

Free Schools in 2013

How to apply

Special Free Schools

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1. Things to know before you start

Vision

1.1 We want to improve our education system so that children thrive and prosper, whatever their background. We want parents to have a choice of more good schools and the opportunity to open new schools where they want them.

1.2 The Free Schools programme is helping us realise this vision. In response to parental demand, new or existing providers can establish - faster than ever before - schools that are supported by local parents and offer high standards. By introducing increased competition, innovation and parental choice we aim to raise standards across the school system.

1.3 Special Free Schools are part of the Free Schools programme and will widen its reach to some of the most vulnerable children in our society. Innovation and high standards of teaching and achievement are key aims of the introduction of special Free Schools. Parents of children with special educational needs (SEN) can make representations about which school they want their child to attend. The LA must consider parents' representations before making a decision on whether to name the school on a pupil's statement. For children with SEN, the introduction of special Free Schools will help to ensure that there is more high quality provision available and that local authorities have more choice about which special provision is suitable for pupils.

1.4 The whole point of the Free Schools policy is that it should encourage innovation and be driven by the vision and passion of those proposing a school. There are four main categories of Free School: mainstream, 16–19, special and alternative provision. You can find out more about the characteristics of these types of school and how to apply if your vision does not fit precisely with them in **Annex A**.

1.5 This guidance is for people who would like to establish a special Free School. If you are interested in applying to set up a mainstream, 16-19, or an alternative provision Free School, you should refer to the specific guidance available [here](#). You can also find out about how to apply to establish a University Technical College or Studio School [here](#). This guidance contains a number of technical terms and you may find it useful to refer to the glossary of terms provided in **Annex D**.

What is a special Free School?

1.6 Special Free Schools are state funded outside of local authority control and specifically organised to make educational provision for children with special educational needs. Special Free Schools will cater predominantly for children with statements of SEN.

1.7 Special Free Schools are designated for specific types of SEN. Once a school is open, approval from the Secretary of State would be required if it

wishes to change or extend its designation to other types of SEN.

1.8 It is important that you understand the funding mechanism for Special Free Schools. This is set out in Annex C.

Special Free Schools: law and policy

1.9 Special Free Schools are new Academies and as such are independent schools to which the relevant Independent School Standards apply. The Education (Independent School Standards) (England) Regulations 2010 are available [here](#).

1.10 Each Free School will enter into a contract with the Secretary of State. This contract, termed the 'funding agreement'¹, sets out the arrangements and standards by which the Free School must be run. The model special Free School documents will be available on the Department's website in due course.

1.11 You should be aware of the following key requirements. Special Free Schools must:

- be under an obligation to admit a child where the school is named in a child's statement, even if the child's SEN is not a type of SEN for which the school is designated;
- collect performance data and publish results (where relevant)². In addition and since September 2007, special and mainstream schools have been required to submit data, using the P scales, for pupils aged 5-16 with SEN who are working below level 1 of the National Curriculum. Attainment data (P Scales) are needed for English, mathematics and science. Special Free Schools will also be subject to monitoring by Ofsted and receive regular inspection under the same framework that applies to all publicly funded schools; and
- have regard to the Special Educational Needs Code of Practice.

1.12 Special Free Schools cannot be designated with a religious character. Applicants may seek to establish a distinct religious ethos which is reflected within the vision and values of the school, but will not be able to recruit staff or pupils by reference to faith.

¹ For simplicity we use 'funding agreement' throughout the application documents to refer to the formal legal agreement between the Academy Trust and the Secretary of State. In addition to the funding agreement the law allows the Secretary of State to fund Academies (including Free Schools) by payment of grant.

² For secondary schools, this reporting currently (as at 2011) includes the proportion of Key Stage 4 pupils attaining 5 or more GCSEs at A*-C (or equivalent) including English and maths. Information is also required about P Scale data. General information about P Scales can be found at:

<http://webarchive.nationalarchives.gov.uk/20110119043018/http://www.qcda.gov.uk/curriculum/sen/537.aspx>

2. Getting started

Before you start

2.1 Special Free Schools can be set up by any suitable organisation or group, such as parents, teachers or community groups. Existing independent schools or non-maintained special schools are also able to apply to become special Free Schools. Existing state maintained schools, including Academies, can also apply to establish a new special Free School.

2.2 Setting up a school requires a lot of time, commitment and determination. Before you start your application, you should think about:

- the type of school you want to establish;
- the law and policy as they apply to special Free Schools;
- the potential demand for the particular school you want to set up;
- why you want to establish a Special Free School in this location;
- potential sites for the Free School;
- the level of involvement you want to have in setting up the school;
- the relevant skills and experience you have to set up and run a school; and
- whether you need any additional expertise and how you might secure this.

2.3 The New Schools Network is an independent charity which receives funding from the Department for Education to provide free advice and support to groups interested in applying to set up Free Schools. We strongly recommend that you contact them before you send in your application. Click [here](#).

Organising your group

2.4 Applicant groups will need to look at what needs to be done, both on a short term basis (submitting the full application and, if approved, the huge job of preparing for the school to open) and long term basis (strategic running of the school as well as day-to-day management). Groups will then want to organise themselves based on the skills, experience and time commitment of individual members so that the group is deployed and governed in the most effective way.

2.5 Each Free School must be underpinned by strong governance arrangements and established on a solid legal footing. Behind any Free School is a company, referred to as an Academy Trust, constituted specifically for the purpose of establishing and running a school. This must be set up as a company limited by guarantee to protect the individuals who establish it by limiting their personal liabilities.

Establishing a company

2.6 A company is made up of members and directors. Neither members nor directors are paid for their work in this role. The **members** of a company are its legal owners and have a strategic role in running the school and ultimate control over the company. When setting up your company you are required to have at least three founding members but you can have more. Your group will need to decide who the members of the company will be. The members appoint the directors of the company, and when setting up your company, the members are required to appoint at least one director. This may be one of the members themselves.

2.7 **Directors** will be responsible for the day-to-day management and governance of the school. In other words, the directors will be the governors of your school and where we refer to governors and governing bodies in this guidance we are talking about your company directors.

2.8 Company members are not always directors, but in some cases will undertake both roles. We would expect most of the directors not to be members of the company as well because it is important to have clear lines of accountability between the directors and the members.

2.9 You will also need to complete the relevant paperwork to establish your company limited by guarantee. As founding members you need to sign a legal document known as the memorandum of association. You also need to complete the articles of association, which set out the purpose of the company and the rules that govern it. Free Schools should use our model memorandum and articles of association which can be found [here](#). If your company is formed using our model memorandum and articles of association it will also be a charity at the point that the articles are adopted. The company's directors will then also be its **trustees**³ for charity law purposes.

2.10 You then need to submit these completed documents along with an application to register a company and the relevant fee to Companies House. Further information on what you need to do to set up a company is available from Companies House at this [link](#). Please note that we may request to see your memorandum and articles of association at a later date.

2.11 If you have previously established a company limited by guarantee for the purposes of running a school (and the company's object specifically reflects this) you can use this company rather than establish another one. Some amendments might be required later to the company's articles of association, bringing them in line with our model. Where you have previously established a company limited by guarantee for purposes other than running a school (even if it is for some other educational purpose) you need to establish a new company using our model documents.

³ There is guidance issued by the Charity Commission on the role and duties of charity Trustees: <http://www.charitycommission.gov.uk/publications/cc3.aspx>

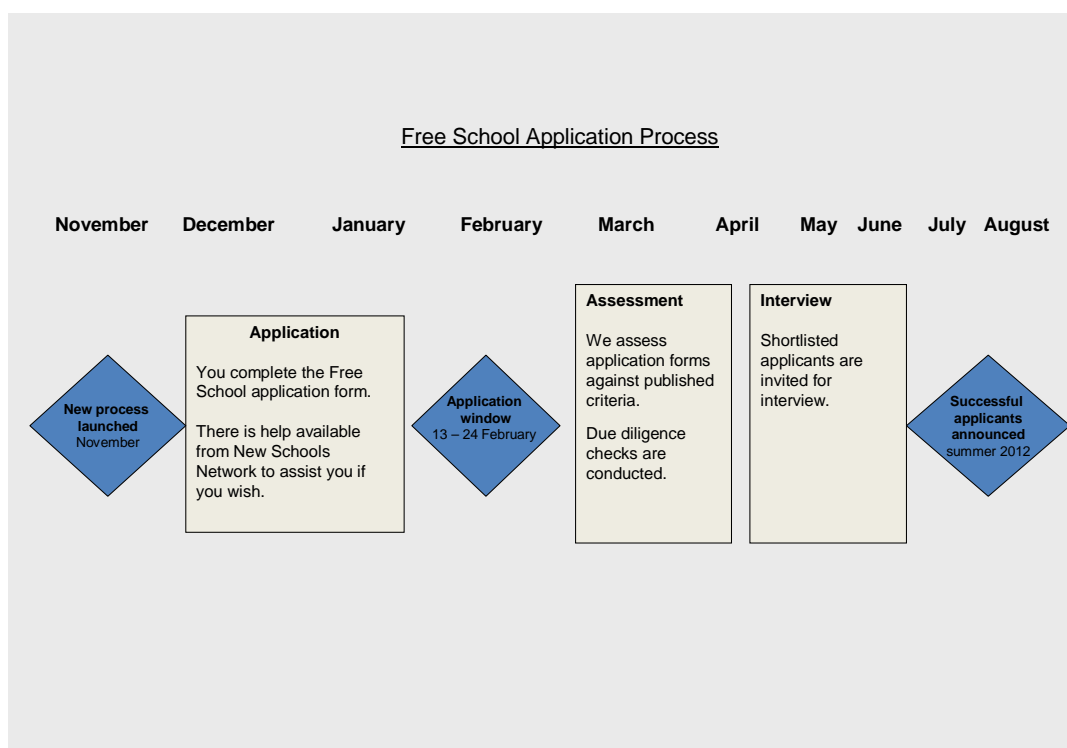
2.12 The individuals behind any Free School application are crucial to its success. You will want to consider who forms your group and ensure that you are organised in an effective and appropriate way. You should have arrangements in place to ensure that any potential conflicts of interest are avoided. In the case of Free Schools, conflicts of interest could include members of groups being related to each other or principals setting their own salaries (e.g. if they are also a director of the Academy Trust) but we encourage you to think widely about any potential conflicts of interest that you may face. It is possible for members of groups involved in establishing a Free School to be employed later at the school. However, if this is your intention, we would expect you to demonstrate how you will avoid a conflict of interest, including through fair and transparent recruitment processes.

2.13 Just as every Free School application will be different, the makeup of applicant groups will be different. There is no right or wrong model for the composition of a group. Each group will want to ensure that it has the right balance of skills and experience to deliver its vision. The New Schools Network will be able to advise you on the implications of each model for you and the kinds of skills and expertise required.

Suitability of applicants

2.14 The Secretary of State will seek to ensure that only suitable persons are permitted to establish publicly funded Free Schools. He will consider each application on its merits, and take into account all matters relevant to the application. He will reject any applications put forward by organisations which advocate violence or other illegal activities or by individuals associated with such organisations. In order to be approved, applications will need to demonstrate that they would support UK democratic values including respect for the basis on which UK laws are made and applied; respect for democracy; support for individual liberties within the law; and mutual tolerance and respect.

3. The application process explained



What happens when

Preparing and submitting your application

3.1 This application process is primarily for those wanting to set up a school which will open in 2013. We will only consider 2014 applications on an exceptional basis where a strong case is made for the need for an extended lead time.

3.2 Completed applications **must** be submitted to us between 9.00am on 13 February and 6.00pm on 24 February. Please note that any applications received outside these times will not be considered.

3.3 It is important that you read this guidance carefully before starting your application to make sure you understand what you need to do and the information that you must provide.

Assessment of your application

3.4 We will assess your application against the requirements and criteria set out in this guide. You must ensure that you provide all the information that we have asked for.

3.5 All applications will:

- be judged against the criteria set out in this guidance, other special Free School applications and a range of contextual factors. **Chapter 4** provides further information about the assessment process; and
- be subject to due diligence checks. This means we will use the personal information you provide to check your suitability to set up a Free School.

Interviews

3.6 If your application is assessed as one of the strongest, we will invite your group to an interview. We will provide further information on interview dates in due course.

3.7 If you are an existing independent school or non-maintained special school, we may wish to visit your current provision as part of the interview process. If this is the case, we will contact you to arrange this.

Final approval and decisions

3.8 We hope to let everyone know the outcome of their application, successful or otherwise, in summer 2012.

3.9 If the Secretary of State decides your application should progress you will be provided with a dedicated project lead from the Department, along with support to help secure a site and open your school.

3.10 There will be a significant amount of work to complete between approving your special Free School application and your school opening. You should therefore be clear that members of your group are able to commit themselves fully to the time necessary to do this. During this period you may have support to hire a principal designate and other senior staff, as well as project management support. The key requirement for you is to oversee any staff working full-time.

3.11 Assuming you make good progress after your application is approved, the Secretary of State will then decide whether to enter into a Funding Agreement with you.

Appeals

3.12 Decisions by the Secretary of State are final and there will be no formal appeals process.

4. How we assess applications

4.1 Your application will be assessed in the following ways:

- against the criteria set out in **Chapter 6** of this guidance;
- against other special Free School applications; and
- against a range of contextual factors including value for money.

4.2. Applications will also be subject to due diligence and other checks. You can find out more information about these checks in **Chapter 6** of this guidance.

4.3 In assessing all applications we will take into account a wide set of contextual factors, including, but not limited to:

- the age range of the special Free School;
- the type of special educational needs (SEN) being catered for and the availability of similar provision in the wider geographical area;
- overall cost;
- value for money;
- the Secretary of State's duty to consider equality issues⁴ related to the proposed special Free School;
- the level of deprivation in the community that it will serve;
- the need for more special provision in the area;
- the quality of specific provision for children with SEN in the local area;
- the type of provider;
- the recent track record, including on education and finance, of applicants who run existing schools.

4.4 For applications from existing independent schools and non-maintained special schools, we will also consider the following factors:

- the extent to which the school is at or near maximum capacity in terms of pupil numbers;
- the appeal of the Special Free School to parents who do not currently have children at the school; and
- the likelihood of local authorities placing children at the school.

4.5 In addition, existing independent schools and non-maintained special schools wishing to become Free Schools must also meet all of the following requirements:

- they must have no significant outstanding issues on compliance in their most recent inspection report;
- they must provide a link to their most recent inspection report with their application. Schools inspected by Ofsted, the Bridge Schools

⁴ Section 149 of the Equality Act 2010 - <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Inspectorate or the School Inspection Service should have achieved a judgement of good or better in the following areas:

- the quality of education;
- safeguarding pupils' welfare, health and safety; and
- promoting the spiritual, moral, social and cultural development of pupils.

Schools inspected by the Independent Schools Inspectorate should have achieved a judgement of good or better in the following areas:

- the quality of academic and other achievements;
 - the contribution of curricular and extra-curricular provision;
 - the contribution of teaching;
 - the quality of the pupils' personal development;
 - the contributions of arrangements for welfare, health and safety;
 - the effectiveness of governance, leadership and management;
 - the quality of education;
 - safeguarding pupils' welfare, health and safety; and
 - promoting the spiritual, moral, social and cultural development of pupils.
- they must be able to demonstrate that they have a good track record of managing their accounts⁵.

⁵ See criterion **G6** for further details.

5. Preparing your application

5.1 A Free School application is made up of nine sections as follows:

- **Section A:** Applicant details and declaration
- **Section B:** Outline of the school
- **Section C:** Education vision
- **Section D:** Education plan
- **Section E:** Evidence of demand and marketing
- **Section F:** Capacity and capability
- **Section G:** Initial costs and financial viability
- **Section H:** Premises
- **Section I:** Due diligence and other checks

5.2 In **sections A-H**, we are asking you to tell us about you and the school you want to establish. We have provided a form available [here](#) for you to use.

5.3 **Section G** also requires you to submit two financial plans. Both financial plans must be filled out using the same [template](#) but using different assumptions. The first financial plan should be developed on the basis that all the pupil places in your school will be filled. The second financial plan must show how you would manage your budget and remain financially viable if you were not able to achieve the levels of income you assumed in the first scenario (e.g. if you were unable to recruit the number of pupils you expect).

5.4 **Section I** is about your suitability to run a special Free School. All members of the company must each fill out a copy of the form available [here](#).

5.5 Independent schools (catering for pupils with SEN) and non-maintained special schools must include a link to their latest inspection report. They must also submit their last two years' audited accounts with their application, or supply alternative evidence of financial viability where the school has not been open long enough to have two years' worth of audited accounts.

5.6 You need to submit all of this information in order for your application to be assessed. The next chapter provides further information on what we are looking for in each section, how you should provide it and the criteria we will use to assess your application. **Chapter 7** provides further detail about how, when and where to submit your special Free School application.

6. Assessment criteria

6.1 All sections of your application must be completed in order for it to be considered. We will use the criteria outlined in this chapter to assess your application. Under each criterion we have included a description of what you should include in your application.

Section A: Applicant details and declaration

6.2 This section seeks basic information about applicants, including the main contact details of the lead applicant and the company limited by guarantee that has formed and registered with Companies House (also referred to as an 'Academy Trust'). It also seeks information on any related organisations that have links with the applicant group as well as information from applicants who are existing education providers.

6.3 As companies limited by guarantee, certain details will be publicly available on the Companies House website. However, the personal information in **Section A** will be treated in accordance with the Data Protection Act 1998.

Data protection

The personal data you provide us with will be used to consider your application to set up a Free School and will not be used for other purposes. For the purposes of the Data Protection Act, the Department for Education is the data controller for this personal information and for ensuring that it is processed in accordance with the terms of the Act. The Department will hold all personal information you supply securely and will only make it available to those who need to see it as part of the Free School application process. All personal information supplied in these forms will only be retained for as long as it is needed for this process.

6.4 There are no assessment criteria for this section.

Section B: Outline of the school

6.5 This section seeks key details on the type of Free School that is being proposed, including its name, the planned number of pupils when the school is at full capacity and the type of special educational needs the school will cater for (Annex B provides further information). It also asks whether the school is an existing provider and for details relating to the existing school.

6.6 There are no assessment criteria for this section.

Section C: Education vision

6.7 The education vision should describe why you want to set up this particular special Free School in this area, and its core features and ethos. This is your opportunity to tell us in your own words about the overarching vision for your school and how it informs your education plan.

6.8 We will be using one criterion to assess this section of your application.

C1: Provide a clearly focused, coherent vision that underpins the application with a compelling rationale for establishing the school.

You must:

- set out clearly why you are seeking to establish your special Free School. Please explain the key features of your school, including the proposed age range, type of SEN, curriculum offer, location and approach to teaching and learning;
- identify what will make the school distinctive in its vision and ethos and how this has informed the education plan;
- set out your aspirations for the achievement of individual pupils, and the school as a whole, and why these targets are appropriate; and
- explain how your group's religious beliefs and affiliations will be reflected in, or influence, the school if you are applying to set up a special Free School with a religious ethos.

In preparing your application it is important to note that:

- creationism, intelligent design and similar ideas must not be taught as valid scientific theories.

Section D: Education plan

6.9 This is the heart of your application. Your education plan must explain how your school will achieve its education vision. You should note that Section D in the application form we have provided includes two parts for you to fill out. Part 1 asks you to fill out a table showing how your school will grow over time to full capacity. Part 2 is where you should provide the information we are seeking in relation to the criteria below. The education plan should describe the structure of your school and the experience that pupils will have there. You should set out your aspirations for pupil achievement, how you aim to meet these and how the school will evaluate performance, both of individual pupils and the school as a whole.

6.10 We will be using six criteria to assess this part of your application.

D1: Set out a viable curriculum plan with appropriate focus on core areas of learning.

You must:

- describe the curriculum in detail. Where appropriate, the curriculum should be broad and balanced⁶ and meet the different needs and interests of all pupils. Plans should also include how the special Free School will cater for children for whom a broad and balanced curriculum may not be appropriate.

In preparing your application, it is important to note that:

- good applications will set out a coherent curriculum plan supported by the proposed financial plans;
- good applications will specifically address how the curriculum and its delivery will improve pupil outcomes on a range of measures; and
- where appropriate the curriculum should include strong references to developing literacy and numeracy skills or the functional elements of English, mathematics, ICT, scientific literacy and personal and social development.

⁶ In order to be considered broadly based and balanced the curriculum must (a) promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and (b) prepare pupils at the school for the opportunities, responsibilities and experiences of later life.

D2: Provide a coherent and feasible school timetable and calendar.

You must:

- set out expectations around the length of the school day, term and year. This should include the number and length of lessons each day and your plans for extended hours, and should make a clear distinction between compulsory and optional activities; and
- explain how pupils will be organised, for example through year groups, tutor groups or other class structures and how this links with and supports the education vision.

D3: Set out a clear strategy for ensuring that the needs of pupils with differing abilities are met.

You must:

- demonstrate an awareness of the varying needs of individual pupils and have an effective strategy for supporting all pupils including supporting those who need it and stretching the most able (gifted and talented pupils);
- show how you will use ICT, other agencies and partners' resources to support pupils of varying abilities and needs;
- describe the strategies you will use to overcome the barriers to learning that have prevented pupils from being educated effectively in mainstream schools;
- set out how you will prepare pupils to integrate into society successfully after leaving the school, including progression into further education, training or employment where appropriate;
- describe the strategies you will use to ensure that pupils with different special educational needs are catered for appropriately if you propose to apply for multiple SEN designations; and
- set out how you will have regard to the Special Educational Needs Code of Practice including your approach to supporting disabled pupils⁷.

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<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DfES%200581%202001#downloadableparts>

D4: Tell us how your definitions and measures of success will deliver your aspirations for pupil achievement.

You must:

- outline the targets that are proposed, why these are suitable to measure the delivery of your education vision, and what your strategy will be to achieve these;
- describe the proposed success measures for individual pupils and the school and how these will be monitored, reviewed and reported; and
- set out plans to develop pupil assessment and tracking systems.

D5: Describe how your approach to behaviour management, pupil wellbeing and attendance will improve pupil outcomes.

You must:

- set out detailed strategies for promoting good behaviour and attendance that are appropriate for your pupils;
- describe how you will promote pupil wellbeing, including through pastoral care and strategies for tackling bullying.
- describe how you will ensure that pupils are kept safe and how you will comply with the relevant safeguarding requirements⁸; and
- describe how these strategies are informed by your education vision and linked to raising standards and educational outcomes.

D6: Demonstrate your understanding of the local community and its needs, and your plans for sharing facilities with other schools and the wider community.

You must:

- demonstrate a good understanding of your pupil intake and show how the education plan reflects that, while retaining high expectations for pupil attainment;
- describe any plans you have for working with other schools, educational establishments or the wider community; and
- set out how you will promote good community relations.

⁸ <https://www.education.gov.uk/publications/standard/publicationdetail/page1/dfes-04217-2006>

Section E: Evidence of demand and marketing

6.11 In this section we are looking for evidence that there is a local need for the planned provision and that local authorities would name the proposed Free School on statements of SEN. You should note that Section E in the application form we have provided includes two parts for you to fill out. Part 1 asks you to fill out a table showing the number of pupils you intend to have in each year group and the demand you have established. Part 2 is where you should provide the information we are seeking in relation to the criteria below. The more evidence you can provide to show you have demand for the number of pupil places you need to fill in the first two years of your school being open, the better. You must show that this demand is for your specific school and you must have engaged directly with the parents, community and local authorities you will be serving.

6.12 We will be using two criteria to assess this part of your application.

E1: Provide evidence showing clear levels of parental demand and need for the numbers and type of SEN provision and number of places proposed. Include solid evidence of support from local authorities that shows they will be willing to place children at your school in line with parents' wishes and the special educational needs of children.

You must:

- provide evidence to support the need for the type of provision proposed, for example demonstrate that it is not catered for locally or where the only alternatives are low quality or too costly;
- provide written confirmation that local authorities are willing to name the Free School in pupils' statements⁹;
- provide evidence of support from parents of children with the particular SEN that the special Free School will cater for;
- provide a template of the survey form you asked parents to complete. You must not send copies of individually completed survey forms; and
- tell us how you have engaged directly with the community. This could be through public meetings, attendance at community events, discussions with local schools, local authorities or parents.

In preparing your application, it is important to note that:

⁹ Where a local authority names a special free school in a statement, it is committing to funding the costs of the placement.

- the more evidence you can provide to show you have demand for the number of pupil places you need to fill in the first two years, the better;
- you may find it helpful to survey parents. Please tell us the exact questions that you asked and provide a summary of responses. These questions should be specific to your school and its proposed curriculum, SEN designation and ethos. An example of a survey question that demonstrates this is: “Do you support the ethos and objectives of X school?”;
- demand is critical because a school’s income is dependent on pupil numbers. For **Section G** you will need to fill in a financial template to show how you would amend your budget if your school were not completely full; and
- we will ask you for updated evidence of demand if we invite you to interview so you should continue to engage with local authorities and your community and collect information on an ongoing basis.

E2: Demonstrate how you intend to engage with the wider community, including, where relevant, children from a range of backgrounds, faiths and abilities. Strong applications from existing independent schools and non-maintained special schools will normally include evidence of demand to support an expansion in pupil numbers.

You must:

- include details of any discussions you have had with the local authority about pupil placements or any details you have gathered about the need for more special provision in the area;
- set out how your school will work with parents, other services and agencies to give each pupil the support needed to fulfil their potential;
- set out how your school will work in partnership with other schools and local authorities in its locality to help develop its own staff and share its expertise; and
- tell us if you are planning to use the school as a resource for the wider community (e.g. hiring out premises) and, if so, tell us how this will be managed.

If you are an existing independent school or non-maintained special school you should:

- demonstrate demand from local authorities who do not currently refer pupils to the school; and
- demonstrate demand from existing local authorities for additional places.

Section F: Capacity and capability

6.13 You must demonstrate to us that your group has the capacity to set up **and** run a school. You must have access to appropriate educational, financial and other expertise either within your group or by procuring additional support. If your application is approved, we will be able to support you, if required, to secure additional expertise that you may need in the implementation phase, such as project management, human resources, ICT, sites and property/construction.

6.14 Before submitting an application for a Free School, you **must** have established a company limited by guarantee with members and directors appropriately skilled to discharge their duties and willing to do so without payment. This is explained in more detail in **Chapter 2** of this guidance.

6.15 We will be using six criteria to assess this section of your application. In providing responses to criteria **F1**, **F2** and **F3** set out below, it is important to note that:

- expertise could come from within your group through forming a voluntary partnership with an organisation or individual(s) with a successful educational track record or by entering into a commercial contract with such an organisation or individual(s);
- there is no guarantee that your application will be successful. Therefore you **must not** enter into any contracts in the expectation of funding from the Department for Education. In your application you should tell us what contractual arrangements, if any, you would like to have in place should your application be approved; and
- public procurement regulations apply to expenditure of public money and require that commercial contracts must be let competitively. Therefore, there can be **no guarantee** that organisations or individuals offering support in the preparation of applications will be offered contracts to continue providing support should the application be approved.

F1: Show how you will access appropriate and sufficient educational expertise to deliver your vision.

You must:

- show that you have identified the resources, people and skills that you will need to set up and operate a special Free School, and in particular demonstrate that you have relevant high quality SEN educational expertise in your long-term group;
- confirm time commitments to the project from relevant individuals; and
- set out clear and detailed plans for identifying and securing any necessary expertise currently missing from your group.

F2: Show how you will access appropriate and sufficient financial expertise to manage your school budget.

You must:

- show that you have identified the resources, people and skills that you will need to set up arrangements for and undertake the financial management of the special Free School;
- confirm time commitments to the project from relevant individuals; and
- set out clear and detailed plans for identifying and securing any necessary financial expertise (including an understanding of school budgets) currently missing from your group.

F3: Show how you will access other relevant expertise to manage the opening and operation of your school.

You must:

- provide details of the members of the company and their particular areas of experience and expertise;
- show that your group has identified other relevant expertise, such as individuals or organisations with successful experience of setting up a new organisation or business, school governance, human resources, ICT, property/construction, marketing and project management;
- set out clear time commitments to the project from the relevant individuals;
- explain how work on this school will be balanced against the development of others if your group is seeking to establish more than one school; and
- set out clear and detailed plans for identifying and securing any necessary expertise currently missing from your group.

F4: Show how your staffing structure will deliver the planned curriculum.

You must:

- set out plans showing an appropriate and phased build up of staff (where the school is increasing in size over time) in line with planned pupil numbers and financial resources;
- describe the final staffing structure and show how it is sufficient, affordable and appropriate to deliver the education vision and plan;
- set out the structure of the senior leadership team and other staff, as well as a clear description of their roles and responsibilities;
- reflect both the arrangements for the first term and year, and for the longer term, as the school builds to full capacity, with clear delineation of roles and responsibilities;
- provide evidence to demonstrate access to appropriate and high quality specialist SEN expertise; and
- ensure the information you provide is consistent with that set out in **Section G**.

F5: Provide realistic plans for recruiting a high quality principal designate, other staff and governors in accordance with your proposed staffing structure and education plans.

You must:

- set out plans for recruiting your school's principal designate (head teacher) and the role you envisage him/her playing in the implementation phase;
- provide the CV of your preferred principal designate, if you have already identified one, along with evidence of their ability to deliver your education vision and plan and lead your proposed school;
- set out your plans for recruiting high quality members of staff;
- tell us about any individuals you have already identified as prospective governors and their relevant skills and expertise; and
- describe how you will identify and appoint committed governors with the breadth of skills needed to oversee successfully both the implementation of the school and its operation once open.

In preparing your application, it is important to note that:

- where you have already identified a preferred principal designate, the Department for Education may require that person to be assessed to help inform the decision to appoint; and
- if your application is approved, you will – subject to our agreement – be able to appoint a principal designate up to two terms in advance of the school's opening date.

F6: Demonstrate a clear understanding and describe the respective roles of the company members, governing body and principal designate in running your school.

You must:

- clearly describe in both writing **and** in a diagram the structure, lines of accountability and methods of escalation between the company members, the school's governing body (the company's directors) and the principal;
- clearly define and set out the respective roles and responsibilities of the company members, the governing body and the principal; and
- have arrangements that ensure that any potential conflicts of interest are avoided and deliver **independent** challenge to those with executive functions.

Section G: Initial costs and financial viability

6.16 In this section we are looking for evidence that the cost of setting up your school and delivering your proposed education plan is affordable and that your group is able to plan and manage the finances of a publicly funded school. Special Free Schools must offer value for money.

6.17 We have included in **Annex C** an explanation of how special funding works and the information you need to know before starting this section of your application. You should read this annex carefully.

Step 1 - You must complete two different financial plans for your school

6.18 We want you to create two different financial plans for your school. You must do this by filling out the same template spreadsheet twice, with information based on two scenarios. The special Free School template spreadsheet is available [here](#). Please ensure that you use the correct template¹⁰. Instructions for completing the spreadsheet are contained within it.

6.19 The first financial plan needs to show us the income you expect to receive and what you intend to spend when your school is full. You must provide financial information up to and including the academic year **after** the school is full, and for a minimum period of five years. For example, if you are planning for your school to reach capacity in two years, you must still cover the period 2013/14 to 2016/17. All special Free Schools should be full from the beginning of the fourth year.

6.20 You should complete the second financial plan to show us how you would reduce spending if your income were lower than expected – for example, if you recruited fewer pupils than planned. Please see criterion **G3**.

6.21 In both financial plans, your income must always exceed your expenditure, taking start-up funding and reserves you have built up in prior years into account.

6.22 In preparing your financial plans, you should think carefully about how you can make the best use of the money available to you to deliver your school's education plan. We know that it will not be possible for you to state actual costs at this stage but we need you to demonstrate that your particular education vision and plan are affordable. The cost estimates you make need to be realistic and based on evidence. You can do this by looking at what other special schools do and how much they spend each year on different things. When you show income that is not from the Department (including your per pupil funding from local authorities), you need to explain where it is coming

¹⁰ The special financial plan template must **not** be used for proposals for mainstream, alternative provision, studio schools or university technical colleges – instead, separate templates will be available for those proposals.

from, how certain you are that you will get it and provide evidence to support this assumption. For your per pupil funding from local authorities this should include written evidence providing in principle commitments that they will name the school in pupils' statements and are prepared to pay the per pupil funding level you have set above the £10,000 base funding per place.

6.23 In preparing your financial plans it is important for you to ensure that they:

- are based on clearly stated and evidenced assumptions;
- are consistent with the evidence of demand from local authorities;
- demonstrate that local authorities are willing to pay the per pupil funding rates that you have set;
- flow directly from the educational vision and plan for your Free School;
- show how you have kept costs to the minimum needed to deliver your educational plan;
- refer to established school benchmarks where appropriate;
- use best estimates where there are uncertainties;
- do not show a deficit in any year;
- are not predicated on your school being able to borrow money;
- do not carry over excessive balances of money from one year to the next; and
- show clearly any income you are expecting to receive from sources other than the Department for Education and local authorities and provide robust evidence to show why this is realistic and achievable.

6.24 Both completed financial plans must be submitted alongside your main application **as electronic Excel files and in hard copy**.

Step 2 - In addition, you must include an explanation in your application form describing how you developed your financial plans and the thinking behind them.

6.25 We expect you to explain how you have kept costs as low as possible, evidence that local authorities are willing to pay the per pupil funding rates and how your financial plans support your education vision and plan. You should also tell us about the assumptions you have based your plan on, and the evidence you have gathered to show these are realistic.

Review of school funding

6.26 School funding for 2012/13 and beyond is not yet decided because of wider work going on to reform the school funding system. For the purposes of this application you will need to use the interim funding model for 2012/13 which uses the confirmed 2011/12 funding figures. However, from 2013 the results of the school funding review may mean that a different funding model will be used. This means that the approach to, and levels of, funding suggested by the template spreadsheet are indicative only, and do not represent the actual funding the school would receive if approved.

6.27 We will be using six criteria to assess applications for initial costs and financial viability. Five of the criteria apply to all Free School applications. You should only seek to address criterion **G6** if you are an existing independent school or non-maintained special school seeking to become a special Free School.

G1: Show how the school will be financially viable and offer value for money up to the point where there are pupils in each year.

You must:

- show in **both financial plans** that income, including start-up funding, would exceed expenditure for each year up to and including the first year in which you have pupils in each year (the 'start-up' period). The latest that this can be is the fourth year; and
- demonstrate you have minimised the need for any start-up funding, particularly staffing diseconomy funding¹¹. For example, where the school is building up year group by year group we would normally expect principals to do some teaching, and for support staff to fulfil multiple roles.

G2: Show how the school will be financially sustainable once there are pupils in each year.

You must:

- demonstrate in your **first financial plan** that income will exceed expenditure once the school is no longer eligible for start-up funding. The last year in which schools are currently eligible for start-up funding is the first year in which they have a cohort of pupils in each year. The latest that this can be is the fourth year; and
- set out clearly and explain in your application form the supporting assumptions for your first financial plan.

In preparing your application, it is important to note that:

- a strong financial plan should also include contingencies and flexibility that would allow the school to cope with unexpected financial pressures. You should not do this by building up a large surplus over time.

¹¹ See glossary of terms and Annex C for more on staffing diseconomy funding.

G3: Show how the school will be financially resilient to reductions in income.

You must:

- show in your **second financial plan** how you would reduce your expenditure to spend less than your income if you were not able to achieve the levels of income you assumed in your first financial plan. You must show how you would do this whilst still being able to deliver high quality education in line with your stated educational vision and plan;
- show in your second financial plan how you would manage if only 75% of pupil places were filled in each year;
- also take into account any other areas that could impact on your school's income. In particular, where relevant, you should show in your second financial plan how you would manage if:
 - you did not reach the assumed level of income from sources other than Department for Education grants and local authority per pupil funding e.g. third party contributions; and
- set out clearly and explain in your application form the supporting assumptions for your second financial plan.

G4: Provide realistic financial plans that are consistent with other aspects of your application.

You must:

- be consistent about the information you provide in **both financial plans** and other relevant parts of your application. This means that the numbers and assumptions in your **first financial plan** must match the numbers and assumptions stated elsewhere in the application form and that the numbers and assumptions in your **second financial plan** are clearly explained and evidenced in your application form.

In preparing your application, it is important to note that:

- examples of areas that will be scrutinised include pupil numbers, staffing structure, and whether there are elements of the education vision and plan (such as after extended provision) that would require financing and how these are reflected in your financial plans.

G5: Provide sound financial plans that are based on realistic and evidenced assumptions about income and expenditure.

You must:

- complete the template spreadsheets accurately;
- ensure that all required fields of the template spreadsheets are filled in;
- clearly state and evidence that local authorities are willing to pay the per pupil funding rates you intend to charge;
- clearly state and evidence in your application form all the assumptions you have made in putting together your financial plans; and
- use, where appropriate, benchmarking data (e.g. school or local authority data) to ensure that the figures you have included are realistic.

G6: For existing independent schools or non-maintained special schools, show that the existing school has a good track record of financial management and explain any existing financial issues which could impact on becoming a Free School.

You must:

- submit the last two years' of the school's audited financial statements with your completed application form; or
- supply alternative evidence of financial viability if the school has not been open long enough to have two years' worth of audited accounts.

In preparing your application, it is important to note that:

- you should tell us about any relevant financial issues and explain how you will seek to address them. You should expect to discuss these in greater detail in later stages of the application process. Examples of financial issues which may impact on becoming a Free School include running at an operating deficit or having outstanding loans, including mortgages.

Section H: Premises

6.28 Finding a suitable site is an essential part of opening a Free School. As part of preparing your application you should investigate potential sites for your school. In your application we would like you to tell us about the sites you have identified.

6.29 We would like to know where you would prefer your school to be. In your application you should include details of up to two preferred sites that your proposed school could potentially open on. However, not having a preferred site at this stage would not affect your application. If your application is taken forward to the interview stage of the application process, your preferred sites will be visited by Partnerships for Schools. Partnerships for Schools is the organisation appointed by the Department for Education to assist finding and securing Free School sites¹². Partnerships for Schools will assess the sites they visit for their suitability, availability, and the likely cost and duration of work required.

6.30 We will also make an overall cost and value for money assessment of your proposed site options. You should therefore aim for the lowest possible capital costs. Successful applicants will then be provided with help to secure a suitable site for their special Free School.

6.31 In your application, should you have identified a site, you should include details of up to two preferred sites that your proposed school could potentially open on. Advice and guidance on how to find potential sites, as part of developing your application, is available from Partnerships for Schools by contacting them by e-mail.

6.32 You should make enquiries as to whether your proposed sites are available for acquisition or leasehold but you **must not** enter into any negotiations at this or any other stage on the expectation of government funding. If your application is approved, Partnerships for Schools will undertake negotiations on our behalf to acquire a site for your school.

6.33 **Please note** that if, after approval of your application, it proves impossible to identify a feasible site, we may not be able to open your school in September 2013, simply because of the time required to prepare a site for opening. If this is the case, Partnerships for Schools will help you with your search for a site and we may consider working with you towards opening in 2014 or beyond.

6.34 Although this section of your application will not be assessed against any specific criteria, you should aim to provide us with the following information:

¹² From April 2012, Partnerships for Schools will become part of the new Education Funding Agency

Possible site options

6.35 Please provide brief details of the steps you have taken to search for suitable sites and what sites (if any) are available in the local area.

Details of your preferred sites

6.36 Please set out for each of your preferred sites, if possible:

- your reasons for choosing it;
- the address and postcode of the proposed site;
- the current use of the proposed site;
- the current freeholder of the proposed site;
- a brief description of the site including size (in square metres) along with the pupil numbers you are proposing;
- the availability of the site and the nature of the tenure; and
- why you think the site is suitable for your school and how it will support delivery of your education vision.

Capital investment

6.37 Please detail any sources of funding available to you to support site acquisition.

6.38 Existing independent schools and non-maintained special schools should not normally expect to receive any capital funding unless they plan to expand their pupil numbers. If existing schools are planning to expand their pupil numbers as a consequence of becoming a special Free School, they may be eligible for some limited capital investment.

Free Schools in public and government buildings

6.39 When looking for potential sites we encourage you to consider surplus or under-utilised government and other public buildings. These have the potential to offer cost-effective solutions. A wide range of public buildings could provide suitable accommodation for a Free School, including:

- offices
- courts and police stations
- clinics, health centres, day centres and hospitals
- care facilities
- training centres
- Territorial Army facilities and barracks
- depots
- former churches
- ambulance stations
- fire control centres

6.40 We have carried out detailed assessments including surveys and, where appropriate, pre-planning enquiries of six sites. We welcome applications to establish Free Schools on these sites. Information about the sites can be found via our [website](#) including location, size and the type of Free School for which each site might be suitable. They currently include two Department for Education buildings, Mowden Hall in Darlington and Castle View House in Runcorn, where there is potential to share the sites with us.

6.41 We will provide details of further properties as they become available. If you are interested in any of these properties please email [Partnerships for Schools](#).

6.42 Partnerships for Schools will provide you with further detail about these sites and will be able to advise you on how they might match your education vision. Furthermore, to assist you with searching for other available government and publicly owned sites, Partnerships for Schools has developed an online map browser that will allow you to explore potential government and other publicly owned buildings by entering your postcode. This can be found [here](#).

Section I: Due Diligence & other checks

6.43 We will be carrying out a number of checks, as part of the application process, on those applying to establish a special Free School and any other person who will be involved in the management or running of a school. These checks will include due diligence checks, credit checks, enhanced Criminal Records Bureau checks and may include police and other checks that may be necessary to ensure that only those who are suitable to do so are able to set up and run a special Free School. Personal information provided as part of the application process, including the information requested below, may therefore be passed to third parties for these purposes.

6.44 In order to be able to carry out these checks we require applicants to provide certain personal information about themselves. The form is available [here](#).

6.45 We must receive these forms by 6pm on 24 February 2012. When completed please send the due diligence forms directly to the [Due Diligence Team](#). These forms should remain separate from your main application and be submitted in hard copy only.

6.46 For the purposes of the Data Protection Act 1998, the Department for Education is the data controller for personal information supplied on these forms and for ensuring that this information is processed in accordance with the requirements of the Act. Any third parties processing personal information on behalf of the Department for Education will be acting as its data processors. The Department for Education will hold all personal information you supply securely and will only make it available to those who need to see it as part of the application process. All personal information supplied in these forms will be destroyed when it is no longer needed for the purpose of the due diligence process.

6.47 Applicants who refuse to provide any of the information requested may be asked to withdraw from the process and from any subsequent involvement in the special Free School in order for the application to be considered.

6.48 It is our policy that where an applicant is judged to be unsuitable to be involved in the operation of a special Free School, he or she may be offered the opportunity to withdraw from the application process. Where an applicant declines to withdraw, the application may be refused.

6.49 Where an application is refused on the grounds that an individual is deemed unsuitable, the applicants will be informed that it is not assessed to be in the interests of the Free Schools programme to progress the application with the involvement of that individual. Fuller reasons may not be provided

7. Submitting your application

How, where and when to submit

Sections A-H

7.1 **Sections A-H** require you to submit written information and two financial plans between 13 and 24 February 2012. Applications received after the deadline will not be considered. You need to submit **one copy by email** to special.fsapplications2013@education.gsi.gov.uk and **two hard copies** by **'Recorded Signed For' post** to:

Free Schools Applications Team
Department for Education
3rd Floor
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

7.2 It is essential that the hard copies you provide are identical to the electronic version you email. Your application should be formatted for printing on A4 paper and completed in Arial font with a minimum font size of 12. Please bear in mind that your email must be smaller than 20MB. Please do not include photographs, images and logos in your application.

Section I

7.3 For due diligence purposes, you will also need to submit one hard copy of the **Section A form** and as many signed hard copies of the **Due Diligence form** as are required (each member and director of the company must complete and sign a form). The lead applicant or main contact should put these together in **one envelope** and return them **by 'Recorded Signed For' post** to the following address:

Due Diligence Team
Department for Education
4th Floor
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

7.4 Please remember that we must receive all of the documents that make up your application **no earlier than 9am on 13 February and no later than 6pm on 24 February 2012** in order for them to be considered¹³. Please use the checklist in **Annex D** of this document to ensure that you have provided all the information we need to assess your application.

¹³ Applicants should not submit additional supporting material after this date, although the Department for Education reserves the right to request additional information if deemed necessary.

8. Support for applicants

Useful contacts

8.1 Please find below contact details of organisations that are able to offer support:

- For general advice, please contact the New Schools Network. The New Schools Network is an independent charity which receives funding from the Department for Education to provide free advice and guidance to Free School applicants.
- If you want to explore the best possible location for your Free School then support is available from the Free Schools Kit online tool developed by Partnership for Schools.
- Advice and guidance on how to find potential school sites, as part of developing your application, is available from Partnerships for Schools by contacting them by e-mail.
- If you have any technical problems with this guidance, the DfE website or any of the forms, please contact the Department for Education by calling 0370 000 2288 or visiting our website.

Further information and key documents

8.2 There are a range of websites and documents that you may find useful when writing your Free School application, including:

Academies Financial Handbook: http://readingroom.ypla.gov.uk/ypla/ypla-academies_financial_handbook-gn-nov06.pdf

Behaviour and exclusions policies and guidance:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies>

Charity Commission guidance:
<http://www.charitycommission.gov.uk/publications/cc3.aspx>

Companies House: <http://www.companieshouse.gov.uk/>

Department for Education Procurement Guidance for Free Schools:
<http://www.education.gov.uk/freeschools/b0073235/procurement-guidance-for-free-schools/>

Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Frequently asked questions about Free Schools:
<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/free-schoolsfags>

Governance Guidance: www.education.gov.uk/schools/leadership/governance

Model Free School Funding Agreements:

<http://www.education.gov.uk/freeschools/a0074737/free-schools-model-funding-agreement>.

Model Free School Memorandum and Articles:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/guidance/a0074737/free-schools-model-funding-agreement>

Information on existing Free Schools projects:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/b0066077/free-schools-opening-in-2011>

New Schools Network: <http://newschoolsnetwork.org/>

Partnerships for Schools: <http://www.partnershipsforschools.org.uk>. PfS have devised a Free Schools Kit - an online map browser that allows users to explore potential sites for their new Free School: This can be found here: <http://fsk.partnershipsforschools.org.uk/default.htm>

Schools benchmarking website (for examples of maintained school finances): <https://sfb.teachernet.gov.uk/Login.aspx>

Special Educational Needs Code of Practice:

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DfES%200581%202001#downloadableparts>

Special Educational Needs Green Paper:

www.education.gov.uk/schools/pupilsupport/sen/a0075339/sengreenpaper

Top tips for 2013 Free School applicants at:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/guidance/a0074965/how-to-apply-to-open-a-free-school>

Annex A: Types of Free Schools

One of the aims of the Free Schools programme is to have genuinely new provision which helps create a more diverse and innovative school system. What is important is that you have a vision for a school that will improve the educational outcomes of its pupils **and** you have the capacity, capability and a plan to deliver this along with demonstrable demand.

In most cases the school you propose is likely to fall into one of the following four categories:

- **mainstream:** an all-ability school, which must cater for children of statutory school age, offer a broad and balanced curriculum, and have admissions arrangements in line with the School Admissions Code;
- **16-19:** a school catering for pupils aged 16-19. The school does not have to offer a broad and balanced curriculum or comply with the School Admissions Code. Students can be selected, following an interview if desired, on the basis of prior achievement or other criteria;
- **special:** a school specifically organised to provide for children with statements of special educational needs, with a curriculum plan tailored to meet individual pupils' needs. Special Free Schools will be designated for a specific type(s) of special educational needs such as cognitive and learning needs; or
- **alternative provision:** a school catering principally for children of compulsory school age who may not otherwise receive suitable education. They offer high quality alternative provision for excluded children, severely bullied children, school phobics and refusers, early intervention for children with behaviour problems and others who require alternative provision for a time.

If your proposed Free School does not fit obviously into one of the types outlined above, you should apply using the application forms and guidance you think are closest to the type of provision you wish to offer. In most cases this will be the mainstream application guidance and forms.

For example, if a school wants to have pupils on its roll permanently (as opposed to short term placements) then it is not alternative provision (even if it wishes to offer an alternative curriculum) and you should follow the mainstream forms and guidance. If you want your school to offer a mix of provision which includes mainstream education then the mainstream form will normally be the most appropriate.

We have provided a grid below to help you pick which route best fits your proposed school. The key thing to think about is the type of pupils your school wishes to cater for and how you want to admit them. You should also include a short rationale at the beginning of the application under **Section C: Education**

vision. This should set out what it is you wish to do and how you believe this will improve educational standards for your pupils. It should set out which pupils you wish to cater for, their needs and how you plan to admit them.

If you submit a strong application which does fit within the current legal frameworks, we will still work with you to see what is achievable in terms of delivering your vision for a new school.

Type of Free School	Admissions	Curriculum	Funding
Mainstream	As for maintained schools and Academies, parents apply for a place for their child. Must comply with Admissions Code	Must be broad and balanced	Per pupil funding the same as local authority maintained school (including deprivation etc)
16-19	Must have fair and transparent admissions arrangements but do not have to comply with the School Admissions Code	Must meet the needs and interests of students but does not have to be broad and balanced.	Per pupil funding the same as local authority maintained 16-19 school (including deprivation etc)
Special	Predominantly pupils with statements of SEN placed by local authorities	Does not need to be broad and balanced but curriculum plans should be tailored to meet the individual needs of pupils.	Per place funding of £10,000 plus whatever the local authority will pay to meet costs of provision
Alternative Provision	Referrals from commissioners (Academies, schools and local authorities)	Does not need to be broad and balanced but must cover at least age and ability appropriate functional elements of English, maths and ICT	For children of compulsory school age: per pupil funding is entirely from the commissioner at a level negotiated between them and the AP Free School. Funding for 16-19 year olds can come from the commissioner or at the mainstream 16-19 per pupil funding rate.

Annex B: SEN Designations

The main areas of SEN are set out in the SEN Code of Practice, Chapter 7. They are Cognition and Learning; Behaviour, Emotional and Social Development; Communication and Interaction; Sensory and/or Physical Needs. These broad areas are sub-divided into the categories used by Ofsted. These are:

A. Cognition and Learning Needs

- Specific Learning Difficulty (SpLD)
- Moderate Learning Difficulty (MLD)
- Severe Learning Difficulty (SLD)
- Profound and Multiple Learning Difficulty (PMLD)

B. Behaviour, Emotional and Social Development Needs

- Behaviour, Emotional and Social Difficulty (BESD)

C. Communication and Interaction Needs

- Speech, Language and Communication Needs (SLCN)
- Autistic Spectrum Disorder (ASD)

D. Sensory and/or Physical Needs

- Visual Impairment (VI)
- Hearing Impairment (HI)
- Multi-Sensory Impairment (MSI)
- Physical Disability (PD)

There is also a category of Other (OTH) which usually applies to pupils at School Action Plus where there is no clearly identified special educational need; it is not generally applicable as an SEN designation for a special school.

The short descriptions that follow are intended to help you to decide which types of SEN designation(s) are the most appropriate for your school.

A. Cognition and learning needs

Specific Learning Difficulty (SpLD)

Specific learning difficulties is an umbrella term which indicates that pupils display differences across their learning. Pupils with SpLD may have a particular difficulty in learning to read, write, spell or manipulate numbers so that their performance in these areas is below their performance in others. Pupils may also have problems with short-term memory, with organisational skills and with co-ordination. Pupils with SpLD cover the whole ability range and the severity of their impairment varies widely.

Specific learning difficulties include:

Dyslexia

Pupils with dyslexia may learn readily in some areas of the curriculum but have a marked and persistent difficulty in acquiring accuracy or fluency in learning to read, write and spell. Pupils may have poor reading comprehension, handwriting and punctuation. They may also have difficulties in concentration and organisation and in remembering sequences of words. They may mispronounce common words or reverse letters and sounds in words.

Dyscalculia

Pupils with dyscalculia have difficulty in acquiring mathematical skills. Pupils may have difficulty understanding simple number concepts, lack an intuitive grasp of numbers and have problems learning number facts and procedures.

Dyspraxia

Pupils with dyspraxia are affected by an impairment or immaturity of the organisation of movement, often appearing clumsy. Gross and fine motor skills are hard to learn and difficult to retain and generalise. Pupils may have poor balance and co-ordination and may be hesitant in many actions (running, skipping, hopping, holding a pencil, doing jigsaws, etc). Their articulation may also be immature and their language late to develop. They may also have poor awareness of body position.

Moderate Learning Difficulty (MLD)

Pupils with moderate learning difficulties will have attainments well below expected levels in all or most areas of the curriculum, despite appropriate interventions. Their needs will not be able to be met by normal differentiation and the flexibilities of the National Curriculum.

Pupils with MLD have much greater difficulty than their peers in acquiring basic literacy and numeracy skills and in understanding concepts. They may also have associated speech and language delay, low self-esteem, low levels of concentration and under-developed social skills.

Severe Learning Difficulty (SLD)

Pupils with severe learning difficulties have significant intellectual or cognitive impairments. This has a major effect on their ability to participate in the school curriculum without support. They may also have associated difficulties in mobility and co-ordination, communication and perception and the acquisition of self-help skills. Pupils with SLD will need support in all areas of the curriculum. They may also require teaching of self-help, independence and social skills. Some pupils may use sign and symbols but most will be able to hold simple conversations and gain some literacy skills. Their attainments may be within the upper P scale range (P4-P8) for much of their school careers (that is below level 1 of the National Curriculum).

Profound and Multiple Learning Difficulty (PMLD)

Pupils with profound and multiple learning difficulties have severe and complex learning needs, in addition they have other significant difficulties, such as physical disabilities or a sensory impairment. Pupils require a high level of adult support, both for their learning needs and also for personal care. They are likely to need sensory stimulation and a curriculum broken down into very small steps. Some pupils communicate by gesture, eye pointing or symbols, others by very simple language. Their attainments are likely to remain in the early P scale range (P1-P4) throughout their school careers (that is below level 1 of the National Curriculum).

B. Behaviour, emotional and social development

Behavioural, Emotional and Social Difficulty (BESD)

Pupils with behavioural, emotional and social difficulties cover the full range of ability and vary in their severity. Their behaviours present a barrier to learning and persist despite the implementation of an effective school behaviour policy and personal/social curriculum. They may be withdrawn or isolated, disruptive and disturbing, hyperactive and lack concentration, have immature social skills or present challenging behaviours.

Pupils with a range of difficulties, including emotional disorders such as depression and eating disorders; conduct disorders such as oppositional defiant disorder (ODD); hyperkinetic disorders including attention deficit disorder or attention deficit hyperactivity disorder (ADD/ADHD); and syndromes such as Tourette's, should be recorded as BESD if additional or different educational arrangements are being made to support them.

C. Communication and interaction needs

Speech, Language and Communication Needs (SLCN)

Pupils with speech, language and communication needs cover the whole ability range. Pupils with SLCN may have difficulty in understanding and/or making others understand information conveyed through spoken language. Their acquisition of speech and their oral language skills may be significantly behind their peers. Their speech may be poor or unintelligible.

Pupils with language impairments find it hard to understand and/or use words in context. They may use words incorrectly with inappropriate grammatical patterns, have a reduced vocabulary or find it hard to recall words and express ideas. They may also hear or see a word but not be able to understand its meaning or have trouble getting others to understand what they are trying to say.

Autistic Spectrum Disorder (ASD)

Pupils with autistic spectrum disorder cover the full range of ability and the severity of their impairment varies widely. Some pupils may also have learning disabilities or other difficulties, making identification difficult.

ASD recognises that there are a number of sub-groups within the spectrum of autism. Pupils with ASD find it difficult to:

- understand and use non-verbal and verbal communication;
- understand social behaviour - which affects their ability to interact with children and adults; and
- think and behave flexibly – which may be shown in restricted, obsessional or repetitive activities.

Pupils with Asperger's syndrome should be recorded in this category. These pupils share the same impairments but have higher intellectual abilities although their language development is different from other pupils with autism.

D. Sensory and/or physical needs

Visual Impairment (VI)

Visual impairment refers to a range of difficulties from partial sight through to blindness. Pupils with visual impairments cover the whole ability range. For educational purposes, a pupil is considered to be VI if they require adaptations to their environment or specific differentiation of learning materials in order to access the curriculum.

Hearing Impairment (HI)

Pupils with a hearing impairment range from those with a mild hearing loss to those who are profoundly deaf. They cover the whole ability range. For educational purposes, pupils are regarded as having a hearing impairment if they require hearing aids, adaptations to their environment and/or particular teaching strategies in order to access the concepts and language of the curriculum.

Multi-Sensory Impairment (MSI)

Pupils with multi-sensory impairment have a combination of visual and hearing difficulties. They are sometimes referred to as deaf blind but may have some residual sight and/or hearing. Many also have additional disabilities but their complex needs mean that it may be difficult to ascertain their intellectual abilities.

Pupils should only be recorded as MSI if their sensory impairment is their greatest need.

Physical Disability (PD)

There is a wide range of physical disabilities and pupils cover the whole ability range.

Some pupils are able to access the curriculum and learn effectively without additional educational provision. They have a disability but do not have a special educational need. For others, the impact on their education may be severe. Similarly a medical diagnosis does not necessarily mean that a pupil has SEN. It depends on the impact the condition has on their educational needs. (See SEN Code of Practice, chapter 7).

There are a number of medical conditions associated with physical disability which can impact on mobility, such as cerebral palsy, spina bifida and muscular dystrophy. Pupils with physical disabilities may also have associated sensory impairments, neurological problems or learning difficulties.

Annex C: School Funding Overview

Review of school funding

The approach to and levels of Free Schools funding are currently being reviewed. The funding that schools will receive from 2012/13 onwards therefore has not yet been agreed. The information set out below and in the financial template is based on the special Free Schools funding figures and approach used in 2011/12, which was that:

- schools received a base level funding of £10,000 per place;
- special Free Schools needed to agree with individual local authorities (the local authority who maintains a child's statement) the additional funding required in respect of an individual pupil placed at the school. This additional funding was for the school and local authority to agree, and payments by the local authority would be made directly to the school;
- schools received a share of Local Authority Central Services Equivalent Grant (LACSEG) on the same basis as a special Academy in the area in which the special Free School was to be situated;
- start-up grant funding was available, for a maximum period of four years, to those establishing new provision on the same basis as for mainstream Free Schools; and
- independent schools and non-maintained special schools becoming special Free Schools were not normally be eligible for start-up funding.

The approach to funding special schools is currently under review, and therefore the approach and information set out above and in the template should be considered illustrative only. No guarantee can be given at this point about the approach that will be used and the levels of funding that will be received from 2012/13 onwards. For example, it is likely that levels of start-up funding will be lowered.

Capital funding is not available for independent schools and non-maintained special schools that become special Free Schools if there are no plans to expand provision. For those wishing to expand we will consider whether capital funding may be available. Decisions would be made on a case by case basis with strong supporting evidence required.

Start-up funding

Start-up funding is intended to bridge the gap between a new school opening and there being pupils in each year group. Due to the nature of special Free Schools and the ways that children are placed in them, we expect them to be full from their fourth year of operation at the latest. This funding should enable a new school to cover essential costs when a school first opens, such as

employing a headteacher and buying books and equipment, where these costs could not otherwise be met by the per pupil funding.

There are currently two main types of start-up funding:

- formulaic funding; and
- staffing diseconomy funding.

Formulaic funding is based on a standard formula and will be the same for all schools depending on the number of pupils. This currently includes funding for books, materials and equipment, recruitment costs after you have opened and some initial senior staff training. These formulaic elements will automatically appear in the financial template once you have entered pupil and teacher numbers.

Staffing diseconomy funding is worked out on a school by school basis and is designed to help meet the costs of employing senior staff when the school opens. The amount of funding currently depends on the way year groups build up and which senior staff are essential for schools to operate.

The staffing diseconomy lines of the spreadsheet are blank for you to complete. You will need to estimate how much diseconomy funding your school may need while building up year groups. As a guide, a school which has 80 pupils and is starting with 40 pupils will have 50% of its pupils in the first year, so might expect diseconomy funding to cover up to 50% of the principal's salary in the first year.

Diseconomy funding should be used to fund only the minimum **essential** posts.

Please note that independent schools and non-maintained special schools becoming special Free Schools will **not** normally be eligible for any start-up funding.

Lead-in funding

If your application is approved it is likely that you will be eligible for funding to help you get your school ready to open. This funding is known as lead-in funding. It can currently be used to help develop detailed plans for the school including the curriculum, recruiting a principal designate, running a consultation on the proposed school, and attracting pupils.

This funding is **not** covered by the financial template, and you do not need to include this as part of your application. We will discuss this with you if you are successful. As with all types of Free Schools funding, proposer groups will need to justify any need for funding, keep costs to a minimum and demonstrate how they have secured value for money.

Capital funding for existing schools

Capital funding is not available for independent or non-maintained special schools seeking to become Free Schools if there are no plans to expand provision. If you are wishing to expand provision we will consider whether capital funding may be made available. Decisions would be made on a case by case basis with strong supporting evidence required.

Funding for nursery provision

Free Schools are also able to offer nursery provision if they wish, and may offer the 15 free hours a week to which every three and four year old, and the most disadvantaged two year olds are entitled. The funding you receive to establish your Free School and provide for compulsory age education cannot be used for this purpose. Rather, funding for free early education is provided by the local authority, using each local authority's Early Years Single Funding Formula. If you are interested in offering nursery provision, you should speak to your local authority to find out whether you would be eligible for funding from them and how much you could receive. Subject to their Funding Agreement Free Schools are also able, should they wish, to charge parents for early education above the 15 free hours.

Annex D: Glossary of terms

Academies financial handbook – contains instructions for Academies regarding their funding and obligations for accounting and reporting.

Academy – a publicly funded independent school, free from local authority control. Other freedoms include setting its own pay and conditions for staff, freedom from following the National Curriculum, and the ability to change the lengths of its terms and school days.

Academy Trust - a charitable company limited by guarantee which operates an Academy or Free School. See 'company limited by guarantee' for further information.

Articles of association - set out the purpose, composition and operating arrangements of the company limited by guarantee (also known as the Academy Trust).

Cash flow – the pattern of spending in each month and the corresponding amount of income required.

Catchment area – the geographical area which you intend your school to serve.

Company limited by guarantee - a private company, where the liabilities of its members are limited, in the case of Academy Trusts to £10. This is the type of company that will most often be used for non-profit organisations. As a legal entity in its own right a company limited by guarantee can take out agreements and contracts in the name of the company rather than the name of individual members.

Devolved formula capital – funding for the maintenance and repairs of school buildings. Free Schools will not receive this funding in their first year.

Directors – appointed by the members of a company to form a governing body and oversee the day-to-day management of the school. All individuals on the governing body must be formally appointed as directors of the company and registered with Companies House. It is possible for an individual to be a member and a director but we would expect most directors of the company not to be members.

Due diligence - an umbrella term for a number of checks that will be made on all those applying to establish a Free School. The checks enable the Department for Education to ensure that only suitable individuals are able to set up and run a Free School.

Education Funding Agency (EFA) –see YPLA

Escalation (methods of) – the approach to and level of responsibility at which particular issues will be resolved when setting up and running the school.

Ethos – the distinctive education vision, values and principles that inform the way a school is run.

Faith ethos – if you want your school to have a distinct ethos based on a set of morals that are aligned with a particular faith and you want to make this explicit you can describe your school as having a faith ethos. This could then be reflected within the vision for the school, the values the school represents and the importance placed on particular beliefs. Religious education and collective worship cannot be provided in line with the faith ethos if this is anything other than Christian in nature.

Financial viability – whether a school can survive in financial terms in the long-term. Free Schools must be able to balance their budgets. This means spending less than their income. In the start up period, income is currently per pupil funding plus an additional start-up grant. When schools reach steady state, their income will be per pupil funding only.

Founding members of the company – the people that establish the company and sign the Memorandum of Association that is submitted (with the company's Articles of Association) when registering the company with Companies House. Further members may subsequently be appointed.

Free school meals (FSM) whether children are, or have ever been, eligible for free school meals is frequently used as an indicator of deprivation, and is often used as a qualifier for calculating funding targeted at deprived students/areas/schools.

Full time equivalent (FTE) – this represents the total pupil population as if all pupils were full-time, counting part-time normally as 0.5. So for example if the school will have 100 full-time pupils and 30 part-time younger pupils the FTE total would be 115.

Funding agreement – a legally binding contract between the Academy Trust and the Secretary of State that sets out the conditions and requirements upon which the Academy Trust is funded.

General annual grant (GAG) – otherwise known as 'per-pupil funding', this is an Academy's annual expected funding. Schools are expected to cover all their running costs out of their GAG.

Governors – see definition for 'Directors' above.

Governing body – the body appointed by the members of the Academy Trust to oversee the day-to-day management of the school and hold the senior management team to account. The governing body must be constituted in accordance with the Trust's Articles of Association.

Grant funding – a method of giving funds for a specific purpose and/or a

limited amount of time.

Information and communication technology (ICT) - this includes telephony, computer equipment and operating systems for the running of the school. It also covers the use of ICT in the curriculum as a subject and to support teaching and learning.

Indicative funding – gives a school an estimated funding quote for the forthcoming academic year. It is based on the average local authority funding for maintained schools and the expected number of pupils on roll at that school in the relevant year.

LACSEG (Local Authority Central Spend Equivalence Grant) – this compensates Academies and Free Schools for the services that maintained schools receive free of charge from their local authority.

Looked after children – children who are in the care of the local authority.

Lead-in funding – funding provided to help set up the school before it opens. It can currently be used to help develop detailed plans for the school including the curriculum, recruiting a principal designate, running a consultation on the proposed school, and attracting pupils.

Local Government Pension Scheme (LGPS) - a nationwide public sector pension scheme administered locally for participating employers through 99 regional pension funds. Free Schools must offer this scheme to all their non-teaching staff.

Members (of the company) – the company's legal owners. They play a strategic role in running the school, are responsible for appointing directors of the Free School (the 'governing body') and have ultimate control over the company.

Memorandum of association – contains the names of the individuals who are forming the company (the company's founding members). It indicates their willingness to become a member of the company under the Companies Act 2006.

Pedagogy – different styles and approaches to teaching.

Procurement – the process of entering into contracts for the acquisition of goods and/or services.

Pupil premium – additional funding allocated to schools for children who are eligible for free school meals. Children who had been continuously looked after for six months at some point in the period up to 31 March 2010 will also attract the pupil premium.

Qualified Teacher Status (QTS) – the accreditation that enables individuals to teach in state maintained and special schools in England and Wales.

School action and school action plus – programmes for children with Special Educational Needs who do not have a statement of SEN.

Special educational needs (SEN) – children with a learning difficulty which requires additional, or otherwise different, educational provision than is offered more generally for children of their age.

Special educational needs coordinator (SENCo) – the SENCo plays a key role, in collaboration with the head teacher and governing body, in determining the strategic development of the SEN policy and provision in the school in order to raise the achievement of children with SEN. The SENCo takes day-to-day responsibility for the provision made for individual children with SEN, working closely with staff, parents and carers, and other agencies. The SENCo also provides related professional guidance to colleagues with the aim of securing high quality teaching for children with SEN.

Solvency/insolvency – a company or individual is solvent if the value of its assets exceeds the value of any debts it might owe. Insolvency refers to the situation in which a company or individual's debts exceed their assets or if a company or individual has insufficient funds available to meet its debts as they fall due.

Start-up period – the period up to and including the first year the school has every pupil year group in place.

Start-up funding - additional funding currently available when schools are first set up (and before all pupil year groups are in place) for essential costs such as employing a principal designate (head teacher) and buying books and equipment.

Statements of special educational needs - a statement describes a child's special educational needs and the special help a child should receive. The LA will usually make a statement if they decide, following a statutory assessment, that all the special help a child needs cannot be provided from within the school's resources. These resources could include money, staff time and special equipment.

Statutory assessment of SEN - a detailed investigation to find out exactly what a child's special educational needs are and what special help a child needs. A statutory assessment is only necessary if the school or early education setting cannot provide all the help that the child needs.

Steady state – the period up to and including the first year the school has every pupil year group in place.

Studio Schools - an innovative new model of 14 to 19 year-old educational provision. They are small schools which deliver mainstream qualifications through project based learning and work placements. Students work with local employers and a personal coach and follow a curriculum designed to give them

the employability skills and qualifications that they need in the world of work or further education.

Teachers' Pension Scheme (TPS) - a contributory scheme administered by Teachers' Pensions (TP) on behalf of the Department for Education. Free Schools must offer this scheme to all their teachers, including head teachers.

University Technical Colleges (UTCs) - newly-established 14-19 Academies that deliver technical education to engage young people and meet the needs of modern business. UTCs are sponsored by a local university and industry partner(s). They offer full time courses that combine practical and academic studies, and focus on disciplines requiring highly specialised equipment, for example, engineering, manufacturing with product design, construction, or agriculture.

Value for money (VfM) –the term used to assess whether or not an organisation has obtained the maximum benefit from the goods and services it acquires and/ or provides, within the resources available to it. It not only measures the cost of goods and services, but also takes account of the mix of quality, fitness for purpose, timeliness and convenience.

Voluntary contributions – a suggested donation sometimes sought by schools in order to support their work.

Young People's Learning Agency / Education Funding Agency (YPLA/EFA) - the YPLA currently funds all Academies (with funding provided by the Department for Education) and also funds other training for 16-19 year olds. YPLA will be closed under the government's reorganisation of arms length bodies and its functions will be provided by the new Education Funding Agency (an executive agency of the Department for Education) from April 2012.

Annex E: Checklist

Checklist: Sections A-H of your application	Yes	No
1. You have established a company limited by guarantee	<input type="checkbox"/>	<input type="checkbox"/>
2. You have provided information to cover all of the following areas:		
Section A: Applicant details – including signed declaration	<input type="checkbox"/>	<input type="checkbox"/>
Section B: Outline of the school	<input type="checkbox"/>	<input type="checkbox"/>
Section C: Education vision	<input type="checkbox"/>	<input type="checkbox"/>
Section D: Education plan	<input type="checkbox"/>	<input type="checkbox"/>
Section E: Evidence of demand and marketing	<input type="checkbox"/>	<input type="checkbox"/>
Section F: Capacity and capability	<input type="checkbox"/>	<input type="checkbox"/>
Section G: Initial costs and financial viability	<input type="checkbox"/>	<input type="checkbox"/>
Section H: Premises	<input type="checkbox"/>	<input type="checkbox"/>
3. This information is provided in A4 format using Arial font, minimum 12 font size	<input type="checkbox"/>	<input type="checkbox"/>
4. You have completed two financial plans using the financial template spreadsheet	<input type="checkbox"/>	<input type="checkbox"/>
5. You have provided evidence that local authorities are willing to name the school in pupil statements	<input type="checkbox"/>	<input type="checkbox"/>
6. Independent schools and non-maintained special schools only: you have provided a link to the most recent inspection report	<input type="checkbox"/>	<input type="checkbox"/>
7. Independent schools and non-maintained special schools only: you have provided a copy of the last two years' audited financial statements or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
8. All relevant information relating to Sections A-H of your application has been emailed to special.fsapplications2013@education.gsi.gov.uk between 13 February and 24 February 2012	<input type="checkbox"/>	<input type="checkbox"/>
9. Two hard copies of the application have been sent by 'Recorded Signed For' post to: Free Schools Applications Team, Department for Education, 3rd Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, between 13 and 24 February 2012	<input type="checkbox"/>	<input type="checkbox"/>
Checklist: Section I of your application		
9. A copy of Section A of the form and as many copies of the Due Diligence form as there are members and directors have been sent by 'Recorded Signed For' post to: Due Diligence Team, Department for Education, 4 th Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, between 13 and 24 February 2012	<input type="checkbox"/>	<input type="checkbox"/>

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