



Rt Hon Ed Balls MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0870 0012345 dcsf.ministers@dcsf.gsi.gov.uk

Dr Ian Craig
Chief Adjudicator
Office of the Schools Adjudicator
Mowden Hall
Staindrop Road
Darlington
DL3 9BG


March 2010

Dear 

Thank you for your further report on fraudulent and misleading applications for school places which I received on 26th February. I would like to express my sincere gratitude to you for the hard work that you have put in to deliver this report, and the wide variety of stakeholders that you have consulted in order to draw up your recommendations.

While I am reassured that only a tiny minority of parents apply dishonestly, I am also clear that every place gained by deception is denying another child their rightful place, so it is important that we take the necessary and proportionate measures to address the problems that you have identified.

As I said in my response to your October report, I have always been clear that it has not been and is not our intention that parents should be criminalised. I am therefore grateful for your follow-up work, exploring a range of possible sanctions beyond those set out in the current code on the withdrawal of places to strengthen our response.

You are right to say that measures to deter fraudulent applications and our response to them when they are uncovered, needs to recognise the different stages of the admissions process. The problem requires a different approach depending on whether the child whose place has been obtained fraudulently has already started at the school or not. So your analysis of four distinct phases within which deceptive applications can be discovered is particularly useful and I agree that issues related to each phase are slightly different and call for specific responses. It is clear that there is no single answer to the issue and that a co-ordinated approach is necessary. I believe it is important for local authorities to examine their local practices, to consider where they can deter dishonesty and ensure early and consistent enforcement so that families are not unfairly deprived of a rightful place.



department for
children, schools and families

I agree with you that where a fraudulent application is discovered after an offer has been made but before the start of term, there should be a duty on Local Authorities (LAs) to withdraw the place. It should also be the case that no child should be punished for their parents' actions, but neither should families on waiting lists be unfairly disadvantaged or delayed. So, where deception is found after the child has started school, the default position – that places are withdrawn - should be firmly linked to your proposal for fast-track appeals - to be heard within two weeks of the deception being found, and with the child remaining in school until the appeal panel is held. It will be for the independent appeal panel to decide whether the child should retain a place within the school.

In your 2009 Annual Report you recommended that any parent who obtains a place by deception but does not have that place removed due to the LA or appeals panel considering the best interests of the child, should not be able to obtain a priority place for subsequent children using the sibling link. I have accepted this, and will consult on it, along with your further recommendations in this report, at the next opportunity to amend the School Admissions Code.

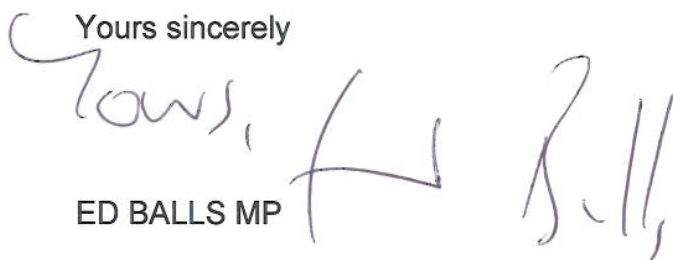
Some recommendations will need further consideration – for example, the communications campaign that you propose might be better co-ordinated at the local level, reinforced by national messaging, to reflect the differing needs and approaches of different areas. I agree in principle with the need for a campaign to make it very clear to all parents that using deception to obtain places fraudulently is wrong, and I will ask my officials to consider whether there are alternative approaches which address it in a locally targeted way.

I also intend to ask them to work with you to consider carefully what advice could usefully be given to local authorities to ensure that misleading applications are detected as part of the application process, or schools at any time. I understand that this will raise issues in terms of extra burdens for schools and LAs and will need to consider the potential legal implications of both this, and a mandatory rule to remove a place irrespective of the length of time the child has been at school

In your report you mentioned the idea of a random 10% check of applications. This - along with further information in the School Admissions Code on detecting fraudulent applications and how they can be addressed, with letters being sent to parents whose applications are suspect - seems to be a reasonable approach.

As ever, I am grateful to you for your advice. Please also convey to your adjudicator team and staff my grateful thanks for their continuing hard work in ensuring that children have genuinely fair access to schools.

Yours sincerely

A handwritten signature in blue ink that reads "Ed Balls". The signature is written in a cursive style with a large initial "E".

ED BALLS MP