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STATUTORY INSTRUMENTS

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**1998 No. 1971**

**EDUCATION, ENGLAND AND WALES**

**The Education (Plans for Reducing Infant Class Sizes) (England) Regulations 1998**

<i>Made</i>	- - - -	<i>10th August 1998</i>
<i>Laid before Parliament</i>		<i>11th August 1998</i>
<i>Coming into force</i>	- -	<i>1st September 1998</i>

In exercise of the powers conferred upon the Secretary of State by sections 2 and 138(7) of the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Education and Employment hereby makes the following Regulations:—

**Citation, commencement, application and extent**

1.—(1) These Regulations may be cited as the Education (Plans for Reducing Infant Class Sizes) (England) Regulations 1998, and shall come into force on 1st September 1998.

(2) These Regulations apply only in relation to local education authorities in England.

**Interpretation**

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996<sup>(2)</sup>;

“the appointed day” has the meaning given by section 20(7) of the 1998 Act;

“the 1998 Act” means the School Standards and Framework Act 1998;

“appropriate diocesan authority”, in relation to a local education authority, means—

(a) the Diocesan Board of Education for every diocese of the Church of England, and

(b) the bishop of every diocese of the Roman Catholic Church,

any part of the area of which (in each case) lies within the local education authority’s area;

“authority” means a local education authority;

“class” has the meaning given by section 4 of the 1998 Act;

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<sup>(1)</sup> 1998 c. 31; see section 142(1) for the definition of “prescribed” and “regulations”.

<sup>(2)</sup> 1996 c. 56.

“excepted pupil” has the meaning given in regulation 4 of the Education (Infant Class Sizes) (England) Regulations 1998<sup>(3)</sup>;

“infant class” has the meaning given by section 4 of the 1998 Act;

“ordinary teaching session” has the meaning given by section 4 of the 1998 Act;

“plan”, in relation to an authority, means the statement which the authority are required to prepare by virtue of section 2(1) of the 1998 Act;

“proposed arrangements”, in relation to an authority, means the arrangements which the authority propose to make for the purpose of securing that the limit on the size of infant classes imposed under section 1 of the 1998 Act is complied with in relation to infant classes at relevant schools;

“pupil” has the meaning given by section 3(1) of the 1996 Act<sup>(4)</sup>;

“qualified teacher” has the meaning given by section 4 of the 1998 Act;

“registered parent” and “registered pupil” in each case have the meaning given by section 434(5) of the 1996 Act;

“relevant age group”, in relation to a school, means an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school;

“relevant school”, in relation to an authority, means a school containing infant classes which is—

- (a) in relation to any time before the appointed day (as defined in section 20(7) of the 1998 Act)—
  - (i) a county, voluntary or maintained special school maintained by that authority, or
  - (ii) a grant-maintained or grant-maintained special school situated within that authority’s area; and
- (b) in relation to any time on or after that day—
  - (i) a community, foundation or voluntary school, or
  - (ii) a community or foundation special school, maintained by that authority;

“standard number” means—

- (a) until the appointed day—
  - (i) in relation to a county or voluntary school, the relevant standard number (within the meaning of section 411(7) of the 1996 Act), or
  - (ii) in relation to a grant-maintained school, the approved admission number (within the meaning of section 426 of that Act),

applying to children in any relevant age group who it is intended to admit to the school for education in an infant class; or
- (b) on or after that day, in relation to a community, foundation or voluntary school, the relevant standard number (within the meaning of section 84(6) of the 1998 Act) applying to children in any relevant age group who it is intended to admit to the school for such education.

(2) Any reference in paragraph (1) to a county, voluntary, maintained special, grant-maintained or grant-maintained special school shall be construed in accordance with the 1996 Act.

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(3) S.I.1998/1973, which comes into force on 1st September 1998.

(4) Section 3(1) of the 1996 Act was amended by paragraph 9 of Schedule 7 to the Education Act 1997 (c. 44).

(3) In these Regulations any reference to a full-time qualified teacher includes a reference to two or more qualified teachers who work part-time but who, in combination with each other, normally work the same number of hours in every week that would normally be worked by one qualified teacher who works full-time.

### **Contents of plans**

**3.—**(1) This regulation prescribes for the purposes of section 2(2) of the 1998 Act—

- (a) the information as to the proposed arrangements which an authority are required to include in the plan, and
- (b) the form which that plan is to take.

(2) The authority's plan shall contain the information as to the proposed arrangements which is specified in the Schedule.

(3) The plan shall be submitted to the Secretary of State in the form of a single document in writing.

### **Consultation**

**4.—**(1) This regulation prescribes the consultation which an authority are required to carry out for the purposes of section 2(3) of the 1998 Act.

(2) In the course of preparing the plan, the authority shall consult—

- (a) the head teacher and governing body of every relevant school;
- (b) (where any relevant school is a grant-maintained or grant-maintained special school) the Funding Agency for Schools;
- (c) every appropriate diocesan authority; and
- (d) every local education authority (including one in Wales) any part of whose area adjoins the area of the authority.

(3) In addition, the authority shall take reasonable steps to consult—

- (a) the parents of pupils attending relevant schools; and
- (b) the parents of children who are likely to be admitted to relevant schools for education in infant classes in the school year 1999–2000 or 2000–2001.

### **Provision of information to an authority**

**5.—**(1) The bodies and persons to whom paragraph (2) applies are hereby prescribed, for the purposes of section 2(4) of the 1998 Act, as the bodies or persons who are required to provide to an authority—

- (a) such documents or information, or
- (b) such other assistance,

as the authority may reasonably require for the purpose of enabling them to prepare the plan.

(2) This paragraph applies to—

- (a) the head teacher and governing body of every relevant school;
- (b) (where any relevant school is a grant-maintained or grant-maintained special school) the Funding Agency for Schools; and
- (c) every local education authority (including one in Wales) any part of whose area adjoins the area of the authority.

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### **Submission of plan to Secretary of State**

6. For the purposes of section 2(5) of the 1998 Act, 16th October 1998 is hereby prescribed as the date by which every local education authority are required to submit their plan to the Secretary of State for his approval.

## SCHEDULE

(Regulation 3)

### (INFORMATION TO BE INCLUDED IN A PLAN)

1. A statement setting out—
  - (a) an overview of the proposed arrangements;
  - (b) the key principles underlying those arrangements; and
  - (c) the details of the consultation undertaken by the authority in preparing the plan, and how the authority propose to address any concerns raised by persons or bodies so consulted by the authority.
- 2.—(1) A statement which explains how the authority intend to support the proposed arrangements financially, whether by means of schools' budget shares or otherwise.
  - (2) In sub-paragraph (1) “schools' budget shares”, in relation to an authority, means—
    - (a) in relation to any time after section 47 of the 1998 Act comes into force, the budget shares for relevant schools determined by the authority under that section; or
    - (b) in relation to any earlier time, schools' budget shares within the meaning of section 101(3) (c) of the 1996 Act.
3. Where the proposed arrangements include proposals for establishing any new schools which will be relevant schools, the plan shall include—
  - (a) particulars of those proposals;
  - (b) an explanation as to why, in the opinion of the authority, such new schools are needed;
  - (c) details of the stage reached in the planning, approval and funding of the establishment of those schools; and
  - (d) a statement as to when, the authority anticipate, pupils will first be admitted to each of those schools.
4. Where the proposed arrangements include proposals for the construction of new class rooms for the teaching of children in infant classes at relevant schools, an explanation as to—
  - (a) the basis upon which the authority formed the view that such construction is necessary in relation to each school concerned, and
  - (b) the extent to which the authority, in forming that view, had regard to the quality of the education provided at that school or the educational standards achieved there.
5. A statement as to the extent to which the proposed arrangements entail the use of mobile class rooms at relevant schools (whether or not for the teaching of children in infant classes).
- 6.—(1) A statement as to the measures which the authority intend to take, in relation to second key stage classes at relevant schools, in order to ensure that—
  - (a) the size of such classes will not increase, and
  - (b) the quality of education provided or the educational standards achieved in such classes will not suffer,as a result of the implementation of the proposed arrangements.
  - (2) In sub-paragraph (1) “second key stage classes” means classes at relevant schools containing pupils the majority of whom are in the second key stage (within the meaning of section 355(1)(b) of the 1996 Act).

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**7.—**(1) A statement as to the extent to which, in the opinion of the authority, the implementation of the proposed arrangements will affect the ability of the authority (or the governing body of any relevant school) to comply with parental preferences.

(2) In sub-paragraph (1) “parental preferences” means preferences expressed by parents for their children to be educated at relevant schools.

**8.** A statement as to the measures which the authority intend to take in order to ensure that the implementation of the proposed arrangements will not result in children residing within the authority’s area being required to attend schools at which—

- (a) the quality of the education provided, or
- (b) the educational standards achieved,

is or are inferior to the quality of education provided or the standards of education achieved at schools which such children would otherwise have been likely to attend apart from that implementation.

**9.—**(1) A statement as to the measures which the authority intend to take in order to ensure that the implementation of the proposed arrangements will not result in a reduction in the proportion of places in denominational schools of any particular type, that is to say the proportion which the number of places available for children in such schools bears to the total number of places available for children in all relevant schools.

(2) In sub-paragraph (1) “denominational schools” means—

- (a) in relation to any time before the appointed day, relevant schools at which—
  - (i) the provision for religious education required for registered pupils by section 352(1) (a) of the 1996 Act<sup>(5)</sup> to be included in the basic curriculum is, pursuant to section 378(1) or 381(2) of that Act, in accordance with the tenets of a particular religion or religious denomination, or
  - (ii) the registered parents of any pupils are able to request, pursuant to section 377 or 380(2) and (3) of that Act, that the pupils may receive religious education in accordance with the tenets of a particular religion or religious denomination; or
- (b) in relation to any time on or after that day, relevant schools designated under section 69(3) of the 1998 Act as schools having a religious character.

**10.—**(1) A statement as to the measures which the authority intend to take in order to ensure that the implementation of the proposed arrangements will not result in children who reside within their area having to attend schools which are not within a reasonable distance of their home.

(2) The authority shall specify in the statement referred to in paragraph (1) how many additional full-time qualified teachers they anticipate will be needed to work at relevant schools specifically by reason of the implementation of such measures.

**11.** A statement as to the measures which the authority intend to take in relation to relevant schools for the purposes of minimising the number of infant classes at such schools which—

- (a) at any time while an ordinary teaching session is conducted by a single qualified teacher, contain more than 30 pupils, or
- (b) at any time while such a session is conducted by more than one qualified teacher, contain more than 30 pupils for every one of those teachers,

by reason of the inclusion of one or more excepted pupils.

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(5) Section 352(1)(a) of the 1996 Act is prospectively amended by paragraph 86 of Schedule 30 to the 1998 Act.

**12.—**(1) A statement as to the changes to the authority’s school transport policy which they intend to make as a result of the implementation of the proposed arrangements.

(2) In sub-paragraph (1) “school transport policy”, in relation to pupils in infant classes, means the authority’s general arrangements and policies in respect of transport to and from relevant schools, and includes in particular the authority’s policy as regards—

- (a) the provision of free transport for such pupils;
- (b) the carriage on school buses of such pupils for whom free transport is not provided; and
- (c) the payment in whole or in part of reasonable travelling expenses incurred by or in relation to such pupils.

**13.** In relation to the 1998–1999 school year—

- (a) the total number of children who are—
  - (i) (on the third Thursday in September) registered pupils at relevant schools, and
  - (ii) provided with education in infant classes at such schools; and
- (b) the total number of children (in addition to those mentioned in sub-paragraph (a))—
  - (i) who attain the age of five during the course of that year, and
  - (ii) who, the authority anticipate, will have become, by the end of that year, registered pupils at relevant schools provided with such education.

**14.** In relation to each of the 1999–2000 and 2000–2001 school years—

- (a) the total number of children who, the authority anticipate, will be—
  - (i) (on the third Thursday in September) registered pupils at relevant schools, and
  - (ii) provided with education in infant classes at such schools; and
- (b) the total number of children (in addition to those mentioned in sub-paragraph (a)) who—
  - (i) attain the age of five during the course of each year concerned, and
  - (ii) the authority anticipate, will have become, by the end of that year, registered pupils at relevant schools provided with such education.

**15.** The total number of full-time qualified teachers working as teachers of children in infant classes at relevant schools on the third Thursday in September in the 1998–1999 school year.

**16.** In relation to each of the school years 1999–2000 and 2000–2001, the total number of additional full-time qualified teachers who, the authority anticipate, will be needed to work as teachers of children in infant classes at relevant schools specifically for the purpose of ensuring that the duty imposed by section 1(6) of the 1998 Act is complied with.

**17.** In relation to every relevant school and to the 1997–1998 school year—

- (a) the total number of pupils admitted for education in an infant class at the beginning of that year;
- (b) the number of infant classes contained in the school; and
- (c) the number of pupils in each of those classes as at the third Thursday in September.

**18.** In relation to every relevant school and to the 1998–1999 school year—

- (a) any standard number;
- (b) (if different from (a)) the number of children (apart from those who are outside a relevant age group at the time of their admission) who it is intended to admit in that year for education in an infant class;

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- (c) the number of infant classes contained in the school and the number of pupils in each of those classes as at the third Thursday in September; and
- (d) the number of such classes which contained more than 30 pupils as at that date.

**19.** In relation to every relevant school and the 1999–2000 and 2000–2001 school years, the number of pupils who, the authority anticipate, will be, on the third Thursday in September in each of those years, in an infant class at that school containing more than 30 pupils.

**20.** In relation to every relevant school and the 1999–2000, 2000–2001 and 2001–2002 school years—

- (a) the intended number of infant classes to be contained in the school in each of those years;
- (b) the intended standard number for each of those years; and
- (c) (where applicable) in the case of the 1999–2000 school year, the intended maximum admission number (as defined in regulation 4(2) of the Education (Infant Class Sizes) (Transitional Provisions) Regulations 1998<sup>(6)</sup>).

*Andrew Smith*  
Minister of State,

10th August 1998

Department for Education and Employment

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 2 of the School Standards and Framework Act 1998 came into force on 24th July 1998. Section 2(1) requires every local education authority to prepare a statement (referred to in these Regulations as “the plan”) setting out the arrangements which the authority propose to make for the purpose of securing that the limit on the size of infant classes imposed under section 1 of that Act is complied with in relation to schools maintained by that authority. The plan has to be submitted to the Secretary of State for his approval.

These Regulations prescribe;

- (a) for the purposes of section 2(2), what information concerning the proposed arrangements the plan must contain, and the form which the plan has to take (*regulation 3 and the Schedule*);
- (b) for the purposes of section 2(3), the persons and bodies whom the authority are required to consult when preparing the plan (*regulation 4*);
- (c) for the purposes of section 2(4), the persons and bodies who are required to provide documents, information and other assistance to the authority in connection with the preparation of the plan (*regulation 5*); and
- (d) for the purposes of section 2(5), 16th October 1998 as the date by which every local education authority are required to submit their plan to the Secretary of State (*regulation 6*).

<sup>(6)</sup> S.I. 1998/1947.

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