

SCHEDULE 2

Regulation 5(2)

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

PROVISIONS OF 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 2 of Schedule 6 including the date by which objections should be sent to the relevant school organisation committee and the address of that school organisation committee,
 - (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 Secretary of State.

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

- (a) a copy of the published proposals, and
- (b) the information specified in subsection (6A),

to the school organisation committee for the area of the local education authority who maintain the school.

(6A) The information referred to in subsection (6) 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 and 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—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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.

PROVISIONS OF SCHEDULE 6

1.—(1) This Part of this Schedule applies to proposals published under paragraph 3 of Schedule 8 which relate to a school in England.

(2) In this Part of this Schedule “the relevant committee” means the school organisation committee for the area of the local education authority who maintain the school.

2.—(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 relevant committee—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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.

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

(2) Where any proposals require approval under this paragraph, they shall be considered in the first instance by the relevant committee, who may—

- (a) reject the proposals,
- (b) approve them without modification, or
- (c) approve them with such modifications as the committee think 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 committee shall have regard to—

- (a) any guidance given from time to time by the Secretary of State, and,
- (b) the school organisation plan for the committee's area.

(5) If—

- (a) after two months from—
 - (i) the end of the period within which objections may be sent to the committee in accordance with paragraph 2, or
 - (ii) if later, the date on which the committee receive the information specified in section 28(6A),

the committee have not voted on the question whether to give any approval under this paragraph; and

- (b) the governing body request the committee to refer the proposals to the adjudicator,

they shall refer the proposals to the adjudicator.

(6) If the committee—

- (a) have voted on any matter which (in accordance with regulations under paragraph 5 of Schedule 4) falls to be decided by them under this paragraph by a unanimous decision, but
- (b) have failed to reach such a decision on that matter,

they shall refer the proposals to the adjudicator.

(7) Where any proposals are referred to the adjudicator under sub-paragraph (5) or (6)—

- (a) he shall consider the proposals afresh; and
- (b) sub-paragraphs (2) to (4) shall apply to him in connection with his decision on the proposals as they apply to the committee.

(8) Proposals published under paragraph 3 of Schedule 8 may only be withdrawn with the consent in writing of the relevant committee.

... ..

5.—(1) Where any proposals published under paragraph 3 of Schedule 8 have been approved under paragraph 3 then (subject to the following provisions of this paragraph) the proposals shall

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 relevant committee—
 - (a) may modify the proposals after consulting the governing body and the local education authority; and
 - (b) where any approval under paragraph 3 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.

... ..

- (5) If—
 - (a) the matter to be determined is a request for a modification of proposals under sub-paragraph (2)(a) and after one month from the date which the committee notify bodies whom they consult (pursuant to sub-paragraph (2)(a), is to be the date by which responses to consultation must be received, the committee have not voted on the matter; or
 - (b) the matter to be determined is a request to specify a later date under sub-paragraph (2) (b) and after one month from the date of the request the committee have not voted on the matter; and
 - (c) (in either case) the governing body request the committee to refer that matter to the adjudicator,

they shall refer the matter to the adjudicator;

- (6) If the committee—
 - (a) have voted on any matter which (in accordance with regulations under paragraph 5 of Schedule 4) falls to be decided by them under this paragraph by a unanimous decision, but
 - (b) have failed to reach such a decision on the matter,

they shall refer that matter to the adjudicator.

- (7) Where any matter is referred to the adjudicator under sub-paragraph (5) or (6)—
 - (a) he shall consider the matter afresh; and
 - (b) such of the provisions of sub-paragraph (2) as are relevant shall apply to him in connection with his decision on that matter as they apply to the committee.