



Department  
for Education

# **How to apply to set up a mainstream free school**

**January 2019**

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# 1. Introduction

**Every child in this country, whatever their background, should have the opportunity to get a world-class education, giving them knowledge and skills that set them up for life. We want to continue extending the free schools programme to areas that have not previously benefitted from it. If you have a proposal for a free school that meets our criteria and want to join us in delivering this ambition, we want to hear from you.**

1.1. We want all children, regardless of where they live or their background, to receive a world-class education. We have made significant progress: more schools are rated good or outstanding than in 2010 and the attainment gap between disadvantaged pupils and others has narrowed since 2011. We have opened hundreds of free schools, drawing on the talent and expertise of groups with different backgrounds, giving local communities and parents more freedom and choice so that every child can go to a good local school that suits their needs. Ofsted information for the end of the November 2018 shows that 86% of mainstream primary, secondary and all-through free schools are rated good or outstanding.<sup>1</sup>

1.2. We now want to go further, making sure that no area is left behind. Wave 13 was the first step towards achieving this, targeting specific areas to put free schools in the places most in need of good new schools. Wave 14 builds on this, targeting areas with the lowest educational standards where there is also enough basic need for additional school places to merit establishing a whole new school. These are the places where opening a free school can have the greatest impact on improving outcomes, particularly for disadvantaged pupils.

1.3. The needs of every area are different. To be successful a new school should have a rich understanding of those needs and what it will take to raise standards for pupils in the area. We are looking for applications which show this understanding and have a clear vision to deliver a school that will meet the community's needs. In addition, we are keen to receive applications for schools that will bring innovation to the wider education system and diversity to local provision, including those that will prepare children for technical pathways. We are particularly interested in proposals that have an effective plan to deliver high educational standards alongside a sustainable workload for teachers.

1.4. In this targeted wave we are looking to approve around 30 new mainstream free schools in total, with the presumption that any new primary or all-through school will include a nursery. To support children with education, health and care plans to access mainstream education, we would also like to open more mainstream free schools with SEN units or resourced provisions as part of this wave.

1.5. 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> This includes a small number of free schools which have had a new URN since they were last inspected. Data available on [GOV.UK](https://www.gov.uk).

## 2. A summary of what we are looking for in wave 14

2.1. The wave 14 application criteria target areas with the lowest educational performance, to put free schools in the places most in need of good new schools. **This means that we are looking for applications that are located in areas with both:**

- 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**
- **low educational standards**, where applicants can demonstrate that there is a **very strong case** for a free school. We are unlikely to approve an application in an area where standards are only slightly below the national average (Section B2).

2.2. 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 phase (the period after an application is approved, during which a school prepares to open) on [GOV.UK](#).

2.3. If there is significant basic need in an area that does not have low standards, the local authority should decide whether a [free school presumption](#) competition is needed.

2.4. **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. This should include clear and specific plans of how teacher workload will be managed and kept under review so that it is sustainable as the school grows (Section E3);
- have a **new or innovative approach** that brings diversity to local or national provision. We are 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).

2.5. 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 14 is targeted at areas of low standards with basic need for a high proportion of the additional school places that the free school will create. In addition, we are looking 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.

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

You **must** [register your interest](#) online. You will be able to register your interest once we have announced the successful wave 13 applications in spring 2019.

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 30 September 2019**.

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, including those with SEN units or resourced provision. 16-19 free school provision, including a sixth form as part of a secondary school, is likely to be approved by exception only. Trusts submit bids to the department to open a school. We welcome applications from experienced and new providers, including from universities and independent schools partnering with the state sector. 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. Additional guidance and support is available from <a href="#">NSN</a> .

### Presumption free schools

<b>Who initiates the process?</b>	Local authorities, which 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, special and alternative provision (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.

<p><b>Additional information</b></p>	<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 phase, 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> <p>Only approved academy sponsors can apply to local authority presumption competitions. Information on how to become an academy sponsor can be found on <a href="http://GOV.UK">GOV.UK</a>.</p>
<p><b>Where can I find more information?</b></p>	<p>Presumption competitions are published on both the local authority's website, alongside the school specification, and on the GOV.UK 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>. Additional support is also available from <a href="#">NSN</a>.</p>

## Voluntary-aided (VA) maintained schools

<p><b>Who initiates the process?</b></p>	<p>Any person or organisation (other than a local authority) may publish a proposal for a new VA maintained school.</p>
<p><b>What types of school can be opened through this route?</b></p>	<p>Mainstream primary, secondary and all-through VA maintained schools can be opened through this route, and proposers publish a proposal for a school of their choosing. Decisions on proposals are usually made by the local authority. If the local authority does not make a decision within 3 months, the decision must be referred to the <a href="#">Schools Adjudicator</a>. If a local authority rejects a proposal, an appeal can be submitted to the Schools Adjudicator.</p>
<p><b>Who provides the capital?</b></p>	<p>Normally, the local authority and the proposer are responsible for meeting capital costs. However, on 15 November 2018 the government launched the VA capital scheme, which enables proposers of VA maintained schools to bid to the department for capital funding to support the establishment of new VA maintained schools. The deadline for submitting bids is 1 February 2019. Guidance for VA proposers can be found on <a href="#">GOV.UK</a>.</p>
<p><b>Additional information</b></p>	<p>VA maintained schools designated as having a religious character have certain freedoms, including over their admissions, which enable them to give priority for admission to up to 100% of pupils based on faith once they are oversubscribed, if they are designated as having a religious character.</p>



<b>Where can I find more information?</b>	More information on the statutory process for opening a VA school can be found on <a href="#">GOV.UK</a> .
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## Special and alternative provision (AP) free schools

<b>Who initiates the process?</b>	Government invites local authorities to set out their case for why a new special or AP school 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 a bid 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>	On 24 July 2018 we launched a joint special and AP free schools wave. The deadline for local authorities to submit a bid was 15 October 2018. Once we have decided which bids will be taken forward, competitions will be run in the successful local authority areas early this year to find trusts to open these schools.
<b>Where can I find more information?</b>	Further information can be found on <a href="#">GOV.UK</a> . Additional guidance and support is available from <a href="#">NSN</a> .

## 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 most selective 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 <a href="#">Industrial Strategy</a> .
<b>Where can I find more information?</b>	The maths school how to apply guide can be found on <a href="#">GOV.UK</a> . Additional guidance and support is available from <a href="#">NSN</a> .

## 5. The application process explained

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

### Key dates

<b>31 January 2019</b>	Wave 14 is launched – the application criteria are published.
<b>Spring 2019</b>	Approved wave 13 applications announced. Pre-application registration opens and application forms are made available.
<b>09 September 2019 (midday)</b>	Pre-application registration closes.
<b>30 September 2019 (midday)</b>	Deadline for submitting your application to open a free school in wave 14.
<b>Early 2020</b>	Interviews for wave 14 applications start.
<b>Spring 2020</b>	Approved wave 14 applications announced.

### Support for potential applicants

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 are a trust that currently runs a standalone academy, or you lead one or more maintained schools (including as part of 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).

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

### 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. Wave 14 is the next step towards achieving this ambition. 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 an area 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 B](#) 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 areas 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, 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 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.

5.8. 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 select the most recent data and open 'Additional tables: SFR07/18', tabs B5 and B6. We have also published this information in a [map](#). This will be updated once new basic need data is published in spring 2019.

5.9. 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](#), which will be updated with approved wave 13 applications in spring 2019.

5.10. 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.**

## Identifying a site for your school

5.11. 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 a team with specific expertise that finds and acquires sites for free schools. They also oversee construction, redevelopment and necessary works.

5.12. 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.

5.13. 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.

5.14. Advice and guidance on how to find sites is available from the department. If you have any queries or require advice on premises, you can contact the relevant team 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

5.15. 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 once we have announced the successful wave 13 applications in spring 2019.** 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**, otherwise we will not be able to process your application.

5.16. 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, for example DL1 5QE, not DL1.

5.17. You should be aware that we may use the information you provide at this stage to inform our internal conversations (such as with RSCs) and external conversations (such as with local authorities and NSN).

## Setting up an academy trust

5.18. 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

5.19. Application forms will be made available once successful applications from wave 13 are announced and pre-application registration opens. Your application will not be considered if you use application forms from previous waves.

5.20. As part of wave 14, you can express an interest in opening a mainstream school with an SEN unit or resourced provision. Although you are not required to provide detailed plans as part of your application, we do expect you to discuss the potential need for an SEN unit or resourced provision with the relevant local authority (or local authorities) during the application window – including how big it should be and what needs it should meet. **You do not need to reach agreement with the local authority on your plans at this stage.** See [Annex D](#) for more information on SEN units and resourced provision.

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.

5.25. The Department for Education is committed to being as transparent as possible. As such, we will publish a full list of the applications we receive on GOV.UK. This will include the proposed school's name, local authority, type of school, phase and faith ethos or designation. In addition, 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 F](#) for more information about how we will use your personal information.

5.26. 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 14.

## **Assessment of your application**

5.27. 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.

5.28. 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 may 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.**

5.29. 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 normally be possible to change the date of your interview, unless we judge that there are exceptional circumstances.

5.30. 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

5.31. 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.

5.32. Approval of your application does not mean approval of every detail, such as your financial plans, preferred principal designate, proposed site, pupil numbers, sixth form or budget. In addition, if you have expressed an interest in opening an SEN unit or resourced provision, approval of your application does not also guarantee approval for that SEN unit or resourced provision. 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?

5.33. 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.

5.34. In our experience, projects typically take around 3 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.

5.35. 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 retrospectively to 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 school pre-opening guide](#) for proposer groups.

5.36. Successful applicants who have expressed an interest in opening an SEN unit or resourced provision will be supported in the pre-opening period to develop plans to establish it. Once you have developed a more detailed proposal, approval for your SEN unit or resourced provision will be decided during pre-opening in consultation with both your trust and the local authority.

5.37. 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 we would open your school.

5.38. 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**

5.39. 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. 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. **There are no assessment criteria for this section.**

#### A1 – Tell us who you are

In this section we ask you for basic information about your applicant group and your academy trust.<sup>2</sup>

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 table below). 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. Applicants should use the information in [Annex C](#) to identify the appropriate faith categorisation for their school.

**You should also indicate whether you are interested in your school opening with a special unit or resourced provision.** SEN units or resourced provision must be set up in response to local authorities' needs as they commission and fund places for children with education, health and care (EHC) plans. As such, you should first speak to the local authority about whether there is a specific need in your proposed area for an SEN unit or resourced provision.

You are not required to provide detailed plans as part of your application and approval of your application will not be affected by any information that you provide about a potential SEN unit or resourced provision. Successful applicants who have expressed an interest

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<sup>2</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 E](#).



in opening an SEN unit or resourced provision will be supported in the pre-opening period to develop plans to establish it.

**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.

### School size

Financial (and, therefore, educational) viability is dependent upon you admitting a sufficient number of pupils. Our experience shows that your school is more likely to be viable at the following sizes:

School type	Our expectations of school size
Primary	Minimum of 2 forms of entry of 30 pupils
Secondary (without a sixth form)	Minimum of 4 forms of entry of 30 pupils

**It is unlikely that we will approve new 16-19 provision, including proposals for a sixth form as part of a new secondary school.**

Should you still choose to submit an application for new 16-19 provision, you should be aware that we expect a secondary school with a sixth form to provide places for a minimum of 200 students. Larger 16-19 standalone institutions are more likely to be financially viable. Therefore, if you are proposing standalone 16-19 provision with a broad curriculum of A levels (or A levels and technical qualifications), we would expect you to provide places for at least 1000 students.

If you are proposing a smaller specialist 16-19 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.

## 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 benefitted. Wave 14 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 an area of low standards where there is a very strong case for a free school, which can be demonstrated by one or more of the examples set out in section B2; **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 parental 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. **If you would like us to consider need over a wider than standard catchment area, you need to provide evidence for why you think this is appropriate. You may wish to refer to information about the nature of your school that you have included in Section C.**

**All applicant groups** must complete sections B1 and B2. **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.

### B1 – Evidence of need for additional school places (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 look ahead to 2022/23 for primary places and 2024/25 for secondary places, in line with the forecasts local authorities report in the latest school capacity survey (SCAP18), which will be published in spring 2019.

Your application should show that you have:

- consulted published basic need data (including the new data that will be published in spring 2019), taking account of forecast need, existing capacity and capacity that will be added over the coming years (including from approved wave 13 applications); 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 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, based on the school capacity survey (SCAP) data return. To access the relevant data, you will need to select the most recent data and open 'Additional tables: SFR07/18', tabs B5 and B6. We have also published this information in a [map](#). This will be updated once new basic need data is published in spring 2019.

These estimates of places needed are derived from data collected in the 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 the following September. 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.

If your basic need case is reliant on a housing development, we will take into account the likelihood of the housing development being completed. We will look at whether the local authority has a suitable serviced site for the school, and has included the development in their SCAP data return and 5 year housing land supply statement. You can strengthen your application by including supporting evidence from the local authority on the expected lead-in time and build rate of the development, benchmarked against other developments under construction or completed recently in the local authority area.

#### **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](#) over the last few years have led to the restructuring and consolidation of post-16 provision in many areas of the country, and we will be assessing applications in the context of these changes. **It is unlikely that we will approve new 16-19 free school provision, including proposals for a sixth form as part of a secondary school.**

Securing financial viability can be particularly challenging for 16-19 institutions and especially for small providers. As a result, applications for new 16-19 free school provision should provide evidence of need. Should you still choose to submit an application for new 16-19 provision, you should be aware that the term 'basic need' does not apply to the post-16 age range. However, you will need to provide evidence of the need for places, specifically:

- the number of students eligible for 16-19 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; and
- assumptions about participation rates in this type of provision in future.

We will assess the case for your school, taking into account the geography and infrastructure of the area. We will use local authority level information on the local 16 and 17 year old population and the number of pupils 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.

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 proposals for a secondary school with a sixth form, 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.

**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

We want all children to receive a world-class education, with the aim that in every region and in every group of our society opportunity is truly equal. Wave 14 is targeted at the areas of the country that have the lowest educational standards, where opening a free school can have the greatest impact on improving outcomes for children. This could be an area where disadvantaged children are being particularly poorly served by local schools, where a new free school could raise standards and improve opportunities for these pupils.

**All applicant groups must** demonstrate that the proposed school would be in an area of low educational standards where there is a very strong case for a free school. There are a number of ways that you might choose to demonstrate that your proposed free school is in an area of low standards, and we provide examples below. However, **we are unlikely to approve an application in an area where educational standards are only slightly below the national average.**

We will prioritise applications where the standards case is the strongest, particularly where outcomes for disadvantaged children are low. We may also prioritise applications in areas that have not yet fully benefitted from the free schools programme.

Ways to demonstrate that you are in an area of low standards could include being in an area:

- which has been identified by the department as a category 5 or 6 Achieving Excellence Area;<sup>3</sup>
- 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;
- where outcomes are poor (for example well below national average on either attainment or progress scores or both);
- where a large proportion of **disadvantaged** pupils are attending local schools that are currently judged to be requires improvement or inadequate by Ofsted;
- where outcomes for **disadvantaged** pupils are poor (for example well below national average on either attainment or progress scores or both).

If your case for a new school rests on improving standards for disadvantaged pupils, we would expect a significant number of disadvantaged pupils to be affected by low standards in the area where you are applying.

**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

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<sup>3</sup> Department for Education, ‘[Defining ‘achieving excellence areas’: methodology](#)’, 2016 (viewed 29 January 2019)

<sup>4</sup> Social Mobility Commission, ‘[State of the Nation 2017: Social mobility in Great Britain](#)’, 2017 (viewed 29 January 2019)

you are proposing. However, you should keep in mind that this wave is looking to extend the programme to areas that have not previously benefitted from it.

You may wish to enhance your case that your proposal is in an area of low standards and that there is a very strong case for a new free school using the following:

- outcomes for particular groups of pupils;
- outcomes for individual subjects;
- absence and persistent absence rates.

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.

In addition to providing evidence of low educational standards, **you should also set out your analysis of the factors that have contributed to educational underperformance in the area**. This will help you to develop a compelling rationale in Section C (Vision) for how your proposal will meet the particular needs of the local community and should influence the rest of your application, such as your education plan.

We will consider the evidence you provide as well as other evidence and contextual information available to the department.

**If you are proposing 16-19 provision (including a sixth form as part of a secondary school) and are able to demonstrate that there is evidence of need for new places**, you will need to build a case for your proposed provision. You must provide a brief description of 16-19 provision in the area, referring to the relevant area review and any subsequent changes in provision and why your free school will offer something different and of higher quality. We will be looking for information about:

- the quality of current post-16 options for young people in the area; and
- current outcomes for young people aged 16-19 in the area.

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

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 understand the needs of the children in the local area, including disadvantaged children, and how your school will help them to fulfil their potential and close the attainment gap. You should also set out what your school would add to the wider school system, including any innovative approaches.

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. This should include why you want to set up a free school in the area you have identified and how it will meet the particular needs and enhance the life chances of the pupils you intend to educate, including disadvantaged pupils in the local community;
- include a brief explanation of the school's key features, including the age range, specialism, any particular ethos, distinctive pedagogy or educational philosophy;
- provide a rationale for your proposed age range if it is atypical (for example 14-19). We will be very unlikely to approve applications with an atypical age range because of difficulties securing sufficient pupils at non-standard entry points;
- provide a rationale for your proposed maximum school capacity if it is different to our expectations of school size (see [Section A2](#));
- set out your plans for sixth form provision (if appropriate, noting that new 16-19 provision will only be approved by exception);
- explain how your proposed school will bring innovation to the wider school system (if appropriate);
- explain how you will manage and develop the workforce to create a sustainable work-life balance for all staff; 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. This should include:

- the number and types of any academies, free schools or independent schools you currently manage, or have in the pre-opening phase;



- the number and types of any maintained schools you lead;
- your planned expansion strategy (including how many schools you plan to have in total, your planned geographical spread and timescales); and
- 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 have expressed an interest in opening a mainstream school with an SEN unit or resourced provision:**

Although you are not required to provide detailed plans at this stage, in this section you should include an outline of the features of your proposed SEN unit or resourced provision, including how big it will be and what needs it will meet. These should reflect discussion with the relevant local authority. **You do not need to reach formal agreement with the local authority on your plans at this stage.**

### **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 14 will include a nursery.** This supports the government's commitment to creating more high quality school-based nursery provision.

You must explicitly set out your plans for a nursery if you are proposing a primary or all-through school and explain how it fits with the vision for your school. Your plans should reflect the need for nursery provision in the local area, and any plans to grow your provision over time. You should also outline how the nursery will support disadvantaged children and families. The plans 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 explain how you will balance parent-funded 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 ask more about your plans to provide a nursery. More information on opening a nursery as part of a free school can be found in the [pre-opening guidance for proposer groups](#).

**If you have a strong reason for not including nursery provision in your application** (for example, where there is already sufficient high quality nursery provision in the area) you can make the case that your proposed school should not include a nursery.

### **If you are proposing a school with a technical focus/specialism:**

You must set out the rationale for your specialism (for example, in relation to skills and employer needs).

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

**For all applicant groups**, we would usually expect Section C to be no more than 5 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 community. You need to provide evidence that you have effectively marketed the school to a diverse cross-section of the community, including parents. We will be particularly interested in seeing how you have targeted and plan to attract applications from a diverse range of pupils, including disadvantaged groups and, where the school has a faith designation, pupils not of the school's faith. 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 3 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 provision.

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, including those 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 a demand for 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 pupils outside of your faith group and from all parts of the wider community. You must also show that you have explained clearly the nature of the religious character or ethos, 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 your proposal includes a sustained and structured programme of linking activities with other schools, you should also make details of this clear to parents. For more information, please see [Section E4](#).

#### **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. You also need to show that you have concrete plans in place to manage and develop the workforce successfully, including ensuring that workloads are sustainable. 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 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 (with reference to their open schools, where applicable) and the extent to which they meet the criteria. We will be looking for an ambitious, affordable and deliverable 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.

### Additional information required of different applicants:

**If you already have at least one open state-funded school of the same phase of the school(s) 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, whether that will 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 the fact that your proposed school can admit only 50% of its pupils with 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 of 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, show 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;
- 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 refer to (but not copy and paste) published data and/or research (such as results of academic research), which demonstrates that it is a good, rigorous and successful model;
- offer appropriate qualifications;
- demonstrate an understanding of the expected pupil intake and their needs. For example, levels of pupils with English as an additional language (EAL) and free school meals (FSM);
- 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 and numeracy 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 how you will meet the requirements of the [early years foundation stage \(EYFS\)](#) for nursery and reception classes;
- 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 3 and 4 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 3 and 4 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.

**If you are proposing 16-19 provision**, state what subjects will be covered, the range of qualifications offered, how this will enable you to provide a coherent subject offer for your

pupils and how this will complement the subjects and qualifications available at existing local providers.

In the exceptional cases that we approve a sixth form as part of a secondary school, the proposed sixth form must offer a minimum of 15 A level subjects either directly or through partnership. Note that it is a requirement to deliver religious education to all pupils to age 18

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.

### **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; and
- explain how your current systems for measuring pupils' performance help to raise attainment and improve progress for disadvantaged pupils.

**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 for measuring the delivery of your education vision, and what your strategy will be to achieve them; and
- 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. This should include clear and specific plans for how teacher workload will be managed and kept under review, so that it is sustainable as the school expands.

We will 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, special educational needs co-ordinator (SENCO), subject leaders, teachers and support staff.



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 an Ofsted judgement good or better; and can be delivered with your expected income.

### **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 any challenges that you have identified. You may wish to refer to [Teachers analysis compendium 2](#) and the department's [teacher recruitment and retention strategy](#);
- set out your plan for teacher retention. Your plans may want to, for example:
  - show you have put in place plans which meet the recommendations of the [independent review group reports](#) on eliminating unnecessary workload in marking, planning and resources and data management, and those in the [Making data work](#) report of the Workload Advisory Group on data and evidence;
  - show how the workforce will be well managed and developed, taking into consideration issues such as flexible working and supporting teachers through continuous professional development at every stage of their career;
- 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 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;
- 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 will effectively and efficiently deliver an affordable curriculum;
- demonstrate credible contingency plans to adapt your approach and still deliver a sufficient curriculum if income is less than expected, or if your actual pupil recruitment does not meet your forecast and you will therefore be subject to a recovery of funding. You will need to show that if there were a reduction in income, the changes proposed 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, while also sustaining 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 [School resource management: top 10 planning checks for governors](#);

- 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.

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 should highlight if and how you plan to tailor your staffing structure to respond to the needs of the cohort of your proposed school.

**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 at full capacity your staffing structure is sufficient to deliver the curriculum plan, consistent with the information provided in the [financial template](#).

**If you have any existing schools (either state-funded 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 intending to work with a partner organisation, such as a university**, you should **also** tell us how and to what extent you intend to use resource from your partner organisation.

**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**

As a requirement of their funding agreement, all free schools must ensure that their policies enable pupils of all faiths and none to play a full role in school life and do not disadvantage pupils and parents of any or no faith.

All applications must meet our integration and community cohesion objectives, with a view to ensuring all children and young people are able to participate fully in life in

modern Britain. In this section, we will be looking for evidence that your proposed school will:

- build opportunities for pupils to interact and build positive relationships with those from different backgrounds, both within the school and the wider local community;
- equip pupils with the skills, values and knowledge to become active citizens in wider society and play a positive role in shaping cohesive and integrated communities.

**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 school will actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs;
- 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) development. SMSC development can support pupils' learning and understanding of fundamental British values – guidance is available on [GOV.UK](https://www.gov.uk). 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 promoting the welfare of children;
- what the school will do to attract pupils from different backgrounds and different communities and how they will ensure that all feel welcome and are 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 and support pupils from different communities, faiths and backgrounds, both within the school and wider local community, to mix, learn and interact with each other, and learn about each other's customs, beliefs and ideas and respect each other's views;
- how the school will support positive interactions between pupils from different backgrounds and communities, by breaking down barriers to access (for example, for those from disadvantaged groups).

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.

The government is keen for all schools to support inclusivity and integration within and between communities. There are a number of ways you may wish to demonstrate your commitment to integration and community cohesion and the strongest applications are likely to include some of the following:

- how you plan to create meaningful relationships between young people of different backgrounds 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 linking arrangements;<sup>5</sup>
- how you will market the school to ensure that it does not directly or indirectly discourage parents from particular social, cultural or racial groups from applying;
- activities or initiatives to support pupils from different backgrounds to mix with each other within the school;
- programmes or activities aimed at helping pupils to value differences and to challenge prejudice, discrimination, stereotyping and intolerance of others; and to understand the diversity of their communities and wider society;
- plans for local engagement and volunteering opportunities to encourage and support pupils to contribute to their local and wider community as active citizens;
- how you will develop links and partnerships with parents and community groups (including local employers and workplace learning providers) to encourage and enable them to play a role in the school and in pupils' development.

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

#### **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 C](#).

**If you are applying to open a school designated 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

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<sup>5</sup> To support new free schools who wish to undertake linking with other schools the government is investing over £700,000 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.

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;

For faith designated free schools, we require additional evidence about your commitment to, and the activities you plan to undertake, to support inclusivity and community cohesion. There are a number of ways in which you may wish to demonstrate your commitment to inclusivity, which may include some of the following:

- having diversity on the trust's board, by including one or more directors/trustees who is of another or no faith.
- 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 (MATs)

Our assessment process will take into account the evaluation of the trust's capacity by RSCs and their offices. Where possible, existing academy trusts should raise their expansion plans, including plans to apply for a new mainstream free school, with their regional schools commissioner as part of any planned discussions about performance and capacity.

RSCs and their offices will not be able to tell you whether or not your application will be successful, but will be able to discuss any concerns they may have about your capacity for expansion and/or the proposed location of your school. RSC contact details are available on [GOV.UK](https://www.gov.uk).

If you are an existing MAT, to make a complete judgement about your trust's track record, we will take into account whether you have effective governance ([Section F3](#)) and whether your trust is financially sustainable and operating efficiently ([Section G](#)) as well as your educational track record.

### F1 – A strong educational 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 educational 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 educational track record**' to apply to open a free school. When we use this phrase, we mean:

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

We will use information held by the department and publicly available data about the schools in your trust to make a judgement on your educational track record – including those that you have recently taken on or opened.

**However, 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. This would mean demonstrating that in one or more of your open state-funded 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.

**For all applications that include a nursery**, tell us about any experience your trust has in running nursery provision.

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

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

Within this section, we will assess whether you have access to appropriate educational, financial and other expertise to deliver your proposed school to opening. Your application will be rated more highly if:

- 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), 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.

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 or 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 in this section 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.

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

**MATs** must:

- complete Table F2(a) with information about who (a named individual) is in charge during pre-opening;
- conduct a skills gap analysis of your team and outline the missing skills and experience (if any) from your team, including gaps at operational level and in your board of trustees, and complete Table F2(b). You will need to set out how you plan to fill those gaps. We expect that 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 CVs of:
  - any individuals named in Table F2(a);
  - your principal designate, if you already know who this is; and
  - your executive head (if you will have one);
- provide a short timeline (less than one page) for your planned recruitment exercise(s) for recruiting a principal designate (and executive head if you intend to have one) if you do not yet have one.

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

- complete Table F2(a) with information 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 will need to set out how you plan to fill those gaps;
- set out your plans for recruiting a principal designate and executive head (if you intend to have one) in Box F2(b);
- provide the CVs of:
  - any individuals named in Table F2(a); and
  - your preferred candidate for principle designate head, if you have one. 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.

**If you are applying to establish a faith designated free school**, you will need to demonstrate your commitment to inclusivity. For example, 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.

**If you are proposing a school with a specialism, including (a) technical specialism(s)**, 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. For example, for a technical focus/specialism, the application must have strong employer engagement and have links to employment opportunities in the chosen specialism.

**For all applications that include a nursery**, tell us about any relevant experience individuals in your applicant group may have.

**How much you should write:**

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

**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).

## **F3 – An effective governance structure**

**Information required of different applicants:**

**If you are an applicant who is currently a MAT**, we will look at the effectiveness of your existing governance.

You must also:

- 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 could provide a diagram highlighting these changes. 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](#);
- show how the requirements of the governing board will not result in unnecessary and onerous workload for the headteacher and all staff members, setting up proportionate, streamlined and effective processes for reporting.

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

- provide a scheme of delegation 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 (see [Academies Financial Handbook](#)). While academy trusts can be established with a minimum of 3 members, it is the department's strong preference for trusts to have at least 5 members. The governance structure should cover all elements of the proposed school, including the nursery, where applicable;
- where applications include involvement of universities or other partner organisations, confirm that the university or organisation 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 headteacher;
- 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](#);
- demonstrate how you will ensure your governance structure, roles and responsibilities provide an appropriate level of expertise in state education and academies finance (or access to someone with experience of academies finance);

- show how the requirements of the governing board will not result in unnecessary and onerous workload for the headteacher and all staff members, setting up proportionate, streamlined and effective processes for reporting;
- 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 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. In particular, it sets out requirements about the constitution of the board of trustees and stresses the importance of having a significant degree of distinction between members and trustees.

**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
- [School resource management: top 10 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. This guidance currently links to the May 2018 version of the template. **The financial plan that is submitted to the department should use the updated May 2019 version of the template which includes the funding rates for 2019/20 and will be published in spring 2019.**

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 currently run any open state-funded schools, or if you are an independent school applying to open a new free school, we will take into account the financial health 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 of the same type and phase as your proposed school in or before 2016:**

- we will also use information we already have about the financial situation of your school(s), including pupil recruitment numbers, but please tell us anything that you believe will help us understand your financial health;
- you do not need to complete the [financial 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 has an innovative approach;
- however, in your education plan ([Section 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, or you have not opened any free schools of the same type and phase prior to 2016, 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. 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;
- the 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, including a reasonable allocation of the costs of those staff teaching both pre- and post-16, 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 (for example managing financial risks by starting with a limited number of places and then growing it), your 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 Chapter 6 of the [free school pre-opening guide](#), 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, for example 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, catchment/location maps, photos, 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 (we call this the gross internal area). Please use the following formulae to calculate this. 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 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 applications 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 from 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 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:

- we require a [suitability and declarations form](#) for each member and trustee of the academy trust who has not submitted this form within the past 365 days. We do not require Suitability and Declarations forms from individuals on local governing bodies unless we specifically request them;
- scanned copies of signed Suitability and Declarations forms and a passport-sized photograph attached to each applicant's form must be emailed to [due.diligence@education.gov.uk](mailto:due.diligence@education.gov.uk) stating the name(s) of your proposed school(s) in the email subject title. You should also provide name, role and position within the trust of any individuals who have already submitted Suitability and Declarations forms within this time period;
- the department reserves the right to request Suitability and Declarations forms from any group if we deem it necessary. Failure to submit Suitability and Declarations forms for all members and trustees will delay the progress of your application to the next stage.

For the purposes of the Data Protection Legislation, the Department for Education is the data controller for personal information supplied on wave 14 application forms and Suitability and Declarations 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 more information on how we will use your personal data, please see [Annex F](#).

**If you are successful at assessment stage:**

- the chair of trustees must apply for an enhanced DBS certificate via the department during the pre-opening phase. The DBS certificate will be counter signed by the Secretary of State. Where this certificate indicates that the chair of trustees is not suitable to run a free school, the Secretary of State will not open the school;
- all other members and trustees must obtain an enhanced DBS certificate. **The chair of trustees is responsible for ensuring that all members and trustees have an enhanced DBS certificate that was issued within the last 2 years.** Where an individual's DBS certificate indicates that they are not suitable to run a free school, the chair of trustees **must** take appropriate action.

## 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 – an independent charitable company limited by guarantee, 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 and with which the Secretary of State will 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 currently leads one or more maintained schools, we expect your existing maintained school(s) to convert to academy status, and for you 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, the role of members, trustees and other individuals serving on Local Governing Bodies and other committees 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](#). 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. This includes ensuring that **all staff** read at least Part one of the guidance.

### 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.

8.5. All free schools will be required to draft their initial admission policies using the relevant template on [GOV.UK](#). Trusts should refer to the department's detailed [guidance](#) on free school admissions, to help them adopt fair and code-compliant admission arrangements

### 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 [early years foundation stage](#).

## 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 [School and college performance tables: statements of intent](#).

8.14. All schools, including 16-19 free schools, are inspected under the [Common inspection framework: education, skills and early years](#). Mainstream schools are inspected under the [Ofsted inspections of maintained schools handbook](#) and 16-19 free schools are inspected under the [Further education and skills inspection handbook](#). All schools must collect performance data and publish results.

## **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.

8.16. 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.

8.17. All 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.

8.18. All mainstream schools must admit a child where the school is named in a child's EHC plan. Schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief or sexual orientation. Applicants will be expected to demonstrate an understanding of the implication of this requirement, and how they make reasonable adjustments for pupils with disabilities.

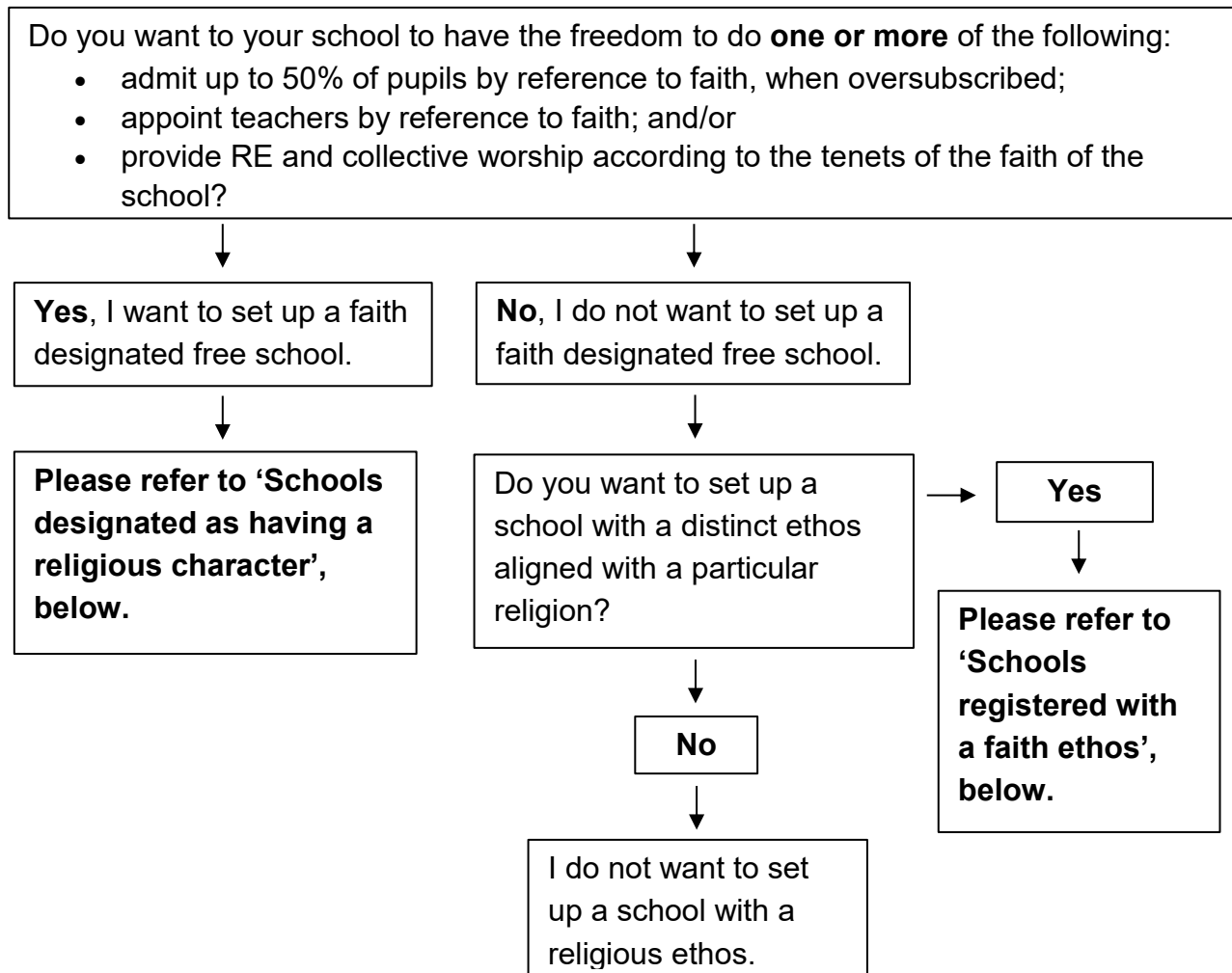
## **Boarding provision**

8.19. 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, 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 free schools designated as having a religious character and free schools registered with a faith ethos

9.1. To establish whether it is appropriate to apply to open a faith designated school please see the flow chart below:



### Schools designated as having a religious character

9.2. 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.

9.3. 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.

9.4. 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.

9.5. 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, including having diversity on the trust's board by including one or more directors/trustees who is of another faith or no faith.

9.6. 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 a mixed-faith MAT, 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.

9.7. 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.

9.8. 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 registered with a faith ethos**

9.9. 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. 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.

9.10. 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.

9.11. 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.

9.12. 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 designated schools and schools with a faith ethos**

9.13. 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.

9.14. 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.

9.15. 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.

## 10. Annex D: 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:

[The 7 principles of public life](#)

[Academies Financial Handbook](#)

[Behaviour and attendance guidance](#)

[Charity Commission guidance](#)

[Common inspection framework \(Ofsted\)](#)

[Early years foundation stage statutory framework](#)

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

[Find and compare schools in England](#)

[Free schools: admission and referral policies](#)

[Free schools and UTCs: successful applications](#)

[Good estate management for schools](#)

[Governance handbook and competency framework](#)

[Inspiring Governance](#)

[Keeping children safe in education](#)

[Local authorities](#)

[Local authority school places scorecards](#) and [pupil number forecasts and place planning in England \(primary and secondary\)](#)

[Mainstream and 16 to 19 free school financial template](#)

[Model free school funding agreements](#)

[Model free school memorandum and articles](#)

[Multi-academy trusts: establishing and developing your trust](#)

[Protecting children from radicalisation: the prevent duty](#)

[Public procurement policy](#)

[Regional schools commissioners](#)

[SEND code of practice: 0 to 25 years](#)

[SMSC requirements](#)

[Standards for school food in England](#)

[Working together to safeguard children](#)

## 11. Annex E: 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.

### **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 5 year timescale at primary, and a 7 year timescale at secondary (note that the term 'basic need' does not apply to the post-16 age range). 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. 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. Schools with a religious character 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. 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](#) sets the standards of learning, development and care of children from birth to 5 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 an executive agency, sponsored by 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.

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

An 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, your proposed school must be designated as having a religious character. 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. We do not permit special, alternative provision, or 16-19 free schools to 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**

The 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 appointed by the trust board.

### **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. [Protecting children from radicalisation: the prevent duty](#) 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.

### **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 can be found on [GOV.UK](#).

### **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 admissions 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 with oversight of SEN provision to ensure co-ordination of support, similar to the role of the SENCO described above.

### **Special educational needs (SEN) units and Resourced Provision**

SEN units are special provisions within a mainstream school, where children with an EHC plan and specific types of SEN are taught wholly or mainly in separate classes.

Resourced provision are places that are reserved at a mainstream school for pupils with an EHC plan and specific types of SEN, taught mainly within mainstream classes but who also require a base and some specialist facilities around the school.

SEN units and resourced provision provide additional specialist facilities on a mainstream school site for a small number of pupils, typically fewer than 30 but on average between 10 and 20, who usually have EHC plans. SEN units and resourced provision tend to provide for a specific need such as speech, language and communication needs, hearing or visual impairment or autism. Less commonly they may provide for pupils with a physical disability or behavioural difficulty. SEN units and resourced provision must be set up in response to local authorities' needs and reflect the local approach to inclusion. The local authority commissions places for children with EHC plans at the units, and pays the relevant top-up funding.

### **Sponsor**

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

### **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.

## 12. Annex F: How we use your personal data

12.1. Personal data is collected on the pre-application registration form, the Word and Excel application forms and the [suitability and declarations form](#) so that the Department for Education can consider the application to set up a free school.

### Who we are

12.2. The Department for Education is the data controller for personal information collected on the Word and Excel application forms and the Suitability and Declarations form 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.

### The nature of your personal data we will be using

12.3. The categories of your personal data that we will be using for this project are:

- names;
- date of birth;
- current and previous positions/job titles;
- companies/organisations; and
- contact details (work postal address, email address and phone number)

12.4. We may also process special category data if declared under Section 5 of the Suitability and Declarations form or when undertaking due diligence checks on applicants. This may include information relating to:

- character declarations, including details of unspent convictions, motoring offences, police cautions, insolvency and bankruptcy;
- health declarations;
- any orders made against you in relation to working with vulnerable individuals;
- addresses for the last 5 years;
- passport details;
- driving licence details.

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

12.5. 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 relevant conditions we are meeting are Article 6 (1)(e) of the General Data Protection Regulations (GDPR) and Article 9 (2)(g) GDPR in that our processing of personal and special category data is necessary for reasons of substantial public interest for the exercise of our functions as a government department.

## Publication

12.6. The Department for Education is committed to being as transparent as possible. We will publish a full list of the applications we receive on GOV.UK. This will include the proposed school's name, local authority, type of school, phase and faith ethos or designation.

12.7. If your application to set up a new school is successful, we will also publish the full 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. All other information, including the names of individuals and organisations mentioned in the application, will be published.

12.8. 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.

12.9. For more information about how we will use your personal information, please read the full privacy notice in [Annex F](#).

## Who we will make your personal data available to

12.10. 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).

12.11. 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;
- we will share your personal information with third parties for the purpose of conducting checks on your suitability to run a free school, where this is allowed by law for the purpose of enabling these organisations to carry out their functions.

## How long we will keep your personal data

12.12. 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.

12.13. 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

12.14. Under certain circumstances 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.

12.15. You have the right to raise any concerns with the [Information Commissioner's Office](#) (ICO).

## Last updated

12.16. 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 22 January 2019.

## Contact Info

12.17. 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. If you wish to contact the department's Data Protection Officer (DPO), please also indicate in the reference that your enquiry is 'for the attention of the DPO'.



Department  
for Education

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Reference: DFE-00129-2018



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