

## **School Based Nursery Provision & School Based SEND provision**

### **Maintained Schools**

Making significant changes ('prescribed alterations') to maintained schools

Any maintained school wishing to introduce a school-based nursery and/or SEND provision should refer to the document published by the Department for Education [Making significant changes to maintained schools](#)

The guidance states that although there is no longer a requirement 'to follow the statutory prescribed alterations process' for nursery provision, regard must be given to 'changes that can be made outside of the statutory process', which is covered on page 32 of the guidance, 'including ensuring an open and fair consultation'.

This section covers what governing bodies need to do before making any changes; examples include:

- Consulting with the local authority to ensure the proposal is aligned with local place planning arrangements;
- Securing necessary funding;
- Ensuring the identification of suitable accommodation and sites;
- Securing planning permission and/or agreement on the transfer of land where necessary.

Of particular reference to our family of Church of England Schools, the guidance specifically states:

- 1) Where a school is designated as having religious character they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, as appropriate.
- 2) They have the consent of the site trustees or other landowner where the land is not owned by the governing body

### **Diocesan Consent**

*Before progressing with the prescribed change to introduce school-based nursery or SEND provision the school must gain the consent of the Diocesan Board of Education (DBE). This is primarily because the DBE must be satisfied that the proposed use of the school does not breach its trust deed provisions.*

The request for this consent should be in a short form Business Cases / Summary of the Business Rationale or a similar document. This should be sent to Nina Hern, Senior Business & Operations Manager by email: [nina.hern@leicesterdbe.org](mailto:nina.hern@leicesterdbe.org)

In most case the DBE's inclination is to support the school with the prescribed changes, but it will need to be assured that the prescribed changes will have no

detrimental impacts on the existing provision of education for children at the school, of a statutory school age.

The Business Case / Rationale must show that the school has sufficient budget, physical space and resources to deliver the proposed school-based nursery provision and that the introduction of the nursery provision will not compromise the education and experience of the existing children at the school.

Furthermore, it must be made clear in the Business Case / Rationale that the existing school budget will not be used to subsidise or “prop up” the nursery provision.

Finally, where relevant, it must show that other local nursery school providers have been considered and the change is not expected to have a detrimental impact on them. (NB: It is noted that is unlikely to apply for most scenarios, as demand for places outweighs supply).

The DBE's approval will be conditional of the prescribed changes complying with these points and the wider consultation should only begin once the DBE has provided consent.

### **Site Trustee / Landowner Consent**

The consent of site trustees should be sought. In many but not all cases, the diocese is the site trustee. If you are unsure as to who your site trustees are, the DBE can advise. It is the statutory duty of the DBE to ensure that church schools provide a suitable, healthy environment for children's education.

When the prescribed changes involve capital works, schools are required to follow the published guidance for Capital Works in Church Schools and Academies [LDBE-Project-Authorisation-Form-Notes.pdf](#) and complete the Leicester DBE Project Authorisation form [DBE-Project-Authorisation-Form.pdf](#)

The approval process for capital works is a stand-alone process and, where relevant, DBE approval is required for the capital works changes, in addition to the approval for the prescribed changes.

### **Academies**

The guidance for academies when making significant changes is covered by a different document published by the Department of Education [Making significant changes to an academy](#)

In terms of diocesan consent, the process for academies is the same as maintained schools, i.e. diocesan consent is required for the introduction of school-based nursery provision and for major capital works associated with this type of project, or any other change project.

Academies must liaise with the central team of the multi-academy trust who will be likely to lead on the administrative processes.

If you are in any doubt in how to progress, or have any questions related to the process before taking any action please contact the DBE at [officedbe@leicesterdbe.org](mailto:officedbe@leicesterdbe.org)

*There may be a small administration fee payable by schools to the DBE to review and provide the relevant consents.*

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