
STATUTORY INSTRUMENTS

2007 No. 1288

EDUCATION, ENGLAND

**The School Organisation (Establishment and
Discontinuance of Schools) (England) Regulations 2007**

<i>Made</i>	- - - -	<i>26th April 2007</i>
<i>Laid before Parliament</i>		<i>4th May 2007</i>
<i>Coming into force</i>	- -	<i>25th May 2007</i>

In exercise of the powers conferred upon the Secretary of State by sections 7, 8, 9, 10, 11, 13, 15, 31, 181 and 183 of and paragraphs 5, 8, 10, 11, 13, 14, 15, 18, 19, 20 and 21 of Schedule 2 to the Education and Inspections Act 2006(1), the Secretary of State for Education and Skills makes the following Regulations:

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 and come into force on 25th May 2007.

(2) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

“the Act” means the Education and Inspections Act 2006;

“EA 1996” means the Education Act 1996(2);

“EA 2002” means the Education Act 2002(3);

“EA 2005” means the Education Act 2005(4);

(1) 2006 c.40. See section 32 for the definitions of “prescribed” and “regulations”.

(2) 1996 c.56.

(3) 2002 c.32.

(4) 2005 c.18.

“SSFA 1998” means the School Standards and Framework Act 1998⁽⁵⁾;

“Accessibility Strategy” has the meaning given by section 28D of the Disability Discrimination Act 1995⁽⁶⁾;

“APA rating” means the rating awarded to a local authority for children and young people’s services used by the Audit Commission when categorising local authorities for the purposes of reports produced under section 99 of the Local Government Act 2003⁽⁷⁾ or the performance rating awarded to a local authority under section 138 (3) of the Act;

“competition notice” means a notice published under section 7 inviting proposals from persons other than local education authorities for the establishment of any new school falling within section 7(2);

“date of publication” of proposals means, in relation to proposals published under section 7,10,11 or 15 or under paragraph 21(4) of Schedule 2 to the Act—

(a) the date on which the requirements of regulations 8(3), 13(3), 15(2) or 26(3), as applicable, are satisfied, and

(b) where different requirements are satisfied on different days, the last of such days;

“discontinuance proposals” means proposals published under section 15 by a local education authority or by a governing body to discontinue a school;

“Early Years Foundation Stage” means the foundation stage defined by section 81 of EA 2002 or the learning and development and welfare requirements specified by the Secretary of State by order and regulations made under section 39 of the Childcare Act 2006⁽⁸⁾ when they come into force;

“early years provision” has the meaning given by section 20 of the Childcare Act 2006;

“extended services” has the meaning given to it in the publication entitled “Extended Schools: Access to Opportunities and Services for All” published by the Department for Education and Skills, dated June 2005 and with ISBN Number 1-84478-451-7;

“initial decision” means a decision made by the adjudicator under paragraph 8 of Schedule 2 to the Act except any decision made by him following a referral to him by an aggrieved person pursuant to paragraph 14 of Schedule 2 to the Act;

“mainstream school” means a maintained school which is not a special school;

“NHS foundation trust” has the same meaning as in section 30(1) of the National Health Service Act 2006⁽⁹⁾;

“NHS trust” means a body established by the Secretary of State under section 25 of the National Health Service Act 2006;

“Primary Care Trust” means a body established or continuing under section 18 of the National Health Service Act 2006;

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

“relevant school”, in relation to a local education authority, means a maintained school maintained by the authority or an Academy, city technology college or city college for the technology of the arts in the area of the authority;

“representation period” means the period prescribed by regulation 16(1) for making objections or comments in relation to the proposals;

(5) 1998 c.31.

(6) 1995 c.50. Section 28D is inserted by section 14 (1) of the Special Educational Needs and Disability Act 2001 (c.10).

(7) 2003 c. 26.

(8) 2006 c.26.

(9) 2006 c.41.

“sixth form education” means full-time secondary education suitable to the requirements of pupils over compulsory school age;

“special educational needs” has the meaning given by section 312 of EA 1996⁽¹⁰⁾;

“special school” means a community special or a foundation special school;

“the upper and lower age limits” means the highest and lowest ages of pupils for whom it is intended that education is normally provided at the school;

“14-16 education” means educational provision for 14-16 year olds;

and any reference to sections 7, 8, 9, 10, 11, 13, 15, 61 or 62 is a reference to that section of the Act.

PART 2

Proposals for establishment of new schools in a competition

Information to be contained in a competition notice

3.—(1) Competition notices inviting proposals for the establishment of a mainstream school falling within section 7(2) must specify the matters prescribed in Part 1 of Schedule 1 (in addition to the matters referred to in section 7(3)(a), (b) and (c)).

(2) Competition notices inviting proposals for the establishment of a special school falling within section 7(2) must specify the matters prescribed in Part 2 of Schedule 1 (in addition to the matters referred to in section 7(3)(a), (b) and (c)).

Prescribed interval after which competition notice may specify a date for the submission of proposals

4. For the purposes of section 7(3)(c), the prescribed interval is an interval of 4 months from the date of publication of the competition notice.

Manner of publication of a competition notice

5.—(1) Competition notices must be—

- (a) sent to any local education authority likely to be affected by the proposals;
- (b) sent to the Secretary of State;
- (c) sent to—
 - (i) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the local education authority,
 - (ii) the bishop of a diocese of the Roman Catholic Church any part of which is comprised in the area of the local education authority, and
 - (iii) any other person or organisation that has expressed an interest in writing to the authority in establishing a new school to serve pupils in the area;
- (d) sent to the Learning and Skills Council for England if it is intended that the school should provide 14-16 education or sixth form education;
- (e) sent to the adjudicator;

⁽¹⁰⁾ Section 312 was amended by section 57(1) and paragraph 23 of Schedule 7 to the Education Act 1997 (c. 44); section 140(1) and (3) and paragraph 71(a) and (b) of Schedule 30 to SSFA 1998; section 149 of and paragraphs 1 and 56 of Schedule 9 to the Learning and Skills Act 2000 (c. 21); and section 6(2) and paragraphs 2 and 3 of Schedule 1 to the Act.

- (f) sent to any other body or organisation that in the opinion of the local education authority is likely to be interested in the competition notice;
- (g) posted in a conspicuous place in the area to be served by the school;
- (h) in cases where the proposed establishment of a school is connected with the discontinuance of another school or schools, posted at the entrance to any school or schools which is or are proposed to be discontinued; and
- (i) in cases where the new school is to be a special school, sent to—
 - (i) the relevant Primary Care Trust for the area in which the school is to be situated, and
 - (ii) any NHS trust or NHS foundation trust responsible for a hospital or other provision in the area in which the school is to be situated.

(2) In respect of mainstream schools, the details from the competition notice specified in Part 1 of Schedule 5 must be published in an appropriate national newspaper covering education issues and at least one newspaper circulating in the area to be served by the school together with details of how complete copies of the notice may be obtained.

(3) In respect of special schools, the details from the competition notice specified in Part 2 of Schedule 5 must be published in an appropriate national newspaper covering education issues and at least one newspaper circulating in the area to be served by the school together with details of how complete copies of the notice may be obtained.

Information to be contained in proposals made in response to a competition notice

6. Proposals submitted to the local education authority pursuant to section 7(4)(b) and proposals made by the authority under section 7(5)(b) must contain the information prescribed in Part 1 of Schedule 2 in relation to mainstream schools, and in Part 2 of Schedule 2 in relation to special schools.

Time within which details of the proposals must be published

7. The local education authority which published the competition notice must publish in the manner prescribed by regulation 8—

- (a) proposals submitted to them pursuant to section 7 (5) (a); and
- (b) where they wish to make any, their own proposals pursuant to section 7(5)(b)

within 3 weeks of the date by which the proposals must be submitted as specified in the competition notice.

Manner in which the local education authority must publish details of the proposals

8.—(1) The local education authority must—

- (a) in respect of any proposals submitted to them pursuant to section 7 (4) (b) which relate to a mainstream school, publish:
 - (i) the details from the proposals specified in Part 3 of Schedule 5 to these Regulations, and
 - (ii) any proposed divergence from the characteristics specified by the local education authority in the competition notice;
- (b) if they have made proposals pursuant to section 7(5)(b) which relate to a mainstream school, publish—
 - (i) the name of the local education authority and a contact address, and
 - (ii) the relevant details from their proposals specified in Part 3 of Schedule 5;

- (c) publish a statement referring to the competition notice and confirming the proposals for the new school including its proposed location;
- (d) publish details of how complete copies of the proposals can be obtained;
- (e) publish details of when and where the first public meeting will be held as provided for in regulation 10; and
- (f) publish a statement explaining that any person may object to or comment on the proposals, including the address to which objections or comments should be sent and the date by which they must be submitted.

(2) In respect of all proposals that relate to special schools, the local education authority must publish details of the proposals in accordance with all of the provisions of paragraph (1) except that (rather than the details specified in sub-paragraphs (a)(i) and (b)(ii)) the authority is required to publish the details from the proposals specified in Part 4 of Schedule 5 to these Regulations.

(3) The matters specified in paragraphs (1) and (2) must be published in at least one newspaper circulating in the area to be served by the school and in a conspicuous place in the area to be served by the school.

(4) If they have made proposals pursuant to section 7(5)(b), the local education authority must send to the adjudicator in relation to all proposals—

- (a) the name of the authority and a contact address, and
- (b) the details from the proposals specified in Part 3 of Schedule 5 to these Regulations in the case of proposals to establish a mainstream school, or in Part 4 of Schedule 5 in the case of special schools.

(5) The local education authority must publish complete copies of proposals submitted to them pursuant to section 7(4)(b), or made by them pursuant to section 7(5)(b), on any website maintained by them and details of the matters specified in sub-paragraphs (1) (e) and (f) above.

Proposals published by a local education authority under section 7 relating to community or community special schools

9.—(1) A local education authority may publish proposals under section 7(5)(b)(ii) for the establishment of a community or community special school without the consent of the Secretary of State, if on the day when the competition notice is published, the authority have a current APA rating of 4.

(2) A local education authority may publish proposals under section 7(5)(b)(ii) for the establishment of a community school with the consent of the Secretary of State, if on the day when the competition notice is published, the authority meets either of the following conditions—

- (a) a current APA rating of at least 3; or
- (b) a current APA rating of 2 and, subject to paragraphs 3 and 4, either or both of—
 - (i) less than 15% of community, foundation and voluntary schools in the area of the authority are, for the purposes of Part 4 of the Act, eligible for intervention by virtue of section 62 (special measures) or section 61 (significant improvement);
 - (ii) more than 15% of all relevant schools (except special schools) in the area of the authority comprise in total any of foundation schools, voluntary schools, Academies, city technology colleges or city colleges for the technology of the arts.

(3) Where a local education authority propose to publish proposals for the establishment of a community school which is a primary school, the reference in paragraph (2)(b)(i) to “community, foundation and voluntary schools” is to be read as a reference to “community, foundation and voluntary primary schools”.

(4) Where a local education authority propose to publish proposals for the establishment of a community school which is a secondary school, the reference in paragraph (2)(b)(i) to “community, foundation and voluntary schools” is to be read as a reference to “community, foundation and voluntary secondary schools”.

(5) A local education authority may publish proposals under section 7(5)(b)(ii) for the establishment of a community special school with the consent of the Secretary of State, if, on the day when the competition notice is published, the authority have a current APA rating of 3 or 2.

(6) The matters to which the Secretary of State is to have regard in determining whether to give consent under section 8(1)(b) for the establishment of a community or community special school include the extent of diversity among relevant schools, and—

- (a) the range of curricular specialisms;
- (b) the range of extended services;
- (c) general standards of attainment;
- (d) the range of special educational needs specialisms; and
- (e) the availability of boarding or respite provision,

within relevant schools.

Promotion of public awareness

10.—(1) This regulation prescribes the steps to be taken by a local education authority for the purpose of promoting public awareness of any proposals published under section 7.

(2) The local education authority must arrange for at least one public meeting to be held to inform the public of the proposals received and the arrangements for making objections and comments.

(3) The first of any such meetings must be held within 2 weeks from the date of publication of the proposals by the authority.

(4) The authority must invite all the proposers to all such meetings.

(5) In carrying out its duties as specified in paragraphs (1) to (4), the authority must consult with, and have regard to, the advice of any person appointed by the Secretary of State for the purpose of assisting the authority in carrying out such duties.

(6) The local education authority must send copies of all proposals to—

- (a) any other local education authority likely to be affected by the proposals;
- (b) all proposers who have submitted proposals in response to the relevant competition notice;
- (c) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the local education authority;
- (d) the bishop of a diocese of the Roman Catholic Church any part of which is comprised in the area of the local education authority;
- (e) any other person or organisation that has previously expressed an interest in writing to the authority in establishing a new school to serve pupils in the area;
- (f) the Learning and Skills Council for England if the proposals include the provision of 14-16 education or sixth form education;
- (g) in cases where the proposed school is to be a special school, the relevant Primary Care Trust, NHS Trust or NHS foundation trust; and
- (h) the Secretary of State

and must send a copy of any particular proposal to any person who requests such a proposal.

PART 3

Proposals for the establishment of new maintained schools with consent of Secretary of State or in special cases

Information to be contained in proposals under section 10

11. Proposals under section 10(1) and 10(2) must contain the information specified in Part 1 of Schedule 3 in relation to mainstream schools, and in Part 2 of Schedule 3 in relation to special schools.

Information to be contained in proposals under section 11

12. Proposals under section 11(1) and 11(2) must contain the information specified in Part 1 of Schedule 3 in relation to mainstream schools, and in Part 2 of Schedule 3 in relation to special schools.

Manner in which local education authority or proposers must publish details of proposals under sections 10 and 11

13.—(1) In respect of their own proposals published under section 10(1) or section 11(1), the local education authority must publish—

- (a) details of their name and a contact address;
- (b) the relevant details from their proposals specified in Part 5 of Schedule 5 in relation to mainstream schools, and Part 6 of Schedule 5 in relation to special schools;
- (c) details of how complete copies of the proposals can be obtained; and
- (d) a statement explaining that any person may object to or comment on the proposals, including the address to which objections or comments should be sent and the date by which they must be submitted.

(2) In respect of proposals published under section 10(2) or 11(2), the proposers must publish—

- (a) the details from their proposals specified in Part 5 of Schedule 5 in relation to mainstream schools, and Part 6 of Schedule 5 in relation to special schools;
- (b) details of how complete copies of the proposals can be obtained; and
- (c) a statement explaining that any person may object to, or comment on, the proposals, including the address to which objections or comments should be sent and the date by which they must be submitted.

(3) The matters specified in paragraphs (1) and (2) must be published in at least one newspaper circulating in the area to be served by the school and in a conspicuous place in the area to be served by the school.

(4) The proposers must submit a copy of their proposals within 1 week of the date of publication to the local education authority.

(5) Proposers or the local education authority (as the case may be) must send copies of their proposals to—

- (a) any other local education authority likely to be affected by the proposals;
- (b) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the local education authority;
- (c) the bishop of a diocese of the Roman Catholic Church any part of which is comprised in the area of the local education authority;

- (d) the Learning and Skills Council for England if the proposals include the provision of 14-16 education or sixth form education;
- (e) in cases where the proposed school is to be a special school, the relevant Primary Care Trust and NHS Trust or NHS foundation trust; and
- (f) the Secretary of State

and must send a copy of their proposals to any person who requests a copy within 1 week of the date of publication.

PART 4

Proposals for discontinuance of schools

Information to be contained in discontinuance proposals

14. Discontinuance proposals must contain the information specified in Schedule 4.

Manner in which the local education authority or governing body must submit and publish details of the discontinuance proposals

15.—(1) The governing body or the local education authority (as the case may be) must publish—

- (a) details from the proposals specified in Part 7 of Schedule 5;
- (b) details of how complete copies of the proposals can be obtained; and
- (c) a statement explaining that any person may object to, or comment on, the proposals, including the address to which objections or comments should be sent and the date by which they must be submitted.

(2) The matters specified in paragraph (1) must be published in at least one newspaper circulating in the area served by the school, posted at or near the main entrance to the school, or if there is more than one entrance, all of them and posted in a conspicuous place in the area served by the school.

(3) The governing body or local education authority (as the case may be) must send copies of all proposals to—

- (a) any local education authority likely to be affected by the proposals;
- (b) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the local education authority;
- (c) the bishop of a diocese of the Roman Catholic Church any part of which is comprised in the area of the local education authority;
- (d) where the proposals include the provision of 14-16 education or sixth form education, the Learning and Skills Council for England;
- (e) where the school is a voluntary school, foundation school or foundation special school, the trustees or the foundation body;
- (f) where the relevant school is a special school,
 - (i) the relevant Primary Care Trust, NHS Trust or NHS foundation trust and any local education authorities which place children at that school,
 - (ii) the registered parents of every registered pupil at the school, and
 - (iii) each local education authority who maintain a statement of special educational needs under Part 4 of EA 1996 in respect of a registered pupil at the school; and
- (g) the Secretary of State

and must send a copy of their proposals to any person who requests a copy.

(4) The governing body must submit a copy of their published proposals on the date of publication to the local education authority.

(5) The local education authority must submit a copy of their published proposals on the date of publication to the governing body of the school.

PART 5

Consideration of Proposals by Local Education Authority or by the Adjudicator

Objections and Comments

16.—(1) Any person may send objections or comments in relation to proposals published in accordance with sections 7, 10, 11 or 15 to the local education authority within 6 weeks from the date of publication of the proposals.

(2) In cases where proposals have been referred to the adjudicator in accordance with paragraph 10 or 11 of Schedule 2 to the Act, the local education authority must forward any objections or comments which they have received under paragraph (1) to the adjudicator within 2 weeks of the end of the representation period.

(3) In cases where proposals have been referred to the adjudicator in accordance with paragraph 10 of Schedule 2 to the Act, the local education authority may forward any objections of their own in relation to any of the proposals to the adjudicator within 2 weeks from the end of the representation period.

Approval of proposals with modifications after consultation

17. The persons or bodies with whom the local education authority or the adjudicator (as the case may be) must consult before approving proposals with modifications are—

- (a) the proposers or the local education authority who made the proposals;
- (b) where the proposals are to establish a new foundation, foundation special or voluntary school, the local education authority who it is proposed should maintain the school;
- (c) where the proposals were published by the governing body of a school, the local education authority who maintain the school; and
- (d) where the proposals were published by the local education authority to discontinue a school, the governing body of the school.

Local education authority determination under paragraph 8 (3) or 8 (4) of Schedule 2 to the Act

18. The period within which the local education authority must determine whether to give approval under paragraph 8(3) or 8(4) of Schedule 2 to the Act is 2 months from the end of the representation period.

Local education authority determination under paragraph 19 of Schedule 2 to the Act

19. In cases where the local education authority determine discontinuance proposals under paragraph 19(1) of Schedule 2 to the Act, any determination must be made within 2 months from the end of the representation period.

Conditional approvals

20. The following events are prescribed as specified events which (if the approval is expressed to take effect only if they occur) must occur by the date specified in the approval—

- (a) the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 **(11)**;
- (b) the acquisition of the site on which a new school is to be constructed;
- (c) the acquisition of playing fields to be provided for the school;
- (d) the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- (e) the private finance credit approval given by the Department for Education and Skills following the entering into of a private finance contract by a local education authority or the approval by the Department for Education and Skills of capital grant in an equivalent arrangement for voluntary aided schools;
- (f) the entering into an agreement for any necessary building project supported by the Department for Education and Skills in connection with the programme known as “Building Schools for the Future”;
- (g) the making of any scheme relating to any charity connected with the school;
- (h) the formation of any federation (within the meaning of section 24(2) of EA 2002) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the proposed school forming part of a federation;
- (i) the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000**(12)** to an application that a foundation body shall be established and that the school shall form part of a group for which a foundation body shall act;
- (j) the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- (k) in the case of mainstream schools, the agreement to any change to admission arrangements of any other school or schools specified in the approval;
- (l) the establishment of any foundation meeting the requirements of section 23A of SSFA 1998**(13)**;
- (m) in the case of proposals published under section 7 or 15, the making of any agreement under section 482 of EA 1996**(14)** for the establishment of an Academy;
- (n) in the case of proposals to establish a maintained school in place of an existing independent school, the securing of approval by the Secretary of State to relax the requirements of the Education (School Premises) Regulations 1999**(15)** as provided for by section 543 (1) of EA 1996;
- (o) in the case of proposals to establish any other maintained school, the securing of approval by the Secretary of State to relax the requirements of the Education (School Premises) Regulations 1999 in respect of school playing fields as provided for by section 543 (1) of EA 1996;

(11) 1990 c.8.

(12) S.I. 2000/2872.

(13) Section 23A of SSFA 1998 was inserted by section 33.

(14) Section 482 of EA 1996 was inserted by section 65 of EA 2002 (c.32).

(15) S.I. 1999/2.

- (p) in the case of proposals whose funding is dependent upon capital receipts from the disposal of any school land or buildings, the securing of consent from the Secretary of State for the disposal as provided for by paragraph 2 of Schedule 35A to EA 1996 or section 77 of SSFA 1998, or determination in accordance with Schedule 22 to the SSFA 1998 as applicable; and
- (q) where the proposals in question depend upon any of the events specified in paragraphs (a) to (p) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event.

Time limits for local education authority referrals to adjudicator prior to determination

21.—(1) The local education authority must refer any proposals under paragraph 10 of Schedule 2 to the Act to the adjudicator within 2 weeks from the end of the representation period.

(2) In cases where the authority are required to refer proposals to the adjudicator under paragraph 13 of Schedule 2 to the Act (duty to refer where determination delayed), they must do so within 1 week from the end of the 2 month period referred to in regulation 18.

References to the adjudicator at request of an aggrieved person after determination under paragraph 8 (4) of Schedule 2 to the Act

22.—(1) Where a person requests under paragraph 14 (1) of Schedule 2 to the Act that proposals be referred to the adjudicator, they must do so within 4 weeks from the date of the notification of the determination pursuant to regulation 25.

(2) References by the authority under paragraph 14 of Schedule 2 to the Act must be made within 1 week from the date on which they receive notice of a request for a referral.

(3) Where a reference is made under paragraph 14 of Schedule 2 to the Act, the authority must send to the adjudicator within the time specified by paragraph (2), any objections or comments in relation to the proposals together with minutes of the meeting at which the proposals were considered and any papers considered by the authority at that meeting.

Duty to refer related proposals

23.—(1) Subject to paragraph (2), where the authority makes a reference under paragraph 15 of Schedule 2 to the Act (duty to refer related proposals), they must do so within the same period referred to in paragraph (1) or (2) of regulation 21 as appropriate.

(2) Where the periods for referring proposals under paragraph 15 of Schedule 2 to the Act (duty to refer related proposals) are different, the period for referring the proposals is the latest period for referring any of the proposals as referred to in paragraph (1) or (2) of regulation 21 as applicable.

Consultation with Secretary of State in respect of Academies

24.—(1) Where proposals submitted to a local education authority in accordance with section 7 consist of or include proposals to establish an Academy, the authority must within 1 week of receiving those proposals consult the Secretary of State before taking any decision under paragraph 8 of Schedule 2 to the Act.

(2) Where proposals submitted to a local education authority in accordance with section 7 consist of or include proposals to establish an Academy, and—

- (a) the proposals have been referred to the adjudicator under paragraph 10, 11, 12, 13 or 15 of Schedule 2 to the Act, or
- (b) a direction under paragraph 12 (1) of Schedule 2 to the Act is in force in relation to the authority and the case does not fall within paragraph 12 (2) of Schedule 2 to the Act,

the adjudicator must within 1 week of receiving those proposals consult the Secretary of State before taking any decision under paragraph 8 of Schedule 2 to the Act.

(3) The Secretary of State must (on being consulted pursuant to paragraph (1) or (2)) indicate in writing to the authority or the adjudicator as the case may be whether, if the proposals were approved, he would be willing to commence negotiations with a view to entering into an agreement under section 482 of EA 1996 for the establishment of an Academy.

Provision for notification of decisions

25.—(1) The local education authority must notify the following persons of each decision under paragraph 8 of Schedule 2 to the Act, or determination under paragraph 21(3) of that Schedule, together with their reasons—

- (a) the proposers;
- (b) subject to paragraph (5), each objector;
- (c) the Secretary of State;
- (d) where proposals include provision for 14-16 education or sixth form education, the Learning and Skills Council for England;
- (e) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the local education authority;
- (f) the bishop of a diocese of the Roman Catholic Church any part of which is comprised in the area of the local education authority;
- (g) where the proposals concern a special school—
 - (i) the relevant Primary Care Trust for the area in which the school is situated, and
 - (ii) the NHS trust or NHS foundation trust responsible for hospital or other provision in the area in which the school is situated; and
- (h) the adjudicator.

(2) In the case of any determination made by an authority pursuant to paragraph 19 of Schedule 2 to the Act, the authority must notify the governing body of the school which is the subject of the proposals and the Secretary of State.

(3) The authority must notify the persons referred to in sub-paragraphs (a) to (c) of paragraph (1) if they refer any proposals or matter to the adjudicator under paragraph 10, 11 or 13 of Schedule 2 to the Act (or pursuant to a direction under paragraph 12 of that Schedule).

(4) The adjudicator must notify the persons referred to in sub-paragraphs (1)(a) to (g) and the local education authority of each decision, together with his reasons.

(5) Where objections to a proposal take the form of a petition (that is to say a document containing the text of one objection signed by more than one objector) the local education authority or the adjudicator as the case may be may comply with paragraph (1) (b) by—

- (a) notifying the person (if any) who appears to them or him to have arranged for the petition to be sent to the local education authority; or
- (b) if there is no such person, notifying the objector whose name appears first on the petition.

(6) Where proposals have been sent to the authority or adjudicator as the case may be, they or he must notify the proposers or the local education authority, as the case may be, if any further proposals sent to them or him appear to them or him, pursuant to paragraph 9 (2) of Schedule 2 to the Act, to be related.

Publication of revocation proposals

26.—(1) Schedule 6 has effect for the purpose of applying, with modifications where specified, provisions of Part 1 of Schedule 2 to the Act in relation to proposals published under paragraph 21(4) of Schedule 2 to the Act (“revocation proposals”).

(2) Revocation proposals must contain—

- (a) a description of the original proposals as published in accordance with sections 7, 10, 11 or 15;
- (b) the date of publication of the original proposals;
- (c) details of who published the proposals; and
- (d) a statement as to why it is proposed that, in accordance with paragraph 21(3), paragraph 21(1) of Schedule 2 to the Act (duty to implement proposals) should not apply in relation to the original proposals.

(3) Revocation proposals must be published in at least one newspaper circulating in the area to be served by the school, posted in a conspicuous place in the area to be served by the school, and where the original proposals are discontinuance proposals, posted at or near the main entrance to the school, or if there is more than one entrance, all of them.

(4) The proposers must submit their revocation proposals within 1 week of the date of publication to the local education authority.

(5) Where the initial decision in relation to the original proposals was made by the adjudicator, the local education authority must refer the revocation proposals, together with any objections or comments in relation to them, to him, within 2 weeks of the end of the period for making objections and comments prescribed in paragraph 5 of Schedule 2 to the Act as modified by Schedule 6 to these Regulations.

Modifying proposals or specifying a later date for a conditional approval

27.—(1) In relation to paragraph 21 (2) of Schedule 2 to the Act (power to modify proposals or specify a later date in respect of a conditional approval), the local education authority must refer to the adjudicator cases where the initial decision in relation to the original proposals was made by him within 2 weeks of the request from the proposers, or the decision of the authority, as the case may be.

(2) Before modifying proposals under paragraph 21 (2) (a) of Schedule 2 to the Act the local education authority (or the adjudicator in cases where the local authority has referred the proposals to the adjudicator pursuant to paragraph (1)) must consult—

- (a) the proposers or the local education authority who made the proposals;
- (b) where the proposals are to establish a new foundation, foundation special or voluntary school, the local education authority who it is proposed should maintain the school;
- (c) where the proposals were published by the governing body of a school, the local education authority who maintain the school; and
- (d) where the proposals were published by the local education authority to discontinue a school, the governing body of the school.

Reference to adjudicator at the request of aggrieved person after determination under paragraph 21 (4) of Schedule 2 to the Act

28. Where a reference is made under paragraph 14 of Schedule 2 to the Act as modified by Schedule 6 to these Regulations, the local education authority must send to the adjudicator within the time specified by paragraph 14 (1) of Schedule 2 as modified by Schedule 6 to these Regulations, any objections or comments in relation to the proposals together with minutes of the meeting at

which the proposals published under paragraph 21 (4) of Schedule 2 to the Act were considered, and any papers considered by the authority at that meeting.

Schools established outside the area of relevant local education authority

29.—(1) Part 1 of Schedule 7 has effect for specifying the modifications to which section 7 and Schedule 2 to the Act are to be subject where proposals published under section 7 relate to a school which is proposed to be situated in an area other than that of the local education authority who published the notice.

(2) Part 2 of Schedule 7 has effect for specifying the modifications to which section 10 and 11 and Schedule 2 to the Act are to be subject where proposals published under section 10 or 11 relate to a school which it is proposed be established in an area other than that of the local education authority who it is proposed should maintain the school.

PART 6

Consultation and revocation

Consultation

30. If before 25th May 2007 any action was taken which (had it been taken on or after that day) would to any extent have satisfied the requirements of section 9, section 10 (4), section 11(6) or section 16, those requirements are to that extent to be treated as satisfied.

Revocation

31. The regulations specified in Schedule 8 are revoked.

26th April 2007

Jim Knight
Minister of State
Department for Education and Skills

SCHEDULE 1

Regulation 3

MATTERS TO BE SPECIFIED IN A COMPETITION NOTICE

Part I

Mainstream schools

1. A statement explaining the reason why the new school is considered necessary and whether it is to replace particular schools.
2. A statement explaining:
 - (a) the location of the possible site (including details of whether the possible site is a single or split site) including, where appropriate, the postal address or addresses;
 - (b) the reason for the choice of site;
 - (c) the area or particular community or communities the school is expected to serve;
 - (d) the accessibility of the possible site (or, if it is a split site, the accessibility of the accommodation);
 - (e) the proposed arrangements for transport of pupils to the new school and a statement about other sustainable transport alternatives where pupils are not using transport provided, and how the local education authority will seek to discourage car use in the school area;
 - (f) the tenure (freehold or leasehold) on which the site will be held, and if the site is to be held on a lease, details of the proposed lease;
 - (g) the effect of paragraph 28 and paragraph 31 of Schedule 2 to the Act (that the local education authority must transfer their interest in the site, buildings or premises to the school's trustees, foundation body, or governing body);
 - (h) where the new school is to be established in substitution for one or more discontinued grammar schools, a statement to that effect and that the school may be designated as a grammar school for the purposes of Chapter 2 of Part 3 of SSFA 1998; and
 - (i) an indication of the local education authority's preference for the specialism which the school should have.
3. The date on which the school should open and, where it is proposed that the proposals are to be implemented in stages, information about each stage and the dates on which each stage should be implemented.
4. Information on—
 - (a) the number of pupil places the school should provide;
 - (b) the upper and lower age limits of the school;
 - (c) where it is intended that it should provide sixth form education, the number of pupils for whom it is intended that such education should be provided;
 - (d) where it is intended that it should make early years provision, the number of pupils for whom it is intended that such education should be provided;
 - (e) where it is intended that the school should provide for boarding pupils, the number of pupils for whom it is intended such facilities should be provided;
 - (f) the number of pupils to be admitted to the school in each relevant age group in the first school year in which the proposals will be implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the proposed school in each stage that the proposals will be implemented;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (g) whether it is proposed that the school should admit pupils of both sexes or boys or girls only and, in the case of a single sex school where it is intended to provide sixth form education, whether both sexes or boys or girls only are to be admitted to the sixth form;
 - (h) any extended services which the local education authority would like to see provided on the site of the school (whether by the local education authority, governing body or another party);
 - (i) whether the school should make provision which is recognised by the local education authority as reserved for children with special educational needs, and, if so, the range of special educational needs and the number of pupils for which provision is proposed; and
 - (j) the estimated capital costs of providing the school (such an estimate to be made in accordance with the guidance provided at pages 17 to 19 of Department for Education and Skills Guidance, “Education Building Projects - Information on Costs and Performance Data - Schools Building and Design Unit”, (reference DfES/0288/2003 (ISBN 1 84185 950 8) issued in April 2003).
- 5.** A statement explaining that proposals should be in line with requirements set out in paragraph 4 above, but that proposals that do not comply with all of the requirements but meet the need for places in the area will be considered.
- 6.** A statement giving—
- (a) the address of the local education authority; and
 - (b) the name of the person to whom proposals should be addressed.
- 7.** A brief statement explaining the procedure to be followed after the date when proposals must be received by the local education authority.
- 8.** A statement that any proposals submitted in response to a competition notice must contain the information specified in Part 1 of Schedule 2 and that the information specified in Part 3 of Schedule 5 to these regulations will be published in accordance with regulation 8.
- 9.** A statement that the local education authority will meet the capital costs of implementing the proposals as specified in paragraph 4 (j) above or, if there is an agreement made under section 106 of the Town and Country Planning Act 1990(16), a statement setting out the buildings to be available, and the obligations to be entered into, on completion.
- 10.** A statement of any resources that the local education authority will make available to secure the provision of the services specified in paragraph 4 (h) above.
- 11.** Where the school will replace existing educational provision for children with special educational needs, a statement setting out how the local education authority believes the proposed new school is likely to lead to improvements in the standard, quality and range of the educational provision for these children.
- 12.** A statement to the effect that the statutory requirement to consult under section 9 (1) has been complied with, a summary of the views expressed and a statement of how full details of the consultation can be obtained.

Part 2

Special Schools

- 13.** A statement explaining the reason why the new special school is considered necessary and whether it is to replace particular schools.

(16) 1990 c.8.

14. A statement explaining:

- (a) the location of the possible site (including details of whether the possible site is a single or split site) including, where appropriate, the postal address or addresses;
- (b) the reason for the choice of site;
- (c) the area or particular community or communities the school is expected to serve;
- (d) the accessibility of the possible site (or, if it is a split site, the accessibility of the accommodation);
- (e) the proposed arrangements for transport of pupils to the new school and a statement about other sustainable transport alternatives where pupils are not using transport provided, and how the local education authority will seek to discourage car use in the new school area;
- (f) the tenure (freehold or leasehold) on which the site will be held, and if the site is to be held on a lease, details of the proposed lease; and
- (g) the effect of paragraph 28 and paragraph 31 of Schedule 2 to the Act (that the local education authority must transfer their interest in the site, buildings or premises to the school's trustees, foundation body, or governing body).

15. The date on which the school should open and, where it is proposed that the proposals are to be implemented in stages, information about each stage and the dates on which each stage should be implemented.

16. Information on—

- (a) the numbers, age range, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is proposed;
- (b) details of whether it is intended that any extended services which the local education authority would like to see provided should be provided on the possible site of the school (whether by the local education authority, governing body or another party);
- (c) the type or types of special educational needs for which the school will make provision; and
- (d) the estimated capital costs of providing the school (such an estimate to be made in accordance with the guidance provided at pages 17 to 19 of Department for Education and Skills Guidance, "Education Building Projects - Information on Costs and Performance Data - Schools Building and Design Unit", (reference DfES/0288/2003) (ISBN 1 84185 950 8) issued in April 2003).

17. A statement explaining that proposals should be in line with requirements set out in paragraph 16 above, but that proposals that do not comply with all of the requirements but meet the need for places in the area will be considered.

18. A statement giving—

- (a) the address of the local education authority; and
- (b) the name of the person to whom proposals should be addressed.

19. A brief statement explaining the procedure to be followed after the date when proposals must be received by the local education authority.

20. A statement that any proposals submitted in response to a competition notice must contain the information specified in Part 2 of Schedule 2 and that the information specified in Part 4 of Schedule 5 will be published in accordance with regulation 8.

21. A statement that the local education authority will meet the capital costs of implementing the proposals as specified in paragraph 16(d) above or, if there is an agreement made under section 106

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

of the Town and Country Planning Act 1990, a statement setting out the buildings to be available, and the obligations to be entered into, on completion.

22. A statement of any resources that the local education authority will make available to secure the provision of the services specified at 16 (b) above.

23. Where the school will replace existing educational provision for children with special educational needs, a statement setting out how the local education authority believes the new school is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

24. A statement to the effect that the statutory requirement to consult under section 9 (1) has been complied with, a summary of the views expressed and a statement of how full details of the consultation can be obtained.

SCHEDULE 2

Regulation 6

MATTERS TO BE SPECIFIED IN SECTION 7 PROPOSALS TO ESTABLISH A NEW SCHOOL

Part 1

Mainstream schools

Contact Details

1. The name of the proposer or proposers and a contact address.
2. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Category

3. The type of school that it is proposed be established (a foundation school and, if so, whether it is to have a foundation, a voluntary school, a community school or an Academy) and, where it is to be a community school, if required by section 8, a statement that the Secretary of State's consent has been obtained to publication of the proposals.

Pupil numbers and admissions

4. Confirmation that the size, age-range and pupil number of the school will be in line with the specification in the competition notice, or, if this is not the case, the proposed details.

Extended Services

5. Information on the extended services which it is envisaged will be provided on the site of the school.

Ethos/Religious Character

6. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

7. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Area or community that school serves

8. The area or particular community or communities that the school is expected to serve if different from that specified in the competition notice.

Admission Arrangements

9. An indication of the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school or Academy which is to have a religious character—

- (a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and
- (b) the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

Grammar schools

10. Where the school is to be established in substitution for one or more discontinued grammar schools, a statement to this effect and a statement that the school may be designated as a grammar school for the purpose of Chapter 2 of Part 3 of SSFA 1998.

Schools with a religious character or particular educational philosophy – parental demand

11. Where the school is—

- (a) proposed to have a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion;
- (b) proposed to adhere to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question that is not already met in other maintained schools or Academies in the area.

Sixth Form Education

12. Where it is proposed that the school will provide sixth form education, how the proposals will—

- (a) improve the educational or training achievements;
- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities,

for 16-19 year olds in the area.

Early Years Provision

13. Where the proposals are to include provision for pupils aged between 2 and 5, the following information must be provided—

- (a) details of how the early years provision will be organised, including the number of full-time and part-time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;
- (c) evidence of parental demand for additional provision of early years provision;
- (d) assessment of capacity, quality and sustainability of provision in schools, and in settings outside the maintained school sector who deliver the Early Years Foundation Stage within 3 miles of the school; and
- (e) the reasons why schools and establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school and who have spare capacity, cannot make provision for any forecast increase in the numbers of such children.

Specialisms

14. Whether the school will have any specialisms on implementation and whether the proposer intends to apply to the Secretary of State for the school to be a specialist school from implementation.

Effects on Standards and Contributions to School Improvement

15. Information and supporting evidence on:

- (a) how the school will contribute to enhancing the diversity and quality of education in the area; and
- (b) how the school will help to raise the standard of education in the area and contribute to school improvement.

16. Information and supporting evidence on how the proposals will contribute to enabling children and young people to be healthy, stay safe, enjoy and achieve, make a positive contribution to the community and society, and achieve economic well-being.

Community Cohesion

17. The following information relating to the proposals—

- (a) how the school will promote and contribute to community cohesion;
- (b) how the school will increase inclusion and equality of access for all social groups; and
- (c) how the school will collaborate with other schools, and in relation to secondary school proposals, how the school will collaborate with colleges and training providers.

Accommodation

18. A statement as to whether accommodation will be adequate to meet the number of pupil places specified in paragraph 4 of Schedule 1.

Single sex or co-educational school

19. Whether the new school will admit pupils of both sexes or boys only or girls only and, in the case of a single sex school where it is intended to provide sixth form education, whether both sexes or boys or girls only are to be admitted to the sixth form.

20. Where the school is to admit pupils of a single sex:

- (a) evidence of local demand for single sex education and how this will be met if the proposals are approved; and

- (b) a statement giving details of the likely effect the new school will have on the balance of the provision of single sex education in the area.

Location

21. Confirmation that the school will be established on the site specified in the competition notice or where that is not the case—

- (a) the location of the site (including where appropriate the postal address or addresses if the school is to occupy a split site);
- (b) whether the school will occupy a single or split site;
- (c) the accessibility of the site (or if the school is to occupy a split site the accessibility of the accommodation);
- (d) the current ownership and tenure (freehold or leasehold) of the site and the proposed use of any buildings already on the site;
- (e) details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease including details of any provisions which could obstruct the governing body or the head teacher in the exercise of any of their functions under any of the Education Acts or place indirect pressures upon funding bodies;
- (f) whether the site is currently used for the purposes of another school which will no longer be required for the purposes of that school. If so, provide details as to why the site will no longer be required for the purposes of that school; and
- (g) the estimated costs of providing the site and a statement about how the costs will be met.

Implementation of the proposals

22. Confirmation that the proposals will be implemented in line with the timing in the competition notice or, if this is not the case, the date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

23. Where the proposals are to establish a voluntary controlled or foundation school, a statement as to whether the proposals are to be implemented by the local education authority or by the proposers, and if the proposals are to be implemented by both—

- (a) a statement as to the extent that they are to be implemented by each body, and
- (b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

Project Costs

24. Confirmation that the proposers consider that the costs of establishing the new school can be met within the estimate of capital costs of providing the school outlined in the competition notice and, where they cannot be met within that estimate, an explanation of the reasons for the additional costs and how any shortfall will be met.

25. A copy of a confirmation from the Secretary of State or local education authority or the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

26. Details of how it is proposed to fund the proposer's share of the capital costs of implementing the proposals (if any).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Travel

27. The proposed arrangements for travel of pupils to the school.

Federation

28. Details of any proposals for the school to be federated with one or more schools (by virtue of section 24 of EA 2002 and section 12).

Curriculum

29. Confirmation that the school will meet the general requirements in relation to curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

Voluntary Aided Schools

30. Where the school is to be a voluntary aided school—
- (a) details of the trusts on which the site is to be held; and
 - (b) confirmation that the governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.

Staff

31. An outline of the proposed senior staffing at the school.

Foundation Schools

32. Where the school is to be a foundation school, confirmation as to whether the school—
- (a) will have a foundation established otherwise than under SSFA 1998 and, if so, the identity of that foundation;
 - (b) will belong to a group of schools for which a foundation body acts under section 21 of SSFA 1998; or
 - (c) will not fall within paragraph (a) or (b).
33. Where the school is to be a foundation school which has a foundation—
- (a) the name of the foundation where known;
 - (b) the rationale for the foundation and the particular ethos that it will bring to the school;
 - (c) the details of membership of the foundation, including the names of the members;
 - (d) the entitlement to appoint charity trustees and the number of trustees to be appointed;
 - (e) the proposed constitution of the governing body;
 - (f) details of the foundation's charitable objects;
 - (g) where the majority of governors are to be foundation governors, a statement that a parent council will be established in accordance with section 23A of EA 2002⁽¹⁷⁾;
 - (h) a statement that the requirements set out in the School Organisation (Requirements as to Foundations) (England) Regulations⁽¹⁸⁾ will be met;

(17) Section 23A EA 2002 was inserted by section 34.

(18) [S.I. 2007/1287](#).

- (i) a statement of how the foundation will contribute to the advancement of education at the school and how it is envisaged it will help to raise standards; and
- (j) a statement of how the foundation will contribute to the advancement of community cohesion and the impact the foundation will have on the diversity of school provision in the area.

Relevant experience of proposers

34. Evidence of any relevant experience in education held by the proposer, or proposers (other than a local education authority), including details of any involvement in the improvement of standards in education.

Specific educational benefits

- 35.** Details of the specific educational benefits that will flow from the proposals in terms of—
- (a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority’s Accessibility Strategy;
 - (b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - (c) improved access to suitable accommodation; and
 - (d) improved supply of suitable places.

Part 2

Special Schools

Contact Details

36. The name of the proposer or proposers and a contact address.

37. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Category

38. The type of school that it is proposed be established (a foundation special school, and, if so, whether it is to have a foundation, a community special school or an Academy) and, where it is to be a community special school, if required by section 8, a statement that the Secretary of State’s consent has been obtained to publication of the proposals.

Extended Services

39. Information on the extended services which it is envisaged will be provided on the site of the school.

Ethos/Religious Ethos

40. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

41. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Pupil numbers and special educational needs provision

42. Information as to the numbers, age range, sex and special educational needs provision of the pupils (distinguishing boarding and day pupils) for whom provision is proposed.

Provision for 16-19 year olds

43. Where it is proposed that the school will provide education for 16-19 year olds, how the proposals will—

- (a) improve the educational or training achievements;
- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities,

for 16-19 year olds in the area.

Specialisms

44. Whether the proposed school will have any specialisms on implementation and whether the promoter intends to apply to the Secretary of State for the school to be a specialist school from implementation.

Effects on Standards and Contributions to School Improvement

45. Information and supporting evidence on:

- (a) how the school will contribute to enhancing the diversity and quality of education in the area; and
- (b) how the school will help to raise the standard of education in the area and contribute to school improvement.

46. Information and supporting evidence on how the proposals will contribute to enabling children and young people to be healthy, stay safe, enjoy and achieve, make a positive contribution to the community and society, and achieve economic well-being.

Community Cohesion

47. The following information relating to the proposals—

- (a) how the school will promote and contribute to community cohesion;
- (b) how the school will increase inclusion and equality of access for all social groups; and
- (c) how the school will collaborate with other schools, colleges and training providers.

Details of the proposed school

48. Confirmation that the details of the school (including number of pupils, age range, sex, type of special educational needs, provision for boarding if applicable) will be in line with the specification in the competition notice, or, if this is not the case, the proposed details.

Accommodation

49. A statement as to whether accommodation will be adequate to meet the number of pupil places specified in paragraph 16 of Schedule 1.

Location

50. Confirmation that the school will be established on the site specified in the competition notice or where that is not the case—

- (a) the location of the site (including, where appropriate, the postal address or addresses if the school is to occupy a split site);
- (b) whether the school will occupy a single or split site;
- (c) the accessibility of the site (or if the school is to occupy a split site the accessibility of the accommodation);
- (d) the current ownership and tenure (freehold or leasehold) of the site and the proposed use of any buildings already on the site;
- (e) details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease including details of any provisions which could obstruct the governing body or the head teacher in the exercise of any of their functions under any of the Education Acts or place indirect pressures upon funding bodies;
- (f) whether the site is currently used for the purposes of another school which will no longer be required for the purposes of that school. If so, provide details as to why the site will no longer be required for the purposes of that school; and
- (g) the estimated costs of providing the site and a statement about how the costs will be met.

Implementation of the proposals

51. Confirmation that the proposals will be implemented in line with the timing in the competition notice or, if this is not the case, the date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages information about each stage and the date on which each stage is planned to be implemented.

52. Where the proposals are to establish a foundation special school, a statement as to whether the proposals are to be implemented by the local education authority or by the proposers, and if the proposals are to be implemented by both,

- (a) a statement as to the extent that they are to be implemented by each body, and
- (b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

Project Costs

53. Confirmation that the proposers consider that the costs of establishing the new school can be met within the estimate of capital costs of providing the school outlined in the competition notice and where they cannot be met within that estimate, an explanation of the reasons for the additional costs and how any shortfall will be met.

54. A copy of a confirmation from the Secretary of State or local education authority or the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

55. Details of how it is proposed to fund the proposer’s share of the capital costs of implementing the proposals (if any).

Travel

56. The proposed arrangements for travel of pupils to the school.

Federation

57. Details of any proposals for the school to be federated with one or more schools (by virtue of section 24 of EA 2002 and section 12).

Curriculum

58. Confirmation that the school will meet the general requirements in relation to curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

Staff

59. An outline of the proposed senior staffing at the school.

Foundation Special Schools

60. Where the school is to be a foundation special school, confirmation as to whether the school—

- (a) will have a foundation established otherwise than under SSFA 1998 and, if so, the identity of that foundation;
- (b) will belong to a group of schools for which a foundation body acts under section 21 of SSFA 1998; or
- (c) will not fall within sub-paragraph (a) or (b).

61. Where the school is to be a foundation special school which has a foundation—

- (a) the name of the foundation where known;
- (b) the rationale for the foundation and the particular ethos that it will bring to the school;
- (c) the details of membership of the foundation, including the names of the members;
- (d) the entitlement to appoint charity trustees and the number of trustees to be appointed;
- (e) the proposed constitution of the governing body;
- (f) details of the foundation’s charitable objects;
- (g) where the majority of governors are to be foundation governors, a statement that a parent council will be established in accordance with section 23A of EA 2002;
- (h) a statement that the requirements set out in the School Organisation (Requirements as to Foundations) (England) Regulations will be met;
- (i) a statement of how the foundation will contribute to the advancement of education at the school and how it is envisaged it will help to raise standards; and
- (j) a statement of how the foundation will contribute to the advancement of community cohesion and the impact the foundation will have on the diversity of school provision in the area.

Relevant experience of proposers

62. Evidence of any relevant experience in education held by the proposer, or proposers (other than a local authority), including details of any involvement in the improvement of standards in education.

Specific educational benefits

63. Details of the specific educational benefits that will flow from the proposals in terms of—
- (a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
 - (b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - (c) improved access to suitable accommodation; and
 - (d) improved supply of suitable places.

SCHEDULE 3

Regulations 11 and 12

MATTERS TO BE SPECIFIED IN SECTION 10 AND SECTION 11 PROPOSALS TO ESTABLISH A NEW SCHOOL

Part 1

Mainstream schools

Contact Details

1. The name of the proposer or proposers and a contact address.
2. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Category

3. The type of school that it is proposed be established (a foundation school and, if so, whether it is to have a foundation, a voluntary school or a community school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to publication of the proposals.

Consultation

4. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals have been complied with.
5. Evidence of the consultation before the proposals were published including—
 - (a) a list of persons and/or parties who were consulted;
 - (b) minutes of all public consultation meetings;
 - (c) the views of the persons consulted; and
 - (d) copies of all consultation documents and a statement of how these were made available.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Objectives

6. The objectives of the proposal.

Extended Services

7. Information on the extended services which it is envisaged will be provided on the site of the school.

Pupil numbers and admissions

8. Information on—
 - (a) the number of pupil places the school should provide;
 - (b) the upper and lower age limits of the school;
 - (c) where it is intended that it should provide sixth form education, the number of pupils for whom it is intended that such education should be provided;
 - (d) where it is intended that it should provide nursery education, the number of pupils for whom it is intended that such education should be provided;
 - (e) where it is intended that the school should provide for boarding pupils, the number of pupils for whom it is intended such facilities should be provided;
 - (f) the number of pupils to be admitted to the school in each relevant age group in the first school year in which the proposals will be implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the proposed school in each stage that the proposals will be implemented;
 - (g) whether it is proposed that the school should admit pupils of both sexes or boys or girls only and, in the case of a single sex school where it is intended to provide sixth form education, whether both sexes or boys or girls only are to be admitted to the sixth form.

Ethos/Religious Character

9. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

10. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Area or community that school serves

11. The area or particular community or communities which the new school is expected to serve.

Admission Arrangements

12. An indication of the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school or Academy which is to have a religious character—

- (a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and
- (b) the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

Grammar schools

13. Where the school is to be established in substitution for one or more discontinued grammar schools, a statement to this effect and a statement that the school may be designated as a grammar school for the purpose of Chapter 2 of Part 3 of SSFA 1998.

Schools with a religious character or particular educational philosophy – parental demand

14. Where the school is—

- (a) proposed to have a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion; or
- (b) proposed to adhere to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question that is not already met in other maintained schools or Academies in the area.

Sixth Form Education

15. Where it is proposed that the school will provide sixth form education, how the proposals will—

- (a) improve the educational or training achievements;
- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities,

for 16-19 year olds in the area.

Early Years Provision

16. Where the proposals are to include provision for pupils aged between 2 and 5, the following information must be provided—

- (a) details of how the early years provision will be organised, including the number of full-time and part-time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;
- (b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;
- (c) evidence of parental demand for additional provision of early years provision;
- (d) assessment of capacity, quality and sustainability of provision in schools, and in settings outside of the maintained school sector who deliver the Early Years Foundation Stage within 3 miles of the school; and
- (e) the reasons why schools and settings outside the maintained school sector who deliver the Early Years Foundation Stage within 3 miles of the school and who have spare capacity, cannot make provision for any forecast increase in the numbers of such children.

Specialisms

17. Whether the school will have any specialisms on implementation and whether the promoter intends to apply to the Secretary of State for the school to be a specialist school from implementation.

Effects on Standards and Contributions to School Improvement

18. Information and supporting evidence on:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) how the school will contribute to enhancing the diversity and quality of education in the area; and
- (b) how the school will help to raise the standard of education in the area and contribute to school improvement.

19. Information and supporting evidence on how the proposals will contribute to enabling children and young people to be healthy, stay safe, enjoy and achieve, make a positive contribution to the community and society, and achieve economic well-being.

Community Cohesion

20. The following information relating to the proposals—

- (a) how the school will promote and contribute to community cohesion;
- (b) how the school will increase inclusion and equality of access for all social groups; and
- (c) how the school will collaborate with other schools, and in relation to secondary school proposals how the new school will collaborate with colleges and training providers.

Single sex or co-educational school

21. Where the school is to admit pupils of a single sex—

- (a) evidence of local demand for single sex education and how this will be met if the proposals are approved; and
- (b) A statement giving details of the likely effect the alteration will have on the balance of provision of single sex education in the area.

Location

22. A statement about—

- (a) the location of the site (including, where appropriate, the postal address or addresses if the school is to occupy a split site);
- (b) whether the school will occupy a single or split site;
- (c) the accessibility of the site (or if the school is to occupy a split site the accessibility of the accommodation);
- (d) the current ownership and tenure (freehold or leasehold) of the site and the proposed use of any buildings already on the site;
- (e) details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease including details of any provisions which could obstruct the governing body or the head teacher in the exercise of any of their functions under any of the Education Acts or place indirect pressures upon funding bodies;
- (f) whether the site is currently used for the purposes of another school which will no longer be required for the purposes of that school. If so, provide details as to why the site will no longer be required for the purposes of that school; and
- (g) the estimated costs of providing the site and a statement about how the costs will be met.

Implementation

23. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

24. Where the proposals are to establish a voluntary controlled or foundation school, a statement as to whether the proposals are to be implemented by the local education authority or by the proposers, and if the proposals are to be implemented by both,

- (a) a statement as to the extent that they are to be implemented by each body, and
- (b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

Project Costs

25. A statement of the estimated capital cost of the proposals and the extent to which the costs are to be met by the proposers and/or the local education authority.

26. A copy of a confirmation from the Secretary of State or local education authority or the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

27. Details of how it is proposed to fund the proposer's share of the capital costs of implementing the proposals (if any).

Travel

28. The proposed arrangements for travel of pupils to the school.

Federation

29. Details of any proposals for the school to be federated with one or more schools (by virtue of section 24 of EA 2002 and section 12).

Curriculum

30. Confirmation that the school will meet the general requirements in relation to curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

Voluntary aided schools

31. In addition, where the school is to be a voluntary aided school—

- (a) details of the trusts on which the site is to be held; and
- (b) confirmation that governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.

Staff

32. An outline of the proposed senior staffing at the new school.

Foundation Schools

33. Where the school is to be a foundation school, confirmation as to whether the new school—

- (a) will have a foundation established otherwise than under SSFA 1998 and, if so, the identity of that foundation;
- (b) will belong to a group of schools for which a foundation body acts under section 21 of SSFA 1998; or
- (c) will not fall within sub-paragraph (a) or (b).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 34.** Where the school is to be a foundation school which has a foundation—
- (a) the name of the foundation where known;
 - (b) the rationale for the foundation and the particular ethos that it will bring to the school;
 - (c) the details of membership of the foundation, including the names of the members;
 - (d) the entitlement to appoint charity trustees and the number of trustees to be appointed;
 - (e) the proposed constitution of the governing body;
 - (f) details of the foundation’s charitable objects;
 - (g) where the majority of governors are to be foundation governors, a statement that a parent council will be established in accordance with section 23A of EA 2002;
 - (h) a statement that the requirements set out in the School Organisation (Requirements as to Foundations) (England) Regulations will be met;
 - (i) a statement of how the foundation will contribute to the advancement of education at the school and how it is envisaged it will help to raise standards; and
 - (j) a statement of how the foundation will contribute to the advancement of community cohesion and the impact the foundation will have on the diversity of school provision in the area.

Special educational benefits

35. Information as to whether the school will have provision that is recognised by the local education authority as reserved for children with special educational needs and, if so, the nature of such provision and the proposed number of pupils for whom such provision is to be made.

36. Details of the proposed policy of the school relating to the education of pupils with special educational needs.

37. Where the school will replace existing educational provision for children with special educational needs

- (a) a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and/or range of educational provision for these children;
- (b) Details of the specific educational benefits that will flow from the proposals in terms of—
 - (i) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority’s Accessibility Strategy;
 - (ii) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - (iii) improved access to suitable accommodation; and
 - (iv) improved supply of suitable places.

Relevant experience of proposers

38. Evidence of any relevant experience in education held by the proposer, or proposers (other than a local authority) including details of any involvement in the improvement of standards in education.

Planning permission

39. Where the establishment of the new school involves development for the purpose of the Town and Country Planning Act 1990, a statement as to whether planning permission has been obtained and, if it has not been obtained, details of when it is anticipated that it will be obtained

Independent schools entering the maintained sector

40. A statement that the requirements of section 11 (3) are met

41. A statement as to whether the premises will meet the requirements of the Education (School Premises) Regulations 1999 and, if not,

- (a) details of how the premises are deficient; and
- (b) details of how it is intended to remedy the deficiency.

Part 2

Special Schools

Contact Details

42. The name of the proposer or proposers and a contact address.

43. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Category

44. The type of school that it is proposed is established (a foundation special school and, if so, whether it is to have a foundation, or a community special school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to the publication of the proposals.

Consultation

45. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

46. Evidence of the consultation before the proposals were published including—

- (a) a list of persons and/or parties who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted; and
- (d) copies of all consultation documents and a statement of how these were made available.

Objectives

47. The objectives of the proposal.

Extended Services

48. Information on the extended services which it is envisaged will be provided on the site of the school.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Ethos/Religious Ethos

49. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

50. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character

Pupil numbers and special educational needs provision

51. Information as to the numbers, age range, sex and special educational needs provision of the pupils (distinguishing boarding and day pupils) for whom provision is proposed.

Area or community that school serves

52. The area or particular community or communities the school is expected to serve.

Provision for 16-19 year olds

53. Where it is proposed that the school will provide education for 16-19 year olds, how the proposals will—

- (a) improve the educational or training achievements;
- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities,

for 16-19 year olds in the area.

Specialisms

54. Whether the school will have any specialisms on implementation and whether the promoter intends to apply to the Secretary of State for the new school to be a specialist school from implementation.

Effects on Standards and Contributions to School Improvement

55. Information and supporting evidence on:

- (a) how the school will contribute to enhancing the diversity and quality of education in the area; and
- (b) how the school would help to raise the standard of education in the area and contribute to school improvement.

56. Information and supporting evidence on how the proposals will contribute to enabling children and young people to be healthy, stay safe, make a positive contribution to the community and society and achieve economic well-being.

Community Cohesion

57. The following information relating to the proposals—

- (a) how the school will promote and contribute to community cohesion;
- (b) how the school will increase inclusion and equality of access for all social groups; and
- (c) how the school will collaborate with other schools, colleges and training providers.

Location

58. Information on the following—

- (a) the location of the site (including, where appropriate, the postal address or addresses if the school is to occupy a split site);
- (b) whether the school will occupy a single or split site;
- (c) the accessibility of the site (or if the school is to occupy a split site the accessibility of the accommodation);
- (d) the current ownership and tenure (freehold or leasehold) of the site and the proposed use of any buildings already on the site;
- (e) details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease including details of any provisions which could obstruct the governing body or the head teacher in the exercise of any of their functions under any of the Education Acts or place indirect pressures upon funding bodies;
- (f) whether the site is currently used for the purposes of another school which will no longer be required for the purposes of that school. If so, provide details as to why the site will no longer be required for the purposes of that school; and
- (g) the estimated costs of providing the site and a statement about how the costs will be met.

Implementation

59. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

60. Where the proposals are to establish a foundation special school a statement as to whether the proposals are to be implemented by the local education authority or by the proposers, and if the proposals are to be implemented by both,

- (a) a statement as to the extent that they are to be implemented by each body, and
- (b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

Project Costs

61. A statement of the estimated capital cost of the proposals and the extent to which the costs are to be met by the proposers and/or the local education authority.

62. A copy of a confirmation from the Secretary of State or local education authority or the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

63. Details of how it is proposed to fund the proposer's share of the capital costs of implementing the proposals (if any).

Travel

64. The proposed arrangements for travel of pupils to the school.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Federation

65. Details of any proposals for the school to be federated with one or more schools (by virtue of sections 24 of EA 2002 and section 12).

Curriculum

66. Confirmation that the school will meet the general requirements in relation to curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

Staff

67. An outline of the proposed senior staffing at the school.

Foundation Schools

68. Where the school is to be a foundation special school, confirmation as to whether the school—

- (a) will have a foundation established otherwise than under SSFA 1998 and, if so, the identity of that foundation;
- (b) will belong to a group of schools for which a foundation body acts under section 21 of SSFA 1998; or
- (c) will not fall within sub-paragraph (i) or (ii).

69. Where the school is to be a foundation special school which has a foundation—

- (a) details of any trusts on which the site is to be held;
- (b) the name of the foundation where known;
- (c) the rationale for the foundation and the particular ethos that it will bring to the school;
- (d) the details of membership of the foundation, including the names of the members;
- (e) the entitlement to appoint charity trustees and the number of trustees to be appointed;
- (f) the proposed constitution of the governing body;
- (g) details of the foundation's charitable objects;
- (h) where the majority of governors are to be foundation governors, a statement that a parent council will be established in accordance with section 23A of EA 2002;
- (i) a statement that the requirements set out in the School Organisation (Requirements as to Foundations) (England) Regulations will be met;
- (j) a statement of how the foundation will contribute to the advancement of education at the school and how it is envisaged it will help to raise standards; and
- (k) a statement of how the foundation will contribute to the advancement of community cohesion and the impact the foundation will have on the diversity of school provision in the area.

Relevant experience of proposers

70. Evidence of any relevant experience in education held by the proposer or proposers (other than a local authority), including details of any involvement in the improvement of standards in education.

Planning permission

71. Where the establishment of the new school involves development for the purpose of the Town and Country Planning Act 1990, a statement as to whether planning permission has been obtained and, if it has not been obtained, details of when it is anticipated that it will be obtained.

Specific educational benefits

72. Details of the specific educational benefits that will flow from the proposals in terms of—
- (a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
 - (b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - (c) improved access to suitable accommodation; and
 - (d) improved supply of suitable places.

Independent schools entering the maintained sector

73. A statement that the requirements of section 11 (3) are met

74. A statement as to whether the premises will meet the requirements of the Education (School Premises) Regulations 1999 and, if not,

- (a) details of how the premises are deficient; and
- (b) details of how it is intended to remedy the deficiency.

SCHEDULE 4

Regulation 14

MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

Contact details

1. The name of the local education authority or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Implementation

2. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

Consultation

3. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

4. Evidence of the consultation before the proposals were published including—
- (a) a list of persons and/or parties who were consulted;
 - (b) minutes of all public consultation meetings;
 - (c) the views of the persons consulted; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(d) copies of all consultation documents and a statement of how these were made available.

Objectives

5. The objectives of the proposal.

Standards and Diversity

6. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

Provision for 16 -19 year olds

7. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on—

- (a) the educational or training achievements;
- (b) participation in education or training; and
- (c) the range of educational or training opportunities,

for 16-19 year olds in the area.

Need for places

8. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

9. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Current School Information

10. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

Displaced Pupils

11. Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued will be offered places, including—

- (a) any interim arrangements;
- (b) where the school included provision that is recognised by the local education authority as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- (c) in the case of special schools, alternative provision made by local education authorities other than the authority which maintains the school.

12. 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.

Impact on the Community

13. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

14. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

Travel

15. Details of length and journeys to alternative provision.

16. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

Related Proposals.

17. A statement as to whether in the opinion of the local education authority or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

Rural Primary Schools

18. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the local education authority or the governing body (as the case may be) considered—

- (a) the likely effect of discontinuance of the school on the local community;
- (b) the availability, and likely cost to the local education authority, of transport to other schools;
- (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,

as required by section 15(4).

Maintained nursery schools

19. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- (a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- (b) the body's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- (c) the accessibility and convenience of replacement provision for local parents.

Special educational provision

20. Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

SCHEDULE 5

Regulations 5, 8, 13 and 15

INFORMATION TO BE PUBLISHED

Part 1

Details to be published from competition notice to establish a mainstream school

1. A statement explaining—
 - (a) the location of the possible site (including details of whether the possible site is a single or split site), including where appropriate the postal address or addresses;
 - (b) the area or particular community or communities the school is expected to serve; and
 - (c) the effect of paragraph 28 and paragraph 31 of Schedule 2 to the Act (that the local education authority must transfer their interest in the site, buildings or premises to the school's trustees, foundation body, or governing body).
2. The date on which the school should open and where it is proposed that the proposals are to be implemented in stages, information about each stage and the dates on which each stage should be implemented.
3. Information on—
 - (a) the number of pupil places the school should provide;
 - (b) the upper and lower age limits of the school;
 - (c) where it is intended that it should provide sixth form education, the number of pupils for whom it is intended that such education should be provided;
 - (d) where it is intended that it should make early years provision, the number of pupils for whom it is intended that such education should be provided;
 - (e) where it is intended that the school should provide for boarding pupils, the number of pupils for whom it is intended such facilities should be provided;
 - (f) the number of pupils to be admitted to the school in each relevant age group in the first school year in which the proposals will be implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the proposed school in each stage that the proposals will be implemented;
 - (g) whether it is proposed that the school should admit pupils of both sexes or boys or girls only and, in the case of a single sex school where it is intended to provide sixth form education, whether both sexes or boys or girls only are to be admitted to the sixth form;
 - (h) any extended services which the local education authority would like to see provided on the proposed site of the school (whether by the local education authority, governing body or another party); and
 - (i) whether the new school should make provision which is recognised by the local education authority as reserved for children with special educational needs, and, if so, the range of special needs and the number of pupils for which provision is proposed.
4. A statement giving—
 - (a) the address of the local education authority; and
 - (b) the name of the person to whom proposals should be addressed.
5. The date by which proposals must be submitted, being not less than 4 months from the date of publication of the competition notice.

Part 2

Details to be published from competition notice to establish a special school

6. A statement explaining the reason why the new special school is considered necessary and whether it is to replace particular schools.
7. A statement explaining—
 - (a) the location of the possible site (including details of whether the possible site is a single or split site), including where appropriate the postal address or addresses;
 - (b) the area or particular community or communities the school is expected to serve; and
 - (c) the effect of paragraph 28 and paragraph 31 of Schedule 2 to the Act (that the local education authority must transfer their interest in the site, buildings or premises to the school's trustees, foundation body, or governing body).
8. The date on which the school should open and, where it is proposed that the proposals are to be implemented in stages, information about each stage and the dates on which each stage should be implemented.
9. Information on—
 - (a) the numbers, age range, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is proposed;
 - (b) details of whether it is intended that any extended services which the local education authority would like to see provided should be provided on the proposed site of the school (whether by the local education authority, governing body or another party); and
 - (c) the type or types of special educational needs for which the school will make provision.
10. A statement giving—
 - (a) the address of the local education authority; and
 - (b) the name of the person to whom proposals should be addressed.
11. The date by which proposals must be submitted, being not less than 4 months from the date of publication of the competition notice.

Part 3

Details to be published from section 7 proposals to establish a new mainstream school

Contact details

12. The name of the proposer or proposers and a contact address.
13. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Category

14. The type of school that it is proposed be established (a foundation school and, if so, whether it is to have a foundation, a voluntary school, a community school or an Academy) and, where it is to be a community school, if required by section 8, a statement that the Secretary of State's consent has been obtained to publication of the proposals.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Extended Services

15. Information on the extended services which it is envisaged will be provided on the site of the new school.

Ethos/Religious Character

16. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

17. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Admission Arrangements

18. An indication of the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school or Academy which is to have a religious character—

- (a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and
- (b) the extent if any to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

Schools with a religious character or particular educational philosophy – parental demand

19. Where the school is—

- (a) proposed to have a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion; or
- (b) proposed to adhere to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question that is not already met in other maintained schools or Academies in the area.

Specialisms

20. Whether the school will have any specialisms on implementation and whether the proposer intends to apply to the Secretary of State for the new school to be a specialist school from implementation.

Foundation Schools

21. Where the school is to be a foundation school with a foundation—

- (a) the name of the foundation where known;
- (b) a summary of the rationale for the foundation and the particular ethos that it will bring to the school; and
- (c) the details of membership of the foundation, including the names of the members.

Part 4

Details to be published from section 7 proposals to establish a new special school

Contact Details

22. The name of the proposer or proposers and a contact address.
23. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Category

24. The type of school that it is proposed be established (a foundation special school, and, if so, whether it is to have a foundation, a community special school or an Academy) and, where it is to be a community special school, if required by section 8, a statement that the Secretary of State's consent has been obtained.

Extended Services

25. Information on the extended services which it is envisaged will be provided on the site of the school.

Ethos/Religious Ethos

26. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

27. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Pupil numbers and special educational needs provision

28. Information as to the numbers, age range, and sex of, and special educational provision for, the pupils (distinguishing boarding and day pupils) for whom provision is proposed.

Foundation Special Schools

29. Where the school is to be a foundation special school with a foundation—
 - (a) the name of the foundation where known;
 - (b) a summary of the rationale for the foundation and the particular ethos that it will bring to the school; and
 - (c) the details of membership of the foundation, including the names of the members.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 5

Details to be published from section 10 and 11 proposals to establish a new mainstream school

Contact Details

- 30.** The name of the proposer or proposers and a contact address.
- 31.** Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Category

- 32.** The type of school that it is proposed is established (a foundation school and, if so, whether it is to have a foundation, a voluntary school or a community school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to the publication of the proposals.

Extended Services

- 33.** Information on the extended services which it is envisaged will be provided on the site of the school.

Pupil numbers and admissions

- 34.** Information on—
- (a) the number of pupil places the school should provide;
 - (b) the upper and lower age limits of the school;
 - (c) where it is intended that it should provide sixth form education, the number of pupils for whom it is intended that such education should be provided;
 - (d) where it is intended that it should provide nursery education, the number of pupils for whom it is intended that such education should be provided;
 - (e) where it is intended that the school should provide for boarding pupils, the number of pupils for whom it is intended such facilities should be provided;
 - (f) the number of pupils to be admitted to the school in each relevant age group in the first school year in which the proposals will be implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the proposed school in each stage that the proposals will be implemented;
 - (g) whether it is proposed that the school should admit pupils of both sexes or boys or girls only and, in the case of a single sex school where it is intended to provide sixth form education, whether both sexes or boys or girls only are to be admitted to the sixth form.

Ethos/Religious Character

- 35.** A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

- 36.** If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Area or community that school serves

37. The area or particular community or communities the school is expected to serve.

Admission Arrangements

38. An indication of the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school or Academy which is to have a religious character—

- (a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and
- (b) the extent if any to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

Specialisms

39. Whether the school will have any specialisms on implementation and whether the promoter intends to apply to the Secretary of State for the new school to be a specialist school from implementation.

Location

40. A statement about—

- (a) the location of the site (including where appropriate the postal address or addresses if the school is to occupy a split site); and
- (b) whether the school will occupy a single or split site.

Implementation

41. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

Travel

42. The proposed arrangements for travel of pupils to the school.

Federation

43. Details of any proposals for the school to be federated with one or more schools (by virtue of sections 24 of EA 2002 and section 12).

Foundation Schools

44. Where the school is to be a foundation school with a foundation—

- (a) the name of the foundation where known;
- (b) a summary of the rationale for the foundation and the particular ethos that it will bring to the school; and
- (c) the details of membership of the foundation, including the names of the members.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Special educational provision

45. Information as to whether the school will have provision that is recognised by the local education authority as reserved for children with special educational needs and, if so, the nature of such provision and the proposed number of pupils for whom such provision is to be made.

Part 6

Details to be published from section 10 and 11 proposals to establish a new special school

Contact Details

46. The name of the proposer or proposers and a contact address.

47. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Category

48. The type of school that it is proposed be established (a foundation special school and, if so, whether it is to have a foundation, or a community special school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to the publication of the proposals.

Extended Services

49. Information on the extended services which it is envisaged will be provided on the site of the school.

Ethos/Religious Ethos

50. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

51. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Pupil numbers and special educational needs provision

52. Information as to the numbers, age range, and sex of, and special educational provision for, the pupils (distinguishing boarding and day pupils) for whom provision is proposed.

Area or community that school serves

53. The area or particular community or communities the school is expected to serve.

Foundation Special Schools

54. Where the new school is to be a foundation special school with a foundation—

- (a) the name of the foundation where known;
- (b) a summary of the rationale for the foundation and the particular ethos that it will bring to the school; and

- (c) the details of membership of the foundation, including the names of the members.

Relevant experience of proposers

55. Evidence of any relevant experience in education held by the proposer or proposers (other than a local authority) including details of any involvement in the improvement of standards in education.

Part 7

Details to be published from section 15 proposals to discontinue a school

Contact details

56. The name of the local education authority or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Implementation

57. The date when it is planned that the proposals will be implemented, or, where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

Consultation

58. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

Displaced Pupils

59. Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued will be offered places, including—

- (a) any interim arrangements;
- (b) where the school included provision that is recognised by the local education authority as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- (c) in the case of special schools, alternative provision made by local education authorities other than the authority which maintains the school.

60. 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.

Travel

61. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

Related Proposals.

62. A statement as to whether in the opinion of the local education authority or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Special educational provision

63. Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

SCHEDULE 6

Regulation 26

PROVISIONS OF SCHEDULE 2 TO THE ACT APPLYING TO PROPOSALS PUBLISHED UNDER PARAGRAPH 21 (4) OF SCHEDULE 2 TO THE ACT

The provisions of Schedule 2 to the Act specified in the left hand column of the table have effect in relation to proposals published under paragraph 21 (4) of Schedule 2 and, where modifications are specified in the right hand column of the table, with those modifications.

<i>Provision</i>	<i>Modification</i>
Paragraph 1	That paragraph has effect as if in subparagraph (1) for the words “published under section 7,10,11 or 15” there were substituted the words “published under paragraph 21(4) of this Schedule”
Paragraph 2	That paragraph has effect as if after paragraph 2 (b) the following were inserted— “(c) in the case of proposals published under paragraph 21 (4)— (i) in the case of original proposals under section 7, the local education authority who published the notice under that section, and (ii) in the case of original proposals under section 10, 11 or 15, the local education authority who maintain the school (or in the case of a new school) who it is proposed should maintain the school.”
Paragraph 5	That paragraph has effect as if the words “Any person may object to or comment on proposals published under paragraph 21 (4), and such objections and comments must be sent to the relevant authority within 6 weeks of the date of publication of such proposals.” were substituted.
Paragraph 13	That paragraph has effect as if the following were substituted— “(1) Where the relevant authority determine proposals published under paragraph 21 (4), any determination must be made within 2 months of

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Modification</i>
	<p>the end of the period for making objections and comments as prescribed in paragraph 5.</p> <p>(2) If the authority does not make a determination within the time specified in sub-paragraph (1), they must refer the proposals to the adjudicator within 1 week from the end of that period.”</p>
<p>Paragraph 14</p>	<p>That paragraph has effect as if the following were substituted—</p> <p>“(1) The relevant authority must if so requested within 4 weeks of the date of notification of the determination pursuant to regulations made under paragraph 20, by any relevant person refer to the adjudicator within 1 week of the date on which they received notice of a request for a referral, any proposals under paragraph 21(4) which the relevant authority have determined under paragraph 21(3), together with any reasons given by the authority for their determination.</p> <p>(2) The following are relevant persons for the purposes of sub-paragraph (1)—</p> <ul style="list-style-type: none"> (a) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the relevant authority; (b) the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; (c) in the case of original proposals made under section 10 or 11 by a person other than the relevant authority and rejected by the authority under paragraph 8(4)(a), the proposers; (d) in the case of original proposals published under section 15 , the governing body or trustees of any foundation, voluntary or foundation special school which is the subject of the proposals; (e) where the proposals relate to a school or proposed school providing education for persons aged 14 years or over, the Learning and Skills Council for England.”

SCHEDULE 7

Regulation 29

MODIFICATION OF SECTIONS 7, 10 AND 11, AND SCHEDULE
2 TO THE ACT, WHERE SCHOOLS ESTABLISHED OUTSIDE
AREA OF RELEVANT LOCAL EDUCATION AUTHORITY

Part 1

Proposals published under section 7 where school is to be established in
area other than that of local education authority that published the notice

1. In relation to proposals published under section 7 which relate to a school which is proposed to be situated in an area other than that of the local education authority who published the notice under section 7, section 7 and Schedule 2 to the Act have effect with the following modifications.

2. After section 7 (4) insert—

“(4A) A local education authority—

- (a) in cases where the notice published by the local education authority pursuant to section 7 (1) specifies that the proposed school is to be situated in an area other than their own (“notice specific cases”), the local education authority (“Local Education Authority A”) must send complete copies of all published proposals that have not been withdrawn to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”); and
- (b) in cases where the notice published by the local education authority pursuant to section 7 (1) does not so specify that the proposed school is to be situated in an area other than their own, but a proposer includes this in his proposals (“non-notice specific cases”), the local education authority (“Local Education Authority A”) must send a copy of the proposals published by that proposer to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).”

3. For paragraph 8 (3) of Schedule 2 to the Act substitute the following—

“(3) Local Education Authority A may, after seeking and, unless Local Education Authority B have failed to reach a decision on what recommendation to give, obtaining the recommendation of Local Authority B—

- (a) reject all the proposals;
- (b) approve any of the proposals without modification; or
- (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body who published the proposals.”

4. After paragraph 8 (3) of Schedule 2 to the Act insert—

“(3A) Local Education Authority A—

- (a) in notice specific cases, must send copies of all objections and comments received in accordance with regulations made pursuant to paragraph 5 (a) together with the proposals it sends in accordance with section 7 (4A) to Local Education Authority B within one week of the expiry of the time period specified in regulations for the making of objections and comments on the proposals; and
- (b) in non-notice specific cases must send copies of any objections and comments received in accordance with regulations made pursuant to paragraph 5 (a) in

respect only of the proposals sent by the local education authority under section 7 (4A) to Local Education Authority B.

(3B) If within two months from the date of expiry of the period in which objections or comments may be made in accordance with regulations made under paragraph 5(a) Local Education Authority A have failed to make a decision, they must refer all the proposals together with all and any objections or comments received to the adjudicator.”

5. After paragraph 8(6) of Schedule 2 to the Act insert the following—

“(6A) Where under sub-paragraph (3), the recommendation of Local Education Authority B is sought, Local Education Authority B in deciding what recommendation to give, must have regard to any guidance given from time to time by the Secretary of State.”

Part 2

Proposals published under section 10 or 11 where school is to be established in area other than that of local education authority who it is proposed should maintain the school

6. In relation to proposals published under section 10 or 11 which relate to a school which is proposed to be situated in an area other than that of the local education authority who it is proposed should maintain the school, sections 10 and 11, and Schedule 2 to the Act have effect in accordance with the following modifications.

7. After section 10 (3) insert—

“(3A) In cases where the proposed school is to be situated in an area other than that of the local education authority who it is proposed should maintain the school, the local education authority who it is proposed should maintain the school (“Local Education Authority A”) must send a copy of the proposals to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).”

8. After section 11 (5) insert—

“(5A) In cases where the proposed school is to be situated in an area other than that of the local education authority who it is proposed should maintain the school, the local education authority who it is proposed should maintain the school (“Local Education Authority A”) must send a complete copy of the proposals to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).”

9. For paragraph 8 (4) of Schedule 2 to the Act substitute the following—

“(4) Local Education Authority A may, after seeking and, unless Local Education Authority B have failed to reach a decision on what recommendation to give, obtaining the recommendation of Local Authority B—

- (a) reject all the proposals;
- (b) approve any of the proposals without modification; or
- (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body who published the proposals.”

10. After paragraph 8 (4) of Schedule 2 to the Act insert the following—

“(4A) Local Education Authority A must send copies of all objections and comments received in accordance with regulations made pursuant to paragraph 5(a) together with the proposals it sends in accordance with section 10(3A) or 11(5A) as applicable to Local

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Education Authority B within one week of the expiry of the time period specified in regulations for the making of objections and comments on the proposals.

(4B) If within two months from the date of expiry of the period in which objections or comments may be made in accordance with regulations made under paragraph 5 (a) Local Education Authority A have failed to make a decision, they must refer all the proposals together with all and any objections or comments received to the adjudicator.”

11. After paragraph 8(6) of Schedule 2 to the Act insert the following—

“(6A) Where under sub-paragraph (4), the recommendation of Local Education Authority B is sought, Local Education Authority B in deciding what recommendation to give, must have regard to any guidance given from time to time by the Secretary of State.”

SCHEDULE 8

Regulation 31

REVOCATION

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Education (School Organisation Committees) (England) Regulations 1999.	S.I. 1999/700	The whole Regulation
The Education (Maintained Special Schools) (England) Regulations 1999	S.I. 1999/2212	The whole Regulation
The Education (School Organisation Proposals) (England) Regulations 1999	S.I. 1999/2213	The whole Regulation
The Education (School Organisation Proposals) (England) (Amendment) Regulations 2000	S.I. 2000/2198	The whole Regulation
The Learning and Skills Act 2000 (Consequential Amendments) (Schools) (England) Regulations 2001	S.I. 2001/783	Regulation 6
The Education (School Organisation Proposals) (England) (Amendment) Regulations 2001	S.I. 2001/1405	The whole Regulation
The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002	S.I. 2002/2469	Paragraph 85 of Schedule 1 and regulation 11 and Schedule 8 to the extent that a definition of “Primary Care Trust” is inserted in the Education (Maintained Special Schools) (England) Regulations 1999
The Education (School Organisation Proposals) (England) (Amendment) Regulations 2003	S.I. 2003/1229	The whole Regulation
The Education (School Organisation Proposals) (Miscellaneous Amendments) (England) Regulations 2004	S.I. 2004/3052	Regulations 2 to 10

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Education (School Organisation Proposals) (England) (Amendment) Regulations 2005	S.I. 2005/1801	The whole Regulation
The Education (School Organisation Proposals) (England) (Amendment) (No.2) Regulations 2005	S.I. 2005/3342	The whole Regulation
The Education (New Secondary School Proposals) (England) Regulations 2006	S.I. 2006/2139	The whole Regulation
The Education (New Secondary School Proposals) (Amendment) (England) Regulations 2007	S.I. 2007/59	The whole Regulation

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe various matters relating to proposals for the establishment and discontinuance of schools pursuant to the provisions contained in Part 2 of the Education and Inspections Act 2006 (“the Act”).

Regulation 3 with Schedule 1 prescribes the information to be contained in a notice (“competition notice”) published by a local education authority inviting proposals for the establishment in a competition of a foundation, voluntary or foundation special school (other than one providing education suitable only to the requirements of persons above compulsory school age), or an Academy.

Regulation 4 prescribes the interval after which the date can be set for proposals in response to a competition notice to be sent to the local education authority.

Regulation 5 with Parts 1 and 2 of Schedule 5 prescribes the manner in which competition notices must be published by the local education authority.

Regulation 6 with Schedule 2 prescribes the information that has to be contained in proposals for the establishment of a new school made pursuant to a competition notice (including any proposals by the local education authority to establish a community or community special school).

Regulation 7 prescribes the time within which proposals made pursuant to the publication of a competition notice and those made by a local education authority must be published.

Regulation 8 with Parts 3 and 4 of Schedule 5 prescribes the manner in which details of proposals that they have received or made themselves in response to a competition notice must be published by a local education authority, the requirement to make copies of proposals available, and also those bodies to whom copies of proposals should be sent.

Regulation 9 prescribes the conditions which must be met and when they must be met before a local education authority can publish proposals for a community or community special school either with or without the consent of the Secretary of State. It also prescribes the matters to which the Secretary of State is to have regard in determining whether to give consent to the publication of proposals for a new community or community special school.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 10 prescribes the steps to be taken by a local education authority for the purpose of promoting public awareness of any proposals published under section 7 of the Act.

Regulation 11 with Schedule 3 prescribes the information to be contained in proposals for the establishment with the consent of the Secretary of State—

- by a local education authority of a new community or community special school, or a new foundation or foundation special school, (other than one providing education suitable only to the requirement of persons above compulsory school age); or,
- by other persons (proposers) for a new foundation, voluntary or foundation special school (other than one providing education suitable only to the requirements of persons above compulsory school age), or one in relation to which proposals fall to be published under section 11 of the Act.

Regulation 12 with Schedule 3 prescribes the information that has to be contained in proposals for the establishment—

- by a local authority of a new maintained nursery school, or a new foundation or foundation special school providing education suitable only to the requirements of persons above compulsory school age; or
- by any persons to establish a new foundation, voluntary or foundation special school which is to provide education suitable only to the requirements of persons above compulsory school age, is to replace an independent school that is not an Academy, a city technology college or city college for the technology of the arts, or in the case of a new foundation special school, is to replace a non-maintained special school.

Regulation 13 with Parts 5 and 6 of Schedule 5 prescribes the manner in which the details of proposals made pursuant to sections 10 and 11 of the Act that they have received or made themselves must be published by the local education authority, the requirement to make copies available and also those bodies to whom copies of proposals should be sent.

Regulation 14 with Schedule 4 prescribes the information that has to be contained in proposals made to discontinue a maintained school either by a local education authority or the governing body.

Regulation 15 with Part 7 of Schedule 5 prescribes the manner in which the details of proposals to discontinue a school that they have received or made themselves must be published by the local education authority, the requirement to make copies available and also those bodies to whom copies of proposals must be sent.

Regulation 16 provides for the making of objections or comments to the local education authority in relation to published proposals and for the time period in which they may be made.

Regulation 17 prescribes the persons or bodies with whom the local education authority or the adjudicator must consult before approving proposals with modifications.

Regulation 18 prescribes in relation to proposals the time period in which a local education authority must determine whether to give approval under paragraph 8 (3) or 8 (4) of Schedule 2 to the Act.

Regulation 19 prescribes the period within which a local education authority must make a determination in relation to proposals to discontinue a school where there have been no objections to the proposals or any objections made have all been withdrawn.

Regulation 20 prescribes the events that may be specified in a conditional approval.

Regulation 21 prescribes the time within which the local education authority must refer matters to the adjudicator.

Regulation 22 prescribes the time within which requests made by an aggrieved person under paragraph 14 (1) of Schedule 2 to the Act must be made, and the time within which such requests must be referred to the adjudicator.

Regulation 23 prescribes the period of time in which related proposals must be referred to the adjudicator pursuant to paragraph 15 of Schedule 2 to the Act.

Regulation 24 prescribes the manner in which a local education authority must consult the Secretary of State where the proposals consist of, or include, a proposal to establish an Academy.

Regulation 25 prescribes the persons that must be notified of a decision taken under paragraph 8 or 21(4) of Schedule 2 to the Act.

Regulation 26 prescribes the information that must be contained in proposals that the original proposals should not be implemented and the manner of publication of such proposals. Schedule 6 to these Regulations modifies the application of Schedule 2 to the Act where proposals are published under paragraph 21(4) of Schedule 2 to the Act. Regulation 26 (5) provides that the local education authority must refer to the adjudicator paragraph 21(4) proposals (and the time within which they must be made) where the initial decision was made by him.

Regulation 27 prescribes cases that must be referred to the adjudicator, the time within which such referrals must be made and the persons who must be consulted before proposals are modified or a later date for a conditional approval is set under paragraph 21(2) of Schedule 2 to the Act.

Regulation 28 with Schedule 6 makes provision for references to the adjudicator by aggrieved persons following a determination by a local education authority under paragraph 21(4) of Schedule 2 to the Act.

Regulation 29 with Schedule 7 modifies sections 7, 10 and 11 of, and Schedule 2 to, the Act in relation to proposals to establish schools in an area outside the area of the relevant local education authority.

Regulation 30 makes transitional provision in relation to consultation undertaken before the coming into force of these Regulations.

Regulation 31 provides that the regulations set out in Schedule 8 are revoked. It is proposed that regulations to be made under section 31 of the Act will set out saving and transitional provisions in relation to proposals published before 25th May 2007 under previous enactments.