



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2230

**Admission authority:** The governing board for St Clare'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 Clare's Catholic Primary School, Birmingham.

**I determine that for September 2022 the Published Admission Number will be reduced from 45 to 30.**

## 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 for St Clare's Catholic Primary 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 school's admission authority.
2. The proposed variation is to reduce the published admission number (PAN) from 45 to 30. 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 45 to 30 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 in the area and in particular at this school have been reducing in recent years. Ofsted judged that the school "required improvement" in October 2018 and the local authority observes that the school experiences high pupil mobility. The school reports that with available capacity during the school year it has a history of receiving applications from pupils from across the city who are seeking to change schools, some of whom experience transport difficulties. The school also reports a

budget concern which is exacerbated by uncertainty about how many places might be required during the course of the school year.

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. The school is requesting a variation for 2022 to limit the PAN to 30 in the knowledge that 28 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 45 to 30 for 2023 and has determined these arrangements. If the number of children in the year group is 30 or fewer the school will be able to organise with one class for the year group.

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. 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 45 to 30 for September 2022 since no consultation took place for this year of admission. A consultation was however being conducted by the governing board for a proposed reduction in PAN for 2023. 27 applications for places have been received for September 2022 and if the proposal to reduce the PAN to 30 is approved, all these places can be offered and leave three vacant spaces for in-year admissions.

13. The school has a total capacity for 420 pupils and currently has 258 on roll. This leaves 162 surplus places, nursery numbers are also low at 19 children. The local authority provided a table showing the school's year groups in the current school year as follows:

<b>R</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
22	22	45	29	45	43	52

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 Clare's Catholic Primary School, for the coming two years with totals for the planning area:

<b>Name</b>	<b>Forecast Intake</b>		<b>Forecast Surplus No</b>	
	<b>2022</b>	<b>2023</b>	<b>2022</b>	<b>2023</b>
Anglesey Primary School	90	85	0	5
Grove School	90	77	0	13
Heathfield Primary School	60	60	0	0
Holy Trinity CE Primary Academy (Handsworth)	24	19	6	11
St Clare's Catholic Primary School	27	22	3	8

St Francis Catholic Primary School	60	54	0	6
St Marys C of E Primary and Nursery, Academy	59	46	1	14
Welford Primary School	45	30	15	30
Westminster Primary School	60	58	0	2
William Murdoch Primary School	90	73	0	17
<b>Total</b>	<b>605</b>	<b>524</b>	<b>25</b>	<b>106</b>

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. The forecast for future numbers indicates that the reduction in admission requests is likely to be sustained and the school has the potential to be able to organise classes so that it can manage its budget to best effect. For these reasons I approve this request to vary the admission arrangements for September 2022 and reduce the PAN from 45 to 30.

## 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 Clare's Catholic Primary School, Birmingham.

17. I determine that for September 2022 the PAN will be reduced from 45 to 30.

Dated: 30 March 2022

Signed:

Schools Adjudicator: David Lennard Jones