

SCHEDULE 1

Regulation 5

PROVISIONS OF SECTION 28 OF, AND SCHEDULE 6 TO THE ACT HAVING EFFECT IN RELATION TO PROPOSALS MENTIONED IN REGULATION 4

1. The subsections of section 28 of, and the paragraphs in Part II of Schedule 6 to, the Act referred to in column 1 of Tables 1 to 3 below shall have effect in relation to proposals such as are mentioned in regulation 4 with the modifications specified in this Schedule in relation to those provisions.
2. The provisions of the Act specified in column 1 of Table 1 below shall have effect as if for the words referred to in column 2 of that table there were substituted the words in column 3 of that table.

**Tabl/Table 1**

| <b>colofn/column 1</b>                          | <b>colofn/column 2</b>                        | <b>colofn/column 3</b>                                 |
|---|---|--|
| adran/section 28(5)                             | “under this section”                          | “under paragraph 3 of Schedule 8”                      |
| adran/section 28(5)                             | “the relevant body or promoters”              | “the governing body”                                   |
| adran/section 28(5)                             | “the relevant body or promoters”              | “the governing body”                                   |
| Atodlen/Schedule 6 paragraff/ paragraph 6       | “section 28, 29 or 31”                        | “paragraph 3 of Schedule 8”                            |
| Atodlen/Schedule 6 paragraff/ paragraph 7       | “section 28,29 or 31”                         | “paragraph 3 of Schedule 8”                            |
| Atodlen/Schedule 6 paragraff/ paragraph 8(2)(c) | “such persons or bodies as may be prescribed” | “the local education authority and the governing body” |

3. The provisions of the Act specified in column 1 of Table 2 below shall have effect as if the words or the provision referred to in column 2 of that table were omitted.

**Tabl/Table 2**

| <b>colofn/column 1</b>                      | <b>colofn/column 2</b>                               |
|---|--|
| adran/section 28(11)                        | is-baragraff/sub-paragraph (a)                       |
| Atodlen/Schedule 6 paragraff/paragraph 6    | “or proposed school”                                 |
| Atodlen/Schedule 6 paragraff/paragraph 7    | is-baragraff/sub-paragraph (2)                       |
| Atodlen/Schedule 6 paragraff/paragraph 8(4) | “or (in the case of a new school) is proposed to be” |
| Atodlen/Schedule 6 paragraff/paragraph 10   | is-baragraffau/sub-paragraphs (3) to (6)             |

4. The provisions of the Act referred to in column 1 of Table 3 below shall have effect as if for the words contained in that provision there were substituted the words referred to in column 2 of that table.

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**Tabl/Table 3**

| <b>colofn/column 1</b> | <b>colofn/column 2</b>   |
|------------------------|--|
| adran/section 28(3)    | <p>“(3) Proposals under paragraph 3 of Schedule 8 shall—</p> <ul style="list-style-type: none"> <li>(a) contain the following information — <ul style="list-style-type: none"> <li>(i) the name of the governing body publishing the proposals,</li> <li>(ii) the date on which it is proposed that the change of category should take place,</li> <li>(iii) a statement explaining the effect of paragraph 7 of Schedule 6 including the date by which objections should be sent to the National Assembly for Wales,</li> <li>(iv) a statement that it is proposed to change the category of the school from voluntary aided to voluntary controlled,</li> <li>(v) a statement that after the change of category has taken place, the local education authority will be the admission authority for the school; and</li> </ul> </li> <li>(b) shall be published — <ul style="list-style-type: none"> <li>(i) by being posted in a conspicuous place in the area served by the school,</li> <li>(ii) in at least one newspaper circulating in the area served by the school, and</li> <li>(iii) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.”</li> </ul> </li> </ul> |
| adran/section 28(7)    | <p>“(7) Where any proposals published under paragraph 3 of Schedule 8 relate to a school in Wales, the governing body shall send —</p> <ul style="list-style-type: none"> <li>(a) a copy of the published proposals, and</li> <li>(b) the information specified in subsection (7A), to the National Assembly for Wales.</li> </ul> <p>(7A) The information referred to in subsection (7) is —</p>  |

| <b>colofn/column 1</b> | <b>colofn/column 2</b>   |
|------------------------|--|
|                        | <ul style="list-style-type: none"><li>(a) the objectives of the proposals;</li><li>(b) evidence of consultation before the proposals were published including —<ul style="list-style-type: none"><li>(i) copies of the consultation documents, and</li><li>(ii) the views and responses from the persons consulted;</li></ul></li><li>(c) a map showing the location of the school and all other community, voluntary and foundation schools within a radius of 3.218688 kilometres (2 miles), where the school is a primary school or 4.828032 kilometres (3 miles) where the school is a secondary school;</li><li>(d) the following information relating to the school for the school year in which the proposals were published and (except for the information specified in sub-paragraph (iv)), the previous school year —<ul style="list-style-type: none"><li>(i) the standard number for each relevant age group,</li><li>(ii) the number of year groups,</li><li>(iii) the capacity of the school, and</li><li>(iv) the number of pupils at the school;</li></ul>and a forecast of the matters specified in sub-paragraphs (ii) to (iv) for each of the subsequent five years;</li><li>(e) a list of all the schools within the radius of the school mentioned in paragraph (c) above stating which schools are maintained by different local education authorities together with the information referred to in paragraph (d) in respect of each such school;</li><li>(f) the following information relating to the accommodation at the school —<ul style="list-style-type: none"><li>(i) the location of the accommodation,</li><li>(ii) whether the school occupies a single or split site,</li><li>(iii) how accessible the accommodation is,</li></ul></li></ul> |

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| colofn/column 1                                    | colofn/column 2  |
|--|--|
|  | <ul style="list-style-type: none"> <li>(iv) details of the general and specialist accommodation (both teaching and non-teaching), and</li> <li>(v) (where relevant) details of accommodation for nursery education;</li> <li>(g) a breakdown of any costs involved in the change of category;</li> <li>(h) details of the policy of the school relating to the education of pupils with special educational needs;</li> <li>(i) a statement as to whether the school has been inspected under section 10 of the School Inspection Act 1996(1) during the period starting three years before the date of the notice of the proposals and, where the school has been inspected during that period, the date of the inspection and details of the outcome of the inspection;</li> <li>(j) details of the tenure (freehold or leasehold) on which the site of the school is held and, if the premises are held as a lease, details of the lease; and</li> <li>(k) details of the trusts on which the site of the school is held.”</li> </ul> |
| <p>Atodlen/Schedule 6 paragraff/paragraph 7(3)</p> | <p>“(3) Any objections under this paragraph shall be sent to the National Assembly for Wales —</p> <ul style="list-style-type: none"> <li>(a) within two months after the date of publication of the proposals, except where paragraph (b) of this sub-paragraph applies; and</li> <li>(b) within one month after the date of publication of the proposals, where the school is one to which section 15 applies.”</li> </ul>   |
| <p>Atodlen/Schedule 6 paragraff/paragraph 8(1)</p> | <p>“(1) Proposals published under paragraph 3 of Schedule 8 require approval under this paragraph.”</p>  |
| <p>Atodlen/Schedule 6 paragraff/paragraph 8(3)</p> | <p>“(3) An approval given under this paragraph may be expressed to take effect only if a scheme relating to any charity connected with the school is made by a date specified in the approval.”</p>  |

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(1) 1996 p.57.

| <b>colofn/column 1</b>                       | <b>colofn/column 2</b>   |
|--|--|
| Atodlen/Schedule 6paragraff/paragraph 8(5)   | “(5) Proposals published under paragraph 3 of Schedule 8 may only be withdrawn with the consent in writing of the National Assembly for Wales.”  |
| Atodlen/Schedule 6 paragraff/paragraph 10(1) | “(1) Where any proposals published under paragraph 3 of Schedule 8 have been approved under paragraph 8 then (subject to the following provisions of this paragraph) the proposals shall be implemented in the form in which they were so approved in accordance with regulations made under paragraph 5 of Schedule 8.”   |
| Atodlen/Schedule 6 paragraff/paragraph 10(2) | “(2) At the request of the governing body or the local education authority, the National Assembly for Wales —<br><ul style="list-style-type: none"><li>(a) may modify the proposals after consulting that governing body and the local education authority; and</li><li>(b) where any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, may specify a later date by which the scheme in question must be made.”</li></ul> |

SCHEDULE 2

Regulation 5(2)

PROVISIONS OF SECTION 28 OF, AND PART II OF SCHEDULE 6 TO THE ACT APPLIED BY SCHEDULE 1 AS MODIFIED

**Section 28**

- (3) Proposals under paragraph 3 of Schedule 8 shall —
- (a) contain the following information—
    - (i) the name of the governing body publishing the proposals,
    - (ii) the date on which it is proposed that the change of category should take place,
    - (iii) a statement explaining the effect of paragraph 7 of Schedule 6 including the date by which objections should be sent to the National Assembly for Wales,
    - (iv) a statement that it is proposed to change the category of the school from voluntary aided to voluntary controlled,
    - (v) a statement that after the change of category has taken place, the local education authority will be the admission authority for the school; and
  - (b) shall be published —
    - (i) by being posted in a conspicuous place in the area served by the school,
    - (ii) in at least one newspaper circulating in the area served by the school, and

(iii) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.

(5) Before publishing any proposals under paragraph 3 of Schedule 8, the governing body shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection the governing body shall have regard to any guidance given from time to time by the National Assembly for Wales.

(7) Where any proposals published under paragraph 3 of Schedule 8 relate to a school in Wales, the governing body shall send —

- (a) a copy of the proposals, and
- (b) the information specified in subsection (7A),

to the National Assembly for Wales.

(7A) The information referred to in subsection (7) is —

- (a) the objectives of the proposals;
- (b) evidence of consultation before the proposals were published including —
  - (i) copies of the consultation documents, and
  - (ii) the views and responses from the persons consulted;
- (c) a map showing the location of the school and all other community, voluntary and foundation schools within a radius of 3.218688 kilometres (2 miles), where the school is a primary school or 4.828032 kilometres (3 miles) where the school is a secondary school;
- (d) the following information relating to the school for the school year in which the proposals were published and (except for the information specified in sub-paragraph (iv)), the previous school year —
  - (i) the standard number for each relevant age group,
  - (ii) the number of year groups,
  - (iii) the capacity of the school, and
  - (iv) the number of pupils at the school;and a forecast of the matters specified in sub-paragraphs (ii) to (iv) for each of the subsequent five years;
- (e) a list of all the schools within the radius of the school mentioned in paragraph (c) above stating which schools are maintained by different local education authorities together with the information referred to in paragraph (d) in respect of each such school;
- (f) the following information relating to the accommodation at the school —
  - (i) the location of the accommodation,
  - (ii) whether the school occupies a single or split site,
  - (iii) how accessible the accommodation is,
  - (iv) details of the general and specialist accommodation (both teaching and non-teaching), and
  - (v) (where relevant) details of accommodation for nursery education;
- (g) a breakdown of any costs involved in the change of category;
- (h) details of the policy of the school relating to the education of pupils with special educational needs;
- (i) a statement as to whether the school has been inspected under section 10 of the School Inspections Act 1996 during the period starting three years before the date of the notice

- of the proposals and, where the school has been inspected during that period, the date of the inspection and details of the outcome of the inspection;
  - (j) details of the tenure (freehold or leasehold) on which the site of the school is held and, if the premises are held on a lease, details of the lease; and
  - (k) details of the trusts on which the site of the school is held.
- (11) In this part —
- (b) “area” (without more) means a local education authority area.

## **Part II of Schedule 6**

**6.** This Part of this Schedule applies to proposals published under paragraph 3 of Schedule 8 which relate to a school in Wales.

**7.—(1)** Any person may make objections to any proposals published under paragraph 3 of Schedule 8.

- (3) Any objections under this paragraph shall be sent to the National Assembly for Wales —
- (a) within two months after the date of publication of the proposals, except where paragraph (b) of this sub-paragraph applies; and
  - (b) within one month after the date of publication of the proposals, where the school is one to which section 15 applies.

**8.—(1)** Proposals published under paragraph 3 of Schedule 8 require approval under this paragraph.

(2) Where any proposals require approval under this paragraph, the National Assembly for Wales may —

- (a) reject the proposals,
- (b) approve them without modification, or
- (c) approve them with such modifications as it thinks desirable after consulting the local education authority and the governing body.

(3) Any approval given under this paragraph may be expressed to take effect only if a scheme relating to any charity connected with the school is made by a date specified in the approval.

(4) When deciding whether or not to give any approval under this paragraph the National Assembly for Wales shall have regard to the school organisation plan for the area in which the school is situated.

(5) Proposals published under paragraph 3 of Schedule 8 may only be withdrawn with the consent of the National Assembly for Wales.

**10.—(1)** Where any proposals published under paragraph 3 of Schedule 8 have been approved under paragraph 8 then (subject to the following provisions of this paragraph) the proposals shall be implemented in the form in which they were so approved in accordance with regulations made under paragraph 5 of Schedule 8.

(2) At the request of the governing body or the local education authority, the National Assembly for Wales.

- (a) may modify the proposals after consulting the governing body and the local education authority; and

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- (b) where any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, may specify a later date by which the scheme in question must be made.



SCHEDULE 3

Regulation 8

INSTRUMENT OF GOVERNMENT

1. The name of the school is . . . . .
2. The school is a voluntary controlled school.
3. The name of the governing body is "the governing body of ....." (*insert the name of the school as in paragraph 1 above*).
4. The governing body shall consist of
  - (a)  parent governors;
  - (b)  LIA governors;
  - (c)  teacher governors;
  - (if applicable)*
  - (d)  one staff governor;
  - (e)  foundation governors;
  - (f)  co-opted governors (*including any governors referred to in paragraph 6, 7 or 8 below*);
  - (g) the head teacher (except at any time when he has given written notice to the clerk to the governing body of the school that he chooses not to be a governor).
5. Total number of governors ..... (except any time when the head teacher has given notice as above that he chooses not to be a governor, when the total number of governors will be ...).  
*(If applicable)*
6. One co-opted governor will be a governor for whose appointment nominations are to be sought from the minor authority or (as the case may be) from one or more of the minor authorities in relation to the school.)  
*(If applicable)*
7.  co-opted governor[s] will be [a] governor[s] for whose appointment nominations are to be sought from the sponsor or from amongst the sponsors of the school )  
*(If applicable)*
8. One co-opted governor will be a governor for whose appointment nominations are to be sought from the Education Action Forum for the education action zone in relation to which the school is a participating school.)

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9. Set out the name of any foundation body or persons entitled to appoint foundation governors. If there is more than one such person, set out the basis on which the appointments are made.

10. (a) The holder of the following office shall be a foundation governor ex-officio.

*name of office*

(b) ..... [or ... and ... jointly] shall be entitled to appoint a foundation governor to act in the place of the ex officio foundation governor whose governorship derives from the office named in (a) above, in the event that that ex officio foundation governor is unable or unwilling to act as a foundation governor, or there is a vacancy in the office by virtue of which his governorship exists.

11. Repeat 10(a) and (b) as necessary where there is more than one ex officio foundation governorship

*Set out procedure for eliminating any excess in the number of foundation governors.*

12. Where the school is a voluntary school with a religious character, describe the ethos of the school.

13. This instrument comes into effect on the date of making

14. This instrument was made by order of .....  
Local Education Authority on .....