

SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - School Organisation

Sections 41 to 44 and Schedule 2 - Proposals that may be made in respect of schools in Wales

57. These sections give local authorities the power to make proposals to:
- establish a community, voluntary, maintained nursery, or community special school;
 - discontinue a community, maintained nursery, voluntary, foundation, or community special school;
 - make a regulated alteration to a community, maintained nursery, or community special school;
 - make a regulated alteration to increase or reduce capacity at a voluntary or foundation school that does not have a religious character;
 - make a regulated alteration to open or close a school's sixth form at a voluntary or foundation school, with the consent of the Welsh Ministers.
58. In addition, any person may make proposals to establish a voluntary school, and the governing body of a foundation or voluntary school may make proposals to make a regulated alteration to the school or to discontinue the school.
59. *Schedule 2* sets out in detail the regulated alterations that may be made to a school. Amongst other alterations it allows for:
- alterations to the capacity of the school (paragraphs 10 to 14). In working out whether there is an alteration to the capacity of the school, previous alterations are taken into account so that changes to the capacity cannot be done incrementally without the need to make proposals;
 - an increase or decrease in the age range of the school (paragraph 5). An increase in the upper age range of a school does not permit the addition of a school sixth form. Separate provision in the Schedule (at paragraph 6) allows for a sixth form to be added (or removed) from a school;
 - alterations to the language medium of the school (paragraphs 7 and 8). These have been updated from the Education (School Organisation Proposals) (Wales) Regulations 1999 to reflect the introduction of the foundation phase and teaching methodologies in primary schools; these no longer refer to subjects but instead to percentages of time spent teaching pupils.

*These notes refer to the School Standards and Organisation (Wales)
Act 2013 (c.1) which received Royal Assent on 4 March 2013*

60. [Paragraph 26](#) of the Schedule provides the Welsh Ministers with a power to add, change or remove a regulated alteration by Order.
61. These provisions are based on sections 28, 29 and 31 of the 1998 Act and regulations made under these powers.