

Appendix H: Brief summary of neighbouring local authority arrangements regarding temporary addresses

Surrey CC

“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 moves to rented accommodation or to live with relatives and uses this address in order to gain a school place, whilst continuing to own an alternative property. A property previously lived in and still owned by the family would normally be considered as the child’s habitual residence, even if the property is not currently occupied by the family.*
- 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 an alternative property that the child previously lived in and we believe the address stated on the application is temporary and being used solely or mainly to obtain a school place. Where an applicant still owns an address in which their child previously lived, they must explain and evidence the permanence of their house move. Renting out the property would not deem it unavailable to the family.

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 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.”

Comment

This is a lengthy and prescriptive account of how to distinguish between temporary and permanent addresses. It does though capture the notion that addresses can be separated into “addresses of convenience” and “habitual addresses” and states the key principles that will be used to determine on the balance of probability which category a declared address fits.

Reading BC

Home address

Is the permanent address of the parent/carer and their child? It must be the address where the child spends the majority of their school week in cases where the child lives at a different address for some days of the week. Temporary addresses cannot be used to obtain a school place whilst retaining a previous permanent home within Reading unless evidence is produced to show that this address is no longer available to the family i.e. the property has been rented out. Where an application has been submitted which shows a new temporary address evidence of a rental agreement of at least a year that goes beyond 1 September 2017 will have to be submitted.

Comment

Shorthold tenancies are often for 6 months (as these tenancies can be rolled over for years, but a period of 6 months protects the landlords interests) so families with legitimate reasons to rent might be discriminated against.

Again the arrangements allow owner occupiers to rent out their homes.

West Berkshire

Note 1

If you own a house or a flat and are renting and living in another property, we will consider the rental address as your permanent address if:

- 1. your owned property is rented and*
- 2. you have been living at the rented address for at least 1 year (we will require proof) and*
- 3. your rental agreement shows you will continue to live in the rented property for at least a year after the application for a school place.*

In some cases we may consider a rental address where you have lived for a period shorter than a year as your permanent address if your owned property is a considerable distance away from the rented accommodation where you are living. In these cases we will decide what evidence you should provide us and we will review it and make a decision.

If you own two or more houses we may ask for evidence of your previous and current Council Tax bills or other evidence we deem appropriate to determine which of them is the permanent home address.

Comment

Although more robust (than the current WBC policy) this could be considered to introduce a “back door” length of residence criteria. Also, the prevalence of 6 month rental agreements (which can be extended ad infinitum) means that “legitimate” renters could be discriminated against.

Bracknell

“If a parent/carer owns a property within the Borough which they do not occupy and/or rent out and then move into another property within, or nearer to the designated area of the preferred school, the address of the property they own will be the address used for determining their designated area, unless the owned house has been rented out for 12 months prior to the closing date for the return of the Common Application Form. If an applicant already owns a property within the borough which is in the process of being sold Bracknell Forest is able to accept the address of the new property on submission of the appropriate evidence in support eg. a solicitor’s letter showing exchange of contracts. The address must be a permanent address, temporary addresses are not acceptable.”

Comment

The 12 month rent out period is more of a deterrent to short term arrangements than the 6 month period used in the current WBC arrangements.

Hampshire

(ii) The child's permanent residence is where they live, normally including weekends and during school holidays as well as during the week, and should be used for the application. The permanent address of children who spend part of their week with one parent and part with the other, at different addresses, will be the address at which they spend most of their time.

Buckinghamshire

Note 6: Definition of normal home address (more detail is available in the guide)

This is the child's home address. This must be where the parent or legal carer of the child live together unless it is proved that the child is resident elsewhere with someone who has legal care and control of the child. The address should be a residential property that is owned, leased or rented by the child's parent(s) or person with legal care and control of the child.

To avoid doubt where a child lives with parents with shared responsibility, each for part of a week or month, the address where the child lives will be determined by:

Comment

Neither Hampshire or Buckinghamshire arrangements are a significant improvement on Wokingham's current arrangements.