



Department  
for Education

# **Making significant changes to an open academy**

**Departmental guidance for all types of  
academy trust**

**January 2022**

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## Summary

### What is a significant change?

A change which may have a 'significant' impact on the local school environment, through changing the number and/or type of school places and/or where they are offered.

The process for making significant changes to an academy is modelled on the parallel statutory process that local authority (LA) maintained schools are required to follow when making similar changes. In most cases the Regional Schools Commissioner (RSC) will decide (on behalf of the Secretary of State) whether proposals are in line with the needs of the local area.

Other changes which alter the governance/organisation of a school or trust without being likely to have a significant impact on local schools follow different processes and may primarily require a deed of variation of the academy's funding agreement.

### Who is this guidance for?

Academy trusts considering a change to the characteristics of academies. This includes academy schools (as defined in the [Academies Act 2010](#)), free schools, 16-19 academies, special academies, alternative provision, studio schools and university technical colleges (UTCs).

Academy trusts proposing to make a significant change **MUST** submit a proposal for change and follow the required process, in advance of the change being made. **Failure to do so will constitute a breach of their Funding Agreement (FA), which could result in further action by the department to address the breach.** This includes changes requested by the LA. Separate guidance is also available on proposing the closure of an academy, [how to make changes to a maintained school and opening and closing a maintained school](#).

Significant change applications are made either through the '[fast track](#)' or '[full business case](#)' route. The required route will depend on the type of change being proposed, and for eligible fast track changes, on whether the academy trust meets the fast track criteria.

Please refer to the [Further Information](#) section for full website addresses should you be unable to access documents via the hyperlinks provided.

### Transition

Applications already submitted to the department prior to the publication of this guidance, will continue to be processed according to the guidance published in October 2019.

All applications received after the publication date of this updated guidance must follow the process as set out in this document.

## Expiry or review date

This guidance applies from 20 January 2022 and supersedes all previous versions.

## Terminology

Definitions of common terms used in this guidance:

**Academies** - includes free schools, 16-19 academies, special academies, alternative provision, studio schools and UTCs.

**Academy trusts** - includes single academy trusts and multi-academy trusts. Academy trusts are set up as charitable companies limited by guarantee.

**Trustees of the school** - the foundation which established the school. For schools with a religious character this could be:

- the Church of England
- the Catholic Church
- other religious authorities.

The term 'trustees' is usually used in the department's documents to refer to those who sit on the board of directors of an academy trust.

In church academies the term 'trustees' refers to the legal trustees, known in law as the 'trustees of the school'. The directors of church academies are always referred to as the directors and not trustees.

**Schools with a religious character** - all schools designated as having a religious character in accordance with the [School Standards and Framework Act 1998](#).

**Parent** - The Education Act 1996 defines 'parent' as including someone who has care of, or legal responsibility for the child. Therefore, a parent can include for example, a grandparent, other family member or foster carer if they have care of or responsibility for the child.

**RSC** – Regional Schools Commissioner. RSCs act on behalf of the Secretary of State for Education and are accountable to the [National Schools Commissioner](#).

**School Admissions Code** – will be referred to throughout this document as 'the Admissions Code'.

**Progress 8** – introduced in 2016 as the headline indicator of school performance. It aims to capture the progress that pupils in a school make from the end of primary school to the end of key stage 4<sup>1</sup>.

## Preparing to make a significant change

Academy trusts should work collaboratively with LAs, dioceses and other schools in the area, to ensure that there is a co-ordinated approach to place planning and delivery. The department has a strong expectation that academy trusts will support LAs to meet the Sufficiency Duty<sup>2</sup> by providing additional places where they are needed and reducing the number of places offered where they are surplus to requirements. **Where a local authority (LA) has instigated a proposed change, academy trusts are still required to go through the significant change process.**

We expect academy trusts to only provide additional places in academies that have an overall Ofsted rating of good or outstanding. Where this is not the case the academy trust should submit a 'full business case' to the department and set out its reasons for expansion, and how education will be improved.

## Before application

Before submitting a significant change application, academy trusts should be satisfied that:

- all required capital [funding](#) is in place
- [financial due diligence](#) has been undertaken to determine the affordability of growth.
- a fair and open local [consultation](#) has been undertaken with relevant stakeholders, including the LA; they should ensure:
  - the LA does not object to the proposed change (if proposing a fast track application)
  - the change is aligned with local pupil place plans, with full consideration given to the potential impact of the proposed changes, including on imminent pipeline free schools<sup>3</sup>
- where a school is designated as having a [religious character](#):

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<sup>1</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/783865/Secondary\\_accountability\\_measures\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/783865/Secondary_accountability_measures_guidance.pdf)

<sup>2</sup> [Education Act 1996 \(legislation.gov.uk\)](#)

<sup>3</sup> It is possible that an imminent pipeline free school may meet the same need that you have identified for your significant change. An up-to-date list of [pipeline free schools](#) can be found on GOV.UK

- they have engaged the trustees of the school and the appropriate religious authority (in the case of church schools the diocese or relevant diocesan board) at the earliest opportunity
- the trustees of the school and the appropriate religious authority (in the case of church schools the diocese or relevant diocesan board) do not object to the proposed change<sup>4</sup>
- appropriate planning permissions and other relevant consents have been secured
  - where a school uses trustee land, they should:
    - have obtained consent for any physical works required
    - continue to ensure the use of the land remains compatible with the trust document under which it is held
- where the significant change impacts on school land, a separate application is submitted for the Secretary of State's consent via a [land transaction application](#)<sup>5</sup>; for example, this may be required if an academy trust wants to dispose of, or build on playing field land, or acquire a freehold or leasehold interest in land or buildings
- if a proposed significant change requires a variation to determined admission arrangements, the proposer should:
  - submit an admissions variation request with the significant change application
  - run a fair and open local consultation on the proposed admission arrangements variation for a minimum of 4 weeks, including as a minimum those bodies set out in paragraph 1.47 of the Admissions Code
  - ensure [admission arrangements variation proposals](#) are submitted with sufficient time to be agreed before the closing date for parents submitting applications for places to the local authority
- if seeking a [variation to admission arrangements](#) that have already been determined, only admission changes required to implement the significant change should be proposed - wider changes must follow the normal process set out in paragraph 1.45 - 1.52 of the [Admissions Code](#)
- they have complied with the Public Sector Equality Duty in s.149 [Equality Act 2010](#) and undertaken an equalities impact assessment to demonstrate that they have considered the likely expected impact of the proposed change on all individuals with protected characteristics<sup>6</sup>

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<sup>4</sup> This can also apply to some older foundation schools and a small number of non-religious VA schools, who were set up on charitable land.

<sup>5</sup> Approval of a significant change application does not provide or imply Secretary of State's approval for any land transaction required to deliver the approved project. The land transaction will require a separate application to the Secretary of State for consent.

<sup>6</sup> Further guidance on how to meet your duties under the PSED can be found on the [Equality and Human Rights Commission's \(EHRC\) website](#) and at [Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](#).

## Consultation

For both fast track and full business case application routes, academy trusts will need to undertake a fair and open local consultation with all those who could be affected by the proposed change and show they have considered all responses received to their consultation. Comments or objections can be made on any grounds and opportunities for feedback should be given at all public and stakeholder meetings.

The LA will hold important contextual information on the requirement for places locally and **must** be consulted in all cases. The trustees of the school and the appropriate religious authority (in the case of church schools the diocese or relevant diocesan board), must be consulted. The RSC (or the Secretary of State as appropriate) will need evidence that they have been consulted and will consider any reasonable objections from them. Changes will not be agreed unless an appropriate consultation has taken place.

If you represent the governing body of a maintained school and are consulting on a proposal to make a significant change as soon as it becomes an academy, this must be undertaken as part of your conversion consultation. See [Prepare to open as an academy - Convert to an academy: guide for schools on GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344212/Prepare_to_open_as_an_academy_-_Convert_to_an_academy_guide_for_schools_on_GOV.UK.pdf). Decisions about significant changes immediately **following** conversion are separate to decisions about conversion and should be discussed with your regional delivery officer.

The department considers that the stakeholders listed below must be consulted about a proposed change, but others may also be included:

- parents of children who attend the school
- parents in the area
- primary, secondary, AP and special schools and sixth form and FE colleges in the area
- the Admissions Forum for the academy's area, where one exists (if admissions are to be affected)
- affected admission authorities, including those in neighbouring LA areas (if admissions are to be affected)
- where a school is designated as having a religious character, the trustees of the school and appropriate religious authority (in the case of church schools the diocese or relevant diocesan board)

The consultation should run for a minimum of **4 weeks**. Where the significant change also requires a variation to admission arrangements after they have been determined, the school is not required to consult in accordance with the timescale set out in paragraph 1.46 of the [Admissions Code](#) but will, as a minimum, be expected to have consulted for 4 weeks on the variation with the bodies/persons set out in paragraph 1.47 of the [Admissions Code](#). To be clear, consultation on the proposed significant change can be run concurrently with the consultation on the proposed admissions variation. The consultation must be for a minimum of 4 weeks if run concurrently. Whether they are run



separately or together, both consultations must be completed before the school applies for the change.

It is important to take timing into account to maximise responses to the consultation, including attendance at any public meetings and consulting during term time rather than school holidays wherever possible. The location of public and stakeholder meetings should also be planned to maximise responses; it is good practice to hold meetings in the academy or in a venue close to it. It is also important when making changes that affect admission arrangements, to ensure that consultation is completed and that the application for the significant change and variation request are submitted in sufficient time to ensure any changes to admission arrangements can be implemented before parents submit their applications for school places.

Guidance is available from the Cabinet Office on [consultation principles](#), which are examples of good practice.

## Financial Due Diligence

It is important to consider at an early stage the impact of the proposed change on the financial viability of the school and academy trust and if it is affordable. All applications will need to demonstrate consideration of:

- any funding the trust will be receiving to support the change (either for capital costs or revenue funding), when and where this will come from, and whether it is confirmed
- where the change is unfunded, how the school intends to fund the change itself, and any impact this may have on other school expenditure
- the impact of the change on the school and trust's forecasts (for at least 3 years or the duration of the change, whichever is higher)
- any financial risks the trust has identified and what plans are in place to mitigate these

## Applying to make a significant change

There are two application routes that may be followed, depending on the circumstances of the proposed change – [fast track](#) and [full business case](#).

Academy trusts should contact the department, via [SignificantChange.ACADEMIES@education.gov.uk](mailto:SignificantChange.ACADEMIES@education.gov.uk), as soon as possible once they have decided to proceed with the proposed change. This is to ensure that there is time for the decision to be made and that the FA and, if necessary, the admission arrangements can be varied before the change can take effect. Failure to follow the correct procedure could constitute a breach of the FA.

## Fast track

Academy trusts should read the information about the [types of significant changes](#) to determine whether the change they are proposing is eligible for the fast track application route. If the proposed change falls into one of the fast track categories, then to be eligible for this application route the academy must also:

- be rated as 'good' or 'outstanding' following its last inspection by Ofsted
- have a most recent Progress 8 score of at least the national average
- be in good financial health
- have the capacity to make the change without jeopardising the academy's performance
- be able to provide evidence that the LA, and where a school is designated as having a religious character, the trustees of the school and the appropriate religious authority (in the case of church schools the diocese or relevant diocesan board), do not object to the proposed change

Academies that do not meet these eligibility criteria must apply through the full business case route.

## Full business case

Where a proposed change sets a precedent or is potentially contentious, a full business case is required, regardless of the school's Ofsted rating and whether the type of change being proposed is eligible for the fast track process. Examples, which are not exhaustive, include:

- adding places in an area where there is already an excess of spare capacity (and where the additional places could therefore risk undermining the educational offer or financial viability of schools in the area)
- where objections have been received (from the LA and/or neighbouring schools; from the trustees of the school or appropriate religious authority where the school is designated as having a religious character; from the diocese or relevant diocesan board in the case of church schools), that the proposed change could potentially undermine the quality of education provided by other 'good' or 'outstanding' schools in the area, by creating additional places where there is surplus capacity
- any other objections that may increase the risk of challenge
- seeking to set up a satellite site to the school
- any significant changes to UTCs and studio schools covered in this guidance
- where proposals are particularly controversial and could attract public or media attention, RSCs may choose to escalate such proposed changes to the Secretary of State for a decision

New academies without an Ofsted rating will need to go through the full business case process if they wish to make any significant changes.

## Approval process

Once the academy trust has submitted its application, the RSC will consider whether the application satisfies the fast track or full business case requirements set out in this guidance. In some cases, the RSC may request that a full business case is submitted (instead of a fast track).

For all applications, proposers must provide the following:

- details of the change, including the rationale and impact on the school, any potential issues/risks relating to the proposed change (e.g. changes to leadership and governance, any foreseen adaptations, additions, refurbishments or land transfers needed), and evidence of demand for places
- evidence a fair and open consultation has taken place, including demonstrating that any consultation relating to admission changes has been undertaken, the number and percentage of people/bodies in favour of the change and against it have been considered, and if there are any objections, how the issues raised will be (or have been) managed
- evidence of support from the local authority (and where appropriate the trustees of site, diocese, diocesan board and other relevant faith bodies)
- [a request for a variation to the admission arrangements](#) (if changes are necessary to implement a proposed change) – the request for an alteration to admission arrangements should flag all the necessary changes including whether it is proposed that a published admission number (PAN) will be reduced, or a relevant age group for admission will be removed
- evidence that funding to cover the capital costs of the proposed change has been secured, and that there are no issues with the school's current budget and/or finances; in the case of expansions, academies must show they have sufficient funding for additional pupils, until lagged funding is received
- details of how the change is aligned with local pupil place plans, with supporting evidence from the local authority, and evidence that it is unlikely to have a negative impact on educational standards at the academy or at other local schools or colleges
- confirmation that appropriate planning permissions and other consents required have been secured

- evidence that the proposal does not displace existing pupils, or where it does, that the LA has been engaged in good time to run a preference exercise to find displaced pupils a place in an alternative mainstream school or post 16 provider; this should include arrangements for any pupils part way through their GCSE or post 16 studies where a change in age range or amalgamation will displace them

In addition to the above, applications made **via the full business case** route must also provide evidence or details of:

- educational track record and current performance of the academy
- how and when the change is to be implemented
- local context including supply of school places data, LA wider position data and the impact on the availability of places, the effect on other schools, academies, colleges and educational institutions within the LA
- in addition to evidence of the degree of LA support, the business case must also set out what the academy has done in response to any consultation responses
- financial health of the academy and funding arrangements for the proposed change, any indicative costings and an indication of how these might be met, including how the change will be sustained in terms of capacity and value for money
- when an academy is proposing changes to its [SEN provision](#), the proposed change will not have a detrimental impact on local SEN provision or pupils with SEN currently in the school
- governance arrangements
- any implications for other statutory requirements e.g. under TUPE, childcare (early years), equalities and health and safety legislation

After considering the evidence provided and assessing the impact that the proposed change will have on the quality and capacity of the academy and on local provision, the RSC will decide whether to accept, reject or defer the approval (pending further evidence). The department will notify the academy trust of the RSC's decision<sup>7</sup>. Where proposed changes are particularly controversial, the Secretary of State may take the decision.

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<sup>7</sup> Any approval given by the RSC to the proposal will not provide or imply Secretary of State's approval for any land transaction required to deliver the project.

## Post approval

Academy trusts are responsible for accurately and promptly updating the school's details on the department's Get Information about Schools (GIAS) database. GIAS can be updated any time after the decision date but must be done prior to implementation. Ofsted uses GIAS as part of its inspection scheduling, so it is important that significant changes are recorded accurately and promptly.

## Types of changes

This section provides details of whether a type of change is eligible for fast track or a full business case application. The academy trust should respond promptly to requests for additional evidence, clarification, or further information.

To note, academy trusts should not apply to make several simultaneous significant changes to an academy which could constitute changing an existing school into a different type of school. For clarity on the process, please email [academy.questions@education.gov.uk](mailto:academy.questions@education.gov.uk).

## Table of changes

The following table of significant changes shows whether they are eligible for the fast track or full business case process.

Type of proposal	Fast track route possible?	Full business case needed?
<a href="#">Expansion of physical capacity</a>	Yes	Possibly – if the change meets the expansion criteria but does not meet the fast track criteria, or the proposal could be considered contentious
<a href="#">Expansion onto an additional or satellite site</a>	No	Yes
<a href="#">Changes to the number of pupils in a special school</a>	No	Yes – if the increase is for 20% or more; or 20 pupils or more (whichever is the smaller number)
<a href="#">Change in type of SEN provision in a special school</a>	No	Yes

Type of proposal	Fast track route possible?	Full business case needed?
<a href="#">Changes affecting SEN units or resourced provision</a>	No	Yes
<a href="#">Change of lower or upper age limit of up to 2 years (including adding a nursery but excluding adding or removing a sixth form)</a>	Yes – if the fast track criteria are met	Possibly – if the fast track criteria are not met or where the proposal could be considered contentious
<a href="#">Change of lower or upper age limit by 3 years or more</a>	No	Yes
<a href="#">Adding a sixth form</a>	No	Yes
<a href="#">Removing a sixth form</a>	No	Yes
<a href="#">Change of age range of UTCs and studio schools</a>	No	Yes
<a href="#">Amalgamating with another academy</a>	No	Yes – the case should also address TUPE and land issues, as applicable
<a href="#">De-amalgamating an existing academy</a>	No	Yes
<a href="#">Gaining or changing faith designation</a>	No	Yes
<a href="#">Changing a Church of England academy's characteristics</a>	No	Yes
<a href="#">Transfer to another site</a>	Yes – if 2 miles and under from existing site main entrance	Yes – if new site is over 2 miles <sup>8</sup> from existing site main entrance

<sup>8</sup> As the crow flies

Type of proposal	Fast track route possible?	Full business case needed?
<a href="#">Change of gender composition – single sex to co-educational or vice versa</a>	No	Yes
<a href="#">Adding or increasing boarding provision</a>	Yes – however other legislation applies <sup>9</sup> and will need to be complied with	No
<a href="#">Decrease in or removal of boarding provision</a>	No	Yes – if proposal is to remove at least 50% or 50 pupils (whichever is greater) or entire boarding provision

## Expansion of physical capacity

A ‘significant expansion’ is defined as any physical change<sup>10</sup> that increases the overall physical capacity<sup>11</sup> of an academy (as recorded in its FA) so that it can increase its overall teaching space, enabling the school to provide places for more than 30 additional pupils<sup>12</sup>. This includes changing the internal configuration of a school building, which would also be classed as an ‘increase in capacity’ and requires the significant change process to be followed.

The threshold of 30 additional pupils may be met because of incremental changes in consecutive years which add up to more than 30 pupils. The significant change process will be triggered by the final increase<sup>13</sup> and the academy trust **must** submit a significant change application in advance of exceeding the threshold.

**If the threshold of more than 30 additional pupils is not met, schools do not need to seek approval via the significant change process but will need to take action to amend the capacity<sup>14</sup> figure in their FAs. Queries relating to this amendment can be sent to [academy.questions@education.gov.uk](mailto:academy.questions@education.gov.uk).**

<sup>9</sup> [The Education \(Independent School Standards\) Regulations 2014 \(legislation.gov.uk\) Boarding schools national minimum standards](#)

<sup>10</sup> This could include a new building, enlargement of an existing building, structural remodelling or internal reconfiguration

<sup>11</sup> [Area guidelines and net capacity - GOV.UK \(www.gov.uk\)](#)

<sup>12</sup> This is primarily to allow for an emergency one off bulge class to be introduced.

<sup>13</sup> 31 pupils or more

<sup>14</sup> Capacity - This is the number of pupils that can be taught within the physical space available.

The LA should be consulted about area pupil forecasts (pupil place planning) to ensure there is sufficient need, and academy trusts should consider how they can best support their LA in meeting this need. To help achieve this, academy trusts can propose either an expansion of a school's capacity, an increase in a school's PAN<sup>15</sup> or a school admitting over PAN.

When planning a significant expansion, you should:

- I. work collaboratively with the LA to ensure the right number and type of places are provided, considering the quality and diversity of provision
- II. consider whether there are surplus places forecast
- III. consider whether there are any pipeline free schools planned in the area
- IV. determine whether the expansion would require a change to the FA or a Net Capacity Assessment

### **Bulge classes**

Generally, the permanent enlargement of an academy's buildings requires the significant change process to be followed, however, the process is not required where academies add a temporary bulge class of no more than 30 pupils, to respond to an urgent need for more places at short notice. Typically, this would be in response to a request from the LA, who would ask the academy to accommodate a temporary classroom for the length of time it takes the bulge class to progress through the school. Academy trusts would be expected to show evidence of the request. If, subsequently, the academy trust wishes to make the arrangement permanent and increase the academy's capacity to enable additional pupils to be admitted year on year, the significant change process to expand the physical capacity would need to be followed. **The FA should be updated as the capacity figure in the FA must reflect the capacity for the period the temporary enlargement is in place.**

### **Physical expansions onto satellite sites**

Where academy trusts wish to expand onto an additional site, they will need to consider whether the new provision is genuinely a change to an existing school or is, in effect, a new school.

**The establishment of new selective maintained schools and academies is prohibited by statute. Expansion of any existing academy onto a satellite site will only be approved if it is a genuine continuance of the same school and the academy trust has the financial resources to create the satellite site.**

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<sup>15</sup> Published Admission Number (PAN) - as part of determining their admission arrangements, all admission authorities must set an admission number (PAN) for each 'relevant age group'. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN. Further details can be found in the [Admissions Code](https://www.gov.uk/government/publications/school-admissions-code--2) <https://www.gov.uk/government/publications/school-admissions-code--2>



When deciding whether to approve an expansion onto a satellite site, the RSC on behalf of the Secretary of State will consider factors including:

### **The reasons for the expansion**

- what is the rationale for this approach and this particular site?

### **Admission and curriculum arrangements**

- how will the new site be used (e.g. which age groups/pupils will it serve)?
- are any changes to admission arrangements necessary?
- will there be movement of pupils between sites?

### **Governance and administration**

- how will whole school activities be managed?
- will staff be employed on contracts to work on both sites? How frequently will they do so?
- what governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body/academy trust board and the same school leadership team)?

### **Physical characteristics of the school**

- how will facilities across the 2 sites be used (e.g. sharing of the facilities and resources available at the 2 sites, such as playing fields)?
- is the new site in an area that is easily accessible to the community that the current school serves?

The purpose of considering these factors is to determine the level of integration between the 2 sites; the more integration, the more likely the change can be an expansion.

In relation to Church of England and Catholic schools, the consideration by the RSC will take place in light of the respective Memorandum of Understanding and this guidance should be read alongside that document.

Academy trusts proposing to expand above threshold onto a satellite site will always be required to submit a [full business case](#), to enable the department to ensure the proposal is a genuine expansion and does not in effect constitute [a new academy](#). To note, for all expansions to a satellite site, academies must evidence that financial modelling has been undertaken in the application, that [financial due diligence](#) has been undertaken to determine the affordability of growth onto another site and that financial and funding implications have been considered.

### **Special school satellite provision**

Where a special school proposes to establish a satellite base on a mainstream site to support pupils already on its roll, the RSC will need to consider:

- the suitability of the mainstream school to support the proposed provision (including

- its quality, accessibility and the age of the pupils)
- how the 'satellite' provision is to be managed
- who is to be responsible for delivering the provision and for the safeguarding of the pupils
- the practical implications of pupils with complex SEN sharing facilities with a mainstream cohort (bearing in mind the ages and needs of the pupils from both schools)
- whether the schools have reached agreement over costs or charging for the accommodation
- the views of the local authority (or local authorities) responsible for commissioning places in the special academy
- the views of parents and young people already placed in the special academy

Any issues around costs or charging for the accommodation arrangements will also need to be clearly agreed between both parties. The RSC should also consider the views of the LAs responsible for placements in the special school, the likelihood of the satellite expanding further, and the views of parents and young people already placed in the special school. In the light of this, the RSC will need to consider whether this is, in effect, creating a new special school.

## **Age range changes**

A school's recorded age range should reflect provision at the school correctly. If the change relates to pupils of non-compulsory school age; for example, if nursery or sixth form provision is to be added or withdrawn, then a proposal for an age range change must be submitted (as set out below).

Academies that were rated as 'good' or 'outstanding' at their last Ofsted inspection, have a most recent Progress 8 score of at least the national average, are in good financial health, have the capacity to make the change, and have evidence to show that the LA, and where the school is designated as having a religious character, the trustees of the school and the appropriate religious authority (in the case of church schools the diocese or relevant diocesan board), does not object to the proposed change, can propose to change the age range of their school by up to 2 years (including adding nursery provision but excluding adding or removing a sixth form) by following the fast track process.

Academy trusts proposing to change the age range of their schools by 3 years or more, those which want to add or remove a sixth form, make any age range change which is contentious, or which will set a precedent for schools in their local area, must submit a full business case.

Where proposed changes are likely to have a significant impact on other local provision, a full business case will be required to provide evidence that the education of children in the area, as a whole, will not be compromised. Where local provision is organised in 3 tiers and the aim is to move to a 2 tier age range, we expect academy trusts to engage with the local community at the earliest opportunity and to provide details in their application of how they will work with LAs and, where the school is designated as having

a religious character, the trustees of the school and the appropriate religious authority (in the case of church schools the diocese or relevant diocesan board), to ensure the change is implemented in a co-ordinated way. Approval will only be given, in this context, where the department is satisfied that a co-ordinated implementation plan is achievable and can be delivered before the new age range of the academy is operational.

If a change is requested by the LA, the academy trust still needs to submit a significant change application and reflect the LA's involvement.

An age range change may, in certain circumstances require changes to admission arrangements to implement the change. In such cases, schools must follow the [admissions process](#) set out in this guidance.

If fast track conditions are not met, a [full business case](#) is required. To note, for all age range changes academies must evidence that [financial due diligence](#) has been undertaken to determine the affordability of the change that financial and funding implications have been considered.

### **Special academies adding 16-19 provision**

Where a special academy wishes to add 16-19 provision, this is considered an extension to the age range (rather than adding a sixth form) and requires a full business case.

### **Special academies adding 19-25 provision**

School funding regulations require that a local authority may not use its high needs budget to fund places, or pay top-up funding, for 19 to 25-year-olds attending a school, for example, a maintained school, academy, a non-maintained special school (NMSS) or an independent school (excepting those 19-year-olds who are completing a secondary education course started before they were 18).

In the event that a school considers that it has the appropriate specialist expertise to prepare students aged 19 to 25 with an EHC plan for adult life, including independent living and employment, it will need to establish separate post-16 provision to do so. To receive high needs funding for such young people, a school would have to set up a legally and financially separate entity to provide the appropriate environment for young people of that age group. Such new post-19 specialist provision would normally be set up as a special post-16 institution (SPI). To be eligible to receive high needs place funding from ESFA for the first time, SPIs must have been included in ESFA's annual place change notification process by a local authority and must successfully complete the High needs funding: due diligence process for special post-16 providers. The [high needs funding: due diligence process for special post-16 providers guidance](#) contains more information.

## Adding or removing sixth form provision

### Proposed changes to add sixth form provision

Proposed changes to add a sixth form will require a full business case and should only be put forward for existing academies rated as 'good' or 'outstanding'. Where a special school wishes to add 16-19 provision, this is considered an extension to the age range (rather than a sixth form) and requires a full business case.

Applications for the addition of a sixth form will be assessed against the following criteria:

1. **Quality:** The quality of pre-16 education must be good or outstanding (as rated by Ofsted) and the school must have a most recent Progress 8 score of at least the national average.
2. **Size:** The proposed sixth form will provide places for a minimum of 200 students.
3. **Subject Breadth:** The proposed sixth form should - either directly or through partnership - offer a minimum of 15 A level (or equivalent) subjects. Academy trusts/LAs may wish to consider the benefits of delivering a broader curriculum through partnership arrangements with other school sixth forms. Working with others can offer opportunities to:
  - improve choice and attainment for pupils
  - deliver new, improved or more integrated services
  - make efficiency savings through sharing costs
  - develop a stronger, more united voice
  - share knowledge and information

Schools proposing a partnership arrangement must include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff.

4. **Demand:** There should be a clear need for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area.
5. **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size in the school should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admission arrangements, for example a school may set up sixth form provision solely for

its own pupils. However, if the intention is to also admit external applicants to the sixth form the school will need to adopt a sixth form PAN and, potentially, academic entry requirements on changing its age range. If a [variation to determined admission arrangements](#) is needed, the variation request should be made at the same time as the school requests the significant change. Schools should note, that if a necessary variation is not requested at the same time as a significant change application, this might delay a decision.

Proposals to expand a sixth form are covered previously in this guidance, under '[Expansion of physical capacity](#)'. A full business case would be needed for this change.

### **Proposed changes to remove sixth form provision**

When removing a sixth form, the significant change process must be followed and a full business case submitted.

If a [variation to determined admission arrangements](#) is required, the request should be made at the same time as the school makes an application for a significant change.

When an institution closes or stops ESFA-funded 16-19 provision, this will have implications for sixth form funding. Further details on this are included in paragraphs 9-13 of the Funding Guidance for Young People 2020 to 2021<sup>16</sup> which is available on GOV.UK.

### **Proposed changes to the age range of university technical colleges (UTCs) and studio schools**

As for other academies, UTCs<sup>17</sup> and studio schools may propose changes to their age range. Due to the differences associated with UTCs and studio schools, including an atypical age range and a specialist/technical and vocationally related curriculum, a [full business case](#) is required, accompanied by an education plan that sets out the overall strategy for KS4 and KS3 where appropriate. UTCs and studio schools should set out the local context and ensure that their business case fully addresses how the age range change proposal fits within the local school system and any specific local arrangements for KS4.

A comprehensive education plan is required that looks across the whole of KS4 (and KS3, if appropriate) and fully articulates the approach to a different age range in relation to teaching, learning and resourcing. It should therefore include details on the following:

1. [Curriculum](#) - overall curriculum strategy and how it applies to different year groups (including technical/vocational subjects and enrichment activities).

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<sup>16</sup> [ILR-funding-returns-guidance-2019-to-2020-v-1.1 \(publishing.service.gov.uk\)](#)

<sup>17</sup> University technical colleges (UTCs) are academies which focus on delivering technical education to meet the needs of businesses. UTCs follow a very specific model developed by the [Baker Dearing Educational Trust](#) <https://www.utcolleges.org/>.

2. Staffing – revisions to staffing structure, details of the resourcing of curriculum delivery, and plans for staff support.
3. Quality of teaching - approaches to pedagogy, differentiation for different groups of students, monitoring and improving the quality of teaching.
4. Student attainment and progression – approaches to setting standards and targets: systems for tracking individual student performance; assessment, recording and reporting.

Before submitting a proposal, UTCs and studio schools considering an age range change should contact their department lead/contact to discuss in further detail what would be expected in the business case and education plan.

If a [variation to determined admission arrangements](#) is required, the request should be made at the same time as the school makes an application for a significant change.

## Amalgamations and de-amalgamations

### Amalgamations

In **ALL** cases, proposed changes to amalgamate an academy with another academy/academies will require a full business case. There are 2 ways to do this:

- I. The academy trust may propose to close one (or more) academy and expand the remaining academy. The amalgamated academy (or academies) will retain its school number, as it is not a new school, even if its age-range has changed.
- II. Alternatively, the academy trust may propose to close all the academies involved and replace them with a new school.

An amalgamation is also likely to require a change to [admission arrangements](#). If a variation to determined admission arrangements is required, the request should be made at the same time as the school makes an application for a significant change.

As these proposed changes will involve the closure of at least one school, academy trusts should be mindful of TUPE implications. The issue and implications of excess land will be dealt with by the department as part of an amalgamation case.

### De-amalgamations

In exceptional circumstances, academy trusts may propose to split (“de-amalgamate”) existing provision into 2 or more separate, distinct schools. This change will require a full business case which we would expect only to be put forward by good and outstanding schools<sup>18</sup> where there is a clear education or organisational benefit in doing so.

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<sup>18</sup> Any request to de-amalgamate an academy rated as “requires improvement” or “inadequate” will be referred to the Secretary of State for a decision.

Where proposed changes seek to establish provision that is significantly different to the existing provision; for example, offering a significant increase in places or covering a wider range of year groups, the proposer will need to submit a proposal to establish a new school. Legislation prohibits the establishment of new selective schools, so selective academies will not be allowed to establish additional provision through this process.

Academy trusts that seek to propose this change must submit a full business case, clearly demonstrating that the proposal is based on a clear vision to deliver a high-class education that delivers value for money and is supported by strong management and governance structures. Academy trusts proposing such a change would need to demonstrate:

- the original school site will remain open
- the provision delivered by the existing and additional school, collectively, should not deviate from the provision of the original school (basically the same size, delivering the same curriculum and not looking to add any new special units)
- splitting the school would represent a good and lawful use of the existing site and any new/additional sites (if applicable)
- the clear educational or organisational benefits that would be delivered/addressed through splitting the school
- the additional schools will meet all the departmental expectations for new schools
- admission policies may require variation where the de-amalgamation involves setting up 2 single sex schools from the de-amalgamation of a co-educational school; the de-amalgamation of a primary into an infant and junior school; or any de-amalgamation of all-through schools
- it is not possible for a 16-19 academy to be created by a de-amalgamation

### **Registering a new school following an amalgamation or de-amalgamation**

As a state funded independent school, any new academy resulting from a [de-amalgamation](#) of an existing academy or [amalgamation](#) must be registered before it can start to operate. As part of the full business case, academy trusts will also need to prepare the following documents for the new academy. These documents may be requested by Ofsted before the academy opens:

1. A plan showing the layout of the premises and accommodation of all buildings
2. Detailed curriculum plans, schemes of work for every subject and year group taught and pupil assessment procedures
3. Evidence that the school has appropriate procedures in place for undertaking Disclosure and Barring Service (DBS) checks of staff and recording the results
4. A copy of the school's written policies on:
  - the written behaviour policy setting out, amongst other matters, the sanctions to be adopted in the event of pupil misbehaviour
  - particulars of the school's arrangements to safeguard and promote the welfare of pupils at the school and on visits, and how those arrangements have regard to guidance issued by the Secretary of State

- particulars of the school's anti-bullying strategy
- Health and Safety
- the school's complaints procedure

When creating a new school, including in de-amalgamations or amalgamations, the school must be named on the register of schools and colleges in England and Wales Get Information about Schools ([GIAS](#)), before it can open. The department will create a new school record on GIAS and submit a request to Ofsted to arrange a pre-opening inspection of the school. Ofsted will report to the department on its findings and, in order to register the school as a state funded independent school, the Secretary of State must be satisfied it is likely to meet all the [Independent School Standards](#) (ISS) once registered. If the school intends to admit boarding pupils, it will also be subject to inspection of the boarding facilities to ensure it meets the ISS.

For further information on the process please contact your delivery officer in the department via [academy.questions@education.gov.uk](mailto:academy.questions@education.gov.uk).

If the Secretary of State is not satisfied that the standards are likely to be met on opening, the application to de-amalgamate the school will be delayed until standards are improved.

Once Ofsted approval is received, the department will complete the set-up of the academy's GIAS registration. Trusts will then be able to add the new school to their DfE sign-in account and manage access for their staff.

## **Faith-related changes**

Academies with a religious designation have specific freedoms which permit them to take faith into account when admitting pupils, appointing staff, teaching religious education and delivering collective worship. These freedoms differ according to whether the academy was previously a voluntary aided (VA) school or voluntary controlled (VC) school. Schools which convert to become academies do so on an "as is" basis which means they retain their existing designation and enjoy freedoms based on those that were available to them as a VA or VC school.

Before an academy trust applies for an academy to have a religious designation, it is required, as set out in its FA, to seek the Secretary of State's consent.

Gaining or changing a faith designation requires approval based on a full business case; gaining or changing a faith designation would require a new FA and the Trust's articles of association may also need changing. The academy trust must clearly set out, as a minimum, in its business case:

- its proposed new governance and staffing arrangements
- the basis on which it considers the change is needed
- why it will benefit the academy and the wider community



It must show that there is support for this change from its school, staff and parents, and the wider local community. To demonstrate this, the academy trust should undertake a local consultation with all the relevant interested parties.

Where the school does not have a current religious designation, the academy trust should obtain the consent of the relevant religious authority for the religious designation which it wishes to acquire.

Where a school with an existing religious character wishes to change it, the academy trust must obtain the consent of both the current religious authority for its school and the relevant authority for the religious designation which it wishes to acquire.

Faith schools do not have to adopt faith based admission criteria. If the adoption of new faith based admission arrangements is proposed, it will not be appropriate to do so as part of a significant change process. Adopting faith based admissions would not be necessary for the school to be able to implement any significant change. Such changes to admission arrangements must be consulted upon at the appropriate time in accordance with the requirements set out in paragraphs 1.45-1.52 of [the Admissions Code](#).

The academy trust should also consider if an Equalities Impact Assessment should be completed and include this with the business case.

Once approval has been given, the academy trust must then formally apply for the academy to have a religious designation. A school can only be considered a school with a religious designation with a completed religious designation order<sup>19</sup>. A school will not be permitted any of the freedoms associated with this status until the designation process has been completed. Please approach your project lead for details of the documentation that will need to be provided.

### **Process for former VC Church of England schools to gain the same characteristics as former VA Church of England schools**

It is possible for an academy that was formerly a VC school to alter certain characteristics, i.e. its governance structures, appointment of staff and teaching of religious education and collective worship, so they are the same as those akin to those of a former VA school which has converted to become an academy.

This gives the academy greater freedoms in relation to how it maintains and develops its faith ethos. Therefore, the academy trust is required to undertake a local consultation, including with staff and parents, and submit a summary of the results with its application. Once the RSC is satisfied there is sufficient support, changes are made to the FA and, where needed, to the articles of association.

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<sup>19</sup> Under section 69(3) of the School Standards and Framework Act 1998.

## Changes to special educational provision

When considering changes to designated SEN provision in mainstream schools (such as special units and resourced provision) or in special schools, evidence of consultation responses from local authorities will be particularly important. Local authorities are responsible for commissioning and funding high needs places, and they will be expected to confirm that the proposed changes reflect the special educational provision required to meet current and forecast needs.

Local authorities provide place funding from their high needs budget for certain types of SEN provision (places in special units/resourced provision, and in special and AP Academies). The number of places funded in this way is subject to change through an annual place change notification process. We do not expect minor variations in the number of places commissioned through this process to require approval through the significant change process.

When an academy is proposing changes to its SEN provision, the business case should demonstrate that the proposed change will not have a detrimental impact on local SEN provision. It should include:

- a statement on how they believe the proposal is likely to lead to improvements in the standard, quality and range of educational provision for these children
- details of the improvements that the proposals will bring in respect of:
  - access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local authority's Accessibility Strategy
  - access to specialist staff, both education and other professionals, including any external support or outreach services
  - access to suitable accommodation
  - supply of suitable places at that academy and/or at other schools in the local area

### Change in the type of SEN provision

Proposed changes require a full business case and allow special academies to add/remove the designation and categories of SEN provision that they currently provide. The home and neighbouring LAs and affected parents should be consulted. The types of SEN provision are the 12 primary types of need recorded in GIAS and the School Census.<sup>20</sup>

Changes affecting SEN units / resourced provision in mainstream schools

- SEN units are special provisions within a mainstream school where the children are taught mainly within separate classes

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<sup>20</sup> Specific learning difficulty (SPLD), Moderate learning difficulty (MLD), Severe learning difficulty (SLD), Profound and multiple learning difficulty (PMLD), Social, emotional and mental health (SEMH), Speech, language and communication needs (SLCN), Hearing impairment (HI), Vision impairment (VI), Multi-sensory impairment (MSI), physical disability (PD), Autistic spectrum disorder (ASD).

- resourced provisions are where places are reserved at a mainstream school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school

Proposed changes require a full business case to add or remove a SEN unit or resourced provision, or increase/decrease the number for which the SEN unit or resourced provision caters. The characteristics of the SEN unit or resourced provision may also be changed so as to change the age range or type of SEN it supports.

### **Changing a mainstream school to a special school**

Where a mainstream school is closing, it is not possible to simply convert the site into a special school. The mainstream school must be closed, and a new special school established. Both processes need to be agreed separately.

### **Changes to the number of pupils in a special school or AP academy**

When considering changes to provision in special schools and alternative provision, evidence of consultation responses from local authorities will be particularly important. Local authorities are responsible for commissioning and funding high needs places, and they will be expected to confirm that the proposed changes reflect the provision required to meet current and forecast needs.

The [Admissions Code](#) does not apply to special schools or alternative provision, and therefore a special school's "capacity" does not have a direct bearing on the number of pupils placed. For a special or alternative provision Academy, the number of places should mean the number of pupils recorded in the Funding Agreement (which will be based on the school's physical capacity), rather than the number of places annually commissioned by the LA through the high needs place planning process. We do not expect the number of places to be changed to reflect minor year to year variations in the number of places commissioned by LAs.

Where a special school wishes to add 16-19 provision, this is considered an extension to the age range (rather than adding a sixth form) and requires a full business case.

The academy trust responsible for special and AP academies should follow the significant change process if it seeks to increase the number of places by:

- 20% or more, or
- 20 pupils or more (whichever is the smaller number), except for special boarding schools where the limit is 5 pupils

The significant change process does not need to be followed where a special school is established in a hospital.

## **Admissions - Special Academies**

If the proposed significant change request will affect the statement of provision, the trust, as part of their 4 week significant change consultation, must make clear the changes that will be made to the statement of provision should the significant change be agreed.

## **Admissions - Alternative Provision Academies**

If the proposed significant change will affect their referral policy, they should follow the requirements of their funding agreement for making changes to their referral policy, taking account of when the significant change will come into effect.

## **Other significant changes**

**Changes to deliver a different type of provision:-** academy trusts wishing to make changes to the type of provision offered, e.g. from mainstream to special or alternative provision (or vice versa), or providing pre-school childcare, should contact the department at the earliest point via an [enquiry form](#). Consideration will also need to be given to whether the land permits the change or not.

**Removal of or changes to early years provision:** is subject to the significant change process.

**Transfer to another site:** can mean an enlargement of the premises but might also affect another catchment area. If a change to the catchment is necessary, and the academy trust needs to vary determined admission arrangements, it must request a variation to its admission arrangements. The RSC or the Secretary of State will determine whether the change to the catchment area is necessary and should be approved. Where the main entrance of the proposed new site for a school would be more than 2 miles<sup>21</sup> from the main entrance of the current school site, a full business case is required.

**Change of gender composition:** made via a full business case, allows a move from single sex to co-educational (or vice versa). A change from single sex to co-educational provision in post-16 provision can be made through the normal procedures for changing admissions. Academy trusts should remember that a co-educational school cannot change its nursery or post-16 provision to single sex. Whenever changes to co-educational from single sex provision are made, or vice versa, the decision-maker (i.e. the RSC or Secretary of State) will consider whether the change complies with equalities legislation.

If a [variation to determined admission arrangements](#) is required, the request should be made at the same time as the school makes an application for a significant change.

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<sup>21</sup> As the crow flies

**Proposed changes for adding or increasing boarding provision:** - can be made through a fast track application. In these cases compliance with [boarding schools national minimum standards](#), health and safety, fire, planning regulations will be required.

When adding new boarding or residential provision, following all necessary internal checks, the department will forward the application to Ofsted with a request that they arrange a visit to the school to inspect the boarding facilities, to ensure the [boarding schools national minimum standards](#) and [residential special schools national minimum standards](#) are met. The department will commission the inspection to check that the school is likely to meet the standards. Ofsted will normally contact the school 2 days prior to the inspection.

An inspection is not required where an academy trust is proposing to increase existing boarding provision.

Where an academy makes accommodation arrangements for boarders, for example with host families, the academy must still register as a boarding school. A fast track application will need to be made, as well as a material change inspection.

**Decrease in, or removal of boarding provision:** - requires a full business case when the proposal is to decrease by 50 pupils or 50% (whichever is the greater), or the entirety of boarding provision.

When boarding provision is to be added or removed as part of a significant change proposal change to [admission arrangements](#) is likely to be needed. If a variation to determined admission arrangements is required the request should be made at the same time as the school makes an application for a significant change.

## Funding

Academy trusts will need to consider how to fund any associated costs in terms of capital funding. The proposal should include indicative costings and an explanation of how these will be met. The department only provides funding for specific expansion projects through the Condition Improvement Fund (CIF).

Where capital funding for expansion has been sought from the CIF, academy trusts must state this in their business case. The decision on capital funding rests with the Secretary of State, taking into account the RSC's view on the proposed significant change. Academies will need to make a separate CIF application to demonstrate their ability to plan and deliver the proposed capital project.

Where an academy agrees to expand in response to a proposal by a LA to meet a local need for places, the LA should meet the capital costs. The department contributes capital funding to LAs facing a shortfall of places to help support them to meet their statutory duty to secure sufficient school places in their area. The department provides basic need

and high needs capital funding to LAs to help meet their statutory duty to secure sufficient school places in their area. Academies should confirm that agreement has been reached with their LA.

LAs can fund expansions at mainstream academies either by allocating funding directly from a growth fund, whose size and criteria have been agreed by the schools forum, or by varying the pupil numbers on which the school is funded from the previous census to the estimated number for the following academic year, in its funding formulae submission to ESFA. In both cases, they must treat academies on the same basis as maintained schools. Where the authority varies pupil numbers, the ESFA will use those figures to fund the academy's General Annual Grant (GAG), unless it is already funded on estimates in its FA. The local authority should still reflect any changes to pupil numbers caused by infrastructure changes so that it can be recouped appropriately.

LAs can fund expansions at special and AP academies from their high needs funding allocations. They should notify the ESFA of the number of places to be funded in the following academic year through a process operated in the preceding autumn term. The full [High Needs place change process](#) is outlined on gov.uk<sup>22</sup>.

## Admission variations

Where a significant change necessitates a change to admission arrangements, changes can be made by following the process set out in paragraphs 1.45-1.52 of the [Admissions Code](#). Following this process, the normal lead in time between beginning consultation and places being offered under the revised arrangements, is 17 months. However, this may not always be possible; for example, if the timing for a significant change does not align with the normal admissions consultation timetable set out above.

Where it is not possible to follow the normal admissions timetable, and the academy considers there is a major change of circumstances making it necessary to change its determined admission arrangements to implement the proposed significant change, the academy must seek a 'variation' of their admission arrangements. This request should be made at the same time as the academy submits its full business case for the significant change.

The academy trust must first consult for 4 weeks on the variation with the bodies/persons set out in paragraph 1.47 of the [Admissions Code](#). That consultation does not have to be undertaken within the cycle set out within the [Admissions Code](#) and can run concurrently with the consultation on the significant change.

The RSC or Minister will only agree a variation to admission arrangements where there has been a major change in circumstances that justifies the variation that has been applied for. Variations can only be proposed by an academy trust where it considers such

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<sup>22</sup> [High needs funding arrangements: 2022 to 2023 - GOV.UK \(www.gov.uk\)](#)

changes to be necessary in view of a major change in circumstances (see paragraph 3.6 of the [Admissions Code](#)). All variation requests should be the minimum necessary to implement the significant change if the change is approved.

Where a variation of the admission arrangements is necessary to implement the significant change, but the academy trust has not consulted on it, or has not requested a variation, the RSC or the Secretary of State will not be able to approve the significant change application.

Any request for a variation to admission arrangements must be made sufficiently in advance of the closing date for admission applications.

Schools can increase their PAN without consultation (providing doing so does not disrupt the co-ordination of admissions by their LA, they publish it on their website and inform their LA). Schools do not need to seek approval from the Secretary of State or RSC to increase PAN or to change their admission arrangements in the cycle set out at 1.45 - 1.52 of the Admissions Code, unless they have a FA signed before 2011 which requires the Secretary of State to approve any admission changes. Very few mainstream academies have such requirements.

Admission variations will not be necessary simply because of a change in governance or religious designation or the acquisition of VA characteristics by a mainstream academy and will be rare where SEN provision is changed. Such changes should be made in the normal admissions cycle.

All other changes, including enlargements, satellite proposals, amalgamations, de-amalgamation, change in age range, sixth form provision, gender, boarding provision and site transfers over 2 miles, may require a variation to admission arrangements. A 4 week consultation will be required before the request for a significant change is submitted.

### **Admissions - 16-19 Academies**

16-19 Academies are not required to comply with the [Admissions Code](#). The trust can change their own admission arrangements but should set out in their consultation what changes they will make if the significant change is agreed. If the proposed significant change will affect their admission arrangements, as part of their 4 week significant change consultation, the trust should consult on any changes to the admission arrangements with key stakeholders including; the local authority, local secondary schools, other local post-16 providers and students. Evidence of the consultation must be submitted with the business case.

### **The variation process**

When requesting a variation to admissions arrangements:

- the consultation must cover the relevant changes to the admission arrangements

- the consultation on the variation of the admission arrangements must last 4 weeks except in the very rare circumstance where there is no option for the academy trust but to request the variation (e.g. where the school will be forced to close if its PAN does not reduce). In such situations we will need to see that, as a minimum, all the bodies/persons set out in 1.47 of the [Admissions Code](#) have been informed of the change. If in doubt, the safer option for the academy trust is always to consult because, if the Secretary of State/RSC does not agree that the school had no option but to request the variation, the academy trust will be required to consult on admission changes for 4 weeks before the significant change/variation is considered
- evidence of the consultation must be submitted with the business case
- where a significant change will result in a reduction of a PAN or removes a relevant age group, it is essential a decision is made before parents apply for a place. Submissions must therefore be sufficiently in advance of the closing date for applications to allow the RSC, on behalf of the Secretary of State, to take a decision. The following deadlines apply:
  - changes reducing a primary PAN or removing a primary relevant age group for admission – submission to the department by 1 November<sup>23</sup> in the year before the change will be implemented
  - changes reducing a secondary PAN or removing a secondary relevant age group for admission – submission to the department by 31 August<sup>24</sup> in the year before the change will be implemented.

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<sup>23</sup> The closing date for parents to submit an application for the following September is 15 January

<sup>24</sup> The closing date for parents to submit an application for the following September is 31 October



## Further Information

Queries can be submitted via the [online enquiry form](#)

- [Education Act 1996](#)
- [Childcare Act 2006](#)
- [Children and Families Act 2014 \(legislation.gov.uk\)](#)
- [Academies Act 2010](#)
- [Equality Act 2010](#)
- [Equality and Human Rights Commission](#)
- [Equality Act 2010: advice for schools](#)
- [School Standards and Framework Act 1998](#)
- [SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](#)
- [Pipeline Free Schools](#)
- [Funding Guidance for Young People 2020 to 2021](#)
- [Academy Trust Handbook](#)
- [Convert to an Academy: guide for schools](#)
- [Multi-academy trusts: establishing and developing your trust](#)
- [Small Business Enterprise and Employment Act 2015](#)
- [The School and Early Years Finance \(England\) Regulations 2014](#)
- [The Education \(Independent School Standards\) Regulations 2014](#)
- [Regional Schools Commissioners](#)
- [Charity Commission](#)
- [‘Going Concern Basis of Accounting and Reporting on Solvency and Liquidity Risks’](#)
- [Schools Causing Concern guidance](#)
- [Establishing a new school: free school presumption](#)

- [Opening a free school](#)
- [Sponsor an academy](#)
- [Academies: funding, payments and compliance](#)
- [Condition Improvement Fund guidance](#)
- [Submit a school land transaction proposal](#)
- [Selective Schools Expansion Fund - GOV.UK](#)
- [The School Admissions Code](#)
- [Governance Handbook](#)
- [Change your charity's governing document](#)
- [Boarding schools national minimum standards](#)
- [Residential special schools national minimum standards](#)
- [Ofsted material change inspection](#)
- [Get Information about Schools \(GIAS\)](#)
- [How to make changes to a maintained school](#)
- [Opening and Closing LA maintained schools guidance](#)
- [Consultation principles guidance](#)
- [Independent School Standards](#)

# Annex A

## Examples of changes that do not require a significant change application

Changes where a significant change does not apply (for example adding a bulge class) still require the trust to ensure their FA is accurate so you should contact the ESFA via the EFA's online enquiry form:

[https://form.education.gov.uk/service/Education and Skills Funding Agency ESFA enquiry form](https://form.education.gov.uk/service/Education_and_Skills_Funding_Agency_ESFA_enquiry_form)

<b>Not a significant change: Reduction of physical capacity</b>
Where physical alterations are made to buildings which will reduce net capacity <sup>25</sup> , we would expect this to have been discussed between the relevant RSC, LA, academy trust and DfE Pupil Place Planning adviser as appropriate. We may require further information before a new Net Capacity Assessment is undertaken and a Deed of Variation completed and reflected in the capacity figure in the FA.
<b>Not a significant change: Closing an additional site</b>
Where the closure of an additional site includes the disposal of assets then the relevant guidance should be followed. Academies should be aware that under the terms of their FA they may not acquire or dispose of land, or dispose of any other class of capital assets except as expressly permitted in the Academies Financial Handbook, and subject to Part 3 of Schedule 1 to the Academies Act 2010. For land assets, academies should follow the guidance on involving the Secretary of State in land issues at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/958625/Involving_the_secretary_of_state_in_school_land_transactions_guidance.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/958625/Involving the secretary of state in school land transactions guidance.pdf</a>
<b>Not a significant change: Sharing a site</b>
It is not necessary to make a significant change application to share a site (including a satellite site) with a separate school. This applies to academies and LA maintained schools, including special schools and alternative provision. This also applies to LA maintained schools wishing to share a site with an academy, or vice versa. However, trusts and LAs should be aware that there may be issues with land ownership or use and should therefore consult <a href="#">land transactions guidance</a> to determine whether the proposed change requires an application for the Secretary of State's consent via a land transaction application.

<sup>25</sup> [Area guidelines and net capacity - GOV.UK \(www.gov.uk\)](#)

### **Not a significant change: Governance changes to an academy trust**

Applications to make governance changes, such as a single academy trust joining or becoming a multi academy trust or a trust adding a new free school, are not required to follow the significant change process, and this guidance does not apply.

Please speak to your RSC's office if you are planning any of the following structural changes to a multi-academy trust as they need to be approved by the relevant RSC:

- a multi-academy trust planning to take responsibility for an academy or academies that are transferring from another academy trust
- two existing multi-academy trusts planning to come together to form one multi-academy trust
- a multi-academy trust planning to make major changes to its governance, for example, removing or adding a principal sponsor
- a trust becoming a sponsor
- an academy transfer – when an academy moves from its current trust to another trust

There are different routes to becoming a multi-academy trust. The case will be assessed, and the RSC makes the final decision. The change will need to be reflected in FAs and articles of association, as necessary.

All applications must be submitted to [academy.questions@education.gov.uk](mailto:academy.questions@education.gov.uk)

Any structural changes to a multi-academy trust need to be approved by the relevant RSC.

### **Not a significant change: Changes to the published admission number (PAN)**

Mainstream schools must set a PAN for each relevant age group for admission in their determined admission arrangements. A PAN can be increased without consultation providing the local authority is informed and the increased PAN is published on the school's website. If an admission authority for a mainstream academy school wishes to reduce or remove a PAN or adopt a PAN for a new 'relevant age group'<sup>26</sup> it can do so by following the requirements set out in the [Admissions Code](#).

When proposing to increase or decrease a PAN, admission authorities should discuss their plans with the LA, and where the school is designated as having a religious character, it must discuss the changes with the trustees of the school and the appropriate religious authority (in the case of church schools the diocese or relevant diocesan board), An admission authority must carry out a full consultation in accordance with the [Admissions Code](#) when reducing a PAN.

<sup>26</sup> 'Relevant age group' is defined in [section 142 of the School Standards and Framework Act 1998](#) as 'an age group in which pupils are normally admitted to the school'.



Department  
for Education

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