



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 2

#### ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

##### *Discontinuance of schools*

#### **15 Proposals for discontinuance of schools maintained by local education authority**

- (1) Where a local education authority in England propose to discontinue—
  - (a) a community, foundation or voluntary school,
  - (b) a community or foundation special school, or
  - (c) a maintained nursery school,the authority must publish their proposals under this section.
- (2) Where the governing body of—
  - (a) a foundation or voluntary school in England, or
  - (b) a foundation special school in England,propose to discontinue the school, the governing body must publish their proposals under this section.
- (3) Proposals under this section must—
  - (a) contain such information, and
  - (b) be published in such manner,as may be prescribed.
- (4) The matters to which the relevant body must have regard in formulating any proposals under this section in relation to a rural primary school include—
  - (a) the likely effect of the discontinuance of the school on the local community,
  - (b) the availability, and likely cost to the local education authority, of transport to other schools,

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*Status: This is the original version (as it was originally enacted).*

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- (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;
- and in considering these matters the relevant body must have regard to any guidance given from time to time by the Secretary of State.
- (5) Where any proposals are published under subsection (2), the persons making the proposals must submit the proposals in accordance with regulations to the local education authority.
  - (6) Schedule 2 has effect in relation to the consideration, approval and implementation of proposals published under this section.
  - (7) In this section—
    - (a) “the relevant body” means the local education authority mentioned in subsection (1) or the governing body mentioned in subsection (2) (as the case may be);
    - (b) “rural primary school” means a primary school designated as such for the purposes of this section by an order made by the Secretary of State.
  - (8) In this Part any reference to a local education authority—
    - (a) discontinuing a school, or
    - (b) implementing proposals to discontinue a school (whether published by the authority or the governing body),
 is a reference to the authority ceasing to maintain the school.

## **16 Consultation in relation to proposals under section 15**

- (1) Before publishing any proposals under section 15 which relate to a school which is a rural primary school or a community or foundation special school, the relevant body must consult—
  - (a) the registered parents of registered pupils at the school,
  - (b) in the case of the rural primary school—
    - (i) the local education authority (where they are not the relevant body),
    - (ii) where the local education authority are a county council, any district council for the area in which the school is situated, and
    - (iii) any parish council for the area in which the school is situated,
  - (c) in the case of a community or foundation special school, any local education authority which maintain a statement under section 324 of EA 1996 (statement of special educational needs) in respect of a registered pupil at the school, and
  - (d) such other persons as appear to the relevant body to be appropriate.
- (2) Before publishing any other proposals under section 15, the relevant body must consult such persons as appear to them to be appropriate.
- (3) In discharging their duty under subsection (1) or (2) the relevant body must have regard to any guidance given from time to time by the Secretary of State.
- (4) In this section “the relevant body” and “rural primary school” have the same meaning as in section 15.

## **17 Direction requiring discontinuance of community or foundation special school**

- (1) The Secretary of State may, if he considers it expedient to do so in the interests of the health, safety or welfare of pupils at a community or foundation special school in England, give a direction to the local education authority by whom the school is maintained requiring the school to be discontinued on a date specified in the direction.
- (2) A direction under subsection (1) may require the local education authority to notify any persons or class of persons specified in the direction.
- (3) Before giving a direction under subsection (1), the Secretary of State must consult—
  - (a) the local education authority,
  - (b) any other local education authority who would in his opinion be affected by the discontinuance of the school,
  - (c) in the case of a foundation special school which has a foundation, the person who appoints the foundation governors, and
  - (d) such other persons as the Secretary of State considers appropriate.
- (4) On giving a direction under subsection (1), the Secretary of State must give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) Where a local education authority are given a direction under subsection (1), they must discontinue the school in question on the date specified in the direction; and nothing in section 15 or 28 applies to any such discontinuance of the school under this section.