



# 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).

- [<sup>F1</sup>(5) The undertakings are—
- (a) to establish and maintain an educational institution in England which meets the requirements of any of the following—
    - (i) section 1A (Academy schools);
    - (ii) section 1B (16 to 19 Academies);
    - (iii) section 1C (alternative provision Academies);
  - (b) to carry on, or provide for the carrying on, of the institution.]

<sup>F2</sup>(6) .....

<sup>F3</sup>(7) .....

<sup>F3</sup>(8) .....

*Changes to legislation: Academies Act 2010, Cross Heading: Academy arrangements is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- <sup>F4</sup>(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 [<sup>F4</sup> institution ], or
  - (b) (subject to any exceptions specified in the terms) education provided at the [<sup>F4</sup> institution].
- <sup>F5</sup>(10) [<sup>F5</sup>An educational institution] to which Academy arrangements relate is to be known as an Academy.

#### Textual Amendments

- F1** S. 1(5) substituted (1.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Education Act 2011 \(c. 21\), ss. 53\(2\), 82\(3\)](#); S.I. 2012/84, art. 3; S.I. 2012/924, art. 2
- F2** S. 1(6) omitted (1.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by virtue of [Education Act 2011 \(c. 21\), ss. 53\(3\), 82\(3\)](#); S.I. 2012/84, art. 3; S.I. 2012/924, art. 2
- F3** S. 1(7)(8) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 95](#); S.I. 2014/889, art. 7(a)
- F4** Words in s. 1(9) substituted (1.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Education Act 2011 \(c. 21\), ss. 53\(5\), 82\(3\)](#); S.I. 2012/84, art. 3; S.I. 2012/924, art. 2
- F5** Words in s. 1(10) substituted (1.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Education Act 2011 \(c. 21\), ss. 53\(6\), 82\(3\)](#); S.I. 2012/84, art. 3; S.I. 2012/924, art. 2

#### Commencement Information

- I1** S. 1 in force at 29.7.2010 by [S.I. 2010/1937, art. 2, Sch. 1](#)

### [<sup>F6</sup>1A Academy schools

- (1) An educational institution meets the requirements of this section if—
- (a) it is an independent school,
  - (b) it has a curriculum satisfying the requirements of section 78 of EA 2002 (balanced and broadly based curriculum),
  - (c) it provides education for pupils of different abilities,
  - (d) it provides education for pupils who are wholly or mainly drawn from the area in which it is situated, and
  - (e) it is not an alternative provision Academy (see section 1C).
- (2) An educational institution also meets the requirements of this section if—
- (a) it is an independent school, and
  - (b) it is specially organised to make special educational provision for pupils with special educational needs.
- (3) An Academy which meets the requirements of this section is to be known as an Academy school.

#### Textual Amendments

- F6** Ss. 1A-1D inserted (1.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Education Act 2011 \(c. 21\), ss. 53\(7\), 82\(3\)](#); S.I. 2012/84, art. 3; S.I. 2012/924, art. 2

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**Modifications etc. (not altering text)**

- C1** S. 1A(1)(b): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 5](#) (with ss. 88-90)

**1B 16 to 19 Academies**

- (1) An educational institution meets the requirements of this section if it is principally concerned with providing full-time or part-time education suitable to the requirements of persons over compulsory school age but under 19.
- (2) “Education ” includes vocational, social, physical and recreational training.
- (3) An Academy which meets the requirements of this section is to be known as a 16 to 19 Academy.

[ A 16 to 19 Academy may provide secure accommodation for its students, but only if <sup>F7</sup>(4) it is approved to do so by the Secretary of State.

- (5) “Secure accommodation” means accommodation that is provided for the purpose of restricting liberty.
- (6) The Secretary of State may grant approval under subsection (4) subject to conditions.
- (7) A 16 to 19 Academy which provides secure accommodation for its students is to be known as a secure 16 to 19 Academy.]

**Textual Amendments**

- F6** Ss. 1A-1D inserted (1.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Education Act 2011 \(c. 21\)](#), [ss. 53\(7\)](#), 82(3); S.I. 2012/84, art. 3; S.I. 2012/924, art. 2
- F7** S. 1B(4)-(7) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 164\(1\)](#), 208(4)(t)

**1C Alternative provision Academies**

- (1) An educational institution meets the requirements of this section if—
  - (a) it is principally concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not otherwise receive suitable education for any period,
  - (b) it provides education for children of different abilities, and
  - (c) it provides education for children who are wholly or mainly drawn from the area in which it is situated.
- (2) “Suitable education ”, in relation to a child, means efficient education suitable to the child's age, ability and aptitude and to any special educational needs the child may have.
- (3) An Academy which meets the requirements of this section is to be known as an alternative provision Academy.

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### Textual Amendments

- F6** Ss. 1A-1D inserted (1.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Education Act 2011 \(c. 21\)](#), [ss. 53\(7\)](#), [82\(3\)](#); [S.I. 2012/84](#), [art. 3](#); [S.I. 2012/924](#), [art. 2](#)

## 1D Alternative provision Academies: powers to apply provisions with modifications

- (1) Regulations may provide for a statutory provision relating to maintained schools or a description of maintained school, or to pupil referral units, to apply in relation to alternative provision Academies, or a description of alternative provision Academy, with or without modifications.
- (2) Regulations may provide for a statutory provision relating to Academies, Academy schools or 16 to 19 Academies—
  - (a) to apply in relation to alternative provision Academies, or a description of alternative provision Academy, with or without modifications;
  - (b) not to apply in relation to alternative provision Academies or a description of alternative provision Academy.
- (3) Regulations may provide for a statutory provision relating to alternative provision Academies or a description of alternative provision Academy—
  - (a) to apply in relation to a description of alternative provision Academy, with modifications;
  - (b) not to apply in relation to a description of alternative provision Academy.
- (4) “ Statutory provision ” means a provision made by or under this or any other Act, whenever passed or made. ]

### Textual Amendments

- F6** Ss. 1A-1D inserted (1.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Education Act 2011 \(c. 21\)](#), [ss. 53\(7\)](#), [82\(3\)](#); [S.I. 2012/84](#), [art. 3](#); [S.I. 2012/924](#), [art. 2](#)

## 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.

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- (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.

<sup>F8</sup>(5) .....

- (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.

**Textual Amendments**

**F8** S. 2(5) omitted (1.2.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 15 para. 3](#); [S.I. 2012/84](#), art. 3

**Commencement Information**

**I2** S. 2(1)-(4) in force at 29.7.2010 by [S.I. 2010/1937](#), art. 2, [Sch. 1](#)  
**I3** S. 2(5)(6) in force at 1.9.2010 by [S.I. 2010/1937](#), art. 3, [Sch. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 9A and cross-heading inserted by [2023 c. 55 s. 235\(1\)](#)