



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Discontinuance of schools

15 Proposals for discontinuance of schools maintained by [F1local authority]

- (1) Where a [F1local authority] in England propose to discontinue—
 - (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school, or
 - (c) a maintained nursery school,the authority must publish their proposals under this section.
- (2) Where the governing body of—
 - (a) a foundation or voluntary school in England, or
 - (b) a foundation special school in England,propose to discontinue the school, the governing body must publish their proposals under this section.
- (3) Proposals under this section must—
 - (a) contain such information, and
 - (b) be published in such manner,as may be prescribed.
- (4) The matters to which the relevant body must have regard in formulating any proposals under this section in relation to a rural primary school include—
 - (a) the likely effect of the discontinuance of the school on the local community,
 - (b) the availability, and likely cost to the [F1local authority], of transport to other schools,

Status: Point in time view as at 05/05/2010.

Changes to legislation: Education and Inspections Act 2006, Cross Heading: Discontinuance of schools is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase, and
 - (d) any alternatives to the discontinuance of the school;
- and in considering these matters the relevant body must have regard to any guidance given from time to time by the Secretary of State.
- (5) Where any proposals are published under subsection (2), the persons making the proposals must submit the proposals in accordance with regulations to the [F1local authority].
 - (6) Schedule 2 has effect in relation to the consideration, approval and implementation of proposals published under this section.
 - (7) In this section—
 - (a) “the relevant body” means the [F1local authority] mentioned in subsection (1) or the governing body mentioned in subsection (2) (as the case may be);
 - (b) “rural primary school” means a primary school designated as such for the purposes of this section by an order made by the Secretary of State.
 - (8) In this Part any reference to a [F1local authority]—
 - (a) discontinuing a school, or
 - (b) implementing proposals to discontinue a school (whether published by the authority or the governing body),
 is a reference to the authority ceasing to maintain the school.

Textual Amendments

F1 Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**

Commencement Information

II S. 15 in force at 25.5.2007 by [S.I. 2007/935](#), art. 7(b)

16 Consultation in relation to proposals under section 15

- (1) Before publishing any proposals under section 15 which relate to a school which is a rural primary school or a community or foundation special school, the relevant body must consult—
 - (a) the registered parents of registered pupils at the school,
 - (b) in the case of the rural primary school—
 - (i) the [F1local authority] (where they are not the relevant body),
 - (ii) where the [F1local authority] are a county council, any district council for the area in which the school is situated, and
 - (iii) any parish council for the area in which the school is situated,
 - (c) in the case of a community or foundation special school, any [F1local authority] which maintain a statement under section 324 of EA 1996 (statement of special educational needs) in respect of a registered pupil at the school, and
 - (d) such other persons as appear to the relevant body to be appropriate.
- (2) Before publishing any other proposals under section 15, the relevant body must consult such persons as appear to them to be appropriate.

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- (3) In discharging their duty under subsection (1) or (2) the relevant body must have regard to any guidance given from time to time by the Secretary of State.
- (4) In this section “the relevant body” and “rural primary school” have the same meaning as in section 15.

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)

Commencement Information

- I2** S. 16 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(b\)](#)

17 Direction requiring discontinuance of community or foundation special school

- (1) The Secretary of State may, if he considers it expedient to do so in the interests of the health, safety or welfare of pupils at a community or foundation special school in England, give a direction to the ^{F1}local authority] by whom the school is maintained requiring the school to be discontinued on a date specified in the direction.
- (2) A direction under subsection (1) may require the ^{F1}local authority] to notify any persons or class of persons specified in the direction.
- (3) Before giving a direction under subsection (1), the Secretary of State must consult—
 - (a) the ^{F1}local authority],
 - (b) any other ^{F1}local authority] who would in his opinion be affected by the discontinuance of the school,
 - (c) in the case of a foundation special school which has a foundation, the person who appoints the foundation governors, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (4) On giving a direction under subsection (1), the Secretary of State must give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) Where a ^{F1}local authority] are given a direction under subsection (1), they must discontinue the school in question on the date specified in the direction; and nothing in section 15 or 28 applies to any such discontinuance of the school under this section.

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 17 modified (E.) (11.3.2009) by [The Local Government \(Structural Changes\) \(Further Transitional and Supplementary Provision and Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/276\)](#), regs. 1(1), [3\(4\)](#) (with [reg. 1\(2\)](#))

Commencement Information

- I3** S. 17 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(b\)](#)

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