



Office of
the Schools
Adjudicator

Determination

Case references: VAR2751 and VAR2752

Admission Authority: Brighton and Hove City Council for Queen's Park Primary School

Date of decision: 20 August 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 Queen's Park Primary School, for 2026/27.

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 Queen's Park Primary School, for 2027/28.

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

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

The referral

1. The Brighton and Hove City Council (the Admission Authority) has referred to the adjudicator a proposal for variations to the admission arrangements for Queen's Park Primary School (the School) for 2026/27 and 2027/28 (the Arrangements).
2. The School is a community school for children aged four to eleven in Brighton. 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 LA is the Admission Authority, both terms are used throughout this determination.
4. Parties to the request are the LA and the School.
5. The proposed variations are to reduce the published admission number (PAN) for the School from 60 to 30 for each of 2026/27 and 2027/28 to reflect a fall in demand for

places and assist a move towards financial stability for the School. The reasons for the requests for variations are based on the same reasoning and similar facts, and so I have dealt with them together in this determination, setting out where there is any distinction.

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 27 February 2025 (for 2026/27) and on 29 January 2026 (for 2027/28).

8. The LA has provided me with confirmation that the governing body of the School has been consulted on the proposed variations.

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

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

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

- the referral from the Admission Authority dated 5 June 2026 and supporting documents;
- the determined Arrangements for 2026/27 and 2027/28 and the proposed variations 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) website]), the LA and the School.

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 variations

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 variations are justified by the change in circumstances.

16. The Admission Authority has proposed that the PAN for Reception Year (YR) at the School be reduced from 60 to 30 for each of 2026/27 and 2027/28. The School supports the proposals.

17. The Admission Authority told me that the reason for seeking variations for the School is that the School is currently operating in a budget deficit position. This is partly due to the fact that the number of applications, and therefore allocations, have been declining, both for the School and in the area. Save for 2024, the School has not admitted more than 40 children to YR in any one year and the number of places offered for 2026 is 22. I am told that should the School be required to open a second reception class, it would have a disastrous effect on the financial recovery and likely lead to an increase in the School’s deficit for reasons I set out below.

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 located in the LA’s City East planning area (CEPA), together with eight other primary schools. The sum of the PANs for the CEPA is 450. Table 1 below shows the number of children admitted to schools in the CEPA against the individual PANs and the sum of the PANs.

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

School	PAN	2023/24	2024/25	2025/26	2026/27 (offered)
Carlton Hill Primary School	30	30	29	28	30
City Academy Whitehawk	60	51	58	33	44
Elm Grove Primary School	60	60	59	51	60
Fairlight Primary School	60	50	56	49	44
Queen's Park Primary School	60/30*	38	57	34	22
St. John the Baptist Catholic Primary School	30	24	30	26	19
St Luke's Primary School	90	84	90	90	90
St. Mark's CE Primary School	30	18	20	21	16
St. Martin's CE Primary School	30	15	22	28	30
TOTAL	450/420*	370	421	360	355

*If the PAN at the School is reduced to 30

19. It is clear from Table 1 that if the PAN at the School had been 30 in each year then, with the exception of 2024/25, 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 95 vacant places which means 21 per cent of the total number of places in the CEPA will be unfilled. The School itself has only had 22 children allocated which means that if I agree to vary the PAN to 30 for 2026/27, there will still be a substantial proportion of spaces remaining for any in year admissions.

20. Turning to 2027/28, the LA has provided me with its forecasts for the CEPA. Table 2 shows the data for predicted YR entry based on 90% of GP registrations in each postcode area within the CEPA.

Table 2: Predicted applications and surpluses for the City East Planning Area

Year of entry into YR	Predicted no. of applicants*	Vacant places on PAN of 450	Percentage of vacant places on PAN of 450 (surplus capacity)	Vacant places on PAN of 420**	Percentage of vacant places on PAN of 420** (surplus capacity)
2027/28	346	104	23.1	74	17.6
2028/29	386	64	14.2	34	8.1
2029/30	360	90	20	60	14.3

*based on 90% of GP registrations

** if PAN at the School is reduced to 30

21. 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.

22. I have considered the demand for the School based on parental preference expressed during the admissions process. I have been provided with data by the LA which shows that first parental preference for the School over the last four years has been as follows: 2023/24 – 30; 2024/25 – 33; 2025/26 – 32; and 2026/27 – 13. Given that the figure for 2026/27 is anomalous to the historical demand for the School, I have looked at alternative schools with capacity, in the event that demand for the School suddenly increases in 2027/28.

23. According to GIAS there are eleven primary schools within one mile of the School. Whilst not all may have capacity for 2027/28 should applications for the School rise dramatically to above 30, I am satisfied there is sufficient choice such that, in the unlikely event that first parental preference could not be satisfied, then second parental preference could be. I have also taken into account that due to the decreasing birth rate, applications as a whole are declining.

24. I have also looked at forecast data provided by the LA for births in the postcode area of the School which is used as an indicator of demand for schools. In the postcode area where the School is situated, BN2 0, there are two schools available – the School and St. John the Baptist Primary School (which has a PAN of 30). The total number of births in those areas relating to school entry into YR are 34 for 2027/28, 50 for 2028/29 and 35 for 2029/30. This suggests that between them, the two schools would be able to accommodate local children if I agree to reduce the PAN at the School to 30.

25. I have considered the impact of decreasing admission numbers on school finances balanced against the impact reducing the School's PAN might 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.

26. I have been told by the LA that the School is currently operating in a budget deficit position, and the recovery plan requires limiting YR to one class in September 2026 and September 2027. The School has provided me with some information on its financial position. This shows that the carry forward for 2026/27 was £52,081, the projected in-year deficit for 2026/27 is -£74,782 and the projected deficit for 2027/28 is - £146,768. Whilst the School is not currently in deficit as suggested by the LA, it is clear that based on current pupil numbers for the School for 2026/27 and projected pupil numbers for 2027/28 for the School's locality, and for the CEPA as a whole, that there are unlikely to be full classes at the School. This underpins the School's budget forecast figures and has the financial impact set out above.

27. It was clear from the data provided by the Admission Authority, that the LA has a picture of recent / projected demand in 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 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 Arrangements. The Admission Authority told me:

"Although the council's pupil forecast has indicated dropping pupil numbers in this planning area for some time, the governing body and school community opposed the council's consultation to reduce the school's PAN in 2023-24 and the proposal was not taken forward. The school have continued to be reluctant to consider a reduction in PAN. For September 2026 the school only received 22 allocated pupils, and this has required the school to plan on operating one reception class and consequently reduce their PAN to ensure a second class is not required should further pupils apply."

28. I accept that the LA has provided compelling evidence that it will be able to manage school places in the planning area by reducing the PAN at the School for 2026/27 and 2027/28.

29. I, therefore, agree that the PAN for the School should be reduced from 60 to 30 for the admission years 2026/27 and 2027/28.

30. 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 or 2027/28 than it currently expects to, there remains the capacity in the building for it to do so.

Determination

31. 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 Queen's Park Primary School, for 2026/27.
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33. I determine that for admission in 2026/27, the published admission number will be 30.
34. I determine that for admission in 2027/28, the published admission number will be 30.

Dated: 20 August 2026

Signed:

Schools Adjudicator: Miranda Barnett