



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2756

Admission Authority: Solihull Metropolitan Borough Council for Burman Infant School

Date of decision: 30 June 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 Solihull Metropolitan Borough Council for Burman Infant School, for 2026/27.

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

The referral

1. Solihull Metropolitan Borough Council (the Admission Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for Burman Infant School (the School) for 2026/27 (the Arrangements).
2. The School is a community school for children aged four to seven years in Shirley, Solihull. It is a co-educational, non-selective school with no designated religious character.
3. The Admission Authority for the School is the Local Authority (LA). As the Local Authority is the Admission Authority, both terms are used throughout this determination.
4. Parties to the request are the Local Authority and the School.
5. The proposed variation is to reduce the published admission number (PAN) from 60 to 30 for admissions to Reception Year (YR) in September 2026.

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 2026/27 Arrangements were determined by the Admission Authority on 21 January 2025.

8. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code.

9. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.

10. In considering the variation request, I have had regard to all relevant legislation and the Code.

11. The information I have considered in reaching my decision includes:

- the referral from the Admission Authority dated 12 June 2026 and supporting documents;
- 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
- information available on gov.uk websites (including ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT)) and the websites of the LA and the School.

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. This means that if I agree to the Admission Authority's request to vary the Arrangements for 2026/27 by reducing the PAN as proposed, it will be for that year only and will not have a bearing on subsequent years. The PAN determined for 2027/28 is 30.

Consideration of proposed variation

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 Local Authority, as the Admission Authority, has proposed that the PAN of the School is reduced from 60 to 30 for entry to YR in September 2026.

16. The Local Authority provided me with the reasons for it seeking a variation. In summary, these are:

- The LA is experiencing a significant drop in birth rate and inward migration of families with young children. This is leading to a fall in the number of YR places required across the area which the LA is seeking to address through the normal admissions determination process. However, as the School is an infant school with only three year groups, any drop in pupil numbers has "an immediate and significant impact on the school's budget".
- The School has historically admitted around 60 children into YR, but in September 2025, it admitted only 40 pupils. At the October 2025 census, the school had 153 pupils on roll. It has capacity for 180 pupils. The LA said, "it appears that the reception vacancies in the Shirley West Planning area have coalesced around Burman Infant School and one other school in the planning area".
- For September 2026 the LA has made 28 offers of a YR place at the School, meaning there will be 32 surplus YR places. All YR applicants have been offered a place and there are no children on the waiting list. Without a change in the school's PAN for 2026, the school may have to operate two YR classes if pupil numbers were to exceed 30 in YR.
- The proposed reduction in PAN will not cause a concern for basic need or sufficiency of primary provision in the Shirley area. Any children moving into the area will be accommodated in neighbouring schools within the planning area.

17. In relation to the drop in numbers, the LA said:

"This dramatic fall in applications for reception has provided the Governing Body of the School with a real challenge in meeting the KS1 class size requirements whilst still trying to achieve the agreed payback of a licensed deficit.

The school is already struggling to set a balanced budget due to the falling rolls. ...If the school has to operate a second class in reception in September 2026 as well, it will not only have to fund a full-time teacher but the cost of a teaching assistant, class resources and utility costs. In order to fund this, the school would require a significant proportion of the second 30 places to be filled, to prevent any further financial burden on the school. The allocation of places for September 2026 is complete, and even with any late applications the take up of places to support an extra reception class is not expected to happen.

Being proactive and responding to the change at this stage will support the long-term financial planning of the school. This will best support teaching and learning and maintain the improvement journey at the school.”

18. The proposed variation has the support of the School's Governing Body. In its response to me, the Governing Body identified that the proposed variation would have the following benefits: sustained class organisation; improved staffing stability; effective use of accommodation; more financial stability; and greater consistency for families.

19. 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.

20. 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 part of the Shirley West planning area. There are six schools in the planning area that admit children into YR.

21. Table 1 summarises the data supplied to me by the Local Authority for the schools in the planning area; the number of children admitted in each of the previous three years; and the number of places offered for 2026/27.

Table 1: School places in the planning area and admission to YR

-	2023/24	2024/25	2025/26	2026/27
The sum of the PANs	300	300	300	300
The number of children admitted to YR or forecast to be admitted	287	258	249	239*
The number of vacant places	13	42	51	61

-	2023/24	2024/25	2025/26	2026/27
The number of vacant places as a percentage of the total number of places	4.3	14.0	17.0	20.3

* Number of places offered as of 30 April 2026.

22. Table 1 shows that the number of vacant places for children entering YR in the planning area has grown year on year since 2023/24. If I were to agree to the proposed variation for September 2026, there would still be 31 YR places available in the planning area, or the equivalent of 11.5 per cent surplus capacity (31/270). This is well above the minimum two per cent surplus capacity referred to in the DfE document, “Basic need allocations 2026-27 and 2027-28: Explanatory note on methodology” “to provide an operating margin for local authorities ... to support parental choice, pupil population movement, and general manageability of the system”.

23. At this point in the school year, the great majority of children who will be joining YR in September 2026 have already been allocated a place. Based on this, and 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 YR place for their child.

24. I will now consider the demand for places at the School. Table 2 summarises admissions to the School.

Table 2: The number of children admitted to YR at the School

-	2023/24	2024/25	2025/26	2026/27
The PAN for the School	60	60	60	60
The number of first preferences	41	50	34	20
The number of children admitted to YR (places offered for 2026)	59	56	40	28
The number of vacant places	1	4	20	32
The number of vacant places as a percentage	1.7	6.7	33.3	53.3

25. Table 2 shows a significant reduction in first preference applications over time. Indeed, other information provided to me shows that the total number of preferences for a place at the School has fallen from 149 in 2023/24 to 68 in 2026/27. All the children whose parents identified the School as their first preference have been offered a place there for September 2026. The proposed variation will, therefore, have no effect on parental

preference in respect of applications received as part of the normal admissions process for 2026/27.

26. If the PAN were to be reduced to 30, there would be two vacant places at the School for any late applications or in-year admissions. Additionally, as set out earlier, there are also YR places available in other schools within the planning area.

27. As an infant school, all the classes in the School are 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 schoolteacher except in specific exceptional circumstances. As schools are largely funded based on the number of pupils on their rolls, it is financially more efficient for primary schools to have classes of 30 or near to 30. Classes that are significantly smaller than 30 can create financial strain upon a school.

28. Without a reduction in the PAN for 2026/27 the School would have to admit any children requiring a YR place until 60 children have been admitted. If the School were required to admit over 30 children, classes would need to be reorganised, and additional staff may have to be recruited during the year. This creates uncertainty as the School would not know if or when an additional class would be required. As well as being potentially disruptive and unsettling for both children and staff, it would also be financially inefficient. If the number of children in YR is limited to 30, then the School can be certain that for the 2026/27 academic year it will need staffing for only one YR class.

29. As set out earlier in the determination, the School's financial situation is one of the main reasons for the LA seeking a reduction in PAN. This is accepted by the School's Governing Body.

30. The Governing Body also provided me with details of the other options that it had considered as an alternative to reducing the PAN. It stated:

"The Governing Body ... is satisfied that it has fully explored all reasonable alternatives, prior to the requested variation. Mixed age teaching and other organisational adjustments were considered but found to be educationally, financially and operationally unsuitable. Reducing the PAN is therefore the most responsible and sustainable option to ensure high quality provision for current and future pupils."

31. Taking everything into consideration, I am of the view that the variation is justified by the circumstances, and I approve the proposed variation to reduce the PAN for 2026/27 to 30.

32. 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

33. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Solihull Metropolitan Borough Council for Burman Infant School, for 2026/27.

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

Dated: 30 June 2026

Signed:

Schools Adjudicator: Catherine Crooks