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School place planning

The influence of school place planning on school standards and social inclusion

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Contents	page
Preface _____	- 4 -
Commentary _____	- 5 -
Key points for action _____	- 8 -
Ways of working _____	- 10 -
Partnerships within the education department _____	- 10 -
Partnerships across the council _____	- 11 -
Partnerships between admission authorities _____	- 13 -
Partnerships with schools _____	- 14 -
Political leadership _____	- 16 -
Tackling key issues _____	- 18 -
Organisational change and school standards _____	- 18 -
Popular and unpopular schools _____	- 20 -
Racial and religious polarisation _____	- 22 -
Mobility of pupils _____	- 24 -
Annex A – summary of recommendations _____	- 27 -
Annex B – list of councils visited for fieldwork _____	- 29 -
Annex C – glossary of terms _____	- 30 -

Preface

1. This is a report of an inspection carried out by Her Majesty's Inspectors of Schools (HMI) from the Office for Standards in Education (Ofsted), in collaboration with the Audit Commission. It considers two questions: can a local authority's management of school places help to improve standards in schools and promote social inclusion and, if so, how?
2. Social inclusion is a complex issue and its definition continues to be a matter for debate. For the purposes of this inspection, social inclusion policies are those which aim to close the gap between the achievements of different groups of young people so that they can fulfil their potential and contribute purposefully to society. School standards are considered principally in relation to levels of pupil attainment.
3. This report has two main sections; the first considers ways in which local authorities can work more effectively within the whole council and more widely with schools and other admission authorities, particularly in terms of forging partnerships within the education department (or its equivalent). The second section looks more closely at how authorities are tackling particularly difficult issues, for example the polarisation between popular and unpopular schools, polarisation on racial and religious grounds and the mobility of pupils.
4. School place planning covers a wide range of issues across different sectors of education and many different contexts. This study focuses on secondary school provision in urban settings, where authorities face particularly difficult challenges.
5. Evidence for the report was drawn from a range of local education authority (LEA) inspection reports, with particular reference to the findings of the fourteen organisational inspections carried out during autumn term 2002.
6. Visits were made to 15 authorities. These were selected after an analysis of inspection reports to identify relevant good practice or experience, subsequent discussion with officers and submission by them of some initial documentation. Four of the authorities volunteered their involvement following an explanation of the exercise. Within the scope of the sample size there was also an attempt to secure a spread by geographical area and type of council. The authorities visited are listed in annex B.

Commentary

7. Few issues in education arouse more passion and upset than planning school places. For all parents, where their children go to school is understandably a major concern. Many are prepared to go to great lengths to secure a place at the school they prefer and they are not slow to protest vehemently if their school is proposed for closure.

8. Local authorities for their part face a task of enormous complexity. The issues involved touch on matters of political, economic and social policy at a local, regional and national level. While the basic concern of authorities has rightly been to manage as efficiently as possible the supply of and demand for school places, their freedom of manoeuvre is significantly constrained. The fundamental principles of parental preference and individual school autonomy, which underpin the legislative framework, are difficult to reconcile with efficient central planning.

9. However, a number of changes in recent years have strengthened the council's hand; for example the abolition of grant-maintained status which used to offer an escape route for schools threatened with closure (or any other reorganisation) by their council, the requirement to draw up a school organisation plan and, after many lean years, substantially increased capital funding. The Education Act 2002 and the revised School Admissions Code of Practice (2003) are helpful and timely developments, particularly in terms of promoting a co-ordinated approach across all admissions authorities in a particular area. All these changes offer an authority new and broader opportunities to take a positive lead and influence the school planning agenda in ways that go beyond the management of supply and demand.

10. On the evidence of the first full cycle of LEA inspections carried out between 1996 and 2001, authorities have been quite successful in securing the right number of school places. Over that period, primary surplus places reduced from 9.5% to 9.0% and secondary surplus places from 11.6% to 8.6%, although overcrowding in secondary schools rose from 2.6% to 3.6%. As a result, authorities have been able indirectly to promote higher standards in schools, since scarce resources have been released for spending more efficiently on other things than surplus capacity, including more teachers, more books and more equipment.

11. This inspection found that authorities have been less successful in using school place planning directly and explicitly to promote both high standards in schools and social inclusion.

12. The promotion of social inclusion is a central task for the council as a whole. The education function has a major contribution to make, particularly as a significant component of regeneration initiatives. However, there are real limits to what is feasible. Councils cannot, for example, engineer the movements in population that would result in all community schools serving a broad social mix. Many councils are, therefore, rightly proceeding with caution as they attempt to tackle racial and religious polarisation, with an emphasis on more informal approaches such as

twinning between schools serving different areas and developing education in citizenship.

13. The increasing polarisation between popular and unpopular schools demands more immediate and decisive action. The weakest and least popular schools frequently serve the poorest, most vulnerable and most disaffected groups. Councils must not allow these schools to sink further and this requires clarity of approach where the strategy for overall school place provision is aligned with the strategy for the improvement of individual schools. The expansion of popular schools by itself is no panacea.

14. Addressing these seemingly intractable issues requires a high level of partnership working, since they are beyond the scope of any single agency. It also requires sustained leadership in the face of vociferous opposition and a willingness to seek and find innovative solutions. While this inspection found a number of weaknesses in the way councils are approaching the task, there are numerous examples of ways in which authorities have successfully put these principles into practice.

15. The inspection found particular examples of good practice in the following areas:

- numerous cases of speedy and innovative action to promote school improvement through school place planning: large scale reorganisation, the closure of unpopular and poorly performing schools, the 'rebranding' of schools through a new start and the change of schools from one status to another
- management structures that maximise the chances of co-ordinated activity
- regeneration programmes bringing about effective co-operation across the whole council
- cross-party consensus and strong individual leadership from elected members on difficult planning issues
- effective challenge to restrictive admissions criteria determining places at oversubscribed schools
- LEAs taking the lead in brokering partnerships between schools, for example, in admitting pupils with challenging behaviour.

16. The inspection found particular weaknesses in the following areas:

- the use of planning and performance data is not always co-ordinated effectively
- linkages across different council departments are often limited and the quality of links between councils is too variable

- councils often have limited engagement with schools on strategic place planning issues
- councils do not always develop options for change effectively and many school organisation plans are an inadequate exposition of the authority's strategy
- elected members have frequently been reluctant to address issues of surplus capacity and school closure.

Key points for action

17. This report makes a number of recommendations, applicable to all local authorities, in order to tackle the issues raised. These appear within the text and together at annex A.

18. In summary, councils should:

- ensure that the strategy for school place provision is fully aligned with the LEA's school improvement strategies
- take deliberate action to improve unpopular schools, particularly in the context of expanding popular schools
- achieve closer collaborative working within the education department (or its equivalent) and across the council as a whole on issues relating to school place planning
- link management data across the council, including demographic data, data on pupil performance and other data likely to have an effect on school place planning
- make the school organisation plan a clear exposition of an authority's strategy and thereby an engine for debate rather than a bureaucratic exercise
- engage schools in a authority-wide strategy linking the supply of school places with school improvement and social inclusion
- seek innovative packages of measures, maximising the funding streams available
- forge productive but challenging relationships with other admission authorities
- take the lead in brokering partnerships between schools to ensure an equitable distribution of pupils with challenging behaviour.

19. The inspection was inevitably limited in its scope and four particular issues emerge, which would repay further investigation:

- the interaction of a local authority's housing and planning policies with school place planning
- the interaction of policies promoting the inclusion of pupils with special educational needs with school place planning
- the effectiveness of individual school approaches to tackling racial and religious polarisation

- the desirability or otherwise of tackling school place planning in large urban areas, particularly London, through the involvement of a higher authority than existing councils.

Ways of working

Partnerships within the education department

Summary

Councils' use of planning and performance data is not always co-ordinated effectively, but the better councils ensure that management structures optimise the chances of co-ordinated activity. For all authorities, finding the management capacity to pursue major reorganisation programmes can be a significant issue.

20. Although the first cycle of inspections broadly found that councils' collection and analysis of data to predict future need have been sound, councils vary considerably in the extent to which data on school performance is used deliberately and explicitly in school place planning. Some are only just beginning to reach the point where the data on school place planning are linked with data on school and pupil performance. Some are, however, implementing very effective electronic pupil and data mapping programmes to provide the most advanced management information.

21. Organisational arrangements within education departments (or their equivalent) often frustrate effective co-ordination. School improvement work is usually carried out in a different part of the department from school place planning. The respective roles can very easily be completely separate, unless mechanisms are deliberately put in place to avoid this. Case study 1 is an example of the way in which one authority has established ways to ensure that school improvement officers and school place planners are aware of each other's priorities and are able to interact in a productive manner.

Case study 1

For many years a Midlands metropolitan district authority has operated, as part of its process for monitoring schools, a School Monitoring and Review Team (SMART), which oversees development in all the city's schools. The initial drive came from the need to co-ordinate the work of task groups set up to provide support to schools in special measures and with serious weaknesses, but its remit soon went beyond this. The cross-departmental team, with all service areas represented, oversees the system for profiling schools in order to prioritise the levels of support and intervention. All aspects of a school are seen as potentially interconnected and data are provided on a range of issues, including pupil performance, school places and the state of repair of the buildings. As well as considering levels of support and intervention, this is the forum where capital investment programmes are discussed in relation to their effect on raising standards.

22. Many councils find it difficult to secure the capacity to carry out a series of reorganisations, however effective the co-ordination of activity. The work is extremely time-consuming, involving major consultation programmes with governors and a range of other interested parties. One northern unitary authority took sensible account of financial and demographic factors in prioritising special education over secondary reorganisation in its early years. Prioritisation of available resources is a

factor in deciding whether to go for the 'big bang' approach of authority-wide action or staged reviews area by area. One metropolitan council abandoned a staged review in favour of a single major exercise. Officers and members felt that an intense concentration of effort was preferable to a prolonged period of uncertainty, which could drain resolve and distract attention from other vital issues.

Recommendations

Authorities should ensure that:

- demographic data and data on school and pupil characteristics, places and performance are integrated within a management information system and used for planning purposes
- management structures and arrangements optimise links between officers responsible for school place planning and admissions and those responsible for school improvement and social inclusion policies.

Partnerships across the council

Summary

Education has a central contribution to make to the pursuit of enhanced social inclusion by the whole council and its partners. But existing linkages across different council departments are often limited. Regeneration activity and partnerships with developers are a basis for improved co-ordination.

23. In their role as local education authorities, councils have very limited capacity to alter fundamental social and economic relationships in the areas they serve. The opportunities open to the council as a whole, through regeneration, economic development and housing activity and as a key player in and facilitator of partnerships, offer greater chances of success.

24. Education on its own cannot be responsible for this sort of improvement. But too many councils have developed only limited linkages between their education functions and other council activities. Often this does not go beyond the long-standing links between the school place planners and their colleagues in planning and housing departments. At the minimum, this involves provision of data on housing developments in order to inform the projections on pupil numbers. What is missing is an understanding of how a council's housing and planning policies can affect the performance of schools, indeed even create failing schools. While county councils have to manage the additional complication of liaising with a number of districts, as housing authorities, this is an issue that would repay further examination both by councils themselves and by external bodies.

25. Some authorities have developed much closer links across the council, where collaboration has been beneficial to all concerned. Case study 2 provides an example from one London authority.

Case study 2

In a London borough there are close links in place between education, housing and planning departments regarding a major new housing development. As a result, education planners have detailed projections of the school places needed over the next few years. Moreover, the council has fought vigorously and successfully to maintain the social balance which they see as characteristic of the borough and as having a beneficial effect on its comprehensive schools. There will be a substantial proportion of 'affordable' housing as well as luxury private accommodation. Fifty affordable houses are being reserved for key workers, including teachers. The developer has agreed to provide an additional nursery and to pay for extensions to a primary and secondary school as part of the negotiations about the development.

26. Regeneration activity has frequently provided a helpful impetus to closer corporate working across the whole council. Education is likely to be a key element, with schools at the heart of the regenerated community. Specific projects, for example, in run-down inner-city areas, have been a catalyst for a planning regime that deliberately seeks to achieve an integrated approach across departments and disciplines. In a number of authorities, productive cross-council links are now being made, as major new regeneration developments provide the strategic drive for practical operational links between council departments, involving joint planning rather than simply information sharing.

27. Section 106 agreements with property developers have also encouraged co-operation between education and planning departments¹. This has increased resources available to education in areas of population growth. One county authority has developed a protocol on how developers' contributions can be raised and used. This involves developers contributing to expanding the number of places in existing schools as well as providing new schools, so ensuring that several schools in a locality can benefit.

Recommendations

Authorities should:

- manage their organisation so that collaborative working across the council, particularly between education, housing and planning departments, is sustained and developed
- take advantage of opportunities to negotiate contributions by developers for new school places in existing and new schools.

¹ Section 106 of the Town and Country Planning Act 1990 allows a council to negotiate with developers on planning applications, regarding the provision of additional school places that result directly from new housing developments.

Partnerships between admission authorities

Summary

Councils must not only seek close and co-operative relationships with other admission authorities, particularly foundation schools, but also be prepared to challenge other admission authorities where there are restrictive admission criteria. Sound relationships with diocesan authorities are common but the quality of links between councils themselves is too variable.

28. The existence of large numbers of admission authorities undoubtedly complicates the council's task in trying to bring coherence to school place planning. One large county, for example, has nearly two hundred separate admission authorities. This level of diversity and devolution of power sits uneasily with central planning. In these circumstances, to be effective the council must make up in influence what it lacks in control.

29. Relationships with other admission authorities, particularly foundation schools, are unsatisfactory in a number of cases. In one county, where a majority of secondary schools have foundation status, a small number of governing bodies have presented changes to admissions arrangements and catchment areas as *faits accomplis*. In a unitary authority a number of foundation schools are determined to maintain a high degree of independence and are deeply hostile to anything the LEA says or does. This sense of separateness may be understandable from the schools' viewpoint but it makes effective collaboration very difficult.

30. Nevertheless, after years of mutual suspicion or indeed outright hostility between authorities and grant-maintained schools, many authorities have established good relationships with their foundation schools. Effective admission forums have played their part in promoting co-operation, good practice that will be extended by the implementation of the Education Act 2002.

31. Some authorities are rightly prepared to challenge unduly restrictive criteria for admission to oversubscribed schools. Such criteria can exacerbate social tension, once they divorce a school from its local community. Some voluntary aided or foundation schools, for example, have traditionally served a much wider area than is commonly the case with community schools. There may be a tension between the school's role in serving a wider community, possibly faith based, and obligations to a local community. In one of the unitary authorities visited, for instance, a Church of England voluntary-aided school, situated in an area of deprivation, takes only a tiny proportion of pupils from that community. The authority reasonably sees its role as working with governors over time to secure a broadening of what it perceives as restrictive admissions criteria.

32. This is a subtle and delicate task, which only some authorities are currently attempting. But their position is strengthened by the requirement in the 2003 School Admissions Code of Practice for authorities to mount just such a challenge, where appropriate. The authority must use its influence at the same time to promote social inclusion, encourage diversity and maintain good relationships with its partners. These aims contain an inherent tension.

33. Inspectors have regularly found active and effective co-operation between councils and diocesan authorities across every kind of council. Since diocesan and council boundaries are frequently not coterminous, this regularly requires diocesan authorities to consult with several councils. Nevertheless, sometimes the council–diocesan partnership on school places and admissions planning is a good deal closer than that between the council and some of its voluntary-aided school governing bodies. In some councils, this co-operation has recently manifested itself in an enthusiastic response to the recommendation in the Dearing report² that the number of Church of England voluntary-aided secondary schools should be increased substantially. While substantial advantages have been on offer through a new start and a change of ethos, as well as what is perceived as more reliable and speedier access to capital investment, it is critical that such developments do not promote social divisiveness through restrictive admission criteria. The limited examples considered during this inspection suggest that there are no such problems.

34. The quality of links between neighbouring authorities on planning and admissions issues is more variable. Some authorities do not have reliable data on cross-border movement, which can make planning difficult for their more effective neighbours as well as themselves. The requirement of the Education Act 2002 for councils to draw up co-ordinated admission schemes will force more deliberate collaboration, particularly if, as intended by the government, a legal obligation is introduced to co-ordinate admissions between authorities as well as within authorities. There is also a case for a degree of participation by neighbouring LEAs on the school organisation committee.

Recommendations

Authorities should:

- challenge other admission authorities where there are restrictive admissions criteria determining places at over-subscribed schools
- formalise links and improve data sharing with other councils on planning and admissions issues, particularly in preparation for co-ordinated admission arrangements.

Partnerships with schools

Summary

Authorities often have limited engagement with schools on strategic place planning issues. Many school organisation plans are inadequate expositions of the authority's strategy and authorities do not always develop options for change effectively. The better authorities have sought ways to overcome these problems, for example, through the use of an independent commission and through fostering partnerships between schools.

² *The Way Ahead: Church of England schools and the new millennium*, Church Schools Review Group, chaired by Lord Dearing (June 2001)

35. Schools can be a force for inertia, exhibiting a marked reluctance to embrace change. Often they are only interested in planning issues which appear to have a direct effect on their immediate future.

36. Too many authorities have little constructive engagement with schools on place planning issues beyond individual proposals, for example, a change in admission number or the allocation of additional grant to facilitate smaller infant class sizes. Even here, in some cases, the quality of engagement is weak as the council, for example, fails to capitalise on a school's local knowledge in respect of future pupil numbers or fails to maintain agreed accurate assessments of school capacity.

37. Many school organisation plans (SOPs) are inadequate expositions of the authority's strategy. SOPs are potentially a key engine for debate on place planning, yet too many leave the reader confused as to the council's intentions and suspicious that the 'real' plan is being drawn up elsewhere. This blandness can be reinforced by the omission, in accordance with official guidance, of any reference to individual schools. Authorities have to get the balance right between setting out a detailed strategy and provoking immediate opposition to what some might perceive as unacceptable proposals. At present too many SOPs are simply a repeat of the previous year's and appear a rather dull, bureaucratic exercise. Proposals from the Department for Education and Skills to require authorities from 2003 to produce a new plan only every three years provides an opportunity to raise the plan's profile at that time and to involve schools more effectively in the development of strategy.

38. While most SOPs are reasonably comprehensive in their coverage, too many are particularly weak with regards to provision for children with special educational needs. These SOPs simply provide statistics on places along with statements on current procedures, while the interaction of policies for inclusion with plans for school place provision is insufficiently explored.

39. Generating options for new patterns of school organisation is one of the first key tasks in the process of achieving change. Some authorities have struggled with this process, being unable to get the balance right between consulting on an open agenda, where there may be too great a degree of generality, and consulting on very specific proposals, where the opportunity for debate seems to be closed from the start. Achieving the right balance is an important issue for the authority if it is to gain the constructive participation of schools and governing bodies. Some authorities have successfully tried different ways to involve schools and other stakeholders in school place planning issues. Some councils have undertaken a 'Best Value' review; others have used the scrutiny process, whereby elected members have exposed existing provision to challenge. There are also examples in unitary, metropolitan and county councils of the authority setting up an independent commission with a specific remit for school place planning.

40. An independent commission of some kind can bring a degree of authority through its very independence. It may be particularly useful where the issues are complex or controversial or where the authority has had or anticipates having difficulty in achieving a consensus on the best way forward. Case study 3 provides an example of how one authority made effective use of this approach.

Case study 3

A county authority set up an education commission to help plan the future of education in its main city. The purpose of the commission was to provide a report with a clear, agreed vision to inform strategic planning for the improvement of education in the city. The commission members were brought together to reflect experience and knowledge of education locally from different points of view and covering a spectrum of educational interests. It was chaired independently and its enquiry was conducted on lines similar to that of a parliamentary select committee. This meant that anyone with an interest in education in the city was invited to contribute to the debate and public hearings were held at which witnesses gave evidence and were questioned by members of the commission. In particular the commission drew upon a considerable amount of evidence relating to pupil attainment in the city's schools.

The commission made a series of recommendations and informal consultation took place with schools on how changes might be made in the light of the recommendations. A successful bid was made to the Department for Education and Skills for Private Finance Initiative credits to fund the changes required. Formal consultation then took place with a view to publishing statutory proposals.

41. Better authorities manage to turn good relations with schools into an active strategic partnership. The hallmark of such a partnership is the willingness of individual schools to look beyond their own apparent short-term interests, to pool expertise and to recognise the difficulties others face. In achieving such a partnership the leadership by the council can be a critical catalyst. A clear example of this partnership in action is the securing of agreement on the more equitable distribution of pupils with challenging behaviour. This is considered further on page 15.

Recommendation

Authorities should:

- draw up a school organisation plan that represents a clear and meaningful exposition of the authority's strategy on the provision of school places
- consider the establishment of an independent commission to produce recommendations on school place planning, particularly where the issues are complex and/or controversial.

Political leadership

Summary

School place planning issues often present a substantial political challenge. Cross-party consensus and strong individual political leadership are hallmarks of a successful approach.

42. School place planning raises profound issues of political leadership as starkly as any area of local government. The council struggles to balance the benefits for the wider community against losses for a smaller one, and the need to listen and respond to concerns from the electorate against the need for decisive action.

43. Elected members have frequently been reluctant to address issues of surplus capacity and school closure in all kinds of authorities. There are often persuasive short-term political arguments for allowing matters to drift; the effects of planning decisions on particular communities can be dramatic and unpopular, with knock-on effects for the re-election of individual councillors. Sometimes the political will has proved brittle and short-lived and proposals have been abandoned after intensive lobbying from those affected. Even apparently unpopular schools can generate a fierce degree of local loyalty when threatened with closure.

44. Councils have been most successful in achieving change where politicians have been able to construct a strong cross-party consensus. A review in one shire county, for example, secured commitment across the council on the basis of raising educational attainment as a result. In a London borough, there has been a strong cross-party will to improve educational standards and embrace change. While in opposition the current administration agreed a cross-party vision for the development of the education service, which it is firmly taking forward. In a Midlands unitary authority, local political considerations have been put aside in developing a comprehensive education strategy. The support generated around this consensus culminated in not one statutory objection to a substantial reorganisation of secondary place provision and admissions.

45. The commitment and leadership of individual members, in particular, the cabinet member for education, can be critical in gaining the confidence of other members, officers, headteachers and the wider public. In one metropolitan district the first difficult review which resulted in school closure was deliberately proposed in the ward of the leader of the council. This spoke eloquently of the commitment to action by the whole council and at the highest level.

Recommendation

Authorities should:

- involve key elected members in the development of school place planning proposals so that they can act as champions for their implementation.

Tackling key issues

Organisational change and school standards

Summary

Although authorities tend to pursue changes to school organisation reluctantly, there are many practical examples of the innovative use of school place planning to promote school improvement. It is important that authorities understand the effects of their pattern of school organisation on school standards.

46. Councils are generally and understandably reluctant to pursue structural change in the way school provision is organised. Tackling the issue through changes to the organisation of the school system is generally seen as a last resort, only after the investment of support for individual school improvement has demonstrably failed to have a sufficient effect. Understandably, any authority which believes in a 'family of schools' approach is reluctant to abandon a member of the family without strenuous efforts first to improve performance. Moreover, reorganisation can be extremely expensive and disruptive for all concerned. Councils are right to focus first on supporting schools to improve rather than rushing headlong into school closure, particularly where the places are needed. However, on occasions this approach can be overly pragmatic and reactive, symptomatic of the limited extent to which the school improvement agenda is integrated with the planning of school places in a strategic fashion.

47. Once it is determined that structural change is unavoidable, there are numerous examples of speedy and innovative action: large scale reorganisation, the closure of unpopular and poorly performing schools, the 're-branding' of schools through a new start and the change from one status of school to another. What can be particularly effective is an imaginative combination of initiatives of the kind described in case studies 4 and 5.

Case study 4

A Midlands unitary authority has taken opportunities presented by rising secondary rolls to propose imaginative solutions to a range of problems. The LEA has developed plans for promoting 'learning villages' in four sites in the borough with 24-hour community access and integrated support facilities to make education a community focus, promote community cohesion and raise standards.

One such scheme involves:

- *the closure of a secondary school, which is in serious weaknesses and has major accommodation problems in terms of condition, security and access*
 - *the re-establishment of that school within a brand new school on a new site, better located within its catchment area*
 - *the limited expansion of four popular schools within the area*
 - *the merger of infant and junior schools in an integrated campus.*
- These proposals are being achieved on a self-funding basis, using resources raised from the disposal of unwanted land, and have been progressed with no statutory objections raised.*

Case study 5

One area of a northern unitary authority is served by three secondary schools and has a projected rising roll, which required the provision of at least 300 new secondary places. Two of the schools are large, successful and oversubscribed. The third serves an area of social deprivation and is considerably smaller, facing a further decline in numbers. Though performing well in 'value added' terms, its results have been well below the national average and the school has been unpopular with parents.

The authority decided to expand the two popular schools by one form of entry. In partnership with the diocese, the third school has re-opened as a Church of England voluntary-aided school. The authority previously had no Church of England secondary school, despite a high number of Church of England primary schools. The new status rectified the imbalance as well as increasing diversity. It also offered the prospect of a new and distinct identity and ethos for the school, which is already having some positive effect in terms of parental preference.

48. The relationship between the structure of school provision and school standards is neither direct nor straightforward. There are no general rules that can be applied to all circumstances. For example, the effect of different ages of transfer on pupils' attainment is unclear, although transfer at the age of 11 does have the considerable advantage of aligning primary and secondary provision directly with the present key stages of the National Curriculum. The first cycle of LEA inspections between 1996 and 2001 found overall that there had been some reluctance to tackle the issues associated with three-tier systems of schools and that councils have generally been slow to analyse the effects of the age of transfer on pupils' performance.

49. Councils vary considerably in the extent to which they understand the effect of patterns of school organisation on the performance of schools. Collecting data on pupil attainment over a long period of time has enabled some councils to draw conclusions about rates of progress of whole cohorts of children over their school career. In one shire county, an analysis of the underachievement of pupils in the main city prompted the council to undertake a major reorganisation, dismantling the three-tier system. In another, the authority is implementing a change in the ages of transfer and ending the three-tier system in one part of the county but maintaining it in another part. Another county council, as described in case study 6, used such data to analyse the effects of its middle school system and decided not to make any changes.

Case study 6

One shire county has collected long-term data on pupil performance and has been able to compare results in an area of the county in which the three-tier system operates (first, middle and high schools where children transfer from first to middle schools at nine and from middle to high schools at thirteen) with an area operating the two-tier system (primary and secondary where children transfer from primary to secondary at 11). The authority concluded as follows:

'The evidence so far suggests caution in reaching firm judgments about the performance of the two systems and therefore about action to be taken. The major differences in value added outcomes between the two systems are not great enough to justify the upheaval of pupils and staff, and therefore learning and progress, that school reorganisation into a two-tier system would cause. In the meantime, therefore, the LEA is concentrating on making all of its schools as effective as possible and will continue to monitor closely the performance of the two systems.'

50. These examples show the value of a clear and informed basis on which to make these key strategic decisions. Such decisions are then a matter of judgment, since explanations for low levels of pupil attainment in different circumstances are inevitably multi-causal. However, few LEAs are as well placed as those mentioned to make these decisions.

Recommendation

Authorities should:

- use a systematic analysis of data over time in order to understand the effect of patterns of school organisation on the performance of schools.

Popular and unpopular schools

Summary

There is no simple prescription for resolving the problems inherent in the increasing polarisation between popular and unpopular schools. Tackling this polarisation requires authorities to align their strategies for school place provision and school improvement. Councils must not allow unpopular schools to sink further and the expansion of popular schools is no panacea by itself. The better authorities take the lead in brokering partnerships between schools.

51. Parental preference, the basic legal tenet underpinning council's place planning and admissions policies, exacerbates a number of problems. An unpopular and low-attaining school with spare places may lose more pupils, becoming the only school in an area with places for excluded or mobile pupils and so entering a spiral of decline. In these circumstances parents with high aspirations for their children may believe that the school cannot meet these and that they have no alternative but to seek other provision, quite possibly long distances away.

52. This resulting polarisation of school provision based on educational, social and economic factors is a major issue for many authorities. The weakest schools frequently serve the poorest, most vulnerable and most disaffected groups. More affluent parents are prepared and can afford to transport their children to alternative schools outside their immediate area. Parents who are themselves trapped in a cycle of acute deprivation are more likely to have low aspirations for their children and lack the motivation or knowledge to seek places in more successful schools. They may simply be unable to afford the necessary transport and for the council to take on these costs would represent a potentially massive increase in expenditure.

53. On a very practical level, councils can and do act positively to try to correct the balance between popular and unpopular schools. For example, under-subscribed schools already in difficulties often receive more than their fair share of challenging pupils from elsewhere. A number of councils have secured the agreement of their schools to protocols that aim to achieve a more equitable distribution of such challenging pupils. The 2003 School Admissions Code of Practice requires admission forums to consider this issue and to monitor how well such agreements are working.

54. For the longer term, the better councils are tackling this polarisation by ensuring that their strategies for school place provision and school improvement are fully aligned. An effective school places strategy for the authority as a whole demands an effective strategy in respect of each individual school. This may range at one extreme from monitoring and support of the lightest touch through more intensive intervention to major reorganisation and closure. Put simply, councils must not allow unpopular schools to sink further and must be clear about the approach they intend to take in each case, whether it be intensive support or structural change.

55. Many councils now have experience of improving unsuccessful and consequently unpopular schools, through strategies that embrace structural change and go beyond the range of school improvement approaches. These include initiatives under the government's 'Fresh Start' scheme, changes of legal status and other projects that effectively 'rebrand' the school through changes of leadership, name or buildings. The revitalising of an unpopular school can make a significant difference beyond the confines of that particular school. It can help to rectify the strains on the 'market' in school places which result in pressure on places at popular schools. However, in some circumstances no amount of changes of leadership or name will have a sufficient effect and the authority may have to consider school closure or amalgamation, even when the school places are required.

56. The expansion of popular schools is no panacea by itself. Now pursued increasingly by councils and with deliberate support from central government, it builds on success, making access to that success more widely available. But the consequences may make matters worse for the remaining unpopular schools. Further descent into the spiral of decline may be accelerated, as a school becomes less viable. Yet outright closure may not, for social as well as educational reasons, be the best option: losing its school does not enhance a disadvantaged community. In practice, the council, even while expanding its most popular schools, is likely to have to invest a disproportionate level of resources and school improvement activity into its least popular schools.

57. There is no simple prescription for resolving the problems inherent in the increasing polarisation between popular and unpopular schools. The better councils are proactive rather than reactive, take the lead in brokering partnerships between schools and are prepared to try a range of approaches, looking all the time for innovative and imaginative solutions of the kind described in case studies 4 and 5.

Recommendations

Authorities should:

- align the strategy for overall school place provision with the LEA's school improvement strategy for individual schools
- take action to improve unpopular schools, particularly in the context of expanding popular schools
- seek innovative packages of measures for school organisation, maximising the funding streams available
- take the lead in brokering partnerships between schools to ensure an equitable distribution of pupils with challenging behaviour.

Racial and religious polarisation

Summary

Councils cannot engineer the movements in population that would result in all community schools serving a broad racial mix. They are rightly proceeding with caution, generally preferring a range of informal rather than structural approaches to promoting social inclusion.

58. Some authorities are faced in their schools with segregation on racial and ethnic lines, reflecting segregation in the areas those schools serve. The riots and disturbances in the summer of 2001 threw into sharp relief the potential for social dislocation posed by these demographic and geographical trends. Understandably since then considerable attention has been drawn to ways in which council action can promote social inclusion.

59. Councils cannot engineer the movements of population that would result in all community schools serving a broad racial mix. This does not mean that they are powerless to act to promote broader social and racial tolerance and equality of opportunity, but there are very real limits on the extent to which councils can influence social inclusion directly through school place planning.

60. The Cattle report³ into the 2001 disturbances was very specific in one of its recommendations as to how school place and admissions planning could contribute: 'All schools should consider ways in which they might ensure that their intake is representative of the range of cultures and ethnicity in their local communities. Ideally admissions policies should avoid more than 75% of pupils from one culture or ethnic background in multicultural areas.'

³ *Community Cohesion: A Report of the Independent Review Team*, chaired by Ted Cattle (Home Office, 2002)

61. This proposal offers neither a practical nor a desirable solution. None of the authorities visited in the inspection, where there is polarisation at, or approaching, this scale, supported the proposal. Indeed there is considerable opposition to using school place planning for what is perceived as an attempt at social engineering on a grand scale. Deliberately and artificially limiting the percentage of pupils from one ethnic group cuts across the principle of local schools serving their local communities, a fundamental principle for many authorities. The approach would prevent the LEA from complying with the expressed preference of some parents. These are likely to be minority ethnic parents who are as keen as any others to have their children attend their preferred school, which is, as often as not, the local school.

62. Case study 7 illustrates the complexity of the issues councils face. It describes how one authority is approaching the issue of polarisation, in particular through bringing an independent Muslim school into the maintained sector.

Case study 7

A northern unitary authority is faced with a situation where there is:

- *de facto segregation - out of 9 secondary schools only two or three could claim a real mix of pupils of different ethnic backgrounds within their intake*
- *an increasing trend for parents of Asian heritage to send their children to independent Muslim faith schools, so entrenching further this segregation and losing the authority some of its brightest pupils*
- *a growing alienation on the part of some Asian parents as they are unable to get their children into the best schools in the borough*
- *a growing resentment that faith schools exist for the Church of England and Roman Catholics but not for Muslims.*

The council responded to this with a wide reaching consultation on the issue of faith schools and cultural diversity. The outcome was an agreement in principle to bring the most successful independent Muslim school for girls within the maintained sector as a voluntary-aided school. This is intended to:

- *rectify a clear unfairness to the Muslim population in terms of school provision;*
- *allow the authority to influence developments in education*
- *prevent the continued loss of pupils from the state sector*
- *bring advantages to the school from coming under the LEA umbrella in terms of funding, facilities and access to LEA support.*

There are however risks in this process:

- *the perception that the move will further entrench segregation – the council counters that schools are already segregated and maintaining the status quo effectively denies one group of parents the same educational opportunities open to parents of other faiths*
- *implications for other schools, in particular the loss of able girls from existing community schools and the effect on the gender balance in other schools.*

At the same time the authority is working with the diocese and a voluntary aided school to seek more inclusive admission criteria so that the intake is more representative of the community in which it is located.

63. The above example will create a single sex girls' school within an otherwise co-educational system. Councils seek to respond to the demand for single sex education for girls on the part of Muslim communities, but they are then faced with a consequent gender imbalance in co-educational schools. In London, many boroughs

have a high proportion of single sex schools but are discouraged from combining girls and boys schools into mixed schools by the demand from the Muslim community.

64. In general, councils are sensibly taking a pragmatic and cautious approach to tackling racial and religious polarisation. Rightly rejecting attempts to engineer a large-scale movement of pupils, councils are much keener to adopt more informal approaches, which may assist social and cultural awareness. These include, for example, twinning between schools serving very different areas, curriculum development particularly in terms of education in citizenship, staff training and working with parents. An assessment of the evidence for the effectiveness of these approaches is outside the scope of this exercise.

Mobility of pupils

Summary

Large-scale mobility of pupils is common and a force for instability. The interests of individual councils may conflict with sensible place planning across a wider area. Some councils have been able to pursue their policy of giving priority to local communities, even if that means restricting cross-boundary movement. Some councils have also been successful in discouraging hasty mid-year transfers of pupils between schools.

65. Mobility of pupils on a large scale presents real challenges to council planning and can impose significant constraints on an authority's drive to raise educational standards. It is an issue for councils in two quite distinct ways: firstly, cross-boundary movement during the regular admission periods, as parents seek and gain places for their children at schools in neighbouring authorities; secondly, the movement of pupils between schools or a sudden influx of new pupils, outside these periods.

66. Where there are high levels of pupil movement between authorities, the interests of individual councils may conflict with each other, with the interests of sensible place planning across a wider area and, thereby, with the interests of parents and children.

67. For example, one London council has repeatedly objected to proposals from its neighbouring council and a diocesan authority to build a new secondary school near its boundary in an area where the authority has the highest proportion of surplus places. Another is lodging objections to proposals by an adjacent council to close two schools near the border and open an academy. It fears an increased demand for secondary school places in its own area and an over-capacity at sixth form level. The post of adjudicator has been established to rule on just such disputes but by definition this comes late in the process. The alternative is a change in the law which, at least in a major conurbation like London, cedes powers over school place planning to a higher strategic authority than existing councils. The case for this alternative needs further exploration.

68. Established catchment areas regularly cut across council boundaries. This was recognised in the Greenwich judgement (1990)⁴, which declared it unlawful for authorities to give priority in school admissions to their own residents, and which effectively rendered authorities powerless to prevent cross-border movement.

69. Nevertheless, there are circumstances in which councils have rightly attempted with some success to reduce cross-border movement. There are persuasive arguments for doing so. Liaison between primary and secondary schools is complicated significantly, as each intake includes pupils from many schools. In one London borough visited, for example, in 2002 slightly more than one in seven secondary aged pupils came from outside the borough. One school on the border of the LEA takes 60% of its pupils from another borough. The 16 secondary schools in this authority have to liaise with 340 feeder primary schools outside the borough. Pupils from outside the authority may not receive effective pupil support services – officers believe there is a lack of support for pupils from other boroughs from their educational welfare services. There may also be difficulties securing support from health and social services for families of disadvantaged pupils or those with special needs.

70. For both schools and authorities the sustained loss of pupils is debilitating. Low-performing schools in a low-performing authority tend to lose potential able pupils to neighbouring authorities, depressing standards further. For example, one unitary authority estimates that it loses 10% of its most able pupils to neighbouring authorities and it is by no means unique. There are numerous examples, within the councils visited, of selective schools drawing in high-achieving pupils from a wide area and conversely, parents in areas with a selective system seeking comprehensive places.

71. In two of the unitary authorities visited, one of which is highlighted in case study 8, the degree of cross-border movement significantly compromised the council's objective of providing local schools for local children. As a result they have drawn up new schemes of parental preference or redrawn catchment areas, which have had the effect of significantly reducing cross-boundary movement.

Case study 8

One southern unitary authority had from its inception a strong corporate commitment to developing local provision and sustainable communities. In furthering this objective, it wished to promote the concept of local children attending their local schools, while not conflicting with the principle of parental preference. With many of its secondary schools close to its boundary or within easy travelling distance, the LEA was faced with a situation where these schools were admitting a high proportion of children from a neighbouring authority, while significant numbers of the children of its own residents were unable to gain a place at their local school.

Following a major consultation exercise, the council reviewed catchment areas (though not necessarily for each individual school) and changed its criteria for oversubscription,

⁴ *R. v. Greenwich London Borough Council, ex parte John Ball Primary School* (1989) 88 LGR 589 [1990] Fam Law 469.

particularly in respect of sibling links. The new policy did not contravene the Greenwich judgement (see above), since applicants from outside the catchment areas were treated equally, whether inside or outside the authority. The result was that the intake of pupils from outside the authority was reduced by more than half and the council was able to make more equitable provision for local communities within its boundaries.

72. High levels of mid-year mobility, so-called 'casual admissions', are disruptive to learning for pupils and teachers. At times the authority has no alternative but to respond to unforeseen and uncontrollable pressures from outside, for example, with an influx of large numbers of refugees or asylum seekers. Sometimes the problem is far more within the council's control, even exacerbated by its own action or lack of it. For example, in two northern cities, high numbers of empty council tenancies have allowed a very high rate of movement between council houses and consequently of children between schools. There were also acute problems in one shire county as a result of the unanticipated relocation of families from London.

73. There is little an authority can do to prevent this kind of pupil mobility. It may have to be reactive and seek to mitigate the worst effects. A number of councils have, however, sensibly introduced procedures which discourage the hasty transfer of a child from one school to another mid-year. This kind of modest measure can promote a greater degree of stability. Case studies 9 and 10 illustrate arrangements in two different authorities.

Case study 9

A year ago a Midlands metropolitan district authority established a Secondary Social Inclusion Advisory Placement Panel, with all secondary headteachers signing up. All casual mid-year admissions are referred to the panel for consideration. The panel includes officers, headteachers and representatives of the Excellence in Cities project. It is already having an impact in discouraging parents who move their children from one school to another on a whim, as well as supporting the council's policy for zero exclusions. The Panel aims to prevent the withdrawal of a child from school before a new place is allocated.

Case study 10

A London borough has also sought to reduce mid-year pupil mobility in a similar way. All secondary headteachers except one have agreed to a protocol whereby, if parents want to move their children, a meeting takes place in the LEA. At this meeting the sending and receiving schools and the parents discuss the child's problems, seeking to resolve problems if possible in the sending school rather than pass them on to a new school. Officers say that the protocol has been particularly helpful in tackling chronic non-attendance, as moves of school have an adverse effect on the authority's ability to prosecute.

Recommendation

Authorities should:

- introduce procedures to minimise mid-year transfers of pupils between schools.

Annex A – summary of recommendations

Partnerships within departments should:

- ensure that data on school and pupil characteristics, places and performance are integrated within a management information system and used for planning purposes
- ensure that management structures and arrangements optimise links between officers responsible for school place planning and admissions and those responsible for school improvement and social inclusion policies.

Partnerships across the council should:

- manage their organisation so that collaborative working across the council, particularly between education, housing and planning departments, is sustained and developed
- take advantage of opportunities to negotiate contributions by developers for new school places in existing and new schools.

Partnerships between admission authorities should:

- challenge other admission authorities where there are restrictive admissions criteria determining places at over-subscribed schools
- formalise links and improve data sharing with other councils in planning and admissions issues, particularly in preparation for co-ordinated admission arrangements.

Partnerships with schools should:

- draw up a school organisation plan that represents a clear and meaningful exposition of the authority's strategy on the provision of school places
- consider the establishment of an independent commission to produce recommendations on school place planning, particularly where the issues are complex and/or controversial.

Political leadership should:

- involve key elected members in the development of school place planning proposals so that they can act as champions for their implementation.

Organisational change and school standards should:

- use a systematic analysis of data over time in order to understand the effect of patterns of school organisation on the performance of schools.

Popular and unpopular schools should:

- align the strategy for overall school place provision with the LEA's school improvement strategy for individual schools
- take deliberate action to improve unpopular schools, particularly in the context of expanding popular schools
- seek innovative packages of measures for school organisation, maximising the funding streams available
- take the lead in brokering partnerships between schools to ensure an equitable distribution of pupils with challenging behaviour.

Pupil mobility should:

- introduce procedures to minimise mid-year transfers of pupils between schools.

Annex B – list of councils visited for fieldwork

Bexley

Blackburn with Darwen

Croydon

Devon

Essex

Hammersmith and Fulham

Medway

Middlesbrough

Northamptonshire

South Gloucestershire

Telford and Wrekin

Tower Hamlets

Trafford

Warrington

Wolverhampton

Annex C – glossary of terms

Admission authority

In a community or voluntary controlled school, the admission authority is the LEA (unless it has delegated this responsibility to the governing body); in a foundation or voluntary aided school, the admission authority is the governing body.

Admission forum

The Education Act 2002 required each LEA to establish an admission forum, although many had done so earlier. Admission forums provide a vehicle for admission authorities and other key interested parties to get together to discuss the effectiveness of local admission arrangements and seek agreements on how to deal with difficult admission issues.

Code of practice on school admissions

First issued in 1999 and subsequently revised in 2003, the code of practice on school admissions explains the legal requirements in this area and gives guidance on good practice.

Grant-maintained (GM) status

Schools were able during much of the 1990s to "opt out" of LEA control and attain grant-maintained status. These schools received funding from a national agency. After the 1998 School Standards and Framework Act abolished GM status, most of the schools became foundation schools, maintained by the LEA.

Greenwich judgment

This judgment in 1990 declared unlawful a decision by Greenwich LEA to give priority in admissions to its own residents over residents from neighbouring LEAs.

Parental preference

Parents are able to express a preference as to the school at which they wish their child to be educated. LEAs and governing bodies have a duty to comply with that preference, except in particular circumstances, for example, if compliance would not be compatible with the provision of efficient education and the avoidance of unreasonable public expenditure. While they are able to express a preference, parents do not in law have the right to "choose" a school.

School organisation plan (SOP)

An LEA's school organisation plan sets out how the LEA proposes to remedy any excess or insufficiency of school places in the area and how they intend to provide for children with special educational needs. The SOP is a contextual document and provides the basis against which the school organisation committee can consider subsequent changes to schools in the LEA area.

Section 106 agreements

Section 106 of the Town and Country Planning Act 1990 allows a council to negotiate with developers on planning obligations, regarding the provision of additional school places that result directly from new housing developments.