



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2705 and VAR2706

Admission authority: Brighton and Hove City Council for Brunswick Primary School

Date of decision: 27 May 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 Brighton and Hove City Council for Brunswick Primary School in 2026/27.

I determine that the published admission number for the School in 2026/27 will be 60.

I also approve the proposed variation to the admission arrangements determined by Brighton and Hove City Council for Brunswick Primary School in 2027/28.

I determine that the published admission number for the School in 2027/28 will be 60.

The referral

1. Brighton and Hove City Council (the Local Authority (LA or BHCC)) has referred to the adjudicator two proposals for variations to the admission arrangements (the Arrangements) of Brunswick Primary School (BPS or the School) in 2026/27 (VAR2705) and 2027/28 (VAR2706).
2. The School is a community school for children aged 4 to 11 in Somerhill Road, Hove. It is a co-educational primary school with no designated religious character.
3. The proposed variations are for the Published Admission Number (PAN) of the School to be reduced from 90 to 60 in 2026/27 and 2027/28.

Jurisdiction and procedure

4. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which deals with 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 for 2026/27 were determined on 27 February 2025 by the LA, which is the Admission Authority for the school. The Arrangements for 2027/28 were determined on 29 January 2026.

6. The LA has provided me with confirmation that the appropriate bodies have been notified and I have seen confirmation that the School’s Governing Body has been consulted on the proposed variations. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variations are 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:

- a. the referral from the LA, undated but received on 16 March 2025, along with supporting documents;
- b. the determined Arrangements for 2026/27 and 2027/28 and the proposed variation to each of those Arrangements;
- c. responses received from the School and the LA in response to requests for further information;
- d. maps, including Google Maps and those showing the LA’s planning areas; and

- e. information available on the websites of the LA, the School, and .gov.uk (including 'Get Information About Schools' (GIAS) and 'Financial Benchmarking and Insights Tool' (FBIT)).

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. The Arrangements for both 2026/27 and 2027/28 have already been determined. I have taken into account that the request to amend the arrangements for 2027/28 will have the effect of forming the 'baseline' PAN from that point. When considering the proposed variation to the 2027/28 Arrangements, I have, therefore, taken into account admission data showing projected numbers for future years (from 2028/29) provided by the LA. This has assisted me in my consideration of whether a reduction in the PAN for 2027/28 could subsequently have an inadvertent detrimental effect on parental preference beyond that year.

11. I previously considered and approved a variation to the PAN for the School for 2025/26 in June 2025 (VAR2580). Whilst previous determinations do not set precedents, my prior involvement in considering the effect of the School's declining role and deficit budget on the need to reduce its PAN in 2025/26 provided useful context when considering the current proposals.

12. I wish to convey my thanks to the LA and the School for their responses to my requests for further information.

Consideration of proposed variations

13. 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 variation requested is justified by the change in circumstances.

14. The LA told me that the reason for it seeking a variation for the school is:

"A Support and Intervention warning notice was issued by the local authority to the school last year following the determination of 2026 arrangements. An Executive Headteacher has recently been appointed following the previous headteacher leaving in Sept 2025 after 3 terms absence on long term sick leave. The school now have a realistic financial recovery plan based upon operating 2 reception classes and they have received only 52 on time first preferences applications for September 2026.

The school are operating in a deficit budget position, and the recovery plan requires limiting the reception year to 2 classes. Should the school be required to open a third reception class it would have a disastrous effect on the financial recovery and likely lead to an increase in the school's deficit. [...]

This will allow the school to have some financial certainty over staffing over the next few years without the potential need to [employ] an additional teacher to comply with class size legislation should further pupils apply.”

15. The LA has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the LA assesses the likely future number of places to be needed and plans to meet that need. The geographical area covered by the LA is divided up into ‘planning areas’ for this purpose. Each planning area is made up of a small group of schools.

16. The school is one of seven schools for primary aged children in the LA’s ‘Central Hove Planning Group’ (CHPG or the planning area), with one school (West Hove Infant School) operating over two sites. Looking at the data provided by the LA, the total number of places for children in the CHPG in 2023/24 was 660 in Reception (YR) made up of the following PANs in the seven schools: Aldrington CofE Primary School (60); Bilingual Primary School (90); BPS (90); Cottesmore St Mary's Catholic Primary School (60); Goldstone Primary School (90); St Andrew's CofE (Aided) Primary School (90); West Hove Infant School – Holland Road Site (60); and West Hove Infant School – Portland Road Site (120). In 2024/25, the PAN at BPS was 90. The PAN was reduced to 60 in 2025/26 (see case reference VAR2580). The overall total of places in the CHPG was reduced to 630 as a result of the PAN reduction at BPS being approved.

17. If I approve the PAN at BPS being reduced to 60 in 2026/27 and 2027/28, this will have the effect of reducing the overall number of YR places for children in the CHPG to 630 for those two years and then, as a result of arrangements for 2028/29 not yet being determined, for every year thereafter.

18. The LA provided data showing the number of parents expressing a preference for schools in the planning area between 2023/24 and 2025/26, which I have put into Tables 1 to 3. I note here that parents applying for places for their children in the LA area can express three preferences (labelled P1 (first preference) to P3 (third preference) in the Tables).

Table 1: Number of parents expressing a preference for places in YR in schools in the CHPG for 2023/24

Schools in the CHPG / preferences	PANs	P1	P2	P3	Total
Aldrington CofE Primary School	60	36	40	38	114
Bilingual Primary School	90	109	65	74	248
BPS	90	77	55	61	193
Cottesmore St Mary's Catholic Primary School	60	76	29	29	134

Goldstone Primary School	90	86	65	72	223
St Andrew's CofE (Aided) Primary School	90	100	89	44	233
West Hove Infant School – Holland Road Site	60	39	79	54	172
West Hove Infant School – Portland Road Site	120	102	99	71	272
Total PAN / preferences	660	625	521	443	1589

Table 2: Number of parents expressing a preference for places in YR in schools in the CHPG for 2024/25

Schools in the CHPG / preferences	PANs	P1	P2	P3	Total
Aldrington CofE Primary School	60	47	47	43	137
Bilingual Primary School	90	78	56	72	206
BPS	90	63	56	59	178
Cottesmore St Mary's Catholic Primary School	60	80	61	32	173
Goldstone Primary School	90	87	62	79	228
St Andrew's CofE (Aided) Primary School	90	106	91	58	255
West Hove Infant School – Holland Road Site	60	43	74	33	150
West Hove Infant School – Portland Road Site	120	119	89	59	267
Total PAN / preferences	660	623	536	435	1594

Table 3: Number of parents expressing a preference for places in YR in schools in the CHPG for 2025/26

Schools in the CHPG / preferences	PANs	P1	P2	P3	Total
Aldrington CofE Primary School	60	44	37	40	121
Bilingual Primary School	90	96	84	83	263
BPS	60 ¹	40	52	49	141
Cottesmore St Mary's Catholic Primary School	60	85	56	38	179
Goldstone Primary School	90	76	52	73	201
St Andrew's CofE (Aided) Primary School	90	114	90	57	261
West Hove Infant School – Holland Road Site	60	45	63	44	152
West Hove Infant School – Portland Road Site	120	100	81	59	240
Total PAN / preferences	630	600	515	443	1558

Key:

¹ Reduced from 90 as a result of the variation approved under case reference number VAR2580.

19. The data in Tables 1 to 3 show that over the period covered, the total number of preferences expressed for places in YR in the schools in the CHPG decreased by 31. The total number of preferences expressed for places at schools in the CHPG remained around two and half times more than the total number of places available in 2025/26. However, the number of preferences expressed for places at BPS decreased by 52 over the period covered in Tables 1 to 3; clearly the decrease was at a higher rate than the planning area overall.

20. The LA provided data to show the number of children admitted to the schools in the CHPG (2023/24 to 2025/26). I have put that data into Table 4 and added my own

calculation of the surplus (both as numbers and as a percentage), based on the number of places in the planning area being 660 (assuming the current total number of places without the proposed variation being approved).

Table 4: Number of children admitted to schools in the CHPG (2023/24 to 2024/25)

Schools in the CHPG / Years	2023/24	2024/25	2025/26
Aldrington CofE Primary School	29	55	54
Bilingual Primary School	89	76	88
BPS	83	67	50
Cottesmore St Mary's Catholic Primary School	60	60	60
Goldstone Primary School	88	90	89
St Andrew's CofE (Aided) Primary School	90	90	90
West Hove Infant School – Holland Road Site	41	49	55
West Hove Infant School – Portland Road Site	120	120	113
Totals	600	607	599
Surplus places (number)²	60	53	61
Surplus places (per cent)³	9.09	8.03	9.24

Key:

² Sum of PANs minus the total admitted in the planning area for each year.

³ Percentage of surplus places in the planning area for each year.

21. The data in Table 4 show that the number of surplus places in the CHPG has marginally increased between 2023/24 and 2025/26. However, the demand for places at BPS has shown a more significant decrease when compared to other schools in the planning area. In 2023/24, admission was 92.2 per cent of the PAN. By 2025/26, admission was 55.6 per cent of the original PAN of 90, a significant decrease of 36.6 percentage points (when the PAN was later reduced to 60 (see VAR2580), admission was 83.3 per cent of that PAN; a reduction of 8.9 percentage points). Despite the number of preferences for places at BPS being more than the PAN, this has not translated into admissions into the school in the period shown by the data.

22. The DfE document, “Basic need allocations 2025-26: 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”. I note that the proportion of vacant places in the planning area has been considerably higher than two per cent in recent years and would continue to be if I agree to the proposed reduction in PAN.

23. As National Offer Day (NOD) had passed by the time this determination was completed, I asked the LA to provide me with data showing the number of parents expressing a preference and the number of offers made for each school in the CHPG for 2026/27. I have put that data in Table 5. For 2026/27, the LA introduced a fourth preference for parents which I have included in the Table as P4.

Table 5: Number of parents expressing a preference for places in YR and the number of offers made in schools in the CHPG for 2026/27

Schools in the CHPG / Preferences⁴ / offers made	P1	P2	P3	P4	Offers made⁵
Aldrington CofE Primary School	52	53	29	35	59
Bilingual Primary School	83	52	78	47	90
BPS	50	44	37	24	56
Cottesmore St Mary's Catholic Primary School	74	52	45	24	60
Goldstone Primary School	72	59	75	37	76
St Andrew's CofE (Aided) Primary School	100	107	65	36	90
West Hove Infant School – Holland Road Site	52	80	49	36	60
West Hove Infant School – Portland Road Site	129	89	70	34	120
Total PAN / preferences / offers made	612	536	448	273	611

Key:

^{4/5} The LA told me that the preference columns (P1 to P4) only include on-time preferences and that the 'Offers made' column includes any offers made to late applications on NOD and any directed children.

24. The data in Table 5 show that the total number of preferences expressed by parents for places for their children at BPS in 2026/27 was 155. This is an increase of 14 on the number of preferences expressed for places in 2025/26 (see Table 3). However, this is likely to be because of the addition of a fourth preference for 2026/27; otherwise the numbers for P1 to P3 for 2026/27 continue the downward trend apparent in Tables 1 to 3 (131 preferences; 10 less than for 2025/26). The number offered places at BPS for 2026/27 is 56, which is 34 below the current PAN and would leave a surplus of four places if I were to approve the PAN reduction for 2026/27. There will be a surplus of 19 places across the planning area if I approve the PAN reduction for 2026/27; this surplus (5.8 per cent) is above the DfE's suggested basic need operating margin for LAs.

25. The LA provided forecast numbers for the demand for places in YR in schools in the CHPG in 2027/28, 2028/29 and 2029/30. I have put that data into Table 6. This provides further context in that it will indicate whether the trend identified in Tables 1 to 5 is estimated to continue.

Table 6: Forecast numbers for the demand for places in YR in schools in the CHPG in 2027/28, 2028/29, and 2029/30

Years	Number of Children in CHPG	Number of Children Likely to Want a School Place⁶	Surplus Places⁷

2027/28	551	496	164
2028/29	550	495	165
2029/30	596	536	124

Key:

⁶ Based on 90 per cent of GP registration data.

⁷ Calculated by taking the 'Number of Children Likely to Want a School Place' in the preceding column from the PAN of 660.

26. The data in Table 6 show that it will continue to be the case that there are surplus places between 2027/28 and 2029/30. Demand is forecast to increase in 2029/30 and reduce the surplus by 41 places from the previous year. However, there is forecast to be a surplus of 18.8 per cent of the 660 places in that year. If I approve the PAN reduction to 60 places at BPS in 2027/28 and there are no other changes to the number of places available in the CHPG by 2029/30, then there will still be a surplus of 94 places (14.9 per cent of the total number of places).

27. The data in the tables above clearly show there has been a decrease in demand for places in schools in the CHPG over the period shown by the data. This has left and is forecast to leave a number of surplus places over the period covered by the data. Focussing on the requested reduction to the PAN for 2026/27, it does not appear to me that the reduction in the PAN at BPS will result in a situation where there will be insufficient places in the planning area or at the School to meet the projected need. There is clear evidence that there will be spare places in 2026/27 in the planning area should they be needed.

28. In respect of the requested reduction to the PAN at BPS in 2027/28, the data shows a continuation of the situation indicated by the data for 2026/27. If I were to approve the reduction in the PAN at BPS to 60 for 2027/28, there would still be a surplus of places in the CHPG and the School. It would also not appear to cause a problem for parental preference in the CHPG for the two following years, despite there being a forecast increase in demand in 2029/30.

29. Turning now to the School, about the proposed reduction to the PAN at BPS in 2026/7, the interim Executive Headteacher (EHT) wrote:

"Following a conversation with Ashley at the Brunswick Primary School LA Strategy meeting yesterday as interim EHT, myself and Lorna Cummings, with full support from the LA want to ensure the numbers for Brunswick Primary are capped in EYFS as a two-form entry school for 26/27 academic year.

Last year a temporary [...] PAN of 60 pupils in EYFS was agreed and this must remain in place again for the academic year 26/27.

I have cc in Georgina and Richard to support this as part of the LA strategic team given the school's licensed deficit. It would be untenable for the school financially to go above 60 pupils.”

30. By ‘temporary PAN reduction’ in EYFS in 2025/26, I am assuming this meant the PAN reduction approved in case reference number VAR2580.

31. In terms of 2027/28, the LA told me that:

“Governors are in agreement for the proposal and request for a variation. ”

32. I looked at the School's financial position. This is because schools are funded, in large part, on a per child basis. A reduction in the number of children admitted, therefore, results in a reduction in income. Additionally, the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size 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 children with a single qualified school teacher, except in specific exceptional circumstances. This means that maintaining a PAN of 90 would require three teachers and relevant support and resources to be funded, when the funding for the number of children being admitted would not cover those costs.

33. I noted from the FBIT website that in the financial year 2024-25, the School had an in-year deficit of -£339,255 and a revenue reserve deficit of -£383,448. This shows that the School's finances were under considerable pressure; if this situation were to continue, it would place further pressure on the LA's ability to balance the School's budget.

34. The ‘Support and Intervention’ warning notice issued by the LA on 29 May 2025 set out that a Notice of Concern (NoC) was issued to the Governing Body of the School on 16 January 2025. A Budget Improvement Board has been operating at the School since February 2025 and balancing the budget has been the focus of the School Improvement Board since January 2023. It was evident that this has been an issue for the School for a number of years and will only get worse if allowed to continue.

35. As the School is currently running a budget deficit, the Governing Body are expected to work with the LA towards a balanced budget. The School's financial projections are such that a reduction in PAN from 2026/27 will assist significantly to address the financial problems the School faces. Hence the reason for the request to reduce the PAN. The Governing Body and the LA are concerned that continuing to staff and resource the School for a higher number of children (three classes of 30, each requiring a qualified teacher, teaching resources and teaching assistants) than is currently projected to be admitted (less than two classes of 30) would cause further financial difficulty at a time when the School needs to address its budget issues.

36. I asked the School to provide me with the current numbers of children in each class in the School. This allows me to look at how the School organises its classes, to see if

mixed-age classes might be a solution to reduce costs as income declines due to falling admission numbers, rather than reducing the PAN. The School provided that data (as of April 2026), which I have put into Table 7.

Table 7: Numbers of children in each class at BPS (as of April 2026)

Year Group / Classes	YR	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
1	25	27	29	28	28	27	30
2	25	26	26	28	28	24	30
3	-	25	29	26	26	27	29
4	-	-	-	-	28	26	-
Totals:	50	78	84	82	110	104	89

37. The number of children in YR as shown in Table 7 clearly show that there are 40 fewer children than the PAN and ten fewer children than the PAN reduction requested for 2026/27 and 2027/28.

38. I asked the School to provide me with information on how classes would be organised if I were to approve the proposed variations and if they were not to be approved for both 2026/27 and 2027/28. The executive headteacher of BPS told me that there is no current intention to introduce mixed-age teaching. Therefore, if the PAN is not reduced in 2026/27 then the School would have to budget for having three classes in YR. This would be the same in 2027/28 if the PAN is not reduced in that year. This is because although the numbers admitted at the start of the year may be less than 60, in-year admission could place the School in the position of having to put on an extra class if numbers in YR were to rise above 60 as a consequence of the infant class size regulations. Having to do so could result in the School having to budget for two additional class teachers, classroom assistants, and learning resources over that time period. The School does not have the budget for this and it would place the Governing Body in a difficult position in respect of its fiscal responsibilities.

39. About why the School would not organise its classes into mixed-age groups, the executive headteacher told me:

“Currently looking at the pupil numbers it would not be feasible to do mixed aged classes as the pupil numbers in the other year groups would not work but it is something that would be reviewed regularly when looking at pupil numbers and budgeting. The school is also in RI and the area of focus has been the work on quality of the curriculum and ensuring clear progression and planning for each year group across all subject areas.”

40. I consider these reasons to be understandable having studied the current class structure. However, as the executive headteacher has pointed out, mixed age teaching may be something the Governing Body will need to consider if the reduction in demand for places continues as indicated by the data in Table 6.

41. The Governing Body told me that the request to reduce the PAN in 2026/27 and 2027/28 was part of a wider package of measures, a list of which I have seen. In my view, the Governing Body at the School and the LA have clearly thought through how the financial shortfall in the School's budget is to be addressed and it is evident that the reduction in PAN can be approved with no apparent impact on parental preference in 2026/27 and 2027/28.

42. It was clear from the data provided by the LA that it has a picture of recent / projected demand in schools in its planning areas (for example in respect of data trends from Tables 1 to 5). It appeared to me that the matter raised in respect of the PAN at BPS and the surplus places in the CHPG in 2026/27 and 2027/28 would have been obvious in enough time for what has been requested to have been dealt with through the consultation process prior to the determination of the 2025/26 arrangements. I raised this concern with the LA and its response was:

"Pupil numbers in Brighton & Hove have been reducing over the last few years, and the council has removed a significant number of surplus primary school places through the process of PAN reduction via the consultation process, alongside closing a number of schools. Since September 2016 when there were 3000 Reception places in the city, the council has reduced the number of places by 570 to 2430 in September 2026. While this demonstrates the council has successfully reduced the PAN of many schools through the consultation process this has predominantly been with support of the schools governing body. In the last few years there have been a number of successful objections to the council's determination of a reduced PAN. The following cases are examples of this ADA4342, ADA4295, ADA4349-50, REF3889, ADA3758, ADA3756, ADA3813.

The council has now taken the approach that it will generally only consult on reducing a school's PAN when the governing body are in support of a reduction. Due to the fact that a school's PAN is set well in advance of the pupils starting, the reality of the situation for schools is not always apparent to them when their PAN could be consulted upon in the annual consultation exercise but only becomes clear when they actually receive their allocated pupil numbers. The council has previously determined a PAN of 90 pupils for Brunswick Primary School in September 2022 which was successfully objected to by the governing board and the PAN increased to 120. (REF3889)

A variation was subsequently requested and agreed for September 2023 and September 2024 to reduce the school's PAN from 120 to 90 pupils. This was followed by a consultation and subsequent determination of a PAN of 90 pupils for September 2025.

At the time of this consultation November-December 2024, although forecast pupil numbers in the planning area indicated a significant surplus of places, there was no appetite from the school to lower their PAN further for 2026. A further variation

request was made to reduce the PAN from 90 to 60 pupils in September 2025 and the determination was given in August 2025 (VAR2580).

Despite the Local Authority being the admission authority for the school the council seeks to operate constructively with its schools when setting admission arrangements and agreement on an approach to the admission arrangements for 2027 could not be established prior to the start of the consultation period.

In early 2026, the governing board of Brunswick Primary School was able to appoint an interim executive headteacher who has been able to work alongside the governing board to explore how the school can best address the financial pressures faced by the school and put forward a credible recovery plan. This includes the proposal to continue to admit a PAN of 60 pupils. It was essential that changes to the PAN dovetailed with other measures to address the financial position and any unilateral action by the council to consult on changes to the PAN without a package of other measures could have led to greater instability. Mindful of previous requests efforts had been made to ensure all agreements were in place prior to the launch of the consultation period but this was not possible.”

43. Although it is preferable for PAN reductions or other variations to admission arrangements to be dealt with by the process of consultation, I consider the reasons for not doing so in this instance to be understandable.

44. The data provided by the LA and the Governing Body of the School show that, as there are surplus places both in the School and CHPG, parental preference will not be affected by a PAN reduction at the School in either 2026/27 or 2027/28. In respect of years beyond 2027/28 (covered by the data provided by the LA in Table 6), a reduction in the PAN in 2027/28 – which would then form the ‘baseline’ PAN from that point – would not appear to be likely to affect parental preference. Based on the figures provided, I can see that there will be a number of places for in-year admissions both in BPS and the CHPG.

45. Taking all of the above into account, I approve the proposed reduction in the PAN from 90 to 60 in 2026/27 and in 2027/28.

46. 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 PAN of the School to be increased and / or for more children to be admitted to the School from 2026/27 than is currently expected, there remains the capacity in the building for the LA to do so.

Determination

47. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Brighton and Hove City Council for Brunswick Primary School in 2026/27.

48. I determine that the published admission number for the School in 2026/27 will be 60.

49. I also approve the proposed variation to the admission arrangements determined by Brighton and Hove City Council for Brunswick Primary School in 2027/28.

50. I determine that the published admission number for the School in 2027/28 will be 60.

Dated: 27 May 2026

Signed:

Schools adjudicator: Dr Robert Cawley