



Department
for Education

Free Schools in 2014

How to apply

Special Free Schools

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1. Things to know before you start

Vision

1.1 We want to improve our education system so that 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 parental demand, new or existing providers can establish – faster than ever before - schools that are supported by local parents and offer high standards. By introducing increased competition, innovation and parental choice we aim to raise standards across the school system.

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

What is a Free School?

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

1.6 **Special Free Schools** are schools specially organised to make educational provision for pupils with special educational needs (SEN). They are designated for specific type(s) of SEN. Further information on SEN designations is at **Annex D**. Once a school is open, approval from the Secretary of State would be required if it wishes to change or extend its designation to other types of SEN. 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. In addition, the admission of pupils without statements falls within the School's Admission Code and will be regulated in terms set out in a special Free School's Funding Agreement. Further information on the admission of pupils with SEN but without a statement is provided in **Annex E**¹.

¹ A special Free School can cater for statemented pupils, non-statemented pupils or mixture of both.

1.7 From April 2013, there will be a new set of funding arrangements for pupils and students with high needs. This will apply to pupils with statements of SEN in special schools. This new system, which we have called “place-plus”, will be a pupil-led funding approach. This will ensure that all special schools are funded on an equivalent basis and will offer them some stability of funding. Under these new arrangements, there will be two components to the funding for pupils with statements:

- Per-place funding of £10,000 – a fixed level of funding, allocated to special schools for each of the agreed places; and
- Per-pupil top-up funding paid by the local authority – top-up funding, agreed between the school and local authority and paid to the school directly by the local authority for each individual pupil

1.8 Funding for non-statemented pupils in special Free Schools will be on a per pupil basis based on the number of non-statemented pupils on roll. The per pupil funding level will be based on the local level of funding for non-statemented pupils with SEN in mainstream schools. The funding for your non-statemented pupils will be calculated automatically, based on the per pupil level for your local authority area, in the financial template which you will be asked to complete. We will work with successful applicants on an individual basis to determine the optimal funding arrangement taking into account the changes that will have been implemented through the funding reforms.

1.9 Special Free Schools are also able to offer nursery provision. This may be funded up to 15 hours by the local authority². **Annex B** provides more information.

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

Free Schools: law and policy

1.11 Special Free Schools are new Academies and as such are independent schools to which the relevant Independent School Standards apply. The Education (Independent School Standards) (England) Regulations 2010 are available [here](#)³.

1.12 Each special Free School will enter into a contract with the Secretary of State. This contract, termed the ‘funding agreement’⁴, sets out the arrangements and standards by which the special Free School must be run in order to receive funding from the Secretary of State. The model documents can be found [here](#)⁵.

² See **Annex B** for further information on funding for nursery provision.

³ The Independent School Standards are currently being revised (August 2012). Updated regulations may therefore be in force when your school opens.

⁴ 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.

⁵ The model Free School funding agreement is currently being reviewed. A new version of the model documents will be published in the autumn.

1.13 You should be aware of the following key requirements.

1.14 **Special Free Schools** must:

- Admit a child where the school is named in a child's statement, even if the child's SEN is not a type of SEN for which the school is designated;
- Where they propose to admit children with SEN but without a statement, first determine that potential pupils without a statement have the SEN for which the school is designated, as they will only be allowed to admit non-statemented pupils with this type of SEN. They must set out in their arrangements how they will define this need, and give clear details about what supporting evidence will be required (e.g. a letter/report from a doctor or educational psychologist or other specialist) and then make consistent decisions based on the evidence provided. If they are oversubscribed for non-statemented places, in prioritising those pupils to be admitted they must adopt fair practices and arrangements that are in accordance with the School Admissions Code, the School Admissions Appeals Code and admissions law as it applies to maintained schools;
- Follow the statutory assessment (i.e. testing) arrangements as they apply to maintained schools⁶;
- Collect performance data, publish results⁷ and be subject to Ofsted inspection under the same framework that applies to all publicly funded schools. Since September 2007, special and mainstream schools have been required to submit data, using the P scales, for pupils aged 5-16 with SEN who are working below level 1 of the National Curriculum. Attainment data (P Scales) are needed for English, mathematics and science; and
- 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'⁸.

1.15 Free Schools do not have to:

- Provide the National Curriculum but a curriculum which meets the needs of pupils with statements and one which is broad and balanced for any pupils without statements. Consideration should be given to how pupils without statements can be enabled to access a broad range of subjects on a regular basis and recognition should be given to their achievements across the curriculum;
- Comply with regulatory requirements for the school workforce⁹; and

⁶ See [Annex C](#) for further information on statutory assessment arrangements

⁷ For secondary schools, this reporting currently (as at 2011) includes the proportion of Key Stage 4 pupils attaining 5 or more GCSEs at A*-C (or equivalent) including English and maths and English Baccalaureate results.

⁸ 'Progress and next steps' is available [here](#).

⁹ Special Free Schools and Special Academies fall within the definition of special school as set out in s337 of the Education Act 1996. There are two main sets of regulations that set the standards for the school workforce: the [Education \(School Teachers' Qualifications\) \(England\) Regulations 2003](#) and the [Education \(Specified Work\)\(England\) Regulations 2012](#). Special Schools are not required to have a Special Educational Needs Co-ordinator (SENCO)

- Comply with the provisions in the School Teachers' Pay and Conditions Document.

1.16 Please note that special 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 recruit teachers or pupils on the basis of faith.¹⁰

1.17 Independent Schools – We welcome strong independent schools and non-maintained special schools (NMSS) joining the state sector 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 independent schools and NMSS, we will look at the popularity of the school; the quality of its provision; the extent to which the school has reached out beyond its current parent/pupil body; and the likelihood of local authorities placing children at the school.

1.18 In addition, existing independent schools and NMSS wishing to become Free Schools should meet all of the following requirements:

- Have no significant outstanding issues on compliance in their most recent inspection report;
- Provide a link to their most recent inspection report with their application. 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 demonstrate that they have a good track record of managing their finances¹¹.

¹⁰ 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.

¹¹ See [criterion G4](#) for further details.

1.19 Existing schools setting up new schools – We also welcome applications from existing schools, whether in the state or independent sector, to set up new schools. When assessing such applications we will look at the popularity of 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 1.18 if it is in the independent sector.

1.20 We do not accept applications to set up 16 to 19 special Free Schools from 11-16 schools that want to extend their existing school. 11-16 schools wanting to establish 16-19 provision for their own school should make an application to the Education Funding Agency (in the case of Academies) or their local authority (in the case of local authority maintained schools).

2. Getting started

Before you start

2.1 Free Schools can be set up by any suitable organisation or group, such as parents, teachers or community groups. Existing independent schools are also able to apply to become Free Schools. Existing state-maintained schools, including Academies, can also apply to establish a new Free School, although 11-16 schools cannot apply to extend their provision to age 19 by establishing a 16 to 19 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 Free School you want to establish;
- the law and policy as they apply to 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 a 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 receives funding from the Department for Education to provide free advice and support to groups interested in applying to set up Free Schools. We strongly recommend that you contact them before you send in your application. Click [here](#) 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 basis (submitting the full application and, if approved, the huge job of preparing for the school to open) and long term basis (strategic running of the school as well as day-to-day management). The setting up of a school is a challenging task and 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 school¹². This must 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.

¹² This is a requirement under the Academies Act 2010.

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. Free Schools should use our 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**¹³ 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

¹³ There is guidance issued by the Charity Commission on the role and duties of charity trustees [here](#).

any point in the process 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 have the capacity to handle public money. For example, when spending public money you must consider the potential for conflicts of interest¹⁴ 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 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.

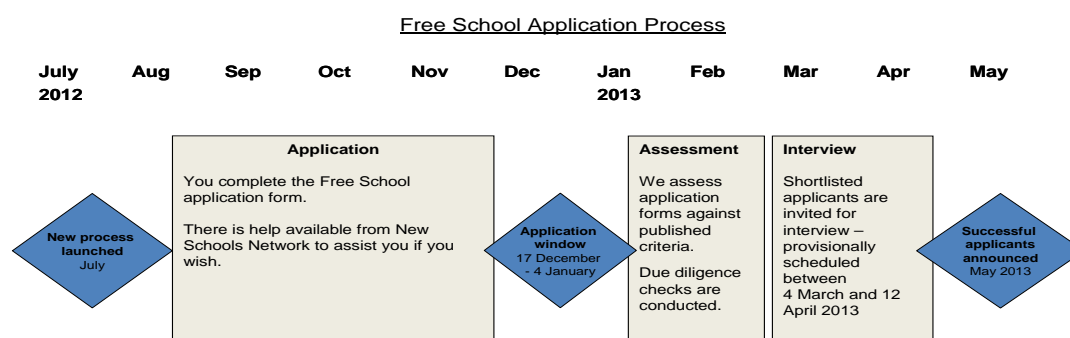
Suitability of applicants and applications

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

¹⁴ The Charity Commission provides guidance on identifying and avoiding conflicts of interest, which is available [here](#).

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 to make sure you understand what you need to do and the information that you must provide.

Assessment of your application

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

Interviews

3.6 If your application is assessed as one of the strongest, we will invite your group to an interview. Interviews are likely to take place between 4 March and 12 April 2013.

Decisions and pre-opening

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

3.8 If the Secretary of State decides your application should progress to the pre-opening stage you will be provided with a dedicated point of contact from the Department for Education, along with support to help secure a site and open your school.

3.9 There will be a significant amount of work to complete between the approval of your special Free School application and your special Free School actually opening. You should therefore be clear that members of your group are able to commit fully 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.

3.10 The Department 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 Free Schools opening in future years with a view to making efficiency savings.

3.11 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.

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

3.13 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 and how much you and your team will have to do in that phase.

Appeals

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

4. How we assess applications

4.1 Your application will be assessed in the following ways:

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

4.2. Applications will also be subject to due diligence and other checks. You can find out more information about these checks in **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 type of SEN being catered for;
- the availability and quality of similar provision in the wider geographical area;
- the age range of the special Free School;
- overall cost;
- value for money;
- the Secretary of State's duty to consider equality issues¹⁵ related to the proposed special Free School;
- the standards of schools in the local area;
- the level of deprivation in the community the school will serve;
- the type of provider; and
- the recent track record, including on education and finance, of applicants who run existing schools.

¹⁵ [Section 149 of the Equality Act 2010](#).

5. Preparing your application

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

- **Section A:** Applicant details and declaration
- **Section B:** Outline of the school
- **Section C:** Education vision
- **Section D:** Education plan
- **Section E:** Evidence of demand
- **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 and 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 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 **Independent schools and NMSS** must include a link to their latest inspection report. They must also submit their last two years' audited accounts with their application, or supply alternative evidence of financial viability where the school has not been open long enough to have two years' worth of audited accounts.

5.6 You need to submit all of this information in order for your application to be assessed. The next chapter provides further information on what we are looking for in each section, how you should provide it and the criteria we will use to assess your application. **Chapter 7** provides further detail about how, when and where to submit your 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. questionnaires, letters of support from local authorities 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 special Free School that is being proposed, including its name, planned yearly intakes and the number of pupils, both statemented and non-statemented, 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 Free School in this area, and its core features and ethos. This is your opportunity to tell us in your own words about the overarching vision for your school and how it informs your education plan. 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 special Free School. Please explain why you have selected the key features of your school, including the proposed age range, type of SEN, curriculum, location, approach to teaching and learning, and whether you intend to cater for pupils with SEN but without statements;
- 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, 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 we are seeking in relation 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.

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 local authority. 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 seven criteria to assess this part of your application. You should read this section carefully to ensure that you provide the required information.

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 (including, if applicable, non-statemented pupils), 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 phases of education and (if relevant) employment and set out how you will prepare pupils to integrate into society successfully after leaving the school, including progression into further education, training or employment where appropriate

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 for any pupils without statements, and meet the different needs and interests of all pupils. The provision set out in their statements must be made for pupils with statements. Pupils without statements should have access to a broad range of

subjects and have their achievements recognised across the curriculum;

- 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 should make a clear distinction between compulsory and optional activities;
- Explain how pupils will be organised, for example through year groups, tutor groups or other class structures and how this links with and supports the education vision; and

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

- Where appropriate the curriculum should include strong references to developing literacy and numeracy skills or the functional elements of English, mathematics, ICT, scientific literacy and personal and social development.

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;
- 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; and
- Provide evidence to demonstrate access to appropriate and high quality specialist SEN expertise.

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 having English as an additional language;

¹⁶ 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.

- Describe the strategies you will use to ensure that pupils with different SEN are catered for appropriately if you propose to apply for multiple SEN designations (including, if applicable, non-statemented pupils); and
- Set out how you will have regard to the [Special Educational Needs Code of Practice](#), including your approach to supporting disabled pupils.¹⁶

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 these are suitable to measure the delivery of your education vision, and what your strategy will be to achieve them; and
- 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: If you are intending to cater for pupils with SEN but without a statement, describe your admissions policy, confirming commitment to fair and transparent admissions practices.

You must:

- Clearly set out the number of non-statemented pupils the school wishes to admit;
- Set out your admissions policy, including the criteria to be used to prioritise places if your school is oversubscribed; and
- If your application includes boarding provision, you should set out a separate admissions policy for boarding places. Your admissions policy must be in accordance with the School Admissions Code¹⁷, the School Admissions Appeals Code and admissions law as it applies to maintained schools. It must be clearly linked to the delivery of your education vision.

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

- special Free Schools will only be allowed to admit non-statemented pupils with a type of SEN for which the school is designated and must set out in their arrangements how they will define this need and give clear details about what supporting evidence will be required (e.g. a letter/report from a doctor or educational psychologist or other specialist) and then make consistent decisions based on the evidence provided). If the Special Free School is oversubscribed for places for non-statemented pupils with the designated SEN, it must prioritise these

¹⁷ Applicants should note that a new version of the School Admissions Code was published in early 2012 and will be applicable to admissions from September 2013 onwards. The new code should be taken into account when preparing applications and is available [here](#).

admissions in accordance with the Admissions Code; and

- Admission of non-statemented pupils is explained further in **Annex E**.

D7: Describe how your approach to behaviour management, pupil wellbeing and attendance will improve pupil outcomes.

You must:

- Set out detailed strategies for promoting good behaviour and attendance that are appropriate for your pupils;
- Describe how you will promote pupil wellbeing, including through pastoral care and strategies for tackling bullying;
- Describe how you will ensure that pupils are kept safe and how you will comply with the relevant safeguarding requirements¹⁸; and
- Describe how these strategies are informed by your education vision and linked to raising standards and educational outcomes.

¹⁸ Available [here](#)

Section E: Evidence of demand

6.13 In this section we are looking for evidence that parents would send their children to your school, there is a local need for the planned provision, and local authorities would name the proposed special Free School on statements of SEN. Funding for special Free Schools is directly related to the number of planned places for pupils with statements, and the number of non-statemented pupils on roll (per pupil funding).

6.14 It is crucial in proving your school can be financially viable that you provide evidence that local authorities would be willing to name your school in statements of SEN, and evidence that parents of non-statemented pupils would send their children to your school.

6.15 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 tables showing the number of pupils with and without statements you intend to have in each year group and the demand you have established. You are required to record the information separately for pupils with and without statements. Part 2 is where you should provide the information we are seeking in relation to the criteria below. The more evidence you can provide to show you have demand for the number of pupil places you need to fill in the first two years of the school being open, the better. You must show that this demand is for your specific school and you must have engaged directly with the parents, community and local authorities you will be serving.

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

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

All applications must:

- Provide evidence to support the need for the type of provision proposed, for example demonstrate that it is not catered for locally or where the only alternatives are low quality or too costly;

Where your school intends to admit pupils with statements of SEN you must:

- Provide written evidence from local authorities that they are willing to name the special Free School in pupils' statements. Applications will be marked more highly where the evidence demonstrates a clear commitment from local authorities to a number of places and/or their willingness to pay top up funding for places¹⁹;

¹⁹ Where a local authority names a special free school in a statement, it is committing to funding the costs of the placement.

- Please provide evidence from parents of statemented pupils that they would request your school to be named in their child's statement of SEN (this question could be included within your survey).

Where your school intends to admit pupils with a type of SEN your school caters for but without statements of SEN you must:

- Provide information that clearly shows the number and children where parents have indicated that they would to send their children to your particular school and how many children would enter in 2014 and how many in 2015. You must ask parents who could realistically send children to the school, i.e. your school will only be able to admit children who have the particular SEN your school will cater for. You will need to have in mind your stated admissions policy;
- 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 include a question asking parents to confirm their child has a type of SEN for which your school caters to ensure responses are from parents whose children could realistically be admitted to your school. Examples of survey questions that demonstrate this include: "do you support the ethos and objectives of X special Free School?" and "will this special Free School be your first choice for your child?" We do not expect applicants to ask interested parents to provide documentary evidence that their child has a type of SEN for which the proposed special Free School will cater but applicants should assure themselves that parental responses are genuine and realistic;
- Provide a template of the survey form you asked parents to complete;
- Tell us how you have engaged directly with the community. This could be through public meetings, attendance at community events, discussions with local schools or parents, handing out leaflets in your local area etc.

If your application includes boarding provision, you must:

- Demonstrate demand for boarding as well as day places.

If you are applying as an independent school or NMSS, you should:

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

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 school only reaches 80% capacity in terms of pupil numbers; 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 on-going basis.

E2: Demonstrate how you intend to reach out to the wider community including, where relevant, children from a range of backgrounds, faiths and abilities.

You must:

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

Section F: Capacity and capability

6.17 You must demonstrate to us 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 within your group. 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 a 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 in to context.

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

- Expertise could come: from within your group²⁰; 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.

²⁰ 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, in particular demonstrate that you have relevant high quality SEN educational expertise in your long-term group;
- 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 breadth of skills needed to oversee successfully both the implementation of a school and its operation once open.

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

- Where you have already identified a preferred principal designate, 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 date²¹.

²¹ The salary will need to come from your project development grant.

Section G: Initial costs and financial viability

6.21 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. Applicants should note that funding for pupils without statements of SEN will be based on the per pupil funding mainstream schools in the area in which the special Free School will be situated would receive for similar pupils with SEN but without statements. Some local authorities provide higher levels of mainstream funding for pupils with SEN without statements. The financial spreadsheet will calculate the indicative funding your school might expect to receive based on the number of non-statemented pupils you input and local authority area in which your school will be based.

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

6.23 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 assumptions with benchmarking data.

6.24 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. One way of doing this would be to show that your proposed spend is lower than existing benchmarks for similar schools. The financial operation of Free Schools is governed by the [Academies Financial Handbook](#)²².

Preparing your financial plans

6.25 Before you begin to develop your finance 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**.

6.26 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 your application form of how you developed your financial plans and the thinking behind them. As part of

²² The Department is currently revising the Academies Financial Handbook. A revised version will be published on the Department's website in due course.

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 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 special Free School applications²³; 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. 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. This plan should show how you would use the funding you do receive and what changes to your plans you would make. You should not simply increase the percentage of children on free school meals or the amount of third party income to compensate for the reduction in per-pupil top up funding for statemented pupils, or per-pupil for non-statemented pupils.

Key points to remember when preparing your financial plans

6.27 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 has pupils in each year group. **It is expected that a special Free School will be at capacity by the fourth year of its operation.** If the proposal is for an existing independent school or NMSS 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, fees may be charged to cover the cost of board and lodging only. For pupils with statements of SEN that specify residential provision is required the cost of residential provision will be met by the local authority responsible for maintaining the pupil's statement. For non-statemented pupils and pupils with a statement that does not require residential provision, these costs will be met by parents;
- 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;
- The plans should not be predicated on your school being able to borrow

²³ The special financial plan template must **not** be used for applications for mainstream. 16 to 19 alternative provision, studio schools, or university technical colleges – separate templates are available for those applications.

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 provides some data which is available [here](#) and the 2010-11 Academies Spend Data is available [here](#);
- 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 Department for Education 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.

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

Completing the spreadsheets

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

Criteria used in assessment of this section

6.30 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 independent school or NMSS 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.
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You must:

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| <ul style="list-style-type: none">• 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.;• Clearly state and provide evidence that local authorities are willing to pay the per pupil top up funding rates you intend to charge for statemented pupils;• Outline the assumptions that you have made when estimating the income and |
|--|

expenditure for the school and confirm which benchmarking data you have used;

- 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 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 there are pupils in each year.

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 in which you have pupils in each year (the 'post-opening' period) Note: Special Free Schools are expected to be at full capacity by the fourth year of operation.
- Demonstrate how you have minimised the need for any post-opening funding, particularly the leadership grant²⁴. 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).

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 expenditure to spend less than your income if you were not able to achieve the levels of income you assumed in your first financial plan. For example, the amount received from local authorities for statemented pupils was less than anticipated because of a reduced requirement for places, or the number of non-statemented pupils did not reach the anticipated level. You must show how you would do this whilst still being able to deliver 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. For example if you propose to have a 100 place school you should reduce the number of places within the second spreadsheet to 80, which would mean you would receive reduced per place central funding and local authority funding. If your special Free School will cater for both statemented and non-statemented pupils, you should reduce both pupil populations equally.

You should not increase the percentage of children on free school meals or the amount of third party income to compensate for the reduction in per-pupil funding.

²⁴ See Financial Template notes for more on staff diseconomy funding.

G4: For existing independent schools or NMSS, show that the existing school has a good track record of financial management and explain any existing financial issues which could impact on becoming/establishing a special Free School.

You must:

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

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

6.32 We would like to know where you would prefer your school to be. In your application you should include details of up to two preferred sites that your proposed school could potentially open on. However, not having a preferred site at this stage 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). 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.

6.33 We will also make an overall cost and value for money assessment of your proposed 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 EFA by contacting them by [email](#).

6.34 We do not expect to provide capital funding to independent schools that do not plan to create additional places. If you wish to expand provision as an independent school, 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.

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

6.36 **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, 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

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

6.38 **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.

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

- your reasons for choosing it;
- the address and postcode;

- 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;
- its availability and the nature of the tenure; and
- why you think it is suitable for your school and how it will support delivery of your education vision.

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

Free Schools in public and government buildings

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

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

6.42 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 sites with us.

6.43 If you are interested in this property please email the Education Funding Agency at this [address](#). The EFA will provide you with further detail about the site and will be able to advise you on how it might match your education vision.

Section I: Due diligence and other checks

6.44 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.

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

6.46 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.

6.47 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 special Free School.

6.48 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.

6.49 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.

6.50 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.

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

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

6.53 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 of these dates will not be considered. You need to submit **one copy by email** to special.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. questionnaires, maps and placement evidence from local authorities) 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 Suitability and declarations 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

considered²⁵. Please use the checklist in **Annex F** of this document to ensure that you have provided all the information we need to assess your application.

²⁵ Applicants should not submit additional supporting material after this date, although the Department for Education reserves the right to request additional information if deemed necessary.

8. Support for applicants

Useful contacts

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

- For general advice, please contact the [New Schools Network](#). The New Schools Network is an independent charity which 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 the Department's 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:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies>

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:

www.companieshouse.gov.uk/

Department for Education Procurement Guidance for Free Schools:

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:

www.legislation.gov.uk/ukpga/2010/15/contents

<http://education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010>

Free Schools Indicative Budget Allocation Calculator:

This ready reckoner is based on information relating to the 2012/13 academic year and provides **illustrative information only**. It does not reflect the actual funding schools will receive from 2014/15 onwards -

<http://media.education.gov.uk/assets/files/xls/m/mainstream%20free%20schools%20ready%20reckoner%20tool.xls>.

A ready reckoner tool for 16-19 funding is also available –

<http://media.education.gov.uk/assets/files/xls/1/16-19%20free%20schools%20ready%20reckoner%20tool.xls>

Frequently asked questions about Free Schools:

www.education.gov.uk/schools/leadership/typesofschools/freeschools/freeschoolsfaqs

Governance guidance:

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

Model Free School funding agreements:

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

Model Free School memorandum and articles:

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

Information on existing Free Schools' projects:

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

New Schools Network:

<http://newschoolsnetwork.org/>

Residential Special Schools, National Minimum Standards

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00075-2011>

School Admissions Code and School Admissions Appeals Code: a new version of the School Admissions Code was published in early 2012 and will be applicable to admissions from September 2013 onwards. The new code should be taken into account when preparing applications and is available at:

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations>

Schools benchmarking website (for examples of maintained school finances):

<https://sfb.teachernet.gov.uk/Login.aspx>

Seven Principles of Public Life:

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

Special Educational Needs Code of Practice:

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

Special Educational Needs Next Steps and Progress 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). They are designated for specific type(s) of SEN. Further information on SEN designations is at **Annex D**. Once a school is open, approval from the Secretary of State would be required if it wishes to change or extend its designation to other types of SEN. 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 pupils without statements falls within the School's Admission Code and will be regulated in terms set out in a special Free School's Funding Agreement. Further information on the admission of pupils with SEN but without a statement is provided in **Annex E**;
- **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. This must include 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/residential provision:

- **boarding:** a school that provides residential accommodation for some or all of its pupils. For mainstream Free Schools, and non-statemented children 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, alternative provision Free Schools, and statemented

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

We have provided a grid below to help you pick which route best fits your proposed school. The key thing to think about is the type of pupils your school wishes to cater for and how you want to admit them. You should also include a short rationale at the beginning of the application under **Section C: Education vision**. This should set out what it is you wish to do and how you believe this will improve educational standards for your pupils. It should set out which pupils you wish to cater for, their needs and how you plan to admit them.

If you submit a strong application 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 for local authority maintained schools (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	Pupils with statements of SEN placed by the local authority	Must meet the needs of all pupils and, where appropriate, should	£10,000 per place funding for children with statements of SEN with additional

	<p>maintaining the pupil's statement</p> <p>Admission of non-statemented pupils must comply with the School Admissions Code</p>	<p>be be broad and balanced²⁶.</p>	<p>funding for individual pupils agreed with the local authority commissioning the place. 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 successful special Free Schools on a case by case basis to ensure appropriate funding is available</p>
<p>Alternative Provision</p>	<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>

²⁶ 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: Special 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. This will include the cost 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. Project development funding for Free Schools 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 or below 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

Funding is currently allocated to special free schools on a per place basis for statemented pupils (with top up funding to be negotiated between the school and local authority responsible for each individual statemented pupil placed in the school). Funding for pupils with a type of SEN for which the school is designated but without a statement will be on a per pupil basis with funding based on mainstream pupil levels. The more pupils you have, the more funding you get. This is why having evidence of demand for your school, from both local authorities and parents, 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 the building.

Special Free School Funding Explained

Review of school funding

Special Free Schools should state in their application the number of places they intend to provide for pupils with statements of SEN. Schools will receive a base level of funding of £10,000 per place. Special Free Schools will need to agree with the local authority responsible for maintaining an individual pupil's statement the additional funding required in respect of each pupil placed at the school. This additional funding will be paid directly to the school by the placing local authority. Schools also receive a share of the Local Authority Central Services Equivalent Grant (LACSEG) for each place on the same basis as a special Academy in the local authority area in which the school is situated.

If a special Free School intends to cater for pupils with a type of SEN for which the school is designated but without a statement of SEN it should state in its application the maximum number of such pupils for which it intends to cater.

Funding for these pupils will be on a per pupil basis based on the number of non-statemented pupils on roll. The per pupil funding level will be based on mainstream levels of funding. For the purposes of the financial template you should use the mainstream per pupil level funding in the local authority area in which the school is situated. This will provide an indication of the level of funding a special Free School is likely to receive. The actual level of per pupil level funding is likely to be higher than that indicated when the new school funding system is implemented. We will work with successful applicants on an individual basis to determine the optimal funding arrangement taking into account the changes that will have been implemented through the funding reforms.

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 there being pupils in each year group. This funding 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 funding it receives.

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 amount of the remainder of the 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 Special Free 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 where the amounts provided to the school are dependent on 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 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
Mainstream Primary	£80,500	£67,500	£54,000	£40,500	£27,000	£13,500	£283,000
Mainstream Secondary			£125,000	£93,500	£62,500	£31,000	£312,000

The staff post-opening funding 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 independent schools or NMSS becoming Free Schools will **not** normally be eligible for any post-opening funding.

Funding for nursery provision

Special Free Schools are also able to offer nursery provision if they wish, and may offer the 15 free hours a week to which every three and four year old, and the most disadvantaged two year olds are entitled. The funding you receive to establish your Free School and provide for compulsory age education cannot be used for this purpose. Rather, funding for free early education is provided by the local authority using each local authority's Early Years Single Funding Formula. If you are interested in offering nursery provision, you should speak to your local authority to find out whether you would be eligible for funding from them and how much you could receive. Free Schools are also able, should they wish, to offer provision which exceeds any local authority free entitlement, including for under threes. Subject to their funding agreement free schools may fund this by charging parents directly, or through a subsidiary company, or by contracting with an independent provider who levies charges.

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 the Department for Education 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

Equivalence – the principle that Free Schools will receive funding which is equivalent to the funding they would receive as an Academy or maintained school in the same local authority area.

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 (the first year after you have pupils in each year group), 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 younger pupils the FTE total would be 115.

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

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

Governors – see definition for 'Directors' above.

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

Non-maintained special schools (NMSS) – are independent schools specially organised to make provision for children with SEN. They run by charities or charitable trusts on a not-for-profit basis and are approved by the Secretary of State under section 342 of the Education Act 1996.

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 there is a full cohort of pupils) 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 has every pupil year group in place.

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.

Religious education (RE) - all schools must teach religious education. For schools that are not designated as a school with religious character, the RE curriculum must reflect that the religious traditions in Great Britain are, in the main, Christian, while taking account of the teaching and practices of the other principal religions in the country.

School action and school action plus – programmes for children with special educational needs who are not 'statemented'.

School Admissions Code and School Admissions Appeals Code - mainstream Free Schools must comply with the School Admissions Code which is a statutory document published by the Department for Education and ensures equity and fair access for all. Applicants should note that a new version of the School Admissions Code was published in early 2012 and will be applicable to admissions from September 2013 onwards. The new code should be taken into account when preparing applications.

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 headteacher 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 refers to the situation in which a company or individual's debts exceed their assets or if a company or individual has insufficient funds available to meet its debts as they fall due.

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

Statutory assessment of SEN - 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.

Statutory assessment arrangements - this includes administering the phonics screening check at the end of Year 1; reporting teacher assessment judgements (informed by tests and tasks) at the end of Key Stage 1; administering National Curriculum Tests and reporting teacher assessment judgements at the end of Key Stage 2; and reporting end of Key Stage 3 teacher assessment judgements.

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: SEN Designations

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

A. Cognition and Learning Needs

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

B. Behaviour, Emotional and Social Development Needs

- Behaviour, Emotional and Social Difficulty (BESD)

C. Communication and Interaction Needs

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

D. Sensory and/or Physical Needs

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

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

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

A. Cognition and learning needs

Specific Learning Difficulty (SpLD)

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

Specific learning difficulties include:

Dyslexia

Pupils with dyslexia may learn readily in some areas of the curriculum but have a marked and persistent difficulty in acquiring accuracy or fluency in learning to read, write and spell. Pupils may have poor reading comprehension,

handwriting and punctuation. They may also have difficulties in concentration and organisation and in remembering sequences of words. They may mispronounce common words or reverse letters and sounds in words.

Dyscalculia

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

Dyspraxia

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

Moderate Learning Difficulty (MLD)

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

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

Severe Learning Difficulty (SLD)

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

Profound and Multiple Learning Difficulty (PMLD)

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

B. Behaviour, emotional and social development

Behavioural, Emotional and Social Difficulty (BESD)

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

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

C. Communication and interaction needs

Speech, Language and Communication Needs (SLCN)

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

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

Autistic Spectrum Disorder (ASD)

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

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

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

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

D. Sensory and/or physical needs

Visual Impairment (VI)

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

Hearing Impairment (HI)

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

Multi-Sensory Impairment (MSI)

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

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

Physical Disability (PD)

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

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

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

Annex E: Admission of pupil to special Free Schools

Pupils with statements of SEN

Local authorities have a statutory duty to identify, assess and make provision for children with SEN. Where a local authority has carried out a statutory assessment and decided to issue a statement of SEN they will issue a draft statement to parents. Parents can request the local authority to name their preferred choice of school in their child's statement. However, the final decision on the school to be named rests with the local authority responsible for maintaining the statement.

Once a special Free School is named in a statement then it is under an obligation to admit the child, even if the child's SEN is not a type of SEN for which the school is designated.

Pupil without statements of SEN

A special Free School may wish to cater for pupils who do not have a statement of SEN. If a special Free School intends to cater for non-statemented pupils then it must adopt fair practices and arrangements that are in accordance with the [School Admissions Code, the School Admissions Appeals Code](#) and admissions law as it applies to maintained schools.

A special Free School will only be able to admit non-statemented pupils who have an identified type of SEN for which the school is designated. A school will not be able to admit pupils who either have no identified SEN or a type of SEN for which the school does not cater.

The school's admission policy must set out the arrangements as to how they will define this need. The SEN designations in **Annex D** provide a description of the types of SEN and will prove helpful to schools in defining these needs.

The admissions policy should also give clear details about what supporting evidence will be required. A parent's admission application will need to be supported by some evidence of their child's SEN. This may be a letter/report from a doctor or educational psychologist or other specialist or a record of discussions about their child's needs with their existing school. We would expect any pupils without statements to already have an identified SEN and some form of evidence to support this.

It is the responsibility of the parent to provide the supporting evidence the school has set out in its admissions policy. It is the school's responsibility to ensure it makes consistent decisions based on the evidence provided so it complies with the Schools Admissions Code and legislation and its Funding Agreement with the Secretary of State.

Annex F: 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 to cover all of the following areas:		
Section A: Applicant details – including signed declaration	<input type="checkbox"/>	<input type="checkbox"/>
Section B: Outline of the school	<input type="checkbox"/>	<input type="checkbox"/>
Section C: Education vision	<input type="checkbox"/>	<input type="checkbox"/>
Section D: Education plan	<input type="checkbox"/>	<input type="checkbox"/>
Section E: Evidence of demand	<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. Independent schools only: you have provided a link to the most recent inspection report	<input type="checkbox"/>	<input type="checkbox"/>
6. Independent schools only: you have provided a copy of the last two years' audited financial statements or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
7. All relevant information relating to Sections A-H of your application has been emailed to special.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"/>
8. 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, between 9am on 17 December 2012 and 6pm on 4 January 2013.	<input type="checkbox"/>	<input type="checkbox"/>
Checklist: Section I of your application		
9. A copy of Section A of the form and as many copies of the Section I Suitability and declarations 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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