
S T A T U T O R Y I N S T R U M E N T S

2000 No. 2198**EDUCATION, ENGLAND****The Education (School Organisation Proposals) (England)
(Amendment) Regulations 2000**

Made - - - - - 10th August 2000

Laid before Parliament 11th August 2000

Coming into force - - 1st September 2000

In exercise of the powers conferred on the Secretary of State by sections 28(1), (2), (3) and (6), 29(3) and (5), 33(4), 138(7) and (8) and 144(1) of, and paragraph 5 of Schedule 5, paragraphs 3 and 5 of Schedule 6, paragraphs 2, 5, 8 and 9 of Schedule 7 and paragraph 5 of Schedule 8 to, the School Standards and Framework Act 1998(a) the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (School Organisation Proposals) (England) (Amendment) Regulations 2000 and shall come into force on 1st September 2000.

Amendment

2. The Education (School Organisation Proposals) (England) Regulations 1999(b) shall be amended as follows.

3. In regulation 2 (Interpretation) there shall be inserted the following definitions—

(a) after the definition of “the Act”—

““the 1996 Act” means the Education Act 1996(c);”;

(b) after the definition of “the Transition Regulations”—

““16—19 institution” means a maintained school which—

(a) provides full-time education suitable to the requirements of pupils over compulsory school age, and

(b) does not provide full-time education suitable to the requirements of pupils of compulsory school age;

“city academy” shall be construed in accordance with section 482(3)(c) of the 1996 Act(d);

“further education college” means an institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992(e));”;

(a) 1998 c. 31; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the definition of “prescribed” and “regulations” see section 142(1).

(b) S.I. 1999/2213.

(c) 1996 c. 56.

(d) Section 482(3) (c) was inserted by section 130 of the Learning and Skills Act 2000 (c. 21).

(e) 1992 c. 13.

- (c) after the definition of “mainstream school”—
 ““sixth form education” means full-time education suitable to the requirements of pupils over compulsory school age.”.
4. In regulation 4 (Information to be contained in published proposals), for paragraph (2)(c) there shall be substituted—
 “(c) the information specified in Part IV of that Schedule where the proposals are to discontinue a school, or make a prescribed alteration to a school, as specified in that Part.”.
5. In regulation 9 (Conditional approvals)—
 (a) there shall be inserted “a” between “relating to” and “mainstream school”;
 (b) after sub-paragraph (f), there shall be inserted—
 “(g) the making of any agreement under section 482 (1) of the 1996 Act for the establishment of a school to be known as a city academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to such a school.”.
6. In regulation 11 (3) (c) (Modification of approved proposals), for “attention”, there shall be substituted “alteration”.
7. In regulation 12 (Provision of information)—
 (a) after paragraph (2) there shall be inserted—
 “(2A) The school organisation committee shall notify the persons referred to in sub-paragraphs (c) and (e) of paragraph (2) of any notification they receive of a local education authority’s determination under paragraph 4(1) of Schedule 6 whether to implement proposals.”;
 (b) in paragraph (11), for “Adjudicator’s” there shall be substituted “Adjudicators”.
8. After regulation 19 there shall be inserted the following regulations—

“Unimplemented statutory proposals

20.—(1) Where a school changes category in accordance with Schedule 8 to the Act and there are statutory proposals falling to be implemented under paragraph 5 of Schedule 6 to the Act in respect of that school which have not been implemented then—

- (a) in the case of a school which has changed category to become a community or community special school, the proposals shall, to the extent that they have not been implemented, be implemented by the local education authority;
- (b) in the case of a school which has changed category from a community or community special school, the proposals shall, to the extent that they have not been implemented, be implemented by the local education authority and, in the case of a school which becomes a foundation special school, paragraph 16 of Schedule 6 to the 1996 Act shall apply;
- (c) in the case of a school which has changed category from a foundation or voluntary controlled school to become a voluntary aided school, the proposals shall continue to be implemented by the local education authority, promoters and governing body (as the case may be) as if the school had remained a foundation or voluntary controlled school, and paragraph 16 of Schedule 6 to the Act shall apply in respect of that school;
- (d) in the case of a school which has changed category from a voluntary aided school to become a foundation or voluntary controlled school, the proposals shall, to the extent that they have not been implemented, be implemented by the local education authority, and paragraph 16 of Schedule 6 to the Act shall apply in respect of that school.

(2) Nothing in paragraph (1) requires a local education authority to provide any premises which are already part of the premises of the school.

21.—(1) A local education authority who are under a duty to implement statutory proposals under regulation 20(1)(a), (b) or (d) are prescribed for the purposes of paragraph 5(2) of Schedule 6 or, as the case may be, that sub-paragraph as applied by paragraph 5(7) of that Schedule, and accordingly a school organisation committee or an adjudicator may modify such proposals or specify a later date at the request of that local education authority.

(2) Before modifying any such proposals a school organisation committee or an adjudicator shall consult the local education authority and the governing body of the school.

(3) Paragraph 5(4) and (5) of Schedule 6 to the Act shall apply as if the reference to “the body or promoters who published the proposals referred to in sub-paragraph (1)(a) or (b)” included a reference to the local education authority who are under a duty to implement those proposals under regulation 20(1)(a), (b) or (d).”.

9. Schedule 1 (Alterations for which proposals must be published) shall be amended as follows—

(a) for paragraph 2 there shall be substituted—

“**2.—(1)** Subject to sub-paragraphs (2) and (4), an increase (other than a temporary increase) in the number of pupils in any relevant age group by 27 or more pupils.

(2) No increase shall arise for the purposes of paragraph (1) unless the school’s admission number, taking into account the additional pupils, will exceed its highest admission number during the three school years immediately preceding the year in which it is intended that the increase shall take effect by 27 or more pupils, disregarding any year in which there was a temporary increase.

(3) In this paragraph—

“admission number” means the number of pupils for any relevant age group and school year published or (as the case may be) intended to be published under section 92 of the Act;

“temporary increase” means an increase in the school’s admission number which it is anticipated will take effect for only one year;

“relevant age group” means an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school.

(4) This paragraph shall not apply to any relevant age group comprising pupils the majority of whom are over compulsory school age.”;

(b) at the end, there shall be inserted—

“**10.** The discontinuance of provision at any site of a school which occupies more than one site, if the main entrance at any of the school’s remaining sites is 1.6 kilometres (one mile) or more from the main entrance of the site at which provision is to be discontinued.”.

10. In Part II of Schedule 2 (Additional information to be contained in published proposals to establish a new school)—

(a) for paragraph 6 there shall be substituted—

“**6.** Information on—

(a) the number of pupils for whom the school will provide;

(b) the upper and lower age limits of the new school and, where it is intended that it should provide nursery education or sixth form education, the number of pupils for whom it is intended that such education should be provided;

(c) whether the new school will admit pupils of both sexes or whether it will admit pupils of one sex only; and

(d) whether it is proposed that the new admission arrangements for the school will make provision for selection by ability as is mentioned in section 101 of the Act (pupil banding).”;

(b) in paragraph 12, for “of” in the second place where it occurs, there shall be substituted “or”.

11. For Part IV of Schedule 2 (Additional information to be contained in published proposals to discontinue a school) there shall be substituted—

“PART IV

ADDITIONAL INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS TO DISCONTINUE A SCHOOL OR TO MAKE A PRESCRIBED ALTERATION SO THAT A SCHOOL CEASES TO PROVIDE SIXTH FORM EDUCATION

- 18.** Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued may attend, including any interim arrangements.
- 19.** Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.
- 20.** The proposed arrangements for transport of such pupils to other schools or further education colleges.”.
- 12.** In Part I of Schedule 3 (Interpretation) the definition of “sixth form education” shall be omitted.
- 13.** In Part III of Schedule 3 (Additional information to be sent where proposals are to establish a new school), at the end, there shall be inserted—
- “18A.** Where the proposed school will provide sixth form education—
- (a) details of the courses to be offered (if the proposals are approved) leading to GCE A and AS level examinations and advanced vocational qualifications and the forecast demand for each such course, including details of how the requirement for religious education of pupils at the school will be met;
 - (b) details of—
 - (i) the other maintained schools, city technology colleges, city colleges for the technology of the arts, city academies and further education colleges which are, in the opinion of the relevant body or promoters, as the case may be, reasonably accessible to pupils who might otherwise be expected to attend the school the subject of the proposals,
 - (ii) arrangements to inform pupils and parents about the opportunities for education suitable to the requirements of pupils over compulsory school age at the institutions referred to in sub-paragraph (i), and
 - (iii) the proposed arrangements for co-operation and the exchange of information between the school the subject of the proposals and those other institutions;
 - (c) details of the following examination results for the two school years before the current year in which the proposals are published at each of the institutions referred to in sub-paragraph (b) (i)—
 - (i) GCSE examinations, limited to the results of GCSE examinations taken by pupils over compulsory school age,
 - (ii) GCE A and AS examinations,
 - (iii) NVQs GNVQs and other vocational qualifications for pupils over compulsory school age;
 - (d) the number of places available for sixth form education at such of the institutions referred to in sub-paragraph (b) (i) as are mainstream schools; and
 - (e) except where the proposed school is to be a 16—19 institution, details of—
 - (i) the proposed number of pupils who will be provided with sixth form education if the proposals are approved, and
 - (ii) the capacity of the proposed accommodation for pupils who will be provided with sixth form education if the proposals are approved.”.
- 14.** In Part IV of Schedule 3 (Additional information to be sent where the proposals are to make a prescribed alteration to a school)—
- (a) in paragraph 24(e), for “city technology college and institution within the further education sector”, there shall be substituted “city technology college, city college for the technology of the arts, city academy and further education college”;
 - (b) paragraph 25 shall be amended as follows—
 - (i) for sub-paragraph (f) there shall be substituted—

- “(f) details of the schools or further education colleges to which it is proposed that pupils currently receiving sixth form education may transfer if the proposals are approved, including an assessment of the quality of those institutions and any transitional arrangements which will apply;”;
- (ii) in sub-paragraph (g), for “city technology college and institution within the further education sector”, there shall be substituted “city technology college, city college for the technology of the arts, city academy and further education college”;
- (iii) for sub-paragraph (i) there shall be substituted—
 - “(i) details as to the distance, measured by the nearest available route, between the school and all of the institutions specified in sub-paragraph (c), together with details as to the availability of public transport to the institutions specified in sub-paragraph (f) where such information has not been provided pursuant to paragraph 20 of Part IV of Schedule 2 to these Regulations.”.

15. Part V of Schedule 3 (Additional information to be sent where the proposals are to discontinue a school) shall be amended as follows—

- (a) at the beginning there shall be inserted—

“**35A.** The statement specified in paragraph 20.”;

- (b) for paragraph 40 there shall be substituted—

“**40.** Where the school provides sixth form education, the information specified in paragraph 25.”.

10th August 2000

Jacqui Smith
Parliamentary Under-Secretary of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Organisation Proposals) (England) Regulations 1999 (No. 2213) (“the principal Regulations”).

Regulation 5 amends regulation 9 of the principal Regulations (which prescribes events which can be specified in a conditional approval) to include the making of an agreement for the establishment of the new category of school to be known as a city academy introduced by the Learning and Skills Act 2000.

Regulation 7 amends regulation 12 of the principal Regulations to require a school organisation committee to notify interested parties of any notification they receive of a local education authority’s determination to implement proposals to which there were no objections by the end of the objection period.

Regulation 8 adds new regulations 20 and 21 to the principal Regulations to deal with statutory proposals which have not been implemented when a school changes category.

Regulation 9 amends Schedule 1 to the principal Regulations. First, the amendment alters paragraph 2 to require publication of proposals to increase the number of pupils in any relevant age group in cases where the increase (excluding any temporary increase) will amount to 27 or more pupils. It further provides that this requirement does not apply in the case of any increase in the admission of pupils to sixth form education. Secondly, the amendment adds a new paragraph 10 to that Schedule so as to provide for publication of proposals where it is intended to close one of the sites of a multi-site school where any remaining site of the school would be 1.6 kilometres (one mile) or more from the site that is to close.

Regulation 10 amends Part II of Schedule 2 to the principal Regulations to require additional information to be included in a notice of proposals to establish a new school and regulation 11 extends the requirements of Part IV of Schedule 2 to the principal Regulations to proposals to discontinue sixth form education at a school.

Regulation 13 amends Part III of Schedule 3 to the principal Regulations to require additional information to be provided in relation to proposed schools which will provide sixth form education.

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