



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Alterations to schools

18 Alterations that may be made under section 19

- (1) Regulations may prescribe alterations to maintained schools that may be implemented in pursuance of proposals published under section 19.
- (2) The prescribed alterations must include any alteration that involves one or more of the following—
 - (a) in the case of a school falling within any of the categories set out in section 20(1) of SSFA 1998, any change in the category within which the school falls (other than a change prevented by subsection (4)(c) to (f) of this section),
 - (b) the acquisition by a foundation or foundation special school of a foundation established otherwise than under SSFA 1998, and
 - (c) in the case of a school whose instrument of government does not provide for a majority of the governing body to be foundation governors, any change in the instrument of government which results in the majority of governors being foundation governors.
- (3) The prescribed alterations may include other alterations of any nature (other than those prevented by subsection (4)).
- (4) None of the following alterations may be made to a maintained school—
 - (a) any change in the religious character of the school;
 - (b) any change whereby the school would acquire or lose a religious character;
 - (c) any change of category from foundation or voluntary school to community school;

Changes to legislation: Education and Inspections Act 2006, Section 18 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) any change of category from foundation special school to community special school;
 - (e) any change of category from mainstream school to community or foundation special school or from community or foundation special school to mainstream school;
 - (f) any change from maintained nursery school to any other kind of maintained school, or from any other kind of maintained school to maintained nursery school.
- (5) In subsection (4)(e) “mainstream school” means community, foundation or voluntary school.

Commencement Information

- I1** S. 18(1)-(3) in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(b\)](#)
- I2** S. 18(4)(5) in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(c\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)