

# School Admissions:

A Report of the Social Market  
Foundation Commission

Edited by Moussa Haddad

SOCIAL MARKET FOUNDATION

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# 1. CHAIRMAN'S FOREWORD

School admissions in England and Wales do not sit well with equity and fairness. The Education Reform Act of 1988 attempted to weaken the middleclass hold on the best schools. And though it nominally established choice as the first principle in school admissions, in reality the preponderance of catchment areas and other proximity rules ensures that choice is meaningless for whole swathes of poor parents who want good schools but don't live in – and can't afford to move to – the right areas. The plethora of subtly different admissions authorities and admissions rules mean that the better-informed and more well-connected parents can game the system to their advantage – and at others' expense.

The Commission at the SMF has reached conclusions that would bring real equity and real fairness into the process of selecting children's schools. By giving every parent a truly equal choice of school, we would have a school admissions system that is palpably fair between all parents. By offering the poorest children the same prospects of entering the best schools as the richest, the system would be equitable. And by introducing real choice into the system, we would bring competitive pressures into the school system that would act to lever up standards across the board. Schools could no longer rely on an intake of well-behaved middle class children to produce good results, but would instead have to focus on teaching standards.

In our conclusions on school admissions, we have chosen to focus on secondary schools. The principle, however, could be applied equally to primary school education, but given the age of the children in question, a greater degree of localism might be required.

**Philip Collins**  
Director, Social Market Foundation

## 2. EXECUTIVE SUMMARY

### Main Conclusions

- The first principle in the school admissions system should be parental choice
- To resolve the instances in which parents' choices cannot be met due to lack of capacity, we propose a national ballot for oversubscribed places
- Choice will thereby lie with parents and not schools, ensuring that incentives for schools are to improve standards through better teaching, rather than pupil selection
- We support an expansion of capacity to extend choice, and a new set of regulations on school expansion, contraction and opening, to make them more responsive to demand
- Funding should be on a per-pupil basis, so schools are rewarded for successfully attracting pupils, and so that failure unleashes immediate incentives to improve.

### Introduction

The first principle in the school admissions system in England and Wales is choice; and the Education Reform Act of 1988, attempting to weaken the middleclass hold on school admissions, established that parents' preferences should be the first thing considered in allocating school places. The reality, however, is that school choice for many parents is constrained, as the propensity of admissions authorities to use proximity to resolve school oversubscription means that the only way they can 'choose' one of the most popular schools is to live nearby, or to move to its catchment area.

This is objectionable for two main reasons. First, it offers those with the financial means to pay the house price premium associated with living near a good school privileged access to education, which is fundamentally unfair, and leads to the socially divisive segregation of children along class or ethnic lines. The plethora of authorities running school admissions around the country generates parental confusion, is costly and bureaucratic, and rewards those – usually the middle class – best able to game the system. And second, since the

local bias in school admissions has prevented real competition between schools for pupils, the potential of choice to drive up standards in education has remained untapped. Meanwhile, the peer effect that could improve average attainment through social mixing is undermined by the clustering of the middle classes around the best performing schools.

### Values in School Admissions

The Commission considered the following values, which we might seek to serve through school admissions:

- Choice: it has an intrinsic value of its own; it acts as a driver of standards; it helps give parents a stake in their children's school
- Educational attainment: raising educational standards is a central goal of any educational system – choice is one mechanism through which to achieve this
- Decreasing segregation: studies on peer effects suggest that less segregation will raise higher average attainment, but we reject focusing exclusively on social mix by introducing banding as it would deny parental choice, be costly and difficult to administer, and is fundamentally illiberal
- Academic selection: we reject allowing schools to select pupils as it lowers average standards, by encouraging schools to improve outcomes through pupil selection rather than high quality teaching, and by compromising any positive consequences of peer effects
- Localism: this would not solve the problem of privileged access to education, would compromise the pressures choice can exert on standards, and would offer no real threat of exit within the state sector.

The Commission feels that increasing capacity and making school expansion and contraction more responsive to demand, with oversubscription to be resolved by ballots, will both increase parental choice and lead towards other desirable outcomes – improved educational attainment and decreased segregation, for example. Resolution of oversubscription by ballot avoids attempting to rank the values of school admissions, and prevents producing rules of which the privileged can take advantage. The process of allocating children to schools will have the virtue of being fair to all involved, such that no child will be advantaged over another in the admissions process.

### The Admissions Procedure

- Parents will be asked to list six preferences, in order, which can be for any school in the country
- A national admissions system avoids difficult and costly boundary effects, and reduces the cost of bureaucracy in maintaining multiple authorities, though choice will be constrained by a limitation on transport subsidy
- A ballot will be held only for those schools with more first preferences than places
- If a child does not get their first choice, they are allocated to their second, unless that school receives more second choices than it has remaining places, in which case there is another round of simultaneous ballots, for second choices only, at these schools
- The same procedure will operate for third, fourth, fifth and sixth choices if necessary, though the majority of preferences will be settled by the second choice
- The LEA, though stripped of its admissions function, will continue to guarantee a school place for every child in its area, in the unlikely event that they are not offered a place in any of their six chosen schools
- The system we have proposed is tailored to the secondary school admissions process. The principle, however, could be applied equally to primary school education, but given the age of the children in question, a greater degree of localism might be required.

## 3. FULL REPORT

### 3.1 Deficiencies in School Admissions

Since the Education Reform Act 1988, the school admissions system for England and Wales has been based on the principle that parents have the right to express a preference for their child's school. The 1997 Rotherham Judgment confirmed the primacy of choice, establishing that, when allocating school places, LEAs must carry out their duty to meet expressed parental preferences before operating any other local allocation policy. This is reflected in the 2003 Code of Practice for school admissions issued by the Department for Education and Skills, which stipulates that admissions authorities should aim, through their admissions arrangements, to enable parents' preferences to be met to the maximum possible extent. The 1989 Greenwich Judgment established that LEA-maintained schools may not give priority to children simply because of the fact that they live in the authority's administrative area, and that applications for the authority's schools must be considered equally, regardless of the administrative area of residence.

Where choices conflict with one another, however, they and the ensuing over-subscription are usually resolved according to geographical criteria. Commonly, this takes the form of catchment areas (used by 61% of English secondary schools), proximity to the school gates (used by 86%), ease and convenience of travel (6%), or attendance of feeder schools (28%)<sup>1</sup>, which themselves usually operate geographical criteria. Other common criteria applied are siblings studying – or less frequently parents working – at that school, having special educational needs, and being a child in care. Faith schools can impose religious requirements on potential pupils. While these can and frequently do co-exist with geographical criteria, grammar schools operate on the principle of academic selection within a wider, less significant geographical area.

As true preferences cannot be extrapolated from the choices made at present, it is impossible to estimate the precise extent of dissatisfaction with the system. It is clear, though, that there is a good deal of discontent. Although 92% of children get into their nominal first choice of school<sup>2</sup>, admissions appeals have risen by 50% since 1997, up to 91,430 in England on the latest

figures<sup>3</sup> – representing 10% of total admissions – with consistently only a third successful. Indeed, professional consultancies advising parents on school appeals have appeared, one boasting experience in 'over a thousand appeals'. There are also large regional variations: only 68% of children in London get their preferred choice of school<sup>4</sup>, while in some rural areas school choice is essentially an irrelevance. Meanwhile, the increasing rate of exit to the private sector hints at growing dissatisfaction. There are over 500,000 children at independent schools, or 7.3% of the school population<sup>5</sup>. Both the number and the proportion have increased in every year of the past decade. A rise of 9.6% in average school fees in 2003-04 suggests that the actual rise in pupils understates the increase in demand<sup>6</sup>, an impression that is reinforced by a Mori poll of April 2004 in which 50% of parents said they would be 'quite likely' or 'very likely' to choose a private education for their children if they could afford to do so<sup>7</sup>.

Aside from issues surrounding parental satisfaction and the extent to which choice is met, the Commission considers there to be four other deficiencies in the system. First, there is the problem of some children having privileged access to education. The concern is that effective school choice has become the preserve of the middle classes, who can afford to buy themselves into the catchment areas of the best schools. This can be quantified through the so-called 'house price premium' – whereby being in the catchment area of a good school can add tens of thousands of pounds to the value of a property – which has the effect of crowding out the poor. A 2003 study by Gibbons and Machin found that, after taking account of neighbourhood status and its effect on schools, a 10% improvement in the proportion of children reaching the target level at Key Stage 2 was associated with a 6.9% increase in house prices within that school's catchment area<sup>8</sup>. A Warwick University study of secondary schools in 2001 found that house prices in the catchment areas of popular, heavily oversubscribed schools in Coventry were 15-19% higher than they would otherwise be expected to be<sup>9</sup>. Another study, by the Royal Institution of Chartered Surveyors in 2003, found a national average house price premium of 12% around popular schools<sup>10</sup>. And since schools become subject to selection by house price, they come to acquire a class character and fail to facilitate social mixing.

Second, pressure on standards in the current system is inadequate, notably due to the strongly local nature of school admissions: catchment areas mean pupils go to local schools, so schools have no fear of losing pupils, even if they

underperform. Choice has been shown to drive up standards in education (see below), and, therefore, where it is restricted standards are not maximised. There is very little genuine threat of exit operating between state schools. The 7.3% exit rate to the private sector, however, serves to undermine the state sector.

Third, the Commission also objects to the school admissions system being based largely on geography, because making children's right to a good education dependent on where they live is arbitrary. Geographical rules are also socially divisive, and were identified by a Performance and Innovation Unit report as being a significant factor in preventing social mobility<sup>11</sup>. Gorard, meanwhile, makes the point that proximity and catchment areas exacerbate segregation between schools<sup>12</sup>. While parental preference is the number one factor in UK admissions, this is heavily undermined by the fact that some geographical factor tends to be top of the list of over-subscription criteria (though often after siblings, children in care, and those with special educational needs). It is accepted that in certain circumstances – particularly in the case of rural schools – some geographical consideration is essential, but the Commission rejects systematic catchment areas.

Fourth, the Commission considers there to be too many admissions authorities, which can result in parental confusion, with many authorities operating differently to one another, and which can lead to difficulties in co-ordination for the different authorities. Each Local Education Authority (LEA), of which there are 154 in England, acts as an admissions authority for all schools within its control. It is also responsible for co-ordinating the admissions arrangements of all schools which act as their own admissions authorities – including all voluntary-aided religious schools, specialist schools, city technology colleges and grammar schools – which are presented to parents via a common application form. Given that – as clarified by the Greenwich Judgment – admissions authorities may not discriminate in admissions by administrative area of residence, LEAs must also co-ordinate applications so that all parents' preferences for schools in any area are treated the same, irrespective of which authority handles their application. Admissions Forums in each area, made mandatory by the Education Act 2002, and which comprise representatives from admissions authorities and other key interested parties, must advise the LEA on co-ordinated admissions arrangements. The LEA must then put these into practice, unless the Forum has failed to reach consensus, in which case the arrangements may be imposed by the Secretary of State.

The new single admissions authority for London and the eight bordering LEAs will ameliorate some of these difficulties, not least by ending the problem of some parents sitting on multiple offers while others have none, and also by making co-ordination between authorities more formal, and, one would expect, more efficient<sup>13</sup>. On the other hand, given that the criteria upon which admissions are decided will continue to vary across LEAs and schools acting as their own admissions authorities, parental confusion will continue; and given that the admissions criteria will remain focused on geography, other concerns remain unresolved. Finally, while co-ordination problems are most severe in London, they also exist in other parts of the UK, and this system does nothing to resolve their difficulties.

### **3.2 Values of School Admissions**

The Commission concludes that choice should remain the central principle in the school admissions system. Choice has an intrinsic value of its own, and we argue that, provided it is made equally accessible to all parents, it is the fairest method of allocating students to schools. Choice also encourages desirable outcomes within the education sector. These outcomes are various: for example, it is plausible that parents will feel they have more of a stake in a school if they have chosen it themselves. Comparing parents in the US who have no school choice in their district and those who have maximum choice, those who have a choice of school are 43% more likely to have attended a meeting at their child's school, 19% more likely to have attended a school event, and 50% more likely to plan their child's courses with them over multiple conversations<sup>14</sup>.

Most importantly, the Commission believes that, so long as it is properly managed, parental choice can act to lever up general standards. We emphasise that whether or not choice has this effect is entirely a question of design: parental choice schemes have not always had this effect. The growing body of evidence from countries such as Sweden and the US, however, suggests strongly that choice can be designed consistently to improve standards. A fundamental condition for achieving this is a ban on selection of pupils by schools, which the Commission has advocated below<sup>15</sup>. It is improbable, in any case, that choice, having been well established in school admissions, can be taken away. The Commission therefore concludes that the school admissions system should be one in which choice can be met to the maximum possible extent. The Commission feels, however, that some support may need to be

given to some parents to ensure that they choose effectively, and we say more on this below.

Since capacity will always be finite, other values and principles will inevitably be required to resolve situations in which parents' choices come into conflict. After choice, there are five main values to consider. First, overall educational attainment is important, and raising school standards is therefore desirable. We have already discussed the effect that parental choice of schools can have in improving standards. The second major mechanism through which school admissions can raise educational standards is the peer group effect.

This effect operates in a number of different ways. Students can directly teach one another; intelligent, hard-working students can affect their peers through knowledge spillovers and through their influence on academic and disciplinary standards in the classroom, while misbehaving students may disrupt the classroom and sap their teacher's time and energy; peer effects might operate through the way in which teachers or administrators react to students; and wealthier parents are likely to be more involved with the school their child attends<sup>16</sup>. In each case, however, having more middle class children in a school leads to higher attainment for all children in that school, as Hanushek et al demonstrated by considering variations in 'cohort composition' – namely the balance of children measured by, in this case, their past academic achievement – in the same school year by year. They found that the higher the peer group quality (as measured by past achievement), the higher the rate of growth of achievement *for all the children* in that year group<sup>17</sup>. Hoxby discovered the same thing in a similar study considering race and gender<sup>18</sup>. The significance – and potential – of peer effects are underlined by E.D. Hirsch Jr of the Hoover Institution: 'there is only one factor more powerful than a pupil's social background as a predictor of his/her future academic performance at 16, and that is the average social background of the other pupils in her/his school'<sup>19</sup>.

In the UK, unpublished DfES analysis shows that lower-income pupils are over-represented in schools that add the least value to pupils' performance. It also shows that lower-income and higher-income pupils alike all make greater progress in schools with a low percentage of pupils on free school meals<sup>20</sup>. Similar patterns are apparent in US analysis: there, according to research by the Department of Education, not only do individual pupils of low socio-economic status (SES) achieve less well than wealthier pupils, but also a high concentration of low SES pupils in a school lowers overall attainment levels<sup>21</sup>.

Conversely, a 'critical mass' of middle to high SES pupils raises attainment levels, and individual pupils of low SES background perform better in schools with a higher proportion of middle to high SES pupils<sup>22</sup>.

The increasing acknowledgement of the importance of peer group effects comes after a period in which, as Manski (1993)<sup>23</sup> and Moffitt (2001)<sup>24</sup> point out, they had been inhibited by both conceptual and data problems. In particular, much early work which seemed to show evidence of peer-group effects, notably Henderson, Mieszkowski & Sauvageau (1978)<sup>25</sup>, and Summers & Wolfe (1977)<sup>26</sup>, largely failed to control for the tendency of peer groups to self-select according to unobserved characteristics that affect student performance. The studies noted above focusing on cohort composition offer the most promising and sophisticated attempts to measure peer group effects<sup>27</sup>. Another approach has been to consider the few examples of random assignment of peer groups, albeit in higher education. Two promising such examples, of American university students, found modest but statistically significant peer effects, whereby academic performance varies according to the academic performance of a roommate<sup>28</sup>.

Second, social mixing has a value in itself, as well as for educational outcomes. Disadvantaged children's life chances will be improved through associating with more aspirational peers. There are also harder to quantify benefits that come from having a diverse peer group, such as greater cultural and social understanding and decreased prejudice. To be sure of an entirely balanced social mix, however, would require the introduction of banding, as proposed by the Education Select Committee of the House of Commons<sup>29</sup>, whereby children are allocated to schools according to their social class, or educational record. The Commission is opposed to introducing such a measure: it would deny parental choice, be costly and difficult to administer, and is fundamentally illiberal.

Third, we might seek to give systematic advantage to the most disadvantaged children through school admissions. Indeed, favouring disadvantaged groups is a common feature at present of many admissions authorities: 73% of English state schools (excluding grammar schools) give priority in admissions to children with a particular medical or social need, and 39% give priority to those with special educational needs<sup>30</sup>. As part of its wider remit, each Admissions Forum must consider how best to promote the welfare of vulnerable groups – such as those in care, or those with special educational needs. The Commission believes, however, that school admissions may not be

the best area of policy to work on social justice in this sense. Indeed, if prioritising difficult children in admissions leads to their being clustered in good schools, it may defeat its own purpose by destroying the incentives to succeed in the first place, and will also conflict with social mixing and, through peer effect, educational attainment. There may, however, be good reasons for giving precedence to some disadvantaged groups in applying to schools which have specialised facilities to cater for their particular needs. Rather than attempt to tackle social disadvantage through school admissions, the Commission would support a system of differential funding, similar to that operated in the Netherlands, in which children who are more difficult or costly to teach, such as those with English as a second language and in need of extra tuition, are accompanied by additional funding to the school they attend. Without differential funding, schools may try to skew their applicant pools through marketing. They would have incentives to market themselves to parents with children who are easier to teach, and thereby get applicant pools which are disproportionately from that group, so that whatever the admissions arrangements, they get a better intake. This might also fund a wage premium for teaching in areas with concentrated deprivation, to help counter their natural disadvantage in competing for the best teachers.

Fourth, the Commission is against academic selection, feeling that allowing schools to select pupils lowers average standards, as it encourages them to improve outcomes through pupil selection rather than high quality teaching. A 2002 study of Chile's voucher programme, which left a great deal of scope for selection, found that schools improved results through admitting the best pupils rather than by improving teaching<sup>31</sup>. Selecting pupils academically would also compromise any positive consequences of peer effects. Indeed, this cautions against giving schools power to engage in selection of any sort, since it undermines parental choice, and leads to lower standards.

Fifth, social solidarity and community cohesion concerns could be addressed through school admissions, but the Commission could find no way to favour localism without causing a serious house price premium, and in turn bringing about greater social segregation. It would also run contrary to the principle of parental choice, and would offer no real threat of exit within the state sector.

Throughout this paper the Commission argues that a system of admissions in which parental choice is encouraged (and selection by schools is discouraged) would work towards the kinds of *outcomes* valued in public

education: specifically, the Commission believes that it would work towards both school quality and integration between students. This is, however, only part – albeit a fundamental part – of the Commission's overall argument for the proposals as the fairest and most desirable arrangement. The Commission also wishes to emphasise the value of the specific *procedure* according to which admissions would work under the new system.

It is a common objection that the procedures currently governing school admissions are both arbitrary and regressive: they privilege one set of parents over others, and in particular they privilege parents who have the resources to make sure they live in the right area. The Commission agrees with these objections. Current practice, along with selection more generally, is both unfair and avoidable.

As discussed, there are a number of different values that could in principle govern our choice of admissions criteria for schools. The Commission, however, recognises two fundamental problems in ranking these values through admissions arrangements. First, as has been seen, rules designed to rank these values are in practice very much open to abuse by more privileged parents (and in some cases by schools). Second, even addressing this question in the abstract, the Commission itself feels unable to rank these values, and certainly to rank them in a way that would be deemed fair by all parties. We therefore support the notion of procedural fairness as a second best solution, which the Commission feels is the best response to a situation of reasonable and insuperable value pluralism. As Oberholzer et al. (1997) put it:

*'Random decision mechanisms are the embodiment of fair allocation procedures. None of the personal characteristics that typically interfere with decision processes in a completely unwarranted way enter procedures based on chance: Nepotism is out of the question. The rich and the powerful do not have any better chances than the poor and the humble if allocation relies on random decision processes.'*<sup>32'</sup>

A school admissions ballot is therefore favoured, for oversubscribed places. In order to secure fairness between parents, in addition to procedural fairness, it is necessary to ensure equality of information provision, so that all parents are aware of the choices available. Such information equality is desirable in itself, but supported choice would be of limited value in the current admissions system, since choice is heavily constrained by geography and ability to pay a catchment area's house price premium. A ballot for oversubscribed places allows supported choice to impact directly on substantive fairness

between parents, by equalising information provision in a procedurally fair system.

A system in which choice takes precedence and conflicting choices are resolved by a single oversubscription criterion that is fair between all parents has the virtue of preventing schools from engaging in selection. It therefore drives them to compete for pupils on the basis of teaching quality, rather than using pupil selection to improve their own outcomes at the expense of overall educational attainment. Such a system can embody several values. In preventing schools selecting pupils, and offering children of any social class equal prospects of being admitted to any given school, it should lead to less social segregation, without social mixing driving the system. And given that the prospects of disadvantaged children attending better schools will be enhanced, there will also be favourable social justice implications.

For these reasons, the Commission supports a system of increased choice and resolution of oversubscription by ballot, believing that it will not only produce desired outcomes, but will also be a system that can be *seen to be fair* by parents.

### 3.3 Changes in School Capacity

The Commission is in favour of increasing overall capacity to enable choice to flourish; of making it easier for schools to expand and contract according to demand; and of permitting new schools to open where the demand exists<sup>33</sup>. In each case, the driving principle is one of creating a structure in which choices can be realised – meaning that oversubscription becomes less common – and in which the threat of losing pupils becomes an incentive for schools to improve their teaching and management. We envisage a decentralised system of school funding, in which funding is based on the number of pupils actually enrolled, rather than the theoretical number of places. Schools or federations of schools will be independent financial entities, able to borrow, invest and run a deficit or surplus entirely on their own authority – though no government funded school will be allowed to distribute its surplus, and must instead reinvest all surpluses in the school.

In order to make the supply of school places more responsive to the demand for them, the current regulations governing the opening and closing of schools will be replaced. The guidance on surplus places, with its intrinsic bias against expansion, will be abolished, offering popular schools the scope to expand to meet demand for them. Subject to meeting certain regulations, the

primary limitation on school opening and expansion will be a capital constraint, though there will be scope for a degree of expansion through hiring extra staff, since this merely requires moving teachers within the system. There will be an independent national agency to provide capital for schools, to fund expansion of existing schools, or the founding of new ones where the demand exists. It will act as a permissive funding agency, offering start-up finances to any proposed school with a business plan which contains market research showing that demand exists for the new school. Such schools will be subject to the same regulatory requirements as all other schools, including the requirement that they submit to the national inspection system. The Commission supports allowing private companies to set up and run state schools, along the lines of American charter schools. We favour allowing only those schools operating on a not-for-profit basis, as we feel that profit seeking could undermine objectives of good education, while we also note that profit-making schools are rare internationally. Crucially, the process for opening or expanding schools will differ from the current system in not taking account of the wishes of other schools in the area, which might act to insulate them against failure, while the permissive nature of the agency will militate against it engaging in demand management<sup>34</sup>.

The Commission feels that failure is not identified quickly enough by current policies. Its own definition of failure is a school that cannot attract enough pupils – and, with per pupil funding, this would be quickly identified by a funding crisis. The same national agency charged with providing capital for new schools will act like the investors in a company when a school is failing. It will consider proposals from a school's existing management team for turning the school around, as well as proposals from other groups, which could include private companies. This will operate along the lines of the current Fresh Start scheme, and replace the two years in Special Measures which are currently available to the incumbent management team to turn things around, ensuring that schools which are failing to attract pupils are improved more quickly. If financial problems at a school are due to factors other than management failure, such as declining population, the agency might fund a financial restructuring. It is envisaged that the greater risks associated with failure will unleash incentives to improve, with declining school rolls acting as a signal.

Given the discipline imposed on schools by the funding crisis that a fall in demand would precipitate, inspections in this system will become less

important for purposes of capacity management. They will, however, continue to have a place in the assessment of teachers' performances, and in providing information for management teams to improve school performance. Inspection reports and ratings will also provide important information to help parents in choosing schools.

### **3.4 The Allocation of Oversubscribed Places**

The Commission is committed to the idea of parental choice taking precedence, and so the major issue to determine beyond that is how to resolve instances of parents' choices conflicting with one another, i.e. which over-subscription criteria to favour.

While favouring maximisation of choice to put children into the schools most suited to them, the Commission is against academic selection by schools. It feels that allowing schools to select pupils reduces the incentive for them to improve their teaching and management where they can instead simply select more able children.

Rules based on proximity are taken to be arbitrary and to have deleterious social consequences. The Commission feels the practice of secondary schools using designated feeder primary schools becomes, in effect, a geographical allocation and that the use of feeder schools should therefore be stopped.

The Commission has chosen to endorse random selection in the form of an admissions ballot where schools are oversubscribed. This will both serve the values we discuss above and be procedurally fair between parents. The Commission believes that the ballot will lessen the problem of privileged access to education; that it will increase pressure on standards; that it will remove arbitrary factors from the school admissions criteria; and that a single process, and a single ballot for all schools will reduce the confusion associated with the current multiplicity of admissions authorities.

The ballot will be national, following on from an application process in which parents are free to choose any school in the country. A national admissions authority, and a ballot over the whole of England and Wales, is favoured since splitting the country up into different admissions authorities using the same criteria would require either limiting choices near boundaries or costly and bureaucratic co-operation between the authorities. Parents can be expected in any case to regulate their choices by distance, with a limit to transport subsidies ensuring that the state is not forced to pay for unlimited parental choice (see below). We accept, though, that in

some rural areas it may be entirely impractical for children to attend anything other than their local schools, in which case there would have to be guarantees on the basis of proximity which will not be present in the national structure. Special schools will require similar provision, given their relative scarcity and the clear need of the children concerned to attend a particular school.

As a practical issue, the Commission believes that siblings of current students should be advantaged in the admissions procedure, as is currently common practice (used in 96% of secondary schools, not including grammar schools)<sup>35</sup>, such that their choices are met prior to those of other children. This does not undermine the fairness of the system, as the eldest child still has to be admitted on the usual basis. There will still be the scope for sending children to schools other than those attended by their older siblings, given that parents might have legitimate reasons for favouring different schools for different children.

The Commission supports giving precedence to children in care and those with special educational needs by offering them admission into certain schools prior to parental choices being exercised, but only on the basis of particular need, namely where a particular school has the facilities to cater for that need, rather than priority *per se*. We have already rejected systematically favouring socially disadvantaged groups through school admissions; and measures such as weighting the admissions ballot to give disadvantaged children a better chance of being offered their first choice school would undermine procedural fairness, and could be self-defeating if they lead to concentrations of difficult-to-teach children. In any case, by according all parents a choice of equal value, the system we propose will substantially improve the educational prospects of those who had previously been disadvantaged in school admissions.

### *Supported choice*

Parents will be supported in learning the way in which the school admissions system operates, so that they will be able to make the best use of their preferences. A disinterested party with local knowledge will advise parents on how best to utilise their choice. Since the LEA will be stripped of its admissions function, and so qualify as disinterested, it will assume this function<sup>36</sup>. A similar form of help is available in areas of the US with charter schools, where school pupils and parents receive assistance in making their choices from a counsellor from the local school board. The Commission feels that in any case parents will

soon learn how to use the ballot, but that it is also important that support is equally available to all. Since effective choice in the new system will be available to all parents (except some remote rural areas), the provision of information about the choices available – and the ways in which school performance can be compared – to those parents who have least access to information becomes more important. The Commission favours active outreach to the most disadvantaged groups, as well as universal provision of leaflets and handbooks containing relevant information about the school admissions system and comparison of schools.

Information provision should be in a form that is readily accessible to all parents. This could include booklets explaining the functioning of the ballot, and the principles to employ in making an application (see below for how the ballot will operate). Such information should be distributed automatically to parents of children in the appropriate year group, as should instructions for seeking the help of LEA choice advisers, who should be as accessible as possible to parents, perhaps through telephone appointments as well as in-person meetings. The School Profiles proposed by the DfES should also serve as a useful means of disseminating information about schools amongst parents in a standardised format, and again should be as easy to access as possible, perhaps being available through primary schools. Primary schools are in an excellent position to serve as an information point to parents, and could for example host information days at which LEA choice advisers were present and School Profiles and prospectuses were made available. Since a school's popularity determines its funding level, schools will have a great incentive to offer extensive information, and schools may choose to differentiate themselves from others by developing a particular ethos, or a specialisation. During this period of information provision, parents should be encouraged to visit secondary schools in which they are interested, to attend formal open days, or to meet with the headteacher.

### *The application process*

Parents will be asked to list six preferences, which could be for any school in the country, in order from 1 to 6, with the expectation that they will want to include at least one non-oversubscribed school. For all schools with more places available than there are parents who opt, as a first preference, for that school, all first preferences will be met. For all schools with more applications than places, a ballot will be conducted to resolve oversubscription. Only

parents whose first choice is for a school with more first preferences than places will be entered into the ballot.

In the ballot, the first preference choices for all the oversubscribed schools are drawn simultaneously – before any second preferences are considered. If a child does not get their first choice, they are allocated to their second, unless that school receives more second choices than it has remaining places, in which case there is another round of simultaneous ballots, for second choices only, at these schools. This continues, if necessary, through third, fourth, fifth and sixth preferences, though the majority of preferences will be settled by the second choice. Parents will have two weeks to confirm their acceptance of their offer of a school place. Those children receiving no offer of a place after the ballot (impossible unless all six choices were for oversubscribed schools) will be offered a place at a local school with free places by their LEA, which is responsible – as at present – for ensuring all children have a school place. Parents who reject a school place offered through the ballot must be placed in the same way by the LEA, but only once those with no offer have been considered. Those who fail to apply for a school place at all will be treated similarly.

Waiting lists for all oversubscribed schools will be maintained by the central admissions authority, based on the order in which the original ballots were drawn. Children would not be considered for a school's waiting list if they had already been offered a place at a higher preference school. Where a parent rejects the offer of a place at an oversubscribed school – for example, in favour of a grammar or private school place – that place will be offered to the highest placed child on that school's waiting list. Parents will have a week to accept such places. This process may take several weeks, as parents are offered places freed up by other parents accepting places through a waiting list, but the six preferences limit will prevent it running on indefinitely.

### *Appeals*

Parents will have the right to appeal on the grounds of maladministration of the ballot, but they would generally not be expected to be successful on such grounds. Alternatively, where no place has been offered through the ballot, they can appeal to the appeals authority on the grounds that the acceptance of the school place offered by the LEA would place a child in unreasonable difficulties, and request to be offered a place in a more convenient school. The appeals body, a slimmed down version of the current Schools Adjudicator, must consider, as at present, whether to order a school other than that offered by

the LEA to admit the extra child on the basis of the detrimental effects on that child of non-admission weighed against the negative effects on other children of an extra child being admitted. Given that dispersal of a child's primary school peers would be more common under the new system than the current arrangements, the definition of 'unreasonable difficulties' will be more narrow than at present, and will focus on unfeasibility of travel, or particular educational needs.

The functioning of waiting lists, the deadline for accepting a place, and the appeals process will be detailed in the letter offering parents a school place for their child. Final confirmation of which school a child will be attending will be sent to parents once all places, including those freed up and reallocated via waiting lists, have been assigned. Waiting lists will, however, continue to be maintained through to the start of the school year, and any places freed up after the initial round of acceptances will be offered, via the central admissions authority, to the highest placed child on that list, with schools under an obligation to inform the admissions authority of all withdrawals.

### *Transport*

Since the admissions will take place on a national level, there will be no geographical limits to school applications, and so distance, and more particularly practicality of travel, will be the main limitations on school choice. Therefore, in order that poor parents also benefit, there will be subsidies provided for school transport. To avoid the state subsidising outlandish choices of school, however, transport subsidies will not guarantee all choice, and will be limited. This limitation will be based on ensuring that parents have a certain number of school choices available to them, which will vary according to local conditions.

There will be a nationally agreed minimum subsidy value – which will only be redeemable against public transport, and only on school journeys – with the parent able to choose which journey, or stage of a journey, is most useful to them. Local authorities would distribute the subsidies, and bear responsibility for ensuring public transport routes made choice possible. The Commission recognises that school transport will be an important issue in ensuring that choice is available to all parents, and supports a system of public transport subsidy for all parents which will have the practical effect of offering completely free school transport to a certain number of schools and a subsidy for choices of more distant schools.

### *Schools which are their own admissions authority*

The Commission feels able to support the continuing presence of faith schools in the state sector, even though there is little evidence to support the notion that faith schools educate children better. It feels that preventing religious schools from operating in the state sector would simply lead them to move into the private sector, as occurs in Australia. Allowing faith schools to continue, but with open enrolment and without any power to select on the basis of faith, is the favoured option. Parents choosing schools on grounds of religion is deemed acceptable – and there is a liberal argument that parents should be able to choose a religious education for their children if they so desire – whereas schools choosing parents on religious grounds is not. We note that this will lead to some self-selection by parents into religious schools, but this is considered acceptable since faith schools would have to compete on the same terms as other schools. Similarly, we feel that specialist schools, which can at present select on the basis of a specialism but for the most part do not (just under 6% do at present), may continue to offer their specialisms, but with the option to select removed. Both types of school, then, will cease to be their own admissions authority, and will be subject to the same admissions arrangements as other state schools.

The immediate removal of grammar schools would encourage flight into the private sector, and so those schools currently selecting will be allowed to continue to do so – but without any scope for increasing the number of selective schools, the proportion of their pupils they select, or the capacity of the schools. In addition, such schools will not be allowed to operate any geographical criteria. The option of ending selection and entering the national admissions system by way of, as at present, a parental vote to that effect will remain, and since the competitive nature of the admissions system encourages schools to cultivate a distinct ethos, we would hope to see former grammar schools evolving to become non-selective schools with a focus on academic rigour. The issue of grammar schools is a long-standing one, and a relatively limited one; we cannot support them, but do not believe their existence will compromise the benefits of the new admissions system.

### **3.5 The System in Practice**

The principles behind the conclusions the Commission has reached could be applied equally to secondary and primary schools. Admissions for primary schools would, however, require further consideration of the issues raised by

the age of the children involved. The system detailed in this report, therefore, applies to secondary school admissions only.

In order to smooth the introduction of the new admissions system, the Commission recommends various steps prior to implementation. There should be a long run-up – of two full school admissions cycles, once the relevant legislation has been passed – to the introduction of the new arrangements: parents need to know that the system is coming well in advance, so that they do not move house to get into a catchment area, or promise their child a particular school.

The run-up period will allow capital funding to be made available so that schools are able to expand capacity prior to the introduction of the ballot element of the new system, with schools' ability to anticipate where demand will exist for new places helped by mock ballots (see below). Also, temporary stability funding would be needed in the first years of the new system, in case true parental choice meant that some schools suffered a sudden loss in intake and income, to the detriment of existing pupils.

Prior to the abolition of existing oversubscription criteria, there could for one or more years be mock ballots. Parents would submit their choices as if the ballot system were in place, at the same time as applying under the existing rules. This would reveal any problems with the forms or administration, and allow parents to learn the new arrangements. The data collected would show which schools will be oversubscribed, allowing expansion to be targeted, and helping subsequent parents make sensible choices. Mock ballots would have the virtue of allowing the system to be tested without the expense, or geographically specific results, of a pilot.

During the run-up period, there could be an increase in supported choice, with LEA choice advisers being introduced, as well as other elements of the support system, including telephone helplines, more transparent school information, LEA collated information booklets, and primary school information days (see section 4, 'Allocation of Surplus Places'). In spite of the fact that the same parents choosing schools under the present system are unlikely to choose under the new system – since even if they have younger children for whom schools are later chosen in the new system, they can use the siblings rule to send them to the same school as their older brother or sister – introducing supported choice earlier will have several important benefits. First, regardless of the admissions system in place, supported choice is welcomed by the Commission, even if in a system in which choice is heavily constrained, as at present, the effects will be limited. Second, it will allow the team running

the mock ballots to assess the effectiveness of supported choice in fostering understanding of the new system. And finally, even if the particular parents being taught about the new system for the most part will not use it in practice, general awareness in the community should be raised, with parents passing on what they learn about the system to friends and neighbours, while the whole process would stimulate local media coverage and advice.

A UCAS style national admissions body could be set up prior to the full implementation of the new admissions system<sup>37</sup>, which would initially operate on the same oversubscription criteria as at present. In the run-up period this will be very much in the mould of the recently announced plans for a new single admissions authority for London and its eight bordering LEAs. The main virtue of adopting a single admissions body in advance will be to decrease the amount of change required when the new admissions system comes into operation. And, as with supported choice, such a change is desirable regardless of the admissions system in place, for reasons discussed earlier – though if the oversubscription criteria of schools were to remain unchanged, many other problems would remain unsolved.

After five years, the success of the system can be measured according to how far it leads towards certain goals, but not necessarily rigid targets. In addition to being indisputably fair between parents, the admissions system will be judged according to its effect on educational standards as measured by outcomes, on its reducing the differential between groups of access to good education, and on the extent to which the process is seen to be fair and has gained acceptance. Progress towards improving overall educational standards can be measured by the median of educational outcomes, taken across all schools – including those in the private sector. And decreasing disparity between social groups' educational attainment should be measured as a decrease in dispersal of attainment across all schools. Taking the two together will ensure that any rise in overall standards benefits the most disadvantaged children, and any decrease in the differential attainment of social classes is achieved through the levelling up rather than levelling down of standards. The level of socio-economic segregation in schools should also be measured across all schools, to ensure that segregation within the state sector is not replaced by segregation between the state and private sectors. Finally, the political acceptability of any policy will ultimately become a measure of its success, and so parents' satisfaction with a procedurally fair system of school admissions will also be important.

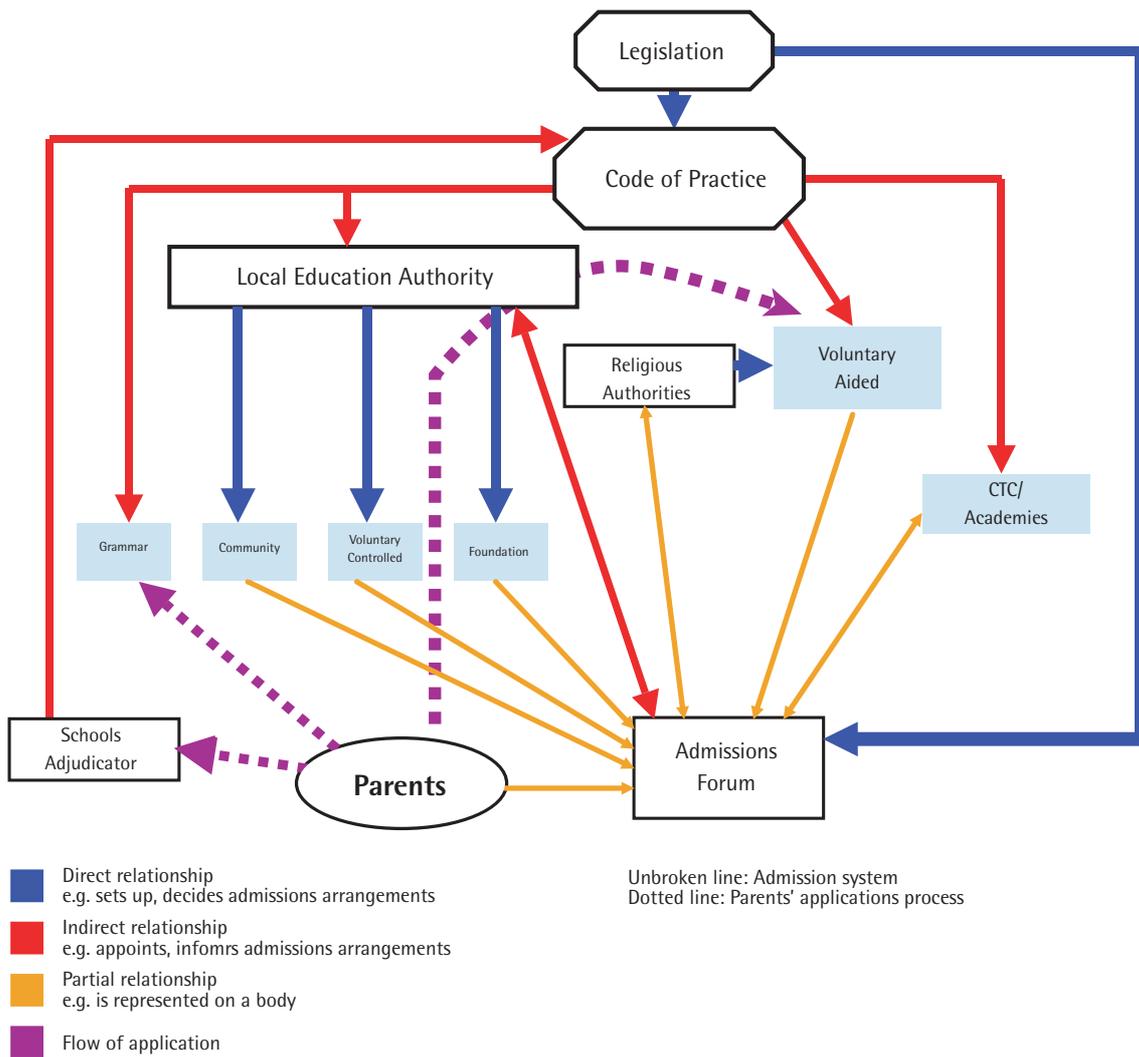
- <sup>1</sup> West et al. (2003) 'Secondary Schools in London: Admissions Criteria and Cream Skimming', Centre for Educational Research, Department of Social Policy, London School of Economics and Political Science.
- <sup>2</sup> Department for Education and Skills, Research Report RR278 (2001), 'Parents' Experiences of the Process of Choosing a Secondary School: A Nationally Representative Survey of Parents of Children in School Years 5, 6 and 7'.
- <sup>3</sup> Department for Education and Skills, 02/07/04, 'Admission Appeals for Maintained Primary and Secondary Schools in England 2002/03 (Provisional)'.
- <sup>4</sup> Department for Education and Skills, Research Report RR278 (2001), 'Parents' Experiences of the Process of Choosing a Secondary School: A Nationally Representative Survey of Parents of Children in School Years 5, 6 and 7'.
- <sup>5</sup> Independent Schools Council, Annual Census 2003.
- <sup>6</sup> Independent Schools Council, Annual Census 2003.
- <sup>7</sup> MORI Omnibus, 11/05/04.
- <sup>8</sup> Gibbons and Machin (2003) 'Valuing English Primary Schools', *Journal of Urban Economics* 53(2).
- <sup>9</sup> D. Leech & E. Campos, 'Is comprehensive education really free? A case study of the effects of secondary school admissions policies on house prices in one local area', Warwick Economic Research Papers, no.581.
- <sup>10</sup> Royal Institution of Chartered Surveyors, Press Release 03/10/03, 'Premium on houses in "good" school catchment areas vary across England and Wales'.
- <sup>11</sup> Performance and Innovation Unit (April 2001), paragraph 42, 'Social Mobility: A Discussion Paper'.
- <sup>12</sup> Gorard, S, (2000) Investigating the Determinants of Segregation Between Schools, *Research Papers in Education* 15(2): 115 – 32.
- <sup>13</sup> The Pan-European Co-ordinated Admissions System was officially launched by Minister for London Schools, Stephen Twigg, on 22/06/04. The Project Chairman is Graham Carter, and the Programme Manager is Stephen White, both of Wandsworth Council.
- <sup>14</sup> Caroline M. Hoxby, 'If Families Matter Most, Where Do Schools Come In?', *A Primer On American Schools* (2001), ed. Terry M. Hoe.
- <sup>15</sup> For a brief summary of the evidence see Rossiter A et al. (2004), Why the Left Can Choose Choice, *Re-inventing Government Again*, Social Market Foundation.
- <sup>16</sup> On this latter point, a 2003 DfES literature review on parental involvement in their child's education found that, whether measured by occupational class or parental (especially maternal) level of education, parental socio-economic status mediates both parental involvement and pupil achievement. Professor Charles Desforges with Alberto Abouchaar, 2003, Research Report No 433, Department for Education and Skills, 'The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Review'.
- <sup>17</sup> Hanushek et al, 'Does Peer Ability Affect Student Achievement', *Journal of Applied Econometrics*, 18(5), September/October 2003, pp. 527-544.
- <sup>18</sup> Hoxby, Caroline, 'Peer Effects in the Classroom: Learning From Gender and Race Variation', National Bureau of Economic Research Working Paper 7867, 2000.
- <sup>19</sup> Hirsch D, 1997 Research Based Evidence Policy, The Hoover Institution. Also, Thrupp found that 'the research shows clearly that schools which have a reasonable academic balance of ability in their intakes have great advantages of those which do not'. Thrupp M 1997, 'The school mix effect: How social class composition of school intakes shapes school processes and student achievement'. Paper presented to annual meeting of American Education Research Association.
- <sup>20</sup> Admissions to Higher Education Review - Fair Admissions to Higher Education consultation

paper, p.15, para B5. This analysis drew on a number of sources including Feinstein and Symons (1999), Strand (1997) and Yang and Woodhouse (2001).

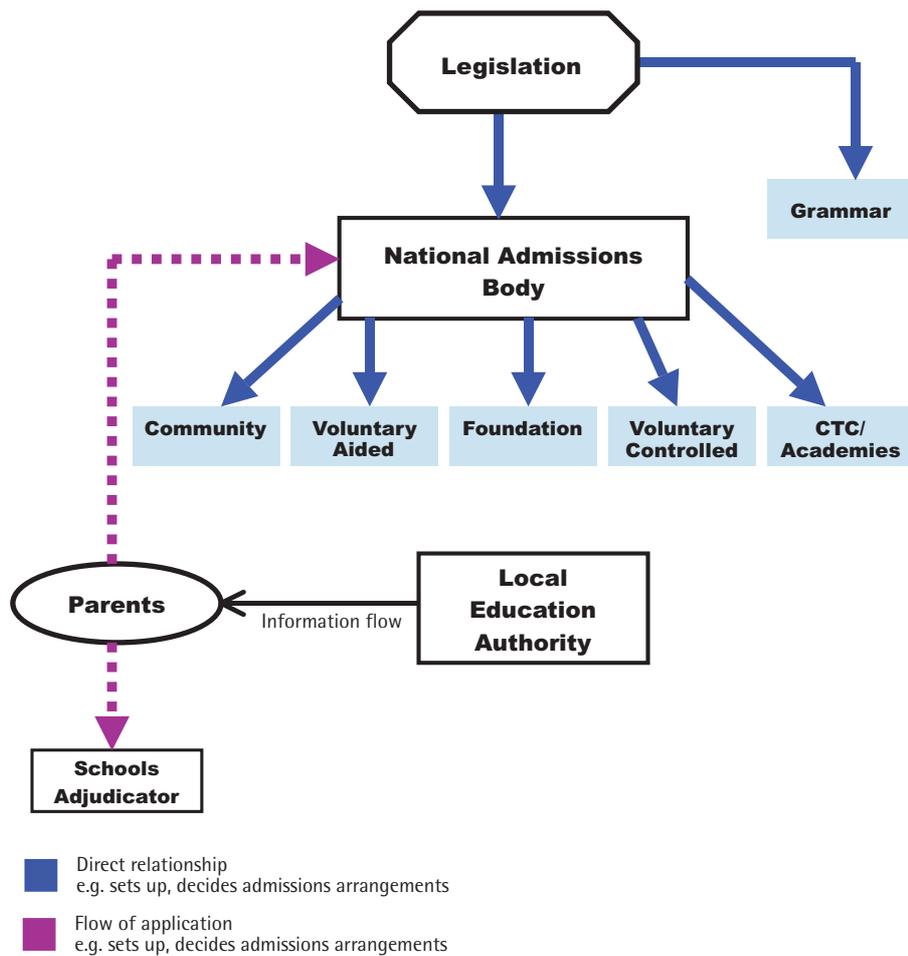
- <sup>21</sup> United States Department of Education, Office for Civil Rights 2003.
- <sup>22</sup> A.P. Carnevale & S.J. Rose, 'Socioeconomic status, race/ethnicity and selective college admissions', The Century Foundation, New York, March 2003.
- <sup>23</sup> Manski, Charles F. 1993. Identification of endogenous social effects: The reflection problem. *Review of Economic Studies* 60 (July):531-542.
- <sup>24</sup> Moffitt, Robert A. 2001. Policy interventions, low-level equilibria, and social interactions. In *Social Dynamics*, edited by S. Durlauf and P. Young. Cambridge, MA: MIT Press.
- <sup>25</sup> P. Mieszkowski, V. Henderson & Y. Sauvageau, 'Peer-Group Effects and Educational Production Functions', published by the Economic Council of Canada, Ottawa, 1976, an extract from this monograph is published in *Journal of Public Economics*, Vol. 10, August 1978, pp. 97-107.
- <sup>26</sup> A.A. Summers and B.L. Wolfe, 'Do schools make a difference?', *American Economic Review*, Vol. 67, 1977, pp. 639-652.
- <sup>27</sup> Other papers which found there to be significant peer group effects once self-selection had been controlled for include Rivkin (1997), McEwan's study of Chile (2003). Studies by the following found positive peer group effects after focusing on the effect of peers on attainment: Cheng (1995), Armstrong (1999), Andrews & Bradley (1997) and Thomas (2000). Robertson & Symons (1997), Feinstein & Symons (1999) and Harmon & Walker (2000) focus on the effect of peers on attainment. A typical finding is that pupils who attend schools with good overall GCSE performance are more likely to remain in full-time education (Armstrong, 1999).
- <sup>28</sup> D.J. Zimmerman, G. Goethals & G. Winston, 'Students Educating Students: The Emerging Role of Peer Effects in Higher Education', Williams Project on the Economics of Higher Education, Discussion Paper 50, 1999. And B. Sacerdote, 'Peer Effects with Random Assignment: Results for Dartmouth Roomates', *The Quarterly Journal of Economics*, vol. 116, no.2, May 2001.
- <sup>29</sup> Education and Skills Committee, Fourth Report of Session 2003-04, Secondary Education: School Admissions, HC58-I.
- <sup>30</sup> West et al. (2003) 'Secondary Schools in London: Admissions Criteria and Cream Skimming', Centre for Educational Research, Department of Social Policy, London School of Economics and Political Science.
- <sup>31</sup> C-T Hsieh & M. Urquiola, 'When schools compete, how do they compete? An assessment of Chile's nationwide school voucher program', Occasional Paper No. 43, National Center for the Study of Privatisation in Education, Teachers College, Columbia University, January 2002.
- <sup>32</sup> Oberholzer et al., 'Fairness and competence in democratic decisions', *Public Choice*, 91(1): 89-105, April 1997.
- <sup>33</sup> We note that both the government's five-year plan for education (Department for Education and Skills, 'Five Year Strategy for Children and Learners', July 2004, Cm 6272) and current Conservative policy advocate making expansion easier, both through new schools and through adding capacity to existing schools.
- <sup>34</sup> Similar changes were proposed by an SMF publication in 1993: Evan Davis, 'Schools and the State', Social Market Foundation, 1993.
- <sup>35</sup> West et al. (2003) 'Secondary Schools in London: Admissions Criteria and Cream Skimming', Centre for Educational Research, Department of Social Policy, London School of Economics and Political Science.
- <sup>36</sup> The government's five-year plan for education (Department for Education and Skills, 'Five Year Strategy for Children and Learners', July 2004, Cm 6272) contains similar proposals.
- <sup>37</sup> UCAS is the Universities and Colleges Admissions Service, which handles applications for all UK universities through a standardised admissions form.

## 4. APPENDICES

### 4.1 Flowchart of Current Admissions System



## 4.2 Flowchart of Proposed Admissions System



### 4.3 Table of Proposed Changes to Admissions Organisations and Bodies

#### Organisations with Admissions or Funding Function: Comparison of Status Quo and Proposed New System

Body	Current Functions	Proposed Functions
LEA	<p>Determines admissions arrangements for community schools, foundation schools, and voluntary controlled schools</p> <p>Can set grammar school exams</p> <p>Is a conduit for pass-through school funding</p> <p>Determines allocation of discretionary funding, though this accounts for only 6% of funding</p> <p>Appoints Schools Organisation Committee</p> <p>Represented on Schools Organisation Committee</p> <p>Co-ordinates admissions through different admissions authority, and provides a standardised form for application</p> <p>Responsible for transport funding</p> <p>Ensures every child in the authority area has a school place</p> <p>Ensures that children with special educational needs are placed in schools which cater for those needs</p> <p>Represented on Admissions Forum</p> <p>Responsible for recruitment and retention of staff</p>	<p>Offers advice to parents on exercising school choice</p> <p>Organises provision of information, and arranges information days</p> <p>Provides parents with an application form, and may also arrange for collection of forms</p> <p>Ensures every child in the authority area has a school place</p> <p>Distributes transport subsidy, and determines the required level of top-up to the national minimum</p> <p>No longer responsible for recruitment and retention – functions which move to individual schools or federations of schools (which could be LEAs)</p> <p>Act as a first point of contact for parents who have children with special educational needs, helping them to find the most accessible school relevant to their needs</p>
DfES	<p>Funds schools via the LEA, through pass-through and discretionary funding</p> <p>Funds the Fresh Start scheme for failing schools</p>	<p>Funds schools on a per-pupil basis</p>

<b>Body</b>	<b>Current Functions</b>	<b>Proposed Functions</b>
<b>Ofsted</b>	<p>Inspects all schools on a regular basis</p> <p>Determines whether a school should enter 'special measures', which ultimately becomes a trigger for a Fresh Start</p>	<p>Inspects schools at regular intervals, though this function will become less important as schools improve and disparities between schools decrease as a result of competitive pressures</p>
<b>Schools Adjudicator</b>	<p>Can instruct admissions authorities to change their oversubscription criteria after considering appeals</p> <p>Can instruct schools to admit pupils on the basis of unreasonable difficulties a child would otherwise endure, after considering appeals</p>	<p>Can instruct schools to admit pupils on the basis of unreasonable difficulties a child would otherwise endure, after considering appeals</p> <p>Can instruct a re-draw in the event of malpractice in the ballot, after an appeal to that effect</p> <p>Far smaller and less significant than in the old system</p>
<b>Religious authorities</b>	<p>Appoint governing boards of voluntary aided schools, which then set oversubscription criteria. They also appoint a minority of the governing boards of voluntary controlled and foundation schools</p> <p>Represented on Admissions Forums</p> <p>Represented on Schools Organisation Committee</p>	<p>Continue to have their current role in running schools, but these schools no longer have any control over their admissions</p>
<b>Grammar school governing boards</b>	<p>Are their own admissions authority, and determine their oversubscription criteria</p> <p>Can set their exams</p>	<p>Continue to operate as at present, but with no control over places they choose not to allocate via exam</p> <p>No longer able to set any geographical criteria</p>
<b>Admissions Forums</b>	<p>Instruct the LEA on co-ordinated admissions arrangements</p> <p>Ensure that all schools acting as their own admissions authority have admissions arrangements which facilitate co-ordinated admissions</p>	<p>No longer exist</p>

<b>Body</b>	<b>Current Functions</b>	<b>Proposed Functions</b>
<b>Schools Organisation Committees</b>	Take decisions on school opening, closing, expansion and merger	No longer exist
<b>National Admissions Authority</b>	Does not exist	Runs admissions ballots Organises and maintains waiting lists Notifies parents of results
<b>Capital Funding Agency</b>	Does not exist; funding is provided by the DfES where a Schools Organisation Committee has approved school expansion, opening or merger	Acts as permissive funding agency where demand is shown to exist for school expansion or a new school  Considers proposals from existing management and others for turning around failing schools, and determines whether to fund their rescue plan