



Paper 12 – Miscellaneous

Legal basis

1. Attendance

Academies must take the attendance register twice a day: at the start of each morning and once during the afternoon. Academies can only lawfully delete pupils from the admission register on the grounds prescribed in regulation 8 of the 2006 Pupil Registration Regulations (as amended by the Education (Pupil Registration) (England) (Amendment) Regulations 2011). Academies cannot remove a child from the attendance register until he/she has been deleted from the admission register. Academies must inform their local authority of any pupil who is going to be deleted from the admission register in accordance with regulation 12(3) of the 2006 Pupil Registration Regulations. Academies must notify their local authority if a pupil has irregular attendance or is absent continuously without authorisation for 10 school days.

2. Behaviour

From 1 September 2012, the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 superseded the requirements of the Exclusions Annex of academy Funding Agreements in relation to fixed-term and permanent exclusions. Academies are required to comply with these regulations and have regard to the Government's statutory guidance: Exclusion from maintained schools, academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion.

Pupils can only be excluded for a disciplinary reason. Parents and local authorities must be notified about all exclusions and parents are able to ask for certain exclusions to be reviewed. The local governing body Discipline Committee is not expected to invite a local authority officer to a meeting to consider exclusion, although a local authority officer may attend at the request of a parent.

When requested by a parent, the Trust is responsible for arranging an independent review panel to consider the decision of a governing body to uphold a permanent exclusion. Panel members need to be trained in how to

perform their role. The Trust will also need to appoint a special educational needs (SEN) expert to advise the panel, where requested by a parent.

3. Information Requirements and Data Protection

Academies are required to provide information through their Funding Agreements or the The Education (Independent School Standards) (England) Regulations 2010 (the Independent Schools Regulations). Academies are subject to the Freedom of Information Act 2000 and must follow guidance about schools' obligations in terms of allowing parents access to information about their children. Guidance on this has been produced by the Information Commissioner's Office (ICO). Each academy will appoint a data manager and register with the ICO.

4. School Transport

The statutory duty on local authorities to make suitable home to school travel arrangements for eligible children in their area is set out in Section 508B of the Education Act 1996 (inserted by the Education and Inspections Act 2006).

Travel must be provided free for pupils who are attending their nearest suitable school, where it is beyond the statutory walking distances, which are two miles for pupils below the age of eight and three miles for those aged eight and over.

Local authorities must also make arrangements for those children who are unable to walk to school because of their special educational need, disability or mobility problem and children who cannot reasonably be expected to walk because the nature of the route is such that they cannot be expected to walk in reasonable safety. For all other pupils local authorities have discretion to provide transport, for which a charge can be made.

5. Equality

The Equality Act 2010 requires academies to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act,
- advance equality of opportunity between persons who

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share a relevant protected characteristic and persons who do not share it,

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it (i.e. tackle prejudice and promote understanding).

6. Legal Entity Requirements

The Trust is a company limited by guarantee, therefore the company number will have to be used according to Companies House requirements.

7. Nurseries and Children’s Centres

Each academy is able to run their own early years provision and charge for it. Separate or stand-alone Maintained Nursery Schools must, however, remain

maintained and are not eligible for academy status. The Early Years Free Entitlement continues to be paid by the local authority for 3 and 4 year olds. If, as an academy, you wish to offer beyond 15 hours provision for 3 and 4 year olds, or provision for under 3s, there would be the options of the academy charging parents directly, operating the nursery through a subsidiary company or contracting with an independent provider. The delivery of Children’s Centre services is the statutory obligation of the local authority. Academies are able to run Children’s Centres. They may need, however, an extension to their object and protections in the Funding Agreement.

Key principles

1. Requirements with regard to attendance and reporting back to the Trust will be dealt with in the Scheme of Delegation.
2. Arrangements for uniform will be determined by the local governing body.
3. The Trust will develop a policy on the use of the company number and its logo. It is anticipated that

- membership of the family of schools is to appear on outward facing communications e.g. signage, letters and website.
4. Academies will continue to engage with parents through PTAs etc.
 5. The Trust will work with each academy, where it is appropriate, to ensure that the charging policy for the provision of services operates at full cost recovery.