

School organisation proposals

A guide for constituents

July 2026



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Welsh Parliament
Tŷ Hywel
Cardiff Bay
CF99 1SN

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This guide for constituents updates our 2021 guide to reflect changes introduced in the third edition of the School Organisation Code, which came into force in March 2026.

Key updates include the addition of the Commission for Tertiary Education and Research (Medr) as a relevant body; a new requirement for Welsh Language Impact Assessments (WLIAs) for all proposals; stronger alignment with Cymraeg 2050 and the Curriculum for Wales; and changes reflecting the transition from the special educational needs system (SEN) to the additional learning needs system (ALN).

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1. Introduction

Proposals to open, close, merge or reorganise schools, or make changes to their governance category or language medium, are known as school organisation proposals, which must be undertaken in accordance with the School Standards and Organisation (Wales) Act 2013 ('the 2013 Act').

The Welsh Government's School Organisation Code (third edition, issued March 2026) sets out statutory requirements and provides guidance that 'relevant bodies' must follow when developing and determining (deciding on) proposals.

This latest version of the Code applies from 30 March 2026, and generally replaces the previous version. However, proposals that began consultation before 30 March 2026 are determined under the earlier Code, issued in 2018.

The Code underpins a system in which **most proposals are determined locally (typically by local authorities)**, provided they comply with the required processes.

This guide is aimed at Senedd Members and their constituents to assist with casework on an issue which can generate many enquiries and questions from those affected by school organisation proposals. It is intended to complement the illustrative flow chart of the process that is provided in Annex A of the Code, which readers may also wish to refer to.

This guide reflects the changes introduced in the third edition of the Code, as well as wider developments in Welsh education policy and legislation, including the Additional Learning Needs and Education Tribunal (Wales) Act 2018, the Curriculum and Assessment (Wales) Act 2021, and the Tertiary Education and Research (Wales) Act 2022.

2. Overview of the School Organisation Code

The School Organisation Code (third edition, March 2026) provides a statutory framework governing school organisation proposals. Importantly, the Code distinguishes between what relevant bodies *must* do, and what they *should* do.

The Code:

- imposes mandatory requirements that relevant bodies must follow ("**must**");
- provides statutory guidance to which bodies must have due regard ("**should**");
- sets out policy context, principles and factors to consider; and
- specifies procedures for consultation, publication, objection and determination.

[Note: 'Determination' and 'determining' are used in the Code and throughout this guide in a legal sense meaning "**the resolution of a question, dispute, or controversy by a court, agency, or other authoritative body.**"]

Prior to the 2013 Act, any formal registered objection to a proposal resulted in it being referred to the Welsh Ministers for determination. Since the 2013 Act, however, proposals are generally decided by the 'relevant body' (in most cases local authorities), provided they follow the statutory process, although there are specific exceptions where decisions must or may be referred to the Welsh Ministers.

Who are the 'relevant bodies'?

In the latest edition of the School Organisation Code, the 'relevant bodies' are:

- the Welsh Ministers;

- local authorities;
- governing bodies of maintained schools;
- **the Commission for Tertiary Education and Research (known as Medr)**; and
- other promoters of proposals to establish voluntary schools.

The introduction of Medr as a relevant body is one of the most significant updates to the latest version of the Code: the **Tertiary Education and Research (Wales) Act 2022** removed Welsh Ministers' direct restructuring powers for sixth forms and gave Medr strategic oversight for proposals affecting sixth forms.

If a local authority or other decision-maker does not follow the legal rules set out in the Code, their decision can be challenged through judicial review.

3. Developing and considering proposals

Who can bring forward proposals?

Most school organisation proposals are brought forward by the local authority. However, different types of schools have different requirements around organisation proposals, as outlined in the table below.

School type	Capacity to make proposals
Community schools and community special schools <i>[Maintained schools owned and run by the local authority. The local authority sets the entrance criteria, such as catchment area, and decides which children are eligible for a place.]</i>	The only proposal the school's governing body can publish themselves is a change of category; all other proposals such as a closure or significant alteration need to be published by the local authority.
Voluntary controlled schools <i>[Run by a voluntary organisation (such as the Church in Wales or Roman Catholic Church). They are controlled by the local authority, who employ staff and set entrance criteria, but the land and buildings are owned by a charity (often the church) which appoints some members of the governing body.]</i>	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.
Voluntary aided schools <i>[Run by voluntary organisations (usually the Roman Catholic Church or Church in Wales) who employ staff, set entrance criteria, and usually own the school buildings and land.]</i>	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.

Foundation schools and foundation special schools <i>[Either owned by the governing body or a charitable foundation who set the entrance criteria, with very little local authority control.]</i>	The 2013 Act prevents a school from changing its category to become a foundation school, and no new foundation schools may be established in Wales. However, the governing bodies of existing foundation schools may bring forward proposals to discontinue the school, change its category, or make a regulated alteration.
Pupil referral units (PRUs) <i>[Run by local authorities to provide education for excluded or vulnerable learners outside mainstream schools, often in smaller settings with more tailored support and provision.]</i>	Pupil Referral Units (PRUs) are not defined in the 2013 Act as maintained schools, so the school organisation proposals set out here do not apply. There is no equivalent statutory process governing proposals to establish, close or reorganise PRUs. Instead, such decisions are made by local authorities under their general duties and are governed by a range of legislation and guidance relating to PRUs, including the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014.

What should be considered when developing proposals?

Section 1 of the Code sets out what should be taken into account when relevant bodies develop and consider proposals, and these considerations are outlined below.

Quality and standards

Proposals should prioritise the interests of learners above all else. Relevant bodies should assess:

- the impact on teaching and learning, well-being, care and support, and leadership and management;

- the effect on vulnerable learners, including those with Additional Learning Needs (ALN); and
- the ability of schools to deliver the Curriculum for Wales (ages 3-16).

Where a proposal involves transferring provision from one school to another, there should be evidence that this results in equivalent or superior provision. Relevant inspection reports and advice from Estyn should be considered as part of this process.

Impact on the Welsh language

As of the third edition of the Code, all proposals must now include a Welsh Language Impact Assessment (WLIA). This must:

- assess the impact on Welsh language use and provision;
- demonstrate alignment with Welsh in Education Strategic Plans (WESPs) and Cymraeg 2050; and
- explain any reduction in Welsh provision and set out mitigation measures.

The WLIA must be published with or within the consultation document (see Chapter 4 of this guide).

The need for places and accessibility

Local authorities must ensure there are sufficient school places across both the primary and secondary sectors.

Proposals for school closure, reduction in capacity, or age-range contraction should consider:

- sufficient capacity and quality of alternative provision of at least equivalent quality;
- demand for specific types of provision (e.g., Welsh-medium or faith schools);
- learner travel times and accessibility; and
- compliance with the Learner Travel (Wales) Measure 2008.

Additional requirements include promoting sustainable transport (such as walking, cycling or public transport), considering site safety and accessibility, and engaging with Medr where post-16 provision is affected.

Where a new school or an increase in capacity or age-range is proposed, relevant bodies should consider, in *addition* to the above:

- evidence of current or future need/demand in the area for additional places, with reference to language category, designated religious character and gender intake; and
- whether proposals will improve access for disabled pupils in accordance with requirements under the **Equality Act 2010**.

Resourcing and financial implications

Proposals should ensure efficient use of education resourcing and funding, including consideration of the effect on:

- surplus places and effective use of school capacity (especially in areas with more than 10% surplus places);
- alignment with **Sustainable Communities for Learning** investment programme;
- revenue, capital costs, net savings and budget deficits;
- long-term financial sustainability; and
- transport costs and implications.

More detail is given on the application of these factors in paragraphs 1.21 to 1.23 of the Code.

Other general factors

The Code also stipulates some other general factors to be considered, including:

- impact on educational attainment among children from socio-economically deprived backgrounds;
 - equality issues;
 - any charitable interests affecting school property; and
-

- wide policy frameworks (such as the [Well-being of Future Generation \(Wales\) Act 2015](#)).

Presumption against the closure of rural schools

There is a procedural presumption against closing rural schools. Proposers must:

- clearly identify the reasons for closure;
- identify and assess reasonable alternatives (e.g., federation); and
- demonstrate that the closure is the most appropriate option.

The presumption does not mean a rural school will never close. However, the case for closure must be strong and not taken until all viable alternatives to closure have been conscientiously considered. Further explanation is given in paragraphs 1.28 to 1.44 of the Code.

Annex F of the Code lists schools across Wales that are considered to be rural schools.

Impact on communities

Where closures or major changes are proposed, a Community Impact Assessment must be undertaken. This should assess:

- use of school facilities by the community;
- local economic and social impacts; and
- availability of alternative services.

Additional learning needs (ALN)

Following the Additional Learning Needs and Education Tribunal (Wales) Act 2018, all relevant guidance in the Code has been updated using ALN terminology. Proposals must:

- support inclusion in mainstream settings where appropriate; and
- align with local strategies for ALN provision.

There are additional factors to be taken into account where proposals seek to reorganise ALN provision. Relevant bodies should consider how proposals fit with the local authority's plans for promoting inclusion (i.e. providing for a higher proportion of pupils with ALN to attend mainstream settings) wherever appropriate in meeting a child or young person's individual needs, and with its overall strategy for ensuring adequate provision for the full range of ALN. Further factors are set out in paragraph 1.14 of the Code.

Specific factors for different types of school

The Code stipulates some **specific factors** which should be taken into account in each of the following specific types of proposals:

- proposals to add or remove nursery classes (paragraph 1.44);
- proposals to reorganise secondary schools or to add or remove sixth forms (paragraph 1.45);
- proposals to increase provision in voluntary schools or establish a new voluntary school (paragraph 1.46);
- proposals for the change of language medium (paragraph 1.47); and
- proposals for the change of school category (paragraph 1.48).

4. Consulting on proposals

Section 48 of the 2013 Act requires that before school organisation proposals are published, they must first be subject to a consultation process.

The requirement to consult does not apply to proposals affecting schools with fewer than 10 learners. In these cases, the process is streamlined and may proceed directly to statutory notice (see Chapter 5 of this guide).

Consultation requirements

Case law has established the following **four principles** that consultation should:

- take place when proposals are still at a formative stage;
- provide sufficient reasons and information for particular proposals to enable “intelligent” consideration and response;
- allow adequate time (see section below) for consideration and response; and
- ensure that the responses are “conscientiously” taken into account when making an ultimate decision.

Any informal consultation undertaken with particular stakeholders at an earlier stage must not be seen as a substitute for the formal consultation processes.

Consultation document

Before publishing a proposal by statutory notice, proposers must first publish a consultation document on their website or that of the local authority, with hard copies available on request. A list of people and organisations who must be sent the consultation document is set out in paragraph 3.15 of the Code.

The consultation document must be issued during the term time of the schools affected and consultees must be given at least **42 days** to respond to the document, with **at least 20 of these being school days**. In the case of all proposals, the consultation document must contain the following information:

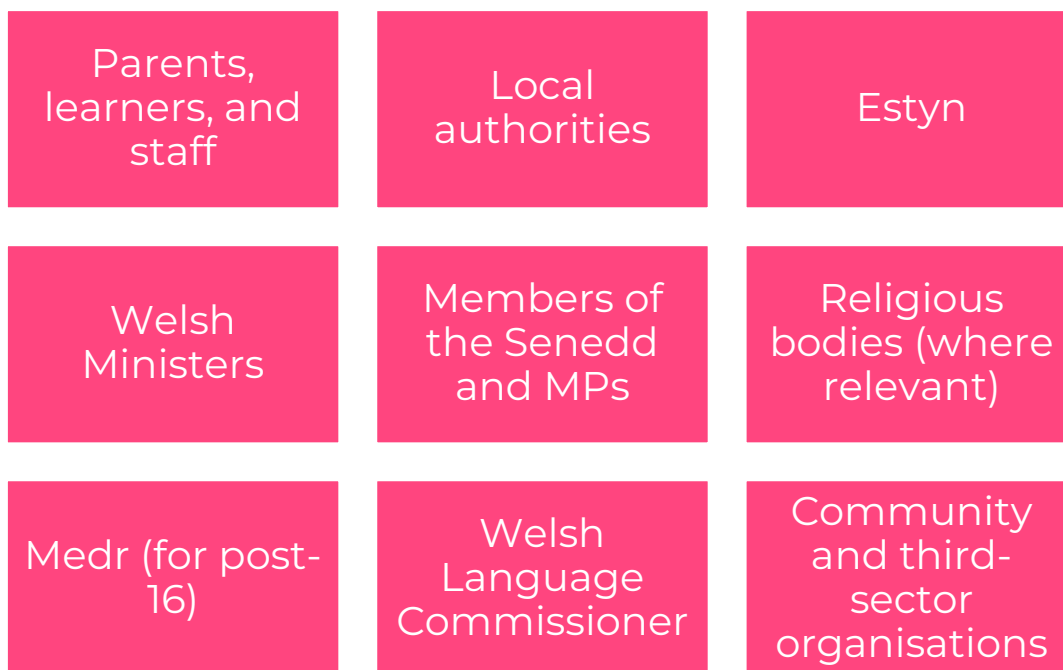
- description and benefits of proposal;
- details of affected schools;
- quality and standards in education;
- the impact on Welsh-medium provision, with a Welsh Language Impact Assessment;
- a Community Impact Assessment, if needed;
- finance;
- any potential transfers of land and buildings;
- consultation details (e.g. how to respond or access further information).

Further detail on the full extent of information to be included in the consultation document is given in paragraph 3.17 of the Code.

The Code also lists specific information which must be included in the consultation document depending on whether the proposal relates to a new school, a closure, special school, sixth form provision, Welsh-medium, faith school, rural school or a change of category.

Consultees

A wide range of stakeholders must be consulted, including, among others:



N.B. A full list is included in paragraph 3.15 of the Code.

The proposer must make suitable arrangements to consult with pupils of any affected school and, where possible, children and young people who are likely to attend those schools. **As a minimum, this must include consultation with the school councils of the affected schools** but should also include consultation with individual learners where appropriate and practical.

There is no requirement to hold physical, in-person consultation meetings although the Code states proposers may find this is beneficial.

Consultation report

Following the consultation, the proposer must publish a **consultation report** which:

- summarises each of the issues raised by consultees;
- responds to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons;
- sets out and responds to Estyn's view (as provided in the Inspectorate's response) with clarification, amendments to the proposal or rejection of the concerns, with supporting reasons.

The consultation report might make recommendations – for example, to the local authority's executive or the governing body – about how to proceed.

The consultation report must be published electronically on the proposer's/local authority's website, and hard copies made available on request. Pupils, parents, carers and guardians, staff members of schools affected, and consultees who requested notification must all be advised of the availability of the report.

The consultation period is not the same as the statutory objection period, which follows the later stage of publication of the proposal by statutory notice. Consultees who submit views against the proposal should be advised that their **comments will not be treated as objections** and that if they wish to object, they will need to do so during the later statutory objection period.

5. Publishing proposals by statutory notice

If proceeding, proposals must be published via statutory notice.

Statutory notice of proposals must:

1. be published within 26 weeks of the end of the consultation period (unless proposers have applied for and been granted a time extension by the Welsh Ministers), but no sooner than 2 weeks after the publication of the consultation report;
2. be published on a school day; and
3. include key proposal details and implementation plans (see Section 4 of the Code).

If proposals have not been published within the 26-week time frame, then the proposal will lapse and a new consultation process will need to take place if the proposers wish to continue.

Section 4 of the Code sets out where the notice must be published and what it must contain.

Statutory objection

Anyone wishing to register a **statutory objection** to the proposal must do so in writing or by e-mail sent to the proposer within **28 days of the date the proposal was published**. This 28-day period is known as the 'objection period' and must include 15 school days (in addition to the day it is published).

6. Determining and implementing proposals

Proposals are usually determined by the local authority, provided that the statutory process set out in the Code has been followed. However, there are some important circumstances in which proposals must instead be determined by the Welsh Ministers, and some limited routes through which decisions can be reconsidered. Medr may also have a role in proposals affecting post-16 provision, including directing or making proposals, but does not usually act as the decision-maker.

Objection reports

Where objections are received during the statutory objection period (outlined above), the proposer must publish an objection report. This report must:

- summarise all statutory objections received; and
- provide a response to those objections.

The timing of publication depends on who is responsible for determining the proposal:

- Where the local authority determines its own proposal, the objection report must be published **within 7 days of the decision**.
- In all other cases, the report must be published **within 28 days of the end of the objection period**.

The report must then be published electronically, with hard copies available on request, while parents, carers, staff of affected schools, and other consultees specified in the Code must be notified of the objection report (see Section 5 of the Code).

Determination by local authorities

In most cases, local authorities are responsible for determining school organisation proposals. Where a local authority is responsible for determining a proposal, it must comply with the requirements set out in the Code. In such cases, the proposal must be determined within **16 weeks of the end of the objection period**, in accordance with statutory requirements. If a decision is not reached within the 16-week period, the proposal cannot proceed and a fresh process would be required.

The local authority must consider all objections properly and must not approach the decision with a closed mind. Objections must be considered alongside the evidence supporting the proposal and the statutory factors used in developing and assessing the proposal.

Decisions are typically taken by the local authority's **Executive or Cabinet**. Alternatively, the authority may use a local decision-making committee, such as the model described in Annex D of the Code.

Where statutory objections have been received, the local authority must publish an objection report (following the process outlined above).

Once a decision has been made, it must:

- be issued in writing and published electronically;
- clearly set out the reasons for the decision, with reference to the relevant factors in the Code; and
- be notified to parents, carers, staff and other relevant stakeholders.

Exceptions to the general rule that local authorities determine proposals

Although most proposals are determined locally, there are specific exceptions where proposals must instead be determined by the Welsh Ministers.

Under the 2026 Code, this applies only where both of the following conditions are met:

- the proposal falls within a specified category; and
- an objection has been made and not withdrawn during the statutory objection period.

These circumstances arise where:

- the proposals affect sixth form education; or
- the proposals have been made by a body other than the local authority (for example, a governing body), and the local authority has objected to the proposals.

In this context, proposals are considered to affect sixth form education where they:

- establish or discontinue a school providing education only for learners above compulsory school age; or
- make a regulated alteration which increases or decreases the level of post-16 provision at a school.

This includes, for example, the introduction or removal of sixth form provision at a school.

Note on post-16 provision

The 2026 Code reflects the introduction of the Commission for Tertiary Education and Research (Medr), which has a strategic role in relation to post-16 education. While Medr does not normally determine proposals at this stage, its role should be considered where proposals relate to sixth form provision.

Proposals made by other bodies

Some proposals are brought forward by bodies other than the local authority, such as governing bodies of voluntary or foundation schools.

Where the proposal does not fall within the categories requiring approval by the Welsh Ministers, *and* no objection is made that would trigger a requirement for approval by another body, the proposer may determine the proposal themselves.

In such cases, the proposal must be determined within **16 weeks of the end of the objection period**, in accordance with statutory requirements. If a decision is not reached by the end of the 16-week period, the proposal is taken to have been withdrawn and the process must begin again.

Referral to the Welsh Ministers

After a local authority has determined a proposal, there are limited circumstances in which it may be referred to the Welsh Ministers for further consideration.

Under section 54 of the 2013 Act, the following bodies may, within **28 days of the decision**, refer a proposal to:

- another local authority affected by the proposals;
- the appropriate religious body for any school affected (for example, the diocesan authority in the case of Church in Wales or Roman Catholic schools);
- the governing body of a voluntary or foundation school subject to the proposals;
- a trust holding property on behalf of a voluntary or foundation school subject to the proposals; or
- a further education institution affected by the proposals.

The bodies making the referral will need to set out why they believe that the decision reached by the local authority is wrong.

The Welsh Ministers will first decide whether the referring body is sufficiently affected by the proposals to require their consideration. Where a proposal requires consideration by the Welsh Ministers, the local authority must provide them, on request, with copies of the statutory objections and any other information considered necessary by the Welsh Ministers.

Following consideration, the Welsh Ministers may:

- approve the proposal;
- reject the proposal; or
- approve the proposal *with modifications*.

Any modifications are typically limited to matters such as the **timing of implementation or admission numbers**, and the Welsh Ministers must consult with the proposer and the relevant bodies before making them.

Further course of action for dissatisfied parties

The Code provides limited routes for challenging decisions.

Only the bodies listed above may refer a decision made by a local authority to the Welsh Ministers. There is therefore **no general appeals process for objectors once a decision has been made.**

However, it is possible to seek a judicial review which considers whether the decision was made lawfully and followed the correct processes. In addition, complaints about the way in which a decision has been taken may be made to the Public Services Ombudsman for Wales, although this relates to maladministration rather than the merits of the decision itself.

7. Intervention and proposals outside the standard process

While most school organisation proposals are brought forward and determined by local authorities or governing bodies, the Code also provides for a number of special cases where proposals may be initiated or directed by other bodies.

Proposals by the Welsh Ministers

The 2013 Act provides the Welsh Ministers with powers to intervene in school organisation and, in certain circumstances, to make proposals themselves.

These powers are generally regarded as powers of last resort, and would typically be used where local action has not been sufficient to address issues in school provision.

The Welsh Ministers may publish proposals where they have previously directed a local authority or governing body to take action, but this has not resulted in the necessary changes to school provision. This may include situations where a local authority has failed to ensure that:

- there are sufficient school places available in terms of number, type and quality;
- learners have reasonable access to suitable education provision; or
- resources are being used effectively to secure the best possible educational outcomes.

Process and procedure

Where the Welsh Ministers bring forward proposals, they must follow the same statutory procedures as other proposers, including publication of proposals and a 28-day objection period in which anyone may submit an objection.

If objections are received, the Welsh Ministers must normally arrange for a local inquiry to be held. This inquiry will be conducted by an independent person who will consider the evidence and provide a report to the Welsh Ministers.

Following the inquiry, the Welsh Ministers may:

- adopt the proposal (with or without modifications);
- reject the proposal; or
- consider any related proposals alongside it.

In some cases, the Welsh Ministers may bring forward further proposals following consideration of objections, without the need for further inquiry.

Regional provision for additional learning needs (ALN)

The Welsh Ministers also have the power to publish proposals to secure **regional provision for children and young people with ALN**. As with other proposals, the standard processes of consultation, publication and objection apply, and the Welsh Ministers may decide whether or not to adopt the proposal after considering any objections.

Proposals by Medr (Commission for Tertiary Education and Research)

The 2026 Code reflects the introduction of the Commission for Tertiary Education and Research (Medr) under the Tertiary Education and Research (Wales) Act 2022. Medr has a strategic role in relation to post-16 education, including school sixth form provision, and the inclusion of Medr in the Code reflects a shift towards a more strategic, system-wide approach to post-16 provision.

In relation to school organisation proposals affecting sixth forms, Medr may direct a local authority or governing body to bring forward proposals, or make proposals itself, where necessary, particularly in relation to the restructuring of sixth-form provision.

Where Medr brings forward proposals itself, the same statutory procedures apply as for other proposers. Proposals may require approval by the Welsh Ministers where objections are received.