



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2580

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

**Date of decision:** 5 August 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 Brunswick Primary School in 2025/26.

I determine that the published admission number for the School in 2025/26 will be 60.

### 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 (the Arrangements) of Brunswick Primary School (BPS or the School) in 2025/26.
2. The School is a community school for children aged 4 to 11 in Somerhill Road, Hove. It is a co-educational primary school with no designated religious character.
3. BPS was judged to be 'Requires Improvement' by Ofsted at its last inspection in June 2024.
4. The proposed variation is for the published admission number (PAN) of the School to be reduced from 90 to 60 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. However, I have included preference and admission data from 2022/23 to 2024/25 and data showing projected numbers for future years (from 2026/27), provided by the LA, for context to the variation being requested for 2025/26.

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

12. In the interests of dealing speedily with this and the many other requests for variations received so close to the start of the academic year to which they are relevant, I have not considered other aspects of the Arrangements. Therefore, nothing in this determination should be taken as indicating that other aspects of the Arrangements do or do not conform with the requirements relating to admissions.

## **Consideration of proposed variation**

13. 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.

14. The LA told me that the reason for it seeking a variation for the school is:

"Brunswick Primary School received a total of 141 preferences for September 2025 and were allocated 47 pupils on national offer day. At the time of writing 53 places have been offered. This leaves the school susceptible to having low pupil numbers in 3 classes should any further applications be made to the school taking them over 60 places offered, whilst the school's PAN is 90.

The risk to the school of admitting more than 60 pupils will exacerbate the financial pressure the school is under. It already has a deficit budget position agreed with the Local Authority that was exceeded at the end of the 2024/25 financial year. It has also received a Notice of Concern, under the LA's scheme for financing schools and a Warning Notice which have applied greater scrutiny on the school's management and performance. The school has submitted a revised licensed deficit agreement to the council that assumes the number of pupils does not exceed 60 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 90 pupils to 60 pupils for the 2025-26 year of entry is made.

The proposed variation will ensure that the school does not exceed 2 classes 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 £380,000.”

15. 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.

16. The school is one of seven schools for primary aged children in the LA’s ‘Central Hove Planning Group’ (CHPG or the planning area). The total number of places for children in the CHPG in 2022/23 was 690 in Reception (YR) made up of the following PANs in the seven schools: BPS (120); West Hove Infant School – Holland Road Site (60); Cottesmore St Mary's Catholic Primary School (60); St Andrew's CofE (Aided) Primary School (90); Bilingual Primary School (90); Aldrington CofE Primary School (60); West Hove Infant School – Portland Road Site (120); and Goldstone Primary School (90). Since 2023/24, the PAN at BPS has been 90, reducing the number of places in the CHPG to 660. This has been the case until 2024/25, is currently the case for 2025/26 and will be so for 2026/27. If I agree to the PAN at BPS being reduced to 60 in 2025/26, this will have the effect of reducing the overall number of YR places for children in the CHPG to 630 for that academic year only.

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 CHPG for 2023/24

Schools in the CHPG / preferences	PANs	P1	P2	P3	Total
BPS	90	77	63	40	<b>180</b>
West Hove Infant School – Holland Road Site	60	39	43	45	<b>127</b>
Cottesmore St Mary's Catholic Primary School	60	76	80	85	<b>241</b>
St Andrew's CofE (Aided) Primary School	90	100	106	114	<b>320</b>
Bilingual Primary School	90	109	78	96	<b>283</b>
Aldrington CofE Primary School	60	36	47	44	<b>127</b>
West Hove Infant School – Portland Road Site	120	102	119	100	<b>321</b>
Goldstone Primary School	90	86	87	76	<b>249</b>
<b>Total preferences</b>	<b>660</b>	<b>625</b>	<b>623</b>	<b>600</b>	<b>1848</b>

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

Schools in the CHPG / preferences	PANs	P1	P2	P3	Total
BPS	90	55	56	52	<b>163</b>
West Hove Infant School – Holland Road Site	60	79	74	63	<b>216</b>
Cottesmore St Mary's Catholic Primary School	60	29	61	56	<b>146</b>
St Andrew's CofE (Aided) Primary School	90	89	91	90	<b>270</b>
Bilingual Primary School	90	65	56	84	<b>205</b>
Aldington CofE Primary School	60	40	47	40	<b>127</b>
West Hove Infant School – Portland Road Site	120	99	89	81	<b>269</b>
Goldstone Primary School	90	65	62	52	<b>179</b>
<b>Total preferences</b>	<b>660</b>	<b>521</b>	<b>536</b>	<b>518</b>	<b>1575</b>

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

Schools in the CHPG / preferences	PANs	P1	P2	P3	Total
BPS	90	61	59	49	<b>169</b>
West Hove Infant School – Holland Road Site	60	54	33	44	<b>131</b>
Cottesmore St Mary's Catholic Primary School	60	29	32	38	<b>99</b>
St Andrew's CofE (Aided) Primary School	90	44	58	57	<b>159</b>
Bilingual Primary School	90	74	72	83	<b>229</b>
Aldington CofE Primary School	60	38	43	40	<b>121</b>
West Hove Infant School – Portland Road Site	120	71	59	59	<b>189</b>
Goldstone Primary School	90	72	79	73	<b>224</b>
<b>Total preferences</b>	<b>660</b>	<b>443</b>	<b>435</b>	<b>443</b>	<b>1321</b>

18. The data in Tables 1 to 3 show that over the period covered, the total number of preferences expressed for places in YR in the schools in the CHPG decreased by 527. The number of preferences expressed for places at BPS did not decrease considerably (by 11, though there was a slightly larger decrease of 17 in 2024/25). However, the total number of preferences expressed for places at schools in the CHPG remained around twice more than the total number of places available in 2025/26.

19. The LA provided data to show the number of children admitted to the schools in the CHPG (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 660.

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 CHPG

<b>Schools in the CHPG</b>	<b>2022/23<sup>1</sup></b>	<b>2023/24<sup>1</sup></b>	<b>2024/25<sup>1</sup></b>	<b>2025/26<sup>2</sup></b>
BPS	96	83	67	52
West Hove Infant School – Holland Road Site	36	45	49	60
Cottesmore St Mary's Catholic Primary School	60	60	60	60
St Andrew's CofE (Aided) Primary School	90	90	90	90
Bilingual Primary School	86	89	76	90
Aldrington CofE Primary School	59	39	55	53
West Hove Infant School – Portland Road Site	118	116	120	104
Goldstone Primary School	90	90	90	85
<b>Totals</b>	<b>635</b>	<b>612</b>	<b>607</b>	<b>594</b>
<b>Surplus places (number)<sup>3</sup></b>	<b>44</b>	<b>48</b>	<b>53</b>	<b>66</b>
<b>Surplus places (per cent)</b>	<b>8.0</b>	<b>7.3</b>	<b>8.0</b>	<b>10.0</b>

Key:

<sup>1</sup> Numbers admitted

<sup>2</sup> Numbers offered

<sup>3</sup> Total admitted compared to sum of PANs in the area for the respective year

20. The data in Table 4 show that the number of surplus places in the CHPG has increased between 2022/23 and 2025/26. The number of surplus places is forecast to be 10 per cent in 2025/26. If I agree to reduce the PAN at BPS to 60 in 2025/26, then there would still be a number of surplus places in the CHPG (36 places, which would be 5.5 per cent of the total number of places). If the PAN remains at 90, then there are 38 surplus places in BPS. Reducing the PAN to 60 would leave eight places at the School (13.3 per cent of the total). The DfE document, “Basic need allocations 2025-26: Explanatory note on methodology”, refers to the need for two per cent surplus capacity “to provide an operating margin for local authorities ... to support parental choice, pupil population movement, and general manageability of the system”. I note that the proportion of vacant places in the planning area has been considerably higher than two per cent in recent years and would continue to be if I agree to the proposed reduction in PAN.

21. The LA provided forecast numbers for the demand for places in YR in schools in the CHPG 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 CHPG in 2026/27, 2027/28 and 2028/29

<b>Years</b>	<b>Number of Children in CHPG</b>	<b>Number of Children Likely to Want a School Place<sup>4</sup></b>	<b>Surplus Places<sup>5</sup></b>
<b>2026/27</b>	595	536	124
<b>2027/28</b>	538	484	176
<b>2028/29</b>	562	506	154

Key:

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

<sup>5</sup> Calculated by taking the 'Number of Children Likely to Want a School Place' in the preceding column from the PAN of 660.

22. The data in Table 5 show the pattern of surplus places is forecast to continue. Although there is a decrease in the surplus from 2028/29 from 2027/28, that surplus remains higher than the surplus in 2026/27 such that, if a linear trend line was applied to the data, it shows an increase over that period. It is also the case that the surplus forecast for the years covered by Table 5 is more than double the surplus places in YR in the planning area evident for 2025/26.

23. The data in the tables above clearly show a decrease in demand for places in schools in the CHPG, leaving a 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 BPS 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 confirmed to me that this decision had been made in its meeting on 8 May 2025. About the outcome of that meeting, the Governing Body told me that:

"Governors were informed at the meeting on 08.05.25 that the LA had communicated to the school's SLT that, given the current acceptance of 57 places for Reception in September 2025, the school should reduce its PAN to 60 for one academic year, and increase this back to 90 the following year.

[Governors] agreed with this proposal, given the complications associated with keeping the PAN at 90 with fewer than 60 children currently confirmed to start in September.

Governors requested that the response to the LA should clearly indicate that they would consider approving this variation for one year only.

Governors considered how this information would be communicated to parents and within the wider public community. They agreed to continue promoting the school as a three form entry school, but that this cohort would enter as a two form year group, due to the correlation with a particularly low birth year.”

25. I 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 -£303,589 and a revenue reserve deficit of -£44,193. This shows that the School's finances were under pressure; if this situation were to continue, it would place further pressure on 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 towards a balanced budget. The School's financial projections are such that a reduction in PAN for YR in 2025/26 will significantly help the financial problems the School faces. Hence the Governing Body requested the LA make this variation request to the OSA. The Governing Body and the LA are concerned that continuing to staff and resource the School for a higher number of children (three classes of 30, each requiring a qualified teacher, teaching resources and teaching assistants) than is currently projected to be admitted (less than two classes 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 in the School. 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 due to 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 BPS (as of July 2025)

Year Group / Classes	YR	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
1	23	29	29	28	25	29	30
2	24	30	30	30	25	31	31
3	22	29	30	27	25	29	31
4	-	-	-	29	30	-	31
<b>Totals:</b>	<b>69</b>	<b>88</b>	<b>89</b>	<b>114</b>	<b>105</b>	<b>89</b>	<b>123</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 60 children were to be admitted into YR. I have put that data into Table 7.

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

Year Group / Classes	YR	Year 1	Year 2	Year 3/4	Year 5	Year 6
1	27	25	29	30	28	25
2	24	21	29	29	28	26
3	-	24	30	26	28	25
4	-	-	-	-	29	27
<b>Totals:</b>	<b>51<sup>6</sup></b>	<b>70</b>	<b>88</b>	<b>85</b>	<b>113</b>	<b>103</b>

Key:

<sup>6</sup> The School provided its data after the LA (as set out in Table 4) and it is apparent that since places were offered, the number has reduced by two.

30. It is clear from the data in Table 7 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 90 is reached and would therefore, potentially, need to run three 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 three classrooms as opposed to two. Additionally, the School would have the difficulty of having to try to recruit a qualified teacher mid-year.

31. About organising its classes into mixed-age groups, the School told me:

“In light of the Governors’ discussion outlined above and the agreement that the change in PAN should be for one academic year only, it would not be deemed appropriate to alter the school structure to accommodate a mixed year group model, which would then need to continue for this cohort for the next seven years.

Currently we have enough pupils for two single age group classes and so vertically grouping children has not been [raised] as something that we feel would be helpful at this point in time.”

32. Whilst this may be the case at this point prior to the start of the academic year when it would be difficult to be moving around the class structure, mixed age teaching may be something the Governing Body will need to consider if the reduction in admissions continues as set out in Table 5.

33. 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.

34. It was clear from the data provided by the LA that it has a picture of recent / projected demand in schools in its planning areas (for example in respect of data trends from Tables 1 to 5). It appeared to me that the matter raised in respect of the PAN at BPS and the surplus places in the CHPG 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 via h [sic] 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.

The council has previously determined a PAN of 90 pupils for Brunswick Primary School in September 2022 which was successfully objected to by the governing board and the PAN increased to 120. (REF3889)

A variation was subsequently requested and agreed for September 2023 and September 2024 to reduce the school's PAN from 120 to 90 pupils. This was followed by a consultation and subsequent determination of a PAN of 90 pupils for September 2025. At the time of this consultation November -December 2023, although forecast pupil numbers in the planning area indicated a significant surplus of places, there was no appetite from the school to lower their PAN further.

The school is located in close proximity to a co-located infant and junior school and the pattern of preferences is therefore impacted in ways that is not always relevant for other schools."

35. 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.

36. The data provided by the LA and the Governing Body of the School show that, as there are surplus places both in the School and CHPG, parental preference will not be affected by a PAN reduction at the School. I note that, in the light of the admission figure provided by the School in Table 7, nine places will be available at the School for any in-year admission.

37. Taking all of the above into account, I agree to the proposed reduction in the PAN from 90 to 60 in 2025/26.

38. 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 to the school from 2025/26 than is currently expected, there remains the capacity in the building for the LA to do so.

## Determination

39. 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 Brunswick Primary School in 2025/26.

40. I determine that the published admission number for the School in 2025/26 will be 60.

Dated: 5 August 2025

Signed:

Schools adjudicator: Dr Robert Cawley