



# Education Act 2011

## 2011 CHAPTER 21

### PART 6

#### ACADEMIES

##### *Academy orders*

#### **55 Academy orders: involvement of religious bodies etc**

(1) Section 4 of AA 2010 (Academy orders) is amended as follows.

(2) After subsection (1), insert—

“(1A) Before making an Academy order under subsection (1)(b) in respect of a foundation or voluntary school that has a foundation, the Secretary of State must consult—

- (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 subsection (4)—

- (a) at the end of paragraph (a), omit “and”;
- (b) at the end insert “, and
- (c) in the case of a foundation or voluntary school that has a foundation—
  - (i) the trustees of the school,
  - (ii) the person or persons by whom the foundation governors are appointed, and
  - (iii) in the case of a school which has a religious character, the appropriate religious body.”

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*Status: This is the original version (as it was originally enacted).*

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- (4) In subsection (5)—
- (a) at the end of paragraph (a), omit “and”;
  - (b) at the end insert “, and
  - (c) in the case of a foundation or voluntary school that has a foundation—
    - (i) the trustees of the school,
    - (ii) the person or persons by whom the foundation governors are appointed, and
    - (iii) in the case of a school which has a religious character, the appropriate religious body.”
- (5) At the end, insert—
- “(8) 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.
  - (9) 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.
  - (10) In subsections (8) and (9), “specified” means specified in the order under section 69(3) of SSFA 1998 relating to the school.
  - (11) Expressions used in this section and SSFA 1998 have the same meaning as in that Act.”

## 56 Academies: consultation on conversion

For section 5 of AA 2010 (consultation on conversion), substitute—

### “5 Consultation on conversion

- (1) Before a maintained school in England is converted into an Academy, there must be a consultation on the question of whether the conversion should take place.
- (2) The consultation may take place before or after an Academy order, or an application for an Academy order, has been made in respect of the school.
- (3) In the case of a school that is eligible for intervention (within the meaning of Part 4 of EIA 2006), the consultation may be carried out by—
  - (a) the school’s governing body, or
  - (b) a person with whom the Secretary of State proposes to enter into Academy arrangements in respect of the school or an educational institution that replaces it.
- (4) In any other case, the consultation must be carried out by the school’s governing body.

- (5) The consultation must seek the views of such persons as the person carrying it out thinks appropriate.
- (6) In the case of a federated school, references in this section to the governing body include references to any of the members of the governing body.”

## **57 Academy conversions: federated schools**

- (1) AA 2010 is amended as follows.
- (2) In section 3 (application for Academy order) after subsection (5) insert—
  - “(6) In the case of a federated school, references in this section to the governing body include references to members of the governing body who—
    - (a) together make up a proportion of the total number of members that is specified in, or determined in accordance with, regulations, and
    - (b) consist of or include members of any prescribed description.”
- (3) In section 4 (Academy orders), in subsection (1)(a), for “the governing body of the school make an application” substitute “an application in respect of the school is made”.
- (4) In section 7 (transfer of school surpluses)—
  - (a) in subsection (6)(a), after “made available” insert “in respect of the school”;
  - (b) in subsection (6), at the end, insert “This subsection is subject to subsection (9).”;
  - (c) in subsection (7), for “to a school’s” substitute “in respect of a school to the school’s”;
  - (d) after subsection (8) insert—
    - “(9) If the school is a federated school, the questions of —
      - (a) whether the school has a surplus, and
      - (b) if so, the amount of the surplus,are to be determined in accordance with regulations.”
- (5) In section 17 (interpretation of Act), in subsection (2), after the definition of “the conversion date” insert—
  - ““federated school” has the meaning given by section 24(2) of EA 2002;”.

## **58 Academy orders: local authority powers**

In section 6 of AA 2010 (effect of Academy order), after subsection (2) insert—

- “(2A) Subsection (2) does not prohibit the local authority from providing financial or other assistance in respect of the Academy, including by—
  - (a) making payments in respect of some (but not all) of the expenses of maintaining the Academy,
  - (b) providing premises, goods or services for the Academy, or
  - (c) making premises, goods or services available to be used for the purposes of the Academy.”

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*Status: This is the original version (as it was originally enacted).*

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## **59 Transfer of property, rights and liabilities to Academies**

- (1) Section 8 of AA 2010 (transfer of other property) is amended as follows.
- (2) For subsection (2) substitute—
  - “(2) The Secretary of State may make a scheme (a “transfer scheme”) in relation to—
    - (a) property used or held for the purposes of the school by a local authority or the school’s governing body, and
    - (b) rights and liabilities (including rights and liabilities in relation to staff) of the local authority or the governing body which were acquired or incurred for the purposes of the school.”
- (3) In subsections (3) to (10), for “property transfer scheme” (in each place) substitute “transfer scheme”.
- (4) In subsection (4), for “the proprietor of the Academy” substitute “a person concerned with the running of the Academy”.
- (5) For the heading substitute “Transfer schemes: other property, rights and liabilities”.