



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3452

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

Admission Authority: The Poole Grammar School Academy Trust for Poole Grammar School, Poole, Dorset

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 Poole Grammar School on behalf of the Poole Grammar School Academy Trust for Poole 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 Poole Grammar School (the school), a selective secondary school for boys 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 ADA3284.
 - f. confirmation of when consultation on the arrangements last took place;
 - g. copies of the minutes of the meeting of 15 March 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, e and f 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).
 - The arrangements state that the waiting list will be held until the 31 August of the year of entry, at which point it lapses. (The relevant paragraph of the Code is paragraph 2.14 which states: “*Each admission authority **must** maintain a clear, fair and objective waiting list until at least 31 December of each school year...*”).

Background

8. The school is a single sex boys grammar school with close links to Parkstone Grammar School which is a girls 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 Parkstone Grammar School in a separate determination (ADA3454).
9. The school became an academy on 1 July 2011. It is part of the South West Academic Trust, an association of Grammar schools in the South West with Exeter University. The school was rated by Ofsted as ‘good’ in a 2018 inspection report. 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 Poole Grammar School, Bournemouth School, Bournemouth School for Girls and Parkstone Grammar School ‘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, boys 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 boys" means boys who have met the required standard for admission to the school):

"a. Eligible (1) boys who are classed as "Looked After" or have previously been 'Looked After'(2)

b. Eligible boys who live within the Borough of Poole and/or Poole postcodes BH12, BH13, BH14, BH15, BH16, BH17, BH18 and BH21 3-- and who currently (31st October 2018) receive Pupil Premium (3)

c. Eligible boys who currently (31st October 2018) live within the Borough of Poole and or Poole postcodes BH12, BH13, BH14, BH15, BH16, BH17, BH18, and BH21 3-- and who do not receive Pupil Premium

d. Eligible boys who are the sons of current members of staff where the member of staff has been employed at the school for two or more years at the time when the application for admission to the school is made

e. Eligible boys who live outside the Borough of Poole and/or Poole postcodes BH12, BH13, BH14, BH15, BH16, BH17, BH18 and BH21 3--, who currently (31st October 2018) receive Pupil Premium in rank order of the entrance test scores

f. Eligible boys who live outside the Borough of Poole and/or Poole postcodes BH12, BH13, BH14, BH15, BH16, BH17, BH18 and BH21 3-- who do not receive Pupil Premium, in rank order of the entrance test scores."

12. The definition of "home address" is as follows:

"The home address where a child lives is considered to be the address at which s/he 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 boys 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 resolved 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 chosen approach 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. In response to the objection, the school has helpfully provided all of the thinking that went on in relation to the change to the admission arrangements. This started at the Governors Admissions Committee meeting on 5 October 2017. It was recognised that some change to the catchment area was probably necessary as a result of the Bournemouth determination. Different options were discussed, including a well-ordered map; distance from home to school or from a central point; the use of postcodes; availability of local bus services for the purposes of home to school travel. At the meeting it was recognised that there was merit in the arrangements being the same as those for Parkstone, and it was likely that Parkstone would wish to explore the use of postcodes. The benefit of using postcodes to determine the catchment was that they are clear. A parent would have no doubt about whether their address would fall within the catchment.
19. There were further lengthy discussions at the governors meeting on 19 October 2017. The governors were aware that if they did not amend the admission arrangements in light of the Bournemouth determination, they would face a challenge by the LA. The use of postcodes was the subject of full discussion. There was a consultation on proposed changes to the arrangements from 1 November 2017 to 15 December 2017. The proposed changes to the arrangements for the school differed to those proposed by Parkstone. Each school was proposing to include different postcodes. Objections to the school's proposed changes were received from the LA dated 14 December 2017 and from the objector dated 12 December 2017. The LA was concerned that Poole and Parkstone using different postcodes would create an inequality of opportunity between girls and boys, and would be in breach of paragraph 1.8 of the Code which requires that admission arrangements must comply with equalities legislation. The objector considered that, because the proposed arrangements named the Borough of Poole, they would not comply with the Greenwich judgment. Also, the fact that the proposed arrangements were not the same as Parkstone's proposed arrangements would be confusing and would lead to boys and girls being treated differently.
20. The proposed arrangements were again discussed fully at the governing board meeting on 7 December 2017, and a decision was taken to try to agree with Parkstone School a set of arrangements which would apply to both schools. The current arrangements are the agreed arrangements for both schools.
21. The school submitted a detailed response to the objection on 23 May 2018. This explained that the governors had wanted the catchment area to include all of the addresses that were included in the previous catchment area, and so the new catchment is the Borough of Poole plus some other areas. Some of the postcodes chosen are entirely within the Borough of Poole, and some straddle the boundary. The criteria adopted were as follows:

- a. Postcodes which include addresses within the Borough of Poole boundary.
- b. Areas from which the school traditionally receives a significant number of Poole applicants.
- c. Areas linked to the school in terms of transport systems.

There is reasoned explanation of why postcodes BH21 3**, BH16 *** and BH18 are included, and why other areas are not included.

22. In relation to BH21 3** it is said that the postcode “*straddles the boundary to the north west of the Borough. The main feeder school in the area is in Dorset, but is close to the boundary, and serves students resident in both Poole and Dorset. Of students on roll in academic year 2017-18, 50 are resident in BH21 3**. 10 are within the Borough of Poole, 40 are outside. They all live in Corfe Mullen, which is geographically closer to the school than some parts of the Borough of Poole (including most of BH13, BH12 and some of BH14) and many of the residences in it are closer than Wimborne (which is an area specifically mentioned in the objection). The furthest address from the school, BH21 3RQ, is 3.8 miles from the school (by foot). The nearest point in Wimborne (BH21 3BH) is 2.68 miles from the school (by foot).*”
23. In relation to “*BH16 *** – to the south west of the Borough boundary. Of the 32 students with a BH16 postcode currently on roll 14 are within the Borough of Poole boundaries, and 18 are outside. A number of boys who are outside the priority area within this postcode attend junior schools on Poole and are therefore of a lower priority than their classmates when it comes to the oversubscription criteria. The furthest point from the school is 6.8 miles (BH16 6JT), while the furthest point from the school within the Borough of Poole is BH13 7RB – 6.7 miles.*”
24. In relation to “*BH18 – mostly within the Borough of Poole, but some addresses are outside (and are in Dorset), though for some of these they have to travel through the Borough of Poole to get to Dorset. They are very much part of the Poole community, and are geographically closer than much of the priority area*”.
25. In relation to Wimborne, what is said is that Wimborne is in Dorset. “*There is a physical barrier that marks the boundary to the immediate north of Poole, which is the most built up section along the boundary. Wimborne is a distinct community in a way that Corfe Mullen is not. Therefore drawing the boundary in a way which excludes Wimborne is neither unreasonable nor irrational*”.
26. There is an explanation as to why the school chose not to move to a ‘distance’ oversubscription criteria. This was because the school was originally located within the town centre, but was relocated to a site to the north in the 1960’s. “*Using the centre of Poole as its distance measure would mean that students living much closer to the school would be potentially disadvantaged when compared with residents in*

the south of the Borough. Using the current school site as the distance measure would similarly disadvantage Poole residents by giving preference to areas which are not part of the Poole community. Therefore, to retain the area covered by the Borough of Poole, with the addition of certain postcodes that are largely part of the Poole community, seems as reasonable, objective and fair as the alternatives”.

27. The school says: *“In summary, we do not agree that the oversubscription criteria for 2019 is unreasonable, lacks objectivity or is unfair. The postcodes identified for inclusion in the priority area all straddle the Borough of Poole boundaries, and include communities which are in essence divided by the application of the previous oversubscription criteria – in other words, applicants who may live close to each other are not given the same opportunity to attend Poole Grammar. The new priority area addresses some of these areas of potential unfairness”.*
28. 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.

Analysis

29. Relevant paragraphs of the Code are paragraph 1.8 which requires that *“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation”*, 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.*
30. As I have said, I agree with the conclusion reached in ADA3284. 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....

31. 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 compared to those who live outside the local authority 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.

32. The school has revised its admission arrangements to continue to give priority to Poole residents, but also to give equal priority 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 the intention to comply with the law, and that the changes, and their effects, were considered very carefully indeed. The school has also 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.

33. The case law has evolved to some extent since the 'Greenwich judgment'. Poole Grammar 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. That is a very different matter from a catchment which is simply the whole of the local authority area and that area alone.
34. 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 a significant element of 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; access by public transport; local community connections; areas from which pupils have been admitted previously; and areas from which pupils have previously been refused a place where this appears unfair. This is in every respect a carefully thought through catchment. I do not consider it to be arbitrary or unreasonable. Catchment areas, in common with all oversubscription criteria, inevitably favour some applicants over others. The objector has not provided evidence identifying any social or racial group who are being disadvantaged unfairly.

Other matters

35. In response to the concerns I raised in relation to other matters, the school indicated that the intention of the admission authority is to prioritise *both* residents of the Borough of Poole *as well* as those living within a specified Poole postcode, and that the school would be happy to change the phrase to 'or' to indicate the intention more clearly.
36. In relation to the definition of "home address", the arrangements use the wording agreed with the local authority. The school indicated that the LA would be writing to me in this regard. The wording in the school's arrangements is the wording used by almost all Poole schools. The school believe 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.

37. The intention of the policy is to keep the waiting list open until the end of Year 7, so the school would be happy to add '2020' to 31 August to clarify the arrangements in a way which conforms to the Admissions Code.
38. The LA agreed with the concerns I had raised about the use of the phrase "and/or" in relation to the catchment area and the requirement to keep the waiting list open until 31 December 2019.
39. The LA 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".

40. 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.

41. 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.
42. 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.
43. 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.
44. 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.
45. 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 to reasonably determine which of two possible addresses is to be used.

46. 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

47. 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; that the waiting list must be kept open until 31 December 2019; 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, 2.14 and 14 of the Code.

Determination

48. 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 Poole Grammar School on behalf of the Poole Grammar School Academy Trust for Poole Grammar School, Poole.
49. 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.

50. 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