

SCHEDULES

SCHEDULE 7

INADEQUATE SIXTH FORMS

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
 - “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

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- (c) any objections made in accordance with paragraph 34 and not withdrawn.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.

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- 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.

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—

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- (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.
- (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.

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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.