



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 2

#### ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

##### *Alterations to schools*

#### **22 Right of governing body to determine own foundation proposals**

- (1) Subsection (3) applies to proposals which are published under section 19 by the governing body of a community, voluntary controlled or community special school and relate only to—
  - (a) a change of category from community or voluntary controlled school to foundation school, without the acquisition of a foundation or a relevant change in the instrument of government, or
  - (b) a change of category from community special school to foundation special school, without the acquisition of a foundation.
- (2) For the purposes of this section a “relevant change” in the instrument of government of a school is a change which results in the majority of governors being foundation governors.
- (3) In relation to proposals to which this subsection applies, regulations under section 21—
  - (a) must provide for the proposals to be determined by the governing body, and
  - (b) may not make any provision under subsection (2)(g) or (h) of that section enabling the proposals to be referred to the adjudicator.
- (4) Subsection (5) applies to—
  - (a) proposals which are published under section 19 by the governing body of a community or voluntary controlled school and relate only to a change of category from community or voluntary controlled school to foundation school, together with the acquisition of a foundation or a relevant change in the instrument of government (or both),

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*Status: Point in time view as at 01/04/2007. This version of this provision has been superseded.*

*Changes to legislation: Education and Inspections Act 2006, Section 22 is up to date with all changes known to be in force on or before 30 July 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)*

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- (b) proposals which are published under that section by the governing body of a community special school and relate only to a change of category from community special school to foundation special school, together with the acquisition of a foundation or together with both the acquisition of a foundation and a relevant change in the instrument of government, and
  - (c) proposals which are published under that section by the governing body of a foundation or foundation special school and relate only to the acquisition of a foundation or a relevant change in the instrument of government (or both).
- (5) In relation to proposals to which this subsection applies, regulations under section 21—
- (a) must provide for the proposals to be determined by the governing body unless the local education authority exercise the right conferred on them by regulations made by virtue of section 23(1), and
  - (b) may not make any provision under subsection (2)(g) or (h) of section 21 enabling a person other than the local education authority to require the proposals to be referred to the adjudicator.

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**Commencement Information**

**II** S. 22 in force at 1.4.2007 by S.I. 2007/935, art. 5(c)

**Status:**

Point in time view as at 01/04/2007. This version of this provision has been superseded.

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