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School Choice (And Diversity) in the UK since 1944: Continuity, Change, Divergence and School Selectivity

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ABSTRACT



This paper focuses on school choice and diversity in the UK (England, Wales, Scotland and Northern Ireland) in historical context. Drawing on primary and secondary documentary sources it assesses continuity, change and divergence, before addressing existing diversity and school choice, and academic outcomes. The 1944 Education Act and associated legislation established, in each country, a system of state-funded church and state schools, comprising, academically selective (grammar) and non-selective secondary schools, with test scores determining whether the child was allocated to a selective or non-selective school. The paper argues that there has been broad continuity in Northern Ireland, whilst from 1965 England, Wales and Scotland diverged when school systems were reorganized – to a greater or lesser extent – along comprehensive lines. From the 1980s, parental “choice” (and diversity) policies were implemented in all countries, albeit differently. It is argued that existing school diversity across the UK is associated with distinctive histories and political ideas, and with varying levels and types of school selectivity and social segregation. Furthermore, the institutional rules regarding who is prioritized for a school place in the event of oversubscription – particularly in the case of selective and religious schools – can constrain parental choice as they enable schools to “select in” and “select out” certain students. Whilst improving educational standards was a key goal for the Conservative government when it introduced market-oriented reforms in England, evidence points to improved academic outcomes being related to changes in assessment policy.

KEYWORDS

School choice; diversity; UK; historical development; academic outcomes; segregation

Introduction

Over the past two decades, parental choice of school has been prominent in policy debates in many European countries. The UK – and particularly England – is no exception (Musset, 2012). Whilst debates have tended to focus on parental choice in the context of market-oriented reforms and parents as “consumers,” there is a longer history that relates to the role played by the churches in Europe in the provision of education (Glenn, 2018).

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This paper builds on existing research on school choice and diversity by focusing specifically on the United Kingdom (UK). In the countries of the UK, choice and diversity are inextricably related to the role of the churches on one hand, and political ideas regarding academic selection on the other. The paper addresses both the historical development and the current policy context and in so doing, seeks to assess the extent of continuity and change within countries and divergence between them. The paper also assesses existing policies relating to parental choice, admissions and school composition.

The UK is a quasi-federal state (Bogdanor, 2005) and as such neither a unitary nor a federal state but a union of countries: England, Wales, Scotland and Northern Ireland. England is governed by the UK government from Westminster and as a result of political devolution (which began in 1998), the other three countries have autonomous executives and legislatures. The Scottish Parliament, Welsh Parliament, and Northern Irish Assembly have devolved powers, with legislative competence in education (Leeke, Sear, & Gay, 2003). Even before the process of political devolution began, there was administrative decentralization, with each country of the UK having different education systems (Raffe, Brannen, Croxford, & Martin, 1999). These systems, a result of historical legacies, are associated with school diversity of different types and different policies relating to school choice have been implemented.

The paper focuses on the period since the 1944 Education Act, which provided for a system of primary and secondary education in England and Wales, with equivalent legislation enacted in both Scotland and Northern Ireland. A system of academically selective and nonselective state schools was instituted in all countries of the UK. In England and Wales, schools were run by local education authorities and consisted of schools directly under their control and those under the control of the churches, historically the main providers of education (Simon, 1991).

The paper seeks to answer two broad questions: first, to what extent has there been continuity and change as regards school choice (and diversity) within the countries of the UK since 1944, and to what extent has there been divergence between the countries? And second, how do existing school diversity, parental choice arrangements and academic outcomes vary between countries? It is argued that the countries of the UK started to diverge from the mid-1960s, with a shift from selective to fully comprehensive schools (for students across the ability range) in some countries. In the 1980s, there was a shift toward increasing parental “choice” and school diversity, but this varied across countries, resulting in further divergence. It is also argued that there are institutional constraints on parental choice – as a result of schools selecting students on the basis of academic ability or religion – which have had consequences for school composition and school segregation and have led to concerns that schools are choosing students rather than parents choosing schools.

The paper draws on a range of primary documentary evidence – primary legislation, circulars, parliamentary debates, government documents and quasi-regulatory guidance – and secondary academic literature relating to school diversity, school choice and admissions to state-funded schools (not private fee-charging schools).¹ The paper addresses all countries in the UK, but with a greater focus on England. The next section addresses the first question and focuses on legislative and policy developments from 1944 to 2022 in different time periods; in so doing it considers both continuity and change within countries and divergence between them. The following section addresses the second question and assesses school diversity and parental choice policies in each country and associated with these, school selectivity, segregation and academic outcomes. The concluding section discusses the findings.

Legislative and policy changes: 1944 to 2022

1944 Education Act to 1964

During World War II, the all-party Coalition government enacted the most significant piece of legislation in the first half of the 20th Century, the 1944 Education Act. This set up a universal system of state-funded education in England and Wales, with related legislation enacted for Scotland via the 1945 Education (Scotland) Act, and for Northern Ireland, via the 1947 Education Act (Northern Ireland). The legislation did not affect the so-called “public schools” (private fee-charging schools) attended in the main by those from higher socio-economic groups.

It has been argued that the 1944 Education Act emerged out of a “democratic consensus between the coalition wartime government, the churches and the education service” (Tomlinson, 2001, p. 11). The legislation set up a system of free, compulsory secondary education. Schooling was provided by local authority run schools and church schools (in the main, Church of England and Catholic). This was a “religious settlement by which extra public funds were made available in return for increased democratic, or local, control” (Simon, 1991, p. 74), maintaining a “dual system” of church and secular schools. In England and Wales, church schools could opt for increased state funding and control by local education authorities as voluntary-controlled schools, or reduced state support and more independence (including control over student admissions) as voluntary-aided schools (West & Hind, 2007). The Act resulted in the “definitive incorporation of Church schools into the publicly funded system” (Church School of the Future Review Group, 2012, p. 8). The situation in Scotland differed as Catholic (denominational) schools had become state-funded following the 1918

Education (Scotland) Act and transferred from church to state ownership (Scottish Catholic Education Service, 2022).

The 1944 Education Act did not specify the structure of secondary education. However, it enabled local education authorities to implement a “tripartite” system of secondary education – which appeared to be legitimized by the Act (Simon, 1991) – with grammar schools providing an academic education for higher ability children; technical schools providing a general education, focusing on technical subjects; and secondary modern schools providing a general education, but emphasizing practical subjects.² Selection generally took place at the end of primary school following the “11-plus” examination, which in most areas comprised tests in arithmetic, English and intelligence (Simon, 1991).

The 1944 Act permitted an element of parental choice, in that children were to be educated, within certain constraints, in accordance with their parents’ wishes, allowing, for example, parents to select a religious school for their child (e.g., Church of England, Catholic, Jewish). Significantly, in Northern Ireland, schools were divided into parallel systems, Protestant and Catholic, each with grammar and secondary (nonselective) schools (Gallagher & Smith, 2000).

Education ministers in the Labour government (1945–1951) considered equality of opportunity to mean access to different kinds of schools appropriate to the children who enrolled, as did the Conservatives, who were in power from 1951 to 1964. It was during this period that ideas began to shift, with educationists and (some) politicians arguing that equality of opportunity did not mean access to a specific type of school, but access to “an appropriate education within a common, comprehensive school” (Silver, 1973, p. xxii). This was related to concerns that had been expressed regarding the “11-plus” examination and in particular the use of intelligence tests, test reliability, test accuracy, and empirical research indicating that the main beneficiaries of grammar schools were children from higher socio-economic backgrounds (Simon, 1991).

Differences between the Labour and Conservative parties became more prominent during this period and in 1964, the Labour Party in its manifesto made a commitment to introduce comprehensive schooling: “Labour will get rid of the segregation of children into separate schools caused by 11-plus selection: secondary education will be reorganised on comprehensive lines” (Labour Party, 1964, p. 15).

Labour and Conservative governments: 1964 to 1979

A Labour government was elected following the 1964 general election, and in January 1965, Michael Stewart, the Secretary of State (the most senior minister) for Education and Science submitted a confidential memorandum to Cabinet regarding the selective secondary education system:

The present separatist system tends to divide society by preventing mutual understanding between those with greater and less academic attainment . . . Most of country . . . developed on separatist lines without much consideration of merits . . . partly because much educational opinion at the time favored separatism. (National Archives, 1965, s.3.2).

The memorandum proposed a circular and legislation to bring about change. However, in July 1965, under the new Secretary of State Anthony Crosland, Circular 10/65 was issued. This *requested* local education authorities in England and Wales to submit plans for the reorganization of secondary education along comprehensive lines. Some authorities resisted and retained grammar schools. However, there was a significant shift in public opinion in the 1960s, with the majority of the population supporting comprehensive schooling (Simon, 1991). In Scotland, Circular 600 likewise requested local education authorities to organize their secondary provision along comprehensive lines. In Northern Ireland, however, comprehensive schools were rejected: one contributing factor was the religious separatism that existed in the selective system (Gallagher & Smith, 2000; Phillips, 2003).

Most Conservatives in England remained strongly committed to selective education and the Conservative government (1970–1974) when elected issued Circular 10/70, which withdrew Circular 10/65. However, Conservative controlled local education authorities – the majority at that time – continued submitting proposals to the Secretary of State for comprehensive reorganization (Simon, 1991). The Labour government (1974–1979) when reelected passed the 1976 Education Act. This reinforced the policy goal of comprehensive schooling with local education authorities being required to have regard to the general principle that education should be provided in schools without reference to selection by ability or aptitude.

Conservative governments: 1979 to 1997

Conservative governments between 1979 and 1997 fundamentally reshaped the school system in England. Early on, and in line with prevailing Conservative ideas regarding selective education, the 1979 Education Act repealed the 1976 Act; this enabled local education authorities, if they so wished, to retain grammar schools.

More significant were the market-oriented reforms introduced into the state-maintained (public) school system. Parental choice of school came to the fore in England and Wales following the 1980 Education Act; this required local education authorities to make arrangements to enable parents to express a preference for the school they wished their child to attend (West, Ingram, & Hind, 2006; Whitty, Power, & Halpin, 1998). In a similar vein, the Education (Scotland) Act 1980 gave parents the right to nominate a school (by making

a “placing request”) if they wanted their child to attend a school other than the local catchment area school.³

Subsequently the 1988 Education Reform Act required schools in England and Wales to admit students up to their physical capacity and for schools to be funded predominantly on the basis of the number of students on roll. School governing bodies were to manage delegated budgets. Alongside the statutory publication of national test scores and public examination results, the government instituted a competitive market – or quasi-market (Le Grand, 1991) – in school-based education (Glatter, 2012; West, 2015).

The legislation also allowed for maintained schools to “opt out” of local authority control and become grant-maintained, funded by central government (West et al., 2006; Whitty et al., 1998). In so doing, they gained more autonomy, including responsibility for admissions.⁴ The legislation also made provision for city technology colleges (CTCs) to be established; these had a specific focus on science, mathematics and technology education. CTCs were outside local authority control, with more “freedoms” than local authority maintained schools. One key freedom was that they were not bound by the national curriculum; instead, they were to offer a “broad and balanced” curriculum. They were funded by means of a contract with central government. Although ostensibly all-ability schools (Whitty, Edwards, & Gewirtz, 1993), CTCs selected students on the basis of aptitude, and interviews were permitted (West & Bailey, 2013).

In Scotland, the 1989 Self-Governing Schools etc. (Scotland) Act made similar provisions regarding “opting out” of local authority control.⁵ In 1993, devolved school management was introduced, but in this case, the local authority paid for the school’s normal complement of staff (West, 2015), so funding did not follow students.⁶ In Northern Ireland, following the Education Reform (Northern Ireland) Order 1989, grant-maintained status was introduced, but in contrast to England, Wales and Scotland, this was used to create religiously integrated schools: the policy was used for “essentially democratic and inclusivist purposes” (Phillips, 2003, p. 8) as integrated schools sought to end religious segregation by using enrollment criteria such that they had balanced proportions of Protestant and Catholic students (Magowan, 2019).

In England and Wales, the 1988 Education Reform Act introduced a national curriculum and national testing programme for students in state-funded schools. In the same year, in both countries and in Northern Ireland, the General Certificate of Secondary Education (GCSE) was introduced, which assessed students at the end of “key stage” 4 of the national curriculum, normally at the age of 16. (The GCSE replaced the previous examinations, the General Certificate of Education Ordinary Level and the Certificate of Secondary Education [see Gorard, Fitz, & Taylor, 2001]).

The government's view was that "school autonomy and parental choice – combined with the National Curriculum – are the keys to achieving higher standards in all schools" (Department for Education and Welsh Office Education Department, 1992, p. 15). Independent inspections of teaching and educational standards were also instituted under the Education (Schools) Act 1992. In England, these were to be conducted by a new non-ministerial body, Ofsted, and in Wales by Estyn.

Labour governments: 1997 to 2010

Following the 1997 general election, the Labour government enacted the 1998 School Standards and Framework Act which brought grant-maintained schools in England and Wales back under local authority control. It also placed a "general restriction on selection by ability or aptitude." In short, no admission arrangements for a maintained school could make provision for selection by ability unless this was a "permitted form" of such selection, or the school was a grammar school. Permitted forms of selection were preexisting arrangements; pupil banding⁷ (which seeks to ensure that the intake includes a proportionate spread of children of different abilities); and aptitude for "one of more prescribed subjects." The Act also established a new legal framework for admissions with two key mechanisms being introduced: the Schools Adjudicator (responsible for ruling on objections to schools' or local authorities' admission arrangements), and the School Admissions Code (DfE, 2021; Noden, West, & Hind, 2014). In addition, the Act allowed for the creation of new state-funded voluntary-aided religious schools, catering for different faiths and denominations (Walford, 2008).⁸

Subsequent legislation allowed for the introduction of city academies in England, which were announced in 2000.⁹ City academies (subsequently academies) were closely modeled on CTCs, being outside local authority control, run by not-for-profit private trusts, registered as companies, subject to company law, funded directly by central government via a contract (funding agreement), and freed from specific regulations applicable to maintained schools. As with CTCs, they had to offer a "broad and balanced" curriculum and were not required to follow the national curriculum. However, unlike CTCs, they normally replaced schools deemed to be failing and the aim was to improve pupil performance, especially in disadvantaged areas. "Sponsored academies," as they were known, had a special emphasis in at least one area of the curriculum (e.g., science and technology, languages, the arts or sport) and were permitted to select up to 10% of students on the basis of aptitude for the specialism (West & Bailey, 2013). Curriculum changes took place elsewhere in the UK, with the introduction of the Northern Ireland Curriculum in 2007 (Council for the Curriculum, Examinations & Assessment, 2020).

Coalition and Conservative governments: 2010 to 2022

Major changes to the structure of school-based education in England took place between 2010 and 2022, with a massive expansion of the academies programme, which transformed the landscape of school-based education. Following the 2010 general election, the Conservative-Liberal Democrat Coalition government (2010–15) enacted the 2010 Academies Act, which enabled local authority maintained schools to apply to “convert” to academy status. Increasingly, schools have become part of “multi-academy trusts” as opposed to being single academy trusts: instead of the individual school being the admission authority, the multi-academy trust board is the admission authority for all schools in the trust (West, Wolfe, & Yaghi, 2022).

During this period, the main tenets of the earlier reforms regarding parental choice of school remained in place. However, with the move to academy trusts owning and running schools, responsibility for admissions arrangements and decision making increasingly shifted from local authorities and individual schools (as in the case of voluntary-aided schools) to academy trusts.

Reforms to the curriculum and assessment also took place in different countries of the UK. In England, changes to the national curriculum (for local authority maintained schools, not academies) were implemented from 2014. Announcing its introduction, Michael Gove, Secretary of State (the most senior minister) for Education stated:

The new national curriculum will provide a rigorous basis for teaching, a benchmark for all schools to improve their performance, and will give children and parents a better guarantee that every student will acquire the knowledge and skills to succeed in the modern world . . . This new national curriculum represents a clear step forward for schools, ensuring that all children have the opportunity to acquire a core of essential knowledge in key subjects. It embodies rigor, high standards and will create coherence in what is taught in schools. It sets out expectations for children that match the curricula used in the world’s most successful school systems. (Department for Education & Michael Gove, 2013).

From 2015, there were also reforms to the GCSE public examinations. The reforms resulted in the inclusion of more demanding content, a switch to assessment being mainly by examination, and a change in the grading system. The aims of these reforms were to improve standards overall by making courses harder and to increase differentiation by making the top grades rarer (Burgess & Thomson, 2019).

During this period, reforms to the curriculum and assessment took place elsewhere in the UK. In Wales, the Curriculum and Assessment (Wales) Act 2021 established the Curriculum for Wales in law (Welsh Government, 2022b), and following a review of qualifications in 2012, a new set of GCSEs were designed for Wales (Qualifications Wales, 2022). In Scotland, a national curriculum, the Curriculum for Excellence, was implemented in 2010 (Scottish

Government, 2022), and in 2014, new national qualifications – Nationals, Highers and Advanced Highers – were introduced by the Scottish Qualifications Authority (Scottish Qualifications Authority, 2014).

Extant school diversity, school choice and academic outcomes

School diversity

The different policy trajectories in the countries of the UK are reflected in the current structure of the school systems. England has the most diverse system: in January 2022, 80% of secondary schools were state-funded academies, and 20% maintained by local authorities (DfE, 2022). Of these state-funded schools, 18% had a religious character – in the main Christian (Church of England and Catholic) – but also other faiths; and 5% were grammar schools (Department for Education (DfE), 2022). In addition, research has found that 7% of nominally comprehensive schools select a proportion of students on the basis of ability/aptitude in a subject area, and a further 4% use banding (Noden et al., 2014).

There is less diversity in the rest of the UK (see [Tables 1 and 2](#)). In Wales, there are no academies, no grammar schools and just one school where a proportion of students are selected on the basis of ability/aptitude (Welsh Government, 2013). Nine percent of state-maintained secondary schools have a religious character; as in England, voluntary-aided schools are their own admission authority and in the event of oversubscription normally prioritize children of the faith. In addition, 8% of secondary schools are Welsh medium schools (Welsh Government, 2021a). In Scotland, there are no academies and no grammar schools. The majority of denominational schools are Catholic and

Table 1. Selective and nonselective secondary schools in the countries of the UK (percentage table).

Country	Comprehensive schools (Integrated NI)	Grammar schools	Secondary (non-grammar) schools
England	95%	5%	
Wales	100%		
Scotland	100%		
Northern Ireland	10%	34%	55%

Source: Department for Education (DfE), 2022; Department of Education Northern Ireland, 2022b

Table 2. Religious secondary schools in the countries of the UK (percentage table).

Country	Secondary schools with a religious character
England	18%
Wales	9%
Scotland	15%
Northern Ireland	78%

Source: Department for Education (DfE), 2022; Welsh Government, 2022a; Department of Education Northern Ireland, 2022b; Scottish Catholic Education Service, 2022; Scottish Government, 2021a.

account for 15% of schools (Scottish Catholic Education Service, 2022; Scottish Government, 2021a). By way of contrast, in Northern Ireland, the secondary school system is academically selective and there are separate *de facto* Protestant “controlled” schools and Catholic “maintained” schools (Smith, 2001). Ten percent of schools are integrated and prioritize applications on the basis of religious background so as to maintain the necessary religious balance of their intakes (Department of Education Northern Ireland, 2021, 2022a). In both Scotland and Northern Ireland there are a small number of Gaelic medium secondary schools.

School choice, admissions, segregation and composition

The institutional rules governing who should be admitted to state-funded schools vary between countries, as do the arrangements for parents to make preferences for schools for their children. In England and Wales, the legislative framework underpinning admissions is the 1998 School Standards and Framework Act, and associated with this, each country issues periodic School Admissions Codes. In both countries, the local authority is the admission authority and responsible for admissions to schools it controls directly; these are community schools and voluntary-controlled schools. The school governing body is responsible for admissions to voluntary-aided schools (in the main with a religious character).

In England, where academies have been established, the academy trust is responsible for admissions to academies (West et al., 2022). According to the existing School Admissions Code (Department for Education (DfE), 2021), the admission authority must set out the criteria used to allocate places at the school when there are more applications than places and the order in which they will be applied.¹⁰ These oversubscription criteria must be “reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation” (Department for Education (DfE), 2021, s. 1.8). All admission authorities are required by statute to prioritize children in the care of local authorities. Research has found this criterion to be used by all comprehensive schools, with the next most frequently used oversubscription criteria being siblings (97%); distance between the child’s home and school (93%), catchment area (a geographical area around the school) (64%) and medical/social need (55%) (Noden et al., 2014).

Parents (or carers) must be allowed to express at least three “preferences” for state-funded secondary schools for their child (Department for Education (DfE), 2021).¹¹ They submit a single application form to their local authority with their preferred state-funded schools (inside or outside the local authority). Each school is then considered under an “equal preference system,” with preferences being considered without reference to the order listed by the parents (London Councils, 2019). Each child is considered separately for

each school and the published admissions criteria are used to decide whether a child can be offered a place; the admission authority decides if the admissions criteria have been met. If more than one school is able to offer a place, the local authority will allocate the highest (i.e., the most preferred school) of those listed by parents to the student. Some schools (virtually all responsible for their own admissions) require parents to complete a supplementary information form (e.g., to confirm religious practice) (Noden et al., 2014). In the case of grammar schools, parents also make preferences, but students are selected on the basis of academic ability, with children taking the “11-plus” examination if their parents wish them to attend a grammar school. Only students who reach a particular level in the examination are offered places.

In other jurisdictions within the UK the institutional rules differ. In Wales, there are no grammar schools and no academies, and whilst there are Welsh medium schools, there are no selective admissions procedures (Power, 2016). There is a School Admissions Code (Welsh Government, 2013): the underlying principles are similar to those in the English Code. Parents submit their preferences to the local authority and/or to individual voluntary aided schools if the local authority does not coordinate admissions. Many local authorities use catchment areas as part of their published oversubscription criteria (Senedd Cymru, 2021).

In Scotland, the situation is different again with local authorities using “catchment areas” to decide whether a child is given a place at a school. Children who live in a catchment area for a particular school are allocated a place at the school. If a parent wants their child to attend a different school, she or he has a right to request a place in a local council school outside the catchment area (a “placing request”) and if there is a space at the school, the parent’s request must be granted (Scottish Government, 2021b). Denominational schools – in the main Catholic – are open to students of all faiths or none, but religious belief can be taken into account when determining priority for admissions (Scottish Catholic Education Service, 2009). The local authority carries out admissions for Catholic schools with parents providing proof of baptism or other documentary evidence to the education authority (Glasgow City Council, 2022).

In Northern Ireland, the board of governors of each school is responsible for determining the admissions criteria to be used in the event of a school being oversubscribed. Parents have the right to express preferences for the schools they would like their child to attend and are advised to name at least four schools, including one non-grammar school (Department of Education Northern Ireland, 2022). In contrast to England and Wales, some schools give priority to applicants who list their school as first preference. To access grammar schools there are transfer tests – unregulated entrance assessments – organized independently by schools (Education Authority Northern Ireland, 2022).

Perhaps unsurprisingly, given the diversity of school types and different admission arrangements, socio-economic segregation varies between the countries of the UK.

Jenkins, Micklewright, and Schnepf (2008) in an analysis of social segregation in secondary schools in 27 OECD countries including England, Scotland and Northern Ireland, found that Scotland, with a fully comprehensive system (and admissions controlled by the local authority, rather than individual schools), was amongst the OECD countries with the lowest levels of social segregation (along with the Nordic countries). England was a middle-ranking country (like the US) as was Northern Ireland. Whilst selection by schools seemed to explain a significant part of the segregation in Northern Ireland's secondary schools, this measure did not capture the various other dimensions of selection in England. Croxford and Paterson (2006) also found segregation to be consistently lower in Scotland than in England, with no evidence that the parental choice legislation in 1980–1981 “undermined the capacity of comprehensive schooling to keep segregation down” (Croxford & Paterson, 2006, p. 400). Related to this, Gorard et al. (2001) in their research on school choice in England and Wales, found that some types of schools (e.g., academically selective or church schools, that are responsible for their own admissions) “tend to increase the socio-economic segregation of school intakes” (p. 136). Overall, school selection and control over admissions appear to be particularly important as regards the level of segregation.

Turning to school composition, grammar schools in England have fewer economically disadvantaged students than non-grammar schools (6% versus 22%) (Department for Education (DfE), 2022) and their ethnic mix differs from that of comprehensive schools. In London, a lower proportion of Black students and a higher proportion of Indian and Chinese/Other Asian students attend grammar rather than comprehensive schools (West & Hind, 2007). By way of contrast, religious comprehensive schools in London (in the main Christian) cater predominantly for students of particular religions and/or denominations and ethnic groups. In short, students from Black African and Caribbean ethnic backgrounds (who are more likely to be Christian), are over-represented in religious schools and those from Pakistani and Bangladeshi backgrounds (who are more likely to be of other faiths), are under-represented. Religious schools also educate students from more affluent backgrounds and with higher levels of prior attainment than students in non-religious schools (Allen & West, 2009). Across England, research has found that Church of England and Catholic comprehensive schools have fewer students from disadvantaged backgrounds and more top ability students; in general, their intake is more affluent than the neighborhoods in which they are located (Allen & West, 2011). There are synergies with research on charter schools in the United States, with similar concerns being raised regarding “creaming” and “cropping” (Lacireno-Paquet, Holyoke, Moser, & Henig, 2002) and other exclusionary practices (Singer, 2020).

As regards Northern Ireland, segregation is multi-layered. The school system is largely segregated by religion, with schools having high proportions of either Protestant or Catholic students. This is the case even though neither Catholic nor Protestant schools prioritize children on the basis of religion/religious denomination and indicates “a parallel system of schooling defined by perceived religious affiliation” (Borooah & Knox, 2017, p. 319). There is additionally academic selection in Northern Ireland (Brown et al., 2021) leading to an extremely segregated school system – by denomination and by ability.

Academic outcomes

One of the goals of increasing school choice and the introduction of other market-oriented reforms following the 1980 Education Act and the 1988 Education Reform Act was to improve academic standards. The question arises as to whether there is any evidence that the reforms have resulted in improved academic outcomes.¹² Focusing on the English case, Gorard et al. (2001) found that school outcomes – as measured by GCSE results – increased between 1985 and 1998. However, they convincingly argue that it is not possible to attribute the improvement in raw scores to the market-oriented reforms as a range of other policy changes were taking place at the same time. In particular, the introduction of GCSEs, which were first examined in 1988, resulted in an increase in coursework in the assessment process and strict norm-referencing ended. Gorard et al. (2003) report that around 90% of the variation in academic outcomes can be explained by the background characteristics of students and the type of schools they attend, and that this has remained relatively constant over time: ‘The possibility of discovering any improvement in this relatively small school effect over time would seem difficult enough. To partition out any of this improvement that is a direct result of market forces would appear nearly impossible’ (Gorard et al., 2001, p. 21). Subsequent changes to GCSE examinations by the Conservative-Liberal Democrat government were designed to make the content of examinations more demanding, adding support to the argument that assessment methods are crucial to understanding changes in academic outcomes.

In England, the inspection agency Ofsted plays a crucial role if the performance of individual schools is rated as inadequate. If the school is maintained by the local authority, school conversion to an academy is mandatory, with the Education and Adoption Act 2016 placing a duty on the Secretary of State for Education to make an academy order. If the school is an academy – a single academy trust or part of a multi-academy trust – there is normally a process of re-brokering, with DfE officials seeking to find another academy trust to run the school (see West & Wolfe, 2018, 2019).

Discussion

This concluding section addresses the extent of continuity and change regarding school choice (and diversity) within the countries of the UK since 1944, and the extent of divergence between the countries, before addressing existing school diversity, parental choice and academic outcomes. Following the 1944 Education Act in England and Wales (and corresponding legislation in Scotland and Northern Ireland), an academically selective education system was introduced in all countries of the UK. A critical juncture arose in 1965, when Circular 10/65 was issued in England and Wales and Circular 600 in Scotland. From this point, each country followed a different path. Scotland and Wales became fully comprehensive. In England, however, although the system became broadly comprehensive, some grammar schools remained; furthermore, following the reforms in the 1980s, an increasing number of schools started selecting a proportion of students on the basis of ability/aptitude in a subject area. School diversity further increased with the introduction of publicly funded academies run by private not-for-profit trusts, and the subsequent “conversion” of local authority maintained schools (religious and non-religious) to academies. In Northern Ireland no similar changes took place, with grammar and nonselective secondary schools continuing, mirroring the religious separatism (Phillips, 2003). In short, there has been broad continuity in Northern Ireland, even though a small number of integrated schools have been established. The changes in the rest of the UK have been of different types, but in England there are clear threads of continuity, particularly in terms of selection. In each country, there has been continuity – in broad terms – regarding the role of the churches in the provision of school-based education.

There have, however, been changes in all countries of the UK as regards the priority given to parental choice of school, although policies have developed in separate ways, with market principles being introduced and funding following students in England and Wales. Parents make preferences for a secondary school for their child, except in Scotland, where children are allocated a catchment area school (although parents can make a “placing request” for a different school). In all countries, although there is ostensibly parental choice, parents make “preferences.” Furthermore, in rural areas, there are limited options for parents to make choices because there are likely to be fewer schools nearby or accessible. Even in urban areas, oversubscription criteria such as distance or catchment areas can limit access to children who do not live in the vicinity. Notwithstanding “logistical” constraints such as these, there are “structural” constraints where academically selective or partially selective schools exist: in this case, the school in effect “chooses” which children should be selected on the basis of test scores (or other admission tests). In a similar vein, in England the governing body (or academy trust

board) of a school with a religious character), decides which applicants should be admitted to the school. This autonomy is long-standing and was part of the settlement between the church and the state following the 1944 Education Act (Arthur, 1995; Church of England Education Office, 2022). Indeed, in a House of Lords debate in 1967, the Labour Peer, Baroness Phillips stated:

Voluntary aided schools are shining examples of a workable fusion of liberty and control. The independence of the greater part of the governing body gives the school autonomy over its own affairs. . . . There is free choice in admission of pupils. They are selected by the school as being likely to profit by the kind of education which the school gives. (House of Lords, 1967, vol 279 cc708-46)

Voluntary aided religious schools (and successor academies with a religious character) tend to have complex admissions criteria and arrangements relating to the student's religion, religious denomination or religious practice (Noden et al., 2014). As noted by the Chief Schools Adjudicator:

Admission arrangements for too many schools that are their own admission authority are unnecessarily complex. The arrangements appear to be more likely to enable the school to choose which children to admit rather than simply having oversubscription criteria . . . that are reasonable, clear, objective and procedurally fair. (Office of the Schools Adjudicator, 2014, pp. 7–8)

This is in contrast to the situation in Scotland, where the education authority is the admission authority for Catholic schools; in this case, the admissions procedure is straightforward, with documentary evidence being used to confirm religious denomination. Significantly, the education authority, unlike an individual school, does not have a vested interest in the outcome of the admission process.

Existing school diversity and control of school admissions in the countries of the UK can be seen to be associated with different degrees of socio-economic segregation. In England, there are clear differences in the student composition of grammar schools compared with non-grammar schools and of schools with and without a religious character. Turning to academic outcomes, whilst one of the goals of increasing parental choice of school was to improve educational standards, a range of other policy reforms point to increases in attainment being associated with changes to assessment, rather than market-oriented reforms.

In conclusion, across the UK there has been broad continuity in terms of the role played by the churches as providers of publicly-funded secondary education. Within the countries of the UK there has been a mix of continuity and change regarding academic selection, with continuity in Northern Ireland, threads of continuity in England and definitive change in Wales and Scotland. Divergence between Northern Ireland and the rest of the UK is apparent. In all countries of the UK parents can make preferences for their child's secondary school, but institutional rules can restrict access to schools of particular types,

for example, grammar schools in England and Northern Ireland, and religious schools in England, Wales and Scotland. In these cases, it can be argued that the “choice” becomes that of the school, which is in a position to “select in” and “select out” certain students by virtue of the rules governing admissions. Although by no means the sole factor restricting parental choice, such structural constraints at the school level can serve to limit equality of access to schools and can increase socio-economic, ethnic and faith-based segregation. Equality of access is further compromised in circumstances where control of admissions rests with the body that governs the school: this not only adds to the complexity of the admissions process, but also raises concerns about the objectivity of the process as decisions are taken behind closed doors.

Notes

1. Private fee-charging schools cater for around 7% of the school population in England, 4% in Scotland and 2% in Wales.
2. Very few technical schools were established: by 1958 they were catering for less than 4% of secondary school students (McCulloch, 1989).
3. Education authorities are required to have “regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents” (Education (Scotland) Act 1980).
4. Grant-maintained schools became employers of staff and gained control over admissions (voluntary-aided schools already had these responsibilities).
5. By 1997, there were 15 CTCs in England, and 19% of secondary schools and 3% of primary schools had opted out of local authority control. Only 17 schools opted out in Wales, and two in Scotland (Arnott, 2014; West, 2015).
6. In this respect the system was more akin to that in Finland (West & Ylönen, 2010).
7. Banding is “a system of oversubscription criteria in which all children applying for a place at a banding school are placed into ability bands based on their performance in a test or other assessment. Places are then allocated so that the school’s intake either reflects the ability profile of those children applying to the school, those children applying to a group of schools banding jointly, the local authority ability profile or the national ability profile” (Department for Education (DfE), 2021, p. 44).
8. In January 2007, there were 37 Jewish schools, two Sikh, seven Muslim, one Seventh Day Adventist and one Greek Orthodox, along with 26 Methodist, 4,642 Church of England, 2,038 Catholic, and 86 other Christian schools (Walford, 2008).
9. The 1996 Education Act consolidated education legislation in England from the 1944 Education Act onwards in one Act. The section providing for CTCs was amended by the Learning and Skills Act 2000 to provide for “city academies” to be created.
10. According to the School Admissions Code (Department for Education (DfE), 2021), with the exception of grammar schools, all applicants must be offered a place if the school is not oversubscribed.
11. The number of preferences varies according to the local authority. London authorities allow six preferences (London Councils, 2019).
12. It is not straightforward to compare academic outcomes between the countries of the UK as the curriculum and assessment systems differ. However, Machin, McNally, and

Wyness (2013) found clear similarities between countries at GCSE (or equivalent) level in England, Scotland and Northern Ireland (although Wales performed at a lower level). In terms of educational performance internationally, as measured using the Programme for International Student Assessment (PISA), they found that the similarities were more striking than the differences.

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