



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Alterations to schools

23 Rights of interested bodies in relation to proposals under section 21

- (1) Any regulations under section 21 which enable any proposals falling within subsection (2) which are published by the governing body of the school to which they relate to be determined by the governing body must include provision by virtue of subsection (2)(g) of that section enabling the local education authority to require the proposals to be referred to the adjudicator.
- (2) Proposals fall within this section if the proposed alteration would result in a community, voluntary controlled or foundation school or community or foundation special school becoming either or both of the following—
 - (a) a foundation or foundation special school having a foundation established otherwise than under SSFA 1998;
 - (b) a foundation or foundation special school whose instrument of government provides for the majority of governors to be foundation governors.
- (3) Regulations under section 21 may restrict the matters to which a local education authority may have regard in deciding whether to require proposals to be referred to the adjudicator in accordance with provision included in the regulations by virtue of subsection (1).
- (4) If regulations under section 21 provide for any proposals, other than proposals to which section 22(3) or (5) applies, to be determined by a person other than the adjudicator, the regulations must include provision by virtue of section 21(2)(h) enabling each of the following persons to require the proposals to be referred to the adjudicator after their initial determination by the other person—

Status: This is the original version (as it was originally enacted).

- (a) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the authority,
 - (b) the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the authority, and
 - (c) where the proposals relate to the provision of education for persons aged 14 or over, the Learning and Skills Council for England.
- (5) If regulations under section 21 provide for any proposals published by a local education authority in relation to a foundation or voluntary school or a foundation special school to be determined by the local education authority, the regulations must include provision by virtue of subsection (2)(h) of that section enabling each of the following persons to require the proposals to be referred to the adjudicator after their initial determination by the authority—
- (a) the governing body of the school, and
 - (b) the trustees of the school.
- (6) In this section “proposals” means proposals under section 19.