



Academies Act 2010

2010 CHAPTER 32

[^{F1} Provision to be included in Academy agreements]

Textual Amendments

- F1** Cross-heading inserted (1.9.2018) by [Children and Social Work Act 2017 \(c. 16\), ss. 6\(2\), 70\(2\)](#); S.I. 2018/497, reg. 4(a)

[^{F2A} Academy agreements: provision about failing schools

- (1) An Academy agreement in respect of an Academy school or an alternative provision Academy must include provision allowing the Secretary of State to terminate the agreement if—
 - (a) special measures are required to be taken in relation to the Academy, or
 - (b) the Academy requires significant improvement.
- (2) The Academy agreement must require the Secretary of State, before terminating the agreement on one of those grounds, to give the proprietor an opportunity to make representations.
- (3) For the purposes of this section special measures are required to be taken in relation to an Academy, or an Academy requires significant improvement, if the Chief Inspector has given notice under section 13(3)(a) of the Education Act 2005.

Textual Amendments

- F2** Ss. 2A-2D inserted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\), ss. 14, 19\(2\)](#); S.I. 2016/466, reg. 2

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2B Academy agreements: provision about coasting schools

- (1) An Academy agreement in respect of an Academy school or an alternative provision Academy must include provision allowing the Secretary of State to terminate the agreement if—
 - (a) the Academy is coasting, and
 - (b) the Secretary of State has notified the proprietor that it is coasting.
- (2) The Academy agreement must require the Secretary of State, before terminating the agreement on that ground, to give the proprietor a termination warning notice.
- (3) A termination warning notice is a notice requiring the proprietor—
 - (a) to take specified action to improve the Academy by a specified date, and
 - (b) to respond to the Secretary of State by making representations, or by agreeing to take that action, by a specified date.
- (4) The Academy agreement must provide that the power to terminate the agreement on the ground that the Academy is coasting is available only if the proprietor has failed to comply with a termination warning notice (whether by failing to take specified action, or to respond, on time).
- (5) The Secretary of State may by regulations provide that this section does not apply in relation to an Academy of a description specified in the regulations.
- (6) “Coasting”, in relation to an Academy to which this section applies, has the meaning given by regulations under subsection (3) of section 60B of the Education and Inspections Act 2006 in relation to a school to which that section applies.

Textual Amendments

F2 Ss. 2A-2D inserted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\), ss. 14, 19\(2\); S.I. 2016/466, reg. 2](#)

Modifications etc. (not altering text)

C1 S. 2B excluded (11.1.2017) by [The Coasting Schools \(England\) Regulations 2017 \(S.I. 2017/9\), regs. 1, 3\(2\)](#)

2C Sections 2A and 2B supplementary - new agreements

- (1) An Academy agreement may include further provision about—
 - (a) the procedure for terminating the agreement in accordance with the provision required by section 2A or 2B;
 - (b) the consequences of terminating the agreement in accordance with that provision.
- (2) This section does not apply to agreements made before [^{F3}18 April 2016] (but see section 2D).

Textual Amendments

F2 Ss. 2A-2D inserted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\), ss. 14, 19\(2\); S.I. 2016/466, reg. 2](#)

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F3 Words in s. 2C(2) substituted (18.4.2016) by [The Education and Adoption Act 2016 \(Commencement, Transitional Provisions and Savings\) Regulations 2016 \(S.I. 2016/466\)](#), **reg. 3(1)**

2D Sections 2A and 2B: supplementary - old agreements

- (1) An old Academy agreement is to be treated as if it included the new termination powers.
- (2) A provision of an old Academy agreement that relates to the procedure for terminating the agreement does not apply to the new termination powers.
- (3) Subsections (4) and (5) apply where an old Academy agreement—
 - (a) contains provision about the consequences of terminating the agreement (“relevant provision”), and
 - (b) the relevant provision is expressed in a way that is capable of covering termination in accordance with the new termination powers.
- (4) The relevant provision applies to termination in accordance with the new termination powers.
- (5) If the relevant provision sets out different consequences depending on whether the agreement is terminated on the ground that the proprietor has breached the Agreement or on other grounds, termination in accordance with the new termination powers is to be treated as termination on the grounds of breach by the proprietor.
- (6) In this section—
 - “ new termination powers ”, in relation to an Academy agreement, means the powers to terminate in accordance with the provision required by sections 2A and 2B;
 - “ old Academy agreement ” means an Academy agreement made before [^{F4}18 April 2016].]

Textual Amendments

- F2** Ss. 2A-2D inserted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), **ss. 14, 19(2)**; [S.I. 2016/466](#), **reg. 2**
- F4** Words in s. 2D(6) substituted (18.4.2016) by [The Education and Adoption Act 2016 \(Commencement, Transitional Provisions and Savings\) Regulations 2016 \(S.I. 2016/466\)](#), **reg. 3(2)**

[^{F5}2E Provision about staff member for looked after and previously looked after pupils

- (1) An Academy agreement must include provision requiring the proprietor of the Academy—
 - (a) to designate a member of staff at the Academy (the “designated person”) as having responsibility for promoting the educational achievement of relevant pupils at the Academy,
 - (b) to ensure that the designated person undertakes appropriate training and has regard to any guidance issued by the Secretary of State, and
 - (c) in complying with provision included in the agreement by virtue of paragraph (a) or (b), to have regard to any guidance issued by the Secretary of State.

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- (2) An Academy agreement made before the day on which section 6 of the Children and Social Work Act 2017 (which inserts this section) comes fully into force is to be treated as if it included the provision required by subsection (1).
- (3) The Secretary of State may by regulations—
- (a) require an Academy agreement to include provision requiring the proprietor of the Academy—
 - (i) to ensure that a designated person has qualifications or experience (or both) prescribed by the regulations, and
 - (ii) in complying with provision included in the agreement by virtue of sub-paragraph (i), to have regard to any guidance issued by the Secretary of State;
 - (b) provide that an Academy agreement made before the day on which the regulations come into force is to be treated as if it included any provision required under paragraph (a).
- (4) In this section—
- “pupil”—
- (a) in relation to an Academy school or an alternative provision Academy, means a registered pupil at the Academy;
 - (b) in relation to a 16 to 19 Academy, means a person receiving education at the Academy;
- “relevant pupil”, in relation to Academy, means a pupil at the Academy who—
- (a) is looked after by a local authority,
 - (b) was looked after by a local authority but has ceased to be so looked after as a result of a relevant order, or
 - (c) appears to the proprietor of the Academy—
 - (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
 - (ii) to have ceased to be in that state care as a result of being adopted;
- “relevant order” means—
- (a) a child arrangements order (within the meaning given by section 8(1) of the Children Act 1989) which includes arrangements relating to—
 - (i) with whom a child is to live, or
 - (ii) when a child is to live with any person,
 - (b) a special guardianship order (within the meaning given by section 14A(1) of the Children Act 1989), or
 - (c) an adoption order (within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002).
- (5) For the purposes of this section a person is “looked after by a local authority” if the person is looked after by a local authority for the purposes of the Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).
- (6) For the purposes of this section a person is in “state care” if he or she is in the care of, or accommodated by—
- (a) a public authority,
 - (b) a religious organisation, or

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- (c) any other organisation the sole or main purpose of which is to benefit society.
- (7) For the purposes of section 569 of EA 1996 (as applied by section 17(4)), regulations under subsection (3)(b) are to be treated as if the statutory instrument containing them fell within subsection (2A) of that section (regulations subject to affirmative procedure).]

Textual Amendments

- F5** S. 2E inserted (1.9.2018) by [Children and Social Work Act 2017 \(c. 16\)](#), **ss. 6(1), 70(2)**; [S.I. 2018/497](#), [reg. 4\(a\)](#)

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\(1\)](#)