



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4611

Objector: A member of the public

Admission Authority: London Borough of Merton for the community and voluntary controlled schools in its area

Date of advice: 28 May 2026

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 determined by the London Borough of Merton for 2027/28 for the community and voluntary controlled schools in its area.

I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the way 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 this 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 a member of the public (the Objector), about the admission arrangements (the Arrangements) for September 2027 for the community and voluntary controlled schools in the area of London Borough of Merton (the LA).
2. The parties to the objection are the LA and the Objector.

3. The objection is to the factors used to determine the home address of a child for the purposes of applying oversubscription criteria, in particular the objection is that the LA has not ranked the factors that it takes into consideration. There is also an objection relating to the withdrawal of a school place if there is misuse of a home address.

4. I would like to take the opportunity to give my thanks to the parties for their prompt responses to my requests for further information.

Jurisdiction

5. The Arrangements were determined on 26 February 2026 under section 88C of the Act by the LA, which is the Admission Authority for the community and voluntary controlled schools in its area.

6. The Objector submitted their objection to the Arrangements on 8 April 2026. The Objector has asked to have their 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 their name and address to me.

7. 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.

8. I have also used my power under section 88I of the Act to consider the Arrangements as a whole to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'other matters' and they are covered in the section of the determination under the title of that name.

Procedure

9. In considering this matter I have had regard to all relevant legislation and the School Admissions Code 2021 (the Code).

10. The information I have considered in reaching my decision includes:

- the objection dated 8 April 2026;
- a copy of the minutes of the meeting of the Admission Authority on 26 February 2026 at which the arrangements were determined;

- the determined Arrangements for 2027/28;
- responses from the LA to the objection and from the LA and the Objector to my requests for further information; and
- the LA's online guidance for admissions to primary and secondary schools.

Background

11. The Arrangements include criteria that will be applied where a particular school is oversubscribed. The Arrangements set out that children with Education, Health and Care Plans will be admitted before all other applicants. The oversubscription criteria can be summarised as follows:

- i. Looked after children or previously looked after children;
- ii. Children who have exceptional medical or social needs;
- iii. Children who have a sibling on the school roll;
- iv. Children of staff where the member of staff has been employed at the school for two or more years and/or the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage; and
- v. Straight line distance between the child's home address and the main school (note 4.5.5).

12. The note at 4.5.5 referred to in criterion v) expands on how straight line distance from the child's home address will be calculated and includes the evidence that the LA will use to determine the home address of the child for these purposes. The relevant parts of note 4.5.5 are as follows:

"Distances will be measured in a straight line from the child's home address, with those living closer to the school receiving the higher priority..."

The home address is where a child normally lives. Where a child lives with parents with shared parental responsibility, each for part of a week, the address where the child lives is determined using a joint declaration from the parents stating the pattern of residence. If a child's residence is split equally between both parents, then parents will be asked to determine which residential address should be used for the purpose of admission to school. If no joint declaration is received and the residence is split equally by the closing date for applications, the home address will be determined to be the address

where the child is registered with the doctor. However, all evidence will be taken into account. If the residence is not split equally between both parents then the address used will be the address where the child spends the majority of the school week.

...

The address to be used for the initial allocation of places ... will be the child's address at the closing date for application. Changes of address up to dates stated in the scheme may be considered if there are exceptional reasons behind the change, such as if a family has just moved to the area, or has returned from abroad. The address to be used for waiting lists, after the initial allocation, and for in-year admissions will be the child's current address. Any offer is conditional upon the child living at the appropriate address on the relevant date. Parents have a responsibility to notify the Local Authority of any change of address.

Please note:

- Applicants may not use the address of a relative, friend, childminder or business
- Applicants in short term rented accommodation may be asked to provide evidence of their current and former housing arrangements.
- Where an applicant has ownership of a property, that should be used for the purposes of school admission, and the applicant must provide evidence and reasons for the use of any other address.
- Where an applicant rents a property and has ownership of an alternative property, the rented property should only be used for admission purposes if the child has been resident away from the owned property for a period of 3 years or more at the closing date for applications unless evidence to explain the exceptional circumstance can be provided. Any evidence provided to explain the use of the rented property for admissions purposes will be considered.
- Any applicant who moves from a rented or temporary address in advance of their child taking up their school place may have their place withdrawn if it is found the family have returned to an address already in their ownership.
- The authority will investigate whether the place should be withdrawn if the pupil is not resident at the application address at the time of the September entry point.

- The authority will always investigate a case where the application address has previously been used to gain a school place fraudulently.
- Where it is found an address has been used for the purposes of admission where the child is not ordinarily resident, the application and any place offered will be withdrawn.
- An offer found to have been gained fraudulently will be withdrawn. This may also be the case where the child has started the school.
- In some cases, places may not be withdrawn once a child has been attending the school for a term or more. In these circumstances future sibling applications will not be given sibling priority for places and will be considered under the next appropriate criterion.”

13. The LA has also provided information on its “Secondary school applications” website page. This provides information and explanation for the admissions process but does not form part of the Arrangements. Under section 4 “Admissions criteria”, there is a section with information under the heading “distance measurement”. This section is largely the same as the notes in the section set out above however it is preceded by a paragraph stating:

“If there is a genuine equal share custody arrangement between the two parents, the address that will be used will normally be the address of the parent who is claiming Child Benefit for the child. If there is no Child Benefit all available evidence will be considered such as where the child is registered for the GP or which address the child has lived at for the longer time.”

14. This differs from the Arrangements in that it makes reference to the address used by the parent claiming Child Benefit for the child (the Child Benefit address).

15. The LA has told me that the information provided for parents on their website gives further details for parents on the application process and does not override the determined admission arrangements which are also available on the website. The LA said that all available evidence will be considered in cases of shared custody and that it would be restrictive to provide a definitive list of examples that will or will not be taken into consideration. The LA said that any information parents provide to detail their situation will be considered in order for a determination to be made on the address to be used to process an application.

Consideration of Case

16. I will now set out my consideration of the matters raised by the objector. I will conclude each section with a statement as to whether or not I uphold that particular

aspect of the objection, preceded by my reasons for that conclusion. Where I state that I uphold an aspect of the objection, that does not necessarily imply that I fully endorse the reasoning expressed by the Objector, nor that the Objector has necessarily correctly interpreted which Code provision applies. Rather, it means that I have found that the particular aspect of the Arrangements drawn to my attention by the Objector does not conform with a requirement of the Code identified by me and is in breach of the Code for the reasons I have given.

17. The Objector expressed the following concerns:

- (i) where more than one address may be relevant for an application under the arrangements, the use of multiple factors in determining the child's home address without ranking them means a parent cannot understand which address will be used and therefore breaches paragraph 1.13 of the Code;
- (ii) there are "internal contradictions" in the matters to be taken into account in determining the child's home address which mean the criteria are not objective contrary to paragraphs 1.4 and 1.8 of the Code;
- (iii) where the applicant owns a property and has a rental property, that the rental property should only be used as the child's home address where the child has been resident away from the owned property for a period of three years or more (unless explanatory evidence is provided) discriminates against a particular social group (families who move frequently for economic reasons) contrary to paragraph 1.8 of the Code;
- (iv) there is a lack of clarity of precedence where there are different addresses for child benefit purposes and for an owned property contrary to paragraph 1.13 of the Code; and
- (v) there is inconsistency in the use of withdrawal of a school place for a child if misuse of address is confirmed contrary to paragraph 2.14 of the Code.

18. I have determined that paragraphs 1.4, 1.8, 1.13 and 2.14 of the Code, as identified by the Objector, are relevant to this objection and the details of these paragraphs are set out below. The Objector has made reference in their objection form to paragraph 1.9 of the Code as being the relevant provision for their concern (iii). I believe this to be an administrative error and that paragraph 1.8 is the relevant paragraph. Similarly, their concern (iv) alleges a breach of paragraph 1.14 of the Code but I believe this to be an error and that paragraph 1.13 is the relevant paragraph. I have, therefore, proceeded on this basis, using the following relevant paragraphs of the Code:

14: 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. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

1.8 (in part): 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...

1.13 (in part): Admission authorities **must** clearly set out how distance from home to the school ... will be measured. This **must** include making clear how the 'home' address will be determined ... This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent...

2.14: A school **must not** withdraw a place once a child has started at the school, except where that place was fraudulently obtained. In deciding whether to withdraw the place, the length of time that the child has been at the school **must** be taken into account. For example, it might be considered appropriate to withdraw the place if the child has been at the school for less than one term.

19. Concerns (i), (ii) and (iv) all arise from the fact that the LA has provided a list of evidence that it will consider in determining a child's home address and has not ranked the items on that list. The Objector claims that the lack of ranking means that where there is more than one potentially relevant address, a parent cannot be certain which address the LA will use.

20. Admission oversubscription criteria often include some element of distance from home to school. Consequently, it will be necessary to establish a home address. Where a child lives at more than one address, it is necessary for the admission authority to determine which address is to be used to apply any distance oversubscription criteria. In addition, sometimes issues arise because parents use an address which is not a genuine home address in order to increase their chances of obtaining a place at their preferred school. To prevent fraudulent applications of this nature, admission authorities will seek evidence that a home address is genuine.

21. The LA has told me that:

“The arrangements also need to cover instances where a child is living between two parents. The arrangements are designed to cover this, to explain how the situation will be considered, and how a decision will be reached. The arrangements confirm that any evidence provided by the parents to explain the situation will be considered. In older versions of the arrangements up to 2020, Child Benefit was listed as a deciding factor. This is no longer the case and any evidence provided will be considered. It is not possible to effectively rank the evidence that will be used in such cases. The arrangements outline what information will be requested, and confirms any evidence provided will be considered. This ensures parents have the opportunity to provide information they feel relevant and know that it will be considered.”.

22. Where a child spends time at different addresses, the situation may be nuanced and giving priority to one factor or another may not necessarily give the most accurate picture of a child’s practical situation in relation to school. As an example, a child may live with the parent claiming child benefit for four days a week but if two of those days are weekend days then using that address may skew the impact of the child’s journey to school. Additionally, not all families are in receipt of Child Benefit or there may have been a tactical decision on which parent claims Child Benefit. This may be unrelated to the distance a child has to travel to school.

Concern (i)

23. In respect of Concern (i), the Objector has expressed that there is no guidance on which rule takes precedence where more than one “overlapping” rule applies and that this prevents parents from understanding which address will be used for distance measurement and, therefore, breaches paragraph 1.13 of the Code.

24. Paragraph 4.5.5 of the Arrangements sets out two scenarios where home address may need to be clarified: where there is shared parental responsibility, each for part of the week, and where a child has been living in a rented property for less than three years and the applicant also owns a property. The paragraph, therefore, needs to deal with both scenarios and this is why the factors it considers may appear to overlap. Both of these situations are potentially complex. In the first scenario, the Arrangements do set out an initial ranking of the situation where a child lives at more than one address (the Arrangements state that parents will be asked for a joint declaration determining which address should be used, and that if that is not received, then the LA will use as a default the address at which the child is registered for the doctor). However, in order to get as complete and fair a picture as possible, the Arrangements also provide for any other evidence to be considered. The process applies equally to every child in the multiple address scenario and reflects the fact that each child’s situation will be different.

25. As set out above, there is no mention of the “Child Benefit rule” in the Arrangements themselves. The LA has told me that the Child Benefit address is one of the factors it will take into account when it receives further evidence: it is no longer a determining factor and this may explain why it no longer appears in the Arrangements themselves. I understand why the reference to the Child Benefit address in the guidance but not in the Arrangements may cause some confusion to applicants who are looking at both documents and the LA may wish to consider resolving this, but the Arrangements themselves are clear.

26. In the second scenario, where there is a rental property and an owned property, the LA will need to be clear which property is the one properly to be used for the purposes of an application. I deal with the details of this scenario below as it falls under concern (iii) but for the purposes of concern (i), that there is overlap, this might well be the case if a child is in a shared parental responsibility situation and one parent has two properties, because the scenarios overlap.

27. Accordingly, I find that the Arrangements are sufficiently clear such that they do not contravene the requirements of paragraph 1.13 of the Code and I do not uphold this part of the objection.

Concern (ii)

28. Concern (ii) gives two examples of what the objector calls “internal contradictions” and cites “the three-year rule for rented addresses where another property is owned, which conflicts with the stated flexibility for address changes up to 8 December in “exceptional circumstances”” and “the property-ownership rule conflicting with the Child Benefit rule in shared-care cases”. The Objector states that this means “materially similar families may be treated differently”, that this not objective and, therefore, contradicts paragraphs 14 and 1.8 of the Code. I will deal only with the two examples given as I have not been provided with details of any other purported inconsistencies.

29. There is no reference to 8 December in the Arrangements for changing address – the reference is to “the closing date for applications”. I believe that the Objector’s reference to the date of 8 December comes from the LA’s Guidance which relates to 2025. Permitting an applicant to provide evidence of an exceptional reason to change an address applies equally to any applicant and the Arrangements provide examples of where this might be the case.

30. In relation to the second example, as set out above, the concept of the Child Benefit address does not appear in the Arrangements. Given that the factors apply equally to all applicants and are designed to take into account a range of possible items of evidence, I find that the Arrangements do not lack objectivity and, therefore,

comply with Paragraphs 14 and 1.8 of the Code. Accordingly, I do not uphold this part of the objection.

Concern (iii)

31. Concern (iii) states it relates to paragraph 1.9 of the Code but as set out in paragraph 18 above I have considered this concern under paragraph 1.8 of the Code. The Code sets out under paragraph 1.8 that “Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group ...”.

32. To be contrary to paragraph 1.8 of the Code, therefore, any disadvantage arising from an oversubscription criterion would have to be unfair to one or more identified groups. This concern alleges that the three-year rule for accepting a rented address where another property is owned disproportionately disadvantages renting families, who move more frequently for economic reasons thereby creating “a structural disadvantage unrelated to genuine residence”. The note to the Arrangements states that where an applicant both owns and rents a property that unless the rental property has been lived in for three years, the address should be that of the owned property (my emphasis). This is not, therefore, an absolute requirement.

33. Further the note explicitly states that “any evidence provided to explain the use of the rented property for admissions purposes will be considered.” The reason schools take into account the amount of time resident in a property is to avoid the situation where a family rents an address solely for the purpose of making an application to a preferred school and does not in fact live in that rented property. I find that this is a proportionate measure to avoid the fraudulent misuse of a rental address and does not disadvantage any social or economic group. So long as an applicant can provide evidence that they are genuinely living at a property that has been rented for fewer than three years (in circumstances where they also own a property) then the LA will take that into consideration in determining the home address. Accordingly, I do not uphold this part of the objection.

Concern (iv)

34. Concern (iv) relates to the Objector’s point on the lack of ranking of factors as set out in their concerns (i) and (ii). Specifically, it alleges a breach of paragraph 1.14 of the Code. However, as set out in paragraph 18 above I have considered this concern under paragraph 1.13 of the Code. The Objector asserts that where there is a “Child Benefit” address and that where there is an owned property it is not clear how that conflict will be resolved. As stated above, the Arrangements themselves do not make reference to the Child Benefit address. This part of the objection appears

to be a repetition of the “overlapping” points raised under concern (i) and for the same reasons as set out above, I do not uphold this part of the objection.

Concern (v)

35. Concern (v) relates to the provisions for the withdrawal of a place if misuse of an address is confirmed after a child has started school.

36. As set out above, and repeated here for clarity, paragraph 2.14 of the Code states:

“A school **must not** withdraw a place once a child has started at the school, except where that place was fraudulently obtained. In deciding whether to withdraw the place, the length of time that the child has been at the school **must** be taken into account. For example, it might be considered appropriate to withdraw the place if the child has been at the school for less than one term.”.

37. The LA told me:

“It is important that, as an admission authority, we investigate potential cases of a false address being used. Again, this is to ensure fairness to all applicants. If it is found that a place has been gained as a result of using a false address, our arrangements confirm that there is the potential for a place to be withdrawn. This is in line with the Admissions Code. Where a child has already gone on roll, the Admissions Code would indicate a place can be withdrawn. The problem we have, and the reason why our arrangements state that ‘places may not be withdrawn once a child has been attending the school for a term or more’ is the Code does not fully align with the rules around off rolling a pupil. The off rolling regulations schools must follow do not include the ability to off roll due to a fraudulent application being made. If the school were to off roll, it is likely that such an off rolling could be considered unlawful.”

38. The Arrangements make provision for the withdrawal of an offer in the event of fraud, the stage which precedes a child taking up a school place (my emphasis). Paragraph 2.14 of the Code does not require the LA to withdraw a place once the child has started at the school. Accordingly, it is within the LA’s discretion and the LA has explained that it has an overriding duty to comply with the “off rolling regulations”. Given the Code provides for discretion to be exercised by the admissions authority I find that the provision in the Arrangements is not inconsistent with the Code. Accordingly, I do not uphold this part of the objection.

Other matters

39. Having considered the Arrangements as a whole it appeared to me that there was a matter which may not conform with the requirements of the Code and so I brought it to the attention of the Admission Authority. This matter is that paragraph 4.3 of the Arrangements (the oversubscription criteria for secondary schools (excluding sixth form)) does not make clear that the criteria listed under subparagraphs (i) – (v) apply in the sequential order that they are set out. This is, therefore, in breach of paragraph 14 of the Code as a parent may not easily understand how places will be allocated under the oversubscription criteria.

40. The Admission Authority has told me that it will address this matter, as permitted by paragraph 3.6 of the Code, which is welcomed. As the Admission Authority has accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the Arrangements be amended to address the points set out here.

Determination

41. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the London Borough of Merton for 2027/28 for the community and voluntary controlled schools in its area.

42. I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the way set out in this determination.

43. 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 this determination.

Dated: 28 May 2026

Signed:

Schools Adjudicator: Miranda Barnett