



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2394

Admission authority: Birmingham City Council for Sladefield Infant School, Ward End, Birmingham

Date of decision: 29 February 2024

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 Birmingham City Council for Sladefield Infant School for September 2024.

I determine that the published admission number for 2024 shall be 90.

The referral

1. Birmingham City Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for Sladefield Infant School (the school) for September 2024 to the adjudicator. The school is a community school for children aged five to seven in Ward End, Birmingham.
2. The proposed variation is that the published admission number (PAN) be reduced from 120 to 90 for admissions to reception year (YR) in the academic year beginning in September 2024.

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. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the school’s governing board has been consulted on the proposed variations. I find that the appropriate procedures were followed, and I am 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 local authority dated 10 January 2024, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2024 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the governing board of 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, the school and the Department for Education.

The proposed variation

7. It is proposed to reduce the PAN from 120 to 90 for entry to YR in the academic year beginning in September 2024.
8. The referral states that:

“There are two significant things that have changed since the admission arrangements were consulted on and determined in February 2023. Firstly, there has been a further drop in the number of children born in the city and in the planning area: this means that schools are looking at more than just 1 or 2 difficult years of low intake numbers to cope with - rather a sustained impact. Secondly, what we refer to as ‘uptake’ is much lower: as part of the forecasting process, we look at the relationship between the number of children born and the number of children who arrive in Reception classes 4 to

5 years later. Traditionally, the city average has been around 89% and has been relatively consistent; however, in 22/23 it was 87.8% - a difference equating to over 650 Reception children. Our analysis indicates this is due to reduced migration into the city with Birmingham's population continuing to decline. This means that action is needed to help schools mitigate against the impacts of falling rolls and that action needs to be taken as early as possible.

The result of these changes is and will continue to be increasing levels of surplus places. This can cause many problems mainly driven by the fact that it will lead to reduced revenue funding causing problems in terms of paying staff, purchasing resources and meeting pupil needs. High levels of surplus places impede the school's ability to provide efficient and effective education and can lead to concerns about viability. As the current normal point of admission for the school is Reception, considerations around infant class size come into play. Admitting only 90 pupils means it can make efficiency savings.

Sladefield Infant School is suffering from a sustained falling roll. As at October 2023 CENSUS the school currently have 332 on roll, compared to 356 at October 2022 census. An increase in numbers is unlikely in the near to medium term. Falling rolls have resulted in the school being in an unsustainable financial position. The estimated in year deficit at the end of 2023/24 is £42,448. The schools updated forecast shows it's not possible to set an in year balanced budget for the 2024/25 with an in-year deficit of £116,374 and a cumulative deficit of £89,983. The deficit increases in the 2025/26 financial year with an in-year deficit of £239,464, giving a cumulative deficit of £329,447 at the end of the 2025/26 Financial Year."

9. The proposed variation has the support of the governing board. I note here that since the local authority has now already determined the admission arrangements for September 2025 with a PAN of 90, my decision about this variation will have an effect on the PAN for September 2024 only.

10. 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

11. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. 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.

12. It is therefore particularly important that the proposed variation is properly scrutinised. I have accordingly given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area if the PAN is reduced from 120 to 90 for September 2024. I have also considered the demand for places at the school, the reasons given for the change, the potential effect on parental preference and whether the change is justified in these circumstances.

13. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical areas each containing a number of schools, for this purpose. The school is one of four schools in planning area "P12". As this is a small area, the local authority has helpfully provided additional data for an extended planning area (EPA) that contains all schools admitting children to YR within a one mile radius of the school. Table 1 below summarises the data supplied to me by the local authority for the numbers of children admitted to P12 and EPA schools in recent years.

Table 1: numbers of school places in P12 and the EPA, and numbers admitted to YR

	2021	2022	2023	2024 (projected)
Sum of PANs of schools in the planning area P12 for YR	300	300	300	300
Number of children admitted to YR in P12	301	301	268	270
Vacant places in P12	0	0	32	30
Vacant places in P12 as a percentage	0%	0%	11%	10%
Sum of PANs of schools in the extended planning area (EPA) for YR	990	990	990	990
Number of children admitted to YR in the EPA	980	961	859	870
Vacant places in the EPA	10	29	131	120
Vacant places in the EPA as a percentage	1%	3%	13%	12%

14. Table 1 shows that whilst the data for the small planning area P12 suggests that there might be little scope for reducing the total of the PANs in the area by 30, consideration of the EPA leads to a different conclusion. I am of the view that it is perfectly sensible to consider the availability of places within this wider area, and the data shows that a reduction of 30 places will still leave a projection of 90 vacant places within a one mile radius of the school.

15. I am therefore assured that if the PAN for the school were to be reduced from 120 to 90, there would be sufficient vacant places in the area for those seeking a place in YR outside of the normal round of admissions.

16. I now turn to the number of children at the school and the reasons given by the school in support of the variation request. Table 2 summarises the numbers admitted to the school in recent years.

Table 2: numbers of children admitted to YR at the school

	2021	2022	2023
The PAN for the school	120	120	120
Number of children admitted	120	120	92
Vacant places in YR	0	0	28

17. Since the allocations for entry in September 2024 have not yet been made, I asked the local authority for numbers of preferences expressed for the school for 2024 entry, in order to compare them with the numbers for previous years. These are shown in table 3.

Table 3: preferences expressed for entry to the school

Year of Entry	2022	2023	2024 (as at the closing date of 15 January 2024)
First preference	91	74	76
Second preference	70	82	74
Third preference	61	54	38
Actual number admitted	120	92	

18. I note here that the number of first preferences for 2024 is only slightly higher than for 2023, the combined sum of first and second preferences is slightly below, and the

overall number of preferences is lower. I therefore do not consider that the data in table 2 and table 3 provides any evidence that there will be a frustration of parental preference for the school if the variation is approved.

19. The request for a variation refers to the governing board's wish to align its staffing and budget to a reducing number of children. The school is one affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations). The infant class size regulations require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified school teacher, except in specific exceptional circumstances. This means that if YR in September 2024 is no more than 90 pupils, and the school wishes to maintain single year groups, it will be able to plan for three classes in YR.

20. If the PAN for the school were to remain at 120, then any in year applications for YR during 2024/25 will have to be admitted until at least 120 have been admitted. The infant class size regulations apply to YR, and so in the event of any further admissions that take YR above 90 children, the school would have to either create an extra reception class or reorganise their infant children into mixed age classes. This would present a significant logistical and financial challenge.

21. After consideration of all the factors above, I find that the proposed variation is justified by the circumstances and I approve it. The PAN for 2024/25 will be 90.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Birmingham City Council for Sladefield Infant School for September 2024.

23. I determine that the published admission number for 2024 shall be 90.

Dated: 29 February 2024

Signed:

Schools adjudicator: Clive Sentance