



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2524

**Admission authority:** Birmingham City Council for Broadmeadow Infant School, Kings Norton, Birmingham

**Date of decision:** 29 January 2025

## 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 Broadmeadow Infant School for September 2025.**

**I determine that the published admission number for admissions to reception year in 2025/26 will be 30.**

## The referral

1. Birmingham City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2025 (the arrangements) for Broadmeadow Infant School (the school) to the adjudicator. The school is a community school for children aged three to seven in Kings Norton, Birmingham.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 30 for admissions to reception year (YR) 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. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the school’s interim executive board (IEB) has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

5. The school’s governing body has been replaced with an IEB as the school is eligible for intervention following an Ofsted inspection in March 2023. The school is currently in the process of becoming an academy and a trust has been identified. The local authority has confirmed that the trust “are aware of the proposal to reduce the PAN at the school and are in agreement with it”.

6. In considering this matter I have had regard to all relevant legislation, and the Code.

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

- a. the referral from the local authority dated 10 January 2025, supporting documents and further information provided at my request;
- b. the determined arrangements for 2025 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the IEB;
- 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 (DfE).

## The proposed variation

8. The proposal is to reduce the PAN from 60 to 30 for entry to YR in 2025/26.

9. 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

10. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then no body, except the governing body of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. 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 variation is properly scrutinised.

11. I note here that the arrangements for 2026/27 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 30 by the local authority without objection save from the governing body, or IEB in this instance, of the school.

12. The major change in circumstances relied upon by the local authority is set out in the request for a variation, which states:

“In recent years, 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 a sustained impact of low intake numbers. Broadmeadow has seen a decline in Reception enrolment, with 2024 intake at 33 pupils, resulting in a 45% surplus of unfilled spaces.

Broadmeadow Infant and Nursery School is located in Planning Area 22 (P22) on the southern border of Birmingham covering Druids Heath, Monyhull, and Kings Norton areas. This planning area includes 7 primary schools and as part of 1 all-through school, all with one- or two-form entry. Discussions with other local schools, including [one named school] who were recommended for reduction, have ultimately not led to a PAN reduction, but the need for intake alignment locally is becoming urgent due to consistent forecasted declines in enrolment and in particular due to the financial situation of the school following an ‘Inadequate’ Ofsted judgement in April 2023<sup>1</sup>.

Broadmeadow Infants School is suffering from a sustained falling roll. As at October 2024 census the school currently have 157 on roll, compared to 177 at October 2023 census. It is forecast that the school will have approximately 114 on roll in 2025/26 having a dramatic impact on income.

The recent compliance return reports a deficit forecast of £-155,689.18 for the end of the year.

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<sup>1</sup> Ofsted’s website, <https://reports.ofsted.gov.uk>, shows that the inspection took place on 28 and 29 March 2023.

If the reduction in PAN for September 2025 were supported it would allow the school to use staff who are currently within school and address the budgetary issues to make necessary improvements to education. Admitting only 30 pupils will allow the school to make efficiency savings to support improving standards. The school would not be able to maintain a balance budget if the additional class continued to be resourced.”

13. 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 for the school is reduced from 60 to 30 for 2025/26. I have also considered the demand for places at the school, the reasons given for the variation proposed, the potential effect on parental preference and whether the proposed variation is justified taking into account all relevant circumstances.

14. 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. As set out above, the school sits within planning area P22. There are seven schools in this planning area that admit pupils to YR. The local authority has provided me with the following data regarding admissions to those schools, together with forecasts for 2025/26 and 2026/27.

**Table 1: The number of children admitted to YR in planning area P22**

	2022/23	2023/24	2024/25	2025/26	2026/27
<b>Sum of PANs for YR</b>	300	300	300	300	300
<b>Total number of children admitted or forecast to be admitted</b>	233	245	207	223	235
<b>Vacant places</b>	67	55	93	77	65
<b>Vacant places as a percentage</b>	22.3	18.3	31.0	25.7	21.7

**If the proposed variation is approved for 2025/26**

<b>Sum of PANs for YR</b>	270
<b>Vacant places</b>	47
<b>Vacant places as a percentage</b>	17.4

15. From the data in table 1, I can see that over the last few years, there has been a large number of surplus places in YR in the area. I am satisfied that if the proposed variation for 2025/26 were approved, there would continue to be sufficient places within the local area for any children whose parents are seeking a place for them in YR during 2025/26.

16. I now turn to the demand for places at the school and the reasons given by the local authority and the IEB in support of the variation request. In summary, the local authority states:

**“Alignment with Demand:** Local authority forecasts indicate continued low demand for Reception places in P22, with Reception intakes expected to remain below capacity through 2028. Reducing PAN to 30 will allow Broadmeadow to meet enrolment needs without unnecessary surplus places. The reduction in PAN at Broadmeadow is not expected to create unmet demand for Reception places in P22, as neighbouring schools in the area continue to have surplus capacity.

**Financial Sustainability:** With a reduced PAN, the school can better match per-pupil funding to enrolment, optimising budget allocation and avoiding under-utilised spaces.

**Community and Local Authority Support:** Broadmeadow has consulted with the local authority, which supports adjusting PANs to better align with current and future projections. Adjusting PAN reflects broader demographic trends, aligning educational provisions with community needs. This reduction supports sustainable management of school resources while maintaining access for prospective families in the area.”

**Table 2: The number of children allocated a place in YR at the school**

	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
<b>PAN</b>	60	60	60	60
<b>Number of first preferences</b>	-	47	35	32*
<b>Number of children admitted or forecast to be admitted</b>	51	53	33	32
<b>Vacant places</b>	<b>9</b>	7	27	28

	2022/23	2023/24	2024/25	2025/26
<b>Vacant places as a percentage</b>	15.0	11.7	45.0	46.7

\* Data provided by local authority (10th January 2025)

**If the proposed variation is approved for 2025/26**

<b>PAN</b>	30
<b>Vacant places</b>	-2
<b>Vacant places as a percentage</b>	-6.7

17. Table 2 shows that the number of children being admitted to YR at the school over the last three years has been lower than the PAN. In 2024, the number admitted was considerably below the PAN and is likely to be again in 2025. However, based on the forecast and the number of first preferences received to date, if the proposed variation is approved, there is forecast to be a shortfall in places in 2025/26 for two pupils. This means that parental preference may be frustrated for some families living locally.

18. In relation to this concern, the local authority said:

“Based on first preference applications, we believe there will be 2 pupils who will be displaced. There is sufficient surplus locally to support this removal of 1FE for September 2025. We would expect these 2 pupils to be placed at The Oaks given their undersubscription, which is 900m (0.6 miles) from Broadmeadow.”

19. Information provided by the school’s IEB was similar to that from the local authority, but it included the following additional information:

“The proposed reduction aligns with the long-term vision for sustainable resource management, supporting a stable and nurturing educational environment for current and future pupils.

Importantly, no adverse impacts on existing students or staff are anticipated. The school has plans in place to effectively manage staff resources and maintain educational standards during the transition.

Should the proposed reduction in PAN not be agreed, the school would face the following challenges:

- Continued under-utilisation of Reception places, with an associated impact on per-pupil funding and resource allocation.
- Financial inefficiencies arising from operating with surplus capacity, which could divert resources from other essential areas.

The IEB is confident that the proposed variation represents the best course of action for Broadmeadow Infant and Nursery School and its community. It reflects a proactive approach to addressing demographic trends while ensuring that educational provision remains both high-quality and sustainable.”

20. In coming to a decision, I must balance any potential frustration of parental preference against any potential negative impact on the school if the proposed variation is not approved.
21. With regard to the school’s financial situation, the DfE’s ‘Financial Benchmarking and Insights Tool’ shows that, in March 2023 the school had an in-year deficit of £42k and a revenue reserve of £228k. In March 2024, the school had an in-year deficit of £152k and a revenue reserve of £76k. This picture reflects the concerns about the school’s budget set out earlier in this determination.
22. As an infant school, the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to all the classes in the school. 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. An intake of just over 30 YR children would mean that the school would either have to organise the children into two small YR classes, which would be financially unviable, or introduce mixed-age classes. While children are taught very successfully in mixed-age classes across the country, such a change is likely to create extra workload for staff in the short term and may impact negatively on educational standards in this school which is currently undergoing the academisation process along with managing other challenges identified in its Ofsted Report.
23. As schools are funded, in large part, on a per pupil basis, a reduction in the number of children admitted will result in a reduction in income. However, the school’s financial projections are such that a reduction in the PAN for YR for 2025/26 will help mitigate the financial problems the school faces by bringing greater certainty in pupil numbers and, consequently, the number of teaching and support staff required.
24. Even if the number of children admitted to the school on the first day of term in September 2025 is 30 or fewer and the school is able to operate a single class model in YR, if the proposed variation for 2025/26 is not agreed, then any in-year admissions will have to be admitted until the number of children admitted to YR is 60. Any such in-year admissions could necessitate a reorganisation of classes midway through the year to avoid breaching the infant class size regulations. This situation is likely to present a significant logistical and financial challenge for the school. Also, if the number of children in YR is limited to 30 at this point in time, then the school will be able to plan with certainty that in September 2025 it will need staffing for one YR class.
25. Taking everything into consideration, I am of the view that, on balance, the potential benefits of the proposed variation, namely to the school’s financial situation and class organisation, outweigh the potential negative impact on parental preference which will affect

only a small number of families. I, therefore, find that the variation is justified by the circumstances, and I approve the proposed variation.

## **Determination**

26. 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 Broadmeadow Infant School for September 2025.

27. I determine that the published admission number for admissions to reception year in 2025/26 will be 30.

Dated: 29 January 2025

Signed:

Schools adjudicator: Catherine Crooks