



Department
for Education

Advice on making significant changes to an existing special academy

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Summary

About this departmental advice

This guide is to assist Special Academies understand what they need to do before making changes to their existing arrangements.

Expiry or review date

This advice will be kept under review and updated as necessary.

Who is this advice for?

This advice is for Academies and Academy Trusts.

Key points

- The Academy trusts running special academies can apply to the Education Funding Agency (EFA) to make changes to their existing arrangements, such as:
 - amalgamating with another special academy, joining a multi-academy trust or transferring to another site;
 - making a change in the type of special educational needs (SEN) for which the special academy is organised to make provision;
 - altering the upper and lower age range;
 - enlarging the physical capacity of the special academy including the increase in pupil numbers;
 - decrease number of pupils;
 - change of gender composition;
 - alter/add residential provision or remove existing residential provision; make changes to the funding agreement and/or articles of association.
- The Secretary of State retains responsibility for the decision to make any material changes to a special academy.
- The changes to the process for special academies mean:
 - special academies are to read this advice;
 - special academies need to carry out a consultation with stakeholders;
 - special academies need to submit a business case to the EFA, including the consultation responses and the special academy's response to the consultation;

- the Secretary of State considers the proposal;
 - the EFA notifies the special academy of the Secretary of State's decision and next steps, including changes to the special academy's documents, eg articles of association and funding agreement.
- This is the same process that mainstream academies will use if they want to make significant changes to their arrangements.

Significant Changes to an Existing Special Academy

This guide is to assist Special Academies understand what they need to do before making changes to their existing arrangements.

Types of change need to be approved via the Education Funding Agency (EFA)

The following are examples of significant changes, but this list is not exhaustive:

Example	Details
Amalgamation with another Special Academy, joining a Multi-Academy Trust or transferring to another site	
A change in the type of special educational needs (SEN) for which the Special Academy is organised to make provision	e.g. adding or removing designations/categories of SEN ¹ .
Alteration to the upper and lower age range	e.g. adding or removing post 16 provision, early years, primary or secondary provision.
Enlarging the physical capacity of the Special Academy including the increase in pupil numbers	Capacity for special academies means the number of pupils for which the school is organised to make provision. Where it is proposed to increase the number of pupils for whom the school makes provision which, when taken with all such previous increases, would increase the number of such pupils by 10% or 20 pupils (whichever is the lesser). The exception to this is where the Special Academy is established in a hospital as Hospital Special Schools are exempted from the requirement to apply to the

¹ The list of the categories of SEN that a Special Academy can be designated is contained within the guidance [Data Collection by Type of Special Educational Need : The Department for Education](#)

	Secretary of State for approval of their expansion.
Decrease in number of pupils	Except where the Special Academy is established in a hospital, any decrease in the number of pupils for whom the academy is organised to make provision.
Change of gender composition	Change a single sex Special Academy to co-educational or vice versa.
Alteration/addition of residential provision or remove existing residential provision	Where Special Academy makes provision for day pupils and residential pupils, the alteration of residential provision such that the number of pupils for whom residential provision is made is increased or decreased by 5 pupils or more.
Changes to the to Funding Agreement and/or Articles of Association	Where there is a change to governance, e.g. a change of sponsor is agreed for a poorly-performing Special Academy, or an existing single model special Academy becomes a Multi-Academy Trust to sponsor a poorly performing special Academy etc.

What the main consideration is before making a significant change

When a Special Academy is proposing changes to its SEN provision, the business case should demonstrate that the proposed change would lead to an improvement in local SEN provision.

Who should be consulted over the proposed change and how

There is an expectation that a consultation with stakeholders will be conducted.

Suggested stakeholders include:

- The local authority;
- The relevant PCT for the area in which the school is situated;
- Any NHS Trust or Foundation Trust responsible for the hospital or other provision in the area in which the school is situated;
- Parents of children who attend the Special Academy;
- Any local authority who maintains a statement of SEN in respect of a child attending the academy;
- Primary, secondary special schools and sixth form colleges in the area;
- Parents in the area.

It is important to take timing into account in order to maximise response to the consultation, including attendance at any public meetings. The location of public and stakeholder meetings should also be planned to maximise response. It is good practice to hold meetings in the academy or in a venue close to it.

Comments or objections can be made on any grounds. Opportunities for feedback should be given at all public and stakeholder meetings. The consultation document and any other consultation literature should include contact details for telephone calls, letters, faxes, and e-mails.

The steps to approving a significant change

1. The Special Academy to read the guidance available on the Department's website, including the Q&A document.
2. The Special Academy carries out a consultation with stakeholders including parents and other schools.
3. The Special Academy submits a business case to the EFA.
4. The Secretary of State considers the proposal.
5. The EFA notifies the Special Academy of the Secretary of State's decision and next steps.
6. Agreed amendments to Funding Agreement(s) made via Deed of Variation.

What the business case for significant change should include

The business case needs to be rigorous enough for a decision to be made on whether the change is necessary. The business case should include:

- The details of the specific educational benefits that will flow from the proposals;
- The degree of Local Authority support in view of their strategic role in the commissioning of SEN provision;
- The effect on other schools and Academies and educational institutions within the local authority;
- How the proposals will be funded and the planned staffing arrangements that will be in place;
- Reassurance that leadership and governance in the Special Academy has the capacity and expertise to be able to take on such a significant transition without being deflected from its primary purpose. This would also include consideration of the Academy's financial position;
- How much support there is in the local community and what the Academy has done in response to any consultation that has taken place;
- Whether the proposal is cost-effective both in terms of capital and recurrent funding. The proposal should include some indicative costings and an indication of how these might be met.
- Any potential issues/risks relating to the proposals for example any foreseen adaptations, additions, refurbishments or land transfers needed should also be covered.



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