

SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - School Organisation

Section 45 to 47 - Changing a school's category etc

62. Schools maintained by local authorities (other than maintained nursery schools) are divided into the different categories set out in section 20 of the 1998 Act. Sections 45 to 47 (based on section 35 of, and Schedule 7 to, the 1998 Act) detail who may make proposals to change a school's category; the grid below summarises this (VA means voluntary aided, VC means voluntary controlled and GB means governing body).

<i>Category of school</i>	<i>Can become</i>	<i>Proposer</i>
Community school	VA or VC	GB
VA school	Community or VC	GB
VC	Community or VA	GB
Foundation	Community, VA or VC	GB

63. No school may change category to become a foundation or foundation special school. No foundation or voluntary school with a religious character may change category to become a community school.
64. In order to become a VA school a GB must satisfy the Welsh Ministers that they are able to satisfy its funding obligations for a period of at least five years after the change of category takes place (section 46).
65. A change of category does not authorise a change in a school's religious character, or authorise it to establish, join or leave a foundation body (as defined in section 21 of the 1998 Act).
66. If a school is to become a community school, transfer agreements detailed in Schedule 4 must be made.