only by looking at the particular context. Schools currently get away with poor practice because it is difficult to lodge a successful challenge with the OSA and then get decisions implemented. This problem would be addressed partly by giving the first line drafting duty to independent bodies (see below). Secondly guidance in the Code could be strengthened by emphasising the overall objective of fairness for parents/children against the convenience and institutional advantage of schools.
4. In the particular case of the use of over-complex and elaborate religious criteria having a socially selective effect; the Code should provide a stronger role for central religious bodies; both in providing guidance on appropriate arrangements for faith schools and advising area admission authorities on their interpretation. The 2017 Chief Adjudicator's annual report indicates that the Catholic Education Service has recently been working with OSA and DFE to this end; and more could be achieved if that approach was built into the system across the board.

End Schools Fixing Their Own Admissions

5. At the moment admission arrangements for 'community' schools are 'determined' by the local authority. The governors of 'voluntary' (mainly faith) schools have always enjoyed this power; for academies (including free schools) it rests with the Academy Trust and is consequently mainly exercised at school level. As increasing numbers of community schools convert to academy status each school having the power to choose its pupils is becoming the rule rather than the exception. This is increasingly causing problems. The Chief Schools Adjudicator has reported concerns that in many cases confusion as to who is in control of admissions for which school (and academies in particular) has meant the rules have not been followed. Where Multi Academy Trusts (MATs) operate schools in different areas the decisions they take are sometimes incompatible with local arrangements for other schools. Even if individual schools are compliant with the Admissions Code they can sometimes interact so as to produce unfair outcomes.
6. Whilst many schools do not manipulate their admissions criteria to their own advantage, those that do cause problems that go beyond their immediate clients. They undermine public confidence in the whole system and put pressure on other schools to follow suit to counter unfair competition. Apparently 'non-selective' schools that successfully manipulate their intake can present themselves as better than they actually are; whilst making it more difficult for others to succeed. This is not just unfair to institutions but, more importantly, to the children who attend schools that are not as good as they could be.
7. However schools that do not wish to game the system to their advantage have no need to be in direct control of the legal processes of determining and implementing the arrangements. They could even save time and money if that side of things was handled by an independent body.
8. There are some choices about admissions that it is accepted that schools should make. Comprehensive Future is not here concerned with the existence of faith schools or their wider role in the school system but seeks simply to rectify the problems that arise when faith is used as a proxy for social selection to the detriment of neighbouring schools. We also believe that all schools (not just some of them as now) should have the right to be consulted about the oversubscription criteria that support the kind of school they are. However, no school should be allowed to manage its own admissions or use unclear, obscure or elaborate arrangements to skew their intake by excluding or discouraging 'undesirable' applicants.
9. Consequently we are proposing that the system should be simplified and made to work in the interests of parents and children in the following way:
 - a. Every school (not just some of them) would have the right to suggest an admissions 'policy' that identifies oversubscription criteria (i.e. how places are allocated if there are more applicants than places) which support the character of the school – whether religious or otherwise within the constraints of the permissible criteria in a strengthened Code of Practice.
 - b. An independent body for each area (could be either existing local authorities or new ones set up for the purpose) would then be required to follow the neces-

sary legal procedure to translate the wishes of all local schools into a formal set of 'arrangements' to be adhered to by all schools in the area. In undertaking that task the Independent Admissions Authority would be expected to ensure that the results were not only compliant with the Admissions Code but were clear, consistent and coherent to make it as easy as possible for applicants to understand their options and to ensure as far as possible that intakes of all schools are balanced and reflective of the local community. These bodies would also be responsible for the administration of all admissions in the area. This would not only remove a burden from schools but ensure that the implementation of policy was both fair and transparent for parents.

- c. As now, the office of the Schools Adjudicator would be responsible for policing the system and seeing fair play. They would be able to receive, investigate and rule on any objection from interested parties that schools or the independent admission authorities were acting inappropriately.

Making Change happen and other consequences

10. There would be a need for changes to education legislation, regulations and, naturally, the Schools Admissions Code. These are not detailed here but Comprehensive Future has consulted experts and been assured that implementing the changes would not cause technical problems.
11. Under these proposals the role of the OSA as independent arbitrator for all disputes relating to school admissions arrangements would remain broadly the same. There would need to be some adjustment to legislation to align with the redefinition of admission authorities. In one key respect the OSA's task would become simpler as there would be many fewer admissions authorities to scrutinise. Also the local independent admission authorities, being 'disinterested', would have no incentive to avoid implementing OSA decisions. However some further improvements requiring legislation could be considered at the same time, as follows:
 - a. The restoration of the pre-2012 position whereby decisions of the Office of the Schools Adjudicator have the effect of altering admissions arrangements directly (rather than placing a duty on admissions authorities to make necessary changes).
 - b. Bringing additional Code requirements within the jurisdiction of the OSA - e.g. the injunction proscribing school uniform policies that discourage applications from poorer families – also implies statutory changes to OSA powers.
12. The proposed change to the location of the 'admission authority' role away from schools could also have other beneficial effects. It would impinge on arrangements for individual admissions appeals. In principle the position would remain the same but there could be advantages. Locating responsibility with a single local independent body could aid efficiency and transparency to the benefit of appellants.
13. There could also be implications for exclusions and children transferring between schools during the year for other reasons. Exclusions would remain a school-level issue with no need for legal changes. However with the function more securely located at area level more streamlined (re)admissions could be facilitated.

14. Similarly the use of Fair Access Protocols currently backed up by powers to direct schools to admit hard to place children, is another dimension of in-year admissions which would operate on a similar basis. However, locating the power to admit at an area level would make easier to secure compliance.
15. In summary, improvements in the various related aspects of the system would be a logical consequence of the proposed changes – because the existing framework would work better - rather than needing to be specifically mandated.