



## Determination

**Case reference:** VAR2637

**Admission Authority:** The Governing Body for St Edward's Catholic Primary School in Selly Park, Birmingham

**Date of decision:** 15 October 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 the Governing Body for St Edward's Catholic Primary School for 2025/26.

I determine that for admission in 2025/26, the published admission number will be 55.

### The referral

1. The Governing Body (the Admission Authority) for St Edward's Catholic Primary School (the School) has referred to the adjudicator a proposal for a variation to the admission arrangements (the Arrangements) for the School for 2025/26.
2. The School is a voluntary aided co-educational school for children aged four to eleven in Selly Park, Birmingham. It is located in the local authority area of Birmingham City Council.
3. The School has a Roman Catholic religious character, and the religious authority for the school is the Archdiocese of Birmingham (the Archdiocese).
4. The parties to the request are the Admission Authority, Birmingham City Council (the Local Authority) and the Archdiocese.
5. The proposed variation, which has the support of the Archdiocese and the Local Authority, is that the published admission number (the PAN) for 2025/26 is reduced from 60 to 55.

## Jurisdiction and procedure

6. 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”.

7. When I asked the Admission Authority to provide me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code, they told me:

“We have been in regular contact with [the Archdiocese] and have sought advice from Birmingham City Council. The Governing Body are aware and have approved our request to review and reduce the PAN in year. We are in contact with [XX] at Pupil Place Planning team at Birmingham to look at pupil predicted numbers going forward to ensure that we are making informed decisions for the upcoming academic years. We are awaiting further information from her.”

I am not satisfied that this aspect of the procedures was followed properly. However, in this case, given the limited scope and nature of the variation and the need for a timely decision, I consider that this shortcoming makes little material difference to my consideration of the case.

8. I am satisfied that the proposed variation is within my jurisdiction.

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

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

- the referral from the Admission Authority dated 9 September 2025;
- the determined Arrangements for 2025/26 and the proposed variation to those Arrangements;

- responses from the Local Authority, the School and the Archdiocese to my requests for further information; and
- information available on gov.uk websites, including 'Get Information About Schools' (GIAS) and the websites of the School and the Local Authority.

11. In the interests of dealing speedily with this and the many other requests for variations at this time, I have not considered other aspects of the admission 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.

12. I note here that the referral also requested a variation "to reduce the Year 1 PAN from 60 to 35". I have written to the School to explain that such a matter is not within my jurisdiction. There is no PAN for Year 1, because the PAN only applies to that year group (or groups) which are the normal point of admission, which in this case is Reception Year (Year R). I have also drawn the School's attention to paragraph 1.4 of the Code which explains the basis on which an admission authority can refuse admission to other year groups.

## Consideration of proposed variation

13. 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.

14. I note here that the Arrangements for 2026/27 have been determined. This means that if I agree to the Admission Authority's request to vary the Arrangements for 2025/26 by reducing the PAN from 60 to 55 as proposed, it will be for that year only and will not have a bearing on subsequent years

15. 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 variation is justified by the change in circumstances.

16. The major change in circumstances relied upon by the Admission Authority is as set out in the referral as follows:

"Over the past three years we have had a decline in pupil numbers. Last year we had 35 children for our 60 PAN reception classes meaning we had to employ two teachers with the second effectively only being employed for five children. This year numbers remain low which is why we did not replace a teacher who had left and

decided the best financial option for the school was to have a mixed year group class. [We have] financial concerns going forward.”

17. In a further letter, the School stated:

“We currently have 48 Reception age children on roll (R1- 26 R2- 22). However, given some of the additional needs of 5 of the current Year 1 children, we have used the opportunity of numbers being lower to create a mixed class in the other Reception class to enable us to not employ a further member of teaching staff for 5 additional children in Year 1 that would add unnecessary strain to the budget given that the year group numbers fell during the year last year and we had an additional member of staff. By keeping the 5 children officially in year one in Reception it brings the numbers in Reception up to 53 children. By reducing our Reception PAN to 55 children this allows us to keep the 5 year one children in that year group without worrying about having to employ an additional member of Teaching staff.”

18. The School also supplied the following information to clarify the above:

- a. There are currently 34 children in Year 1 and 48 children in Year R.
- b. These children are organised into three classes – a Year 1 class of 29 children, a Year R class of 26 children, and a mixed class of 27 children (22 Year R children and five Y1 children).
- c. Since infant class sizes are limited to 30 (as set out in The School Admissions (Infant Class Sizes) (England) Regulations 2012 and in paragraph 2.16 of the Code), there are four spaces in the Year R class and three spaces in the mixed class. If more than seven additional Year R children were to be admitted in-year, which would bring the Year R total to above 55, then the School would be likely to be required to put on an extra class to accommodate them otherwise it would be in breach of the Infant Class Size Regulations. The proposed variation would significantly mitigate this risk.

19. 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 PAN is 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 reduction and whether the proposed reduction is justified taking into account all relevant circumstances.

20. The Local Authority has a duty to ensure 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 and the schools within those areas, for this purpose.

21. The Local Authority has supplied me with data for "Planning Area P27", the planning area in which the School is situated. There is currently a surplus of 43 Year R places (18%) in this planning area, which would still be ample (38 places) if the proposed variation were to be approved. I am therefore satisfied that the proposed variation would not have any impact on the sufficiency of Year R places in the area.

22. In the light of the numbers in Year R at the School, highlighted earlier, I am also satisfied that the proposed variation would be unlikely to have any impact on any parental preference, given that there is still some capacity at the School to accommodate up to seven more Year R children, even with a reduced PAN of 55.

23. The School has provided me with a detailed breakdown of its financial position to support the variation request. Whilst the School had a significant cumulative surplus at the end of the 2024-25 financial year (over £300,000, net of funding which does not belong to it), it tells me that it is expecting to incur a large in-year deficit of £305,219 for 2025-26 and that it is projecting a cumulative deficit of £170,629 for the end of 2026-27. This is compelling evidence that the "safety net" of the proposed variation would reduce the risk of an additional challenge to the School's financial position, and hence to its ability to meet the needs of the existing children on roll.

24. Having considered all the matters above, my reasoning can be summarised as follows:

- a. The proposed variation does not give rise to any concerns about the sufficiency of YR places in the area for 2025/26.
- b. There is no indication of any potential frustration of parental preference.
- c. If the proposed variation is not approved, there remains the risk of 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 has to be diverted to pay for the provision of an extra infant class for 2025/26.

25. After carefully weighing the above factors, I conclude that the proposed variation is justified by the circumstances, and I approve it.

## **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 the Governing Body for St Edward's Catholic Primary School for 2025/26.

27. I determine that for admission in 2025/26, the published admission number will be  
55.

Dated: 15 October 2025

Signed:

Schools Adjudicator: Clive Sentance