



Office of
the Schools
Adjudicator

Determination

Case reference: VAR 2666

Admission Authority: Birmingham City Council for Thornton Primary School

Date of decision: 19 January 2026

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 Thornton Primary School, for 2026/27.

I determine that for admission to Year 3 in 2026/27 the Published Admission Number (PAN) will be 90.

The referral

1. Birmingham City Council (the Admission Authority, LA) has referred to the adjudicator a proposal for a variation to the admission arrangements (the Arrangements) for Thornton Primary School (the School) for 2026/27.
2. The School is a community school for children aged seven to eleven in Ward End, Birmingham. It is a co-educational, non-selective junior school with no designated religious character.
3. Parties to the request are the Admission Authority and Governing Body of the School.
4. The proposed variation is to reduce the published admission number for Year 3 from 120 to 90 pupils for September 2026.

Jurisdiction and procedure

5. 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.”

6. The Arrangements were determined by the Admission Authority on 21 January 2025.

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 and confirmation that the governing body of the School has been consulted on the proposed variation.

8. 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 27 November 2025 and supporting documents;
- the determined Arrangements for 2026/27 and the proposed variation to those Arrangements;
- responses from the Admission Authority and the School to my requests for further information;
- maps, including Google Maps and those showing the location of the School; and
- information available on the websites of the Department for Education and Gov.uk (including the ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites), the LA, and the School;

11. 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.

12. I note here that the Arrangements for 2027/28 have not yet been determined. This means that if I decide to vary the Arrangements for 2026/27 by reducing the PAN from 120 to 90 as proposed, it will have the effect of forming the 'baseline' for subsequent years.

13. I note that the Admission Authority have already consulted on a PAN reduction for 2027/28 from 120 to 90 as is proposed for 2026/27 in this variation.

14. 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

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 Admission Authority have proposed a reduction to the PAN from 120 to 90 in 2026/27. The governing body of the School supports the proposed variation.

17. The Admission Authority told me that the reason for it seeking a variation for the School is that in 2024, the PAN for Sladefield Infant School was reduced from 120 to 90 for pupils joining Reception. Sladefield Infant School is the feeder school to Thornton Primary School, therefore the number of pupils applying for a place in Year 3 at the School in 2026 has reduced from previous years by the equivalent of one class, or 30 pupils.

18. The Admission Authority and School highlight that falling birthrates in the City mean there are a surplus of places in primary schools, and it is highly unlikely that the School could recruit an additional 30 pupils from the local area.

19. The Admission Authority and the School believe that reducing the PAN will provide certainty for the School about its funding that will enable the School to structure classes and curriculum provision appropriately to meet the needs of pupils in the School. They do not believe there will be any detriment to existing pupils or potential future pupils.

20. I have considered data provided by the LA 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 variation on parental preference and whether the proposed variation is justified considering all relevant factors.

21. The LA has a duty to ensure that there are sufficient places for the children in its area. To fulfil this duty the LA assesses the future number of places to be needed and plans to meet that need. The LA uses planning areas, which are geographical areas and the schools within those areas, for this purpose.

22. In the planning area there are five schools, including the School and Sladefield Infant School (SIS). The other three schools in the planning area are primary schools catering for pupils from Reception to Year 6. Data in Table 1 shows the number of places in Year 3 in the planning area and the number of children admitted to, or forecast to, require a place.

23. The PAN for SIS was reduced from 120 to 90 in 2024 and there are now 90 pupils in each year group, which means there are now potentially 90 children seeking places in Year 3 at the School in September 2026 from SIS, a reduction of 30 pupils from previous years.

Table 1: Year 3 places available at schools within the planning area, and the number of children admitted to or forecast to require a place.

Year	Forecast number of Year 3 pupils	Current Capacity	Current Surplus	Capacity if variation is approved	Surplus if variation is approved
2025/26	295	300	1.67%	300	1.67%
2026/27	270	300	9.67%	270	0%
2027/28	269	300	10.33%	270	0%

24. I raised my concern with the LA in respect of the projected demand for places at the School and in the planning area in 2026/27 which, if I was to agree to reduce the PAN to 90 from 120, may appear to result in parental preference not being met for any more children who move into the planning area. The LA provided information that within 2 miles of the School there are over 40 primary schools. In 2025/26 there are over 250 vacant places in Year 3 within two miles of the School.

25. Admitting pupils in Year 3 means that the School is not restricted by the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Sizes Regulations) which require a maximum of 30 pupils in a class subject to limited exceptions.

26. I am satisfied that there is unlikely to be any substantial frustration of parental preference if the proposed variation is agreed. I accept that the LA has provided compelling evidence that it will be able to manage school places in its area while reducing the PAN at the School for 2026/27

27. I will now consider the impact on the School of approving or not approving the proposed variation.

28. Reducing the PAN from 120 to 90 will enable the School to run one fewer class in each year group moving forward. As schools are largely funded on the number of pupils and the highest cost to a school budget is staff, it is considered financially efficient to run

class sizes close to 30 pupils. If numbers are below 30, then the cost of staff and resources is likely to be higher than funding received.

29. It is expected by the School and LA that there will be close to 90 applications for places in Year 3. It is extremely unlikely that the number of applications will approach the current PAN of 120, and therefore running four classes in the year group would be an inefficient use of resources.

30. FBIT confirms that between April 2024 and March 2025, the School had an in-year balance of -£149,857 with a revenue reserve of £343,598. The LA confirm the revenue reserve figure as opening balance in 2025/26. Without efficiency savings, the School will be likely to face significant financial challenges within two years.

31. The School has confirmed that they have already sought to make efficiency savings and mitigate the impact of falling pupil numbers. I am satisfied that the LA and School have carefully considered the impact of the variation request. The LA and School are working together to manage the School's long-term financial sustainability.

32. I therefore agree that the PAN for the School in 2026/27 will be 90.

33. 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 School to increase its PAN and / or admit more children in 2026/27 or subsequent years than it currently expects to, there remains the capacity in the building for it to do so.

Determination

34. 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 Thornton Primary School, for 2026/27.

35. I determine that for admission to Year 3 in 2026/27, the Published Admission Number (PAN) will be 90.

Dated: 19 January 2026

Signed:

Schools Adjudicator: Mr Philip Lloyd