

SCHEDULE 1

Regulations 8 and 9

Information to be included in section 10 and section 11 proposals to establish a new school

Contact details

1. The name and contact address of the local authority or the proposers (as the case may be).

Implementation

2. The date on which it is proposed that the school be opened or, where it is proposed that the opening be implemented in stages, the dates of and information about each stage.
3. Where the proposals are to establish a voluntary, foundation or foundation special school, a statement as to whether the proposals are to be implemented by the local authority or by the proposers, and if the proposals are to be implemented by both,
 - (a) a statement as to the extent that they are to be implemented by each body, and
 - (b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

Reason for the new school

4. A statement explaining the reason why the new school is considered necessary and whether it is to replace an existing school or schools.

Category

5. The category of school that it is proposed be established (a foundation or foundation special school and, if so, whether it is to have a foundation, a voluntary school, a community or community special school, or a local authority maintained nursery school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to publish the proposals.

Ethos and religious character

6. A short statement setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.
7. If it is proposed that the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.
8. Where it is proposed that the school—
 - (a) has a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion; or
 - (b) adheres to a particular philosophy, evidence of the demand for education in accordance with that philosophy that is not already met in other maintained schools or Academies in the area.

Pupil numbers and admissions

9. The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is to be made at the school.

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Admission arrangements

10. Except in relation to proposals for special schools, the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school which is to have a religious character—

- (a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and
- (b) the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

Early years provision

11. Where the proposals are to include provision for pupils aged two to five—

- (a) details of how the early years provision will be organised, including the number of full-time and part-time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;
- (b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;
- (c) evidence of parental demand for additional provision of early years provision;
- (d) assessment of capacity, quality and sustainability of provision in schools, and in settings outside of the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school; and
- (e) the reasons why schools and settings outside the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school and which have spare capacity, cannot make provision for any forecast increase in the numbers of such children.

Sixth form provision

12. Where it is proposed that the school will provide sixth form education, how for 16 to 19 year olds in the area the proposals will—

- (a) improve the educational or training achievements;
- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities available to them.

Special educational needs provision

13. Whether the school will have provision that is recognised by the local authority as reserved for children with special educational needs and, if so, the nature of such provision.

14. Details of the proposed policy of the school relating to the education of pupils with special educational needs.

15. Where the school will replace existing educational provision for children with special educational needs—

- (a) a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and range of educational provision for these children;
- (b) details of the improvements that the proposals will bring in respect of—

- (i) access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local authority's Accessibility Strategy;
- (ii) access to specialist staff, both education and other professionals, including any external support or outreach services;
- (iii) access to suitable accommodation; and
- (iv) supply of suitable places.

Single sex school

16. Where the school is to admit pupils of a single sex—

- (a) evidence of local demand for single sex education and how this will be met if the proposals are approved; and
- (b) a statement giving details of the likely effect the new school will have on the balance of provision of single sex education in the area.

Curriculum

17. Confirmation that the school will meet the general requirements in relation to the curriculum contained in section 78 of EA 2002(1) and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002(2), in particular any 14-19 vocational education.

Relevant experience of proposers

18. Evidence of any relevant experience in education held by the proposers including details of any involvement in the improvement of standards in education.

Effects on standards and contributions to school improvement

19. Information and supporting evidence on—

- (a) how the school will contribute to enhancing the diversity and quality of education in the area; and
- (b) how the school will contribute to school improvement.

Location and costs

20. A statement about—

- (a) the area or particular community or communities which the new school is expected to serve;
- (b) the location of the site or sites including, where appropriate, the postal address or addresses;
- (c) the current ownership and tenure (freehold or leasehold) on which the site will be held, and if the site is to be held on a lease, details of the proposed lease;
- (d) whether the site is currently used for the purposes of another school and if so why the site will no longer be required by the other school;

(1) Section 78 was amended by sections 48 and 103(2) of, and Schedules 1 and 3 to, the Childcare Act 2006.

(2) Section 80 was amended by section 48 of, and Schedule 1 to, the Childcare Act 2006.

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- (e) the estimated capital costs of providing the site and how those costs will be met (including the extent to which the costs are to be met by the proposers and the local authority) and how the proposers intend to fund their share of the costs of implementing the proposals (if any);
- (f) whether planning permission is needed under the Town and Country Planning Act 1990, and when it is anticipated that it will be obtained;
- (g) confirmation from the Secretary of State or local authority (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Travel

- 21. The proposed arrangements for travel of pupils to the school.

Federation

- 22. Details of any proposals for the school to be established as a federated school.

Voluntary aided schools

- 23. Where the school is to be a voluntary aided school—
 - (a) details of the trusts on which the site is to be held; and
 - (b) confirmation that the governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.(3)

Foundation schools

- 24. Where the school is to be a foundation or foundation special school, confirmation as to—
 - (a) whether it will have a foundation and if so, the name or proposed name of the foundation;
 - (b) the rationale for the foundation and the particular ethos that it will bring to the school;
 - (c) the details of membership of the foundation, including the names of the members;
 - (d) the proposed constitution of the governing body; and
 - (e) details of the foundation's charitable objects.

Independent schools entering the maintained sector

- 25. Where a school is an independent school entering the maintained sector—
 - (a) a statement that the requirements of section 11(3) are met;
 - (b) a statement as to whether the premises will meet the requirements of the School Premises (England) Regulations 2012(4) and, if not,
 - (i) details of how the premises are deficient; and
 - (ii) details of how it is intended to remedy the deficiency.

(3) 1998 c.31. Schedule 3 was amended by sections 30, 35, 36 and 215 of, and Schedules 3, 4, 18 and 21 to the Act, S.I. 2002/906 and S.I. 2010/1158

(4) S.I. 2012/1943

SCHEDULE 2

Regulation 11

Information to be included in discontinuance proposals

Contact details

1. The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school it is proposed that should be discontinued.

Implementation

2. The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.

Reason for closure

3. A statement explaining the reason why closure of the school is considered necessary.

Pupil numbers and admissions

4. The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made at the school.

Displaced pupils

5. A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils.

6. Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including—

- (a) any interim arrangements;
- (b) the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs; and
- (c) in the case of special schools, the alternative provision made by local authorities other than the local authority which maintain the school.

7. Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

Impact on the community

8. A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.

Rural primary schools

9. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the local authority or the governing body (as the case may be) considered section 15(4).

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Balance of denominational provision

10. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Maintained nursery schools

11. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- (a) the local authority’s assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- (b) the accessibility and convenience of replacement provision for local parents.

Sixth form provision

12. Where the school proposed to be discontinued provides sixth form education, the effect for 16 to 19 year olds in the area that the closure will have in respect of—

- (a) their educational or training achievements;
- (b) their participation in education or training; and
- (c) the range of educational or training opportunities available to them.

Special educational needs provision

13. Where existing provision that is recognised by the local authority as reserved for pupils with special educational needs is being discontinued, a statement as to how the local authority or the governing body (as the case may be) believe the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

Travel

14. Details of length and journeys to alternative provision.

15. The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.

SCHEDULE 3

Regulation 21

Modification of provisions of Part 1 of Schedule 2 to the Act, applying to revocation proposals published under paragraph 21(4) of that Schedule

1. Paragraph 1 has effect as if in sub-paragraph (1) for “published under section 7,10,11 or 15” there were substituted “published under paragraph 21(4) of this Schedule”.

2. Paragraph 2 has effect as if after paragraph 2(b) there were inserted—

- “(c) in the case of proposals published under paragraph 21(4)—
 - (i) in the case of original proposals under section 7, the local authority which published the notice under that section, and
 - (ii) in the case of original proposals under section 10, 11 or 15, the local authority which maintain the school (or in the case of a new school) which it is proposed should maintain the school.”.

3. Paragraph 5 has effect as if for it there were substituted—

“5. Any person may object to or comment on proposals published under paragraph 21(4), and such objections and comments must be sent to the relevant authority within four weeks of the date of publication of such proposals.”
4. Paragraph 13 has effect as if for it there were substituted—

“13.—(1) Where the relevant authority determine proposals published under paragraph 21(4), any determination must be made within two months of the end of the period for making objections and comments as prescribed in paragraph 5.

(2) If the authority does not make a determination within the time specified in subparagraph (1), they must refer the proposals to the adjudicator within one week of the end of that period.”
5. Paragraph 14 has effect as if for it there were substituted—

“14.—(1) The relevant authority must, if so requested by any relevant person within four weeks of the date of notification of the determination set out in regulations made under paragraph 20, refer to the adjudicator within one week of the date on which they received notice of a request for a referral, any proposals under paragraph 21(4) which the relevant authority have determined under paragraph 21(3), together with any reasons given by the authority for their determination.”

SCHEDULE 4

Regulation 24

Modification of sections 7, 10 and 11 of and Schedule 2 to the Act,
where schools established outside of area of relevant local authority

PART 1

Proposals published under section 7 where school is to be established
in area other than that of local authority that published the notice

1. In relation to proposals published under section 7 which relate to a school which is proposed to be situated in an area other than that of the local authority which published the notice under section 7, section 7 and Schedule 2 to the Act have effect with the following modifications.
2. After section 7(4) insert—

“(4A) In cases where the notice published by the local authority in accordance with section 7(1) specifies that the proposed school is to be situated in an area other than their own (“notice specific cases”), the local authority (“Local Authority A”) must send complete copies of all published proposals that have not been withdrawn to the local authority for the area in which it is proposed that the school will be situated (“Local Authority B”).

(4B) In cases where the notice published by the local authority pursuant to section 7(1) does not so specify that the proposed school is to be situated in an area other than their own, but a proposer includes this in his proposals (“non-notice specific cases”), the local authority (“Local Authority A”) must send a copy of the proposals published by that proposer to the local authority for the area in which it is proposed that the school will be situated (“Local Authority B”).”
3. For paragraph 8(3) of Schedule 2 to the Act substitute the following—

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“(3) Local Authority A may, after seeking and obtaining the recommendation of Local Authority B unless Local Authority B have failed to reach a decision on what recommendation to give—

- (a) reject all the proposals;
- (b) approve any of the proposals without modification; or
- (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body which published the proposals.”.

4. After paragraph 8(3) of Schedule 2 to the Act insert—

“(3A) Local Authority A—

- (a) in notice specific cases, must send copies of all objections and comments received in accordance with regulations made in accordance with paragraph 5(a) together with the proposals they send in accordance with section 7(4A) to Local Authority B within one week from the expiry of the time period specified in regulations for the making of objections and comments on the proposals; and
- (b) in non-notice specific cases, must send copies of any objections and comments received in accordance with regulations made in accordance with paragraph 5(a) in respect only of the proposals sent by the local authority under section 7(4A) to Local Authority B.

(3B) If within two months of the date of expiry of the period in which objections or comments may be made in accordance with regulations made under paragraph 5(a) Local Authority A have failed to make a decision, they must refer all the proposals together with all objections or comments received to the adjudicator.”.

5. After paragraph 8(6) of Schedule 2 to the Act insert the following—

“(6A) Where under sub-paragraph (3), the recommendation of Local Authority B is sought, Local Authority B in deciding what recommendation to give, must have regard to any guidance given from time to time by the Secretary of State.”.

PART 2

Proposals published under section 10 or 11 where school is to be established in area other than that of local authority which it is proposed should maintain the school

1. In relation to proposals published under section 10 or 11 which relate to a school which is proposed to be situated in an area other than that of the local authority which it is proposed should maintain the school, sections 10 and 11, and Schedule 2 to the Act have effect in accordance with the following modifications.

2. After section 10(3) insert—

“(3A) In cases where the proposed school is to be situated in an area other than that of the local authority which it is proposed should maintain the school, the local authority which it is proposed should maintain the school (“Local Authority A”) must send a copy of the proposals to the local authority for the area in which it is proposed that the school will be situated (“Local Authority B”).”.

3. After section 11(5) insert—

“(5A) In cases where the proposed school is to be situated in an area other than that of the local authority which it is proposed should maintain the school, the local authority which it is proposed should maintain the school (“Local Authority A”) must send a complete copy

of the proposals to the local authority for the area in which it is proposed that the school will be situated (“Local Authority B”).”.

4. For paragraph 8(4) of Schedule 2 to the Act substitute the following—
 - “(4) Local Authority A may, after seeking and, unless Local Authority B have failed to reach a decision on what recommendation to give, obtaining the recommendation of Local Authority B—
 - (a) reject all the proposals;
 - (b) approve any of the proposals without modification; or
 - (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body who published the proposals.”.
5. After paragraph 8(4) of Schedule 2 to the Act insert the following—
 - “(4A) Local Authority A must send copies of all objections and comments received in accordance with regulations made in accordance with paragraph 5(a) together with the proposals they send in accordance with section 10(3A) or 11(5A) as applicable to Local Authority B within one week of the expiry of the time period specified in regulations for the making of objections and comments on the proposals.
 - (4B) If within two months of the date of expiry of the period in which objections or comments may be made in accordance with regulations made under paragraph 5(a) Local Authority A have failed to make a decision, they must refer all the proposals together with all objections or comments received to the adjudicator.”.
6. After paragraph 8(6) of Schedule 2 to the Act insert the following—
 - “(6A) Where under sub-paragraph (4), the recommendation of Local Authority B is sought, Local Authority B in deciding what recommendation to give, must have regard to any guidance given from time to time by the Secretary of State.”.