

SCHEDULES

SCHEDULE 7

Section 113.

INADEQUATE SIXTH FORMS

PART I

POWER TO PUBLISH PROPOSALS

Secondary schools

- 1 (1) Paragraphs 2 to 7 apply to a maintained school (within the meaning given by section 20(7) of the School Standards and Framework Act 1998) which—
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- (2) For the purposes of those paragraphs a school has an inadequate sixth-form if—
- (a) the school is failing or likely to fail to give pupils over compulsory school-age an acceptable standard of education, or
 - (b) the school has significant weaknesses in one or more areas of its activities for pupils over compulsory school age.
- 2 If a person who inspects a school—
- (a) states in his report an opinion, in accordance with section 13(8) or 14(2) or (4) of the School Inspections Act 1996 (school no longer requiring special measures), that special measures are not required in relation to the school, but
 - (b) is of the opinion that the school has an inadequate sixth-form,
- he shall state that opinion in his report.
- 3 (1) This paragraph applies if in the course of an area inspection under section 65 or 83 the Chief Inspector forms the opinion that a particular school has an inadequate sixth-form.
- (2) The Chief Inspector shall make a report about the school stating his opinion.
- (3) The report shall be treated for all purposes of this Schedule and the School Inspections Act 1996 as if it were the report of an inspection of a school under section 10 of that Act.
- 4 (1) Parts II and III of this Schedule shall apply in relation to a school if—
- (a) an opinion that it has an inadequate sixth-form is stated in a report in accordance with paragraph 2, and
 - (b) where the person making the report is not a member of the Inspectorate, the report also states that the Chief Inspector agrees with his opinion.

Status: This is the original version (as it was originally enacted).

- (2) Parts II and III of this Schedule shall also apply in relation to a school if—
- (a) a report of an inspection under Part I of the School Inspections Act 1996 states the opinion that the school has an inadequate sixth-form,
 - (b) the next report of a kind mentioned in paragraph (a) also states that opinion,
 - (c) each report either results from an inspection by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a) or (b), and
 - (d) neither report states the opinion that special measures are required to be taken in relation to the school.
- 5 (1) Parts II and III of this Schedule shall cease to apply in relation to a school if a report of an inspection under Part I of the School Inspections Act 1996 or section 65 or 83 of this Act concludes—
- (a) that special measures are required to be taken in relation to the school, or
 - (b) that the school does not have an inadequate sixth-form.
- (2) Where the person making a report is not a member of the Inspectorate, sub-paragraph (1) shall not apply unless the report states that the Chief Inspector agrees with the conclusion mentioned in that sub-paragraph.
- (3) Sub-paragraph (1) shall not prevent the continued application of Parts II and III of this Schedule in a case where proposals have been published under paragraph 16 or 20.
- 6 (1) This paragraph applies to a report of an inspection under Part I of the School Inspections Act 1996 which—
- (a) states an opinion that a school has an inadequate sixth-form, and
 - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a).
- (2) The person making a report to which this paragraph applies shall send a copy (together with a copy of the summary, if there is one)—
- (a) to the Secretary of State or, in the case of a school in Wales, the National Assembly for Wales, and
 - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions of the School Inspections Act 1996 shall apply (with the necessary modifications) in relation to a report to which this paragraph applies—
- (a) section 16(3) (additional copies);
 - (b) section 16(4) (publication by appropriate authority);
 - (c) section 17 (action plan by appropriate authority);
 - (d) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 18(2) and (3) (measures by local education authority).
- (4) In the application of those provisions—
- (a) a reference to a report and summary shall be taken as a reference to a report and, if there is one, its summary, and
 - (b) a reference to a summary alone shall be taken, in a case where there is no summary, as a reference to the report.

- 7 Section 13(2) to (7) of the School Inspections Act 1996 (inspections by registered inspectors) shall apply, with the necessary modifications, where the inspector is of the opinion that a school has an inadequate sixth-form as it applies where he is of the opinion that special measures are required to be taken in relation to a school.

Institutions for 16-19 year olds

- 8 Paragraphs 9 to 14 apply to a maintained school (within the meaning given by section 20(7) of the School Standards and Framework Act 1998) which—
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.
- 9 If a person who inspects a school—
- (a) states in his report an opinion, in accordance with section 13(8) or 14(2) or (4) of the School Inspections Act 1996 (school no longer requiring special measures), that special measures are not required in relation to the school, but
 - (b) is of the opinion that the school has significant weaknesses in one or more areas of its activities,
- he shall state that opinion in his report.
- 10 (1) This paragraph applies if in the course of an area inspection under section 65 or 83 the Chief Inspector forms the opinion that—
- (a) special measures are required to be taken in relation to a particular school, or
 - (b) that a particular school has significant weaknesses in one or more areas of its activities.
- (2) The Chief Inspector shall make a report about the school stating his opinion.
- (3) The report shall be treated for all purposes of this Schedule and the School Inspections Act 1996 as if it were the report of an inspection of a school under section 10 of that Act.
- 11 (1) Parts II and III of this Schedule shall apply in relation to a school if—
- (a) an opinion that it has significant weaknesses in one or more areas of its activities is stated in a report in accordance with paragraph 9, and
 - (b) where the person making the report is not a member of the Inspectorate, the report also states that the Chief Inspector agrees with his opinion.
- (2) Parts II and III of this Schedule shall also apply in relation to a school if—
- (a) a report of an inspection under Part I of the School Inspections Act 1996 states that special measures are required to be taken in relation to the school or that the school has significant weaknesses in one or more areas of its activities,
 - (b) the next report of a kind mentioned in paragraph (a) also states an opinion of a kind mentioned in that paragraph, and
 - (c) each report either results from an inspection by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a) or (b).

Status: This is the original version (as it was originally enacted).

- 12 (1) Parts II and III of this Schedule shall cease to apply in relation to a school if a report of an inspection under Part I of the School Inspections Act 1996 or section 65 or 83 of this Act states—
- (a) that special measures are not required to be taken in relation to the school, or
 - (b) that the school does not have significant weaknesses in one or more areas of its activities.
- (2) Where the person making a report is not a member of the Inspectorate, sub-paragraph (1) shall not apply unless the report states that the Chief Inspector agrees with the conclusion mentioned in that sub-paragraph.
- (3) Sub-paragraph (1) shall not prevent the continued application of Parts II and III of this Schedule in a case where proposals have been published under paragraph 24 or 28.
- 13 (1) This paragraph applies to a report of an inspection under Part I of the School Inspections Act 1996 which—
- (a) states an opinion that a school has significant weaknesses in one or more areas of its activities, and
 - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a).
- (2) The person making a report to which this paragraph applies shall send a copy (together with a copy of the summary, if there is one)—
- (a) to the Secretary of State or, in the case of a school in Wales, the National Assembly for Wales, and
 - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions of the School Inspections Act 1996 shall apply (with the necessary modifications) in relation to a report to which this paragraph applies—
- (a) section 16(3) (additional copies);
 - (b) section 16(4) (publication by appropriate authority);
 - (c) section 17 (action plan by appropriate authority);
 - (d) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 18(2) and (3) (measures by local education authority).
- (4) In the application of those provisions—
- (a) a reference to a report and summary shall be taken as a reference to a report and, if there is one, its summary, and
 - (b) a reference to a summary alone shall be taken, in a case where there is no summary, as a reference to the report.
- 14 Section 13(2) to (7) of the School Inspections Act 1996 (inspections by registered inspectors) shall apply, with the necessary modifications, where the inspector is of the opinion that a school has significant weaknesses in one or more areas of its activities as it applies where he is of the opinion that special measures are required to be taken in relation to a school.

PART II

PUBLICATION OF PROPOSALS

Closure of sixth form: England

- 15 Paragraphs 16 and 17 apply to a school which is maintained by a local education authority in England and which—
- (a) provides full-time education suitable to the requirements of pupils who are over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- 16 (1) The Learning and Skills Council for England may publish proposals for an alteration of the school as a result of which it will no longer provide education suitable to the requirements of pupils who are over compulsory school age.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the Secretary of State, consult such persons as they consider appropriate.
- 17 (1) The Council shall send—
- (a) a copy of the published proposals, and
 - (b) such other information as may be prescribed,
- to the school organisation committee for the area of the local education authority who maintain the school.
- (2) In the case of a community or foundation special school, the Council shall also send the copy and information mentioned in sub-paragraph (1)(a) and (b) to such other persons as may be prescribed.
- 18 In paragraphs 16 and 17 “prescribed” means prescribed by regulations made by the Secretary of State.

Closure of sixth form: Wales

- 19 Paragraphs 20 and 21 apply to a school which is maintained by a local education authority in Wales and which—
- (a) provides full-time education suitable to the requirements of pupils who are over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- 20 (1) The National Council for Education and Training for Wales may publish proposals for an alteration of the school as a result of which it will no longer provide education suitable to the requirements of pupils who are over compulsory school age.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the National Assembly for Wales, consult such persons as they consider appropriate.

Status: This is the original version (as it was originally enacted).

- 21 (1) The Council shall send—
- (a) a copy of the published proposals, and
 - (b) such other information as may be prescribed,
- to the National Assembly for Wales.
- (2) In the case of a community or foundation special school, the Council shall also send the copy and information mentioned in sub-paragraph (1)(a) and (b) to such other persons as may be prescribed.
- 22 In paragraphs 20 and 21 “prescribed” means prescribed by regulations made by the National Assembly for Wales.

Closure of institution for 16-19 year olds: England

- 23 Paragraphs 24 and 25 apply to a school which—
- (a) is maintained by a local education authority in England,
 - (b) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (c) does not provide full-time education suitable to the requirements of pupils of compulsory school age.
- 24 (1) The Learning and Skills Council for England may publish proposals to discontinue the school.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the Secretary of State, consult such persons as they consider appropriate.
- 25 (1) The Council shall send—
- (a) a copy of the published proposals, and
 - (b) such other information as may be prescribed,
- to the school organisation committee for the area of the local education authority who maintain the school.
- (2) In the case of a community or foundation special school, the Council shall also send the copy and information mentioned in sub-paragraph (1)(a) and (b) to such other persons as may be prescribed.
- 26 In paragraphs 24 and 25 “prescribed” means prescribed by regulations made by the Secretary of State.

Closure of institution for 16-19 year olds: Wales

- 27 Paragraphs 28 and 29 apply to a school which—
- (a) is maintained by a local education authority in Wales,
 - (b) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (c) does not provide full-time education suitable to the requirements of pupils of compulsory school age.
- 28 (1) The National Council for Education and Training for Wales may publish proposals to discontinue the school.

Status: This is the original version (as it was originally enacted).

- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the National Assembly for Wales, consult such persons as they consider appropriate.
- 29 (1) The Council shall send—
- (a) a copy of the published proposals, and
 - (b) such other information as may be prescribed,
- to the National Assembly for Wales.
- (2) In the case of a community or foundation special school, the Council shall also send the copy and information mentioned in sub-paragraph (1)(a) and (b) to such other persons as may be prescribed.
- 30 In paragraphs 28 and 29 “prescribed” means prescribed by regulations made by the National Assembly for Wales.

Schools maintained by LEA outside its area

- 31 (1) This paragraph applies to a school which—
- (a) is a community, voluntary or foundation school, and
 - (b) is situated in an area other than that of the local education authority who maintain it.
- (2) This Part of this Schedule shall have effect in relation to a school to which this paragraph applies with such modifications as may be prescribed—
- (a) for schools in England, by regulations made by the Secretary of State, and
 - (b) for schools in Wales, by regulations made by the National Assembly for Wales.

PART III

IMPLEMENTATION OF PROPOSALS

England

- 32 (1) Paragraphs 33 to 38 apply to schools in England in respect of which proposals are published under this Schedule.
- (2) In those paragraphs—
- “adjudicator” means a person appointed under section 25 of the School Standards and Framework Act 1998 (and that section and Schedule 5 to that Act shall have effect in relation to references to “the adjudicator”),
 - “the Council” means the Learning and Skills Council for England,
 - “prescribed” means prescribed by or determined in accordance with regulations,
 - “regulations” means regulations made by the Secretary of State, and

Status: This is the original version (as it was originally enacted).

“the school organisation committee” means, in relation to a school, the school organisation committee for the area of the local education authority who maintain the school.

- (3) Regulations prescribing the period mentioned in paragraph 35(6) or 37(1) may make provision by reference to the opinion of the committee.
- 33 Regulations may require any of the following to provide prescribed information to prescribed persons at prescribed times—
- (a) the Council,
 - (b) a school organisation committee, and
 - (c) an adjudicator.
- 34 Any person may send objections to the proposals to the school organisation committee within such period as may be prescribed.
- 35 (1) The school organisation committee shall consider the proposals and—
- (a) reject them,
 - (b) approve them without modification, or
 - (c) approve them subject to modifications.
- (2) In considering proposals a school organisation committee shall have regard to—
- (a) any guidance issued by the Secretary of State,
 - (b) the school organisation plan for the committee’s area, and
 - (c) any objections made in accordance with paragraph 34 and not withdrawn.
- (3) Before approving proposals subject to modifications a school organisation committee shall consult such persons as may be prescribed.
- (4) An approval under sub-paragraph (1)(b) or (c) may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind; and if the event does not occur by the specified time, the proposals shall be treated as being rejected at that time.
- (5) A committee shall refer proposals to the adjudicator if—
- (a) the committee votes on a decision in relation to the proposals,
 - (b) the decision is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the School Standards and Framework Act 1998 (school organisation committees), and
 - (c) the result of the vote is not unanimous.
- (6) A committee shall also refer proposals to the adjudicator if—
- (a) by the end of the prescribed period the committee has not determined what action to take in relation to the proposals, and
 - (b) the Council requests that the proposals be referred to the adjudicator.
- (7) Where proposals are referred to the adjudicator—
- (a) he shall consider them afresh, and
 - (b) for that purpose, sub-paragraphs (1) to (4) shall apply to him as they apply to the committee.
- (8) The Council may withdraw proposals by notice in writing to the school organisation committee at any time before a determination has been made by the committee or the adjudicator.

- 36 (1) Where proposals are approved under paragraph 35 they shall be implemented.
- (2) But the school organisation committee—
- (a) may modify the proposals, after consulting such persons as may be prescribed;
 - (b) where the proposals were approved subject to the occurrence of a specified event by a specified time, may (before the arrival of the specified time) substitute a later time;
 - (c) may determine that the proposals shall not be implemented if implementation would be unreasonably difficult or if it would be inappropriate because of changes in circumstances since the proposals were approved.
- (3) A school organisation committee may act under sub-paragraph (2)(a) or (b) only in response to a request by the Council.
- (4) A determination may be made under sub-paragraph (2)(c) only in response to a proposal of the Council which is published and dealt with in accordance with regulations (which may, in particular, apply any provision of this Schedule with or without modification); and where a determination is made under sub-paragraph (2) (c) in relation to proposals they shall be treated as rejected.
- 37 (1) If a school organisation committee has not, by the end of the prescribed period, determined whether to take any action under paragraph 36(2), the committee shall, if the Council requests, refer the question to the adjudicator.
- (2) A committee shall also refer to the adjudicator the question mentioned in sub-paragraph (1) if—
- (a) the committee votes on the question,
 - (b) the decision is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the School Standards and Framework Act 1998 (school organisation committees), and
 - (c) the result of the vote is not unanimous.
- (3) Where a question is referred to the adjudicator—
- (a) he shall consider the matter afresh, and
 - (b) for that purpose, paragraph 36 shall apply to him as it applies to the committee.
- 38 (1) The duty to implement proposals to alter a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
 - (b) in the case of a voluntary, foundation or foundation special school, shall be a duty of the governing body.
- (2) The duty to implement proposals to discontinue a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
 - (b) in the case of a voluntary, foundation or foundation special school, shall be a shared duty of the governing body and the local education authority.
- (3) For the purpose of sub-paragraph (2)(a) or (b), a local education authority's duty to discontinue a school is a duty to cease maintaining it.

Status: This is the original version (as it was originally enacted).

Wales

- 39 (1) Paragraphs 40 to 44 apply to schools in Wales in respect of which proposals are published under this Schedule.
- (2) In those paragraphs—
- “the National Assembly” means the National Assembly for Wales,
- “the Council” means the National Council for Education and Training for Wales,
- “prescribed” means prescribed by or determined in accordance with regulations, and
- “regulations” means regulations made by the National Assembly.
- 40 Regulations may require any of the following to provide prescribed information to prescribed persons at prescribed times—
- (a) the Council, and
- (b) the National Assembly.
- 41 Any person may send objections to the proposals to the National Assembly within such period as may be prescribed.
- 42 (1) The National Assembly shall consider the proposals and—
- (a) reject them,
- (b) approve them without modification, or
- (c) approve them subject to modifications.
- (2) In considering proposals the National Assembly shall have regard to—
- (a) the school organisation plan for the school’s area, and
- (b) any objections made in accordance with paragraph 41 and not withdrawn.
- (3) Before approving proposals subject to modifications the National Assembly shall consult such persons as they consider appropriate.
- (4) An approval under sub-paragraph (1)(b) or (c) may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind; and if the event does not occur by the specified time, the proposals shall be treated as being rejected at that time.
- (5) The Council may withdraw proposals by notice in writing to the National Assembly at any time before a determination has been made.
- 43 (1) Where proposals are approved under paragraph 42 they shall be implemented.
- (2) But the National Assembly—
- (a) may modify the proposals, after consulting such persons as they consider appropriate;
- (b) where the proposals were approved subject to the occurrence of a specified event by a specified time, may (before the arrival of the specified time) substitute a later time;
- (c) may determine that the proposals shall not be implemented if implementation would be unreasonably difficult or if it would be inappropriate because of changes in circumstances since the proposals were approved.

Status: This is the original version (as it was originally enacted).

- (3) The National Assembly may act under sub-paragraph (2)(a) or (b) only in response to a request by the Council.
- (4) A determination may be made under sub-paragraph (2)(c) only in response to a proposal of the Council which is published and dealt with in accordance with regulations (which may, in particular, apply any provision of this Schedule with or without modification); and where a determination is made under sub-paragraph (2)(c) in relation to the proposals they shall be treated as rejected.
- 44 (1) The duty to implement proposals to alter a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
 - (b) in the case of a voluntary, foundation or foundation special school, shall be a duty of the governing body.
- (2) The duty to implement proposals to discontinue a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
 - (b) in the case of a voluntary, foundation or foundation special school, shall be a shared duty of the governing body and the local education authority.
- (3) For the purpose of sub-paragraph (2)(a) or (b), a local education authority's duty to discontinue a school is a duty to cease maintaining it.

Schools maintained by LEA outside its area

- 45 (1) This paragraph applies to a school which—
- (a) is a community, voluntary or foundation school, and
 - (b) is situated in an area other than that of the local education authority who maintain it.
- (2) This Part of this Schedule shall have effect in relation to a school to which this paragraph applies with such modifications as may be prescribed—
- (a) for schools in England, by regulations made by the Secretary of State, and
 - (b) for schools in Wales, by regulations made by the National Assembly for Wales.