

---

## Incompetence or Deliberate Manipulation?

RICHARD HARRIS

**ABSTRACT** The author gives a personal account of campaigning on fair admissions and the importance of Admission Forums and some of the responses it has generated along with the ConDem Coalition response – or lack of it.

Note: This article was written before the New Admissions Code was published. It was published after the Scrutiny Committee finished its work and after crucial votes in the early readings in both the Commons and Lords. Although the new Bill still has to complete its passage through Parliament it may be too late for opponents of some of the changes in the admissions code to propose any amendments to the bill to save Admission Forums.

Below are two papers I recently submitted concerning admissions and in particular the proposal in the Education Bill currently going through Parliament to remove the statutory duty of local authorities to establish Admission Forums. The first is an input to a seminar organised by CASE (Campaign for State Education) in March this year (2011) and the second is a formal submission to the Parliamentary Scrutiny Committee on the Education Bill.

The Comprehensive Ideal is that every school should be a good school, (or should that now be outstanding!), and the local school should be the first preference of every parent and child, but the dilemma is that there exist localised areas of high deprivation or ethnic groups leading to a significant minority of 'sink' or 'ghetto' schools. Add to this league tables and competition between schools and there is the temptation for some schools to set criteria for how they operate that predisposes some families to choose them and other families to feel that their child would not be happy at such a school. This is selection by underhand means and is criticised by the Adjudicator and contrary to the Admissions Code. There is a rapidly increasing number of 'Own

Admission Authorities' with Trust, Academy and Free schools in addition to faith schools. Given the evidence that 'Own Admission Authorities' are more likely to adopt such practices, the removal by statute of an effective monitoring body, the local Admission Forum, seems a dereliction of duty by the Government and Mr Gove. These two papers are part of a campaign to save Admission Forums.

### **(1) CASE – Admissions and Admissions Forums, 12 March 2011**

In Southampton, for example, in 2001 there were 88 schools of which 82 were LA Community Schools, 2 Secondary Catholic VA, 3 Primary Catholic VA and 1 C of E VA, i.e. 7 different admission authorities of which 6 were OAAs, (Own Admission Authority). In 2011 there were 80 schools following further mergers, etc., of which 58 are LA Community Schools, 2 Secondary Oasis Academies, 1 local Primary Academy, 2 Secondary Trust Schools, and 7 of their cluster primary schools are also Trusts with another one on the way, plus the Voluntary Aided schools as above. Now there are 22 separate admission authorities of which the LA only now has 58 schools. One of the LA secondaries now has aptitude testing!

An Admissions Forum is essential to carry out the functions as set out in the Code of 2009, which was strengthened following consultation, in the light of the huge growth in differing admission authorities in each LA.

At the Southampton January Forum meeting the following types of school were present: Secondary Community, Secondary Community which used aptitude tests, Secondary Academy, Primary Voluntary Controlled, Primary Voluntary Aided, Primary Community. They included governors, heads and parent. This is the only arm's length statutory body which looks in depth at admissions. At this meeting the new aptitude test was examined in detail with a further follow up to look at the nature of candidates and an ongoing examination of in-year admissions and appeals.

Evidence is considerable that there is a need to police admissions. Two years ago a random sample of three local authorities across the country by the Department for Education and Skills (DfES) found breaches in each authority. The most recent Adjudicators' Annual Report shows that breaches of the code are most likely from OAAs. This is further borne out by research by the Sutton Trust and RISE (Research and Information on State Education). While there are

exceptions, faith schools have a much lower number of free school children than represented in their communities. The Adjudicator recommends strengthening the role of the Admission Forum in the production of the LA Annual Report and his office have indicated that he does not agree with the proposal, now in the Bill, to remove the statutory requirement for LAs to establish an Admission Forum. It is no surprise he has now agreed to step down early before his contract runs out!!

You have to ask why Mr Gove wishes to do away with the only form of scrutiny of admissions in each LA area and to 'simplify' the Code?

If we don't succeed in deleting this proposal we are bound to see more and more schools choosing their students, selection by the back door and increasing social division within our schools!

## **(2) Personal Submission to the House of Commons Public Bill Committee Scrutinising the Education Bill**

I wish to bring to the Committee's notice one or two issues when considering the future of Admission Forums under Clause 34 of the Education Bill.

1. Why is the current Admission Code so comprehensive? It is because there can be subtle ways in which schools can discourage some applications. Uniform costs and school trips are specifically mentioned. As the Chair of a Charity serving the City of Southampton, I see applications from agencies for children who cannot afford uniform or school trips. In 2008/9 we helped 662 children and in 2009/10 533. Frequently the agency letter says without uniform the child cannot start school or the family is anxious the child will stand out. The cost of a school trip can now often run at £200 to £300 even for local activity centres. I have the evidence that these costs cause great anxiety for poor families but have not had the resources to investigate whether it determines choice of school. The issue needs to stay in an Admission Code.
2. You will be advising on the new Education Bill without so far knowing what will be in the new Code. Please push for Admission Forums to remain because without them the subtle ways that can be used to attract the 'right kind of child' will never be investigated.
3. I heard a head teacher proudly say that at Year 6 parents' evenings he makes it clear that the child must conform to their codes of dress and behaviour. Now this sounds right and proper, but he then went on to say that by this way he has already weeded out children that will not conform. But those children have the right to attend his school which is the local school and he is deliberately

putting them off. Subsequently his admissions have widened and the school improved its results but the school's commitment to the more needy children on the local estate has been by-passed and other schools have to pick up the challenge.

4. Fair admissions must mean that children choose schools not schools choose children but, in the era of league tables and popularity, schools are under pressure to find subtle ways to attract one sort of pupil and detract others. It is even more important with the arrival of Free Schools and more Academies that strict guidance is given in an Admission Code and a local body such as the Admission Forum is there to police admissions and ensure fairness.

5. Finally I urge you to consider the following question:

If it is accepted that fair admissions means children choose schools rather than schools choose children why should any school wish, or need to be, its own admission authority?

Surely if our diverse system of schools is to maintain its comprehensive nature then there should be only one admission policy common to all schools in a local authority area.

So have either of these papers had an impact? To me this is important since as a campaigner it is easy to get downhearted in that you often seem to be talking to those who don't want to hear!

Following the CASE campaign seminar, Warwick Mansell [1] was moved to write a two-page leading article in *Education Guardian* on 22 March entitled, 'Nice Kids Enter Here'. In a powerful piece he quotes Ian Craig, the current Schools Adjudicator, who, in response to the Government's plan to simplify the Admissions Code said, 'this risked "throwing the baby out with the bath water"; simplifying it too much could make it a "useless document"'. He further quotes Ian Craig who told MPs that Admission Forums were needed 'more and more' now. Warwick used other evidence from around the country including some provided by me. This national case for a strong Admissions Code and a statutory Admission Forum was very heartening.

Armed with evidence and with fellow campaigner from Comprehensive Future, Margaret Tulloch, I was able to lobby Dan Rogerson, a leading LibDem member of the Parliamentary Scrutiny Committee. We were well received. Encouraged by this, I wrote a personal submission to the Scrutiny Committee (above). I had already written a submission from Southampton Admission Forum.

To my pleasant surprise, on reading the Hansard Report [2] of the Scrutiny Committee deliberations on the Admission Forum clause, my submission had not only been read but was quoted directly by Julie Hilling MP. She quoted the same question that I had previously asked Jim Knight when he was Labour's Schools Minister: 'If it is accepted that fair admissions means

children choose schools rather than schools choose children why should any school wish, or need to be, its own admission authority ?' Kevin Brennan MP, Labour's Shadow Schools Minister, in moving an amendment to save Admission Forums, also quoted from the Comprehensive Future's submission, for example, 'abolition will lead to less transparency in the admissions system' and, 'schools will select by ability, the weak and disadvantaged will lose out'.[3]

There was much concern that the discussions on the Bill were going ahead without any sight of the revised Admissions Code. While it was encouraging to know that submissions are read and to be quoted in debate, the amendments to save Admission Forums fell. Sadly, the lobbying of the LibDem spokesman did not lead to them voting against this Tory-led part of the Coalition programme, even though many in their Party nationally disagree with it.

This leads me on to justify the title to this article. The government response to the overwhelming evidence on the value of Admission Forums was to say that the fact that few Forums submitted annual reports or referred matters to the Adjudicator indicated that they were unnecessary, contrary to the Schools Adjudicator's own evidence. The Minister failed to understand that the existence of such Forums meant that many issues were effectively dealt with locally and their disappearance would result in more referrals to the adjudicators. The Minister also failed to recognise that there was no longer a requirement for the Admission Forum to submit an annual report. In the 'Third Reading', Nick Gibbs MP, Schools Minister, in response to many questions as to how the House could make a decision on the Bill without knowledge of the proposed new Admissions Code, indicated that the Code had no link with the Bill and the only clause relating to admissions was Clause 34 referring to the Admission Forums. Andy Burnham MP did his best in exposing the anomaly but to no avail.

Admissions and school profile are national press issues every year following school place announcements but they can also be determining factors in curriculum organisation, exclusions, parental involvement, all of which are aspects of the new Bill. For the Schools Minister to suggest there is no link, and the new Admissions Code could be seen later after voting on the Bill, leads me to the conclusion that there is either incompetence in understanding how schools work or deliberate manipulation to delay the new Code so that its changes are too late to influence the votes.

### Notes

- [1] Warwick Mansell (2011) Nice Kids Enter Here, *Education Guardian*, 22 March.
- [2] Hansard Report (2011) House of Commons, Education Bill Third Reading, 1187-1282, 11 May.
- [3] Parliamentary Debate, House of Commons Official Report, General Committees, Education Bill, Eighteenth Sitting, Tuesday 29 March 2011

*Richard Harris*

(afternoon). Published by authority of the House of Commons, The Stationery Office.

---

**RICHARD HARRIS** has an Open University degree and was an Adult Education Institute Principal in Hampshire and Senior Manager in a Southampton Further Education College. During his seven years as a Southampton City Labour Councillor he was, for two years, the Cabinet Member for Lifelong Learning and Leisure. A secondary school governor for over 20 years, he is now Chair of Southampton's Admission Forum and nationally is on the steering committee of Comprehensive Future. *Correspondence:* Richard Harris, 45 Hill Farm Road, Southampton SO15 5SR, United Kingdom ([richandviv@tiscali.co.uk](mailto:richandviv@tiscali.co.uk)).