



Department  
for Education

# **Material change: applying for approval to change the registered details of an independent school**

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# Introduction

## Who is this guidance for?

This guidance is for proprietors (and proposed proprietors) of independent schools, which are registered under section 95 of the [Education and Skills Act 2008](#) (“the 2008 Act”), including proprietors of schools that are:

- special schools
- residential special schools
- boarding schools

It does not apply to academies, including free schools. Academy trusts should, instead, consult the Department’s guidance on [making significant changes](#).

It does not apply to registered residential special schools who wish to offer residential provision for more than 295 days per year. A separate application will need to be made to register with [Ofsted as a children’s home](#). Similarly, if a registered day or boarding school wishes to offer children’s home provision, a separate application will need to be made to register with Ofsted as a children’s home.

## Background

An application for registration of an independent school **must** contain certain information, which is set out in the [Provision of Information Regulations 2018](#).

When a school is first registered, some of that information is recorded on the register of independent schools which is kept by the Secretary of State under section 95 of the 2008 Act. For example, who the proprietor is, the address of the school and the maximum number of pupils at the school.

If a school wishes to amend these registered details, prior approval **must** be sought from the Secretary of State. [Section 162 of the Education Act 2002](#) designates which changes, called “material changes” require that prior approval. This non-statutory guidance has been produced to help proprietors (and prospective proprietors) of independent schools to understand when and how to apply for approval of a material change (see page 5 below for what constitutes a material change).

Material changes may impact on a school’s ability to meet the independent school standards, set out in the Schedule to [The Education \(Independent School Standards\) Regulations 2014](#) (“the ISS”)<sup>1</sup>. In order to approve any application for a material change relating to an independent school, the Secretary of State **must** be satisfied that the

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<sup>1</sup> Guidance to support schools meet these standards is available here - [The Independent School Standards - Guidance for independent schools \(publishing.service.gov.uk\)](#)

(relevant) ISS are likely to continue to be met in relation to the school if the change is made. Determining an application may involve the Secretary of State commissioning an inspection of a school (a 'material change inspection') covering one or more of the ISS.

Please note this guidance sets out initial information needed for the Department to start processing an application for a material change; further information may be needed as the application is processed. You should allow up to six months, from the date you provide all the initial information to the Department, for your application for a material change approval to be determined. In exceptional circumstances where a change is particularly complex a request may take longer. We will inform applicants where this is the case.

Material changes not requiring a material change inspection can usually be progressed quicker than this.

If a relevant restriction<sup>2</sup> is in place in relation to your school, should an application for a material change be approved in relation to it, this does not mean that the restriction has been revoked (or varied). A material change approval is not the same thing as (and there is a different process for) an approval to vary or revoke a relevant restriction.

### **Unapproved material changes**

**You must not make a material change without having applied for and obtained the Secretary of State's approval for it<sup>3</sup>.** For example, recording changes at a school by means of an initial or annual return is not an application for material change approval and does not give the necessary approval required.

**Under section [162 of the Education Act 2002](#), the Secretary of State may decide to deregister an independent school, where there has been an unapproved material change.**

### **The guidance**

This guidance is split into two parts:

**Part A** sets out changes that constitute a material change and the details you should provide when applying for approval.

**Part B** sets out how to apply for a material change approval.

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<sup>2</sup> See, paragraphs 21 and 22 of the Department's [Independent Schools: Regulatory and Enforcement Action Policy Statement](#)

<sup>3</sup> Or on appeal to the First Tier Tribunal, had it approved.

## Part A

### What changes do I need approval for?

1. The following changes constitute a material change:
  - change of proprietor
  - change of address
  - change to the age-range of pupils
  - change to the maximum number of pupils (registered capacity)
  - change to whether the institution is for male or female pupils or both
  - starting or ceasing to provide accommodation to pupils (boarding)
  - starting to or ceasing to admit pupils with special educational needs (SEN)
2. The Secretary of State's approval **must** be obtained before any of these changes may take place.
3. Subject to one exception, where you are seeking approval for multiple material changes you should make the applications together (ensuring that you are providing all the information for each change as set out below). The exception is where an application for approval for a change of proprietor is being made at the same time as other material changes. The former type of application should be submitted in a separate application. This is because an application to change proprietor **must** be made by the proposed proprietor and because applications for other types of material changes **must** be made by the existing proprietor.

### Change of proprietor

4. It is a material change to change the proprietor of a registered independent school. Prior approval **must** be obtained before there is a change of proprietor.
5. Certain checks need to have been carried out by, or for, the Secretary of State relating to the proprietors of independent schools, for there to be compliance with Part 4 of the ISS (which relates to the suitability of, amongst others, proprietors of independent schools).
6. Therefore, applying for approval for a change of proprietor will normally trigger a process whereby the new proposed individual proprietor, or chair of the proposed new proprietor body, will be supplied with the documentation for an enhanced criminal record check (via the Disclosure and Barring Service), to be carried out on them and for the Department to have visibility of the results of the check. Checks also include confirming an individual proprietor's (or chair's) identity and their right

to work in the United Kingdom. The Department will consider the suitability of the proposed individual proprietor or chair of the proposed proprietor body, taking into account the results of the required checks. If the proposed individual proprietor or chair of the proposed proprietor body is or will be engaging in activity which is regulated activity, the Department will need to confirm compliance with the requirements in Part 4 of the ISS, which are related to being barred from regulated activity, or having a direction made against them under section 128 of the 2008 Act<sup>4</sup>.

7. If the proposed new proprietor is a body of persons, The Department will also need to confirm that the chair of the proprietor body, is aware of their responsibility to ensure relevant checks are carried out in relation to members of the proprietor body.
8. In addition, it will consider whether the proposed proprietor is likely to comply with Part 8 of the ISS, which contains requirements relating to the leadership and management of independent schools.
9. Ordinarily, provided the results of the above due diligence checks are satisfactory and the Department considers that Part 8 of the ISS is likely to be met, the new proprietor will be approved.
10. It is unlikely that a change in proprietor will trigger a material change inspection, but the need for this will always be considered on a case-by-case basis.
11. To apply to the Department for a change of proprietor, the proposed new proprietor, where they are an individual should initially provide the following details about themselves and where they are a proprietor body, the following details about the chair:
  - Full name
  - Date of birth
  - Contact details, including a contact e-mail address
  - If a proprietor body, a statement from the proposed chair, confirming all relevant checks will be carried out on members of the proprietor body
  - When it is intended for the proposed change to come into effect
12. Following a review of the details provided, a suitability checking guidance pack will be provided (as applicable) to the proposed individual proprietor or proposed chair of the proprietor body, which advises that a number of forms need to be completed and returned to the Department (in order for checks described in paragraph 6 above to be carried out). In the absence of this requested information being provided, an application will not be progressed.

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<sup>4</sup> [Education and Skills Act 2008 \(legislation.gov.uk\) Prohibition on participation in management](https://www.legislation.gov.uk/ukpga/2008/25/section-128)

## Change of address

13. It is a material change to change the address of a registered independent school.
14. The Department will want to be assured with the proposed change of address, that the ISS, amongst others, related to the welfare, health and safety of pupils and to premises and accommodation will continue to be met. A change in address will therefore, in most cases, lead to the Department commissioning an inspection before a change of address is approved.
15. Approval **must** be granted before a change of address is made.
16. Information to supply when applying for approval for a change of address is as follows:
- Complete postal address of the proposed new site and when you would like to make the proposed change
  - The reason for the change
  - The number of pupils you plan to educate at the new address. NOTE - a change to the registered capacity (increase or decrease) from what you are currently registered for would also constitute a material change and full details should also be provided as per paragraph 31 below to apply for approval
  - The age range of pupils you plan to have at the new address. NOTE - a change here from what you are currently registered for would also constitute a material change and full details should be provided as per paragraph 20 below to apply for approval
  - Details of whether boarding accommodation will be provided at the new address and if it is to be provided, an explanation as to how the accommodation will meet the requirements in Standard 4.1 of the National Minimum Standards for Boarding Schools<sup>5</sup> (or Standard 9.1 of the National Minimum Standards for Residential Special Schools<sup>6</sup>, if instead applicable) which outlines the need for the accommodation to be of good quality, providing appropriate privacy to boarders taking into their account sex, age and any special requirements. NOTE - starting or ceasing to provide boarding would also constitute a material change and full details should be provided as per paragraph 52 below to apply for approval
17. It is not a material change if a school simply (i.e., in the absence of anything else that would constitute a material change) obtains new, additional premises (whilst maintaining its registered address). Whilst not classed as a material change and

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<sup>5</sup> [National Minimum Standards for Boarding Schools](#)

<sup>6</sup> [Residential special schools national minimum standards](#)

as such does not require prior approval, you should inform the Department as soon as this occurs. Please do this by sending an email to [registration.enquiries@education.gov.uk](mailto:registration.enquiries@education.gov.uk). In any event, you are required under the Provision of Information Regulations 2018 to inform the Department of any (additional) premises you are using as part of your response to the annual census (or in your response to a request for an initial return).

18. Moreover, if the Department becomes aware of concerns, related to the ISS or (where applicable) the [Early Years Foundation Stage](#), the [National Minimum Standards for Boarding Schools](#), or [National Minimum Standards for Residential Special Schools](#), and connected to additional premises your school is using, it can commission an emergency inspection of your school and where appropriate, take regulatory or enforcement action.
19. If the proposal affects under 5-year-olds at the school, you **must** notify Ofsted. [Guidance for nurseries on when/if you need to register with Ofsted](#), about the process, fees, and associated requirements, is available online.

### **Change to the age-range of pupils**

20. Schools commonly change the age-range of pupils (i.e., start admitting or stop admitting pupils below or over a certain age) from that which they are registered for, at the same time as changing their registered capacity (see paragraph 31 below, on how to apply to make a change to registered capacity), although it is possible to change the age-range of pupils without altering the registered capacity.
21. The registered age-range is fixed, and a school **must not** start admitting or stop admitting pupils over or below their registered age, without seeking prior approval. When considering a proposed change to the age-range for which a school is registered, the Department will want to be assured that with the change the school is likely to continue meet, amongst others, the ISS related to quality of education, welfare, health and safety of pupils, and premises and accommodation (particularly in view of any associated changes to buildings).
22. A material change inspection may be commissioned in response to an application to increase the age-range of pupils for which a school is registered. A decision on whether to commission an inspection will depend on many factors, including the scale of the increase, whether new “key stages” would be catered for, and whether new or enlarged premises would be provided to cater for the increased age-range.
23. Reductions in the age-range are also a material change. A reduction in the age range of pupils is less likely to impact school performance, and therefore, approval



for a reduction in age-range can normally be granted without the need for an inspection (but the need for one will always be considered on a case-by-case basis).

24. Approval **must** be granted before a change to reduce or increase age-range is made.

25. Occasionally schools, especially those with SEN pupils, wish to have, for a brief period, just one or two pupils who are aged just over the age range for which they are registered. For example, while the pupils finish their studies for one more academic year. This constitutes a material change and approval **must** be granted before the pupils are at the school, over the registered age-range. Applications in such instance are unlikely to trigger an inspection (but again the need for one will be considered on a case-by-case basis). School proprietors **must** make a further material change application to reduce the age range at the end of the academic year if they wish to revert back to their original (or a different) age range.

26. Information to supply when applying for approval for a change of age-range is as follows:

- A clear statement of the proposed new age-range to be catered for, including the date when you would like the proposed change to come into effect
- The anticipated number of pupils and whether this will increase overall numbers of pupils in the school, and if so, by how many (noting any change in registered capacity requires material change approval (see paragraph 31 below, on how to apply to make a change to registered capacity)
- An explanation of how the school's existing premises will accommodate the change in age range. If new additional premises are required to accommodate the proposed change, you should provide the full postal address, including details of where new classrooms, if any, will be located (confirming if any will be away from the school's main site)
- If the change will result in new premises or building alterations to your existing premises, a clear statement of the timescale within which the building /construction works are likely to be complete and evidence that any construction work is in accordance with building regulations.
- A copy of all the written risk assessment policy or policies which will be implemented if the Department approves the proposed change (i.e., those produced for the purposes of the standard in paragraph 16 of the ISS). A change in age range may necessitate changes to pre-existing risk assessment policies and if they are needed, proprietors are responsible for ensuring that appropriate changes are made
- Copies of the policy on curriculum, and supporting plans and schemes of work, which will be implemented if the Department approve the proposed change (see the standard in paragraph 2 of the ISS). A change in age range will often necessitate changes to these documents. In this context, you will want to note that there are some different requirements in the standard in paragraph 2 of the ISS related to whether the pupils will be of compulsory school age or above or below that age or

receiving secondary school education. For example, in the case of pupils below compulsory school age, it is necessary to have (amongst other things) a programme of activities which is appropriate to their educational needs in relation to personal, social, emotional and physical development and communication and language skills. Or if the change in age range covers pupils above the compulsory school age, it will be necessary to have (amongst other things) a programme of activities which is appropriate to their needs.

27. Where a school already provides boarding, and it is proposed to provide boarding to pupils of any of the new ages covered by a proposed change in age-range, then the following should also be provided with the application:

- Proposed number of additional boarders
- Confirmation of the new ages and sex(es) of boarders
- Explanation of how accommodation provided, will meet the requirements in Standard 4.1 of the National Minimum Standards for Boarding Schools (or Standard 9.1 of the National Minimum Standards for Residential Special Schools, if instead applicable) which outlines the need for the accommodation to be of excellent quality, providing appropriate privacy to boarders taking into their account sex, age and any special requirements.

28. Providing boarding to a new age group is highly likely to require changes to be made to the written risk assessment policy, or relevant risk assessment policies, produced for the purposes of the standard in paragraph 16 of the ISS. Proprietors are responsible for ensuring that the appropriate changes are made (along with any others that may be appropriate because of other associated changes in boarding arrangements). They, therefore, should ensure that these are made to the risk assessment policy or policies submitted with an application.

29. Starting or completely ceasing to provide boarding would constitute a separate material change and full details should be provided as per paragraph 52 below.

30. If the proposal includes the admission of pupils aged under 5, you are required to separately register with Ofsted. [Guidance for nurseries on when/if you need to register with Ofsted](#), about the process, fees and associated requirements is available online.

### **Change to maximum number of pupils (registered capacity)**

31. When independent schools are first registered, they are approved, in each case, to have no more than a certain maximum number of pupils - their registered capacity.

32. The registered capacity is a fixed number, and a school **must not** have more pupils than their registered capacity. The registered capacity is different to the number of

pupils on the roll, which can fluctuate from year to year. Changes to the number of pupils on the roll do not require a material change (unless such changes will result in a breach of the registered capacity).

33. Having more pupils than the registered capacity is a material change and requires prior approval from the Secretary of State, even if the intention is to admit new pupils only for a time-limited period. Approval **must** be granted before such a change is made, whether intended to be temporary or not. The Department does not grant approval for a time-limited material change.
34. An inspection may be required when considering an application for an increase in capacity, particularly if the planned increase is very large and/or involves the use of new premises or buildings.
35. When considering a proposed increase to the registered capacity, the Department will want to be assured that the school is likely to continue to meet, amongst others, the ISS related to quality of education, welfare, health and safety of pupils, and premises and accommodation (particularly if there are proposed changes related to buildings).
36. A decrease in the registered capacity is a material change and, therefore, requires prior approval, even if reverting to a previous registered capacity. As decreasing the registered capacity is unlikely to impact on a school's performance, approval is likely to be granted without the need for inspection (this will always be considered on a case-by-case basis).
37. Approval **must** be granted before registered capacity is increased or decreased.
38. Information to supply when applying for approval to change the registered capacity of your school is as follows:
  - The proposed change to the registered capacity and when you would like the change to come into effect
  - The reason for the change
  - Explanation of how the existing premises will accommodate the proposed new capacity. If new additional premises are required to accommodate, you should provide the full postal address. If the change will result in building alterations to your premises, a timescale of when any building work/construction is likely to be complete and evidence that any construction work is in accordance with building regulations
  - A copy of the written risk assessment policy or policies (required for the purposes of the standards in paragraph 16 of the ISS), which will be implemented if the Department approves the proposed change. A change to capacity may necessitate changes to pre-existing risk assessment policies and if they are needed, proprietors are responsible for ensuring that appropriate changes are made

39. Where it is intended to increase the registered capacity and with that, to increase the number of pupils who will be provided with boarding accommodation, the following should also be provided in the application:

- Proposed number of additional boarders
- Explanation of how the accommodation will meet the requirements in Standard 4.1 of the National Minimum Standards for Boarding Schools (or Standard 9.1 of the National Minimum Standards for Residential Special Schools, if instead applicable) which outlines the need for the accommodation to be of good quality, providing appropriate privacy to boarders taking into their account sex, age and any special requirements.

40. Increasing the number of pupils who board will very often require the written risk assessment policy or policies (produced for the purposes of the standard in paragraph 16 of the ISS) to be revisited. Proprietors are responsible for ensuring that appropriate changes are made, and they should ensure that these are made in the risk assessment policies they submit with their application (see paragraph 38 above).

41. Starting or completely ceasing to provide boarding would constitute a separate material change and full details should be provided as per paragraph 52 below.

### **Change to whether the institution is for male or female pupils or both**

42. A change to whether an independent school has only male pupils, only female pupils or becomes mixed (co-educational) is a material change and approval **must** be sought (and given) before the change is made.

43. In all cases, when considering a proposed change relating to single sex or co-educational provision, the Department will want to be assured that with the proposed change, the school will continue to be compliant with the ISS, amongst others, related to quality of education, welfare, health and safety of pupils, and premises and accommodation (and in particular, if there are associated changes to buildings). A change to whether the institution is for male or female pupils, or both will therefore, in most cases, lead to the Department commissioning an inspection before a change is approved.

44. 'De-amalgamation' is when a school which is currently co-educational wishes to begin operation as two separate single-sex schools. De-amalgamation will require the existing proprietor of the school to make an application for approval to become single sex (and for any other connected material changes). An [application for registration](#) will also need to be submitted for the "new" school that will cater for the other sex.

45. In instances where there is a trust deed or other instrument that restricts the provision of education to boys or girls only, you may have to make an application under Schedule 14, paragraph 1 of the Equality Act 2010 in order to implement the change you are planning. You may wish to take your own legal advice, to establish whether your school is covered by such a document before submitting an application.
46. [Non-statutory guidance on gender separation in mixed schools](#) is available online.
47. When applying to become co-educational, proprietors should carefully consider whether they are making any other material changes and provide the information as set out in this guidance, in order to obtain the necessary approvals for these additional changes.
48. Information to supply when applying to become, or ceasing to be, co-educational or applying to change the sex of pupils at the school is as follows:
- Clear statement of which sex(es) your school intends to cater, or cease catering, for
  - Details about where children of each sex will be taught (i.e., the same, or separate sites and addresses of the site(s))
  - Date that you wish the change to be made
  - Whether or not you are also seeking to change the age range of pupils. NOTE - a change here from what you are currently registered for would also constitute a material change and full details should be provided as per paragraph 20 above to apply for approval
  - Whether or not you are also seeking to change the registered capacity of the school (NOTE - a change to registered capacity is a material change and information is to be provided as per paragraph 31 to apply for approval)
  - Explanation of how the existing premises will accommodate the proposed change
  - If the change will result in new premises or building alterations to your existing premises, a clear statement of the timescale within which the building /construction works are likely to be complete and evidence that any construction work is in accordance with building regulations
  - A copy of the written risk assessment policy or policies (required under the standard in paragraph 16 of the ISS), which will be implemented if the Department approve the proposed change. A change in relation to the sex of pupils who will attend a school will always require changes to pre-existing risk assessment policies and if they are needed, proprietors are responsible for ensuring that appropriate changes are made and will want to ensure that any changes which are needed are contained in the written risk assessment policies they submit with their application
  - Confirmation that in the light of the proposed material change that changes have been made to the curriculum policy, and supporting plans and schemes of work, required by the standard in paragraph 2 of the ISS, such as in relation to the personal, social, health and economic education to be provided. You do not need

to send this documentation to the Department at this stage, but it may be requested at a later stage and will be reviewed during any material change inspection

49. If the school already provides boarding and the intention is to provide boarding to a different sex of pupil, you should also provide:

- Confirmation of the age-range and the sex(es) of boarders
- Explanation of how the accommodation will meet the requirements in Standard 4.1 of the National Minimum Standards for Boarding Schools (or Standard 9.1 of the National Minimum Standards for Residential Special Schools, if instead applicable) which outlines the need for the accommodation to be of good quality, providing appropriate privacy to boarders taking into their account sex, age and any special requirements

50. Changing which sex or sexes are provided with boarding is very likely to be require changes in the pre-existing written risk assessment policy or policies that the school has (for the purposes of the standard in paragraph 16 of the ISS), Proprietors are responsible for ensuring that appropriate changes are made in these circumstance and will want to ensure that any necessary changes are contained in the written risk assessment policies they submit with their application (see paragraph 49 above).

51. Starting or completely ceasing to provide boarding would constitute a separate material change and full details should be provided as per paragraph 52 below.

### **Starting or ceasing to provide accommodation to pupils (boarding)**

52. Starting or ceasing to provide accommodation to pupils at a registered independent school is a material change. Starting to provide boarding will in most cases trigger a material change inspection before an application to provide it is determined. Ceasing to provide boarding will not normally result in an inspection being commissioned (but again, the need for this will be considered on a case-by-case basis).

53. Approval **must** be granted before starting or ceasing to provide accommodation to pupils.

54. Increasing the number of boarding places, if this does not involve admitting more pupils so that the school's registered capacity is breached, is not a material change. Similarly, if a school is already registered to be co-educational but with boarding for only one sex, adding boarding to accommodate the other sex is also not a material change. However, you should take care to ensure that changing boarding provision in either of these ways does not adversely impact the welfare of pupils. Changing it may lead to a failure to meet the National Minimum Standards for Boarding Schools or the National Minimum Standards for Residential Special Schools (as applicable),

and the ISS. You should also consider whether relevant risk assessment and child protection policies need updating.

55. When considering a proposed change to start to provide boarding, the Department will want to be assured that the ISS, amongst others, related to welfare, health and safety of pupils, and premises and accommodation will be met following the change.

56. Information to supply when applying for approval to start providing boarding is as follows:

- Proposed number of boarders
- Confirmation of what the age-range will be of boarders and the sex(es) of boarders
- Date when you would like to make the proposed change
- A copy of the written risk assessment policy or policies (required under the standard in paragraph 16 of the ISS), which will be in use when the change is made. Starting to provide boarding will inevitably require changes to be made to a school's risk assessment policies. Proprietors are responsible for ensuring that the appropriate changes are made. They, therefore, will want to ensure that these are made to the risk assessment policy or policies submitted with an application.
- Explanation of how the accommodation will meet the requirements in Standard 4.1 of the National Minimum Standards for Boarding Schools (or Standard 9.1 of the National Minimum Standards for Residential Special Schools, if instead applicable) which outlines the need for the accommodation to be of good quality, providing appropriate privacy to boarders taking into their account sex, age and any special requirements
- Confirmation of how the existing premises will accommodate boarders (or the full postal address of any new additional premises). If the change will result in new premises or building alterations to your existing premises, a clear statement of the timescale within which the building/construction works are likely to be complete and evidence that any construction work is in accordance with building regulations.

57. If requesting approval to cease to provide boarding, you only need to provide the date that when you wish to stop providing it.

### **Admitting pupils with special educational needs**

58. When an application is made to register an independent school, the proprietor of the school states, in their application, whether the school will admit pupils with SEN (or not), and this is recorded in the register.

59. Where a school is to admit SEN pupils, contrary to what was recorded in the register when the school was registered, this would require a material change application to be made to seek prior approval. Similarly, where a school wants to cease to admit SEN pupils, contrary to what was recorded when the school was registered, this

would be a material change and require prior approval. In addition, where either type of change is approved in relation to a school, the register will be amended to reflect the approval and subsequent changes to whether the school admits or ceases to admit pupils with SEN (contrary to the details registered) will require prior approval.

60. The need for an inspection, to determine an application for approval to start to admit or cease to admit pupils with SEN, will be considered on a case-by-case basis.

61. You may wish to seek out specialist advice before making an application to admit pupils with SEN. The number of pupils, or the types of SEN, that you intend to cater for will be relevant to the determination of your application. You may need to introduce a new curriculum or make other changes to meet the specific needs of individual, or groups of, pupils with SEN. For example, these might include, but are not limited to, making changes to premises needed to comply with the standards in paragraphs 24 and 25 of the ISS or to the documentation that is required under paragraph 2 of the ISS related to the curriculum, specifically the need for it to take into account the needs of all pupils, including those with an EHC plan.

62. Guidance you may find useful when considering catering for SEN pupils for the first time include: [SEN code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/publications/sen-code-of-practice-0-to-25-years) and [SEN: guide for schools and alternative provision settings - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/publications/sen-guide-for-schools-and-alternative-provision-settings)

63. Information to supply when proposing to admit pupils with SEN is as follows:

- Date when you would like to make the proposed change
- The anticipated number of pupils with SEN and whether this will increase overall numbers of pupils in the school, and if so, by how many (NOTE - any change in registered capacity requires material change approval (see paragraph 31 above, on how to apply to make a change to registered capacity)
- An explanation of what if any changes, are being made to existing premises to accommodate the proposed change. If new additional premises are required to accommodate the change, you should provide the full postal address. If the change will result in new premises or building alterations to your existing premises, a clear statement of the timescale within which the building/construction works are likely to be complete and evidence that any construction work is in accordance with building regulations
- Confirm what type of SEN<sup>7</sup> will be catered for, from the following list:
  - Cognitive and learning needs
  - Visual impairment

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<sup>7</sup> More information about SEN can be found in the [SEN code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/publications/sen-code-of-practice-0-to-25-years), where the terminology here related to types of SEN is explained in more detail.



- Hearing impairment
  - Speech, language and communication
  - Autistic spectrum disorder
  - Social, emotional and mental health
  - Multi-sensory impairment
  - Physical disability
  - Moderate learning disability
  - Severe learning disability
  - Profound and multiple learning disability
  - Specific learning difficulty
  - Other difficulty/disability
- The anticipated number of SEN pupils, with a statement of SEN or an EHC plan
  - The anticipated number of SEN pupils, without a statement of SEN or an EHC plan
  - The age range of SEN pupils you propose to admit (NOTE - a change here from what you are currently registered for would also constitute a material change and full details should be provided as per paragraph 20 above to apply for approval)
  - Whether the new arrangements will include SEN male or SEN female pupils, or both (NOTE - A change to whether an independent school has only male pupils, only female pupils or becomes mixed (co-educational) is a material change and approval **must** be sought (and given) before the change is made as per paragraph 42 above)
  - Copies of the policy on curriculum, and supporting plans and schemes of work, which will be in use when the proposed change is made (see the standard in paragraph 2 of the ISS, which requires these documents to take into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan).
  - The number of additional teachers you intend to employ if any
  - Details of whether boarding accommodation will be provided to pupils with SEN and if it is to be provided, an explanation as to how the accommodation will meet the requirements in Standard 4.1 of the National Minimum Standards for Boarding Schools (or Standard 9.1 of the National Minimum Standards for Residential Special Schools, if instead applicable) which outlines the needs for the accommodation to be of good quality, providing appropriate privacy to boarders taking into account sex, age and any special requirements

### **Ceasing to admit pupils with special educational needs**

64. If requesting approval to cease to admit pupils with special educational needs, you only need to provide the date that you wish to stop.

## Part B

### How do I apply for a material change?

65. Applications should be made via email, attaching the relevant documentation and sending to [registration.enquiries@education.gov.uk](mailto:registration.enquiries@education.gov.uk).
66. Where you are seeking approval for multiple material changes you should use one email to make your application, but ensure that you are providing all the information for each change as set out in Part A. This exception to this, as mentioned above, is where a change of proprietor is proposed plus other material changes. In which case one application should be made for change of proprietor by the proposed proprietor, and another application for the other material changes should be made by the current proprietor.
67. We do not start progressing applications until all the information set out in this guidance, for the approval being sought, is provided. Therefore, you should ensure that your application is complete.
68. General queries on the process or whether a proposed change requires the Secretary of State's approval can also be made to [registration.enquiries@education.gov.uk](mailto:registration.enquiries@education.gov.uk).

### What happens next?

69. Before approving any material change in relation to an independent school, the Secretary of State **must** be satisfied that the (relevant) ISS are likely to continue to be met in relation to the school if the change is made.
70. This guidance sets out the minimal amount of information needed for the Department to start considering an application. The Department may, and often does, request additional information to enable it to determine an application.
71. As set out above, the decision-making process may involve commissioning an inspection. You should allow six months, from when you have provided all the information set out in this guidance for the approval being sought, for your application to be determined, although if we decide that an inspection is not needed, a decision can often be reached much quicker.
72. You will be informed in writing of the Secretary of State's decision on whether the decision has been made to approve your material change application.
73. The requested change **must not** be made until written approval has been received.

74. If the Secretary of State does not approve your application for a material change, as proprietor<sup>8</sup>, you can appeal this decision to the First Tier Tribunal. An appeal **must** be made within 28 days of notice of the refusal being served on you. You may wish to take independent advice before deciding whether or not to appeal.

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<sup>8</sup> Or a prospective proprietor whose application has been rejected



Department  
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