



Office of
the Schools
Adjudicator

Determination

Case reference:	VAR2702
Admission Authority:	Governing Body for Middlemarch School
Local Authority:	Warwickshire County Council
Date of decision:	09 April 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 the governing body for Middlemarch 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) has referred to the adjudicator a proposal for a variation to the admission arrangements (the Arrangements) for Middlemarch School (the School) for 2026/27.
2. The School is a foundation school for children aged seven to eleven years in Nuneaton. It is a co-educational, non-selective school with no designated religious designation. The School also offers specialist resource provision for children with communication and interaction needs. The School is located in the area of Warwickshire County Council (the Local Authority).
3. Parties to the request are the Local Authority and the Governing Body of the School.
4. The proposed variation is that the published admission number (PAN) be reduced from 60 to 30 for admissions to Year 3 (Y3) in the academic year that begins in 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 10 February 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.

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 27 February 2026 but which was emailed to the OSA on 11 March 2026;
- the determined Arrangements for 2026/27 and the proposed variation to those Arrangements;
- responses from the LA and the School to my requests for further information;
- a map showing the location of the School and other schools in the planning area; and
- information available on gov.uk websites (including ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT)) and the websites of the School and the Local Authority.

11. I would like to extend my thanks to the LA and the School for their responses to my requests for further information.

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 the Arrangements for 2027/28 have been determined at a meeting on 17 March 2026. This means that if I agree to the Admission Authority's request to vary the Arrangements for 2026/27 as proposed, it will be for that year only and will not have a bearing on subsequent years.

Consideration of proposed variation

14. The Governing Body, as the Admissions Authority, has proposed that the PAN of the School is reduced from 60 to 30 for entry to Y3 during 2026/27.

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 told me that the reason for it seeking a variation for the School is:

"There has been a fall in birth rates and thus demand for places at KS2 in the area. The school has not met its full PAN for a number of years. Our application numbers are low and suggest that we will not meet our PAN by a significant amount in 2026/27 entry."

17. The Admission Authority also set out the problems that have arisen or are foreseen as a result of this change in circumstances. In the main these relate to financial concerns. Specifically, the Admission Authority said:

"Small class sizes vs the national benchmark represent poor value for money from spending – the cost of curriculum staff per pupil is higher than 96.7% of other schools in a benchmark set in DfE financial benchmarking and insights which is driven by low pupil numbers vs PAN.

The school has too few children for two full classes and too many children for one class, which has resulted in mixed age/year group classes. Some parents have expressed concern and withdrawn their children from school based on these mixed year groups, reducing our pupil numbers further.

'Empty' pupil places can create high levels of in-year mobility which creates inconsistency for our cohort of pupils and an inability to plan staffing levels accurately where unexpected changes occur mid-academic cycle.

School spaces are not used as effectively as they could be and the building space is not maximised to provide additional spaces for children that offer a viable alternative to a traditional classroom setting."

18. The FBIT website shows that at the end of the financial year 2024-2025, the School had an in-year balance of £8 thousand and a revenue reserve of £256 thousand. These figures are a small improvement on figures from the end of 2023-24.

19. The Local Authority supports the School's request for a reduction in PAN and confirmed that if the reduction is approved it will have sufficient Y3 places in the planning area to meet its sufficiency duty.

20. In support of the School's request, the LA said:

"The school has worked closely with the LA over the last year to find innovative ways to support the budget and avoid the need to reduce capacity. The school has not taken this decision lightly, but it has now become a necessity.

The situation the school finds itself in is not one of its own doing. For some time, there has been a disparity between the number of infant and junior places in the area. With 30 more junior spaces than the number of infant children transitioning, the school has relied on in-year moves to bolster its numbers.

With the birth rate dropping, more KS2 capacity in other schools and families moving to new developments with affordable housing, the school has seen a drop in in-year moves."

21. 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 of the School is reduced from 60 to 30 for 2026/27. 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 meeting parental preference, and whether the proposed reduction is justified taking into account all relevant circumstances.

22. With regard to parental preference, I wish to note here that the national closing date for applications to Y3 in September 2026 was 15 January 2026. This means that most parents who require a place in Y3 for their child will have already applied. Parents who have applied for a place at the School will have done so on the basis that the PAN is 60 and they are likely to have used that information when assessing their chances of securing a place at the School. By requesting a reduction in PAN at this point in the year, I must give particular consideration to parental preference and whether there is a likelihood of parents being disappointed. However, I must also note that admission authorities cannot give a guarantee that parental preferences for a school place will be met.

23. The Local Authority has a duty to ensure that there are sufficient 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 each containing a number of schools, for this purpose. The School is based in the 'Nuneaton South West' planning area of the Local Authority. There are nine schools in the planning area, three infant schools, three junior schools

(including the School) and three primary schools. In the infant and primary schools, the year of entry is Reception. In the junior schools the year of entry is Year 3 (Y3).

24. Table 1 summarises data about school places sent to me by the School but provided, and subsequently updated, by the Local Authority. For the junior schools in the planning area, it includes the number of children admitted to Y3 in each of the previous three years; and forecast data for 2026.

Table 1: School places at junior schools in the planning area and allocation to Y3
(includes updated figures for 2026, provided by LA on 26 March and 1 April 2026)

	2023	2024	2025	2026
The sum of the PANs across the area	240	240	240	240
The number of children admitted to Y3 or forecast to be admitted	223	209	208	201*
The number of vacant places	17	31	32	39
The number of vacant places as a percentage of the total number of places	7.1%	12.9%	13.3%	16.3%

* The LA has confirmed that this is the number of offers for a Y3 place that it expects to make on National Offer Day (16 April 2026)

25. Table 1 shows that there has been a high number of vacant places for children entering a junior school in the planning area since 2023.

26. Across the planning area as a whole (primary and junior schools), there are 420 Y3 places available. The LA forecasts that in September 2026, there will 45 vacant places in the planning area (10.7 per cent). If the proposed PAN reduction is agreed, there would be 17 vacant Y3 places (4.4 per cent) across the planning area, ten in junior schools and seven in primary schools.

27. The DfE 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 ... to support parental choice, pupil population movement, and general manageability of the system”. The proportion of vacant places in the planning area would remain higher than two per cent if I were to agree to the proposed variation for September 2026.

28. Based on the information shown in Table 1, I am satisfied that if the PAN of the School were to be reduced to 30 for 2026/27, there would be sufficient places available in the planning area for any parents seeking a Y3 place for their child.

29. I will now consider the demand for places at the School. Table 2 summarises recent admissions to the School and includes the number of offers expected to be made on National Offer Day (16 April 2026).

Table 2: Places at the School in Y3 (includes updated figures for 2026, provided by LA on 26 March and 1 April 2026)

	2023	2024	2025	2026
The PAN for the School	60	60	60	60
The number of first preferences for the School	35	38	28	32*
The number of children admitted to Y3.	42	40	32	32*
The number of vacant places	18	20	28	28
The number of vacant places as a percentage	30%	33%	47%	47%

*The figure originally provided to me by the School was 28. The LA has confirmed that it expects to offer 32 places on National Offer Day.

30. The School has provided me with information about its proposed organisational structure for 2026/27. Irrespective of the PAN in Year 3, the School intends to run one Year 4 class, one Year 5 class and two Year 6 classes. If the number of pupils in Year 3 is close to 30, the School will offer one Year 3 class.

31. If the PAN remains at 60, however, the School is required to admit any child during the 2026/27 academic year whose parents request a Year 3 place at the School until 60 children have been admitted. Although there is no maximum class size for children in a junior school, classes of larger than 35 are unusual and they can become more challenging to manage in terms of the demands on teacher time and the space available in the classroom. So, with a PAN of 60, there could be a requirement for additional staffing and / or class reorganisation during the year. This is potentially disruptive and unsettling for children and staff alike.

32. Such a restructure is also likely to have a negative impact on the School's financial situation. Indeed, from financial information provided by the School, I can see that the need to provide two classes in Y3 would result in an in-year deficit of £65,878 for 2026/27 and put the School's overall balance into deficit by 2028/29. By reducing the PAN to 30, the School will be able to plan with certainty knowing that a single Y3 class will be required across the year.

33. The LA confirmed on 1 April 2026 that it expects to make 32 offers for a place at the School on National Offer Day. The School is aware of this number and has confirmed that it can accommodate a single class of 32 children in Y3. If the PAN reduction is agreed, the School will, therefore, offer over PAN to accommodate all 32 on-time applications and meet expressed parental preferences.

34. In summary, the LA has confirmed that if the proposed reduction in PAN is agreed there will continue to be sufficient places in the planning area for any child who requires a Y3 place. The School will be able to plan with certainty for the number of staff that it will require in 2026/27 and, offering one Y3 class, will help to stabilise its finances. There will be no impact on parental preference for those families who made an on-time application for a Y3 place in 2026/27. I, therefore, determine that the PAN for Middlemarch School should be reduced to 30 for the admissions year 2026/27.

35. 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 than it currently expects to, there remains the capacity in the building for it to do so.

Determination

36. 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 Middlemarch School, for 2026/27.

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

Dated: 09 April 2026

Signed:

Schools Adjudicator: Catherine Crooks