



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4324 Goldstone Primary School

Objector: The Governing Body for Goldstone Primary School

Admission authority: Brighton & Hove City Council

Date of decision: 5 September 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by Brighton & Hove City Council for Goldstone Primary School, Brighton & Hove.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by the governing body for Goldstone Primary School (the governing body, the objector), about the admission arrangements (the arrangements) for Goldstone Primary School (Goldstone, the school), a community primary school for children age 4-11 years, for September 2025.
2. The objection is to the consultation held on the proposed reduction to the school's published admission number (PAN) from 90 in previous years to 60 for 2025; and to the reduction in the PAN to 60. This is for admission to the reception year (YR) of the school.

3. The parties to the objection are the governing body for the school and Brighton and Hove City Council, which is the admission authority for the school and the local authority (the LA) for the area in which the school is located.

Jurisdiction

4. The arrangements were determined under section 88C of the Act by Brighton & Hove City Council, the admission authority for the school, on 22 January 2024. The objector submitted their objection to these determined arrangements on 7 May 2024. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

6. The documents I have considered in reaching my decision include:

- a. a copy of the minutes of the meeting on 22 January 2024 of the Children, Families & Schools Committee (the determining body for the LA) at which the arrangements were determined and the papers to inform this decision. Papers provided to the committee include information on the consultation. I will refer to this document as the committee report;
- b. a copy of the determined arrangements;
- c. the governing body's letter of objection dated 7 May 2024, supporting documents and other information submitted in response to my enquiries;
- d. the LA's comments on the objection, supporting documents and further information submitted in response to my enquiries.
- e. a map of the area identifying relevant schools; and
- f. previous OSA determinations, specifically:

ADA3765 Goldstone Primary School (May 2021)

STP656 St Bartholomew's Church of England Primary School, Brighton
(June 2024)

The Objection

7. The governing body considers that the consultation process undertaken by the LA prior to determining the school's admission arrangements for 2025 was flawed. Specifically:

- a. From comments made during a consultation meeting, the governing body believes that the decision to reduce the PAN had been made ahead of the consultation.
 - b. The governing body feels that the online consultation response form was hard for some people to navigate, including those who speak English as an additional language, as it covered a wide range of admissions matters as well as reductions in PANs for a number of different schools.
 - c. As responders to the consultation could comment on the proposals to reduce the PANs at any or all of the schools, the governing body is of the view that responders may have responded positively to a reduction in PAN at one school to prevent such a reduction at another, thus skewing the outcomes of the consultation.
8. The LA, as the admission authority, has determined that the PAN for the school will be 60 for admission to YR in September 2025. This is a reduction of 30 places from a PAN of 90 in 2024 and several years previous to that. The PAN is lower than the governing body would wish, and they are exercising their right to object as set out in paragraph 1.3 of the Code which states:

“Own admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN. For a community or voluntary controlled school, the local authority (as admission authority) must consult at least the governing body of the school where it proposes either to increase or keep the same PAN. All admission authorities must consult in accordance with paragraph 1.45 below where they propose a decrease to the PAN. Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.”

9. In summary, the governing body identify two reasons for their objection to the reduced PAN:
- a. Firstly, the reduction in PAN will adversely affect parental choice. The objection states that the school “is one of the few community schools in the area” and serves a diverse community. It is a popular school. For entry in 2024, the school was the first preference for 87 parents applying for YR places for their children.
 - b. Secondly, the governing body is concerned that, over time, the reduction in PAN will “turn a financially healthy school” into one that is “in deficit and struggling”.

Other Matters

10. The admission arrangements do not appear to provide details of how the random allocation process used to separate children living at the same distance from the school is supervised, as required by paragraph 1.35 of the Code.

Background

11. Goldstone Primary School is a community primary school with approximately 700 children. It opened in 2001 following the merger of Knoll Infant and Goldstone Junior Schools. The school has approximately doubled in size since that time.

12. The school has been judged by Ofsted to be a 'good' school at every inspection since it opened. The most recent inspection was in July 2023. During that inspection, 99% of the 297 parents/carers who completed Ofsted's "Parent View" questionnaire said that they would recommend the school to others.

13. Brighton & Hove City Council is a unitary authority that has responsibility for a total of 61 maintained schools, 48 of which are primary schools. Based on 2023/24 final budget plans submitted by schools, the LA identifies that 33 of the 61 schools have licensed deficit budget arrangements, 29 of which are primary schools.

14. The LA explained in their consultation papers and committee report that pupil numbers across the city have fallen in recent years, resulting in large numbers of surplus places. Pupil numbers are forecast to continue to fall until at least September 2027. The latest data estimates that the number of children needing a place in YR will fall from 1,970 in September 2025 to 1,787 in September 2027. The total YR PAN for the LA in 2024 was 2,610.

15. The local authority consulted to reduce the PAN for nine schools, including Goldstone, for 2025-26. Of the nine schools, two were infant schools and seven were primary schools. Following the consultation, a summary of the information collected, the committee report, was provided to the LA's Children, Families & Schools Committee. The committee report recommended that the PANs for six of the nine schools, including Goldstone, should be reduced in line with the proposals set out in the consultation. The local authority determined the arrangements as recommended. This means that, across the LA, there will be 180 fewer YR places available for admissions in September 2025 compared to September 2024. In a separate consultation, the LA also consulted on closing two primary schools. The closure of these two schools will result in a further reduction of 60 YR places.

Consideration of Case

16. There are two main aspects to the objection. The first is that the consultation to reduce the PAN was flawed and the second is to the reduction in the PAN itself. I will consider these two aspects in turn.

Consultation

17. Paragraphs 1.45 to 1.48 of the Code set out the requirements for a consultation by an admission authority. The paragraphs state when a consultation is necessary, the timing of a consultation; who must be consulted; and what must be published and where.

18. The committee report provided detail of the consultation carried out and the responses to it. The consultation ran between 7 November 2023 and 22 December 2023. Paragraph 1.46 of the Code requires that a consultation must last for at least six weeks and be between 1 October and 31 January in the determination year. The consultation met the requirements of the Code in this respect.

19. The local authority sent information about the consultation, as part of their weekly Schools' Bulletin for week commencing 13 November 2023, to the headteachers and chairs of governors of all maintained schools within the LA. This information outlined the proposed changes to the admission arrangements for community schools for 2025 and links to where further information was available. There was also reference to the second consultation running concurrently on the closure of two primary schools. Separate emails containing similar information were sent to academy trusts with schools in the LA, relevant dioceses and neighbouring LAs.

20. As required by paragraph 1.47a of the Code, the information provided noted that:

“The consultation will also invite comment from parents in the City who have a child or children between the ages of 2 and 18 years of age and from other people in the geographical area of Brighton & Hove who have an interest in these arrangements.”

Headteachers were asked to promote the consultations to their school communities, governors, staff and families. Additionally, the committee report refers to the Council encouraging responses from groups who “might not usually participate in consultations” for example through the Parent and Carer Council, the Ethnic Minority Achievement Service and Home:School liaison workers.

21. However, it has come to my attention, through a separate objection for a different school within the LA, that nurseries and pre-schools were not informed of the proposals until after the consultation had closed, thereby potentially restricting feedback on the proposals from the parents of pre-school children, the very people most likely to be impacted by a reduction in PAN for children entering YR. The LA said that:

“It was the council’s intention to share consultation information with nursery schools for this consultation as it has in the past however, due to human oversight the initial information about the consultation ... was not shared directly with nurseries in the city.”

22. In respect of the impact on the school, the LA said:

“In relation to the issue of the notification to nurseries we would want to outline that in relation to the proposal to reduce the PAN at Goldstone Primary School the school’s nursery provision is school led and as such families would be aware of the proposals that had been put forward through that channel of communication. In addition details of the consultation were published on ... our central communication tool ... that

would have been openly accessible to anyone, including nurseries. Albeit we acknowledge this was not a direct communication.”

23. As the Code specifically requires parents between the ages of two and eighteen to be consulted, the consultation did not meet the requirements of the Code in this respect. However, as the LA took other steps to consult widely, I do not believe that the error of not informing nurseries and pre-schools in a timely way resulted in any material difference to the outcome of the consultation.

24. As set out in the committee report, during the public consultation the LA held 22 public meetings, two for each school featured in the proposals. One took place during the daytime and one in the early evening. The committee report states:

“Approximately 385 people attended meetings held during the consultation period, many people attended more than one meeting. The Council also publicised the consultation by issuing press releases and advertising on social media. An offer was made for parents to contact the Council to discuss the proposals and provide a verbal response to the consultation... this offer was not taken up by any respondents.

1,511 responses to the online consultation were received... In addition, there were 76 direct responses to the council’s school organisation and school admissions email accounts about the admissions arrangements proposals.”

25. The committee report provided factual information on the responses received, including data about each school for which a PAN reduction was proposed. The committee report said that of those who expressed a view regarding the proposal for the school, 461 disagreed and 177 agreed with the proposal.

26. I will now consider the specific concerns raised by the governing body about the consultation process and the LA’s response to these.

- a. From comments made during a consultation meeting, the governing body believes that the decision to reduce the PAN had been made ahead of the consultation.

LA response: “It is clear from the recommendations to committee that consultation responses were conscientiously taken into account and that decisions had not already been made because proposals in respect of some of the schools were not subsequently taken forward. Whilst live events may lead to spontaneous words and phrases being used in response to questions and when outlining proposals, the written materials reiterated this was a consultation.”

- b. The governing body feels that the online consultation response form was hard for some people to navigate, including those who speak English as an additional

language, as it covered a wide range of admissions matters as well as reductions in PANs for a number of different schools.

LA response: “The consultation portal was developed in conjunction with the council’s public consultation lead and many families were able to navigate it successfully and submit responses. There were 1,511 responses to the online consultation. Responders were also given the opportunity to provide responses by email or to call the school admissions team to have their response taken down over the phone.

The consultation on the council’s admission arrangements requires more than just the consultation on a school’s PAN. The council needed to ensure all proposals undertaken at the same time were considered in parallel. We do not consider this impacted on interested parties making their responses known.”

- c. As responders to the consultation could comment on the proposals to reduce the PANs at any or all of the schools, the governing body is of the view that responders may have responded positively to a reduction in PAN at one school to prevent such a reduction at another, thus skewing the outcomes of the consultation.

LA Response: “It was felt important for responders to be able to provide responses to all aspects of the consultation on admission arrangements so responses could be considered in the context of the whole city, including proposals to close 2 schools. We consider it valid that residents were likely to have a view on the proposals affecting more than one school and the Council endeavoured to outline the interconnectivity between individual proposals and the city wide impact of falling pupil numbers.

In accordance with legislation and the provisions of the School Admissions Code the consultation sought the views of all eligible interested parties. It would not have been possible to restrict the consultation purely to those parents with children at a particular school.

This [responding positively to a reduction in PAN at one school to prevent such a reduction at another] is highly likely and demonstrated the need to look at the whole city issue. The consultation was an opportunity for all views on the proposed approaches to be expressed so the council could make an informed decision.

The Council set out the questions needed across the city in relation to the proposed arrangements and received a strong response that helped to inform decision makers. The majority of responses to all proposals was not to make the proposed change.”

27. From these responses, I am satisfied that the LA provided several opportunities for interested parties to provide their views on the consultation process. There were a considerable number of responses suggesting that many people were able to access and complete the online consultation successfully. Additionally, other opportunities were provided for people to email or call the council regarding their views. I find that, within the committee report, the LA did provide balanced feedback from the consultation for consideration.

28. In conclusion, the consultation did meet the requirements of the Code in most aspects, however, a significant group of parents, those of pre-school children, may not have been aware of the consultation. I, therefore, uphold this aspect of the objection. I reiterate that I do not believe this error had a material impact on the outcome of the consultation.

29. As set out in previous correspondence with the parties, specifically the Jurisdiction and Further Information Paper (J&FI Paper) dated 24 May 2024, it is open to an adjudicator to determine that there has been a failure to consult in accordance with the relevant legal requirements, and therefore a failure to comply with both the 2012 School Admissions Regulations and the School Admissions Code. However, an adjudicator cannot impose a requirement upon an admission authority to re-consult after it has determined the arrangements even if the consultation has not been conducted in accordance with the requirements of the Regulations and the Code. Nor can the adjudicator require the admission authority to re-instate the previous year's arrangements.

Reduction in PAN

30. I will now consider the objection to the reduction in PAN. As set out earlier, paragraph 1.3 of the Code is particularly pertinent, and the most relevant part states:

“Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection.”

This objection falls squarely within these parameters. This is a community school for which the PAN has been set lower than the school's governing body would wish and it has exercised its right to object.

31. In its objection, the governing body states:

“We fully recognise the challenges around pupil numbers across the City. However, Goldstone does not meet the Council's own publicly stated criteria for reducing a PAN - principally parental preference, where children live and helping schools manage budgets. We also note that the Local Authority is also proposing closing schools - clearly not a decision to be taken without exploring all options. However, we do not believe, and have not seen any evidence for why, reducing the PAN at

Goldstone is likely to make any difference or reduce the risk to schools facing potential closure.”

Based on the objection, I will look at the following matters: the issue of surplus places in the LA as a whole and specifically in the area in which the school is located; how the reduction in PAN may impact on the school’s financial viability; whether there is a likelihood that parental preference will be frustrated; and the potential impact on other schools.

32. The LA is clear that pupil numbers in the city have been falling and are forecast to continue to fall over the next few years. The committee report included forecasts of the future need for Year R places. Table 1 shows these forecasts for the city as a whole. The data used the existing PANs in place for all the schools at the time of the consultation. The data does not include the effect of the two proposed school closures or the reductions in PAN at the six schools for September 2025.

Table 1: Surplus places in YR across the local authority area (data taken from committee report appendix 1)

Whole LA	YR PAN (2024) = 2,610	
Year	Projected number of surplus YR places compared to 2024 figure	Surplus YR places as a percentage of the 2024 figure
2024	478	18.3
2025	640	24.5
2026	657	25.2
2027	824	31.5

33. The committee report also included forecasts for each of the eight planning areas which the council defines. Goldstone is in the Central Hove planning area. This area comprises eight schools that admit children to YR. The school is located towards the western boundary of the Central Hove planning area and is close to the neighbouring West Blatchington & North Hangleton Planning area. There are two schools that admit children to YR in that area. Table 2 shows forecast data for both of these planning areas. The data shows that within both planning areas there is a higher percentage of surplus places than the LA would wish for.

Table 2: Surplus places in YR in the Central Hove and West Blatchington & North Hangleton Planning areas (data taken from committee report appendix 1)

Central Hove planning area	YR PAN (2024) = 660	
Year	Projected number of surplus YR places compared to 2024 figure	Surplus YR places as a percentage of the 2024 figure
2024	96	14.5

2025	132	20.0
2026	126	19.1
2027	176	26.7
West Blatchington and North Hangleton planning area	YR PAN (2024) = 90	
2024	11	12.2
2025	36	40.0
2026	21	23.3
2027	37	41.1

34. The data used in tables 1 and 2 are taken from appendix 1 of the LA's committee report. However, the data were not presented in this specific format but rather by postcode areas within each designated planning areas. As the LA forecasts pupil numbers at planning area level, I feel that tables 1 and 2 present a clearer picture of the data. The data is the same as that used in the recent OSA determination STP656. The LA does not provide forecasts of pupil numbers at individual school level.

35. It is clear that the LA needs to take action to address the issue of surplus places. Its main strategy seems to be based on reducing the PAN of its larger maintained primary schools. In response to my enquiries, the LA stated:

“... the council is of the view that the justification for this reduction is now powerful due to the overall situation in the city, where a sustained drop in pupil numbers has led to the council determining the closure of 2 one form entry primary schools and where a significant number of primary schools are setting deficit budgets increasing the financial risk to the Council. The council has few options available to remove surplus school places, either reduce the PAN in larger schools or school closures.”

36. The LA's strategy appears to be focused on ensuring most schools have a PAN which is a multiple of 30. The LA does not appear to be considering other possible options of school organisation. For example, in their consultation paper, the LA wrote:

“Too many spare school places in the city will result in some schools not getting enough pupils attending. As schools are mostly funded on pupil numbers, if they do not have enough pupils attending, they may not be able to operate in a financially efficient way. The law prohibits infant school classes larger than 30 pupils. If schools are required to operate small classes, they may not be able to afford to employ the required number of teachers which would impact on their ability to provide an appropriate education.”

37. While the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (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 schoolteacher, except in specific exceptional circumstances, YR children do not have to be taught in single age classes. Other models of school organisation are possible, and are, indeed, used across the country.

38. It is clear that there are a high number of surplus places both within the LA as a whole and within the relevant planning areas for the school. I do not, however, agree that reducing the PAN in larger LA maintained primary schools or closing smaller schools are the only solutions to address the problem. For example, potential approaches could include engaging with academy trusts to consider a reduction in PAN in primary academies or making smaller reductions in PAN in a wider range of schools to provide greater organisational flexibility, such as mixed-age classes.

39. At the same time as reducing the number of surplus places in the area, the LA is also looking to secure the financial viability of its schools, as set out in the consultation paper:

“The council’s aim with these proposals is to continue reducing the number of surplus places in the city and the associated risk of a school or schools being forced into financial difficulty.”

40. As stated earlier in the determination, 29 of the 48 primary schools maintained by the LA are currently operating deficit budgets. The LA appears to see reducing the PAN at some schools as a way to redistribute part of those schools’ budgets to help support other schools in financial difficulties. In their committee report the LA state:

“School budgets are determined in accordance with criteria set by the government and school funding regulations dictate that the vast majority (over 90% in 2023/24) of the delegated schools block of funding is allocated through pupil-led factors. This means schools with falling pupil numbers are likely to see reductions in annual budgets. This situation can be particularly challenging where pupil numbers in year groups fall well below the expected number, based on the PAN of a school.

Without planned reduction in PANs it will be challenging for primary schools to plan ahead for staff reductions and set balanced budgets. For the schools where reductions in PANs are proposed there will be direct implications and a need to plan future years’ budgets to reflect lower pupil numbers in line with reduced PANs and the consequent impact this will have on budget allocations. However, planned reductions in PANs should mean schools are more likely to be able to balance their budgets if operating with full, or close to full, forms of entry.

By reducing the number of surplus places in the city in the longer term there is an expectation that school occupancy rates will increase meaning that school budgets are more sustainable.”

41. Goldstone is already operating with full, or close to full, forms of entry. Although it is experiencing the same financial constraints as all schools nationally, information on the

GOV.UK website 'Schools financial benchmarking' shows that in 2022/23 (the last year for which published data is available) the school was not in financial difficulty.

42. In relation to the impact on the school's financial position, the governing body state:

"The year on year pupil reductions would self-evidently lead to a reduction in Goldstone's budget of around £1m per annum once the full implications of the reduction have come into effect. This would turn a financially healthy school into one that is in deficit and struggling – not something that would seem to accord with the Council's objectives. Drastic reductions in the wider provision would be required."

If the PAN were to remain at 60 for 2025 and the following years then over time the size of the school would reduce by around one third from 21 classes to 14 classes. The reduction in pupil numbers would see a proportionate reduction in funding. In all likelihood, there would also be a reduction in the number of teaching staff required. The impact on the school's budget is, therefore, likely to be less than the £1M suggested. While I do not underestimate the challenges, disruption and impact on morale that an extended period of restructuring and potential redundancies can bring, this is not in itself a reason to not reduce the PAN. I will say more about the impact of a reduced budget later in this determination.

43. In relation to the proposed PAN reduction at the school, the committee report states:

"Comments provided in relation to the proposal highlighted that the school is oversubscribed with total preferences, that it is a thriving community school which allows it to provide a number of other services and opportunities which could be put at risk, that by reducing the school's PAN families would be denied places at the school and that there would be a negative impact on the services which the school would be able to provide."

44. Goldstone is a popular, oversubscribed school, as shown in table 3. The school is typically full each year with the majority of places being offered to first preference applications. The number of applications for a place at the school has remained stable over the last four years. There is nothing to suggest that this picture will change in 2025 or later years.

Table 3: Goldstone Primary School admissions information 2021-2024

	2021	2022	2023	2024
PAN	90	90	90	90
Number of on-time first preferences	82	80	86	87
Total number of preferences (maximum 3)	216	226	225	228
Number of places allocated on national offer day	88	90	90	90
Number of pupils admitted to YR (October census data)	90	90	88	-

45. The issue of parental preference is a central part of the governing body's objection to the reduced PAN. In their objection, they state:

"The school is full and, despite the general decreases in pupil numbers across Brighton & Hove in recent years, Goldstone has not only maintained its own high pupil demand but actually increased it. For the 24/25 academic year Goldstone is once again full, with a waiting list for others seeking to come here and almost all of the 90 children coming into reception having Goldstone as their first preference..."

On the latest numbers, over 20 children whose parents chose Goldstone as their first preference would be denied a place (30 in all including 2nd preferences). The idea of this choice being taken away from them is counter-intuitive and seems unfair on people who have been expecting to be able to send their children to our school...

The principal impact from reducing Goldstone's PAN will simply be to restrict parental choice."

46. In response to this, the LA states:

"While the council is aware that a reduced PAN at Goldstone Primary School could frustrate some parental preferences in 2025 and 2026, the council is of the view that the justification for this reduction is now powerful due to the overall situation in the city..."

47. The size of Goldstone Primary is currently limited by its net capacity (the number of children that a school can accommodate based on a DfE national formula calculation). The GOV.UK website 'Get information about schools' states that the school has capacity for 704 children with 675 currently on roll. Based on these numbers, the school could not reasonably increase its PAN but it can keep its PAN as high as possible to meet as many parental preferences as possible.

48. From the historical data, there are very likely to be upwards of 20 families who cannot access a place for their child at the school, their preferred school, because of the reduction in PAN. The Code uses the term 'reasonable' but does not define it. An everyday definition is of having sound judgement; being sensible and rational. It is the requirement of public bodies, including admission authorities, that they must act reasonably in adopting any policy or making any decision. While there is no definition of how many parents should not be able to secure a place at a school before the level of parental frustration is deemed unreasonable, it seems to me that this is a significant number of families to be impacted.

49. Returning now to the issue of funding, the governing body state:

"The inclusivity and support Goldstone provides is a real attraction as to why parents choose this school and how many children with additional needs benefit from this. None of this is in any way to suggest that other schools do not also provide excellent provision or that Goldstone is unique. Nor of course is it to suggest that schools with intakes of 60 or 30 cannot provide excellent educational opportunities for all children.

However, it is undeniable that some of the provision and facilities for which Goldstone is renowned, especially for disadvantaged children would inevitably be diminished by such a significant funding cut.

Goldstone is also popular because it offers inexpensive, high quality childcare, before and after school as well as during the holidays ... we run these clubs ourselves - providing not only childcare and resources for the school, but also employment and training opportunities for the community. We use the tens of thousands of pounds raised by these to fund things like our inclusion mentors, our on-site horticulturalist, our living classroom, our wild area and our vast array of extra-curricular activities – many of which are free to all, and all of which can be subsidised for less well-off children... Reducing the number of children at the school would mean losing some of these additional funds from the local education system completely.”

50. As the governing body recognise, schools of all different sizes can, and do, provide high quality support for pupils’ differing needs so this is not in itself a reason not to reduce the PAN. However, the specific systems and staffing models that are currently in place at the school may no longer be viable if pupil numbers reduce considerably. This could be disruptive to children and families, at least in the short term.

51. In its objection, the governing body also draws attention to the school’s nursery provision. While the viability of any nursery provision is not a factor that I take into consideration as part of my determination, I accept the fact that the popularity of the nursery provides “further evidence that the demand for reception class places at Goldstone is not likely to diminish over the coming years”.

52. As part of their objection, the governing body points out that there is nothing to say that the children displaced from Goldstone Primary School will take up a place at one of the undersubscribed LA maintained primary schools. The objection states:

“There are other, non-LA maintained, schools in the vicinity who are under-subscribed and will be well-placed to absorb the additional numbers. It is also likely to increase the probability of parents choosing to home-school their children.”

53. The governing body concludes:

“None of these options, therefore, will in any way help any under-subscribed community school which may be at risk elsewhere in the City. The principal impact from reducing Goldstone’s PAN will simply be to restrict parental choice.”

54. I accept that the LA does have an urgent need to address the surplus capacity in the primary schools in the city on financial grounds. While I have sympathy with the LA for the situation in which it finds itself, the Code applies to individual schools and their determined admissions arrangements. I must, therefore, focus on the situation relating to Goldstone. In this case, the reduction in PAN is likely to frustrate not just one or two parents but, in all

likelihood, close to 30 families. This is based on historic admission numbers and a history of the school being oversubscribed.

55. As referred to above, paragraph 1.3 of the Code says that if the PAN is set lower than a community school would wish and the governing body objects, “there is a strong presumption in favour of an increase to the PAN” to which I, as the adjudicator, must have regard. The evidence shows that the local authority has reduced the PAN at the school in order to secure an effect that 30 children every year will attend other schools so that the budgets and futures of these other schools are protected.

56. The reduction in PAN will clearly have some adverse effect on the provision at the school and will certainly significantly frustrate parental preference and so would need powerful justification. The justification put forward by the LA is that the reduction in PAN at the school would lead to a significant increase in the number of pupils attending other, undersubscribed, maintained primary schools I have seen little evidence that this objective would be met to an extent that would justify the resulting frustration of parental preference. Consequently, on balance I do not find that the adverse effect on the school and the frustration of parental preference is justified. I therefore uphold this part of the objection.

Other Matters

57. As explained on the LA’s website:

“Brighton & Hove City Council uses a catchment area system with random allocation being used as the tiebreaker in each admission priority in the event of oversubscription.”

For example,

“Where the home addresses of 2 or more pupils are an equal distance from the school (such as 2 children living in the same block of flats) and only one place remains available at the school in question, the place will be allocated randomly by computer to one of these pupils.”

The admissions arrangements do not, however, explain how this process is administered as required by paragraph 1.35 of the Code which states:

“The random allocation process **must** be supervised by someone independent of the school, and a fresh round of random allocation **must** be used each time a child is to be offered a place from a waiting list.”

58. In response to my enquiries about this point, the LA said:

“It is the council’s view that the admission arrangements satisfy the requirements of Section 1.35 of the code as the random allocation process is administered by the council’s admissions team which is independent from all of the schools concerned.”

I do not accept that the LA's admissions team is independent. The school is maintained by the LA and the LA is the admissions authority for the school. The arrangements do not make it clear that the random allocation is independently overseen or that a fresh round of random allocation is used each time a child is offered a place from a waiting list. These points need to be clarified in the published arrangements.

59. Although I did not specify any further matters in the J&FI Paper, I also notice that the following areas may not meet the requirements of the Code:

- a. Under the section titled 'Home Address', the arrangements say, "If it is unclear what is the pupil's main address this will be taken as the address where the child is registered with a doctor."

This provision does not allow for circumstances where the address registered with a doctor may not actually be the one where the child spends the majority of their time during term time. It, therefore, does not provide sufficient clarity for parents as required by the Code (paragraph 14).

- b. Under the section titled 'Admission outside normal year group', the arrangements say, "Parents who are applying for their child to have **decelerated** entry to school, i.e. to start later than other children in their chronological age group....

Parents who are applying for their child to have an **accelerated** entry to school, i.e. to start earlier than other children in their chronological age group...

(I have used bold to highlight the phrases to which I am referring).

This is not wording used in the Code and may be in breach of the Code (paragraph 2.18) and not in line with the DfE guidance for admission authorities on the admission of summer born children and the admission of children out of the normal year group. This does not, therefore, provide the necessary clarity for parents as required by the Code (paragraph 14).

- c. Under the section titled 'Notes', there is no mention of looked after children, though there is a full definition for previously looked after children and those who appear to have been in care outside of England.

While this may well simply be an oversight, this is a requirement of the Code (paragraph 1.7 and note 15).

Determination

60. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2025 determined by Brighton & Hove City Council for Goldstone Primary School, Brighton & Hove.

61. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

62. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 5 September 2024

Signed:

Schools Adjudicator: Catherine Crooks