



Office of the Schools Adjudicator

Determination

Case reference: VAR2229

Admission authority: The governing board for St Dunstan's Catholic Primary School, Birmingham

Date of decision: 30 March 2022

Determination

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

I determine that for September 2022 the PAN will be reduced from 60 to 45.

The referral

1. Birmingham City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 on behalf of the governing board of St Dunstan's Catholic School, Birmingham (the school), to the adjudicator. The school is a voluntary aided school for children aged 3 to 11. The governing board is the admission authority.

2. The proposed variation is to reduce the published admission number (PAN) from 60 to 45. The parties in this case are the school, the local authority and the Diocese of Birmingham (the diocese).

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 states that: "where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in

circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations."

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

5. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 21 February 2022;
- b. information provided by the diocese in support of the request for a variation;
- c. the determined arrangements for 2022 and the proposed variation to those arrangements;
- d. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2022; and
- e. a map showing the location of the school and other relevant schools.

6. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me 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.

The proposed variation

7. The proposed variation is to reduce the PAN of the school from 60 to 45 for September 2022.

8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be revised, that is 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. The local authority explains that pupil numbers have been reducing in recent years and the school has only admitted up to its PAN in one year in the last six years. The major change in circumstances is that the governing board wishes to take action to limit pupil numbers so that it can reduce the number of classes and thus reduce the number of teachers required and help it to manage its budget in the context of the falling school roll.

10. This is a primary school so the requirement in the School Admissions (Infant Class Sizes) (England) Regulations 2012 not to have more than 30 children in a class with a

single qualified teacher applies for the infant classes in the school. It is requesting a variation for 2022 to limit the PAN to 45 in the knowledge that 44 requests for places have been made through the admissions process. In addition to making a request for a variation for September 2022 the school has consulted on a proposal to reduce the school's PAN from 60 to 45 for 2023 and has determined these arrangements. If numbers across two infant year groups are 90 or fewer it would be feasible for the school to organise three rather than four classes.

11. The local authority informed me that the birth rate in Birmingham is reducing and at the same time it is finding that there is a lower uptake in the number of places for primary schools against the number of births registered. Uptake has reduced from 89 per cent to 84.7 per cent in Reception classes across the city with the result that there are 700 fewer children seeking places in Reception classes across the city. The local authority attributes reduced migration into the city as one reason for this.

12. Parents will have applied for places at the school within the application window that closed on 15 January 2022 and the local authority will be notifying parents of the places allocated on 19 April 2022. Parents will not have been aware that there was a proposal to reduce the PAN from 60 to 45 for September 2022 since no consultation took place for this year of admission. The governing board was however consulting on a proposed reduction in PAN for 2023. 44 applications for places have been received for September 2022 and if the proposal to reduce the PAN to 45 is approved, all these applicants could be offered places and leave one vacant space for an in-year admission.

13. The school has total capacity for 420 pupils and currently has 362 on roll. This leaves 58 surplus places. The local authority provided a table showing the school's year groups in the current school year as follows:

R	1	2	3	4	5	6
44	47	50	52	60	52	57

14. The local authority has also provided figures that show the forecast numbers to be admitted to the schools in the local planning area, which includes St Dunstan's Catholic School, for the coming two years with totals for the planning area:

Name	Forecast Intake		Forecast Surplus No	
	2022	2023	2022	2023
King David Junior and Infant School	21	21	9	9
Kings Heath Primary School	87	84	3	6
Moor Green Primary Academy	60	60	0	0
Moseley Church of England Primary School	30	30	0	0
Park Hill Primary School	44	42	16	18
SS John & Monica Catholic Primary School	30	29	0	1
St Dunstan's Catholic Primary School	42	40	3	5
St Martin de Porres Catholic Primary School	26	26	4	4
Wheeler's Lane Primary School	89	86	1	4
Total	429	418	36	47

15. I am satisfied that there are spare places in local schools should a family move into the area during the school year seeking a school place for a child. These include surplus places at other Catholic schools. The forecast for future numbers indicates that the reduction in admission requests will be sustained and the school has the potential to be able to reorganise classes so that it can manage its budget. For these reasons I approve this request to vary the admission arrangements for September 2022 and reduce the PAN from 60 to 45.

Determination

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

17. I determine that from September 2022 the PAN will be reduced from 60 to 45.

Dated: 30 March 2022

Signed:

Schools Adjudicator: David Lennard Jones