



## Determination

**Case reference:** VAR2657

**Admission Authority:** Birmingham City Council for Adderley Primary School

**Date of decision:** 10 December 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 Birmingham City Council for Adderley Primary School, for 2026/27.

I determine that the published admission number, for admissions to the Reception Year in 2026/27, shall be 30.

### The referral

1. Birmingham City Council (the Admission Authority; the Local Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements (the Arrangements) for Adderley Primary School (the School) for the school year 2026/27.
2. The School is a community school for children aged four to eleven in central Birmingham city. It is a co-educational school with no designated religious character. The School was judged to be 'Good' by Ofsted at its last inspection in January 2023.
3. The proposed variation is that the published admission number (PAN) of the School, which applies to admissions to the Reception Year (Year R), be reduced from 60, as determined, to 30 for 2026/27.

### 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 Arrangements were determined by the Local Authority on 21 January 2025.
6. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code, and that the governing body of the School has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am 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:
  - the referral from the Local Authority dated 19 November 2025, and supporting documents;
  - the determined Arrangements and the proposed variation to those Arrangements;
  - responses from the Local Authority and the governing body of the School to my requests for further information;
  - maps, including Google Maps and those showing the location of the School; and
  - information available on gov.uk websites (including the ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites); and the websites of the Local Authority, the School, 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 of the School for 2027 have not yet been determined. This means that if I decide to vary the Arrangements for 2026 by reducing the School's PAN from 60 to 30 as proposed, it will have the effect of forming the 'baseline' for subsequent years.
11. In the interest of dealing speedily with this and other requests for variations for schools, 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

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 proposed variation is justified by the change in circumstances.
13. The Local Authority has proposed that the PAN of the School be reduced from 60 to 30 in 2026/27. The governing body of the School supports the proposed variation.
14. Having regard to the declining birth rates and admissions in recent years, the Local Authority told me the following reason for it seeking a variation for the School:

"If the reduction in PAN for September 2026 were supported, it would allow the school to use staff who are currently within school and address the budgetary issues to make necessary improvements to education. Admitting only 30 pupils will allow the school to make efficiency savings to support improving standards. The school would not be able to maintain a [balanced] budget if the PAN was not changed and the additional class continued to be resourced."
15. I have considered the latest available data to form a view about the sufficiency of school places in the local area if the PAN of the School is reduced from 60 to 30 in 2026. I have also considered the demand for places at the School, the reasons given for the change in demand, the potential effect of the proposed PAN reduction on parental preference, and whether the proposed reduction is justified taking into account all relevant circumstances.
16. The Local Authority has a duty to ensure that there are sufficient school places for the children in its area. To fulfil this duty, the Local Authority 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. The School is based in 'Primary Planning Area 32', and I have considered the data that the Local Authority has provided for that area.

17. In the planning area there are eight schools, including the School, for which the usual year of entry is Year R. The data set out in Table 1 show the number of Year R places and the number of children admitted to, or forecast to require a place at, those schools. Table 1 also demonstrates the effect of the proposed PAN reduction for the School on surplus places in the planning area.

**Table 1: Year R places available at schools within the planning area, and the number of children admitted to, or forecast to require a place at, those schools**

-	2024	2025	2026	2027
<b>Number of places in Year R at the schools in the planning area (with a PAN of 60 at the School)</b>	600	600	600	600
<b>Number of children admitted (2024 and 2025), and forecast to require Year R places (2026 and 2027)</b>	484	443	473	433
<b>Vacant places</b>	116	157	127	167
<b>Vacant places as a percentage</b>	19.3	26.2	21.2	27.8
<b>Forecast number of places in Year R if variation approved (with a PAN of 30 at the School in 2026 and onwards)</b>	NA	NA	570	570
<b>Forecast vacant places if variation approved</b>	NA	NA	97	137
<b>Forecast vacant places as a percentage if variation approved</b>	NA	NA	17.0	24.0

18. The Department for Education's document, "Basic need allocations 2026-27 and 2027-28: Explanatory note on methodology", refers to the need for two per cent surplus capacity "to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system." From the data above I note that the proportion of vacant places in the planning area would, according to the forecast numbers for 2026 and 2027, be well above the suggested two per cent if I agreed to the proposed variation.
19. I am satisfied that if the PAN of the School were to be reduced to 30 for 2026, there would be sufficient places within easy reach of children living in the planning area and seeking a Year R place.

20. I turn now to the demand for places at the School. Table 2 shows the number of children admitted to the School in 2024 and 2025, and the forecast numbers for the next two years. The table uses the proposed PAN of 30 for 2026 onwards.

**Table 2: The number of children admitted to the School in 2024 and 2025, and the forecast number of places required in 2026 and 2027**

-	2024	2025	2026	2027
<b>The PAN for the School</b>	60	60	30	30
<b>Number of first preferences</b>	38	26	NA	NA
<b>Number of children admitted to Year R (2024 and 2025), and forecast to require places (2026, 2027)</b>	41	30	30	29
<b>Vacant places</b>	19	30	0	1

21. Table 2 shows that in recent years, the number of first preference applications has been slightly above or below the proposed PAN of 30. First preference applications are only one indicator of demand; applications are made months in advance of admission and people's lives can change considerably in that time. I note that the number of children admitted to Year R at the School in September 2025 was down to 30. Should the variation be approved, parents would consider preferences and make their applications for 2026/27 in the knowledge that the PAN of the School is 30. Any parent who is not successful in securing a place for their child at the School will likely be able to secure a place at another local school in the area.
22. I am satisfied that there is unlikely to be any substantial frustration of parental preference if the proposed variation is agreed for September 2026.
23. I will now consider the impact on the School of my approving, or not approving, the proposed variation.
24. The School is one affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) which 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 (paragraph 2.16 of the Code). The infant class size regulations apply to Year R, Year 1, and Year 2.
25. As schools are largely funded on the number of pupils and the highest costs to a school budget are staff, it is generally considered financially efficient to have infant classes that have 30 pupils or close to, but below, 30 pupils. If a school has classes that are many less than 30, then this can mean that the income from the number of

pupils is less than the costs of providing a class. If this happens over several classes, a school can have severe financial challenges.

26. The FBIT website shows that for financial year ending March 2025, the School had an in-year balance of about £69,000, and a revenue reserve of over £543,000. In response to my request for further information, the governing body of the School states:

“The School is currently operating with a balanced budget. However, rising staffing costs linked to national salary increases, alongside increasing operational and utility costs, have placed significant pressure on the existing financial position. As the school budget is predominantly determined by per-pupil funding, maintaining the current PAN despite a sustained reduction in pupil numbers presents a substantial financial risk.

If pupil intake continues to fall below the current PAN, the School will experience a reduction in income that is not matched by a corresponding reduction in expenditure. This would lead to a budget deficit and limit the School’s ability to sustain current staffing levels, potentially necessitating a staffing restructure and redundancies. With only 30 to 33 pupils in some year groups, the School cannot viably maintain staffing ratios resigned for a higher PAN.

Failure to reduce the PAN may therefore result in an inefficient use of resources, increased financial instability, and the need to make significant cuts that could negatively impact the quality of education and support available to pupils. By contrast, adjusting the PAN ensures that the School remains financially viable, stable, and able to plan effectively for future provision, safeguarding both education standards and long-term sustainability.”

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

- If the proposed variation is approved, parents can consider preferences and make their applications for 2026 in the knowledge that the PAN of the School is 30. Any parent who is not successful in securing a place for their child at the School will likely be able to secure a place at another local school in the area (many of which are within two miles distance from the School). A reduction in PAN would therefore result in minimal frustration of parental preference. There is compelling evidence that a reduction in the PAN to 30 would allow the School to plan accordingly, make the best use of its resources, and in the longer term, benefit the School financially.
- If the proposed variation is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 60 for any applicant in 2026/27. If just over 30 children were to be admitted to the School, then the School could have to arrange its classes to meet the requirements of the infant class size regulations,

and this would require a substantial cost to employ a teacher unless some mixed-class teaching is adopted.

28. Taking everything into consideration, I find that the variation is justified by the circumstances and approve it.

## **Determination**

29. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Birmingham City Council for Adderley Primary School, for 2026/27.
30. I determine that the published admission number, for admissions to the Reception Year in 2026/27, shall be 30.

Dated: 10 December 2025

Signed:

Schools Adjudicator: Jackie Liu