



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2681

Admission Authority: Birmingham City Council for Ward End Primary School

Date of decision: 11 February 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 Ward End Primary School for 2026/27.

I determine that the published admission number, for admissions to the Reception Year in 2026/27, shall be 90.

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 Ward End Primary School (the School) for the school year 2026/27.
2. Located four miles to the east of Birmingham city centre, the School is a community school for children aged three to eleven.
3. The proposed variation is that the published admission number (PAN) of the School, which applies to admissions to Reception (Year R), be reduced from 120, as determined, to 90 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 15 January 2026, 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 that on the websites of the Local Authority and the School.
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 been determined, and that the PAN is set at 120. This means that if I decide to vary the Arrangements for 2026 by reducing the School's PAN from 120 to 90 as proposed, it will be for that school year only and will not have a bearing on 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 120 to 90 in 2026/27. The governing body of the School supports the proposed variation.
14. Having regard to the declining birth rates and Year R admissions in recent years, the Local Authority told me the following reason for it seeking a variation to the PAN for the School:

“Ward End Primary has seen a recent drop in Reception enrolments and first-choice preferences with Reception 2025 showing 30 fewer first choice preferences than the previous intake leading to a low cohort and no waiting list. Within the planning area there are 23 fewer [pupils] on roll in Reception currently compared to the previous intake. The usual in-year growth expected in this area and across the city has not been realised.

There are significant concerns that continued reductions in pupil numbers will severely affect the school's ability to carry out essential structural improvements in the coming years. Lower enrolments and reduced revenue will place considerable strain on the budget. Smaller cohorts are anticipated for Reception 2026 following analysis of October 2025 census.”

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 120 to 90 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 'Planning Area P12' (the planning area), and I have considered the data that the Local Authority has provided for that area.
17. In the planning area there are four 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
Number of places in Year R at the schools in the planning area (with a PAN of 120 at the School)	270	270	270
Number of children admitted (2024 and 2025), and forecast to require Year R places (2026)	268	245	248
Vacant places	2	25	22
Vacant places as a percentage	0.7	9.3	8.1
Forecast number of places in Year R if variation approved (with a PAN of 90 at the School in 2026)	NA	NA	240
Forecast vacant places if variation approved	NA	NA	-8

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." Merely from the data above I note that any vacant Year R places in the planning area might, according to the forecast numbers for 2026, be depleted, and that there might even be a shortage of 8 places, should the variation be approved. In other words, if I agree to this variation, this may be read as taking away that 'operating margin' for the Local Authority in the allocation of Year R places within the planning area.

19. The Local Authority told me that the forecast numbers for 2026 were taken from its responses to the School Capacity survey in July 2025. The Local Authority explained,
- “Forecasts are provided from the statutory return (SCAP) which is submitted to the DfE annually. Whilst we acknowledge that surplus will be removed should the variation be approved, there is sufficient capacity in adjacent planning areas to meet any in-year demand (approximately 400+ places).
- We would note that recent analysis of October 2025 does reflect that in-year growth over the last year (in comparison to October 2024) has reduced significantly. Our SCAP forecasts will therefore be adjusted for SCAP 2026 to reflect this drop and will mean lower intakes than anticipated.”
20. I appreciate that it is difficult for local authorities to forecast precisely the number of school places required for a particular planning area. I therefore asked the Local Authority to provide me with the latest preferences data in relation to the four primary schools which admit Year R pupils in the planning area (referred to in paragraph 17 and Table 1).
21. As indicated above, the sum of the PANs for Year R admissions in the planning area is 270 for 2026/27. From the data given by the Local Authority on 30 January 2026, altogether there are 203 first preference applications being made for those four schools, including the School, in relation to entry in September 2026. I note that three of those schools would most likely be able to accommodate all the first preference applications received; and that this would include the School, even if the PAN were to be reduced to 90 (see Table 2 below). The fourth school has a PAN of 30 for September 2026 and has received 32 first preference applications; and it is most likely that the few who may not get in may be allocated to another primary school for which their parents have expressed a preference.
22. Therefore, if the PAN for the School were to be reduced to 90 (a reduction by 30 places), it would be reasonable to estimate 37 vacant Year R places available to accommodate any unmet demand from adjacent planning areas or late applications. This being the likely outcome under the normal admission round for September 2026 entry, I am satisfied that there would be sufficient places for children living in the planning area and seeking a Year R place now notwithstanding this variation.
23. 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 2026. The table uses the proposed PAN of 90 for 2026.

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

	2024	2025	2026
The PAN for the School	120	120	90
Number of first preferences	126	96	83
Number of children admitted to Year R (2024 and 2025), and forecast to require places (2026)	118	99	90
Vacant places	2	21	0

24. Table 2 shows that in the last two years the numbers of first preference applications for the School have been above the proposed PAN of 90 for September 2026. First preference applications are only one indicator of demand; and 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 99, and that the School received 83 first preference applications under the normal admission round for September 2026.
25. Clearly parents were not able to consider preferences and to make their applications for 2026 in the knowledge that the PAN of the School would be reduced to 90 (if approved). However, it is highly likely that all parents who had made first preference applications for the School would be offered a Year R place for their children on national offer day (16 April 2026). In addition, the Local Authority has shown me a list of more than 40 primary schools within two miles of the School, and many of them have surplus places at different year groups (including Year R) at present. Overall, I am satisfied that there is unlikely to be any substantial frustration of parental preference if the proposed variation is agreed, at this point in time, for September 2026.
26. I will now consider the impact on the School of my approving, or not approving, the proposed variation.
27. The School is one affected by the provisions of the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the Infant Class Sizes 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 Sizes Regulations apply to Year R, Year 1, and Year 2.
28. The School told me that it is currently running four classes to accommodate the 100 pupils currently on roll of Year R in 2025/26. Three of these classes have 30 pupils each, and the fourth only 10 pupils. 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.

29. The FBIT website shows that for financial year ending March 2025, the School had an in-year balance of about £136,000, and a revenue reserve of just above £1 million. The School explained that the revenue reserve was accumulated throughout the years to cover the huge repair costs to be incurred, as planned in the next few years, to improve its building and facilities. In addition, the School is concerned that it will likely run into a deficit in the short or medium term if it continues to run four Year R classes which may be many less than 30 pupils each in 2026/27. The School stated:

“The 20 unfilled spaces [now at Year R] are causing a financial deficit to school this year and will do so in every subsequent year as these pupils move through school Reception to Year 6. Staffing a class of 10 pupils will have a cumulative negative budget effect annually over the next 7 years.”

30. Having considered all the matters above, my reasoning can be summarised as follows:
- If the proposed variation is approved, parents were not able to consider preferences and make their applications for 2026 in the knowledge that the PAN of the School would be reduced to 90. Nonetheless, the reduction in the School's PAN will be unlikely to result in a substantial frustration of parental preference given the falling numbers of first preference applications for the School under the normal admission round. There is compelling evidence that a reduction in the PAN to 90 would allow the School to plan with more certainty knowing the number of classes and staff members that will be required for 2026/27, and to make the best use of its resources, thereby benefitting the School financially in the longer term.
 - If the proposed variation is not approved, the School would be obliged to offer a Year R place up to the existing PAN of 120 for any applicant in 2026/27. If just over 90 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 Sizes Regulations, and this would require a substantial cost to employ an additional teacher unless some mixed-age teaching is adopted.
31. Taking everything into consideration, I find that the variation is justified by the circumstances and approve it.

Determination

32. 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 Ward End Primary School for 2026/27.
33. I determine that the published admission number, for admissions to the Reception Year in 2026/27, shall be 90.

Dated: 11 February 2026

Signed:

Schools Adjudicator: Jackie Liu