



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 2

#### ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

##### *Alterations to schools*

#### **19 Publication of proposals for alteration of school**

(1) Where—

- (a) the local education authority propose to make a prescribed alteration to a maintained school, and
- (b) the prescribed alteration is one that under subsection (2) is capable of being proposed by a local education authority,

the authority must publish their proposals under this section.

(2) A prescribed alteration is capable of being proposed by a local education authority if—

- (a) in the case of a community school, a community special school or a maintained nursery school, it is an alteration designated by regulations under this subsection as one capable of being proposed by the local education authority,
- (b) in the case of a foundation or voluntary school, it consists of any one or more of the following—
  - (i) an enlargement of the premises,
  - (ii) an increase in the number of pupils in any relevant age group,
  - (iii) the establishment or discontinuance of educational provision for pupils with special educational needs, and
  - (iv) the establishment of educational provision suitable to the requirements of pupils over compulsory school age, and
- (c) in the case of a foundation special school, it consists of any one or more of the following—
  - (i) an enlargement of the premises,

---

*Status: This is the original version (as it was originally enacted).*

---

- (ii) an increase in the number of pupils for whom the school is organised to make provision, and
  - (iii) a change in the type of special educational needs for which the school is organised to make provision.
- (3) Where—
  - (a) the governing body of a maintained school propose to make a prescribed alteration to the school, and
  - (b) in the case of a community school, a community special school or a maintained nursery school, the prescribed alteration is designated by regulations under this subsection as one capable of being proposed by the governing body,the governing body must publish their proposals under this section.
- (4) If at any time the governing body of a voluntary aided school are unable or unwilling to carry out their obligations under Schedule 3 to SSFA 1998 (funding of foundation, voluntary and foundation special schools), they must publish proposals under this section for the school to become either a voluntary controlled school or a foundation school, as the governing body may determine.
- (5) This section has effect subject to section 20.
- (6) In this section—
  - “prescribed alteration”, in relation to a maintained school, means an alteration prescribed under section 18;
  - “relevant age group” has the same meaning as in SSFA 1998.