



Department
for Education

Special academy and free school: supplemental funding agreement

December 2014

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SUMMARY

Information about the Academy:

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|---|---|
| Name of Academy Trust | Astrum Multi Academy Trust |
| Company number | 10818052 |
| Date of Master Funding Agreement | 24 July 2017 |
| Name of academy | Newbridge School |
| Opening date | 1 August 2017 |
| Type of academy (indicate whether academy or free school) | Special academy |
| Name of predecessor school (where applicable) | Newbridge School |
| Planned number of places | 145 places increasing to 148 places from 1 September 2017 |
| Age range | 2 – 19 |
| Number of sixth form places | 24 |
| Number of residential places | N/A |
| Land arrangements (Version 1-7 or other) | Version 2 |
| Address and title number of Land | The land and buildings on the west side of Grove Road, Chadwell Heath with Title Number EGL33989. Newbridge School (Formerly Ethel Davis School) including 258 Barley Lane, Ilford, IG3 8XS with Title Number EGL502396. |

Please confirm which clause variations have been applied or marked as 'Not used'

| Clause No. | Descriptor | Applied | Not used |
|-------------|---|---------|----------|
| 1.J | Only applies to free schools and new provision academies | | X |
| 2.D | Only applies to free schools admitting pupils without a statement of SEN or EHC plan | | X |
| 2.G | Only applies where there was a predecessor independent school or non-maintained special school | | X |
| 2.S to 2.FF | Only applies to free schools or new provision academies that admit pupils without a statement of SEN or EHC plan | | X |
| 2.W | Does not apply to free schools (unless there was a predecessor independent school or non-maintained special school), or new provision academies | X | |
| 2.GG | Only applies to free schools or new provision academies that admit pupils without a statement of SEN or EHC plan | | X |
| 3.B – 3.G | Only applies to free schools or new provision academies that admit pupils without a statement of SEN or EHC plan | | X |
| 3.H | Clause does not apply to academy converters or new provision academies | | X |
| 3.J | Only applies to full sponsored and intermediate sponsored academies with approved Academy Action Plans | | X |
| 3.K | Does not apply to free schools (unless there was a predecessor independent school or non-maintained special school), or new provision academies | X | |
| 5.G.1 | Clause applies only to boarding academies/free schools | | X |
| 5.I | Clause only applies to sponsored academies | | X |

| Clause No. | Descriptor | Applied | Not used |
|------------|--|---------|----------|
| 5.K | Clause applies to free schools and may be applied to new provision academies | | X |
| 5.L | Clause applies to free schools and may be applied to new provision academies | | X |
| 5.M | Clause applies to free schools and may be applied to new provision academies | | X |
| 5.N | Clause applies to free schools and may be applied to new provision academies | | X |
| 5.O | Clause applies to free schools and may be applied to new provision academies | | X |
| 5.P | Clause applies to free schools and may be applied to new provision academies | | X |

Please identify any other variations from the model that apply to this academy (e.g. clauses relating to PFI): N/A

Additional clauses will be supplied by your project lead if needed.

| Descriptor | Clause No. | Applied | Not used |
|------------|------------|---------|----------|
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1. ESTABLISHING THE ACADEMY

1.A This Agreement made between the Secretary of State for Education and Astrum Multi Academy Trust is supplemental to the master funding agreement made between the same parties and dated 24 July 2017 (the "Master Agreement").

Definitions and interpretation

1.B Except as expressly provided in this Agreement words and expressions defined in the Master Agreement will have those same meanings in this Agreement.

1.C The following capitalised words and expressions will have the following meanings:

"The **Academy**" means Newbridge Special Academy which is specially organised to make special educational provision for pupils with SEN.

"**EHC plan**" means an Education, Health and Care plan made under section 37(2) of the Children and Families Act 2014.

"**Pupils with a statement of SEN or EHC plan**" means those pupils, with a statement of SEN or EHC plan, admitted under clauses 2.C and 2.H to 2.R.

"**Pupils without a statement of SEN or EHC plan**" means those pupils, with SEN but without a statement of SEN or EHC plan, admitted under clauses 2.D and 2.S to 2.FF.

"**SEN**" means Special Educational Needs and the expressions "**special educational needs**" and "**special educational provision**" have the meaning set out in sections 20(1) and 21(2) of the Children and Families Act 2014.

"**Statement of SEN**" means a statement made under section 324 of the Education Act 1996.

"**Termination Notice**" means a notice sent by the Secretary of State to the Academy Trust, terminating this Agreement on the date specified in the notice.

“Termination Warning Notice” means a notice sent by the Secretary of State to the Academy Trust, stating his intention to terminate this Agreement.

- 1.D The Interpretation Act 1978 applies to this Agreement as it applies to an Act of Parliament.
- 1.E Reference in this Agreement to clauses and annexes will, unless otherwise stated, be to clauses and annexes to this Agreement.

The Academy

- 1.F The Academy is a Special Academy as defined in clause 1.4 of the Master Agreement.
- 1.G The Academy Trust will establish and maintain the Academy in accordance with the Master Agreement and this Agreement.
- 1.H The Academy Trust must ensure special educational provision is made at the Academy for one or more categories of SEN. These categories may include, but are not limited to MLD, SLD, PMLD, SLCN, VI, and HI. .
- 1.I The Academy Trust may not refuse to admit a child whose statement of SEN or EHC plan names the Academy on the sole basis that some, or all, of the child’s SEN do not feature in the categories referred to in clause 1.H of this agreement.
- 1.J Not used.

Academy opening date

- 1.K The Academy Trust will open the Academy on 1 August 2017.

2. RUNNING OF THE ACADEMY

Length of school day and year

- 2.A.1 Further to clause 2.1 of the Master Agreement, the Academy Trust is responsible for setting the dates when the school terms and holidays are to begin and end, and the times of schools sessions.

Teachers and staff

2.A Subject to clause 2.4 of the Master Agreement and 2.B of this Agreement the Academy Trust must not employ anyone under a contract of employment or for services to plan and prepare lessons and courses for pupils, teach pupils, and assess and report on pupils' development, progress and attainment ("specified work"), who is not either:

- a) a qualified teacher within the meaning of regulations made under section 132 of the Education Act 2002; or
- b) otherwise eligible to do specified work under the Education (Specified Work)(England) Regulations 2012 (SI 2012/762), which for the purpose of this clause must be construed as if the Academy were a maintained school.

2.B Clause 2.A will not apply to anyone who:

- a) transferred to the employment of the Academy Trust by virtue of the Transfer of Undertakings (Protection of Employment) Regulations 2006;
- b) immediately prior to the transfer, was employed to do specified work; and
- c) immediately before transferring, was not:
 - i. a qualified teacher within the meaning of regulations made under section 132 of the Education Act 2002 and fully registered with the appropriate body, or
 - ii. eligible to do specified work under the Education (Specified Work)(England) Regulations 2012 (SE 2012/762)

("transferred staff member"). The Academy Trust must ensure that any transferred staff member that carries out specified work and does not meet the requirements of clause 2.A(a) or 2.A(b), meets those requirements as soon as possible.

Places and Pupils

- 2.C The planned number of places at the Academy on opening is 145 places in the age range 2 – 19, increasing to 148 places from 1 September 2017, including a sixth form of 24 places.
- 2.D Not used.
- 2.E The Academy Trust must ensure that the Academy meets the needs of individual pupils.
- 2.F The Academy Trust must seek approval from the Secretary of State where they consider there is a need to increase the planned number of places stated in clause 2.C. The requirements of this Agreement may then be amended by agreement between the Secretary of State and the Academy Trust.

Charging

- 2.G Not used.

Admissions

- 2.H Except as set out in clauses 2.J – 2.Q below, the Children and Families Act 2014 imposes duties directly on Academies in respect of pupils with special educational needs, including the admission of pupils with EHC plans. If an Academy Trust considers that a LA should not have named the Academy in an EHC plan, it may ask the Secretary of State to determine whether the LA has acted unreasonably, and to make an order directing the LA to reconsider. The Secretary of State's determination will be final, subject to any right of appeal which a parent of the child may have to the First Tier Tribunal (Special Educational Needs and Disability) or the Upper Tribunal Administrative Appeals Chamber.
- 2.I Except where clauses 2.D and 2.T apply, the Academy Trust may not admit a child to the school unless a statement of SEN or EHC plan naming the Academy is maintained for that child.
- 2.J The Academy Trust may admit a child to the Academy if:

