



Department
for Education

Independent Schools: applying for approval to make a material change

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Introduction

Who this guidance is for

This non-statutory guidance, from the Department for Education ('the department'), 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 independent schools that are:

- special schools
- residential special schools
- boarding schools

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

This guidance replaces *Independent schools: applying for approval to make a material change* (June 2025). A summary of the substantive changes is set out at Annex A.

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 (and obtained) from the Secretary of State. [Section 162 of the Education Act 2002](#) designates which changes, called "material changes" require 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 7 below for what constitutes a material change).

Material changes may impact 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")¹ and the Early Years Foundation Stage ("the EYFS") requirements, where applicable. In order to approve any application for a material change relating to an independent school, the Secretary of State must be satisfied that the relevant ISS (and EYFS where applicable) are likely to continue to be met in relation to

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

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.

The department would not normally expect an application for a material change to be made within the first year of a school's registration. The department expects proprietors to have given full and careful consideration to how their school will operate when applying for registration. In addition, a school's first standard inspection by Ofsted will normally take place around one year after registration. This is an important milestone, as a school will want to ensure that it is complying with the ISS (and the EYFS requirements, where applicable). Failure to comply may result in regulatory action and, if shortcomings are not remedied, enforcement action. In this context, an application for a material change during the first year of registration may prove an unnecessary distraction from a school's focus on establishing and maintaining compliance with the ISS. Further information can be found in our [Independent schools: regulatory and enforcement action policy statement](#).

Please note that this guidance sets out the information needed for the department to start processing an application for a material change; further information may be needed as the application is processed.

How long will the process take?

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See 'School holiday periods and inspection timing' below for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

In exceptional circumstances, where a proposed change is particularly complex, the determination of an application may take longer. We will inform applicants where this is the case.

School holiday periods and inspection timing

As most material change inspections are conducted during term time, schools should take school holiday periods into account when planning the submission of a material change application. The purpose of a material change inspection is to assess the implications of the proposed change and advise the Secretary of State whether the school is likely to meet the relevant ISS (and EYFS, if applicable) if the change is made. Inspectors will routinely observe the school in operation and will speak to staff and pupils as part of the inspection process. Therefore, material change inspections will not normally take place during school holiday periods, except in exceptional circumstances. School holiday periods are not included within the estimated six-month timeframe for determining an application.

Where a material change is intended to take effect at the start of an academic year, schools should, therefore, submit their application by the **beginning of March** in the preceding academic year. This will help the department reach a decision before the start of the academic year.

Applications that do not require a material change inspection can usually be determined more quickly.

Relevant restrictions

If your school has a relevant restriction² in place and a material change application relating to this restriction is approved, this does not result in the restriction being revoked (or varied). 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.³ For example, recording changes at a school through the annual census is not an application for material change approval and does not grant the 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.

Temporary material changes

Material change approval can only be provided for permanent material changes. The department, therefore, does not grant approval for time-limited material changes. If you wish to temporarily amend your registered details, prior approval must still be sought (and obtained) from the Secretary of State. The department will determine the application based on the change being permanent. Therefore, reverting back to the previous position following an approved material change will require the submission of a further material change application.

The guidance

This guidance is split into two parts:

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

³ Or on appeal to the First-Tier Tribunal, had it approved. A proprietor has a right under section 166 of the Education and Skills Act 2008 to appeal to the Tribunal against a decision by the Secretary of State to reject a material change application.

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.

Part A

What changes need approval

The following changes constitute a material change:

- change of proprietor⁴
- 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 admit, or ceasing to admit, pupils with special educational needs and disabilities (SEND)

The Secretary of State's prior approval must be obtained before any of these changes may take place. Where a school is seeking approval for multiple material changes, the applications should be submitted together (ensuring that all the information is provided for each change as set out below).

An exception to this 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 current proprietor.

Change of proprietor

The proprietor is the person or body responsible for the management of the school. Once a school is registered, the proprietor is responsible for ensuring that the school continues to meet all applicable ISS and, where relevant, the EYFS requirements at all times.

It is a material change to change the proprietor of a registered independent school.

Therefore, prior approval must be obtained before a change of proprietor is made.

⁴ It is a material change for a new individual to become the proprietor of an independent school or for a company to replace an individual, or another company, as proprietor. A change to the membership of a proprietor body does not require material change approval, though the department ought to be notified of a new chair of a proprietor body for the purposes of checks required to be carried out by it under Part 4 of the ISS relating to their suitability. In addition, proprietor bodies are advised as a matter of good practice to notify the department of changes amongst, for example, the trustees, directors or governors of an existing proprietor body. Please see: [Independent schools - change of proprietor guidance](#).

Certain checks must be carried out by, or on behalf of, the Secretary of State in relation to the proposed proprietor to ensure compliance with Part 4 of the ISS which relates to the suitability of proprietors and other relevant individuals.

In addition, the department will consider whether the proposed proprietor is likely to comply with the requirement in Part 8 of the ISS, relating to the leadership and management of independent schools.

To apply for approval of a change of proprietor, the proposed proprietor, or the proposed chair of the proprietor body, should submit the [Independent schools: change of proprietor application form](#) as soon as possible once it has been decided the proposed change is to be made. Applications will not be progressed until the requested information has been provided.

The application should also include confirmation from the current proprietor that they consent to the proposed change of proprietor.

When completing the form, applicants should refer to the [Independent schools: change of proprietor guidance](#), which has been produced to ensure proposed proprietors, and proposed chairs of proprietor bodies, provide the correct information.

Ordinarily, provided the results of the above checks are satisfactory and the department considers that Part 8 of the ISS is likely to be met, the new proprietor will be approved.

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.

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See 'School holiday periods and inspection timing' above for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

In exceptional circumstances, where a proposed change is particularly complex, determination of an application may take longer. We will inform applicants where this is the case. Applications that do not require a material change inspection can usually be determined more quickly.

Change of address

It is a material change to change the address of a registered independent school.

Therefore, prior approval must be obtained before a change of address is made.

Where there is a proposed change of address, the department will want to be assured 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 of address will therefore,

in most cases, lead to the department commissioning an inspection before the change is approved.

It is not a material change where a school simply acquires additional premises, provided it retains its registered address and no other change requiring material change approval is proposed. However, schools should notify the department of plans to acquire additional premises, to enable the department to consider whether the use of the premises may affect the school's continued compliance with the ISS and whether the premises form part of the existing school rather than constituting a separate school.

Please notify the department by sending an email to 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).

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.

If you are registered to provide early years provision with Ofsted, you must notify Ofsted of the proposed change of address. [Guidance for nurseries on when/if you need to register with Ofsted](#) contains information about the process, fees, and associated requirements, and is available online.

Information to supply when applying for approval for a change of address is as follows:

- complete postal address of the proposed new site;
- the date on which the school will move to the new premises;
- 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 page 14 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 page 10 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

Schools⁵ (or Standard 9.1 of the National Minimum Standards for Residential Special Schools⁶, if instead applicable) which outlines the need for the accommodation to be of a good quality, providing appropriate privacy to boarders taking into account their 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 page 20 below to apply for approval;

- if building works are required at the new premises, details of those works and the expected completion date.

Please note: Where building works are required, the department does not require a completion certificate to process and approve a material change application. However, you should provide the department with a copy of the final completion certificate (or equivalent documentation from the relevant building control body) confirming that the works comply with building regulations once it is received.

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See 'School holiday periods and inspection timing' above for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

In exceptional circumstances, where a proposed change is particularly complex, determination of an application may take longer. We will inform applicants where this is the case. Applications that do not require a material change inspection can usually be determined more quickly.

Change to the age range of pupils

It is a material change to change the age range at a registered independent school.

Therefore, prior approval must be obtained before a change to reduce or increase the age range is made.

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 page 14 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.

When considering a proposed change to the age range for which a school is registered, 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

⁵ [National Minimum Standards for Boarding Schools](#)

⁶ [Residential special schools national minimum standards](#)

pupils, and premises and accommodation (particularly in view of any associated changes to buildings).

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.

A reduction in the age range of pupils is also a material change. A reduction in the age range of pupils is less likely to impact school performance, and approval for a reduction in age range can therefore normally be granted without the need for an inspection (but the need for one will always be considered on a case-by-case basis).

There are some settings which cater to both children of compulsory school age and those of less than compulsory school age. Settings which provide for children of less than compulsory school age may under certain circumstances be required to register on the Early Years register. Further information can be found at [Childminders and childcare providers: register with Ofsted](#) and [Registering and inspecting school-based provision](#). If the proposal includes the admission of pupils aged under 2, or the setting does not meet the criteria for the school-based exemption from registration on the Early Years Register, you are required to register separately with Ofsted.

Even where early years provision is registered with Ofsted and delivered at a school as part of the school’s activities, you **must** still apply for prior approval from the department to amend the registered age range in order to cover pupils below compulsory school age.

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 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 page 14 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 completed 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. If these 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 approves 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 whether the pupils will receive 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. 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.

Applications to increase the age range to 19 or older

The department would not ordinarily expect an independent school to cater for individuals aged 19 or over. Independent schools are generally established to provide primary and/or secondary education, and the ISS are principally directed towards the education, welfare, and safety of pupils aged 3 to 18.

The department recognises, however, that in exceptional circumstances a school may wish to register an age range covering pupils⁷ who are aged 19 or older. However, to grant a material change application for an age range extending to such pupils, the department will need to be satisfied that the application is for the purposes of covering individuals starting a particular course of secondary education begun before reaching the age of 18 and continuing to attend that course.⁸

Examples of circumstances in which the department may approve an extension beyond the age of 18 include:

- a pupil with complex special educational needs and disabilities (SEND) who requires additional time to complete an existing secondary course of study;
- a pupil whose education has been significantly disrupted and who requires additional time to complete an existing course of secondary education;
- a cohort of pupils affected by exceptional circumstances that have delayed completion of a specific course of secondary education.

⁷ See section 3(1) of the [Education Act 1996](#) for the meaning of 'pupil' ("the 1996 Act").

⁸ The effect of the 1996 Act is that individuals who have attained the age of 19 are not to be treated as 'pupils' unless they have begun a particular course of secondary education before attaining the age of 18 and continue to attend that course. See section 3(1)(a) and section 2(5) of the 1996 Act.

Applications to extend the upper age range of a school's pupils will not be accepted to more generally cover individuals aged 19 or over being admitted to a school.

Applications to increase a school's upper age limit beyond the age of 18, like any other application for material change approval, will be considered on a case-by-case basis.

In practical terms, this means that a school will need to demonstrate that it is likely to continue to meet the ISS if the proposed change is approved, including (in the present context) in relation to safeguarding, welfare, and leadership and management. This, in turn, will involve providing risk assessments and any other relevant policies to evidence that appropriate safeguarding arrangements are in place to protect younger pupils' wellbeing and safety.

Information to supply to the department when a school applies to extend its registered age range beyond 18 is as follows:

- the reason for the proposed extension, including a detailed explanation of how it relates to a pupil or pupils completing a particular course of secondary education commenced before the age of 18. For example, details of the pupil, or pupils, who will be aged 19 or over, including their current age, the course of secondary education being completed, and why additional time is required;
- an explanation of how the wellbeing and safety of younger pupils will continue to be protected, with an emphasis on their interactions with pupils aged over 18;
- an explanation of the educational, safeguarding, and welfare arrangements that will apply to pupils aged 19 or over.

Where an extension to the upper age range has been sought to accommodate temporary circumstances and approved, the department would ordinarily expect the school to apply for a further material change to reduce its age range once those circumstances have ceased. Schools will, therefore, want to review the position at the end of each academic year.

In addition, adding individuals who are not pupils (within the meaning of the 1996 Act) to a school's register may result in a breach of the standard in paragraph 15 of the ISS. This standard requires a proprietor to ensure that the admission and attendance register is **maintained in accordance** with [the School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#), which require the recording of information relating to 'pupils'. Where a school fails to meet any of the ISS, the school may be subject to regulatory and enforcement action.

Boarding implications of a change in age range

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 good quality, providing appropriate privacy to boarders taking into account their sex, age and any special requirements.

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 should therefore ensure that these are made to the risk assessment policy or policies submitted with an application.

Starting or completely ceasing to provide boarding would constitute a separate material change and full details should be provided as per page 20 below.

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See ‘School holiday periods and inspection timing’ above for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

In exceptional circumstances, where a proposed change is particularly complex, determination of an application may take longer. We will inform applicants where this is the case. Applications that do not require a material change inspection can usually be determined more quickly.

Change to maximum number of pupils (registered capacity)

It is a material change to make a change to the capacity of a registered independent school.

Therefore, prior approval must be obtained before a change to reduce or increase capacity is made.

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. 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).

The registered capacity is a fixed number, and prior approval must be obtained before a change is made to the registered capacity. Even if the intention is to admit new pupils

only for a time-limited period, approval must be obtained before such a change is made, whether intended to be temporary or not.

Registered capacity applies to all pupils who are admitted to a school, regardless of whether they attend on a full-time or part-time basis.⁹ Therefore, for these purposes, each part-time pupil counts as one pupil – just as each full-time pupil would. Applications to increase or decrease a school's registered capacity should therefore be based on the total number of pupils to be admitted, including both full-time and part-time pupils.

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.

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).

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 (though this will always be considered on a case-by-case basis).

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;
- information on any additional staffing proposed to support the increased capacity, including the expected staff to pupil ratio broken down by reference to staff role. If no additional staffing is proposed, please provide the current staff to pupil ratio broken down by reference to staff role;

⁹ Persons over compulsory school age and being provided with part-time education do not fall within the definition of 'pupil' – see the definition of pupil in section 3(1)(b) of the 1996 Act. In addition, persons aged 19 or over are not pupils (see combination of section 2(5) and section 3(1)(a) of the 1996 Act) unless these are attending a particular course of secondary education that they began before attaining the age of 18, and are continuing to attend that course.

- 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.

Boarding implications of a change in registered capacity

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 a good quality, providing appropriate privacy to boarders taking into account their sex, age and any special requirements.

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 above).

Starting or completely ceasing to provide boarding would constitute a separate material change and full details should be provided as per page 20 below.

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See 'School holiday periods and inspection timing' above for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

In exceptional circumstances, where a proposed change is particularly complex, determination of an application may take longer. We will inform applicants where this is the case. Applications that do not require a material change inspection can usually be determined more quickly.

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

A change to whether a registered independent school has only male pupils, only female pupils or becomes mixed (co-educational) is a material change.

Therefore, prior approval must be obtained before a change to whether the institution is for male or female pupils, or both, is made.

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.

Relationship with certain provisions in the Equality Act 2010

Under Schedule 11 to the Equality Act 2010 (“the 2010 Act”), an exception (“the small number exception”) is provided that permits “single sex schools” (as defined there) to discriminate, in relation to admissions, on the basis of sex – i.e., to do what would otherwise be unlawful sex discrimination.

“Single sex schools”, for these purposes, are schools that:

- (a) admit pupils of one sex only or
- (b) schools which also admit pupils of the opposite sex but only where that is exceptional, or where their numbers are comparatively small, and the pupils confined to particular courses or classes (referred to in this guidance as “the small numbers exception”).

See the department’s non-statutory advice - [Equality Act 2010: advice for schools](#), for further information (paragraph 2.2).

The department’s view is that these provisions from the 2010 Act do not affect whether or not an application is needed for approval under the Education Act 2002 for a school to start to admit pupils of both sexes. The operation of the material change regime is a separate matter in this respect. Therefore, if a single sex school plans to admit pupils of the opposite sex, relying on the small numbers exception to continue to refuse to admit other pupils of the opposite sex, a material change application to admit pupils of the opposite sex **must** still be submitted.

The department does not offer advice to schools whether they can rely, in a particular case, upon the small numbers exception to refuse admitting pupils on the basis of their sex nor more generally, on the implications of the 2010 Act for an independent school becoming co-educational. Schools, therefore, should seek their own independent legal advice on the operation of the small numbers exception as well as, for example, about the need for a transitional exemption order under paragraph 3 of Schedule 11 to the 2010 Act. These are orders that enable a school to continue to restrict admittance to a single sex until the transition from single sex is complete.

Schools should consider the use of the small numbers exception carefully as misapplication of the exception could be associated with a breach of the ISS – and in

particular, the standard there that requires that teaching does not discriminate against pupils contrary to Part 6 of the 2010 Act. More generally, schools which intend to become mixed sex schools will want to be aware of DfE's guidance [Gender separation in mixed schools](#) to assist them in understanding the potential implications of the 2010 Act.

For the same reason, where the school proposes to become co-educational on a phased basis, we would find it helpful if details of the proposed transition arrangements could be provided, including whether a transitional exemption order under paragraph 3 of Schedule 11 to the Equality Act 2010 has been obtained, applied for, or is intended to be sought. Providing this information is not a requirement but may assist the department in processing the application.

De-amalgamation

'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.

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 seek your own legal advice to establish whether your school is covered by such a document before submitting an application.

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 for, or cease catering for;
- details about where children of each sex will be taught (i.e., the same, or separate sites and address(es) 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 page 10 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 page 14 above 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 approves 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 light of the proposed material change, 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.

Boarding implications of a change to the sex of pupils admitted

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 a good quality, providing appropriate privacy to boarders taking into account their sex, age and any special requirements.

Changing which sex or sexes are provided with boarding is very likely to require changes to 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 circumstances and will want to ensure that any necessary changes are contained in the written risk assessment policies they submit with their application (see paragraph above).

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

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See 'School holiday periods and inspection timing' above for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

In exceptional circumstances, where a proposed change is particularly complex, determination of an application may take longer. We will inform applicants where this is the case. Applications that do not require a material change inspection can usually be determined more quickly.

Starting or ceasing to provide accommodation to pupils (boarding)

Starting or ceasing to provide accommodation to pupils at a registered independent school is a material change.

Therefore, prior approval must be obtained before starting or ceasing to provide accommodation to pupils.

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.

Starting to provide boarding will, in most cases, trigger a material change inspection before an application 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).

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. Amongst other things, you should consider whether relevant risk assessment and child protection policies need updating. Not updating relevant risk assessments and failure to consider other implications of the proposed changes 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 therefore, the relevant ISS.

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

- proposed number of boarders;
- confirmation of the age range and 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 will therefore 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 a good quality, providing appropriate privacy to boarders taking into account their 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.

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

Please note that, where an independent school proposes to provide residential provision for more than 295 days a year obtaining material change approval (where required) does not remove the need for a separate application to Ofsted for registration as a children's home.

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See 'School holiday periods and inspection timing' above for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

In exceptional circumstances, where a proposed change is particularly complex, determination of an application may take longer. We will inform applicants where this is the case. Applications that do not require a material change inspection can usually be determined more quickly.

Admitting pupils with special educational needs and disabilities

Starting to admit pupils with special educational needs at a registered independent school is a material change.

Prior approval must be obtained before starting to admit SEN pupils or ceasing to admit SEN pupils.

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. Where a school is to admit SEN pupils, contrary to what was recorded in the register when the school was registered, a material change application to seek prior approval is required. 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.

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

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 Education, Care and Health (EHC) plan.

Guidance you may find useful when considering catering for SEN pupils for the first time is available at: [SEN code of practice: 0 to 25 years](#) and [SEN: guide for schools and alternative provision settings](#).

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 page 14 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 SEN¹⁰ will be catered for, from the following list:
 - Cognitive and learning needs
 - Visual impairment
 - Hearing impairment
 - Speech, language and communication

¹⁰ More information about SEN can be found in the [SEN code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](#), where the terminology here related to types of SEN is explained in more detail.

- 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 page 10 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 prior approval **must** be obtained before the change is made as per page 17 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);
- information on any additional staffing proposed connected to making provision for SEN pupils, including the expected staff to pupil ratio broken down by reference to staff role. If no additional staffing is proposed, please provide the current staff to pupil ratio broken down by reference to staff role;
- 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 a good quality, providing appropriate privacy to boarders taking into account their sex, age and any special requirements.

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See 'School holiday periods and inspection timing' above for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

In exceptional circumstances, where a proposed change is particularly complex, determination of an application may take longer. We will inform applicants where this is the case.

Applications that do not require a material change inspection can usually be determined more quickly.

Ceasing to admit pupils with special educational needs

Ceasing to admit pupils with special educational needs at a registered independent school is a material change.

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

School closures

The closure of a registered independent school is not a material change and, therefore, does not require approval.

However, proprietors are asked to notify the department via email to registration.enquiries@education.gov.uk as soon as a decision has been taken to close a school.

The notification should include:

- the name of the school;
- the school's unique reference number (URN);
- the proposed date of closure;
- the reason for closure;
- confirmation that the proprietor is content for the school to be removed from the register of independent schools following closure;
- contact details for the proprietor in case further information is required.

Proprietors should also ensure that appropriate arrangements are made for affected pupils. This will normally include engaging with relevant local authorities, parents and carers, and any other appropriate agencies to support pupils in securing alternative education where necessary.

Following notification, and confirmation from the proprietor that the school should be removed from the register, the department will take the necessary steps to remove the school from the register. In the event that a school has closed or ceased operating but has not agreed to be removed from the register, the department may consider the use of its powers under section 100 of the Education and Skills Act 2008 to remove the school from the register. This includes circumstances where the school has ceased to be a school, for example by no longer providing full-time education to pupils of compulsory school age.

Part B

How to apply for a material change

Applications should be made via email, attaching the relevant documentation and sending to registration.enquiries@education.gov.uk.

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. The exception to this is where a change of proprietor is proposed in addition to other material changes, as outlined on page 7. In this case, one application should be made for a change of proprietor by the proposed proprietor, and a separate application for any other material change(s) should be made by the current proprietor.

You should allow up to six months from the date on which you provide the department with all the information required to support an application. However, school holidays may affect processing times. See 'School holiday periods and inspection timing' above for further information. Applications will not be progressed until all this information has been provided. Applicants will therefore want to ensure that their applications are complete in this respect when first submitted.

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.

Next steps

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.

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.

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 sooner.

You will be informed in writing of the Secretary of State's decision on your material change application. Where an inspection has been commissioned, the department will not ordinarily determine the application until the inspectorate's report has been finalised and published.

Inspection reports are subject to comprehensive post-inspection processes, including

factual accuracy checks and quality assurance procedures. Consequently, the department does not receive the final inspection report immediately following an inspection. The timescales for completing this process are determined by the relevant inspectorate; the department would generally expect to receive the final report around 38 working days after the inspection has taken place, although this may take longer in some cases.

Schools should note that, even where inspectors provide verbal feedback at the conclusion of an inspection, this does not constitute the outcome of a material change application – i.e. an approval of it. That is a decision for the Secretary of State to make, taking into account the inspection report and any other relevant evidence. Therefore, a material change should not be made before the necessary approval from the Secretary of State is received.

The requested change must not be made until written approval has been given.

Appeals

If the Secretary of State refuses your application for a material change, as proprietor, you may appeal the decision to the First-tier Tribunal. An appeal must be lodged within 28 days of notice of the refusal being served on you.

The First-tier Tribunal is independent of the department. Appeals are determined by the Tribunal, not by the department, with the Tribunal's own procedures applying. You may wish to seek independent advice before deciding whether to appeal.

An alternative option is to make a new application for material change approval. Depending on the reasons for a refusal, this is something a proprietor may wish to pursue.

Annex A - Summary of the substantive changes

Section	Change
Application timescales	Additional information has been added on school holiday periods and inspection timing. The guidance now explains that holiday periods are not ordinarily included within the estimated six-month determination period and advises schools wishing changes to take effect from the start of an academic year to submit applications by the beginning of March in the preceding academic year.
Applications within the first year of registration	The guidance has been expanded to explain why the department would not normally expect material change applications within the first year of registration, including reference to the first standard inspection and the importance of establishing compliance with the Independent School Standards.
Change of proprietor	Clarifies that applications should include confirmation from the current proprietor that they consent to the proposed change.
Applications to increase the age range to 19 or older	New policy section explaining that the department would not ordinarily expect independent schools to cater for learners aged 19 or over. Applications will generally only be considered where the extension relates to pupils completing a particular course of secondary education that began before the age of 18. New evidential requirements have also been introduced.
Registered capacity	Clarifies that registered capacity applies to all pupils admitted to the school, including part-time pupils, and explains how part-time pupils should be counted for capacity purposes.
School closures	New section setting out the department's expectations when an independent school closes, including notification requirements, information to be provided to the department, and the process for removal from the register of independent schools.
Next steps	Additional information has been added explaining the role of material change inspections, publication of inspection reports, expected reporting timescales, and the distinction between inspectors' feedback and decisions taken by the Secretary of State.



Department
for Education

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