



Education Act 2011

2011 CHAPTER 21

PART 6

ACADEMIES

Academies: other provisions

60 Academies: new and expanded educational institutions

(1) For section 9 of AA 2010 (impact: additional schools) substitute—

“9 Impact: new and expanded educational institutions

- (1) This section applies if the Secretary of State is deciding whether to enter into Academy arrangements in relation to—
 - (a) a new educational institution, or
 - (b) an existing educational institution that, if the arrangements are entered into, will provide education for pupils of a wider range of ages.
- (2) The Secretary of State must take into account what the impact of entering into the arrangements would be likely to be on maintained schools, Academies, institutions within the further education sector and alternative provision in the area in which the institution is proposed to be, or is, situated.
- (3) An educational institution is not new for the purposes of this section if—
 - (a) it replaces one or more maintained schools, Academies or sixth form colleges that have been or are to be discontinued, and
 - (b) it provides education for persons of the same range of ages as the institution it replaces (or, as the case may be, the institutions it replaces, taken together).
- (4) “Alternative provision” means educational provision for which a local authority has made arrangements under section 19 of EA 1996 (exceptional provision of education in pupil referral units or elsewhere).”

(2) For section 10 of AA 2010 (consultation: additional schools) substitute—

“10 Consultation: new and expanded educational institutions

- (1) This section applies before a person enters into Academy arrangements with the Secretary of State in relation to—
 - (a) a new educational institution, other than a new educational institution that is the subject of proposals under section 7 of EIA 2006 (proposals to establish new school following invitation from local authority), or
 - (b) an existing educational institution that, if the arrangements are entered into, will provide education for pupils of a wider range of ages.
- (2) The person must carry out a consultation on the question of whether the arrangements should be entered into.
- (3) The consultation must seek the views of such persons as the person carrying it out thinks appropriate.
- (4) Section 9(3) (when educational institution not new) applies for the purposes of this section.”