



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2647

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

Local Authority: Birmingham City Council

Date of decision: 12 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 the Governing Body for St Edward'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 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 2026/27.
2. The School is a voluntary aided, co-educational school for children aged four to eleven years in Selly Park, Birmingham. It is located in the local authority area of Birmingham City Council (the Local Authority).
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, the Local Authority and the Archdiocese.
5. The proposed variation, which has the support of the Archdiocese, is that the published admission number (the PAN) for admission to Reception Year (Year R) in 2026/27 is reduced from 60 to 30.

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 received on 23 October 2025, and subsequent confirmation that the appropriate bodies had been notified, received on 8 December 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;
- my recent determination (VAR2637) approving a proposed variation to the School's Arrangements for 2025/26 and correspondence relating to that determination; 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 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 60 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 2027/28 and beyond without any need for consultation¹.

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 as set out in the referral as follows:

"Over the past 3 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 5 children. This year numbers remained 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.

Our most recent request to reduce our notified PAN in Reception to 55 to protect the mixed year group was approved. Looking at the projected numbers supplied by BCC for the local area (group 27) it shows a clear pattern of decline. Our Full Governing Body have already agreed and adjusted the PAN for September 2027 following this information and have sent our adjusted admission arrangements for consultation in-line with procedure. With this in mind and given the trends for the last few years, including the projection of figures we believe that it is the most financially viable option for St. Edward's. Looking at the figures, provided by BCC, for other local

¹ The School tells me that "Our Full Governing Body have already agreed and adjusted the PAN for September 2027 [to be set at 30] ...and have sent our adjusted admission arrangements for consultation in-line with procedure"

schools it is clear that the other schools within our grouping have enough room to accommodate the additional children given one school only managed to attract 33 applicants into a 60 PAN this year

[There are] ongoing financial concerns going forward with Staffing costs and guaranteed applicants for Reception. We would like to officially reduce our PAN for September 2026 to 30 from 60 for Reception. We have already done this for 2027 and are in the process of submitting this for consultation.

[The variation] will mean that we can keep staffing at a minimum and protect [the] school from slipping further into a deficit position without guaranteed pupil funding by ensuring that we are not employing staff to manage smaller numbers over 30. This September the numbers have fluctuated significantly in the first month of term. This makes it almost impossible to plan staffing and would mean that we would have to submit another variation request going into Autumn term 2026. By adjusting the numbers now, before the deadline for expected applications for 2026/27 admissions, it means that we can plan financially and be sure that we are not overstaffed and putting the school at further financial risk.”

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 Year R 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 tells me that:

“Should the decision be made to reduce the PAN at St Edwards Catholic Primary School it is anticipated that the LA would be able to accommodate any additional pupils that arrive/apply to a school within this or adjacent planning areas.”

19. To support this statement, the Local Authority has supplied me with data for ‘Planning Area P27’, the planning area in which the School is located, as follows:

Table 1: Reception Intake for Planning Area P27

Reception Intake	NOR	Current Sum of PANs	Current surplus places	Sum of PANs if proposed variation is approved	Surplus places if proposed variation is approved
2025/26	196 (actual)	235 ²	39 (17%)	N/A	N/A
2026/27	196 (forecast)	240	44 (18%)	210	14 (7%)
2027/28	194 (forecast)	240	46 (19%)	210	16 (8%)

20. 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. I am also satisfied that if the PAN for 2027/28 were to be set at 30, there would be sufficient surplus capacity for admissions in 2027/28.

Places at the School

21. I now turn to the number of children at the School and the reasons given by the School in support of the variation approval request. The request for approval of the proposed 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 Sizes) (England) Regulations 2012 (the Infant Class Sizes 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.

22. In correspondence relating to VAR2637, the School explained that there are currently 34 children in Year 1 and 48 children in Year R, and that 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). There are also two classes in Year 2, making a total of five infant classes.

23. The School's position is that if it could be certain that no more than 30 children were to be admitted into Year R in 2026/27, it would be able to plan with certainty for one Year R class and hence for no more than four infant classes in total in that academic year, one fewer than the five infant classes currently operating.

² A figure of 240 was quoted in the correspondence I received, but this has reduced to 235 following the determination in VAR2637.

24. In relation to parental preference, I note here the number of children currently in Y1 (34) and YR (48). Taking into account these numbers, I consider it likely that that a PAN of 30 in 2026/27 would mean that there would be a number of parents for whom the School would have been their highest available preference had the PAN remained at 60, but who would now not be offered a place. However, this scenario is common to any school which is oversubscribed, and any parents who were unsuccessful in securing a place for their child at the School would have been able to express their preferences in full knowledge that the PAN had been reduced and of the potential consequences of this.

25. 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 the School), it tells me that it is expecting to incur a large in-year deficit of £305,219 for the 2025-26 financial year and that it is projecting a cumulative deficit of £170,629 for the end of 2026-27.

26. I consider that this is compelling evidence of the financial challenges facing the School. However, I note here that if in 2026/27, the School were to admit 30 children to YR rather than, for example, 48 (the number admitted in 2025/26), then the staffing savings from operating one class rather than two would be significantly offset by the loss of 18 units of per-pupil revenue funding in the 2027-28 financial year. The exact “break even” point is difficult to predict with certainty, but it is understandable that in the light of its financial position, the School is seeking to remove the potential risk of incurring staffing costs that might not be supported by sufficient revenue from pupil numbers.

Summary

27. 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. The proposed variation may give rise to a degree of frustration of parental preference for the School in 2026/27 (and similarly in 2027/28).
- c. By enabling the School to plan with certainty for one fewer infant class in 2026/27, the proposed variation removes the financial and organisational risk of having to plan for two YR classes. If this risk is not removed, there may be a significantly negative financial and organisational impact on the School, with detriment to those children already at the School, and to other necessary areas of expenditure should funding have to be diverted to pay for the provision of an extra class for 2026/27.

28. After carefully weighing the above factors, I conclude that the proposed variation is justified by the change in circumstances, and I 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 the Governing Body for St Edward's Catholic Primary School for 2026/27.

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

Dated: 12 December 2025

Signed:

Schools Adjudicator: Clive Sentence