

**Market Frustration? Admission Appeals in the UK
Education Market**

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Market Frustration? Admission Appeals in the UK Education

Market

Abstract

In the UK parents have been given the opportunity to express a preference of school. However, since there are limits to the number of students a school can admit, published criteria are used to prioritise students to school places. Consequently some parents do not get a school of their choosing.

But the same legislation (the 1988 Education Reform Act) gave parents the opportunity to appeal against their allocated placement. The number of parents appealing against their allocated placement has risen significantly from 4.21% of admissions in 1993/94 to 8.70% of admissions in 1998/99; amounting to a total of 53,739 appeals in one year. This suggests that more parents are becoming dissatisfied with the failings of the new market system to allow them a school of their choosing.

A potential explanation for this is a growing awareness by parents of their rights and the rise of a consumer culture in education. However, significant geographical variations across the UK in the prevalence of appeals suggest further possible causes of market frustration.

Keywords

Appeals Admissions legislation School diversity Social capital
Local Education Authorities

Introduction

In the United Kingdom parents have been given the opportunity to ‘vote with their feet’ by not sending their children to schools that they believe are not satisfactory. This was a key element proposed by advocates of the market (Friedman and Friedman, 1980; Chubb and Moe, 1988) to force schools to be more responsive to the needs and desires of their consumers. However, in the context of the UK, parents have only been given the opportunity to express a preference of school, and since there are limits to the number of students a school can admit (the Planned Admission Number) published criteria are used to prioritise students to school places. This mix of open enrolment and bureaucratic rules has created a quasi-market form of admissions (Le Grand and Bartlett, 1993). Consequently some parents do not get a school of their choosing, but the 1988 Education Reform Act did give such parents the opportunity to appeal against their allocated placement. Even though legislation since 1988 has modified the admission appeals process the underlying motive behind appealing has remained the same, that is frustration with the quasi-market admissions process.

In the UK the proportion of parents appealing over their allocated school has risen significantly from 4.21% of all admissions in 1993/94 to 8.70% of all admissions in 1998/99; amounting to a total of 53,739 Appeals made over the allocation of places in one year of admissions. This suggests that more parents are expressing their dissatisfaction with the failings of the new market system to allow them a school of their choosing. These figures are quite significant. Given that LEAs suggest between 90 and 95% of parents get a place in their first choice of school the number of parents appealing is almost equal to all the parents whose first preference is not met (Gorard, 2000). There have even been reports that parents are ‘cheating’ in their appeals, by,

for example, providing a false address, or renting a second home, within the school's catchment area (Luck, 2000).

The most obvious explanation for this rise in dissatisfaction is a growing awareness by parents of their rights and the rise of a consumer culture in education. However, there are significant geographical variations across the UK in the prevalence of admission appeals. The purpose of this paper is to examine the possible causes of appeals in the admissions process at both a local and national level. This research is unique in that it provides an empirical analysis of the regional patterns of admission appeals in the UK. It does this in order to identify how the operation of the market in different school districts, the administrations given responsibility for school provision and allocation of places, may be causing differential rates of admission appeals in such local education markets.

Background

The introduction of open enrolment in schooling gave parents the opportunity to transfer their child to any school. This generates a radically new component to how schools and public bureaucracies (i.e. the providers) should respond to the changing needs and wants of parents (i.e. the consumers). According to Hirschman (1970) this is a form of 'exit', which, it is believed, will make schools and bureaucracies more responsive than they were when 'voice' was really the only means to change the production of education. Admission appeals in the UK education market are unique in that they provide a formal, more sophisticated, example of a process where 'voice' is being used because there are limits to giving parents the opportunity to 'exit' schools that are perceived to be inferior to alternative provision. The presence of such appeals

in the education market does highlight the limits to the market situation in the UK, whether they be market-based limitations or constraints imposed by public bureaucracies.

The quasi-education market in the UK differs from that of the USA since there is a national policy for school provision and admissions. However, it is characterised by a mosaic of different local markets typically defined by the administrative boundaries and decisions made by Local Education Authorities (LEAs), both historically, in the development of school provision, and in their differing interpretations of national admissions policy (Ball et al, 1994; White et al, 1999). Consequently this study examines the presence of admission appeals from a geographical perspective. It compares the number of appeals across LEAs of England and relates these to the different market characteristics found in the LEAs.

Some commentators on the impact of markets in education have suggested that open enrolment advantages the middle-classes (Jeynes, 2000) due to their greater levels of social and cultural capital (Bourdieu and Passeron, 1992). Consequently, it could be argued that parents going to the appeal stage of the admissions process, and preparing successful appeal cases, are also likely to have relatively greater social and cultural capital. Therefore another feature of the pattern of admission appeals is whether it is such middle class parents being prompted to 'voice' their frustration with the new education market. Large-scale (Gorard and Fitz, 2000) and small-scale (Taylor, 2000) empirical studies have shown that it is very likely that parents from both ends of the socio-economic spectrum are actively participating in the simple process of open enrolment. However, there may still be a distinction between 'alert' and 'inert'

parents (Willms and Echols, 1992) when it comes to appealing against their school placement.

Methods

The data used in this study come from a number of datasets combining official statistics and interview transcripts at the regional or Local Education Authority (LEA) scale. The appeals data for England is published annually by the Department for Education and Employment (DfEE), aggregated by LEA and by type of school. Much of the discussion presented in this paper makes use of this secondary data in order to outline the pattern of appeals over time and across England. In beginning to help explain the patterns that emerge, other key educational variables that characterise education provision in each LEA, also published by the DfEE, are used in multiple regression.

A second main source of data used in this paper comes from interviews with senior personnel, such as Admissions Officers and Policy and Development Officers, from twenty LEAs across England. This sample LEAs were chosen to represent a number of significant contextual variations. These included their geography, their admissions procedures, their school composition, and their levels of between-school socio-economic segregation (for more information on their characteristics see White et al 2001). These key informants provide detailed information on the incidence of appeals in their respective LEAs, and which are used to help explain the analytical findings.

The study also incorporates distinct methods of quantifying levels of market activity and participation by parents using a computer-based Geographical Information

System (GIS). This uses the home postcodes of one year's (1995/96) secondary school admissions from seven LEAs in England, representing urban and rural locales. By entering pupils' home postcodes into a GIS the straight-line distances that they travel to school can be calculated. Then, by comparing these distances with the distances between alternative schools, it is possible to begin quantifying whether parents appeared to exercise school preference. This paper uses a simple definition of participation by parents by identifying those parents who did not choose their nearest school (for further discussion on this method see Taylor, 2000).

Admission Appeals

Appeals, in the form discussed throughout this paper, were first introduced by the Conservative government in the 1980 Education Act, but, as with open enrolment, acquired more significant status with the 1988 Education Reform Act. Appeals are used primarily by parents who have failed to get a school place of their choice for their child. The presence of appeals in the admissions process can be seen as having two purposes. First, it provides a mechanism for ensuring that whichever institution allocates school places does so with the notion of parental preference in mind. And second, it provides parents with the means to be given a full justification for the original decision and to present further evidence that they believe may reverse this decision.

The Labour government in 1997 continued the reforms of choice and diversity initiated by the previous government. The School Standards and Framework Act 1998 prompted the creation of a School Admission Appeals Code of Practice 1999 designed to ensure that 'the appeal system is as open, fair and effective as possible'

(Foreword by the Secretary of State, DfEE, 1999). One aim of this Code of Practice is to ensure that ‘parents find appeal arrangements easy to understand’ (DfEE, 1999:2), thereby actively promoting the appeals process. The principle behind the appeals process has remained the same since it was first introduced. However, the Labour government sought to produce greater transparency in this process by providing guidelines for the membership of the appeals panel and outlining how an appeal should operate. Another significant feature of this recent Code of Practice was to allow parents to make a separate appeal for *each* school place they were refused. Before this modification to the appeals process parents would appeal in one ‘sitting’ irrespective of the number of different schools in which they did not get places. Consequently, the decision of the appeals panel should now be made irrespective of what other schools these parents have applied to. Importantly for any analysis of appeals in England and Wales this means that by definition the number of appeals may rise without the number of parents who go through this process going up. As this change was only effective from the 2000/01 admissions year onwards this will not have impacted upon the analysis and results presented here. However, future analysts will need to bear this in mind.

The appeals process currently operates in the following way. Once the decision about allocating school places has been made parents are entitled to appeal against this decision. If a parent lodges an appeal they are then invited to present their case to an appeals panel, specifying the choice of school to which they wish to send their child. At the appeals hearing the respective admission authority¹ defends their decision to

¹ Admission authorities are defined in the School Standards and Framework Act 1998 as the relevant institution who decides on the admission arrangements for schools, either the LEA, the governors of Voluntary Aided or Voluntary Controlled schools, or the governors of Foundation schools.

refuse a place to that particular child. The final decision of the appeals panel is binding for the admission authority. In some instances the parents are allowed to appeal again, when there have been significant and material changes to the circumstances of the parent or relevant school. If parents were dissatisfied with the appeal itself then they may make a formal complaint to the Local Government Ombudsman.

Growing market frustration

Appeals over school places have risen dramatically since they were first introduced. Just in the six years between 1993 and 1998 the number of appeals lodged by parents for secondary school places have more than doubled from 24,581 to 53,739. By 1998 this amounted to nearly one in ten parents of that year's admissions appealing against the decision in allocating them a school place (Figure 1). As suggested before, considering that approximately 90% of parents get their first preference, it could be argued that the number of parents appealing equals all those not getting the school of their choice. Similarly, the overall proportion of appeals heard, and upheld in the parents' favour, have also doubled in the same time interval.

[Insert Figure 1 about here]

One explanation for this rise is a growing awareness by parents of their rights to express a preference of school and of their rights to appeal,

‘The number of appeals has increased significantly. Parents have become much more aware of their rights or what they perceive as their rights [...]

Perhaps the political emphasis on parent power has raised people's awareness so people are more inclined nowadays to appeal that they would have been 5 or 6 years ago.' (Large Southern County LEA, Admissions Officer)

Given the evidence that parents are perhaps becoming more aware of their rights to appeal, some admission authorities, notably foundation or voluntary aided schools, are reluctant to encourage parents to appeal. This tension is perhaps inevitable since it is *they* that have refused admission,

'I worry about this, but I think although a lot had the right to, I think very few do [appeal]. I do have evidence but I'm not going to state the schools where the parents are telling us that the schools are refusing appeals on the grounds that you're number 300 on the waiting list and we're only going to do [appeals for] the first 50. Which is illegal.' (Outer London LEA, Admissions Officer)

In such cases Local Education Authorities (LEAs) often act as 'enforcers' by making it their responsibility to make parents aware of their rights to appeal and to make the process as transparent as possible,

'We have experienced a number of cases where through misunderstanding or naivete of the admissions code of practice some of the actions of the [foundation] primary schools have been a little odd [...] We have certainly take a great step to ensure that parents are aware that when they raise

issues with us we do inform them of their rights and we would defend them to the utmost to ensure that parental preference is taken on board.’

(Small Southern County LEA, Admissions Officer)

Even where parents lodge an appeal against the decision to allocate a school place for their child not all of these go to the next stage of the appeals process to actually present their case in front of an appeals panel. According to Figure 2 the proportion of appeals actually heard against the number of appeals lodged was around 70% over the period. There were slight fluctuations in this year-on-year but the general level remained the same. This meant that of every ten appeals lodged three did not go any further.

[Insert Figure 2 about here]

It is considerably easier to lodge an appeal than it is to actually go to the next stage and prepare a written argument that is then presented in front of a group of appeals panellists. It is perhaps not surprising that a number of parents drop out the process at this stage. In some cases the admissions decision could have been reversed, but, according to the LEA admissions officers, this was very rare. Instances where this may occur are where parents are very high up on a schools waiting list and while waiting to appeal a place becomes available in a school and is offered to them. Some parents who have lodged an appeal are discouraged to continue with their appeal by the LEA. In a number of situations LEAs held their own preliminary stage to the appeals process,

‘One of the interesting things that we have in [LEA] of, decisions were made by [LEA admission] officers, all the applications would come in and all the rest of it, and decisions would go out to parents and before parents – they have a right to get a statutory appeal – but if they were not happy with that decision at that stage then we would have a further process by which we could ask that their appeal be reviewed by the authority and at that point that review was undertaken by a panel of elected members [...] and if they still didn’t get their place then they could go on to the statutory appeal – it was an additional stage.’ (Large Eastern County LEA, Deputy Director)

However, even though this appears to give parents a chance to have an appeal reviewed before going to the statutory appeal panel this process was criticised. When asked if this extra stage to the appeal was still operational they responded,

‘No we don’t, partly because we got criticised by the Ombudsman who suggested that it was actually a confusing stage for parents who thought it was an appeal when in fact what it was was just a further stage before the final final LEA decision and the Ombudsman didn’t like the idea that you had a LEA decision but then there was a further review of that decision. It also started to prolong the time-scale and so after considering it the view was that we took that stage out. One of the interesting things, and the jury’s still out on this, is there is a suggestion that that is actually increasing the number of appeals or statutory appeals because that actually filtered out some parents who at that stage felt OK we didn’t like the

decision but we've had a chance to make representations about it and get it reviewed, we've still not got out place but we'll settle, as it were, at that stage. And there's a feeling that we're actually getting more appeals.'

(Large Eastern County LEA, Deputy Director)

While in this case the LEAs formal stage has been removed it is still apparent that some LEAs felt they had a role in justifying their decision to parents before the appeals were heard. This probably discourages a significant minority of parents from going to the next stage of the appeal.

Approximately one quarter of parents who lodge an appeal, or 32% of parents who get their appeal heard, are successful in their appeal, i.e. they get a place in the preferred school (Figure 3). Between 1993 and 1998 this figure gradually fell but began to rise after 1996/97.

[Insert Figure 3 about here]

Of the secondary admissions in each year the proportion of parents who have their appeal upheld has risen from 1% to 2% over the period (Figure 1). This figure remains very low but does mean that 100% more parents are successful in their appeal by 1998/99 than they were in 1993/94. This should give parents encouragement. However, LEAs do not necessarily see it that way. Instead they see it as a reflection of their own ability to arrange the new form of admissions arrangements well,

‘We might go along with a case that we think is a ‘winner’ for the authority and we lost it and you think, well what went wrong there? And others you think there’s not much of a case there. But for appeals it’s a two stage process: we’ve got to convince the panel that the school [in question] can’t accommodate more children, and to let more kids in will produce prejudice. If we do that then we go onto the second stage that’s looking at the individual circumstances of the parents. Last year we did quite well – I think on the whole I think the number of appeals that were approved were slightly less, and don’t know whether these figures balance that up, but we did work very hard.’ (Eastern County LEA, Admissions Officer)

The two stages in the appeals hearing outlined above allow the LEAs to see if their own argument stands up to scrutiny. Even if the parents’ appeals were upheld LEAs would still know if their own case, and their original decision, was correct. Of course the danger of the LEA not being able to present their case well in stage one becomes apparent,

‘Stage one is where we try to persuade the panel that the school is full and cannot possibly take any more, it would be prejudicial to admit any more children. The panel at the end of that stage have to decide whether or not we’ve produced and made a case. If they say no there is no case, you’re not presenting the facts as they really are, then all the children who are appealing [for a place at that particular school] get in.’ (Large Southern County LEA, Admissions Officer)

This responsibility placed on the respective admissions authority to get their original decisions right often becomes a personal sense of victory, perhaps detracting from the real purpose of the appeals process within greater parental choice,

‘In the past the decisions have been taken by the admissions team but someone else presented the case: people who have experience in schools but didn’t deal with the issue of decision-making arrangements. Last year all the appeals were done by people who were connected with the team. Until last year I hadn’t done appeals whereas I did last year. My team managers, who had not previously been involved in it were. And we worked very hard to prepare our cases. I’m sure we worked a lot harder than our previous colleagues, because part of it was that you didn’t want to let yourself down, or you didn’t want to let your decision down by losing the appeal. You think – I’ve made that decision, it’s a good decision, there are too many to go there and I’m going to make sure they don’t get in by appeal – so you’ve got that incentive.... One year where we had a new person in doing the appeals who had not previously worked within the authority for a while coming from school, and they’ve been relegated! And it was just not understanding the system, she was getting conned by headteachers. They were saying – yeah, we’ll have a few more kids, ‘cos they wanted to keep the same number of classes but have 4 or 5 more kids and get £10,000 more [for each pupil] – but because they didn’t make that specifically clear they couldn’t convince the panel that the school couldn’t accommodate more children. So they [the appeals panel]

decided they wouldn't be prejudice and let all 20 in, which is duff for the school because they then had to have another class.' (Eastern County LEA, Admissions Officer)

This situation puts LEAs, in particular, in a difficult situation. On the one hand they have a responsibility to the parents to inform them of their rights to appeal, yet on the other hand it is they that have to defend their case to the appeals panel when a parent does appeal. This difficulty does not appear to apply to all admissions authorities however. As discussed earlier the voluntary aided or foundation schools, who have independence in the admissions process, do not fulfil their responsibility to inform parents of their rights with as much enthusiasm as the LEAs. The difference between these two sets of admission authorities is probably due to the historic nature of LEAs as the state vehicle to manage and provide schooling for all parents.

Another slight contradiction that emerges from reviewing the appeals process is the confusion that appears over the attempt by LEAs and the government to make the admissions process as objective as possible. If the allocation of places in oversubscribed schools was, as is encouraged in the 1999 School Admissions Code of Practice, as transparent and fair as possible then, theoretically, there should be few appeals. They certainly should not be rising. This tension is particularly felt by community schools who have no real responsibility in the admission arrangements yet are often the ones that have to deal with the outcomes of any appeal,

'Lots of heads do not, and governing bodies do not, accept the appeals system, and they say to me that – if we have got an agreed plan how can

anybody be admitted above that, that is ridiculous – and I said of “course and parental choice...?”, and of course they just don’t accept it thinking that is ridiculous [...] They just don’t accept that that somebody can get into their school above the agreed number on appeal. When I say they don’t accept it of course they have to accept it. They question it and regard it as being illogical and ridiculous.’ (South Wales Urban LEA, Admissions Officer)

In the Audit Commission’s report, *Trading places: the supply and allocation of school places*, one of their key recommendations was to, ‘10. Manage demand for places by.... pursuing strategies aimed at controlling the overall levels of appeals’ (Audit Commission, 1996:59). However, practical solutions to this while encouraging parental choice and maintaining efficient provision appear to be limited,

‘[The Audit Commission survey] seemed to think that we should do more to try and reduce [appeals] or to try and settle them, but then if more people decide to appeal I don’t quite know what you can do about that. You can reduce the number of appeals to nil and let them [parents] go to any school they want, but then you can’t manage the situation properly.’ (Eastern County LEA, Admission Officer)

Given these concerns it appears that the level of frustration of the admissions arrangements on parental choice is still rising. However, the overall level of market frustration, and changes to this, are not equally distributed across England. The discussion now turns to the regional incidence of appeals in England.

The geography of market frustration

There are enormous variations in the number of appeals lodged by LEA in England (Figure 4). For example, in Enfield 56% of parents seeking a secondary school place for their children in 1998/99 lodged an appeal against the decisions made. This had increased from 38% in the previous year of admissions. At the other extreme in North Tyneside, similar in population size to Enfield, less than 2% of their parents went on to appeal against their school placement. The geography of these large variations is illustrated in Figure 5.

[Insert Figure 4 about here]

[Insert Figure 5 about here]

The LEAs with a high occurrence of appeals were typically urban/metropolitan authorities. However, this is not perhaps the case for all urban authorities, as illustrated by the examples of Enfield and North Tyneside above. Similarly, there were a number of rural LEAs with a high proportion of appeals being lodged: such as in Lancashire, Hertfordshire and Buckinghamshire LEAs.

Similar variations in the number of appeals heard, and the number of appeals upheld in the parents' favour, are also evident (Figures 6 and 7). These variations are very interesting but an examination of them is beyond the scope of this paper.

[Insert Figure 6 about here]

[Insert Figure 7 about here]

What, then, are the causes of both the year-on-year increases of, and the unequal spatial distribution of, parental frustration with their school placement? Based on multiple regression analysis of the incidence of appeals by LEA and interviews with senior LEA officers the following section will examine a number of factors that can begin to explain these patterns of appeals.

Causes of market frustration

Based on multiple regression using backward stepwise elimination of a number of LEA indicators (see Appendix for a full list of variables) four key factors appear to help explain the incidence of appeals being lodged across England. The results of this are given below. The coefficients and t statistics of the four variables are presented in Table 1.

Dependent variable:

Appeals lodged, as a proportion of total admissions for 1998/99

Predictors

(Constant)

Density (pupils to area)

Grammar schools as a proportion of all maintained schools, 1999

Modern schools as a proportion of all maintained schools, 1999

Additional Educational Needs Index (DfEE index of deprivation), 1998

Results:

$$R = 0.641 \quad R^2 = 0.411$$

[Insert Table 1 about here]

Greater 'consumer' behaviour of parents

One of the most significant variables to emerge from the regression analysis was the density of each LEA. The results of this analysis would suggest that more urban, and highly populated, authorities will tend to have more appeals lodged. This indicator or market frustration raises a number of possible explanations.

It has already been suggested that parents have become more aware of their rights to appeal, and, as more parents appeal over the decision, more parents are encouraged to appeal due to the increasing number of appeals upheld in the parents' favour,

'I don't quite know why the [appeal] numbers were increasing, one might say that we were publicising it better, the parents were becoming more aware of their rights. I think perhaps sometimes it depends on... you might get one school where there is a lot of success one year, so people will think – oh, they're very successful, it's not such a losing battle after all.' (Eastern County LEA, Admissions Officer)

LEAs have appeared to also become increasingly active in giving parents the opportunity to appeal, even in areas where many schools operate their own admissions arrangements,

‘Now one of the standardised documents we are trying to produce is a standardised rejection letter, all schools are supposed to, in their rejection letter, say, “I am sorry you have been rejected for your place because the school is full”, or whatever it might be, “If you want to appeal against this decision contact...”. So the schools inform the parents at that stage and because as I have said we have now got a standard wording for them to use in that respect so they will tell the parents, parents will get information about what to do next.’ (Outer London LEA, Admissions Officer)

Underlying parents’ greater awareness of their right to appeal is their growing awareness of their right to make a preference for any school they wish to send their child to,

‘What has changed is an increasing number of parents are not choosing the school that they would traditionally have been their local school’
(Large Eastern County LEA, Deputy Director)

As more parents seek alternative schools to their local school then it may be inevitable that there will be more parents who will want to lodge an appeal over their school placement. Similarly, the spatial variations in appeals lodged may be related to varying levels of activity by parents in the market place. Indeed the greater propensity of appeals to be lodged in urban/metropolitan LEAs probably reflects the greater opportunities that parents have in urban areas to choose alternative schools to their local school.

Further evidence of this relationship between greater parental activity in the market place and the levels of appeals can be seen in Figure 8. Using pupils' home postcodes in a Geographical Information System the proportion of pupils not attending their nearest school was calculated for the 1995/96 year of admissions in seven LEAs (for further discussion of this method see Taylor, 2001). These LEAs represented different areas of England, north and south, urban and rural. Using the proportion of pupils not attending their nearest school as a proxy for parental activity in the market place it can be seen that there is a relatively strong relationship with the number of appeals lodged.

[Insert Figure 8 about here]

Figure 8 also illustrates that there is not necessarily always a direct relationship between pupil density and market activity of parents in the education market place. For example, there was little difference in the degree of parental activity in one metropolitan borough and a county LEA. This would suggest that other factors are also of importance.

Pressure on school places

Another factor that is related to the level of market frustration in England is the number of surplus places in the schools. The fewer the surplus places in any LEA the less chance parents will have in getting their choice of school. Indeed, some LEA admission officers reported that the pressure for places played a crucial role in determining market frustration,

‘I think a lot of it is to do with pressure on places. I think that is a particular problem that we have in [LEA] and here at the moment. We are very short of places in some areas [...] There are no places for extra children, so where are they going to go. It’s miles and miles, they can’t come down here to the south because that’s full, there’s nowhere to go.’

(Large Southern County LEA, Admissions Officer)

However, the regression analysis included both, the ratio of surplus places to total admissions, and the proportion of all secondary maintained schools with 25% or more surplus places in them. Neither of these variables appeared to have a relationship with the number of appeals lodged, once other factors were accounted for.

Rather than overall surplus places the incidence of appeals is more likely to reflect the degree of popularity of the schools. If, in one authority, there are a few schools that are heavily oversubscribed then there may be a greater number of parents wishing to appeal over the admission decision. ‘Hot-spots’ of appeals (Audit Commission 1996) can, and do, occur.

Figure 9 shows the relationship between how oversubscribed schools were (‘preference ratio’) and the relative number of appeals lodged for admission to each school (‘appeals ratio’) for all schools in two urban LEAs. Schools that had the highest preference ratio, i.e. those that were relatively most oversubscribed, tended to also have the highest appeals ratio, i.e. the relative number of appeals lodged.

Consequently, it may be areas where there are few ‘good’ alternatives for parents to choose from and which will, therefore, prompt more appeals to be lodged.

[Insert Figure 9 about here]

Diversity of schooling

The discussion above highlighted the issue of ‘hot-spots’, schools that are relatively popular with parents. At a more general level this may be related to the presence of school diversity in the market place. The regression analysis showed those LEAs with a high proportion of grammar, i.e. selective, schools tended to have a high number of appeals lodged². This could suggest that where the admission of pupils goes beyond the use of typical oversubscription criteria, applied to the majority of maintained schools, there is greater frustration for parents.

A similar relationship can be seen when comparing the number of appeals lodged across all of England by the types of maintained schools there are (Figure 10). County, now Community, schools generally had few appeals lodged against them than the other types of schools found in the education market. Voluntary aided, or denominational, schools had a higher proportion of appeals lodged, while the Grant Maintained schools³, which the majority of grammar schools became, on average, had the highest proportion of appeals lodged.

² Modern schools are generally found in areas with traditional grammar schools. Therefore the inverse relationship between the presence of modern schools and appeals lodged can be attributed to the impact of grammar schools discussed in the text.

³ Grant Maintained status was removed in 1997. These schools either returned to VA status or became Foundation schools. It should be noted that in either case they retained full control of their own admissions.

[Insert Figure 10 about here]

All voluntary aided and grant maintained schools have their own admission arrangements. In the case of the denominational schools they typically use the extent to which parents were practising their respective faith. This was usually determined by interview with headteachers and/or by a priests/ministers reference. Grant maintained schools often used similar criteria to county schools in cases of oversubscription, but sometimes did include selection by ability (the grammar schools) or included criteria that subtly deviated from the 'norm', maybe adding confusion to the way they determined the allocation of places. In all of these situations it could be argued that the oversubscription criteria that they used were either more confusing or more subjective, thereby making the final decision to allocate places open to rebuke.

Of course, the use of more subjective 'rules' by these schools may also prevent some parents from applying in the first place or to appeal if they were refused a place. The importance of social and cultural capital might play an enormous role in such cases, generating variation in who would lodge an appeal (see Bourdieu, 1986; Reay and Ball, 1997).

The social advantage of parents

From the regression analysis the final variable that was significant in accounting for the incidence of appeals was the Additional Educational Needs (AEN) Index. This is an index calculated by the Department for Education and Employment (DfEE) to measure the levels of social disadvantage, used in the allocation of resources; the

higher the index the more educationally and socially deprived the LEA. This index had an inverse relationship with the number of appeals lodged, i.e. the more socially and educationally advantaged the LEA the greater the incidence of appeals being lodged. This would support the claim that parents with greater social and cultural capital are more likely to appeal during the admissions process.

This was sometimes supported by the LEA admissions officers,

‘Poor families, or families where language is a problem, were struggling with the form, so they weren’t making an appeal’ (Eastern County LEA, Admissions Officer)

Even where parents were having their appeal heard there were apparent differences in who was going to be more successful,

‘The difficulty is going to be that particular people might still get their way as opposed to non- Because they’ll be able to put down better their reasons for wanting a school and will be better able to explain it.’ (Eastern County LEA, Admissions Officer)

However, not all LEA officers agreed with this,

‘What I see sitting in these appeals is that there is a wide diversity of people, and basically what it boils down to is that everybody has an idea of which school they want for their child and they want to fight for that.

So you get a wide cross-section. What you notice is that you may be getting different types of arguments used in an appeal.’ (Small Southern County LEA, Admissions Officer)

The most likely social variation in which parents lodge an appeal is somewhere between these two opinions. For example,

‘They [the parents who appeal] are probably representative of the more articulate element of the population but I would have to say that a lot of our appeals are from people who are not particularly articulate. We get terribly scrappy notes with bad punctuation, not very well written so its not necessarily the most articulate, middle-class people, who are submitting appeals.’ (Large Southern County LEA, Admissions Officers)

As time passes more parents become aware of their rights, both to express a preference for a school, and to lodge an appeal. Therefore, some parents from more socially disadvantaged backgrounds, it can be argued, are likely to participate,

‘I think probably ten years ago for want of a better term it was more middle class parents who were involved in that sort of activity and that is definitely not the case now. One might also say the reverse, that there is a very large percentage of parents who end up at the appeal stage that you will by no means describe as middle class.

Now, whether that is because the middle class parents better understand and can use the system to their advantage and therefore don't end up at the appeal stage is a debatable point and there may be some truth in that, but there is certainly some truth in the fact that there are a lot more parents from backgrounds that you know are aspirational of and they see education as the means of aspiration and they are prepared to do whatever it takes in their words to get their kid in the right school.' (North West Urban LEA, Admissions Officer)

Conclusions

The incidence of parents appealing over the school allocated to their children at the end of the admissions process has risen considerably year-on-year in the UK. This indicator of market frustration has received little attention from academics and policymakers alike (but see Gorard, 2000). Whether this frustration is due to the inadequacy of the 'market' or an indicator of parents objecting to bureaucratic allocation procedures within the terms also determined and administered by bureaucrats is not entirely obvious. What is clear from this study is that the local market as defined by the administrative region of the LEA plays a significant role in contextualising market frustration. As expected a key component in determining the extent of market frustration is the level of overall market activity taking place within a particular area. The level of market activity in turn is closely related to the geography of the LEA. For example, urban education markets have greater access to schools leading to greater parental activity in the market and subsequently a greater number of appeals. Even though such areas provide a greater choice of schools to parents than

more rural LEAs consumer expectation and hence frustration is still more prevalent. However, this study also highlights a number of other features, both structural and behavioural, that are related to the degree of admission appeals within each local education market.

Structural explanations are generally related to the provision of schooling in an area, in particular the level of school diversity and the amount of surplus places across the Authority. Diversity of schooling in the UK is generally related to varying levels of private/public governance, ownership and funding (Bradford, 1993; see Glatter et al, 1997, for other types of school diversity in the UK). The greater the levels of autonomy enjoyed by schools in LEAs then the greater the level of market frustration. The level of frustration was also related to the occurrence of 'hot-spots' of popular schools. However, in areas with a relatively small number of surplus places competition for places was not necessarily any greater than they were in areas with great surplus.

In terms of the social class of those parents going through the admission appeals process there seemed little indication from Admission Officers that there was a clear socio-economic type of parent that appeals, particularly over time. Instead there appeared to be a consumption-type cleavage distinguishing some LEAs from others. This consumption cleavage may explain why parents in some LEAs were more likely to appeal over their placement than parents in other LEAs with similar local education market characteristics. This suggests that there was a behavioural element to the degree of 'voice' used against the admissions process, and that this was related to the

degree of ease that some parents have with behaving more as consumers rather than just as users.

The findings of this study have begun to point to features, often locally embedded, in the market system of education that are likely to generate greater 'voice' and frustration due to admission placements. It shows that the traditional sense of diversity in the UK system of schooling is based on elements of exclusion/inclusion, such as religious membership, academic ability, and proximity and accessibility. Such diversity, based on forms of exclusion/inclusion rather than consumer taste, appears to be of some significance in generating frustration with the quasi-market provision in the UK.

There is also a complex issue arising in the contradiction to plan provision efficiently, i.e. reducing surplus places versus giving parents the opportunity to choose a school for their children. Both advocates and opponents of the market system of education in the UK and USA will be interested in these findings since it raises issues and opportunities in the development of both sides of the education market debate.

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Appendix

Variables used in backward multiple regression for predicting the incidence of appeals being lodged by LEA, 1998/99. This regression analysis used all LEAs in England, including the new unitary authorities that were based on local government reorganisation 1995 - 1998.

1. Secondary grammar schools as a proportion of total secondary maintained schools, 1999
2. Secondary modern schools as a proportion of total secondary maintained schools, 1999
3. Secondary comprehensive schools as a proportion of total secondary maintained schools, 1999
4. Proportion of schools with more than 25% surplus places, 1998
5. Total number of secondary school admissions, 1998
6. Permanently excluded secondary pupils as a proportion of all secondary school age pupils, 1997
7. LEA delegated budget, £ per pupil, 1998/99
8. Area of LEA
9. Density of LEA (pupils to area)
10. Additional Educational Needs Index (DfEE index of deprivation), 1998/99
11. Ratio of total number of surplus places to total admissions, 1998
12. LEA Local Schools Budget, £ per pupil, 1999/2000

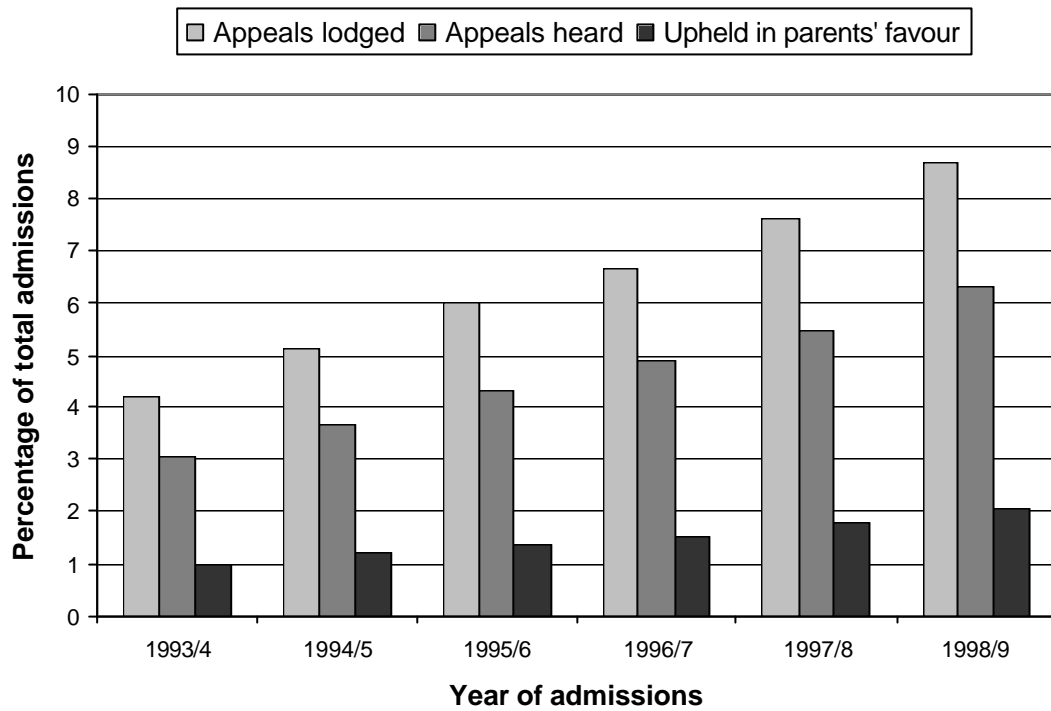


Figure 1. The rise of secondary school appeals, England 1993/4-1998/9

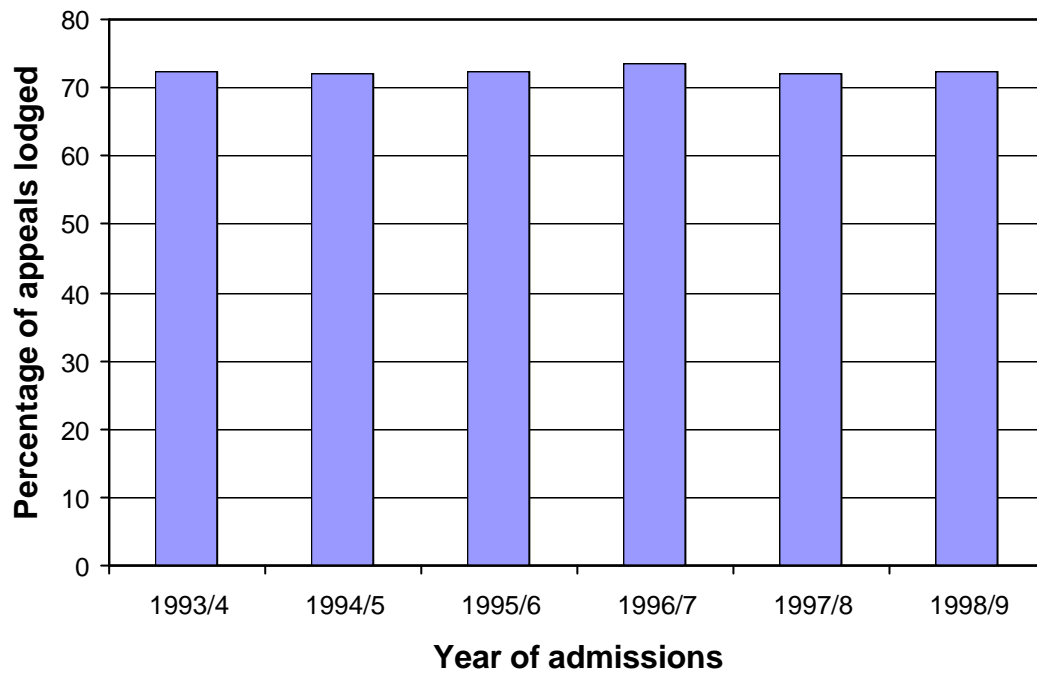


Figure 2. Secondary school appeals heard as a proportion of total number of appeals lodged, England 1993/4-1998/9

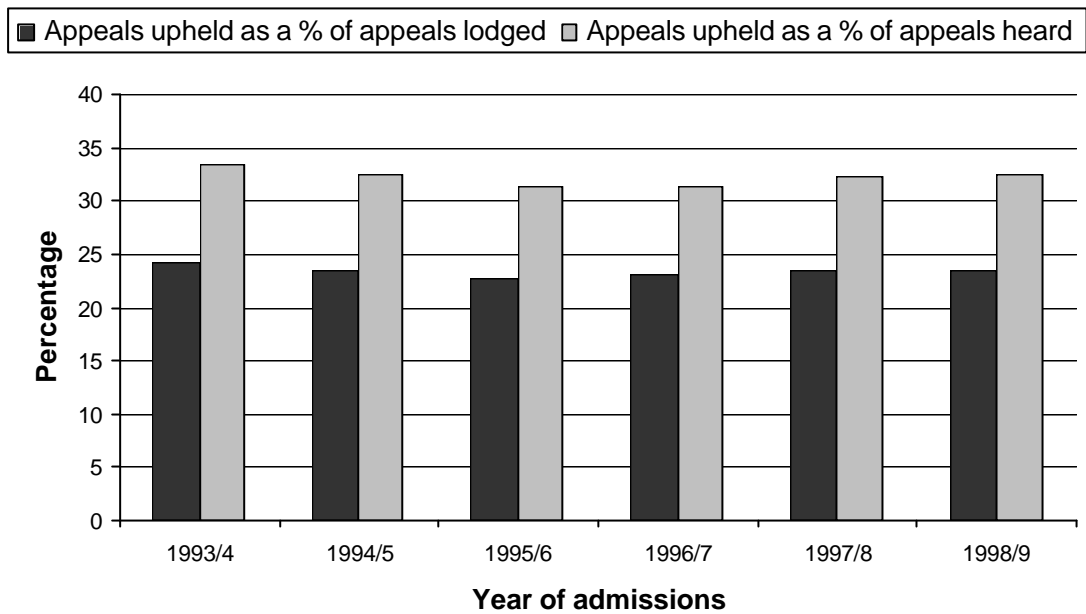


Figure 3. Secondary school appeals upheld in parents' favour, England 1993/4-1998/9

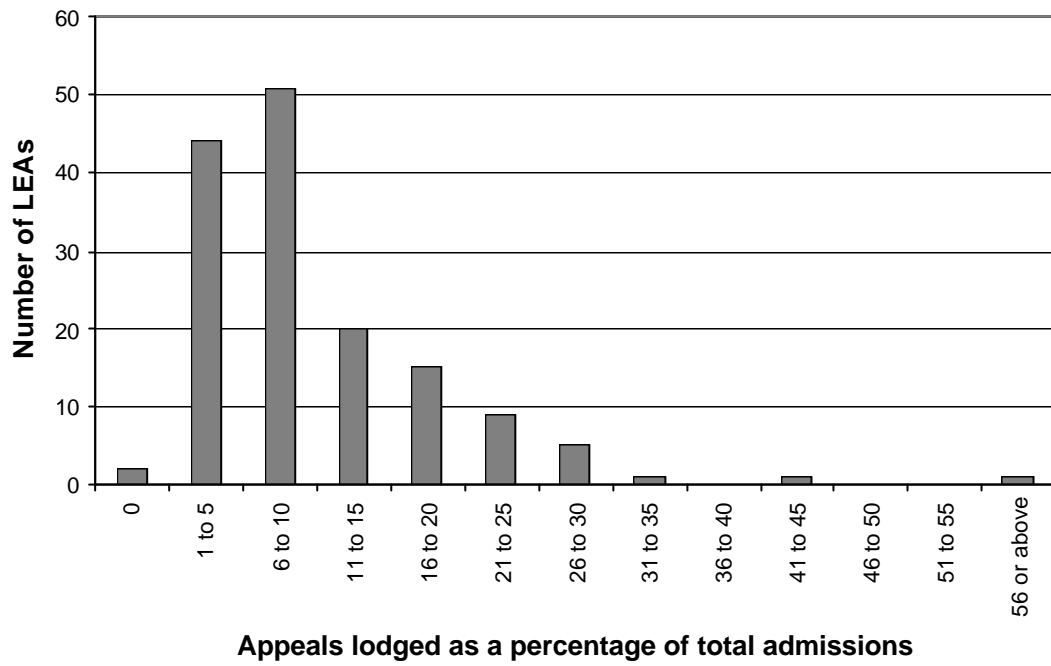


Figure 4. Variation in number of appeals lodged across LEAs in England, 1998/99

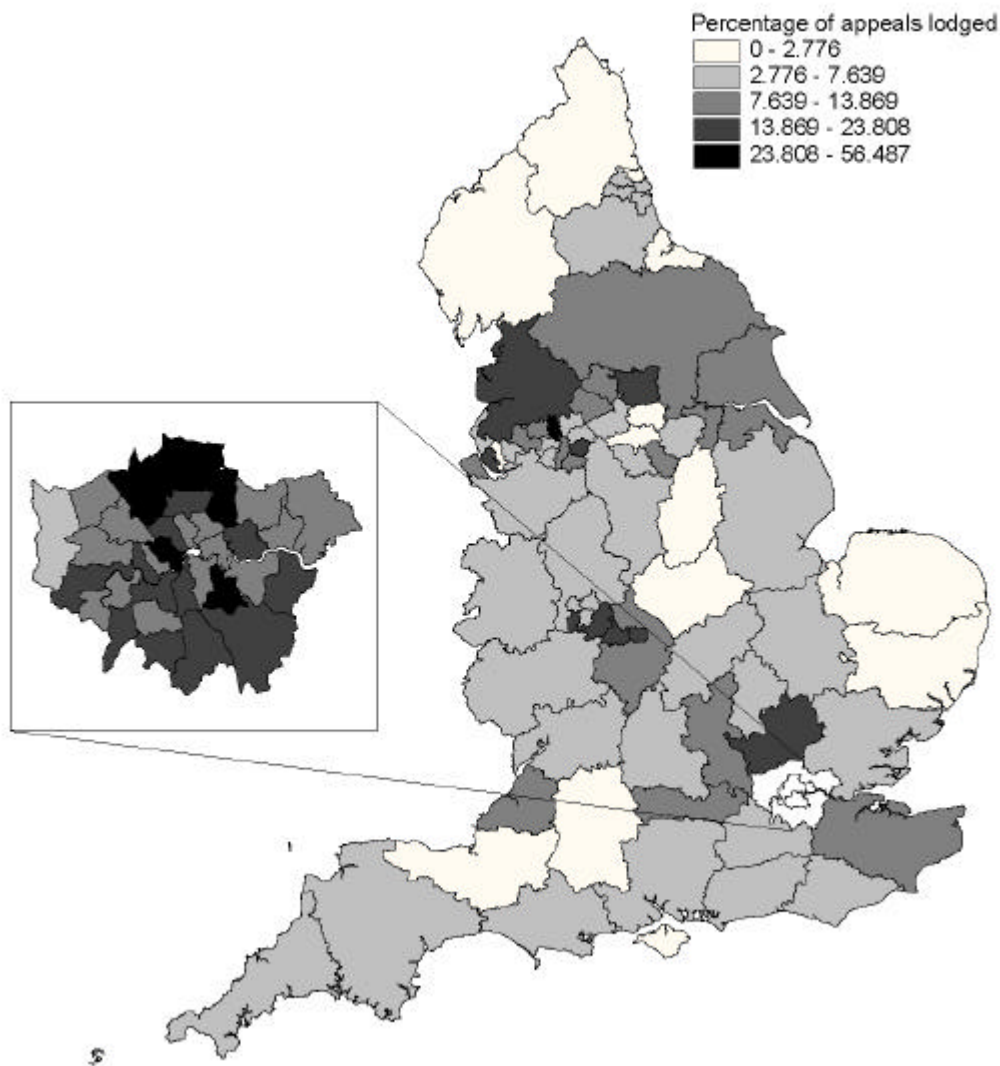


Figure 5. Appeals lodged as a proportion of total admissions by LEA, England
1998/99

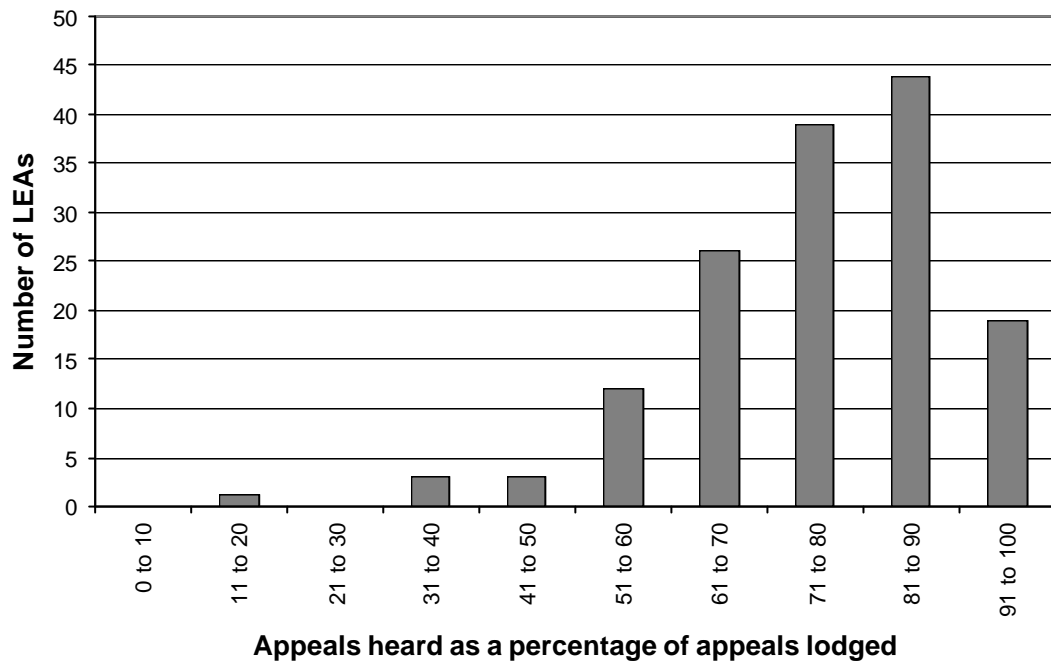


Figure 6. Variation in number of appeals heard across LEAs in England, 1998/99

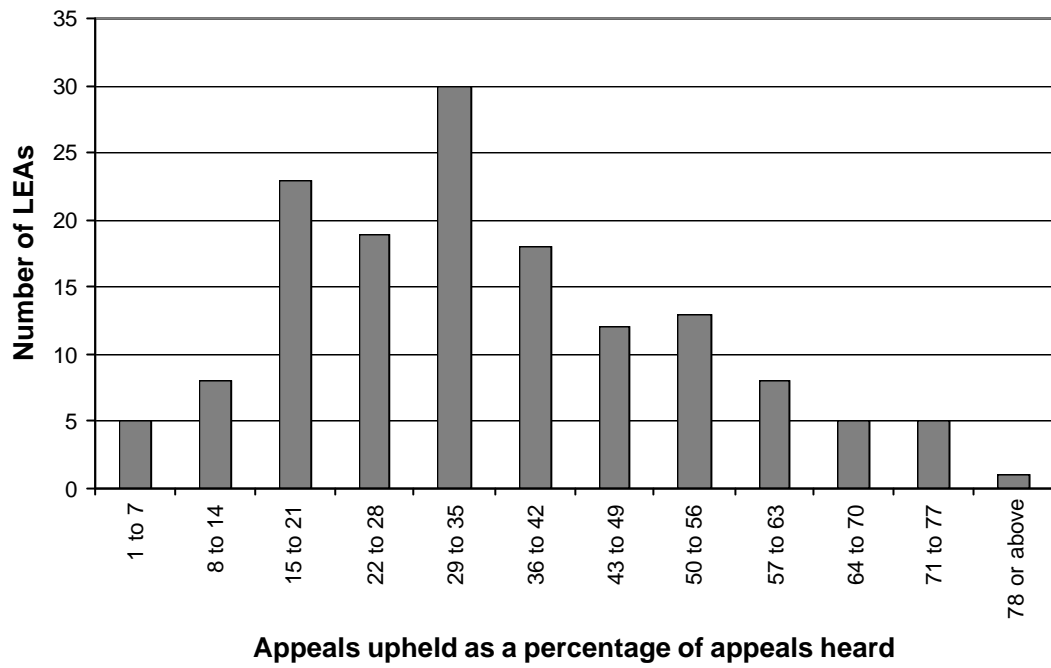


Figure 7. Variation in number of appeals upheld across LEAs in England, 1998/99

Table 1. Coefficients for regression analysis

	Unstandardised Coefficient	t	Significance
(Constant)	11.83	3.09	0.003
Density	400.78	4.18	0.000
% Grammar schools	0.62	2.74	0.008
% Modern schools	-0.57	-2.52	0.015
AEN Index	-9.43	-2.09	0.041

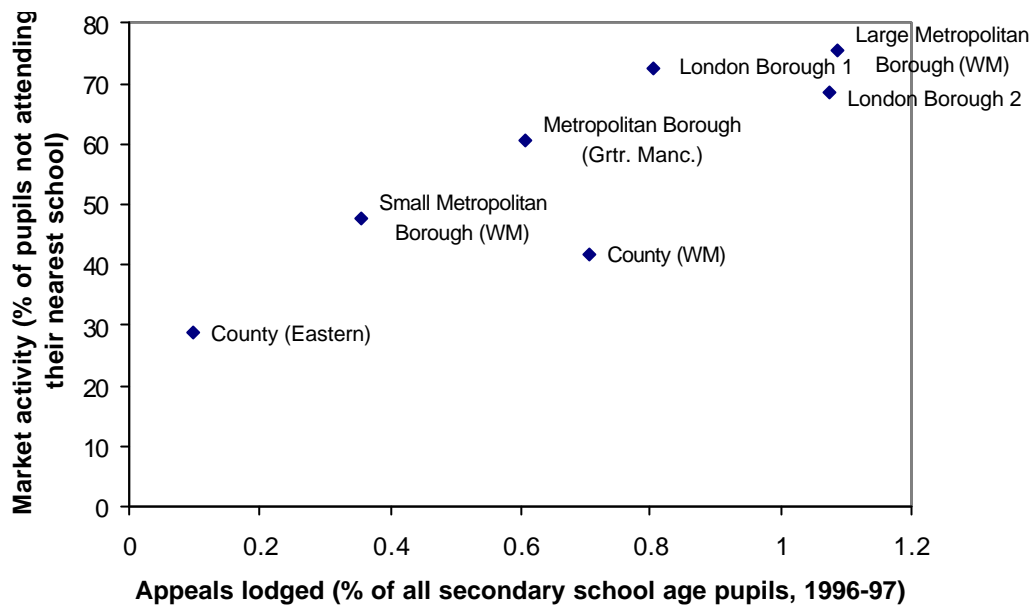


Figure 8. Relationship between market activity and appeals lodged for seven LEAs in England.

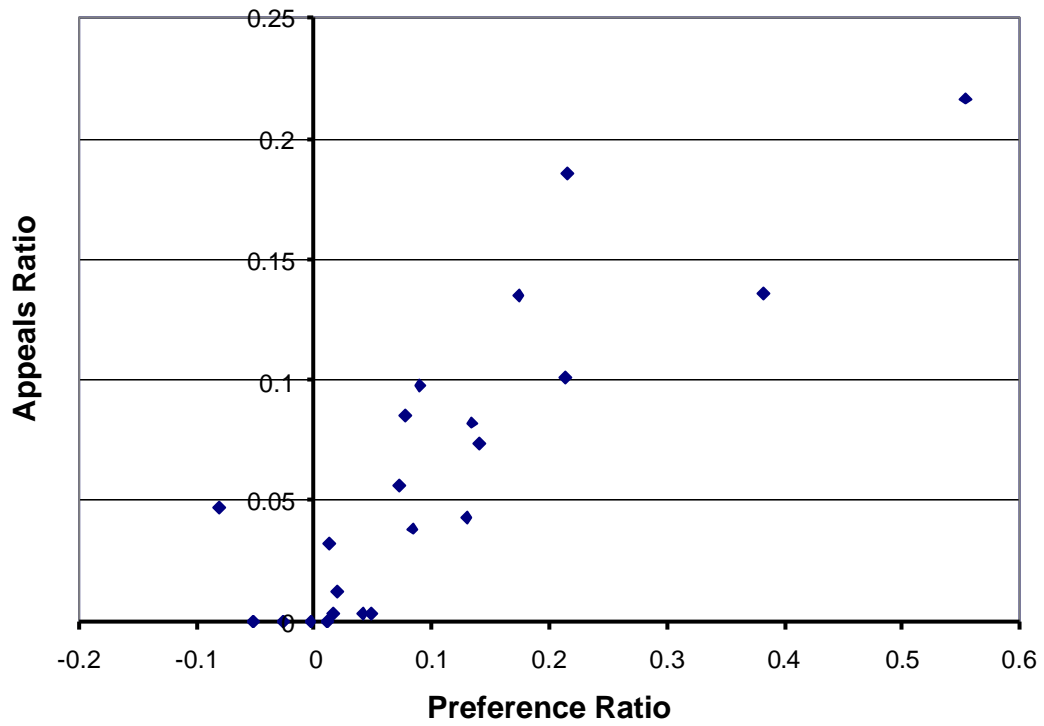


Figure 9. Relationship between oversubscribed schools and appeals lodged in two urban LEAs, 1998/99

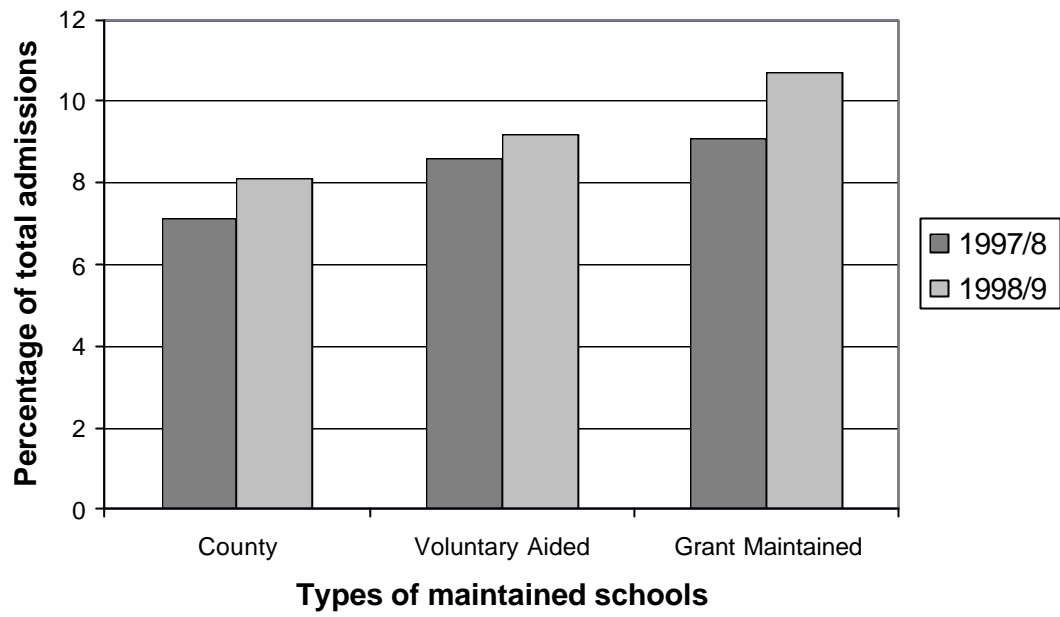


Figure 10. Appeals lodged by type of school, England 1997/8 and 1998/9