

Lawrence Sheriff School  
Governing Body Admission Panel Meeting  
Friday 19 July 2013 at 11.15 am  
Sheriff Centre Conference Room

Present: REDACTED

In attendance: REDACTED

GOVERNOR D welcomed everybody to the meeting and stated that there were no apologies.

The meeting had been called to consider whether Shavak Matalia should be given a place at Lawrence Sheriff School. PERSON H confirmed that Shavak Matalia had already been offered a place which he had accepted. On Tuesday 16 July 2013 a separate panel of governors had met and decided to withdraw the place on the basis that Mr Matalia had provided misleading information on his application about his address. Under the Code of Practice, the Admissions Panel are required to consider the application afresh, assuming that there is no fraud. PERSON H tabled a letter which had been sent to Mr Matalia on 17 July 2013 confirming the first panel's decision and that the application would be considered afresh on Friday 19 July 2013. Mr Matalia was asked in the letter which address he would like the application to be considered on, Coventry or Rugby. PERSON H tabled Mr Matalia's letter of response dated 18 July 2013 in which he asks the panel to decide which address they are going to consider the application on.

GOVERNOR D asked for the other governors' views on the matter. GOVERNOR E asked what would have been the situation if Mr Matalia had declared his Coventry address on his initial application. PERSON I stated that Shavak Matalia would have been offered a place. PERSON H confirmed that Shavak Matalia had achieved a score of 357 which was a very high score and would have automatically secured him a place. GOVERNOR F asked if a place would have been offered whether the application was based on Coventry or Rugby. PERSON H confirmed a place would have been offered on either Coventry or Rugby but Mr Matalia chose to put down Rugby. PERSON H confirmed that the first panel had felt Mr Matalia had no intention of moving which automatically leads to the application being considered afresh.

GOVERNOR F stated that, Mr Matalia states in his letter that if he has to move to the Rugby address to secure his son's place, he will. On what basis is the panel saying, no, you can't have a place? PERSON H stated it was the panel's task to decide whether to consider the application on the Rugby or Coventry address. If the panel decide on the Rugby address they need to consider all the correspondence that has been generated over the last 4 months between Mr Matalia and the Local Authority to decide whether they believe he intended to move or not. The previous panel had had this information in mind when they made their decision. PERSON I confirmed that the previous panel had decided there was enough evidence that Mr Matalia would not take up residence in Rugby despite what he says in his letter. PERSON H stated it was a difficult issue to consider. If the application had been made on the Coventry address there would be no decision to make and a place would have been offered.

GOVERNOR E asked if the panel considered the information given was fraudulent would their decision make a difference. PERSON H stated that if the panel considered the application fraudulent, based on the

Rugby address and that Mr Matalia was not going to move, this would lead to the place being withdrawn. GOVERNOR F stated the panel's decision was being based on Mr Matalia's likely intentions/reasonable belief rather than any other evidence. GOVERNOR D asked the other governors if they felt Mr Matalia was applying from the Coventry or Rugby address? Mr Matalia states in his letter that he owns a property in Rugby and has given notice to the tenants to move. Is there any evidence that notice has been given? PERSON H confirmed that a 'copy' of the notice had been received. GOVERNOR D stated that the letter implies that Shavak Matalia will move and not the rest of his family.

PERSON H stated that if the panel decided to base their decision on the Rugby address, they would be provided with all the information given to the previous panel and an adjournment will be called while the information was read.

PERSON H stated that he had been trying to move the decisions away from the school to a legal entity.

GOVERNOR E asked why the previous panel had made their decision on the Rugby address. GOVERNOR D stated that the offer of a place had been made on the Rugby address even though Mr Matalia did not live there. PERSON H stated there was a plethora of correspondence from over the past 4 months. GOVERNOR F asked if the panel needed to know legally which address the application was to be considered on before they made a decision. Mr Matalia, at the time of this meeting, had not confirmed which address he wanted the application to be considered on.

GOVERNOR E stated that if the application is considered on the Coventry address, there is no place available and Shavak Matalia would be put on a waiting list for appeals. GOVERNOR D stated that the Admissions Policy states that eligibility is based on the student's home address.

PERSON H confirmed that this panel is not overturning the previous panel's decision but reconsidering the application afresh as a valid application. GOVERNOR D stated that the previous panel had based their decision on other information.

PERSON H advised the panel they could decide the application on the basis of the Coventry address because they are not certain of the validity of the Rugby address but if wrong could state that they should have considered the home address was in Coventry and this is what their decision would have been.

GOVERNOR F asked if the worst possible scenario was that the panel felt uncertain enough to make any decision. PERSON H stated that if the panel went back to Mr Matalia to clarify with him that would mean the wrong decision for the previous panel. PERSON H confirmed that he had asked Mr Matalia to confirm his intent to move to Rugby and he had responded that his Legal Advisor would be responding to that question.

GOVERNOR D stated that there was no confirmation in Mr Matalia's letter that he intended to move to Rugby and quoted "there is no evidence to suggest that I do not have an intention of moving to the Rugby address I provided."

GOVERNOR E again stated that he would like to take the Rugby address out of the equation altogether and then the panel would be obliged to consider the application on the Coventry address and Shavak Matalia would have to go on the waiting list. GOVERNOR F stated that in the absence of unequivocal information which had been requested the panel would have to take this course of action. PERSON H asked the panel if they would like to see the other information. PERSON H stated that Mr Matalia had consistently answered questions posed to him with statements about what the LA had said to him.

GOVERNOR D asked the panel what was their view of Mr Matalia moving to the Rugby address. GOVERNOR E said he did not think he was going to move. GOVERNOR F stated he would base the decision on the Coventry address in the absence of other information. GOVERNOR D stated this panel could not make a decision based on the other panel's decision. A decision has to be made based on Mr Matalia's inability to provide correct evidence and information that he intends to move to Rugby so there is no alternative but to base the decision on the Coventry address.

PERSON H pointed out that the application had been made on the specified Rugby address and tabled a copy of the application to the Local Authority. GOVERNOR D asked when the application was made. PERSON H confirmed the deadline for applications was 4 months ago. The application was made through the Coventry admissions authority.

The meeting was adjourned at 11.55 am while GOVERNOR F left the meeting for 15 minutes.

The meeting reconvened at 12.10pm.

PERSON H confirmed the codes on the application - AA = admissions address and MDA = main domicile address. Shavak Matalia's admission address is Rugby and main domicile address is Coventry.

Mr Matalia has stated that he is moving to Rugby and moving his current tenants out of his property in Rugby. PERSON H stated that, looking back at the correspondence, Mr Matalia sent a signed copy of his tenants' notice to move out. GOVERNOR E stated that this was not confirmation of them actually moving out. The issue is which address is the application based on not whether the panel believe Mr Matalia is fraudulent or not. Which address?

GOVERNOR D stated there was only an implication to move and GOVERNOR E stated there was no intention to move.

GOVERNOR D confirmed that it was Mr Matalia's place to advise which address the panel should consider his application on. GOVERNOR F stated there was insufficient information. GOVERNOR D stated that Mr Matalia implies that if his son was offered a place he would not have to move and quoted 'would be a welcome conclusion for all parties.'

PERSON H stated that there was no point in asking Mr Matalia to answer the question about which property he wanted the application to be considered on again and it is not the panel's place to tell him the answer. The panel is considering the application afresh and so are being given permission to make a decision.

GOVERNOR D stated that on two occasions Mr Matalia has not confirmed unequivocally the address he wishes to have the application considered on. The application will have to be considered on the Rugby address even though Mr Matalia has not confirmed he is going to move there.

The panel AGREED to consider the application on the Rugby address.

GOVERNOR D referred to the final paragraph of Mr Matalia's letter which states 'I am sure you can appreciate it is not my place to advise the panel on which address(es) to consider' confirms that the decision can only be based on the information provided on the admission form which gives the Rugby address. GOVERNOR F confirmed that the panel had followed due process to arrive at this decision. PERSON H confirmed the panel had considered the application afresh with no reference to fraud or misrepresentation. PERSON H confirmed that he had taken QCs advice on how to approach the meeting

today. Mr Matalia had been asked to confirm which address he wanted his application to be considered on and had chosen not to answer. Therefore, the application has to be considered on the information given which is the Rugby address. GOVERNOR D stated that now the panel had decided on the Rugby address they have to look at all the other information based on that address. If they consider the application was misleading they have to look at more evidence.

The meeting adjourned at 1.00 pm.

The meeting reconvened at 2.00 pm.

PERSON H summarised the available options for the panel to base their decision on as follows:-

1. If you decide you believe Mr Matalia is going to move to the Rugby address and that he has provided evidence to say he owns the property in Rugby and given his tenants' notice to move, you could decide this shows he is going to move.
2. If you consider the evidence that somebody asking so many questions around the move could indicate that they don't intend to move and is trying to find the minimum they can get away with, you could decide that it is a fraudulent or misleading application. You could also take into account that the first son gained a place by using a Rugby address which Mr Matalia did not move to and has given equivocal answers to the question about whether he is going to move or not for some time now.

GOVERNOR F stated that Mr Matalia has wilfully and repeatedly refused information to try and get around the system which confirms the panel's decision of option 2 above.

All AGREED.

GOVERNOR D stated that it was clear from the correspondence that Mr Matalia had no intention of moving to the Rugby address and even if he did he had no intention of staying there as he had asked how long he had to reside there.

GOVERNOR F stated that the evidence presented to the panel showed that Mr Matalia would find a loophole to get around any obstacle rather than saying this is what I want to do and here is the evidence.

PERSON H asked based on option 2, did Mr Matalia have an intention to move to that address? GOVERNOR F stated not permanently.

GOVERNOR D referred to Mr Matalia's contradictions about the refurbishment of the property in Rugby. GOVERNOR D stated she was firmly of the belief that Mr Matalia had no intention of moving to the Rugby address. GOVERNOR F asked if a person can mislead by saying or not saying. PERSON H stated that when a person swears an oath they agree to tell the whole truth. PERSON H stated that Mr Matalia is an intelligent person and refusing to answer a question is a deliberate intent to mislead. Why does he need a solicitor to answer his question for him when he states that he is going to move to Rugby.

PERSON H confirmed the panel had reached a decision to reject the place for Shavak Matalia.

The meeting ended at 2.20 pm

find out rules

never refused.

Dish-mat school

Your ref:  
My ref: JG/bo/SB27653  
Doc ref: 1,518,542.00  
Your letter received:



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Mr A Matalia  
15 Moreall Meadows  
Coventry  
West Midlands  
CV4 7HL

25 July 2013

Dear Mr Matalia

**MY CLIENT – THE GOVERNING BODY OF LAWRENCE SHERIFF SCHOOL  
RE: SHAVAK MATALIA APPLICATION FOR ADMISSION  
GOVERNING BODY PANEL – 19 JULY 2013 DECISION**

I'm writing as clerk to the panel of governors which met on Friday 19<sup>th</sup> July 2013 to consider Shavak's application for a place at Lawrence Sheriff School, to commence in September 2013. As you are aware from Mr Thomas' letter of 17<sup>th</sup> July 2013 a panel of governors met on 16<sup>th</sup> July 2013 and withdrew the offer of a place based on the grounds that the offer was obtained by reason of a fraudulent or intentionally misleading application. As per that letter in accordance with the Admissions Code a separate panel of three governors was therefore required to meet to consider the application afresh.

I am writing to inform you of the decision of that panel and to set out its reasons. In reaching its decision the panel of three governors had sight of the following; the original application form, all the correspondence between the Local Authority and yourself in relation to the application, my letter to you of 8<sup>th</sup> July 2013 and your response to me of the same date, Mr Thomas' letter of 17<sup>th</sup> July 2013 and your response dated 18<sup>th</sup> July 2013.

**Decision**

For the reasons outlined below, it was the unanimous decision of the panel that;

1. They should consider Shavak's application on the basis of your Rugby address.
2. No offer of a place should be made as the application was fraudulent or intentionally misleading and therefore the application was refused.

**Procedure**

In order to consider the application afresh the panel needed to decide which address they should base the application on before, if necessary, considering whether the application was fraudulent or intentionally misleading.



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## **Decision in relation to which address to base application on**

### **Evidence**

The panel noted that the application form stated that the application address was 43 Sandown Road, Rugby, Warwickshire, with the main domicile address as 15 Moreall Meadows, Coventry. They considered my letter to you of 8<sup>th</sup> July 2013 in which you were asked "in order to make a final determination in the matter please provide the following: (1) The date that you will move to the Rugby address, and (2) Confirmation that when you move to the Rugby address you intend to be a permanent resident at that address". The panel noted that you declined to answer that instead saying you would respond to my letter via your legal advisor. No response was forthcoming by the date of the panel.

The panel also noted that you were asked in Mr Thomas' letter of 17<sup>th</sup> July 2013 to confirm by return which address you would like the panel to take in to consideration when they met to consider the application afresh. The panel noted from your letter dated 18<sup>th</sup> July 2013 that you said "if it is the Governors' view I am not going to move to the Rugby address provided, I assume they will automatically re-assess the application from my current Coventry address". Finally and importantly the panel noted that you stated "I am sure you can appreciate it is not my place to advise the panel on which address(es) to consider (although both could be considered)".

### **Findings of Fact**

After careful consideration of the available evidence the panel therefore reached the conclusion that you had declined to tell them which address they should consider the application on. The panel therefore went on to decide which address they should consider the application on.

### **Decision**

As the panel was considering your application afresh they reached the decision that the appropriate address to consider the application on was the address on the application form, namely 43 Sandown Road, Rugby, Warwickshire.

The panel therefore proceeded on the basis of the Rugby address and therefore went on to consider whether the application was fraudulent or intentionally misleading.

## **Decision in relation to whether the application was fraudulent or intentionally misleading**

### **Evidence**

As set out above the panel had sight of and spent time reading the correspondence between yourself and the Local Authority in relation to the application as well as the letters detailed above.

### **Findings of Fact**

Having considered all of the evidence the panel made the following findings:

1. That there was a high level of correspondence between yourself and the Local Authority, and in particular that you had used a number of e-mail addresses and had made a number of phone calls where you had not disclosed your name but the facts meant that it was you making those calls.

2. That your choice of language in the plethora of correspondence was carefully worded and chosen to avoid questions and/or mislead. As an example in your letter of 18<sup>th</sup> July 2013, as already set out above, you said "my position has always been clear: if Shavak has to move to the address in Rugby, as originally intended, *he* will move". That wording indicated that Shavak would move on his own, which the panel found was unlikely and they also found that you had not confirmed that you would actually move.
3. That on two occasions you had refused to confirm that you would be moving to the Rugby address and you had even refused to confirm which address you would like the panel to take in to consideration. The panel felt that these were straightforward questions which you could have simply answered rather than saying either that you would get your legal advisers to answer (or you) or that it was not your place to answer. The panel therefore found as a fact that you were avoiding questions and/or intending to mislead.
4. That you were attempting to find a way to circumnavigate the rules.
5. That you were making requests to the Local Authority on how long Shavak or the family had to live in Rugby.
6. The application for Arihan had included the Rugby address but you had not moved once a place had been offered.
7. That taking all of the above in to account the panel did not believe your actions were those of someone who intended to move to the Rugby address on a permanent basis.

### **Decision**

After careful consideration of the available evidence, and taking into account the above findings and there being cogent and powerful evidence, the panel found as a fact that, in making the application on the basis of the Rugby address your application to the admission's authority was fraudulent or intentionally misleading. The panel therefore decided to reject your application.

The implication of paragraph 2.12 of the Admissions Code is that an application which is fraudulent or intentionally misleading should be refused.

I therefore confirm that Shavak does not have an offer of a place at Lawrence Sheriff School to start in September 2013.

If you wish to make a fresh application you must contact your home local authority.

Yours sincerely



John Galbraith