

Guidance for Making Significant Changes to Maintained Schools

Statutory guidance is in place for the proposers and decisions makers (local authorities, governing bodies and the Office of the Schools Adjudicator) seeking to make significant changes to maintained schools. This guidance must be followed unless there is a good reason not to.

This document provides an overview only; the full guidance document, most recently updated and published in January 2023, can be accessed via the link below:

[Making significant changes \('prescribed alterations'\) to maintained schools \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/making-significant-changes-to-maintained-schools.pdf)

Note:

This overview specifically covers maintained schools and although much of it also applies to academies there are differences. The following link is specific to making significant changes to an open academy:

[Making significant changes to an open academy \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/making-significant-changes-to-an-open-academy.pdf)

What is a “Significant Change”?

This is a change that may have a “significant” impact on the local school environment, through changing the number and/or type of school places and/or where they are offered. The significant changes are also referred to as “prescribed alterations”. These are detailed in the guidance but include the following:

- Enlargement of premises (expansion)
- Expansion on to an additional site (or ‘satellite sites’)
- Change of age range
- Closing an additional site (or ‘satellite site’)
- Transfer to a new site
- Changes of category

If your proposed changes fall into any of these categories or you are unsure, please refer to the full statutory guidance (see link above). Alternatively, contact the Diocesan Board of Education (DBE) for advice.

Engagement with the Diocesan Board of Education – pre consultation

Any governing body considering making a significant change must contact the DBE to discuss the proposed changes at the earliest possible stage, and always before going to formal consultation (see the 5 Stage Statutory Process).

Consent of Trustees

Governing bodies proposing to make a “significant change” to a school should involve the local authority in the process from the earliest possible stage. In addition, the governing body should have the consent of the trustees of the school and the DBE. If you do not know who the school’s trustees are, the DBE can offer guidance (the DBE itself may be a trustee).

Where the school occupies land held by a charitable trust, trustees should always be consulted as to whether any proposed alterations to the school are compatible with the terms of the trust.

Prescribed Alterations – the 5 Stage Statutory Process

The statutory process for making prescribed alterations to schools has 5 stages:

Stage 1 - Publication (statutory proposal / notice)

A statutory proposal must contain sufficient information for interested parties to decide whether to support or challenge the proposed change – the guidance details the minimum requirements.

The full proposal must be published on the school's (or local authority's) website along with a statement setting out:

- How copies of the proposal may be obtained
- How someone can object to, or comment on, the proposal
- The date that the representation period ends
- The local authority's address where objections or comments should be sent

A brief notice (including the website address) must be published in a local newspaper and notification must also be posted in a conspicuous place on the school premises, at or near to all the main entrances to the school.

Stage 2 - Representation, i.e. formal consultation

The representation period must last for 4 weeks from the date of publication. During this period, any person or organisation can submit comments on the proposal to be considered by the decision maker.

Stage 3 - Decision

In most cases, the Local Authority will be the decision maker. Decisions must be made within 2 months of the end of the representation period, or the proposal must be referred to the Office of the Schools Adjudicator.

Stage 4 - Referral (if applicable)

Any referral to the Office of the Schools Adjudicator must be made within 4 weeks of the decision. There is no right of appeal for the Schools Adjudicator's decision.

Stage 5 - Implementation

A proposal must be implemented in the form that it was approved, including any modification made by the decision maker.

NB: Although not mandated, there is a strong expectation that governing bodies will consult interested parties in developing their proposal prior to publication.

Engagement with the DBE – post consultation

Following the end of the formal consultation period, the governing body must re-engage with the DBE to discuss any representations that have been received, including the balance of local opinion and the intended response of the governing body.

Contentious Proposals

When proposing changes governing bodies should always act reasonably and in line with the principles of public law, to ensure that changes do not have a negative impact on the education of pupils in the area.

Where changes involve expansion to a separate 'satellite site' or where objections have been raised that the change could potentially undermine the quality of education in the local area, by creating additional places where there is surplus capacity, governing bodies should notify schoolorgansation.notifications@education.gov.uk

Please note the statutory process differs for foundation proposals, full details are provided within the statutory guidance.