

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 2: Establishment, Discontinuance Or Alteration of Schools in England

Section 8: Proposals under section 7 relating to community or community special schools

54. This section sets out the circumstances in which local education authorities are permitted to publish proposals for a community school or community special school. *Subsection (1)* provides that in general such proposals may be published only where prescribed conditions are met and only with the consent of the Secretary of State. The consent of the Secretary of State is however not required in cases where further prescribed conditions are also met. This is intended to prevent authorities who fail to meet certain minimum standards from applying for consent and to enable authorities who meet demanding standards to publish proposals for new community schools in competitions without obtaining consent. All other authorities would have to obtain the consent of the Secretary of State.
55. *Subsection (2)* provides that the conditions must include conditions relating to the standards achieved by the authority in relation to its functions in respect of education, children's social services and childcare. It is intended that this will be measured by the annual performance assessment (APA) score.
56. *Subsection (3)* provides that further conditions that may be prescribed are conditions relating to the standards of schools in the local authority area or the extent of diversity among of any such schools.
57. *Subsection (4)* provides that in considering whether to give consent, the factors to which the Secretary of State must have regard include prescribed matters.
58. *Subsection (5)* provides that regulations may prescribe standards by reference to the opinion of the Chief Inspector or any rating awarded by the Chief Inspector following an inspection or review.