



Education and Adoption Act 2016

2016 CHAPTER 6

Maintained schools causing concern: conversion into Academies

7 Duty to make Academy orders

- (1) Section 4 of the Academies Act 2010 (Academy orders) is amended as follows.
- (2) Before subsection (1) insert—

“(A1) The Secretary of State must make an Academy order in respect of a maintained school in England that is eligible for intervention by virtue of section 61 or 62 EIA 2006 (schools requiring significant improvement or schools requiring special measures).”
- (3) In subsection (1)(b), after “(within the meaning of Part 4 of EIA 2006)” insert “other than by virtue of section 61 or 62 of EIA 2006”.

8 Consultation about conversion

For section 5 of the Academies Act 2010 (consultation on conversion) substitute—

“5 Consultation about conversion: schools not eligible for intervention

- (1) Before a maintained school in England is converted into an Academy, the school’s governing body must consult such persons as they think appropriate about whether the conversion should take place.
- (2) But this section does not apply if an Academy order under section 4(A1) or (1) (b) has effect in respect of the school.
- (3) Consultation for the purposes of this section may be carried out before or after an Academy order, or an application for an Academy order, has been made in respect of the school.
- (4) In the case of a federated school, the reference in subsection (1) to the governing body includes a reference to any members of the governing body.”

9 Consultation about identity of Academy sponsor in certain cases

After section 5 of the Academies Act 2010 insert—

“5A Consultation about identity of Academy sponsor in certain cases

- (1) This section applies where an Academy order under section 4(A1) has effect in respect of a foundation or voluntary school that has a foundation.
- (2) Before entering into Academy arrangements in relation to the school the Secretary of State must consult the following about the identity of the person with whom the arrangements are to be entered into—
 - (a) the trustees of the school,
 - (b) the person or persons by whom the foundation governors are appointed, and
 - (c) in the case of a school which has a religious character, the appropriate religious body.
- (3) In this section, “the appropriate religious body”, in relation to a school, means—
 - (a) in the case of a Church of England school or a Roman Catholic school, the appropriate diocesan authority;
 - (b) in any other case, such body or person representing the specified religion or religious denomination as is prescribed under section 88F(3) (e) of SSFA 1998.
- (4) In the case of a school in relation to which there is more than one religion or religious denomination specified, references to “the appropriate religious body” are to be read as references to both or all of the bodies concerned.
- (5) In subsections (3) and (4), “specified” means specified in the order under section 69(3) of SSFA 1998 relating to the school.
- (6) Expressions used in this section and SSFA 1998 have the same meaning as in that Act.”

10 Duty to facilitate conversion

After section 5A of the Academies Act 2010 (inserted by section 9 above) insert—

“5B Duty to facilitate conversion

- (1) Where an Academy order under section 4(A1) or (1)(b) has effect in respect of a school, the governing body of the school and the local authority must take all reasonable steps to facilitate the conversion of the school into an Academy.
- (2) Where the Secretary of State notifies the governing body or local authority that the Secretary of State is minded to enter into Academy arrangements with a specified person, their duty under subsection (1) includes a duty to take all reasonable steps to facilitate the making of Academy arrangements with that person.”

11 Power to give directions to do with conversion

After section 5B of the Academies Act 2010 (inserted by section 10 above) insert—

“5C Power to give directions to do with conversion

- (1) Where an Academy order under section 4(A1) or (1)(b) has effect in respect of a school, the Secretary of State may direct the governing body of the school or the local authority to take specified steps for the purpose of facilitating the conversion of the school into an Academy.
- (2) A direction may, in particular, require the governing body or local authority to prepare a draft of a scheme under section 8 or Part 1 of Schedule 1.
- (3) A direction may specify the period within which any steps must be taken.”

12 Power to revoke Academy orders

After section 5C of the Academies Act 2010 (inserted by section 11 above) insert—

“5D Power to revoke Academy orders under section 4(A1) or (1)(b)

- (1) The Secretary of State may by order revoke an Academy order under section 4(A1) or (1)(b).
- (2) If an Academy order is revoked the Secretary of State must give a copy of the order to everyone to whom a copy of the Academy order was given under section 4(4).
- (3) Despite section 568(1) of EA 1996 (orders to be made by statutory instrument) (as applied by section 17(4) of this Act) the power of the Secretary of State to make an order under this section is not required to be exercised by statutory instrument.”

13 Duty to communicate information about plans to improve school

After section 5D of the Academies Act 2010 (inserted by section 12 above) insert—

“5E Duty to communicate information about plans to improve school

- (1) Before a maintained school in England which is causing concern is converted into an Academy, the proposed proprietor of the Academy must communicate to the registered parents of registered pupils at the school information about the proposed proprietor’s plans to improve the school.
- (2) For the purposes of subsection (1)—
 - (a) the “proposed proprietor of the Academy” is the person with whom the Secretary of State proposes to enter or has entered into Academy arrangements in respect of the school;
 - (b) a school is “causing concern” if it is eligible for intervention within the meaning of Part 4 of EIA 2006.”