



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3272

Objector: A parent

Admission authority: Harrow Council for community primary schools in Harrow

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 Harrow 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 Harrow Council (the local authority). The objection is that the admission arrangements for community primary schools do not make the rules about a child's home address at the time of applying for a place sufficiently clear, with the result that the arrangements are unfair.
2. The local authority and the objector are the parties to this case.

Jurisdiction

3. These arrangements were determined under section 88C of the Act by the local authority, which is the admission authority for the community schools in Harrow. 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 and subsequent correspondence;
 - 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 objection is that the local authority's admission arrangements are not fair because they do not include clear guidelines about the home address to be used when applying for a school place. In particular, the objection gives examples from neighbouring councils who, in one example, provide information about having the registration for council tax in a different name to the one used for applying for a school place; in another example there is additional information about what to do if a family has someone else's child living with them; in a further example there is a description of the consequences of obtaining a school place for a sibling by fraudulent means; and lastly there is an example of wording about the consequences of renting a property in order to gain a school place. In the objector's view, if the local authority does not make these matters clear in its arrangements for primary schools for which it is the admission authority, then some parents and their children will be treated unfairly.

7. In subsequent correspondence, the objector noted the number of appeals for school places that is set out school by school in a table in the arrangements. The objector described this as a high level of complaints about the application process.

8. 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

9. In its response to the objection, the local authority said that it shares its borders with five other local authorities and for admission purposes participates in the pan-London co-ordination process. It confirms that all the local authorities taking part in the co-ordination process have an address verification policy that is used to ensure that appropriate levels of address verification are undertaken by each local authority.

10. It goes on to say that some neighbouring authorities have selective schools and schools that are their own admission authorities. All these admission authorities will require additional verifications of some sort to regulate those families that move into their area for the purpose of gaining a place at the selective school.

11. The local authority says that Harrow does not have selective schools, but does have popular schools. and it believes that the level of checks that it undertakes are effective and address any potential unfairness that can result from large numbers of applications for popular schools. It does not publish details of its investigation process, as this will change based on individual circumstances; however, the published arrangements confirm that the local authority will carry out appropriate checks. The local authority is also mindful that families do have to move for a wide range of reasons and these all need to be considered when verifying addresses.

12. The local authority sets out in its arrangements what addresses can be used on an application and that all applications will be verified. There is information in the arrangements about how the local authority will verify addresses using the council database, home visits and background checks. An initial check is carried out using the council tax database where parents must be listed with their full name (not initials), and if the name is not listed, further evidence about the tenancy or ownership is required. If documentary proof of address is not provided, then the local authority writes to the applicant advising that their application is not complete and cannot be processed. The local authority explains that there are some families who are unable to provide the information that is requested and that the local authority carries out further checks which may include a home visit. Where popular schools are heavily oversubscribed, the local authority says that it runs additional checks when there are notifications of a change of address prior to applications for places.

13. The local authority goes on to say that where it has reason to believe that an address may be fraudulent, it carries out further investigations working together with other council departments. It also makes clear that, where a school place has been offered based on false information, the offer can be withdrawn even after a child has started at school.

14. In subsequent correspondence, the objector referred to the number of appeals for school places held for individual schools across the area, and described this as a high number of complaints. The objector appears to have misunderstood the difference between an appeal to an admission authority because an individual school place had not been allocated and his objection about the fairness of the process. A high number of appeals is not necessarily a reflection of deficiencies in admission arrangements but is more likely to

be a result of many parents competing for a limited number of places in popular schools. The School Appeals Code 2012 says that appeal panels “*must consider in relation to each individual appeal a) whether the admission arrangements (including the area’s co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and b) whether the admission arrangements were correctly and impartially applied in the case in question.*” The local authority says in its information for parents that the case for appeal must be a strong one and that across the local authority only two appeals were successful last year. This is not evidence of arrangements that are failing to meet the requirements of the Code, but evidence of popular schools with more applicants than there are available places.

15. I have considered the points made by the objector and the responses from the local authority. 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....*” The local authority clearly sets out how it determines an applicant’s home address in its arrangements and I am satisfied that what is set out complies with the requirements of the Code in paragraph 1.13.

16. I am also satisfied that the local authority meets paragraph 14 of the Code’s requirement to be “*fair, clear and objective*” in respect of this objection about the definition of “*home address*”. The objector gives examples of other wording used by neighbouring local authorities, and considers that Harrow should adopt this suggested wording or something similar. I do not think that this is necessary in order to comply with the requirements of the Code, nor is it necessary in order to make the arrangements clearer for parents who are making applications for places for their children. I do not therefore uphold this objection.

Summary of Findings

17. The objector does not think that the local authority provides sufficient detail in its admission arrangements about the home address to be used by applicants for school places in schools where it is the admission authority. The local authority responded by setting out how it determines home address in compliance with paragraph 1.13 of the Code; how it checks carefully to ensure that applicants are supplying accurate information about their address; and how it can withdraw a school place even after a child has started school if the information supplied is found to be inaccurate. I am satisfied that the arrangements determined by the local authority meet the requirements in paragraph 1.13 of the Code. I am also satisfied that the arrangements set out how the local authority deals with the matter of home addresses of applicants in a way that meets the requirement in paragraph 14 of the Code to be “*fair, clear and objective.*” In consequence, I do not uphold this objection.

Determination

18. 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 Harrow Council for community primary schools in its area.

Dated: 17 July 2020

Signed:

Schools Adjudicator: David Lennard Jones