

## 19. Organisational changes to the school

This chapter gives a brief description of how changes are made to the pattern and organisation of local school provision. The full process and guidance is set out in the [School Organisation Code](#) ("the Code").

### Background

1. The pattern or organisation of maintained schools (including nursery schools) can only be changed after a period of public consultation and the publication of notices allowing formal objections to be made according to a procedure laid down by law.
2. The School Standards and Organisation (Wales) Act 2013 ("the 2013 Act") sets the legislative framework for school reorganisation. The 2013 Act requires the Welsh Ministers to issue a school organisation code ("the Code"). The Code imposes requirements in accordance with which those listed below must act and includes guidance to which they must have regard.
  - the Welsh Ministers
  - local authorities
  - the governing bodies of maintained schools
  - the proposers of school organisation proposals under Part 3 of the 2013 Act.
3. The Code applies to proposals in respect of maintained schools, defined in section 98 of the 2013 Act as a community, foundation or voluntary school, a community special school or a maintained nursery school. This does not include pupil referral units.
4. A local authority may make proposals to:
  - establish a new community, voluntary or community special school or a maintained nursery school
  - discontinue a maintained, voluntary, community special or foundation school or a maintained nursery school
  - make regulated alterations to maintained schools (including maintained nursery schools) or to community, foundation and voluntary schools, as described in Schedule 2 to the 2013 Act
5. Governing bodies of foundation or voluntary schools may make proposals to:
  - change the category of their school
  - make a regulated alteration to their school (as described in Schedule 2 to the 2013 Act)
  - to discontinue a foundation or voluntary school
6. Any person may make proposals to establish a new voluntary school. However, local authorities should work with the relevant religious body when the proposal is to establish a voluntary school with a religious character.

7. No new foundation school or foundation special schools may be established in Wales.
8. Local authorities may also make proposals to add or remove school sixth forms at voluntary and foundation schools, but only if they have sought and gained the consent of the Welsh Ministers to do so.
9. Statutory procedures must be followed whenever a local authority or other proposer proposes to make organisational changes to a school; the full process and guidance is set out in the Code.
10. Where a proposal involves the closure of a school, the proposer must check to see if the school is on the list of schools designated as rural for this purpose in the Code. If so they must follow a more detailed set of procedures and requirements in formulating a rural school closure proposal and in consulting on and reaching a decision as to whether to implement the proposal. These are set out in full in the Code.
11. The majority of proposals are determined by local authorities. However, proposals which affect sixth form education<sup>1</sup> and those to which the relevant local authority have made an objection must be approved by the Welsh Ministers.
12. Proposals which a local authority has decided to approve or reject may be referred to Welsh Ministers for consideration by any of the following parties:

- i. Another local authority affected by the proposals
- ii. The appropriate religious body for any school affected
- iii. The governing body of a voluntary or foundation school subject to the proposals
- iv. A trust holding property on behalf of a voluntary or foundation school subject to the proposals
- v. A further education institution affected by the proposals.

### **Temporary governing bodies**

Where a proposal has been approved to establish a new maintained school, there will be a requirement to establish:

- a temporary governing body in advance of the incorporation of the school
- a permanent governing body with effect from the date of establishment of the school.

Information on the process required to achieve either of the above is included in Chapter 20 of this guide, New schools and temporary governing bodies.

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<sup>1</sup> Proposals affect sixth form education if they are proposals to establish or discontinue a school which provides only sixth form education, or to make a regulated alteration to a school as a result of which sixth form provision at that school would increase or decrease.

## The Law

[The School Standards and Organisation \(Wales\) Act 2013: Part 3](#)

[The School Organisation Code 2018 \(2<sup>nd</sup> edition\)](#)