



Children and Social Work Act 2017

2017 CHAPTER 16

PART 1

CHILDREN

CHAPTER 1

LOOKED AFTER CHILDREN

Educational achievement in England

6 Academies: staff member for looked after and previously looked after pupils

(1) After section 2D of the Academies Act 2010 insert—

“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.
- (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

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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—

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- (a) a public authority,
- (b) a religious organisation, or
- (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).”

(2) After section 2 of the Academies Act 2010 insert— “ Provision to be included in Academy agreements ”.

Commencement Information

II S. 6 in force at 1.9.2018 by [S.I. 2018/497](#), [reg. 4\(c\)](#)

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