



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2750

Admission Authority: Brighton and Hove City Council for Coldean Primary School

Date of decision: 15 July 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 Coldean Primary School, for 2027/28.

I determine that for admission in 2027/28 the published admission number shall be 30.

The referral

1. The Brighton and Hove City Council (the Admission Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements for Coldean Primary School (the School or Coldean) for 2027/28 (the Arrangements).
2. The School is a community school for children aged three to eleven in Brighton. It is a co-educational, non-selective school with no designated religious character. The School is located in the Brighton and Hove City Council area.
3. The Admission Authority for the School is the local authority (LA). As the LA is the Admission Authority, both terms are used throughout this determination.
4. Parties to the request are the School and the LA.
5. The proposed variation is that the published admission number (PAN) for admission to Reception Year (YR) in September 2027 be reduced from 60 to 30.

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 Arrangements were determined by the Admission Authority on 29 January 2026.

8. The LA has provided me with confirmation that the governing body of the School has been consulted on the proposed variation, and the governing body has confirmed this.

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 4 June 2026 and supporting documents;
- the determined Arrangements for 2027/28 and the proposed variation to those Arrangements;
- responses from the LA 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 .gov.uk. (including the ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites), the LA, the School and Ofsted.

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

13. 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.

14. I note here that the Arrangements for 2028/29 have not yet been determined. This means that if I decide to approve the proposed variation to the Arrangements for 2027/28 by reducing the PAN from 60 to 30 as proposed, it will have the effect of forming the 'baseline' for subsequent years.

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 has proposed that the PAN for 2027/28 for the School be reduced from 60 to 30. The School supports the proposal.

17. The Admission Authority told me that the reason for it seeking a variation for the School is to assist the School in managing its financial position. I note that the LA applied for a variation in PAN from 60 to 30 for the year 2025/26 and that this was approved by the adjudicator under reference VAR2579. That variation was proposed on the basis that, on National Offer Day for that year, only 22 pupils were allocated to the School (although there are now 24 pupils in that cohort) and that if the School were required to admit further pupils up to a PAN of 60, it made them susceptible to being required to run two small classes at a disproportionate cost.

18. 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 likely 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. The School is one of four primary schools admitting pupils into YR in the LA's City North planning area (CNPA). The sum of the PANs for the planning area is 180. Table 1 below shows the number of children admitted to schools in CNPA against the individual and the sum of the PANs.

Table 1: Number of children admitted to schools in the City North planning area

School	PAN	2024/25	2025/26	2026/27 (offered)
Coldean	60/30*	48	24	36
Bevendean	60	36	39	38

School	PAN	2024/25	2025/26	2026/27 (offered)
Coombe Road	30	26	31	26
Moulsecoomb	30	30	25	17
TOTAL	180/150*	140	119	117

*The PAN for Coldean was varied from 60 to 30 for 2025/26

19. It is clear from Table 1 that if the PAN at the School had been 30 in each year, there would still have been a surplus of places in YR within the planning area over the last three years. For the year 2026/27, there are likely to be 63 surplus places which means 35 per cent of the total number of places in the CNPA will be unfilled. I asked the LA about its forecasts for the planning area. The LA told me that because of the geography of the CNPA, its forecast data is calculated based on two different calculations: those children likely to attend Coldean, and those children likely to attend one of the other three schools in the planning area.

20. The School has told me that it predicts there will be 28 children admitted into YR for 2027/28. This means no parent expressing a first preference for the School during the main admissions process would be refused a place. It also means there would be space for two in-year admissions before it would be necessary to open a second YR class.

21. The LA has said that in 2027/28, should the PAN at the School remain at 60, they would expect up to 32 pupils (90% of the 35 pupils living in that postcode area) to be admitted to the School, and up to 104 pupils (90% of the pupils living in that postcode area) to attend one of the other three schools in the planning area. This means that 24 per cent of places (44/180) would be unfilled based on a PAN of 180 for the CNPA. Should I agree to reduce the PAN to 30 for 2027/28, then that would still leave 9 per cent of places (14/150) unfilled.

22. 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”. Based on the projected data, the proportion of vacant places in the planning area would remain higher than two per cent if I were to agree to the proposed variations.

23. Should I agree to reduce the PAN at the School to 30, then, on the LA’s data, two pupils who might otherwise have attended the School will be displaced to another school. The LA has told me that this would most likely be Moulsecoomb Primary School (MPS) which is the closest school to Coldean and which is undersubscribed. Both Coldean and MPS were judged to be Good by Ofsted at their most recent inspections.

24. I note that the School is situated in the northern part of the CNPA and in a separate postcode from the other three schools in the CNPA. MPS is located 1.3 miles south of the

School using a walking route. I asked the LA for location data for the children historically admitted to, or offered places at, the School in order to ensure that if some children were displaced from the School to MPS, they would not be travelling an unreasonable distance to school (that is from further north of the School). The LA has provided me with data showing that of the children allocated places at the School for 2025/26 and 2026/27, the furthest distance a child lived from MPS was 1.4 miles. This means that any child displaced from the School by a reduction in PAN would still live within a reasonable travelling distance of the next closest school in the CNPA. Given the School has distance as a deciding criterion within each of its oversubscription criteria, I am satisfied that any child whose parent expressed a first preference for the School and was displaced by a PAN of 30 would not have a substantially longer journey to attend a different school.

25. I have considered the demand for the School based on parental preference expressed during the admissions process. Table 2 shows first preferences for schools in the CNPA for the last three years.

Table 2: First preferences for schools in the City North Planning Area

School	PAN	2024/25	2025/26	2026/27
Coldean	60/30*	33	22	34
Bevendean	60	35	35	31
Coombe Road	30	20	32	24
Moulsecoomb	30	21	23	17

*The PAN for Coldean was varied from 60 to 30 for 2025/26

26. It is possible that if I were to agree to the reduction in the PAN to 30 that some parents would not have their first preferences satisfied, dependant on whether the forecast of the LA or the School is correct. As set out in paragraph 20 above, the School are forecasting 28 offers in total based on their knowledge of the demographic (for example including their current nursery population), whereas the LA are using 90% of GP registrations to underpin their projection of 32. In this instance I prefer the School's data as it is based on their knowledge of the numbers of children attending the Nursery and known numbers of siblings.

27. It was clear from the data provided by the LA, that the LA has a picture of recent / projected demand for the schools in its planning areas. It appeared to me that the matter raised in respect of the PAN at the School, and the number of surplus places in the planning area projected for 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 Arrangements. I raised this concern with the LA. Its response was:

“The council is continuing to take the approach of only consulting on reducing a school's PAN when the governing body are in support of a reduction. This approach

has developed with recognition of the entitlement of a governing board to object to a proposal and the knowledge of previous outcomes when such approaches have been taken. The attached information [recent pupil forecast data] was shared with headteachers and chairs of governors of community schools prior to the consultation process this year. Unfortunately, the governing body of Coldean Primary School were still not in agreement with consulting on a PAN of 30 for 2027 so the consultation on a reduction in PAN was not taken forward at that time.”

28. I have considered the impact of decreasing admission numbers on the School's finances balanced against the impact that reducing the School's PAN will have on meeting parental preference. Parents have a right to express a preference as to where their children go to school. However, admission authorities cannot give any guarantee that preferences will be met. Additionally, infant class sizes are limited to 30 (as set out in The School Admissions (Infant Class Sizes) (England) Regulations 2012 and in paragraph 2.16 of the Code). The cost of a teacher and the resources necessary for an infant class, when compared to, say, a junior or secondary school teacher / class (where numbers are not limited), has to be borne by proportionately smaller income from the children admitted to infant classes.

29. The LA told me that :

“The risk to the school of admitting more than 30 pupils in 2027 will exacerbate the financial pressure the school is under. The school had a deficit budget position agreed with the Local Authority for 2024/25 financial year. It remains in a deficit budget position in 2025-26 and this request is to ensure that the school do not re-enter a deficit position. The school needs to ensure it is able to be cost effective in its delivery of education.”

30. The School told me that it has cleared its deficit, that it had a surplus of £16,407 at the end of the financial year 2025-26, and is projecting a surplus of £17,701 for the financial year 2026-27. However, it has also said:

“The reduction in PAN for 27/28 will give us financial stability and also provide Governors time to look at birth rates in greater detail with the LA to make any future plans around PAN moving forward.

Our knowledge of the children attending our nursery indicates much lower numbers than usual. We strongly believe this will translate to fewer children in Reception. If we creep just over 30 again this has a huge financial impact on staffing for 3 years (until the children reach KS2 and we can go above 30 in a class).”

31. I have tried to ensure that I have considered the competing needs of providing the school places that parents want for their children and the financial viability of the School. I am satisfied that: there is a possibility (as opposed to a certainty) of parental preference for the School exceeding a reduced PAN of 30 for 2027/28; that any parental preference

exceeding a reduced PAN of 30 would be minimal; and that these children could be accommodated in a school which would be within a reasonable travelling distance. By reducing the PAN to 30, the School can plan for 2027/28 with certainty, thereby enabling them to stay within a small surplus budget.

32. I, therefore, agree that the PAN shall be reduced to 30 for the year 2027/28.

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 2027/28 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 Brighton and Hove City Council for Coldean Primary School, for 2027/28.

35. I determine that for admission in 2027/28 the published admission number shall be 30.

Dated: 15 July 2027

Signed:

Schools Adjudicator: Miranda Barnett