

Annex A.5: 'Who can do what?' table

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator?
Local Authority	Community Schools (following a statutory process): <ul style="list-style-type: none"> - Expansion (enlargement of premises) - Alteration of upper or lower age limit including the addition or removal of a nursery or sixth-form - Addition, removal or change of SEN provision - Co-ed or single sex provision - Addition, removal or change of boarding provision - Transfer to a new site - Closure of one of multiple sites - Closure 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese
	Community Special Schools (following a statutory process): <ul style="list-style-type: none"> - Alteration of upper or lower age limit - Increase or decrease in the number of pupils - Change in the types of SEN - Addition, removal or change of boarding provision - Co-ed or single sex provision - Transfer to a new site - Closure 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese
	Foundation and Voluntary Schools (following a statutory process): <ul style="list-style-type: none"> - Expansion (enlargement of premises) - Addition of a sixth-form - Addition and removal of SEN provision - Closure 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese GB Trustees
	Foundation Special Schools (following a statutory process): <ul style="list-style-type: none"> - Change in the types of SEN - Increase in the number of pupils - Closure 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese GB Trustees
	Maintained Nursery Schools (following a statutory process): <ul style="list-style-type: none"> - Transfer to a new site - Closure 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese

¹³ Only where it relates to a proposal to be decided by them or where the LA has not made a decision within 2 months of the end of the representation period.

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator?
Governors of Voluntary Schools	(without a statutory process): <ul style="list-style-type: none"> - Expansion (enlargement of premises) - Alteration of upper or lower age limit by up to 2 years (excluding the addition/removal of a sixth-form) - Addition of boarding provision 	n/a	n/a
	(following a statutory process): <ul style="list-style-type: none"> - Alteration of upper or lower age limit by 3 years or more - Addition or removal of a sixth-form - Addition, removal or change of SEN provision - Removal of selection (grammar schools) - Co-ed or single sex provision - Removal or alteration of boarding provision - Transfer to a new site - Closure of one of multiple sites - Change of category (VC to VA and VA to VC) - Closure 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese GB Trustees
	Foundation Proposals: <ul style="list-style-type: none"> - VC or VA to foundation - VC or VA to foundation and acquire a Foundation (Trust) - VC or VA to foundation and acquire a Foundation (Trust) and acquire a majority of Foundation governors on the governing body 	GB (Schools Adjudicator ¹⁴)	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
Governors of Foundat. Schools	(without a statutory process): <ul style="list-style-type: none"> - Expansion (enlargement of premises) - Alteration of upper or lower age limit by up to 2 years (excluding the addition/removal of a sixth-form) - Addition of boarding provision 	n/a	n/a
	(following a statutory process): <ul style="list-style-type: none"> - Alteration of upper or lower age limit by 3 years or more - Addition or removal of a sixth-form - Addition, removal or change of SEN provision - Removal of selection (grammar schools) - Co-ed or single sex provision - Removal or alteration of boarding provision - Transfer to a new site - Closure of one of multiple sites - Change of category (Foundation to VC or VA) - Closure 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese GB Trustees
	Foundation Proposals: <ul style="list-style-type: none"> - Acquire a Foundation (Trust) - Acquire a majority of Foundation governors on the governing body 	GB (Schools Adjudicator ¹⁴)	n/a

¹⁴ Under certain circumstances set out in paragraph 8 of Schedule 1 to the Prescribed Alterations Regulations, the LA may require that the proposal to acquire a Trust or majority of foundation governors is referred to the Schools Adjudicator during the representation period.

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator?
	Removal Proposals¹⁵: <ul style="list-style-type: none"> - Removal of a Foundation and/or reduction in a majority of Foundation governors on the governing body 	GB	n/a
Governors of Comm. Schools	(without a statutory process): <ul style="list-style-type: none"> - Expansion (enlargement of premises) - Alteration of upper or lower age limit by up to 2 years (excluding the addition/removal of a sixth-form) - Addition of boarding provision 	n/a	n/a
	(following a statutory process): <ul style="list-style-type: none"> - Addition of a sixth-form - Removal of selection (grammar schools) - Change of category from community to VC or VA 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese
	Foundation Proposals: <ul style="list-style-type: none"> - Community to foundation - Community to foundation and acquire a Foundation (Trust) - Community to foundation and acquire a Foundation (Trust) and acquire a majority of Foundation governors on the governing body 	GB (Schools Adjudicator ¹⁴)	n/a
Governors of Foundat. Special Schools	(following a statutory process): <ul style="list-style-type: none"> - Alteration of upper or lower age limit by 1 year or more - Increase or decrease in the number of pupils - Change in the types of SEN - Co-ed or single sex provision - Addition, removal or change of boarding provision - Transfer to a new site 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese GB Trustees
	Removal Proposals: <ul style="list-style-type: none"> - Removal of a Foundation and/or reduce a majority of Foundation governors on the governing body 	GB	n/a
Governors of Comm. Special Schools	(following a statutory process): <ul style="list-style-type: none"> - Alteration of upper or lower age limit by 1 year or more - Increase or decrease in the number of pupils - Change in the types of SEN - Co-ed or single sex provision - Addition, removal or change of boarding provision - Transfer to a new site 	LA (Schools Adjudicator ¹³)	CofE Diocese RC Diocese

¹⁵ Under section 25 of the EIA 2006 and the School Organisation (Removal of Foundation, Reduction in Numbers of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007.

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator?
Other Proposers	- Establish a new school under section 7 (in a competition)	1. <u>Academy proposals</u>	n/a
	(Following the approval of the Secretary of State where academy presumption has gained no suitable proposals).	Secretary of State	
		2. <u>Non-academy proposals by proposers other than the LA</u> (where no academy bid is deemed suitable) LA (Schools Adjudicator ¹⁶) Where no suitable bid is received at this stage the LA may propose a new foundation or community school (inc. special school) under section 11. It does not need further consent from the Secretary of State to do so. See below.	n/a
	Establish a new school under section 10 or 11	Schools Adjudicator decides LA proposals and where the LA is involved in the Trust of a Foundation school. The LA decides proposals from other proposers.	CofE Diocese RC Diocese The proposers (where the LA is the decision-maker) ¹⁷

¹⁶ Only where the LA is involved in the Trust of a proposed foundation school, or where the LA is required to refer proposals to them.

¹⁷ See paragraph 14 of Schedule 2 to the EIA 2006.