



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Discontinuance of schools

15 Proposals for discontinuance of schools maintained by ^[F1]local authority]

- (1) Where a ^[F1]local authority] in England propose to discontinue—
 - (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school, or
 - (c) a maintained nursery school,the authority must publish their proposals under this section.
- (2) Where the governing body of—
 - (a) a foundation or voluntary school in England, or
 - (b) a foundation special school in England,propose to discontinue the school, the governing body must publish their proposals under this section.
- (3) Proposals under this section must—
 - (a) contain such information, and
 - (b) be published in such manner,as may be prescribed.
- (4) The matters to which the relevant body must have regard in formulating any proposals under this section in relation to a rural primary school include—
 - (a) the likely effect of the discontinuance of the school on the local community,
 - (b) the availability, and likely cost to the ^[F1]local authority], of transport to other schools,

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- (c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase, and
 - (d) any alternatives to the discontinuance of the school;
- and in considering these matters the relevant body must have regard to any guidance given from time to time by the Secretary of State.
- (5) Where any proposals are published under subsection (2), the persons making the proposals must submit the proposals in accordance with regulations to the [^{F1}local authority].
- (6) Schedule 2 has effect in relation to the consideration, approval and implementation of proposals published under this section.
- (7) In this section—
- (a) “the relevant body” means the [^{F1}local authority] mentioned in subsection (1) or the governing body mentioned in subsection (2) (as the case may be);
 - (b) “rural primary school” means a primary school designated as such for the purposes of this section by an order made by the Secretary of State.
- (8) In this Part any reference to a [^{F1}local authority]—
- (a) discontinuing a school, or
 - (b) implementing proposals to discontinue a school (whether published by the authority or the governing body),
- is a reference to the authority ceasing to maintain the school.

Textual Amendments

F1 Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**

Modifications etc. (not altering text)

C1 Ss. 15-17 excluded (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), **ss. 6(9)**, 19(2); [S.I. 2010/1937](#), art. 2, [Sch. 1](#)

Commencement Information

I1 S. 15 in force at 25.5.2007 by [S.I. 2007/935](#), **art. 7(b)**

16 Consultation in relation to proposals under section 15

- (1) Before publishing any proposals under section 15 which relate to a school which is a rural primary school or a community or foundation special school, the relevant body must consult—
- (a) the registered parents of registered pupils at the school,
 - (b) in the case of the rural primary school—
 - (i) the [^{F1}local authority] (where they are not the relevant body),
 - (ii) where the [^{F1}local authority] are a county council, any district council for the area in which the school is situated, and
 - (iii) any parish council for the area in which the school is situated,
 - (c) in the case of a community or foundation special school, any [^{F1}local authority] which maintain [^{F2}an EHC plan or] a statement under section 324 of EA 1996 (statement of special educational needs) [^{F3}or an individual development

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- plan under section 14 or 19 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018] in respect of a registered pupil at the school, and
- (d) such other persons as appear to the relevant body to be appropriate.
- (2) Before publishing any other proposals under section 15, the relevant body must consult such persons as appear to them to be appropriate.
- (3) In discharging their duty under subsection (1) or (2) the relevant body must have regard to any guidance given from time to time by the Secretary of State.
- (4) In this section “the relevant body” and “rural primary school” have the same meaning as in section 15.

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**
- F2** Words in s. 16(1)(c) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 81**; [S.I. 2014/889](#), art. 7(a)
- F3** Words in s. 16(1)(c) inserted (1.9.2021) by [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\)](#), regs. 1, **8(2)**

Modifications etc. (not altering text)

- C1** Ss. 15-17 excluded (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), **ss. 6(9), 19(2)**; [S.I. 2010/1937](#), art. 2, Sch. 1

Commencement Information

- I2** S. 16 in force at 25.5.2007 by [S.I. 2007/935](#), art. 7(b)

17 Direction requiring discontinuance of community or foundation special school

- (1) The Secretary of State may, if he considers it expedient to do so in the interests of the health, safety or welfare of pupils at a community or foundation special school in England, give a direction to the [F1local authority] by whom the school is maintained requiring the school to be discontinued on a date specified in the direction.
- (2) A direction under subsection (1) may require the [F1local authority] to notify any persons or class of persons specified in the direction.
- (3) Before giving a direction under subsection (1), the Secretary of State must consult—
- the [F1local authority],
 - any other [F1local authority] who would in his opinion be affected by the discontinuance of the school,
 - in the case of a foundation special school which has a foundation, the person who appoints the foundation governors, and
 - such other persons as the Secretary of State considers appropriate.
- (4) On giving a direction under subsection (1), the Secretary of State must give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) Where a [F1local authority] are given a direction under subsection (1), they must discontinue the school in question on the date specified in the direction; and nothing in section 15 or 28 applies to any such discontinuance of the school under this section.

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Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**

Modifications etc. (not altering text)

- C1** Ss. 15-17 excluded (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), **ss. 6(9)**, 19(2); S.I. 2010/1937, art. 2, Sch. 1
- C2** S. 17 modified (E.) (11.3.2009) by [The Local Government \(Structural Changes\) \(Further Transitional and Supplementary Provision and Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/276\)](#), regs. 1(1), **3(4)** (with reg. 1(2))

Commencement Information

- I3** S. 17 in force at 25.5.2007 by [S.I. 2007/935](#), **art. 7(b)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)