



Department
for Education

Free Schools in 2014

How to apply

Alternative provision 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 all children thrive and prosper, whatever their background. We want parents to have a choice of more good schools and to have 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 local 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 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 to 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**.

1.4 Alternative provision (AP) 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 AP Free Schools. Therefore, AP Free Schools must focus on providing excellent education for their pupils and offer the best value for public money.

1.5 Parents cannot choose to send their child to an AP Free School. Instead, local authorities, schools and Academies act as ‘commissioners’, referring pupils of compulsory school age¹ to AP. AP Free Schools will help to ensure that there is more high quality provision available and that commissioners have more choice about which AP is suitable for pupils.

1.6 This guidance is for people who would like to establish an AP Free School. References to Free Schools throughout also refer to AP Free Schools, unless otherwise stated. If you are interested in applying to set up a mainstream, 16 to 19 or a special 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 C**.

¹ Pupils who are aged 4-15 at the start of the school year.

What is an alternative provision Free School?

1.7 **Free Schools** are state funded schools, independent of local authorities. Anyone can apply to set them up without waiting for permission from local authorities or other schools.

1.8 AP Free Schools will cater principally for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not otherwise receive suitable education. They may also cater for 16-19 year olds. Children who are of compulsory school age will be referred by local authorities, schools and Academies (your 'commissioners'). The ways in which they can do this are set out in the table on page 25. Students aged 16-19 can either be referred by commissioners or apply to the Free School directly.

1.9 You should make it clear in your application if you intend to offer part time provision. If so each pupil must still receive a full time education; this may be provided by several different institutions. It is the responsibility of the commissioner to ensure that a child receives a full time education, but you will need to work with them to achieve this. While AP Free Schools are required to offer a broad and balanced curriculum for pupils of compulsory school age, this will not look the same as a broad and balanced curriculum in a mainstream Free School. Pupils in an AP Free School need to be offered a varied and stretching curriculum which must include English and maths.

1.10 Charlie Taylor, the Government's behaviour adviser, has recently published a review on AP making a number of recommendations. The Government has accepted all of Charlie Taylor's recommendations on AP. These recommendations will help accelerate reform of the sector, leading to higher standards and better outcomes. The report can be found [here](#).

1.11 From April 2013, there will be a new set of funding arrangements for pupils and students with high needs, including those placed in AP. This new system, which we have called "place-plus", will be a pupil-led funding approach. This will ensure that all AP settings are funded on an equivalent basis and will offer AP settings some stability of funding. Under these new arrangements, there will be two components to AP funding:

- **Per place funding of £8,000** – a fixed level of funding, allocated to providers for each of the agreed places in their setting; and
- **Per pupil top-up funding paid by the commissioner** – top-up funding, agreed between the provider and commissioner and paid to the provider directly by the commissioner for each individual pupil.

1.12 It is important that you understand these funding arrangements, as they will apply to all AP providers including AP Free Schools. The full arrangements are set out in **Annex B**.

Alternative provision Free Schools: law and policy

1.13 Alternative provision Free Schools are a new type of school. As with mainstream Free Schools, they are independent schools to which the relevant Independent School Standards apply. The Education (Independent School Standards) (England) Regulations 2010 are available [here](#)².

1.14 Each Free School will enter into a contract with the Secretary of State. This contract, termed the 'funding agreement'³, sets out the arrangements and standards by which the Free School must be run in order to receive funding from the Secretary of State. The model documents can be found [here](#)⁴.

1.15 You should be aware of the following key requirements.

1.16 **AP Free Schools** must:

- Be principally concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not otherwise receive suitable education for any period;
- Admit children of compulsory school age by referral from local authorities, schools and Academies using existing referral powers or duties;
- Have a majority of pupils who are of compulsory school age. You may also have 16-19 year old students, but they must be fewer than 50% of your pupils. Students aged 16-19 can either be admitted by referral from local authorities, schools and Academies or apply in the same way as they would to mainstream 16-19 provision;
- Have regard to the Special Educational Needs Code of Practice. Please note the Special Educational Needs and Disability Green Paper consultation response, 'Progress and next steps'⁵; and
- Offer a broad and balanced curriculum. The definition of broad and balanced for alternative provision Free Schools is different to that of mainstream. It must include English and maths as part of an appropriate, varied and stretching curriculum for the expected pupil cohort.

² The Independent School Standards are currently being revised (July 2012). Updated regulations may therefore be in force when your school opens.

³ 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.

⁴ The model Free School funding agreement is currently being reviewed. A new version of the model documents will be published in the autumn.

⁵ 'Progress and next steps' is available [here](#).

1.17 The admissions arrangements for AP Free Schools are set out in more detail in **Section E**.

1.18 AP Free Schools do not have to:

- Follow the National Curriculum;
- Employ teachers with Qualified Teacher Status⁶; or
- Comply with the provisions in the School Teachers' Pay and Conditions Document.

1.19 Please note that AP Free Schools cannot be designated as having 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 normally be able to appoint teachers on the basis of faith⁷ and will not be able to have faith based admissions arrangements for pupils.

1.20 **Existing providers** – We welcome applications from strong existing providers (including independent schools) that could enhance choice and quality locally. We expect the benefits to justify any associated costs (in terms of capital and existing liabilities). When assessing applications from existing providers, we will look at: the popularity of the provision, the quality of its provision and what extra benefits there will be for pupils as a consequence of becoming an AP Free School.

1.21 In addition, existing providers wishing to become AP Free Schools should meet all of the following requirements:

- Be registered as an independent school (if existing providers offer full time education for five or more pupils of compulsory school age or one or more such pupils with a statement of special educational needs (SEN) or who is in public care, within the meaning of Section 22 of the Children Act 1989);
- Have no significant outstanding issues on compliance in their most recent inspection report; and
- Provide a link to their most recent inspection report with the application.

⁶ With the exception of a Special Educational Needs Coordinator and the school's designated lead for looked after children, although please note that certain head teachers may hold these roles without having QTS.

⁷ There may be limited circumstances where the Academy Trust can appoint staff on the basis of their faith. The Academy Trust must demonstrate that the applicant having a particular religious belief is a genuine occupational requirement and that having that requirement is a proportionate means of achieving a legitimate aim.

Schools inspected by Ofsted, the Bridge Schools 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.

- Schools must be able to demonstrate⁸ that they have a good track record of managing their finances.

1.22 Existing schools setting up new schools – We also welcome applications from existing schools to set up new schools, whether it is a single school or cluster of schools, from the independent or state sectors. When assessing such applications we will look at the popularity and quality of provision at the existing school(s). We expect the existing provision to have been judged to be good overall in its last Ofsted inspection if it is in the state sector, and to have met the criteria in paragraph 1.20 if it is in the independent sector.

⁸ See **criteria G4** for further details.

2. Getting started

Before you start

2.1 Alternative provision Free Schools can be set up by any suitable organisation or group, such as parents, teachers or community groups. Existing providers are also able to apply to become AP Free Schools. Existing state maintained schools, including Academies, can also apply to establish a new AP 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 AP Free School you want to establish, including why and in what way this is different from existing provision;
- the law and policy as they apply to AP Free Schools;
- the potential demand in your area for the particular school you want to set up;
- 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 an AP Free School; and
- whether you need to access any additional expertise and how you might secure this.

2.3 The New Schools Network is an independent charity which we fund 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](#) for a direct link to their website.

Organising your group

2.4 Applicant groups will need to look at what needs to be done, both on a short term (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). The setting up of a school is a challenging task. It will require groups 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. Groups may be able to identify external organisations or individuals who are willing to provide them with support free of charge.

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 charitable company, referred to as an Academy Trust, constituted specifically for the purpose of establishing and running a school⁹. This must

⁹ This is a requirement under the Academies Act 2010.

be set up as a company limited by guarantee to protect the individuals who establish it by limiting their personal liabilities. The company limited by guarantee should be the body making the application.

Establishing a company

2.6 A company is made up of members and directors. **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 you will need to appoint at least one director to set up your company. This may be one of the members themselves.

2.7 **Directors** will be responsible for the day-to-day management and governance of the Free School. In other words your directors will be the governors of your Free 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 will in some cases want to undertake both roles. It is important that a majority of the directors are not also members to ensure clear lines of accountability between the two.

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. AP Free Schools should use our AP model memorandum and articles of association which can be found [here](#).

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 will ask 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 a new one. If successful, you will need to adopt our model documents and put forward any amendments necessary to allow the pre-existing charitable company to continue. 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.

2.12 The Department's model articles have been drafted to include a

'charitable object'. This means that a company limited by guarantee using these articles becomes a charity from the moment it is incorporated (i.e. when the company is registered with Companies House) as well as an Academy Trust. From that point on, its directors will then also be its **trustees**¹⁰ for charity law purposes. Once your Free School opens (on the first day of term) your company will then become an 'exempt' charity, regulated by the Secretary of State for Education (as are all Academies). You should note that the Charity Commission is not at any point the regulator for companies running Free Schools (although it will acknowledge your company as a charity, because of its charitable object). For this reason you are not required to and should not register your company, or its directors/trustees, with the Charity Commission.

2.13 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, with the right breadth and mix of skills. Groups including individuals with family, personal or business relationships will want to consider the benefits of bringing in additional people to add objectivity and challenge.

2.14 All groups should have sound financial procedures and the capacity to handle public money. For example, when spending public money you must consider the potential for conflicts of interest¹¹ and have arrangements in place to deal with them appropriately. This means that no Trust members should be involved in any decision over awarding a contract for the Free School if he or she, or any of his or her relatives, friends or business associates will benefit directly.

2.15 Individuals cannot be paid for simply being a member or a director (these are unpaid roles).

2.16 Although not generally considered good practice (because of the potential for conflicts of interest), there are some circumstances in which a company can employ and/or pay a member or director of the Trust to take on a different role in the school or to provide goods or services. Our [model articles of association](#) include provisions setting these out. If groups decide that they want to employ a member or director of the Trust, they will need to demonstrate through the application process how they will minimise and manage potential conflicts of interest, for example by describing and committing to fair and open recruitment processes. Our website provides guidance on procurement [here](#).

2.17 Just as every Free School application will be different, the make-up 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

¹⁰ There is guidance issued by the Charity Commission on the role and duties of charity trustees [here](#).

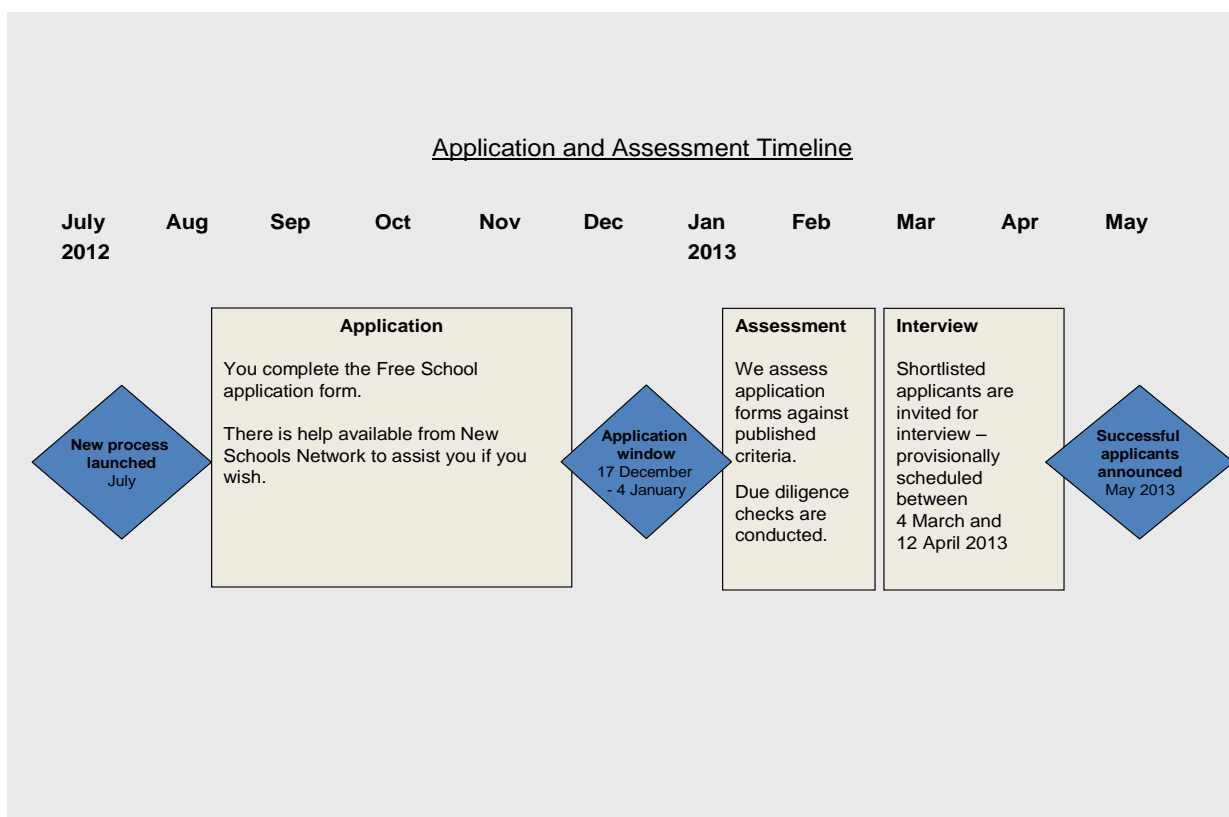
¹¹ The Charity Commission provides guidance on identifying and avoiding conflicts of interest which is available [here](#).

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 and applications

2.18 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 those who will act as members and governors and the school itself will ensure that principles are promoted which support fundamental British values, including: respect for the basis on which the law is made and applied in England; respect for democracy and support for participation in the democratic processes; support for equality of opportunity for all; support and respect for the liberties of all within the law; and respect for and tolerance of different faiths and religious and other beliefs.

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 2014. We will only consider 2015 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 9am on 17 December 2012 and 6pm on 4 January 2013. Please note that any applications received outside these times will not be considered. More detail about how to submit your application is provided in **Chapter 7**.

3.3 It is important that you read this guidance carefully before starting your application so 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 guidance. 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 alternative provision 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. Interviews are likely to take place between 4 March and 12 April 2013.

3.7 If you are an existing provider, 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.

Decisions and pre-opening

3.8 We hope to let everyone know the outcome of their application, successful or otherwise, in May 2013.

3.9 If the Secretary of State decides your application should progress to the pre-opening stage, we will provide you with a dedicated point of contact from the Department for Education, 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 the approval of your Free School application and your Free School actually opening. You should be clear therefore that members of your group are able to commit the time necessary to do this. If you employ a principal designate, senior staff, or project management support, you will need to oversee their work.

3.11 We will provide a project development grant to groups whose applications are approved to the next stage. This grant is to help cover everything that groups will need to buy up to the point that the school opens. This will include the cost of any project management and education support required and other costs such as recruiting and paying a principal designate. The amount of funding depends on the type of school. Mainstream Free Schools opening in 2013 will receive £220,000 for primary schools, £300,000 for secondary and all-through schools, and up to £25,000 for existing independent schools wishing to become Free Schools. All services you require should be affordable from this allocated funding. We will review these figures for future years with a view to making efficiency savings.

3.12 Project development funding for Free Schools opening in 2013 will be determined on a case by case basis for groups applying to set up 16 to 19, AP and special Free Schools although we will expect to agree funding within the mainstream levels for those schools. We will review this for 16 to 19, alternative provision and special Free Schools opening in future years.

3.13 Please note that approval of your application does not mean approval of every detail, including your financial plans. Approval may be conditional on amending certain aspects of your application.

3.14 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. Some applications have been approved after interview but failed to progress to the point where the funding agreement could be signed by the Secretary of State. That demonstrates how vitally important and challenging the pre-opening phase is.

Appeals

3.15 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 alternative provision 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 **Section I** 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 need for more AP places in the area;
- overall cost;
- value for money;
- the Secretary of State's duty to consider equality issues¹² related to the proposed AP Free School;
- the quality and type of other AP in the local area;
- the level of deprivation in the community that it serves;
- the type of AP you are proposing; and
- the recent track record, including on education and finance, of applicants who run existing AP.

¹² [Section 149 of the Equality Act 2010](#).

5. Preparing your application

5.1 An alternative provision 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
- **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 In **Section G**, you should show how you will afford your plans to establish and run your school. You need to complete two spreadsheets (to be attached separately as Excel files) to show the financial information and figures underpinning all your plans. You also need to give a narrative explanation within your application itself of the income you expect to receive and how this will be spent. The first financial plan should be developed on the basis that all the pupil places in your school will be filled. You will also need to complete a second financial plan to show how you would manage your budget and remain financially viable if you only recruit 80% of the planned pupil numbers. Both financial plans should be filled out using the same [template](#).

5.4 **Section I** is about your suitability to run a Free School. All members of the company must each fill out a copy of the form available [here](#). Directors of the company, where they have been appointed, must also fill out this form.

5.5 Existing providers that are registered as independent 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. **Chapter 6** provides further information on the criteria we will use to assess your application. **Chapter 7** provides further detail about how, when and where to submit your Free School application.

6. Assessment criteria

6.1 You must complete all nine sections of your application 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.

6.2 Your application should be no more than 150 pages long and structured in line with the criteria listed below. It should be formatted for printing on A4 paper, be completed in Arial font with a minimum font size of 12 and include page numbers. Annexes should be included within the page limit and restricted to documents relating to your evidence of demand (e.g. letters of support from commissioners and maps) and relevant CVs. Your application should be submitted as one Word document (with the exception of the financial templates which should be submitted separately in Excel and are excluded from the page limit). Please ensure that you include the name of your school in the file name for both your Word and Excel documents. Please do not include photographs, images and logos in your application (other than the demand map). Your email, submitting your application, must be no more than 10MB in size.

6.3 If you plan to use policies from another school or education provider you must be transparent about that (cite your sources), and explain your rationale for doing so. If you do not and we subsequently discover you have sourced material from elsewhere, you may not receive any scores for that section of your application.

Section A: Applicant details and declaration

6.4 This section seeks basic information about applicants, including the main contact details of the lead applicant and the company limited by guarantee that has been formed and registered with Companies House. 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.

6.5 As companies limited by guarantee, certain details will be publicly available on the Companies House website. However, the personal information you provide 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.

Section B: Outline of the school

6.6 This section seeks key details on the type of alternative provision Free School that is being proposed, including its name, planned yearly intakes and the planned number of pupils when the school is at full capacity.

6.7 There are no assessment criteria for this section.

Section C: Education vision

6.8 The education vision should act as your executive summary and describe why you want to set up your particular AP Free School in this area, 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. Your application should be coherent and consistent throughout and work together as a cohesive whole. You will need to demonstrate in later sections that the vision is both deliverable and affordable within the funding allocated to Free Schools.

6.9 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 AP Free School. Please explain why you have selected the key features of your school, including the cohort of pupils for whom you intend to cater, the proposed age range, curriculum, location and approach to teaching and learning;
- Identify any particular ethos you wish your school to have (including any religious or other beliefs);
- Identify how your vision and ethos (including any religious or other beliefs) are reflected in the education plan and the curriculum; and
- Set out your aspirations for the achievement of individual pupils (including their preparedness for everyday adult life), and the school as a whole, and why these targets are appropriate.

In preparing your application it is important to note that:

- Creationism, intelligent design and any view or theory that is contrary to established scientific and/or historical evidence or explanation must not be taught as an evidence based view or theory.

Section D: Education plan

6.10 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 relevant to the criteria below. The education plan must describe the structure of your school and the experience that pupils will have there. Having set out your aspirations for pupil achievement in **Section C**, you must show how you aim to meet these and how the school will evaluate performance, both of individual pupils and the school as a whole. You must set out how you will address pupils' behavioural or other challenges, with a view to them successfully returning to mainstream school or to further education, training or employment.

6.11 As well as being achievable, your education plan must be affordable within the funding your school will receive from the EFA and your commissioners. In setting out the plans you have for staffing the school, you should explain how this will be afforded and provide more detail on this in the financial plan, including in the income and expenditure assumptions, in the spreadsheet (see **Section G**). For example, if you have a low pupil-teacher ratio, you should explain the rationale for this and how it will be funded.

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

D1: Explain the rationale for your proposed curriculum, how it reflects the needs of your anticipated pupil intake and your plans for their progression and transition.

You must:

- Set out the rationale for your chosen curriculum and demonstrate how it meets the needs of the expected intake, whilst having an ambitious approach to meeting those needs;
- Explain how the curriculum and its delivery will improve pupil outcomes on a range of measures and, for secondary pupils, the range of qualifications which might be offered; and
- Set out clear plans for transition between different education providers, reintegration into mainstream education and (if relevant) progression to employment or further education.

D2: Set out a viable curriculum plan with appropriate focus on breadth and balance, core areas of learning, and calendar and timetable.

You must:

- Describe the curriculum in detail, setting out how it will be broad and balanced;
- Set out detailed expectations around the length of the school day, term and year. This should include the number and length of lessons each day in each key stage and your plans for extended hours, and make a clear distinction between compulsory and optional activities;
- Set out how you will integrate and cater for pupils with varying referral lengths: from short placements to longer ones;
- Where children attend your provision part-time or short term, set out how you will work with the other provider(s) or school(s) they attend to ensure that they receive an appropriate and integrated curriculum to complement and keep up with a pupil's current or expected equivalent curriculum, timetable, and accreditation pathway. If this is not possible, the curriculum on its own or as a whole package with other providers should include English and maths; and
- Explain how pupils will be organised, for example through year groups, tutor groups or other class structures and how this reflects the education vision.

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

- For alternative provision, a broad and balanced curriculum will not look the same as a broad and balanced curriculum in a mainstream school and is defined as one which is varied and stretching which must include English and maths.

D3: 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; and
- Set out the structure of the senior leadership team, heads of department, teaching staff and any non-teaching support staff, as well as a clear description of their roles and responsibilities, both in the build up phase and when at full capacity.

D4: 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 meeting them, 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 the learning and achievement of pupils of varying abilities and needs;
- Describe the strategies you will use to overcome barriers to learning and achievement such as pupils' behaviour or other factors that have kept them out of mainstream schools;
- Set out how you will have regard to the Special Educational Needs Code of Practice¹³; and
- Set out your approach to supporting disabled pupils and pupils with special educational needs, including those with and without a statement of special educational needs.

¹³ Applicants should be aware that ['Progress and next steps'](#) set out proposals designed to improve parental choice and access to educational provision for children and young people with special educational needs. Free Schools opening in 2014 will be expected to abide by the legislative framework as it exists at that time.

Statutory SEN provisions do not currently apply to 16 to 19 Free Schools. Instead applicants wanting to set up 16 to 19 Free Schools should set out how they will ensure equality of opportunity for students with any disability including learning difficulties that constitute a disability.

D5: 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 they are suitable to measure the delivery of your education vision, and what your strategy will be to achieve them;
- Describe the proposed success measures for individual pupils and the whole school, including teaching;
- Explain how these success measures will be monitored, reviewed and reported, including your plans to develop pupil assessment and tracking systems; and
- Explain how pupil progress will be reported to parents/carers, how their views will be gathered and how parents/carers will play an active role in improving their child's progress.

D6: 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 for your pupil cohort;
- 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 requirements¹⁴; and
- Describe how these strategies are informed by your vision and linked to raising standards and educational outcomes.

¹⁴ 'Safeguarding Children and Safer Recruitment in Education' is available [here](#).

Section E: Evidence of demand

6.13 In this section we are looking for evidence that commissioners would refer children to your school and, if appropriate, that 16-19 year old students would apply to your school. As funding for Free Schools is directly related to the number of pupils on the school roll this will be crucial in proving your school can be financially viable. You should note that Section E in the application form we have provided includes two parts for you to complete. Part 1 asks you to fill out a table showing the number of full-time equivalent pupils you intend to have in each key stage 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 years of the school being open, the better. You must show that the demand is for your specific school and that you have engaged directly with the local authorities, schools, Academies and community you will be serving.

6.14 Alternative provision Free Schools must be principally concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not otherwise receive suitable education for any period. This means that the majority of your children (over 50%) must be of compulsory school age (i.e. 5-16). You may also have 16-19 year old students, but they must be fewer than 50% of your overall pupils.

6.15 Children of compulsory school age can only be admitted to an AP Free School by being referred from local authorities, schools and Academies using their existing referral powers or duties (please see table on page 25 for details). 16-19 year old students may also be referred by local authorities, schools and Academies in some circumstances but can also apply to the AP Free School themselves in the same way as they would for mainstream 16-19 provision. The table on the next page sets out the powers and duties that local authorities, schools and Academies have to refer children to AP.

6.16 We will be using four criteria to assess this part of your application.

Circumstances	Commissioner (responsible for referring the pupil and paying the pupil led top up fee)	Type of referral
Child is permanently excluded or cannot attend mainstream education e.g. because of illness	Local authority ¹⁵	<ul style="list-style-type: none"> • Full-time, unless there are medical reasons why this would not be appropriate (full-time provision can be made up of part-time provision from two or more providers). • Long term or short term - dependent on local authority view on whether reintegration is appropriate and bearing in mind the child's right to suitable and full-time education. • Education must start by the sixth day of permanent exclusion but can start earlier.
Child has a fixed period exclusion	Academy or school	<ul style="list-style-type: none"> • Full-time. • Short term – child can only be excluded on a fixed period basis for a maximum of 45 (school) days in an academic year. • Education must start by the sixth day of a fixed period exclusion but can start earlier.
Child's behaviour needs improvement, for example to prevent permanent exclusion	Academy ¹⁶ or school	<ul style="list-style-type: none"> • Full-time or part-time (but if part-time, child must still receive full-time education, which can be made up of part-time provision from two or more providers, one of which may be their Academy or school). • Short or mid term – referral cannot last beyond the end of the academic year in which it is made and must be reviewed at least every 30 days by the governing body of the referring school.¹⁷

¹⁵ Except in areas where a new approach to exclusions is being trialled, under which schools take responsibility for permanently excluded pupils. Your local authority will be able to confirm if it is taking part in this trial.

¹⁶ Academies have the power to refer pupils to off-site provision. This power comes from their general powers to advance education (which comes from the object of the memorandum and articles of the Academy Trust). Though these placements are not covered by the same legislative safeguards that apply to pupils referred by maintained schools, best practice would be to establish relationships with your referring Academies so that they make referrals on the same basis and have regard to the appropriate safeguards (which are set out in brief in the third column).

¹⁷ This criterion reflects current legislation. However, Charlie Taylor's report recommended that pupils should be able to stay in AP provision for as long as necessary in order to meet the needs of the individual young person. The Government has accepted all of Charlie Taylor's recommendations; Ministers will determine how these will be implemented early in 2013 so we are open to applications which include provision for longer term referrals.

E1: Clearly state your referral process (for children of compulsory school age and, if appropriate, 16-19 year olds), setting out how you will effectively manage referrals and engagement with your commissioners throughout the academic year. Clearly state your other admissions arrangements, if any, for 16-19 year olds. Describe how both processes will ensure that your alternative provision Free School is accessed by your target group of pupils.

You must:

- Set out how you will manage the referral¹⁸ process for those local authorities, schools and Academies that will refer children to you to ensure ongoing referrals once open and that appropriate pupils access your provision;
- Set out how you will establish and maintain links with your commissioners to ensure that you receive information about the pupils' needs and attainment levels before they are referred and how you will then work with each commissioner to keep them informed of the pupil's progress and readiness for reintegration;
- Show clearly how your approach reflects the requirements of specific commissioners;
- Specify how you will manage a potentially high in-year turnover of pupils; and
- If appropriate, set out your admissions policy for any 16-19 year old pupils who will apply in the same way as they would to mainstream 16-19 provision (rather than through commissioner referrals). This should include the criteria to be used to prioritise places if your school is over subscribed. You must describe how your admissions policy will be fair and transparent.

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

- While many children with special educational needs access AP, children with statements of special educational needs should not normally be educated by such providers on a long-term basis.

¹⁸ The referral powers and duties which Academies, schools and local authorities have, and the restrictions on their use, are set out in the table on page 25. These are the only ways in which children of compulsory school age (5-16) may be admitted to alternative provision and may also be used to refer 16-19 year old pupils

E2: Provide evidence of demand from commissioners that they would make referrals to your alternative provision Free School for pupils of compulsory school age and, if appropriate, students aged 16-19 and would pay the per pupil rates you intend to charge. Existing providers hoping to expand their pupil numbers will need to demonstrate evidence of demand to support this expansion.

You must:

- Set out what you consider to be your steady state for pupil numbers over the course of an academic year, based on full-time equivalents (FTE). AP Free Schools should be full by the beginning of their fourth year at the latest. Steady state for AP Free Schools is unlikely to be 100% capacity for the full academic year due to the nature of AP; and
- Provide information that clearly shows the level of demand from your commissioners (local authorities, schools and Academies). Evidence should include agreements from them that they would be willing to refer children to your provision and to pay the per pupil top up funding required to achieve the total costs of that referral (which you can set). Please ensure that the evidence you have collected is set out in terms of full-time equivalent (FTE) places over the academic year. For example if a commissioner anticipates needing to refer 3 children full time for a term each, that would count as evidence of 1 FTE referral over the academic year.

If you are applying as an existing provider, you must;

- Present evidence of demand from current and prospective commissioners separately; and demonstrate the appeal of the alternative provision Free School to commissioners who do not currently refer pupils to you;
- Demonstrate how you have appealed, or plan to appeal, to commissioners who do not currently refer pupils to you; and
- If applicable, demonstrate the demand from existing or prospective commissioners for additional places.

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

- The more evidence you can provide to show you have demand from commissioners for the number of pupil places you need to fill the better. You should provide this evidence for at least the first year. Strong applications will be able to demonstrate evidence of demand for future years as well;

- 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 your commissioners and collect information on an ongoing basis.

E3: For schools providing provision for 16-19 year olds, provide evidence of demand from students of the relevant age that they would apply to your alternative provision Free School in each of your first two years of operation.

You must:

- Provide information that clearly shows the number of students that want to apply to your particular school. You will need to have in mind your stated admissions policy, the age range on offer and where your site will be. Students must be of the relevant age to fill the year groups on offer when your school opens and in its second year of operation. For example, you will need to show evidence of demand from students who will be:
 - i) turning seventeen in the 2014/15 academic year to fill your Year 12 class in September 2014; and
 - ii) turning seventeen in the 2015/16 academic year to fill your Year 12 class in September 2015.
- Tell us the exact questions that you asked in your survey and provide a summary of responses. These questions should be specific to your school and its proposed curriculum and ethos. Examples of survey questions that demonstrate this include, “do you support the ethos and objectives of X school?” and “Will this school be your first choice for 16-19 provision?”;
- Provide a template of the survey form you asked prospective students to complete; 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, students or parents, handing out leaflets in your local area etc.

You must not::

- Send in copies of individually completed survey forms.

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

- 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;

- For **Section G** you will need to fill in a financial template to show how you would amend your budget if your post 16 provision were not completely full;
- It is helpful for us to know where in your area the demand for your school is coming from. You should do this by supplying a map or diagram that shows the location of students who have expressed a preference for the school in relation to the school's proposed site and how this is consistent with the proposed catchment area; and
- We will ask you for updated evidence of demand if we invite you to interview so you should continue to engage with your community and collect information on an ongoing basis.

E4: Demonstrate how you intend to reach out to the wider community.

You must:

- Demonstrate how you have made, and plan to make, the school attractive to a number of commissioners and, if applicable, 16-19 year olds; and
- Describe any plans you have for working with other schools, educational establishments or the wider community, for instance delivering outreach support on behaviour to local Academies and schools;

Section F: Capacity and capability

6.17 You must demonstrate that your group has the capacity and capability to set up **and** run a school. You must have access to appropriate educational, financial and other expertise, either within your group or externally. If your application is approved, we will provide a project development grant to help you complete all the tasks in the run up to the school opening. This grant will be limited but may be used to buy in some additional expertise during the pre-opening stage.

6.18 Before submitting an application for an alternative provision Free School, you **must** have established a company limited by guarantee with members and directors (who also act as governors and trustees) 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.

6.19 We will be using five criteria to assess this section of your application. In addressing the criteria, it may be helpful to begin by giving an overview of the members and directors of your company limited by guarantee, as well as the key individuals on your steering group, to put the more detailed information required in F1-4 into context.

In providing responses to criteria **F2**, **F3** and **F4** set out below, it is important to note that:

- Expertise could come from: within your group¹⁹ or through forming a partnership with an organisation or individual(s) with a successful educational track record who can provide support free of charge; by directly employing people to the Trust; or, by appointing a third party through an open and competitive tender process. You **must not** enter into any contracts in the expectation of public funds. Any contractual arrangements you are considering will need to be affordable from your project development funding. If you have been assisted in writing your application by any individuals or organisations who are not part of your Trust, you should explain how you will secure such support if you are approved; and
- Anyone spending public funds must comply with a number of legal requirements and UK Government regulations. These require that all potential suppliers are given a fair opportunity to seek your business and make competitive offers. Therefore, there can be **no guarantee** that organisations or individuals offering support in the preparation of applications will be offered contracts to continue providing such support should the application be approved.

¹⁹ Whilst it is not essential to have this expertise within the group already, applications will score more highly if this is the case.

F1: Demonstrate a clear understanding of, and describe, the respective roles of the company members, governing body and principal 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 directors (who also act as governors and trustees) and the principal;
- Clearly define and set out the respective roles and responsibilities of the company members, the directors (who also act as governors and trustees), any proposed committees and the principal; and
- Set out your protocols for avoiding and minimising conflicts of interest, confirming any you have already identified, and for securing independent challenge to executives.

F2: Show how you will access appropriate and sufficient educational expertise to deliver your vision.

You must:

- Show that you have identified the educational resources, people and skills that you will need to set up and operate a school, including experience or understanding of leading and teaching in high quality alternative provision;
- Confirm sufficient time commitments to the project from relevant individuals; and
- Set out clear and detailed plans for identifying and securing any necessary educational expertise currently missing from your group.

F3: 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 a school;
- Confirm sufficient 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.

F4: Show how you will access other relevant expertise to manage the opening and operation of your school.

You must:

- Provide details of your group, including the members of the company, who have relevant expertise and experience in addition to finances and education;
- 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 and sufficient 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.

F5: Provide realistic plans for recruiting a high quality principal, 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 (head teacher) and the role you envisage him/her playing in the pre-opening 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 to lead your proposed school;
- Set out your plans for recruiting and developing 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 necessary skills to oversee both the establishment and running of a school.

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

- Where you have already identified a preferred principal designate, we may require that person to be assessed before appointment; and
- If your application is approved, you will – subject to our agreement – be able to appoint a principal designate one (or in some cases two) terms in advance of the school's opening date²⁰.

²⁰ The salary will need to come from your project development grant.

Section G: Initial costs and financial viability

6.20 In this section, you should show how your school will be afforded, in its first years and beyond, by explaining what income you will receive and how you plan to spend it. The financial information and explanations should underpin the rest of the application.

6.21 We want to understand two things from this section – if your school is financially viable within the funding available; and if your group has the necessary financial competence to establish and run a publicly funded school. We expect you to show how you have kept costs as low as possible.

6.22 Please note that approval of your application does not mean approval of all the funding requested. The amounts suggested by this template should be treated as indicative only. They do not represent the actual funding a school would receive if approved, and post-opening funding levels may decrease. We understand that in most cases it will not be possible to be precise about all actual costs at this stage, but you should use the information available and evidence your assumptions with benchmarking data.

6.23 In developing your plans you should remember that the Academy Trust will be accountable for the money you receive and how it is spent. You should demonstrate that planned expenditure can be justified and represents the best possible value for money. For example, you may wish to show how you have minimised the cost of establishing your proposed school. The financial operation of Free Schools is governed by the [Academies Financial Handbook](#)²¹.

Preparing your financial plans

6.24 Before you begin to develop your financial plans, you should read the overview of school funding in **Annex B** which explains the different types of funding available. You may also need to refer to the glossary of terms at **Annex C**.

6.25 You should ensure that you:

- Explain the affordability of your specific plans, making sure the information you provide in Section G and in your financial plans are consistent with the information provided in the rest of your application;
- Include an overview explanation in Section G of how you developed your financial plans and the thinking behind them. As part of this, you should explain how you have kept costs as low as possible, and describe how your financial plans support delivery of your education vision and plan. You should also explain in the spreadsheet the assumptions you based

²¹ We are currently revising the Academies Financial Handbook. A revised version will be published on our website in due course.

your plan on, and the reasons/evidence you have to show that these assumptions are realistic;

- Complete a financial plan showing income and planned expenditure and include the assumptions made about income and expenditure on the two assumptions tabs on the spreadsheet. The financial plan template is available [here](#) and must be used for all AP Free School applications²²; and
- Complete a second financial plan (using the same template) on the basis that you are only able to recruit 80% of your planned numbers, and that per place funding has been reduced accordingly. You will need to revise the explanations of income and expenditure assumptions as well. We ask for this to see how resilient the school will be in the event pupil numbers do not reach capacity as quickly as planned. You should show how you would use the reduced levels of funding and what changes to your plans you would make. You should not simply increase the amount of third party income (beyond that received from commissioners) to compensate for the reduction in per place and per pupil funding.

Key points to remember when preparing the financial plans

6.26 You should read and consider the following points before preparing your financial plans:

- Your financial plans should cover the period from when your school opens up to and including the academic year after the school is full. For example, if you are planning for your school to reach capacity in two years, then you must cover the period 2014/15 to 2018/19. The latest that AP Free Schools should be full is from the beginning of the fourth year. If the application is for an existing provider that does not intend to expand, it is not necessary to provide more than three years of plans. If there are significant and material financial factors that may arise in subsequent years these should be clearly explained in Section G of the application form, including the possible impact such factors may have on financial viability;
- If your application includes boarding provision, you may include in the per pupil rate agreed with commissioners an additional amount to cover the cost of board and lodging only. You should therefore separate the income and expenditure related to boarding from the income and expenditure related purely to education. This will better enable us to assess these separate parts of your application;
- In both financial plans, your income must always exceed your expenditure, taking post-opening grant and reserves you have built up in prior years into account;

²² The alternative provision financial plan template must **not** be used for applications for mainstream, 16 to 19, studio schools, university technical colleges or special schools – separate templates are available for those applications.

- The plans should not be predicated on your school being able to borrow money;
- The information in the financial plans should be consistent with the rest of the application;
- Cost estimates should be realistic and based on evidenced assumptions and any available benchmarking data. We provide some data which is available [here](#) and the 2010-11 Academies Spend Data is available [here](#). There is currently no benchmarking data available for AP establishments, but you may find it helpful to look at the benchmarking data available for schools with similar characteristics, such as size and location;
- You should use best estimates where there are uncertainties but always provide an explanation of how you have arrived at the figures;
- Any income you are expecting to receive from sources other than the Education Funding Agency (such as from your commissioners) must be realistic with robust evidence provided;
- You should not carry over excessive balances of money from one year to the next (we would normally consider this to be anything over 12% of income);
- You do not need to include income or expenditure relating to capital – i.e. the cost to purchase or rent your school building. You should, however, include information on building maintenance costs; and
- You should not make any provision for inflation in your forecasts included in this template. However, if you identify costs that may increase ahead of inflation, such as staff pay progression, you may identify these separately in the pay or non-pay costs worksheets as appropriate.

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

Completing the spreadsheets

6.28 Detailed guidance on how to complete the two financial plans will be included with the financial templates.

Criteria used in the assessment of this section

6.29 We will be using four criteria in this section. Three of them apply to all Free School applications. You should only seek to address criterion **G4** if you are an existing provider seeking to become a Free School.

G1: Provide accurate financial plans that are consistent with the rest of your application and based on realistic assumptions about income and expenditure.

You must:

- Make sure that the information in your financial plans is consistent with the other parts of your application e.g. the staffing structure and pupil numbers in the education plan should agree with the financial plans;
- Outline your assumptions in estimating the income and expenditure for the school, and confirm which benchmarking data you have used;
- Clearly state and evidence that commissioners are willing to pay the per pupil top-up funding rates you intend to charge;
- Explain any unusual items of income and expenditure in the financial plans;
- Show that you have allowed for unforeseen contingencies; and
- Demonstrate that any third party income (excluding top-up funding from commissioners) you have included is realistic and achievable.

G2: Show how the school will be viable by operating within the expected levels of funding available both during the post-opening period and when the school is full.

You must:

- Show in **both financial plans** that income, including the post-opening grant, would exceed expenditure for each year up to and including the first year where your school is at full planned capacity (the 'post-opening' period). The latest that this can be is the fourth year;
- Demonstrate how you have minimised the need for any post-opening funding, particularly the leadership grant²³. For example, where the school is building up we would normally expect principals to do some teaching, and for support staff to fill multiple roles. Your requirement for such funding should be limited as you will receive the fixed per place funding for the number of places agreed with the Department, even if pupils are not admitted in the initial two years; and
- Ensure that any projected surpluses of income over expenditure are not excessive (anything over 12% of income).

²³ See **Annex B** for more on staff diseconomy funding.

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

In your second financial plan you must:

- Show how you would reduce your spending to less than your income if you were not able to achieve the levels of income assumed in your first financial plan. You must show how you would do this whilst still delivering high quality education in line with your stated education vision and plan; and
- Show how you would manage if only 80% of pupil places were filled in each year, and that per place funding has been reduced accordingly.

You should not increase the amount of third party income to compensate for the reduction in per place and per pupil funding.

G4: For existing providers, show that the existing provider has a good track record of financial management and explain any existing financial issues which could impact on becoming/establishing an alternative provision Free School.

You must:

- Submit the existing provider's audited financial statements for the last two years with your completed application form; or
- Supply alternative evidence of financial viability if the existing provider has not been open long enough to have two years' worth of audited accounts.
- 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; and
- Explain the school's governance arrangements with regard to financial control.

Section H: Premises

6.30 Finding a suitable site is an essential part of opening an alternative provision Free School. As part of preparing your application you should investigate potential sites for your school. In your application you should tell us about the sites you have identified.

6.31 We need to know where you want your school to be. In your application you should include details of up to two preferred sites that you could potentially open on. However, not having a preferred site at this stage will not affect your application. If your application is taken forward to the interview stage of the application process, your preferred sites may be visited by the Education Funding Agency (EFA). The EFA, which is part of the Department for Education, will assist in finding and securing Free School sites. It will assess the sites it visits for their suitability, availability, and the likely cost and duration of work required.

6.32 We will also make an overall cost and value for money assessment of your preferred site. You should therefore aim for the lowest possible capital costs. Successful applicants will be provided with help to secure a suitable site for their Free School. Advice and guidance on how to find potential sites, as part of developing your application, is available from the EFA by contacting them by [email](#).

6.33 We do not expect to provide capital funding to existing providers that do not plan to create additional places. If you wish to expand provision as an existing provider, we will consider whether capital funding may be made available. Decisions will be made on a case by case basis with strong supporting evidence required.

6.34 You should make enquiries as to whether your preferred 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, the EFA will undertake negotiations to acquire a site for your school.

6.35 **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 2014, simply because of the time required to prepare a site for opening. If this is the case, the EFA will help you with your search for a site and we may consider working with you towards opening in 2015 or beyond.

Information required on your site options

6.36 Although this section of your application will not be assessed against any specific criteria, you should provide us with the information requested below.

6.37 **Possible site options** - describe the steps you have taken to search for suitable sites and what sites (if any) are available in the local area.

6.38 Details of your preferred sites - for each of your preferred sites, please provide, if possible:

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

6.39 Capital investment - detail any sources of funding available to you to support site acquisition.

Free Schools in public and government buildings

6.40 When looking for potential sites we encourage you to consider surplus or under-utilised government and other public buildings. These can offer cost-effective solutions. A wide range of public buildings could provide suitable accommodation for an AP 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; and
- ambulance stations and fire control centres.

6.41 We would welcome applications to establish Free Schools in under-utilised Government buildings. Information about available sites can be found via our [website](#). They currently include a Department for Education building, Castle View House in Runcorn, where there is potential to share the site with us.

6.42 If you are interested in any of these properties please email the EFA at this [address](#). The EFA will provide you with further detail about these sites and will be able to advise you on how they might match your education vision.

Section I: Due diligence and other checks

6.43 We will carry out a number of checks on those applying to establish a Free School and any other person who will be involved in the management or running of a school. These will include due diligence checks, credit checks, and enhanced Criminal Records Bureau checks and may include police and other checks necessary to ensure that only those who are suitable to do so are able to set up and run a 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. The form is available [here](#).

6.45 We must receive these forms by 6pm on 4 January 2013. When completed please send the due diligence forms directly to the Due Diligence Team (see paragraph 7.3). These forms should remain separate from your main application and be submitted in hard copy only.

6.46 Some applicants are already well known to us and have a proven track record in setting up new publicly-funded independent schools. In such cases, it is unnecessary to conduct further due diligence checks to establish their suitability to set up a Free School.

6.47 Therefore, we will not require such applicants to submit Section I suitability and declaration forms. The applicants covered by this arrangement are those where all the following conditions are met:

- the Department has an existing relationship with the applicant; and
- the applicant has a proven track record in setting up and running sponsored Academies; and
- these sponsored Academies form part of an existing Multi-Academy Trust.

6.48 This will mainly affect a small number of chains who already work with us and are already established Academy sponsors. If you are not sure whether this applies to you, please contact due.diligence@education.gsi.gov.uk.

6.49 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.

6.50 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 Free School in order for the application to be considered.

6.51 It is our policy that where an applicant is judged to be unsuitable to be involved in the operation of a 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.

6.52 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 9am on 17 December 2012 and 6pm on 4 January 2013. Applications received outside these times will not be considered. You need to submit **one copy by email** to alternativeprovision.fsapplications2014@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 no more than 150 pages long and structured in line with the criteria. It should be formatted for printing on A4 paper, be completed in Arial font with a minimum font size of 12 and include page numbers. Annexes should be included within the page limit and restricted to documents relating to your evidence of demand (e.g. letters of support from commissioners and maps) and relevant CVs. Your application should be submitted as one Word document (with the exception of the financial templates which should be submitted separately in Excel and are excluded from the page limit). Please ensure that you include the name of your school in the file name for both your Word and Excel documents. Please do not include photographs, images and logos in your application (other than the demand map). Your email, submitting your application, must be no more than 10MB in size.

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 **Section I Personal Information 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 by 6pm on 4 January 2013 in order for them to be considered²⁴. 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.

²⁴ Applicants should not submit additional supporting material after this date, although we reserve 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 we fund to provide free advice and guidance to Free School applicants.
- Advice and guidance on how to find potential school sites, as part of developing your application, is available from the EFA by contacting them by [email](#).
- If you have any technical problems with this guidance, our website or any of the forms, please call us on 0370 000 2288 or visit 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:

<https://www.education.gov.uk/publications/eOrderingDownload/Academies%20Financial%20Handbook.pdf>

We are currently revising the Academies Financial Handbook. A revised version will be published on our website in due course.

Academies Spend Data 2010-11 (for examples of Academy finances):

<http://www.education.gov.uk/schools/performance/academies.html>

Behaviour and exclusions policies and guidance:

<https://www.education.gov.uk/publications/eOrderingDownload/DfES%200087%20200MIG1262.pdf>

Boarding schools, National Minimum Standards:

<https://www.education.gov.uk/publications/standard/AllPublicationsNoRsg/Page10/DFE-00076-2011>

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/>

Education Funding Agency (Capital):

<http://www.education.gov.uk/aboutdfe/executiveagencies/b00199952/the-education-funding-agency/efa-capital>

Education Funding Agency (Revenue):

<http://www.education.gov.uk/aboutdfe/executiveagencies/b00199952/the-education-funding-agency/efa-academies>

Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>
<http://education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010>

Frequently asked questions about Free Schools:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/freeschoolsfags>

Governance guidance:

www.education.gov.uk/schools/leadership/governance

Information on existing Free School projects:

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

Model AP Free School funding agreement:

www.education.gov.uk/freeschools/a0074737/free-schools-model-funding-agreement

Model AP Free School memorandum and articles:

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

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

Schools benchmarking website (for examples of maintained school finances): <https://sfb.teachernet.gov.uk/Login.aspx> There is currently no benchmarking data available for AP establishments, but you may find it helpful to look at the data available for schools with similar characteristics, such as size and location.

Seven Principles of Public Life:

http://www.public-standards.gov.uk/About/The_7_Principles.html

Special Educational Needs Code of Practice:

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

Special Educational Needs Progress and Next Steps Document:

<https://www.education.gov.uk/publications/standard/AllPublications/Page4/DFE-00046-2012>

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** 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 to 19:** a school catering principally 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 specially organised to make educational provision for pupils with special educational needs (SEN), which is designated for specific types of SEN. Traditionally special schools have only been able to admit children with statements of SEN (other than in certain specific circumstances). However, special Free Schools can admit children with SEN, both with and without statements. The admission of children without statements is limited to those that have a type of SEN for which the school is designated. If a school is oversubscribed for non-statemented places, the admission of those pupils must be in accordance with the School Admissions Code. Further information is provided in the special Free Schools' How to Apply guidance;
- **alternative provision:** a school catering principally for children of compulsory school age who may not otherwise receive suitable education. The School Admissions Code does not apply, and pupils are referred to the school by commissioners (generally schools, Academies and local authorities). The curriculum provided must be broad and balanced, which is defined as including English and maths as part of an appropriate, varied and stretching curriculum for the expected pupil cohort.

It is also possible for Free Schools of all categories to offer boarding provision:

- **boarding:** a school that provides residential accommodation for some or all of its pupils. For mainstream Free Schools and non-statemented pupils in special Free Schools, admissions arrangements must be in line with the boarding requirements set out in the School Admissions

Code and fees may be charged to cover the cost of board and lodging only. For 16 to 19, special and alternative provision Free Schools, the School Admissions Code does not apply but the school must set out clear criteria for the admission of pupils to residential facilities. For AP and statemented pupils in special Free Schools, the associated costs will form part of the commissioned rate.

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.

For example, if you want pupils to be permanently on roll at your Free School (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 issue to consider 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 that does not 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 the School Admissions Code.	Must be broad and balanced.	Per pupil funding the same as local authority maintained school (including deprivation etc).
16 to 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 for sixth form colleges.

Special	<p>Pupils with statements of SEN placed by the local authority maintaining the pupil's statement.</p> <p>Admission of non-statemented pupils must comply with the School Admissions Code.</p>	<p>Must meet the needs of all pupils and, where appropriate, should be broad and balanced²⁵.</p>	<p>£10,000 per place funding for children with statements of SEN with additional funding for individual pupils agreed with the local authority. Funding for non-statemented pupils in special Free Schools will be based on the funding levels for students with similar SEN without statements in the local authority. We will also work with special Free Schools on a case by case basis to ensure appropriate funding is available.</p>
Alternative Provision	<p>Referrals from commissioners (Academies, schools and local authorities).</p>	<p>Must be broad and balanced. The definition of broad and balanced for alternative provision Free Schools is different to that of mainstream. It must include English and maths as part of an appropriate, varied and stretching curriculum for the expected pupil cohort.</p>	<p>For children of compulsory school age, £8,000 per place will be provided by the Education Funding Agency, for a number of places agreed in advance. The funding required above £8,000 will be discussed and agreed between commissioners and providers, and will be paid directly by the commissioner. Funding for 16-19 provision is at the mainstream 16-19 per pupil funding rate.</p>

²⁵ For special Free Schools a broad and balanced 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.

Annex B: Free School funding overview

Project development funding

We will provide a project development grant to groups whose applications are approved to the next stage. This grant is to help cover everything that groups will need to buy up to the point that the school opens. It will include the cost of project management and education support, and other costs such as recruiting and paying a principal designate. The amount of funding depends on the type of school. Project development funding for Free Schools opening in 2013 will be determined on a case by case basis for groups applying to set up 16 to 19, AP and special Free Schools although we will expect to agree funding within the mainstream levels for those schools. We will review this for 16 to 19, alternative provision and special Free Schools opening in future years.

Mainstream Free Schools opening in 2013 will receive £220,000 for primary schools, £300,000 for secondary and all-through schools, and up to £25,000 for existing independent schools wishing to become Free Schools. We will review these figures for Free Schools opening in 2014 with a view to making efficiency savings but this should give you a starting point for your planning. All services you require should be affordable from this allocated funding.

Principles of school funding

Alternative provision Free Schools are funded on both a per place and per pupil basis. The more pupils you have, the more funding you get. This is why having evidence of demand for your school is so important. If your school does not have enough pupils it will be very difficult for you to pay for staff and the upkeep of your school building.

Alternative provision school funding explained

The Government announced details of a new approach to funding provision for pupils and students with high needs. This includes those placed in AP.

- These arrangements will apply to all state funded AP – both those that are maintained by local authorities and those that are independent state-funded (e.g. AP Free Schools and AP Academies).
- These arrangements will introduce an equivalent basis of funding for all AP providers. The funding will help to encourage the development of high-quality and innovative provision, and help level the field when attracting commissioners. The funding reforms will also support the Government's reforms of the AP sector, as set out in Charlie Taylor's review, and the development of the Academies and Free Schools programmes.

- This approach will introduce a pupil-led set of funding arrangements for the AP sector, while balancing this by providing AP settings with a fixed per place level of funding to offer some stability of funding. Under these new arrangements, there will be two components of an AP provider's funding:
 - **Per place funding of £8,000** – a fixed level of funding, allocated to providers for each of the agreed places in their setting; and
 - **Per pupil top-up funding paid by the commissioner** – top-up funding, agreed between the provider and commissioner and paid to the provider directly by the commissioner for each individual pupil.
- This approach is being called place-plus, to reflect the mixture of place-led and pupil-led funding.
- Commissioners and providers may wish to work together to agree and develop local approaches to setting the rates of top-up funding to be paid for particular types of provision.
- Both the fixed per place funding and the top-up funding will be responsive to local demand and commissioning decisions.
- The fixed per place funding will be paid for the number of places agreed with the Education Funding Agency and, after the start-up period, will be reviewed for each setting at least every two years to ensure that funding continues to match the number of pupils. These reviews will be based on discussions of past trends and future commissioning needs between commissioners and providers. They may take into account the number of pupils the Free School is educating at present, trends in recruiting pupils over the past few years, estimations of likely demand for places in the future, and other value for money measures.

For pupils referred by commissioners (all children of compulsory school age and some 16-19 year old pupils) your per pupil funding will come from the commissioner. For 16-19 year old pupils who apply under a mainstream admissions process all of your funding will come from the Education Funding Agency in the same way as for mainstream schools.

The Department has recently published a consultation on the future arrangements for LACSEG. This grant is payable to Academies and Free Schools and provides funding to these schools in respect of services such as HR and financial management, education welfare services etc. These are services which maintained schools receive from the local authority free of charge. The consultation proposes that from 2013/14 that this grant will be paid on a nationally based per pupil rate. The rate is expected to be determined by the end of 2012, in the light of the outcome of the consultation,

and it will be incorporated into the revised 'ready reckoner'.

Post-opening funding (previously called start-up funding)

Post-opening funding is intended to bridge the gap between a school opening and it being at full planned capacity. It should enable a new school to cover essential costs when a school first opens, such as employing a principal and buying books and equipment, where these costs could not otherwise be met by the fixed per place and commissioner led per pupil funding.

There are currently two main types of post-opening funding:

- a per pupil payment for non-staff costs; and
- a profile of payments per school to support staffing costs before a school reaches full expected pupil number capacity.

Non-staff post-opening funding for books, materials and equipment is based on a standard formula and will be the same for all schools depending on the number of pupils (£250 per pupil for primary and £500 per pupil for secondary). These elements will automatically appear in the financial template once you have entered pupil numbers.

The remaining post-opening grant for **16 to 19, special and alternative provision** Free Schools is determined on a case by case basis, with the exception that, for 16 to 19 Free Schools, the non-staff per pupil funding is set at £500. Applications for these schools should set out the funding you believe you will need. You should, however, have regard to the total amount payable to mainstream primary and secondary schools. You will need to demonstrate that the amount requested offers value for money.

Staff post-opening funding (the 'leadership grant') for mainstream primary and secondary schools is intended to support part of the salary costs for the school's senior staff as it grows towards full capacity. It is based on a formula that reflects the number of year groups which remain empty as the school grows. This funding is payable up until the point when all year groups in the school are operating. The table below shows the total amounts payable to mainstream primary and secondary schools and the amount payable in each year depending on the number of year groups that are empty.

<i>Empty year groups</i>	6	5	4	3	2	1	TOTAL
Primary	£80,500	£67,500	£54,000	£40,500	£27,000	£13,500	£283,000
Secondary			£125,000	£93,500	£62,500	£31,000	£312,000

The leadership grant lines of the spreadsheet are blank for you to complete. You should use the information in the above table to help you.

Please note that existing providers becoming Free Schools will **not** normally be eligible for any post-opening funding.

Annex C: Glossary of terms

Academies Financial Handbook – contains instructions for Academies regarding their funding and obligations towards accounting and reporting.

Academy – publicly funded independent educational institution free from local authority control. Free Schools are legally Academies. Other freedoms include setting their own pay and conditions for staff, freedom from following the National Curriculum (for mainstream and special schools - 16 to 19 and alternative provision schools already have this freedom in the maintained sector) and the ability to change the lengths of their 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 (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.

Collective worship – all schools must provide a daily act of collective worship. For schools that do not have a religious designation, daily acts of collective worship should be of a broadly Christian nature.

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 – are 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. The directors will be the trustees of the charitable company.

Due diligence – is an umbrella term for a number of checks that will be made on all those applying to establish a Free School. The checks enable us to

ensure that only suitable individuals are able to set up and run a Free School.

Education Funding Agency (EFA) – the EFA (formed from the Young People’s Learning Agency and Partnerships for Schools in April 2012) is part of the Department for Education. It currently funds all Academies and also funds other training for 16-19s.

English Baccalaureate - where pupils have secured a C grade or better in all of English, mathematics, history or geography, the sciences and a language

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 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 post-opening period, income is currently per pupil funding plus an additional post-opening grant. When schools reach steady state, their income will be per pupil funding only.

Founding members of the company – these are 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 load as if all pupils are 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 pupils the FTE total would be 115. This is also relevant to staffing.

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) – this is the fixed per place funding that the alternative provision Free School can expect to receive each year. Any top-up funding paid by commissioners will be additional to this.

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 Academy Trust’s Articles of Association. Governors must be registered as directors of the company with Companies House.

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 equivalent grant is additional money to cover the cost of education services that the local authority provides to its maintained schools but which academies and Free Schools are free to secure independently.

Leadership grant – Staffing element of post-opening grant.

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

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.

Post-opening grant – previously called ‘start-up funding’ this is additional funding currently available when schools are first set up (and before the school is at full planned capacity) for essential costs such as employing a principal (head teacher) and buying books and equipment.

Post-opening period – the period up to and including the first year the school is at full planned capacity. The latest that AP Free Schools should be full is the start of the fourth year.

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

Project development 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.

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. A premium has also been introduced for children whose parents are currently serving in the armed forces; this was £200 in 2011-12 and rose to £250 for 2012-13. This service premium is designed to address the emotional and social well-being of these pupils.

Qualified Teacher Status (QTS) – is 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 are not ‘statemented’.

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.

Service children – children whose parents are in the armed forces. A

premium has been introduced for children whose parents are currently serving in the armed forces; this was £200 in 2011-12 and rose to £250 for 2012-13. This service premium is designed to address the emotional and social well-being of these pupils

Solvency/insolvency – a company or individual is solvent if the value of its assets exceeds the value of any debts it might owe. Insolvency occurs when 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.

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 it decides, 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 – this is 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 first year after you expect to be at full pupil capacity.

Studio Schools – designed to address the concern by employers that some school leavers do not have the skills to join the workforce. They are small schools for 14 to 19 year olds, and teach an academic and vocational curriculum. Each has input from businesses, who shape what pupils learn and offer work experience. School days run on office hours, and holidays are shorter to reflect the working environment. By studying in this way, and by working with employers from an early age, students learn vital practical skills like punctuality, and good communication and behaviour in the workplace.

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.

Annex D: Application 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 on 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	<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, includes page numbers and is no more than 150 pages in total.	<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 written evidence from commissioners to support your evidence of demand.	<input type="checkbox"/>	<input type="checkbox"/>
6. Existing providers which are registered as independent schools only: you have provided a link to the most recent inspection report	<input type="checkbox"/>	<input type="checkbox"/>
7. Existing providers 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 alternativeprovision.fsapplications2014@education.gsi.gov.uk between 9am on 17 December 2012 and 6pm on 4 January 2013 and the email is no more than 10 MB in size.	<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, 3 rd Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.	<input type="checkbox"/>	<input type="checkbox"/>
Checklist: Section I of your application		
10. A copy of Section A of the form and as many copies of the Section I Personal Information 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 9am on 17 December 2012 and 6pm on 4 January 2013.	<input type="checkbox"/>	<input type="checkbox"/>

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