



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference: ADA3454**

**Objector: The Head Teacher of Corfe Hills School on behalf of the Governing Board of Corfe Hills School**

**Admission Authority: Parkstone Grammar School Trust for Parkstone Grammar School, Poole**

**Date of decision: 14 August 2018**

### **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 2019 determined by the Governing Board of Parkstone Grammar School on behalf of the Parkstone Grammar School Trust for Parkstone Grammar School, Poole.**

**I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.**

**By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.**

### **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 the head teacher of Corfe Hills School on behalf of the governing board of Corfe Hills School, (the objector), about the admission arrangements (the arrangements) for Parkstone Grammar School (the school), a selective secondary school for girls aged 11 – 18 for September 2019. The objection is that the arrangements are arbitrary, unreasonable and fail to give sufficient priority to Poole residents.**
- 2. The local authority (LA) for the area in which the school is located is the Borough of Poole. The LA is a party to this objection.**

## **Jurisdiction**

3. The terms of the Academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. The objector submitted his objection to these determined arrangements on 14 May 2018. 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

## **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 14 May 2018;
  - b. the admission authority's response to the objection and supporting documents;
  - c. the comments of the LA on the objection and supporting documents;
  - d. maps of the relevant area;
  - e. previous determinations ADA1613 and 1614; correspondence from the OSA in relation to ADA1613 and 1614; and ADA3284 relating to Bournemouth Grammar School (the Bournemouth determination);
  - f. confirmation of when consultation on the arrangements last took place;
  - g. copies of the minutes of the meeting of 24 January 2018 at which the governing board of the school determined the arrangements; and
  - h. a copy of the determined arrangements.

## **The Objection**

6. The objector considers that the oversubscription criterion which gives priority to residents living within the borough of Poole or specified postcodes will operate to create an arbitrary and unfair effect – specifically the inclusion of the whole of BH16 and BH21 3\*\* as postcode areas. The objector considers that the inclusion of these postcodes will give priority to non-Poole residents, which is contrary to the school's stated aim of continuing to prioritise Poole residents.

## Other Matters

7. Because the arrangements have been brought to my attention, I had concerns about other aspects which did not appear to conform to the Code. I drew these to the attention of the school. They were as follows:
  - The fact that the oversubscription criteria b, c, d and e contain the words “and/or” which have separate and distinct meanings. The use of both words made the operation of these oversubscription criteria unclear. (Relevant paragraphs of the Code are 1.8 and 14).
  - The fact that a child’s home address is determined by receipt of Child Benefit in a case where the child has separated parents. (The relevant paragraph of the Code is paragraph 14).

## Background

8. The school is a single sex girls grammar school with close links to Poole Grammar School, which is a boys grammar school situated close by. The schools have very similar admission arrangements, and the objection relates to the arrangements for both schools. I have dealt with the objection to the arrangements for Poole Grammar School in a separate determination (ADA3452).
9. The school became an academy on 1 January 2011. It is part of the South West Academic Trust, which is an association of Grammar schools in the South West with Exeter University. The school was rated by Ofsted as ‘outstanding’ in October 2017. It has a published admission number (PAN) of 180.
10. Applicants for places at the school in September 2019 will take tests in Verbal Reasoning, Mathematics and English with an aggregate of the three tests taken to determine whether the pupil is of the required standard. The scores for the entrance tests are adjusted (or “standardised”) according to age. There is one set of selection tests for Parkstone Grammar School, Poole Grammar School, Bournemouth School, and Bournemouth School for Girls ‘the Consortium’. The results of the tests will be sent to parents by post on Friday 12 October 2018. On the basis of their results, girls will be placed in two groups, Group A (Meets the required standard), or Group B (Does not meet the required standard). Meeting the required standard does not guarantee the award of a place. Places are awarded subject to the application of the oversubscription criteria once all applications received on time have been processed.
11. The school’s oversubscription criteria set out in priority order are as follows. The term “*eligible girls*” means girls who have met the required standard for admission to the school):
  - a. *Eligible girls who are classed as “Looked After” or who have previously been “Looked After”*

- b. *Eligible girls who live within the Borough of Poole and/or Poole postcodes BH12, BH13, BH14, BH15, BH16, BH17, BH18 and BH21 3\*\*, and who are currently entitled to the Pupil Premium (at 31 October 2018). Documentary evidence will be required at the point of test registration.*
- c. *Eligible girls who live within the Borough of Poole and/or Poole postcodes BH12, BH13, BH14, BH15, BH16, BH17, BH18 and BH21 3\*\*.*
- d. *Eligible girls who live outside the Borough of Poole and/or Poole postcodes BH12, BH13, BH14, BH15, BH16, BH17, BH18 and BH21 3\*\*, and who are currently entitled to the Pupil Premium (at 31 October 2018). Documentary evidence will be required at the point of test registration.*
- e. *Eligible girls who live outside the Borough of Poole and/or Poole postcodes BH12, BH13, BH14, BH15, BH16, BH17, BH18 and BH21 3\*\* in rank order of the entrance test scores, with those girls obtaining the highest scores given higher priority.*

12. The definition of “home address” is as follows:

*“The home address where a child lives is considered to be the address at which she is ordinarily resident during term time. The prime carer is the parent/carer in whose name Child Benefit payments are made. If Child Benefit payments are not received by either parent, then the address that the child has been registered with a General Practitioner (GP) at will be considered as the home address of the prime carer. The final decision on the home address of a child will be made by the school. If any information supplied by an applicant is judged by the school to be fraudulent or intentionally misleading the school may refuse to offer a place, or if already offered, may withdraw the offer...*

*Only one application can be considered for each student. Where parents/carers are separated it is essential that agreement is reached by both parties concerning the nominated preferred schools. If agreement cannot be reached the Governors will only consider the application from the parent/carer who is the prime carer of the child. The prime carer is the parent/carer in whose name Child Benefit payments are made. If Child Benefit payments are not received by either parent, then the address that the child has been registered with a General Practitioner (GP) at will be considered as the address for the prime carer”.*

13. Also of relevance to this objection is determination ADA3284 relating to Bournemouth Grammar School (the Bournemouth determination) which determined that using the local authority area as a catchment is unlawful. The school consulted upon, and revised its admission arrangements in light of this determination. I have also read ADA1613

and 1614 which relate to Poole and Parkstone Grammar Schools. ADA3284 sets out the correct interpretation of the law in my view.

### Consideration of Case

14. Prior to the Bournemouth determination, the school had given priority to girls who had met the required standard in the entrance test who were resident in the Borough of Poole – that is using the borough boundary as its catchment area. Following the Bournemouth determination, the school decided to revise its admission arrangements because the determination had concluded that giving priority in the way that school's arrangements did was unlawful. The school remains committed to giving priority to Poole residents insofar as it is able to do so whilst acting within the law. The objector claims to understand that the school has no option but to find an alternative to the borough boundary itself, but considers that the school's alternative is "*neither reasonable nor objective and potentially also unfair*".
15. This is said to be because the inclusion of the whole of BH16 as a postcode area significantly distorts the new "priority area" by adding a large geographical area to the west of the Borough for the sake of a small number of BH16 residents who do live in Poole. The objector believes that this is not reasonable because it is so arbitrary (a similar expansion to the north would include much of Wimborne and to the east would include much of Bournemouth. These areas have not been included).
16. Also it is said that the vast majority of the BH21 3\*\* addresses are not in the Borough of Poole at all, but in Corfe Mullen, which is part of neighbouring Dorset. The objector considers that this change is not objective. It does not help the school to meet its stated aim of continuing to prioritise Poole residents. There are a number of similar areas which are adjacent to the LA boundary which could have been added to the priority area but have not been.
17. The objector also considers that the arrangements are unfair because the use of all Poole postcodes gives priority to non-Poole residents who live a significant distance away from the school to the west but does not give priority to non-Poole residents who live much closer to the school to the north and the east. The objector claims that, either a straight test score or criterion based on distance from the centre of the local authority area would avoid this.
18. The objector made the further points that the school had not taken into account the detrimental effect of the use of the postcodes on Corfe Hills and Lytchett Minster which suggests that the catchment is arbitrary; that the choice of "Poole and some additional areas" is also arbitrary; and the decisions about which areas are, and are not, part of the Poole community are subjective. A helpful map was provided.
19. The school submitted a detailed response to the objection. There was reference to a letter from a former schools adjudicator which suggested

that the school was at liberty to use all or part of the boundary of the Borough of Poole to define its geographical catchment, provided that the general requirements of the code, and in particular paragraphs 2.40 – 2.45, were observed. As a result, the school consulted on this as a proposal and adopted the borough boundary as defining the limits of its catchment in 2010. The school has consulted on admission arrangements enshrining this catchment area on eight further occasions subsequently, and has never received any objections to this aspect of the arrangements.

20. When the Bournemouth determination was published in June 2017, the school sought advice from the LA in relation to its own admissions arrangements and received a response as follows: *“We are of a view that you are not required to review your 2018 policy – the deadline for submitting objections to the OSA was 15 May. As far as we are aware, no objections were received. The LA has no plans to submit a late objection request to the OSA in respect of the arrangements that are in place because: a) The arrangements in their current format have been in place a number of years and parents/families should therefore be aware of the policies. b) There is little/no time available to the schools to carefully consider what changes to make and also widely consult on any proposals before the process of applying for a school place starts in September.*

*Normally determined arrangements must remain as they are. Making any changes would be considered significant (as per both “Making significant changes to an open academy” and <https://www.gov.uk/guidance/schools-adjudicator-make-an-objectionappeal-or-referral#in-year-variations-to-school-admission-arrangements>).*

*However, we do recommend that the schools consult and amend their policies for 2019/20. If the policies are not amended, the LA would have a duty to refer the determined policies to the OSA in light of the recent judgement in respect of the Bournemouth School adjudication; as clear reference is made to the use of the Poole/Bournemouth border as being contrary to Greenwich.”*

21. As a result of the LA’s advice, the school began a consultation process to consider an alternative to the use of the Borough of Poole as its catchment area. Full details of the consultation process have been provided to me. The school says that it welcomed the responses from all stakeholders, including parents (and particularly those with girls currently in Year 5) other schools of all phases, religious authorities and the local community. The consultation period ran from 1 November to 15 December 2017.
22. On 9 January 2018 the 25 consultation responses were emailed to all governors in preparation for meeting of the full governing board on 24 January 2018. This was a meeting to consider the responses to the consultation and to determine the admission arrangements for entry in September 2019. The principle was accepted by the governors that

both the boys and girls grammar schools in Poole should have the same admissions arrangements and that there was a need to meet the needs of both school communities in the admission arrangements. It was therefore agreed, in collaboration with Poole Grammar School, to use Poole Postcodes (with the addition of BH21 3\*\*) together with the Borough of Poole to define the geographical area in the oversubscription criteria. This would be the same as the arrangements being determined for Poole Grammar School.

23. *The school's response to the objection was as follows:*

*"In specific reference in the objection to the inclusion of the postcode BH16 and BH21 3\*\*. BH16 is a Poole postcode but only overlaps to a small extent with the Borough of Poole, as the object states. However the school disputes that the inclusion of these postcodes are not reasonable.*

*Within the 25 responses to the consultation 5 supported the inclusion of the BH16 area including the local Member of Parliament who stated that "I know that many people living in the BH16 will be pleased with the change." The remaining 20 responses were concerned with the exclusion of the Merley and Bearwood area which was rectified in the ratified policy.*

*The school does not believe that the inclusion of the BH16 and BH21 3\*\* postcodes are arbitrary or unfair.*

- Firstly, BH16 and BH21 3\*\* are anomalous in being a Poole designated postcode but not wholly in the Borough of Poole.*
- Secondly, the school annually receives a large number of applications from BH16 and BH21 3\*\* residents and therefore the inclusion of BH16 is meeting parental preference".*
- Thirdly, the furthest point of BH16 is only 5.62 miles from the school when the furthest point of the Borough of Poole is 4.64 miles from the school. The majority of BH16 residents are therefore closer to the school than many Poole residents and, given the rural nature of BH16, would have a much swifter and easier journey to school. BH16 residents would therefore be attending a local school. Likewise, the furthest point of the BH21 3\*\* postcode is only 4.7 miles from Parkstone. The majority of BH21 3\*\* residents are therefore closer to the school than many Poole residents. BH21 3\*\* residents would therefore be attending a local school.*
- Fourthly, to expand the geographical area to the east would overlap with the geographical area of the Bournemouth grammar schools and this was deemed unfair as residents already have access to selective education in the form of the Bournemouth Grammar Schools whereas residents in the West do not."*

24. In support of its arguments, the school submitted a table showing the numbers of applications received from postcodes BH16 and BH21 3\*\*\*; which were within and outside the Borough of Poole; how many reached the pass mark; and how many places were offered to in-borough and out-borough applicants. The figures showed that, for each of the years 2014 – 2018, there were a number of out-borough applicants living within these postcodes who had reached the required standard in the tests but had not been offered a place. For BH16, the number of eligible out-borough applicants and the number of places offered was as shown in the table below:

Year	Eligible out-borough applicants	Places offered to out-borough applicants
2014	6	2
2015	9	7
2016	5	2
2017	7	4
2018	5	3

For BH21 3\*\*\* the number of out-borough applicants and the number of places offered was shown in the table below:

Year	Eligible out-borough applicants	Places offered to out-borough applicants
2014	16	10
2015	8	4
2016	8	2
2017	4	3
2018	5	2

The school also submitted maps of Poole and BH16 postcode and maps of Poole and BH21 3\*\* postcode. In 2017/18, when the school had adopted the Borough of Poole as its catchment area, 155 girls who resided in the Borough of Poole were admitted, whereas 27 out-borough applicants were admitted.

### Analysis

25. Relevant paragraphs of the Code are paragraph 1.14 which provides



that “Catchment areas **must** be designed so that they are reasonable and clearly defined.”; paragraph 1.8 which requires that “Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group...”, and paragraph 14 which states: “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.

26. As I have said, I agree with the conclusion reached in the Bournemouth determination. It follows from this that I would also have determined that the school’s previous admission arrangements were unlawful, and the school has acted correctly in revising its arrangements. There has been much discussion about the “Greenwich judgment”, but it is important to remember that what that judgment did was uphold that local authorities must comply with a provision in the Education Act 1980, which is now in section 86(8) of the School Standards and Framework Act 1998. I have set the relevant parts of the section out below:

*86(1) A local authority shall make arrangements for enabling the parent of a child in the area of the authority—*

*(a) to express a preference as to the school at which he wishes education to be provided for his child in the exercise of the authority's functions, and*

*(b) to give reasons for his preference.*

*(2) Subject to [subsection (3)] and section 87 (children excluded from two or more schools), [the admission authority for a maintained school] shall comply with any preference expressed in accordance with arrangements made under subsection (1).*

*(3) The duty imposed by subsection (2) does not apply—*

*(a) if compliance with the preference would prejudice the provision of efficient education or the efficient use of resources; [ or]*

*[...]*

*(c) if the arrangements for admission to the preferred school—*

*(i) are wholly based on selection by reference to ability or aptitude, and*  
*(ii) are so based with a view to admitting only pupils with high ability or with aptitude,*

*and compliance with the preference would be incompatible with selection under those arrangements.*

*(8) The duty imposed by subsection (2) in relation to a preference expressed in accordance with arrangements made under subsection*

*(1) shall apply also in relation to—*

*(a) any application for the admission to a maintained school of a child who is not in the area of the authority maintaining the school....*

27. Section 86(8) requires that the duty to comply with parental preference applies in relation to applicants who live outside a local authority's area in the same way as it applies to those who live within the area. It follows from this that any admissions policy which has the effect of giving priority exclusively to local authority residents because they are resident in that local authority compared to those resident elsewhere will be unlawful. The requirement to comply with the preferences of parents who live outside the local authority's area as well as the preferences of those who live within the area is applied to academies through their funding agreements.
28. The school has revised its admission arrangements to continue to give priority to Poole residents, but also to give equal priority to applicants who are not Poole residents where the school considers it fair and reasonable to do so. Having read the school's representations, I have no doubt that the arrangements were revised with an intention to comply with the law, and that the changes, and their effects, were considered carefully. In ensuring parity in its arrangements with the admission arrangements for Poole Grammar School, Parkstone Grammar School has been mindful of its obligations under the Equality Act 2010 and paragraph 1.8 of the code to ensure that both girls and boys are given an equality of opportunity to achieve a local grammar school place. The two schools are each single sex, and have the same number of available places. Equality of opportunity between girls and boys is served by both schools agreeing to use the same catchment areas.
29. The case law has evolved to some extent since the 'Greenwich judgment'. The school's admissions policy has been revised so that the catchment area is no longer the borough boundary. I am conscious, however, that the catchment to a large degree is affiliated to the borough boundary. In these circumstances, the case of *R v Rotherham MBC Ex p.T [CA 4 November 1999]* is relevant. In this case, a school's catchment was to some extent co-terminus with the borough boundary. The Court of Appeal held that it was lawful for a school to have a catchment area. If the catchment area could not itself be criticised, it would not be unlawful just because it coincided to some extent with the borough boundary. Similarly, there are very large numbers of schools located many miles away from any local authority boundaries and for which the catchment area is wholly contained within the local authority area. Common sense alone shows that this is reasonable and that there is no conflict with the Greenwich judgment.
30. In the case of the arrangements before me, it is clear that one of the primary reasons for adopting the catchment area was to give significant priority to Poole residents, but this was not the only consideration. The school has considered the clarity of the arrangements; compliance with the Equality Act 2010; the practical effects of including postcode areas in BH16 and BH21 3\*\*\* its catchment area; the fact that these are areas from which the school receives a number of applications each year; and that in the last 5 years, there have been a number of eligible girls living within these postcodes who have not been offered places at

the school. This is a carefully thought through catchment. I do not consider it to be arbitrary or unreasonable. Catchment areas inevitably favour some applicants over others. The objector has not provided evidence identifying any social or racial group who are being disadvantaged unfairly. Therefore, I do not consider that the effect of the operation of the catchment is likely to be unfair.

### **Other matters**

31. In response to the concerns I raised in relation to other matters, I received a reply from the school indicating that the intention of the admission authority is to prioritise both residents of the Borough of Poole as well as those with a Poole postcode. The admission authority had believed the use of the phrase “and / or” made this clear. However, if I believe this is not the case, the admission authority would be happy to change the phrase to ‘or’ to indicate the intention more clearly.
32. In relation to the definition of “*home address*”, the arrangements use the wording agreed with the local authority, which is the wording used by almost all Poole schools. The school believes that the use of Child Benefit as proof of home address is clear and easily understood. Parents/carers that are not in receipt of Child Benefit can use the address for which the child is registered with their GP. This is equally clear and easily understood. However, the school agreed to change the wording if it needed to be clearer.
33. The LA agreed with the concerns I had raised about the use of the phrase “and/or” in relation to the catchment area, and made detailed representations about the definition of “home address” as follows:

*“Like the majority of schools in Poole both Parkstone and Poole Grammar School have adopted the definition of ‘home address’ that was discussed and agreed at a Poole Admissions Forum. The wording was last amended when Child Benefit ceased to be a universal entitlement to include what would happen where Child Benefit was not in payment. The Admissions Forum has always sought to ensure that wording is clear and fair to Parents. As part of the annual review of admission arrangements the Admissions Forum has continued to accept this wording and I can confirm that this is replicated in both of the Grammar Schools arrangements referred to.*

*At the time of setting the initial wording, and in subsequent years, it has been believed that where Parents were separated child benefit was payable to the Parent where the child lived for the majority of the time and this is why this wording was used.*

*I can see from your letter that separated parents who share the care of their child can come to an agreement about who should claim the benefit and that this means that receipt of Child Benefit cannot always be used to infer a home address. The Local Authority and schools are committed to ensuring that all children and families are treated equally*

*in the admissions process and in the light of this information I agree that the definition for 'home address' needs to be reviewed.*

*I would propose that as arrangements for September 2019 have already been established and published that the terminology be reviewed for September 2020 admissions. This will allow the matter to be taken to the Admissions Forum meeting in the Autumn Term 2018 for discussion and agreement. In addition this timescale aligns with Local Government Reorganisation across Dorset on 1 April 2019 and I will request that all 3 Local Authority areas that will make up the new Bournemouth, Christchurch and Poole Local Authority raise this at their Admissions Forums. If you are not in agreement with this please let me know.*

*In making this change the LA would want to ensure, as far as possible, that the 'home address' is the place that the child spends most of their time during the school term. This has been debated by members of the Poole Admissions Forum in the context of wanting all children to be treated equally in the admissions process. It has proved difficult to identify 'evidence' that would confirm where a child lives and for what periods and the use of Child Benefit payment or GP registration has been used as they are clear and transparent. If you have any suggestions for alternative forms of evidence I would be happy to receive them.*

*I have concerns that the wording proposed on your letter ("where a child spends time at different addresses, the home address should be the address where he/she resides for most of the school week during term time") contains the word 'should', a word we have tried to avoid using in any admission arrangements for reasons of transparency.*

*I would note that in 2017 when the Admission Arrangements for Bournemouth School for September 2018 were considered by the OSA, the outcome of which resulted in Parkstone and Poole Grammar Schools making changes to their catchment areas for 2019, the wording used to define home address was not challenged and remains in the arrangements for 2019. This is copied below.*

### ***Bournemouth Grammar School Admission Arrangements for September 2018.***

#### ***Home Address***

*The home address where a child lives is considered as the address at which he is ordinarily resident during the school week at the time of application. Where a child spends time with parents with shared parental responsibility at more than one address Bournemouth School will consider the home address as being where the prime carer resides. The prime carer is the parent/carer in whose name Child Benefit payments are made. If Child Benefit payments are not received by either parent, then the address that the child has been registered with a General*

*Practitioner (GP) at will be considered as the home address of the prime carer. The final decision on the home address of a child will be made by the school. If any information supplied by an applicant is judged by the school to be fraudulent or intentionally misleading the school may refuse to offer a place, or if already offered, may withdraw the offer.*

*In addition a number of Admission Authorities outside of Poole have used the payment of Child Benefit to determine a home address and continue to do so”.*

34. I am grateful to the school and the LA for their comments and cooperation in these matters. Both are keen to ensure compliance with the Code, and the LA has helpfully agreed to raise this matter with the neighbouring authorities of Bournemouth and Dorset. I apologise if my letter was construed as suggesting wording. This is not for me to do, and was not my intention. I agree that the word “should” may make admission arrangements unclear and hence in breach of the requirements relating to admissions.
35. The first point to make is that the arrangements do not use receipt of Child Benefit as proof of address; they use receipt of Child Benefit as a factor determining which address will be treated as the home address for a child whose parents are separated. Where an admission authority requires proof of address, it may require copies of Child Benefit correspondence with HMRC where Child Benefit is in payment. Some admission authorities ask for copies of Council Tax correspondence, utility bills and other documents which contain a person’s address. If an admission authority requires proof of address for a child whose parents are separated, it must also require proof of address for all applicants.
36. The second point to make is that any definition of the home address for a child whose parents are separated must, as a starting point, arrive at the address where the child is ordinarily resident during the school week where the arrangements provide that this is the case for all other applicants. There will be cases where the definition used in these arrangements will arrive at the wrong address for children who genuinely do live within the catchment area for the school.
37. Where parents are separated and the child lives part of the time with each, there is scope for either parent to be the parent who claims Child Benefit. There is nothing in the rules governing Child Benefit which requires that the parent who claims the benefit must be the “prime carer”, as the arrangements provide, or that the child must spend more time with the parent who claims Child Benefit than with the other parent. It is thus entirely possible that the approach in the arrangements may lead to the child’s address being deemed to be the address where the child spends, say, weekends and school holidays and not where he or she lives for most of the week. I therefore consider that the operation of the definition creates an unfairness to the children of separated parents who may agree between themselves which of them should claim Child Benefit.

38. I appreciate that the school and the LA are looking to have a clear definition of home address which can be applied consistently in cases where a child lives in more than one place. However, the effect of using receipt of Child Benefit as the determining factor in the case of some children whose parents are separated will be to ascribe a home address to a particular child which may not be the address where the child lives for most of the time, and is not where the child lives on the days that he/she attends school.
39. There may be cases where a child lives with one parent for a week and then with the other parent for a week, or where arrangements are *ad hoc*. In these cases, it may be said that the child is ordinarily resident during the school week at both addresses. In these circumstances, admission authorities might specify that only one address can be considered for the purposes of the application, and that the parents must choose. Alternatively, where a child is ordinarily resident at more than one address, during the school week, it may be reasonable for an admission authority to have a determining factor such as using the address from which the child is registered at a GP practice. In these cases, the admission authority would not be using a factor to determine whether a child is ordinarily resident at a particular address but how reasonably to determine which of two possible addresses is to be used.
40. The school has agreed to revise the arrangements, and must do so within two months of the date of this determination. The LA has agreed to consider revisions to the arrangements for other Poole schools which use the same definition of “*home address*”, and to raise this issue at the next Admissions Forum meeting. The LA will request that all three Local Authority areas that will make up the new Bournemouth, Christchurch and Poole Local Authority raise this at their Admissions Forums. I am grateful to both the school and the LA for their cooperation in this matter, and note their sincere desire to ensure that admission arrangements operate reasonably and fairly for the children of separated parents.

## **Summary of Findings**

41. My findings are that the school’s arrangements for admission in September 2019 are not arbitrary or unreasonable. Neither do they operate unfairly to any identified group. I find that the use of the phrase “and/or” renders the description of the school’s catchment area unclear; and that the definition of “home address” operates unfairly in the case of some children whose parents are separated. The school has agreed to make the necessary revisions to the arrangements to ensure they comply with paragraphs 1.8 and 14 of the Code.

## **Determination**

42. 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 2019 determined by the Governing Board

of Parkstone Grammar School on behalf of the Parkstone Grammar School Trust for Parkstone Grammar School, Poole.

43. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
44. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 14 August 2018

Signed:

Schools Adjudicator: Dr Marisa Vallely