



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2495, VAR2496

Admission authority: Solihull Metropolitan Borough Council for Blossomfield Infant and Nursery School in Shirley, Solihull

Date of decision: 23 September 2024

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Solihull Metropolitan Borough Council for Blossomfield Infant and Nursery School for September 2024 and September 2025.

I determine that the published admission number for admissions to reception year in September 2024 shall be 60.

I determine that the published admission number for admissions to reception year in September 2025 shall be 60

The referral

1. Solihull Metropolitan Borough Council (the local authority) has referred proposals for variations to the admission arrangements (the arrangements) for September 2024 and September 2025 for Blossomfield Infant and Nursery School (the school) to the adjudicator. The school is a community school for children aged three to seven in Shirley, Solihull and the local authority is the admission authority for the school.

2. The proposed variations are that the published admission number (PAN) be reduced from 90 to 60 for admissions to reception year (YR) in 2024/25 and again in 2025/26.

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 and that the proposed variations have the support of the school’s governing body. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are 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 28 August 2024 (requesting a variation for 2025/26), supporting documents and further information provided at my request;
- b. emails from the local authority dated 4 September and 19 September to request that a variation for 2024/25 also be considered, together with supporting documents;
- c. the determined arrangements for 2024 and for 2025 and the proposed variations to those arrangements;
- 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 variations

7. It is proposed to reduce the PAN from 90 to 60 for entry to YR in 2024/25 and also in 2025/26.

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.

Consideration of proposed variations

9. 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 and so it is particularly important that the proposed variations are properly scrutinised. I note here that the arrangements for September 2026 have not yet been determined, and so if the proposed variation for 2025/26 were to be approved, the PAN for 2026/27 could be set at 60 by the local authority without objection save from the governing body of the school.

10. The major change in circumstances relied upon by the local authority is set out in the initial referral, which states:

“Solihull is experiencing a 12% drop in birth rate which is starting to impact schools from September 2024. In addition, there has been a drop in 0-4 migration. Historically Solihull has experienced growth of between 8% and 10% in birth cohorts by the time they reach reception intake. In the last 2 years this trend has changed to growth of between 0% and 3%. This sudden and unplanned drop in 0-4 migration, in addition to the drop in birth rate is having an impact on demand for some schools earlier than previously anticipated.

The main change in circumstances is that for September 2024, Blossomfield Infant School has seen a 35% reduction in its level of 1st preferences since 2023, resulting in 58 offers for 90 places. The drop in birth rate and migration has coalesced around one school rather than being spread across all schools in the planning area. The school is deemed as Outstanding¹ by Ofsted and maintaining stability in pupil numbers through this PAN reduction will support the school to maintain the level of education and prevent the requirement for a deficit school budget.

Forecasts show that admissions will continue to remain at 2024 level over coming years with neighbouring planning areas also experiencing reducing numbers. This will continue to provide choice for parents at local schools. Forecasts show that all

¹ I note here that the LA's statement is factually incorrect – the school was inspected in 12 July 2022 and deemed to be Good

children living in the Shirley East Planning area that express a preference for a place at Blossomfield Infant School are expected to be offered a place.

The impact of this change on Blossomfield Infant School is that for September 2024 intake, the school has only received 58 offers for its 90 places. There will be 32 places surplus reception places (1FE) from 2024. Infant schools, by their very nature of operating across 3 years, need to respond to a change in demography quickly as the impact of the drop in pupil numbers is a larger percentage of their whole school roll and therefore has an immediate and significant impact on the school's budget.

Without a change in the school's PAN for 2025 the school will have to operate 3 reception classes. As the PAN only applies at intake year the school will need to look to reduce the number of places available as the reception year group moves into Year 1, but it can only do this if pupil numbers are held at 60 or below during the reception year. The impact of having to maintain a third class in Years 1 & 2 when pupil numbers cannot support the staffing is that the school will have to operate a deficit budget."

In a subsequent email, the local authority states:

"I understand that the variation request as currently submitted would apply to reception 2025/2026 and would not 'cap' reception admissions in 2024 at 60 and that this means that if the school were to admit over 60 in reception 2024 there would be an impact on the organisation of Year 1 classes in 2025/26. A PAN variation for 2025/26 would only support the reorganisation of Year 1 classes in 2026/27.

As can be seen from the updated offer data, at 2nd September 2024 in document 9, Blossomfield Infant School now has 57 offers for reception 2024 in 90 places. The updated offer data, shows that there are 9 vacancies at other schools in the planning area and 23 in neighbouring schools within a 1 mile radius, a total of 32 reception vacancies in addition to the 33 currently at Blossomfield Infant school. A change to the PAN from 90 to 60 for 2024 at Blossomfield Infant School would still leave 32 vacancies in neighbouring schools and 3 at Blossomfield Infant School - a total of 35 places. This would ensure that the Council can meet its sufficiency duty and offer places to families moving into the area.

In light of this updated data, I would request that the **variation request is extended to include the 2024 PAN**. This would enable the school to 'cap' their 2024 reception at 60 and enable the school to plan with more certainty for the classes and staffing required moving forward. This extension to the variation will allow the Headteacher and Governing Body of the School to consider what management of change processes may need to be undertaken in a more planned and timely way, supporting the school budget and ensuring the quality of teaching and learning at the school is maintained."

11. 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 90 to 60 for 2024/25 and for 2025/26 and beyond. I have also considered the demand for places at the school, the reasons given for the changes, the potential effect on parental preference and whether the changes are justified taking into account all relevant circumstances.

12. 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 sits within the Shirley East planning area, but is part of an urban area that also includes two other planning areas, with many of the schools within these areas being located within a one mile radius of the school. I will denote those schools admitting children to YR that sit outside the Shirley East planning area but within a one mile radius of the school as “neighbouring schools”.

13. The local authority has provided me with the following relevant data regarding admissions to planning area schools and neighbouring schools, together with forecasts for 2025/26 and 2026/27.

Table 1: Number of children admitted to YR at planning area schools and neighbouring schools

	2022/23 (offers)	2023/24 (offers)	2024/25 (latest allocation)	2025/26 (forecast)	2026/27 (forecast)
Shirley East Planning Area schools	303	310	273	278	285
Neighbouring Schools (within 1 mile radius of the school)	255	254	247	243	222
TOTAL	558	564	520	521	507
Sum of PANs for YR	585	585	585	585	585
Vacant places	27	18	65	64	78

if proposed variations are approved and PAN is also set at 60 for 2026/27

Sum of PANs for YR			555	555	555
Vacant places			35	34	48
Vacant places as a percentage			6.3%	6.1%	8.6%

14. From the above data, I am satisfied that if the proposed variation for 2024/25 were approved, there would still be sufficient places within a suitable distance of the school for any children whose parents are seeking a place for them in YR during the 2024/25 school year.

15. I am also satisfied that a PAN of 60 for 2025/26 would still leave sufficient places for children who live within a suitable distance of the school and whose parents are seeking a place for their child to be admitted to YR in 2025/26. If that particular proposed variation were approved, it would be possible for the local authority to determine a PAN of 60 for the following year without consultation. I am also satisfied that a PAN of 60 for 2026 would not lead to a shortage of places in the local area in 2026/27.

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. There are currently 57 allocated places for September 2024 and the forecasts are for a maximum of 60 places to be allocated in 2025/26 and 2026/27. I therefore have no clear evidence, either from the forecasts or the information contained within the referral, to show that a PAN of 60 will lead to any significant frustration of parental preference for the school in either 2025 or 2026.

17. The requests for the variations refer to the governing body's wish to align its staffing and budget to the reducing number of children. The provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to the school, and they 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.

18. The school has provided me with a population analysis to show that it currently has two YR classes. If the proposed variation for 2024/25 is not agreed, then any in-year admissions will still have to be admitted until the number of children admitted to YR is 90. This would be likely to necessitate a reorganisation of classes midway through the year to avoid breaching the infant class size regulations and would present a significant logistical and financial challenge. Also, if the number in YR is "capped" at 60, then the school will be able to plan for certainty on the basis that in September 2025 it will need staffing for 2 classes in Y1.

19. Similarly, if I approve the variation for 2025/26, then the school will be able to plan for certainty on the basis that in September 2025 it will need staffing for 2 classes in YR. It will also be reassured that there will be no possibility of having to reorganise mid-year due to any in-year admissions to YR in 2025/26 that would take the total number above 60.

20. After consideration of the factors above, and taking into account the relevant circumstances, I find that both variations are justified, and I approve them. The PAN for 2024/25 will be 60, and the PAN for 2025/26 will be 60.

Determination

21. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Solihull Metropolitan Borough Council for Blossomfield Infant and Nursery School for September 2024 and September 2025.

22. I determine that the published admission number for admissions to reception year in September 2024 shall be 60.

23. I determine that the published admission number for admissions to reception year in September 2025 shall be 60.

Dated: 23 September 2024

Signed:

Schools adjudicator: Clive Sentance