

SURREY COUNTY COUNCIL

ADDRESS OF CONVENIENCE ASSESSMENT PROTOCOL

1. INTRODUCTION

- 1.1 This protocol sets out the procedure by which we, Surrey 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 co-ordinating 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 and voluntary controlled 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, trust and free schools, as well as academies.
- 2.3 Within Surrey's determined admission arrangements for community and voluntary controlled 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 nearest official school gate which pupils are able to use.
- 2.4 The majority of own admission authority schools within Surrey 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 Surrey; 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, then any decision regarding the use of an address of convenience rests with the relevant governing body or academy trust and not Surrey. We will liaise with own admission authority schools with regards to an investigation. 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 Surrey'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 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 Surrey's co-ordinated scheme.
- 3.3 For subsequent allocations for Reception, Year 3 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 Applicants must provide proof of their address as part of the application process; usually their council tax number or, if they are not responsible for council tax, alternative evidence such as a signed tenancy agreement and a recent utility bill. However, additional evidence may be sought at any time in order to verify a child's habitual residence.

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 normally deem it unavailable to the family. A property would normally only be deemed unavailable to the family from the date it is sold but this would not alter the outcome of an application for a school place where the decision has already been made.
- 4.3 The following are examples of why an address might be investigated:
- Targeting specific applications for oversubscribed, popular schools
 - Spot checking of applications
 - 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 our database 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
 - Known short-term rental addresses near popular schools
 - Those who have been resident at an address for less than 18 months and who previously resided at an address further away from a popular school
 - Where a change of address is reported after an application is first submitted
 - Where correspondence is returned to the Admissions Team by the Royal Mail as 'Addressee Unknown'
 - Where any other suspicions are raised about the permanence and authenticity of an applicant's address
- 4.4 Any individual or organisation may refer the suspected use of an address of convenience to us using the official referral form, a copy of which is published on our website. 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.
- 4.5 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
- 4.6 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 in order for the detection of such cases. We reserve the right to share any data which is deemed relevant as part of any investigation.

- 4.7 Where any suspicion of an address of convenience involves an address outside the administrative authority of Surrey, we reserve the right to liaise with the relevant home local authority as necessary.
- 4.8 In accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), we may share any information supplied as part of your 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.

5. ADDRESS VERIFICATION PROCESS

Initial Investigation Letter

- 5.1 When an investigation is instigated, a letter will be sent to the applicant confirming this. This letter will:

- Explain the reason why the address is under investigation
- Describe the council's definition of an address of convenience
- Set out why we have a duty to investigate addresses
- Provide an overview of the procedure followed in order to investigate addresses
- Request the applicant complete a further information form providing specific details about their current and previous address history
- Request the applicant provides copies of documentation to verify the address (see section 5.2)
- Seek any other information or evidence deemed relevant to the investigation

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

Group 1

- Exchange of Contracts or legal rental agreement for no less than one year
- UK Driving Licence (either photocard or paper)
- Valid Photo Identity Card (EU countries only)

Group 2

- Bank or Building Society statement (dated within the last 3 months)
- Utility bill (dated within the last 3 months)
- Credit Card Statement (dated within the last 3 months)
- Addressed payslip (dated within the last 3 months)
- Certificate of British Nationality
- Official correspondence or documentation from: the Benefits Agency, the Employment Service, the Inland Revenue (dated within the last 3 months)
- P45/P60 statement
- Valid NHS Card
- Council Tax bill
- Mortgage statement
- Financial statement
- Store Card statement (dated within the last 3 months)

- 5.3 Applicants will initially be asked to provide either one document from Group 1 and three documents from Group 2, or five documents from Group 2. 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.
- 5.4 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.
- 5.5 The applicant will be given 10 days to provide the information and documents requested, ensuring the applicant has time to collate and return the documents requested and also that the documents already exist and are not requested as a result of the investigation. During this period an application will continue to be processed so that it will not be disadvantaged should the investigation confirm the address stated is the child's habitual residence.
- 5.6 We reserve the right to cross check address information with other Surrey departments, Borough and District Councils, local authorities, current/previous schools and relevant agencies providing services for the aforementioned organisations. 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

- 5.7 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 the application will now not be processed 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.
- 5.8 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 7 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. At this stage, where the applicants email address is known, the applicant will be emailed to notify them that correspondence has been sent to their home address. No alternative school place will be offered until a response has been received.
- 5.9 The details of applicants who have not gained a school place will be passed to the Education Welfare department who will check to ensure any compulsory school aged children are receiving appropriate full time education. Parents/carers of children of compulsory school age who are not receiving full time education are liable to prosecution.

Following Applicant Response

- 5.10 We will assess the information and documentation provided within 10 days of receipt to decide where, on the balance of probability, the child habitually resides.

Additional Information Requests

- 5.11 If the information provided has raised further queries which need to be explored we will correspond further with the applicant to seek additional information and / or 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

- 5.12 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.
- 5.13 All visits will be attended by two members of the Admissions team. No visit will be undertaken in a covert manner but may be unannounced.
- 5.14 If we are unable to make contact with an occupant during a visit, a letter will be left confirming that an attempted visit took place. This letter will ask the occupant to contact us before the end of the next working day to confirm receipt of the letter and details of the occupant. It would be expected that an applicant living at the address stated on an application should reasonably respond to correspondence left within 24 hours.

Address of Convenience Decision

- 5.15 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.
- 5.16 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.
- 5.17 This letter will give the applicant a further 7 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 7 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 application will be withdrawn and the applicant requested to make a new application from the correct address.
- 6.3 If the applicant is making an application during the normal round admission; i.e. entry the following September in Reception, Year 3, or Year 7, and the child's suspected habitual address falls outside Surrey, 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 both the application and the place offered will be withdrawn. The applicant will then be requested to make a new application from the child's correct address.
- 6.5 If the applicant is making an application during the normal round admission; i.e. entry the following September in Reception, Year 3, or Year 7, and the child's suspected habitual address falls outside Surrey, the applicant will be directed back to their home authority.
- 6.6 If an offer is withdrawn and the child's habitual residence, as determined by us, falls within Surrey 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 Surrey, 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 no alternative school place has been offered then a child will not be expected to leave a school.
- 6.9 If a place is withdrawn and an alternative place offered then a child will be expected to leave the school whether the place is accepted or not. 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 Educational Welfare department who ensure children of compulsory school age are receiving full time education.

- 6.10 If the child is attending a school in Year 6, Year 10 or Year 11, or 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.
- 6.11 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.
- 6.12 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

- 6.13 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.
- 6.14 If a family continues to reside at an alternative property not considered by us to be the child's habitual address, e.g. a rental property, the family will be expected to apply from the habitual address, providing details of the alternative correspondence address as part of the application.

Right of Appeal / Complaints

- 6.15 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.
- 6.16 If an applicant is unhappy with the process followed by us when making this decision then they can make an official complaint by contacting:

Families Customer Relations Team
3rd Floor Quadrant Court
Guildford Road
Woking
GU22 7QQ
Email: families.feedback@surreycc.gov.uk
Phone: 01483 519095

- 6.17 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.
- 7.2 Statistical data, requested under the Freedom of Information Act, will be made available.

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.
- 8.2 This protocol was last amended on 12 September 2017.