
STATUTORY INSTRUMENTS

2001 No. 798

EDUCATION, ENGLAND

**The School Organisation Proposals by the Learning
and Skills Council for England Regulations 2001**

<i>Made</i>	- - - -	<i>5th March 2001</i>
<i>Laid before Parliament</i>		<i>8th March 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

In exercise of the powers conferred on the Secretary of State by sections 138 and 144 of, and paragraph 5 of Schedule 4, paragraph 5 of Schedule 5 and paragraph 5 of Schedule 8 to, the School Standards and Framework Act 1998(1) and section 152 of, and paragraphs 16, 17, 24, 25, 31, 33, 34, 35, 36, 37 and 45 of Schedule 7 to, the Learning and Skills Act 2000(2) the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the School Organisation Proposals by the Learning and Skills Council for England Regulations 2001 and shall come into force on 1st April 2001.

Interpretation

2.—(1) In these Regulations—

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

“the 2000 Act” means the Learning and Skills Act 2000;

“city academy” shall be construed in accordance with section 482(3)(c) of the Education Act 1996(3);

“the Council” means the Learning and Skills Council for England;

“further education college” means an institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992)(4);

“16 to 19 institution” means a maintained school which—

(1) 1998 c. 31. By virtue of S.I.1999/672 and 2000/253 the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.
(2) 2000 c. 21.
(3) 1986 c. 56; section 482(3)(c) was inserted by section 130 of the 2000 Act.
(4) 1992 c. 13.

- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
- (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age;

“mainstream school” means a maintained school other than a special school;

“proposals to discontinue a sixth form” means proposals such as are mentioned in paragraph 16(1) of Schedule 7;

“the school organisation committee” means the school organisation committee for the area of the local education authority who maintain the school the subject of the proposals;

“special school” means a community or foundation special school;

“statement of special educational needs” means a statement of special educational needs maintained under Part IV of the Education Act 1996.

- (2) Any reference to Schedule 7 is a reference to Schedule 7 to the 2000 Act.
- (3) For the purposes of these Regulations the date of publication of proposals is—
 - (a) the date on which the requirements of regulation 4 are satisfied; and
 - (b) where different requirements are satisfied on different days, on the last of such days.

Information to be contained in published proposals

- 3.—(1) This regulation prescribes for the purposes of paragraphs 16(2) and 24(2) of Schedule 7, the information which proposals published under paragraph 16 or 24 of Schedule 7 must contain.
- (2) Such proposals must contain the information specified in Schedule 1 to these Regulations.

Manner of publication of proposals

- 4.—(1) This regulation prescribes for the purposes of paragraphs 16(2) and 24(2) of Schedule 7 the manner of publication of proposals required to be published under paragraph 16 or 24 of Schedule 7.
- (2) Where the school is mainstream school, such proposals shall be published—
 - (a) by being posted in a conspicuous place in the area served by the school;
 - (b) in at least one newspaper circulating in that area; and
 - (c) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.
- (3) Where the school is a special school, such proposals shall be published—
 - (a) in at least one newspaper circulating in the area of the local education authority who maintain the school; and
 - (b) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.

Information to be sent to the school organisation committee

- 5.—(1) This regulation prescribes for the purposes of paragraphs 17(1)(b) and 25(1)(b) of Schedule 7 the information which the Council must send to the school organisation committee.
- (2) The Council shall send to the school organisation committee the information specified in Part II of Schedule 2 to these Regulations, where the school is a mainstream school, or Part III of that Schedule, where the school is a special school, together with—

- (a) the information specified in Part IV of that Schedule, where the proposals are to discontinue a sixth form; or
- (b) the information specified in Part V of that Schedule, where the proposals are to discontinue a 16–19 institution.

Other bodies to whom information should be sent—special schools

6.—(1) This regulation prescribes for the purposes of paragraphs 17(2) and 25(2) of Schedule 7 the bodies or persons to whom, in the case of a special school, the Council shall also send a copy of the published proposals and the information referred to in regulation 5.

(2) The Council shall send a copy of the published proposals to—

- (a) the local education authority who maintain the school;
- (b) each local education authority who maintain a statement of special educational needs in respect of a registered pupil at the school;
- (c) the parents of each registered pupil at the school;
- (d) any Health Authority who acts for any area which includes any part of the area of the local education authority who maintain or who it is proposed should maintain the school; and
- (e) any National Health Service Trust who have responsibility for the ownership or management of any hospital or other establishment or facilities in the area of the local education authority who maintain the school.

(3) The Council shall send a copy of the information referred to in regulation 5 to the local education authority who maintain the school.

Objections to proposals

7.—(1) This regulation prescribes for the purposes of paragraph 34 of Schedule 7 the period within which objections to the proposals may be sent to the school organisation committee.

(2) Objections to proposals published under paragraph 16 or 24 of Schedule 7 shall be sent to the school organisation committee within one month after the date of publication of the proposals.

Approval of proposals subject to modifications after consultation

8.—(1) This regulation prescribes, for the purpose of paragraph 35(3) of Schedule 7 or, as the case may be, that sub-paragraph as applied by paragraph 35(7) of that Schedule the bodies with whom the school organisation committee or, as the case may be, the adjudicator, must consult before approving proposals subject to modifications.

(2) The bodies prescribed are—

- (a) the Council;
- (b) where the school is a special school, each local education authority who maintain a statement of special educational needs in respect of a registered pupil at the school;
- (c) the local education authority who maintain the school; and
- (d) the governing body of the school.

Conditional approvals

9.—(1) This regulation prescribes kinds of events for the purposes of paragraph 35(4) of Schedule 7 (which provides that approvals given under paragraph 35(1)(b) or (c) of Schedule 7 may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind).

- (2) The kinds of events are—
- (a) the making of an agreement under section 482(1) of the Education Act 1996 for the establishment of a school to be known as a city academy, where the proposals provide for some or all of the pupils currently at the school the subject of the proposals to transfer to such a school;
 - (b) any of the following events relating to any other school or proposed school in respect of which proposals have been published under sections 28 or 31 of the 1998 Act—
 - (i) the grant of planning permission under Part III of the Town and Country Planning Act 1990⁽⁵⁾;
 - (ii) the acquisition of a site on which the new school, a proposed enlargement of the premises of the school or other alteration of the premises of the school is to be constructed;
 - (iii) the acquisition of playing fields to be provided for the school;
 - (iv) the securing of any necessary access to a site or playing fields referred to in paragraphs (ii) and (iii) respectively of this sub-paragraph;
 - (v) the entering into of a private finance transaction within the meaning of regulation 16 of the Local Authorities (Capital Finance) Regulations 1997⁽⁶⁾;
 - (vi) the making of any scheme relating to any charity connected with the school or proposed school.

Period after the expiry of which proposals must be referred to the adjudicator if requested

10.—(1) This regulation prescribes periods for the purposes of paragraphs 35(6) and 37(1) of Schedule 7, (which provide that, if by the end of a prescribed period a school organisation committee has not determined what action to take and if the Council so requests, the committee shall refer the proposals or question to the adjudicator, and such reference is made in accordance with regulation 14).

(2) For the purposes of paragraph 35(6) of Schedule 7 the period, subject to paragraph (4), is the period ending two months from the end of the period within which objections may be sent to the committee in accordance with paragraph 34 of Schedule 7 and regulation 7(2), or (if later) two months from the date on which the committee receive the information referred to in regulation 5.

(3) For the purposes of paragraph 37(1) of Schedule 7 the period, subject to paragraph (4), is the period ending—

- (a) where the question relates to a request for modification of proposals, one month from the date which the committee notify bodies whom they consult (pursuant to paragraph 36(2)(a) of Schedule 7 and regulation 11(2)) is to be the date by which responses to the consultation must be received;
- (b) where the question relates to a request to substitute a later time, one month from the date of the request (pursuant to paragraph 36(2)(b) of Schedule 7); and
- (c) where the question relates to a proposal for the committee to make a determination under paragraph 36(2)(c) of Schedule 7, two months from the end of the period within which objections may be sent to the committee in accordance with paragraph 7 of Schedule 3 to these regulations, or (if later) two months from the date on which the committee receive the information specified in paragraph 5 of that Schedule.

(4) Where in the opinion of the committee proposals or a question such as are referred to in paragraphs (2) or (3) (“proposal A”) are related to proposals published under section 28, 29 or 31 of

(5) 1990 c. 8.

(6) S.I. 1997/319; amended by S.I. 1998/371 and 1999/1852.

the 1998 Act, or to a matter such as is mentioned in paragraph 5 of Schedule 6 to that Act (“proposal B”) and the period relating to proposal A prescribed under paragraph (2) or (3) would end earlier than the period prescribed in relation to proposal B in regulations made under paragraph 3(5) or 5(5) or Schedule 6 to the 1998 Act, the period relating to proposal A shall expire at the same time as the period relating to proposal B.

Modification of approved proposals

11.—(1) This regulation prescribes, for the purposes of paragraph 36(2) of Schedule 7 or, as the case may be, that sub-paragraph as applied by paragraph 37(3) of that Schedule the bodies whom a school organisation committee or, as the case may be, the adjudicator must consult before modifying approved proposals.

(2) Before modifying approved proposals a school organisation committee or the adjudicator shall consult—

- (a) the local education authority who maintain the school,
- (b) where the school is a special school, each local education authority who maintain a statement of special educational needs in respect of a registered pupil at the school, and
- (c) the governing body of the school.

Provision of information

12.—(1) The school organisation committee shall, within two weeks of the date on which such proposals were sent to them, send to the Secretary of State a copy of all published proposals which are sent to them under paragraph 17 or 25 of Schedule 7 or paragraph 5 of Schedule 3 to these Regulations.

(2) The school organisation committee shall notify the following persons of each decision taken under paragraph 35(1) or 36(2) of Schedule 7—

- (a) the Council;
- (b) the local education authority who maintain the school;
- (c) where the school is a special school, each local education authority who maintain a statement of special educational needs in respect of a registered pupil at the school;
- (d) the governing body of the school to which the proposals relate;
- (e) subject to paragraph (6), each objector; and
- (f) the Secretary of State.

(3) The school organisation committee shall notify the persons referred to in sub-paragraphs (a) to (d) and (f) of paragraph (2) if they refer any proposals or question to the adjudicator under paragraph 35(5) or (6), or 37(1) or (2) of Schedule 7.

(4) The adjudicator shall notify the persons referred to in paragraph (2) of each decision taken under paragraph 35(7) or 37(3) of Schedule 7 other than any decision provision for the notification of which is made by regulation 15 of the Education (Adjudicators Inquiry Procedure etc.) Regulations 1999(7).

(5) Where, pursuant to paragraph (2) the school organisation committee notify the persons referred to in that paragraph of a decision they shall also give reasons for that decision.

(6) Where objections to a proposal take the form of a petition (that is to say a document containing the text of one objection signed by more than one objector) the school organisation committee or the adjudicator may comply with paragraph (2) or (4) by—

- (a) notifying the person (if any) who appears to them to have arranged for the petition to be sent to the school organisation committee; or
- (b) if there is no such person, notifying the objector whose name appears first on the petition.

(7) Where proposals (“proposals A”) have been sent to the school organisation committee under paragraphs 17 or 25 of Schedule 7, and subsequently further proposals are sent to the committee under section 28(6), 29(5) or 31(5) of the 1998 Act which in the opinion of the committee are related to proposals A the school organisation committee shall notify the Council of that fact and of the effect of regulation 10(4).

Voting of committee on proposals

13.—(1) In this Regulation references to a group of members of a school organisation committee shall be construed in accordance with the Education (School Organisation Committees) (England) Regulations 1999⁽⁸⁾.

(2) Each group of members shall collectively have a single vote in relation to any decision of the committee as to—

- (a) what action to take under paragraph 35 of Schedule 7 in relation to proposals;
- (b) whether to take any action under paragraph 36(2) of Schedule 7;
- (c) what recommendation to give in accordance with paragraph 35(1) of Schedule 7 where that sub-paragraph applies with the modifications specified in paragraph 3 of Schedule 4 to these Regulations; and
- (d) whether to defer consideration of whether to make any decision or recommendation on any of the matters referred to in sub-paragraphs (a) to (c) above.

(3) All decisions or questions referred to in paragraph (2) shall be unanimous decisions of those voting.

Time within which reference must be made to the adjudicator

14.—(1) Where by virtue of paragraph 35(5) or 37(2) of Schedule 7, the committee are required to refer any proposals or question to the adjudicator they shall do so within two weeks of the date on which the committee voted but failed to reach a unanimous decision.

(2) Where by virtue of paragraph 35(6) or 37(1) of Schedule 7, the committee are required to refer any proposals or question to the adjudicator they shall do so within two weeks of the receipt of the request under either of those paragraphs.

Proposals published under paragraph 36(4) of Schedule 7

15. Schedule 3 to these Regulations has effect in relation to proposals published under paragraph 36(4) of Schedule 7 (proposals previously published and approved under Schedule 7 not to be implemented).

Schools situated outside the area of the local education authority who maintain them

16. Schedule 4 to these Regulations shall have effect for specifying the modifications to which Parts II and III of Schedule 7 are to be subject in relation to a community, voluntary or foundation school in England which is situated in an area other than that of the local education authority who maintain it.

(8) S.I. 1999/700.

Change of category of school

17. Where, after proposals have been published under paragraph 16(2) or 24(2) of Schedule 7 but before they have been implemented, a school changes category under Schedule 8 to the 1998 Act from a community or community special school the proposals shall (to the extent that they have not been implemented) be implemented by the local education authority (despite paragraph 38 of Schedule 7).

5th March 2001

Tessa Blackstone
Minister of State,
Department for Education and Employment

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

SCHEDULE 1

Regulation 3

INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS

1. A statement that the proposals are published by the Council.
2. The date on which the proposals are planned to be implemented or, where the proposals are planned to be implemented in stages, the date on which each stage is planned to be implemented.
3. Where the school is a foundation or voluntary school with a religious character details of the religion or religious denomination concerned.
4. Details of the schools or further education colleges which pupils who are at the school and for whom provision is to be discontinued may attend, including any interim arrangements.
5. The proposed arrangements for transport of such pupils to other schools or further education colleges.
6. 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 of provision.
7. Where the proposals are to discontinue a sixth form, the number of pupils to be admitted to the school in each relevant age group in the first school year in which the proposals have been implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage has been implemented.
 - (a) (a) Where the proposals are to discontinue a sixth form at a community or community special school, a statement that the duty to implement the proposals is a duty of the local education authority.
 - (b) Where the proposals are to discontinue a sixth form at a voluntary, foundation or foundation special school a statement that the duty to implement the proposals is a duty of the governing body.
 - (a) (a) Where the proposals are to discontinue a 16–19 institution which is a community or community special school a statement that the duty to implement the proposals is a duty of the local education authority.
 - (b) Where the proposals are to discontinue a 16–19 institution which is a voluntary, foundation or foundation special school a statement that the duty to implement the proposals is a shared duty of the governing body and the local education authority.
10. A statement explaining the effect of paragraph 34 of Schedule 7 and regulation 7 including—
 - (a) the date by which objections should be sent to the school organisation committee; and
 - (b) the address of the school organisation committee to whom objections should be sent.

SCHEDULE 2

Regulation 5

INFORMATION TO BE SENT TO THE SCHOOL ORGANISATION COMMITTEE

PART I

INTERPRETATION

- 1.—(1) In this Schedule—

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“the current school year” means the school year in which the proposals are published;
“GCE 'A' level examinations” and “GCE 'AS' examinations” means General Certificate of Education advanced level examinations and General Certificate of Education advanced supplementary examinations respectively;
“GCSE” means General Certificate of Secondary Education;
“GNVQ” means General National Vocational Qualification;
“NVQ” means National Vocational Qualification;
“the relevant radius” means a radius of 4.828032 kilometres (three miles);
“sixth form education” means full-time education suitable to the requirements of pupils over compulsory school age.

(2) For the purposes of this Schedule the capacity of the school shall be determined in accordance to the Schedule to the Education (Information as to Provision of Education) (England) Regulations 1999(9).

PART II

INFORMATION TO BE SENT IN ALL CASES WHERE THE SCHOOL IS A MAINSTREAM SCHOOL

2. The objectives of the proposal.
3. Evidence of the consultation before the proposals were published including—
 - (a) copies of the consultation documents; and
 - (b) the views and responses from the persons consulted.
4. A map showing the location of the school the subject of the proposals and all other community, voluntary and foundation schools within the relevant radius of the school.
5. A list of all secondary schools within the relevant radius of the school the subject of the proposals, stating which of such schools are maintained by a different local education authority, together with the following information in respect of each such school for the current school year, and (except for the information specified in sub-paragraph (d)) the previous school year;
 - (a) the standard number for each relevant age group;
 - (b) the number of year groups;
 - (c) the capacity of the school; and
 - (d) the number of pupils at the schooland a forecast of the matters specified in sub-paragraphs (b) to (d) for each of the subsequent five school years.
6. The following details of the sixth form education currently provided at the school—
 - (a) courses leading to GCE “A” and “AS” examinations,
 - (b) courses leading to advanced vocational qualifications (in particular advanced GNVQs),
 - (c) other courses, and
 - (d) the number of pupils attending each course.

(9) S.I. 1999/1066.

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7. Copies of the reports of the two inspections under Part I of the School Inspections Act 1996⁽¹⁰⁾ as a result of which Parts II and III of Schedule 7 apply in relation to the School.

PART III

INFORMATION TO BE SENT IN ALL CASES WHERE THE SCHOOL IS A SPECIAL SCHOOL

8. The objectives of the proposal.
9. Evidence of the consultation before the proposals were published including—
 - (a) copies of the consultation documents; and
 - (b) the views and responses from the persons consulted.
10. A map showing the location of the school the subject of the proposals.
11. A list of all—
 - (a) special schools which provide education for pupils over compulsory school age; and
 - (b) other schools maintained by a local education authority which provide education for pupils over compulsory school age at which there is provision which is recognised by the local education authority as reserved for children with special educational needs,

in the area of the local education authority who maintain the school.

12. Information as to—
 - (a) the number of pupils over compulsory school age at each school referred to in paragraph 11(a), and
 - (b) the number of pupils over compulsory school age at each school referred to in paragraph 11(b) for whom the provision referred to in that sub-paragraph is made,

in the current school year together with a forecast of that number in each of the subsequent 5 school years.

13. Information as to the numbers of pupils over compulsory school age with special educational needs of each type for whom the local education authority maintain a statement of special educational needs in the current year together with a forecast of such numbers for each of the subsequent 5 school years.

14. Copies of the reports of the two inspections under Part I of the School Inspections Act 1996 as a result of which Parts II and III of Schedule 7 apply in relation to the school.

PART IV

ADDITIONAL INFORMATION TO BE SENT WHERE THE PROPOSALS ARE TO DISCONTINUE A SIXTH FORM

15. Where the school is a mainstream school, the following information relating to the school for the current school year and (except for the information specified in paragraph (c)), the previous school year—

- (a) the number of year groups;
- (b) the capacity of the school; and

(10) 1996 c. 57.

(c) the number of pupils at the school

and a forecast of those matters specified in each of the subsequent 5 school years on the assumption that the proposals are approved.

16. Where the school is a special school, the following information relating to the school for the current school year and the preceding 4 school years—

- (a) the number of pupils at the school;
- (b) the number of pupils of each year group and each sex; and
- (c) the number of pupils with each type of special educational needs for which provision is made at the school;

and a forecast of those numbers for each of the subsequent 5 school years on the assumption that the proposals are approved.

17. Where the proposals relate to a voluntary school, a statement as to whether, as a result of the proposals, premises used for the purposes of the school will no longer be required and if so—

- (a) a statement as to whether those premises will be sold, and, if so, the estimated sale proceeds, and
- (b) if the premises are not to be sold a statement as to the proposed use of the premises

if such information has been made available to the Council.

18. Details of the number of pupils over compulsory school age in each year group remaining at the school the subject of the proposals in the two school years before the current school year;

19. Details of the number of pupils over compulsory school age in each year group who have transferred from the school the subject of the proposals to another institution providing full-time or part-time education during the period referred to in paragraph 18;

20. Details of the institutions to which the pupils referred to in paragraph 19 transferred indicating how many people went to each such institution;

21. The number of pupils referred to in paragraphs 18 and 19 in each year group as a proportion of the total number of pupils in that year group;

22. Where the school is a mainstream school, details of the following examination results for the two school years before the current school year at the school which is the subject of the proposals and at each maintained school, city technology college, city college for the technology of the arts, city academy and further education college named in accordance with paragraph 20—

- (a) results of GCSE examinations limited, in the case of schools other than the school the subject of the proposals and further education colleges, to the results of GCSE examinations taken by pupils over compulsory school age;
- (b) results of GCE “A” and “AS” examinations, and
- (c) NVQs, GNVQs and other vocational qualifications for pupils over compulsory school age.

23. Details of the schools or further education colleges to which it is proposed that pupils currently receiving sixth form education may transfer if the proposals are approved, including any transitional arrangements which may apply.

24. An assessment of the quality of the institutions named in accordance with paragraph 23 including, where the school which is the subject of the proposals is a mainstream school, details of the examination results referred to in paragraph 22 at each maintained school, city technology college, city college for the technology of the arts, city academy and further education college named in accordance with paragraph 23.

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25. The number of places available at those institutions named in accordance with paragraphs 20 and 23 which are schools.

26. Details of the distance, measured by the nearest available route, between the school and all of the institutions named in accordance with paragraphs 20 and 23 together with details as to the availability of public transport to the institutions named in accordance with paragraph 23 (where such information is not already contained in any proposed arrangements for transport contained in published proposals pursuant to paragraph 5 of Schedule 1).

PART V

ADDITIONAL INFORMATION TO BE SENT IN WHERE THE PROPOSALS TO DISCONTINUE A 16–19 INSTITUTION

27. Where the school is a mainstream school, the following information relating to the school for the current school year and (except for the information specified in sub-paragraph (d)), the previous school year—

- (a) the standard number for each relevant age group;
- (b) the number of year groups;
- (c) the capacity of the school; and
- (d) the number of pupils at the school.

28. Where the school is a special school, the following information relating to the school for the current school year and the preceding 4 school years—

- (a) the number of pupils at the school;
- (b) the number of pupils of each year group and sex;
- (c) the number of pupils with each type of special educational needs for whom provision is made at the school.

29. The following information relating to the accommodation at the school—

- (a) the location of the accommodation;
- (b) whether the school occupies a single or split site; and
- (c) details of general and specialist accommodation.

30. Details of schools and further education colleges which pupils who might otherwise have attended the school may, in the opinion of the Council, reasonably be expected to be able to attend after ceasing to be of compulsory school age if the proposals are approved, including any transitional arrangements which may apply.

31. An assessment of the quality of the institutions named in paragraph 30 including, where the school which is the subject of the proposals is a mainstream school, details of the examination results referred to in sub-paragraphs (a) to (c) of paragraph 22 for the two school years before the current school year at the school in question and at each maintained school, city technology college, city college for the technology of the arts, city academy and further education college named in accordance with paragraph 30.

32. The number of places available at institutions named in accordance with paragraph 30 which are schools.

33. Details of the distance, measured by the nearest available route between the school and all the institutions named in accordance with paragraph 30 together with details as to the availability of public transport to those institutions (where such information is not already contained in any

proposed arrangements for transport contained in published proposals pursuant to paragraph 5 of Schedule 1).

SCHEDULE 3

Regulation 15

PROPOSALS UNDER PARAGRAPH 36(4) OF SCHEDULE 7

1. In this Schedule—
 - “the new proposals” means proposals made under paragraph 36(4) of Schedule 7;
 - “the original proposals” means the proposals approved under Part III of Schedule 7 to which the new proposals relate.
2. The new proposals shall—
 - (a) where the school is a mainstream school, 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 that area; 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;
 - (b) where the school is a special school, be published—
 - (i) in at least one newspaper circulating in the area of the local education authority who maintain the school; and
 - (ii) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.
3. The new proposals shall contain—
 - (a) the information contained in the original proposals, and
 - (b) a statement as to why it is proposed that the original proposals should not be implemented.
4. Before publishing the new proposals the Council shall, having regard to any guidance issued by the Secretary of State, consult such persons as they consider appropriate.
5. The Council shall send—
 - (a) a copy of the published new proposals;
 - (b) a copy of the information sent to the school organisation committee under paragraph 17(1)(b) or 25(1)(b) of Schedule 7 and regulation 5 when the original proposals were published; and
 - (c) the information referred to in regulation 5 which would have been applicable if the original proposals had been published at the time when the new proposals were published;to the school organisation committee.
6. Where the school the subject of the new proposals is a special school the Council shall send a copy of the published new proposals to be bodies or persons to whom a copy of the original proposals was sent under paragraphs 17(2) and 25(2) of Schedule 7 and regulation 6.
7. Any person may send objections to the new proposals to the school organisation committee within one month after the date of publication of the proposals.

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SCHEDULE 4

Regulation 16

**SCHOOLS SITUATED OUTSIDE THE AREA OF THE
LOCAL EDUCATION AUTHORITY WHO MAINTAIN THEM**

1. In relation a community, voluntary or foundation school which is situated in an area other than that of the local education authority who maintain it Parts II and III of Schedule 7 shall have effect with the modifications specified below.

2. Paragraphs 17 and 25 of Schedule 7 shall have effect as if at the end there were added “and to the school organisation committee for the area of the local education authority in which the school is situated”.

3. Paragraph 35 of Schedule 7 shall have effect as if—

(a) for sub-paragraph (1) there were substituted the following sub-paragraph—

“(1) The school organisation committee (“committee A”) shall consider the proposals and shall, after seeking and, unless the school organisation committee for the area of the local education authority in which the school is situated (“committee B”) have failed to reach a decision as what recommendation to give, obtaining the recommendation of committee B—

- (a) reject the proposals;
- (b) approve them without modification; or
- (c) approve them subject to modifications;”

(b) in sub-paragraph (2) for “a school organisation committee” there were substituted “committee A”.

(c) after sub-paragraph (4) there were inserted the following sub-paragraphs—

“(4A) Where under sub-paragraph (1) the recommendation of committee B is sought, that committee, in deciding what recommendation to give, 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.

(4B) Where—

- (a) under sub-paragraph (1) the recommendation of committee B is sought;
- (b) the decision on what recommendation to give to committee A is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the School Standards and Framework Act 1998; and
- (c) committee B have failed to reach a decision on what recommendation to give, committee B shall inform committee A of that fact.”;

(d) for sub-paragraph (5) there were substituted the following sub-paragraph—

“(5) Committee A shall refer proposals to the adjudicator if—

- (a) the committee votes on a decision in relation to the proposals and;
 - (i) the decision is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the School Standards and Framework Act 1998, but
 - (ii) the result of the vote is not unanimous;
- (b) the committee vote not to accept the recommendation of committee B; or

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- (c) the committee have been informed by committee B under sub-paragraph (4B) that committee B is unable to reach a decision on what recommendation to give,”
- (e) after sub-paragraph (6) there shall be inserted the following sub-paragraph—
 - “(6A) Sub-paragraph (6) shall not apply to committee B.”;
- (f) for sub-paragraph (7) there were substituted the following sub-paragraph—
 - “(7) Where any proposals are referred to the adjudicator—
 - (a) he shall consider the matter afresh;
 - (b) he shall—
 - (i) reject the proposals;
 - (ii) approve them without modification, or
 - (iii) approve them subject to modifications after consulting the Council, the local education authority who maintain the school and the governing body of the school;
 - (c) sub-paragraph (4) shall apply to the adjudicator as it applies to committee A; and
 - (d) in considering proposals the adjudicator shall have regard to—
 - (i) any guidance given from time to time by the Secretary of State; and
 - (ii) the school organisation plans for the areas of committee A and committee B;”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe various matters relating to proposals published by the Learning and Skills Council for England under Schedule 7 to the Learning and Skills Act 2000. Under this Schedule the Council has power to publish proposals for the alteration of a maintained school so that it no longer provides sixth form education, or for the discontinuance of a maintained school which is a 16-19 institution if, broadly speaking, two successive reports state that the sixth form is inadequate or that a 16-19 institution requires special measures or has significant weaknesses.

Regulation 3 with Schedule 1 prescribes the information which must be contained in published proposals and regulation 4 prescribes the manner in which such proposals must be published.

Regulation 5 with Schedule 2 prescribes additional information which is to be provided to the School Organisation Committee and regulation 6 prescribes other bodies to whom proposals and information must be sent in the case of special schools. Regulation 7 provides for the time limit for objections to proposals.

Regulation 8 prescribes the bodies with whom the school organisation committee or adjudicator must consult before approving proposals with modifications. Regulation 9 prescribes events which can be specified in a conditional approval.

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Regulation 10 provides for the period after which, if the school organisation committee has not voted on any matter, they must, if the body by whom the proposals were published so requests, refer the matter to the adjudicator.

Regulation 11 prescribes the bodies with whom the school organisation committee or adjudicator must consult before modifying approved proposals.

Regulation 12 provides for the information which must be provided by the school organisation committee or adjudicator to various persons specified in that regulation in connection with published proposals.

Regulation 13 provides for the voting of the school organisation committee. Provision is made that each group of members is collectively to have a single vote when taking decisions on proposals published by the Council and that all such decisions must be unanimous decisions of those voting.

Regulation 14 provides for the time limit within which matters must be referred to the adjudicator.

Regulation 15 with Schedule 3 make provision for proposals by the Council that previous proposals which have been approved should not be implemented.

Regulation 16 with Schedule 4 sets out modifications to Schedule 7 which apply where the proposals relate to a school situated in an area other than that of the local education authority which maintain it.

Regulation 17 makes special provision for implementation of proposals where a school changes category from being a community or community special school.