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**People Group**

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14 June 2013

Dear Peter,

**Re: Application for a school place made in respect of**

I am writing to you regarding the above matter. Lawrence Sheriff School [the school] and Warwickshire County Council [the Local Authority] have exchanged various items of correspondence on this matter. This includes a letter from the school's Chair of Governors dated 05 June 2013 requesting that the place offered to be withdrawn.

On behalf of the Local Authority I have now taken legal advice on this matter and need to draw the following to your attention.

- 1) Mr \_\_\_\_\_ submitted an on-time application for a secondary school place starting in September 2013. This was originally submitted to Coventry Admissions, but in January 2013, Mr \_\_\_\_\_ provided proof of a future house move into Warwickshire, and in particular, the Eastern Area of Warwickshire - 'Area 2' as defined in Lawrence Sheriff School's admission arrangements. The application in respect of \_\_\_\_\_ was therefore considered as being from a Warwickshire resident.
- 2) In the initial round of secondary school offers (those made on 01 March of the offer year) places at grammar schools have not traditionally been made to applicants living outside of the grammar school's priority areas (out-of-area applicants). Due to this previous pattern of offers it was indicated in a section of the Warwickshire County Council website that those living outside of the grammar school priority areas would not receive an offer of a grammar school place on 01 March 2013. This information has now been amended and correct information was included in the booklet which outlines the application process and which is made available to parents.
- 3) For entry in September 2013, grammar school places were actually offered to out-of-area applicants on 01 March 2013. This was due to additional selective

places being available and lower numbers of applicants. This decision was in line with Lawrence Sheriff's admission arrangements (and those of the other grammar schools in Warwickshire).

- 4) Regardless of the address used as the basis of his application, Mr son, \_\_\_\_\_, would have been offered a place at Lawrence Sheriff School in the first round of offers. This was due to his score of 357.
- 5) Mr \_\_\_\_\_ has exchanged various emails with staff from School Admissions using two different email addresses. Many of these messages have related to \_\_\_\_\_, while others have been more general in nature. Mr \_\_\_\_\_ has also spoken on many occasions to staff within school admissions and has indicated during these calls that he may not move to the Warwickshire address supplied as part of his application. Lawrence Sheriff School has been made aware of these conversations. This includes an email from Amy Taylor dated 15 March 2013. This did not identify Mr \_\_\_\_\_ as the parent in question. The email indicates that 'the parent 'would now like us to revert his application back to the original Coventry address, with the understanding that we can withdraw the offer...If this is to be the case, he has requested that his child be allowed to re-apply for a place at the school...in order to be placed on the waiting list'.
- 6) Having considered the email referred to by Amy (which is actually from Mr \_\_\_\_\_) it is clear that it was written in light of four offers of places at Lawrence Sheriff School having been declined. Mr \_\_\_\_\_ would seem to be indicating that if a place at Lawrence Sheriff School could be immediately re-offered should his Coventry address be used, then the Coventry address should now be used as the basis of his application. Mr \_\_\_\_\_ does not, however, specifically indicate that he will not be moving to Rugby. He does, however, acknowledge, that the family had been unable to secure a larger property in Rugby, and that they had originally planned to move to the Sandown Road address in order to maximise the chances of obtaining a grammar school place.
- 7) When submitting an application for a grammar school place in respect of his elder son, \_\_\_\_\_, Mr \_\_\_\_\_ had also indicated a future house move to Rugby. It would seem this move did not take place.
- 8) Lawrence Sheriff School have taken legal advice on the possibility of withdrawing the place offered to \_\_\_\_\_.
- 9) Under the School Admissions Code places can be withdrawn when a place is obtained through a fraudulent or intentionally misleading application.
- 10) In recent telephone conversations with Mr \_\_\_\_\_ but also in email correspondence, he has made it very clear that if necessary, he will move to the Rugby address used as part of his original application. He will provide proof of this move. Should the place at Lawrence Sheriff be honoured regardless of whether or not he moves, then he may remain at his Coventry address.
- 11) Should the place offered to \_\_\_\_\_ be withdrawn, then he would be placed on the waiting list for Lawrence Sheriff School. His score would currently place him at the top of the list. This would be the case regardless of what address is used as the basis of his application.



12) The vacancy at Lawrence Sheriff School would need to be re-offered to the person at the top of the waiting list. Should the place offered to \_\_\_\_\_ be withdrawn it is likely he would be re-offered the place.

Having taken legal advice on this matter it is the Local Authority's recommendation that the place offered to \_\_\_\_\_ **not** be withdrawn. The key reasons for this recommendation are as follows:

- a) Mr \_\_\_\_\_ has provided appropriate proof of a future house move.
- b) There is nothing in writing from Mr \_\_\_\_\_ categorically stating that he will not move to Warwickshire. The opposite is in fact the case - Mr \_\_\_\_\_ has indicated that he will move and that he will provide proof of the move.
- c) It is the view of the Local Authority that there is no proof of a fraudulent or intentionally misleading application. Should the place be withdrawn and not re-offered (see point f) and the decision challenged, either via the appeals process, the Local Government Ombudsman (LGO), or an application for judicial review, it is difficult to see how the decision could not be overturned. If the decision was overturned, criticism would be likely, while financial penalties from the Local Government Ombudsman would also be a possibility.
- d) \_\_\_\_\_ would have been offered a place at Lawrence Sheriff School regardless of which address was used as the basis of Mr \_\_\_\_\_ application. Should the place be withdrawn and not re-offered an appeal panel or other body will almost certainly take this into account.
- e) Should the place be withdrawn then Lawrence Sheriff School would need to provide full reasons for the decision. Mr \_\_\_\_\_ application would then need to be considered afresh. This is required when a place is withdrawn due to a fraudulent or potentially misleading application. As the admission authority in this particular case, the Governing Body of the school would need to indicate which address should be used to consider his application.
- f) As \_\_\_\_\_ would be able to provide proof of a move into Warwickshire, it is difficult to see how he could not be treated as a Warwickshire resident. This would in-turn completely undermine the decision to withdraw the place as he would need to be immediately re-offered the vacancy created by the place being withdrawn (subject to his position on the waiting list). Even if it was decided by the school to treat \_\_\_\_\_ as a Coventry resident, his application would simply be re-considered from the Coventry address, and \_\_\_\_\_ would be re-offered a place at the school (albeit by Coventry Admissions). A decision to not offer the place and to operate with a vacancy would almost certainly be considered unreasonable if challenged, but also impossible to defend at appeal.

In terms of a way forward I would ask that you bring the contents of this letter to the attention of the school's Governing Body and the school's legal adviser. There is also much correspondence relating to this matter and I am happy to share all of this with you and the Governing Body for consideration.

Should the Governing Body still wish to withdraw the place offered to \_\_\_\_\_ I would ask that the Chair of Governors write and confirm this decision. Full reasons for

withdrawing the place will need to be provided as these will form the basis of the letter sent to Mr | . The Governing Body would also need to state which address should be used to reconsider Mr | application and any reasons for not re-offering the place to | should he remain top of the school's waiting list. The Local Authority would then write and withdraw the place on behalf of the Governing Body of Lawrence Sheriff School. This would be done under the Local Authority's duty to deliver a system of coordinated admissions, but the decision to withdraw the place would be one taken by the Governing Body of the school, which would need to respond to any challenges to the decision.

Please do not hesitate to contact me if you require any clarification regarding the above.

Yours sincerely,

Craig Pratt  
Lead Officer  
Pupil and Student Services