



Department  
for Education

# **Making significant changes to an academy**

**Non-statutory guidance on collaborative  
school place planning and making  
organisational changes to academies**

**February 2024 (for use from April 2024)**

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## About this guidance

**Part 1** of this guidance sets out a framework for local authorities, academy trusts and schools to work together, with the department, to ensure there are sufficient school places and to manage excess spare capacity where that is necessary. This framework sits within the wider sufficiency and place planning context, and should be read alongside other pupil place planning guidance documents, as relevant:

- [Growth and falling rolls revenue funding](#)
- [Delivering schools to support housing growth](#)
- [School Capacity Survey \(SCAP\) guidance](#)
- [Net Capacity Assessment \(NCA\) programme](#)
- [Basic need allocations and guidance](#)
- [High needs provision capital allocations and guidance](#)

Where the place planning process identifies a need to make ‘significant’ organisational changes to academies, academy trusts should have regard to **Part 2** of this guidance, which sets out the process for academy trusts to make significant changes to the number, type or location of school places they offer.

When engaging in strategic place planning, local authorities and academy trusts should also have regard to other relevant guidance, as necessary:

- [Closure of an academy by mutual agreement](#)
- [Free school presumption guidance](#)
- [Making significant changes \(‘prescribed alterations’\) to maintained schools](#)
- [Opening and closing maintained schools](#)
- [Setting up a free school](#)
- [Special Educational Needs and Disabilities \(SEND\) and Alternative Provision \(AP\) Improvement Plan](#)
- [SEND code of practice: 0 to 25 years](#) chapter 4 on the Local Offer of services and provision for SEN and disabilities
- [Commissioning high quality trusts](#)
- [School admissions code](#)

## Who is this publication for?

This guidance is primarily for:

- local authorities
- academy trusts
- governing bodies of foundation or voluntary aided schools
- school trustees, dioceses or relevant diocesan boards, and any other relevant religious bodies.

It will also be helpful for:

- other partners across the school sector, including SEND and AP Partnerships
- school leaders and governing bodies of other maintained schools
- other relevant education providers, such as the proprietors of non-maintained special schools

## Terminology

- “Academy” includes academy schools (as defined in the Academies Act 2010), free schools, 16-19 academies (excluding Secure Schools<sup>1</sup>), special academies, AP academies, studio schools and university technical colleges (UTCs).
- “Specialist provision” refers to SEN units and resourced provision attached to mainstream schools; special schools (maintained, academies and non-maintained special schools); and alternative provision (both Pupil Referral Units and AP Academies).
- Although the term “trustee” is usually used in the department’s documents to refer to those who sit on the board of directors of an academy trust, trustees in this guidance means any person (other than the governing body) holding property on trust for the purpose of the school. In the case of schools designated as having a religious character, this could be the Church of England, the Catholic Church or any other religious body.
- “Regions Group” refers to the Department for Education’s local delivery teams. Each region is led by a ‘Regional Director’ (Director of each region within Regions Group).
- ‘Capacity’, in this document, relates to net capacity (unless otherwise stated).

## Review date

This guidance applies from April 2024. It will be kept under review and updated versions will be published if necessary. Significant change applications initiated prior to this date will continue to be processed according to the guidance published in January 2022.

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<sup>1</sup> Secure Schools should contact the Ministry of Justice at [Secure\\_Schools@justice.gov.uk](mailto:Secure_Schools@justice.gov.uk)

# Part 1: Sufficiency framework

## The sufficiency duty

Local authorities have a statutory responsibility to ensure there are enough school places available in their area for every child of compulsory school age (the 'sufficiency duty'). This is set out under [section 14 of the 1996 Education Act](#).

It is for local authorities, academy trusts and local partners to balance the supply and demand of school places, in line with changing demographics locally. The number of places available should be increased in response to need and reduced/repurposed where they are no longer required. Local factors need to be carefully weighed up, along with considerations of the quality, diversity and accessibility of local provision – and the longer-term forecast demand for places – to determine the most appropriate approach in each area. All partners should be mindful of the need to strike the right balance between protecting parental choice and recognising financial pressures facing individual schools.

The Department has published trust quality descriptions which define what we want academy trusts to deliver. These include an expectation that trusts work collaboratively with schools, trusts, local authorities, dioceses, parents and other civic partners to ensure the delivery of statutory functions<sup>2</sup>. This includes working collaboratively with local authorities to support them in the delivery of their place planning responsibilities. We also expect all local partners to work collaboratively and constructively with the department's Regional Directors and their teams on these matters.

Place planning responsibilities apply both to mainstream and to specialist provision. In addition, [section 30 of the Children and Families Act 2014](#) requires local authorities to keep the information they publish about provision for children and young people with SEN and disabilities (the 'local offer') under review, including its sufficiency, working with parents, young people and providers.

The department provides capital funding through Basic Need grant allocations to support local authorities to meet their statutory duty, based on their pupil forecasts and school capacity data. Local authorities can use this funding to create places by means of establishing new academies (through the [free school presumption route](#)) or through expanding/remodelling existing schools and can collaborate with any school in their local area to do so<sup>3</sup>.

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<sup>2</sup> The trust quality descriptions available here: [Commissioning high-quality trusts - GOV.UK \(www.gov.uk\)](#).

<sup>3</sup> Funding allocations and guidance on the grant are available at: [Basic Need Capital Allocations \(publishing.service.gov.uk\)](#).

The department also provides High Needs Provision Capital Allocations (HNPCA) to support local authorities to secure new places and improve existing provision for children and young people with special educational needs and disabilities (SEND) or who require alternative provision<sup>4</sup>. This capital grant is intended to support local authorities to deliver new high needs places in both mainstream and special schools, as well as other specialist settings. It can also be used to improve the suitability and accessibility of existing buildings.

## Roles and responsibilities

To drive consistency and best practice in effective partnership working, this guidance sets out clear expectations and clarifies responsibilities in the context of strategic place planning. These expectations are centred around collaboration, transparency, and early engagement on pupil place planning. The framework seeks to systemise the place planning process whilst recognising there cannot be a strict 'one size fits all' approach.

### Local authorities are expected to:

- set out medium-term forecasts of demand
- engage collaboratively and constructively with schools, academy trusts, dioceses/religious bodies (as relevant) and the department to produce proposals for ensuring sufficient school places and reducing/repurposing spare capacity
- share plans with Regions Group, including the underpinning data and rationale (including details of any developer contributions that have been secured to fund additional school place), and engage them early regarding plans to expand or contract provision, to ensure these align with the wider area-based commissioning process
- share their place planning strategy with academy trusts and other local partners, and be transparent about underpinning capacity and forecast data, as well as the rationale for targeting schools for expansion/contraction
- engage Regions Group on a regular basis to discuss any changes to proposals that need to be implemented
- provide contextual information and submit views to trusts during consultations on significant changes; and provide a response to the consultation for trusts to submit

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<sup>4</sup> Further details about this funding and relevant guidance on its use is available at: [High needs provision capital allocations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/high-needs-provision-capital-allocations).

as part of their application to the department.

Any time limits on the use of developer contributions for education purposes should be carefully considered. To this end, the LA should work with the local planning authority to agree appropriate clauses in planning obligations/s106 agreements and the timing of transfer and use of any Community Infrastructure Levy (CIL) funding<sup>5</sup>.

**Academy trusts are expected to:**

- work collaboratively and constructively with local authorities, other academy trusts, schools, dioceses/religious bodies (as relevant) and the department on place planning matters, including determining accurate, up-to-date capacity assessments
- inform the local authority and Regions Group promptly of any changes affecting capacity (i.e. events that take school buildings out of use)
- act reasonably when responding to requests to raise or lower PAN and expand/contract where necessary
- be transparent with local authorities and Regions Group about issues affecting their ability to deliver places and about any significant changes they are planning
- undertake a fair and open local consultation on any significant changes they are proposing (see 'consultation' section), before submitting proposals to the department.

**Regions Group will:**

- work with local authorities to agree expectations as regards planning and communication
- work with both trusts and local authorities (and dioceses/religious bodies where relevant), ensuring trusts are supported to deliver places and that local authorities' ability to meet their sufficiency duty is not unreasonably fettered
- hold regular discussions with local authorities on their place planning responsibilities, to share intelligence on: trusts of concern; performance of schools and trust quality; strategic plans for trust growth in the region; and opinions on proposals for expansion/contraction of local provision
- assess academy trusts' applications to make significant changes, and where

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<sup>5</sup> Further guidance on securing developer contributions can be found at: [Delivering schools to support housing growth - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424243/Delivering_schools_to_support_housing_growth_-_GOV.UK.pdf)



appropriate make decisions on behalf of the Secretary of State.

### **The sufficiency framework: a step-by-step guide**

The following steps set out how the pupil place planning process works, from initial forecasting through to finalisation and circulation of the plan:

- **Step 1:** Local authorities agree pupil forecasts with the department.
- **Step 2:** Schools in scope to expand to meet the need for places are identified (and/or a [free school presumption](#) competition is launched where a whole new school is required). Options to rationalise spare capacity may also be identified.
- **Step 3:** Local authorities liaise with trusts and schools to discuss proposals and request physical/organisational changes.
- **Step 4:** Local authorities share information on proposals with Regions Group.
- **Step 5:** Regions Group considers proposals and consults other teams within the department as necessary (e.g. on land transactions).
- **Step 6:** Local authorities, Regions Group (and relevant dioceses/religious bodies as required) engage in place planning conversations.
- **Step 7:** Local authorities finalise options.
- **Step 8:** Local authorities circulate final proposals to trusts and other key stakeholders and publish proposals publicly for transparency.

## **Forecasting**

Local authorities already submit school capacity and pupil forecast data for the [annual school capacity survey \(SCAP\)](#). Survey organisations have been commissioned by the department to carry out refreshed Net Capacity Assessments (NCAs) for all secondary schools and special schools over a period of 2 years from 2023. Updated capacity figures identified through this programme should be reflected in SCAP. As part of this work, we have updated the published NCA measuring tool to reflect current building space standards and current school operational requirements<sup>6</sup>.

The capacity data collected for an area can be used to determine where places need to be added or decommissioned. It is therefore helpful for trusts to inform relevant local authorities and other schools/trusts as soon as possible if they intend to amend the number, type or location of places they offer, so that they can factor this into their wider planning. The department should also be informed as soon as possible. Academy trusts

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<sup>6</sup> [Net Capacity Assessment \(NCA\) programme - GOV.UK \(www.gov.uk\)](#)

are also expected to engage early if they foresee any issues which may affect their ability to deliver planned places.

Forecasting demand for school places is inherently difficult, and additional factors like changes in international migration patterns make it even more challenging. We have published guidance and tools to assist with this and provide support and challenge to local authorities each year when they submit their capacity and forecast figures to the department<sup>7</sup>.

The same principles apply when considering specialist provision for pupils with education, health and care (EHC) plans. The 2023 SCAP data collection will for the first time collect data on the capacity of special schools and forecasts of placements for pupils with EHC plans in SEN units, resourced provision, special schools (of all types) and alternative provision<sup>8</sup>. As SEND and AP Partnerships are formed, and Local Area Inclusion Plans (LAIPs) developed, local authorities should ensure that strategic mainstream pupil place planning and high needs place planning are aligned.

## **Planning and collaboration**

The department knows that strong, collaborative, constructive relationships and partnership structures already exist in the system and wants to continue to encourage and facilitate these.

In practice, early discussions will enable the identification of good quality schools that are in the right locations and which have the capacity (or potential capacity) to add the places that are needed. Local authorities will then be able to explore with those schools any clear barriers to doing so.

Similarly, the discussions will enable local partners to identify where places may no longer be needed and provision could potentially be contracted. It is prudent to retain some spare capacity in the system to manage shifting demand, provide for parental choice and support the effective management of the admissions system. It is also important to guard against short-term solutions and mitigate against removing capacity that may be needed in response to future increases in pupil numbers. Very high levels of spare capacity across an area do though have the potential to undermine the educational offer or financial viability of schools. It is judicious, in these cases, for local authorities, schools and trusts to consider together a spectrum of options for the reutilisation of space – for example, co-locating nursery, SEND or AP provision – or to explore options for

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<sup>7</sup> Guidance on forecasting mainstream school places can be found at: [School capacity survey guidance for local authorities 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/school-capacity-survey-guidance-for-local-authorities-2023).

<sup>8</sup> Guidance on forecasting demand for SEND provision can be found at: [Forecasting demand for SEND provision for SCAP 2023: guidance for local authorities \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/forecasting-demand-for-send-provision-for-scap-2023).

reconfiguration, including via remodelling, amalgamations, mergers or closures where this is the best course of action, weighing up all relevant factors.

## Sharing information with the department

To facilitate more transparent and collaborative working with the department, local authorities should share their strategic school place planning document (a high-level plan which draws proposals together) with Regions Group. We do not expect this to be a new document – it will most commonly be the existing plan already in place – and it will not be a static document, but part of a continuous process of strategic assessment and planning.

It is for local authorities and Regions Group to agree the best time, within the academic calendar, for a version of the plan to be shared and discussed. It may be helpful for local authorities to share the plan in tandem with collating their SCAP return, or immediately after having done so<sup>9</sup>.

### What should be shared with the department?

This is not an exhaustive list, but as a guide, information shared or discussed is expected to include:

- a summary of overall data on shortfalls/surplus places at primary and secondary (at both local authority and planning area level)
- reasons for current and projected shortfalls/surplus places (e.g. housing development, migration, population bulge, etc.)
- proposals by planning area
- schools (and, where relevant, the trusts to which they belong) that are able and willing to expand
- rationale for choices, including data on school/trust quality, and the options that have been ruled out
- an update on any existing free school proposals and/or any plans for new free schools (both centrally and locally delivered)
- where applicable, areas for targeted decommissioning of surplus places, alternative options considered and proposed actions

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<sup>9</sup> It will be helpful to remain mindful of the admissions cycle and the timeframe for placing pupils with an EHC plan. Applications in the normal admissions round must be made by 31 October for secondary school places and 15 January for primary school places. National offer day is 1 March (or next working day) for secondary school applications and 16 April (or next working day) for primary school applications. Local authorities must issue revised EHC plans for pupils approaching the change of an educational phase (EY to Reception, infant to junior, primary to secondary) by 15 February before the expected September start.

- early identification of long-term sufficiency issues or potential contentious changes
- any concerns about changes in trends of cross boundary migration of pupils
- how these plans interact with other relevant strategic plans or programmes, such as Local Area Inclusion Plans (LAIPs), [Trust Development Statements](#) and the [Education Investment Area](#), [Delivering Better Value](#) and [Safety Valve](#) programmes.

Regions Group can provide relevant and up-to-date information the department holds on both academy trusts and wider departmental policy to help the local authority identify the best and most appropriate proposals to pursue. By involving the department early, a local authority will benefit from a more efficient place planning process; and subsequent applications for significant changes that are in response to the proposals will run more smoothly.

## Strategic pupil place planning conversations

The frequency of conversations between local authorities and the department's Regions Group will depend on the level of risk pertaining to identified shortfalls and/or surplus capacity in the area but will at a minimum take place on an annual basis.

The format of discussions will vary and will be agreed on an individual basis and this may change year on year, term by term, depending on local circumstances. There is already strong engagement between local authorities and the department, so these conversations will in many cases form part of existing routine communication.

Depending on the content of the discussion(s) and complexity of issues, the diocese/relevant diocesan board may need to be involved, at least in part. The Chair of the SEND and AP Partnership might also be involved, to ensure effective join-up between mainstream and high needs place planning.

### What will strategic place planning conversations entail?

The local authority will explain its rationale for the proposals and explore Regions Group's views in the context of its role in commissioning high quality trusts. We expect conversations to cover:

- strategic plans for trust growth in the region
- trusts of concern
- performance of schools and trust quality (including capability and capacity to handle a capital project alongside other activity)
- the department's views on proposals for expansion/contraction of local provision, considering whether any proposals for expansion should be

provisionally agreed based on conditions or a support plan for the school and/or trust in place

- how the plans align with other departmental priorities and programmes
- plans for managing the Dedicated Schools Grant and its high needs block, where relevant. This will be especially important if the local authority is part of the Delivering Better Value/Safety Valve programmes.

Following the discussion(s), local authorities will follow up with individual schools and trusts, and other partners such as the diocese, as appropriate. The department may be involved in these school/trust-level discussions where necessary, particularly if there is disagreement regarding the proposals the local authority is putting forward.

Based on those subsequent conversations, local authorities will finalise their plans (bearing in mind that the department is the decision maker for significant changes to academies).

## Finalising plans

Where there is more than one option to provide places in an area:

- if the department is content with all options, the local authority can prioritise according to its own criteria (noting that where the local authority identifies the need for a new school, section 6A of the Education and Inspections Act 2006 requires them to first seek proposals for a new free school)
- if the department has a preferred option, based on the information/intelligence shared through the strategic place planning conversations, and this will not have a significant adverse impact on practical considerations (such as the cost of places or pupil travel distances), we expect the local authority to prioritise this
- local authorities and the department will aim to reach a consensus, considering the potential for weaker schools/trusts to improve with support or challenge before places are added.

Where there is only one clear practical solution:

- the department will support this if there are no significant quality concerns at school or trust level (and, where relevant, it is in line with the agreed Local Area Inclusion Plan)
- where there are concerns, the department may want to put other supportive measures in place
- if the department is not content with a proposal but there is no viable alternative way to provide the places, the proposal can still proceed to ensure the local authority is able to meet its sufficiency duty.

Where necessary, if agreement between local authorities and academy trusts cannot be reached, the department can assist in reaching a resolution in individual cases.

## Transparency

Transparency is one of the key pillars of this framework. As such, it is expected that local authorities will circulate their final plans to trusts and other partners. It may be helpful to make clear that these plans are part of a continuous process of strategic assessment and planning.

Individual significant changes to institutions are subject to agreement through the significant change process (set out in Part 2 of this guidance) or the prescribed alterations process (set out in separate guidance: [Making significant changes \('prescribed alterations'\) to maintained schools](#)).

## Part 2: Making significant changes

'Significant changes' are those which may impact on the local school environment by creating, changing or removing the number and/or type of school places and/or where they are offered. Academy trusts must follow the required significant change process in advance of the change being made. Failure to do so will constitute a breach of the academy trust's funding agreement, which could result in further action taken by the department to address the breach. Applications should be submitted in good time, to allow for processing, to ensure that a decision can be made well in advance of when the change is planned to take effect.

Local authorities may ask trusts to make changes to support them to fulfil their sufficiency duty. Where an academy trust has agreed to make a change that has been requested by the local authority, the trust must still follow the significant change process.

It is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of 'good' or 'outstanding'. Schools which do not fall within these categories should only be expanded where there are no other viable options.

Academy trusts proposing to make any of the following changes (referred to throughout as 'significant changes') must follow the relevant process (as set out in [the significant change process](#) below):

- expansion or removal of capacity (by more than 30 places)
- expansion onto a satellite site (including special schools)
- age range changes
- change of gender composition
- transfer to another site
- adding or removing boarding provision
- amalgamation
- de-amalgamation
- gaining/changing/removing a faith designation
- redesignation and changing a Church of England academy's characteristics
- increasing or decreasing places in a special or alternative provision (AP) academy by more than 20/20% (whichever is smaller)
- change in type of special educational needs (SEN) provision in a special academy
- adding or removing a SEN unit/resource provision (RP)
- increasing or decreasing the number for which a SEN unit/RP caters (by 20 pupils or 20% of the overall school capacity, whichever is smaller)
- changing the type of SEN for which a SEN unit/RP caters

Local authorities are responsible for commissioning and funding high needs places. They will be expected to confirm that the proposed changes reflect the special educational provision required to meet current and forecast needs and will not have a detrimental impact on local SEN provision.

Some changes that fall 'below threshold' – i.e. do not require a significant change application – may still require the academy's funding agreement (or supplementary funding agreement) to be updated. See [below threshold changes](#) for further information.

## Material change

The Independent School Standards (ISS) apply to academies as independent schools. An academy must continue to meet the ISS following any significant change that is also a Material Change (as specified in section 162 of the Education Act 2002). Accordingly, the department considers the relevant standards as part of the assessment process, utilising existing Ofsted reports and judgements as the primary source of evidence.

## Significant change tiers and thresholds

We have evolved our processes in response to feedback from the sector and from April 2024 will have three categories (or 'tiers') for the application and assessment process, as set out below.

In some cases, thresholds apply to these tiers (for example, the maximum number of places by which a trust may increase its capacity before the expansion is considered a 'significant' change). These thresholds are set out in the tables below. All thresholds are cumulative – where academy trusts make a series of incremental [below threshold changes](#), a significant change application will be required once those increments collectively reach the threshold.

The following guidelines set out how different changes are categorised, indicating which process should be followed in the first instance. Academy trusts will need to identify this early, to allow sufficient time to complete the process.

### Tier 1

Most significant changes are categorised as **tier 1**. The application form requests core information about the change and asks key questions to determine the appropriate level of scrutiny required. Broadly speaking, where departmental checks confirm that the change is proposed by a strong school in a strong trust, has local support, there are no valid objections from the local authority, and (where applicable) evidence supports the need to increase/rationalise places, applications will move swiftly to approval.

### Tier 2

Where any risks or issues are raised with a tier 1 application, either through the application form questions or departmental checks, it will move into **tier 2**. This is an internal assessment tier whereby the department will seek to address specific area(s) of concern. For the avoidance of doubt, an application may still proceed without the support



of the relevant local authority and applications will be assessed on a case-by-case basis, taking into consideration other factors such as evidence of parental demand for places.

No applications will start as tier 2 and there is therefore no separate application form.

Academy trusts are likely to be asked to provide additional information. Changes can then be approved, rejected, or, where the department requires more comprehensive information to decide, escalated into tier 3 (we expect the number of such cases to be small).

### Tier 3

The **tier 3** application form requests more detailed information, and tier 3 consequently involves more wide-ranging assessment. Decision making will remain within Regions Group but on occasion applications may be taken to the relevant regional Advisory Board for discussion or escalated to Ministers for decision.

Applications to make other types of significant change (i.e. those normally classed as tier 1 changes) may also be processed in tier 3 if they have been escalated due to specific risks or concerns.

The following table sets out the tiers and thresholds for each type of significant change:

Type of significant change	Type of provision	Cumulative threshold (if applicable)	Tier
Expansion (increasing physical capacity)	Mainstream academy	More than 30 places in total	1
Removal of physical capacity	Mainstream academy	More than 30 places in total	1
Acquiring an additional (satellite) site	Mainstream, special or AP academy	No minimum capacity threshold for satellite sites – trusts should follow the significant change process even where pupil numbers are otherwise below threshold.  Where pupil numbers will be above the threshold for increasing physical capacity, trusts should also apply for an expansion of physical capacity (using the same application form).	1
Change of age range (including adding or removing a nursery or sixth form provision)	Mainstream, special or AP academy	No threshold	1

Type of significant change	Type of provision	Cumulative threshold (if applicable)	Tier
Transfer to another site	Mainstream, special or AP academy	Rebuilding on adjacent land is not considered a significant change. This does not include satellite site expansion, which is classed as an <u>additional</u> site and therefore a tier 1 significant change.	1
Change of gender composition (single sex to co-educational or vice versa)	Mainstream, special or AP academy	Not applicable	1
Adding (establishing) boarding provision	Mainstream, special or AP academy	This does not apply to increasing existing boarding provision, which is a 'below threshold' change	1
Removing (discontinuing) boarding provision	Mainstream, special or AP academy	This does not apply to decreasing existing boarding provision, which is a 'below threshold' change	1
Increasing the planned number of pupils in a special or AP academy	Special or AP academy	More than 20 pupils or more than 20% (whichever is smaller)	1
Decreasing the planned number of pupils in a special or AP academy	Special or AP academy	More than 20 pupils or more than 20% (whichever is smaller)	1
Change in type of SEN provision in a special academy	Special academy	No threshold  Note: The types of SEN provision are the 12 primary types of need recorded in GIAS and the School Census: 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).	1

Type of significant change	Type of provision	Cumulative threshold (if applicable)	Tier
Adding a SEN unit or resourced provision	Mainstream academy	No threshold  Note: SEN units are special provisions within a mainstream school where the children are taught within separate classes. Resourced provision (RP) is reserved places at a mainstream school for pupils with a specific type of SEN, taught within mainstream classes, but requiring a base and some specialist facilities around the school.	1
Increasing the number of pupils within an existing SEN unit or resourced provision	Mainstream academy	More than 20 pupils or more than 20% of the overall school capacity (whichever is smaller)  Note: as this provision tends to be recorded separately and in addition to mainstream net capacity. Thresholds for any joint capital proposals – i.e. to simultaneously add both mainstream and SEN places – also apply separately. For example, an academy may simultaneously increase mainstream capacity by 30 and the planned number of SEN places by 20 without reaching the significant change threshold.	1
Decreasing the number of pupils within an existing SEN unit or resourced provision	Mainstream academy	More than 20 pupils or more than 20% of the overall school capacity (whichever is smaller)	1
Changing the type of SEN provision a SEN unit or resourced provision offers	Mainstream academy	No threshold  Note: The types of SEN provision are the 12 primary types of need recorded in GIAS and the School Census: 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).	1

Type of significant change	Type of provision	Cumulative threshold (if applicable)	Tier
Gaining, changing or removing a faith designation	Mainstream academy	Not applicable	3
Redesignation of a Church of England academy	Mainstream academy	Not applicable	3
Amalgamating two or more academies	Mainstream, special or AP academy	Not applicable	3
De-amalgamating an academy	Mainstream, special or AP academy	Not applicable	3
Any change to a UTC	UTC	Not applicable	3

**Table 1: Significant change thresholds and tiers**

## Below threshold changes

For changes that fall ‘below threshold’ – i.e. do not require a significant change application – academy trusts are still expected to ensure that their local authority is informed as early as possible. Such changes may still require other consents to be obtained from the department, for example in relation to land transactions, or may necessitate changes to the academy’s admission arrangements (see [Annex B](#)). It is also highly likely that the academy’s funding agreement (or supplementary funding agreement) will need to be updated, through a deed of variation, to ensure it remains accurate. Academy trusts are advised to contact the department, via [this form](#). The funding agreement **must** be updated where capacity is changing; and should then be communicated to the relevant local authority.

The following table sets out the ‘below threshold’ changes these guidelines apply to:

Type of ‘below threshold’ change	Type of provision	Cumulative threshold (if applicable)
Expansion of physical capacity	Mainstream academy	Up to 30 places in total
Removal of physical capacity	Mainstream academy	Up to 30 places in total
Increasing existing boarding provision	Mainstream, special or AP academy	No threshold

Decreasing existing boarding provision	Mainstream, special or AP academy	No threshold
Minor changes to site location – for example rebuilding on adjacent land	Mainstream, special or AP academy	No threshold – however this should not be confused with adding on a satellite site, i.e. an <u>additional</u> location – this is considered a tier 1 significant change
Increasing the number of planned places in a special or AP academy	Special or AP academy	Up to 20 places or 20% of existing capacity (whichever is smaller)
Decreasing the number of planned places in a special or AP academy	Special or AP academy	Up to 20 places or 20% of existing capacity (whichever is smaller)
Increasing the number of pupils within an existing SEN unit or resourced provision	Mainstream academy	Up to 20 pupils or 20% of the overall school capacity (whichever is smaller)
Decreasing the number of pupils within an existing SEN unit or resourced provision	Mainstream academy	Up to 20 pupils or 20% of the overall school capacity (whichever is smaller)

## Pre-application requirements

Prior to preparing their application, trusts are reminded to consider:

### 1. Funding

Before submitting a significant change application, academy trusts will need to be satisfied that all required capital funding is confirmed and financial due diligence has been undertaken to determine the affordability of growth/rationalisation.

### 2. Land consent

Any dealings with land may require the involvement of the Secretary of State. Academy trusts should have regard to the [school land transactions guidance](#) when determining whether they need to notify or seek consent from the Secretary of State. If you have any queries, please contact [land.transactions@education.gov.uk](mailto:land.transactions@education.gov.uk). Any necessary applications should be

submitted alongside the significant change application. Approval of a significant change application does not provide or imply the Secretary of State's approval for any land transaction required to deliver the approved project. Alterations to land holdings may require amendments to the funding agreement.

### **3. Trustee land**

As plans start to solidify, the relevant land-owning trusts, whose consent may be necessary for a change to be agreed, should be contacted. Local authorities and academy trusts should also ensure to involve the diocese/diocesan board or other religious body, where relevant, as well as any other local strategic partners as necessary. Schools should continue to ensure the use of the land remains compatible with the charitable aims under which the land is held, which are usually set out in the trust document.

### **4. Admissions arrangements**

See [Annex B](#). Wherever possible, changes that are required to a school's admission arrangements because of a significant change should be made according to the statutory process set out in paragraphs 1.45 - 1.52 of the [School Admissions Code](#). If a proposed significant change requires a variation to determined admission arrangements, the academy trust must (for the significant change application to be approved) submit an admissions variation request at the same time as the significant change application. Applications should allow for decisions to be reached in good time, taking account of timelines for both applications in the normal admissions round and national offer days.

### **5. Planning permission**

In most cases planning permission should be applied for and secured in advance of applying. Where necessary, however, this can be done in tandem with the significant change application, with approval being granted on condition that planning permission is also granted.

### **6. Equality impact assessment**

Trusts must ensure they comply with the Public Sector Equality Duty under section 149 of the Equality Act 2010.

## **Consultation**

Consultation is a key part of the significant change process. It allows both proposers and decision makers to take on board the views of those affected by any proposed change. All changes requiring an application to the department also require a public consultation.

In most cases this should be conducted ahead of the application being submitted. In exceptional circumstances, where applications need to be considered quickly, and only with prior agreement from the department, an application can be made with the consultation running concurrently. This is to allow the department to understand the circumstances, decide whether they are exceptional and justify the departure from the normal procedure. The outcomes of the consultation will need to be reported to the department ahead of a decision being made.

Trusts have the freedom to 'group' changes together and run a joint consultation. Where this is the case, the consultation must be clear and transparent about each change, and whether any are related to/dependent on each other. Each change must be clearly set out in the significant change application.

### **Who should be consulted?**

The department expects the following stakeholders to be consulted (others may also be included):

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

In all cases, when applying, trusts will be required to submit a written response from their local authority. This should include the local authority confirming that there is need for places to be added, removed or altered – with reference to pupil forecast data and having considered the impact on other local education providers.

Where the academy admits pupils from, or shares a catchment area with, neighbouring local authorities, written responses from said local authorities will also be required. Academies with a religious character will also need to submit a written response from their relevant faith body. Where academies consider it is appropriate, they may consult for a minimum of 3 weeks (of which 2 weeks to be term time wherever possible). It is for

academy trusts to decide how to conduct the consultation, within the above parameters, as they will best understand their local audience.

[Annex A](#) sets out what trusts and local authorities will need to consider, in advance of an application being made, when proposing to make certain types of change.

## The significant change process

### Step 1: Application

#### Tier 1:

Changes which are categorised as **tier 1** (see [significant change tiers](#)) should be applied for using the tier 1 application form. This form:

- requests basic information about the academy and the proposed change
- asks 7 key questions, with short supplementary questions depending on your response to these
- includes a 'free text' box for any additional information the trust wishes to provide – for example, summarising what they are trying to achieve
- reminds trusts to upload evidence that their local authority has no objections to the change, and other key partners as appropriate (see [consultation](#)) – this evidence can be the partners' formal consultation responses.

#### Tier 1 screening form

The key questions are as follows:

1. Has the LA (local authority) or any bordering LAs raised objections to this change? (upload relevant evidence/documentation)
2. Is the school rated good or outstanding?
3. Has a 3+ week consultation been carried out? (upload report on consultation, explaining how any representations have been addressed)
4. Has all necessary funding been secured?
5. If applicable, does the relevant religious body support the change? (upload evidence)
6. If applicable, has a land consent application been submitted?
7. If applicable, has an admissions variation request been submitted?

For an application to be approved at the tier 1 level, we would expect there to be no objections from the LA and the answer to each of the following questions to be 'yes'. The exception to this is where an academy is proposing to reduce capacity, in which case answering 'no' to question 2 would not prevent the application from remaining in tier 1.



Where the answer to question 1 is 'yes' or, for questions 2-7, 'no', the academy trust should explain why this is the case in the free text box.

### **Tier 2:**

No application starts in tier 2, therefore there is no application form for this tier. However, where the LA has raised an objection or the answer to one (or more) of the other screening questions is 'no', or where the department has concerns or requires further information in order to make a decision, the application will move to **tier 2** and the department will engage with the trust as soon as possible to discuss and obtain further information.

### **Tier 3:**

Changes which are categorised as (or moved into) **tier 3** (see [Significant change tiers](#)) should be applied for using the tier 3 application form, which requests more detailed information.

## **Step 2: Assessment**

### **Tier 1 assessment:**

Upon receipt of a **tier 1** application, the department will:

- review the responses to the key questions
- look at data on academy/trust performance, using the [trust quality descriptions](#) where relevant
- where the academy/trust or local authority are part of other departmental programmes (for example Education Investment Areas, Safety Valve, Delivering Better Value), liaise with colleagues to ensure plans are aligned
- check whether plans are aligned with Local Area Inclusion Plans (LAIPs), where relevant
- consider the impact that any planned housing developments will have on the future need for places, and the extent to which these will be funded by developer contributions<sup>10</sup>
- conduct checks, on both the academy/trust and the local authority, in relation to financial stability, governance and safeguarding
- refer to the strategic place planning conversation to ensure the change is part of, or aligns with, agreed plans

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<sup>10</sup> This includes considering any information provided by the local authority on pertinent time limits on the use of developer contributions for education purposes in s106 agreements or through the Community Infrastructure Levy (CIL).

If risks or concerns are identified through this initial assessment, an application will move into **tier 2**.

### **Tier 2 assessment:**

If an application moves into **tier 2**, the department may ask the trust to provide further information to facilitate a greater level of scrutiny. Tier 2 applications are likely to take more time for the department to assess.

If concerns extend beyond one or two discrete areas (for example, performance and need) a **tier 3** application may be requested.

### **Tier 3 assessment:**

Upon receipt of a **tier 3** application, the department will conduct internal checks and assessments. The department may request additional information throughout the assessment process to support decision making. This will be determined on a case-by-case basis; therefore it is not possible to provide an indicative assessment timescale for tier 3 applications.

## **Step 3: Decision**

### **Tier 1 decision making:**

Where the answers to all the key questions are positive, providing the department does not have any concerns, the application will move to internal decision making (formal agreement) by Regions Group and both the trust and the local authority will be informed that the change has been approved.

### **Tier 2 decision making:**

Once the department has assessed any areas of concern, the application will be determined internally by Regions Group and both the trust and the local authority will be informed of the outcome. Where an application is escalated into tier 3, the decision making process below will apply.

### **Tier 3 decision making:**

Tier 3 applications will be determined by the relevant Regional Director who *may* seek the assistance of their Advisory Board. Where the change is contentious or particularly complex, applications may be escalated to the relevant minister or Secretary of State for decision. The department will keep academy trusts (and local authorities, as appropriate) updated where this is the case.

Regional Directors, and ministers where cases are escalated, retain discretion to treat individual cases differently in exceptional circumstances.

## Conditional Approval

In some cases, conditional approval may be granted. This will be in cases where, for example, planning permission is needed. Trusts should keep the department updated on progress towards meeting any conditions, and inform both the department and their local authority at the earliest opportunity, if there is any risk that conditions cannot be met or any decisions are made which would affect implementation of the change.

Approval of a significant change application does not imply approval of related necessary consents – for example in relation to land or admission variations. [Pre-application requirements](#) sets out what trusts should do in such instances.

## Step 4: Implementation

If a change is approved, the academy trust will need to update the academy's [Get Information about Schools](#) (GIAS) record. GIAS can be updated any time, via the academy trust's DfE sign-in account, after the decision date but must be done prior to implementation. Academy trusts **must** also update their funding agreement via a Deed of Variation (DoV) – Regions Group will work with academy trusts to facilitate this.

Where relevant, the academy trust will need to ensure updated capacity figures are reflected in the next SCAP survey, which is submitted to the Department by the local authority. Practices will differ across local authorities and this may involve informing the local authority of the new capacity figure or responding to the local authority when it asks for the data. Timings may mean that SCAP runs prior to GIAS and/or the funding agreement being revised, but in this case SCAP should still reflect the updated capacity.

## Further information

### Temporary changes

In most cases, significant changes will only be approved on a permanent basis. Where local authorities or trusts think there is an exceptional case for making a significant change on a temporary basis, they should discuss this with the department by contacting their delivery officer in the first instance.

### Emergency changes

In emergency situations, or where there are extenuating circumstances, it **may** be possible to process your application faster. Please contact the department if you need to make an urgent significant change and can demonstrate all the following:

- there was no reasonable way the situation could have been foreseen (and it was not part of the local authority pupil place plans)

- the situation is not attributable to the trust (i.e. there is no reasonable way the situation could have been prevented) and
- the situation presents one or more of the following risks:
  - the displacement of more than 30 pupils for an extended period
  - a threat to sufficiency or school viability across a wider area
  - a threat to the safety or welfare of pupils/staff

## Annex A: Further guidance on the types of significant change

The table within [significant change tiers and thresholds](#) sets out how different changes are categorised and the thresholds above which a significant change application is required. This section sets out additional expectations in relation to some of these changes. Where a proposed change is potentially novel or unique, local authorities or academy trusts are encouraged to contact the department early to ensure they follow the correct application process.

### Expansion (increasing physical capacity)

‘Capacity’ refers to the number of pupils that can be accommodated based on physical teaching space – i.e. net capacity (see [Net Capacity Assessment \(NCA\) programme - GOV.UK \(www.gov.uk\)](#)). As well as extending existing buildings or adding new buildings, expansion includes internal configuration – for example converting a library or unused storage space into a classroom.

We expect expansions to be proposed at schools with an overall Ofsted rating of ‘good’ or ‘outstanding’, and for the department to be notified where it is not possible to do so. We also expect local authorities to consider a range of performance indicators and financial data, and to prioritise schools with strong performance records when proposing or supporting a proposal to expand a school.

The Net Capacity Assessment (NCA) Programme is planned to run for 2 years from 2023 and will provide updated capacity figures for all secondary, middle, all-through and special schools. This will ensure there is accurate, up-to-date data on the capacity of schools, to support decision making by the department and all stakeholders about how to use the school estate and target capital efficiently.

Local authorities and responsible bodies can access the NCA tools to update capacity assessments for any school not included in the programme.

The original NCA methodology has been updated by the department to reflect more modern curriculum requirements and a wider range of school types. The NCA methodology calculates the number of children a school can accommodate, based upon the size and use of spaces available.

### Removal of physical capacity

Reducing capacity includes taking space out of use, repurposing teaching space into non-teaching space, and closing additional sites.

Local authorities and academy trusts are expected to work collaboratively to ensure the local school estate is managed efficiently and high levels of spare capacity are reduced or re-purposed where it would otherwise undermine the quality and financial viability of schools. Parental choice and other local factors should be carefully weighed up to determine the most appropriate approach in each area. The department will continue to support local authorities and trusts to work together to find appropriate local solutions, including repurposing existing accommodation.

Where reducing capacity is linked to another significant change – for example reducing the net capacity of a mainstream academy to add a SEN unit – one application should be submitted.

## **Acquiring an additional (satellite) site**

Expansion of any existing academy onto a satellite site will only be approved if it is a genuine continuance of the same school. Integration is key – the more integration, the more likely the change can be classed as an expansion. Applications should set out the rationale for and benefits of the proposed satellite model.

Section 6A of the Education and Inspections Act 2006 requires that where a local authority identifies a need for a new school in its area, it must seek proposals to establish an academy (free school). This is known as the ‘free school presumption’ and guidance is available [here](#). Where an academy trust wishes to acquire an additional (‘satellite’) 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.

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

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

- what is the rationale for this approach and this 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 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 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.

## **Change of age range**

A school's recorded age range should reflect provision at the school correctly. An application is required even if the change relates to pupils outside of compulsory school age.

### **Change of age range - middle schools**

Where local provision is organised in 3 tiers (i.e. lower, middle and upper schools) and an application is to unilaterally move to a 2 tier structure (i.e. primary and secondary), therefore necessitating a change of age range, local authorities and trusts will need to collaborate to ensure the change is implemented in a co-ordinated way. Applications will need to demonstrate the plan for achieving this, including how it will be delivered before the new age range of the academy is operational.

Where many schools across an area are re-organising in this way, the above will also apply. It is possible for a single consultation to be run by the local authority, covering all schools involved, providing all schools are on board with this approach. It will be the responsibility of academy trusts to ensure the local authority consultation covers all the relevant considerations in this guidance and ensure that the consultation is sufficiently publicised. Responses will need to be seen by the trusts as well as the local authority, this will need to be clear to everyone consulted. Decisions should also be made in a co-ordinated way.

### **Change of age range - sixth forms (mainstream)**

Applications to add sixth form provision must evidence a clear need for additional post-16 places in the local area. Local authorities and trusts are advised to consider options for expanding existing provision ahead of advancing proposals for new provision.

Applications must evidence strong financial viability, both from the outset and in terms of financial resilience should pupil numbers fall. Applications must also demonstrate that they will not negatively impact the financial viability, or quality, of other local post-16 provision.

The department wants young people to be able to access a diverse post-16 curriculum. Trusts and local authorities 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
- share knowledge and information

The proposed sixth form is strongly expected to meet the following criteria:

- provide places for a minimum of 200 students
- either directly or through partnership, offer a minimum of 15 A level (or equivalent) subjects and
- have an average class size of 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.

The department is supportive of the principle of parental choice in admissions. Where a school is proposing to open a new sixth form without an external Published Admission Number (PAN) (either for a limited period or on a longer-term basis) the department will consider the impact on school choice for other local pupils as part of the assessment on whether to approve the significant change. This might include, for example, consideration of the curriculum offer at the school or quality of provision vis-à-vis other local post-16 provision. This would not be a deciding factor but would be weighed up against other factors such as the viability and sufficiency of local post-16 provision.

## **Boarding provision**

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. This is to ensure the [boarding schools national minimum standards](#) and/or [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. Where an academy makes accommodation arrangements for boarders, for example with host families, the academy must still register as a boarding



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

## Amalgamation and de-amalgamation

Amalgamations are a genuine coming together of two or more academies. We do not expect provision in the remaining (or new) academy to significantly deviate from that of the closing institution(s). An amalgamation is likely to result in the transfer of staff and blending of ethos. It may include an expansion of physical capacity in the remaining academy, but that may not always be necessary.

There are two ways to amalgamate two (or more) academies:

1. Close one academy (or more) and consolidate the provision within the remaining academy. Where this necessitates the physical expansion of the remaining academy or a change of age range, this should be covered in the same significant change application. It is important that all displaced pupils can be accommodated at the remaining academy, should they wish (although they may choose to apply to another school). The remaining school would retain its original school number, as it is not a new school, even if its age range has changed as a result. This is sometimes referred to as a 'merger'.
2. Close all the academies involved and replace them by establishing a new school (this option still requires that all displaced pupils can be accommodated at the replacement school, should they wish).

Both types of amalgamation will follow the significant change process, not [closure of an academy by mutual agreement](#).

When two or more schools are amalgamated, the pupils on roll at the closing school(s) will need to apply for a new school place. They cannot be automatically transferred to the roll of the school which will remain open. Parents must apply for a school place for their child, whether it be at a school remaining open as part of an amalgamation, or another of their choice. Places must be allocated in accordance with oversubscription criteria. The trust should do everything they can to support parents in this process bearing in mind the importance of all displaced pupils being accommodated at the amalgamated school, should they wish. For example, the trust may wish to consider amending the oversubscription criteria to give a high priority to pupils from the school(s) closing as part of the amalgamation. The trust may apply for a variation to their admission arrangements, alongside the significant change application, should they wish to amend the oversubscription criteria in this way.

Academy trusts may propose to split ("de-amalgamate") existing provision into two or more separate, distinct schools. This, however, should only be considered in exceptional circumstances, where there is a clear educational or organisational benefit in doing so,

and which delivers value for money. Legislation prohibits the establishment of new selective schools, so selective academies cannot establish additional provision through this process. The provision delivered by the existing and additional school, collectively, should not significantly deviate from the provision of the original school. Other changes can be proposed as part of the de-amalgamation, for example adding a SEN unit or a change in capacity, but these should not be so extensive as to constitute a new school. In assessing applications, the department will look at this carefully.

Admission policies may require variation where the de-amalgamation involves, for example, moving to two single sex schools from a co-educational school, or the de-amalgamation of a primary into an infant and junior school. It is not possible for a 16-19 academy to be created by a de-amalgamation.

Any new academy resulting from an amalgamation or de-amalgamation must be registered before it can start to operate. [This guidance](#) sets out more information on the process. Academy trusts should be mindful of TUPE implications.

## **Faith related changes**

Changes relating to an academy's faith designation require a new funding agreement and the academy trust's articles of association may also need changing.

In all cases applications must clearly set out:

- the proposed new governance and staffing arrangements
- the basis on which the academy trust considers the change is needed
- why it will benefit the academy and the wider community
- that there is support for this change from its school, staff and parents, and the wider local community

### **Gaining faith designation**

Where an academy does not currently have a religious designation, the academy trust must first obtain the consent of the relevant religious body for the religious designation which it wishes to acquire. Once the religious body's approval has been given, the academy trust must then formally apply through the significant change process for the academy to have a religious designation. This application must include: (a) the desired religion or religious denomination of the school; (b) the grounds on which the application is based and any supporting evidence of those grounds; and (c) any representations made by a religious body in support of the application.

A school can only be considered a school with a religious character where it has a completed religious designation order. A school will not be permitted any of the freedoms associated with this status until the designation process has been completed. This

process is set out in the [Religious Character of Schools \(Designation Procedure\) \(Independent Schools\) \(England\) Regulations 2003](#).

## **Redesignation**

Schools which convert to become academies retain their existing designation and enjoy freedoms based on those that were available to them as a voluntary aided (VA) or voluntary controlled (VC) maintained school. Academies that were formerly VC schools can apply to alter all relevant characteristics (i.e. governance structures, appointment of staff, and the teaching of religious education and collective worship) so they are 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. If the significant change application is approved, changes may need to be made to the articles of association (as well as the funding agreement). If the application is approved, a new religious designation order will also be required.

## **Changing the religious designation of an academy or the relevant religious body**

Where an academy with an existing religious character wishes to change its designation, the academy trust must first obtain the consent of both the current religious body for its school and the relevant body for the religious designation which it wishes to acquire. If the application is approved, a new religious designation order will be required.

Similarly, where an academy with an existing religious character wishes to change its religious body, the academy trust must first obtain the consent of both the current religious body for its school and its proposed new body.

## **Removing designation**

Where an academy with an existing religious character wishes to remove it, the academy trust must first obtain the consent of the religious body for its school. If the application is approved, the school's religious designation order must be revoked by the Department for Education. The Secretary of State will also terminate the funding agreement for the designated academy and enter into a new funding agreement with the academy trust.

## **16-19 academies**

[The Religious Character of 16-19 Academies \(Designation Procedure\) \(England\) Regulations 2022](#) came into force on 28 December 2022. These regulations provide for an application to be made to the Secretary of State for designation of a 16-19 academy as having a religious character under section 8A(1) of the Academies Act 2010. This application is known as a Section 8A application. Further information on submitting a Section 8A application for a 16-19 academy can be found within the '[Convert to an academy: guidance for sixth-form colleges](#)' guidance.

## **SEN provision**

When proposing changes to SEN provision, applications should include a statement on how the proposal is likely to lead to improvements in the standard, quality and range of locally available special educational provision – further details are provided at Annex C.

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

## Annex B: Admissions

Changing an academy's Published Admission Number (PAN), or other admission arrangements, is not deemed a 'significant change'. Where a trust is permanently increasing a school's PAN, however, they should consider whether the capacity recorded in the funding agreement remains an accurate reflection of the space available, and, if it is not, to update it.

Wherever possible, changes that are required to a school's admission arrangements because of a significant change should be made according to the statutory process set out in paragraphs 1.45 - 1.52 of the School Admissions Code. Where it is necessary to change the admission arrangements after they have been determined, the proposer should follow the process set out in 3.6 and 3.7 of the School Admissions Code. Unless the variation is solely to increase PAN, the proposer must submit an admissions variation request at the same time as the significant change application (Regions Group can provide the relevant form). They should do this in good time. Ideally the variation will be agreed before parents begin applying for school places in the autumn term. If that is not possible, it should be agreed before the closing date for applications. The closing dates are 31 October for secondary school applications and 15 January for primary school applications.

The proposer may only request changes that are necessary to implement the significant change. If they wish to make any other changes, they must follow the statutory process set out in the School Admissions Code.

There is no requirement for the proposer to consult on the variation but as a minimum they must notify the bodies/persons set out in paragraph 1.47 of the School Admissions Code and set out in their significant change consultation any consequential impact on admission arrangements. Where a proposer does decide to consult, this should run concurrently with the consultation on the significant change.

Schools may increase their PAN, or admit over their PAN, without requesting a variation but must notify their local authority of their intention. Trusts should, however, remain mindful of potential overcrowding and continue to consider whether a physical expansion and an application to increase capacity would be appropriate.

16-19 academies with a designated religious character may admit on the grounds of faith, however they must ensure they have followed the required process for an admissions order to have been made before doing so. Further information can be found within the ['Convert to an academy: guidance for sixth-form colleges'](#) guidance.

## Annex C: High needs/SEND

When proposing changes to SEN provision, applications should include a statement on how the proposal is likely to lead to improvements in the standard, quality and range of educational provision 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

### Special educational needs units

These are units in a mainstream school which are recognised by the local authority in whose area the school is located as specially organised for pupils with SEN who are to be taught mainly inside that unit.

SEN units: receive funding of £6,000 or £10,000 per place, and usually top-up funding for any additional costs of support required by individual pupils; cater for a specific type, or types, of SEN (for example autistic spectrum disorder); and are usually for pupils with an EHC plan (but may also provide support for pupils on SEN Support); and sometimes accommodate pupils registered at other schools on a part-time basis.

### Resourced provisions

These are units in a mainstream school which are recognised by the local authority in whose area the school is located as specially organised for pupils with SEN who are to be taught mainly outside that unit.

Resourced provisions: receive funding of £6,000 or £10,000 per place, and usually top-up funding for any additional costs of support required by individual pupils; cater for a specific type, or types, of SEN (for example specific learning difficulties); and are usually for pupils with an EHC plan but could include pupils on SEN Support.

The school's [GIAS](#) record should indicate if the school has an SEN unit or resourced provision places. It is unlikely that a pupil would be placed in a SEN unit and also receive support from resourced provision, but a school could have resourced provision for one type of need and a unit for another.

As all state-funded schools are under an obligation to admit a pupil where they are named in that pupil's EHC plan, a special school's stated or informal "capacity" may not have a *direct* bearing on the number of pupils on roll at any given time. For a special or alternative provision academy, significant changes to the number of places should therefore relate to the planned number of places recorded in the funding agreement

(‘planned number of places’). This is distinct from the number of ‘funded places’ annually commissioned by the local authority through the high needs place planning process (which may or may not relate to the school’s given physical capacity or pupils on roll).

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.

For special academies, if the proposed significant change will affect the statement of provision, the trust, as part of their significant change consultation, must make clear the changes that will be made to the statement of provision should the significant change be agreed. For 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.

Where relevant, local authorities and academy trusts will need to work together to ensure that any proposed significant changes align with any plans which form part of the Safety Valve or Delivering Better Value programmes.



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