

SCHEDULE 1

FOUNDATION PROPOSALS

PART 2

Publication, determination and implementation of foundation proposals

Revocation of proposals (after approval)

19.—(1) If the governing body are satisfied that—

- (a) implementation of the proposals would be unreasonably difficult; or
- (b) circumstances have so altered since approval was given that implementation would be inappropriate,

the governing body may determine at any time before implementation that paragraph 18 (duty to implement) is to cease to apply to the proposals.

(2) The governing body may only make a determination under sub-paragraph (1) where proposals have been published by the governing body under sub-paragraph (3) (“revocation proposals”).

(3) Revocation proposals must contain—

- (a) a description of the original proposals as published in accordance with section 19(3);
- (b) the date of publication of the original proposals; and
- (c) a statement as to why it is proposed that, in accordance with sub-paragraph (1), paragraph 18 should not apply in relation to the original proposals.

(4) The governing body must publish—

- (a) the revocation proposals on a website; and
- (b) a notification of the revocation proposals (including the address of the website where the proposals are published) in a local newspaper.

(5) Any publication under sub-paragraph (4)(a) must contain a statement detailing—

- (a) how copies of the revocation proposals may be obtained;
- (b) that any person may object to or comment on the revocation proposals and the address of the governing body to which any objections or comments should be sent; and
- (c) the date by which such objections or comments must be sent.

(6) Any objections or comments must be sent to the governing body within four weeks of the date of publication of the revocation proposals.

(7) The governing body must determine the revocation proposals within a period ending two months after the end of the representation period.

(8) If the governing body do not make a determination within the period specified in sub-paragraph (7) they must refer the proposals to the adjudicator within one week of the end of that period.

(9) Where the original proposals involve a change of category to a foundation school, before determining proposals under sub-paragraph (1) the governing body must consult the local authority.

(10) Sub-paragraphs (11) to (15) apply where paragraph 15(2) applies to the proposals (voluntary aided to foundation).

(11) The governing body must publish the determination on the website where the original proposal was published.

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

(12) The governing body must notify the following persons of the determination together with reasons—

- (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 local authority;
- (b) the bishop of a diocese of the Roman Catholic Church any part of which is comprised in the area of the local authority; and
- (c) the trustees of the school (if any).

(13) The persons at whose request revocation proposals must after their determination by the governing body be referred to the adjudicator are—

- (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 local authority; and
- (b) the bishop of a diocese of the Roman Catholic Church any part of which is comprised in the area of the local authority.

(14) A request under sub-paragraph (13) must be made within four weeks of the initial determination of the revocation proposals by the governing body.

(15) Where a request is made under sub-paragraph (13) the governing body must submit the revocation proposals, and any objections or comments relating to the proposals to the adjudicator within one week of receiving the request.