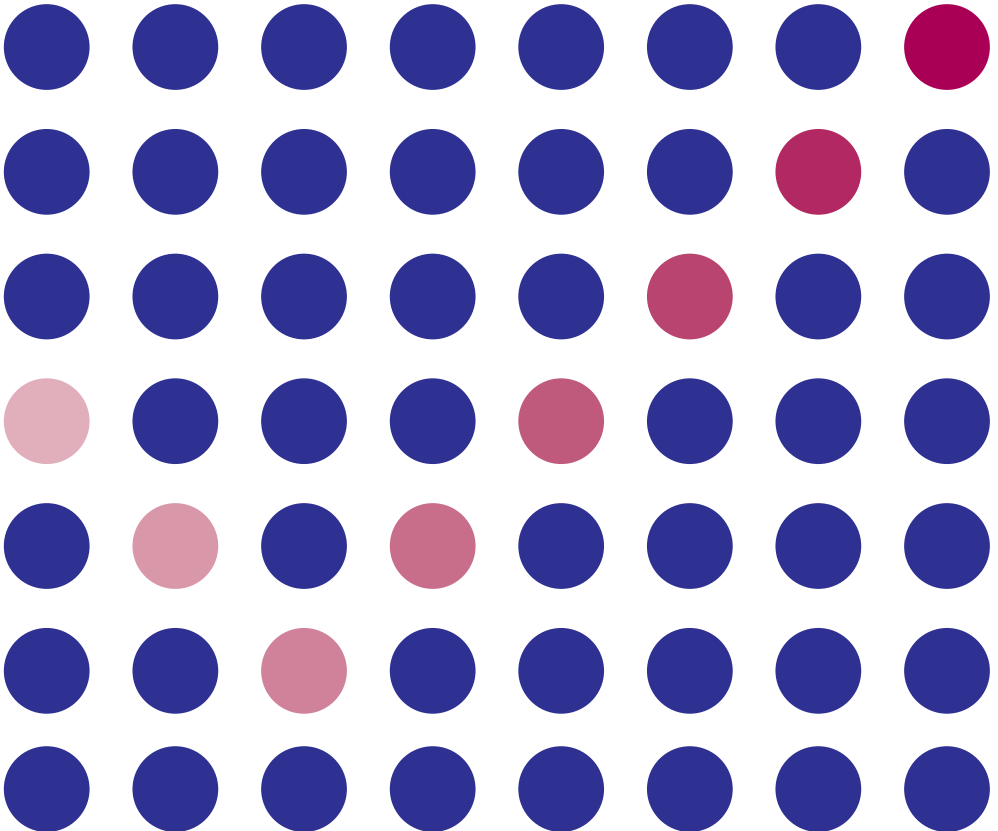


Making choice a reality in secondary education

Claudia Wood



The Social Market Foundation

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Contents

1. Foreword	5
2. Introduction	6
3. Summary of recommendations	9
4. Increasing the number of good school places	13
5. Addressing school failure in a choice based system	30
6. Supporting parental choice	48
7. Conclusions	68
Appendix 1 England's current school intervention regime	70
Appendix 2 England's new school intervention regime	73
Notes	75

Foreword

Choice is at the forefront of the debate about reforming Britain's public services for one simple reason. No practical long-term alternative set of reforms has been put forward which can achieve the twin goals of driving up the overall quality of the UK's public services and meeting the increased expectations of the users of those same services.

The debate about the use of choice arouses strong feelings and has often been conducted in polemical terms. The Social Market Foundation (SMF), on the other hand, decided on an evidence-based approach. Its research programme began by looking at what has worked on the ground in *Choice: The Evidence* and then applied those lessons to three areas: secondary education; primary care and local government services.

This publication presents an examination of how choice might work in secondary education. Importantly, the case it presents considers what might be achieved in terms of increased quality, but also considers what the impact might be in terms of equity. It uses the design principles developed in *Choice: The Evidence*, to create a package of education policy proposals with the clear objective to improve both school standards, and equity of access to good education.

It lays out in detail the three crucial elements of a choice reform of English schools, and presents an integrated package of proposals that must be implemented as a whole – arguing that the twin goals of efficiency and equity cannot both be met without all three areas of reform being undertaken.

The forthcoming White Paper will address the issue of school choice head on. Government too has concluded that giving parents greater choice is the most effective way of driving up school standards and improving the chances of the

many, not just the privileged few. The SMF's proposals, laid out in the following chapters, will act as an interesting benchmark for the Government's own ideas, and no doubt help explain the reasoning behind some of its future policies – making it essential reading for all those soon to be involved in the delivery of the new choice agenda: from the Secretary of State for Education, to local teaching staff.

Mike Kerr
Industry Leader, Public Sector
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2. Introduction

Many parents have little opportunity to exercise a real choice of school for their children. The few who do are usually those with the persistence and ability, or simply the resources, to secure a place in a popular and over-subscribed school. As a result, the English school system has been blighted by inequity of access and of outcomes, as the better off, educated families monopolise the best schools, whilst the most unpopular, poorest quality schools are left for those least able to make their voice heard.

Extending choice to all parents, not just the few, is the key to levelling this playing field. Yet this requires widespread reform to how the Government provides school places to its citizens, and how it addresses school failure. For it is the shortage of school places – or more precisely *good quality* school places – which is at the root of the problem.

As the author explains in the first chapter of this report, only a substantive increase in good quality school places will ensure it is not just the privileged few who can exercise a meaningful choice of school. This requires, however, nothing short of a major rethink by the Government in the way in which it provides education in this country. The Government must consider, for example, the possibility of allowing independent providers into the state sector to run schools at a profit: a step necessary if it is to attract the level of private capital investment into school infrastructure required to cover the costs of build additional capacity into the system.

The Government will also have to re-assess the efficiency of its performance management of schools – by increasing the number of spare school places in the system, schools of poorer quality will find their pupil numbers fall as more and better alternatives become available. The Government's response to

this must be to effect a turn around, or indeed drive school closure, as quickly as possible before the reduction in pupils (and thus resources) adversely affects the educational outcomes of those pupils still remaining at such schools. The second chapter describes how a school inspection and performance improvement regime should look in an environment characterised by parents and pupils exercising freer choice and creating greater contestability between schools.

With these reforms in place, we might expect to see more and more parents being able to exercise a real choice of school for their children. With more high quality places to choose between, the current system of oversubscription criteria, catchment areas and other methods which favour middle class parents securing the best schools will be far less common. We should also expect to see a general improvement in the standards and personalisation of all schools: as a greater number of schools will have to compete for the same number of pupils, there will be a powerful incentive to improve standards and to respond to the demands of pupils and parents.

However, the author acknowledges that concerns from the political left regarding the increased risk of inequitable outcomes associated with choice mechanisms are not entirely unfounded. International evidence indicates that the most vulnerable users of public services can fail to take advantage of an increased opportunity for choice, even in well-designed choice systems. For this reason the author dedicates the third chapter of this publication to perhaps the most important element of any socially equitable choice system: that of supporting parents in making a choice. This might include giving the poorest and least well educated families additional help and guidance in choosing the best school for their child, as well as more practical financial assistance to help them meet hidden costs (such as for school transport), which constrains so many low-income parents in making a free choice of school.

The Government's forthcoming White Paper promises to address a number of the issues we present in this report. The Secretary of State for Education Ruth Kelly recently announced: 'Choice and personalisation as a means of achieving excellence and equity will be the key themes of my White Paper'.¹

This paper and the rest of our work on choice contains an important message for the Secretary of State. If the promised efficiency and the equity benefits put forward for choice schemes are to be realised, it is not possible to pick and choose which elements are included. Without significant increases in capacity, support for parents and an improved performance management regime, these promised improvements will fail to materialise. The changes need to be introduced as a package. If this is not done, articulate and better off parents will continue to reap the main benefits from changes introduced and a huge opportunity will be wasted.

Ann Rossiter,
Director, Social Market Foundation

3. Summary of recommendations

Increasing the number of good school places

Parental choice of secondary school in England is regularly constrained by the lack of spare school places. This gives some parents an unfair advantage in being able to move to catchment areas of popular schools, misrepresent their religious affiliation, and so on. This also allows popular schools to use over-subscription criteria to covertly select the better off and more educated pupils.

Removing this (unequal) constraint on parental choice requires increasing the number of spare school places in the system, and, more specifically, increasing the number of school places that parents *will want to choose*. This can be achieved in a number of ways.

First, we must allow good schools to expand. Although there are procedures in place to allow this to happen, in reality, the risks of such a step and lack of concrete incentives to do so means few schools take this step. These issues need to be addressed if this is to become a realistic strategy in expanding school places.

Second, and in acknowledgement that expanding popular schools has a logistical limit, we must create new state schools from scratch. Given the large capital costs of such a project, it is likely this step will only be feasible with some private investment into the state school sector. Encouraging private school organisations to run non-fee paying schools will require some form of incentive. This could take the form of operational freedoms (e.g. allowing privately run state schools to opt out of the National Curriculum) and also the opportunity to make a return on their investment. This would mean allowing school

operators to keep a profit over and above the surplus they could keep to reinvest in their school.

These two measures should increase the number of spare places in the school system. This could reduce the competition for the most popular schools, ensuring more pupils secured a place at a high quality school, and also motivate poor quality schools to improve at the risk of losing their pupils to the larger number of rivals in existence.

Addressing school failure more rapidly

Once we increase the number of schools and school places in the system, we should see a reduction in the numbers of parents which had previously been ‘locked in’ to poor schools or unable to secure a place at their first choice of school. Poor quality schools should then become more under-subscribed, leading to a reduction in their resources and a subsequent further decline in the quality of schooling they offer. Whilst these schools may slowly be driven to closure or fall foul of Ofsted inspection, this may not prevent those pupils remaining in the school from receiving sub-standard education for a unacceptable length of time.

To address this, the Government needs a school failure detection and remedy system which can react to an environment where parents are more able to ‘vote with their feet’.

This system would include a failure detection system based on parental choice, so that schools experiencing a drop intake would be subject to a user survey to pinpoint its cause. If it was found to be due to a problem in the school, a targeted Ofsted investigation would ensue (these would be in addition to the regular Ofsted inspections).

One simple means of making school choice easier for all parents is to improve the information about school performance on offer.

A second element of such a system would be the fostering of a co-productive approach between schools and the DfES and LEAs. Schools would be encouraged to alert the DfES of a potential problem before it reached the threshold of coming to Ofsted’s notice, in return for early, less intrusive assistance from the Government to pre-empt potential failure.

To complement a more sensitive school failure detection system, the means to address school failure would also need to be strengthened. This would include introducing more stringent deadlines for school turn-around, which would be set flexibly according to individual circumstances. Intervention measures would be cumulative and become more stringent the longer a school failed, to introduce a greater sense of urgency.

Finally, the Government should have a broader range of intervention tools to call upon, including a more extensive external partners strategy to allow schools to take over (temporarily or permanently) failing schools. The possibility of assisting vulnerable pupils to change schools, even temporarily, should be considered, as well as the use of compensatory classes to boost teaching whilst the school was in the process of improving.

Supporting less privileged families in choosing a school

By increasing the number of school places to choose between, we are presenting parents with a potentially more complex choice to make for their children. Some families may find this more daunting than others, and so may require assistance in understanding how to assess and select a range of choices on offer. Without this help, it is likely that the less well off and less educated families will not benefit from improved school choice as much as better off families will, thus increasing the inequity in an already inequitable system of school choice.

One simple means of making school choice easier for all parents is to improve the information about school performance on offer. Ofsted reports should include Parent Summaries to condense the most relevant information for parents as well as include a wider range of PANDA ratings for parents to reference. An overall Ofsted rating of a school should be incorporated into league tables in order to balance the often quite limited examination data they present.

More targeted support for the most disadvantaged families

should take the form of education advisers. These could be provided by an independent body such as the Citizen's Advice Bureau, or by the LEA, and located in Children's Centres or primary schools, and also offer outreach services. These advisers would be able to help parents assess their child's needs and identify which school was best for them, as well as navigate other bureaucracy associated with applying for a school place.

For low income parents in particular, assistance with the hidden costs of state education is crucial. Parents should be given free or subsidised transport to the school of their choice, according to their income and the difficulty (not just the length) of their journey. This may take the form of school organised transport or paying the costs of public transport fares. Low income families should also be given more assistance with the costs of school uniforms, with the discretionary system of LEA grants being replaced by a standard system whereby all low income parents receive a subsidy plus subsequent annual assistance with the costs of their children's uniforms.

4. Increasing the number of good school places

I – The problem

Parental choice of secondary school in England is regularly constrained by the lack of spare school places. Years of successive rationalisation has led to very few places existing in excess of the number of pupils, a result of a requirement placed on LEAs to match the number of school places to the number of children² living in the LEA, and the activities of the School Organisation Committees³ to reinforce this approach. Consequently, schools which are popular with parents are usually over-subscribed, so some parents have to send their child to their second, or third choice of school. Just 57% of parents in Southwark managed to secure a place at their preferred school this year, for example.⁴

In addition to reducing parental choice often just to schools with spare places, this lack of capacity in the system has several other negative effects.

First, competition for places in popular schools is very intense. Some parents will use whatever means at their disposal to get their children into what they perceive to be the best school. There is clear evidence that parents frequently choose a house based on the geographical catchment areas of certain schools.⁵ Less commonly, they may resort to other tactics, such as lying about their address, or feigning a religious affiliation in order to get their child a place at a religious school.⁶ Consequently, parents who are wealthy enough to afford the inflated house prices in catchment areas of sought-after schools, or who are savvy enough to game the system in the ways we have just described, are more likely to secure a place in the school of their choice.

Second, popular schools are usually always oversubscribed. This gives them the opportunity to covertly select the pupils they admit by using oversubscription criteria.⁷ The code of practice, issued by the Department for Education and Skills, which governs admissions is neither legally binding nor particularly prescriptive when it comes to oversubscription criteria – consequently, many schools will try and use their discretion to favour the highest achieving pupils.⁸

These two consequences of a lack of good school places (wealthy and savvy parents being able to get their children into the best schools, and schools being able to engage in covert selection) together function to create inequity of access to good schools. This leads to inequitable *outcomes* in terms of qualifications, eventual labour market success and life chances overall, and is often cited as one of the main impediments to social mobility in the UK.⁹

In addition to this lack of capacity in the system, there is a second, though less well acknowledged, problem: there is a chronic lack of diversity in the provision of secondary schools. This means that even where parents do have a choice of schools, the schools to choose between are all very similar – all offering a comprehensive education based on the National Curriculum. The Government's pledge to make every school a specialist school by 2010 should, in theory, improve the variety of schools parents can choose between. However, these schools still abide by the National Curriculum and so their ability to offer a different education package is limited. Parents who want an alternative school from this standard educational option must resort to the fee paying private school sector.

Some will argue that this preoccupation with diversity is unnecessary – most parents choose a school according to its academic reputation. However, we argue that this is a direct result of a *lack of school choice*: in any given area there is 'the best' school, whose reputation has been built on academic performance, and then a number of options regarded as less desirable. Parents will understandably attempt to secure a place for their child at the former, and avoid at all costs the 'worst' school – with the worst league table scores, the most disruptive pupils, and so on.

If we were to increase the capacity of these most popular schools, bring in more schools to rival them and push out the

least popular schools, we should see an overall improvement in school standards.¹⁰ More schools would then be similar to the 'best' school and the worst schools will be forced to improve or close more quickly. Faced with this situation, parents will be able to choose a school by more than just its reputation for academic excellence – and this is where the variety of the package offered becomes all important. This has been the case in Sweden and Denmark, where a far wider range of school choices has prompted parents to make far more nuanced decisions about which school to select, with academic performance just one of a multitude of factors taken into account.¹¹ We cannot, therefore, when addressing how to increase the capacity of secondary schools to improve the quantity of choice, ignore the fact that we must also take steps to improve the quality of that choice too.

II – The solution

The Social Market Foundation has already suggested a short-term solution to resolve the inequality brought about by limited places in popular schools: reforming the schools admissions process. Under our proposals, schools which are oversubscribed would allocate their places randomly, using a ballot system, amongst all those who applied. This would eradicate the advantage some parents may have in securing scarce school places, and remove that ability of popular schools to select the highest achieving pupils from those who apply.¹²

However, in this chapter we want to outline a more long-term solution to give parents *more* choice of school, not just make limited choice more equal. This can only be achieved by expanding the number of spare places in secondary schools. As mentioned above, a limited number of spare places acts as a real constraint on parental choice. However, the problem is clearly not straightforwardly quantitative – the underlying problem is one of quality.

The fact is, (and something which the current government often points out) there were 231,000 spare secondary school places in January 2003, representing 7% of total capacity.¹³ On paper, there does not seem to be a capacity problem. However, there were 42,600 admissions appeals in the same year (nearly 7% of the total number of secondary school admissions). Also, for example, there was only 1% spare capacity (a total of 84

school places) in Camden¹⁴, an LEA where schools are high performing and popular, as a result of parents from neighbouring LEAs sending their children to Camden schools. Clearly, despite this apparent excess capacity, the spare places in *good* schools are almost non-existent. The aforementioned 231,000 spare places will benefit no one if they are located in the worst schools, to which no parent would send their child by choice. The real goal, therefore, is to increase the supply of places in high performing, popular schools – not across the board.

By encouraging more schools into the system, and encouraging good schools to expand, we would increase the competitive pressures on schools. Those which fail to deliver the quality education that parents demand will no longer be viable in the school system as they lose pupils – making way for more successful schools. This, of course, hinges on the sensitivity and efficiency of the Government's school inspection and intervention procedures to bring about school closure or take-over – an issue we deal with in the next chapter. The result should be a gradual transition of poor quality school places into good quality schools places.

III – The strategy

Creating more places in schools that are performing well could be brought about in a number of ways. The first and most obvious way is to allow and encourage those maintained schools which are currently performing well and are in demand by parents to expand. Obvious though this is, it is not as simple in practice. Furthermore, even if this were made more simple (see below), such expansion could not be carried out indefinitely without it harming the quality of the education being provided at these schools. Hence the need for an additional way to increase the number of spare places in secondary schools – via the creation of *new schools*.

i) Allowing good schools to expand

Increasing capacity within existing state schools runs counter to the rationalisation of school places that has taken place in the past decade – between 1994 and 2003, the number of spare places in secondary schools had fallen by 50%.¹⁵ However, the Government has, in launching its 'Expansion of Successful and Popular Schools' initiative, recently made capital funding avail-

able for schools wishing to expand. Yet a number of obstacles still stand in their way. First, local School Organisation Committees (SOCs) must still approve a school's application to expand. Made up as they are of representatives of neighbouring schools and LEAs, it is not in an SOC's interest to allow an expansion to take place (as it may well lead to these rival schools losing some of their pupils to the popular school – the exact situation we would welcome). Second, LEAs are encouraged to remove excess places in their schools – a guideline which is known as the 'surplus places rule'.

Although the Government has consistently denied that any surplus places restriction exists, stating popular schools are allowed to expand even when there are spare places, when challenged on this point in October 2004, David Miliband named just four schools that had done so. The Independent called Miliband's denial that a surplus places rule existed 'accurate and absolutely misleading' in that although no legislation enforced the restriction, 'there is a committee which he [David Miliband] chairs that issues guidelines [not rules] that schools should not expand while there are places available in the same area'.¹⁶

Therefore, the first step must be to remove the SOC's role in approving the expansion of schools, and the second must be to overcome the Government's tendency to equate spare places with wasted space, and by so doing abolishing 'surplus place' guidelines.¹⁷ The Government could easily establish an objective eligibility criteria (based on academic performance and oversubscription, for example) which would automatically give schools the right to expand – no such criteria exists at the moment, with SOC's having discretion to decide whether a school is eligible to expand or not. Critics often object that encouraging spare capacity in schools is wasteful, in that school places left unfilled have to be paid for with public money. However, such concerns are unfounded – the bulk of funding given to schools is on a per-pupil basis, not per-place. Thus, the Government would not have to finance extra places – it would still be spending the same amount of public funding on the same amount of pupils, just distributing it differently. The only real financial effect would be that a school, by expanding, may *sometimes* have greater fixed costs to be paid for by the same per-pupil funding. This would be a calculated risk that schools

wanting to expand would be willing to take.

A third, somewhat more intractable obstacle, is that we cannot *force* schools to expand. Some schools – those whose ethos is based on providing education to a small number of pupils, those who thrive on their exclusivity, and those wary that by expanding the aspect of their school which made them so popular will be lost, will be unwilling to expand to demand even if we make it easier for them to do so. Such schools may never be persuaded to respond to oversubscription by providing more places, the best we can do is to make the process by which this occurs as simple as possible.

For those schools which *do* want to expand, the additional building work required to create more classrooms can be both costly and take a long time to plan and construct, but would be a useful step for schools who are consistently over-subscribed year on year and view expansion as a long-term adjustment. For other schools which did not want to undertake a long-term, permanent expansion, but rather respond to meet demand, it may simply be a question of adaptability. If, for example, we were to give schools more time between the start of the admissions process and the start of school, something recently suggested by Rt Hon. Stephen Byers MP, schools would have more time to reorganise their premises and resources to cater for the following year's intake.¹⁸ Substantial, permanent expansion to premises could not be carried out in time (and may not be desired), even with this additional period of notice. However, schools may be able to construct temporary buildings or share spare rooms (or even teaching staff, if this is found to be an obstacle to increasing intake) with neighbouring schools, so that resources that are in short supply might be shared to allow schools to take a greater number of pupils.¹⁹

Even for extremely popular schools, expansion can be viewed as an unnecessary risk – it represents disruption to the school and a financial commitment which may not be paid off should the school's popularity fall in the years to come. That is why simply facilitating expansion may not improve the take-up of this option. If the Government wishes to use this method as a serious means of increasing the number of good school places in the system, it may have to consider additional incentives for expanding schools. For example, although head teachers' pay is

in part based on the number of pupils in his or her school, the banding arrangement is such that it requires a significant increase in pupil numbers before a head reaches the next pay band. It may be possible to make such bands narrower in order for smaller-scale expansions in pupil numbers to result in increased pay for the school head.

ii) Creating new schools

However, removing the obstacles associated with the 'surplus places' rule and the role of the SOCs will not remove the practical limitations to this form of in-school expansion: available staff, school resources, etc. will restrict, at some point, the number of additional pupils that can be admitted to a school (assuming the school was even willing to expand). A more significant increase in school places could be achieved by creating entirely new schools. There are two ways in which the Government could bring this about: building new state schools itself, and by providing incentives for the private sector to build and run new non-fee paying, state maintained independent schools. Given the large capital costs implied in the first strategy potentially rendering this method unfeasible, we will focus on the second method – encouraging private investment into the state school sector.

The Government has recently attempted this via the Academy initiative. These are independent, non-fee paying schools, which do not have to follow the National Curriculum and are their own admissions authorities.²⁰ Their recurrent funding, and almost all of their capital funding, comes from the state. Unsurprisingly, this initiative has not been without its controversies. For example, critics have pointed out that the cost of establishing an Academy has been, on average, almost twice as much as a normal state school.²¹ In addition, private investors, in return for a £2 million contribution, have significant influence over how the school is run (the absence of a requirement to follow the National Curriculum has allowed the schools operated by Reg Vardy Plc to teach creationism for example, which has not proved popular in the press.)²² The first flagship academy was recently deemed to have 'serious weaknesses' by Ofsted²³, and the others enjoyed only mixed success in this year's league tables.²⁴ The Government's latest attempt to attract more sponsors – allowing an investment of £1.5

million if an organisation sponsors more than three Academies – has been subject to a considerable amount of criticism.²⁵

However, these criticisms aside, the Academy initiative has helped inject private investment and management of some of the worst schools in the country. Yet for the purposes of this paper, which is about the creation of spare capacity, Academies only have limited impact – whilst the Government has pledged to create 200 new Academies by 2010, they will for the most part be *replacing* existing poor quality schools, rather than creating additional school places per se. Also, the Academy initiative is an attempt to target the worst performing schools in disadvantaged areas, with a boost of private capital to turn them round. As such, organisations which sponsor Academies are those which has a sense of social responsibility or charitable mission, wishing to invest in the educational welfare of the most disadvantaged children in the country. Such organisations may not be interested in establishing new independent schools from scratch to serve mainstream state educated pupils.

Thus, the new schools we propose differ somewhat from those envisaged in the Academies scheme. First, we would expect private companies, charitable foundations or groups of individuals (such as groups of parents or local communities) to contribute to 50% of the capital costs of a school in return for total independence regarding the day to day running of the school.²⁶

This higher level of investment required (as compared to Academies) would ensure the commitment of those engaging in the scheme, but would not automatically marginalise smaller private sponsors or charitable organisations: this is because, unlike other PFI-type capital projects such as hospitals, which often require a large amount of sunk costs in the building of facilities and purchasing of equipment, schools can often be established in existing premises or on a small scale with low costs. Although the average state school costs £10-15 million, this is based on a student population of 1000-1500. In fact, schools need not be anywhere near this large or costly. In theory, then, a small charitable organisation may wish to establish a small school, with a low level of capital costs and a small student body. This may prove particularly useful in rural areas, where a group of local businesses or a parish might wish to group together and establish a village school. As long as there was proven demand to make the school viable, there is no

reason why small schools could not be established where larger state schools have not been built on the grounds of insufficient demand to cover costs.

The only potential obstacle to the establishment of such schools is that the DfES issues guidelines which demands higher standards of school buildings than those laid out in school buildings regulations. Groups trying to meet the guidelines, rather than just the regulations, would probably find that using an existing building unfeasible – similarly, building a new school from scratch would be very expensive. However, the only reason to follow the guidelines in the current system is that the SOCs – which also have a role in approving new schools as well as school expansions – take these guidelines into account when approving applications. However, as we propose to remove the SOCs from the expansion process, we also propose to remove them from the approval of new schools. Any organisation able to prove feasible demand for the size of school it wants to create, and with the capital to do so, should be allowed into the school system, without requiring SOC approval. The financial commitment required, the subsequent scrutiny they will be subject to (see below) and the necessity to attract sufficient numbers of pupils in order to survive will ensure only those with serious intentions will engage in the process. Thus, small and charitable groups would be able to set up a new school relatively inexpensively without worrying that their application would be rejected by a body upholding demanding (though essentially unnecessary) building guidelines.

It is clear we would need some form of incentive to encourage schools into a system where we are expecting organisations to contribute half of the capital costs, but not permitting the charging of fees. Incentives come in two forms – operational freedoms, and financial returns.

Operational freedoms

New independent state schools would not be obliged to follow the National Curriculum. The schools we propose would have to conform to a minimum standard, representing the Government's responsibility to ensure all pupils leave secondary school with the basic skills required to participate as a responsible citizen in society and in the labour market. To achieve this, the Government would identify the key skills

required to gain some form of employment and function on a daily basis as an adult, and form a ‘core curriculum’ out of these. The current National Curriculum already has a similar system, with maths, English, ICT, PSHE and a science subject forming a basic standard which pupils must study to GCSE level.

All independent schools receiving state funding in our system would be obliged to teach and participate in nationally recognised exams/qualifications in these subjects. They would also be prohibited from inculcating religious doctrine to the exclusion of other subjects or teach anything which may be illegal.²⁷ Non-fee paying independent schools would also be subject to Ofsted inspection, like their state school counterparts, to ensure they were abiding by these minimum standards and to ensure the overall levels of quality of teaching in other subjects, health and safety, school management and so on.

The subjects taught in the margin between the minimum ‘core’, and those prohibited subjects would be at the school’s discretion.²⁸ This would be possible because the system would essentially be self-regulating: a school, in order to attract sufficient pupil numbers and gain popularity with parents, will consider carefully the range of subjects it will offer. A school may wish, for example, to focus on languages or performing arts, may wish to teach mainstream subjects but focus on an area within that subject (such as teaching the geography and history of a particular country), may wish to spend more time teaching the core subjects, or may wish to stick to the National Curriculum. In addition, these schools would also be free to order their school day, term times, facilities, premises, teaching styles, collaborative arrangements with other schools and other working practices to suit the preferences of their pupils and parents, or guided by the ethos of their school.²⁹

Private organisations must have some incentive to establish a non-fee paying school. Profit making organisations are allowed to set up schools in the US and Sweden

This operational freedom serves a dual purpose: first, as outlined above, it would prove an incentive to private organisations to enter the state system and invest in school infrastructure, and run state schools with the freedom they would only have previously enjoyed in the fee paying sector. Secondly, and just as importantly, it would ensure that new schools entering the system had the freedom to meet a wider range of parental demands – offering more in-school choice to their parents and students, such as alternative subjects and teaching styles. This would create the diversity of supply which, as we explain above, is so crucial to parental choice – where parents can make a real choice between different education options.

Financial returns

A second incentive which could be used to encourage new providers to establish schools under this arrangement is to give them the option to operate schools on a *profit-making basis*. All organisations either make a surplus or a loss at the end of a financial year. ‘Not for profit’ organisations differ only in that they reinvest their entire surplus into their organisation. The key element of these new schools is that they would be able to split their surpluses – a portion to be reinvested into the school, and a portion paid as a return to the company’s investors. This would be necessary because, given the relatively high level of private investment required, as well as admissions regulations prohibiting selection by ability or religion (rendered all the more necessary given the operational freedoms we are offering, see above), private organisations must have *some* incentive to establish a non-fee paying school. Profit-making organisations are allowed to set up schools in the US and Sweden, and experience in these countries shows that profits can be made (that is, a surplus sufficiently large enough to put some back into the schools and to pay a return to the organisation’s investors) without levying additional student fees. Instead, these profits are made by implementing efficient working practices.

Of course, such a system has to be carefully managed. In Milwaukee, for example, the state government found that its per pupil funding was often worth more than the actual cost of tuition in its private schools, and so managed to pay \$28 million too much to private schools in just two years. One school, whose tuition fees were \$1000 a year, was receiving \$5080 per

pupil³⁰ and making excessive profits.

Despite this note of caution regarding unrestricted profits, in Sweden, per-pupil state funding and state regulation allowing profit-making organisations to provide state education has led to a huge increase in the numbers of schools. Before the system was created, there was virtually no non-state schools in Sweden, however, between 1992 when the legislation was passed and 2004, 800 profit-making non-fee paying schools had been established, educating 6% of the population.³¹

Kunskapsskolen, a private company operating 22 non-state schools in Sweden receiving per-pupil state funding, stated that the long-term profit margin for schools operating in the Swedish market was around 5 – 7%.³² Edison schools in the US, on the other hand, make an 8% profit (given back to shareholders) and invest 9% back into their teaching services (more, in fact, than their ‘not for profit’ state-school counterparts, which invest only 5% back into their schools) simply from saving on their administration costs (which are 7% of their budget compared to 27% in regular state schools).³³ This is because Edison, as a chain of schools, can pool their administration, personnel, procurement and so on at an HQ and leave more funding at the individual school level to provide teaching.

Such a system in England may encourage chains of schools to be set up, offering a ‘brand’ of schooling, which can save on administration costs in the same way as Swedish and US chains have. However, this system can also benefit small, independent schools, which may be run by charitable organisations or parent groups. There would be nothing to stop such small schools grouping together in order to pool their resources and make efficiency savings as school chains might do, whilst at the same time maintaining their individuality and small-school ethos. The DfES is already trying to encourage such undertakings with its ‘hard federations’ pilots, in part for economic reasons but also the benefits to school performance such schemes can bring.³⁴

One of the reasons why Academies have not increased at the same rate as non-fee paying private schools in Sweden or the US may be that they are set up by not-for-profit organisations and require an initial contribution of £2 million. As there is no return on this investment, the incentive to establish such a school is limited and the rate at which they have been created has been quite slow.

By using a system of transparent per-pupil funding, the new schools we propose could quite easily be run on a profit-making basis. Per pupil funding given to these schools could be set at the same level as the average cost of state schooling (roughly £4,500 per pupil plus adjustments for SEN and geographical variation, etc).³⁵ The surpluses schools could make would be capped at 12% annually, and the first 5% of their surpluses would have to be kept to invest back into the school (the maximum limit of annual surpluses for state schools in England is currently 5% - any more and the school’s LEA has the right to take back some of its funding).³⁶ A school would then be able to make up to 7% more annual surplus as profit – to be distributed to the investors of the organisation (most likely those that had raised the 50% capital costs required to establish the school).

Thus, based on the approximate average of £4,500 per pupil costs, efficient schools would aim to provide good quality education at a cost of £3,960 per pupil to make the maximum 7% return on top of a 5% reinvestment surplus. Although Swedish and US school chains make approximately this level of return and reinvest even more than 5%, critics may argue that this level of cost cutting (12% off the cost of state education) is not feasible in the English education system without undermining the quality of the services delivered. However, the system itself will legislate against such an outcome – competition for pupils and a sensitive school-inspection regime (as outlined in the next chapter of this paper) will ensure sub-standard schools will be unable to survive, ensuring efficiency gains – rather than corner-cutting – will be the only successful response to the opportunity for profit. Furthermore, the evidence from Academies and fee-paying schools suggests that the basic figure placed on state-school education (£4,500) might be generous in any case, as it is based on a school operating as a single (and therefore relatively inefficient) managerial unit.

Giving schools the opportunity to cut costs by up to 7% through efficiency gains and to keep this as a profit may provide a considerable incentive for schools to adopt more efficient working practices. We would also suggest that schools created the profit via genuine efficiency gains, rather than simply cutting corners. Thus, we suggest that new non-state schools operating in such a way would be subjected to regular financial

audit in addition to regular Ofsted inspection, to ensure profits were made without undermining the quality of service.

The significant increase in school supply which this paper recommends, to improve parental choice and motivate existing schools to improve the quality of their services, will require increased investment. By allowing private companies to invest in schools with the offer of greater operational freedom to teach to their ethos, and the opportunity to make a profit, the Government will be able to share with private providers the capital outlay and managerial costs of expanding the school sector, whilst also a) using private-sector expertise to seek out more efficient use of education resources, and b) encourage the sharing of best practice between groups of schools.

Wholly state-funded schools are also constrained by minimum costs and economies of scale which make the setting up of very small state schools difficult – there have been several community protests regarding the closure of small schools which are deemed economically unviable by the local council. In one case, the residents of a village in Cumbria called for a judicial review of the School Organisation Committee's decision to close the 17 pupil Lowick school. When the SOC's decision was upheld, the community suggested running a school themselves as a cooperative, but the Council rejected their proposals on the grounds that the demand for the school was too low.³⁷ Allowing private investment in, and management of, new schools may help avoid this situation, by giving parents the opportunity to invest in small community services which may not otherwise be sustainable by the LEA.

IV – Learning from the US charter school model

A system similar to the one outlined above already exists in the US. US charter schools are privately run state schools, run by a variety of different entities, from for-profit organisations to parent groups. Like the schools we propose, charter schools are not permitted to charge fees, nor are they allowed to select students by ability.

The benefit of this approach is its demand-sensitive aspect. Schools have an interest in establishing good quality schools with high teaching standards and good facilities in order to attract pupils, and *also to be as inclusive as possible* – ensuring all pupils (including those whose needs had previously been over-

looked) are catered for. This is because the charter system is almost entirely based on per-pupil funding, plus transparent adjustments for SEN and other disadvantages that might make teaching such pupils more expensive. As there are more school places than pupils, schools must compete for the largest market share, and are not in a position to be too selective about the pupils they wish to teach.

In fact, evidence indicates that US charter schools enrol a disproportionately large amount of low income and minority ethnic children, suggesting that they have identified this apparently over-looked section of society, whose needs have not been met in mainstream schools, as a niche market they can easily win from their rivals. Some states have actively encouraged this, with Texas awarding some charters on the condition that the applicant school serves at least 75% academically 'at risk' students.³⁸ Evidence also suggests that the presence of charter schools improves the performance of mainstream schools – not by removing 'low achieving' pupils from the system, but because charter schools represent a new form of competition to mainstream schools, motivating them to improve.³⁹

Critics may claim that whilst the charter school system has improved the performance of poor and minority ethnic children, it has also increased segregation, in that some charter schools have developed into predominantly afro-Caribbean, Latin or white schools. However, the difference between 'segregation' and 'personalisation' – which often comes down to a matter of interpretation – has proved a thorny issue in recent times. Trevor Philips' recent assertion that Afro-Caribbean boys should be taught separately for the sake of their educational performance led to mixed responses and the debate surrounding the benefits of education dedicated to a socio-ethnic group is still ongoing. However we should not rule out the use of independent, profit-making state schools due to a potential risk of segregation.

First, it is uncertain as to whether this would be the outcome. The social and racial dynamics in the US are very different from England, and for every racially segregated charter school in the US, there are several independent state schools in Scandinavia where it is not income nor ethnicity which defines the student population but rather their parents' preference for a certain pedagogy. Variations of pupil populations from school

to school could be attributable to parental and pupil preferences regarding opportunities to learn particular subjects or to be taught in a particular way, rather than the parents' socio-economic and ethnic background, particularly in a system where schools will be less able to select their pupils and there will be more school places, enabling parents from different social or ethnic backgrounds to make a freer selection of school. Holland's independent school system is showing signs of increased segregation as some white parents are increasingly using their right to set up new schools as a means of avoiding Muslim school children. However – there are two key differences between the Dutch system and the one we propose here. First, Dutch schools are allowed to set their own admissions criteria, including those based on religious affiliation. Second, schools only receive state funding as an independent school if they belong to one of a list of religious classifications. Both of these circumstances encourage segregation by ethnicity (and thus income), and neither would be permitted in the system we describe here.

Second, the evidence of increased segregation in the US does not take into account the strong association between income and ethnicity. It may be the case that charter schools are attracting not specific racial groups, but rather *specific income groups*, who happen to be of the same ethnicity due to the social stratification of US society. England has the same strong associations between ethnicity, poverty, and poor educational outcomes. However, the final chapter in this paper will look at how low income and poorly educated families can exercise an informed choice of school and how financial obstacles which prevent poor families making a free choice of school can be overcome. This should help mitigate the strongest associations between particular schools and socio-economic groups.

V – Conclusions

The current lack of spare capacity in education seriously limits parental choice and has helped to create the inequitable situation we describe at the beginning of this chapter: where small groups of parents can exercise effective choice to the detriment of other parents and their children, and where certain schools can covertly select their pupils to the detriment of other children. Tackling the problem of insufficient spare capacity

requires a multi-faceted approach.

First, we must lift the current regulatory burdens that stop good schools from expanding and offering more places. Second, in recognition of the fact that good schools cannot expand indefinitely, we should create new schools. In order to alleviate the capital burden this represents for the Government, it would be wise to try and encourage private investment into the school system. In order to achieve this, the Government could offer both operational freedoms – i.e. from the National Curriculum, and also a financial incentive – by allowing schools the opportunity to make a profit, in the ways we outline above. Provided these schools are subject to regular financial audit (in addition to the standard audit of management and budgeting that state schools are subjected to by Ofsted), we can help ensure that this profit is created via genuine efficiency gains rather than harmful corner-cutting. The system we would create would also be less tolerant of sub-standard schools, as these would lose pupils and be detected by Ofsted inspection more quickly than is currently the case, thus giving schools less opportunity to cut costs for the sake of profit at the expense of the quality of the services they offered.

By encouraging a wider range of school providers into the system with operational freedoms, we will bring about not only an increase of school places for parents to choose between (thus rectifying the inequitable system brought about through scarce popular places and oversubscription criteria); but also an increase in the *variety* of schools to choose between – producing an equitable and meaningful school choice.

However, as we mentioned in the introduction to this section, there is also an issue of *quality*. There is little point in maintaining excess places in schools which no parent will choose. As more schools enter the system, there will be fewer pupils to fill more places – thus leading to some less popular schools being far emptier than they are currently. How do we ensure such schools are removed from the sector to make way for better counterparts? This is the subject of the next chapter.

5. Addressing school failure in a choice-based system

I – The problem

A school system in which parents can exercise more choice allows parents to change schools if they are dissatisfied, and means they are less likely to be forced to send their child to their second or third choice of school due to lack of good school places. This of course will have a direct effect on poorer quality and less popular schools – at the moment, these schools survive mainly due to a lack of school places: the least advantaged or the most unlucky parents have little choice but to send their children there. However, as we propose to free parents from such constraints, poor quality⁴¹ or otherwise unpopular schools⁴² will a) be more likely to see a fall in enrolment as parents will have more opportunities to choose a better alternative, and therefore b) to suffer financial consequences as a direct result.

This is a situation we hope to see – schools will either improve to compete with their more popular counterparts, or leave the system. This is how choice serves to improve standards. However, school failure and closure rarely occur in such a simple, immediate way – presenting the need for the active involvement of government.

In a system where parents exercise more choice, a failing school should see a drop in pupil numbers. This may occur slowly, over a considerable period of time. This is because even with more choice, many parents will be unwilling or unable to remove their children from one school and to another. Thus, falling pupils numbers (and therefore falling levels of funding) will occur mainly as annual enrolment gradually falls year-on-year. Second, the reduction in per-pupil funding will not be significant enough to render schools financially unviable until a

fairly substantial decline in pupil numbers has occurred.

What we might predict to see, instead of a sudden collapse of a failing school, is a school which falls into a spiral – as pupil numbers fall, the quality of the school declines, driving more pupils away, and so on. Those pupils who remain in the school as it struggles on with few resources would suffer, exposed to a long period of sub-standard schooling, unless an alternative approach is adopted.

Thus the potential for greater inequity of school outcomes arises: some of the least privileged pupils may find themselves in sink schools which are neither turned around, or indeed closed, quickly enough to prevent their educational careers suffering.

A critical question for policymakers then is how to ensure that some pupils are not trapped in schools of deteriorating quality within a system characterised by increased choice? An effective failure strategy is clearly required so that the Government can intervene quickly – to either turn around or simply remove schools from the system which are unable to meet the challenges of greater school contestability. How far are we in England from possessing such a strategy? What changes must we make in order to ensure we have a strategy which is fit for purpose in a newly choice-enabled environment? Given the Government's renewed drive to introduce more school choice and parental empowerment, these crucial questions form the focus of this chapter.⁴³ We will begin by considering the current strategy for failing schools.

II – The Government's strategy for remedying school failure

The DfES relies on Ofsted to assess the performance of secondary schools. Ofsted inspections use a range of criteria to judge school performance across a number of different areas, including how well lessons are taught, how well the school is managed and financed, student exam results, and so on. If Ofsted judges the school to be underperforming or failing in some way, it can recommend that the Local Education Authority (LEA), or Secretary of State for Education carries out a range of measures to improve the school's performance in the areas it has identified as unsatisfactory.

In practice, Ofsted will recommend a school with an unsatisfactory report is placed in one of five categories, four of

which entail government intervention. These categories, (described in Appendix One), are: Special Measures, Serious Weakness, Inadequate 6th Form, Formal Warning and Underachieving.

This formally structured system allows the roles and responsibilities of the LEA, the school and Secretary of State to be well defined. The way in which schools are assessed is also sensitive to the diverse situations in which secondary schools function – Ofsted takes into account student background, uses value added performance indicators, and recognises improvement, as well as attainment. Furthermore, a range of factors contribute to Ofsted’s assessment of school quality – not just student performance, but also teaching styles, staffing, facilities and management. Finally, Ofsted reports are made public. These reports allow parents to access a broad range of information and make an informed choice of school. In many ways, in fact, English management of failing schools is far more effective than in other countries.⁴⁴

There are, however, three aspects of this system that suggest it might not be able to stand up to the rigours of an environment where there is greater parental choice:

i) Too slow a system of failure detection

The current methods of government intervention in failing schools are neither sensitive nor swift enough to respond to the full results of the rigours of efficient choice mechanisms. If we improve parental choice *without* speeding up the process of detecting school failure, parental reactions to it (i.e. parents not choosing the school, or in extremis, parents removing their child from the school) may mean the school loses many pupils and suffers financially before the Government notices the failure, let alone is in a position to remedy it. It was announced last year that Ofsted inspections are to be doubled in frequency to once every 3 years, and more recently, Ruth Kelly, Secretary of State for Education announced plans to give failing schools one year (rather than two) to turn themselves around. However, this still allows schools to be providing sub-standard education for up to four years before it is dealt with – by which time its reputation (and thus its intake) may already be damaged. Clearly the time taken to detect a failure must be significantly reduced in a more reactive and fast-paced environment where

parents can vote with their feet.

ii) Too long an intervention process

The measures open to the Secretary of State and LEAs in order to deal with a failing school are fairly wide-ranging and often more intrusive than in other countries (see below). However, the period within which these are allowed to take effect is fixed at two years for the worst cases, and one year for less serious failure. According to Ruth Kelly’s announcement, the Government seems to be planning to modify this so that all schools failing inspection have one year to improve their performance. Even so, there may be cases whereby greater flexibility is required – whereby periods much shorter than a year, according to a case-by-case analysis of the problem, are fixed as a deadline for a school’s improvement. To achieve a more sophisticated analysis of how long to give a school to turn itself around, the concept of ‘failure’ needs to be expanded beyond *how much* a school has failed to include *how long* it has failed. This should help inculcate a greater sense of urgency.

In conclusion, there are a number of ways in which the current system of managing school failure could be improved in order for it to *detect* and *respond* more rapidly to school failure. As outlined above, this is critical to prevent inequitable outcomes arising between those pupils whose parents are able to exercise choice, and those pupils locked in to schools trapped in a vicious circle of decline. In the following section will look at how this issue has been addressed in the US and New Zealand in order to identify alternative system designs which may be successfully imported into the English context to improve the system as it functions here.⁴⁵

III – The solution: learning from international examples

i) ‘School accountability’ in the US public school system

Systems of holding schools accountable for their students’ performance became popular in the US during the 1990s. By the time such a system was instituted on a federal level in 2001 with the ‘No Child Left Behind’ (NCLB) Act, 39 states already had their own methods of assessing and attaching rewards and sanctions to exam results. These were subsequently modified to

fit in to the NCLB framework.

The NCLB introduced a performance-based accountability system to which all public schools across the US are now subject. Student performance is the key to the NCLB system. Schools are judged solely on their students' exam grades in maths and English. Any Title 1 school that falls below its 'adequate yearly progress' (AYP) level in these subjects for two years must enter a system of 'program improvement'.⁴⁶ This involves drawing up of an action plan, and offering parents at the school a voucher to move their children to a better-performing school.

Pupils at schools which fail their AYP for three years running are entitled to receive supplemental educational services, such as tutoring or remedial classes, which must be paid for by the school. Schools which fail for four years are subject to 'corrective actions', including replacing staff, implementing a new curriculum, and extending the school day and term times. Finally, schools that fail for five years must submit plans for 'major restructuring'. This may include reopening the school as a charter school, replacing all or most of the school staff or turning over school operations either to the state or to a private company.

The focus on outcomes

There are a number of striking features about the NCLB system. The first is that school assessment, and judgements of school quality, hinge *completely* on student performance. This reliance on student exam performance as a measure of school quality has been subject to much criticism. Not only are student outcomes a very limited measure, but they may also be misleading. Investigations have found that many US schools 'teach to the test': focusing on the subjects examined for the AYP score,⁴⁷ and, as tests are only carried out in certain years, placing their more experienced teachers in those classes.⁴⁸

Another flaw of this exam-driven system is the variation with which it is applied. Different states in the US use their individual state exams to measure proficiency in AYP. Thus, the ease with which AYP can be met very much depends on the rigours of the state examination system. For example, Florida's 'FCAT' exam is known to set particularly high standards. In Texas, also known for its demanding state examination system,

the increase in 'special education'⁴⁹ placements has been marked since 2001, when schools' finances became dependent on state test scores.⁵⁰ In 2003, the jump in test scores in schools in San Francisco was officially due to extra educational support given to non-English language speakers. However many believed the improvement in scores (as much as 46 points in some cases) from one year to the next was due to the fact that a new state exam was introduced, the 'CAT 6', in the same year.⁵⁰ Incidents such as these demonstrate the vulnerability of an exam-orientated system to variables such as the definition of AYP or the test used.

A two-tier system

The second most significant feature of the NCLB, and one that must be considered in any discussion concerning its efficacy in addressing poor educational provision, is that there is a clear divide between 'Title 1' and 'non Title 1' schools. The former denotes schools which have the highest proportion of children from poor socio-economic backgrounds. The latter schools are, essentially, all other publicly funded schools in the US.

Only Title 1 schools are held accountable for their AYP scores by being compelled to go through 'program improvement' if they fail to meet targets. Non Title 1 schools must still take part in AYP exams, are sanctioned in that they publicly labelled as a 'failing' school if they miss their targets, but do *not* benefit from any enforced turnaround strategy. Schools labelled as 'failing' may suffer a decline in pupil numbers as parents avoid the school. With the reduction in resources through lower pupil intakes, and no formal system of government intervention to reverse the trend, non-Title 1 schools face the vicious circle scenario described in the first section of this chapter: a slow deterioration in quality and resources, with choice-constrained pupils trapped there until the school eventually closes.

ii) What can England learn from the US accountability system?

The school evaluation system used in England is superior to the US's in many ways: it is based on a broader and more balanced assessment of schools' activities; uses on-site observations rather than relying purely on examination data; and subjects *all* state schools to the same monitoring and intervention system

so that a uniform minimum standard can be upheld. However, there are a number of potential areas of the US system from which we can learn:

Using choice as an automatic trigger

One major benefit of using Ofsted reports as the primary means of identifying inadequate schools is that they provide a thorough and sensitive assessment of school performance. However, (and perhaps because) Ofsted inspections are so thorough, the development of a more automatic performance management regime, which has developed in other countries, has not developed in England. Data such as exam results, or the meeting of targets, are not used as automatic triggers to the intervention in (or even the inspection of) schools.

Some argue that these data sources, whilst convenient, are often an unreliable indicator of school performance. However, with greater parental choice comes a wealth of other data – parental preference, as collected in LEAs' coordinated admissions system, is a valuable indicator to flag-up unpopular schools. Similarly, actual fluctuations in school rolls will have more meaning if parents are making more school choices. Some combination of these two automatic indicators could trigger an inspection or intervention in addition to the regular cycle of 3-yearly Ofsted inspections – valuable if we want to ensure problems are detected more quickly than they are now.

Using choice as an intervention

A second element of the US system which could be imported here is the use of parental choice as a method of school intervention *in and of itself*. Rather than waiting for a poor school to lose its pupils via a gradual process of annual outflow, the US actively encourages pupils to leave failing schools through an offer of a voucher.

This voucher system has proved to be a more effective incentive for schools to keep their performance above the AYP benchmark than some of the more serious sanction measures, such as staff restructuring. Furthermore, this also benefits pupils in the school, by encouraging them to leave the school and attend an alternative. The administrative costs of voucher systems legislate against their use – but the principle of encouraging perhaps the most vulnerable children from a failing school (both for their benefit and also, in some cases, to hasten

a failing school's closure when a turnaround seems unfeasible), is something we might want to employ in this country.

Greater 'time critical' element

The US system is also more 'time critical' than the English system. Although US schools actually have more time to turn themselves around before facing closure than their English counterparts, the difference with the US system is that intervention and sanctions escalate and become cumulatively more drastic as time passes: the degree to which the Government can intervene is determined by how long a school fails its AYP. Compare this to the English intervention system, which determines how severe intervention should be not by how long a school fails for, but according to how inadequate the school was at the time of its inspection.

Following the US example, there might be some scope to introduce more emphasis on the length of time a school has failed with an escalating intervention system in order to emphasise the urgency of rectifying any school failure. For example, the Government could set a more flexible deadline according to the school's specific problems, and then set out intervention measures which increase in severity the longer the school failed to turn itself around beyond that deadline.

iii) School Intervention Strategy in New Zealand

New Zealand has a very similar system of managing school failure to England. Schools are inspected by the Education Review Office (ERO), which is an approximate equivalent of Ofsted. Schools are reviewed every three to four years, or more frequently in cases where there are signs of low quality performance or major risks to students and their safety. The ERO then publishes a report of its findings, and, where it identifies a service failure, it can recommend the Ministry of Education (MOE) take certain measures to address the problem. The ERO, however, holds a slightly less central role than Ofsted in a number of respects:

- its inspection reports are but one means by which the MOE is alerted to school failure (see below);
- the Ministry often decides on its own volition to investigate a school rather than waiting for ERO reports;
- the ERO may recommend the type of intervention required,

but the system is a lot more flexible and intervention is at the discretion of the Ministry of Education.

The defining feature of New Zealand's system is its flexibility. Whilst, like the English and the US system, there are a number of measures defined by legislation which the Secretary of Education has at his disposal, the emphasis is very much on making a discretionary use of this according to the situation.⁵³ In general, less radical forms of intervention are used far more frequently, falling under the category of 'informal action'.⁵⁴

Informal action is designed as an early warning system to minimise the development of more serious situations. The majority of informal actions last a short time and usually require only low-level support (e.g. visits by MOE/ERO experts, advice, financial support, etc.). Usually, all of the lower levels of action are exhausted before the Ministry resorts to its 'statutory intervention' powers (i.e. actually intervening in running some aspects of the school), which are seen as a last resort.

Furthermore, there is no formal level of failure, or time limit, which prompts a particular level of action (the average time a school is subject to MOE measures is 13 months, with 63% of measures beginning and ending with 'informal action'.) In most cases the MOE will start with the most informal, least intrusive measures available and work up the scale until the problem has been resolved. However, the fact that most cases are resolved before more serious intervention is required, and schools are improved comparatively quickly, can be attributed to the fact action is taken very early on, before problems have time to develop, and so can be resolved with these less drastic methods.⁵⁵

This early, almost preventative, approach employed in New Zealand begins with the 'requirement to provide information' procedure. This occurs when the MOE wishes to investigate a potential problem in a school. In this procedure, the school board has to provide the information the Secretary of Education requests, such as annual accounts, truancy figures, test results, and so on. This step requires no formal justification but simply 'concern' on the part of the MOE, and does not have to be prompted by anything in particular (the MOE does not have to wait for a poor ERO report, for example). The MOE has an almost continual monitoring system – responsive

to anything which may prompt enough concern to investigate further. If no problem is found, nothing more needs to be done. Common prompts of MOE investigation include parents contacting the MOE, an incident at the school, or, most interestingly, *the school itself alerting the MOE to a possible problem*.

The school is encouraged to help the MOE in this role because it is in the school's interest to deal with problems quickly, and the low-key manner by which the MOE deals with the 'requirement to provide information' and any 'informal action' that follows means a school is far more likely to cooperate at this early stage to prevent more formal, legislative and public measures coming into play.

Two additional factors incentivise schools to cooperate – first, when 'informal action' is used, schools have more control over the process than if the MOE resorts to 'formal action'. As there is no list of prescribed 'informal actions', they are created either by the MOE in consultation with the school, or by the school itself, according to its requirements. Discussions held with schools allow them to suggest ways of addressing their own problems, and then they are given financial and practical help to carry out their plan.⁵⁶ Secondly, the MOE pays for schools to go through this informal action – once these measures are exhausted, and the MOE must move on to play a more active role, the school is usually expected to pay for the assistance it receives. Thus, if the school wishes to remedy its problems a) quickly, b) in a low key manner, c) having control over the process and d) without paying for it, the school will choose to alert the MOE as soon as it has a problem.

iv) What can the UK learn from the system in New Zealand?

Incorporating some elements from New Zealand's more flexible approach would help the English system to become more responsive and adaptable to specific school needs, and quicker to respond. In a school-choice environment, being able to respond rapidly and efficiently to problems in schools as soon as they arise may help pre-empt a poor school suffering falling school rolls and deteriorating to a state where government intervention needs to be far more intrusive and costly.

Fostering school involvement

The English system currently stipulates that a school must draw

up an ‘action plan’, to set its own goals and deadlines and outline its strategy for achieving them. Giving schools a more prominent role in the drawing up and implementation of their improvement strategies and allowing them to propose alternative intervention measures to those used by the Secretary of State, would encourage more innovative and bespoke methods of school turnaround, created for the school, by the school, than is currently the case. The school might also feel more ownership over its improvement. Currently, there is a risk that a school may resent an LEA’s intrusion into its working practices or staffing, however necessary it may be. By allowing schools to participate in the planning stages of these measures, school boards and staff are more likely to cooperate in their implementation, working towards a joint goal, rather than acting as an obstacle to the school’s reform. This should help make the process more effective in turning around a school’s fortunes as quickly as possible.

Flexible triggers

The MOE has two roles to play in its school failure strategy: it carries out interventions/sanctions, but it also investigates. Although we are not suggesting removing the formal separation between Ofsted and the DfES, it may be beneficial for the DfES to take a more flexible approach as adopted by the MOE. The MOE can look into any school it is ‘concerned’ with. This concern is not formally set out – there is no criteria which lays out when the MOE may be ‘concerned’ or not. Consequently, the number of possible triggers for an MOE investigation are limitless and not reliant on detection by a formal inspection procedure. This increases the chances of a problem in a school being detected early, and thus resolved before the situation deteriorates to the point where large-scale, formal interventions are required. This benefits:

- the school, whose problems can be dealt with informally, giving staff greater say in the planning of the strategy and as early as possible, before they develop into more serious problems which may see a fall in school rolls and require more intrusive intervention;
- the pupils, as the quality of their educational provision will not be allowed to deteriorate for very long;
- the Government, as intervening earlier, informally and in partnership with the school is less resource-intensive and likely to be a less drawn out procedure.

If the DfES could intervene more informally in ‘problem prevention’, rather than waiting for the school to be officially labelled as ‘inadequate’, then it would reduce the need for formal and costly ‘special measures’ procedures to be set in motion.

It would also prove an incentive for schools to inform the DfES *themselves* when they were encountering a problem: sanctions may act as an incentive for school improvement, but within an extended choice environment, schools would already have a powerful financial incentive to improve in order to attract more pupils (and their funding). Schools, keen on ensuring their standards did not slip, would want to avoid situations where their services had deteriorated to the point where they were losing pupils. Thus, if they knew that outside help was available and could be provided without major disruption to the school’s operation, then many problems might be resolved early enough for more drastic intervention powers to be rendered unnecessary.

III – Towards a new failure strategy for English schools

i) Early detection of failure and rapid response

Given the long term effects a poor education can have on an individual, schools should not be able to fail their pupils in providing poor education for any significant length of time. The first step in preventing this is to ensure that the Government is alerted to a problem as soon as – *or even before* – a school reaches measurable failure criteria.

The extension of parental choice of school should help in this regard. Although freer choice poses a risk to schools if they under-perform, as the loss of pupils and resources undermines a school’s ability to improve itself, a more efficient government intervention system could act as a ‘safety net’ so that if parents did begin to exercise choice and withdraw their children from a school, or if start-of-year rolls did fall, this would act as an early warning that something may be amiss and deserved further investigation. Parents exercising choice is an immediate, conspicuous and objectively measurable indicator that a school may not be meeting its pupils’ needs. Admittedly, certain groups of parents (most likely to come from wealthier and better educated backgrounds) may have higher expectations of their

schools, and are likely to be more willing and able to remove their children from a school if they are dissatisfied. However, with the appropriate measures, addressed in the next section, there is no reason why fluctuations in school intake could not be taken as a reliable indicator of broad parental dissatisfaction.

Thus, we propose a 5% decline in a year's intake would trigger a user survey, where parents of existing pupils and parents of any pupils withdrawn from the previous year's school roll would be asked their opinion of the school's practices and also why (if applicable) they had chosen to remove their child from the school. Unfortunately, it would be very difficult to gauge the opinion of those parents who 'refuse to enter' – i.e. reject one school in favour of another. However, coordinated admissions preferences do allow for a more basic indication of parents' opinions – for example, if a school is often the third preference for the majority of parents living around it, then this may indicate that there is a very good alternative nearby, but it may also indicate that the school is failing to meet their expectations. Thus, schools in this predicament also deserve a user-survey to be issued to their parents, to see if there are any underlying problems in the school which makes the school less popular than its neighbours.

If such surveys found that falling intake was a symptom of parental dissatisfaction rather than demographic factors (or similarly due to the existence of a very good school nearby rather than something actually wrong with the school in question), this could lead to a more targeted investigation of school practices and standards, in the form of a focussed Ofsted inspection to review the areas of concern identified by parental feedback. The key to such investigations is that they would be targeted – Ofsted would use parent satisfaction surveys to help it focus on the potential problem areas to investigate. These investigations would be in addition to the normal inspections. Once a problem had been identified, the Government could set intervention measures accordingly.

ii) Foster a 'co-productive' approach

Evidence of user dissatisfaction (through exercised choice or expressed preferences) should keep Government alerted to any potential problems arising in state schools. However, even using these automatic trigger mechanisms may not alert the

Government to a problem early enough to prevent it from undermining the quality of the education offered, at least for a short period. This is because these indicators are based on parents exercising choice – meaning that the problem will need to reach a scale where it has come to the notice of parents, and affected their choice of school. Also, the time-delays involved in waiting for exercised choice (i.e. usually once a year) to flag up a potential problem means that students may already have been affected for an unacceptable period of time. It would be better, if at all possible, to address such problems *before* they had escalated to this point.

This may be possible if the DfES were to adopt New Zealand's informal auditing approach. This does not require a huge deployment of resources to turn the DfES or LEAs into a 'year-round Ofsted' with active monitoring powers, but simply to foster a co-productive relationship with schools. Currently, schools must have officially 'failed' to some degree for measures to be triggered, and these measures will often involve quite significant changes to school organisation or the intrusion by a third party. Schools should be able to seek help from their LEAs or the DfES as soon as they began to struggle – *before* they even reach the 'failed' benchmark. School governors and teachers are best placed to detect problems in their school far earlier than any centrally imposed inspection system⁵⁸ and, as outlined above, in a choice environment the financial incentive would be present for schools to engage in this process, to 'nip problems in the bud' before parents left or refused to enter their school. If schools knew the DfES was willing to provide timely, unobtrusive support to deal with problems and reduce the risk of falling foul of an Ofsted inspection later on, then schools will be doubly motivated to cooperate in this process.⁵⁹

Schools should be able to seek help from their LEAs or the DfES as soon as they began to struggle – before they even reach the 'failed' benchmark

iii) Swifter and stricter intervention

To complement a system where school failure is detected more rapidly, we would also render the process of addressing the problem more immediate than is currently the case. Once a problem has been detected, mechanisms must be in place to ensure this is remedied as swiftly as possible to prevent pupils from being exposed to inadequate schooling for any significant period of time. The period following the identification of a failure on a school's part must be viewed as 'time critical' – the longer the problem is left unresolved, the more damage to the educational well-being of the pupils at the school. The previous section described how the identification of school failure would be made more sensitive, to detect problems earlier. However, such steps will have no impact at all if the time taken to actually address these problems is not significantly reduced.

The most important step, of course, is to make the deadlines to which the current system works more stringent. The Government has indicated its intentions to do just this and cut the time given to failing schools to improve from two to one year. This is encouraging. However, there might also be a case for reducing deadlines yet further, specific to the case in question. This is feasible because, given the other measures we propose regarding detecting problems earlier and dealing with them pre-emptively, we should see fewer cases of school failure which have been left to escalate to the point where one or more years are required to resolve it. The government may, for example, set an appropriate deadline to reflect the complexity and/or scale of the problems to be resolved, which would be negotiated and agreed with the school. If the turnaround could not be achieved by the school alone within the deadline agreed, the DfES, LEA or a third party may assist the school, as is currently the case. After the deadline lapses, the Government will have cumulatively more stringent intervention measures at its disposal as more time passes after the deadline, measured in school years. This process is described in more detail in Appendix Two below.

iv) Make more tools available

We have taken inspiration from the system in New Zealand by proposing an increase in the range of indicators that may prompt the DfES to determine whether a school is experiencing difficulties through an Ofsted investigation. To complement

this, we also propose a broader range of tools be made available to the Government to respond to problems.

Such tools would include bringing in neighbouring schools' management teams for consultation purposes or allowing them to take over the running of the school as a temporary measure, or even permanently. This would allow for greater flexibility to tailor intervention measures to specific problems, and also to facilitate the spread of best practice with experienced, successful school management teams being able to sell their consultation services and/or bid for a school.

These suggested additional measures also provide an alternative to a strongly state-centred approach. Currently, the Secretary of State has the power to appoint additional school governors and appoint an Interim Education Board, and can also dictate the contents of the school's 'action plan'.⁶⁰ By expanding the 'external partners strategy' with these measures, the Government would allow the education sector to help itself, with those best placed to improve school provision (management teams from other schools) playing a larger role. Such measures may also have a more positive impact on school morale than the more traditional 'command and control' government intervention methods. A school may be reinvigorated with an injection of new blood and innovation brought in by managers from another school, whereas conspicuous government 'directions' or government-appointed staff may serve to dishearten existing school personnel.

Secondly, taking inspiration from the US, parental choice would not only be used as an indicator of a problem; it would also be used as an intervention tool. As described above, the US system actively facilitates user choice by offering school vouchers if a school fails its AYP two years in a row. This is used as a financial sanction for schools, and has proved a great motivator for schools to boost their performance. Greene, for example, described how the prospect of vouchers prompted schools in Florida to make disproportionate improvements in exam results the following year, and Chakrabarti recounts anecdotal evidence of schools changing their practices (extending the school day and cracking down on truancy) when put 'on notice' for vouchers.^{61 62}

Whilst the financial implications of school vouchers in the US may have been a spur for schools to improve their stan-

dards, it has an important secondary benefit which should not be overlooked. Vouchers give pupils a chance to leave the underperforming school and access a higher quality alternative. We are not suggesting that we adopt a voucher system, however it should be possible to replicate some of these benefits within a choice system in England. Even in a choice environment, some parents may encounter obstacles to ‘exiting’ a school, not least they might be put off by the potential disruption such a move might have on their child’s education. The most persistent or advantaged parents may choose to remove their children from a poorly performing school in any case, but those less able of making that choice freely, or those most in relative need of higher quality education, should be given additional help to exercise their choice via a ‘choice boost’. This would ensure parents who had been unaware of the school’s failing standards, or better alternative options, or who had been reluctant to engage with a complex administrative process, could be supported in making a simpler, even temporary choice of school for the benefit of their child.

This could be done by prioritising pupils according to socio-economic background (defined by eligibility for free school meals) and those in nationally examined ‘critical’ years (GCSE/AS and A-level, etc.). These pupils would be actively offered the option of attending another school - those who accepted the offer would then be given the selection of schools with spare places closest to their existing schools with transport subsidy if necessary. Those highest up on the priority list would be given first choice, and so on. This would help minimise this disruption and might encourage ‘choice constrained’ parents – those least likely to exercise their choice if they are dissatisfied with their school – to do so. This may be particularly useful in cases where a school’s failure is widespread and entrenched and its turn-around may be a lengthy process requiring more and more government intervention year-on-year. In such long-term cases, a choice boost should be viewed as an ‘emergency’ measure with pupils having the option⁶³ to return once their school had passed inspection.⁶⁴

An alternative to such a potentially disruptive and costly measure would be to provide extra compensatory teaching support in a failing school until it had passed inspection. This may involve extended or extra classes in particular subjects which

had been causing concern (perhaps using the ‘extended schools’ strategy), drafting in extra teaching staff to give attention to smaller pupil groups for particular classes, or arranging for some classes to attend a nearby school for particular lessons, depending on a school’s particular needs. These temporary measures would provide the immediate action necessary to prevent negative impacts on children’s educations, whilst other more long-term intervention measures (such as replacing the school’s management) were taking place.

IV – Some conclusions

Expanding choice in education requires increasing the number of school places to choose between. This makes parental choice easier and also creates a financial incentive for schools to improve their standards, as they must compete for pupils (something which they rarely have to do in the current system given the levels of oversubscription). The main benefit and the main risk in this model is that parents are able to reject lower quality schools. The impact of this drop in intake on these schools will be a reduction in funding, which in turn may damage the quality of the school further and drive away more pupils. This brings about an almost irreversible decline once the trend has been set.

However, there is a key time delay implied in this process: the delay between the decline in service quality, and parents noticing it. In the context of secondary education, this delay may damage a pupil’s educational well-being, and is likely to be inequitably at that: those noticing a decline in service quality first will be advantaged relative to those who notice and adjust their choice of school later on – most likely to be the most socio-economically disadvantaged families.

To prevent this, the Government must have a failure management strategy to halt the decline in service quality (either by rapid turnaround, or rapid closure) before damage is done to the pupils. The current failure management strategy works fairly well (it is superior to many other systems) however, it would prove too slow to keep up with parents if they were given more choice and able to ‘vote with their feet’.

6. Supporting Parental Choice

I – Introduction

The first chapter of this report explored ways to give parents greater choice of secondary school than they enjoy presently. Our primary argument was that if spare capacity in schools was created (in the form of extra school places and new schools), the kinds of choices currently enjoyed by only a small sub-group of parents – those wealthy enough to move into the geographical catchment areas of certain schools, or savvy enough and connected enough to game the current system of limited choice – could be extended to a much wider group of parents.

However, such measures only solve half of the problem. In this section, we want to move away from issues of ‘supply’ (i.e. issues to do with schools and their facilities), and focus on the (often overlooked) problem of ‘demand’ – that is, the parents who will be faced with a greater supply of school choices.

II – The problem

We view the problem of demand thus. Even if parents have the opportunity to exercise greater choice, there is no guarantee they will take up this opportunity.

This is because some parents, (most probably those from socio-economically disadvantaged backgrounds, who in the current system are unable to secure a limited place in a popular school) may still not be able to benefit from a wider school choice without extra help, and still lose out to more privileged families.

The main problem with the current system is that it does little to help a parent gain real experience of choosing a school. Most parents are accustomed to the default choice of picking the ‘best’ local school, and hoping to secure a place for their child there. This is mainly because parents tend to favour

schools that are close to home for convenience.

Another three factors further encourage parents to pick the nearest school:

First, limited school places often leads schools to employ over-subscription criteria, based on catchment areas. This means parents are more likely to get a place for their child in a school closer to home than one further away, so they take that into account when picking a school.

Second, parents have limited information and little awareness of distant schools or those in other LEAs, and the comparative information they do have tends to lack the detail to make more sophisticated judgements of school quality. Primary schools will sometimes act as ‘feeder’ schools to secondaries, which also encourages the use of ‘local’ schools.

Third, the current school transport system only provides free transport to parents who pick their nearest suitable school. For the poorest families, choice may be reduced further by other considerations – for example, one of the largest single costs for parents sending their child to school (apart from transport) is paying for school uniforms. At an estimated £178 a year, some low income families may not pick their ‘best’ local school, but rather the local school with no uniform or a more relaxed uniform policy.

As a result, parental ‘choice’ is usually narrowed to schools closest to their home, and a parent’s only responsibility is to identify and secure a place at the best school amongst those – giving few parents any real experience in sifting through a wide and varied range of school choices.

III – The argument for supported choice

Obviously, even with better school choice, many parents may want, for convenience, to send their child to their nearest school, or stick to their original choice. This does not pose a problem per se – as long as they have weighed up all the available options. In this case, a parent *has* made a reasoned choice – to stick to the closest school. Rather, what we are concerned about are parents who do not go through the process of rationally weighing up the options, and instead select a school without considering

whether there might be better alternatives. For these parents, additional guidance and support to make sure they are aware of, and can evaluate these alternatives, might make all the difference.

The first of the restrictions on parental choice – the shortage of school places leading to over-subscription criteria which favours those living closest to the school – would be effectively dealt with by the proposals we outline in the first chapter – i.e. the addition of more school places should render school over-subscription a relatively rare phenomenon.

However, the other constraints to choice – lack of information about schools, and little assistance with sometimes prohibitive school transport and other hidden costs, are the subject of this chapter. Evidence proves that both of these factors serve as obstacles to parental choice – in Wales, where league tables were abolished, reports suggest parents are finding the lack of information a barrier to school accountability and choice.⁶⁵ Also, 59% of parents in one poll admitted transport costs affected their choice of school,⁶⁶ and 28% of parents stated in another poll that uniform costs affected their choice.⁶⁷ We can also assume that the low-income parents who have difficulty meeting transport and uniform costs are the very same parents who are most likely to be unable to access detailed information to guide their choice of school.

There are several reasons why supporting parents to overcome these obstacles is important. Support in choosing between a range of schools will encourage more parents to do so. Without it, certain parents will be unable or unwilling to engage with this process, which can have a number of negative consequences. First, it frustrates an important aim of expanding choice in secondary education: to create a better match between a child's educational needs and the facilities and strengths of particular schools. If parents are not thinking critically about the relative merits of the available schools, this important aim will not be realised. Some parents will miss out on the opportunity to pick a school for their child which best suits his or her needs. More seriously, some parents might not simply miss out on the chance to make their child's education *better*; they might actually make it *worse* if, making an ill-informed choice, they inadvertently pick a school from the wider selection that is worse suited to their child's needs than if they had no real choice of school at all.

Second, improving choice without targeted support for disadvantaged parents is likely to increase the inequity of the current system. This is because the middle class parents who are currently taking advantage of the existing system of limited choice are best placed to seize any opportunity of improved choice. The existing gap in educational outcomes between their children and the children of other parents could conceivably grow even wider if the bulk of (less advantaged) parents could not take full advantage of any new system of expanded choice.

Third, the aforementioned mechanisms for levering up the quality of schooling (by encouraging contestability with more school providers) will only work if parents can rationally assess the merits of competing schools. If enough parents make (or threaten) choices based on a rational assessment of a school's quality, more schools will be incentivised to improve the quality of their services.

IV – The solution

What must be done, it would seem, is to take steps to ensure that parents are given the support required to help them make the most of their new range of expanded choices. In this chapter, we will explore precisely what form this help and support ought to take. First we will consider perhaps the most important kind of support parents ought to receive – information about the relative merits of the schools to which they might wish to send their child. After setting out the form we believe this information ought to take, we will consider the ways in which this information ought to be provided to parents. Second, we will discuss the forms of support over and above the provision of information that seem necessary to allow parents a free choice of school: assistance with the cost of school transport and school uniforms.

i) Information on school quality

The first port of call – league tables

The most high profile and easily obtainable information on school quality in England comes in the form of 'league tables' which are published annually in the national press. Despite their popularity, however, these tables are often held up as limited and misleading. For example, they fail to reflect the broader

aspects of a good quality education – the breadth of curriculum, pastoral care, extra-curricular activities, pupil and parent satisfaction, and so on (although admittedly some of these elements will also be reflected by higher exam results).

To make the tables intelligible, results have also been stripped down to single results for ‘key’ subjects.⁶⁸ Marcus du Sautoy wrote in the TES that ‘Tables of examination results represent too much data for our brains to process. But the simple league tables with which we are presented have lost too much information to be useful’.⁶⁹ There is also concern that this narrow focus is vulnerable to manipulation by schools, which target their resources mainly on subject areas which feature in league tables, so that they seem more successful overall than they really are.⁷⁰ According to the National Primary Head teachers Association ‘a number of schools have narrowed their curriculum to make their position more acceptable. Often arts and creative subjects like drama suffer.’⁷¹ David Butler, Director of the National Confederation of Parent Teacher Associations (NCPTA), also points out that league tables of ‘key’ subjects mean parents are unable to assess their school’s performance in several subjects in which their child may wish to specialise: ‘what about some of the humanities, the arts, the drama, the music, which do not always feature and which may be important to some parents?’⁷²

The weaknesses of league tables has resulted in their abolition in Northern Ireland and Wales (in 2001), with Scotland following suit in 2003.⁶³ The DfES has not taken this abolitionist line for English schools, but has recently introduced a ‘value added’ component into English league tables. These data allow pupil progress to be measured by following the same cohort of pupils through successive school years.⁶⁴ The median annual progress for pupils in each year group is calculated and given the figure of 100. Then a school’s pupils’ progress is aggregated and given a figure around 100. If the progress made by an average pupil in a school was 101, this means that each of the school’s pupils made one school term’s more progress over the year. Conversely, a score of 99 means that the pupils are one school term behind the average rate of progress.⁶⁵

We do not suggest that league tables should be scrapped. A recent report showed that Welsh schools found it hard to set improvement targets since league tables were scrapped, as they

have no way of assessing how well they are performing in comparison to other schools. David Bell, Director of Ofsted, commented that parents were being let down by a lack of school information in Wales. League tables are clearly valuable in order to make comparative assessments of schools, as an easy reference for parents and also to hold schools to account in a transparent way.

What we are suggesting, however, is improving the quality of information on league tables in order to make them a more reliable guide for parents, and to make them fairer as an accountability tool. The introduction of value-added data in league tables helps improve both of these areas, and should be applauded. However, there is still room for improvement.

For example, value-added data is only accurate if the cohort it measures remains *static* (i.e. the pupil population remains the same year on year). For schools with transient pupil bodies (for example, schools with a large proportion of pupils from travelling communities) such scores will be completely meaningless.

More significantly, ‘valued added’ data still does not take adequate account of background factors affecting pupil progress and so may still be misleading for parents. A growing body of research has demonstrated how pivotal early life experiences and children’s home learning environments are to accelerating their progress at school. A school whose pupils have come from disadvantaged backgrounds are less likely to have had stimulating early life experiences, which would have helped develop their cognitive skills as well as their capacity to concentrate, persevere and practice social skills. This means they may not be able to progress as quickly at school as their more privileged peers. Thus, even though value-added tables take a child’s prior attainment into account, and it would be noted that his or her ‘starting point’ was lower than average, other factors which may slow down his or her academic progress throughout school would not.

Finally, and perhaps most importantly from a parent’s point of view, is that value added data is *difficult to understand*. The key benefit of league tables is that they are user-friendly for parents seeking a quick reference of their school. Value added data is quite impenetrable. Thus, although the introduction of value-added information is a step in the right direction in isolating the ‘school effect’ of a pupil’s academic achievement,

this information very much needs a further refinement and simplification.

More sophisticated information – Ofsted reports

With the current depth of value added data in league tables, parents have a better, but still quite limited ability to make an informed choice of school. Where else should they access information? The DfES strongly advises parents to use league tables in conjunction with the more substantial information on the quality of a school's provision which can be found in Ofsted reports.

It is certainly true that Ofsted reports are superior to league tables – they offer a far more accurate, balanced and comprehensive assessment of a school. John Bangs, head of the NUT states: 'I am much more comfortable with Ofsted being able to identify through public reports a school that is doing well and a school that is doing badly. If you want a whole picture, and parents do want a whole picture of their schools, go to the Ofsted report, not the school performance table.'⁷⁷

Unfortunately, Ofsted reports are superior to league tables in every way *except* user-friendliness. League tables are designed specifically for ease of use by prospective parents – for example they are grouped by LEA in the press so parents can quickly identify their 'best' local school using their daily newspaper. They also allow for comparative assessments to be easily carried out.

Compare this to used Ofsted reports, which requires a parent to request from Ofsted a report for each school he or she is interested in; read through the report (which is usually in excess of 50 pages and which may date back to 1998/99⁷⁸); and compare these different sets of qualitative, descriptive information to see which is the best school. It is hardly surprising, then, that none but the most conscientious (and possibly better educated) parents will access and benefit from this information. A Times Educational Supplement survey carried out in 2004 supports this view, finding that low-income parents were twice as likely to think league tables were very important in choosing a school compared to their middle-class counterparts – suggesting poorer and less educated families are more likely to rely on these simple, user-friendly guides than other more detailed sources of information.⁷⁹ This may mean that low income families have a less accurate picture of the quality of schools and are less able to select the best school for their child.

Combining the advantages of the two

So league tables are accessible but misleading; Ofsted reports are more accurate but less accessible. How ought we to proceed? One way might be to make Ofsted reports more user-friendly. There are currently some plans to reduce the amount of jargon in these reports, and to make them more concise. However, it may also be worth taking the more substantive step of producing a 'Parent Summary' in conjunction with the main report: this would essentially be an executive summary, but created for the specific use of prospective parents. It would encapsulate the information relevant for parents choosing a school in a more easily digestible and shorter section and also include a breakdown of Ofsted's rating of the school. This is similar in some ways to the information that will make up the 'School Profiles' that the DfES proposes on introducing in September 2005. However, it is envisaged that these profiles are to be the responsibility of each school's governing board, who will produce a report containing the latest performance information and contextual information, to replace the 'Governors' annual report' which they are currently obliged to issue to parents. As such, they may be informative, but not as objective and comprehensive as a parent-focused Ofsted summary and so both have a role to play in guiding parents' choices.

However, even if Ofsted produce these 'Parent Summaries', there is *always* likely to be a demand for the kind of quantitative, comparative data found in league tables. It is important to satisfy this demand by producing more sensitive league tables which incorporate some of the information found in Ofsted reports. Since much of Ofsted's data is qualitative and could not be directly translated into numerical format, Ofsted could be asked to produce a rating – reflecting its judgement of the overall quality of the school. This would be similar

Unfortunately, Ofsted reports are superior to league tables in every way except user-friendliness.

to the system already in place used by the Healthcare Commission, for example, which employs a rating system to summarise its assessment of the performance of hospitals. Ofsted already produces LEA 'scorecards' which the Audit Commission turns into 'star ratings' for local authorities, and so such a system to rate individual schools would not be a radical departure from the system already in place.

Furthermore, Ofsted already produces Performance and Assessment Reports – PANDAs – for each school, which it issues to school heads, LEAs and the DfES, but not parents. PANDAs contain the numerical breakdowns of how Ofsted came to its formal assessment of the school. Whilst this is mainly used for internal management purposes and contains a lot of technical information, it also contains a lot of information which parents would find useful, produced in a similar format to league tables but in much more depth. For example, not only does it show test and exam results, it compares them nationally with all schools and with other schools where children had similar prior attainment and with other schools in similar social circumstances, as measured by pupils' entitlement to free school meals. The statistics are also broken down by gender and by curriculum subject. Then each school is given a grade showing how well they have done relative to the rest - from A* down to E.⁸⁰ Such information would be extremely useful to parents interested in seeing a school's performance in a particular subject, or how well a school had done in producing good exam results even with a high proportion of disadvantaged children entering school at an academic disadvantage.

It seems unfair that only teachers and LEAs enjoy access to this fuller range of information whilst leaving parents in the dark. If PANDA information was collated into a rating that could feature in comparative league tables, it would give parents easy access to a comprehensive range of information and enable them to make a far more accurate assessment of the schools they were considering. It may even replace current exam-only league tables as the parents' information source of choice. There will, in all likelihood, still be a demand for these traditional league tables that simply show exam performance, but traditional tables could now be checked against the more sensitive tables we are proposing, to verify (or cast doubt) on their figures. For example, if a school's very good exam results

were listed next to a very poor score on our sensitive tables, this may prompt parents to question why such a seemingly good school fared so poorly with Ofsted and prompt them to investigate further.

ii) Mediating information

The new forms of information we propose – Parents' Summaries of Ofsted reports, and more sensitive league tables – would be a great improvement on traditional exam-only league tables. However, some thought must be given to how this information is to be *mediated* to parents. It is very unlikely that Parent Summaries could be published in the press in the way that traditional league tables are – they would be too bulky for newspapers to carry. While it might be possible for the more sensitive league tables we describe to be made available in newspapers, most parents would require extra information in interpreting the figures in these tables.

One solution is to make use of the internet. In Scotland, where league tables were scrapped in 2003, a website was launched as an alternative. The website still publishes exam performance, but lists three years' worth of results and includes contextual information, such as attendance and absence rates, school leaver destinations, and the proportion of pupils taking free meals. Alongside this information is a link to the inspection report for that school. Despite concerns that it may be confusing for parents, it has been welcomed by teaching unions as "a massive improvement because it draws the information together and puts it in context in a much more meaningful way"⁸⁰ and, although it does not prevent the national press from compiling and publishing their own league tables, the website has proved popular amongst parents with an average of 10,000 'hits' on the site per month in its first year.⁸² A similar website, which lists the Parents Summaries and more sensitive league tables we have described, could be introduced here.

The obvious downside is that not all parents have access to the internet, particularly those from lower socio-economic groups who probably need the most help: an extensive range of research has demonstrated that low income and poorly educated parents are the least proactive in seeking out information to make an informed choice of school, and in then going on to make such a choice.⁸³ To mediate the information we describe

in a way that is easily accessible and comprehensible, it might be necessary to take the more substantive step of making an ‘education adviser’ available to parents.

These kinds of advisers have already been tried in NHS elective surgical care. In that case, a ‘Patient Care Adviser’ (PCA), usually a nurse, would discuss with the patient his or her needs and preferences, and explain the choices available, essentially bridging the gap between the technical, complex administration of the NHS and a patient’s personal health needs. PCAs have proved very popular with patients, and are cited as one of the main reasons why uptake of choice of alternative provider was so high, and why those who took up the choice of an alternative provider were not simply those from higher socio-economic groups.⁸⁴

A strategy for mediating the kinds of information we described in the previous section might be as follows: families living in each LEA whose children are due to attend secondary school the following September⁸⁵ would be sent guidance literature from the LEA about all the schools within the LEA. This literature would contain the Parent Summaries of the Ofsted reports for each school, plus a copy of the more sensitive league tables we propose. The literature would also direct parents to a website that contains further information, such as the full Ofsted reports for each school, and an explanation of how the sensitive league tables have been constructed. The literature would also list a contact telephone number and ‘appointment card’ for an ‘education adviser’.

The education adviser would be someone that parents could contact by phone if they had a specific query, or could arrange an appointment with if they needed more substantial advice. The adviser could help parents navigate their options - demystify Ofsted jargon, clarify areas of confusion for parents, help parents identify what their child would need and how to pick the school best suited to those needs, and so on. They would also be able to point parents in the direction of who to consult if they had a specific problem that the adviser could not deal with (regarding special educational needs, for example). Similarly, we would encourage awareness of and referrals to the service from colleagues in other agencies – such as Jobcentre Plus, social services, etc. as well as charitable organisations. As some families will be harder to reach than others, even with the

LEA posting out literature and appointment cards, education advisers could also engage in more active outreach – visiting Sure Start and children’s centres, pre schools and primary schools particularly in disadvantaged areas to raise awareness of the scheme, arrange appointments and even offer advice on site.

It should be noted that the introduction of education advisers could be a potentially costly step. However, the potential for intergrating the service into the existing youth services framework could reduce the cost of the scheme considerably. A first option would be to out-source this function to an independent organisation, such as the Citizens Advice Bureau. The CAB has the right ethos, experience and high public profile to fulfil the role. Its client-base also tends to be low-income and minority ethnic families – exactly the types of families who are probably least likely to access this help but who in fact need it most. There are also 500 CAB offices in the UK, which makes them quite accessible. This should all serve to help take-up.

However, using the CAB might be the costliest option. For example, there are over 400 CAB offices in England and Wales – should an education adviser be posted in each CAB, this would cost about £20 million per year (assuming a cost of £50,000 per adviser per year for salaries, management overheads and administrative costs). However, given that there were nearly 695,000 children admitted to secondary school last year (i.e. this means 695,000 school choices), each education adviser might have a potentially large caseload. It might be more feasible to employ two salaried advisers per office – which of course doubles the cost. An additional £250-500,000 would be needed per year for training, staffing a national support team to audit and gather feedback of the service, and so on.⁸⁶ Extra funding might also be needed for extra out-reach or awareness campaigns above and beyond the local visits to outreach centres (in this case schools or children’s centres) usually made by existing CAB caseworkers (which is part of their job description).

An alternative to using the CAB might be for the DfES to employ education advisers directly, based at LEA level. One education adviser could be assigned to an LEA per 700 parents with school age children, so larger authorities would have a team of advisers, whilst rural areas might just have one. Independent from, though located in, LEAs, advisers would be able to give dedicated assistance to the parents of the children

in that local area. This method may prove less costly than using a separate, independent organisation and might also be more uniform in terms of caseload – distributing advisers roughly on LEA boundaries might be more reflective of school densities and parent populations. These advisers would also be able to direct parents to their counterparts in neighbouring LEAs should they wish to send their child to a more distant school.

A final alternative would be to situate education advisers in Children's Centres, which the Government hopes will serve 650,000 pre school children by 2006 and should evolve into a one stop shop of family services rather than simply for pre-schoolers. This would raise awareness of the service amongst new families, however, may not have as wide-scale exposure as if the service was tied to the LEA.

While Ofsted information is already available to parents (if they are informed enough to know where to seek it out), and while some LEAs already send some of this information by post, the combination of an LEA outreach of relevant literature and the presence of education advisers would be more comprehensive and systematic. It allows for all parents to have the greatest range of information available to them to help them choose a school, even if they did not wish to engage with the system further (i.e. consult an education adviser).

Providing active guidance to parents, rather than relying on them to be proactive and seek information which they may not even know exists, would allow all parents to actively exercise choice rather than passively accept what they are offered. Choosing in consultation with an educational adviser also allows parents to make more *refined* choices, picking providers best suited to their child's particular needs in discussion with someone with expert knowledge.

iv) Further support for parents: transport

So far, we have focussed on information provision in helping parents choose which school to send their child. It is important to be aware, however, that a parent's decision when selecting a school will also be affected by more practical considerations. There is no reason to suggest that even with more school places (and thus freer choice of school) transport costs will not remain as important as they are now: a MORI poll carried out in 2004 found that 59% of parents surveyed stated that difficulties with

transport have been, or will be, a factor in deciding on a school for their child.⁸⁷ This is most often caused by transport options representing an extra 'hidden' cost to choosing one school over another, or rendering schools essentially 'unchooseable' if they are too far away or hard to reach. MORI found that only 22% of parents surveyed said their child was not or would not be attending their closest school.

Lack of transport facilities, or costly transport options, are a particularly significant issue in rural and isolated communities where schools are few and far between, or where schools which may actually be close to a parent's home are still hard to reach due to unreliable or infrequent public transport. Equally, transport may also be a greater issue for disadvantaged parents, constrained by public transport costs or without access to private transport, prompting them to choose schools within walking distance or with cheap transport routes, rather than schools best serving their child's needs. Survey results seem to confirm this, with those living in social-rented housing one and a half times more likely than owner-occupiers to choose a school based on travel convenience.⁸⁸

This constraint on low-income families is mainly due to the fact that current eligibility for free school transport is based on distance criteria. Free school transport is provided for five to sixteen year olds who attend their 'nearest suitable school' but who live more than two miles (for under eights) or three miles (eights and over) from school. There are two flaws to this. The first is that the School Transport regulations state a child is only eligible for free school transport if they attend their nearest *suitable* school. A 'suitable' school need not (and probably rarely does) mean a parents' *preferred* school. Thus, for free school transport, a parent has no choice but to send their child to their nearest school. Second, even then, that is not a guarantee of free transport. A family must live more than two or three miles away from their closest school. In urban areas, (often with the highest public transport costs and largest percentage of low-income families who cannot afford them), schools are more densely distributed, and so few families will find themselves eligible based on this distance criteria.

A report by the Social Exclusion Unit in 2003 outlined the knock-on effects the inability to pay school transport costs could have on low-income families: 'Low-income families are

more likely to have no choice but to apply to their closest school.’ This, in turn, may affect a child’s educational achievement – ‘children from low-income families therefore tend to go to poorer performing local schools. This can mean that they are less likely to achieve good GCSEs or to meet their expected potential.’ Also, ‘Parents may get into financial difficulties trying to pay fares or meeting motoring costs in order to get their children to their preferred school. Even if they send their children to the nearest school, parents may have to pay for transport if they live beyond what they consider a reasonable walking distance but within three miles of school (two miles for under eights).’ The SEU concluded that due to the distance-based criteria of school transport eligibility, that ‘children from low-income families can find themselves cut off from the opportunities provided by different types of learning, such as specialist or faith schools or those offering more vocational learning for fourteen to nineteen-year-olds.’⁸⁹

Possibly in response to such criticism, the Government presented a draft School Transport Bill before Parliament in December 2004.⁹⁰ In its Regulatory Impact Assessment, it stated that ‘current school transport legislation acts as a barrier to parental choice for families who cannot afford to send their children further than the local school: effectively there is less parental choice for children from low income families, who are less likely to have a car available for the school run or to be able to meet the cost of bus fares’. This Bill proposed to abolish the existing system of distance-based eligibility to free school transport and replace it with eligibility based on income.

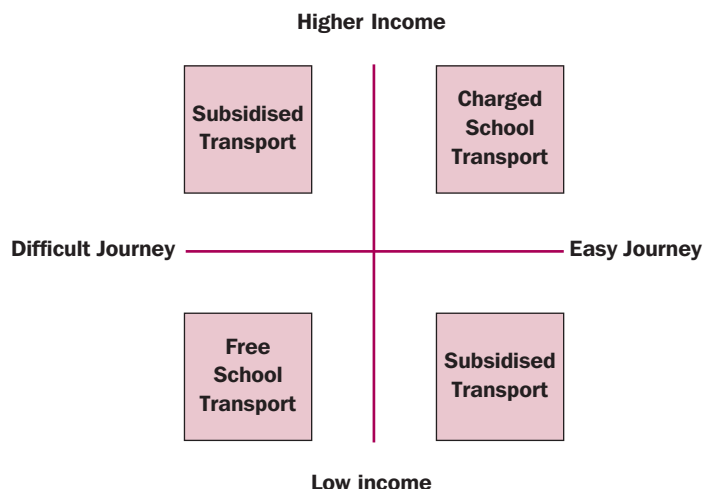
Despite this seemingly positive step, the Bill seemed to run counter to the promotion of parental choice – a concern voiced by the Education and Skills Select Committee, when Charles Clarke stated that the main aim of the draft School Transport Bill “is the encouragement of people to go to their local neighbourhood school and, therefore, to travel less in the whole approach”.⁹¹ This is borne out in the text – paragraph thirteen of the Bill states “Pupils from low income families may not be charged for travel arrangements... *unless suitable arrangements are made for the pupil to attend a school nearer his home*”. This gives no support for low income parents who want to pick a school other than the closest. The Education Select Committee concluded “The Secretary of State’s interpretation of the Bill’s

objectives seems directly to conflict with Government policies on diversity of schools and parental preference, which increase mobility. It is hard to see how the Bill will extend parental choice to low-income families.”⁹²

In order to render the system more flexible than the one the Government is currently considering, means-tested *and* location-based criteria could be combined, in order to identify parents for whom transport costs are a primary obstacle to choice either for cost *or* practical reasons.⁹³ The current system is fairly rigid in this respect in that it provides free school transport for a single group of children: those whose nearest school is more than two or three miles away. The School Transport Bill proposed a system where distance is not taken into account, which is again quite rigid. By using two measures of eligibility, either free or subsidised transport could be offered according to how large an obstacle transport poses to a parent’s choice. So, for example, low-income families who have a difficult or potentially costly journey to their school of choice would be eligible for free school transport, whilst low-income families living closer or with an easier route would be offered a subsidy. For those eligible for subsidised transport, public transport may also be a viable option. The LEA could then have the option to offer their own facilities at a reduced rate, or assist with the payment of bus passes, for example.

For this system to function, the difficulty of a school journey would not simply be judged on distance. A ‘difficult’ journey could be given a standard definition, as is the practice in Denmark, where the Government has set in legislation what it considers to be a ‘safe route’. If a pupil’s journey to school does not meet the ‘safe route’ criteria, the education authority has to provide free transport. Thus, in England, if a pupil’s journey was deemed ‘difficult’, eligibility criteria would apply.⁹⁴ This moves away from the current criteria based on distance which, given the vagaries of public transport infrastructure, cycle and road networks in Britain, rarely reflects the difficulty of a pupil’s route to school. Once this definition had been established, this, and a fixed income benchmark, could be used in conjunction to make a standard assessment of free transport eligibility.

The balance of location and income vis a vis transport subsidy is explained in the graph below:



However, such a system would be the most costly option, as it would give parents a choice of school which was in no way limited by distance. Alternatives to this include giving low income parents the right to free subsidy to their nearest six schools, or schools within a ten mile radius of their home.

In any of these scenarios, school transport would have to be provided by a mixture of public transport and school-organised transport. MORI found that 82% of parents were in favour of a system like the school-bus scheme in the US – however, when piloted, parents were only willing to pay up to about £1 per day per child, which does not cover the full cost of the service.⁹⁵ Cost-benefit modelling of a primary school ‘yellow bus’ scheme, carried out by the Boston Consulting Group for the Sutton Trust, estimated the costs to be £184 million per year if 60% of the children were not charged – the DfES currently spends £100 million on its existing scheme. However, the Sutton Trust estimated the savings for the parents involved would amount to £350 million a year and the savings to the rest of society (environmental and safety improvements, congestion reduction etc) would amount to £100 million.⁹⁶ Thus, free, or partially free, school-organised transport may be a financially viable option.

Deciding on who would be eligible for free use of this service, however, is a critical issue. The economic model outlined above was based on the existing distance-based eligibility of free transport and assumed a 60% take-up of the scheme amongst those eligible. A means-tested alternative to the distance-based system has been proposed in the School Transport Bill: the LEA can charge all children for school transport except those entitled to free school meals. Moving to means-tested rather than distance-based eligibility is a far fairer system, though would complicate ‘yellow bus’ schemes, as there would be no single geographical location or bus route for the eligible children. Subsidised season tickets for public transport, therefore, may be more feasible in some cases.⁹⁷

v) Further support for parents: school uniforms

Another ‘hidden cost’ which may influence or constrain a parents’ choice of school is the cost of school uniforms. A DfES survey carried out in May 2003 found that 83% of parents favoured school uniforms, but 41% thought they were too expensive and 28% admitted school uniform costs had influenced their choice of school.⁹⁸

At the moment, it is at the discretion of individual LEAs to decide whether to help parents with these costs in the form of ‘uniform grants’. The LEA can also decide the value of the grant and the eligibility criteria used. The Citizens Advice Bureau, following its 2001 report ‘Uniform Failure’, has been campaigning for government to compel all LEAs to help low income families with the cost of school uniforms. Unfortunately, support from LEAs has actually been declining over the same period:

In 2001, 27 per cent of LEAs offered grants to pupils of all ages, and 28 to secondary age pupils. Those figures have now fallen to 24 and 26 per cent. The proportion of LEAs offering assistance to pupils in exceptional circumstances has fallen from 13 to 5 per cent. There has therefore been an increase in the numbers of LEAs who offer no provision at all – 42 per cent of LEAs do not offer any kind of grant, compared to 30 per cent in 2001.⁹⁹

Furthermore, as assistance is discretionary, the variation between LEAs is enormous. Excluding the 42% of LEAs offering no assistance at all, the lump sums offered by LEAs with a uniform grant scheme range from £15 to £143.¹⁰⁰ Given that a study by Norwich Union in 2003 found that parents spend on average £178 a year on school uniform, a one-off sum of as little as £15 (given to parents when their child first starts at the school) is highly inadequate.¹⁰¹ As the CAB points out, ‘not having the correct uniform can lead to a pupil being disciplined, marked out as being poor, or even as a disruptive influence.’¹⁰² This may discriminate against pupils from poor families, having a negative effect on their experiences at school and the way their teacher views them. This, as well as the huge regional variation between LEAs in the assistance provided, creates a highly inequitable system.

To render this system fairer, all LEAs should be obliged to assist eligible parents (perhaps those whose children are eligible for Free School Meals) with uniform costs. Parents with an income under a set level should be given a lump sum at the start of schooling to reflect the initial outlay, and then a smaller annual allocation to put towards the ongoing costs of school uniform.¹⁰³ This initial and subsequent figure could be set as a percentage of a school’s uniform, which the school would be obliged to calculate and submit to their LEA. A parent would then be eligible for the appropriate amount once they had selected a school for their child.

*Given that a study by Norwich Union in 2003 found that parents spend on average £178 a year on school uniform, a one-off sum of as little as £15 (given to parents when their child first starts at the school) is highly inadequate.*¹⁰¹

This assistance should be complemented with guidelines imposed on schools to ensure their uniforms are reasonably priced. Current DfES guidelines, for example, recommend that schools make their uniform ‘off the peg’ so that they can be bought at several retailers.¹⁰⁴ However, these guidelines should be more comprehensive and state that schools must make every reasonable effort to render their uniform as easily obtainable as possible, even by those on lower incomes. Schemes such as second-hand uniform sales, and parental consultations on uniform policy, should be recognized as part of a school’s drive towards social inclusion and something on which schools are judged during Ofsted inspection.

V – Some conclusions

Everyone should realise the importance of actively assisting parents in making a well-informed choice of secondary school for their child. Currently, only some parents – those with the time and ability to seek out information that is currently buried, and for whom transport and other costs are not an issue – are making these kinds of decisions on a regular basis. Not only is this unfair in itself, it is a stumbling block to using parental choice as a lever to improve the quality of schools. In this chapter, we have set out in some detail exactly what assistance ought to be provided in order to make informed and free choice of secondary school a meaningful possibility for all parents. Information is often – rightly – cited as key, and we specify here exactly what kinds of information are required, and how this information ought to be mediated. Information provision is not the be all and end all of parental assistance, however, and we have therefore discussed assistance with two often overlooked costs that currently constrain choice for many parents – transport and school uniforms. Assisting parents in these ways will no doubt create new financial costs. However, we have borne the costs of *not* providing this kind of assistance – an unfair and inequitable schools system – for far too long.

7. Conclusions

This paper suggests a three-point plan for improving parental choice in secondary education. We begin with the assertion that parental choice is constrained, at the moment, by a chronic lack of capacity in the secondary school sector. This has led to an inequitable system where wealthy and educated parents can exercise choice more readily and secure places at the best schools.

The first step we recommend, therefore, is to increase the capacity of English secondary schools – by allowing good schools to expand without interference, and providing incentives (both financial and in the form of operational freedoms) for new school providers to enter the state school sector. By doing this, the state will be able to share the infrastructure costs of expanding the system with private investors. We also believe the operational freedoms we offer will attract a more varied range of providers to offer state education – thus both expanding and diversifying the choice on offer.

In the next chapter we consider the implications of our recommendations on failing and unpopular schools. We assert that, as we increase capacity in the system, and free up parental choice, England's existing methods of performance-managing schools will prove inadequate. We argue it is neither sensitive enough to detect problems, nor rapid enough to address them, before the forces of parental choice and contestability between schools has already taken effect. We therefore propose, taking inspiration from the US and New Zealand, a package of measures to bring about school turnaround, or school closure, far more rapidly than is now the case.

In our following chapter, we turn our attention away from the issues of school entry into and exit from the system, and consider how parents will respond to an increase in school choice. We identify a source of inequity which will not be

resolved by increasing parental choice of school – that is, the inability of some parents to exercise free choice.

We identify in this section two key obstacles for parents – a lack of information, and prohibitive hidden costs such as paying for transport and uniforms. We recommend ways in which school information could be improved, and more importantly how this information should be mediated to parents through pro-active support. We also propose various ways in which low income parents might be helped in overcoming the constraints transport and uniform costs have on their choice of school.

Appendix 1: England's current school intervention regime

Categories one and two: schools under special measures and those with serious weaknesses ¹⁰⁵

Although these are two separate categories for poorly performing schools, the Education Act 2002 gave the same intervention powers to the Secretary of State and LEA for schools with a 'serious weakness' as for schools under 'special measures'. In reality, the only difference between the two is that schools with a serious weakness have one year to improve their performance, whilst schools in special measures have two. This reflects the fact that schools under special measures have more serious or more widespread failings than those with serious weaknesses.

Government intervention

- A school placed in either category must draw up an action plan to detail how staff will meet Ofsted's recommendations and target the areas of concern. Funds to support the implementation of this post-inspection action plan (a school improvement grant, available under the Standards Fund) are available to LEAs to help the schools in need of extra resources to carry out improvements.

There are also a range of measures the LEA and Secretary of State can take to help the school meet the targets set out in its action plan, or to take more drastic action if the school is consequently unable to meet those targets. For instance:

- The Secretary of State can appoint as many additional governors to a school as he sees fit. He can also nominate one

of these additional governors to be the chair of governors.

- The Secretary of State can compel a failing school to use an external partners strategy. This includes bringing in acting, seconded or consultant headteachers to the school, using mentors, carrying out staff and governor training, and also establishing various partnership arrangements with other schools, such as the sharing of staff, IT and subject knowledge.
- The Secretary of State or LEA can appoint an Interim Education Board (IEB) to replace a school's governing body if the governing body is failing raise the school's performance. The IEB takes on all the responsibilities of the former governing body. Existing governors can be appointed to the IEB, and an IEB must have at least two members.
- The Secretary of State can, in the worst cases, close a school.
- The Secretary of State can open a 'fresh start' school once it has closed a failing school. (This means opening a new school on the same site/premises as a school that has been closed).

Category three: schools with an 'inadequate 6th Form'

Schools whose 16+ educational provision has been judged inadequate by Ofsted are in a similar situation to special measures schools, but for their 16+ provision only. The difference between this category and the others is that interventions are carried out by the Learning and Skills Council (LSC) rather than the LEA or Secretary of State.

Intervention by the LSC

- Like schools placed in special measures and serious weakness categories, a school with an inadequate sixth form must draw up an action plan. Funds to support the implementation of this post inspection action plan (a school improvement grant, available under the Standards Fund) are also available to LEAs to help the schools in need of extra resources to carry out improvements.
- The LSC may open new sixth forms, or make alterations to the structure of the exiting one, such as change the age range of pupils enrolled or enlarge the premises.
- If the sixth form is judged to still be inadequate after two years, the LSC may publish proposals for its closure.

Category four: schools with a 'formal warning'

These are schools whose governors have been issued with a written warning by the LEA. The LEA states it is concerned

with the school and that the governing body must make improvements specified by the LEA within an agreed time frame.

Government intervention

If the governors do not comply with the formal warning, the LEA can:

- Appoint additional governors to the school's governing body
- Suspend the school's delegated budget
- Replace the governing body with an IEB (see above)
- Open a fresh start school (see above), but only when every other avenue has been exhausted.

Category five: underachieving' schools – no intervention but closer monitoring

These are schools which pass inspection, but which underperform relative to schools in similar situations. These schools must set out an action plan on how to resolve this and are subject to more regular inspections to monitor their progress. If the situation deteriorates the school might then be given a formal warning, be deemed as having a 'serious weakness', or put on 'special measures'.

Appendix 2: England's new school intervention regime

Schools causing 'concern' for the LEA or Secretary of State

These are schools which have come to the LEA's, or the Secretary of State's attention either through fluctuation in intake or the school itself alerting the DfES to difficulties.

What happens next?

A focussed investigation is carried out by Ofsted looking at the specific areas which parental feedback or the school has pointed to as being a problem. Ofsted will then determine whether there is a problem at the school.

Government intervention

If there proves to be a problem at the school whereby it is, in fact, failing, the Government has formal measures which it can put in place (see below). If the school is shown to be providing adequate services but is perhaps experiencing difficulties (which left unaddressed might lead it to fail its next Ofsted inspection) the LEA can work with the school to draw up an improvement plan which the school may implement itself with advice, or informal administrative or financial assistance (depending on the circumstances) from its LEA or Secretary of State.

Schools failing a regular Ofsted inspection or focussed investigation

Schools which are deemed inadequate by Ofsted must, as the current system dictates, draw up an action plan outlining how they propose to address their failure and in what time frame. The deadline the school sets itself will be negotiated with the

DfES. If the DfES feels the action plan cannot be achieved by the school without support:

- The Secretary of State can compel a failing school to use an external partners strategy to help the school carry out its action plan. This includes bringing in acting, seconded or consultant headteachers to the school, using mentors, carrying out staff and governor training, and also establishing various partnership arrangements with other schools, such as the sharing of staff, IT and subject knowledge.
- If the school has not sufficiently improved after its negotiated deadline has expired, in addition to all of the measures outlined above:

The external partners strategy may also be boosted, by inviting another school's governing body to take over the running of the school as a temporary measure.
- If the school has not sufficiently improved one school year after its deadline, in addition to all of the measures outlined above:

The Secretary of State can invite other schools to permanently replace the governing body of the school and run it themselves
- If the school has not sufficiently improved two school years after its deadline, in addition to all of the measures outlined above:

The Secretary of State can, in the worst cases, close the school. The Secretary of State can open a 'fresh start' school once it has closed a failing school. (This means opening a new school on the same site/premises as a school that has been closed).

Schools with an 'Inadequate 6th Form'

These are schools whose 16+ educational provisions have been judged inadequate by Ofsted. The difference between this category and the others is that interventions are carried out by the Learning and Skills Council (LSC) rather than the Secretary of State.

What happens next?

Like other schools, a school with an inadequate sixth form must draw up an action plan to detail how they plan to meet Ofsted's recommendations and target the areas of concern. The same external partners strategy is put into place if the Secretary of State or LSC feels the sixth form will not meet its goals/deadlines without outside support.

Intervention by the LSC

The intervention system that is currently used by the LSC (see box 1 above) will remain, however, the LSC will have additional tools at its disposal:

- The LSC may invite other schools' management teams into the school for consultation purposes; allow them to take over the running of the school as a temporary measure; or open the school to take over bids and allow other schools to permanently replace some or all of the existing management staff and run the schools themselves.
- Also, if the school is judged to have an inadequate 6th form after two Ofsted Inspections, schools will be open to choice mechanisms and compensatory classes. This is because pupils attending 6th forms are eligible for such measures because they are in 'critical years' (studying for A, AS or Vocational Qualifications).

Notes

Introduction

- 1 Ruth Kelly, *Education and Social Progress*, 26 July 2005

Chapter 4

- 2 This has been dubbed 'the excess places rule' – the existence of which is debated later in this paper.
- 3 The precise role played by the SOCs in constraining choice will be explained later in this paper
- 4 <http://www.timesonline.co.uk/article/0,,2-1511581,00.html>
- 5 Leech and Campos, in: *Is Comprehensive Education Really Free?* Warwick Economic Research Paper 2001 found that property within an over-subscribed school's catchment area could be up to 20% more expensive than those just outside.
- 6 A YouGov poll carried out for 'Tonight With Trevor MacDonald' in April 2004 found that 15% of parents had considered lying about where they lived, and 20% had considered 'exaggerating' religious commitment to gain entry to a religious school
- 7 Due to the limited capacity so widespread in secondary education, most schools have allocation criteria which they use when the number of pupils applying to a school is greater than the places available. This criterion varies from school to school but often gives preference to pupils with existing familial ties to the school or the use of catchment areas (designated areas of proximity).
- 8 For a study of the use of covert and overt selection in UK schools, see West, A and Hind, A: *Secondary School Admissions in England: Exploring the extent of overt and covert selection*, LSE, March 2003
- 9 See Aldridge, S: *Social Mobility, A Discussion Paper*. Performance and Innovation Unit, April 2001
- 10 The theory that school choice levers school standards through increase contestability was amply demonstrated by William and Rossiter, in *Choice, the Evidence*, Social Market Foundation, London 2004.
- 11 Both Sweden and Denmark have, as a consequence of complex parental demands, a far more diverse range of schools on offer in the state sector. These include Montessori and Steiner schools, schools emphasising spiritual development and one on one tuition, other pedagogies and a variety of religious schools.
- 12 *School Admissions: A report of the Social Market Foundation commission* (London: Social Market Foundation; 2004).
- 13 <http://www.dfes.gov.uk/trends/index.cfm?fuseaction=home.showChart&cid=3&iid=9&chid=10>
- 14 <http://news.bbc.co.uk/1/hi/education/3720884.stm>
- 15 <http://www.dfes.gov.uk/trends/index.cfm?fuseaction=home.showChart&cid=3&iid=9&chid=10>
- 16 <http://www.andrewselous.org.uk/record.jsp?ID=188&type=news>
- 17 There is a broad consensus supporting the removal of the 'Surplus Places' system, not least in the Conservative Party proposals to abolish the guideline.
- 18 <http://www.epolitix.com/EN/News/200502/453df760-be60-4b7f-9ce2-7db1aacd13c3.htm>
- 19 This may only be practical for schools which are very close to one another as sharing classrooms involves transporting and supervising children between schools, but not impossible if properly planned. The DfES 'School Federation' pilots suggests the Government is already reviewing the way in which schools might share their resources.
- 20 Although they must carry out Key Stage Testing and offer national qualifications, which does indirectly impose a minimum of key subjects that must be taught.
- 21 'How Car Dealers can run State Schools', *New Statesman* 20 September 2004
- 22 Ibid
- 23 <http://news.bbc.co.uk/1/hi/education/3660522.stm>

- 24 With only six out of the eleven City Academies which took over poor performing schools achieving an improvement in exam results.
- 25 *Reduced cost for academy sponsors* BBC News, 15 September 2005
- 26 The current legislation in sponsorship of City Academies states that £2 million must be sourced from private sponsors, which works out at just under 10% of the average cost of a City Academy. This figure is indicative, reflecting the fact that if this figure is too low then small, poorly considered schools may be set up with little future viability, whilst if this figure is too high then barriers may be formed against all but the largest companies or coalitions who can afford to raise the costs of establishing a new school. We welcome comment and advice regarding what percentage the level of capital funding should be set at.
- 27 We are not proposing to prevent religious organisations from establishing non-fee paying state schools, however, given the fact that such schools would have more autonomy over their curriculum than their state school counterparts, we must acknowledge concerns recently voiced by Ofsted that faith schools may not be teaching citizenship or religious plurality to an adequate standard.
- 28 The Steiner School group, for example, which teaches on the principle of a child's holistic, spiritual and creative needs, and which does not follow the National Curriculum, has expressed an interest in establishing state schools to that its admissions can be more open (at the moment all of its schools are charge fees as state funding will not be given to such schools).
- 29 These schools would also be regulated by non-selective admissions criteria: i.e. schools would be unable to select by religious affiliation or aptitude. This is rendered necessary by the greater autonomy these schools would have over the running of their school and curriculum as a safe-guard against elitist or radical schools.
- 30 http://www.rethinkingschools.org/special_reports/voucher_report/paym163.shtml
- 31 http://news.bbc.co.uk/2/hi/uk_news/education/3717744.stm
- 32 <http://news.bbc.co.uk/1/hi/education/3674771.stm>
- 33 See Tooley, J and Dixon, P: *Delivering Better Education: Market solutions for educational improvement*, 2003
- 34 'Federations' are groups of two or more schools which collaborate and share teacher training, specialisms, governance, administration and planning, and so on. The DfES states a key benefit of the approach is the money saved on 'economies of scale.'
- 35 This was the 2004 figure given in the 2004 Budget Report.
- 36 though an Audit Commission report carried out in 2003 found that over one quarter of schools kept more than this limit without LEAs acting on it
- 37 http://news.bbc.co.uk/2/hi/uk_news/england/cumbria/3662517.stm
- 38 Booker, K et al *The Effect of Charter Competition on Traditional Public School Students in Texas*
- 39 Ibid
- 40 Frankenburg, E and Lee, C: *Charter Schools And Race: A Lost Opportunity for Integrated Education*. Harvard University, 2002

Chapter 5

- 41 by 'poor quality' we mean those with low exam scores and poor Ofsted assessments.
- 42 Whilst poor quality schools need not be unpopular, and vice versa, there is of course a large overlap. This question of popularity versus quality will be addressed later in the paper.
- 43 Most recently reiterated in Labour's Manifesto.
- 44 international comparisons are made below
- 45 These two countries were selected for their most developed school performance management systems. The Australian system was also evaluated, although no positive elements could be identified which would benefit the system in the UK.
- 46 So called because the criteria for this funding was laid out in Title 1 of the 1986 Education Act, these are schools which have a highest proportion of low income pupils.
- 47 Jacob found that scores in AYP examined subjects improved more than those that were not. See Jacob, B *Making the grade: The impact of test-based accountability in schools*. Kennedy School of Government, Harvard University 2002
- 48 This phenomenon was noted in urban schools in New York State. See Boyd, D, Lankford, H, Loeb S, and Wycokoff, J: *Do highstakes tests affect teachers' exit and transfer decisions? The case of the 4th grade test in New York State*. Stanford Graduate School of Education 2002
- 49 In practice this means removing these children's scores from the exam results by removing them from mainstream classes, so they no longer count as part of the mainstream school body.
- 50 Deere, Donald, and Wayne Strayer. *Closing the gap: School incentives and minority test scores in Texas*. Department of Economics, Texas A&M University (mimeo) 2001
- 51 Article from the San Francisco Examiner, http://www.sfexaminer.com/article/index.cfm/i/102703n_testscores2
- 52 See Appendix One for a fuller description of the current Ofsted-government inspection and

intervention system, which illustrates that more serious failures in schools are given more time to be resolved.

53 Section 78, Education Act 1989

54 The 1995 Safety Net Strategy in New Zealand defined four types of government intervention in schools, the least intrusive of these were termed 'informal action'.

55 McCauley, L and Roddick, S *An Evaluation of Schools Support Research & Evaluation* [Internal] Unit, Ministry of Education Research Division Wellington, August 2001

56 <http://www.minedu.govt.nz/index.cfm?layout=document&documentid=6556&indexid=1010&indexparentid=1072>

57 Legislation allows for a degree of MOE discretion as it stipulates that the school should pay for formal interventions so long as the costs are not so large that a school cannot be feasibly expected to pay, in which case the MOE will assist in payment.

58 This also echoes the head of Ofsted David Bell's reflections on the need for a stronger emphasis on schools' 'self inspection' to assist the Government's own role. See his contribution to *Reinventing Government Again*, Social Market Foundation, November 2004.

59 This of course would also benefit the Government, as intervention to turn-around schools which are significantly failing will be much higher than if those problems were dealt with earlier on in partnership with the school.

60 the ability to 'issue directions' is a common government power, used in health and social services and also in local government (where the ODPM can instruct a local authority to carry out a task and can use a court order if the local authority fails to comply).

61 Greene, J: *An Evaluation of the Florida A-Plus Accountability and School Choice Program*, Center for Civic Innovation at the Manhattan Institute, 2001

62 Chakrabarti, R: *Impact of Voucher Design on Public School Performance: Evidence from Florida and Milwaukee Voucher Programs*, Cornell University 2003

63 This would give parents who has taken up the choice boost to return to their original school if they so wished. It would also create an incentive for both the home school and alternative rival school to improve their services to win back or keep their pupils respectively.

64 In the current secondary education system such measures would be unworkable, due to heavy supply-side constraints. There is simply not enough excess capacity in the form of spare school places for pupils to be easily placed in alternative schools. However, in a 'choice enabled' environment, additional schools and schools places should allow for greater flexibility and enough capacity in the system to allow for such temporary intakes. How this might be achieved is the subject of another interim paper to follow this.

Chapter 6

65 'Lack of Tables Hinders Picture', TES, 4 February 2005

66 *Open Access to Education*, Research Study Conducted for The Sutton Trust, April - May 2004

67 DfES School Uniform Survey April 2003

68 For SATs on league tables, this is Math, English and ICT.

69 Marcus Du Sautoy: 'Too much data can mean league of folly', TES, 17 December 2004.

70 Although this may have been a result of the Literacy and Numeracy Strategy, which focused teaching resources and accountability procedures (e.g. targets) on key subjects. Critics have suggested that this strategy has served to narrow the curriculum, but proponents of the strategy suggest this was a justifiable sacrifice to ensure British children achieved improved levels of numeracy and literacy. However, league tables need not also focus just on these subjects when reporting school performance, as parents may have too limited a picture regarding a school's overall standards of teaching.

71 Spokesman for the National Primary Headteachers' Association, speaking to the BBC, 20 April 2003.

72 Public Administration Select Committee, Oral Evidence given by David Butler, Director of the National Confederation of Parent Teacher Associations, 2003.

73 Comment made by Eamonn O'Kane, general secretary of the National Association of Schoolmasters Union of Women Teachers, in the Guardian in 2003. See

http://www.guardian.co.uk/uk_news/story/0,3604,1108524,00.html

http://www.guardian.co.uk/uk_news/story/0,3604,1108524,00.html

74 This method was applied to Key Stage 3 to GCSE level, then, in 2003, used for Key Stage 1 to 2. A pilot is currently underway to measure the same pupil cohort's progress for two years – from Key Stage 2 to GCSE stage.

75 http://www.dfes.gov.uk/performance/tables/ks3_03/k2.shtml

76 'Lack of Tables Hinders Picture', TES, 4 February 2005

77 Public Administration Select Committee, Oral Evidence given by John Bangs, 2003

78 given that the current inspection round it a maximum of once every 6 years, though this is to be reduced to once every three years by September 2005

79 http://www.tes.co.uk/search/story/?story_id=393084

80 <http://news.bbc.co.uk/1/hi/education/4189109.stm>

81 <http://news.bbc.co.uk/1/hi/scotland/3319775.stm>

82 http://www.tes.co.uk/search/story/?story_id=2057960

83 See, for example, Raab, G. and Adler, M. 'A tale of two cities: The impact of parental choice on admissions to primary schools in Edinburgh and Dundee', in Bondi, L. and Mathews, M.H. (eds). *Education and Society*, Routledge: London, 1994, pp. 113 - 147

Carrol, S and Walford, G. 'Parents' responses to the school quasi-market', *Research Papers in Education*, 1997, vol. 12. 1:pp. 32 - 36

Taylor, C. *Geography of the 'New' Education Market: School Choice in England and Wales*, Aldershot: Ashgate, 2002

Parsons, E. et al. "School Catchments and Pupil movements: a case study in parental choice", *Educational Studies*, 2000

Stillman, A. 'Legislating for choice', in Flude M. and Hammer, M. (eds) *The Education Reform Act 1988: Its origins and Implications*, Lewes: Falmer, 1999

84 Williams J. and Rossiter A. *Choice: the evidence* (London: Social Market Foundation)

85 This paper is dealing primarily with Secondary education, however there is no reason why a similar system might not be implemented for parents of children who are about to start primary education.

86 Approximate costings offered in personal correspondence between the author and the CAB.

87 *Open Access to Education*, Research Study Conducted for The Sutton Trust, April - May 2004

88 DfES report, Parents' Experiences of the process of choosing a secondary school 2001

89 Social Exclusion Unit, *Making the Connections: Final Report on Transport and Social Exclusion*, 2003

90 The Bill stalled due to the General Election in May 2005. It is likely that some of the proposals in the Bill will survive to be pushed through the next parliament in related legislation.

91 Oral Evidence given by Charles Clark to the Transport Select Committee, 3 March 2004

92 Education and Skills Committee, Third Report.

93 For a more detailed discussion of alternative remedies to the constraint of parental choice due to school transport costs, see the forthcoming publication *No More School Run: Proposal for a national yellow bus scheme in England*. One particularly interesting suggestion included in this publication is to introduce a system whereby the LEA must provide transport for children to the 5 schools closest to them.

94 The definition of a 'difficult' journey could take into account factors such as distance, availability and frequency of public transport, availability of cycle lanes, safety if travelling on foot, and so on.

95 <http://www.publications.parliament.uk/pa/cm/200304/cmselect/cmtran/318/31806.htm#a12>

96 The Sutton Trust Yellow School Bus Assessment, November 2003

97 See Haddad, M *School Admissions: A Report of the Social Market Foundation Commission* for a description of a possible LEA-based public transport subsidy.

98 DfES School Uniform Survey April 2003

99 Citizens Advice evidence briefing September 2004, *Help with school uniform costs: update*

100 Ibid

101 *School sums*, Norwich Union, 2003.

102 Citizens Advice evidence briefing September 2004, *Help with school uniform costs: update*

103 with appropriate regional variations to reflect the cost of living

104 DfES, School Uniform Guidance, June 2004

Appendix 1

105 Following the Government's 'New Relationship with Schools' Strategy, the categories of 'Serious Weakness' and 'failing 6th form' will be replaced with schools issued 'Improvement Notices' (IN) in September 2005. However, the reasons for which schools are issued an IN will be approximate to those which bring about Serious Weakness or Failing 6th form designations.

SMF Publications

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Jessica Asato (ed.)

This collection of essays brings together different perspectives on the public health debate, seeking to find the balance between state intervention and individual responsibility. Published in the lead up to the second White Paper on public health, it considers who should take responsibility for changing public behaviour and when it is legitimate for the state to intervene.

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It also presents the case for allowing GP practices to choose the PCT to which they wish to belong, explains how this system could operate in practice and considers the limitations of the system.

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Vidhya Alakeson

This report argues that the link between educational attainment and family background will not be broken as long as the pattern of spending on education and training continues to offer a far greater public subsidy to tertiary rather than preschool education. The report proposes a reallocation of spending in the medium term in favour of children under five.

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September 2005, £15.00

Many parents have little opportunity to exercise a real choice of school for their children. The few who do are usually those with the persistence and ability, or simply the resources, to secure a place in a popular and over-subscribed school. As a result, the English school system has been blighted by inequity of access and of outcomes.

Extending choice to all parents, not just the few, is the key to levelling this playing field. This publication lays out a three-step plan for the Government to improve parental choice of secondary school whilst promoting greater equity. It describes how to increase the number and diversity of good school places, how to performance manage poor schools more effectively, and how to provide additional support to less privileged parents to enable them to make informed and beneficial school choices.

Coming as it does before the Government announces its key proposals to implement its school choice programme, this report contains an important message for Government policy makers: without significant increases in capacity, support for parents and an improved performance management regime, the efficiency and equity benefits that have been promised will fail to materialise. The changes proposed here need to be introduced as a package. If this is not done, articulate and better off parents will continue to reap the main benefits from new policy initiatives and a huge opportunity to overcome the inequity of our education system will be wasted.

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