



Determinations

Case reference:

Case Number and School	Admission Authority
ADA3789 Watford Grammar School for Boys	Watford Grammar School for Boys
ADA3790 Watford Grammar School for Girls	Watford Grammar School for Girls
ADA3791 St Clement Danes School	Danes Educational Trust
ADA3792 Rickmansworth School	Rickmansworth School
ADA3793 Queens' School	Queens School (Bushey)
ADA3794 Parmiter's School	Parmiter's School

Objector: An individual

Date of decision: 1 November 2021

Determinations

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objections to the admission arrangements for September 2022 determined by each of the above admission authorities for each of the above schools.

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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements for each school must be revised by its respective admission authority by 28 February 2022.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), objections in respect of each of the above schools have been referred to the adjudicator by an individual, (the objector), about the determined admission arrangements for each of the above schools (the schools). All of the schools are academy schools and all are for pupils aged 11 to 18 years old. Watford Grammar School for Boys (Watford Boys) is for boys and Watford Grammar school for Girls (Watford Girls) is for girls. The other schools are all for boys and girls and do not have a religious character. All of the schools became academies in either 2010 or 2011. All of the schools are single academy trusts save for St Clement Danes School which is part of the Danes Educational Trust.

2. The local authority (LA) for the area in which all of the schools are located is Hertfordshire County Council. The LA is a party to this objection as are the academy trusts for the schools and the objector

Jurisdiction

3. The terms of the Academy agreement between each academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the schools are in accordance with admissions law as it applies to maintained schools. The arrangements were determined by the respective academy trust, which is the admission authority for each school, on that basis. The objector submitted his objections to these determined arrangements on 14 April 2021. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

4. At the time of the determination of the schools' admissions arrangements and at the time the objections were made, the Admissions Code 2014 (the 2014 Code) was in force. A revised Code came into force on 1 September 2021, which means that the 2014 Code no longer has any effect. The objections and the responses to them were framed in terms of the 2014 Code. Save for the matters referred to in the following paragraph, the provisions of the Code referred to in this determination are materially the same in both the 2014 Code and the 2021 Code and so references to provisions in the Code apply equally to the 2014 Code and the 2021 Code. If necessary, I will indicate if the new Code differs in any material respect. It is of course the 2021 version of the Code which is now in force.

5. The arrangements for the schools were determined as required by the deadline for such determination, namely 28 February 2021. At that date the 2014 Code, which was then in force, provided that children previously looked after in England and then adopted or made subject to a child arrangements or special guardianship order should have equal highest priority with looked after children in school admission arrangements (subject to certain exemptions for schools with a religious character). The new Code, which came into force on 1 September 2021, extended the same level of priority for looked after and previously looked after children to children who appear (to the admission authority) to have

been in state care outside of England and ceased to be in state care as a result of being adopted. All admission authorities were required to vary their admission arrangements accordingly by 1 September 2021. There was no requirement for these variations to be approved by the Secretary of State and no reason for the schools to send me their varied arrangements.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a. a copy of the minutes of the meeting of each of the academy trusts at which the arrangements were determined;
 - b. a copy of the determined admission arrangements for each school;
 - c. the objector's form of objection for each school;
 - d. each school's response to the objection; and
 - e. the objector's further comments.

Background

8. The objector, an individual, has objected to the admission arrangements of each of the above schools, all of which are members of the South West Hertfordshire Consortium (SWHC). Each objection is dated 14 April 2021 and was received by the Office of the Schools Adjudicator (OSA) on 15 April 2021. Each objection is in substantially the same form and relates to the same or similar provisions in the admission arrangements. The local authority in each case is Hertfordshire County Council. I am satisfied that I can deal with the objections together as the conclusions I reach will for the most part apply equally in each case. Where significant differences arise, these will be considered separately below. Except where specifically stated otherwise the analysis and conclusions below relate equally to all schools.

Consideration of the Objections

9. All the schools are what the Code describes as "pre-existing partially selective schools." This means that they can "select a proportion of their intake by ability." The Code goes on to say that such schools "...**must** offer places to other children if there are insufficient applicants who have satisfied the published entry requirements for a selective place." Part of the objections relate to the selective places and part to other elements of the arrangements.

Late registration

10. The deadline for test registration was 18 June 2021. The SWHC website and each school's admission arrangements state that late registration will not be accepted. The objector considers that this is in breach of paragraph 1.8 of the School Admissions Code (the Code) as it does not allow for late testing where, for example, a child's family have moved into the area and have missed the deadline. The objector considers that this is in breach of paragraph 1.8 of the Code. In my view the relevant provision is paragraph 14 of the Code as paragraph 1.8 deals only with oversubscription criteria.

11. All the schools have provided a joint response on this point, as follows:

“As you indicate in your letter, the deadline for test registration was 18 June 2021 and the SWHC schools state that late registration will not be accepted. The reasons for a typical registration deadline of mid/late June include:

- SWHC schools are acutely aware that several neighbouring institutions also arrange selection tests and hold similar selection testing days. These include The Buckinghamshire Grammar Schools, Slough Consortium of Grammar Schools, Latymer School, Dame Alice Owen's School, etc. We try hard to minimise 'clashing' with these neighbouring institutions (some of whom also schedule 'practice' or 'mock' tests) and we believe that arranging our selection test date very early in the Autumn term helps children who wish to sit selection tests elsewhere manage their commitments whilst maintaining greater parental choice.
- SWHC schools are mindful of s.1.32 of the School Admissions Code 2021 which states that “Admission authorities must:.....take all reasonable steps to inform parents of the outcome of selection tests before the closing date for secondary applications on 31 October so as to allow parents time to make an informed choice of school”. In order to ensure that selection test scores are available to parents as early as possible, the SWHC endeavours to schedule the selection tests as early as possible in the Autumn term (this year the main test date was 04 September 2021). Given that most (non-independent) schools are closed for most of the preceding six weeks before this test date, the actual time available to make test arrangements between the registration deadline and the summer break is approximately only 20 school days. SWHC schools believe that such a c.20 day period allows a fair and reasonable time to make the necessary testing arrangements both in individual schools and across the SWHC. We understand that some selective schools choose to hold their selection test day(s) during the summer term and can only assume that their registration deadlines would be even earlier in the year than ours to accommodate their earlier test dates.”

12. I find that the school's provisions in relation to the deadline for registration for the test are compliant with the provisions of the Code for the reasons given by the schools. Consequently, the objection is not upheld on this point. I note also that because these are partially selective schools and not grammar schools, missing the test for any reason does

not preclude applying or meeting other oversubscription criteria as it would in a grammar school.

Clash of Test Dates

13. Where there is a test for entry to a school not in the SWHC, which clashes with the SWHC test date, alternative test dates are not offered. The objector considers that this is in breach of paragraph 1.8 of the Code. In my view the relevant provision is paragraph 14 of the Code as paragraph 1.8 deals only with oversubscription criteria.

14. The SWHC website, under FAQs, states:

“What if I have registered my child to take a test in a different borough and it clashes with a Consortium test? In the first instance, we recommend you try and arrange to request a place on the other Borough’s or County’s test reserve day. If this is not possible, you should contact your allocated test centre to see if the session can be swapped i.e. morning to afternoon, or afternoon session to the morning. You will not be offered an alternative date. You will not be able to request a change to your test session after the end of the Academic Year.”

15. All the schools have provided a joint response on this point, as follows:

“As explained in Point 1, above, a number of relatively local schools and other consortia also arrange selection tests and hold similar selection testing days. We endeavour to avoid clashing with other institutions and understand that there will, inevitably, be occasions when clashes do occur. Whilst an alternative test date is not currently published by the SWHC, we do plan for reserve testing dates and have contingency testing dates also. Indeed, the SWHC website states “Please contact the Test Administrators at enquiries@swhsregistrations.co.uk if any of the above is unclear or if an alternative test date than those shown above is required due to religious observance, illness or in the instance of a lockdown at the time of the test, public health measures or if you have any queries that cannot be answered by the FAQ pages...we recommend you try and arrange to request a place on the other Borough’s or County’s test reserve day. If this is not possible, you should contact your allocated test centre to see if the session can be swapped i.e. morning to afternoon, or afternoon session to the morning.”

16. It is clear that alternative test days are planned and the circumstances in which alternative test days may be provided are set out on the SWHC website, for example if a child is ill on the day of the test. A clash of test dates is not included as a circumstance in which an alternative date can be offered, but advice is given to allow parents to try to avoid a clash. I accept that the administration of the tests would become very difficult if alternative test dates were allowed in any but exceptional circumstances. I find that a clash of test dates is not an exceptional circumstance and find that the refusal to allow an applicant to take the test on an alternative date in these circumstances is fair and compliant with the provisions of the Code. I do not uphold the objection on this point.

Catchment areas

17. The objector considers that the use of catchment areas is unreasonable. The objector does not raise any issues relating to the specific catchment areas of any of the schools. The points he makes are generic and amount to an argument against the use of catchment areas in general. His position can be summarised in the following quote which appears in each of his objections: "Catchment areas and address requirements are not reasonable. They are out dated and nothing but local apartheid. They do achieve [sic] anything given there is no requirement live in the catchment area for more than one term when attending the school. The entire concept of a catchment area is outdated and has no place in the 21st century".

18. There remain many sensible reasons for having catchment areas, which is why paragraph 1.14 of the Code expressly permits schools to have them provided they are designed so that they are reasonable, clearly defined, and the arrangements do not prevent parents who live outside the catchment from expressing a preference for the school. I disagree with the objector's argument that catchment areas are no longer relevant. Children do need to get to school every day. Many secondary school pupils (and indeed some primary school pupils) are not driven to school by their parents, and it is in their interests not to have difficult journeys which mean that they spend hours travelling to and from school each day. That is not to say that parents do not choose to send their children to schools which are some distance from the family home where they perceive these schools to be better than the schools closer to home or where, for example, a more distant school appeals because it has a faith character or for some other reason. But that does not make it any less ideal for a child to be able to attend a school near to his or her home. Secondary school pupils will have substantial amounts of homework, many will want to participate in extra-curricular activities, and most will want to develop friendships in the area in which they live. My view is that the rationale for adopting catchment areas remains relevant today.

19. Indeed, Academy schools are required by their funding agreements and by section 1A of the Academies Act 2010 to provide education for pupils who are "wholly or mainly drawn from the area in which they are situated". Admission authorities of schools which are oversubscribed are able to give higher priority to some applicants provided this is in accordance with the Code, and the adoption of catchment areas as a means of doing this is perfectly lawful provided the catchment area itself is not irrational or adopted for spurious or arbitrary reasons. The objector questions the underlying rationale for having a catchment area *per se*, he does not allege that the catchment areas for these schools are not clearly defined or unreasonable, and I find no evidence of this. Accordingly, I do not uphold this aspect of the objection since catchment areas which are clear and reasonable are permitted expressly by paragraph 1.14 of the Code.

Evidence of home address

20. The provisions vary from school to school. The wording which the objector challenges is set out in each objection. For some schools there are what appear to be absolute requirements, for some there are indicators which may be further investigated.

Points raised by the objector include (but are not limited to) a requirement that the applicant's family have lived at the stated address for at least one year, that a tenancy is for at least twelve months and that the applicant's family do not own an alternative property within a given distance from the school. The objector considers that these provisions are unreasonable.

21. The existence of catchment areas can be beneficial for both pupils and the local community surrounding a school. But, as the objector rightly says, the adoption of catchment areas has led to an unfortunate side effect, which is that some parents can effectively buy a place at the school of their choice because they can afford to buy a property in the school's catchment area. I accept that this is a genuine problem and I note that it is little different from what happens when an oversubscribed school does not have a catchment but rather gives priority on the basis of distance from the school. In such cases, parents who can may seek to buy a property very close to the school. In either case, where address affects the chance of gaining a place at a school, some admission authorities adopt residence requirements in order to attempt to prevent parents buying or renting a property exclusively for the purpose of better ensuring that their child will be offered a place at a particular school and then disposing of it after their child has started school. The purpose of doing this is to preserve a 'genuine' catchment area or priority for those who really do live close to the school to ensure that children who have grown up in the area and who will probably continue to live there until they leave home are the children who are given priority.

22. The fact that some families will seek to cheat, to "game" the system, does not make the use of catchment areas unreasonable or unfair. My view is that it is fair for an admission authority to set out circumstances in which it may further investigate a home address and to set out the types of evidence which may be required in order for it to make a finding of fact as to whether a claimed address is genuine or not. This addresses the legitimate need to prevent the use of false addresses in applications.

23. I do not find it fair to have provisions which set out absolute requirements, for example tenancies of at least two years which some genuine applicants – by which I mean those who really do live in the catchment area and who have no intention of returning to a different address - may be unable to meet. I understand that doing so may reduce the administrative burden on schools in seeking further evidence and making a finding of fact as to address based on that evidence. However, I find that it is unfair to set such absolute conditions as to what does or does not qualify as a genuine home address.

24. I will set out here my view on tenancies where an absolute requirement for a term of more than six months. Assured shorthold tenancies (ASTs) are made under the provisions of the Housing Act 1988. The tenancy will have an initial term, the minimum being six months, and, when that term expires, the tenancy will automatically continue on a periodic basis (determined by the intervals for paying rent, so usually one week or one month) unless the landlord and tenant enter into a further agreement for some other term. Most residential tenancies are automatically ASTs unless specifically stated to be otherwise. The website for Shelter England states "An assured shorthold tenancy is the most common type

of tenancy if you rent from a private landlord or letting agent. The main feature that makes an AST different from other types of tenancy is that your landlord can evict you without a reason". Shelter goes on to state that such tenancies are for a fixed term "often 6 or 12 months" or periodic "rolling weekly or monthly". Government guidance "Tenancy Agreements: a guide for landlords (England and Wales)" states "The most common form of tenancy is an AST. Most new tenancies are automatically this type". To sum up, tenancies will be for a range of terms but often this will initially be for six months and thereafter on a monthly periodic basis, as this gives the greatest flexibility to the landlord. Families with low income and/or in receipt of benefits are most likely to have short tenancies as they are more likely to be in a poor bargaining position.

25. It is acknowledged that some families will take short tenancies near to a school in order to seek to secure a place for a child with no genuine intention to make that property their main residence. It is understandable that admission authorities wish to prevent such families gaining an unfair advantage. It is also acknowledged that a provision requiring tenancies to be for a longer term will help to prevent this. Admission authorities take different approaches to this problem. Some specify circumstances in which they will make further enquiries in order to establish whether the address given is a genuine home address, a short term tenancy being a common example. Others make a longer term tenancy an absolute requirement. In the latter case some families, particularly those that have limited resources, will be excluded despite the home address being genuine. Such families may have had no choice but to accept a short lease. For that reason, I find that it is not fair to make a lease of longer than six months an absolute requirement. I find the absolute requirement for a lease to be for a term greater than six months does not comply with the provisions of paragraph 14 of the Code.

26. Some schools also provide that in certain circumstances a recent move from a more distant address where the previous property is retained will lead to a rejection of the current address as genuine. I understand that this measure is intended to prevent the use of a temporary address in order to gain an unfair advantage in admissions and this is, of course, a legitimate purpose. However, the difficulty arises where this is an absolute provision. It is conceivable that families may, for example, retain a more distant alternative property whilst having a genuine home address at a property nearer the school from which the application is made. I would have no difficulty with such provisions if these circumstances were treated as a reason for casting doubt on the accuracy or completeness of an application which led to a requirement for additional evidence, but as an absolute requirement which does not allow for a family to provide evidence that, despite this, the home address given is genuine, I find not fair.

27. Where a tenancy is for less than six months, or a family have recently moved and retained another property I accept that an admissions authority may reasonably consider that this casts doubt on the genuineness of the address claimed. In these circumstances an admission authority may legitimately require further evidence of one kind or another. It should not then be difficult for the admission authority to make a finding of fact, based on the balance of probabilities, as to whether or not the home address given is genuine, and to proceed to process the application on that basis.

28. It may assist if I set out what I consider would be a fair process, although I stress that it is for each admission authority to formulate its admission arrangements. An admission authority could set out a number of circumstances which would cause it to presume that an address is not genuine. This could be short tenancy or the retention of another property more distant from the school. The applicant could be invited to provide further evidence to rebut that presumption. The school can then consider whether the evidence provided by the applicant is sufficient for it to overcome the presumption and to find as fact that the address given in the application is genuine. Conversely it may not consider that the evidence provided is sufficient to overcome the presumption and it will find as fact that the address given is not genuine.

29. Because the provisions relating to home address are not the same for all the schools I will look separately at each school's provisions below.

Watford Grammar School for Boys and Watford Grammar School for Girls

30. These two schools have identical provisions (save for references to "boy" or to "girl") relating to home address. The provision reads as follows:

"Normal home address: In order to qualify for admission under rules referring to the school's admission area, the boy must have been resident for a majority of school nights at his normal home address since 1st September of the calendar year preceding proposed admission. A school night is defined as Sunday through to Thursday night. Additionally, where a boy's designated normal home address is rented, evidence of a long term tenancy agreement (12 months or longer) must be provided to the school. If a parent, with whom the boy is resident for the majority of school nights, owns an alternative property within 20 miles of the school which has been the main family home within the last five years, a property closer to the school will not be accepted as the designated normal home address for the purpose of applying the admission rules, even if the former property is leased to a third party. The school may require additional evidence of residence qualification if there are reasons for casting doubt on the accuracy or completeness of an application. The governors may refuse to base an allocation on an address which might be considered to be only a temporary address. "

31. I find, for the reasons set out above, that the absolute requirement for "since 1st September of the calendar year preceding proposed admission" and for a tenancy of at least one year are not fair for the reasons set out above. I have also considered the provision "If a parent, with whom the boy is resident for the majority of school nights, owns an alternative property within 20 miles of the school which has been the main family home within the last five years, a property closer to the school will not be accepted as the designated normal home address for the purpose of applying the admission rules, even if the former property is leased to a third party". I note that the schools have offered to reduce the period of five years to three years but find that this would not address the key issue which is that it is not fair to take a given set of circumstances as absolutely leading to

rejection of a given home address in every case, for the reasons set out above. Consequently, I find that these provisions do not comply with the provisions of paragraph 14 of the Code.

St Clement Danes School

32. The relevant provisions of the school's admission arrangements read as follows:

"The Governors are concerned to ensure that applicants who provide misleading, incomplete or fraudulent information for admissions do not deprive other applicants of a rightful place. The Governors will consider each application and apply the school's admissions rules where an address appears to be temporary or false. An application from a home address which is rented accommodation will also be viewed critically and may be refused if, inter alia:-

a. the rental agreement has been contracted in the 12 month period prior to the closing date for admissions;

b. the family has recently moved from a property from which their application was less likely to be successful;

c. there are reasonable grounds to believe that the home address provided is an "accommodation" address for the purposes of a fraudulent application; or

d. evidence of the parental address is not supplied at the time application is made".

33. Up to this point I find that the provisions relating to home address are fair as they set out circumstances in which further investigation will take place, although it should be clear that in these circumstances an opportunity to provide further evidence will be given. The provisions continue:

"Where a family is renting a property with a Tenancy Agreement, the agreement must be for at least 2 years with no break clause and the applicant must show they have relinquished all ties to the previous address, or that the move is not easily reversible. If the applicant does not meet the above requirements, the parental address will remain that at which the parent was resident before the period of temporary residence began".

34. I find that the absolute requirement for a tenancy to be for at least two years is not fair for the reasons given above. The provisions continue:

"Where a family has moved within the 12 month period prior to the closing date for admissions and has a previous property which has not been sold, that property should be leased, through an agency, for a minimum period of 2 years with no break clause and moving back into the property should not be possible".

35. I find that the absolute requirement regarding the retained alternative property is not fair for the reasons given above. I also find that the provision "and moving back into the

property should not be possible” is unclear as there will always be circumstances, for example the agreed early termination of the lease, in which moving back into the property would be possible. Consequently, I find that the provisions identified as unfair do not comply with the provisions of paragraph 14 of the Code.

Rickmansworth School

36. The relevant provisions of the school’s admission arrangements read as follows:

Home address is defined as follows: The address provided must be the child’s current permanent address at the time of application.

- “At the time of application” means the closing date for applications.
- “Permanent” means that the child has lived at that address for at least a year. Where a family has not lived at an address for a year, they must be able to demonstrate that they own the property or have a tenancy agreement for a minimum of 12 months and the child must be resident in the property at the time of application.

The application can only be processed using one address. If a child lives at more than one address (for example due to a separation) the address used will be the one which the child lives at for the majority of the time. If a child lives at two addresses equally, the address of the parent/carer that claims Child Benefit/Child Tax Credit will be considered as the child’s main residence. If a family is not in receipt of Child Benefit/Tax Credit alternative documentation will be requested. If a child’s residence is in dispute, parents/carers should provide court documentation to evidence the address that should be used for admission allocation purposes.

If two different applications are received for the same child from the same address, e.g. containing different preferences, the application from the parent in receipt of child benefit will be processed if the applications cannot be reconciled.

Historically there have been a number of fraudulent applications made for the School and in most cases these were families residing within close proximity. In order to ensure a fair and equitable process, the Governors will request that all applicants allocated a place within our distance criteria (3 and 8) provide proof of their permanent residence.

The Governing Body reserves the right to investigate any applicant where an address may be considered as temporary and/or fraudulent. In all cases noted below, it must be demonstrated that any ties with a previous property are relinquished.

The School in association with Hertfordshire County Council will begin investigative procedures in the following circumstances:

- i. When a child’s application address does not match the address of that child at their current school;

- ii. When a child is attending a primary school situated in a different authority to that of the School or the residential address;
- iii. When a child lives at a different address to the applicant;
- iv. When the applicant does not have parental responsibility;
- v. When a family move residence at any point during the Secondary Transfer process;
- vi. When one or more of the following applies:
 - a. The family has moved from a property where their application was less likely to be successful; or
 - b. The family has returned to an existing property which was occupied prior to the closing date of applications;
 - c. The family lived in rented accommodation for a short period of time (anything less than 12 months) over the application period and in particular if the end date of the term of the tenancy precedes the commencement of term;
 - d. Council tax information shows a different residence at the time of application;
 - e. The address on the application for the South West Herts Consortium School Tests is different to the address used at the time of application;
- vii. When a child starts at the School and their address is different from the address used at the time of application.
- viii. When a child starts at the School and they change address within the first academic year.

In the case of (vii) and (viii) above, if it is found that the family have returned to an existing property, such an application will be investigated and if deemed to have been made fraudulently, the Governors may withdraw the offer of a school place and/or refuse future applications made on behalf of the applicant's siblings. In all instances as set out above, the applicant may be at risk of the offer of a place being withdrawn as a result of an application that has been investigated and deemed to have been made fraudulently.

'Permanent Home Address' is also applicable where a family lives aboard a narrowboat or barge defined for these purposes as "houseboat". Such application will be required to be supported by the relevant documentation from The Canal and River Trust including, but not limited to, proof of permanent mooring rights and craft licence/standard canal and 6 Admission Arrangements for Secondary Transfer 2022/2023 river licence. Seasonal

mooring permits are not considered proof of Permanent Home Address due to their transitory nature.

37. I find that the provisions are largely compliant with the Code. A number of scenarios are set out in which further investigations will be undertaken. There are almost no absolute requirements, save for the requirement for a tenancy to be for at least 12 months, which is not compliant for the reasons given above. I note that the following provision relies on receipt of child benefit: "If two different applications are received for the same child from the same address, e.g. containing different preferences, the application from the parent in receipt of child benefit will be processed if the applications cannot be reconciled". I do not make a formal finding regarding this but observe that child benefit may be awarded to a parent with whom a child does not reside and that it is consequently an unreliable indicator of residence.

Queens School

38. The relevant provisions of the school's admission arrangements read as follows:

"The address provided must be the child's current permanent address at the time of application. 'At the time of application' means the closing date for applications. "Permanent" means that the child has lived at that address for at least a year and/or the family own the property or have a tenancy agreement for a minimum of 12 months.

The application can only be processed using one address. If a child lives at more than one address (for example due to a separation) the address used will be the one which the child lives at for the majority of the time. If a child lives at two addresses equally, the address of the parent/carer that claims Child Benefit/Child Tax Credit will be considered as the child's main residence.

If a family is not in receipt of Child Benefit/Tax Credit alternative documentation will be requested. 8 If a child's residence is in dispute, parents/carers should provide court documentation to evidence the address that should be used for admission allocation purposes.

If two different applications are received for the same child from the same address, e.g. containing different preferences, the application from the parent in receipt of child benefit will be processed if the applications cannot be reconciled".

39. I find that the absolute requirement regarding "a tenancy agreement for a minimum of 12 months" is not fair for the reasons given above. I note that the following provision relies on receipt of child benefit: "If two different applications are received for the same child from the same address, e.g. containing different preferences, the application from the parent in receipt of child benefit will be processed if the applications cannot be reconciled". I do not make a formal finding regarding this but observe that child benefit may be awarded to a parent with whom a child does not reside and that it is consequently an unreliable indicator of residence.

Parmiter's School

40. The relevant provisions of the school's admission arrangements read as follows:

"The Academy Trust is strongly committed to supporting applications from families living in the local community. The home address must be the address where the applicant is living at the time of application and before the closing date for applications. Where parents/carers share responsibility for part of the week, both home addresses must be quoted and the address of the parent where the child lives for most of the time will be considered as the permanent home address of the child. Parents who are applying under Criteria 2, 6, 7 or 8 will need to provide proof that the home address quoted is the permanent residence of the applicant; this proof should include either a photocopy of (custodial) parent's driver's licence, child benefit letter or utility bill. The school may check the authenticity of the address stated. Further proof of residence or other information may be requested and must be provided. Should the school be unable to establish to its satisfaction one specific address as the applicant's permanent home address, then the applicant's permanent home address shall be deemed to be the address of the primary school where the applicant is enrolled on the date of application. If the main address has changed recently or temporarily, for example where a family is renting a property on a Short Term Tenancy Agreement (12 months or under), then the parental address remains that at which the parent was resident before the period of temporary residence began, unless it can be shown that all ties to the previous address have been relinquished, or that the move is not easily reversible. The Academy Trust may refuse to base an allocation on an address which might be considered only a temporary address. Parmiter's School is an autonomous admitting authority and as such will make the decision as to whether or not to accept a change of address during the secondary transfer process.

41. I find that these arrangements for ascertaining an applicant's home address are, in the main, fair. However, the provision "Further proof of residence or other information may be requested and must be provided. Should the school be unable to establish to its satisfaction one specific address as the applicant's permanent home address, then the applicant's permanent home address shall be deemed to be the address of the primary school where the applicant is enrolled on the date of application" is, I find, not fair and consequently is not compliant with the requirements of paragraph 14 of the Code. As set out above a school should be in a position to make a finding of fact regarding an applicant's home address, based on the evidence available to the school at the time. This would avoid a situation in which a child is deemed to live at his or her primary school, that being an address at which they clearly do not actually live.

42. Having made the findings set out above the schools will need to revise their admission arrangements. As it is now close to the closing date for applications (31 October 2021) and as I am conscious that the schools will want to consider how to take account of my findings and that this will take some time, I will not require the revisions within two months of the date of this determination, or within any shorter period. I require the

admission arrangements for 2022 entry to be revised by 28 February 2022, which is also the deadline for the admission authority to determine the admission arrangements for September 2023

Determination

43. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2022 determined by each of the above admission authorities for each of the above schools.

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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements for each school must be revised by its respective admission authority by 28 February 2022.

Dated: 1 November 2021

Signed:

Schools Adjudicator: Tom Brooke