



Office of
the Schools
Adjudicator

Determination

Case reference:	VAR2584, VAR2585
Admission Authority:	Solihull Metropolitan Borough Council for Cheswick Green Primary School, Solihull
Local Authority:	Solihull Metropolitan Borough Council
Date of advice:	10 July 2025

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 Cheswick Green Primary School for 2025/26 and 2026/27.

I determine that for admission in 2025/26, the published admission number will be 30 and that for admission in 2026/27, the published admission number will be 30.

The referral

1. Solihull Metropolitan Borough Council (the Local Authority) has referred to the adjudicator proposals for variations to the admission arrangements (the Arrangements) for Cheswick Green Primary School (the School) for 2025/26 and 2026/27.
2. The School is a community school for children aged two to eleven in Cheswick Green, Solihull, and the Local Authority is the admission authority for the School.
3. The proposed variations are that the published admission number (the PAN) for 2025/26 is reduced from 60 to 30 and that the PAN for 2026/27 is reduced from 60 to 30.

Jurisdiction and procedure

4. Section 88E of the School Standards and Framework Act 1998 (the Act) makes provision for variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as is 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”.

5. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variations in line with the Code. The proposed variations have the support of the governing body of the School.
6. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.
7. In considering the variation requests, I have had regard to all relevant legislation and the Code.
8. The information I have considered in reaching my decision includes:
 - the referral from the Local Authority dated 13 June 2025, supporting documents and further information provided by the School and the Local Authority at my request;
 - the determined Arrangements for 2025/26 and 2026/27 and the proposed variations to those Arrangements;
 - a map showing the location of the School and other relevant schools; and
 - information available on the websites of the Department for Education, the Local Authority and the School.

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 changes to arrangements 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.
10. I note here that if I decide to vary the Arrangements for 2026/27 by reducing the PAN from 60 to 30 as proposed, it will have the effect of forming the 'baseline' for subsequent years, so that the PAN could be set at 30 without any need for consultation.
11. 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 proposed variations are justified by the change in circumstances.
12. The major change in circumstances relied upon by the Local Authority is set out in the referral, which states:

"This change in PAN is due to a fall in the birth rate in Solihull and therefore a reduction in families applying for a reception place. Cheswick Green Primary School has recently expanded to meet the demand from housing development within its catchment area. However, the drop in the birth rate has impacted on the timing of pupil growth from local housing development which is producing additional pupils at a slower rate than anticipated.

Officers are working with a number of schools to consider the impact of the falling birth rate. Solihull has experienced a 17% drop in the birth rate since its peak in 2015/16 which is now impacting schools. 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 reception places across the Borough.

We have worked in partnership with schools to identify where reception places can be removed and have already agreed a reduction of 105 reception places (3.5 FE) with a further 90 places (3FE) identified to be removed. The reduction of 30 reception places at Cheswick Green Primary School forms part of this Borough wide planning.

In September 2025, without a reduction in places, it is forecast that there will be over 300 (12%) empty reception places in the Borough, the equivalent of 12 reception classes. Officers are working with a number of schools to consider the impact of the

falling birth rate. Even with these proposed changes Solihull is forecast to have 11% surplus reception places (9 FE) in September 2025. This level of surplus places is impacting our primary schools' ability to remain viable whilst operating in accordance with class size 30 legislation [sic] and to continue to offer the good and outstanding education to children in Solihull. Work is ongoing with schools to identify further places for removal in September 2027.

The catchment area for Cheswick Green Primary School has been subject to significant housing development and forecasts for the school have reflected the expected pupil yield from this housing development. However, the pupil yield from the development has not come forward at a time and rate that would normally be expected due to the fall in the birth rate, and this has impacted on the take up of places at Cheswick Green Primary School.

[...]

Without a change in the school's PAN for 2025 the school will have to operate 2 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 30 or below during the reception year. The impact of having to maintain a second class in Years 1 & 2 when pupil numbers cannot support the staffing is that the school will have to operate a deficit budget.

Cheswick Green Primary School sits within the Rural South Planning area but is part of an urban area that is covered by two other planning areas Shirley West and Monkspath (see map attached). All the schools across these 3 planning areas are easily accessible by parents, with the majority of the schools being within 1 ½ miles of Cheswick Green Primary School. There are sufficient places across this planning area and neighbouring areas to meet the Council's sufficiency duty."

13. I have 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 PANs are reduced as proposed. I have also considered the demand for places at the School, the reasons given for the changes in demand, the potential effect on parental preference of the proposed PAN reductions and whether the proposed reductions are justified taking into account all relevant circumstances.

Overall demand for Reception Year (YR) places in the area

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, it 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 Rural South Planning Area (RSPA).

15. The Local Authority has provided me with data showing the actual and projected YR intakes for RSPA schools from recent years through to 2027. This is shown in the following table.

Table 1: Number of children admitted, or forecast to be admitted, to reception year (YR) at RSPA schools

	2023/24 (actual)	2024/25 (actual)	2025/26 (offered)¹	2026/27 (projected)	2027/28 (projected)
Number of children	210	198	202	191	184
Sum of PANs for YR	240	240	240	240	240
Vacant places	30	42	38	49	56
Sum of PANs for YR, if proposed variations are approved	N/A	N/A	210	210	210
Vacant places if proposed variations are approved	N/A	N/A	8	19	26
Proportion of places vacant if proposed variations are approved	N/A	N/A	4%	9%	12%

16. From the above data, I am satisfied that a reduction of the School's PAN to 30 for 2025/26 would not leave a shortage of places in the local planning area for children whose parents are seeking a place for their child to be admitted to YR in 2025/26. I am also satisfied that a reduction of the PAN to 30 for 2026/27 would leave sufficient surplus capacity in the area for admissions in 2026/27, and that, if the PAN for 2027/28

¹ As at June 2025

were also to be set at 30, there would be sufficient surplus capacity for admissions in 2027/28.

17. The Local Authority has also provided me with data for **other** schools, not in the RSPA, within a 1.5 mile radius of the School. This is set out in the following table.

Table 2: Number of children admitted, or forecast to be admitted, to reception year (YR) at other schools within a 1.5 mile radius of CGPS

	2023/24 (actual)	2024/25 (actual)	2025/26 (offered)²	2026/27 (projected)	2027/28 (projected)
Number of children	255	252	226	219	216
Sum of PANs for YR	270	270	270	270	270
Vacant places	15	18	44	51	54
Proportion of places vacant	6%	7%	16%	19%	20%

18. These figures are further evidence of ample sufficiency in the area surrounding the School.

Places at the School

19. I now turn to the number of children at the School and the reasons given by the School in support of the variation requests. 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.
20. The School has helpfully provided me with a detailed breakdown of how its classes will be organised in 2025/26 if the proposed variation for 2025/26 is agreed. There have already been 30 offers made for places in YR for September 2025, which means that if no more children are admitted to YR, it will be able to operate a single YR class. However, with the PAN of 60 currently in place for YR for 2025, any late applications to YR between now and September 2025, and any in-year applications to YR during

² As at June 2025

2025/26, would have to be admitted. The effect of the proposed variation for 2025/26 would be to stop this happening. A similar argument applies for admission to YR in 2026/27. In short, both of the two proposed variations are necessary if the School is to plan with certainty for a single reception class in each of 2025/26 and 2026/27.

21. The Local Authority has provided me with a detailed breakdown of the School's financial position to support the variation requests. It told me that at the end of the 2024-25 financial year, the School had an in-year deficit of £31,452 leaving £95,050 surplus reserves. The forecasts for the end of the 2025-26 financial year are that the in-year deficit will be £88,450 if the proposed variation for 2025/26 is not agreed and £48,877 if it is agreed. The Local Authority tells me that the situation for 2026-27 is projected to be even more challenging due to "no additional growth funding".

Impact on parental preference

22. I asked the Local Authority to confirm whether or not the proposed variation for 2025/26 would impact on any children who had not yet been offered a place at the school. They told me that:

"On National Offer Day 29 offers were made meaning every child that applied for a place was offered a place. 28 acceptances were received, and two children have subsequently been offered a place at the school following late applications. Therefore, all 30 places have been offered and accepted. One late application has now been received meaning one child is on the waiting list. [This] has not yet been offered, pending the outcome of the PAN variation.

This child lives outside of Solihull and has been offered a school place within their home local authority. As shown in the data submitted a number of schools within a 1.5 mile radius of Cheswick Green Primary School have vacancies and would be able to be offered to any child not able to be offered Cheswick Green Primary School.

For the child not offered a place, the travel distance to Cheswick Green Primary School would be 3.196 miles and to the school they have been offered is 0.345 miles."

Summary of findings

23. Having considered all the matters above, my reasoning can be summarised as follows:
 - a. The proposed variations do not give rise to any concerns about the sufficiency of YR places in the area for 2025/26, 2026/27 or 2027/28.
 - b. If the proposed variation for 2025/26 is approved, there will be a very limited degree of frustration of parental preference. There will be one child, a late applicant, who is likely to not be admitted in September 2025 to a school which is their highest available preference. However, the school that they will

otherwise be offered is significantly closer to home and there are a number of vacancies in other primary schools in both the School's planning area and within a 1.5 mile radius of the School.

- c. There is compelling evidence that the proposed variations will make a significant difference to the School's financial position, and hence to its ability to meet the needs of the existing children on roll. If the proposed variations are not approved, there will be a significantly negative financial and organisational impact on the School, with detriment to those children already at the School, and to others who may lose out if funding is diverted to pay for the provision of an extra infant class for 2025/26 and for 2026/27.

- 24. After carefully weighing the above factors, I conclude that the proposed variations are justified by the circumstances, and I approve them.

Determination

- 25. 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 Cheswick Green Primary School for 2025/26 and 2026/27.
- 26. I determine that for admission in 2025/26, the published admission number will be 30 and that for admission in 2026/27, the published admission number will be 30.

Dated: 10 July 2025

Signed:

Schools Adjudicator: Clive Sentence