



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3276

Objector: A parent

Admission authority: Brent Council for community primary schools in Brent

Date of decision: 17 July 2020

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2021 determined by Brent Council for community primary schools in its area.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by a parent (the objector), about the admission arrangements (the arrangements) for community primary schools in the area of Brent Council (the local authority). The objection is that the admission arrangements do not explain in sufficient detail that applications for school places must be made from a family's permanent address.
2. The local authority and objector are the parties to this case.

Jurisdiction

3. These arrangements were determined under section 88C of the Act by Brent Council, the local authority, which is the admission authority for the community schools in Brent. The objector submitted his objection to these determined arrangements on 15 May 2020. The objector has asked to have his identity kept from the other parties and has met the requirement of regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of his name and address to me. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 15 May 2020;
 - b. the local authority's response to the objection;
 - c. a copy of the minutes of the meeting of the local authority at which the arrangements were determined;
 - d. a copy of the determined arrangements; and
 - e. a copy of the local authority's online prospectus for primary schools for 2020.

The Objection

6. The objector considers that in order to be fair to those applying for places, the admission arrangements in Brent should include a section that explains that parents may not temporarily move into bought or rented property in order to secure a school place and then move back to their original property after a school place has been obtained. The objector says that he observes that residents from Brent have temporarily moved to Harrow or Hertfordshire, by buying or renting a property, or have moved in as lodgers in those areas while renting out or subletting their existing property in Brent. Having obtained admission to a school, they have moved back to Brent six months or a year later. The objector includes an example of wording that he has obtained from another admission authority's arrangements that he considers would be suitable to address his concern as follows:

"If you own a property, which is, or previously has been, used as a home address and you state that you are living at, and apply from a different address, we will treat the second address as temporary. Therefore, we will use the address of the property which you own as the valid address for school admissions purposes. If you own or rent a property, and you buy or rent another property or live with family or friends temporarily, and state that this is your and your child's home address, we will not use the second address for school admissions purposes. Where owned property is being renovated, this will still be considered to be the child's permanent address."

The Code in paragraph 14 says: *"In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective."* Paragraph 1.13 of the Code says: *"admission authorities **must** clearly set out how distance from home to school will be measured, making clear how the 'home' address will be determined...."*

Consideration of Case

7. The local authority publishes the admission arrangements for schools in Brent in its prospectus, and it is the admission authority for community schools in the area. The

prospectus for primary phase schools not only includes the arrangements for community schools but also the admission arrangements for all the maintained primary schools in Brent. In making his objection, the objector has looked at the admission arrangements and the prospectus for admission to schools in neighbouring local authorities and asserts that these documents include more information than Brent does about how the authorities consider the matter of home address in their arrangements. I have noted above that my jurisdiction includes the published admission arrangements. The content of the local authority prospectus is not within my jurisdiction and, indeed, the prospectus for 2021 (which is the year with which I am concerned) does not have to be published until September 2020.

8. The local authority responded by saying that it had reviewed the admissions arrangements of the local authorities cited by the objector, and it was not entirely clear to the authority if the objector is referring to the admission arrangements or the information that local authorities provide in their admission booklets. However, irrespective of the answer to this, on the subject of the home address, the local authority says that its admission arrangements state that *“the address used must be the child’s permanent home address on the closing date for on-time applications or at the time of application for late or in-year applications.”* The local authority considers the use of the term *“permanent”* to be clear and without ambiguity. It also says that it expands upon this by stating *“this cannot be a business address, childminder’s or relative’s address, or any address other than the child’s permanent home address.”*

9. The local authority recognises that some admission authorities may provide further specific guidance about what form of residence is, or is not, acceptable for the purposes of a school application. However, it takes the view that, even with more detailed explanation, some scenarios may still not be included formally within the admissions arrangements and it considers that its use of the term *“permanent”* within the admission arrangements automatically excludes any type of temporary accommodation.

10. The objector raises examples of residents of Brent moving to Harrow, Barnet or Hertfordshire and using temporary accommodation for the purposes of securing school places in those areas. The local authority comments that the admission arrangements for Brent only apply for applications made to Brent schools and the local authority has no authority to state within its arrangements how parents should act when applying for schools in other local authorities. It also says that it has very good communication with the admissions teams in these other local authorities, and will work with them to resolve any queries that may arise regarding suspected use of temporary accommodation, or “addresses of convenience”.

11. The local authority concludes that it believes that its admission arrangements are compliant with the Code, have been consulted on as required by the Code and have been determined appropriately.

12. I have considered the points made by the objector and the responses from the local authority. I am proceeding on the basis that the objector has made the objection to the admission arrangements for the community primary schools in Brent and that the local

authority is the admission authority for these schools. Paragraph 14 of the Code says: “...admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective.” Paragraph 1.13 of the Code says: “admission authorities **must** clearly set out how distance from home to school will be measured, making clear how the ‘home’ address will be determined....”

13. In respect of this objection and the concern that the local authority does not publish sufficient information about housing and school the places, I am satisfied that the local authority meets the Code’s requirement to be “clear and fair” by stating that the address used for applying for a school place must be the child’s permanent address at the time of application. The local authority says that this is unambiguous and I agree. I am also satisfied that the arrangements meet the requirement of paragraph 1.13 of the Code by “making clear how the ‘home’ address will be determined”. I accept the local authority’s argument that it is possible that those admission authorities that give more detail may not cover all the possible scenarios. Providing more information adds to the complexity of the document and there is a balance to be found between providing many examples and keeping an explanation simple. I am satisfied that the local authority is aware of the need for this balance and it has expressed a willingness to review the balance when it next reviews its arrangements. The objector is particularly concerned about families who move to temporary accommodation in neighbouring boroughs in order to apply for a school place near the temporary address. The local authority rightly points out that it does not have any jurisdiction in the application for places in neighbouring boroughs, and that this is a matter for those local authorities to manage. I note the comment from the local authority that it has good relationships with the neighbouring boroughs’ admissions teams and can discuss concerns about particular cases with them should the need arise.

14. The local authority has expressed a willingness to bear the comments of the objector in mind when it conducts its annual review of its composite prospectus and the admission arrangements for community schools to see if there are improvements that can be made. In my view, this is a constructive and positive response to the objection.

Summary of Findings

15. The objector does not think that the local authority provides sufficient detail in its admission arrangements about the home address used by applicants for school places in schools where it is the admission authority. The local authority responded by saying that it requires the home address to be the permanent address of the child at the time of application. It considers that the use of the word “permanent” is clear and satisfies the requirement of the Code for arrangements to be “clear and fair”. The Code also requires arrangements to be clear about how the ‘home’ address is determined. I have considered the matter and am satisfied that the local authority meets the requirements of the Code in these respects and I do not uphold this objection.

Determination

16. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2021 determined by Brent Council for community primary schools in its area.

Dated: 17 July 2020

Signed:

Schools Adjudicator: David Lennard Jones