



Department  
for Education

# How to apply to set up a mainstream free school

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# 1. Introduction

**We want to extend the benefits of the free schools programme to areas that have not previously benefitted. Every child in this country should have the opportunity to get the very best education, giving them knowledge and skills that set them up for life. If you have a proposal for a free school that will help us deliver this ambition and meets our criteria, we want to hear from you.**

1.1. Thanks to the hard work of teachers and to government reforms, there are 1.9 million more children in good or outstanding schools than there were in 2010. The free schools programme has played an important part in this by creating thousands of good new school places for children.<sup>1</sup> Based on 2017 average Progress 8 scores, free schools are the best performing type of secondary school.<sup>2</sup> In addition, free schools have introduced new providers into the system and injected innovation, challenging orthodoxies of English schooling.

1.2. We now want to go further. There are some parts of the country, including the north-east where, historically, we have had low numbers of applications. We want these areas to experience the benefits that come from having a range of expertise from across the education sector when opening new schools; whether that be existing multi-academy trusts or new providers.

1.3. This wave is the first step towards achieving this ambition. This wave's application criteria target areas with the lowest educational performance, to put free schools in the places most in need of good new schools. As a result, we are looking for proposals to open great schools in areas that have both low standards and a basic need for additional school places to merit establishing a whole new school. In doing so we continue to seek and encourage applications to open new free schools that bring innovation to the wider education system.

1.4. The government has previously announced that it will approve around 110 applications for new schools over the next three years. In this targeted wave we are looking to approve around 35 new mainstream primary, secondary, all-through and 16-19 free schools in total.

1.5. This wave is only open to proposals for mainstream free schools with the presumption that any new primary or all-through school will also include a nursery. We will invite applications to open around 30 special free schools and alternative provision (AP) free schools in summer 2018. Separate guidance is also available for our most selective maths universities interested in opening a 16-19 maths school.

1.6. Opening a free school is challenging, but incredibly rewarding. If you are passionate about making sure the next generation is best prepared to face the challenges and opportunities that lie ahead, the next steps you will need to take are set out in this document.

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<sup>1</sup> [Maintained schools and academies inspections and outcomes as at 31 December 2017](#)

<sup>2</sup> Table 2a in the publication [Revised GCSE and equivalent results in England: 2016 to 2017](#).

## 2. A summary of what we are looking for in wave 13

2.1. The wave 13 application criteria target areas with the lowest educational performance, to put free schools in the places most in need of good new schools.

2.2. **This means that we are looking for applications that are located in both:**

- Areas where there is demonstrable **basic need for a high proportion of the additional school places that the free school will provide** to prevent creating an oversupply of places in the area. To help you identify potential areas that meet our criteria, we have published [additional information](#) about the **basic need** for school places in each local authority planning area (Section B1) **and**
- One of the targeted districts identified by the department as having the **lowest standards and lowest capacity to improve** (see [Annex G](#) for a full list). If your proposed school is **not** in one of these areas, you will need to demonstrate that it is in a **'pocket' of low standards** where there is a very strong case for a free school (Section B2).

2.3. We particularly encourage applications that would extend the free schools programme to areas that have not previously benefitted. You can find the location of existing free schools, as well as free schools in the pre-opening stage, on [GOV.UK](#).

2.4. If there is significant basic need in an area, but it is not one of the targeted local authority districts and not a 'pocket' of low standards, the local authority should decide whether a [free school presumption](#) competition is needed.

2.5. **If your application meets our criteria for location, we will then assess the rest of your application, particularly looking for those that:**

- Can demonstrate a **strong track record** of providing a high standard of education, including closing the gap for disadvantaged pupils (Section F1).
- Have a **clear vision** for how the proposed school will improve outcomes and enhance the life chances of children within the local community. This vision will need to be evidence-based with a clear implementation plan (Section C).
- Offer **good value for money**, with an affordable education plan. We will give preference to those applications where we are likely to be able to secure a value for money site in a timely manner; in particular, those that include a commitment to use a local authority or government owned site on a peppercorn rent (Section H).
- Have a strong understanding of the **teacher recruitment and retention issues** that your school might face, taking into account any local, regional or national factors relevant to your context, with clear mitigations (Section E3).
- Have a **new or innovative approach**. We are particularly interested in applications that show how they would add value to the wider schools system by, for example, introducing a new pedagogy and sharing expertise and learning (Section C).

2.6. You can find the full criteria against which we will assess applications in [Chapter 6](#) of this document.

### 3. Process overview

#### I have an idea for a new free school. What do I need to do next?

Read this document fully as it sets out clearly what we will be looking for in your application. Consider whether your proposal meets the published criteria.

Identify where you want to open your school. Wave 13 is targeted at the third of local authority districts with the lowest standards and lowest capacity to improve (see [Annex G](#) for a full list). There must also be basic need for a high proportion of the additional school places that the free school will create. In addition, we want to extend the free schools programme to areas that have not previously benefitted.

Contact:

- [New Schools Network](#) (NSN) who will be able to provide advice and guidance.
- The relevant local authority to get information on basic need, its strategic school improvement plans for the area and whether there is a suitable site available for your proposed school on a peppercorn rent.
- The office of the appropriate Regional Schools Commissioner to discuss your proposal in the context of existing provision in the area.

#### What do I need to do to submit an application?

You **must** [register your interest](#) online between 18 June 2018 and 1 October 2018. We will then provide you with the application forms to complete.

If you do not already run an academy, you will need to establish an academy trust (a company that operates an academy or free school) before you submit your application. You can find information about setting up an academy trust in [Annex A](#) and additional guidance is available from NSN.

Begin work on your application, gathering all the material that is required. The criteria section of this document sets out the information that you will need to provide.

Complete the Excel and Word application forms. You must address all of the criteria.

Once you have completed your application, you should submit it by **midday on Monday 5 November 2018**.

Please refer to [Chapter 5](#) for more information on the application process.

## 4. Different routes for opening a new school

4.1. Government supports groups who want to open high quality new state-funded schools, principally through the following routes. If you decide that opening a new school is not the right choice for you, there are other ways to get involved with the schools system. For example, you could [sponsor an academy](#). This document is about the central mainstream free schools programme, but the information in this chapter should help you to decide which route is right for you.

### Central mainstream free schools programme

<b>Who initiates the process?</b>	Government invites applications from groups to establish high quality new schools.
<b>What types of school can be opened through this route?</b>	Mainstream primary, secondary, all-through or 16-19 free schools. Trusts submit bids to the department to open a school. We welcome applications from experienced and new providers. Our response to the <i>Schools that Work for Everyone</i> consultation set out our aspirations for greater cross-sector collaboration; supporting universities and independent schools to partner with the state sector to raise attainment and aspiration and to establish free schools. We are not currently accepting applications from independent schools that wish to become state-funded.
<b>Who provides the capital?</b>	The department can provide the capital for land and construction for these free schools. To secure best value for money, where possible we look to supplement this funding with other contributions. This includes the provision of a site from local authorities or contributions from developers.
<b>Where can I find more information?</b>	This guidance document sets out all the information that you need to apply to the central free schools programme.

### Presumption free schools

<b>Who initiates the process?</b>	Local authorities, who have a legal duty to ensure there are sufficient school places in their area. Where local authorities identify the need for a new school they must seek proposals to establish a free school through this process.
<b>What types of school can be opened through this route?</b>	Mainstream primary, secondary, all-through, 16-19, special and AP free schools can be opened through this route. The local authority decides what type of school is needed and produces the specification for the school, which it will use to seek proposals from sponsors to establish the new school.
<b>Who provides the capital?</b>	The local authority is responsible for providing the site for the new school and meeting associated capital costs, principally using basic need capital funding provided by the department and any contributions from developers.



<b>Additional information</b>	<p>Once the deadline for submitting proposals to the local authority has passed, the local authority will assess the proposals and recommend its preferred approved academy sponsor to the relevant Regional Schools Commissioner (RSC) who will make the final decision on behalf of the Secretary of State.</p> <p>Once a sponsor has been appointed, the local authority will work directly with the sponsor to open the school. While the school is in the pre-opening stage, the department tailors the support it provides to the needs and experience of both the local authority and the sponsor. The department offers guidance, support and challenge, as required, to ensure that the school will operate successfully once open. The final decision to open the new school depends on the Secretary of State entering a legal contact (a funding agreement) with the academy trust.</p>
<b>Where can I find more information?</b>	<p>Presumption competitions are published on both the local authority's website, alongside the school specification, and on the <a href="#">GOV.UK</a> website. For more information, see <a href="#">the free school presumption guidance</a> for local authorities and sponsors. Sponsors interested in establishing a presumption free school can find <a href="#">a list of local authorities seeking proposers</a> on the <a href="#">GOV.UK</a> website. Additional support is also available from <a href="#">NSN</a>.</p>

## Voluntary-aided schools

<b>Who initiates the process?</b>	<p>Any person or organisation (e.g. a local authority or diocese) may publish a proposal for a new voluntary-aided school, in response to a clear demand for the places that the new school will provide.</p>
<b>What types of school can be opened through this route?</b>	<p>Mainstream primary, secondary, all-through, 16-19 and special maintained schools can be opened through this route, and organisations submit a proposal for a school of their choosing. Proposals are submitted to the local authority, unless put forward by the local authority. In these instances, proposals are instead submitted to the Schools Adjudicator.</p>
<b>Who provides the capital?</b>	<p>The proposer is required to contribute 10% of capital costs. The government has also announced in its <a href="#">response to the Schools that Work for Everyone consultation</a> that we will be establishing a capital scheme to support the creation of new voluntary-aided schools. We will be developing the details of this scheme over the coming months and will set out the arrangements by which proposers can apply for capital funding later this year.</p>
<b>Additional information</b>	<p>Voluntary-aided schools have certain freedoms, including over their admissions, which enable them to give priority for admission to up to 100% of pupils on the basis of faith if they are designated as having a religious character.</p>
<b>Where can I find more information?</b>	<p>More information on the statutory process for opening a voluntary-aided school can be found on <a href="#">GOV.UK</a>.</p>

## Special and Alternative Provision (AP) free schools

<b>Who initiates the process?</b>	Government invites local authorities to submit an expression of interest (EOI) for a new special free school and/or AP free school where it would benefit their area.
<b>What types of school can be opened through this route?</b>	This is the only route that the department will use to fund special and AP free schools. Local authorities complete an EOI setting out the key features of the school they want (such as the location, age range, size and specialism).
<b>Who provides the capital?</b>	The department can provide the capital for land and construction for these free schools. To secure best value for money, where possible we look to supplement this funding with other contributions. This includes the provision of a site from local authorities.
<b>Additional information</b>	We will invite local authorities to submit EOIs in summer 2018. Once we have decided which EOIs should be taken forward, we will run competitions in the successful areas and invite applications to open around 30 special and AP free schools. This will be the first time that the process has been used for inviting both Special and AP free school applications, building on the success of the first local authority commissioned special free schools round which ran in 2017.
<b>Where can I find more information?</b>	Further information will be published on <a href="http://GOV.UK">GOV.UK</a> in summer 2018.

## Maths schools

<b>Who initiates the process?</b>	A highly selective maths university and/or partner organisation submits an expression of interest to the department.
<b>What types of school can be opened through this route?</b>	16-19 maths schools. The department will work with England's best maths universities to establish these types of free schools.
<b>Who provides the capital?</b>	The department can provide the capital for land and construction for maths schools. If there is a possibility of the maths school being located on the university campus and that option offers good value for money, this is something the department would look to support.
<b>Additional information</b>	Maths schools are being established to address the country's shortages of highly skilled graduates in sectors that depend on science, technology, engineering and maths (STEM) skills, as set out in the government's Industrial Strategy.
<b>Where can I find more information?</b>	The maths school how to apply guide can be found on <a href="http://GOV.UK">GOV.UK</a> .

## 5. The application process explained

5.1. This chapter outlines the process for applying to open a mainstream free school in this application wave. Read this section carefully before completing your application, as there are some important changes from previous waves.

### Key dates

<b>10 May 2018</b>	Wave 13 is launched – the how to apply guide and PDF versions of the application forms are published.
<b>18 June 2018</b>	Pre-application registration opens. Once you have registered your interest, we will provide you with the Word and Excel application forms for you to complete. <b>There is no other way to access the forms than to register your interest.</b>
<b>01 October 2018 (midday)</b>	Pre-application registration closes.
<b>05 November 2018 (midday)</b>	Revised deadline for submitting your application to open a free school in wave 13.
<b>Early 2019</b>	Interviews for wave 13 applications start.
<b>Spring 2019</b>	Approved applications announced.

### What to do and who to speak to before you apply

5.2. When considering applying to open a free school, we recommend that you first contact the **New Schools Network (NSN)** to discuss your proposal. NSN receives a grant from the Department for Education to provide free advice, guidance and resources to those hoping to open free schools. For example, if you currently run a standalone academy or one or more maintained schools (including in a federation), they can provide advice on governance arrangements and the transition to a multi-academy trust (MAT). NSN can also put applicants in contact with groups that have been successful in previous waves (including MATs and universities).

### Identifying a location for your proposed free school

5.3. We want to extend the benefits of the free schools programme to areas that have not previously benefitted, such as the north-east. Wave 13 is the first step towards achieving this ambition and is geographically targeted. We are looking to open free schools in the areas where they are most needed and likely to have the biggest impact on improving outcomes.

5.4. To be successful, all applications must be in one of the targeted districts identified by the department as having the lowest standards and lowest capacity to improve (see [Annex G](#) for a full list). If your proposed school is **not** in one of these areas, you will need to demonstrate that it is in a 'pocket' of low standards where there is a very strong case for a free school. **All applications must also** have demonstrable basic need for a high

proportion of the school places that the free school will create. You can find more information on this in [Section B2](#) of the assessment criteria.

5.5. You may be proposing a school that is designed to serve a wider catchment area than other local schools (for more information see Section B). If this is the case, you must still demonstrate that the proposed catchment area includes targeted local authority districts and/or substantial 'pockets' of low standards. There must also be demonstrable basic need for a high proportion of the school places that the free school will create.

5.6. Therefore, in order to ensure your proposal has the best chance of success, **you will need to think very carefully about the area in which you want to apply to open a free school.**

5.7. You should check whether the local authority district you would like to open a school in is one of those that has been identified by the department as having the lowest standards and capacity to improve. A list of these districts can be found in [Annex G](#). More information on the methodological approach behind identifying the areas, and a full list of local authority districts with indicator data can be found [here](#).

5.8. You should also check whether your proposed school is in an area with demonstrable basic need for a high proportion of the additional school places that the free school will create. You should **contact the relevant local authority** as they will be able to provide more detailed information on the basic need for new school places in your proposed area. You should make yourself familiar with the future basic need projections, including their limitations.

5.9. To help you identify potential areas that meet our criteria, we have published [additional information](#) about the estimated basic need for school places. To access the relevant data, you will need to open 'Additional tables: SFR07/18', tabs B5 and B6. We have also published this information in a [map](#), which highlights targeted areas.

5.10. These estimates of places needed are derived from data collected in the school capacity survey 2017 (SCAP) and information held on places added through centrally funded programmes. The school capacity survey is an annual collection of data from local authorities including information on the capacities of schools, forecasts of pupil numbers, and some capital projects to deliver new places. The information it provides is an annual snapshot, so be aware that the basic need may well change. In addition, the information about centrally funded programmes only takes account of free school projects due to open in 2018. Therefore, we recommend you also consider the full list of pipeline free school projects on [GOV.UK](#).

5.11. The published data is intended to be a helpful tool. **You will still need to talk with the local authority to understand the full and up-to-date picture of basic need in the area, including any existing plans to meet the need.**

5.12. You should also contact the office of the appropriate **Regional Schools Commissioner (RSC)** to discuss your proposal. RSCs and their offices will be able to discuss your plans within the context of existing provision and education plans in the area. RSC contact details are in the table below:

Region	RSC	How to contact
<a href="#">East of England and North-East London</a>	Sue Baldwin	<a href="mailto:rsc.eastnelondon@education.gov.uk">rsc.eastnelondon@education.gov.uk</a>
<a href="#">Lancashire and West Yorkshire</a>	Vicky Beer	<a href="mailto:lwy.rsc@education.gov.uk">lwy.rsc@education.gov.uk</a>
<a href="#">North-West London and South-Central England</a>	Martin Post	<a href="mailto:rsc.scnwl@education.gov.uk">rsc.scnwl@education.gov.uk</a>
<a href="#">North of England</a>	Janet Renou	<a href="mailto:rsc.north@education.gov.uk">rsc.north@education.gov.uk</a>
<a href="#">East Midlands and the Humber</a>	John Edwards	<a href="mailto:emh.rsc@education.gov.uk">emh.rsc@education.gov.uk</a>
<a href="#">South-West England</a>	Lisa Mannall	<a href="mailto:rsc.sw@education.gov.uk">rsc.sw@education.gov.uk</a>
<a href="#">West Midlands</a>	Christine Quinn	<a href="mailto:rsc.wm@education.gov.uk">rsc.wm@education.gov.uk</a>
<a href="#">South-East England and South London</a>	Dominic Herrington	<a href="mailto:rsc.sesl@education.gov.uk">rsc.sesl@education.gov.uk</a>

## Identifying a site for your school

5.13. We need to know the area in which you are proposing to open a free school. It is not a requirement to have identified a specific site or premises. We have an internal team with specific expertise that finds and acquires sites for free schools. They also oversee construction, redevelopment and necessary works.

5.14. Your application is more likely to be successful if we judge that we will be able to secure a site that represents good value for money in a timely manner with an acceptable level of risk. This reduces the risk that your project will be delayed or cancelled during the pre-opening phase. You should make enquiries as to whether your preferred site is available for acquisition or leasehold, but **you must not enter into any negotiations during the application process or at any other stage**. If your application is approved, we will undertake negotiations to acquire a site for your school.

5.15. We will look favourably on applications that include a commitment to using a site available on a peppercorn basis. You should therefore contact the relevant local authority to discuss whether there is a suitable site available for your proposed school.

5.16. Advice and guidance on how to find sites is available from the Education and Skills Funding Agency (ESFA). If you have any queries or require advice on premises, you can contact the ESFA on [FSC.EOI@education.gov.uk](mailto:FSC.EOI@education.gov.uk). They will be able to give

advice on finding a site, as well as the process and requirements for planning permission and associated approvals.

## Registering your interest

5.17. Once you have identified the proposed area for your free school, you **must** register your interest in applying to be able to submit your application. **Pre-application registration will open on 18 June 2018.** You will be able to register your interest using the [free school pre-application registration form](#). Note that **you must register your interest, even if you have done so before.** Once you have registered your interest, we will provide you with the application forms for you to complete. Your application will not be considered if you use application forms from previous waves.

5.18. When completing the registration of interest form, you will need to provide some very high level details about your proposal, **including a postcode of where you would like to open a school.** If you have not identified a site yet, please tell us the postcode of a central location in your preferred catchment area. It must be a full postcode e.g. DL1 5QE, not DL1.

5.19. You should be aware that we may use the information you provide at this stage to inform our conversations with local authorities and RSCs.

## Setting up an academy trust

5.20. Each free school is run by a specific type of organisation called an academy trust. Academy trusts are formed specifically to establish and run one or more schools. The academy trust is the body that submits the application to open the free school. If you are a new proposer and need to establish an academy trust, you will need to do so before you apply using the department's [model articles of association](#). Further information about setting up an academy trust and considerations for trusts can be found in [Annex A](#) and additional guidance is available from NSN.

## Completing your application

5.21. We will assess your proposal against the criteria set out in [Chapter 6](#). It is therefore essential that you read the assessment criteria before you start to complete your application. Each criterion includes information you must provide for your proposal to be assessed. All criteria are important and you should complete your entire application with care and consideration.

5.22. **If you do not provide the relevant information in your application for any of the criteria, or we judge that the information provided in any section of your application is weak when assessed against the criteria, it is likely that we will not assess the rest of the application and your application will be rejected.**

5.23. If you plan to use policies from another school or education provider, you must explain your reasoning for doing so and cite your sources. If you do not and we subsequently discover you have sourced material from elsewhere, your application may be rejected.



5.24. Checks are conducted on all applicants. This means we will use the personal information you provide to check your suitability to set up a free school. The Department for Education is committed to being as transparent as possible. As such, if your application to set up a new school is successful, we will publish the full application on gov.uk. Please read the full privacy notice in [Annex H](#) for more information about how we will use your personal information.

5.25. If you are reapplying after being unsuccessful in a previous wave, we expect you to explain explicitly under the relevant section of your new application how you have changed your application in response to the written feedback you received. If the feedback provided to you in previous wave(s) is not addressed, it is likely that your application will not be considered further and you may not get full feedback on the application. As well as addressing previous feedback, you must also ensure that your application meets the criteria for wave 13.

## Assessment of your application

5.26. When assessing the case for your proposed school, we will have conversations with local authorities to determine whether there is basic need for the school and consider whether the proposal fits with any local school improvement strategies that they may have planned.

5.27. The first section of your application that we will assess is Section B – evidence of need for a new school in the area. If your application does not meet these criteria, we will stop our assessment and you will not receive feedback on the rest of your application. Therefore, **it is important that you provide all information necessary to demonstrate the case for your school in Section B of the application form.**

5.28. If your application is assessed as one of the strongest, we may invite your group to interview. Interviews will be tailored based on the quality of the application and the strength and track record of your group, the local context in which the school will operate and your understanding of the state school system. Please note that it will not be possible to change the date of your interview.

5.29. In assessing each application, we will take all of the criteria into account. To decide which are the strongest, we will make a judgement, weighing up the benefits and costs of each application.

## Decisions

5.30. Decisions on applications are taken by the Secretary of State. **The decisions are final and there is no appeals process.** You will receive feedback if your application is not successful.

5.31. Approval of your application does not mean approval of every detail, such as your financial plans, preferred principal designate, proposed site, or budget. The approval of your application is also conditional on the capital costs representing good value for money. The Secretary of State may also decide to reprioritise funding for the benefit of the free schools programme as a whole.

## What happens if your application is successful?

5.32. If your application is successful, you will be invited to move to the pre-opening phase. In this phase, you will need to turn your application into a school ready for opening.

5.33. In our experience, projects typically take around three years to open – attempting to open in a shorter timescale is extremely challenging. Although you may have your own preferred opening date for your project, we will usually only agree a provisional opening date once a site has been confirmed and we have assessed how long it will take to deliver.

5.34. Trusts that move into the pre-opening phase will receive a project development grant to cover essential non-capital costs up to the point at which the school opens. This grant must not be used to retrospectively cover any costs incurred in preparing the free school application and getting the school approved into pre-opening. The amount for the grant will vary depending on the type of school the trust is opening and the number of schools the trust is opening in an academic year. Further details on the pre-opening phase and the project development grant can be found in [the free schools pre-opening guide](#) for proposer groups.

5.35. For some projects, progressing to the pre-opening phase is subject to precise and stringent conditions, which are set out in the approval letter. Further conditions may also be set during the pre-opening phase. These conditions often relate to a specific risk that must be addressed for the project to proceed successfully. Failure to meet any of these conditions would make it unlikely that the Secretary of State will be able to enter into a funding agreement with you.

5.36. Where a project fails to make sufficient progress in pre-opening, the opening of the school may be delayed or even cancelled. This demonstrates the immense importance and challenge of the pre-opening phase.

## Funding agreement and opening your school

5.37. The final decision to open any free school depends on the Secretary of State entering into a legal contract (the funding agreement) with the academy trust. The Secretary of State will only sign a funding agreement if he is satisfied that the school will deliver a good standard of education, with a viable and sustainable number of pupils from its first day of operation.



## 6. Assessment criteria

6.1. The criteria by which your application will be judged are set out below. There have been a number of changes made to the assessment criteria for wave 13. We strongly encourage you to read this chapter in full before starting work on your application.

### Section A – Applicant details and outline of school

**All applicant groups** must complete Sections A1 and A2 in full.

#### A1 – Tell us who you are

In this section we ask you for basic information about your applicant group and your academy trust.<sup>3</sup> **There are no assessment criteria for this section.**

If you are applying to establish more than one free school under the same MAT, you only need to complete this section once.

#### A2 – Your chosen school

In this section we want you to tell us the important details of the type of free school you are proposing, including the proposed maximum capacity of your school (see [Annex B](#) for more information).

If you are applying for a primary or all-through free school, you should indicate whether you propose to meet the presumption that your school will include a nursery. We will ask you to provide additional information in later sections of the application form.

- There are no assessment criteria for this section.
- If you are applying for more than one free school, you must complete Section A2 for each free school for which you are applying.

We will use the information that you provide in this and other sections of your application to judge whether you have made the appropriate faith categorisation for your school – none, faith ethos or faith designation.

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<sup>3</sup> All applicants will need to provide details of their company limited by guarantee. If you have not done this, you will need to set one up using the [department's model articles](#). Please do so before you apply. As companies limited by guarantee, certain details will be publicly available on the Companies House website. However, the personal information you provide in Section A1 will be treated in accordance with data protection legislation as set out in [Annex H](#).

## Section B – Evidence of need for a new school in the area

We want to extend the free schools programme to the places that have so far not fully benefited. Wave 13 targets parts of the country where a new free school will have the greatest impact on improving outcomes. As a result, to be approvable all applications must:

- be in one of the districts listed in [Annex G](#) (these are the third of local authority districts identified by the department as having the lowest standards and capacity to improve) **or, if not** in one of these areas, you must demonstrate that it is in a 'pocket' of low standards where there is a very strong case for a free school (more detail below); **AND**
- have demonstrable basic need for a high proportion of the school places that the free school will create.

**If your proposal clearly does not meet the above criteria, it is unlikely to be assessed any further – regardless of the demand you are able to demonstrate for the school.** Therefore, ensure that all evidence of need for your school is included in this section of your application.

The criteria below apply to all schools and we will use a range of data to support our assessment of this section. In most cases, we will look at data within a typical travel to school distance. However, there may be a case for some schools to serve a wider catchment area than other local schools. For example, in some cases there might be an argument that some pupils would travel further to attend a school with a distinctive specialism or a faith designation. **If you wish us to look at need over a wider than standard catchment area, you need provide evidence for why this is appropriate. You may wish to refer to information about the nature of your school in Section C.**

**All applicant groups** must complete section B1. **If you are proposing 16-19 provision (including a sixth form as part of a secondary school) or a nursery**, you will be required to provide additional information.

**All proposals that are not in a targeted local authority district** will also need to complete section B2.

### B1 – Evidence of basic need

**All applicant groups must** provide evidence that there is demonstrable basic need for a high proportion of the school places that the free school will provide to prevent creating an oversupply of places in an area. In most cases, this will mean demonstrating that **a high proportion of the places at the proposed school will be needed to meet a projected shortfall of school places in the local area in the short to medium term.** We recommend that you consider a five-year horizon for primary schools and a seven-year horizon for secondary schools, in line with the data collected from local authorities by the Education and Skills Funding Agency (ESFA).

Your application should show that you have:

- consulted published basic need data, taking account of forecast need, existing capacity and capacity that will be added over the coming years; and
- understood the current basic need picture, including any changes since data collection and any plans to create places which will absorb the need.

We will use data held by the department, as well as additional information provided by local authorities, to support our assessment of the evidence provided in your application. This will also help us to determine whether your proposed school fits with local school improvement strategies. **Therefore, you should speak to your local authority and the office of the appropriate Regional Schools Commissioner (RSC) to develop an understanding of the local context before submitting an application.**

We may prioritise applications where the need is more pressing or where there is greater certainty of need.

To help you identify potential areas that meet our criteria, we have published [additional information](#) about the basic need for school places. To access the relevant data, you will need to open 'Additional tables: SFR07/18', tabs B5 and B6. We have also published this information in a [map](#), which also highlights the targeted districts.

These estimates of places needed are derived from data collected in the school capacity survey 2017 (SCAP) and information held on places added through centrally funded programmes. The school capacity survey is an annual collection of data from local authorities including information on the capacities of schools, forecasts of pupil numbers, and capital projects to deliver new places. The information it provides is an annual snapshot so be aware that the basic need may change. In addition, the information about centrally funded programmes only takes account of free school projects due to open in 2018. Therefore, we recommend you take account of the full list of pipeline free school projects on [GOV.UK](#).

You should also contact your local authority to support your understanding of the need in the area. You can strengthen your application by including supporting evidence of need for your proposed school from the local authority.

### **Information required of different applicants:**

#### **If you are applying for a school with a nursery:**

There is a presumption that all applications for primary and all-through free schools will include a nursery. If you have a strong reason for believing nursery provision to be inappropriate, you can make the case that your proposed school should not include a nursery in [Section C](#).

Your application should show that you understand the current picture of nursery provision in the local area as this will help to inform your plans. Although basic need data does not cover the nursery age range, it is important that you consider the need for nursery places in the area that you are proposing to set up your free school. As part of this, you should contact your local authority to see any assessments it has made of childcare sufficiency. You may also find it helpful to see [guidance](#) for existing academies and free schools that are considering lowering their age range to include a nursery.

**If you are proposing new 16-19 provision (including a secondary school with a sixth form):**

The Further Education Area Reviews showed that in many areas of the country the availability and quality of existing 16-19 provision is good and we will be assessing applications in the context of these findings. Therefore, **new 16-19 free school provision, including proposals for a sixth form as part of a secondary school, is likely to be approved by exception only.**

Securing financial viability can be particularly challenging for 16-19 institutions and, as a result, applications for new 16-19 free school provision should demonstrate that there is evidence of need. You should be aware, however, that the term 'basic need' does not apply to the post-16 age range.

You will need to build a case for your proposed provision by providing a brief description of 16-19 provision in the area and why your free school will offer something different and of higher quality. You will also need to provide evidence of the need for places, specifically:

- the number of students eligible for post-16 education in the area and the number of students currently in post-16 provision in the area;
- a forecast of the future need for 16-19 places in the local area, based on the current need for 11 to 16 year olds, and any plans to create places which will absorb the need;
- information about the quality of current post-16 options for young people in the area; and
- information about current outcomes for young people aged 16-19 in the area.

We will assess the case for your school, taking into account the geography, infrastructure and quality of existing provision in the area. We will use local authority level information on the local 16 and 17 year-old population and the numbers of pupils that are currently in full-time/part-time education or work-based learning.

[Data](#) for the previous year is published each June. We will also look at school census information and the Office for National Statistics local level population estimates.

For more information on 16-19 provision (including secondary schools with sixth forms), see [Annex C](#).

**How much you should write:**

**For applicant groups that are not proposing a nursery or 16-19 provision**, we would usually expect Section B1 to be no more than 5 pages.

**For applicant groups that are proposing a nursery and/or 16-19 provision**, we would usually expect Section B1 to be no more than 8 pages.

## B2 – Need for good school places

### Targeted areas or ‘pockets’ of low standards

In order to have the greatest impact on improving outcomes, wave 13 is targeted in specific places. We are looking for proposals to open new schools in the third of local authority districts identified by the department as having the lowest standards and lowest capacity to improve. A list of these districts can be found in [Annex G](#).

**If your proposed school is in a targeted local authority district**, you do not need to provide information in this section. When assessing this part of your application, we may use data held by the department to allow us to prioritise applications in the areas most in need of good new schools.

**If your proposal is not in a local authority district identified as having the lowest standards and lowest capacity to improve**, you will be required to demonstrate that the school would be in a ‘pocket’ of low standards where there is a very strong case for a free school. This could be:

- an area where disadvantaged pupils are being particularly poorly served by local schools, where a new free school could raise standards and improve opportunities for these pupils; or
- a relatively small geographical area where the educational standards and local capacity to improve are very low, but where much higher standards elsewhere in the local authority district meant that the district was not included in our list of targeted areas.

We are unlikely to approve an application in an area outside the identified districts where educational standards are only slightly below the national average. Ways to demonstrate that you are in a pocket of low standards could include being in an area:

- which has been identified by the Social Mobility Commission as a ‘cold spot’;<sup>4</sup>
- where a large proportion of the schools within a reasonable travel distance are currently judged to be ‘requires improvement’ or ‘inadequate’ by Ofsted; or where results are below the floor standard;<sup>5</sup> or
- where a large proportion of disadvantaged pupils attend schools that are currently judged to be ‘requires improvement’ or ‘inadequate’ by Ofsted; or where results are below the floor standard.

**This list is not exhaustive.** The examples above are intended as guidelines. It is your responsibility to make your own case as to why a new free school is needed in the area you are proposing. However, you should keep in mind that this wave is looking to extend the programme to areas that have not previously benefited from it. As a result, **if your**

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<sup>4</sup> Social Mobility Commission, ‘[State of the Nation 2017: Social Mobility in Great Britain](#)’, 2017 (viewed 26 March 2018)

<sup>5</sup> ‘Floor’ standards are set out annually by the department. For primary phase, please see: Department for Education, ‘[Primary school accountability](#)’ (viewed on 26 March 2018). For secondary phase, please see: Department for Education, ‘[Secondary accountability measures \(including Progress 8 and Attainment 8\)](#)’, (viewed on 26 March 2018)

**proposed school is outside one of the targeted local authority districts, you will need to make a very strong case for a free school.**

You may wish to illustrate that your area is in a 'pocket' of low standards and that there is a very strong case for a new free school using the following measures:

- percentage of local schools that are currently judged to be 'requires improvement' or 'inadequate' by Ofsted, or where results are below the floor standard;
- distance from the nearest school currently judged to be 'good' or 'outstanding' by Ofsted;
- percentage of disadvantaged pupils reaching expected standards;
- average Progress 8 score for disadvantaged pupils; and/or
- absence and persistent absence rate.

Please be clear and specific in the evidence you provide. You may wish to refer to [Find and compare schools in England](#), [Get information about schools](#) and [Schools, Pupils and their Characteristics](#). These will give you school census data and details about local schools, such as performance and governance.

We will consider the evidence you provide as well as other evidence and contextual information available to the department. We will prioritise applications with a stronger case as to why a free school is needed in the proposed area. We may also prioritise applications in areas that have not fully benefited from the free schools programme such as the north-east.

**How much you should write:**

**If your proposed free school is in a 'pocket' of low standards**, we would usually expect Section B2 to be no more than 10 pages long.

## Section C – Vision

Section C provides an opportunity for you to tell us about your vision for your school. You need to demonstrate that you really understand the needs of the children in the local area, including disadvantaged children, and how your proposed school will assist them to fulfil their potential and close the attainment gap. You should also set out what your free school would add to the wider schools system, including where it has an innovative way of doing things.

Note that you need to demonstrate in later sections that your vision is both deliverable and affordable within the funding allocated to free schools.

### Things you need to know:

**All applicant groups** should complete this section in full. You must:

- describe the rationale for your school – why you want to set up a free school in the area you have identified and how it will enhance the life chances of the pupils you intend to educate, including disadvantaged children within the local community;
- include a brief explanation of the school's key features, including the proposed age range, specialism, any particular ethos, distinctive pedagogy or educational philosophy;
- provide a rationale for your proposed maximum school capacity if it is different to our expectations of school size (primary schools should have a minimum of 2 forms of entry of 30 pupils and secondary schools should have a minimum of 4 forms of entry of 30 pupils (See [Annex B](#));
- set out your plans for sixth form provision (if appropriate);
- explain how your proposed school will bring innovation to the wider schools system (if appropriate); and
- ensure your vision is evidence-based, and consistent with the rest of your application – your overall application should clearly show the plan for implementing your vision.

You do not need to provide details of your intended enrichment programme at this stage. However, if an enrichment programme is crucial to achieving your vision you should mention it in this section and provide more details in the education plan (Section E1).

### Additional information required of different applicants:

**If you already have open schools**, you should also provide:

- a brief overarching vision for your trust/chain, including: the number and types of open schools you already manage and have in pre-opening (including free schools, academies, voluntary-aided schools and independent schools); and your planned expansion strategy (including how many schools you plan to have in total, your planned geographical spread and timescales); and



- information on how the new school(s) you are proposing form(s) part of that vision.

If your proposed school is in a different area from your existing school(s), you should explain clearly how you will ensure that the new school will be well supported.

### **If you are proposing a primary or all-through school:**

**There is a presumption that all proposals for primary and all-through free schools in wave 13 will include a nursery.** This supports the government's commitment to creating more high quality school-based nursery provision.

You must set out your plans for a nursery if you are proposing a primary or all-through school. Your plans should reflect current need picture of nursery provision in the local area and any intentions to grow your provision over time. Your plans should also outline how the nursery will support disadvantaged children and families. The plans for your nursery should align with your education plan ([Section E1](#)) and finance plan ([Section G](#)). For example, if your nursery will target disadvantaged families, your finance plan should propose how you will balance parent and state funded places.

We particularly encourage free school applications with nurseries that are open year-round rather than during term-time only.

If you are invited to interview, it is likely that we will use this as an opportunity to understand more about your plans to provide a nursery.

#### **You must:**

Explicitly set out your plans for a nursery and explain how it fits with the overall vision for your school.

#### **If you have a strong reason for not including nursery provision in your application:**

You can make the case that your proposed school should not include a nursery; for example, including where a new nursery may not be appropriate because there is already sufficient high quality nursery provision in the area.

#### **How much you should write:**

**For all applicant groups**, we would usually expect Section C to be no more than 3 pages long.



## Section D – Engagement with parents and the local community

In this section, you need to demonstrate that your proposed school will be full to capacity. To do this you will need to show that your proposed school has support from the local community. You need to provide evidence that you have effectively marketed the school to a diverse cross-section of the local community, including parents. We will be particularly interested in seeing how you have targeted and plan to attract applications from disadvantaged groups. This should enable parents (or students in the case of 16-19 free schools) and other key groups in the local area to make an informed choice about the curriculum (and, where applicable, the faith ethos or designation of the school) and decide whether they want to support the new free school.

### What you need to know:

**All applicant groups** must complete Section D in full.

Your application will be rated more highly if:

- You can provide compelling evidence that you have engaged successfully with a cross-section of the local community including disadvantaged groups and, if necessary, have adapted your proposal in response to feedback.
- You can demonstrate that you have understood the likely impact of your proposed school on existing schools and you have met the relevant local authority and spoken to the office of the appropriate RSC.

### All applicant groups must:

Include (in annexes) the text you have used in leaflets or other promotional material for prospective parents (and/or students for 16-19 free schools) about the particular characteristics of your school. You must make sure that all material adequately describes the school you are proposing.

Engagement activity may include:

- letters of support from local schools or nurseries, where appropriate (particularly those schools you expect your pupils to come from or go to); other community groups; local businesses; and local authorities;
- identifying the postcodes that pupils are likely to come from and the rationale behind why you think they will come from these areas;
- setting up a website and providing the number of people who have signed up to news updates; and
- marketing events, with evidence of the number of attendees and who they were (for example prospective parents, prospective students etc.).

Please note that you are not required to carry out a survey of parents, although you may do so if you wish.

**In all of your engagement with parents and the local community, you must manage expectations about the year that you hope your proposed school will open.** Projects vary but it can take around three years to open. We will usually only agree a provisional opening date once a site has been confirmed and we have assessed how long it will take to deliver.

**Additional information required of different applicants:**

**If your proposed school includes a nursery:**

We have the presumption that all proposals for primary and all-through free schools will include a nursery. However, you should still gauge the level of demand for a nursery in general, as well as different types of nursery provision, including year-round.

You should also contact the relevant local authority as they may have assessed the sufficiency of early education and childcare in the area. If available, this information can be used to inform your plans.

We would also like to know what evidence you have of planned take up of places by 2, 3 and 4 year old children from disadvantaged backgrounds.

**If your proposal is for a designated faith school, a school registered with a religious ethos or a school with a distinctive educational philosophy or world view:**

You must show that there is demand for a greater choice and diversity in the schools available to local parents – by providing information about the choice of schools locally in terms of their intake, ethos, size, curriculum or pedagogical focus. On its own, the perceived need for greater choice and diversity will not be sufficient for us to approve your application. You **must** also meet the criteria for Sections B1 and B2.

You must include evidence that your proposed school is likely to attract applications from all parts of the local community, not just those of your faith group. You must also show that you have explained clearly the nature of the religious ethos or character, or distinctive educational philosophy or world view and its impact on the school. This must be clear enough to allow parents to make an informed decision about whether to support the new school.

If you are planning to set up a sustained and structured linking programme, you should also make details of this clear to parents. For more information, please see [Annex D](#).

**How much you should write:**

**For all applicant groups**, we would usually expect Section D to be no more than 2 pages long, excluding annexes.

## Section E – Education plan

In Section C you set out the overall vision for your school. Section E is about how you intend to deliver this educational vision in practice and make it a reality – using an evidence-based approach to implement your vision. We want to know how your school will deliver a high quality, inclusive education through a broad and balanced curriculum that will give all pupils the knowledge and skills they need to succeed and close the attainment and progress gaps.

You need to demonstrate a strong understanding of teacher recruitment and retention issues and show what mitigations you will put in place to ensure that you have the appropriate staff to deliver your curriculum effectively. Your education plan must be affordable within the funding allocated to free schools and consistent with your financial plans. You need to assure us that your proposed school will be inclusive and contribute to community cohesion.

### Things you need to know:

Section E of the application form has 2 different parts:

- **Part 1** asks you to complete a table (E(a)) showing how your school will grow over time to full capacity. The numbers included in this table must be consistent with the pupil numbers used in the [financial template](#) (where we have asked you to complete one). **All applicants must complete this table. If you are applying to open more than one school**, you must complete a separate table for each school you are proposing.
- **Part 2** is where you should provide the information relevant to the criteria below.
  - E1 - the curriculum
  - E2 - measuring pupil performance
  - E3 - staffing
  - E4 - ensuring inclusivity

**All applicants must complete Table E(a) and Sections E1-E4.** Each criterion requests different information based on your group's experience and the type of provision you are proposing.

### Notes on this section:

When preparing your education plan, please bear in mind the information set out in [Annex A](#) and [Annex B](#).

## E1 – Curriculum plan

### Things you need to know:

Within this section, all applicants will be assessed on the quality of their plans and the extent to which they meet the criteria. We will be looking for an ambitious, affordable and deliverable curriculum plan, which is consistent with the vision, pupil intake and financial plan.

You should provide a rationale for your proposed approach, which should be supported by published data and research.

**All applicant groups** should include within this section the tables that are in the application form. These should show:

- A list of subjects to be offered with the number of hours spent per week on each. You do not need to provide sample timetables; and
- The length of the school day, including any enrichment time, making a distinction between compulsory and voluntary activities.

### Information required of different applicants:

**If you already have at least one open state-funded school of the same phase of the school that you are proposing, you must provide:**

- Details about the pupil population at your existing school(s). For example, levels of pupils with English as an additional language (EAL), free school meals (FSM) and how the pupil population at the new school(s) will be different.
- Information about what, if anything, you will need to change about your curriculum in response to those differences. For example, if the new school(s) will be in an area with much higher rates of EAL, will that change your approach to literacy?
- An overview of anything else that will need to be different about the curriculum at the new school. For example, any changes to the subject choices you will offer because the labour market near your new school may be different. If your existing school is a faith school with 100% faith admissions, what curriculum changes will be needed to reflect that your proposed school can admit only 50% of its pupils by reference to faith if it is oversubscribed?
- Details of whether your proposed school will take the same approach to teaching and learning as your current school(s) and if not, how it will differ and why.

**If you have a number of strong schools of the same phase and type as the new school(s) you are proposing**, you can either compare the intake of the new school(s) with one of your existing schools (and tell us which one), or compare the intake of the new school(s) with the cohorts at your trust's schools as a whole.

We will assess the quality of your plans based on a combination of your track record and the evidence you provide against the criteria.

**If you do not currently run an open state-funded school of the same phase as the school that you are proposing, you must:**

- Demonstrate that your proposed curriculum will be deliverable and, if applicable, how and to what extent you intend to use resource from your existing school, college or university to contribute to the delivery of the curriculum (whether at whole-school or subject-specific level) or improve teaching capability.
- Offer a broad and balanced curriculum that places a suitable emphasis on English, mathematics, science and religious education (pre-16 only). If applicable, you must also:
  - For **nursery provision**, set out how you will meet the requirements of the Early Years Foundation Stage (EYFS) for nursery and reception classes.
  - For **16-19 provision**, state what subjects will be covered, the range of qualifications offered and how these will meet the needs and interests of all students. All 16-19 students, whether studying academic, applied or technical qualifications, should be given the opportunity to take a study programme which reflects their prior attainment, education and career goals. Study programmes should normally include: substantial academic or applied and technical qualifications; non-qualification activity including work experience; and the study of English and maths where students do not hold a GCSE graded 4-9 in these subjects. Study programmes should be focused on progression to the next level of education, a traineeship or apprenticeship, or other employment. Applicants should set out what will be covered, the range of qualifications offered and how these will meet the needs and interests of all students. Free schools with 16-19 provision that are planning to offer technical qualifications must demonstrate how the introduction of T Levels will affect the programme of study that they plan to offer (see [Annex C](#) for more information).
- Provide information on the curriculum that you are proposing to teach in your school. If you are planning to teach something other than the national curriculum, please set out what you propose instead, your rationale, and how it provides the knowledge and skills that children need. If available, you should reference (but do not copy and paste) published data and research which demonstrates that it is a good, rigorous and successful model (such as results of academic research).
- Offer appropriate qualifications.
- Demonstrate an understanding of the expected pupil intake and their needs.
- Set out your approach to teaching and learning – specifically, how this will ensure the curriculum is delivered in a robust and effective manner, meeting the needs of the expected intake.
- Include a strategy to assess and meet the needs of all pupils including looked after children, those requiring literacy recovery/intervention (including EAL), the most able, those with differing degrees of special educational needs and disabilities, and those children who attract the pupil premium.
- Include the strategies you will put in place to support pupils to be successful when they enter and leave the school.

**For all applications that include a nursery**, you must:

- Set out your delivery model for nursery provision (whether it will be delivered directly by the school or in partnership with an external provider) and your rationale for this.
- Show, where appropriate, how you will deliver the government's commitment to providing 30 hours of free entitlement provision for three- and four-year old children of working parents and whether you will offer provision over and above any free entitlement.
- Show your approach to making places available for three- and four-year-old children whose parents do not qualify for the 30 hours entitlement.
- Show whether funded provision for disadvantaged 2 year olds will be included.

**How much you should write:**

**For applicants with at least one open state-funded school of the same phase as the proposed school**, we would usually expect Section E1 to be no more than 5 pages long.

**For applicants without an open state-funded school of the same phase as the proposed school**, we would usually expect Section E1 to be no more than 30 pages long.

## **E2 – Measuring pupil performance effectively and setting challenging expectations**

**Information required of different applicants:**

**If you already have at least one open state-funded school of the same phase of the school that you are proposing, you must:**

- Explain anything that will be different in the new school compared to your existing school that you are comparing with.
- Demonstrate how you will ensure the new school and your current school(s) are consistent in meeting current expectations in their approach to assessment, target setting and behaviour. If you are proposing something different, please explain how it will differ and why.

**If you compared with a single school in Section E1 please use the same school for comparison. If you compared to the whole cohort, please do the same here.**

We will assess the quality of your plans based on a combination of your track record and the evidence that you give against the criteria.

**If you do not currently run an open state-funded school of the same phase as the school that you are proposing, you must:**

- Describe how you will establish a baseline of students' current level of attainment and put in place an assessment system that will allow pupil performance to be measured and improved.

- Make explicit ambitious and realistic expectations for pupil performance, behaviour and attendance, explaining why they are suitable to measure the delivery of your education vision, and what your strategy will be to achieve them.
- Explain how you will review success measures and expectations regularly to improve your school's performance. This could include benchmarking assessment data with other relevant schools.

We will also assess the quality of your plans to:

- identify the learning needs of your disadvantaged pupils and inform approaches for tackling the individual issues faced;
- use appropriate data to inform teaching and drive progression and attainment for all pupils;
- monitor and evaluate whether your approaches for disadvantaged pupils are working;
- focus on measuring and improving the quality of teaching in the classroom; and
- involve parents and report progress to them.

If you currently run an independent school and want to open a new free school, you must set out any differences in how you will measure pupil performance and set challenging expectations.

**How much you should write:**

**For applicants with at least one open state-funded school of the same phase as the proposed school,** we would usually expect Section E2 to be no more than 5 pages long.

**For applicants without an open state-funded school of the same phase as the proposed school,** we would usually expect Section E2 to be no more than 10 pages long.

## **E3 – Staffing**

**Things you need to know:**

**All applicant groups** will be assessed on the extent to which your staffing structure matches the curriculum proposed and your financial plans. We want to see that you have a strong understanding of teacher recruitment and retention issues and have planned mitigations to ensure that you have the appropriate staff to deliver your curriculum effectively.

**All groups must:**

- Demonstrate an understanding of the teacher recruitment and retention issues that your school might face, taking into account any local, regional or national factors relevant to your context.
- Set out your planned strategy for successfully recruiting high quality staff, demonstrating how you will mitigate against the challenges that you identified. You may wish to refer to [Teachers analysis compendium 2](#).



You do not need to include information about the affordability of your staffing plans in this section. This will be assessed in [Section G](#).

### **Information required of different applicants:**

#### **If you already have at least one open state-funded school of the same phase of the school that you are proposing, you must:**

- Provide an organogram based on the school you are replicating (or on your trust-wide staffing model if you are comparing the new school to your whole cohort). This should show the proposed staffing structure for teaching and support staff each year until the school is at full capacity in line with planned pupil numbers (including for nursery and sixth form provision, where applicable). You can provide a table demonstrating the growth in staffing, as long as you have an organogram demonstrating lines of accountability for your school at steady state.
- Explain how you have successfully recruited staff in your existing schools and how, if necessary, you will adapt this strategy in light of local factors relevant to your context.
- Tell us whether you intend to use any of your existing staff in the new school(s) and if so how will this work in practice.
- Demonstrate how you will regularly review key financial health and efficiency metrics (including teacher contact ratio, average class size and average teacher cost) to plan staffing and timetabling that effectively and efficiently deliver an affordable curriculum. In addition, you must demonstrate credible contingency plans to adapt your approach and still deliver a sufficient curriculum if income were less than expected, or if your actual recruitment does not meet your forecast and thus that you will be subject to a recovery of funding. You will need to show that the changes proposed if there were a reduction in income would result in an affordable, good quality education plan which would be consistent with the vision for the school and reflective of its particular characteristics, and sustain pupil outcomes. The 'budget' tab on the Excel [financial template](#) will provide you with the 70% figure to give you an idea of the sort of savings you might need to make. You should refer to [Schools Financial Efficiency: top 10 planning checks for governors](#).

#### **If you do not currently run an open state-funded school or do not currently run a school of the same phase as the school that you are proposing, you must:**

- Demonstrate that as the school grows to full capacity, you will have an affordable staffing structure and sensible phasing plans that deliver a suitable (interim/developing) curriculum plan.
- Provide an organogram showing the proposed staffing structure each year until the school is at full capacity in line with planned pupil numbers (including for nursery and sixth form provision, where applicable). You can provide a table demonstrating the growth in staffing.
- Demonstrate that at full capacity, your staffing structure is sufficient to deliver the curriculum plan, consistent with the information provided in the [financial template](#).



- Demonstrate how you will regularly review key financial health and efficiency metrics (including teacher contact ratio, average class size and average teacher cost) to ensure that at less than full capacity, your plan is sufficiently flexible to respond to reductions in funding and can still deliver a sufficient curriculum and sustain pupil outcomes, including an overview explanation of how you would approach making savings. You should refer to [Schools Financial Efficiency: top 10 planning checks for governors](#). The 'budget' tab on the Excel financial template will provide you with the 70% figure to give you an idea of the sort of savings you might need to make.
- To do this you should explain the actions you would take to reduce costs, the reasons for these actions and the reason you have prioritised the actions as you have. You should explain how your amended plans would continue to support delivery of your education vision and plan and any changes you would have to make to the education plan.

**If you have existing schools (either state or independent)**, you should **also** tell us briefly whether you intend to use any of your existing staff in this school and if so how this will work in practice.

**If you are a university, or there is university involvement in your application**, you should **also** tell us how and to what extent you intend to use academic resource from your university.

**If you do not currently run any state-funded schools**, you should **also** note that:

- You must ensure that the staffing structure is compliant with the statutory responsibilities of a state school (such as SEND and child protection) and will meet the requirements/expectations of Ofsted 'good' or better; and can be delivered with your expected income.
- You will want to consider the appropriateness of existing staffing structures and how they might change to live within the levels of per pupil income you anticipate.

We will also assess the **quality** of the staffing structure through the extent to which:

- it includes an appropriate balance of roles, experience and expertise across the senior leadership team, middle managers, SENCO, subject leaders, teachers and support staff;
- you have credible contingency plans to adapt your staffing structure and still deliver a sufficient curriculum if income were less than expected; and
- the changes proposed, if there were to be a reduction in income, would result in an affordable, good quality education plan that would be consistent with the vision for the school; and reflective of its particular characteristics.

**For all applications that include a nursery:**

- You must decide whether your early years provision will be led by a qualified teacher. Please refer to the [statutory framework for the EYFS](#) for staff-to-child ratio options, as there may be implications for funded early years places, depending on the staff-to-child ratio applied.

### **How much you should write:**

**If you already have at least one open state-funded school of the same phase of the school that you are proposing**, we would usually expect Section E3 to be no more than 5 pages long.

**If you do not currently run an open state-funded school or do not currently run a school of the same phase as the school that you are proposing**, we would usually expect Section E3 to be no more than 10 pages long.

## **E4 – Integration and community cohesion**

### **All applicants must demonstrate:**

- That the school will be welcoming to pupils of all faiths and none; and show how the school will address the needs of all pupils and parents.
- How your planned approach to admissions will promote community cohesion and integration.
- How the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education. Consideration must be given to relevant issues, for example, how the school will teach personal, social, health and economic education (PSHE), adhere to the Prevent duty and have appropriate policies on safeguarding and welfare.
- How the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and none.
- What the school will do to attract pupils from different backgrounds and different communities and how they will ensure that all feel welcome and able to play a full and active role in the school in a way that reflects and is in line with the requirements of the Equality Act 2010.
- How the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other's customs, beliefs and ideas and respect each other's views.

As highlighted in the [Integrated Communities Strategy Green Paper](#), in assessing the information that you provide in this part of your application, we will thoroughly consider the potential impact on integration and community cohesion and the intake of neighbouring schools before a new school is approved. We will adapt our assessment to take account of your planned approach to admissions and how it might affect integration and community cohesion.

### **Information required of different applicants:**

Faith schools are those which are designated as having a religious character and have specific freedoms over how they deliver religious education, appoint staff and their admissions. More information on faith schools is available in [Annex D](#).

**If you are applying to open a school with a religious character**, please also provide:

- A brief explanation of how the school's religious character will be reflected in the curriculum. This should include the proportion of the school's timetable devoted to religious education and other subjects that include some faith-based teachings or use faith-based materials. Please set out how the planned approach will help to prepare children for life in modern Britain. This should include elements of subjects that could overlap with faith teaching (for example, if a proportion of language teaching includes faith-based material). This section should also set out what time will be devoted to worship, reflection time and prayer and how this will be inclusive to pupils of different faiths or none.
- A brief summary of the alternatives to RE and collective worship that will be available for pupils of a different faith or of no faith, where their parents choose to withdraw them from these areas.
- A brief summary of how school policies could affect pupils of other faiths or of no faith. This must include consideration of the school's uniform and school meals policies, including the wearing of religious symbols; and any dietary requirements. It must also address the religious education curriculum, the arrangements for collective worship, and the criteria for staff appointments to the school.
- Information about meaningful and constructive engagement and consultation with diverse local community groups, faith body(ies) and parents demonstrating how you will contribute to community cohesion and integration.
- Information about your plans for continuing this engagement once the school is open, so that pupils in your school are exposed to adults and children of other faiths and backgrounds, and encouraged to integrate with them.

The government is keen for all schools to support inclusivity and integration between communities. For faith designated free schools we require additional evidence about your commitment to, and activities you plan to undertake, to support inclusivity and community cohesion. There are a number of ways you may wish to demonstrate your commitment to inclusivity and the strongest applications are likely to include some of the following activities:

- How you plan to create meaningful relationships between young people of different faiths (or no faith) in other schools as part of a sustained and structured linking programme. You may wish to provide the name of a school or a list of schools with a good educational track record with whom you plan to set up a meaningful linking programme, or provide a letter from the school you propose to link with which demonstrates their commitment to establish a strong and meaningful set of linking arrangements;
- Having diversity on the trust's board by including one or more directors/trustees who is of another faith or no faith; or
- Setting up a mixed-faith MAT with schools of different faiths or no faith that will be used to expose pupils in the school you are proposing to peers from different religious and ethnic backgrounds.

**In preparing your application it is important to note that we will not approve any free school application where we have any concerns about:**

- a lack of genuine commitment to the inclusion of pupils of other faiths or no faith in the school;
- creationism being taught as a valid scientific theory or about schools failing to teach evolution adequately as part of their science curriculum; **or**
- any member of the applicant group holding extremist beliefs, as defined by the government's counter-extremism strategy.

**How much you should write:**

**For all applicants**, we would normally expect Section E4 to be no more than 5 pages long.

**For applicants proposing a faith designated free school**, we would normally expect Section E4 to be no more than 6 pages long.

## Section F – Capacity and capability

This is your opportunity to show us that your trust includes people with the right skills to open your school and deliver your vision. You need to demonstrate that your group has the capacity and capability to set up and run the school(s) you are proposing, and that you have access to appropriate educational, financial and other expertise, either within your group or externally. We want to be confident that your new school will be successful, particularly if you are proposing that it opens in a different area from your existing schools.

### Confirming capacity and capability: multi-academy trusts

Where possible, MATs should raise their expansion plans with their RSC as part of their formal discussions about performance and capacity. Our assessment process will take account of the evaluation of the MAT's capacity by RSCs and their offices.

**Please note that in this section when we refer to MATs, we are referring to academy trusts that run more than one school.**

### F1 – A strong track record

#### What you need to know:

This section is only relevant to those **applicants with at least one open state-funded school**. However, **all applicant groups** should keep the definition below of a strong track record in mind when explaining the track record of the individuals in their group.

Groups who currently run state-funded schools will need to have a '**strong track record**' to apply to open a free school. When we use this phrase, we mean:

- your existing school has a 'good' or 'outstanding' judgement from Ofsted;
- achievement in your existing school is above local authority and national averages (looking at headline accountability measures of attainment and progress for the relevant schools) and generally should be on a consistent or upward trajectory since the last Ofsted inspection; and
- data in your open schools demonstrates that attainment and/or progress of disadvantaged pupils is above local authority and national averages for disadvantaged pupils.

We will use information held by the department and publically available data about the schools in your trust to make a judgement on your educational track record.

**You may wish to provide additional information that you believe will help us to better understand the track record of your trust.** For example, if there is a specific reason why a school that you run does not meet this definition (for example the school has not been open long enough for exam results, or you have recently taken on an underperforming school).

Where a MAT runs more than one school, not all of them need to meet this definition. However, we will expect to see an explanation for any of your schools that do not meet this definition and what plans you have in place for improvement. If there is underperformance in your open schools, we are likely to recommend that you focus on raising standards in the schools you currently run rather than opening a new free school.

You could also strengthen your application by demonstrating your track record on improving outcomes for disadvantaged pupils. For groups who currently run state - funded schools this would mean demonstrating that in one or more of your open schools:

- disadvantaged pupils achieve at least as well as the national average for non-disadvantaged pupils; or
- disadvantaged pupils are making more progress than their non-disadvantaged peers.

## **F2 – The necessary experience and credentials to deliver the school to opening**

### **What you need to know:**

**All applicant types** must complete all the columns in Table F2(a) in the application form and provide a short commentary of your plans:

- name;
- the town/city where they live;
- role in pre-opening and once the school is open (if any). Please include whether the individual is part of the core applicant group, or someone whose support you are accessing. For each individual, please indicate whether you would expect their contribution or support to be provided on a paid, at cost, or voluntary basis;
- summary of all relevant expertise (such as educational or financial, including any relevant educational results/achievements or training in/experience of combining curriculum and financial planning); and
- approximate time commitments for all the individuals named in pre-opening (in hours per week).

If any individuals are providing support on a paid or at cost basis, please indicate how this will be funded.

Please also include CVs for all the individuals you name in this table. The CVs should include the information requested in [Annex H](#) to this document, should be on the template provided and should be included as an annex to your application. Please keep the definition of 'strong track record' in mind when explaining the track record of individuals in your group.

The second table, Table F2(b), asks you to set out any skills gaps that you think exist within your group and how you intend to fill them.

Your application will be rated more highly if:

- The individuals with appropriate education and finance expertise form part of your core applicant group.
- You have individuals with expertise in most of the additional areas (managing state school finances, leadership, project management, marketing, human resources, safeguarding and health and safety), that they form part of your core applicant group, and they have a strong track record in their areas of expertise.
- You already have individuals in your core applicant group who would make strong trustees once the school is open (or who are currently strong trustees/governors at your school(s)) and they have excellent school finance, leadership and/or other relevant experience.
- You illustrate a clear understanding of the required capacity and have secured sufficient and realistic time commitments from each individual.

### **Information required of different applicants:**

#### **All applicants who are not currently MATs must:**

- Complete Table F2(a) with information, as outlined above, about each individual who is part of your group, including all company members of your academy trust, members of the pre-opening team, and anyone else providing a relevant contribution.
- Demonstrate that you have access to individuals with strong, relevant state education expertise (for example, strong school improvement experience, a headteacher of a school that meets the definition of a strong track record as outlined in the introduction) and state school finance expertise with specific and sufficient time commitments.
- Demonstrate that you have access to individuals with specific and sufficient time commitments and relevant experience in as many of the following areas as possible: managing state school finances; leadership; project management; marketing; human resources; safeguarding; and health and safety.
- Conduct a skills gap analysis of your pre-opening group (including your existing governors/trustees if you already run one or more schools, as they will be in place during pre-opening) and complete Table F2(b).
- You should set out your plans for recruiting a principal designate and executive head (if you intend to have one) in Box F2(b). In most cases, we would not expect you to have identified a principal designate or executive head (if you are planning to have one) at this stage. However, if you have a preferred candidate, you should include their CV.

#### **MATs must:**

Complete the following information in Table F2(a):

- Tell us who (a named individual) is in charge during pre-opening and provide their CV.



- Include information about individuals you have brought in to fill gaps as identified in Table F2(b).
- Include information about your principal designate (if identified) and executive headteacher (if applicable).

Include the following information in Table F2(b):

- Outline the missing skills and experience (if any) from your team, including both gaps at operational level and gaps in your board of trustees, and how you plan to fill those gaps. We expect you will probably have more gaps to fill if you are proposing a type/phase of school that does not already exist in your trust.
- Provide the CV of your principal designate, if you already know who this is, individuals named in Section F2(a) and for your executive head, if you will have one. If you do not yet have a principal designate (and likewise if you intend to have an executive head but they are not yet recruited), you should provide a short timeline (less than one page) for your planned recruitment exercise(s).

You will be assessed on the **quality** of your plans to fill the gaps identified and, where applicable, the track record of any individuals you have identified to fill the gaps.

You do not need to tell us how you will form/recruit the school's local governing body.

In [Section C](#), you will have explained briefly any other plans for your trust, for example, expansion plans, plans to take on a sponsored project, plans to move to a new area. We will refer to those here, along with the performance of schools in the trust, to help us assess whether the resource identified demonstrates the capability and capacity to open a new free school(s) in the proposed location alongside other plans for expansion and the work required to improve/maintain standards in your existing schools.

**If you are proposing a school with a specialism**, we will want to see that you have individuals with the appropriate expertise to allow you to develop the plans for your school and turn them into reality.

**If you are applying to establish a faith designated free school**, you will need to demonstrate your commitment to inclusivity. There are a number of ways a trust may wish to demonstrate their commitment to inclusivity. You may wish to demonstrate your inclusivity by having diversity on the trust's board by including one or more directors/trustees who is of another faith or no faith. If so please provide evidence of this in this section.

**How much you should write:**

**Applicants who are not currently MATs**, we would usually expect Section F2 to be no more than 10 pages long (not including the CVs in an annex).

**Applicants who are MATs**, we would usually expect Section F2 to be no more than 5 pages long.



## F3 – An effective governance structure

### Information required of different applicants:

**If you are an applicant who is not currently a MAT**, you must:

- Provide a diagram, in line with accepted academy trust models and in line with the [Academies Financial Handbook](#), showing your proposed governance structure, including lines of accountability between the company members, the school's trustees, any local governing bodies or committees and the school's senior leadership team. The governance structure should cover all elements of the proposed school, including the nursery, where applicable.
- Where applications include involvement of universities, confirm that the university will be involved in the governance and/or strategic leadership of the school (at the most appropriate tier of governance) and provide a brief explanation as to how this will be achieved.
- Include a brief explanation of the roles and responsibilities of the company members, the trustees, any proposed committees and the principal.
- Include a strategy for avoiding and minimising conflicts of interest and for securing independent challenge to members and trustees.
- Include a brief description of any specific conflicts of interest and an explanation of how you intend to manage them. Declare any financial transactions that are likely to take place between any member/trustee (or a connected party/business) and the academy, the nature of the transaction(s) and that they will comply with the 'at cost' principles set out in the [Academies Financial Handbook](#).
- Set out a plan to recruit and train any high quality individuals you need, particularly those with education, school governance, and finance expertise. This will apply to your whole trust board if you do not yet have one. If you already have a trust board, you should set out how you plan to recruit and train high quality individuals for any skills gaps you may have.
- Demonstrate how you will ensure your governance structure, roles and responsibilities have an appropriate level of expertise in state education and academies finance (or access to someone with experience of academies finance).
- If you are a maintained school or a group of maintained schools, and you are proposing becoming a MAT with your new school, you should describe how the governance will work, but you do not need to have converted to academy status before applying.

We will also consider the proposed size and structure of your board of trustees and whether it will enable effective decision-making. The [Governance Handbook](#) outlines the features of effective governance, which you should consider when formulating your governance arrangements.

**If you are an applicant who is currently a MAT**, you must:

- Explain what changes, if any, you need to make to your existing governance structure, roles, and responsibilities, or schemes of delegation in order to ensure your trust continues to exercise strong accountability for your free school(s) both before and after they open, and for the rest of your trust. You may be more likely to be proposing changes if you are adding a school of a new type or phase to your trust, moving into a new part of the country, or if you are growing your trust in other ways (you should have listed the trust's other growth plans in [Section C](#)).
- Include a brief description of any specific conflicts of interest and an explanation of how you intend to manage them. Declare any financial transactions that are likely to take place between any member/trustee (or a connected party/business) and the academy, the nature of the transaction(s) and that they will comply with the 'at cost' principles set out in the [Academies Financial Handbook](#).

We will assess the quality of your plans to manage conflicts of interest (if any) and whether any changes you are proposing will help ensure your trust continues to exercise strong accountability.

**If you are applying for more than one school**, you must provide:

- a diagram showing the governance structure which demonstrates clear accountability and scrutiny arrangements between the trust and each school;
- a brief explanation of the strategic remit of the board together with the remit of local governing bodies and their structure; and
- a brief explanation as to how the trust would intervene quickly in a school should that be deemed necessary and how it would know to do so.

**How much you should write:**

**For all applicant types**, we would usually expect Section F3 to be no more than 5 pages long. This might be shorter for MATs that have recently discussed their governance structure with their RSC.

## Section G – Financial viability

Schools must be financially sustainable and ensure that every pound is used efficiently to have maximum impact for the pupils and the school. Although we appreciate that you will not know the exact amount of funding that your school will receive when open, we expect your financial plan to demonstrate that you are able to manage your school's budget efficiently. You need to set out your robust financial plan for how you will make the best use of resources. We will assess whether your financial plans support the delivery of your education vision within the funding provided. **All applications, including those with an innovative or new approach, must demonstrate that the school will be financially viable.**

### What you need to know:

In order to be viable, it is important for schools to be financially sustainable. To achieve this, trusts need to plan for and attract good pupil numbers (the department specifies minimum sizes that it expects new free schools to achieve). Trusts should also implement effective resource planning to ensure every pound is used efficiently to improve children's education standards and have maximum impact for the pupils and the school. Schools that do this well tend to:

- Base their financial planning on delivering educational outcomes, rather than as a separate bolt-on consideration;
- Have a strategic financial plan for the longer term (3-5 years);
- Deploy their staff effectively and efficiently, linked to their long-term plan;
- Have robust challenge from financially skilled governors and headteachers;
- Have skilled staff responsible for managing finances; and
- Have transparent financial systems and processes that encourage constructive challenge within and between schools.

Before you begin to develop and complete your plans, you should read:

- The overview of free school funding in the [Free school pre-opening guide](#);
- The [financial template](#), together with guidance on how to complete it;
- [Guidance and tools on efficiency and financial health](#) published to help schools improve their financial management and efficiency; and,
- [Schools financial efficiency: top ten planning checks for governors](#).

We ask you to provide a financial plan showing your income and expenditure as your school grows to full capacity. The financial template is updated annually to include the latest funding rates. **The financial plan that is submitted to the department should use the May 2018 version of the template which includes the funding rates for 2018/19.**

Even if you are an experienced education provider, the financial plan can help us assess your understanding of managing a state school's finances and the financial challenges associated with opening a new school. If you are an independent school applying to open a new free school, we will take into account the financial proprietary and solvency of the trust/business as part of our overall assessment.

**In some cases, we may ask you to resubmit your financial plans ahead of interview if we are unclear on any aspect of this section of your application.**

**Information required of different applicants:**

**If you have previously opened a free school:**

- We will use information we already have about the financial situation of your school(s) but please tell us anything that you believe will help us understand your financial health.
- You do not need to complete the Excel template at this stage unless you wish to do so. If you are invited to interview we may ask you to complete the plan at that stage, particularly if your existing school or the one you are proposing is small, or is of a different type and phase to the school that you have previously opened.
- However, in your education plan (E3) you do need to include an explanation of the changes you would make if you had to operate with less income. We want to make sure that your school is resilient to changes in income as a result of having fewer pupils than expected. The 'budget' tab on the Excel financial template will provide you with the 70% figure to give you an idea of the sort of savings you might need to make.

**If you have not previously opened a free school, you must:**

- Complete the Excel financial template showing income and planned expenditure and the assumptions made about each line in the space provided. You should explain clearly what your assumptions are based on and the evidence that demonstrates that your assumptions are realistic and appropriate. There is one financial plan template covering primary (including nursery provision, where applicable), secondary, 16-19 and all-through free school applications.
- Make sure that the information in your plan is consistent with the other parts of your application, for example the curriculum offer, staffing structure and pupil numbers in the education plan should agree with the financial plan.
- Show that you have allowed for unforeseen problems and contingencies.
- Not show a cumulative deficit in any year. Any in-year deficits must be planned for by accumulating a surplus in (a) previous year(s).
- Not be dependent on borrowing, third-party or nursery income to break even in any year. You may feel that the third party income you have identified is reasonable. However, while we want you to include this, your plans must not rely on this additional funding to break even.

We will also assess the quality of your financial plan by the extent to which it is reasonable, represents good value for money and is prudent. In making this assessment we will consider:

- core operating income/expenditure assumptions (it is vital that these are included in the plan);
- benchmarking information for income and expenditure (including for nursery provision, where applicable). These should also be entered in the assumptions/rationale column;
- any centrally-provided services and their costs;
- proportion of spend allocated to each budget area – and particularly to staffing;
- staff to pupil ratios;
- the context of the local area (such as the percentage of FSM and SEN pupils); and
- the school's particular education offer (for example specialist teachers, equipment).

**If you are applying to open a secondary school with a sixth form**, the proposed sixth form must be financially viable and must not impact negatively on funding available within the school for 11-16 education.

**For all proposals that include a nursery**, you must demonstrate that:

- your plans for the nursery finances are consistent with your vision and education plan.
- nursery provision is not dependent on income from the main school to be financially viable.
- the provision for compulsory school age is not dependent on any income or resource that you may gain from the nursery. Our expectation is that the school and the nursery should each be financially viable without reliance on cross-subsidy. If you have any plans for developing the nursery provision over time (e.g. managing financial risks by starting with a limited number of places and then growing it), you plans should set these out too.
- you have robust plans for a) your approach to the balance between state-funded places and parent-funded places, and b) how you will manage the sessions and any finances associated with additional hours that parents can pay for. You should also briefly explain your charging policy. These details should be entered in the text box provided in Section G of the application form.

Information on nursery funding is provided in the free schools pre-opening guidance for proposer groups, and information on how to reflect this in your financial templates can be found in the [financial template guidance](#).

## Section H – The proposed site

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 and tell us about them in your application. If you are successful, we will work with you and the local authority to secure a site for your school.

We will consider the value for money, timescale and delivery risks in securing a site for the proposed school in the proposed area. **We will give preference to those projects where we are likely to secure a value for money site in a timely manner with an acceptable level of risk**, in particular, those applications that include a commitment to use a local authority or government owned site on a peppercorn rent.

### What you need to know:

#### All applicant groups must:

Complete the Excel application form with details of your preferred sites. We will use the information that you provide to inform our assessment of value for money, timescales and delivery risks in securing a site for your proposed school. You should make enquiries as to whether your preferred sites are available for acquisition or leasehold, but **you must not enter into any negotiations at this or any other stage**. If your application is approved, we will undertake negotiations to acquire a site for your school.

**If you are applying for more than one school**, you must complete Section H for each free school for which you are applying.

#### For each site, we ask for:

- The details of your preferred location;
- The full address and full postcode e.g. DL1 5QE, not DL1;
- Details of how you found the site;
- The tenure and ownership plus purchase/lease cost if known;
- If appropriate, confirmation from the local authority of their support for use of a site, including terms, for example 125 year peppercorn lease;
- Confirmation of availability;
- An outline of its current use;
- Your reasons for choosing it and its suitability;
- Where appropriate, any site requirements that are necessary for you to successfully deliver your education plan or specialism;
- Size of site and building, if known;
- Comments on the condition of the building;

- Details of any local authority contribution towards the capital costs of the project. For example, the provision of a site, developer contributions, or funding for nursery or post-16 places; and
- Whether the site for your school is part of a housing development (including key dates for the development).

Additionally, please provide any site plans, agent's particulars, photos, catchment/location maps or other associated technical information as annexes by sending to: [FS.applications@education.gov.uk](mailto:FS.applications@education.gov.uk). Clearly mark the name and location of your free school in the subject line. All supporting textual information on sites must be included in the Excel application form. Please note that any additional Word documents submitted will not be reviewed.

The form also asks you to calculate the floor area for your school. Please use the following formulae to calculate this (we call this the gross internal area). As well as helping us, this will also help you search for suitably sized buildings. Note that these sizes are guidelines, not requirements or entitlements.

Age range	Size (m <sup>2</sup> )
Nursery (2-4 or 3-4)	4.1m <sup>2</sup> per pupil
Primary (5-11)	350m <sup>2</sup> + 4.1m <sup>2</sup> per pupil
Secondary (11-16)	1050m <sup>2</sup> + 6.3m <sup>2</sup> per pupil
Post-16 provision in a school	350m <sup>2</sup> + 7m <sup>2</sup> per pupil
Post-16 provision as a stand-alone school	1050m <sup>2</sup> + 7m <sup>2</sup> m per pupil

For all-through schools, please use the individual phase numbers and add together.

#### **Notes on this section:**

We will make an overall cost and value for money assessment of your preferred site. You should aim, therefore, for the lowest possible capital costs and be as flexible as possible in your site requirements. We may also ask you to share sites with other approved free schools and when open, you may be required to share surplus space in your permanent building with new free schools requiring a temporary home.

**It is our very strong preference that local authority sites or government owned sites are used because often we are able to secure them on what is known as a peppercorn basis.** This is a long lease, usually 125 years, with a token payment of a very minimal sum per annum. You may wish to contact the local authority to see if they have any appropriate sites available nearby.

**If, after approval of your application, it proves impossible to identify a viable site, we may have to delay the opening of your school or, in some cases, we may not be able to open your school at all.**



## Section I – Suitability of applicants and due diligence checks

### What you need to know:

The Secretary of State for Education will only allow suitable persons to establish publicly funded free schools.

Proposers must be aware of the [7 principles of public life](#), which set out the standards of behaviour expected of public office holders, including those who work in education. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. We will undertake due diligence checks on proposers as part of the selection process, including social media and internet searches. We will also ask you questions at interview about the 7 principles of public life. The Secretary of State may reject application where the previous conduct of individuals associated with the trust does not comply with the 7 principles of public life.

The Secretary of State will reject applications put forward by organisations that advocate violence, extremism, or other illegal activities.

To ensure the suitability of proposers to set up and run free schools we will also complete credit checks and enhanced Disclosure and Barring Service (formerly Criminal Records Bureau) checks on individuals. We will share personal information provided as part of the application process with third parties for the purpose of these checks.

### For all applicant groups:

- The chair of trustees must apply for an enhanced DBS certificate via the department. This DBS certificate will be counter-signed by the Secretary of State and will be completed during the pre-opening phase if you are successful at the assessment stage.
- All other members and trustees must obtain an enhanced DBS certificate. **It is the responsibility of the chair of trustees to ensure that all members and trustees have an up-to-date (within the last 2 years) enhanced DBS certificate.**
- We require a [Section I Suitability and Declarations form](#) for each member and trustee of the academy trust, as well as the principal designate (when appointed) who has not submitted this form within the past 365 days. Please provide details of any individuals who have already submitted Section I forms within this time period. This should include their names, their role and position of each such individual within the trust. We do not require Section I forms from individuals on local governing bodies unless we specifically request them.
- The department reserves the right to request [Section I forms](#) from any group if we deem it necessary. Failure to submit Section I forms for all members and trustees will delay the progress of your application to the next stage.

- Scanned copies of signed [Section I forms](#) and a passport-sized photograph attached to each applicant's Section I form must be emailed to [due.diligence@education.gov.uk](mailto:due.diligence@education.gov.uk) stating the school name in the email subject title, alongside a copy of Section A (from the Excel template).

For the purposes of the Data Protection Legislation, the Department for Education is the data controller for personal information supplied on wave 13 application forms and for ensuring that this information is processed in accordance with all legal requirements. Any third parties processing personal information on behalf of the Department for Education will be acting as its data processors. For information on how we will use your personal data, please see [Annex H](#).

## 7. Annex A: Technical and legal considerations for proposer groups

7.1. This section outlines the technical and legal considerations that proposer groups need to bear in mind before making an application. Please read this section to ensure you understand how these apply to you and your proposal.

### Setting up an academy trust

7.2. Each free school is run by an academy trust formed specifically to establish and run one or more schools. The academy trust is the body that submits the application to open the free school. Academy trusts are independent charitable companies limited by guarantee, with which the Secretary of State has decided to enter into a [funding agreement](#).

7.3. Every academy trust will have a set of [articles of association](#), which set out the charitable purpose of the trust and its governance structure. This includes information about: what the trust exists to do; appointing and removing trust members and trustees, and; establishing committees and local governing bodies. The articles also provide a framework for trusts to act within company and charity law.

7.4. If you are a new proposer and need to establish an academy trust, you must do so before you apply using the department's [model articles of association](#). Information on how to set up a company is available from [Companies House](#); additional guidance is available from the [New Schools Network](#).

7.5. If you are proposer who already runs existing maintained schools, we expect your existing maintained school(s) to convert to academy status, and the proposer group to form a multi-academy trust (MAT) that will incorporate both the new free school and any existing schools. You do not need to convert to academy status before applying, but we expect your application to set out your plans for how you will do this, if your application is successful.

7.6. Setting up a trust and ensuring you understand the need for strong governance and accountability are essential. For more information about governance, accountability and the role of members and trustees of an academy trust please see the [Governance Handbook](#), the [Competency Framework for Governance](#) and the [Academies Financial Handbook](#).

7.7. An important test of a trust's capability is how well it plans for and manages conflicts of interest. A conflict of interest can be defined as 'any situation in which a person's personal interests, or interests that they owe to another body, may (or may appear or be perceived to) influence or affect their decision-making'. Before you form your trust and recruit your board of trustees, you must consider your plans for contracting work (pre- and post-opening) to minimise the risks of a conflict. This is because conflicts are most likely to arise when a trust is considering awarding a contract to an individual or organisation in which one of its members or trustees has an interest. Conflicts of interest may also arise if family or other personal relationships between the individuals running an

academy trust make it hard to hold an individual to account. It is important to note that even the *perception* of a conflict can create negative publicity and could affect your free school's reputation and ability to recruit pupils.

7.8. You can find more information and online guidance on [public procurement](#) and [buying for schools](#). The [Academies Financial Handbook](#) also includes guidance on conflicts of interest and appropriate procurement. The protocols for members and trustees on procurement and conflicts of interest are set out in articles 6, 97 and 98 of the [model articles](#).

### **Third parties**

7.9. You may appoint a third party, through an open and competitive tender process, to support you in developing your application. However, you must not enter into any contracts in the expectation of public funds. If any individuals or organisations that are not part of your trust have assisted you in writing your application, you should explain how you will secure further support during the pre-opening phase if you are approved. Please note that the project development grant (which trusts that move into the pre-opening phase will receive) must not be used to retrospectively cover any costs incurred in preparing the free school application and getting the school approved into pre-opening.

### **Public Sector Equality Duty**

7.10. All free schools are subject to the [Public Sector Equality Duty](#), which forms part of the [Equality Act 2010](#). This duty requires your trustees, both in planning and running your school, to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and develop good relations between communities. We will look for evidence that you have considered these responsibilities in your application. You should consult the [guidance for schools on the Equality Act](#).

## 8. Annex B: Requirements for free schools

8.1. As free schools are legally academies, they have more freedom and control over some things, for example, whether to follow the national curriculum, the term dates and school hours, and the pay and conditions of teachers. However, there are some requirements and obligations that all free schools must follow once open. You can find further detail in the [pre-opening guidance](#).

### Safeguarding

8.2. Schools and their staff form part of the wider safeguarding system for children. Safeguarding and promoting the welfare of children is everyone's responsibility. School staff are particularly important, as they are in a position to identify concerns early and provide help for children to prevent concerns escalating.

8.3. It is vitally important that as an academy trust you fully understand your responsibilities for safeguarding the children in your care. You should consult the department's [Keeping children safe in education](#) (KCSIE), [Working together to safeguard children](#) and [What to do if you're worried a child is being abused: advice for practitioners](#) guidance documents. All governing bodies must have regard to this guidance – that means they should comply with it unless there is good reason not to. When the school opens we would expect it to be meeting the requirements as set out in KCSIE.

### Admissions

8.4. In admitting pupils, mainstream schools must adopt fair practices and arrangements that comply with the [School Admissions Code](#), the [School Admission Appeals Code](#) and the law on admissions as it applies to maintained schools. Schools must use the detailed [guidance](#) and [template](#) we provide as it helps them to adopt fair code-compliant admission arrangements.

8.5. All free schools will be required to draft their initial admission policies using the relevant template on the [GOV.UK](#).

### Curriculum

8.6. All schools must teach English, maths, science and religious education within a broad and balanced curriculum. Therefore, applicants should set out how they will ensure a broad and balanced curriculum and how it will best support pupil progression. Primary schools should consider how they will support progression to secondary school, making sure that all children have the knowledge and skills that they will need to succeed there.

8.7. All schools must teach a curriculum which promotes pupils' spiritual, moral, cultural, mental and physical development, and prepares them for the opportunities, responsibility and experiences of adult life. In their applications, applicants should set out how this will be achieved and how it will best support pupil progression.

8.8. All schools must teach religious education. For schools that are not designated as a school with religious character, the religious education curriculum must reflect that the religious traditions in Great Britain are, in the main, Christian, while taking account of the teaching and practices of other principal religions in the country. Parents have the right to withdraw their children from religious education. They do not have to give a reason to the school and the school must comply with their request.

8.9. Early years provision, including reception classes, must follow the EYFS.

## **Fundamental British values**

8.10. All free schools and academies must meet the spiritual, moral social and cultural (SMSC) standard that is set out in Part 2 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010, as amended. Through ensuring pupils' SMSC development, free schools also need to demonstrate they are actively promoting the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. This includes enabling students to develop their self-knowledge, self-esteem and self-confidence; show respect for others including those of different faiths; and have respect for the law and support for participation in democratic processes.

8.11. Aspects of SMSC can be developed through virtually all parts of the curriculum and infused within the day-to-day operation of a school. Free school applications should demonstrate how they will promote fundamental British values across a range of subjects as part of a broad and balanced curriculum. The application should demonstrate how pupils will develop and demonstrate skills and attitudes that will allow them to participate fully in and contribute positively to life in modern Britain. We will look for evidence that you have considered these responsibilities as part of your application. The SMSC standards for independent schools (including free schools) are set out in the departmental advice: Improving the spiritual, moral social and cultural (SMSC) development of pupils.

## **Performance and accountability**

8.12. All schools, including free schools, are held to account against the same performance measures. Applicants should therefore also consider the accountability measures the department has in place.

8.13. Details about what will be published in the performance tables can be found in the Statement of Intent published each year on the [DfE School and college performance tables website](#).

8.14. Mainstream schools must collect performance data, publish results and be subject to Ofsted inspection under the same framework that applies to maintained schools. 16-19 free schools must collect performance data, publish results and be subject to Ofsted inspection under the [common inspection framework](#) (CIF).

## Pupils with special educational needs and/or disability

8.15. All mainstream schools admit children with special educational needs and/or disabilities, including those with education health and care (EHC) plans, but it is also possible for mainstream free schools to include proposals to host a special educational needs unit or specialist resourced provision. These tend to be for small numbers of children with special educational needs (SEN), usually with EHC plans that are maintained by local authorities.

8.16. Specialist resourced provision is where places are reserved at a mainstream school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school. SEN units are special provisions within a mainstream school where the children are taught mainly within separate classes. Both resourced provisions and SEN units:

- receive additional funding from the local authority;
- cater for a specific type or types of SEN; and
- are usually for pupils with statements of SEN or those with EHC plans (but could include pupils with SEN but without a statement or plan).

8.17. Applications for mainstream schools with special units or resourced provisions are welcome, but they need to be in response to local authorities' needs specifications. Applications need to provide evidence of commitment from the relevant local authorities to place children with EHC plans at the units, and pay the relevant top-up funding.

8.18. All free schools must have regard to the [SEND Code of Practice](#), including using their best endeavours to make sure that a child with SEN gets the support they need; this means doing everything they can to meet children and young people's SEN.

8.19. Primary, secondary and all-through free schools must employ a special educational needs co-ordinator (SENCO) who is a qualified teacher, and if that individual has not held a SENCO role for a total period of more than 12 months prior to 1 September 2009, they must have or be working towards the National Award for SEN Co-ordination. There must be a named person in 16-19 free schools with oversight of SEN provision to ensure co-ordination of support, similar to the role of a SENCO.

8.20. All mainstream schools must admit a child where the school is named in a child's statement of SEN or EHC plan. All schools must comply with their duties under the Equality Act 2010, including the duty to make reasonable adjustments.

## Boarding provision

8.21. It is possible for free schools of all categories to offer boarding provision. This means they can provide residential accommodation for some or all of their pupils. For primary and secondary free schools whose academy arrangements allow them to admit children or young people with SEN but without an EHC plan, admission arrangements must comply with the boarding requirements set out in the [School Admissions Code](#); fees may be charged to cover the cost of board and lodging only. For 16-19 free schools, the [School Admissions Code](#) does not apply. Free schools offering boarding provision must also meet the [national minimum standards for boarding schools](#).



## 9. Annex C: Information relevant to 16-19 free schools (including a secondary school with a sixth form)

9.1. In recent years the provider landscape for 16-19 provision has changed. This is a result of the Area Review process for colleges, the introduction of national colleges, as well as new 16-19 provision in standalone free schools and as part of existing secondary schools. Further change is on the way with the introduction of the new institutes of technology in 2018/19.

9.2. We may make approval of your post-16 provision subject to further assessment – which the department may commission – of the need locally for additional 16-19 capacity and the contribution that your proposal could make to meeting it. For 11-19 proposals, we may also defer decisions on 16-19 provision until nearer the time it is needed, using evidence from when the school is open to inform the case for it.

### Admissions

9.3. 16-19 free schools must have admissions arrangements and criteria that are fair, objective and transparent. They are able to select pupils based on GCSE grades or other criteria because they are 16-19 academies and as such, neither the School Admissions Code nor the School Admission Appeals Code are relevant. Sixth forms attached to schools may, similarly to 16-19 academies, select pupils based on their academic attainment, but must comply with the above codes.

9.4. All free schools, including those with 16-19 provision, will be required to draft their initial admission policies using the relevant template on the [GOV.UK](https://www.gov.uk).

### Curriculum

9.5. We will only approve a sixth form as part of a secondary school where the proposed sixth form will offer a minimum of 15 A level subjects either directly or through partnership.

9.6. T levels will be high quality, rigorous, level 3 classroom-based technical study programmes that will sit alongside apprenticeships within a reformed skills training system. They will support entry to skilled employment in technical occupations, and support progression to higher education options including higher technical qualification, higher apprenticeships, degree apprenticeships and technical degrees. As they are introduced, we expect the majority of funding for 16 to 19 year old students studying level qualifications to be directed to T level and A level programmes.

9.7. The first three T levels will be available from 2020 from a small number of providers, and these T levels will be from the Digital, Construction and Education and Childcare routes. The expression of interest for providers to be the first to deliver these three T levels from 2020 closed on 28 February. There will be an opportunity for more providers to apply in the next round, which will be for the delivery of T levels from

September 2021 when T levels from the first 6 technical routes will be rolled out. T levels from the remaining routes will be available from 2022. Free schools with 16-19 provision opening in 2021 may wish to consider applying to take part in future rounds of T level delivery.

## School size

9.8. We will only approve a **secondary school with a sixth form** where the proposed sixth form will provide places for a minimum of 200 students. Even if your free school application is approved, we may still ask you to consider expanding the proposed size of your school or sixth form to ensure that we get the maximum value from the investment of capital funding, and to improve the educational and financial sustainability of your school.

9.9. If you are proposing **standalone 16-19 provision** with a broad curriculum of A levels (or A levels and vocational qualifications), you will need to consider whether this would be achieved by:

- being a larger school of around 1,000 students; or
- being a smaller school within a multi-academy trust (MAT), so that nearby schools in the trust can share expertise, teaching staff and/or other resources such as back office services to produce economies of scale, or where existing local 11-16 schools in the MAT could be 'feeder' schools for the 16-19 free school. A school in a MAT where only back office services are shared might be able to have slightly fewer than 1,000 students, whereas one where there was also extensive sharing of teaching staff and facilities with neighbouring schools in the MAT might be viable at a smaller size.

9.10. If you are proposing a smaller specialist school with a narrow or niche curriculum, you will be best placed to achieve this with significant support from a partner organisation that will help to attract students. We would consider a suitable partner organisation to be a well-established stable organisation known as a leader in its field. The partner organisation would need to commit to close involvement with the school. This could be through financial support or by providing teaching for courses in the specialist area or additional opportunities for students such as high quality work experience or access to teaching in a different institution.

## 10. Annex D: Information relevant to free schools with a faith designation or ethos

### Schools designated as having a religious character

10.1. If you want particular faith beliefs to be reflected in your curriculum, staffing and admissions policies, we require you to seek a 'religious designation'. This is a legal recognition that your school will have a religious character.

10.2. New free schools designated with a religious character are able to:

- admit up to 50% of pupils by reference to faith (when the school is oversubscribed);
- appoint teachers by reference to faith; and
- provide religious education and collective worship according to the tenets of the faith of the school.

10.3. As highlighted in the [Integrated Communities Strategy Green Paper](#), in assessing your application, we will thoroughly consider the potential impact on integration and community cohesion and the intake of neighbouring schools before a new school is approved.

10.4. We are keen for faith schools to take action to promote inclusivity and encourage integration between communities. Faith designated free schools have specific requirements in their funding agreement in relation to inclusivity and community cohesion. In order to demonstrate your school will be able to meet these requirements, you must provide additional evidence about your commitment to, and activities you plan to undertake, to support inclusivity and community cohesion. There are a number of ways to do this and the strongest applications are likely to include some of the following activities:

- How you plan to create meaningful relationships between young people of different faiths (or no faith) in other schools as part of a sustained and structured linking programme. You may wish to provide the name of a school or a list of schools with a good educational track record with whom you plan to set up a meaningful linking programme, or provide a letter from the school you propose to link with which demonstrates their commitment to establish a strong and meaningful set of linking arrangements;
- Having diversity on the trust's board by including one or more directors/trustees who is of another faith or no faith; or
- Setting up a mixed-faith MAT with schools of different faiths or no faith that will be used to expose pupils in the school you are proposing to peers from different religious and ethnic backgrounds.

10.5. In considering the additional activities you propose in this area, the department will take account of the extent to which they will be effective and appropriate to the local context of the proposed school.

10.6. Linking is about creating links between young people of different faiths (or no faith) in schools with a different or no religious designation, as part of sustained and structured linking programmes. Linking could include sharing teachers and resources, conducting joint lessons, assemblies or sporting activities. These activities should be sustained and meaningful and support the school in preparing children for life in modern Britain. To support new free schools who wish to undertake linking with other schools the government is investing over £500,000 to enable the [Linking Network](#) to develop programmes that will help develop strong and positive links between schools and communities with different religious and cultural backgrounds.

10.7. We also want to encourage new faith designated free schools to work with schools of other faiths or no faith to help spread the high standards and attainment demonstrated by many faith schools. Multi-academy trusts (MATs) are another vehicle for inclusivity. Proposer groups looking to set up a faith designated free school should consider setting up mixed-faith MATs, including becoming a sponsor for underperforming non-faith schools. We recognise that not every new faith designated free school will be in a position to sponsor an underperforming school or join a mixed-faith MAT; however, we would strongly encourage this.

10.8. Faith designated free schools with nursery provision are able to reflect their religious outlook within the life of the nursery, for example, celebrating religious festivals or using activities based on religious texts. These schools are not permitted to apply any faith criteria for admissions to nursery places, and the nursery must abide by the same requirements in the funding agreement and regulations that apply to the rest of the school. These requirements include providing a broad and balanced curriculum and actively promoting fundamental British values.

## **Schools with a faith ethos**

10.9. If you want your school to reflect a distinct ethos aligned with a particular religion, you can register that your school has a religious ethos. The ethos could then be reflected within the vision for the school, the values the school represents and the importance placed on particular beliefs.

10.10. Although 16-19 free schools are not able to be designated as having a religious character, they may have an ethos or world view that is reflected within its vision and values.

10.11. Unlike schools that are faith designated, schools registered with a religious ethos are not entitled to any of the freedoms of designated faith schools except in the appointment of senior leaders where the faith of candidates can be taken into account.

10.12. We will expect applications from groups who register that their school will have a religious ethos to be able to explain clearly how faith will (or will not) manifest itself in, and influence, the curriculum, school policies and the look and feel of the proposed

school. We will also expect you to be able to demonstrate how you will make this clear to parents and pupils.

10.13. Schools with a faith ethos, in common with all schools without a religious designation, can apply for exemption from the requirement to provide broadly Christian collective worship. This may be where the belief of the majority of its pupils or the local community is such that another faith would be more appropriate.

### **Inclusivity for all faith schools**

10.14. All schools, whatever their religious character or ethos, must be inclusive. Faith designated free schools must provide evidence of their commitment to inclusivity which will be tested rigorously at every stage of assessment and pre-opening, as well as after schools have opened. As part of the assessment process, we may also speak to representatives of the relevant faith denominations, including those who form part of the department's Faith Schools Providers Group, about the faith elements of your application.

10.15. We will also consider whether or not there are elements of your application that might deter parents of children of other faiths or none, or those that do not specifically espouse your distinctive educational philosophy from applying, or could prevent their children from playing a full part in the life of the school. This could include a combination of the following: lessons taught in community languages; large proportions of curriculum time devoted to faith-related studies; restrictive dietary requirements; any separation of pupils – including when they are eating - or the mandatory wearing of symbols or clothing associated with your faith or world view.

10.16. Parents have the right to withdraw their children from religious education at any age and from collective worship until the age of 16. From the age of 16, the right to opt out of collective worship passes to the pupil. Your school must provide a meaningful alternative for pupils whose parents wish to withdraw them from religious education, collective worship or other faith-related studies.

## 11. Annex E: Further information and key documents

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

[Academies Financial Handbook](#)

[Academies Spend Data \(for examples of academy finances\)](#)

[Basic need scorecards \(primary\) and pupil projections at planning area level \(primary and secondary\)](#)

[Behaviour and exclusions policies and guidance](#)

[Charity Commission guidance](#)

[Early Years Foundation Stage Framework 2](#)

[The Equality Act 2010: Departmental advice regarding schools](#)

[2018/19 free schools financial template](#)

[Free schools admissions site](#)

[Fundamental British Values](#)

[Good Estate Management for Schools](#)

[Governance Handbook \(including the new Competency Framework for Governors\)](#)

[Information on existing free school projects](#)

[Inspiring Governance](#)

[Keeping children safe in education](#)

[Local authorities](#)

[Model free school funding agreements and model free school memorandum and articles](#)

[Multi-academy trusts good practice guidance and expectations for growth](#)

[Ofsted Common Inspection Framework](#)

[Prevent duty: departmental advice for schools and childcare providers](#)

[Public procurement policy](#)

[Regional schools commissioners](#)

[School food advice](#)

[Seven Principles of Public Life](#)

[SEND Code of Practice](#)

[Statutory framework for the early years foundation stage](#)

[Working together to safeguard children](#)

## 12. Annex F: Glossary of terms

### **Academies Financial Handbook**

The Academies Financial Handbook helps academy trusts to understand and comply with the financial accountability framework and assurance arrangements.

### **Academy**

A state-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 – 16-19 education institutions 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 that operates an academy or free school. See 'company limited by guarantee' for further information.

### **Articles of association**

Sets out the governance arrangements of the company limited by guarantee (the academy trust).

### **Basic need**

As part of the annual School Capacity Survey (SCAP), local authorities produce pupil forecasts to highlight their upcoming need for places across a five-year timescale at primary, and a seven-year timescale at secondary. These forecasts are compared against current capacity, taking into account places funded through centrally funded programmes and local authority planned places to determine 'basic need' for places. Basic need is calculated at planning area level, separately for primary and secondary. In order to prioritise limited capital we will seek to approve schools in the areas that have the most upcoming need for new school places due to demographic growth. Proposers can ask local authorities for information on their upcoming need for places in specific areas.

### **Board of trustees (also known as board of directors or governing board)**

The body that oversees the strategic management of the school and hold the senior management team to account. The board of trustees must be constituted in accordance with the academy trust's articles of association. Trustees must be registered as directors of the company with [Companies House](#).

### **Collective worship**

All state-funded schools must provide a daily act of collective worship. For non-faith schools collective worship should reflect the broad traditions of this country that are in the main Christian. A school can reflect the religious backgrounds represented in its



community, as long as the majority of provision is broadly Christian. Schools with a religious designation will usually provide collective worship in accordance with their trust deed, or in accordance with the tenets of their faith. They may also reflect the other principal religions in this country and in the local community. Non-faith schools can apply for permission for an exemption from providing broadly Christian collective worship where there is evidence that collective worship of a different faith (or faiths) would better meet the needs of pupils at the school. 16-19 free schools must provide a weekly act of collective worship.

### **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.

### **Due diligence**

This is an umbrella term for a number of checks that will be made on those applying to establish a free school. The checks enable us to ensure that only suitable individuals are able to set up and run a free school.

### **Early years foundation stage (EYFS)**

The [early years foundation stage](#) (EYFS) sets the standards for the learning, development and care of children from birth to five years old. All schools, Ofsted-registered and childminder agency-registered providers must follow the EYFS and are assessed against it.

### **Education and Skills Funding Agency (ESFA)**

The ESFA is part of the Department for Education. It funds all academies; maintained schools through local authorities; other training for 16 to 19 year olds; and students with special educational needs and disabilities between the ages of 16 and 25. ESFA usually leads on capital acquisition and property costs, as well as overseeing spend on necessary works and fit out.

### **Education, health and care (EHC) plan**

An education, health and care (EHC) plan describes a child or young person's special educational and other needs and the outcomes they are working towards achieving. The EHC plan specifies the special educational provision and any related health provision and social care provision a child should receive. The local authority will usually issue an EHC plan if it decides, following a statutory assessment, that all of the special help a child or young person needs cannot be provided from within the resources of the school or other educational institution. These resources could include money, staff time, and special equipment. EHC plans are available from birth up to age 25.

## **Faith ethos**

If you want your school to have a distinct ethos aligned with a particular faith and you want to make this explicit, you can register that your school has a faith ethos when the free school is first established. Please note that registering that your free school has a faith ethos does not make the school a faith school. If you wish to establish a faith school and be entitled to the additional freedoms, you must be designated. Faith ethos schools are only permitted to make adherence to a faith a genuine occupational requirement when hiring senior leaders, such as the Principal or Head of Religious Education.

## **Faith free schools**

Free schools designated with a religious character benefit from some freedoms, in relation to their staffing, admissions policies and the ability to provide religious education and collective worship according to the tenets of the faith of the school. If you are proposing a mainstream school and want particular faith beliefs to be reflected in your staffing and admissions policies, we require you to seek 'religious designation'. This is a legal recognition that your school has a religious character. 16-19 free schools cannot be designated as having a religious character.

## **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.

## **Funding agreement**

Is 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.

## **Local Governing Bodies (LGBs)**

The trust board may delegate governance functions to a LGB but accountability will sit with the board. Where no governance functions are delegated, the LGB will be wholly advisory. LGBs consist of individuals the trust board appoint.

## **Members (of the company)**

The company's legal owners. They play a strategic role in running the school, are responsible for appointing some of the trustees of the free school and are akin to shareholders of the company.

## **Memorandum of association**

Contains the names of the individuals who are forming the company (the company's founding members).

### **Multi-academy trust (MAT)**

A trust that governs a number of academies (which can include free schools). The multi-academy trust may delegate functions to one or more local governing bodies.

### **Multi-academy trust (MAT) board**

The MAT board is equally responsible and accountable for the performance of all the academies within the trust. The MAT board may choose to delegate governance functions to local governing bodies (LGBs) or other committees. The MAT board will appoint people to LGBs or committees.

### **Peppercorn rent**

A peppercorn rent is a nominal or token rent that remains fixed for the whole term of the lease, where the lease is secured without premium or payment. For the purposes of assessment, any rent below £100 per annum can be considered a peppercorn rent.

### **Prevent**

All schools are subject to the duty to have due regard to the need to prevent people from being drawn into terrorism. The Prevent duty: departmental advice for schools and childcare providers (June 2015) that complements the statutory Prevent duty guidance and explains what the duty means for schools. It is intended to help schools and childcare providers think about what they can do to protect children from the risk of radicalisation and suggests how they can access support to do this.

### **Procurement**

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

### **Pupil premium**

The pupil premium is additional funding for publicly funded schools in England in order to raise the attainment of disadvantaged pupils of all abilities, and to close the gaps between them and their peers. More information on the pupil premium can be found [online](#).

### **SCAP (School Capacity Survey)**

The school capacity survey is an annual collection of data from local authorities including information on the capacities of schools, forecasts of pupil numbers, and capital projects to deliver new places.

### **School Admissions Code and School Admissions Appeals Code**

Mainstream free schools must comply with the [School Admissions Code](#) and the School Admission Appeals Code. These are statutory codes agreed by Parliament. They ensure equity and fair access for all.

## **Special educational needs and disability (SEND)**

In mainstream, alternative provision, or special free schools, a child or young person has special educational needs if he or she has a learning difficulty or disability that calls for special educational provision to be made for him or her. Section 20 of the Children and Families Act 2014 states: (2) A child of compulsory school age or a young person has a learning difficulty or disability if he or she— (a) has a significantly greater difficulty in learning than the majority of others of the same age, or (b) has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions. (3) A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within subsection (2) when of compulsory school age (or would be likely, if no special educational provision were made).

## **Special Educational Needs Coordinator (SENCO)**

The SENCO must be a qualified teacher, who holds or is working towards the National Award in SEN co-ordination if they have not been in a SENCO role for a total period of more than 12 months prior to 1 September 2009. The SENCO plays a crucial role, in collaboration with the headteacher and governing body, in determining the strategic development of the SEND policy and provision in the school to raise the achievement of children with SEND. 16-19 free schools should ensure that there is a named person in the college with oversight of SEN provision to ensure co-ordination of support, similar to the role of the SENCO described above.

## **Sponsor**

An academy sponsor is an organisation or person who has received approval from the Department for Education (DfE) to support an underperforming academy or group of academies.

## **Statement of special educational needs (see also education, health and care plan)**

A statement of SEN describes a child's special educational needs and the special help a child should receive. All children and young people with statement of SEN should have their statement of SEN reviewed and replaced by an education, health and care plan by 31 March 2018. From April 2018, statements of SEN will no longer exist – see education, health and care plan. Any statement of SEN for which a transfer review has not been completed by 31 March 2018 will continue to remain in force from 1 April 2018, until a transfer review has been completed and a decision is made about future provision.

## **Trustees**

Trustees oversee the day-to-day management of the school. All individuals on the board of trustees must be formally appointed as trustees of the company and registered with Companies House. It is possible for an individual to be a member and a trustee, but we would expect at least the majority of members to be independent of trustees. Employees of the trust must not be members. Trustees are the directors of the company.

## 13. Annex G: List of targeted local authority districts

13.1. Wave 13 targets parts of the country where a new free school will have the greatest impact on improving outcomes. As a result, wave 13 is targeted in the third of local authority districts identified by the department as having the lowest standards and lowest capacity to improve – **see below for a full list of targeted districts**. For the methodology used to define these areas, please see [‘Defining achieving excellence areas: methodology’](#).

13.2. However, to be approvable, there must also be demonstrable basic need for a high proportion of the school places that the free school will create.

13.3. To help you identify potential areas that meet our criteria, we have published [additional information](#) about the basic need for school places. To access the relevant data, you will need to open ‘Additional tables: SFR07/18’, tabs B5 and B6. We have also published this information in a [map](#), which also highlights the targeted districts.

District Code (LAD15)	District Name	Upper-tier Local Authority	RSC Region
E06000015	Derby	Derby	East Midlands and the Humber
E07000032	Amber Valley	Derbyshire	East Midlands and the Humber
E07000033	Bolsover	Derbyshire	East Midlands and the Humber
E07000034	Chesterfield	Derbyshire	East Midlands and the Humber
E07000036	Erewash	Derbyshire	East Midlands and the Humber
E07000037	High Peak	Derbyshire	East Midlands and the Humber
E07000038	North East Derbyshire	Derbyshire	East Midlands and the Humber
E07000039	South Derbyshire	Derbyshire	East Midlands and the Humber
E07000140	South Holland	Lincolnshire	East Midlands and the Humber
E06000018	Nottingham	Nottingham	East Midlands and the Humber
E06000016	Leicester	Leicester	East Midlands and the Humber
E07000137	East Lindsey	Lincolnshire	East Midlands and the Humber
E07000138	Lincoln	Lincolnshire	East Midlands and the Humber
E07000170	Ashfield	Nottinghamshire	East Midlands and the Humber

<b>District Code (LAD15)</b>	<b>District Name</b>	<b>Upper-tier Local Authority</b>	<b>RSC Region</b>
E07000172	Broxtowe	Nottinghamshire	East Midlands and the Humber
E07000174	Mansfield	Nottinghamshire	East Midlands and the Humber
E07000175	Newark and Sherwood	Nottinghamshire	East Midlands and the Humber
E08000016	Barnsley	Barnsley	East Midlands and the Humber
E08000017	Doncaster	Doncaster	East Midlands and the Humber
E06000011	East Riding of Yorkshire	East Riding of Yorkshire	East Midlands and the Humber
E06000010	Kingston upon Hull, City of	Kingston Upon Hull, City of	East Midlands and the Humber
E06000012	North East Lincolnshire	North East Lincolnshire	East Midlands and the Humber
E06000013	North Lincolnshire	North Lincolnshire	East Midlands and the Humber
E08000019	Sheffield	Sheffield	East Midlands and the Humber
E06000009	Blackpool	Blackpool	Lancashire and West Yorkshire
E08000011	Knowsley	Knowsley	Lancashire and West Yorkshire
E08000012	Liverpool	Liverpool	Lancashire and West Yorkshire
E08000004	Oldham	Oldham	Lancashire and West Yorkshire
E06000006	Halton	Halton	Lancashire and West Yorkshire
E07000117	Burnley	Lancashire	Lancashire and West Yorkshire
E07000122	Pendle	Lancashire	Lancashire and West Yorkshire
E08000005	Rochdale	Rochdale	Lancashire and West Yorkshire
E08000006	Salford	Salford	Lancashire and West Yorkshire
E08000014	Sefton	Sefton	Lancashire and West Yorkshire
E08000013	St. Helens	St. Helens	Lancashire and West Yorkshire
E08000008	Tameside	Tameside	Lancashire and West Yorkshire

<b>District Code (LAD15)</b>	<b>District Name</b>	<b>Upper-tier Local Authority</b>	<b>RSC Region</b>
E06000007	Warrington	Warrington	Lancashire and West Yorkshire
E08000015	Wirral	Wirral	Lancashire and West Yorkshire
E08000032	Bradford	Bradford	Lancashire and West Yorkshire
E08000034	Kirklees	Kirklees	Lancashire and West Yorkshire
E07000009	East Cambridgeshire	Cambridgeshire	East of England and North-East London
E07000010	Fenland	Cambridgeshire	East of England and North-East London
E07000011	Huntingdonshire	Cambridgeshire	East of England and North-East London
E07000143	Breckland	Norfolk	East of England and North-East London
E07000145	Great Yarmouth	Norfolk	East of England and North-East London
E07000146	King's Lynn and West Norfolk	Norfolk	East of England and North-East London
E07000148	Norwich	Norfolk	East of England and North-East London
E06000031	Peterborough	Peterborough	East of England and North-East London
E07000201	Forest Heath	Suffolk	East of England and North-East London
E07000202	Ipswich	Suffolk	East of England and North-East London
E07000206	Waveney	Suffolk	East of England and North-East London
E07000067	Braintree	Essex	East of England and North-East London
E07000076	Tendring	Essex	East of England and North-East London
E07000200	Babergh	Suffolk	East of England and North-East London
E07000203	Mid Suffolk	Suffolk	East of England and North-East London
E07000204	St Edmundsbury	Suffolk	East of England and North-East London
E06000002	Middlesbrough	Middlesbrough	North of England
E06000057	Northumberland	Northumberland	North of England
E07000026	Allerdale	Cumbria	North of England
E07000028	Carlisle	Cumbria	North of England
E07000030	Eden	Cumbria	North of England



<b>District Code (LAD15)</b>	<b>District Name</b>	<b>Upper-tier Local Authority</b>	<b>RSC Region</b>
E07000168	Scarborough	North Yorkshire	North of England
E07000150	Corby	Northamptonshire	North-West London and South-Central England
E07000151	Daventry	Northamptonshire	North-West London and South-Central England
E07000152	East Northamptonshire	Northamptonshire	North-West London and South-Central England
E07000153	Kettering	Northamptonshire	North-West London and South-Central England
E07000154	Northampton	Northamptonshire	North-West London and South-Central England
E07000156	Wellingborough	Northamptonshire	North-West London and South-Central England
E07000243	Stevenage	Hertfordshire	North-West London and South-Central England
E06000032	Luton	Luton	North-West London and South-Central England
E06000036	Bracknell Forest	Bracknell Forest	North-West London and South-Central England
E06000042	Milton Keynes	Milton Keynes	North-West London and South-Central England
E06000038	Reading	Reading	North-West London and South-Central England
E07000062	Hastings	East Sussex	South-East England and South London
E07000088	Gosport	Hampshire	South-East England and South London
E06000046	Isle of Wight	Isle of Wight	South-East England and South London
E06000044	Portsmouth	Portsmouth	South-East England and South London
E07000226	Crawley	West Sussex	South-East England and South London
E07000229	Worthing	West Sussex	South-East England and South London
E07000063	Lewes	East Sussex	South-East England and South London
E07000084	Basingstoke and Deane	Hampshire	South-East England and South London
E07000090	Havant	Hampshire	South-East England and South London
E07000105	Ashford	Kent	South-East England and South London
E07000109	Gravesham	Kent	South-East England and South London

<b>District Code (LAD15)</b>	<b>District Name</b>	<b>Upper-tier Local Authority</b>	<b>RSC Region</b>
E07000114	Thanet	Kent	South-East England and South London
E06000035	Medway	Medway	South-East England and South London
E07000224	Arun	West Sussex	South-East England and South London
E07000053	Weymouth and Portland	Dorset	South-West England
E07000191	West Somerset	Somerset	South-West England
E07000046	Torridge	Devon	South-West England
E06000030	Swindon	Swindon	South-West England
E08000028	Sandwell	Sandwell	West Midlands
E07000193	East Staffordshire	Staffordshire	West Midlands
E07000199	Tamworth	Staffordshire	West Midlands
E06000021	Stoke-on-Trent	Stoke-on-Trent	West Midlands
E08000030	Walsall	Walsall	West Midlands
E08000031	Wolverhampton	Wolverhampton	West Midlands
E08000026	Coventry	Coventry	West Midlands
E08000027	Dudley	Dudley	West Midlands
E07000192	Cannock Chase	Staffordshire	West Midlands
E07000196	South Staffordshire	Staffordshire	West Midlands
E07000197	Stafford	Staffordshire	West Midlands
E07000198	Staffordshire Moorlands	Staffordshire	West Midlands
E06000020	Telford and Wrekin	Telford and Wrekin	West Midlands
E07000218	North Warwickshire	Warwickshire	West Midlands
E07000219	Nuneaton and Bedworth	Warwickshire	West Midlands
E07000238	Wychavon	Worcestershire	West Midlands
E07000239	Wyre Forest	Worcestershire	West Midlands

## **14. Annex H: How we use your personal data**

14.1. Personal data is collected on the pre-application registration form and the Word and Excel application forms so that the Department for Education can consider the application to set up a free school.

### **Who we are**

14.2. The Department for Education is the data controller for personal information collected on the Word and Excel application forms and for ensuring that this information is processed in accordance with the requirements of data protection legislation. Any third parties processing personal information on behalf of the Department for Education will be acting as its data processors.

### **Why our use of your personal data is lawful**

14.3. For our use of your personal data to be lawful, we need to meet one (or more) conditions in the data protection legislation. For the purpose of this project, the processing is lawful because it is necessary for the department to carry out this work and use the information for the purpose of approving free school applications.

### **Publication**

14.4. The Department for Education is committed to being as transparent as possible. If your application to set up a new school is successful, the Department for Education will publish the successful application on GOV.UK. The following information will be redacted from the application and will not be visible to the public: private addresses, private email addresses, private telephone numbers, commercially sensitive information, specific site locations and CVs.

14.5. All other information, including the names of individuals and organisations mentioned in the application, will be published.

14.6. Please notify any individuals or organisations that you have named in your application that their information will be processed by the Department for Education during the assessment stage and that, if successful, the application will be published on GOV.UK as detailed above.

### **Who we will make your personal data available to**

14.7. We sometimes need to make personal data available to other organisations. These might include contracted partners (who we have employed to process your personal data on our behalf) and/or other organisations (with whom we need to share your personal data for specific purposes).

14.8. Where we need to share your personal data with others, we ensure that this sharing complies with data protection legislation. For the purpose of this project:

- education advisers and independent panel members will be viewing your personal data as part of the decision-making process.
- we will also share personal information with Headteacher Board members. This data sharing is lawful because it is part of the decision-making process.

## How long we will keep your personal data

14.9. We will only keep your personal data for as long as we need it for the purpose(s) of this piece of work, after which point it will be securely destroyed. We estimate that we will keep your personal data for no longer than 10 years.

14.10. Please note that, under data protection legislation, and in compliance with the relevant data processing conditions, we can lawfully keep personal data processed purely for research and statistical purposes indefinitely.

## Your Data Protection rights

14.11. You have the right to:

- ask us for access to information about you that we hold;
- have your personal data rectified, if it is inaccurate or incomplete;
- request the deletion or removal of personal data where there is no compelling reason for its continued processing;
- restrict our processing of your personal data (such as permitting its storage but no further processing);
- object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics; and
- not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.

## Withdrawal of consent and the right to lodge a complaint

14.12. Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting us at the department's '[contact us](#)' page and enter 'free schools' as the reference.

14.13. Alternatively, you have the right to raise any concerns with the [Information Commissioner's Office](#) (ICO).

## Last updated

14.14. We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 16 March 2018.

## Contact Info

14.15. If you have any questions about how your personal information will be processed, please contact us at the department's [contact us](#) page and enter 'free schools' as the reference.



Department  
for Education

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