

## **Admissions to English primary and secondary schools**

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## Admissions to English primary and secondary schools

A briefing prepared for the European *Matching in Practice* Workshops. This briefing is to provide a picture of the process and context of admissions procedures and outcomes in England at the time of writing.

Working paper prepared September 2013.

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## Relevant country background:

### Main characteristics of the school system

Historically both the Church of England and the Roman Catholic Church were main providers of schools in England and they continue to share the provision of education with the state. Schools can be governed by religious organizations but are funded by the state and are allowed to have a religious character and to use religious affiliation of parents as an admission criterion.

Education at a school is compulsory between the ages of 5 and 16. Schools are divided by age phase. Infant schools take children between the ages of 5 and 7 and Junior schools between the ages of 7 and 11 although it is very common for these to be combined into one Primary school (5-11). The Secondary school takes children from 11 to 16 with some offering post compulsory Sixth Forms to the age of 18. There are a small but increasing number of '*all through*' schools taking children from 5 to 16/18 and a very small and decreasing number of areas which make the divisions at 5 to 8/9 (First Schools), 8/9 to 13 (Middle Schools), 14 to 16/18 (High Schools). In 2013 the government increased the age to which all young people in England must continue in education or training, requiring them to continue until the end of the academic year in which they turn 17 years old. In 2015 this will increase to 18 years.

Between 5 and 16 parents are legally responsible for ensuring their child is educated. A tiny proportion (about 1%) educate their children at home. A further 7% pay to use the private sector. The fees are generally high and consequently their intake is almost exclusively from the most affluent families although a small number of bursaries and scholarships are available to less privileged children. These private schools are not subject to the same admission regulations as government funded schools. The great majority of children (about 92%) are educated for free in state schools funded from general taxation. The Local Authority has a statutory duty to provide a place for every child between 5 and 16 who wants to attend a state funded school.

Participation in education or training between 16 and 19 is the legal duty of the young person. For 16 to 19 year olds this may be in post-compulsory classes (Sixth Forms) in a secondary school, or Sixth Form College, or in a Further Education College. Sixth-Forms and Sixth Form Colleges admit students between 16 and 19 years and focus on study for Advanced Level Qualifications necessary for University entrance. Further Education Colleges also offer Advanced Level study but as part of a wider range of vocational courses that cater for young people and adults across the age range.

All state funded schools follow a detailed National Curriculum and are subject to the same very strict inspection regime. They must apply strictly controlled standardized tests at ages 7, 11 and 16 to monitor the performance of the school defined as their children's attainment in these tests. The results are publicly available and this is intended to enable comparison of schools. Regular inspections use a wider set of criteria than the test results but raw attainment scores are still a key criterion. After an inspection a school is given an overall grade of either: *Outstanding*; *Good*; *Requires Improvement*; or *Inadequate*. The full inspection reports are publicly available and parents are encouraged to use them to help choose a school.

### *Diversity of Types of school*

State funded schools vary according to their governance and in each Local Authority area there is (almost without exception) a diversity of types of school although the level of diversity varies (Coldron et al 2008). The body responsible for deciding the arrangements for admitting pupils to each of these schools is the school's Admission Authority which must act in accordance with legally binding Codes and Regulations (details given in a later section). The different types of school are:

*Community schools:* The Local Authority employs the school's staff, owns the school's land and buildings and is the admission authority although this may be delegated to the governing body. They are funded by Central Government via the Local Authority. Community schools are the most numerous type of school overall especially the Infant, Junior and Primary schools but only about half of all Secondary schools were of this type by Aug 2013. Community schools have no religious character.

*Voluntary Controlled schools:* The Local Authority is the employer and the admission authority. They are funded by Central Government via the Local Authority. The school's land and buildings are normally owned by a charitable foundation. Almost all VC schools are faith schools. Faith school is the common term used for schools designated with a religious character. VC schools make up a significant minority of primary schools but a small proportion of secondary schools.

*Voluntary Aided schools:* The governing body is the employer and the admission authority. They are funded by Central Government via the Local Authority. The school's land and buildings are normally owned by a charitable foundation. Most VA schools are Faith schools. The great majority are either Church of England or Roman Catholic Schools with a tiny but increasing number of schools run by Sikh, Muslim, or Jewish organisations.

*Foundation schools:* The governing body is the employer and the admission authority. They are funded by Central Government via the Local Authority. The school's land and buildings are either owned by the governing body or by a charitable foundation. A small minority of Foundation schools have a religious character.

*Academies:* Academies are non fee-paying schools independent of the Local Authority. They are directly funded by Central Government under a Funding Agreement between the Secretary of State and the proprietor of an Academy Trust. At the time of writing (2013) twenty five per cent

of Primary Academies and 16% of Secondary Academies have a religious character. They are required by their funding agreements to comply with the Admissions Code and the law relating to admissions, though the Secretary of State has the power to vary this requirement where there is demonstrable need. The Academy Trust is the admission authority.

Numbers of schools by type in England*						
	Primary		Secondary		All schools	
	No.	% of all Primaries	No.	% of all Secondaries	No.	% of all Schools
Community	9272	55%	871	27%	10143	51%
Vol. Aided	3547	21%	354	11%	3901	19%
Vol. Controlled	2409	14%	55	2%	2464	12%
Foundation	550	3%	360	11%	910	5%
Academy**	1006	6%	1641	50%	2647	13%
Totals	16784		3281		20065	

\*DfE figures <https://www.gov.uk/government/publications/schools-pupils-and-their-characteristics-january-2013> accessed Aug 2013

\*\*Includes Free schools and CTCs.

Number of schools by religious character*										
	Without Religious Character		With Religious Character							
			Church of England		Roman Catholic		Other Religion		All religions	
Primary	10590	63%**	4386	26%	1662	10%	146	1%	6194	37%
Secondary	2652	81%***	208	10%	323	10%	98	3%	629	19%

\* DfE figures <https://www.gov.uk/government/publications/schools-pupils-and-their-characteristics-january-2013> accessed Aug 2013

\*\*All this row percentages are of all Primary schools \*\*\* All this row percentages are of all Secondary schools

All primary schools admit children without reference to ability but some secondary schools (called Grammar Schools) select on the basis of tests of cognitive ability. A minority of Local Authority areas organize selective intakes to all (or most) of their schools. Children who do not pass the test for a Grammar school attend a Secondary Modern school. There are 164 grammar schools (5% of all secondary schools) in England. At the moment (2013) no new school is allowed to select by ability but where a school already does so it can continue to select and can expand the number it takes in. This can extend to setting up a separate campus at any distance from the original school and this is not deemed to be a new school. In this way it is possible that selective admissions may increase in the future.

### *Types of Local Authority and their effects on admissions*

There are three types of local authority – County, Unitary and London Boroughs - whose geographical characteristics can raise different issues concerning admissions.

Counties tend to be large rural districts with a number of small urban settlements. **County Councils** have responsibility for the provision of education across the whole county but may delegate the implementation to smaller District Councils creating some diverse arrangements. In 2013 there were 27 counties split into 201 districts. The lower density of the population can lead in some rural districts to less competition between schools and fewer options for parents.

Larger towns and cities are **Unitary Authorities**. In 2013 there were 56 unitary authorities. They are more likely than Counties to have socially segregated intakes across schools.

In **London** there are 33 **boroughs** each of which is a Unitary Authority and therefore legally responsible for education and the co-ordination of admissions for schools in their boundaries. But parents can opt for schools in any borough (see details of admission regulations below). The great density of population in London, the extensive transport system, and the large number of schools gives parents more possible choices than in other Local Authorities. There is greater social segregation of intakes in London than other cities in the country. These conditions contribute to a more competitive, polarized and potentially chaotic admissions process. Because of this all London Boroughs have over the last decade voluntarily participated in a London wide coordinated admissions system.

### *Education Policy and Admissions*

Since the Education Act of 1980 and the Education Reform Act of 1988 successive governments have adopted parental choice and 'quasi-market' reforms. The Coalition Government (elected in 2010) has even more enthusiastically followed this policy by increasing the diversity of providers and allowing popular schools (including Grammar schools) to expand more easily.

Prior to the introduction of market relations school intakes already differed by social class largely because of residential segregation. Critics and opponents of market reform in public services, supported by early qualitative research, predicted that it would increase school segregation. But the unevenness in the distribution of free school meals (FSM) pupils (a proxy measure of poverty and class) across schools did not increase in the first decade following the 1988 Act (Gorard 2002; Gorard *et al.*, 2003). FSM segregation did appear to rise very slightly between 1999 and 2004, but the measure is very sensitive to changes in the economic cycle and so cannot securely be attributed to a change in education policy. Gibbons and Telhaj (2007) show there was very little change in ability segregation between 1996 and 2002.

Nevertheless, the continuing school segregation concerns English policy makers, local communities, parents and academics. There have been worries that when segregation by class mirrors and sustains ethnic and religious divisions social cohesion may be threatened setting a pattern for different

communities to live ‘parallel lives’ which was seen to underlie eruptions of violent disorder in some northern cities. In addition, when children from some social groups more than others gain access to better schools this has been seen to call into question the inequalities of wealth and status in so far as they are justified by educational credentials. This last is part of a political debate with deep roots in the political history of England (Simon 1969 and 1999) In addition, if segregation results in some children being prevented from attaining as well as they might it is seen to threaten the effectiveness of a system in the service of a healthy economy.

In the early years of implementation of the education market in England there was considerable difficulty in the management of the admissions process (Audit Commission 1996). In some areas for example, and particularly London and other large conurbations, some parents were offered multiple places while others had none; and there were differences in the criteria for admission and the quality of information available making the process very complex for parents.

For these reasons policy makers in England over the last two decades have acted to mitigate perceived dysfunctions in the education market through regulation to ensure that all school places for maintained schools and Academies are allocated and offered in an efficient, open and fair way. In 1998 the Labour government passed the School Standards and Framework Act which established a new legal framework for school admissions which remains the foundation of current practices. The regulation of admissions has been progressively strengthened between 1999 and 2009 through five sets of codes of practice governing what arrangements admission authorities can put in place (DfEE, 1999; DfES 2003; DCSF 2007; DCSF 2009; DCSF, 2010). The latest Code was published by the Conservative led Coalition government in 2012 (DfE 2012a). Although it does not strengthen the regulations, and in some ways it slightly weakens the requirements, it still provides strong regulation. The regulations aim to avoid the difficulties of management experienced in earlier years; actively to prevent schools (except Grammar schools) from selecting students on the basis of social or educational characteristics; and to enhance the effectiveness of the local market including freedom of choice on the part of parents.

### Summary box with the following ingredients:

Organization of education	<b>Mainly state funded compulsory education in Primary (5 to 11) and Secondary (11 to 16/18) schools. About a third of these are jointly run by Church and State. All state funded schools must follow a national curriculum, are subject to tests and inspections, and must comply with national admission regulations.</b>
Stated objectives of enrolment policy	<b>Procedural fairness, maximum availability of relevant information for parents and reduction in the ability of schools to select pupils.</b>
Who’s in charge?	Central Government sets the national regulations and then each school’s Admission Authority sets criteria and arrangements compliant with those national regulations.
In place since	1999
Available capacity	The Admission Authority determines capacity. A popular school can admit a higher number if it so wishes.
Timing of enrolment	Strict National timetable: Parents express a minimum of three preferences by 31 <sup>st</sup> October. All parents informed on the same day: Secondary 1 <sup>st</sup> March; Primary 16 <sup>th</sup> April.

Information available to parents prior to enrolment period	Details of every school's admission arrangements in a Local Authority area required to be provided in a single publication (the Composite Prospectus). Includes over-subscription criteria and details of how successful previous applications have been giving parents a sense the popularity of the school and how likely they are to gain a place.
Restrictions on preference expression	None.
Matching procedure	
Priorities and quotas	Schools must prioritise applications from children in care and with special educational needs.
Tie-breaking	Set by each admission authority. The most common is distance from the school.
Other special feature	

## Description of current practices

The admission arrangements for a school are determined by the admission authority for that school. The current Codes spell out the duties and conduct of the admission authorities for all state funded schools in England. There is one relating to admission arrangements (DfE 2012a) and another to the regulation of appeals by parents against the refusal of a place (DfE 2012b). The regulations have the force of law and there is an Office of the Schools Adjudicator with powers to monitor and require compliance with the Codes. Evidence suggests that compliance is the norm and any infringements are small or technical (Office of the School Adjudicator *Annual Report 2008 2009*).

Admission authorities must annually determine admission arrangements that clearly set out how children will be admitted including the number of pupils (PAN – Planned Admission Number) and the criteria that will be applied if there are more applications than places. Some criteria are outlawed (e.g. that the parents place the school as their first preference) and some are imposed (e.g. to give priority to children in care). The oversubscription criteria of popular schools are crucial in determining admission. Schools with a religious character, of which the great majority are Christian, are allowed to set criteria concerning commitment to the faith. This is evidenced by references from clergy, or certificates of baptism, or records of attendance at church. Other common criteria are geographical (either proximity to the school or residence in a designated area), and a brother or sister currently attending (see Coldron et al 2008 for details).

Where changes are proposed to admission arrangements the admission authority must first publicly consult on those arrangements. If no changes are made to admission arrangements, they must be consulted on at least every 7 years.

In addition the Local Authority is required each year to coordinate a consultation with all admission authorities in their area. Consultation must be for a minimum of 8 weeks and must take place between 1 November and 1 March of the year before those arrangements are to apply. For example, for arrangements which are to apply to applications in the autumn of 2013 (entry in September 2014), consultation must be completed by 1 March 2013. This consultation period allows parents, other



schools, religious authorities and the local community to raise any concerns and make formal objections about proposed admission arrangements. Arrangements can be objected to and referred to the Schools Adjudicator by 30 June. Any decision of the Adjudicator must be acted on by the admission authority and admission arrangements amended accordingly.

Once consultation has taken place and any objections resolved the Local Authority must publish in a single composite prospectus for parents what the arrangements are for each school in that Local Authority area. The prospectus includes information about the fate of applications in previous years to enable parents to assess their chances of gaining a place.

In the normal admissions round (i.e. for the beginning of a school year) parents apply to the local authority in which they live for places at their preferred schools. Parents are able to express a preference for at least three schools. Parents can apply for a place for their child at any state-funded school in any area so the application can include schools outside the local authority where the child lives. A separate application must be made for any transfer from nursery to primary school and from infant to junior school. A school's admission authority must rank applications in order against its published criteria and send the list of eligible applicants back to the local authority. If a school is undersubscribed, any parent that applies must be offered a place (i.e. is automatically eligible). Once these lists are received from all admission authorities in their area the Local Authority collates those preferences and informs other local authorities of applications for schools in their area. Parents then receive from the local authority, on the same day as all other parents across the country, an offer for the highest preference school at which a place is available. Each admission authority for a school that is oversubscribed must, for at least the first term of the academic year of admission, maintain a waiting list ranked in relation to their oversubscription criteria.

**Worked example:** *If a parent puts School A as any of their preferences the LA sends those names and details to School A but does not (must not by law) let the school know whether those applicants placed the school as first, second, or third. Having received the list of all applicants to their school the admission authority of School A applies their published admissions criteria to generate a list of eligible applicants in order of eligibility up to their PAN (planned admission number). If there are fewer applicants than places available at School A, all those expressing a preference must be offered a place for their child (except where School A is a Grammar school and the child does not meet their test requirements). School A sends the list of eligible applicants back to the LA who then process (using a specialist software programme) all applicants to all schools such that a) no applicant is offered more than one place and b) that offer is for the school that was placed highest on their list and for which they are eligible and for which no other applicant was more eligible. The following table shows all possible outcomes for an application where School A was the highest ranked preference.*

*E = Child is Eligible for admission which creates a potential offer*

*O = School Oversubscribed. Child not Eligible for a place based on admissions over subscription criteria*

**E** = Actual allocated place as the highest ranked preference for which child is eligible

Preference	School	Possible outcomes							
1 <sup>st</sup>	A	E	O	O	E	E	E	O	O
2 <sup>nd</sup>	B	E	E	O	E	O	O	E	O
3 <sup>rd</sup>	C	E	E	E	O	E	O	O	O

*If the child is not eligible for any of the expressed preferences (column 9) the Local Authority allocates the child to the school nearest the parents' home where a place is available. Following the allocation process parents who have been refused a place at School A (even after an appeal) may place their names on School A's waiting list in case a place becomes available in the first term of the school year.*

Parents, and in some circumstances children, have the right to appeal against an admission authority's decision to refuse admission. The admission authority must set out the reasons for the decision, that there is a right of appeal and the process for hearing such appeals. The admission authority must establish an independent appeals panel to hear the appeal. The panel will decide whether to uphold or dismiss the appeal. Where a panel upholds the appeal the school is required to admit the child.

The admissions process follows a strict timetable as follows in this example of Offer Year 2013/14:

12 September 2013	Deadline for local authorities to publish composite prospectus.
31 October 2013	National closing date for secondary school applications.
15 January 2014	National closing date for primary school applications.
28 February 2014	Deadline for admission authorities to publish their appeals timetable on their website.
1 March 2014	National offer day for secondary school places.
16 April 2014	National offer day for primary school places.
March to August 2014	Secondary appeal hearings
April to August 2014	Primary appeal hearings.
September 2014	New intake starts at school

## Performance

A comprehensive evaluation of the effectiveness of the admission arrangements in 2006 was carried out (Coldron et al 2008) which included a statistically representative survey of parents. Key findings from that study were:

- Overall about 85% of parents gained their first choice school. The figure for London parents was 72%. Nationally 93% of parents gained either their first or second preference. Once their children start at the school, the great majority of parents are satisfied with the school with 95% of parents who got their first choice being satisfied and 82% of parents whose child attended a school that was not their first preference being satisfied.
- In the sample 81% of parents said they were satisfied with the choice of schools in their locality. Satisfaction was lowest among parents living in London even though they have more schools to choose from.
- In the sample 25% of parents said their child did not attend their nearest school.
- No association was found between the chances of gaining first choice of school and the socio-economic status of parents. This suggests that either different groups of parents seek different things from their secondary school or that parents are responding realistically to their chances of gaining entry to certain schools, or both. It does not mean that there are no educational disadvantages systematically visited on some groups rather than others. It indicates rather that the way that inequality of educational opportunity continues to occur is not reducible to whether or not a parent gets their first choice of school. There were no significant associations between appealing and parents' family characteristics.
- While less affluent and less educated parents accessed fewer sources of information there was no evidence from the analysis of those gaining their first choice of school or of those appealing that this disadvantaged them in terms of their gaining their preferred outcome.
- It is a misconception to think that the unfairness of admissions consists in some groups being denied access to 'good' schools. It does not take adequate account of how intake contributes powerfully to the public perception of schools as 'good' or 'bad'. A more adequate account focuses on how the admission system contributes to segregated intakes and how that segregation leads to unequal educational opportunity.
- Schools that were their own admission authorities, in particular Voluntary Aided Faith schools, were less compliant and were more able to covertly select than Community schools.
- The most highly selective LAs (those that have the highest proportion of places allocated to children who score highest on a cognitive ability test) had more socially segregated schools, fewer parents gaining their first preference and a greater number of appeals.

Historically English schools have been segregated by social class and continue to be so (Jenkins et al. 2008). Social segregation has not significantly increased nationally since the introduction of a quasi market in education (Gorard 2003). However, Allen and Vignoles (2007) provide evidence that, despite there being no overall increase, segregation *is* increasing in specific localities particularly in London and other densely populated areas and that different patterns of separation occur in different LAs. There is also some evidence to suggest that the strong regulation of admissions contributes to a small but measurable desegregation of intakes (Allen et al 2012).

Not only does social segregation vary by geographical area but also by type of school. In voluntary aided (faith) schools in 2006, the average proportion of pupils on free school meals was 5.6% compared with 14.6% for the surrounding areas (Sutton Trust 2006). Pupil level data reveals that grammar schools are populated by children from more affluent families with higher levels of education, while secondary modern schools are populated by children from less affluent families and with parents who have fewer educational qualifications (Atkinson and Gregg 2004). Whereas 12% percent of pupils in secondary modern schools are on free school meals, the figure is only 2% in grammar schools. Further, grammar school selection appears not to be solely on the basis of ability. Atkinson and Gregg (2004) found that if you were of high ability but poor you stood less chance of gaining a place, with poorer children with the same underlying ability only half as likely to attend a grammar school as other children. However, community and foundation comprehensive schools, which together make up the great majority, and that do not select by ability or faith, also differ markedly in their intake both in terms of attainment and social background (Gibbons and Telhaj. 2007; Sutton Trust 2006).

### Recent policy changes

The current policy is strongly to encourage, and in some cases require, schools to become independent of local authorities and funded directly by central government. Consequently there has been a significant increase (especially in the Secondary sector (11 to 19) of schools that are independent of the local Authority and funded directly from central government. They also become their own admission authority. It has also been made easier for popular schools to increase their admission numbers at the expense of those less popular. At the same time there is often a formal requirement on highly rated and popular schools to federate and/or collaborate with less well performing schools. These two thrusts of policy are likely to have a significant effect on the configuration of schools in local competitive arenas and on existing hierarchies. There is little evidence to date as to how this is affecting admissions.

### Perceived issues

Firstly, policy has since the introduction of greater parental choice sought to deliver equality of opportunity in relation to those aspects of the sorting of children into schools that are directly to do with the procedures of admissions. It has not sought positively to ensure more balanced intakes. Consequently there has been only limited action against the many indirect causes of segregated intakes such as residential segregation or the practical and social difficulties of gaining access to the more popular schools.

There is room in the regulations for manipulation of intakes to secondary schools by prioritizing applications from certain primary schools. With the reduction in the influence of local government and the empowering of schools and groups of schools within local areas the use of these methods becomes more possible.

There has been an accrual of power to central government in the person of the Secretary of State for Education over curriculum, admission policy and governance. Many significant aspects of schooling including admission regulations can therefore be radically changed easily and quickly by governments.

## Existing data (include links)

The admission arrangements for all state funded schools in England can be found on Local Authority websites. All the names of English Local Authorities can be found by clicking the regions on the map at <http://local.direct.gov.uk/LDGRedirect/MapLocationSearch.do?mode=1.1> . Follow the link to each Local Authority website e.g. *Sheffield City Council*. Each website varies slightly but look for such links as *Schools* and *Admissions: Information for Parents*.

## Legal texts (include links)

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