

SCHEDULE 1

Regulation 3

ALTERATIONS FOR WHICH PROPOSALS MUST BE PUBLISHED

1. Except where the school is established in a hospital, any increase in the number of pupils for whom the school is organised to make provision which, when taken together with all such previous increases in the number of pupils would increase the number of such pupils by 10% or the relevant number of pupils (whichever is the lesser) as compared with—

- (a) the number of such pupils on the appropriate date; or
- (b) if, at any time after that date the number of such pupils was lower than on that date, the lowest number at any such time.

In this paragraph—

“the appropriate date” means whichever is the latest of the following dates—

- (a) the date falling five years before the date on which the local education authority or, as the case may be, the governing body, form the intention to increase the number of pupils for which the school is organised to make provision;
- (b) the date when the school was established;
- (c) where any proposals for the making of a prescribed alteration to the school consisting of an increase in the number of pupils for which the school is organised to make provision have been approved under—
 - (i) section 184 of the Education Act 1993⁽¹⁾,
 - (ii) section 340 of the Education Act 1996⁽²⁾, or
 - (iii) paragraph 3 of Schedule 6 or paragraph 8 or 9 of Schedule 7, the date (or latest date) on which any such proposals were implemented; and
- (d) where the local education authority have determined under paragraph 4 of Schedule 6 to implement any proposals for the making of a prescribed alteration to the school consisting of an increase in the number of pupils for which the school is organised to make provision, the date (or latest date) on which any such proposals were implemented; and

“the relevant number of pupils” is 5 where the school only makes boarding provision and 20 in any other case.

2. Except where the school is established in a hospital, any decrease in the number of pupils for whom the school is organised to make provision.

3. The alteration of the upper or lower age limits of the school (that is to say the highest and the lowest ages of pupils for whom education is normally provided at the school).

4. An alteration to a school to provide that—

- (a) a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes; or
- (b) a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only.

5.—(1) The introduction or ending of a boarding provision.

(2) Where the school makes provision for day pupils and boarding pupils, the alteration of boarding provision such that the number of pupils for whom boarding provision is made is increased or decreased by 5 pupils.

(1) 1993 c. 35; repealed by Schedule 38 to the Education Act 1996.

(2) Section 340 is prospectively repealed by Schedule 31 to the Act.

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6. A change in the type of special educational needs for which the school is organised to make provision.

7. The transfer of a school to a new site except the transfer to site which formerly consisted of playing fields (within the meaning of section 77 of the Act) used by the school, provided that the main entrance of the school on its new site will be within 3.218688 kilometres (two miles) of the main entrance of the school on its old site.

SCHEDULE 2

Regulation 4

INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS

PART I

INFORMATION TO BE CONTAINED IN ALL PUBLISHED PROPOSALS TO ESTABLISH, ALTER OR DISCONTINUE A SCHOOL

1. The name of the local education authority or governing body publishing the proposals.
2. The date on which the proposals are planned to be implemented or, where the proposals are planned to be implemented in stages, the date on which each stage is planned to be implemented.
3. A statement explaining the effect of paragraph 2 of Schedule 6 or, as the case may be, paragraph 7 of Schedule 7 and regulation 8 including—
 - (a) the date by which objections should be sent to the relevant local education authority or school organisation committee; and
 - (b) the address of the local education authority or school organisation committee to which objections should be sent.

PART II

ADDITIONAL INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS TO ESTABLISH A NEW SCHOOL

4. The location of the site of the proposed school (including, where appropriate, the postal address).
5. The category (as set out in section 20(1)(d) or (e) of the Act) into which the proposed school will fall.
6. Information as to the numbers, age group, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is proposed.

PART III

ADDITIONAL INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS TO MAKE A PRESCRIBED ALTERATION TO A SCHOOL

7. Information as to the numbers, age group, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is made at the school (before the proposed alteration).

8. A description of the proposed alteration.

9. Where the proposals would result in the school being organised to make provision for pupils with a different type of special educational needs with the result that the provision which would be made for pupils currently at the school would be inappropriate to their needs, details of the other schools which such pupils may attend including any interim arrangements and including transport arrangements to such schools.

10. Where the proposals relate to a foundation special school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

PART IV

ADDITIONAL INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS TO DISCONTINUE A SCHOOL

11. Information as to the numbers, age group, sex and special educational needs of the pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

12. Details of the schools which pupils who are at the school to be discontinued may attend, including any interim arrangements.

13. Details of any other measures proposed to be taken to increase the number of school places available in consequence of the proposed discontinuance.

14. The proposed arrangements for transport of such pupils to other schools.

SCHEDULE 3

INFORMATION TO BE SENT TO THE SCHOOL ORGANISATION COMMITTEE OR THE SECRETARY OF STATE

PART I

INTERPRETATION

1. In this Schedule,

- (a) “the current school year” means the school year in which the proposals are published; and
- (b) any reference to proposals being approved or rejected (however framed) includes a reference to the local education authority determining to implement or not to implement (as the case may be) the proposals under paragraph 4 of Schedule 6.

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PART II

INFORMATION TO BE SENT IN ALL CASES WHERE PROPOSALS ARE PUBLISHED UNDER SECTION 31

2. The objectives of the proposals.
3. A statement indicating how the proposals would contribute to enhancing the quality of education and how they support the policy for provision for children with special educational needs as set out in the education development plan prepared under section 6 of the Act by the local education authority who maintain the school or who it is proposed should maintain the school.
4. Evidence of the consultation before the proposals were published including—
 - (a) copies of the consultation documents; and
 - (b) the views and responses from the persons consulted.
5. A statement indicating the consequences for the education of pupils with special educational needs in the area if the proposals were rejected.
6. A map showing the location of the school or proposed school.
7. A list of all—
 - (a) special schools; and
 - (b) other schools maintained by a local education authority at which there is provision which is recognised by the local education authority as reserved for children with special educational needs, in the area of the local education authority who maintain or who it is proposed should maintain the school.
8. Information as to—
 - (a) the number of pupils at each school referred to in paragraph 7(a) and
 - (b) the number of pupils at each school referred to in paragraph 7(b) for whom the provision referred to in that sub-paragraph is made,in the current year together with a forecast of that number of each of the subsequent 5 school years.
9. Information as to the numbers of pupils with special educational needs of each type for whom the local education authority maintain a statement of special educational needs under Part IV of the Education Act 1996 in the current school year together with a forecast of such numbers for each of the subsequent 5 school years.

PART III

ADDITIONAL INFORMATION TO BE SENT WHERE THE PROPOSALS ARE TO ESTABLISH A NEW SCHOOL

10. A forecast of the projected number of pupils at the school by sex and, where appropriate, type of special educational need for which provision is made, for the 4 school years following the current school year.
11. Details of proposed arrangements for the provision of transport to the proposed school.
12. Details of the curriculum to be provided at the proposed school.
13. Details of the propose staffing including details of the time at which it is expected to appoint the head teacher.

14. The following information relating to the proposed accommodation (including temporary accommodation).

- (a) the location of the accommodation;
- (b) a site plan of the accommodation;
- (c) whether the proposed school is to occupy a single or split site;
- (d) how accessible the accommodation will be; and
- (e) details of the general and specialist accommodation (both teaching and non teaching).

15. Details of the capital costs of establishment of the proposed school and how it is intended to fund implementation of the proposals together with a statement as to whether, as a result of the proposals, premises used for the purposes of another school will no longer be required and if so a statement as to whether those premises are to be sold, and if so the estimated sale proceeds.

16. An estimate of the recurrent costs for the proposed school and any savings in expenditure as a result of implementation of the proposals.

17. Where the establishment of the new school involves development for the purpose of the Town and Country Planning Act 1990(3) a statement as to whether planning permission has been obtained and, if such permission has not been obtained, details of the reasons (if known) why it has not been obtained.

PART IV

ADDITIONAL INFORMATION TO BE SENT WHERE THE PROPOSALS ARE TO MAKE A PRESCRIBED ALTERATION TO A SCHOOL

18. The following information relating to the school for the current school year, and the preceding 4 school years—

- (a) the number of pupils at the school;
- (b) the number of pupils of each age group and each sex; and
- (c) the number of pupils with each type of special educational needs for which provision is made at the school;

and a forecast of those numbers for each of the subsequent five school years on the assumption that the proposals are approved.

19. Where the number of pupils, or the number of pupils with a particular type of special educational need, is lower in the current school year than in the fourth school year preceding the current school year an explanation of the reason for change in numbers.

20. A statement as to whether the school has been inspected under section 10 of the School Inspections Act 1996(4) during the period starting three years before the date of publication of the proposals.

21. Details of any proposed arrangements for links between the school and any school maintained by a local education authority which is not a special school.

22. The following information relating to the accommodation at the school and to the proposed accommodation (if different) if the proposals are approved:

- (a) the location of the accommodation;

(3) 1990 c. 8.

(4) 1996 c. 57. Subsection (3) of section 10 is amended and subsections (4A) and (4B) inserted by paragraph 6 of Schedule 6 to the Education Act 1997 (c. 44) and the section is prospectively amended by paragraph 191 of Schedule 30 to the Act.

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- (b) a site plan of the accommodation;
- (c) whether the school occupies a single or a split site;
- (d) how accessible the accommodation will be; and
- (e) details of the general and specialist accommodation (both teaching and non teaching).

23. Details of–

- (a) the staffing at the school and the pupil/staff ratio; and
- (b) the proposed staffing at the school and pupil/staff ratio if the proposals are approved, including, if known, details of the qualifications and experience of the staff relevant to the expected pupil population at the school if the proposals are approved.

24. Details of the capital costs of implementation of the proposals and how it is intended to fund implementation of the proposals together with a statement as to whether, as a result of the proposals, any premises used for the purposes of the school or any other school will no longer be required and if so a statement as to whether those premises are to be sold and if so, the estimated sale proceeds.

25. Details of any recurrent costs following implementation of the proposals and any savings in expenditure as a result of implementation of the proposals.

26. Where the proposals are to alter the upper or lower age limits of the school or to make a change in the type of special educational needs for which the school is organised to make provision, details of any changes in the curriculum which would result if the proposals are approved.

27. Where the proposals (if approved) would result in additional pupils attending the school–

- (a) details of any transitional arrangements proposed in connection with the education of such pupils; and
- (b) details of the proposed arrangements for the provision of transport for such pupils.

28. Where the proposals (if approved) would result in the school being organised to make provision for pupils with a different type of special educational needs with the result that the provision to be made for pupils currently at the school would be inappropriate for their needs–

- (a) the number of pupils for whom provision would be inappropriate;
- (b) the names of all local education authorities who have made arrangements for the placement of such pupils at the school;
- (c) details of alternative provision to be made for such pupils who would otherwise have attended the school (including alternative provision to be made by local education authorities other than the local education authority who maintains the school);
- (d) details of any transitional arrangements proposed in connection with the education of such pupils;
- (e) details of any proposed transport arrangements to any school which such pupils may attend pursuant to any provision made as described in sub-paragraph (c); and
- (f) details of the curriculum at any school which such pupils may attend pursuant to any provision made as described in sub-paragraph (c).

29. Where the proposals are to make a change in the type of special educational needs for which the school is organised to make provision, evidence of how provision is to be made for the projected pupil population in the local education authority's area with the type of special educational needs for which the school is currently organised to make provision and with the type of special educational needs for which it is proposed that the school should make provision.

30. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

- (a) details of the likely effect which the alteration will have on the balance of the provision of education for boys and girls in the area; and
- (b) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975)(5).

31. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

- (a) details of the likely effect which the alteration will have on the balance of the provision of education for boys and girls in the area; and
- (b) where the proposals relate to a school which makes provision for children with emotional and behavioural difficulties and are that the school should become an establishment which only admits boys, details of alternative provision to be made for girls.

32. Where the proposals are for the introduction or ending of boarding provision or the alteration of boarding provision such as is mentioned in paragraph 5(2) of Schedule 1 to these Regulations—

- (a) the current number of pupils for whom boarding provisions can be made;
- (b) the number of pupils for whom it is intended that boarding provision would be made if the proposals are approved;
- (c) a description of the boarding provision at the school or, where the proposals are to introduce boarding provision, the proposed boarding provision;
- (d) where the proposals are to end or reduce boarding provision a statement as to the use to which the former boarding accommodation will be put if proposals are approved; and
- (e) except where the proposals are to end boarding provision, details of arrangements for safeguarding the welfare of children at the school.

33. Where the proposals are to transfer a school to a new site the map such as is referred to in paragraph 6 above showing the location of the school at the proposed site (as well as the existing site).

34. Where the implementation of the proposals will involve development for the purpose of the Town and Country Planning Act 1990, a statement as to whether planning permission has been obtained and, if such permission has not been obtained, details of the reasons (if known) why it has not been obtained.

PART V

ADDITIONAL INFORMATION TO BE SENT WHERE THE PROPOSALS ARE TO DISCONTINUE A SCHOOL

35. The following information relating to the school for the current year and the preceding 4 school years—

- (a) the number of pupils at the school;
- (b) the number of pupils of each age group and sex; and

(5) 1975 c. 65. Section 27 is prospectively amended by paragraph 6 of Schedule 30 to the Act.

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- (c) the number of pupils with each type of special educational needs for which provision is made at the school.
- 36. Where the number of pupils, or the number of pupils with a particular type of special educational need is lower in the current school year than in the 4th school year preceding the current school year an explanation of the reason for the change in numbers.
- 37. The names of all local education authorities who have made arrangements for the placement of children at the school and the number of children placed at the school by each such local education authority.
- 38. Details of alternative provision to be made for pupils who attend the school (including alternative provision to be made by local education authorities other than the local education authority who maintain the school).
- 39. Details of any arrangements for staff employed at the school to transfer to other schools.
- 40. The distance and travelling times from the school to the schools to which it is proposed that the pupils are to transfer.
- 41. The arrangements proposed for transport to the schools to which it is proposed that the pupils are to transfer.
- 42. Details of the curriculum at each of the schools to which it is proposed that the pupils are to transfer.
- 43. Details of any transitional arrangements in connection into the transfer of pupils to other schools.
- 44. Details of any savings in expenditure as a result of the implementation of the proposals and a statement as to whether the premises used for the purposes of the school will be sold and, if so, the estimated proceeds of sale.

SCHEDULE 4

Regulation 16

PROVISIONS OF SECTION 31 AND SCHEDULE 6 APPLYING TO PROPOSALS PUBLISHED UNDER PARAGRAPH 5(4) OF SCHEDULE 6

The provisions of the Act specified in the left hand column of the table below shall have effect in relation to proposals published under paragraph 5(4) of Schedule 6 and, where modifications are specified in the right hand column of the table, shall have effect with those modifications.

<i>Provision</i>	<i>Modification</i>
Section 31(3).	That subsection shall have effect as if for paragraphs (a) and (b) and the words “as may be prescribed” there were substituted— “contain— (a) the information contained in the original proposals; and (b) a statement as to why it is proposed that paragraph 5(1) of Schedule 6 should not apply in relation to the original proposals, and in this section “the original proposals” means the proposals to which it is proposed

<i>Provision</i>	<i>Modification</i>
	that paragraph 5(1) of Schedule 6 should not apply”.
Section 31(4).	That subsection shall have effect as if for the words “under this section” there were substituted “under paragraph 5(4) of Schedule 6”.
Section 31(5).	That subsection shall have effect as if for the words “under this section” there were substituted “under paragraph 5(4) of Schedule 6” and for paragraph (b) there were substituted— <ul style="list-style-type: none">“(b) a copy of the information sent to the committee under regulations under this subsection when the original proposals were published (or, where the original proposals were published before 1st September 1999, any information sent to the Secretary of State in connection with the proposals); and(c) the information prescribed in Schedule 3 to the Education (Maintained Special Schools) (England) Regulations 1999 which would have been applicable if the original proposals had been published at the time when the proposals under paragraph 5(4) of Schedule 6 were published.”.
Section 31(7)	That subsection shall have effect as if for the words “or (6) applies to such other bodies or persons as may be prescribed” there were substituted “applies to any bodies or persons to whom a copy of the original proposals were sent either pursuant to regulations under this subsection or (where the original proposals were published before 1st September 1999) pursuant to regulations under section 183 of the Education Act 1993 or section 339 of the Education Act 1996.”
Section 31(9).	That subsection shall have effect as if for the words “the local education authority or governing body mentioned in subsection (1) or (2) (as the case may be)” there were substituted the words “the local education authority or governing body who, in accordance with paragraph 5(4) of Schedule 6, published the proposals”.

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<i>Provision</i>	<i>Modification</i>
Schedule 6 –	
Paragraph 1.	That paragraph shall have effect as if in sub-paragraph (1) for the words “published under section 28, 29 or 31” there were substituted the words “published under paragraph 5(4)”.
Paragraph 2.	That paragraph shall have effect as if– in sub-paragraph (1) for “section 28, 29 or 31” there were substituted “paragraph 5(4)”; in sub-paragraph (2)(a) for “such period as may be prescribed” there were substituted “two months from the date on which the proposals were published”; in sub-paragraph (2)(b) for “such period as may be prescribed” there were substituted “one month from the end of the objection period”; in sub-paragraph (3) for “such period as may be prescribed” there were substituted “two months from the date on which the proposals were published”.