

SCHEDULES

SCHEDULE 11

RATIONALISATION OF SCHOOL PLACES IN ENGLAND

PART 4

PROCEDURE FOR DEALING WITH PROPOSALS UNDER PARAGRAPH 7

Objections

- 8 (1) Any person may make objections to, or comments on, any proposals published under paragraph 7.
- (2) Objections or comments under this paragraph—
- (a) must be sent to the school organisation committee for the area to which those proposals relate, and
 - (b) must be so sent within such period as may be prescribed.

Approval of proposals

- 9 (1) Proposals published under paragraph 7 require the approval of the school organisation committee under this paragraph or of the adjudicator under paragraph 11.
- (2) Where the school organisation committee receive a copy of the proposals published under paragraph 7, they must (subject to sub-paragraph (3) and (8)) either—
- (a) approve them without modification, or
 - (b) approve them with such modifications as the committee thinks desirable and to which the Secretary of State consents, or
 - (c) refer them to the adjudicator under sub-paragraph (6) or (7).
- (3) The committee may, if they think it appropriate to do so and subject to regulations, refer to the adjudicator any proposals which would otherwise fall to be dealt with by them under sub-paragraph (2).
- (4) Any approval given under this paragraph may, with the consent of the Secretary of State, be expressed to take effect only if an event specified in the approval occurs by a date so specified; and regulations may prescribe the events that may be so specified.
- (5) When deciding whether or not to give any approval under this paragraph the committee must have regard to any guidance given from time to time by the Secretary of State.
- (6) If—

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- (a) by the end of such period as may be specified in or determined in accordance with regulations, the committee have not voted on the question whether to give any approval under this paragraph, and
- (b) the Secretary of State requests the committee to refer his proposals to the adjudicator,

the committee must refer the Secretary of State's proposals to the adjudicator.

(7) If the committee—

- (a) have voted on any matter which (in accordance with regulations under paragraph 5 of Schedule 4 to the 1998 Act) falls to be decided by them under this paragraph by a unanimous decision but have failed to reach such a decision on the matter, or
- (b) have decided not to give any approval under this paragraph,

the committee must refer the Secretary of State's proposals to the adjudicator.

(8) The Secretary of State may at any time give a direction to a school organisation committee requiring them to refer to the adjudicator—

- (a) any proposals which have been submitted to the committee under this paragraph but which, at the time when the direction is given, have not been determined by the committee, and
- (b) all subsequent proposals submitted to the committee under this paragraph until the direction is revoked.

(9) Where a school organisation committee refer any proposals to the adjudicator under sub-paragraph (6), (7) or (8), they must also refer to him any comments of the committee on the proposals.

(10) Sub-paragraph (1) does not prevent the Secretary of State from withdrawing any proposals published under paragraph 7 by notice in writing given to the school organisation committee at any time before the proposals are determined under this paragraph or paragraph 11.

Reference to adjudicator of other proposals

10 (1) Where any proposals are referred to the adjudicator under paragraph 9, the school organisation committee must also refer to him—

- (a) any other proposals published under paragraph 7 in relation to the area of the local education authority (and not withdrawn),
- (b) any proposals made by that authority in the exercise of their powers to make or invite proposals for the establishment, alteration or discontinuance of schools (and not withdrawn),
- (c) any proposals published by that authority under section 66(8)(a) of this Act (and not withdrawn),
- (d) any proposals made by the governing body of any community, foundation, voluntary or foundation special school in the area in the exercise of their powers to make proposals for the alteration of their school (and not withdrawn), and
- (e) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (c. 21) (and not withdrawn),

where those proposals are not determined before the adjudicator holds an inquiry under paragraph 11(1) and appear to the committee to be related to the proposals referred by them to the adjudicator under paragraph 9.

- (2) Sub-paragraph (1) applies to any proposals within that sub-paragraph whether or not the proposals have been previously referred to the adjudicator by the committee.
- (3) References in this paragraph to the determination of any proposals are to—
 - (a) any determination whether or not to approve the proposals under paragraph 3 of Schedule 6 to the 1998 Act, paragraph 4 of Schedule 10 to this Act, sub-paragraph (2)(a) or (b) of paragraph 9 or paragraph 11(3) of this Schedule, or
 - (b) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.

Local inquiry into proposals

- 11 (1) Where any proposals are referred to the adjudicator under paragraph 9, he must hold a local inquiry to consider—
- (a) those proposals,
 - (b) any additional proposals referred to him under paragraph 10(1),
 - (c) any objections or comments made (under paragraph 2 of Schedule 6 to the 1998 Act, paragraph 3 of Schedule 10 to this Act or paragraph 8 of this Schedule) to any proposals within paragraph (a) or (b) unless such objections or comments have been withdrawn, and
 - (d) any views expressed by the school organisation committee on any such proposals.
- (2) It is not open to the inquiry to question the principles specified in the direction under paragraph 3(2) or 4(2).
- (3) After holding the inquiry, the adjudicator must, in the case of any proposals considered at the inquiry, either—
- (a) approve them with or without modifications, or
 - (b) reject them.
- (4) Any approval given under this paragraph may be expressed to take effect only if an event specified in the approval occurs by a date so specified; and regulations may prescribe the events that may be so specified.
- (5) When deciding whether or not to give any approval under this paragraph, paragraph 9(5) applies to the adjudicator as it does to the committee.

Proposals relating to Academy

- 12 (1) Regulations may provide that, where proposals referred to the adjudicator under paragraph 10(1) consist of or include proposals to establish an Academy, the adjudicator must within the prescribed period consult the Secretary of State in accordance with regulations, before taking any decision under that paragraph.
- (2) The adjudicator may not approve under paragraph 11 proposals to establish an Academy unless the Secretary of State, on being consulted under sub-paragraph (1), has indicated in accordance with regulations that, if the proposals were approved, he would be willing to commence negotiations with a view to entering into an agreement under section 482 of the Education Act 1996 (c. 56) for the establishment of an Academy.

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- (3) Approval under paragraph 11 of proposals to establish an Academy does not oblige the Secretary of State to enter into, or seek to enter into, an agreement under section 482 of the Education Act 1996.

Implementation of proposals

- 13 Proposals approved by the school organisation committee under paragraph 9 or by the adjudicator under paragraph 11 have effect as if they—
- (a) had been made by the local education authority under their powers to make or invite proposals for the establishment, alteration or discontinuance of schools, or
 - (b) in any case where the proposals are for the alteration of a foundation, voluntary or foundation special school, had been made by the governing body under their powers to make proposals for the alteration of their school, and had been approved by the school organisation committee or the adjudicator, as the case may be, under paragraph 3 of Schedule 6 to the 1998 Act or, in the case of proposals to establish an Academy, under paragraph 4 of Schedule 10 to this Act.