

CROYDON LOCAL AUTHORITY – ADDRESS OF CONVENIENCE PROTOCOL

1.1 Introduction

This protocol sets out the procedure by which we, Croydon School Admissions team, will investigate potential addresses of convenience.

1.2 An address of convenience is considered to be an address named on a school admissions application which is not the child's habitual residence and which increases the priority that the child will receive for admission to their preferred school/s. A child's habitual residence is considered to be the place where the child ordinarily resides and where the child's primary guardian, normally a person with parental responsibility, resides.

2. Requirement

2.1 Admission authorities and coordinating local authorities have a duty to ensure school places are offered fairly and accurately in line with determined admission arrangements.

2.2 Admission authorities have a legitimate interest in processing data that would prevent a school place being offered incorrectly. For community schools, the admission authority is the local authority. For other schools the admission authority is either the school's governing body or the academy trust. These schools, referred to as own admission authority schools, include voluntary aided, foundation and free schools, as well as academies.

2.3 Within Croydon's determined admission arrangements for community schools, when a school is oversubscribed, priority within the relevant oversubscription criterion is normally given to applicants living closest to the school, as measured using our Geographical Information System (GIS) from the address point of the pupil's home address, as set by Ordnance Survey, to the designated school gate which pupils are able to use.

2.4 The majority of own admission authority schools within Croydon also prioritise by distance when oversubscribed, with the method for measuring these distances set out in their admission arrangements.

2.5 In order to prioritise applicants fairly and accurately admission authorities must ensure that applications have been made from a child's habitual address to ensure distances, where applicable, are measured from the appropriate address.

2.6 This protocol relates to the detection of addresses of convenience for any application processed by Croydon; either received directly or via another local authority as part of the co-ordinated admission scheme.

2.7 Where an applicant names an own admission authority school, we will liaise with own admission authority schools with regards to an investigation and the outcome. Own admission authority schools have the right to undertake their own investigations where they feel it is necessary.

3. Home address

3.1 A child's home address is defined within Croydon's admission arrangements as being their normal place of residence, and excludes any business, relative's or child-minder's address. It is expected to be where the child's parent or primary guardian resides. Where a child resides at more than one address, the address to be used should be where the child lives for the majority of the time, either by private arrangement or as stipulated in a child arrangement order. Where the child spends an equal time between different addresses, it will be up to the parent/carers to agree which address to use.

3.2 For the initial allocation of places to Reception, Year 3 (Junior) and Year 7, made on national offer day, applications will be considered from a child's habitual address as at the national closing date for applications. Changes of address which take place after the closing date will be considered in accordance with Croydon's co-ordinated scheme.

3.3 For subsequent allocations for Reception, Year 3 (Junior) and Year 7 which are made after national offer day and allocations made for in year applicants for other year groups, applications will be considered from a child's current habitual address. This will also be the address used for waiting lists.

3.4 All Applicants' addresses are checked against Council Tax and Electoral registers records using the Datatank Address Checker. Additional evidence will be sought when records on the registers differ from the information on the application forms.

4. Address of convenience investigations

4.1 It is for the admission authority to determine if, on the balance of probability, the address given on an application is a child's habitual residence. Some examples of the use of an address of convenience are as follows:

- An applicant applies from an address where the child does not ordinarily reside, for example a relative's address.
- A family purchases a new property or rents accommodation and uses this address in order to gain a school place, whilst continuing to own or rent an alternative property.
- A family moves to live with someone else, often a relative/friend/partner, and uses this address in order to gain a school place whilst continuing to own or rent an alternative property.
- Where parental responsibility is split between two parents living at alternative addresses and an application is made from the address where the child resides less frequently. A Court Order may be present which specifies the living arrangements. If residency is truly split equally, then parents must decide which address to apply from and only apply from one address.

4.2 We will not generally consider an address to be a child's habitual residence if the applicant owns or rents an alternative property that the child previously lived in. Where an applicant still owns or rents an address at which their child previously lived, they must explain and evidence the permanence of their house move. Renting out an owned property or putting it up for sale would not necessarily deem it unavailable to the family and would be subject to further checks. A property would normally only be deemed unavailable to the family from the date they have vacated the property and they no longer have a link to the property.

4.3 The following are examples of why an address might be investigated:

- Targeting specific applications for oversubscribed, popular schools.
- Applications where the applicant does not appear to be the child's legal guardian.
- Applications for children whose current school is not in the area of the home address.
- Where information stored on the Council Tax and Electoral registers indicates another family lives at the same address.
- Where the applicant's address does not match the address provided to the child's current or preferred school.
- Where a change of address is reported after an application is first submitted.
- Where any other suspicions are raised about the permanence and authenticity of an applicant's address.
- Where an allegation has been received from a member of the public or a school about a suspected use of an address of convenience.

4.4 The identity of any individual who has made a referral will be kept confidential as part of any investigation and will not be divulged to any party being investigated. Anonymous referrals will be reviewed and investigations instigated where appropriate. Specific evidence which indicates that an applicant may be using an address of convenience does not need to be present for us to investigate an address. Any address can be investigated at any time.

4.5 We have a legitimate interest in processing data that would prevent a school place being offered incorrectly. Schools have a corresponding legitimate interest in sharing data with us for the detection of such cases. We reserve the right to share any data which is deemed relevant as part of any investigation.

4.6 Where any suspicion of an address of convenience involves an address outside the administrative authority of Croydon, we reserve the right to liaise with the relevant home local authority as necessary.

4.7 In accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), we may share any information supplied as part of an application within the council and other agencies in order to prevent and detect fraud, but only the minimum amount of information necessary and only where it is lawful to do so.

Initial Address verification process

5.1 The documents (copies) which will be sought to initially verify an address will be as follows:

List A

- Council Tax documents
- signed and dated tenancy agreement (if you are renting the property)
- letter from your solicitor confirming the date the completion of contract has taken place for the new place of residence (please note; dates in the future cannot be accepted)
- temporary Accommodation Letter

List B

- recent household utility bills (no more than 3 months old)
- bank statement or credit card statement
- Child Benefit letter; income support letter
- Universal Credit letter
- Working Tax Credit letter
- final utility bills for a previous address (if recently moved)

5.2 Applicants will initially be asked to provide one document from List A and one document from List B. However, we reserve the right to seek any additional evidence we deem necessary at any stage during the investigation. We also reserve the right to ask for original documents where there is a question about the authenticity of a copy.

5.3 If a previous property is still owned or rented by the applicant then evidence will be required showing that the property is no longer the habitual residence of the family; i.e. that the property is either let out on a long term rental (12 months or more), that the address is uninhabitable, or that the address is in the process of being sold and the family live permanently in an alternative property. This evidence is required to prove that an applicant was not living at this property at the time of application but does not in itself prove that an address of convenience has not been used.

5.4 The applicant will be given 5 working days to provide the information and documents requested. During this period the school application will continue to be processed.

5.5 We reserve the right to cross check address information with other Croydon departments, local authorities, current/previous schools and other relevant agencies. We also reserve the right to validate the authenticity of any supporting evidence provided by contacting the original issuer of the document.

No Response Received

5.6 If an applicant has yet to receive the outcome of their application and no reply is received to the initial request for information, then a further letter will be sent to the applicant explaining that they will not receive an outcome to their application until a response is received. The application will not be withdrawn but will be considered as pending and no further action taken to process the application until such time as a response is received.

5.7 If an applicant has already been offered a school place, and no response is received to a request for information, then the applicant will be written to and given a further 5 working days to respond to the request. The letter will explain that if no response is received the application will be withdrawn and any place offered rescinded. No alternative school place will be offered until a response has been received.

Response received

5.8 We will assess the information and documentation provided within 5 days of receipt to decide where, on the balance of probability, the child habitually resides.

Additional Information Requests

5.9 If the information provided has raised further queries which need to be explored, we will correspond further with the applicant to seek additional information documentation.

Although we reserve the right to make any additional requests deemed necessary, the aim of this process is to ensure that requests are concise, thorough and kept to a minimum to facilitate a prompt resolution to the investigation.

Address Visits

5.10 We reserve the right to make visits to the applicant's address or any other address suspected to be the residence of the family in order to verify the accuracy of address information.

5.11 Visits will be attended by Council Officers. The Visiting Officers will ask for documentation which confirms the applicant's residency at an address and will provide the School Admissions Team with a report of their findings.

Address of Convenience Decision

5.12 If we are satisfied that, on the balance of probability, the child's habitual address has been used then the investigation will be closed and the applicant informed of the decision in writing. We reserve the right to re-open any investigation at any time if new and credible information is received which questions the validity of an address.

5.13 If we conclude that, on the balance of probability, an address of convenience has been used then a letter will be sent to the applicant confirming this. This letter will clearly state the factors taken into account when making the decision as well as the steps which will now be taken with the application, as set out in section 6. It will also set out which address is considered to be the child's habitual address. This letter will:

- Set out why we have a duty to investigate addresses
- Explain the reason why the address was under investigation
- Describe the council's definition of an address of convenience
- Provide an overview of the procedure followed to investigate the address
- Explain the Council's findings and outcome of the investigation
- Confirm the address that will be used to consider the application

5.14 This letter will give the applicant a further 5 working days to respond and make any final representations in order to allow for natural justice to take place. If no further substantial information is received within 5 working days, the decision will stand.

6. Address of convenience confirmed

6.1 Where an address of convenience has been confirmed we may take a variety of steps, depending on the current status of the application as well as the type of application made. These are set out below.

No place allocated

6.2 If an applicant has not yet been offered a school place then the applicant's address will be updated to the correct address i.e. child's habitual place of residence and considered for a school place under the correct address.

6.3 If the applicant is making an application during the normal round of admission; i.e. entry the following September in Reception, Year 3 (Junior) or Year 7, and the child's suspected habitual address falls outside Croydon, the applicant will be directed back to their home authority.

Place allocated but pupil yet to start

6.4 If the applicant would have been offered a school place from the child's habitual address, as determined by us, then the offer will remain and no further action will be taken. If a place would not have been offered from the child's habitual address then the application will be updated with the correct address and the place offered will be withdrawn.

6.5 If the applicant is making an application during the normal round of admission; i.e. entry the following September in Reception, Year 3, (Junior) or Year 7, and the child's suspected habitual address falls outside Croydon, their application will be cancelled and the applicant will be directed back to their home local authority.

6.6 If an offer is withdrawn and the child's habitual residence, as determined by us, falls within Croydon then an alternative offer will be made at the nearest school with an available place if the child is without a school place.

Place allocated and pupil has started

6.7 If a place was gained based on the use of an address of convenience and the child has commenced at the school but attended for less than one academic term, we reserve the right to withdraw the place offered. If the place is withdrawn and the child is determined by us to live in Croydon, an alternative school place will be offered at the nearest school with an available place to the child's habitual residence.

6.8 If a place is withdrawn a child will be expected to leave the school no later than the end of the current half term, assuming an alternative school place has been offered. If the alternative school is not accepted, it will be the parent/carer's duty to ensure their child receives full time education once they leave their current school. In this case, details of the pupil concerned will be forwarded to the relevant Council Department (e.g. Education Welfare Officer) which ensures children of compulsory school age are receiving full time education.

6.9 If the child is attending a school in Year 6, Year 10 and Year 11 and has been in attendance at a school for more than one term, based on the traditional 3 term school year, then the place will not be withdrawn.

6.10 In all cases where it has been deemed that a school place has been gained based on an address of convenience and the child continues to attend the school in question, the admission authority reserves the right to deny sibling priority to any subsequent children applying for the school.

6.11 We reserve the right to share information relating to addresses of convenience with other agencies and council departments, where necessary, to assist in the detection of fraud.

Address to use on future applications

6.12 Any subsequent application should be made from the child's habitual residence determined as part of the investigation, which will be set out in the letter sent following an investigation.

Right of Appeal / Complaints

6.13 Applicants do not have the right to appeal against the Council's decision that an address of convenience has been used. They will, however, have their statutory right of appeal if, following an application, a place is not allocated at a preferred school.

They can also submit a complaint to this local authority following the complaints procedure on the Council website at www.croydon.gov.uk

At any time during this process an applicant may complain to the Local Government Ombudsman (LGO). Further advice is available on their website, www.lgo.org.uk, or by calling their advice line, 0300 061 0614.

7. Statistics

7.1 We will collate statistics on the number of addresses which are investigated for entry within each academic year group. This data will also note the reasons why addresses were investigated and the outcome of each investigation.

8. Review

8.1 This protocol will be reviewed and updated as and when required to ensure that it accurately reflects the processes undertaken by us.

