

## SCHEDULES

### SCHEDULE 23

Section 93.

#### DETERMINATION, VARIATION AND REVIEW OF STANDARD NUMBERS

#### PART I

##### DETERMINATION OF STANDARD NUMBERS

###### *Standard numbers for admission to maintained schools*

- 1 (1) This paragraph applies to any maintained school which immediately before the appointed day was a county, voluntary or grant-maintained school (within the meaning of the Education Act 1996).
- (2) Subject to paragraph 2(1), the standard number applying to a school for any relevant age group in any school year beginning on or after the appointed day shall be—
- (a) in the case of a school which immediately before that day was a county or voluntary school, the standard number applying to the school under sections 417 to 420 of the Education Act 1996 for that age group in the last school year beginning before that day, or
  - (b) in the case of a school which immediately before that day was a grant-maintained school, the approved admission number applying to the school under sections 426 to 428 of that Act for that age group in the school year mentioned in paragraph (a).

###### *Standard numbers on establishment or alteration of school*

- 2 (1) If proposals under section 28 or paragraph 5 of Schedule 7 have fallen to be implemented in relation to a maintained school—
- (a) any number stated in the proposals as the number of pupils which it is intended to admit to the school in any relevant age group shall constitute the standard number applying to the school for that age group in any school year in relation to which the proposals have been implemented; and
  - (b) in the case of any such proposals which provide for their implementation in stages, any number stated in the proposals as the number of pupils which it is intended to admit to the school in any relevant age group at any particular stage of implementation of the proposals shall constitute the standard number applying to the school for that age group in any school year in relation to which that stage of the proposals has been implemented.
- (2) Any standard number applying under sub-paragraph (1) is without prejudice to the application under that sub-paragraph of a new standard number if further proposals under section 28 or paragraph 5 of Schedule 7 fall to be implemented.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) References in this paragraph to proposals under section 28 or paragraph 5 of Schedule 7 are to the proposals with any modifications made—
- (a) where the school is in England, by the school organisation committee or the adjudicator under paragraph 3 or 5 of Schedule 6 or paragraph 8 or 9 of Schedule 7, or
  - (b) where the school is in Wales, by the Secretary of State under paragraph 8 or 10 of Schedule 6 or paragraph 14 of Schedule 7.

## PART II

### VARIATION OF STANDARD NUMBERS: ENGLAND

#### *Application of Part II*

- 3 This Part of this Schedule applies to schools in England.

#### *Variation of standard numbers*

- 4 (1) The Secretary of State may by order applying to maintained schools of any class or description vary any standard number that would otherwise apply by virtue of paragraph 1 or 2.
- (2) Subject to sub-paragraphs (3) to (5), the school organisation committee or the adjudicator may make a decision varying any standard number that would otherwise apply to an individual school by virtue of paragraph 1 or 2 or by virtue of any order made under sub-paragraph (1).
- (3) A decision under sub-paragraph (2) increasing a standard number may be made on the application of the admission authority for the school or on an application made by the governing body or local education authority in accordance with section 93(7).
- (4) A decision under sub-paragraph (2) reducing a standard number may only be made on the application of the admission authority for the school.
- (5) A decision under sub-paragraph (2) is subject to the procedure provided for in paragraphs 5 and 6.

#### *Procedure for application to vary standard number*

- 5 (1) Where the local education authority or the governing body intend to apply for a variation under paragraph 4(2) of any standard number applying to a school under paragraph 1, 2 or 4 for any age group in any year—
- (a) they shall publish their proposals relating to the variation in such manner, and containing such information, as may be prescribed, and
  - (b) they shall send—
    - (i) their application,
    - (ii) a copy of the published proposals, and
    - (iii) such information in connection with those proposals as may be prescribed,
 to the school organisation committee.

---

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

---

- (2) Before making such an application, the local education authority or the governing body shall consult the governing body or the local education authority, as the case may be.
- (3) Sub-paragraph (2) shall not apply in relation to any application made by the local education authority or the governing body in accordance with section 93(7).
- (4) Any person may make objections to any proposals published under sub-paragraph (1).
- (5) Objections under sub-paragraph (4) shall be sent to the school organisation committee within such period as may be prescribed.
- (6) Where any proposals published under this paragraph relate to a school which is situated in an area other than that of the local education authority who maintain the school, the provisions of this paragraph and paragraph 6 shall have effect in relation to the proposals with such modifications as may be prescribed.

*Decision on application to vary standard number*

- 6 (1) Subject to the following provisions of this paragraph, on an application for a decision under paragraph 4(2), the school organisation committee may—
  - (a) make a decision under that provision varying the standard number to the number proposed;
  - (b) where the application is for an increase in the standard number, make a decision under that provision increasing the standard number to such number (less than the number proposed) as they think desirable;
  - (c) where the application is for a reduction of the standard number, make a decision under that provision reducing the standard number to such number (greater than the number proposed) as they think desirable; or
  - (d) decide not to vary the standard number.
- (2) Before making any decision in accordance with paragraph (b) or (c) of sub-paragraph (1), the committee shall consult the local education authority and the governing body of the school.
- (3) When making any decision in accordance with sub-paragraph (1), the committee shall have regard to—
  - (a) any guidance given from time to time by the Secretary of State,
  - (b) the school organisation plan for the area in which the school is situated, and
  - (c) where the application is for the reduction of a standard number at a primary school, any limit imposed under section 1 which applies to that school and to any other school which is likely to be affected if any reduction of that number were to be made.
- (4) Subject to sub-paragraph (5), the committee shall not make a decision reducing a standard number unless they are satisfied that the reduction is necessary, having regard to the school's capacity to accommodate pupils.
- (5) Where—
  - (a) an application is for a reduction of any standard number applicable to admissions to an infant class (as defined by section 4); and

---

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

---

- (b) the committee are satisfied that the admission to the school in any school year of a number of children in any relevant age group equal to the relevant standard number would cause prejudice of the kind referred to in section 86(3)(a) by reason of measures required to be taken as mentioned in subsection (4) of that section,
- the committee shall make a decision under paragraph 4(2) reducing the standard number by the smallest number which they consider sufficient to avoid such prejudice arising.
- (6) Where the school organisation committee make a decision in accordance with paragraph (a), (b) or (c) of sub-paragraph (1), then subject to sub-paragraph (2) the committee may decide that the standard number shall be varied with effect from a date other than that specified in the application.
- (7) If—
- (a) by the end of such period as may be specified in or determined in accordance with regulations, the committee have not voted on the question whether to vary the standard number under sub-paragraph (1), and
- (b) the body by whom the application was made request the committee to refer the application to the adjudicator,
- they shall refer the application to the adjudicator.
- (8) If the committee—
- (a) have voted on any matter which (in accordance with regulations under paragraph 5 of Schedule 4) falls to be decided by them under sub-paragraph (1) by a unanimous decision, but
- (b) have failed to reach such a decision on that matter,
- they shall refer the application to the adjudicator.
- (9) Where any application is referred to the adjudicator under sub-paragraph (7) or (8)—
- (a) he shall consider the application afresh; and
- (b) sub-paragraphs (1) to (6) shall apply to him in connection with his decision on the application as they apply to the committee.
- (10) Regulations may make provision for enabling the school organisation committee or the adjudicator—
- (a) to review any decision of theirs made in accordance with sub-paragraph (1), and
- (b) (if appropriate) to revoke or vary any such decision,
- in such circumstances as may be prescribed.
- (11) For the purposes of sub-paragraph (4) a school's capacity to accommodate pupils shall be calculated having regard to any guidance given from time to time by the Secretary of State.

### PART III

#### VARIATION OF STANDARD NUMBERS: WALES

##### *Application of Part III*

7 This Part of this Schedule applies to schools in Wales.

##### *Variation of standard numbers*

- 8 (1) The Secretary of State may by order applying to maintained schools of any class or description vary any standard number that would otherwise apply by virtue of paragraph 1 or 2.
- (2) Subject to sub-paragraphs (3) to (5), the Secretary of State may make a decision varying any standard number that would otherwise apply to an individual school by virtue of paragraph 1 or 2 or by virtue of any order made under sub-paragraph (1).
- (3) A decision under sub-paragraph (2) increasing a standard number may be made on the application of the admission authority for the school or on an application made by the governing body or local education authority in accordance with section 93(7).
- (4) A decision under sub-paragraph (2) reducing a standard number may only be made on the application of the admission authority for the school.
- (5) A decision under sub-paragraph (2) is subject to the procedure provided for in paragraphs 9 and 10.

##### *Procedure for application to vary standard number*

- 9 (1) Where the local education authority or the governing body intend to apply for a variation under paragraph 8(2) of any standard number applying to a school under paragraph 1, 2 or 8 for any age group in any year—
- (a) they shall publish their proposals relating to the variation in such manner, and containing such information, as may be prescribed, and
  - (b) they shall send—
    - (i) their application,
    - (ii) a copy of the published proposals, and
    - (iii) such information in connection with those proposals as may be prescribed,to the Secretary of State.
- (2) Before making such an application, the local education authority or the governing body shall consult the governing body or the local education authority, as the case may be.
- (3) In making such an application, the local education authority or the governing body shall have regard to any guidance given from time to time by the Secretary of State (including any such guidance as to the manner in which a school's capacity to accommodate pupils should be calculated).
- (4) Sub-paragraph (2) shall not apply in relation to any application made by the local education authority or the governing body in accordance with section 93(7).

---

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

---

- (5) Any person may make objections to any proposals published under sub-paragraph (1).
- (6) Objections under sub-paragraph (5) shall be sent to the Secretary of State within such period as may be prescribed.
- (7) Where any proposals published under this paragraph relate to a school which is situated in an area other than that of the local education authority who maintain the school, the provisions of this paragraph and paragraph 10 shall have effect in relation to the proposals with such modifications as may be prescribed.

*Decision on application to vary standard number*

- 10 (1) Subject to the following provisions of this paragraph, on an application for a decision under paragraph 8(2), the Secretary of State may—
- (a) make a decision under that provision varying the standard number to the number proposed;
  - (b) where the application is for an increase in the standard number, make a decision under that provision increasing the standard number to such number (less than the number proposed) as he thinks desirable;
  - (c) where the application is for a reduction of the standard number, make a decision under that provision reducing the standard number to such number (greater than the number proposed) as he thinks desirable; or
  - (d) decide not to vary the standard number.
- (2) Before making any decision in accordance with paragraph (b) or (c) of sub-paragraph (1), the Secretary of State shall consult the local education authority and the governing body of the school.
- (3) When making any decision in accordance with sub-paragraph (1), the Secretary of State shall have regard to—
- (a) the school organisation plan for the area in which the school is situated, and
  - (b) where the application is for the reduction of a standard number at a primary school, any limit imposed under section 1 which applies to that school and to any other school which is likely to be affected if any reduction of that number were to be made.
- (4) Subject to sub-paragraph (5), the Secretary of State shall not make a decision reducing a standard number unless he is satisfied that the reduction is necessary, having regard to the school's capacity to accommodate pupils.
- (5) Where—
- (a) an application is for a reduction of any standard number applicable to admissions to an infant class (as defined by section 4); and
  - (b) the Secretary of State is satisfied that the admission to the school in any school year of a number of children in any relevant age group equal to the relevant standard number would cause prejudice of the kind referred to in section 86(3)(a) by reason of measures required to be taken as mentioned in subsection (4) of that section,
- the Secretary of State shall make a decision under paragraph 8(2) reducing the standard number by the smallest number which he considers sufficient to avoid such prejudice arising.

- (6) Where the Secretary of State makes a decision in accordance with paragraph (a), (b) or (c) of sub-paragraph (1), then subject to sub-paragraph (2) he may decide that the standard number shall be varied with effect from a date other than that specified in the application.
- (7) Regulations may make provision for enabling the Secretary of State—
  - (a) to review any decision of his made in accordance with sub-paragraph (1), and
  - (b) (if appropriate) to revoke or vary any such decision,in such circumstances as may be prescribed.

## PART IV

### REVIEW OF STANDARD NUMBERS

- 11 (1) The admission authority for a maintained school shall keep under review any standard numbers applying to the school under paragraph 1, 2, 4 or 8, as the case may be, having regard to—
  - (a) the school's capacity to accommodate pupils, and
  - (b) in the case of any standard number applicable to admissions to an infant class (as defined by section 4), the need to secure that the admission to the school in any school year of a number of children in any relevant age group equal to the relevant standard number would not cause prejudice of the kind referred to in section 86(3)(a) by reason of measures required to be taken as mentioned in subsection (4) of that section.
- (2) The admission authority for a maintained school containing any infant class (as defined by section 4) shall in particular carry out a review under sub-paragraph (1) as soon as reasonably practicable following the coming into force of regulations under section 1 by virtue of which any limit on class sizes is to apply, or be varied, in relation to any such class at the school.
- (3) Where, as a result of a review under sub-paragraph (1), the authority consider that any standard number at the school should be varied in order to enable the objective referred to in sub-paragraph (1)(b) to be achieved, they shall make an application for a decision under paragraph 4(2) or 8(2) (as the case may be) varying the standard number.
- (4) For the purposes of sub-paragraph (1) a school's capacity to accommodate pupils shall be calculated having regard to any guidance given from time to time by the Secretary of State.