



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2578

Admission Authority: The Governing Body for St Dunstan's Catholic Primary School in King's Heath, Birmingham

Date of decision: 23 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 Dunstan's Catholic Primary School for 2026/27.

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

The referral

1. The Governing Body (the Admission Authority) for St Dunstan'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 2026/27.
2. The School is a voluntary aided, co-educational school for children aged three to eleven in King's Heath, 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 is that the published admission number (the PAN) for admission to Reception Year (YR) in 2026/27 is reduced from 45 to 30. The proposal has the support of the Archdiocese. The Local Authority has confirmed that it has been notified and that it has no concerns about the impact of the proposed variation on its duty to provide a sufficiency of school places in its area.

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. The Admission Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code.

8. I find that the appropriate procedures were followed, and 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 15 September 2025;
- the determined Arrangements for 2026/27 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 on 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.

Consideration of proposed variation

12. 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.

13. I note here that if I decide to vary the Arrangements for 2026/27 by reducing the PAN from 45 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 for future years without any need for consultation.

14. 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.

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

"We are requesting a variation to reduce our Published Admission Number (PAN) from 45 to 30 for the academic year 2026, due to a significant and sustained change in local circumstances.

Over the past three years, the local birth rate has declined sharply, resulting in a substantial drop in demand for school places across the borough. Despite our PAN of 45, for the last two years we have consistently been unable to fill even a single class of 30 pupils. This under-enrolment has had serious operational and financial implications for the school.

In response to these pressures, we undertook a staffing restructure last year, which regrettably led to the redundancy of eight members of staff. Without a reduction in PAN, we anticipate further redundancies will be necessary, which would impact the quality of education and stability of provision for our pupils.

Reducing the PAN to 30 would allow us to align our intake with actual demand, stabilise staffing, and ensure the school remains financially viable while continuing to deliver high-quality education.

Based on forecasts, we believe there will be no pupils displaced as a result of this variation. There is sufficient surplus locally to support the removal of 0.5FE for September 2026

We believe this change is necessary to ensure fairness, clarity, and effective planning for admissions, and to sustain financial viability in future years.”

16. 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 were to be 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.

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

17. 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.

18. The Local Authority has supplied me with data for “Planning Area P19”, the planning area in which the School is located, as follows:

Table 1: Reception Intake for Planning Area P19

Reception Intake	Number on Roll	Current Sum of PANs	Sum of PANs if proposed variation is approved	Current surplus places	Surplus places if proposed variation is approved
2025/26	327 (actual)	375	360	48	N/A
2026/27	312 (forecast)	375	360	63 (17%)	48 (13%)
2027/28	310 (forecast)	375	360	65 (17%)	50 (14%)

19. From the above data, I am satisfied that a reduction of the School’s PAN to 30 for 2026/27 would leave sufficient surplus capacity in the planning area for admissions in 2026/27, and that, if the PAN for 2027/28 were also to be set at 30, there would be sufficient surplus capacity for admissions in 2027/28.

Places at the School

20. I now turn to the number of children at the School and the reasons given by the School in support of the variation request. The request for the variation refers 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.

21. The School has provided me with a breakdown of the number of children in each year group in the school and how they are organised into classes. It currently has a total of 10 classes, some of which are single-age and the rest which are mixed-age. It has also provided me with projected organisational models for 2026/27, depending on whether 30 or more children are admitted to YR. These models show that if the School can be sure that no more than 30 children will be admitted to YR in 2026/27, it will be able to plan with certainty for a single reception class in 2026/27, and hence move to a reduced total of nine classes.

22. I note here that the current YR and Year 1 year groups are the smallest year groups in the School, containing 22 and 30 children respectively. On the basis that the overall forecast for Planning Area P19 for 2026/27 is lower than the actual number admitted in September 2025, it is reasonable to assume that it is unlikely that there will be any frustration of parental preference for the School if the PAN is reduced to 30 as proposed. A similar argument applies for 2027/28.

23. To support the variation request, the School has provided me an insight into its financial position. Whilst it had a cumulative surplus at the end of the 2024-25 financial year of £133,538, it is projecting an in-year deficit of £129,494 for the end of 2025-26, leaving a surplus balance of only £4,044. For the 2026-27 financial year, its income will be based on a significantly lower number of pupils on roll. I consider that this is compelling evidence that since the proposed variation would allow the School to plan with certainty for a reduction to nine classes in 2026/27, it would remove the risk of what would be an additional challenge to the School's financial position, and hence to the School's ability to meet the needs of the existing children on roll.

Summary

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 planning area for 2026/27 or 2027/28.
- b. There is no indication of any potential frustration of parental preference for the School.
- c. If the proposed variation is not approved, there remains the risk of a 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 should have to be diverted to pay for the provision of an extra class for 2026/27 with insufficient additional funding to cover the costs of providing that class.

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 Dunstan's Catholic Primary School for 2026/27.

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

Dated: 23 October 2025

Signed:

Schools Adjudicator: Clive Sentence