



Department
for Education

Making significant changes to an open academy

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

March 2016

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1: Summary

About this departmental advice

This document provides advice to academy trusts on what they need to do to make a significant change (which in general has an impact on the number, type and / or location of school places) to an open academy.

Academy trusts should ensure that they read this guidance in full to ensure that they are aware of which process their proposal will need to follow and identify whether their proposal can follow the 'fast track' application or will require a full business case.

The purpose of this advice is to ensure that additional good quality school places can be provided quickly where they are needed; and expects that academy trusts do not propose changes that will have a negative impact on basic need or other good provision in the area; and so changes can be implemented quickly and effectively where there is a strong case for doing so. There is a general expectation that additional new places will only be provided at academies that have an overall Ofsted rating of 'good' or 'outstanding'.

Expiry or review date

This advice document will be reviewed in February 2017.

Who is this advice for?

Academy trusts considering a change to the characteristics of all types of open academy (as defined in the [Academies Act 2010](#) e.g. free school, studio school and university technical college, including the requirement for it to be 'principally concerned' with providing education for pupils of compulsory school age / under 19). Free schools and academies are not envisaged as being for students aged 19-25.

Governing bodies of maintained schools who wish to propose changes immediately following conversion to academy status.

Separate advice is available on [how to make changes to a maintained school](#).

Main points

- Academy trusts proposing to make a significant change to the characteristics of an open academy, which will affect clauses in their funding agreement, **MUST** submit a proposal for change in advance of the change being made. **Failure to do so could constitute a breach of its funding agreement.**

- Proposals for change must be submitted to the department through one of two processes, the [‘fast track’](#) application or [‘full business case’](#). An assessment of the proposal will be made before the [Regional Schools Commissioner](#) (RSC) or Secretary of State, as appropriate, makes a final decision. See [part four](#).
- In making decisions on proposals, the RSC will be advised by their [Head Teacher Board](#) (HTB).
- Certain changes can be fast tracked, at academies, rated as ‘good’ or ‘outstanding’ in their last inspection by Ofsted and do not require a full business case. [Part two](#) sets out which applications can be made via this route.
- It is expected that RSCs will approve the majority of fast track applications as long as the academy trust can provide the required evidence set out in [part four](#). The department may, on occasion, need to request additional information depending on the complexity of the proposed change.
- Changes which do not meet the fast track criteria will require a full business case. The RSC will make a decision based on consideration of the factors and evidence relating to the academy trust(s) as set out in [part four](#).
- Academy trusts will need to ensure that a fair and open local consultation has been undertaken; the change is aligned with local pupil place plans; that all required funding is in place and appropriate planning permissions and other consents have been secured to support all proposals. **Any unfunded proposal will require a full business case**, regardless of Ofsted rating or type of change.
- Where a proposed change sets a precedent, or is considered [contentious](#) a full business case will usually be required, regardless of the academy’s Ofsted rating. RSCs may choose to escalate such proposals to the Secretary of State to decide.
- All proposed changes which require changes to [admission arrangements](#) must ensure that a fair and open local consultation on changing the school’s proposed admission arrangements has been completed, in accordance with [the School Admissions Code](#). See [part four](#).
- For cases where a significant change will require [admission arrangements](#) to be varied to implement the proposal; if an existing point of entry will be removed, or the published admission number (PAN) reduced, the variation of the PAN can only normally be implemented for the following September if it can be agreed before the closing date for applications. This will not prevent the rest of the proposal from being approved see [part four](#).
- Once a change has been approved, the responsibility for updating the academy’s details on the department’s EduBase system lies with the academy trust.

2: Types of changes

This section provides details of significant changes which require approval, either through a [fast track](#) application or [full business case](#). The academy trust should provide additional evidence and respond promptly to requests for clarification or further information.

Potentially contentious proposals: full business case required

Where a proposed change sets a precedent or is potentially contentious, a full business case will usually be required, regardless of the academy's Ofsted rating and whether the type of change being proposed is eligible for the fast track process. Examples are those:

- which reduce places in an area of basic need; and
- which have received objections from the LA and/or neighbouring schools that the proposed change will undermine the quality of education provided by other 'good' or 'outstanding' schools in the area, by creating additional places where there is already surplus capacity.

Where proposals are particularly controversial and could attract public or press attention; RSCs may choose to escalate such proposals to ministers for a decision.

Governance changes to an academy trust

This guidance does not apply to governance changes such as a single academy trust (SAT) joining or becoming a multi-academy trust (MAT) or a SAT or MAT adding a new free school. There are different routes to becoming a MAT so, depending on what route a SAT takes, they need to access the appropriate link and follow the process below. The case will be assessed then the RSC makes a final decision. The change will need to be reflected in funding agreements and articles of association as necessary.

All applications must be submitted to academy.questions@education.gsi.gov.uk for:

- SATs thinking about [setting up a MAT to become a sponsor](#);
- SATs/MATs wishing to [add a new free school to their trust](#);
- The [SAT to MAT application form](#) must be used in the following situations:
 - MATs who are taking responsibility for an existing SAT;
 - Two or more SATs coming together to set up a MAT;
 - A SAT working with other schools who want to form a MAT; and

- SATs becoming MATs where there are no other schools involved at all and where the change does not relate to becoming a sponsor.

Physical expansion of premises

A significant expansion is defined as an enlargement of the site so that it can provide spaces for at least 30 additional pupils. **If this criteria is not met schools do not need to seek approval via the significant change process, but will need to seek agreement to amend the capacity figure in the funding agreement.**

Under section 14 of the [Education Act 1996](#), every local authority (LA) has a statutory duty to provide sufficient school places for all pupils in its area. The department has a strong expectation, especially in areas of basic need, that all 'good' and 'outstanding' academies should consider how they can best support their LA in meeting this duty. To help achieve this, academies can propose either an expansion of their school premises, increase their PAN or admit over PAN.

The department expects that only academies that are rated as 'good' or 'outstanding' will seek to expand their premises, in order to increase their intake. Only in very limited circumstances will the RSC consider approval of a proposal to expand from a school in another category, for example:

- where the academy is in an area of critical basic need;
- all other options for providing additional places have been fully explored; **and**
- the academy has a robust improvement plan in place.

Academies rated 'good' or 'outstanding' at their last inspection, proposing to physically expand their school premises, may follow the fast track process, unless the proposal;

- results in an increase of over: 50% in the school's capacity; and/or
- increases pupil numbers to 2,000 pupils or more.

Where the fast track requirements are not met, expansion proposals will require a full business case.

[Part four](#) explains the steps to making a significant change and the information needed for both a fast track application and full business case.

Special academies that are proposing to increase the physical capacity (number of pupils for which the schools is organised to make provision) of the school (including where PAN only is increased), and when taking into account all previous increases), by 10% or 20 pupils (whichever is the lesser) will need to seek approval based on a full business case regardless of their Ofsted rating.

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 schools in all cases 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.

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)?
- What will the admission arrangements be?
- 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 two sites be used (e.g. sharing of the facilities and resources available at the two 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 two sites; the more integration, the more likely the change can be considered to be an expansion.

Academy trusts proposing to expand 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](#). For selective academies the final decision will be made by the Secretary of State.

| Type of proposal | Fast Track route possible? | Full business case needed? |
|---|--|---|
| Physical expansion of premises | Yes If the change meets the expansion criteria; the academy is currently rated 'good' or 'outstanding' and the proposal is not considered contentious | Possibly If the change meets the expansion criteria, the academy is not rated 'good' or 'outstanding', the expansion results in a 50% increase, or takes pupil number to 2,000 or more or the proposal could be considered contentious |
| Physical expansion onto an additional or satellite site | No | Yes |
| Physical expansion of premises - special academy | No | Yes If the increase is for 10% or 20 pupils (whichever lesser) |

See [part four](#) for more detail

Age range changes

Academies rated as 'good' or 'outstanding' at their last Ofsted inspection can propose to change the age range of their school by up to two years (including adding nursery provision but excluding adding a sixth-form) by following the fast-track process.

Only in very limited circumstances will the RSC consider approving a proposal from a school rated as any other category, for example:

- where the academy is in an area of basic need; or
- where there are no other options for meeting the need for additional places; **and**
- the academy has a robust improvement plan in place.

Academy trusts proposing to change the age range of their school by three years or more; add a sixth-form, or make any age range change which could be considered contentious, or which will set a precedent for schools in their local area, will usually need to submit a full business case.

Where proposals are likely to have a significant impact on other local provision a full business case will usually 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 three tiers and the aim is to move to two tier age range, the department expects schools to work together to ensure an appropriate co-ordinated implementation, and will only approve any individual proposal in that context.

The addition or removal of a relevant age group must be consulted on in accordance with [the School Admissions Code](#).

There is a general presumption that a primary school seeking to expand its provision by adding secondary level provision will in effect be a new school, and that the academy trust will therefore need to apply to the department to [set up a presumption free school](#) rather than seeking to make this change via a change of age range proposal.

If fast-track conditions are not met, a full business case is always required, see [part four](#).

Proposals to add sixth-form provision will require a full business case and should normally only be put forward for existing academies rated as 'good' or 'outstanding'.

Applications for the addition of a sixth-form will be assessed against the following quality criteria; these will be used as guidelines when being considered by the RSC:

- Size, an expectation of around 200 students or more, either in the institution or through partnership;
- Breadth, an expectation that a student should be able to choose from around 15 A levels across a range of subjects, either in the institution or through partnership;
- Demand, including any shortage of post 16 places, and assessment of the quality of level 3 provision overall in the area and the impact of the new provision on other providers;
- Financial viability and value for money, including testing financial resilience should student numbers fall and considering the degree, and impact on 11-16 education, of cross-subsidisation of funding from the school's other budgets.

A request for a variation to admission arrangements, in line with [the School Admissions Code](#), will be necessary if the school wants to admit external pupils to the sixth-form.

Proposals to remove sixth-form provision can be made as a fast track application.

| Type of proposal | Fast Track route possible? | Full business case needed? |
|---|---|--|
| Change of lower or upper age limit by up to 2 years (including adding a nursery ¹ but excluding adding a sixth-form) | Yes If the academy is currently rated 'good' or 'outstanding' and the proposal is not considered contentious | Possibly If the academy is not rated as 'good' or 'outstanding' or where the proposal could be considered contentious |
| Change of lower or upper age limit by 3 years or more | No | Yes |
| Adding a sixth-form | No | Yes |
| Removing a sixth-form | Yes Case should address how displaced pupils will be offered alternative places. | No |

See [part 4](#) for more detail

Amalgamations / mergers

In **ALL** cases, proposals for amalgamation or merger with another academy will require a full business case, regardless of either academies Ofsted rating. The academy trust must propose to close one (or more) school (terminating the funding agreement(s) in the process) and propose to enlarge/change the age range/transfer site of an existing academy to accommodate the displaced pupils. The remaining academy will retain its school number, as it is not a new school, even if its age-range/phase has changed.

As these proposals 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 amalgamations / merger case.

| Type of proposal | Fast Track route possible? | Full business case needed? |
|--|----------------------------|---|
| Amalgamating or merging with another academy | No | Yes Case should address TUPE and land issues, as applicable. |

See [part four](#) for more detail

¹ [Small Business Enterprise and Employment Act 2015](#) - schools no longer have to register, separately with Ofsted, their early year's provision for two, three or four-year olds, so long as it meets certain requirements. Contact Ofsted for further details. Early years provisions in [Childcare Act 2006](#) will need to be addressed.

Faith-related changes

Gaining, removing or changing a faith designation requires approval based on a full business case. Only academies that are designated with a religious character can admit pupils and appoint staff by reference to faith criteria or teach religious education /deliver collective worship according to the tenets of the faith designation.

Before they may apply for a designation of a religious character, academy trusts are required, by their funding agreement, to seek the Secretary of State's consent. The relevant RSC will make this decision on behalf of the Secretary of State.

The academy trust must clearly set out, as a minimum, in their business case: their proposed new governance and staffing arrangements; the basis on which they believe the change is needed; and, why it will benefit the academy and the wider community. They must show that there is support for this change from their school and wider local community and have the express consent of the relevant religious body to become a school designated with a religious character. If faith based admission arrangements are proposed these must be consulted upon too, in accordance with [the School Admissions Code](#). The academy trust should also consider if an Equalities Impact Assessment should be completed, and include this with the business case.

It is possible for an academy that was formerly a voluntary controlled school to alter certain characteristics; i.e. their governance structures, approach to employment of staff; teaching of religious education and collective worship, so they are akin to those of a voluntary aided (VA) school.

This gives the academy greater freedoms in relation to how they maintain and develop their faith ethos. Therefore, the academy trust is required to undertake a local consultation and submit a summary of the results with their application. Once the RSC is satisfied there is sufficient support, changes are made to the funding agreement and articles of association. If the school wishes to have VA style freedoms in relation to employment of staff, an Order will be issued to ensure compliance with legislation.

| Type of proposal | Fast Track route possible? | Full business case needed? |
|--|----------------------------|----------------------------|
| Gaining, removing or changing a faith designation | No | Yes |
| Change a Church of England academy's characteristics | No | Yes |

See [part four](#) for more detail

Other change proposals

Transfer to another site can mean an enlargement of the premises, but might also affect the catchment area. If so, the academy trust will also need to reconsider their admission arrangements. A full business case is required in all cases.

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.

Change in type of SEN provision proposals require a full business case and allow special academies to add, remove the designation and categories of SEN provision that they currently provide.

Changes affecting provision reserved for pupils with SEN proposals require a full business case to add or remove the reserved provision or increase or decrease the number for which the reserved provision caters. The characteristics of the reserved provision may also be changed so as to change the age range or type of SEN for which the reserved provision caters. Academy trusts should note that provision reserved for pupils with SEN includes both "resourced provision" – where pupils spend more than half of their time in mainstream classes with support – and "designated SEN units" – where pupils spend more than half of their time in special classes.

Proposals for adding or increasing boarding provision can be made through a fast track application. In these cases compliance with health and safety, fire, planning regulations will be required.

When adding new boarding or residential provision an [Ofsted material change inspection](#) is required, before the boarding provision can be operational, 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 two days prior to the inspection.

An inspection is not required where an academy 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.

| Type of proposal | Fast Track route possible? | Full business case needed? |
|--|--|---|
| Transfer to another site | No | Yes |
| Change of gender composition - single sex to co-educational (vice versa) | No | Yes |
| Change in type of SEN provision | No | Yes |
| Changes affecting provision reserved for SEN pupils | No | Yes |
| Adding or increasing boarding provision | Yes However other legislation, as above, applies and will need to be complied with. | No |
| Decrease in, or removal of boarding provision | No | Yes If proposal is to remove at least 50% or 50 pupils (whichever greater), or entire boarding provision |

See [part four](#) for more detail

3: Funding

Generally the department does not provide funding for significant changes or any associated legal or administrative costs. 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.

Where capital funding for the expansion of high performing academies is to be sought through the Condition Improvement Fund (CIF), academy trusts will need to state this in their business case. The decision on capital funding rests with the minister, taking into account the RSC's views 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 ahead of the December deadline. From September 2016 the intention will be for academies to make a single application for the significant change and capital approval. Please see the [Condition Improvement Fund guidance](#) which sets out the eligibility criteria and application process for the 2016-17 round.

It is expected that all academies that were rated as 'good' or 'outstanding' at their last Ofsted inspection and are situated in areas of population growth will actively consider how they can best support the LA in meeting its duty to supply sufficient school places. This can include increasing PAN without expansion of the premises or an expansion of the premises and an increase in the PAN. Where an academy agrees to expand in response to a proposal by an LA to meet a local need for places, the LA should meet these costs. The department provides capital funding to local authorities facing a shortfall of places (basic need), to help support them to meet their statutory duty to secure sufficient school places in their area.

4: What are the steps to making changes?

Academy trusts should always discharge their Public Sector Equality Duty² in proposing changes and consider if the proposed [change will affect the trusts governing documents](#).

For **ALL** significant change enquiries and proposals, academy trusts will need to contact the department, via an [enquiry form](#), at least three months prior to the proposed change coming into effect. This is to ensure that there is time for the decision to be made and that the funding agreement 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 funding agreement.**

Who should be consulted and how?

For both full business case proposals **and** fast track applications the academy trust will need to confirm that a fair and open local consultation has been undertaken, **with all those who could be affected by the proposed change**, and that the proposal takes account of all responses received. 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 RSC (or the Secretary of State as appropriate) will need to be satisfied that the LA has been consulted, and will consider any reasonable objections from them.

A condition of funding for any future capital funds is that the academy trust has conducted a consultation, that responses have been taken into account, and that any consents required have been given. Changes will **not** be agreed unless appropriate consultation has taken place.

If you are a maintained school and are consulting on proposals to make a significant change as soon as you become an academy, this must be undertaken as part of your section 5 (conversion) consultation. Decisions about significant changes immediately following conversion are separate to decisions about conversion, and may not be approved when conversion is approved.

The department considers the stakeholders listed below should be consulted about proposals for change, but others may also be included:

- each LA which maintains an Education Health and Care Plan (EHCP) or statement of SEN in respect of a child attending the academy.

² Section 149 [Equality Act 2010](#)

- parents of children who attend the academy.
- parents in the area.
- primary, secondary 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).
- any diocesan / religious authority for academies designated with a religious character must be consulted.

The consultation process on a significant change should run for a minimum of **four weeks**, although where there are any changes requiring a change to admission arrangements there must be a **six week** consultation on the admission arrangements, with the parties set out in [the School Admissions Code](#).

It is important to take timing into account in order to maximise responses to the consultation, including attendance at any public meetings – for example, consulting during term time rather than school holidays. 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 your consultation is completed and business case and variation request submitted in sufficient time to ensure any changes to an admission policy can be implemented before parents submit their applications for school places.

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

Requesting a change: fast track and full business case

Fast track application: academies rated 'good' or 'outstanding'

Changes which can be made via the [fast tracked application](#) i.e. do not require a full business case, at academies, rated as 'good' or 'outstanding' in their last inspection by Ofsted, are:

- a significant expansion unless it results in an increase of over 50% in the school's capacity, takes pupil numbers to 2,000 or more and results in an expansion onto a satellite site;

- an age range change (by up to two years) e.g. to extend existing nursery provision to two year-olds, unless the case is [likely to be contentious](#); and excluding adding a sixth-form;
- adding boarding provision and,
- removing a sixth-form.

It is expected that RSCs will approve the majority of fast track requests from academies currently rated as 'good' or 'outstanding' provided that the academy meets all the fast-track criteria (as below) and is prepared to demonstrate, with evidence if requested:

- a fair and open consultation has taken place, including that any consultation relating to admission arrangements which are necessary has been undertaken, the number and percentage in favour of the change has been considered, and if there are any objections, how the issues raised will be (or have been) managed;
- funding has been secured in relation to the proposed change for both capital costs, and that there are no issues with current budget and/or finances. In the case of expansions, academies have sufficient funding for additional pupils, until lagged funding is applied;
- the change is aligned with local pupil place plans and it is unlikely to have a negative impact on educational standards at the academy or at other local schools or colleges; and
- that appropriate planning permissions and other consents required have been secured.

The department may on occasion need to request additional information to that requested above, depending on the complexity of the proposed change. Whilst there is a presumption that changes deemed 'fast track' will be approved, change found not to have met the criteria will not be approved by the RSC. When assessing a fast track application, the RSCs will consider the impact that the proposed change will have on the quality and capacity of the academy.

Full business case

For full [business case proposals](#), the RSC, advised as necessary by their HTB, will make a decision based on consideration of the factors and evidence provided by the academy trust(s) which are:

- educational track record and current performance of the academy;
- the details of the change, including the rationale and impact on the school, any potential issues/risks relating to the proposals (e.g. changes to leadership and

- governance, any foreseen adaptations, additions, refurbishments or land transfers needed), and evidence of demand;
- when the change is to be implemented, and how (e.g. will it be done in stages);
 - details of the schools at which displaced pupils will be offered places (if applicable), including any interim arrangements; the alternative provision for children recognised by the LA as reserved for children with special education needs; and in the case of special academies, the alternative provision made;
 - 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;
 - evidence of fair and open local consultation, including an overview of the responses to the consultation;
 - the degree of LA support and what the academy has done in response to any consultation responses from them;
 - financial health of the academy and funding arrangements of 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;
 - a request for a variation of the admission arrangements, where changes are necessary to implement an approved change. The request should flag whether it is proposed that a PAN will be reduced, or a relevant age group for admission will be removed;
 - information on the consultation on the proposed change including any admissions consultation, including the number and percentage in favour of the change, and if there are any objections, how the issues raised will be (or have been) managed;
 - when an academy is proposing changes to its SEN provision, the business case must demonstrate that the proposed change will not have a detrimental impact on local SEN provision;
 - details of financial and governance arrangements and if appropriate, confirmation that planning permission has been secured;
 - the consent of any relevant religious authority and/or site trustees; and
 - any implications for other statutory requirements e.g. under TUPE, childcare (early years), equalities and health and safety legislation.

Decision making process

The RSC, advised by their HTB, will consider the proposal and either approve or reject it. The RSC may also defer the approval pending further evidence. Where proposals are particularly controversial and could attract adverse public or press attention; the RSC may choose to escalate such proposals to the Secretary of State for a decision.

The department will notify the academy trust of the RSC's decision. The responsibility for amending trust documentation lies with the trust.

The responsibility for updating the academy's details on the departments EduBase system also lies with the academy trust. Further guidance on using EduBase is available on the [EduBase](#) website. Ofsted use EduBase as part of their inspection scheduling and to ensure relevant inspector expense, so it is important that significant changes are accurately and promptly recorded.

Admissions-related changes

Reductions in the PAN, or the removal of a relevant age group, must be consulted on in accordance with [the School Admissions Code](#) or, if a variation is sought because of a major change in circumstances, the request must be made sufficiently in advance of the closing date for admissions applications.

What should be done when a change affects admissions but cannot meet the normal timescale for making changes to admission arrangements'?

- All academies are contractually obliged to comply with [the School Admissions Code](#), including the timescale for changing admissions.
- The normal lead in time between beginning consultation on changing admission arrangements, as set out in the School Admissions Code, and determining those arrangements as final, is 17 months which includes a six week statutory consultation on the proposed revision to arrangements. 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.
- Where it is not possible to follow the normal admissions timetable, academies must seek a 'variation' of their admission arrangements at the same time as they submit their full business case for the significant change.
- A variation can only be agreed if there is a major change in circumstances necessitating the change to the admission arrangements.
- All variation requests should be the minimum necessary to implement the significant change, if approved.

What needs to be done before the variation of the admission arrangements can be agreed?

- The academy trust must consult the relevant persons or bodies as set out in [the School Admissions Code](#).
- The consultation must cover the relevant change to the admission arrangements.
- The consultation on admission arrangements should last six weeks.
- Evidence of the consultation should be submitted with the business case.
- Where a change reduces a PAN or removes a relevant age group, it is essential a decision is made before parents apply for a place. Submissions must be sufficiently in advance of the closing date for applications in order 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 November³ 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 August⁴ in the year before the change will be implemented;

What changes to admissions arrangements are likely to be necessary if the age range is changed?

- Where, for example, a school changes its age range from 11-16 to 4-16, the department would normally expect the current oversubscription criteria to be used. However a new PAN, to apply to reception as a new point of entry, should be determined and the year seven PAN may need to be reduced or removed.
- Where a school adds boarding provision, a boarding admission number and boarding admission criteria must be adopted.
- Where a school adds a sixth-form, there is no need for changes to be made to admission arrangements unless the intention is to admit external pupils, in which case a year 12 PAN and oversubscription criteria must be included.

³ The closing date for parents to submit an application for the following September is 15 January

⁴ The closing date for parents to submit an application for the following September is 31 October

5: Further Information

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

- [Education Act 1996](#)
- [Childcare Act 2006](#)
- [Academies Act 2010](#)
- [Equality Act 2010](#)
- [Small Business Enterprise and Employment Act 2015](#)
- [The School and Early Years Finance \(England\) Regulations 2014](#)
- [Regional Schools Commissioners](#)
- [Head Teacher Board](#)
- [Charity Commission](#)
- [Establishing a new school: free school presumption](#)
- [Opening a free school](#)
- [Sponsor an academy](#)
- [Academies funding payments and compliance](#)
- [Condition Improvement Fund guidance](#)
- [The School Admissions Code](#)
- [Governors' handbook](#)
- [Change your charity's governing document](#)
- [Boarding schools national minimum standards](#)
- [Residential special schools national minimum standards](#)
- [Ofsted material change inspection](#)
- [EduBase](#)
- [How to make changes to a maintained school](#)
- [Consultation principles guidance](#)



Department
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