

# EDUCATION (WALES) MEASURE 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: Foundation Schools**

##### **Foundation schools**

##### ***Section 26 - Prohibition of establishment of new foundation schools***

54. Chapter 2 of Part 2 of the School Standards and Framework Act 1998 (“the 1998 Act”) makes provision about the establishment, alteration and discontinuance of maintained schools in Wales. Section 28 of, and Schedule 6 to, the 1998 Act make provision about proposals for the establishment and alteration of community, foundation, voluntary schools and maintained nursery schools, and the implementation of those proposals. This section amends section 28 of, and Schedule 6 to, the 1998 Act by removing the ability of local authorities or other promoters to propose the establishment of a new foundation school in Wales. This section also amends section 113A of the Learning and Skills Act 2000 to remove the ability of the Welsh Ministers to propose the establishment of a foundation school for pupils over the age of 16.

##### ***Section 27 - Prohibition of change of category to foundation school***

55. Schedule 8 to the 1998 Act makes provision enabling schools in Wales to change categories. This section amends Schedule 8 to the 1998 Act so as to remove the ability of a local authority or a governing body to propose that a school change its category so as to become a foundation school. This will not prevent a school which is currently a foundation school changing category so as to become a different category.

##### ***Section 28 - Savings: proposals to establish new foundation schools***

56. **Section 28** contains saving provisions. The amendments made by section 25 do not affect any proposal for the establishment of a new foundation school published prior to section 25 coming into force, and which has not been implemented. The proposal will therefore continue to be dealt with under section 28 of, and Schedule 6 to, the 1998 Act as though the amendments made by section 25 had not come into force.

##### ***Section 29 – Savings: proposals to change category to foundation schools***

57. **Section 29** contains saving provisions. The amendments made by section 26 do not affect any proposal for a school to change from one category to another published prior to section 26 coming into force, and which has not been implemented. Such a proposal will be dealt with under Schedule 8 to the 1998 Act as though the amendments made by section 25 had not come into force.

##### ***Section 30 - Supplementary powers***

58. This section allows the Welsh Ministers to make provision by order which they consider necessary or expedient to give full effect to sections 25 to 28. An order made by

*These notes refer to the Education (Wales) Measure 2011 (c.7)*

the Welsh Ministers under this power may, among other things, amend or revoke subordinate legislation.