



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2774

Admission Authority: Birmingham City Council for Ward End Primary School

Date of decision: 17 September 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 Birmingham City Council for Ward End Primary School for 2027/28.

I determine that the published admission number, for admissions to the Reception Year in 2027/28, shall be 90.

The referral

1. Birmingham City Council (the Admission Authority; the Local Authority) has referred to the adjudicator a proposal for a variation to the admission arrangements (the Arrangements) for Ward End Primary School (the School) for the school year 2027/28.
2. Located four miles to the east of Birmingham city centre, the School is a community school, with no designated religious character, for children aged three to eleven.
3. The proposed variation is that the published admission number (PAN) of the School, which applies to admissions to Reception (Year R), be reduced from 120, as determined, to 90 for 2027/28.

Jurisdiction and procedure

4. 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”.

5. The Arrangements were determined by the Local Authority in January 2026.
6. The Local Authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code, and that the governing body of the School has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is 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:
 - the referral from the Local Authority dated 7 July 2026, and supporting documents;
 - the determined Arrangements and the proposed variation to those Arrangements;
 - responses from the Local Authority and the governing body of the School to my requests for further information;
 - maps, including Google Maps and those showing the location of the School; and
 - information available on gov.uk websites (including the ‘Get Information About Schools’ (GIAS) and ‘Financial Benchmarking and Insights Tool’ (FBIT) websites); and that on the websites of the Local Authority and the School.
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. I note here that the Arrangements of the School for 2028/29 have not yet been determined. This means that if I decide to vary the Arrangements for 2027/28 by reducing the School’s PAN from 120 to 90 as proposed, it will have the effect of forming a baseline for subsequent years.
11. In the interest of dealing with this and other requests for variations for schools, I have not considered other aspects of the Arrangements. Therefore, nothing in this determination

should be taken as indicating that other aspects of the Arrangements do or do not conform with the requirements relating to admissions.

Consideration of proposed variation

12. 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.

13. The Local Authority has proposed that the PAN of the School be reduced from 120 to 90 in 2027/28. The governing body of the School supports the proposed variation. The Local Authority sought a similar variation for 2026/27 that was approved by the Adjudicator in February 2026 reducing the PAN for that academic year from 120 to 90.

14. The Local Authority told me the following reason for it seeking a variation to the PAN for the School:

“Ward End Primary has seen a drop in Reception enrolments and first-choice preferences with Reception 2026 showing 43 fewer first choice preferences than Reception 2024 and a further 8 fewer than Reception 2025 leading to a low cohort and no waiting lists. Within the planning area there are 23 fewer pupils on roll in Reception currently compared to the previous intake. The usual in-year growth expected in this area and across the city has not been realised and has fallen.

There are significant concerns that continued reductions in pupil numbers will severely affect the school’s ability to conduct essential structural improvements in the coming years. Lower enrolments and reduced revenue will place considerable strain on the budget. We achieved a variation to reduce PAN to 90 for Reception 2026 however unfortunately determined Reception 2027 at the original PAN of 120 due to the timing of consultations.”

15. I have considered the latest available data to form a view about the sufficiency of school places in the local area if the PAN of the School is reduced from 120 to 90 in 2027/28. 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 parental preference, and whether the proposed reduction is justified taking into account all relevant circumstances.

16. The Local Authority has a duty to ensure that there are sufficient school places for the children in its area. To fulfil this duty, the Local Authority assesses the future number of places to be needed and plans to meet that need. The Local Authority uses planning areas, which are geographical areas and the schools within those areas, for this purpose. The School is based in ‘Planning Area P12’ (the planning area), and I have considered the data that the Local Authority has provided for that area.

17. In the planning area there are four schools, including the School, for which the usual year of entry is Year R. The data set out in Table 1 show the number of Year R places and the number of children admitted to, or forecast to require a place at, those schools. Table 1 also demonstrates the effect of the proposed PAN reduction for the School on surplus places in the planning area.

Table 1: Year R places available at schools within the planning area, and the number of children admitted to, or forecast to require a place at, those schools.

	2024	2025	2026	2027
Number of places in Year R at the schools in the planning area (with a PAN of 120 at the School in 2027)	270	270	240	270
Number of children admitted to Year R (2024, 2025, 2026) and forecast for 2027	268	245	229	239
Vacant places	2	25	11	31
Vacant places as a percentage	1	9	5	11
Forecast number of places in Year R if variation approved (with a PAN of 90 at the School in 2027)	n/a	n/a	n/a	240
Forecast vacant places if variation approved	n/a	n/a	n/a	1

18. The Department for Education’s 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. This helps to support parental choice, pupil population movement, and general manageability of the system.” Table 1 illustrates that, if the variation is approved, and forecast data is accurate, then here is the potential for the Local Authority to fall short of the recommended surplus places in the planning area.

19. Any vacant Year R places in the planning area might, according to the forecast numbers for 2027, be depleted. In other words, if I agree to this variation, this may be read as taking away that ‘operating margin’ for the Local Authority in the allocation of Year R places within the planning area. However, the Local Authority have provided analysis commentary that indicates sufficient places are available because the forecast data provided for 2027:

“does not reflect that in-year growth over the last year has reduced significantly. Forecasts are therefore in the process of being adjusted to reflect the drop and will mean lower intakes than anticipated.”

20. The Local Authority expects that the updated forecasts will indicate a reduction in demand for places that will replicate the pattern seen in 2026 admissions in the planning area because of a reduction in inward migration and the arrival of new families in the area.

21. In 2026, the forecast number of applicants was 248 significantly higher than the 229 offers finally made illustrating the reduction in numbers explained by the Local Authority that provides assurance that an increase in demand for Year R places is unlikely.

22. Local Authority analysis also illustrates that within Birmingham, the close proximity of available places in adjacent planning areas means there is no concern that insufficient places would be available should the variation be approved. GIAS confirms that there are 10 other primary schools less than one mile from the School, some with significant numbers of available places. I am satisfied that the Local Authority analysis is robust, and that sufficient places are available.

23. It was clear from the data provided that the Local Authority 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 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 Local Authority. Its response was:

“We continue to review numbers termly to assess whether our forecasts were robust. Analysis of October 2025 (received in December 2025) and January 2026 (received March 2026) census overlapped with the 2027 admissions consultation process. This overlap was unfortunate and related to long term absences in the team which delayed analyses. Analyses reflect the downturn in migration and subsequently impact on future forecasts”.

24. I now turn to the demand for places at the School. Table 2 shows the number of children who identified the School as their first preference between 2024 and 2026.

Table 2: The number of children who applied to the School and were admitted in 2024, 2025 and 2026.

	2024	2025	2026
The PAN for the School	120	120	90
Number of first preference applications	126	96	92
Number of children admitted or offered places	118	99	88
Vacant places	2	21	2

25. First preference applications are one indicator of demand; they are made months in advance of admission during which time family circumstances often change. Table 2

illustrates that in 2026, there were 92 first choice applications that translated into 88 places being offered in Year R in the School.

26. Data in table 2 illustrate that the number of applicants for places and number admitted are extremely close to the proposed PAN of 90. If a similar number of parents express a first preference for the school in 2027/28 as has been the case in recent years, then most will be offered a place. There is potential to frustrate a small number of parental preferences. However, this needs to be balanced against the financial impact on the School of maintaining a higher PAN and the availability of suitable places in other schools locally.

27. FBIT indicates that in March 2025 the School was in a sound financial position with an in-year balance of circa £136k and revenue reserve of just over £1 million. Local authority forecast indicates that the school faces an in-year deficit of around £250k in 2026-27 that will diminish financial reserves. Projections indicate that without proactive action, the School could face substantial overall deficit by 2029/30.

28. It is clear that the Local Authority has a clear view of the School's financial position and, with the School's governing body, is seeking to ensure that the financial sustainability of the School is secure to enable continuing provision for its pupils. The ability to plan with certainty for fewer infant classes will enable leaders to reduce costs and subsequent impact on financial viability.

29. I have considered the impact of decreasing admission numbers on school finances balanced against the impact 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. This means if 91 pupils are admitted, the School would potentially need to run a fourth class with 29 vacant places in the year group creating a significant gap between funding available and costs.

30. The Admission Authority has presented a compelling argument for the variation it proposes, which extends the position previously agreed by the Adjudicator for 2026/27 into future years and provides certainty for the School enabling more secure financial planning. I accept that the Local Authority has provided evidence that it will be able to manage school places in the planning area by reducing the PAN at the School for 2027/28 to 90. Although there is the potential for a small number of parents to have their first-choice school frustrated, this is balanced against the need to ensure the long-term viability of the School for existing and future pupils.

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

Determination

32. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Birmingham City Council for Ward End Primary School for 2027/28.

33. I determine that the published admission number, for admissions to the Reception Year in 2027/28, shall be 90.

Dated: 17 September 2026

Signed:

Schools Adjudicator: Mr Philip Lloyd