



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2579

**Admission authority:** Brighton and Hove City Council for Coldean Primary School

**Date of decision:** 31 July 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 Brighton and Hove City Council for Coldean Primary School in 2025/26.

I determine that the published admission number for the school in 2025/26 will be 30.

### The referral

1. Brighton and Hove City Council (the Local Authority (LA or BHCC)) has referred to the adjudicator a proposal for a variation to the admission arrangements of Coldean Primary School (CPS or the School) in 2025/26 (the Arrangements).
2. The School is a community school for children aged 3 to 11 in Coldean, Brighton. It is a co-educational and non-selective primary school with no designated religious character.
3. CPS was judged to be 'Good' by Ofsted at its last inspection in December 2022.
4. The proposed variation is for the published admission number (PAN) of the School to be reduced from 60 to 30 in 2025/26.

### Jurisdiction and procedure

5. 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”.

6. The arrangements were determined by the LA’s Children, Families & Schools Committee on 22 January 2024. The LA has provided me with confirmation that the appropriate bodies have been notified and I have seen confirmation that the School’s Governing Body 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.

7. In considering the variation request I have had regard to all relevant legislation, and the Code.

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

- a. the referral from the LA dated 9 June 2025 and supporting documents;
- b. the determined arrangements for 2025/26 and the proposed variation to those arrangements;
- c. responses received from the School and the LA in response to requests for further information;
- d. maps, including Google Maps and those showing the LA’s planning areas; and
- e. information available on the websites of the LA, the School, the Department for Education (DfE) (including ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT)) and Ofsted.

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 the arrangements for 2026/27 have already been determined. This means that the request to amend the arrangements for 2025/26 will be for that year only and will not have the effect of forming the 'baseline' PAN for following years.

11. I wish to convey my thanks to the LA and the School for their responses to my requests for further information.

## **Consideration of proposed variation**

12. 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.

13. The LA told me that the reason for it seeking a variation for the School is:

"Coldean Primary School received a total of 38 preferences for September 2025 and were allocated 22 pupils on national offer day. At the time of writing 25 places have been offered. This leaves the school susceptible to having low pupil numbers in 2 classes should any further applications be made to the school taking them over 30 places offered, whilst the school's PAN is 60.

The risk to the school of admitting more than 30 pupils will exacerbate the financial pressure the school is under. It already had a deficit budget position agreed with the Local Authority for 2024/25 financial year. It remains in a deficit budget position in 2025/26 and this places greater pressure on the school's management and performance. The school needs to ensure it is able to be cost effective in its delivery of education and their current budget plan assumes that the number of pupils does not exceed 30 pupils being admitted in the academic year 2025/26. Therefore to support the school's recovery plan the LA as admission authority is seeking a variation to the PAN for September 2025.

It is proposed that a variation from 60 pupils to 30 pupils for the 2025-26 year of entry is made.

The proposed variation will ensure that the school does not exceed 1 class in Reception from September 2025 and this aligns to the school's revised budget plan and assumptions that help them to forecast returning to a balanced financial position. Currently the school has a financial deficit in the region of £30,000."

14. The LA has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the LA assesses the likely future number of places to be needed and plans to meet that need. The geographical area covered by the LA is divided up into 'planning areas' for this purpose. Each planning area is made up of a small group of schools.

15. The School is one of four schools for primary aged children in the LA's 'City North Planning Group' (CNPG or the planning area). The other three schools in the planning area are (in order of straight line distance (in miles) from the postcode of CPS's site taken from the DfE's GIAS website): Moulsecoomb Primary School (1.02); Bevendean Primary School and Nursery (1.71); and Coombe Road Primary School (1.78). None of these schools has been judged by Ofsted to be below 'Good' or 'Outstanding' either as an overall judgement or in individual categories (depending on when it was inspected). This means that all places available in the CNPG are in schools judged to be at least 'Good'.

16. The total number of places for children in this planning area in each year in Reception (YR) between 2022/23 and 2026/27 has been / will be 180, made up of 60 places at CPS, 30 places at Moulsecoomb Primary School, 60 places at Bevendean Primary School and Nursery and 30 places at Coombe Road Primary School. If I agree to the PAN at CPS being reduced to 30 in 2025/26, this will have the effect of reducing the overall number of YR places for children in the CNPG to 150 for that academic year.

17. The LA provided data showing the number of parents expressing a preference for schools in the planning area between 2023/24 and 2025/26, which I have put into Tables 1 to 3. I note here that parents applying for places for their children in the LA area can express three preferences (labelled P1 (first preference) to P3 (third preference) in the Tables).

**Table 1: Number of parents expressing a preference for places in YR in schools in the CNPG for 2023/24**

Schools in the CNPG / preferences	PANs	P1	P2	P3	Total
CPS	60	35	33	22	<b>90</b>
Moulsecoomb Primary School	30	10	21	23	<b>54</b>
Bevendean Primary School and Nursery	60	30	35	31	<b>96</b>
Coombe Road Primary School	30	17	20	32	<b>69</b>
<b>Total preferences</b>	<b>180</b>	<b>92</b>	<b>109</b>	<b>108</b>	<b>309</b>

**Table 2: Number of parents expressing a preference for places in YR in schools in the CNPG for 2024/25**

Schools in the CNPG / preferences	PANs	P1	P2	P3	Total
CPS	60	14	17	10	<b>41</b>
Moulsecoomb Primary School	30	7	19	12	<b>38</b>
Bevendean Primary School and Nursery	60	10	9	13	<b>32</b>
Coombe Road Primary School	30	15	25	22	<b>62</b>
<b>Total preferences</b>	<b>180</b>	<b>46</b>	<b>70</b>	<b>57</b>	<b>173</b>

**Table 3: Number of parents expressing a preference for places in YR in schools in the CNPG for 2025/26**

Schools in the CNPG / preferences	PANs	P1	P2	P3	Total
CPS	60	4	4	6	14
Moulsecoomb Primary School	30	5	5	8	18
Bevendean Primary School and Nursery	60	13	17	15	45
Coombe Road Primary School	30	17	23	26	66
<b>Total preferences</b>	<b>180</b>	<b>39</b>	<b>49</b>	<b>55</b>	<b>143</b>

18. The data in Tables 1 to 3 show that over the period covered, the total number of preferences expressed for places in schools in the CNPG decreased by 166, with the most substantial drop between 2023/24 and 2024/25. The number of preferences expressed for places at CPS decreased the most (by 76). The total number of preferences expressed for places at schools in the CNPG was less than the total number of places available in 2024/25 and 2025/26.

19. The LA provided data to show the number of children admitted to the schools in the CNPG (2022/23 to 2024/25) and the numbers offered places in 2025/26 in YR in those schools. I have put that data into Table 4 and added my own calculation of the surplus (both as numbers and as a percentage), based on the number of places in the planning area being 180.

**Table 4: Number of children admitted to (2022/23 to 2024/25) and number offered places in 2025/26 in YR in schools in the CNPG**

Schools in the CNPG	2022/23 <sup>1</sup>	2023/24 <sup>1</sup>	2024/25 <sup>1</sup>	2025/26 <sup>2</sup>
CPS	43	36	46	25
Moulsecoomb Primary School	21	21	30	25
Bevendean Primary School and Nursery	37	39	36	37
Coombe Road Primary School	30	18	26	30
<b>Totals</b>	<b>131</b>	<b>114</b>	<b>138</b>	<b>117</b>
<b>Surplus places (number)</b>	<b>49</b>	<b>66</b>	<b>42</b>	<b>63</b>
<b>Surplus places (per cent)</b>	<b>27.2</b>	<b>36.7</b>	<b>23.3</b>	<b>35.0</b>

Key:

<sup>1</sup> Numbers admitted

<sup>2</sup> Numbers offered

20. The data in Table 4 show that whilst the number of surplus places in the CNPG has fluctuated between 2022/23 and 2025/26 it has nonetheless remained high throughout. In 2023/24 and for 2025/26, the number of surplus places was such that more than one third

of the available places in the planning area were not required. The number of surplus places is forecast to be 35 per cent in 2025/26. If I agree to reduce the PAN at CPS to 30 in 2025/26, then there would still be a number of surplus places in the CNPG (33 places, which would be 18.3 per cent of the total number of places).

21. Although the variation requested will only be for 2025/26, the LA provided forecast numbers for the demand for places in YR in schools in the CNPG in 2026/27, 2027/28 and 2028/29. I have put that data into Table 5. This provides further context in that it will show if the trend identified in Tables 2 to 4 is estimated to continue.

**Table 5: Forecast numbers for the demand for places in YR in schools in the CNPG in 2026/27, 2027/28 and 2028/29**

	CPS	Other Three Primary Schools in the CNPG	Total Places	Number of Children Likely to Want a School Place <sup>4</sup>	Surplus Places
<b>Years / PANs</b>	60	120	180	-	-
<b>2026/27</b>	42	128	170	153	27
<b>2027/28</b>	34	131	165	149	32
<b>2028/29</b>	44	117	161	145	35

Key

<sup>4</sup> Based on 90% of GP registration data

22. The data in Table 5 show the pattern of surplus places is forecast not only to continue, but also to increase.

23. The data in the tables above clearly show a decrease in demand for places in schools in the CNPG, leaving a considerable number of surplus places over the period covered by the data. Focussing on 2025/26, it does not appear to me that the reduction in the PAN at CPS will result in a situation where there will be insufficient places in the planning area or at the School to meet the projected need. There is clear evidence that there will be spare places in 2025/26 in the planning area should they be needed.

24. Turning now to the School, the Governing Body wrote in the email it sent to the LA about the variation that, "Governors were all in agreement that we needed to request a variation in PAN for September." The reason for this was the impact on the budget of such low numbers. The Governing Body also told me that: "we actually approached the Local Authority and requested that the temporary PAN reduction happen for Academic Year 2025-2026. This has been discussed at numerous Governors Meetings."

25. I first looked at the School's financial position. This is because schools are funded, in large part, on a per child basis. A reduction in the number of children admitted, therefore, results in a reduction in income. Additionally, 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 children with a single qualified school teacher, except in specific exceptional circumstances.

26. I noted from the FBIT website that in the financial year 2023-24 (up to March 2024), the School had an in-year deficit of -£22,562 and a revenue reserve deficit of -£36,541. This shows that the School's finances were under pressure; if this situation were to continue, it would place further pressure on the LA's ability to balance the School's budget.

27. As the School is currently running a budget deficit, the Governing Body are expected to work with the LA to work towards a balanced budget. The School's financial projections are such that a reduction in the PAN for YR in 2025/26 will significantly help the financial problems the School faces. Hence the Governing Body requested that the LA make this variation request to the adjudicator. The Governing Body and the LA are concerned that continuing to staff and resource the School for a higher number of children (two classes of 30) than is currently projected to be admitted (less than one class of 30) would cause further financial difficulty at a time when the School needs to address its budget issues.

28. I asked the School to provide me with the current numbers of children in each class. This allows me to look at how the School organises its classes, to see if mixed-age classes might be a solution to reduce costs as income declines as a result of falling admission numbers, rather than reducing the PAN. The School provided that data (as of July 2025), which I have put into Table 6.

**Table 6: Numbers of children in each class at CPS (as of July 2025)**

Year Group / Classes	YR	Year 1/2		Year 3/4		Year 5	Year 6
1	23	12	17	13	14	21	20
2	26	15	11	16	13	26	23
3	-	13	16	17	12	-	-
<b>Totals:</b>	<b>49</b>	<b>40</b>	<b>44</b>	<b>46</b>	<b>39</b>	<b>47</b>	<b>43</b>

29. I also asked the School to provide me with information on how classes would be organised if the variation is agreed and if it is not agreed. The School provided me with one table to show the same data for both. Of course, at this point in the year, the issue for the School will not be reducing staffing (as staff changes for the next academic year will have been completed already), but increasing it if another class has to be added if more than 30 children are admitted into YR. I have put that data into Table 7.

**Table 7: Numbers of children in each class at CPS in 2025/26**

<b>Year Group / Classes</b>	<b>YR</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3/4</b>		<b>Year 5</b>	<b>Year 6</b>
<b>1</b>	25	25	21	15	16	20	24
<b>2</b>	-	25	20	15	14	20	24
<b>3</b>	-	-	-	15	16		
<b>Totals:</b>	<b>25</b>	<b>50</b>	<b>41</b>	<b>45</b>	<b>46</b>	<b>40</b>	<b>44</b>

30. It is clear from the data that, if I do not agree to a reduction to the PAN in YR, the School would be obliged to admit children until the PAN of 60 is reached and would therefore need to run two YR classes which would be economically unviable. This is because it would require the substantial cost of another teacher, potentially another teaching assistant and other costs associated with running two classrooms as opposed to one. Additionally, the School would have the difficulty of having to try to recruit a qualified teacher mid-year.

31. It was evident that the School had already employed mixed-age classes in its wider strategy to reduce the budget deficit.

32. In my view, the Governing Body at the School and the LA have clearly thought through how the financial shortfall in the School's budget is to be addressed. The Governing Body told me that the request to reduce the PAN in 2025/26 was part of a wider package of measures being taken, including (but not limited to): not replacing any staff that leave; not employing specialist teachers; reducing support staff; Individual Needs Assistants (INAs) working with groups rather than with individual children; and reducing energy bills by installing solar panels and building a rain garden.

33. It was clear from the data provided by the LA, that it has a clear picture of recent / projected demand in schools in the CNPG planning area. It appeared to me that the matter raised in respect of the PAN at CPS and the surplus places in the CNPG in 2025/26 would have been obvious in enough time for what has been requested to have been dealt with through the consultation process prior to the determination of the 2025/26 arrangements. I raised this concern with the LA and its response was:

“Pupil numbers in Brighton & Hove have been reducing over the last few years, and the council has removed a significant number of surplus primary school places through the process of PAN reduction through the consultation process alongside closing a number of schools.

Since September 2016 when there were 3000 Reception places in the city, the council has reduced the number of places by 570 to 2340 in September 2025. While this demonstrates the council has successfully reduced the PAN of many schools through the consultation process this has predominantly been with support of the schools governing body. In the last few years there have been a number of



successful objections to the council's determination of a reduced PAN. The following cases are examples of this ADA4342, ADA4295, ADA4349-50, REF3889, ADA3758, ADA3756, ADA3813

The council has now taken the approach that it will generally only consult on reducing a school's PAN when the governing body are in support of a reduction. Due to the fact that a school's PAN is set well in advance of the pupils starting, the reality of the situation for schools is not always apparent to them when their PAN could be consulted upon in the annual consultation exercise but only becomes clear when they actually receive their allocated pupil numbers.

In 2021 the council did consult on reducing the PAN at Coldean Primary School for September 2023. However, this was not taken forward due to resistance from the local community, and this reduction in PAN was not supported by the school's governing body at the time. One of the main reasons for the lack of support was due to a new housing development close to the school. While the council's forecast of the impact on pupil numbers produced by the new accommodation was insignificant compared to the overall dropping birth rate in the city this was met with scepticism in the consultation responses. This housing development has only recently come online with residents moved in, so it can only now be demonstrated that the number of allocated pupils at Coldean Primary School will not be significantly increased by this new accommodation."

34. It is clear that the LA attempted to deal with this issue through consultation at the appropriate point. Its reasons for not proceeding with the PAN reduction at that time are understandable.

35. The data provided by the LA and the Governing Body of the School show that 25 places have been offered for September 2025 in YR at the School. As there are surplus places both in the School and the CNPG, parental preference in respect of those who have made applications in the normal round of admissions for 2025/26 will not be affected by a PAN reduction at the School. I note that five places will be available at the School for any in-year admission.

36. Taking all of the above into account, I agree to the proposed reduction in the PAN from 60 to 30 in 2025/26.

37. I note here that reducing the PAN does not reduce the overall capacity of the School unless accommodation is being removed from the premises. It is not being suggested that accommodation is being removed and so the physical capacity of the School remains the same. Reducing the PAN will not change that. What this means is that should there be a need for the PAN of the School to be increased and / or for more children to be admitted from 2025/26 than is currently expected, there remains the capacity in the building for the LA to do so.

## Determination

38. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Brighton and Hove City Council for Coldean Primary School in 2025/26.

39. I determine that the published admission number for the school in 2025/26 will be 30.

Dated: 31 August 2025

Signed:

Schools adjudicator: Dr Robert Cawley