



School admissions:

Fair choice for parents and pupils

Sarah Tough and Richard Brooks

JUNE 2007

© ippr 2007

Institute for Public Policy Research
www.ippr.org



The Institute for Public Policy Research is the UK's leading progressive think tank, producing cutting-edge research and innovative policy ideas for a just, democratic and sustainable world. Since 1988, we have been at the forefront of progressive debate and policymaking in the UK. Through our independent research and analysis we define new agendas for change and provide practical solutions to challenges across the full range of public policy issues. With offices in both London and Newcastle, we ensure our outlook is as broad-based as possible, while our international and migration teams and climate change programme extend our partnerships and influence beyond the UK, giving us a truly world-class reputation for high quality research.

This paper was first published in June 2007. © ippr 2007

30-32 Southampton Street, London WC2E 7RA
Tel: 020 7470 6100 Fax: 020 7470 6111 www.ippr.org
Registered Charity No. 800065

Acknowledgements

This work has been made possible through the generous support of Select Education plc and Cambridge Assessment. The authors would like to thank all those who have contributed to the ideas contained in this paper, through seminars and informal discussions. In particular we would like to thank Simon Burgess of CMPO at the University of Bristol; Stephen Gorard at the University of York; Josh Hillman; Anne West of the Centre for Educational Research at the London School of Economics; and Becky Allen at the Institute of Education.

We would also like to thank our colleagues at ippr. In particular we would like to thank Jodie Reed and Peter Robinson for their work during the early stages of the project; Richard Darlington and Nick Pearce for their continuing advice and support; and Miguel Castro Coelho for his assistance with this specific paper.

This paper is part of a broader project on school reform. It follows earlier papers on pupil attainment and assessment that were published by ippr in December 2006 and are available at www.ippr.org/publicationsandreports.

The views expressed in this paper are those of the authors alone.

About the authors

Sarah Tough is a Research Assistant in the Public Services team at ippr. Before joining ippr Sarah was a mathematics teacher in a London secondary school as part of the Teach First programme. Sarah has a first class honours degree in Economics from the University of Bristol. She is currently a governor of a primary school in Hackney.

Richard Brooks is an Associate Director at ippr and leads the institute's public services work. He has published widely on public services and welfare policy issues. Prior to his current role he was Research Director at the Fabian Society, and he has also worked in the Prime Minister's Strategy Unit, the Labour Party Policy Unit and the investment bank Warburg Dillon Read. Between 2002 and 2006 he was a Tower Hamlets Councillor, and he is currently a governor of Bethnal Green Technology College.

Contents

Introduction	4
1. How does the current system work?	5
2. Objectives	10
3. Does the current system meet these objectives?	13
4. Proposals	18
References	21

Introduction

The school admissions system is one of the most contentious areas of education policy, and secondary school admissions in particular have become a highly controversial political issue. Parents naturally want their children to go to the best possible school, and the process of choosing and being allocated a place can be extremely stressful. Each year this is reflected in media features about the 'best' schools, and in stories about over-subscribed schools, disappointments, appeals and the various strategies employed by parents to get what they want for their children.

The current system is often described as being based on the principle of parental choice. Yet it is a matter of fact that not all parental choices can be satisfied when popular schools are over-subscribed. Parents have preferences rather than choices. It is sometimes objected that the cause of the problem is simply that there are not enough good schools, and of course it must be a central objective of the education system to improve the quality of all schools. However, this does not deal with the admissions problem in the short term, nor is it likely to do so in the long term. As long as some schools are more popular than others, however good the schools system is overall, we will still have to find a fair way of deciding whose preferences are to be satisfied.

We argue in this paper that the current admissions system is a cause of segregation by social class and ability across our schools system, and is thus likely to hamper efforts to improve all schools. In addition, it is likely to lead to systematic unfairness in terms of whose preferences can be satisfied. We argue that a system of fair choice would take into account the need to achieve a balanced intake in every school.

We argue that while the new School Admissions Code improves upon the previous arrangements, local authorities should actively monitor its effects on pupil segregation. Regardless of the rules of the admissions system, it will always be in a school's interests to try to select the most able pupils if it can do so. While many schools act responsibly, we present evidence that some schools are covertly selecting their pupils, and that these are much more likely to be schools who have authority over their own admissions. Unless the new Code dramatically reduces current levels of segregation, then schools should cease to be their own admission authority. We think that local authorities should perform the role of allocating places, and that there should be appropriate safeguards and a means of appeal for schools and parents.

In the long term we argue that all local authorities should move towards a system of area-wide banding, where the objective of achieving a mixed ability intake of pupils at every school would sit alongside other factors such as parental preference and the distance from home to school. A fair banding system, where all schools admit pupils from across the whole ability range, can be combined with the use of parental preferences within each band to create a new system of fair choice. This argument applies equally to schools with a religious character, which means that religious faith would no longer take strict precedence over all other factors in allocating places to these schools. This would be compatible with schools maintaining their own distinct ethos, religious or otherwise.

The paper starts by describing the current policy framework and the recent changes brought about by the Education and Inspections Act 2006 and the new School Admissions Code. We then set out what we think are the appropriate outcomes of a successful admissions system: high levels of pupil attainment; fairness for all parents and pupils; community cohesion; and high levels of satisfaction, trust and support for the system. We then evaluate the current and proposed admission arrangements, using evidence from the UK and from other countries, and set out a series of policy proposals designed to achieve better outcomes.

We do not discuss the private education sector, and while much of the analysis can be adapted to local authorities that select by ability into grammar schools, we do not address this issue in any detail. These are issues for a legitimate but separate discussion.

1. How does the current system work?

The last 20 years have been characterised by a shift towards choice-based admissions policies, where parents actively choose where their children study rather than simply being allocated to their nearest school. The Education Reform Act of 1988 was the key piece of legislation, allowing open enrolment rather than allocating pupils to schools solely on the basis of their home addresses¹. The Act was clarified by the Greenwich Judgement of 1989, which ruled that parents should be allowed to apply for schools outside of their own local authority². The importance of parental choice was then strengthened by the Parents' Charter of 1991, and by the publication of school performance tables and the creation of Ofsted, both as a result of the Education Act 1992.

Other reforms, together with the extension of choice, were intended to support the development of a 'quasi-market' in education (Le Grand 1991, 1993; Adnett and Davies 2002). These included making school funding more dependent on pupil numbers and thus providing an incentive to attract pupils. The combination of parental choice of school, plus information about school performance, was intended to create pressure on schools to improve their standards, or risk falling rolls as parents took their children elsewhere.

The admissions system is designed to ensure as far as possible that all parents receive one offer of a school place on the same day. Local authorities are required to coordinate this process, which differs between primary and secondary schools. For primary entry, parents generally apply in the autumn before their child is due to start school at the age of five (or four for reception classes). Parents can apply to their own local authority for any school in their own area, or to another local authority for a school in that area. Local authorities then exchange information to avoid multiple offers, and each local authority sends out all of its offers on the same date. Some authorities admit children to primary school at more than one point in the school year.

For secondary school admissions parents apply in the autumn term when their child enters their final year at primary school. They apply only to their own local authority, but can apply for schools both within and outside their local authority. They must be given the option to express at least three preferences as well as their reasons for these. The home local authority then passes on information to other admission authorities (local authorities and governing bodies³) as necessary and coordinates the process of allocating pupils to places. All offers are then sent out on 1 March (or the next working day) in the calendar year during which the child will be admitted to their new school.

Local authorities thus coordinate the admissions process, and they also have the responsibility for ensuring that there are adequate school places in their areas, but they do not allocate all places. This is the role of the admission authority for each school, which may be either the local authority or the school's governing body. Local authorities are the admission authority for community- and voluntary-controlled schools. Foundation schools (including trust schools), voluntary-aided schools, city technology colleges (CTCs) and academies are automatically their own admission authorities. Community schools can become their own admission authority by becoming foundation schools⁴. Table 1.1 shows that 23 per cent of primary schools and 32 per cent of secondary schools are either voluntary-aided or foundation schools. In addition to this, there are 10 city technology colleges⁵ and 47 academies⁶ (with many more in development), which also have control over their admissions (EduBase 2007a). Voluntary-controlled and voluntary-aided schools usually have religious character, particularly at primary level.

1. Although the Education Act 1980 gave parents the right to express a preference of schools (see Box 6.1 in Hallgarten (2000) for a legislative history of school choice from 1944 to 1999), the Education Reform Act 1988 extended 'parental choice' much further by reducing the powers of the local authority in restricting where children go. The 1988 Act also introduced other market mechanisms into the education market.

2. The Rotherham Judgement of 1997 further ruled that parents living outside an area must be allowed to apply to a school and have priority over those within the area who had not expressed a preference for that school.

3. The governing body of the school is the admission authority for voluntary-aided schools, foundation schools, trust schools, city technology colleges and academies. The local authority is the admission authority for voluntary-controlled and community schools.

4. To become a foundation school requires a vote by the governing body of a school followed by a period of consultation with parents, the local authority and other key stakeholders. In 2005 the Government made it easier for all schools to become foundation schools.

5. The pupil intakes of CTCs are explicitly required to be representative of the ability within the CTC's catchment area.

6. Academies agree their admission arrangements with the Secretary of State as part of their funding agreements.

Table 1.1: Maintained primary and secondary schools in England, January 2006

	Primary schools					Secondary schools				
	Comm'y	VC ¹	VA ²	Found'n	Total	Comm'y	VC ¹	VA ²	Found'n	Total
Total	62% (10,845)	15% (2,549)	21% (3,747)	2% (363)	100% (17,504)	64% (2,164)	4% (118)	16% (555)	16% (530)	100% (3,367)
Non-religious	100% (10,845)	2% (44)	0% (16)	89% (323)	64% (11,228)	100% (2,164)	47% (55)	7% (40)	98% (520)	83% (2,779)
Religious	0% (0)	98% (2505)	100% (3731)	11% (40)	36% (6276)	0% (0)	53% (63)	93% (515)	2% (10)	17% (588)

Notes: 1. VC = voluntary-controlled; 2. VA = voluntary-aided

Source: DfES (2006a)

If a school is under-subscribed, then it must accept all of its applicants. If it is over-subscribed then its admission authority must consider the applicants against its published over-subscription criteria, which are set by the admission authority (governing body or local authority). These criteria may include factors such as the presence of siblings in the school, religious faith, and place of residence or distance from the school. The new School Admissions Code (DfES 2007a) and a significant body of law govern the practice of school admissions, and are discussed in more detail below.

In any admissions system that invites parents to express preferences for schools, some popular schools are likely to have more applications than places, and some parents will thus be disappointed. Research commissioned by the Department for Education and Skills (DfES 2001) based on a nationally representative survey of 2,916 parents conducted in 2000, found that 85 per cent of parents were offered a place for their child at their favourite school⁷. In London, where there are more schools to choose from, the percentage getting an offer from their favourite school drops to just 68 per cent (DfES 2001).

Parental dissatisfaction with the current system is much greater in relation to secondary than primary admissions and a significant number of parents appeal against unfavourable admissions decisions. In the 2005/06 academic year 21,990 admissions appeals were lodged by parents of pupils applying to primary school, equating to 2.6 per cent of all admissions⁸. Of these appeals lodged, 14,930 cases came before an independent panel which had to decide between the arguments of the parents and the admission authority. The corresponding numbers for secondary school are 56,670 appeals lodged (8.3 per cent of all new admissions in this year), with 41,650 cases heard by a panel. These figures have fallen somewhat since 2001/02, when 69,210 secondary appeals were lodged and 49,980 were heard. Just over one third of appeals heard at panel are decided in the parent's favour, at both primary and secondary level (DfES 2007b).

It is thus more accurate to talk about parental preference for schools rather than parental choice of schools. In the short run, schools are highly constrained in terms of the supply of places they can offer – they each have a 'published admission number' (PAN) that sets the limit on their admissions in any given year – so not all preferences can be met. They cannot easily expand in response to demand because this is both physically and organisationally difficult, and the same constraints also apply to the entry of new schools (see Table 3.1). In addition, many schools may not want to expand even in the longer term as the incentives faced by school leaders and teachers are extremely complex (Dixit 2002; Besley and Ghatak 2003).

There are many reasons why school leaders may not wish to expand their intake. For example, small schools may foster stronger feelings of community and society within the school. School leaders do not have strong incentives to expand, but they do have strong incentives to produce good results, and they

7. It is interesting to note here that there is difference between those achieving a place at their stated first preference school (92 per cent) and those achieving a place at their favourite school (85 per cent) (DfES 2001). The Audit Commission found that 9 per cent of parents did not express their genuine favourite as their first preference (Audit Commission 1996). Parents sometimes do not reveal their true preference, in the belief that their application would be unsuccessful and potentially leave them with a place in a school they had wished to avoid (ibid).

8. It is important to note here that a parent can lodge more than one appeal (for example against more than one school). This figure is thus likely to slightly overestimate the proportion of parents making an appeal.

may be legitimately concerned about the impact of expansion on their school's performance. In addition, over-subscribed schools may prefer to try to select the 'best' of their applicants, rather than expanding their capacity and possibly lowering the average 'quality' of their student intake.

Place of residence still plays a significant role in where young people go to school, partly because parents will generally want to avoid lengthy journeys to and from school. In addition, many schools' admissions policies include over-subscription criteria that involve a proximity measure or a specified catchment area. Given that a 'good local school' is often a key factor in choosing where to live, it is not surprising to find that in some areas there is a considerable premium on housing located in the catchment areas of popular schools (Cheshire and Sheppard 2004; Leech and Campos 2003; Gibbons and Machin 2003, 2006).

The Education and Inspections Act and recent developments

The Education and Inspections Act 2006 was intended, among other things, 'to promote fair access to educational opportunity', and it 'tightens the admissions framework to ensure this' (DfES 2006b: 1. While we do not provide a detailed analysis of the Act here, it introduces a number of measures that are relevant to the issue of school admissions and the exercise of parental choice, including:

- Placing a ban on interviewing pupils and/or their parents⁹.
- Strengthening the status of the School Admissions Code.
- Establishing new powers for Admission Forums to ensure fair access to schools.
- Extending the duty on local authorities to provide free transport for the most disadvantaged families.
- Introducing a new duty on local authorities to provide advice and assistance to parents in expressing a preference for a school for their child.

The Act has also been accompanied by a revised School Admissions Code, which is intended to ensure that admission authorities 'operate in a fair way that promotes social equity and community cohesion' (DfES 2007: 7). Prior to the Act, admission authorities only had to 'have regard to' the Code, whereas now they must 'act in accordance with its mandatory provisions' (ibid). Many of the provisions of the Code are designed to prevent covert selection, where schools gain information about applicants that indicates their likely level of ability or parents' socio-economic status, and then use this information to select the pupils they think will be of higher ability or socio-economic status. In the words of the Code:

'Over-subscription criteria that amount to the selection of children by schools, by means that disadvantage some social groups compared to others, deny choice to parents and must be eliminated from the system.' (DfES 2007: s.2.11)

The Code does not attempt to determine whether every possible over-subscription criteria or admissions practice is acceptable or not. It does rule out some specific criteria and requests for information such as a parent's occupation, financial or marital status, and some specific practices such as the use of interviews. It also indicates some over-subscription criteria that are considered to be fair, such as the presence of siblings at a school and the distance between home and school.

The Act and the Code also modify the system of regulation of the admissions system. Local authorities are required to establish an Admission Forum, made up of representatives from each school in the area and the local authority. These forums are designed to perform a number of roles: they provide a space where admissions matters can be discussed between admission authorities; they consider the effectiveness of their local admissions system; they can refer matters to the Schools Adjudicator¹⁰; and as a result of the Act they can (but do not have to) produce an annual report that details how well their local admissions system is working, and in particular examines the pattern of admissions to local schools (see DfES 2007: s.4.12 for details of what this report may cover).

9. This ban does not apply to interviews conducted by boarding schools in order to assess the child's suitability or to the auditions held by a school that selects some of its pupils by aptitude (Education and Inspections Act 2006: s.44, p33).

10. The role of the Schools Adjudicator is to decide on objections to published admission arrangements from parents and others, and on statutory proposals for school organisation, such as the opening or closing of a school (see www.schoolsadjudicator.gov.uk/index.cfm for more information).

The Schools Adjudicator does not have an active regulatory role. It is a reactive institution requiring other bodies to report a suspected breach of the admissions rules in order for a case to be investigated. The Adjudicator may have objections referred to them from a wide range of parties and on a wide range of matters relating to admissions. For example, a parent, a governing body (where the body controls the school's admissions arrangements) or a local authority could complain about the admissions procedure of a specific admission authority. Once the Adjudicator rules on a complaint, their determination is binding for three years (increased from one year through the Education and Inspections Act 2006) and may be enforced on a school or local authority by the direction of the Secretary of State. Appeals by parents concerning individual decisions will continue to be referred to an independent appeals panel.

Local authorities also now have a duty to provide advice and assistance in expressing a preference for a school to the most disadvantaged families (DfES 2005). Each authority has been allocated a grant, based on deprivation (as measured by their proportion of pupils eligible for free school meals (FSM)), to establish choice advisers in their area by 2008. There will be over £9 million in funding over two years, working out at an average of approximately £30,000 per annum per local authority but with more going to more deprived local authorities and a minimum of £15,000 to all authorities. The money is ring-fenced to two years from September 2006 and paid as part of the Standards Fund Grant 126. (See www.dfes.gov.uk/localauthorities/index.cfm?action=content&contentID=2928&letter=R for grant allocations.)

The Act also extends the duty on local authorities to offer free transport to school for pupils from the most disadvantaged families, considered to be those pupils who are eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit. For these pupils, free transport must be provided to any of three suitable secondary schools between two to six miles from the pupil's home, or to a school up to 15 miles away where this school is preferred on the grounds of religious belief (DfES 2005).

Segregation in English schools

Discussions of school admissions often turn to segregation in schools. This refers to the degree to which pupils from different backgrounds, or with different characteristics such as their level of prior attainment, are likely to be concentrated in particular schools. Many of the arguments about school admission arrangements then turn on different views of the effects of segregation, and about the impact of policy on the level and extent of segregation. Two initial questions should thus be: what level of segregation is seen in English schools, and how has education policy affected this?

Unfortunately, it is difficult to measure and describe segregation in a simple and intuitive way, and we will not attempt to provide a systematic review of the complex literature on this issue here (but see Allen and Vignoles 2006). One illustrative way of approaching the problem is to consider for each secondary school how well its pupils performed at primary school.

Rebecca Allen at the Institute of Education has used the Pupil Level Annual School Census (PLASC) to rank secondary schools by their share of high attaining pupils whose Key Stage 2 primary school results put them in the top 20 per cent of pupils nationally. In the school at the 90th percentile of this distribution, 33 per cent of all the pupils come from the top 20 per cent of pupils by primary school results. In the school at the 10th percentile of the distribution, just six per cent of the pupils were high attainers at primary school. This provides a clear indication of the wide range of prior attainment across different secondary schools: the school at the 90th percentile has nearly six times the proportion of high attainers of the school at the 10th percentile. However, these results alone could be due to pre-existing residential segregation, with higher ability pupils more likely to live grouped in areas with particular characteristics. During the 1990s residential segregation increased overall (although fell slightly for the very poor) and therefore we would expect schools to have become more segregated regardless of changes in admissions policies (Dorling *et al* 2007)¹¹.

The same census data can be used to simulate what would happen if all secondary schools took their geographically nearest pupils. The answer is that the school at the 90th percentile would then have slightly fewer high attainers (30 instead of 33 per cent), and the school ten per cent from the bottom of the

11. However, it is worth noting here that quality of local schools is an important factor when deciding where to live and therefore could have had an impact on residential segregation.

distribution would have significantly more high attainers (11 instead of six per cent). The ratio between these two points on the distribution would thus halve, from six to three.

This illustrates an important general finding of the school segregation literature. Different neighbourhoods are strongly segregated by social class and income, and this is reflected in the attainment of pupils from different areas. However, schools are *significantly more* segregated than neighborhoods, especially in densely populated urban areas where more schools are within reasonable travelling distance. These findings are replicated for income (as indicated by entitlement to free school meals) as well as for prior ability, and London is particularly strongly affected.

	Schools at 10th percentile	Schools at 90th percentile	90/10 ratio
Current intake	6%	33%	5.7
If public schools took nearest pupils	11%	30%	2.8
Source: Allen (2006, 2007)			

Other studies confirm this picture. For example, Burgess *et al* (2004) compared segregation in schools to the residential segregation in the neighbourhood where the pupil lived and found that overall schools tended to be more segregated than the pupil’s neighbourhood in terms of ability. This research also shows that where there is more choice available (measured by the number of nearby schools), school segregation is higher, relative to neighbourhood segregation, in terms of ability and socio-economic background. In addition, having a good local school is an important factor in many family location decisions, so some residential segregation is likely be caused by the pattern of school provision.

International evidence from the Programme for International Student Assessment (PISA) surveys from 2000 and 2003 shows that England has levels of segregation in schools similar to those of the United States (Jenkins *et al* 2006). However, segregation is lower in England than in countries such as Germany and Hungary, whose school systems make extensive use of explicit selection by ability, but higher than the Scandinavian countries and Scotland (Jenkins *et al* 2006). The UK has segregation levels around the average for all EU countries (Gorard and Smith 2004).

In England, to what extent is this segregation caused by the admissions system? Critics of the parental choice agenda argue that the system is likely to worsen segregation. They propose that parents will be attracted to apply to successful schools, which will then be over-subscribed, and which will seek to select the higher performing applicants (who will be from more affluent backgrounds). If schools are able covertly to select in this way then they will take advantage of peer effects, where pupils affect each other’s outcomes, to further improve their results. This will generate a virtuous circle for successful schools, a spiral of decline for unsuccessful schools, and increasing segregation by ability and social class (Audit Commission 1996). Two key questions for later investigation will thus regard the extent of the existence of peer effects and the ability of schools to select covertly.

The 1988 education reforms and their increased emphasis on school choice can be used to test the hypothesis that parental choice and the introduction of a market in school places would create such polarisation. Seminal work by Stephen Gorard (for example, 2002 and 2003) suggested that in fact levels of segregation *fell* following the introduction of the reforms, and this work has framed the debate ever since. Later work (Allen and Vignoles 2006) suggests that this fall in segregation over the period 1989 to 1995 was indeed real, but was smaller than originally estimated. They also found rising segregation between 1999 and 2004 in 60 per cent of local authorities, especially in London. Bradley and Taylor (2002a) found that there had been a small increase in polarisation between ‘good’ and ‘bad’ schools over the 1990s in terms of the socio-economic status of their intake (measured by eligibility to free school meals).

2. Objectives for the secondary school admissions system

The debate about school admissions often proceeds without clear objectives. This can lead to advocates of one system arguing on the basis of one set of objectives, while their opponents argue on a completely different basis. The debate can too often be caricatured as ‘choice is good’ versus ‘selection is bad’. Objectives may themselves be the subject of legitimate disagreement, but it is important that they are at least explicit. We propose four sets of objectives:

- High levels of pupil attainment
- Fairness for all pupils and parents
- Community cohesion, socialisation and citizenship
- Public trust and satisfaction

Pupil attainment

The school admissions system may affect both the average level of pupil attainment¹², and the pattern of attainment across different schools and different groups in the pupil population (such as those from lower and higher income backgrounds). There are two principal routes by which it might do so. On the one hand competition between schools in an environment of parental choice might drive up overall standards. On the other, the admissions system will influence the way in which pupils with different characteristics (such as higher and lower prior attainment) are distributed among different schools. The actual extent of these effects is investigated in the next section of this paper – here we simply propose a set of objectives against which to evaluate the system.

In the first instance, we would want the admissions system to support overall improvements in standards of educational attainment and, all other things being equal, we would prefer a system that created effective pressure for higher standards. An important issue for investigation will thus be: does the current system do this? Does the system create effective competitive pressures that give school leaders real incentives to improve? One way to determine whether schools face competitive pressure would be to explore whether successful schools expand while unsuccessful ones contract – we shall return to this in the following section.

Equally, we would want to avoid a system that undermined overall standards. This might happen if school reforms resulted in high levels of segregation of pupils by ability, and it was the case that such segregation had effects on the overall efficiency and performance of the schools system. This is a different point from a concern about the distribution of outcomes. It might be that, for example, selection by prior attainment is bad for pupils selected into institutions with low average attainment, good for pupils selected into institutions with high average attainment, but that these effects cancel each other out.

A final issue in relation to pupil attainment is the question of school ethos. One of the motivations behind the current policy of encouraging schools to become increasingly independent, specialised and diverse is to help them each develop a strong ethos – a sense of the values, habits and characteristics that inform the life of the institution alongside its formal rules and structures. The key question here is: what is the relationship between the admissions system and the development of a strong and positive learning ethos?

Fairness for all parents and pupils

Fairness is always a contested value. In relation to admissions it has a number of different components concerning both the process and the outcomes of the system. The process of applying for school places should be transparent, consistent and impartial, and decisions made on grounds that are clear, arrived at by a suitable democratic process, and that respect the rights and interests of all children equally. This aspect of fairness – procedural fairness – is particularly important for public trust in the system, and this is discussed further below.

In addition, the outcomes of the process should be fair, and this is where the debate usually becomes heated. Everyone can agree that the admissions system should promote equality of opportunity, but what

12. Our earlier paper (Brooks and Tough 2006a) discusses how to measure standards of attainment in a way that is valid and gives reliable indicators of pupil ability.

does this really mean? For ippr, equality of opportunity in this case certainly means that no group of children should have consistently worse chances than any other group of success at school as a result of the admissions system. Thus we do not require the admissions system to compensate for all disadvantages, but we do require that it does not worsen disadvantage where it already exists. On this basis we would clearly oppose a system that led to polarisation of pupil outcomes along social class lines. In addition, the degree to which admissions arrangements actively promote equal life chances for all children should be a positive consideration in their favour.

Community cohesion, socialisation and citizenship

In addition to gaining functional skills and knowledge, young people learn to live and work alongside each other at school (DfES 2003a). One of the objectives of the admissions system should thus be to avoid a situation where schools are strongly segregated into different ethnic or class groups. The 2006 Act recognises this by introducing new duties for governing bodies to promote community cohesion and the well-being of pupils at their school, the enactment of which will be inspected by Ofsted.

Education, and more specifically schooling, has wider role than simply producing results. As educationalist John Dewey writes: 'In a complex society, ability to understand and sympathize with the operations and lot of others is a condition of common purpose which only education can procure' (Dewey 1899). Other objectives include social and democratic outcomes such as imparting notions of citizenship and civic duty, socialisation, and social and community cohesion.

Robert Putnam (2000) has identified two types of social capital: bonding (exclusive) and bridging (inclusive). Both are undoubtedly important and both can be formed in schools where the intake is less homogeneous. Bonding capital is created by strengthening bonds with those from the same community and is vital in terms of 'getting by' (de Souza Briggs 1998 quoted in Putnam 2000). Bridging capital, however, is more important in terms of finding ladders out of communities and 'getting ahead' (ibid). Schools with more balanced intakes should increase the creation of bridging social capital and are not likely to compromise bonding social capital, especially considering schools are currently more segregated than their surrounding areas. Bridging social capital is important in order to integrate communities previously segregated along ethnic, socio-economic or religious lines (Aldridge and Halpern 2002).

Public trust and satisfaction

Parents naturally feel very strongly about school admissions systems, especially if they think that getting into their preferred school will make a big difference to their child's future¹³. Yet it is very unlikely that all preferences can be satisfied, and therefore it is especially important that the system is seen to be fair and enjoys high levels of public trust.

It might be objected that parents will think that any system that fails to satisfy their own first preference is unfair. Yet the growing body of work on procedural fairness suggests this is not strictly so. Early research in this field examined dispute resolution mechanisms, and indicates that under certain circumstances people will choose systems that they think are fair and will produce a fair outcome, rather than simply favouring the system that gives them the best chance of winning (Thibaut and Walker 1975). More recent work has examined procedural issues in relation to policing (Tyler and Fagan 2006), tax compliance (Feld and Frey 2002) and the location of unpopular facilities such as waste incinerators (Kahan 2005). In each case people valued fair processes in addition to the outcomes that result from them.

All of this evidence suggests that the perceived fairness of the school admissions system will affect how parents will view the schools system as a whole, how satisfied they will be with the admissions system, to what extent they will trust the system, and how likely they will be to cooperate with or try to subvert it.

A theoretical framework for procedural fairness was devised by GS Leventhal (summarised in Tyler *et al* 1997: 91). Leventhal offered six criteria for procedural justice that can be applied directly to the school admissions debate:

13. Although estimates on school effectiveness suggest that the schools only account for a small proportion (between 5 and 20 per cent) of the variation of attainment outcomes of children at primary and secondary school (Chevalier *et al* 2005). Parents also consider characteristics of the school other than exam results, for example prevalence of bullying, resources, and characteristics of peer groups.

-
- Consistency – there should be equal treatment across persons and time, in this case across all parents and pupils.
 - Bias suppression – there should be no place in the system for personal interest or ideological bias by public officials.
 - Accuracy – the system should use up-to-date, accurate information.
 - Correctability – there should be a suitable opportunity for review of decisions, appeal and redress.
 - Representativeness – the system should be informed by a representative sample of public views.
 - Ethicality – decisions must conform to fundamental moral values or ethics.

All of these objectives of attainment, fairness, cohesion and trust, are important in our evaluation of the admissions system. If they are in conflict, it will not be easy to trade them off against each other and this framework does not offer a simple means of doing so. However, it does hopefully move us on from a dialogue of the deaf in which either 'choice is good' or 'selection is bad', if only by recognising that matters are more complex than this.

3. Does the current system meet these objectives?

The discussion so far has suggested a number of key lines of inquiry. We start with an investigation of the effects of the distribution of pupils with different characteristics across the schools system, as this has implications both for overall levels of attainment and for the pattern of attainment by different groups of pupils.

Pupil attainment

Human capital production takes place in school not only through the interaction of pupils and adults, but through the interaction of pupils with each other. This generates what pedagogues generally call peer effects (or school composition effects), sociologists call contextual effects and economists call externalities (Coleman *et al* 1966). The evidence in this area is extremely complex, but the best available suggests that peer effects are significant – the educational outcomes for each pupil are significantly affected by the characteristics of their peers. In particular, most of the available empirical studies concentrating on the measurement of peer effects find a significant positive effect in primary and early secondary education from having a high proportion of high-achieving pupils in the classroom on individual pupil achievement (for example, Henderson *et al* 1978; Dynarski *et al* 1989; Wiliam and Echols 1992; Durlauf 1994; Leroy-Audouin 1995; Durut-Bellat and Mingat 1997; Toma and Zimmer 2000; Hanushek *et al* 2003). These findings are consistent with most parents' intuition that a school full of high attaining pupils is likely to improve their child's academic performance.

So far, these results concern the distribution of outcomes. What about the effect of pupil mix on overall performance? Assuming our objective is to maximise the average level of human capital produced, desegregation by ability will be preferable to segregation when (i) peer effects are subject to diminishing marginal returns (the presence of an additional high-ability pupil in classroom "x" generates a peer effect improvement that offsets the negative consequences of the presence of an additional low-ability pupil in classroom "y"); (ii) when low-ability pupils are more sensitive to peer effects than their more able colleagues, and (iii) when for a certain level of the peer input, achievement is positively affected by a higher level of heterogeneity within the classroom (Vandenberghe 2002).

Unfortunately, studies focusing on these three individual conditions are generally inconclusive both in terms of their empirical individual validity and their relative magnitudes. While some studies support the hypothesis of decreasing return to peer effect increments (for example, Henderson *et al* 1978; Toma and Zimmer 2000), others report a lack of strong evidence for such a hypothesis (Vandenberghe 2002). In contrast, there is systematic evidence that low-ability pupils are relatively more sensitive to peer group characteristics than their more advantaged peers (Leroy-Audouin 1995; Toma and Zimmer 2000; Vandenberghe 2002). However, there is also evidence that for a given average socio-economic background, increasing heterogeneity worsens individual performance (Toma and Zimmer 2000; Vandenberghe 2002). In other words, these studies neither allow proponents of selection by ability to claim that it is a more efficient way of organising education overall, nor do they allow opponents to claim that selection is inefficient (as opposed to unfair).

The Organisation for Economic Cooperation and Development (OECD) (2004) circumvents the problem of assessing the empirical validity of the three individual effects and their relative magnitudes by studying the overall relationship between social segregation and average student performance, drawing on what is probably the most comprehensive and reliable available dataset to date. The study reports that 'Regardless of their own socio-economic background, students attending schools in which the average socio-economic background is high tend to perform better than when they are enrolled in a school with a below-average socio-economic intake' (189); [and] 'countries with greater socio-economic inclusion [schools less segregated by socio-economic background] tend to have higher overall performance' (197). This suggests that segregation causes inefficiency as well as inequity in school systems.

The PISA international attainment survey shows that countries that have low social gradients and low levels of school segregation often have high achieving school children. Countries that overtly segregate pupils through tracking systems (institutional differentiation)¹⁴ do not have a higher average student performance but they do show larger variation, and the more selective schooling systems are, the more important the socio-economic background of the pupil is to their outcomes (Haahr *et al* 2005). This

14. Tracking and institutional differentiation refers to the extent to which pupils are separated, based on their academic performance, into different education programmes, streams or school types, for example, grammar schools and secondary moderns in England and Gymnasiums, Realschules and Hauptschules in Germany.

relationship appears not to be simply due to the fact that countries with more egalitarian schooling systems are often more egalitarian in other ways that could effect student outcomes (Dupriez and Dumray 2006). There appears to be little empirical evidence that increased segregation improves the overall outcomes of a schooling system.

What about the impact of competition between schools on overall standards? Standards have undoubtedly risen throughout the school system since 1988 (Brooks and Tough 2006b), but this says nothing about how much of this improvement can be attributed to the introduction of choice-based admissions policies. The problem here is that the system is so complicated, and so many changes to education policy and the wider environment have been occurring at the same time, that it is very difficult to attribute the improvements to particular causes with certainty.

One theory is that choice-based admissions policies will help create market-like incentives for schools to improve their performance. For such incentives to be effective there has to be a real benefit to schools from competing more effectively for students. In addition, for these incentives to translate into improvements in overall standards successful schools should then expand, and unsuccessful schools shrink or close.

Schools do have incentives to attract more applicants. School leaders are under great pressure to deliver good results, and one of the more effective ways of achieving this is to select the best possible intake. However, this is only possible for schools that are over-subscribed. On the other hand, schools do not have strong incentives to expand, principally because they are judged primarily by their average level of performance and not by their total level of educational output.

In addition, the data on secondary school openings and closures tells a story of a relatively static system. In the context of there being approximately 3400 secondary schools, an average of 37 closed each year from September 2002 to August 2006 (see Table 3.1) – approximately one in one hundred closed each year. This is hardly the sign of a dynamic market, and in any case there are good reasons for not wanting a high level of turbulence in the schools system, with all the associated disruption for pupils.

Table 3.1: Secondary school openings and closures in England 2002–2006

	Sept 02–Aug 03	Sept 03–Aug 04	Sept 04–Aug 05	Sept 05–Aug 06
Openings	16	11	14	17
Closures	33	27	41	47

Source: Edubase (2007b)

It could certainly be argued that parental choice could be used as one indicator of school quality in the context of a wider performance-monitoring framework that includes measures of school outputs, inputs and environmental constraints. School popularity could be used as a proxy measure for the quality of school services, capturing some of the aspects of school performance that will escape the notice of regulatory agencies such as Ofsted. It could also be argued that choice could generate some allocation efficiencies deriving from a better match of students’ (or parental) preferences to specific school characteristics. In essence, parents will often be in a good position to know which school suits their child best.

There is a substantial body of the empirical evidence looking at the effects of choice-based admissions policies on overall school standards. Choice of school has been used as a tool for stimulating competition between schools in many countries, including the US, Sweden, New Zealand, Chile, Finland, Denmark, the Netherlands, Israel and England, and school choice policies have take different forms in different places. The majority of the empirical work in this area has been based in the US context.

Belfield and Levin (2002) have reviewed much of the US literature, which uses large-scale datasets to explore possible relationship between competition and pupils’ academic outcomes. These studies often investigate the link between the level of competition in a local school economy and the academic outcomes of students. Belfield and Levin find that there appears to be a significant, though modest, relationship between levels of competition and academic outcomes, although they caution that their studies do not take into account the costs of increasing competition. Similarly, Caroline Hoxby argues that school choice programmes act as a ‘rising tide that lifts all boats’ (Hoxby 2003: 17) and her work on voucher programmes suggests that competitive pressure can drive school performance under certain circumstances (see Hoxby 2001a, 2001b).

The US data is thus moderately positive about the impact of competition on school performance. Table 3.2 below summarises the literature dedicated to the effect of competition on pupil outcomes in England, and provides a much more ambiguous picture.

Paper	Scope	Description	Findings
Bradley and Taylor (2002a, 2002b)	<ul style="list-style-type: none"> • Secondary schools in England (more than 3000), 1992–2000 • No. of pupils achieving 5 A*-Cs per teacher 	Analysis attempting to calculate how much of the increase in performance in the 1990s can be attributed to competition between schools.	<ul style="list-style-type: none"> • Evidence found of the existence of market forces in that schools that had the best exam results grew most quickly. • Schools are affected by the exam performance of their competitors. • Estimated that an improvement of 3 percentage points in exam performance of a school's competitors is followed by an improvement of 1 percentage point in the school's own performance.
Clark (2006)	<ul style="list-style-type: none"> • Secondary schools in England • Pupil attainment measured by GCSE results 	A look at whether competitive pressure created by the conversion to grant maintained status affected the academic outcomes of neighbouring schools.	<ul style="list-style-type: none"> • There is little evidence of competitive pressure improving outcomes. • 'These findings suggest caution as to the likely benefits of competitive pressure' (p. 29).
Burgess and Slater (2006)	<ul style="list-style-type: none"> • Secondary schools in Berkshire and several other local authorities that have experienced boundary changes • Key stage 3 and GCSE results 	Examination of the changes in local authority boundaries during the late 1990s, to analyse the effects of changes in the level of competition. They look at large a local authority (Berkshire) which was split into six smaller authorities, with schools therefore facing reduced competition.	<ul style="list-style-type: none"> • No evidence found for the decline in competition faced by schools leading to a fall in standards. • A significant negative relationship found for foundation and voluntary-aided schools. But recognition that the small sample size used may mean these results are not robust. • Three other local authorities were studied – one showed significant evidence of an effect whereas two did not. • 'At best, the impact is quantitatively small and contingent on particular market characteristics.' (p.22)
Gibbons and Silva (2006)	<ul style="list-style-type: none"> • Primary schools in urban markets (in and around London) • Value-added in English and Maths over key stage 2 	Explores relationship between competition (measured by no. of different school choices pupils have) and attainment.	<ul style="list-style-type: none"> • Significant correlations found between school competition and pupil attainment. • However, concluded that these relationships are not causal.
Gibbons <i>et al</i> (2006)	<ul style="list-style-type: none"> • Primary schools in urban markets (in and around London), 1996–2003 • Value-added in test scores over key stage 2 	Explores relationship between choice and outcomes and between competition and outcomes.	<ul style="list-style-type: none"> • A weak positive association found between pupil attainment and how competitive the market is. • Little evidence to suggest this was driven by competitive pressure, however. • Only faith schools showed evidence of responding to competitive pressure, and only to other faith schools.

We thus face complex evidence about the impact of choice on segregation, the impact of segregation on the level and pattern of attainment, and the impact of competition on school performance. Overall, the clearest link is between segregation and polarisation of results: peer effects in schools full of high-attaining pupils will pull their results up further, while peer effects in schools full of low-attaining pupils will push them down further. There is some evidence to suggest that segregation of pupils causes inefficiency in the school system; there is little evidence that the introduction of choice-based admissions policies has increased levels of segregation; and while there is some evidence of a relationship between competition and school performance in the US, the evidence from England is not positive.

Fairness for all parents and pupils

The existence of peer effects is perhaps the most important fairness issue in relation to the admissions system. It demonstrates that the selection and segregation of high-ability pupils into specific schools simultaneously improves their chances of further high attainment while damaging the chances of those pupils left behind. Peer effects thus provide a strong *prima facie* reason, grounded in considerations of equity, to reject any admissions system that is likely to lead to segregation by ability. While overt selection by ability continues to exist in areas where grammar schools remain¹⁶, we are principally interested here in schools that are officially non-selective and that are required by education legislation and the School Admissions Code not to select pupils based on their ability¹⁷.

We have already seen that schools are more segregated than their residential neighbourhoods. Is there evidence that some schools are covertly selecting their pupils? One way schools could do this would be through discouraging parents from 'low attaining' backgrounds from applying in the first place, for example by making school literature difficult to understand for parents with poor literacy. In addition, schools that can gain information about the socio-economic background of pupils could use this in their admission decisions to potentially select in this way. Evidence from the London School of Economics suggests that schools who are their own admission authorities do have more potentially selective admissions criteria than those schools whose admissions are set by the local authority (West *et al* 2006). In addition, analysis of who goes to which schools corroborates the hypothesis that autonomous schools are covertly selecting pupils in terms of ability and socio-economic status. The capability of schools to administer their own admissions appears to be key to this process.

Schools that are their own admission authorities are hugely over-represented in the top 200 comprehensive schools as measured by examination results, making up 70 per cent of this elite group compared to only 31 per cent of all schools across England (Sutton Trust 2006). Schools within the top 200 comprehensives that are their own admission authorities are also highly unrepresentative of the postcode sector in which they are located. Within these schools just 5.8 per cent of pupils are eligible for free school meals compared to 13.7 per cent of the pupils in their local area. By contrast, the other schools in the top 200 whose admissions are run by the local authority are roughly representative of their area (*ibid*).

Looking more widely than this elite group, schools that are their own admission authorities are much more likely to be highly unrepresentative of their local areas than schools whose admissions are controlled by the local authority (see table 3.3). Schools can be ranked in order of how far their own pupils' primary school results differ from the results of the pupils living nearest to them. The top ten per cent of this distribution is thus the group of schools that are most unrepresentative of their local areas. Thirty-eight per cent of all faith schools that are their own admission authorities are in this category, compared to just 4 per cent of faith schools for which the local authority controls admissions. Twelve per cent of foundation schools are in the 'most unrepresentative' ten per cent compared to just four per cent of community schools.

We should also be concerned about the distinction between the formal existence of choice and whether it is equally utilised by all parents. Segregation by ability and social class in schools is due in part to which parents apply to which schools. The mechanism of choice to drive standards is premised on the idea that parents will make 'rational' decisions about which school to apply to based on school performance.

16. Legislation prevents new selection by ability but allows previously existing selection. Selection by 'aptitude' for up to 10 per cent of the intake is allowed for specialist schools but there is considerable debate regarding the possibility of distinguishing between 'ability' and 'aptitude'.

17. There is an exception to this in that 'fair banding' (a permitted over-subscription criteria) uses ability to decide its intake but here ability scores are used to ensure that the intake is representative of the school's applicants, the local authority or national profiles.

Table 3.3: Proportion of each type of secondary school in the top 10 per cent 'most unrepresentative' in terms of share of high-ability pupils, compared to local area:

Voluntary-controlled (local authority admissions)	4%
Voluntary-aided (own admissions)	38%
Ratio	9.5
Community (local authority admissions)	2%
Foundation (own admissions)	12%
Ratio	6.0

Source: Allen (2006, 2007)

However, the way in which parents make choices about secondary schools varies considerably between different kinds of families, and how engaged parents are with choice is related to their level of income and education.

Families where the mother has a degree are twice as likely to apply to a school outside their local authority as families where the mother has no qualifications, and parents from lower socio-economic backgrounds are more likely to consider their child's friendship groups and proximity to the school as more important than its performance table position. On the other hand, academic factors are more likely to be relevant in establishing which schools to apply to for mothers in a non-manual social class (DfES 2001). There are also differences between factors used by different ethnic groups as well as social classes. For example, black parents consider discipline and resource levels to be more important than other groups do (DfES 2003b).

Some parents are also better equipped to work the system to make sure they get what they want. Mothers with a degree or higher qualification are three times more likely to say they know how popular schools allocate places (DfES 2001).

Some of the measures in the recent Education and Inspections Act are intended to improve the demand side of the school choice equation, by helping more parents make informed choices and giving them a wider range of realistic choices of school. The offer of free transport¹⁸ and access to choice advisers to help navigate the secondary transfer system are both welcome and could improve the system, and help to improve the fairness of the system by weakening the link between socio-economic background and the ability to exercise choice. While the vast majority pupils do have three schools within the six mile limit¹⁹, only 44 per cent of pupils eligible for free school meals have a 'good' school within their nearest three schools compared to 61 per cent of pupils not eligible for free school meals (Burgess *et al* 2006).

18. Free transport is offered to the nearest three suitable schools between two and six miles of the pupil's home to those eligible to free school meals or whose parents are in receipt of the maximum level of Working Tax Credit (DfES 2006b).

19. 90 per cent of pupils have three schools within 5.11 miles of their home (Burgess *et al* 2006).

4. Proposals

Immediate term – monitor the effect of recent developments

The 2006 Education and Inspections Act and the 2007 School Admissions Code represent significant changes to the admissions system. It is possible that they will in turn make a significant difference to the level of segregation in maintained schools, with consequent improvements to average pupil attainment. Likewise, it is possible that the system will gain public support and is seen to be fair. It would be inappropriate to make major changes without at least giving the new arrangements a chance to demonstrate that they can be effective.

This does not mean adopting a policy of ‘wait and see’, but rather ‘monitor and decide’. We do not need to inspect local admissions arrangements to determine whether they are working in a way that is likely to lead to fair outcomes. We can simply measure the results of the process, and in particular we can measure how the degree of segregation by prior attainment, social class and ethnicity in schools changes as a result of the introduction of the new measures. If there is no improvement then we have a good reason to believe that the changes are insufficient and that we should go further. The point of introducing legislative and regulatory changes was surely to improve these matters, so if they do not improve then the Act can be seen to have failed even by its own lights.

Where would such monitoring information come from? At the moment the Admission Forums effectively have the responsibility to self-regulate local admissions arrangements, and have the power but not the duty to publish an annual report. In many cases this may be adequate, but if some local Forums do not produce reports of sufficient frequency, quality and regularity then another independent body should be required to do so in these specific cases. If very large numbers of Forums fail to produce reports then the power should be changed to a duty, with the form and regularity of the report specified and with independent assurance of its quality.

Short term – no school should administer its own admissions

At the moment each admission authority not only sets its over-subscription criteria, but also administers the process of offering places when it is over-subscribed. One of the key objectives of the recent changes to the admissions system is to prevent admission authorities setting criteria and otherwise acting so as to facilitate selection. The recent changes thus implicitly accept that institutions have an interest in covert selection, yet allow them to continue administering their own admissions. This must be likely to undermine public trust. In addition, it is likely to be extremely difficult for parents to obtain redress where they suspect maladministration of their application. There are still numerous loopholes in the Code which allow schools to deter some applicants (for example through complex or intimidating admissions literature), or to obtain information that indicates family circumstances and thus likely pupil characteristics (for example through letters from ministers describing a family’s religious observance).

Even if schools are to remain their own admission authority, no institution should administer its own admissions process. An impartial ‘admissions administration’ should administer the process instead of the individual admission authorities (the local authority or the schools themselves). As well as ensuring that the published admissions criteria for a school are strictly adhered to, such a system would make it more likely that the published admissions criteria are unambiguous. If the criteria are truly objective then anyone should be able to administer the process by applying them. However, schools might not trust their local authority to administer their applications effectively. There would need to be a route of appeal for schools in case they felt that the authority was acting improperly, for example by allocating pupils in a way that did not accord with the published admissions criteria. The natural body for this would be the Schools Adjudicator.

Medium term – no school should be its own admission authority

Why does any school want to be its own admission authority? One obvious answer is that they want to ‘select in’ the pupils who are most likely to perform well and achieve good results, while ‘selecting out’ the pupils who are most likely to be disruptive, difficult to teach and achieve poor results. Not only is this answer intuitively and theoretically compelling, and supported by the data in the previous section of this paper, it is also implicitly accepted by the recent changes to the law and to the Admissions Code. These

changes seek to constrain admission authorities in all kinds of ways while still allowing individual schools to perform this function. This is rather like asking pupils to mark their own essays, while providing them with detailed rules designed to prevent them from cheating.

It is often argued that schools should be allowed to determine their admissions criteria so that they can develop a distinct ethos and institutional character. It is certainly important that schools are animated by a set of beliefs and behaviours that place a high value on learning, endeavour, and mutual respect. It is much less obvious that institutions should be allowed to select pupils who already have, or who are most likely to develop, these characteristics, as this would simply seem to concentrate 'good ethos' into some schools and 'bad ethos' into others. Instead all schools should be supported to develop a positive ethos through good leadership, effective teaching and learning practices, and a range of other strategies facilitated by adequate resources. If we take attainment to be a weak proxy indicator for ethos, then the evidence from peer effects suggests that ethos may be easier to achieve across the whole school system if there is a more heterogeneous social mix. If it is objected that there may be different kinds of ethos, and that 'selection by ethos' is thus not a zero sum game, then this argument needs theoretical and empirical support of a kind that it currently lacks.

The obvious solution is to prevent any school from being its own admission authority, and instead for this function to be performed by an organisation whose primary concern is for pupil outcomes over a reasonably wide geographical area. The most obvious candidate is the local authority, which would then set the over-subscription criteria for all maintained schools within its area. The local authority should also be responsible for publishing the information relating to all local schools in a consistent manner, thus improving the quality of the information available to parents.

Initially, the local authority could effectively inherit admissions criteria from all the other admission authorities in its area. It would then need to be satisfied that these criteria supported its own duties to promote choice, diversity, high standards, and the fulfilment of every child's educational potential (as set out by the 2006 Act). Schools that wished to alter their admissions criteria would have to apply to the local authority to do so, and the authority would need to determine the impact of proposed changes. The difficult cases would arise if local authorities wished to change or refuse the admissions criteria for individual schools because the authority felt these were inconsistent with their overall duty to the local area. There would need to be a route of appeal for schools and a means of independently adjudicating disputes between schools and local authorities.

Longer term – fair banding by ability for secondary schools

The next step towards achieving a fair spread of ability across all secondary schools would be to require the use of fair banding by ability as an over-subscription criterion, and ultimately as an admissions criterion for all schools. Under banding by ability, applicants are allocated to different ranges of ability, which are then used as admissions criteria. There are many different variants of banding, including some that can be used to skew a school's intake towards higher ability pupils. These arrangements are still allowed to persist as long as they were in place at the beginning of the academic year 1997/98, and it is hard to see any justification for retaining them other than political expediency. 'Fair banding' is generally taken to mean selecting an intake so that its spread of ability is representative of a wider population. This wider population could be all the applicants to a particular school or group of schools, or the whole pupil population in a geographical area such as a local authority or nationally, and these two options have very different implications.

Fair banding is the logical response to our concern to achieve a spread of attainment in every school, and because of the correlation between social class, ethnicity and attainment it would also be likely to achieve a high degree of mixing of these characteristics. The recent Education Act and Admissions Code allow admission authorities to use banding, and require those that do to apply their other admissions criteria within each band to allocate places. However, they do not require banding in any case and there are no incentives to promote it. As we indicate at the beginning of this section, the new admission arrangements deserve a chance to prove their worth. However, if they do not lead to significant reductions in pupil segregation, then changes to the administration of admissions should be implemented first, and then there should be a move to requiring the use of fair banding as an over-subscription criterion. How banding could be incentivised should also be considered before it is imposed.

In the first instance compulsion should be applied to over-subscribed schools whose intakes are least

representative of their local population. Fair banding does not mean that other criteria cannot be taken into consideration. It can be used as a first criterion for over-subscription, with other criteria such as parental preference, proximity, presence of siblings and religious faith being applied within each band.

Banding within the group of applicants to a school may still leave its intake highly unrepresentative of the local area if the applicants themselves were unrepresentative as a group. The next step would be to consider fair banding across a wide area, where each school is required to admit an intake that is representative of the whole local pupil population. Banding in this instance would apply to all schools, not just those that were over-subscribed so it would not just be an over-subscription criteria. This is a significantly more radical step, and may in some cases mean allocating pupils to over-subscribed schools for which their parents have not expressed any preference, while denying a place to another pupil whose parents have expressed such a preference.

One of the key areas for further detailed quantitative modelling research is an investigation of what impacts such area-wide banding would have in terms of pupil movements between schools, and to what extent they would or would not conflict with parental preferences. It is worth noting that under the area-wide fair banding arrangements operated by the former Inner London Education Authority, at least 80 per cent of pupils were placed at secondary schools of their parents' first choice in each inner London borough (West 2005). This is a significantly higher proportion than currently gains a place at their preferred school in the capital city as a whole. Three local authorities in London, Hackney, Greenwich and Lewisham, still undertake area-wide banding across the local authority. In these areas segregation is at half the level expected when compared to similar local authorities (Gorard *et al* 2003).

Banding requires an assessment of ability. At present, the admission authorities that use banding assess ability in a number of different ways including by results in Qualifications and Curriculum Authority-approved tests taken at the end of year five in primary school (for example, Greenwich). Our earlier paper on testing and assessment (Brooks and Tough 2006a) outlined our preferred system: ongoing teacher assessment of every pupil, moderated by independent sample tests for each school. These ongoing assessments would provide a robust and valid measure of pupil attainment at the end of year five or the first term of year six, which could be used to band pupils for entry into secondary schools. Such a system of assessment would obviate the need for any additional tests to facilitate banding.

Specialist schools are allowed to select up to ten per cent of their intake on the basis of aptitude in their specialist subject. However, there is no sustainable distinction between aptitude and ability (Education and Skills Select Committee 2003), so on the face of it such selection runs counter to our concern to achieve a balance of pupil ability in every school. Fair banding, however, where it is used as a prior admissions criterion to aptitude in a specialist subject, largely obviates this concern. Such selection should not be objected to, as long as it is consistent with achieving a fair overall balance of ability within a pupil intake. However, selection of a proportion of pupils by aptitude to precede fair banding for the rest of the intake should not be permitted, as this would be likely to skew the overall intake towards a higher range of ability.

Fair banding actually has very similar effects to the random allocation of pupils, for example by lottery, as any random sample of sufficient size is likely to reflect the characteristics of its population. An alternative to fair banding would thus be to hold a lottery to allocate places to over-subscribed schools. As with banding, lotteries can be combined with other criteria, for example catchment areas, within which over-subscribed schools could run lotteries to allocate places. Lotteries have the key advantage that they can break up tight socio-economic/geographical monopolies around popular schools that use proximity as their current over-subscription criteria. Lotteries may thus be a step in the right direction in some cases. However, they achieve the objective of a fairer distribution of ability across the schools system in a somewhat opaque way.

We think it is better from a procedural fairness perspective to argue openly for a fair distribution of ability. In addition, while from a technical point of view the random allocations determined by lotteries can be considered fair, they may not be perceived to be so by the public because they lack apparent rationale. We therefore prefer the use of fair banding by ability, in conjunction with other criteria such as parental preference, to the use of random lotteries.

References

Note: web references correct April 2007

Adnett N and Davies P (2002) *Markets for Schooling*, London: Routledge

Aldridge S and Halpern D (2002) *Social Capital: A Discussion Paper* London: Performance and Innovation Unit. Available at: www.cabinetoffice.gov.uk/strategy/seminars/social_capital/index.asp

Allen R (2006) 'Allocating pupils to their nearest secondary schools: The consequences for social and ability stratification' *BG occasional paper: no. 3* London: Institute of Education

Allen R (2007) unpublished analysis for ippr by personal correspondence

Allen R and Vignoles A (2006) 'What should an index of school segregation measure?' *Centre for Economics of Education Discussion Paper No. CEEDP0060* London: Centre for the Economics of Education, London School of Economics. Available at: <http://cee.lse.ac.uk/pubs/default.asp>

Audit Commission (1996) *Trading Places: The Supply and Allocation of School Places* London: Audit Commission

Belfield C and Levin H (2002) 'The Effects of Competition between Schools on Educational Outcomes: A Review for the United States' *Review of Educational Research* 72 (2): 279-341

Besley T and Ghatak M (2003) 'Incentives, Choice, and Accountability in the Provision of Public Services' *Oxford Review of Economic Policy* 19: 235-249

Bradley S and Taylor J (2002a) 'The Effect of the Quasi-Market on the Efficiency-Equity Trade-Off in the Secondary School Sector' *Bulletin of Economic Research* 54 (3): 295-314

Bradley S and Taylor J (2002b) *The report card on competition in schools* London: Adam Smith Institute

Brooks R and Tough S (2006a) *Assessment and Testing: Making space for teaching and learning* London: Institute for Public Policy Research

Brooks R and Tough S (2006b) *Pupil Attainment: Time for a 3Rs guarantee* London: Institute for Public Policy Research

Burgess S, Briggs A, McConnell B and Slater H (2006) 'School Choice in England: Background Facts' *CMPO Working Paper No. 06/159* Bristol: CMPO

Burgess S, McConnell B, Propper C and Wilson D (2004) 'Sorting out Choice in English Secondary Schools' *CMPO Working Paper No. 04/111* Bristol: CMPO

Burgess S and Slater H (2006) 'Using Boundary Changes to Estimate the Impact of School Competition on Test Scores' *CMPO Working Paper No. 06/158* Bristol: CMPO

Cheshire P and Sheppard S (2004) 'Capitalising the Value of Free Schools: The Impact of Supply Characteristics and Uncertainty' *Economic Journal* 114 (499): 397-424. Available at: <http://eprints.lse.ac.uk/archive/00000567>

Chevalier A, Dolton P and Levacic R (2005) 'School and Teacher Effectiveness' in Machin S and Vignoles A (eds.) *What's the Good of Education? The Economics of Education in the UK* Oxford: Princeton University Press

Clark D (2006) *The Performance and Competitive Effects of School Autonomy*, mimeo, University of Florida

Coleman J, Campbell E, Hobson C, McPartland J, Mood A, Weinfield F and York R (1966) *Equality of Educational Opportunity* Washington DC: US Government Printing Office

Department for Education and Skills (DfES) (2001) 'Parents' Experience of the Process of Choosing a Secondary School: A Nationally Representative Survey of Parents of Children in School Years 5, 6 and 7' *Research Report RR278* London: HMSO. Available at: www.dfes.gov.uk/research/data/uploadfiles/RR278.PDF

Dewey J (1899) 'The School and Society', talk at a meeting of the Parents' Association of the University Elementary School

DfES (2003a) *Every Child Matters* London: TSO

- DfES (2003b) 'DfES London Challenge: First survey of London Parents' attitude to London secondary schools' *Research Report RR493* London: HMSO
- DfES (2005) *Higher Standards, Better Schools for All* London: TSO
- DfES (2006a) *Schools and Pupils in England, January 2006 (FINAL)* Statistical First Release 38/2006, 28 September
- DfES (2006b) *A Short Guide to the Education and Inspections Bill 2006* London: DfES Available at: www.dfes.gov.uk/publications/educationandinspectionsbill/
- DfES (2007a) *School Admissions Code* London: TSO. Available at: www.dfes.gov.uk/sacode/
- DfES (2007b) *Admission Appeals for Maintained Primary and Secondary Schools in England 2005/06* Provisional Statistical First Release 18/2007, 24 May
- Dixit A (2002) 'Incentives and Organizations in the Public Sector' *Journal of Human Resources* 37: 696-727
- Dorling D, Rigby R, Wheeler B, Ballas D, Thomas B, Fahmy E, Gordon D and Lupton R (2007) *Poverty, wealth and place in Britain, 1968 to 2005* Bristol: Policy Press
- Dupriez V and Dumray X (2006) 'Inequalities in school systems: effect of school structure or of society structure?' *Comparative Education* 42 (2): 243-260
- Durlauf SN (1994) 'Spillovers, stratification and inequality' *European Economic Review* 38: 836-845
- Durut-Bellat M and Mingat A (1997) *La gestion de l'hétérogénéité des publics d'élèves au collège Cahier de l'Iredu*, 59, IREDU, Dijon, France: Université de Bourgogne
- Dynarski M, Schwab R and Zampelli E (1989) 'Local characteristics and public production: the case of education' *Journal of Urban Economics* 26: 250-63
- EduBase (2007a) Search for open establishments from EduBase database using www.edubase.gov.uk/EstablishmentFind.aspx
- EduBase (2007b) Analysis by EduBase, personal correspondence to authors
- Education and Skills Committee (2003) Fourth Report of Session 2002-03, Secondary Education: Diversity of Provision para 144, London: House of Commons
- Education and Inspections Act 2006 (c. 40) London: HMSO
- Feld LP and Frey BS (2002) 'Trust Breeds Trust: How Taxpayers Are Treated' *Economics of Governance* 3: 87-99
- Gibbons S and Machin S (2003) 'Valuing English Primary Schools' *Journal of Urban Economics* 53, 197-219
- Gibbons S and Machin S (2006) 'Paying for primary schools: Supply constraints popularity or congestion' *The Economic Journal* 116 (March): C77-C92
- Gibbons S and Silva O (2006) 'Competition and accessibility in school markets: empirical analysis using boundary discontinuities' in Gronberg T and Jansen D (eds.) 'Improving School Accountability: Check-Ups or Choice' *Advances in Applied Microeconomics* 14: 1- 279
- Gibbons S, Machin S and Silva O (2006) 'Competition, Choice and Pupil Achievement' *Centre for Economics of Education Discussion Paper No.CEEDP0056* London: Centre for the Economics of Education, London School of Economics. Available at: <http://cee.lse.ac.uk/pubs/default.asp>
- Gorard S (2002) 'The missing impact of marketisation' *Research Papers in Education* 14(2): 409-415
- Gorard S, Taylor C and Fitz J (2003) *Schools, Markets and Choice Policies* London: RoutledgeFalmer
- Gorard S and Smith E (2004) 'An international comparison of equity in education system', *Comparative Education* 40 15-28
- Haahr J with Nielsen T, Hansen E and Jakobsen S (2005) *Explaining student performance: evidence from the international PISA, TIMSS and PIRLS surveys* Copenhagen: Danish Technological Institute. Available at: <http://ec.europa.eu/education/doc/reports/doc/basicskill.pdf>
- Hallgarten J (2000) *Parents Exist, OK!?: Issues and visions for parent-school relationships* London: Institute for

Public Policy Research

- Hanushek EA, Kain JF, Markman JM and Rivkin SG (2003) 'Does Peer Ability Affect Student Achievement?' *Journal of Applied Econometrics* 18: 527-544
- Henderson V, Mieszkowski P and Sauvageau Y (1978) 'Peer group effects and educational production functions' *Journal of Public Economics* 10: 97-106
- Hoxby C (2001a) 'How School Choice Affects the Achievement of Public School Students' Prepared for Koret Task Force meeting on September 20-21, Stanford, CA: Hoover Institution, Leland Stanford Junior University. Available at: www.economics.harvard.edu/faculty/hoxby/papers.html
- Hoxby C (2001b) 'Rising Tide' *Education Next* Stanford, CA: Hoover Institution, Leland Stanford Junior University. Available at: www.economics.harvard.edu/faculty/hoxby/papers.html
- Hoxby C (2003) 'School choice and school competition: Evidence from the United States' *Swedish Economic Policy Review* 10(2). Available at: www.economics.harvard.edu/faculty/hoxby/papers.html
- Jenkins SP, Micklewright J and Schnepf SV (2006) 'Social Segregation in Secondary Schools: How does England compare with other countries?' *ISER Working Paper 2006-2* Colchester: ISER. Available at: www.iser.essex.ac.uk/pubs/workpaps/
- Kahan D (2005) 'The Logic of Reciprocity: Trust, Collective Action, and Law' in Ghintis H, Bowles S, Boyd R and Fehr E (eds.) *Moral Sentiments and Material Interests: The Foundations of Cooperation in Economic Life* Cambridge, MA: MIT
- Le Grand J (1991) *Equity and choice* London: Harper Collins
- Le Grand J (1993) *Quasi-markets and social policy* London: Macmillan
- Leech D and Campos E (2003) 'Is Comprehensive Education Really Free? A Case Study of the Effects of Secondary School Admissions Policies on House Prices in One Local Area' *Journal Of The Royal Statistical Society, Series A* 166, 135-154 (0964-1998)
- Leroy-Audouin C (1995) *Les modes de groupement des élèves à l'école primaire, catalyseurs des performances*, Cahier de l'IREDU, 95009, Dijon, France: IREDU
- OECD (2004) *Learning from Tomorrow's World – First Results from PISA 2003*, Paris: OECD
- Putnam R (2000) *Bowling Alone: The Collapse and Revival of American Community* New York: Simon & Schuster
- Sutton Trust (2006) *The Social Composition of Top Comprehensive Schools: Rates of Eligibility for Free School Meals at the 200 Highest Performing Comprehensive Schools*. Available at: www.suttontrust.com/reports/Free%20School%20Meals%20at%20the%20top%20200%20non-selective%20state%20schools%20FINAL.pdf
- Thibaut J and Walker L (1975) *Procedural Justice: A Psychological Analysis* Hillsdale, NJ: Lawrence Erlbaum
- Toma E and Zimmer RW (2000) 'Peer effects in private and public schools across countries', *Journal of Policy Analysis and Management*, 19, 75-92
- Tyler TR, Boeckmann RJ, Smith HJ and Huo JY (1997) *Social Justice in a Diverse Society* Oxford: Westview Press
- Tyler TR and Fagan JF (2006) 'Legitimacy and Cooperation: Why do People Help the Police Fight Crime in their Communities?' *Columbia Public Law Research Paper No. 06-99* New York: Columbia University Public Law & Legal Theory. Available at: <http://ssrn.com/abstract=887737>
- Vandenberghe V (2002) 'Evaluating the magnitude and the stakes of peer effects analysing science and math achievement across OECD' *Applied Economics* 34: 1283-1290
- West A (2005) "'Banding" and secondary school admissions: 1972-2004', *British Journal of Educational Studies*, 53, 1, 19-33
- West A, Ingram D and Hind A (2006) 'Skimming the cream? Admissions to charter schools in the US and autonomous schools in England' *Educational Policy* 20, 4, 615-639
- William DJ and Echols F (1992) 'Alert and inert clients: the Scottish experience of parental choice of schools', *Economics of Education Review*, 11, 339-50