

DECISION TIME

A Plan For Fair School Admissions



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Foreword

Comprehensive Future was set up in 2003 to campaign for the abolition of selection by ability and aptitude, and for the introduction of a fair admissions system governing our schools. Sadly, over the past fifteen years, successive governments have failed to address the very real problems created by our often segregated system and have instead pursued policies that make our school landscape more, not less, unfair.

To this end, Comprehensive Future has produced two publications, proposing carefully thought through alternatives to current policies and practices. *Decision Time: A Plan to Phase Out Selection* looks at how finally to phase out the use of the 11 plus. In this companion piece, *Decision Time: A Plan for Fair Admissions*, Fiona Millar and Alan Parker examine current problems with the way school admissions work and set out several simple and easily achievable changes to the way in which admissions are managed at school, local authority and national level. As they make clear, most of these can be achieved by clear direction from central government and through changes to existing regulations.

We hope that you will carefully consider the proposals outlined here and join us in the campaign to bring about meaningful change.



Melissa Benn

Chair of Comprehensive Future.



Decision time: A plan for fairer school admissions

School admission arrangements have the potential to be a dry, technical subject, overlaid by intricate administrative detail. But the way pupils are offered places at different schools also goes to the heart of parent choice, fairness, social cohesion, the ability of schools to flourish and how they are perceived in their local communities. This pamphlet proposes some radical changes to a fraught area of education policy.

England has always had a hierarchical schools system. The grand public schools have been poised at the pinnacle of a steep education social order for generations. Following the 1944 Education Act that hierarchy consisted of grammar and secondary modern schools, the latter mostly educating the children of less well-off families.

The onset of comprehensive education in the 1960s and '70s was intended to level the playing field by creating local community schools that would educate all comers, although even then the school you went to was largely determined by where you lived. Meanwhile 164 grammar schools were allowed to survive and still continue to educate a more advantaged school population.

Nevertheless, for most of the last half century the arrangements governing access to schools were simpler than they are today. Most state schools came under the oversight of local authorities, which managed their admissions. Parents generally had to choose between those run by local councils and a minority of faith based, voluntary aided schools.

The introduction of a 'market' in education thirty years ago gradually changed that settlement. The idea that parents should be allowed to choose whichever school they wished, in the hope that successful schools would expand and the least successful would improve or close, has underpinned the education policies of all successive governments. League tables ranking schools by performance and school inspections continue to fuel the competitive environment.

In the last three decades more 'diversity' has been injected into the market mix. Academies, free schools, foundation and trust school, City Technology Colleges, UTCs and studios schools, all of which have the freedom to set and manage their

own admissions criteria, now coexist alongside the surviving community schools.

Most of these new types of schools sit outside traditional local authority oversight and are managed by contractual arrangement with central government. This has created a fragmented landscape, which can make the task of exercising choice and guaranteeing fairness to all families harder than ever. Over three quarters of England's secondary schools are now their own admissions authorities – up from around a third only fifteen years ago.

Many different forms of selection also exist; it isn't just the remaining grammars that can pick and choose which children they teach using the 11 plus test. Selection by faith, aptitude, catchment area, feeder school and complicated banding systems which seek to group children into different ability bands, can also lead to some schools engineering themselves more socially selective, aspirant and high achieving intakes than other neighbouring institutions.

Parents may be faced with a range of local schools all of which have radically or subtly different ways of allocating places. Some can buy or rent in the area of a popular school while others may have a school at the bottom of their road into which they can't get their children. The pressure of external performance measures has inevitably led to some schools finding more and more ingenious ways of using their admissions freedoms to change their intakes.



And this matters for several reasons; it isn't fair, especially to the families of the children who can't afford to work the system by moving house or employing pricey tutors for selective entry tests. The complex interaction between choice, residential geography, school performance and diverse admissions practices means that in many parts of the country schools are increasingly segregated along class or ethnic lines.

Research carried out by the charity The Challenge, which supports projects leading to greater social integration, suggests that more than a quarter of primary schools and four in ten secondary schools are ethnically segregated. Almost a third of primary schools and more than a quarter of secondaries are segregated along socio-economic lines with more exaggerated segregation in some specific parts of the country.

Children leading parallel lives, with reduced understanding of their peers from different cultural or social class backgrounds can foster ethnic, religious and class intolerance and certainly doesn't typify the sort of 'one nation' society, comfortably at ease with itself, that successive governments have championed.

More troubling in the context of attainment, there are also undesirable consequences for pupil outcomes. Clustering potentially disadvantaged children with similar characteristics like poverty into the same schools can have a negative impact on outcomes through the effect on student relationships, behaviour, attendance and aspirations. This in turn can impact on an individual school's success in attracting and retaining the best teachers.

Conversely more comprehensive, less segregated schools can benefit from the positive peer group effect of a critical mass of able and motivated students and their families, which helps to boost results, parental confidence and the recruitment of good teachers.

It doesn't have to be this way. Parent choice could sit alongside a more equitable and efficient system for overseeing school admissions. The market could be regulated more tightly without losing individual school ethos and autonomy.

Our campaign group Comprehensive Future has been campaigning on admissions issues for over 15 years. Our aims are two-fold; the abolition of all selection by ability and aptitude and the introduction

of a fair admissions system for all schools. We believe the aim of government policy should be to create balanced intakes as far as possible and that no individual school's arrangements should impact disproportionately on another local school.

To that end we are producing two pamphlets this summer with the aim of advancing serious, well-thought-through alternatives to the current situation. One will look at alternatives to the 11 plus test and the second, this publication, sets out several simple and easily achievable changes to the way in which admissions are managed at school, local authority and national level. Most of these can be achieved by clear direction from central government and through changes to existing regulations.

We know that every local authority area has different characteristics so the systems that enable high quality, all ability schools can and should be brokered locally with all schools obliged to buy into a common local framework.

We are proposing that that no school should be able to fix its own criteria to decide which children get a place once it is oversubscribed. Nor should any school administer the process of deciding who gets in. A new body should be set up to consult and reach consensus across a given community about what fair, objective, transparent admissions look like (with some room for manoeuvre of certain types of schools). That body will subsequently manage admissions for all schools and the Code of Practice should be strengthened to police the system more effectively on behalf of parents and the community.

These are detailed proposals but the detail matters. The market isn't working fairly and the time has come for parent choice and fairness to trump institutional advantage. We hope these simple but radical suggestions will help to move the debate forward on behalf of all families and in the wider interests of society.



Fiona Millar

Introduction

Comprehensive Future campaigns for a system of high quality non-selective state schools. The best possible education should be provided for everybody and the most effective way of achieving this 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 allow more parents to get what they want, and their children deserve.

Improving the School Admissions Code

The main purpose of the School Admissions Code is 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'. This is universally supported. However, these terms are subject to interpretation, and subtle unfairness can go unchallenged. The Code could be strengthened by reviewing the permitted oversubscription criteria to reduce the scope for covert selection.

Problematic school admissions occur because it is often not a particular criterion but the way they are used that cause problems. For example, a school might set a catchment area covering a few local villages, but choose to avoid the one village with the most local authority housing. Most people would feel this was unfair but in practice subtle admission breaches are rarely scrutinized or challenged. Any complaints must be lodged by parents with the Office of the Schools Adjudicator (OSA) and it is difficult to achieve a successful

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challenge and to get a decision implemented. Guidance in the Code should be strengthened by emphasising the overall objective of fairness for parents and children over the convenience and institutional advantage of schools.

Over-complex and elaborate religious criteria are sometimes found to have a socially selective effect in faith schools. The Code should provide a stronger role for central religious bodies in providing guidance on appropriate arrangements and advice on their interpretation, in order to ensure that fairness to parents and children is paramount. The 2017 Chief Adjudicator's annual report indicates

that the Catholic Education Service has recently been working with OSA and DFE to this end. More could be achieved if all religious authorities were required to provide such guidance and advice.

End Schools Fixing Their Own Admissions

Admission arrangements for community schools are determined by the local authority and for faith schools by the governing body. For academies (and free schools) the decision rests with the Academy Trust and is mainly exercised at school level. Where Multi Academy Trusts operate schools in different areas, their arrangements can be incompatible with those for other local schools. The Chief Schools Adjudicator has reported concerns that confusion as to who is in control of admissions for which school has meant the rules have not been followed. Even when individual schools are compliant with the Admissions Code they can sometimes interact so as to produce unfair outcomes. For example, feeder primary schools are a common admission criterion which can work well, but it is becoming increasingly common for academy secondary schools to set the trust's own primary schools as the feeder schools. This invariably benefits the MAT but is not always in the best interests of local families.

Many schools do not manipulate their admissions criteria to their own advantage, however, those that do undermine public confidence in the whole

system and put pressure on other schools to follow suit to counter unfair competition. Schools that successfully manipulate their intake to admit the kind of pupils likely to succeed in exams present themselves as better than they actually are, and they make it more difficult for other local schools to succeed.

Schools that do not wish to game the system have no need to have direct control of oversubscription criteria or oversee the practical administration of admissions. All schools should be able to develop a distinctive character and propose a set of oversubscription criteria to reflect this. 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.

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 would have the right to propose an admissions 'policy' that identifies oversubscription criteria (ie. 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 a strengthened Code of Practice.
- b. An independent body for each area, such as an Area Admissions Authority (AAA), should be established in each area and required to translate the wishes of all local schools into a formal set of arrangements for all local schools. The AAA would ensure that the formal arrangements were clear, consistent, coherent and compliant with the Code. The authority would make it as easy as possible for applicants to understand their options, and to ensure as far as possible that intakes are balanced and reflective of the local community.
- c. The AAA would also be responsible for the administration of all admissions within the area, removing the burden from schools,

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in addition to ensuring as far as possible that the implementation of the policy was fair and transparent for parents. Issues such as faith schools using long and complex forms asking parents to describe religious practice would be challenged by an AAA. They might also creatively combat other local admission problems, such as an oversubscribed school using distance as an admission criterion, encouraging inflated prices in the streets around the school. They could change this to random allocation for all applicants living in a priority area to combat 'house price selection.'

d. The Office of the Schools Adjudicator would continue to be responsible for policing the system. They would be able to receive, investigate and rule on any objection from interested parties that schools or the AAAs were acting inappropriately, and they might collate information from the areas and report on best practice admissions.

Making Change Happen

There would be a need for specific changes to education legislation, regulations and, naturally, the Schools Admissions Code itself. Comprehensive Future has been assured that implementing the changes would not be technically difficult.

Under these proposals the role of the OSA as independent arbitrator for all disputes relating to school admissions arrangements would remain broadly the same. However, the OSA's task would become simpler as (a) there would be many fewer admissions authorities to scrutinize and (b) AAAs, being 'disinterested', would have no incentive to avoid implementing OSA decisions.

Two further improvements requiring legislation should also be considered;

- a. Decisions of the OSA should alter admissions arrangements directly, rather than placing a duty on admissions authorities to make necessary changes (as was the case pre-2012.)

- b. Additional Code requirements should be brought within the jurisdiction of the OSA (e.g. the injunction proscribing school uniform policies that discourage applications from poorer families).

There are a number of other beneficial impacts arising from these proposals:

- a. In respect of admissions appeals, locating responsibility within the AAA would aid efficiency and transparency to the benefit of the appellants.
- b. In respect of exclusions and transfers, the former would remain a school level issue, whilst the latter should be managed by the AAA through a more streamlined and efficient process.
- c. In respect of Fair Access Protocols (which can lead to schools being directed to admit hard to place children), compliance would be secured more easily if the power were located within the AAA.

Conclusion

In summary, these proposals for making the existing admissions framework function more efficiently would help to significantly improve the collaborative relationships between schools, and maximise the possibilities of real parental choice, and respond to the urgent need for greater fairness and social cohesion.

Case studies: a brief look at the reality of school admissions

Schools use a wide range of admission criteria to decide which pupils should attend them if there are more applications than places. Research in 2016 showed that 59 per cent of schools received more applications than they could accommodate and used oversubscription rules to determine which pupils were offered places.

Oversubscription criteria vary from school to school, but here we list some of the most common ways used to determine places.

Comprehensive Future has been assured that implementing the changes would not be technically difficult.

Distance from school :

Pupils' home addresses are placed in order of distance and those living closest to the school are offered places. This is also the most common 'tiebreaker' mechanism when more applicants meet a requirement than available places.

Priority areas : A catchment area is defined and pupils in the priority area are offered places ahead of those who live further away.

Feeder schools : Secondary schools prioritise entry for pupils attending specific primary schools.

Fair banding tests : Primary school pupils take an ability test and secondary schools use these tests results to create an 'all ability' intake using equal bands of ability, eg. 25% low attainers, 50% medium attainers, 25% high attainers. This is usually used in conjunction with other criteria (i.e. catchment and distance).

Random allocation : Schools use a computerised lottery system to randomly allocate places to applicants. This is also commonly used as a 'tiebreaker' mechanism, particularly when distance measurements give the same answer for more than one applicant.

Ability tests : England's 163 grammar schools use 11-plus tests to admit high attaining pupils to the school. Some grammar schools offer their places to the pupils with the highest ranked scores while others use a test with a pass mark, which has then to be used in conjunction with other criteria to distinguish between those who have achieved the threshold score. There are also 38 partially selective schools using an 11-plus test to select a proportion of pupils based on ability.

Aptitude test : Schools are allowed to select up to 10% of pupils who demonstrate 'aptitude' for a subject such as sport, music or language. These tests are not allowed to judge proficiency in any subject but must judge potential. This means schools testing for language aptitude would not set a French test but would use a made-up or obscure language to attempt to judge a pupil's potential.

Proof of faith : Faith schools can select pupils based on supplementary information showing a

child is connected to a specific religion. This might involve proof that parents attend a specific place of worship, that a child has attended Sunday School, been baptised or that the parents have performed duties associated with their place of worship.

Priority for specific groups of pupils :

Here, an admissions policy might offer priority to siblings of current pupils, the children of teachers at the school, or children from disadvantaged backgrounds. Children in care are among the most vulnerable children in society and all schools must give first admission priority to looked after children and previously looked after children.

A combination of admission methods :

Many schools combine admission methods, sometimes in unusually complex ways. One London school allocates places according to faith, language specialism, banding, distance and sibling criteria. Its admissions policy runs to 11 pages.

Case Studies

Fair banding: common problems

Fair banding admissions can cause problems if they are operated in a way that is not actually 'fair'. A school might arrange a test at a weekend and fail to promote it widely enough, thereby reaching only keen, middle class parents who can arrange for their children to take the test while other pupils miss out and do not even apply to the school. One Liverpool school uses an eight page application form for parents to apply for its fair banding test, with only one Saturday morning session available to sit the test. If a school is 'banding' the children of a small group of motivated and wealthy parents it can skew the ability profile of the school. The profile of this one Liverpool school shows that 0.8% of pupils are 'low attainers,' 27% medium attainers, and 72% high attainers. In effect, the school has a similar profile to a grammar school because it misuses a banding test to skew its intake towards higher ability applicants.

Fair banding: best practice

Fair Banding admissions are used for the majority of secondary schools in Hackney. A common banding test is offered to all primary school pupils

as a matter of course, and when applications are determined each secondary school aims to achieve a similar proportion of high, medium, and low attainers. All Hackney's secondary schools are rated 'Good' or 'Outstanding' and this method helps to avoid potential competition between schools for high attaining pupils in order to boost league table rankings. A more balanced mix of pupils helps ensure that each school has a similar socioeconomic profile and it helps prevent popular schools unduly affecting local housing costs.

Faith admissions: common problems

Some faith schools use complex religious affiliation forms; for example one London school asks all applicants to fill in a form stating the date a child's parents were married into the faith, and whether the children have a TV at home and how often they use the internet. Such questions ensure that only children of this faith attend the school, even if answers to these personal questions cannot officially be used to determine places, while questions about TV/ internet use might be used to screen those of lower socioeconomic status. When faith schools use admission forms like this it is highly unlikely that any child of an alternative faith, or no faith at all, will ever access the school, and poorer families could be excluded. Other schools have used elaborate systems where 'points' are accumulated through providing proof of a range of activities such as volunteering to decorate the church with flowers, beyond strictly religious participation. These criteria discriminate against disabled, single or working parents.

Faith admissions: best practice

Nigel Genders, chief education officer of the Church of England, supports the idea that new C of E schools should have 'open door' admissions with no proof of faith required. According to Genders, 'In practice, most of the new schools that the Church of England has provided over recent years have all been entirely open admissions policies so that they would serve their local community.' St Luke's Primary School in Kingston upon Thames changed its admissions in 2015 to abandon any need for proof of church attendance. The local

vicar, Martin Hislop, said he was uncomfortable recording parent's church attendance and felt that 'cynicism' was motivating some parents to attend church to win a school place. The school now has a Christian ethos but selects pupils by distance, the opportunity to attend the school is open to all local children, regardless of faith.

Even where priority is given to members of the faith group, a simple and straightforward way of establishing membership is much fairer than elaborate mechanisms to differentiate between degrees of religious practice: eg many Catholic schools require only that applicants have been baptised.

Priority areas: common problems

A heavily oversubscribed secondary school with a proud record of GCSE and A level results uses two admission priority areas, but due to its popularity all its successful applicants live in the first, smaller priority area. This means that the furthest distance any pupil lives from the school is just 1.1 km. This has given rise to much discussion among prospective parents (for example on social media sites like Mumsnet) about the ever-changing priority area. As one parent claimed, 'Many parents have specifically paid extra for their houses and have found they are suddenly not eligible.' The school's policy is encouraging wealthy parents to buy houses ever closer to the school. There are ways the school could mitigate these effects. At present most pupils live within a ten minute walk of the school but expanding the priority area might allow a wider range of pupils an opportunity to win a place and discourage the inflated house prices near the school.

Priority areas: best practice

One popular London school was keen to represent its community and avoid rising house prices near the school. This school used an 'admission area' comprising the two postcode areas closest to the school with random allocation of places among all applicants living in this zone. The school is also

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keen to admit a cohort that is representative of pupils from the local community, so ahead of this criterion it prioritises 27% of places to pupils eligible for the pupil premium.

In conclusion

There is no 'one size fits all' approach to school admissions: local factors will always have a bearing on the best method to use. However, it's clear that many of the admissions criteria currently

employed work well in some cases and cause problems in others, and that some form of official and local supervision is necessary to make sure that admissions methods are fair. As we argue in this pamphlet, there is a problematic lack of oversight of school admissions at present, and while schools with the very worst policies are asked to make changes if they breach the code, thousands of schools are able to use policies that cause various forms of more minor unfairness or encourage social selection. Long application forms, expensive John Lewis blazers, and the tradition or reputation of a school are all subtle factors which can encourage socioeconomic selection.

The proportion of 'high attainers' and disadvantaged pupils attending a school give clues to social selection caused by poor admissions. Some of the schools, quoted above, in our 'problem' case studies, have more than 60% high attainers, while an average school contains around 30%. Again, these schools each have less than 10% pupil premium pupils, while the average proportion is 28%. It is clear that poorly planned or weakly overseen admission policies often benefit wealthier families and exclude poorer pupils.

Many schools will continue to operate the admission policies that permit them the most favourable intake of pupils, particularly in such a competitive schools landscape, unless an effective new body, such as the one proposed in this pamphlet, takes charge to oversee school admissions. A new admissions body would look out for the interests of all local pupils and ensure every school serves its community well.

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