STATUTORY INSTRUMENTS

1999 No. 701

EDUCATION, ENGLAND AND WALES

The Education (School Organisation Plans) (England) Regulations 1999

Made - - - -	*6th March 1999*
Laid before Parliament	*11th March 1999*
Coming into force	*1st April 1999*

In exercise of the powers conferred on the Secretary of State by sections 26 and 138(7) and (8) of, and paragraph 5(1) and (2) of Schedule 4 and paragraph 5 of Schedule 5 to, the School Standards and Framework Act 1998**(a)**, the Secretary of State for Education and Employment, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992**(b)**, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (School Organisation Plans) (England) Regulations 1999 and shall come into force on 1st April 1999.

Interpretation

2.—(1) In these Regulations–

"the Act" means the School Standards and Framework Act 1998;

"authority" means a local education authority in England;

"area" means the area of an authority;

"the committee" means the school organisation committee for an area;

"group" in relation to members of a school organisation committee has the same meaning as in regulation 3 of the Education (School Organisation Committees) (England) Regulations 1999**(c)**;

"plan" means a school organisation plan and "draft plan" shall be construed accordingly; and

"school year" means the school year which applies for the schools maintained by that authority or, if the same school year does not apply for all such schools, the school year which applies for the highest number of schools maintained by that authority.

(2) Until 1st September 1999 any reference in these regulations to a school maintained by any authority shall include a grant-maintained or grant-maintained special school which that authority are required to maintain by virtue of regulation 2 of the School Standards and Framework Act 1998 (Modifications) Regulations 1998**(d)**.

(a) 1998 c. 31. For the meaning of "prescribed" and "regulations" see section 142(1).
(b) 1992 c. 53.
(c) S.I. 1999/700.
(d) S.I. 1998/2670.

Content and duration of School Organisation Plan

3.—(1) For the purposes of section 26(2)(a) of the Act (which provides that a school organisation plan is a statement which sets out how the authority propose to exercise their functions during the prescribed period with a view to securing the provision of primary and secondary education that will meet the needs of the population of the area during that period) the prescribed period shall be the period which starts–

(a) at the beginning of the school year after that in which the draft plan was published under regulation 4; or

(b) if later, the date on which the draft plan was approved,

and which ends at the end of the fifth school year after the school year in which the draft plan was published.

(2) The plan shall in particular deal with–

(a) how the authority propose to remedy any excess or insufficiency in the provision of primary and secondary education in schools maintained by the authority during the period to which the plan relates; and

(b) the provision which they propose to make during that period for children with special educational needs.

Publication of draft plan

4.—(1) The authority shall prepare a draft plan and publish it by–

(a) sending (subject to regulation 15) a copy to–

(i) the governing body of each school maintained by the authority;

(ii) each authority which is adjacent to the authority in question;

(iii) the Further Education Funding Council for England;

(iv) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the authority's area; and

(v) the bishop of any Roman Catholic Church diocese any part of which is comprised in the authority's area; and

(b) depositing a copy in such public libraries in the area of the authority as they consider appropriate.

(2) The first draft plan shall be published by 1st June 1999.

(3) The authority shall prepare further draft plans each year and each such draft plan shall be published by 1st June in each year.

(4) Before publishing a draft plan the authority shall consult such persons as appear to them to be appropriate.

Publication of notice of draft plan

5. At the same time as they publish a draft plan the authority shall publish a notice in at least one newspaper circulating in the area of the authority–

(a) stating where the draft plan can be inspected;

(b) giving a summary of the conclusions of the draft plan and in particular specifying the parts of the area in respect of which the conclusion of the draft plan is that steps should be taken to remedy any excess or insufficiency in the provision of primary or secondary education in maintained schools; and

(c) stating the effect of regulation 6.

Objections to draft plans

6.—(1) Any person may make objections to the draft plan.

(2) Such objections shall be sent to the authority within two months of the date of the publication of the notice under regulation 5 (or if notices were published in different newspapers on different dates, the date of the publication of the last such notice).

Submission of draft plan to Committee

7. Within one month after the end of the period of two months referred to in regulation 6 the authority shall submit the draft plan (whether as published under regulation 5 or as revised in the light of objections made under regulation 6) to the committee together with copies of–

(a) all objections made (and not withdrawn in writing); and

(b) the authority's observations on the objections.

Consideration of draft plan by committee

8.—(1) The committee may–

(a) approve the draft plan submitted to them with or without modifications;

(b) themselves prepare a plan for publication by the authority as their approved plan; or

(c) refer the draft plan to the adjudicator.

(2) In relation to any decision whether–

(a) to approve the draft plan with or without modifications; or

(b) themselves to prepare a plan for publication by the authority as their approved plan;

the members within each group of members of the committee are collectively to have a single vote.

(3) Any decision such as is mentioned in paragraph (2) taken by the committee shall be a unanimous decision of those voting.

(4) If the committee have voted on the question of whether to approve the draft plan as submitted (with or without modifications) or whether to prepare a plan themselves, but have failed to reach a unanimous decision on the question as required by paragraph (3) they shall, within two weeks of the date on which they voted, refer the draft plan to the adjudicator.

(5) Where the committee refer the draft plan to the adjudicator they shall also–

(a) send to him copies of all objections made and the authority's observations on the objections as submitted to the committee under regulation 7; and

(b) refer to him any proposals made by any group of members of the committee for modification to the draft plan.

(6) There is no limit to the number of different proposals for modification to the draft plan which may be referred to the adjudicator under paragraph (5)(b) (and accordingly the separate proposals need not be consistent with each other) and such modifications may relate to any aspect of the plan.

Consideration of draft plan by adjudicator

9.—(1) The adjudicator may–

(a) approve the draft plan as submitted to him; or

(b) approve the draft plan with the modifications contained in any proposals referred to him under regulation 8(5)(b); or

(c) make his own proposals for modifications to the draft plan (which may relate to any aspect of the plan).

(2) Where the adjudicator makes his own proposals for modifications to the draft plan he shall send a copy of his proposals to the committee.

Action by Committee on adjudicator's proposals

10.—(1) Where the adjudicator makes his own proposals under regulation 9 the committee may–

(a) approve the draft plan with the modifications proposed by the adjudicator; or

(b) refer the draft plan back to the adjudicator.

(2) In relation to any decision whether to approve the draft plan with the modifications proposed by the adjudicator the members within each group of members of the committee shall collectively have a single vote.

(3) Any decision taken by the committee as to whether or not to approve the draft plan with the modifications proposed by the adjudicator shall be a unanimous decision of those voting.

(4) If the committee have voted on the question of whether to approve the draft plan with the modifications proposed by the adjudicator but have failed to reach a unanimous decision on the question as required by paragraph (3) they shall, within two weeks of the date on which they voted, refer the draft plan back to the adjudicator.

(5) Where the committee refer the draft plan back to the adjudicator under paragraph (4) they shall at the same time refer to him the observations (if any) of each group of members of the committee on the adjudicator's proposal for modification of the draft plan.

Further consideration of draft plan by adjudicator

11.—(1) Where the draft plan has been referred by the committee back to the adjudicator under regulation 10 he may–

(a) subject to paragraph (2), approve the draft plan with the modifications proposed by him; or

(b) approve the draft plan with modifications contained in any proposals previously referred to him under regulation 8(5)(b).

(2) The adjudicator may only approve the draft plan with the modifications proposed by him if the observations of at least one group of members of the committee referred to him under regulation 10(5) contain a statement that the group is in favour of those modifications.

Failure of committee to vote on draft plan

12.—(1) If at the end of two months from the date on which the authority submitted the draft plan to the committee under regulation 7 the committee have not voted on the question whether to approve the draft plan submitted to them under regulation 7, the authority may refer the draft plan (whether as published under regulation 5 or as revised in the light of objections made under regulation 6) to the adjudicator.

(2) Where the authority refer the draft plan to the adjudicator they shall at the same time–

(a) send him–

(i) copies of all objections made (and not withdrawn in writing); and

(ii) the authority's observations on the objections; and

(b) notify the committee.

(3) As soon as practicable after receipt of a notification under paragraph (2)(b) the committee shall send to the adjudicator a copy of any minutes of meetings held by the committee which relate to the committee's consideration of the draft plan.

(4) The adjudicator may–

(a) approve the draft plan as submitted to him; or

(b) make his own proposals for modifications to the draft plan (which may relate to any aspect of the plan).

(5) Where the adjudicator makes his own proposals for modification to the draft plan he shall send a copy of his proposals to the committee, and–

(a) regulation 10 shall apply for determining the action to be taken by the committee; and

(b) regulation 11 shall apply for determining the subsequent action that may be taken by the adjudicator but paragraph (1) shall have effect as if for sub-paragraph (b) there were substituted "approve the draft plan as submitted by the local education authority".

Failure of committee to vote on adjudicator's proposed modifications

13.—(1) If at the end of the two months from the date on which the adjudicator sent a copy of his proposals to the committee under regulation 9(2) the committee have not voted on the question whether to approve the draft plan with the modifications proposed by the adjudicator they shall, if the authority request, refer the draft plan back to the adjudicator.

(2) Where the committee refer the draft plan back to the adjudicator under this paragraph they shall at the same time send him a copy of any minutes of meetings held by the committee which

relate to the committee's consideration of the adjudicator's proposals for modifications to the draft plan (including the observations of each group of members of the committee on the adjudicator's proposals for modifications to the draft plan).

(3) Where the draft plan has been referred back to the adjudicator under this regulation he may–

(a) subject to paragraph (4), approve the draft plan with the modifications proposed by him, or

(b) approve the draft plan with modifications contained in any proposals previously referred to him under regulation 8(5)(b).

(4) The adjudicator may only approve the draft plan with the modifications proposed by him if the observations of at least one group of members of the committee contained in the minutes sent to him under paragraph (2) contain a statement that the group is in favour of those modifications.

Preparation and publication of approved plan

14.—(1) Where the draft plan has been approved–

(a) by the committee under regulation 8(1)(a) or 10(1); or

(b) by the adjudicator under regulation 9(1), 11(1), 12(4) or 13(3),

the committee or adjudicator (as the case may be) shall forthwith notify the authority and the Secretary of State and (where the plan has been approved by the adjudicator) the adjudicator shall also notify the committee.

(2) On receipt of notification under paragraph (1) the authority shall prepare the plan in the form in which it has been approved.

(3) Where the committee have prepared a plan under regulation 8(1)(b) they shall forthwith notify the authority and the Secretary of State.

(4) The authority shall publish the plan prepared as mentioned in paragraph (2) or (3) by–

(a) sending (subject to regulation 15) a copy to the bodies specified in regulation 4(1)(a); and

(b) depositing a copy of the plan in such public libraries in the area of the authority as they consider appropriate.

Publication on the Internet

15. Regulations 4(1)(a) and 14(4)(a) shall not apply in relation to any of the bodies specified in regulation 4(1)(a) if the authority publish the draft plan or, as the case may be, the plan on the Internet and the body in question has facilities which enable access to be gained to the Internet.

Publication of notice of approved plan

16. At the same time as they publish each plan the authority shall publish a notice in at least one newspaper circulating in the area of the authority–

(a) stating where the plan can be inspected; and

(b) giving a summary of the conclusions of the plan and in particular specifying the parts of the area in respect of which the conclusion of the plan is that steps should be taken to remedy any excess or insufficiency in the provision of primary or secondary education in maintained schools.

Estelle Morris
Minister of State,
Department for Education and Employment.

6th March 1999

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the content of, and the procedure for, the preparation of school organisation plans by local education authorities in England.

Regulation 3 provides for matters which must be dealt with in the plan and for the period which the plan is to cover.

The remainder of the regulations cover the procedure to be followed in the preparation and approval of the plan by the school organisation committee or adjudicator including provisions for the preparation and publication of notice of a draft plan (regulations 4 and 5) and the making of objections to the draft plan (regulation 6). Provision in particular is made that the members of the committee within each group of members are collectively to have a single vote and that any decision shall be unanimous (regulations 8(2) and (3) and 10(2) and (3)). If the committee fails to reach a unanimous decision the draft plan is to be referred to the adjudicator (regulation 8(4) and 10(4)).

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