
STATUTORY INSTRUMENTS

1999 No. 499

EDUCATION, ENGLAND AND WALES

WALES

**The Education (School Organisation
Plans) (Wales) Regulations 1999**

<i>Made</i>	- - - -	<i>1st March 1999</i>
<i>Laid before Parliament</i>		<i>4th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 26 and 138(7) and (8) of the School Standards and Framework Act 1998(1) the Secretary of State for Wales, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (School Organisation Plans) (Wales) Regulations 1999 and shall come into force on 1st April 1999.

Interpretation

2.—(1) In these Regulations—

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

“authority” means a local education authority in Wales;

“area” means the area of such a local education authority;

“plan” means a school organisation plan and “draft plan” shall be construed accordingly;

“school year” means the school year which applies for the schools maintained by the authority concerned or, if the same school year does not apply for all such schools, the school year which applies for the highest number of schools maintained by that authority;

“special educational needs” has the meaning given to that term by section 312(1) of the Education Act 1996(2).

(1) 1998 c. 31.

(2) 1996 c. 56.

(2) Until 1st September 1999 any reference in these regulations to a school maintained by a local education authority shall include a grant-maintained school which the authority are required to maintain by virtue of regulation 2 of the School Standards and Framework Act 1998 (Modifications) Regulations 1998(3).

Content and duration of School organisation plan

3.—(1) For the purposes of section 26(2)(a) of the Act (which provides that a school organisation plan is a statement which sets out how the authority propose to exercise their functions during the prescribed period with a view to securing the provision of primary and secondary education that will meet the needs of the population of their area during that period) the prescribed period shall be the period starting with the date with effect from which the draft plan was adopted by the authority under regulation 7 or 8 (as the case may be) and ending at the end of the fifth school year after the school year in which the initial draft plan was published.

(2) The reference in paragraph (1) to the initial draft plan is a reference to the draft plan published under regulation 4 (irrespective of whether a fresh draft plan replacing that draft plan was subsequently published under regulation 8(1)).

(3) The plan shall in particular deal with—

- (a) the authority's proposals for remedying any excess or insufficiency in the provision of primary and secondary education in schools maintained by the authority during the period to which the plan relates; and
- (b) the provision which they propose to make during that period for children with special educational needs.

Publication of draft plan

4.—(1) The authority shall prepare and publish a draft plan by—

- (a) sending (subject to regulation 11) a copy to—
 - (i) the governing body of each school maintained by the authority;
 - (ii) the Diocesan Director of Education of every diocese of the Church in Wales the whole or any part of the area of which diocese falls within the authority's area;
 - (iii) the Diocesan Director of Education of every diocese of the Roman Catholic Church, the whole or any part of the area of which diocese falls within the authority's area;
 - (iv) the Board of Mission of the Church in Wales;
 - (v) Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru or the Qualifications, Curriculum and Assessment Authority for Wales;
 - (vi) the Welsh Joint Education Committee;
 - (vii) the Welsh Language Board;
 - (viii) the Further Education Funding Council for Wales;
 - (ix) the Higher Education Funding Council for Wales; and
 - (x) the Secretary of State for Wales; and
- (b) depositing a copy in such public libraries in the area of the authority as they consider appropriate.

(2) The first draft plan shall be published on or before 1st September 1999.

(3) The authority shall prepare further draft plans each year and each such draft plan shall be published by 1st September in each year.

(4) The reference in paragraph (3) to the previous draft plan is a reference to the last draft plan published under this regulation (irrespective of whether a fresh draft plan replacing that plan was subsequently published under regulation 8(1)).

(5) Before publishing a draft plan the authority shall consult such persons as appear to them to be appropriate.

Publication of notice of draft plan

5. At the same time as they publish a draft plan the authority shall publish a notice in at least one newspaper circulating in the area of the authority—

- (a) stating where the draft plan can be inspected;
- (b) giving a summary of the conclusions of the draft plan and in particular specifying the parts of the area in respect of which the conclusion of the draft plan is that steps should be taken to remedy any excess or insufficiency in the provision of primary or secondary education in maintained schools, and
- (c) stating the effect of regulations 6 to 10.

Comments on draft plans

6.—(1) Any person may submit comments on a draft plan.

(2) Such comments shall be sent to the authority within the period of two months after the date of publication of the notice in accordance with regulation 5 (or if notices were published in different newspapers on different dates, the date of the publication of the last such notice).

Adoption of draft plan by the authority

7.—(1) Following the publication of a draft plan and the expiration of the period referred to in regulation 6(2), the authority shall, after considering any comments sent to them within that period, decide whether or not the plan should be adopted by them (with or without modifications).

(2) The authority shall make their decision under paragraph (1) within the period of two months after the expiration of the period referred to in regulation 6(2).

(3) If the authority decide to adopt the draft plan (with or without modifications), the plan shall be adopted accordingly.

(4) The adoption of a draft plan by the authority under paragraph (3) shall take effect at the beginning of the year immediately following the year in which the draft plan was published under regulation 4, or on the date of adoption if that year has already begun.

Publication and adoption of a fresh draft plan by the authority

8.—(1) If the authority decide under regulation 7 not to adopt the draft plan (with or without modifications), they shall prepare and publish under this paragraph a fresh draft plan in place of that draft plan and regulations 4(1), 4(5), 5 and 6 shall apply in relation to such a plan as they apply to draft plans, except that the summary of the conclusions of the draft plan given in the notice published under regulation 5 (as so applied) shall include, in the case of a fresh draft plan, a brief statement of how those conclusions differ from those given in the notice published under that regulation in respect of the draft plan which the fresh draft plan replaces, and the notice shall state the effect of regulations 6, 8(3), 9 and 10 (instead of the effect of regulations 6 to 10).

(2) Where a fresh draft plan is required to be published under paragraph (1), it shall be published within the period of three months after the expiration of the period within which any comments on the draft plan it replaces were required to be submitted in accordance with regulation 6(2).

(3) Following the publication of a fresh draft plan under this regulation and the expiration of the period referred to in regulation 6(2) (as applied by paragraph (1)) for submitting comments on the fresh draft plan, the authority shall, within the period of two months after the expiration of that period, adopt the fresh draft plan (with or without modifications) and such adoption shall take effect on the date it is made.

Publication of adopted plan

9. Where a plan has been adopted by an authority under regulation 7 or 8, the authority shall publish the plan as so adopted by—

- (a) sending a copy (subject to regulation 11) to the governing body of each school maintained by them and to each of the persons and bodies mentioned in regulation 4(1); and
- (b) depositing a copy of the plan in such public libraries in their area as they consider appropriate.

Publication of notice of adopted plan

10.—(1) At the same time as they publish an adopted plan under regulation 9, the authority shall publish a notice in at least one newspaper circulating in the area of the authority—

- (a) stating where the plan can be inspected, and
- (b) giving a summary of the conclusions of the plan and in particular specifying the parts of the area in respect of which the conclusion of the plan is that steps should be taken to remedy any excess or insufficiency in the provision of primary or secondary education in maintained schools.

Publication on the Internet

11. Regulations 4(1)(a)(i) and 9(a) shall not apply in relation to the governing body of any school if the authority publishes the draft plan or, as the case may be, the adopted plan on the Internet and the school has facilities which enable access to be gained to the Internet.

Signed by authority of the Secretary of State for Wales

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office

1st March 1999

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 26 of the School Standards and Framework Act 1998 requires local education authorities to prepare school organisation plans for their areas setting out how, during the period covered by the plan, they propose to exercise their functions with a view to securing the provision of primary and secondary education that will meet the needs of the population of their area, and specifying any facilities which they expect to be available outside their area for providing such education.

These Regulations, which are made under section 26, provide for the following matters—

- (a) the period each such plan is to cover (regulation 3(1) and (2));
- (b) the matters which must be dealt with in each plan (regulation 3(3));
- (c) the preparation and publication of a draft plan, and the manner in which draft plans are to be published (regulation 4(1) and 11);
- (d) the intervals at which draft plans are to be published (regulation 4(2)–(4));
- (e) the persons who must be consulted before draft plans are published (regulation 4(5));
- (f) the publication, in at least one newspaper circulating in the area of the authority, of a notice in respect of each draft plan, and the information to be included in such a notice (regulation 5);
- (g) the procedure whereby persons may submit comments on a draft plan and the time scale within which such comments must be submitted (regulation 6);
- (h) the procedure for the adoption of a draft plan by the authority (regulation 7);
- (i) the preparation and publication of a fresh draft plan where the authority decide not to adopt a draft plan, the manner in which such a plan is to be published and the adoption of such a plan (regulation 8);
- (j) the publication of an adopted plan, the publication in a newspaper circulating in the area of the authority of a notice in respect of an adopted plan, and the information to be included in such a notice (regulations 9, 10 and 11).