



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2220

Admission authority: The governing board for English Martyrs' Catholic Primary School, Birmingham

Date of decision: 28 February 2022

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing board for English Martyrs' Catholic Primary School, Birmingham for September 2022.

I determine that the school's Published Admission Number for admissions in September 2022 shall be 45.

The referral

1. The governing board for English Martyrs' Catholic Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) to the adjudicator. The school is a voluntary aided school for children aged 4 to 11 in Sparkhill, within the Birmingham local authority area, with a Roman Catholic religious character.
2. The proposed variation is that the published admission number (PAN) be reduced from 60 to 45.

Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far as relevant here):

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it must consult the governing body of the school before making any reference.

3.7 Admission authorities **must** notify the appropriate bodies of all variations”.

4. I have been provided with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.
5. In considering this matter I have had regard to all relevant legislation, and the Code.
6. The information I have considered in reaching my decision includes:
 - a. the referral from the governing body, prepared by the local authority, dated 6 January 2022, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2022 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the Archdiocese of Birmingham (the diocese), which is the religious authority for the school;
 - d. a map showing the location of the school and other relevant schools; and
 - e. information available on the websites of the local authority and the Department for Education.

The proposed variation

7. The governing board has requested that the PAN be reduced from 60 to 45 for admission in September 2022. The variation request says that demographic changes have led to a falling roll and surplus places at the school. A reduction in the PAN will, the request says, “give the school some certainty in its planning and support it financially.”
8. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of

circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

Consideration of proposed variation

9. In the request for a variation, the local authority draws attention to two changes that have occurred since the admission arrangements for 2022 were determined in February 2021. There has been a reduction in both the number of children born in Birmingham and in the proportion of children born in the city who take up places at a primary school there four years later. The latter figure is said “traditionally” to have been 89 per cent, but for admission in 2020 it was 84.7 per cent (a difference of 700 children). It was also “much lower than expected” for admission in 2021, although no figure is given.

10. The local authority says that the effect of these demographic changes “is and will continue to be increasing levels of surplus places.” The capacity of the school is 420 places and there are currently 383 pupils on its roll, leaving 37 surplus places, amounting to nine per cent of the capacity. Table One shows the distribution of the pupils across the seven primary year groups.

Table One: Number of pupils in each year group at English Martyrs’ Catholic Primary School

Year Group	R	1	2	3	4	5	6	TOTAL
Number of pupils	54	38	61	58	59	61	52	383

11. The local authority says that a reduction in the PAN from 60 to 45 will enable the school to make “efficiency savings.” Over time, the school would be able to operate with three classes rather than four in key stage 1 and four rather than six in key stage 2. Clearly, this will reduce the cost of staffing. The diocese comments that “a reduction in the PAN for the school would be appropriate in order to reduce surplus places in the area and for the school to appropriately plan for pupil numbers and secure its financial position in order to continue to provide quality education to the children on roll.”

12. I consider that the reasons given for the proposed variation are sound and are justified by the changing circumstances, that is, the ongoing effect of the reduction in demand for primary school places both in the city of Birmingham as a whole and in the school’s local planning area, in which the local authority forecasts the proportion of surplus place will increase from the current level of eight per cent to 17 per cent by 2023/24. Although no figures have been provided, I also note the local authority’s comment that, “Strategic Financial reporting highlighted a considerable increase in the school’s in year deficit in 22/23 moving to a cumulative deficit in 23/24 onwards.” A reduction in the PAN to 45 would enable the school to operate with the reduced number of classes mentioned above, while ensuring that infant classes are at or below 30, as required by regulations.

13. I was concerned, however, that demand for places at the school has exceeded 45 for six of the past seven years, as Table One shows. To reduce the PAN might deny some parents a place for their child at their preferred school. There is no formal consultation required for a variation request, such as this one, so parents and others have not had the opportunity to express their views. Once the PAN has been set for a particular year then no body, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. Clearly it is desirable that PAN reductions are made via the process of determination following consultation as the consultation process allows those with an interest to express their views. It also allows for objections to the adjudicator. None of this is afforded by the variation process.

14. As the request for a variation was received very close to the closing date for applications for admission to primary school in September 2022, I asked the local authority to provide me with details of applications made relating to the school. I was told that by the closing date parents of 22 children had made the school their first preference. The local authority's "best guess" was that this figure might rise to 40 when places come finally to be allocated, taking into account lower preferences for the school, where higher preferences could not be satisfied.

15. I am satisfied that the local authority's figures indicate that, if the PAN is reduced to 45, all parents who prefer or require a place at the school in September 2022 are very likely indeed to be allocated one. I note that there is another Roman Catholic Primary School within the school's local planning area. The diocese's support for the reduction in the school's PAN mentions the benefit to "neighbouring schools." I infer from this that the diocese is satisfied that there will sufficient places locally for families who wish their children to attend a Roman Catholic primary school.

16. I consider that the request for a variation is appropriate in the circumstances in which the school now finds itself. The reduction in PAN is very unlikely to cause any unfairness to parents whose children will not be able to attend the school of their preference, both in September 2022 and future years, as the demand for places in the area is expected to continue to fall. I approve the proposed variation.

Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing board for English Martyrs' Catholic Primary School, Birmingham for September 2022.

18. I determine that the school's Published Admission Number for admissions in September 2022 shall be 45.

Dated: 28 February 2022

Signed:

Schools adjudicator: Peter Goringe