



Academies Act 2010

2010 CHAPTER 32

Academy arrangements

1 Academy arrangements

- (1) The Secretary of State may enter into Academy arrangements with any person (“the other party”).
- (2) “Academy arrangements” are arrangements that take the form of—
 - (a) an Academy agreement, or
 - (b) arrangements for Academy financial assistance.
- (3) An Academy agreement is an agreement between the Secretary of State and the other party under which—
 - (a) the other party gives the undertakings in subsection (5), and
 - (b) the Secretary of State agrees to make payments to the other party in consideration of those undertakings.
- (4) Academy financial assistance is financial assistance given by the Secretary of State under section 14 of EA 2002 on terms that require the other party to give the undertakings in subsection (5).
- (5) The undertakings are—
 - (a) to establish and maintain an independent school in England which—
 - (i) has characteristics that include those in subsection (6), or
 - (ii) is specially organised to make special educational provision for pupils with special educational needs;
 - (b) to carry on, or provide for the carrying on of, the school.
- (6) The characteristics are that—
 - (a) the school has a curriculum satisfying the requirements of section 78 of EA 2002 (balanced and broadly based curriculum);
 - (b) if the school provides secondary education, its curriculum for the secondary education has an emphasis on a particular subject area, or particular subject areas, specified in the arrangements;

- (c) the school provides education for pupils of different abilities;
 - (d) the school provides education for pupils who are wholly or mainly drawn from the area in which the school is situated.
- (7) Academy arrangements in relation to a school within subsection (5)(a)(i) must include provision imposing obligations on the proprietor of the school that are equivalent to the SEN obligations.
- (8) “The SEN obligations” are the obligations imposed on governing bodies of maintained schools by—
- (a) Chapter 1 of Part 4 of EA 1996 (children with special educational needs), and
 - (b) regulations made under any provision of that Chapter.
- (9) Academy arrangements must include terms imposed for the purpose of securing that no charge is made in respect of—
- (a) admission to, or attendance at, the school, or
 - (b) (subject to any exceptions specified in the terms) education provided at the school.
- (10) A school to which Academy arrangements relate is to be known as an Academy.

2 Payments under Academy agreements

- (1) Payments under an Academy agreement may be in respect of capital or current expenditure.
- (2) So far as payments under an Academy agreement relate to current expenditure, the agreement must provide for them to continue (subject to other requirements of the agreement being fulfilled)—
- (a) for at least 7 years, or
 - (b) indefinitely, but terminable by the Secretary of State giving at least 7 years’ written notice.
- (3) If an Academy agreement makes provision for payments in respect of capital expenditure, the agreement may provide for the repayment to the Secretary of State, in circumstances specified in the agreement, of sums determined in accordance with the agreement.
- (4) An Academy agreement may provide for indemnifying a person, in the event of the Secretary of State terminating the agreement, for expenditure—
- (a) incurred by the person in carrying out the undertakings under the agreement, or
 - (b) incurred by the person (otherwise than by virtue of subsection (3)) in consequence of the termination of the agreement.
- (5) In Schedule 1 to the School Finance (England) Regulations 2008, after paragraph 8 insert—
- “8A Where a child is a registered pupil at an Academy, expenditure in respect of services for making provision for pupils with low incidence special educational needs or disabilities.”

- (6) Where a local authority fails to secure satisfactory provision for pupils with low incidence special educational needs or disabilities, the Secretary of State may make alternative arrangements.