



Department  
for Education

# **Guidance and criteria**

**For proposer groups interested in  
applying to set up a special free school  
or an alternative provision free school**

**March 2019**

## About this guidance

This publication provides non-statutory guidance from the Department for Education (DfE).

This guidance is for anyone wishing to apply to set up a **special free school or an alternative provision (AP) free school** in the local authorities (or combination of local authorities) listed in Annex F. It sets out for proposer groups the process to apply to set up a new school in response to a local authority specification.

New schools approved through this process are part of the department's central free schools programme and will be delivered and funded as such. Free schools are legally academies, which are state-funded educational institutions free from local authority control and are operated by academy trusts.

**This process does not replace the [free school presumption](#) process and does not replace a local authority's duty to secure sufficient appropriate education for children and young people.** If there is significant basic need in an area, the local authority should decide whether a free school presumption competition is needed, and if so they must seek proposals to establish a free school through the presumption process.

This guidance applies from March 2019 and supersedes all previous versions of guidance and criteria for applying to open special free schools and alternative provision free schools.

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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. This includes children with special educational needs and disabilities and children in alternative provision. We want these children, who are often already vulnerable and disadvantaged, to have a chance to reach their potential and live a fulfilled life.**

- 1.1. To help achieve this ambition, we have opened new special and AP free schools through the free schools programme: as of 1 March 2019 there are 34 open special and 42 open AP free schools, and a further 54 special and 12 AP free schools have been approved to open in the future.
- 1.2. Our experience has highlighted that commitment from local authorities, and developing new schools in partnerships, are key factors in enabling new special and AP schools to play an effective role within the local education system. Local authorities have strategic responsibility for special educational provision and alternative provision in their areas, and are also responsible for commissioning and funding places in special schools and AP. Any new special schools and AP schools should therefore fit within local authorities' strategies for children and young people with special educational needs and disabilities (SEND) and those requiring AP.
- 1.3. That is why the DfE is working collaboratively with selected local authorities to create new special and AP free schools. In July 2018 we launched a joint special and AP free schools wave, where we first asked local authorities to set out their case for why a new school would benefit their area. We have now announced the 39 successful local authority bids for special free schools and AP free schools and are inviting applications from proposer groups to open the new schools in those areas (listed in Annex F).
- 1.4. We want applications that demonstrate a commitment to partnership working to create schools that will deliver what the local area and its families need, and ultimately provide an opportunity for the children that attend them to achieve better outcomes.
- 1.5. Opening a free school is challenging, but incredibly rewarding. Whether you are a new or an existing education provider, if you are passionate about making sure that children are 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.

## 2. Summary of what we are looking for

2.1. We want to open new special free schools and AP free schools in the places where good new schools will be most beneficial and needed, and that fit within local authorities' strategies. We are now inviting proposer groups to apply to open new special and AP free schools in the successful local authority areas (listed in Annex F). For this competition we are only accepting applications to open special free schools and AP free schools in response to specifications published by those successful local authorities.

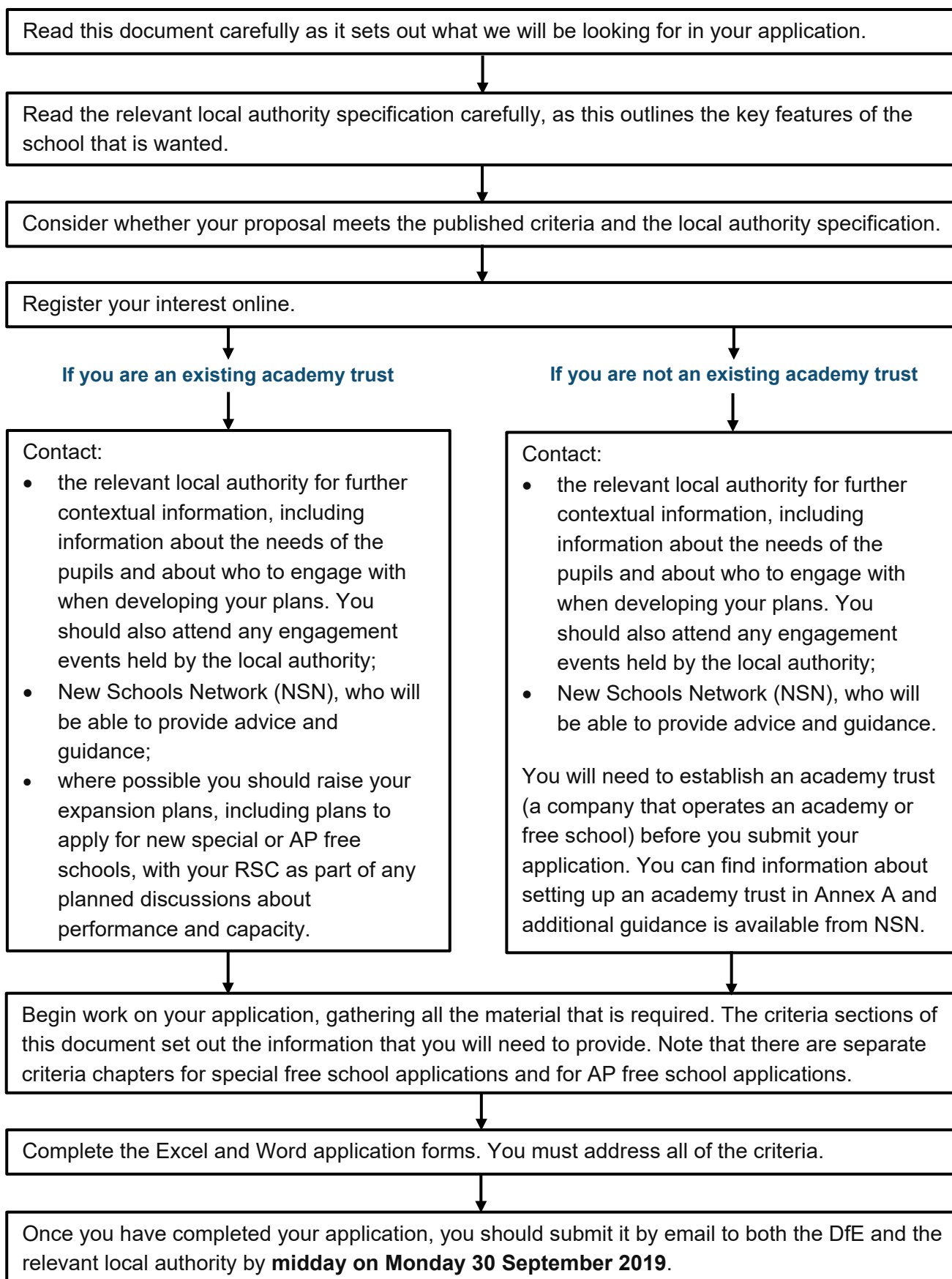
2.2. We are particularly looking for applications that:

- 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 show that the school will deliver the local authority specification within the funding specified, demonstrate a commitment to forming/working in local partnerships, and be evidence-based with a clear implementation plan (Section C);
- show a **clear understanding of the needs** of the expected cohort and demonstrate the ability to meet those needs (Section C and Section D);
- can demonstrate a **strong track record** of providing a high standard of education (Section E);
- can demonstrate that the school will **set ambitious and realistic expectations** for children and support them towards effective preparation for adulthood:
  - for special schools, greater independence and employability, centring around each child's own aspirations, interests and needs; and,
  - for AP schools, preparation for the next stage of their lives e.g. re-integration to mainstream schooling (where appropriate), further education, employment (Section D);
- offer **good value for money**, with an affordable education plan (Section F);
- 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 D);
- have a **new or innovative approach**. We are particularly interested in applications that show how they would add value to the wider schools system by, for example, introducing a new pedagogy and sharing expertise and learning (Section C).

2.3. You can find the full criteria against which we will assess special free school applications in Chapter 5 and AP free school applications in Chapter 6 of this document.

### 3. Process overview

I'm interested in opening a new special or AP free school. What do I need to do next?



## 4. The application process explained

- 4.1. This chapter outlines the **process for applying to open a special free school or AP free school in these competitions** – you should read it carefully before completing your application.
- 4.2. You will also need to read the relevant local authority’s specification carefully before completing your application. Local authority specifications are documents that outline the key features of the schools that are wanted by the local authorities. For example, they provide information about the:
- context around why the local authority wants a new school;
  - type of school wanted (including the category of SEND for special schools, and the types of placements for AP);
  - number of places needed and being commissioned, as well as funding;
  - age-range of the school; and,
  - proposed location (and site details, where one has been identified by the local authority).
- 4.3. You should use the information within the relevant specification to determine whether you would like to apply to open and run the school. If you would like to apply, then you should use the information in the specification as a basis to your application.
- 4.4. Local authorities will publish their specifications on their websites, links to which will be available on [GOV.UK](https://www.gov.uk).
- 4.5. If you are submitting applications for multiple local authority competitions, then you must submit a separate application for each competition and each application must respond to the relevant local authority specification.

### Key dates

<b>11 March 2019</b>	Successful local authority bids are announced and phase 2 launched – the application criteria for proposer groups are published and pre-application registration opens.
<b>30 September 2019 (midday)</b>	Deadline for submitting your application in these competitions.
<b>Autumn 2019</b>	Interviews start.
<b>Winter 2019/20</b>	Approved applications announced.

### Registering your interest

- 4.6. We would strongly encourage you to register your interest in applying to set up a new special or AP free school ahead of submitting an application. Register your

interest using the [special and AP free school pre-registration form](#). Note that we would encourage you should to register your interest, even if you have done so before (for previous free school waves). Registering your interest will allow the department and local authorities to get in touch with you e.g. to invite you to engagement/competition information events.

- 4.7. You should be aware that we may use the information you provide at this stage to inform our internal conversations (including with Regional Schools Commissioners), and external partners (such as local authorities and New Schools Network).

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

- 4.8. When considering applying to open a special free school or AP free school, we recommend that you consider the following sources of support and advice in preparing your application:

- **local authority** – you should contact the relevant local authority before applying. Local authorities can provide more information, such as details about the local context in the area, information about the needs of the pupils and about who to engage with when developing your plans. We expect all potential proposer groups to attend any engagement events held by the relevant local authority as this will provide further information about the local context, need and requirements for the school, as well as provide you with an opportunity to ask any questions.
- **New Schools Network ([NSN](#))** – NSN receives a grant from the DfE 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 in a federation), they can provide advice on governance arrangements and the transition to becoming a multi-academy trust (MAT). NSN can also put applicants in contact with groups that have been successful in previous waves.
- **Regional Schools Commissioner (RSC)** – where possible, existing trusts should raise their expansion plans, including plans to apply for new special or AP free schools, with their RSC as part of any planned discussions about performance and capacity. RSCs will not be able to tell you whether or not your application will be successful, but they will be able to indicate and discuss any concerns they may have about your capacity and/or location. Information about each RSC (including their contact details) can be found on [GOV.UK](#).

## Setting up an academy trust

### Things you should consider before applying to open a free school

- 4.9. 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.



- 4.10. 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](#).
- 4.11. If you are proposer who already leads any existing maintained schools, we expect your existing maintained school(s) to convert to academy status, and the proposer group to form a MAT that will incorporate both the new free school and any existing school(s). 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.
- 4.12. Further information about setting up an academy trust and considerations for trusts can be found in Annex A, and additional guidance is available on [GOV.UK](#) and from NSN.

## Completing your application

- 4.13. We will assess your proposal against the criteria set out in Chapter 5 (for special free schools) and Chapter 6 (for AP free schools). 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.
- 4.14. You need to complete a free school application, which consists of two forms (an Excel form for criteria sections A and B, and a Word form for criteria sections C, D, E and F). You must use the forms provided on [GOV.UK](#).
- 4.15. 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.
- 4.16. 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.
- 4.17. The DfE 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, category of SEND (where applicable), phase and faith ethos. 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 G for more information about how we will use your personal information.

## Identifying a site for your school

- 4.18. When we invited local authorities to set out their case for why a new school would benefit their area, we asked local authorities to tell us about any potential sites for

the school. We were particularly interested in bids that included a value for money site (at a peppercorn nil premium on a 125 year lease without rent or capital payment) that we are likely to secure in a timely manner with an acceptable level of risk.

- 4.19. As such, in some local authority competitions the local authority will have identified a site that they think is suitable for the free school to be located on (information about whether a site has been identified can be found in the relevant local authority specification). In these cases, we will have already been assessing the suitability of the sites, and may progress to carry out further studies and potentially start work to acquire them while the local authority competitions are running.
- 4.20. Where a suitable site has not yet been identified by the local authority, we have been conducting searches for sites. We have a team with specific expertise that finds and acquires sites for free schools. They also oversee construction, redevelopment and necessary works.
- 4.21. However, this does not prevent you from putting forward a suitable site if you have one. If you do have an identified site, you can tell us about it in Section B of the Excel application form. We are likely only to look into any site that you do tell us about if it becomes apparent that the sites we are already progressing are unsuitable.

## Submitting your application

- 4.22. Completed full applications **should be submitted by midday on 30 September 2019 for this wave.**
- 4.23. **Submit your application by email to:** [APspecial.freeschool@education.gov.uk](mailto:APspecial.freeschool@education.gov.uk) and the relevant local authority. Your application forms must not be sent as pdf files (i.e. they must be sent as Word and Excel files respectively). **Please title both your application electronic file(s) and email(s) as follows:** Special/AP free school application\_[INSERT NAME OF LOCAL AUTHORITY COMPETITION]\_[INSERT NAME OF YOUR GROUP]. Your email should not exceed 9 megabytes in size; anything larger will not be delivered. If the bid is larger than 9 megabytes, please split the documents and send two (or more) emails clearly indicating that the emails are connected (e.g. email 1 of 3).
- 4.24. **In addition, send one hard copy by a guaranteed delivery method** (applications may be hand delivered) to:

Special and AP Free Schools Assessment Team  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## Assessment of your application

- 4.25. Applications will be jointly assessed by the DfE and the relevant local authority. If your proposal is for a special free school, we will assess it against the criteria set out in Chapter 5; if your proposal is for an AP free school, we will assess it against the criteria set out in Chapter 6.
- 4.26. **If you do not provide the relevant information in your application for each 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 your application and your application will be rejected. Equally, if your proposal does not respond to the specification set out by the relevant local authority, it is likely that your application will not be considered further and will be rejected.**
- 4.27. If you are submitting applications for multiple local authority competitions it is important to note that each application will be assessed separately, and there may be cases where you could be assessed as strong in one competition but not in another.
- 4.28. If your application is assessed as one of the strongest, we may invite your group to interview. There will be separate interviews for each local authority competition and the interview panels will consist of representatives from both the DfE and the relevant local authority. 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.
- 4.29. In assessing each application, we will take all of the criteria into account. To decide which are the strongest, we will make a judgement, weighing up the benefits and costs of each application.

## Decisions

- 4.30. Only one application will be approved per local authority specification. If a specification does not attract applications that meet both the local authority specification and the application criteria then no application will be approved.
- 4.31. 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. However, you may not receive full feedback if paragraph 4.26 applies.
- 4.32. Approval of your application does not mean approval of every detail, such as your financial plans, preferred principal designate, proposed site, or budget. The continuing approval of your application is also conditional on the site being

deliverable. It has to be a workable site with capital costs representing good value for money; not costly to develop because of either ground contamination, flood risks, significant topographical issues, lack of services, access of other costly issues that would impede development. 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?

- 4.33. If your application is successful, you will be invited to move to the free school pre-opening phase, which is managed by the DfE. In this phase, you will need to turn your application into a school ready for opening.
- 4.34. In our experience, special and AP free school projects typically take around one and a half years to open – attempting to open in a shorter timescale is extremely challenging. One of the key milestones in the pre-opening phase will be to agree your provisional opening date. 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. In some cases sites will have already been identified by the local authority but not yet confirmed; this means any opening dates mentioned (and indeed, the sites themselves) are not final and subject to change.
- 4.35. 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 to retrospectively cover any costs incurred in preparing the free school application and getting the school approved into pre-opening. The amount for the grant will vary depending on the type of school the trust is opening and the number of schools the trust is opening in an academic year. Further details on the pre-opening phase and the project development grant can be found in [the free schools pre-opening guide](#) for proposer groups.
- 4.36. 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.
- 4.37. 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

- 4.38. 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.

## 5. Assessment criteria for proposer group applications for special free schools

- 5.1. If you are applying for a special free school, the criteria by which your application will be judged are set out in this chapter – we strongly encourage you to read this chapter in full before starting work on your application.
- 5.2. For this application process we are **asking all applicants to complete a full application form**. This means that there are no different application requirements in place depending on the type of proposer, but the information that you provide and its context will vary depending on your experience and background. Details are found under each of the criterion in this chapter.
- 5.3. If you are submitting applications for multiple local authority competitions, then you must respond to each relevant local authority specification. We will not accept duplicate applications – a separate application must be developed and submitted for each competition that you are applying for.

## Special free schools: Section A – tell us who you are

- 5.4. All applicants must complete this section in full.
- 5.5. In this section we ask you for basic information about your applicant group and your academy trust.<sup>1</sup>

## Special free schools: Section B – competition details and outline of the school

- 5.6. All applicants must complete this section in full.
- 5.7. You should refer to the relevant local authority specification, which will provide most of the key information about the school that is being commissioned and should inform your application. For example, the age-range of the school must match the age-range outlined in the relevant local authority specification.
- 5.8. In this section we ask you which local authority competition you are applying for, as well as some details about the school.
- 5.9. You need to tell us if you are proposing a faith ethos or other particular worldview. **Special free schools cannot be designated as having a religious character.**
- 5.10. In addition, if you are an independent school that wants to join the state sector by applying to become a free school, you must tell us the number of places that you propose to convert (as well as the number of new places you will create, as set out in the relevant local authority specification).
- 5.11. In this section, if you are an independent school who wants to join the state sector, you need to provide information about your current site(s) and building(s). If you are not an independent school seeking to join the state sector, but wish to tell us about an identified site you may have, you can also use this section to do so. We are likely to only look into any site that you do tell us about if it becomes apparent that the sites we are already progressing are unsuitable.

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<sup>1</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 A will be treated in accordance with data protection legislation as set out in Annex G.

## Special free schools: Section C – vision

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

Note that you need to demonstrate in later sections that your vision is both deliverable and affordable within the funding that the local authority specification sets out.

### Things you need to know

#### 5.12. All applicants should complete this section in full. You must:

- explain your own vision for the proposed school, and how it will deliver the local authority's specification;
- include a brief explanation (if applicable) of any specialism, particular ethos, distinctive pedagogy or educational philosophy;
- explain how that vision comes across in your curriculum approach and approaches to meeting pupils' needs;
- explain how your proposed school will achieve the expectation set out in paragraph 1.37 of the [SEND code of practice](#). This paragraph states that special schools have an important role in providing for children and young people with SEN and in working collaboratively with mainstream and special settings to develop and share expertise and approaches;
- explain how your school will bring innovation to the wider schools system (if appropriate);
- explain how you will manage and develop the workforce to create a sustainable work-life balance for all staff;
- ensure that 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;
- provide a summary of how you have engaged with those commissioning places at your proposed school, local partners and providers, local parents/carers forums and students/young people when developing your vision, as well as the outcomes of that engagement; and,
- if your proposed school is in a different area from your existing school(s), explain clearly how you will ensure that the new school will be well supported.

#### 5.13. In addition, if you are an independent school that wants to join the state sector, you must also:

- explain why you want to do so;
- provide evidence that the vast majority of existing places at your school are currently commissioned by local authorities and publicly-funded from the high needs block;
- explain how joining the state sector would impact your existing cohort; and,
- set out how you would be able to deliver the new provision required by the local authority.

5.14. You do not need to provide details of your intended enrichment programme at this stage, unless it is crucial to achieving your vision. If that is the case, you should mention it in this section and provide more details in the education plan (Section D1).

**5.15. In addition to this, applicants who already run or lead more than one school should also provide a brief overarching vision for your trust/chain, including:**

- 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 a summary of any discussions you have had with the relevant RSCs about this; and,
- information on how the new school you are proposing forms part of that vision.

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

5.16. We would normally expect Section C to be no more than 5 pages long.



## Special free schools: Section D – education plan

In Section C you set out the overall vision for your school. Section D is about how your school will meet the special educational needs of its pupils, and how you intend to deliver both the local authority specification and your 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 that will give all children and young people the knowledge and skills they need to succeed and prepare for adult life.

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 that the local authority specification sets out 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

5.17. **All applicants must complete this section in full.** Some criterion request different information based on your group's experience and the type of provision you are applying for.

5.18. Section D of the application form has 2 different parts:

- **Part 1** asks you to complete Table D(a), which will reflect the information in the local authority specification and, where appropriate, further discussion with the local authority.
- **Part 2** is where you should provide information relevant to the criteria below:
  - D1 – the curriculum;
  - D2 – measuring pupil performance;
  - D3 – staffing; and,
  - D4 – ensuring inclusivity.

5.19. Preparation for adult life should feature throughout Section D. Being supported towards greater independence and employability can be life-transforming for children and young people with SEN. This support needs to start early, and should centre around the child or young person's own aspirations, interests and needs.

5.20. The annual review of an education, health and care (EHC) plan in Year 9, and every review thereafter, must include a focus on preparing for adulthood. Planning must be centred around the individual and explore the child or young person's aspirations and abilities, what they want to be able to do when they leave post-16 education or training and the support they need to achieve their ambition.

5.21. Schools should seek partnerships with employment services, businesses, housing agencies, disability organisations and arts and sports groups, to help children understand what is available to them as they get older, and what it is possible for them to achieve. Your application should set out how your school would support preparation for adulthood for its pupils:

- higher education and/or employment – this includes exploring different employment options, such as support for becoming self-employed and help from supported employment agencies;
- independent living – this means young people having choice, control and freedom over their lives and the support they have, their accommodation and living arrangements, including supported living;
- participating in society, including having friends and supportive relationships, and participating in, and contributing to, the local community; and,
- being as healthy as possible in adult life.

## **D1 – curriculum plan**

### **Things you need to know**

5.22. Within this section, all applicants will be assessed on the quality of their plans and the extent to which they meet the criteria, including how they meet the expectations set out in the local authority specification. We will be looking for an ambitious, affordable and deliverable curriculum plan, which is consistent with the vision, pupil intake and financial plan.

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

### **5.24. All applicants must:**

- complete 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;
- demonstrate that your proposed curriculum will be deliverable and, if applicable, how and to what extent you intend to use resource from your existing school or other organisations to contribute to the delivery of the curriculum (whether at whole-school or subject-specific level) or improve teaching capability;
- demonstrate that your curriculum is broad, balanced, and appropriate for the types of need for which you intend to cater. We will look at how you intend to develop literacy, numeracy and science skills. We will also look at how you

prepare pupils for adulthood – including how your curriculum will improve pupils' skills and outcomes in independence, employability, healthy living and participation in society. If your curriculum plans rely on wrap-around facilities, you should mention that here;

- 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);
- provide information on the curriculum that you are proposing to teach in your school, which should be consistent with your vision and the local authority specification. Please explain how it meets the needs of the expected intake, whilst having an ambitious approach to meeting those needs. If you are planning to teach something other than the national curriculum, please set out what you propose instead, your rationale, and how it provides the knowledge and skills that children need. If available, you should reference (but do not copy and paste) published data and research which demonstrates that it is a good, rigorous and successful model (such as results of academic research);
- 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;
- describe the types of special educational need that the school will cater for and include a strategy to assess and meet the needs of all pupils including looked after children, those requiring literacy recovery/intervention (including English as an additional language), the most able, those with differing degrees of SEND, and those children who attract the pupil premium. Your strategy should represent best practice, making best use of teaching specialisms and SEND expertise accordingly. Your strategy should also show evidence that you will ensure safeguarding, good behaviour and good attendance and that any health needs will be met;
- describe the extent to which you will engage with other agencies and how they will be involved to support pupil development;
- include the strategies you will put in place to support pupils to be successful when they enter and leave the school; and,
- provide a summary of how you have engaged with those commissioning places at your proposed school, local partners and providers, local parents/carers forums and students/young people when developing your curriculum plan, as well as the outcomes of that engagement.

5.25. For **all** specifications that include a nursery, you must also:

- 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 three- and four-year old children of working parents and whether you will offer provision over and above any free entitlement;
- show your approach to making places available for three- and four-year-old children whose parents do not qualify for the 30 hours entitlement; and,
- show whether funded provision for disadvantaged 2 year olds will be included.

5.26. **For all specifications that include 16-19 provision**, you must also state what subjects will be covered, the range of qualifications offered and how these will meet the needs and interests of all students. Free schools with 16-19 provision that are planning to offer technical qualifications must demonstrate how the introduction of T Levels will affect the programme of study that they plan to offer.

### How much you should write

5.27. We would normally expect Section D1 to be no more than 20-30 pages long.

## D2 – measuring pupil performance effectively and setting challenging expectations

### Things you need to know

5.28. **All applicants must:**

- describe how you will establish a baseline of students' current level of attainment (including external validation of this) and put in place an assessment system that will allow pupil performance and progress to be measured and improved, ensuring this relates to the outcomes in an individual's EHC plan;
- make explicit, ambitious and realistic expectations for pupil performance, behaviour and attendance, explaining why they are suitable to measure the delivery of your education vision, and what your strategy will be to achieve them; and,
- explain how you will review success measures and expectations regularly to improve the school's performance, including non-academic targets for students' skills and outcomes in independence, employability, healthy living and participation in society. This could include benchmarking assessment data with other relevant schools;

5.29. We will also assess the **quality** of your plans to:

- use appropriate assessment data to inform teaching and drive progression and attainment for all pupils;
- focus on measuring and improving the quality of teaching in the classroom;
- involve parents/carers and report progress to them; and,
- involve students themselves and their families in decisions about their support, ambitions, and progress.

### How much you should write

5.30. We would normally expect Section D2 to be no more than 10 pages long.

## D3 – staffing

### Things you need to know

5.31. Within this section, all applicants will be assessed on the extent to which your staffing structure matches the curriculum proposed and your financial plans (which need to align with the top-up rates set out in the local authority specification). 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 of how teacher workload will be managed and kept under review so that it is sustainable as the school expands.

5.32. 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, subject leaders, teachers and support staff.

5.33. 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.

5.34. **All applicants must:**

- demonstrate an understanding of the teacher recruitment and retention issues that the school might face, taking into account any local, regional or national factors relevant to your context;
- set out your planned strategy for successfully recruiting high quality staff, demonstrating how you will mitigate against the challenges that you identified. You may wish to refer to [Teachers analysis compendium 2](#);
- 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 [2016 independent review group reports](#) on eliminating unnecessary

workload in marking, planning and resources and data management, and those of the [2018 Advisory Group](#) on data; and,

- show how the workforce will be well managed and developed, taking into consideration issues such as flexible working and continuous professional development;
- 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. You also need to describe the impact that phasing has on the curriculum offer until the school reaches full capacity;
- 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, sixth form and residential provision where applicable). You can provide a table demonstrating the growth in staffing;
- demonstrate that at full capacity, your staffing structure is sufficient to deliver the curriculum plan, consistent with the information provided in the [financial template](#);
- demonstrate how you will regularly review key financial health and efficiency metrics (including teacher contact ratio, average class size and average teacher cost) to 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. 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; and,
- 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 should refer to [Schools Financial Efficiency: top 10 planning checks for governors](#) and [School Resource Management](#) pages on GOV.UK.

5.35. You do not need to include information about the affordability of your staffing plans in this section. This will be assessed in Section F.

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

5.37. **For all specifications 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

5.38. We would normally expect Section D3 to be no more than 10 pages long.

## D4 – integration and community cohesion

### Things you need to know

5.39. 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.

5.40. 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. Specifically, you should demonstrate how your 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; and,
- 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.

5.41. **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 the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs;
- how the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education. SMSC development can support pupils' learning and understanding of fundamental British values – guidance is available on [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;
- how the school will develop in students the skills to participate in society and be active citizens in their communities;

- what the school will do to ensure that pupils from different backgrounds and different communities all feel welcome and able to play a full and active role in the school in a way that reflects and is in line with the requirements of the [Equality Act 2010](#);
- how the school will encourage pupils from different communities, faiths and backgrounds, 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 develop all its students skills, to support them to lead healthy lives; and,
- how the school will prepare pupils for adult life, so they can progress into employment, independent living, community participation and good health.

5.42. 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.

5.43. 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 faiths (or no faith) in other schools as part of a sustained and structured linking programme. You may wish to provide the name of a school or a list of schools with a good educational track record with whom you plan to set up a meaningful linking programme, or provide a letter from the school you propose to link with which demonstrates their commitment to establish a strong and meaningful set of linking arrangements;<sup>2</sup>
- having 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.

5.44. 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.

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

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<sup>2</sup> To support new free schools who wish to undertake linking with other schools the government is investing over £500,000 to enable the Linking Network to develop programmes that will help develop strong and positive links between schools and communities with different religious and cultural backgrounds.



- 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**

5.46. We would normally expect Section D4 to be no more than 5 pages long.

## Special free schools: Section E – 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 proposed school, 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: academy trusts

- 5.45. Our assessment process will take account of 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 new special or AP free schools, with their RSC 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 and/or location. RSC contact details are available on [GOV.UK](https://www.gov.uk).
- 5.46. If you are an existing trust, to make a complete judgement about your trust's track record, we will take into account whether you have effective governance (Section E3) and whether your trust is financially sustainable and operating efficiently (Section F), as well as your educational track record.

## E1 – a strong educational track record

### Things you need to know

- 5.47. Section E1 is only relevant to those **applicants with at least one open school**. However, **all applicants** should keep in mind the definition of a strong track record set out below when explaining the track record of the individuals in their group.
- 5.48. **All groups who currently run or lead 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 currently has a 'good' or 'outstanding' judgement from Ofsted (or, for independent schools, another appropriate inspectorate if not Ofsted);
  - if your existing school is an independent school, there are no significant outstanding issues on compliance in your most recent inspection report, and (if you are applying to join the state sector) any additional inspections requested by the department result in standards being met; and,
  - if your existing school is a state-funded mainstream school, achievement is above local authority and national averages (looking at headline accountability

measures of attainment and progress for the relevant schools) and is generally on a consistent or upward trajectory since the last Ofsted inspection.

- 5.49. **Groups who currently run independent schools must provide** the date and overall judgement of your latest inspection and include a link to the full report.
- 5.50. If you currently run or lead state-funded schools, you do not need to provide any information for Section E1, as we will use information held by the department and publically available data about the schools in your trust to make a judgement on your educational track record – including for schools that you have recently taken over or opened.
- 5.51. **However, you may wish to provide additional information that you believe will help us to better understand the track record of your group.** For example, there may be a specific reason why a school that you run or lead does not meet this definition (e.g. that the school has not been open long enough for exam results, or that you have recently taken on an underperforming school).
- 5.52. Where a trust 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.

## **E2 – the necessary experience and credentials to deliver the school to opening**

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

- 5.53. Within this section, we will assess whether you have access to appropriate educational, financial and other expertise to ensure that the proposed school opens successfully. 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 show a clear understanding of the skills and capacity required to run a successful school and have secured sufficient and realistic time commitments from each individual.

5.54. 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 those gaps.

5.55. You do not need to tell us how you will establish the school's local governing body.

5.56. In Section C, you will have explained briefly any other plans for your trust, such as 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) successfully in the proposed location, alongside any other plans for expansion and the work required to improve/maintain standards in your existing schools.

**5.57. In Section E2, all applicants must:**

- complete Table E2(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;
- provide the CVs of:
  - all the individuals you name in this Table E2(a);
  - your preferred candidate for principal designate, if you have one (in most cases, we would not expect you to have identified a principal designate at this stage); and,
  - your executive head, if you are planning to have one (in most cases, we would not expect you to have identified an executive head at this stage);
- 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 section E1) 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: SEND provision; managing school finances; leadership; project management; marketing; human resources; and, 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 E2(b). You will need to set out how you plan to fill those gaps; and,

- set out your plans for recruiting a principal designate and executive head (if you intend to have one) in Box E2(b).

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

### How much you should write

5.59. We would normally expect Section E2 to be 5-10 pages long, not including the CVs (which should be in an annex). You are likely to write up to 10 pages if you are a single school and would be becoming a MAT or setting up an academy trust for the first time (including if your school is currently local authority maintained), and/or if this would be your first school of this type or phase.

## E3 – an effective governance structure

### What you need to know

5.60. **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 the [Academies Financial Handbook](#)). While academy trusts can be established with a minimum of three members, it is the department's strong preference for trusts to have at least five members. The governance structure should cover all elements of the proposed school, including nursery and residential, where applicable;
- include a brief explanation of the roles and responsibilities of the company members, the trustees, any proposed committees and the principal;
- include a strategy for avoiding and minimising conflicts of interest and for securing independent challenge to members and trustees;
- include a brief description of any specific conflicts of interest and an explanation of how you intend to manage them;
- declare any financial transactions that are likely to take place between any member/trustee (or a connected party/business) and the academy, the nature of the transaction(s) and provide assurance that they will comply with the 'at cost' principles set out in the [Academies Financial Handbook](#);
- demonstrate how you will ensure that 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, and how you will set up proportionate, streamlined and effective processes for reporting; and,

- if you are a maintained school or a group of maintained schools, and you are proposing to become 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.

5.61. We will also consider the proposed size and structure of your board of trustees and whether it will facilitate 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. It is the department's strong preference wherever possible for trusts to have at least five members.

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

- explain what changes, if any, you need to make to your existing governance structure, roles, and responsibilities, or schemes of delegation in order to ensure that your trust continues to exercise strong accountability for your free school both before and after they open, and for the rest of your trust. You could for instance 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 provide assurance that they will comply with the 'at cost' principles set out in the [Academies Financial Handbook](#); and,
- show how the requirements of the governing board will not result in unnecessary and onerous workload for the headteacher and all staff members, and how you will set up proportionate, streamlined and effective processes for reporting.

5.63. 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.

## **How much you should write**

5.64. We would normally expect Section E3 to be no more than 5 pages long. This might be shorter for MATs that have recently discussed their governance structure with their RSC.

## Special free schools: Section F – 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. We expect your financial plan to demonstrate that you are able to manage your school's budget efficiently. You will need to set out robust financial plans 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 must demonstrate that the school will be financially viable.**

### What you need to know

- 5.65. Special free schools' continuing financial viability will depend on local authorities continuing to place children and young people with EHC plans in those schools, with the procedures for that (including the relevance of parental preference) being set out in law. It is therefore important that the school proposers offer the type of places that the local area needs, and within the funding available from the relevant local authority.
- 5.66. As each specification is for a different school in different local authorities, each prescribes different numbers of places, top-up funding rates, and build-up of places over time. The financial template provided on GOV.UK is applicable to all special free schools – it is not tailored to each of the specifications. This means that you will need to fill in the place numbers, top-up funding rates, and build-up of places over time by copying these details from the specification. Please be careful when completing this – if you make mistakes it will affect the expected income in each year.
- 5.67. Trusts should implement effective resource planning to ensure every pound is used efficiently to improve 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.
- 5.68. Before you begin to develop and complete your plans, you should read:



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

5.69. We ask you to provide a financial plan showing your income and expenditure as your school grows to full capacity. The financial template is updated annually to include the latest funding rates. **The financial plan that is submitted to the department should use the updated May 2019 version of the template which includes the funding rates for 2019/20 and will be published in spring 2019.**

5.70. 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.

5.71. **If you currently run or lead any open schools we will take into account the financial health of the trust/business as part of our overall assessment.** If you are an independent school that is applying to join the state sector, we may be in touch to request further information in relation to your finances.

5.72. 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.

5.73. **All applicants 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;
- 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 accord 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); and,
- not be dependent on borrowing, third-party or nursery income to break even in any year. You may feel 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.

5.74. 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 (this information 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 children eligible for free school meals and SEN pupils; and,
- the school's particular education offer (for example, specialist teachers and equipment).

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

**5.76. For all specifications that include a nursery**, you must also 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. The school and the nursery should each be financially viable without reliance on cross-subsidy. If you have any plans for developing the nursery provision over time (e.g. managing financial risks by starting with a limited number of places and then growing it), your plans should set these out too; and,
- 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 F of the application form.

**5.77.** Information on nursery funding is provided in Annex C of this guidance and in Chapter 6 of the [free schools pre-opening guidance for proposer groups](#).

## 6. Assessment criteria for proposer group applications for AP free schools

- 6.1. If you are applying for an AP free school, the criteria by which your application will be judged are set out in this chapter – we strongly encourage you to read this chapter in full before starting work on your application.
- 6.2. For this application process we are **asking all applicants to complete a full application form**. This means that there are no different application requirements in place depending on the type of proposer, but the information that you provide and its context will vary depending on your experience and background. Details are found under each of the criterion in this chapter.
- 6.3. If you are submitting applications for multiple local authority competitions, then you must respond to each relevant local authority specification. We will not accept duplicate applications – a separate application must be developed and submitted for each competition that you are applying for.

## AP free schools: Section A – tell us who you are

- 6.4. All applicants must complete this section in full.
- 6.5. In this section we ask you for basic information about your applicant group and your academy trust.<sup>3</sup>

## AP free schools: Section B – competition details and outline of the school

- 6.6. All applicants must complete this section in full.
- 6.7. You should refer to the relevant local authority specification, which will provide most of the key information about the school that is being commissioned and should inform your application. For example, the age-range of the school must match the age-range outlined in the relevant local authority specification.
- 6.8. In this section we ask you which local authority competition you are applying for, as well as some details about the school.
- 6.9. You need to tell us if you are proposing a faith ethos or other particular worldview. **AP free schools cannot be designated as having a religious character.**
- 6.10. In addition, if you are an independent school that wants to join the state sector by applying to become a free school, you must tell us the number of places that you propose to convert (as well as the number of new places you will create, as set out in the relevant local authority specification).
- 6.11. In this section, if you are an independent school who wants to join the state sector, you need to provide information about your current site(s) and building(s). If you are not an independent school seeking to join the state sector, but wish to tell us about an identified site you may have, you can also use this section to do so. We are likely to only look into any site that you do tell us about if it becomes apparent that the sites we are already progressing are unsuitable.

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

## AP free schools: Section C – vision

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

Note that you need to demonstrate in later sections that your vision is both deliverable and affordable within the funding that the local authority specification sets out.

### Things you need to know

#### 6.12. All applicants must complete this section in full. You must:

- explain your own vision for the proposed school, and how it will deliver the local authority's specification;
- include a brief explanation (if applicable) of any specialism, particular ethos, distinctive pedagogy or educational philosophy;
- explain how that vision comes across in your curriculum approach and approaches to meeting pupils' needs;
- explain how your proposed school will work collaboratively with other AP, mainstream and other education settings, as well as any other local partners, to develop and share expertise and approaches;
- explain how your school will bring innovation to the wider schools system (if appropriate);
- explain how you will manage and develop the workforce to create a sustainable work-life balance for all staff;
- ensure that 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;
- provide a summary of how you have engaged with those commissioning places at your proposed school, local partners and providers, local parents/carers forums and students/young people when developing your vision, as well as the outcomes of that engagement; and,
- 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.

#### 6.13. In addition, if you are an independent school that wants to join the state sector, you must also:

- explain why you want to do so;
- provide evidence that the vast majority of existing places at your school are currently commissioned by local authorities and/or local schools and publicly-funded from the high needs block;
- explain how joining the state sector would impact your existing cohort; and,
- set out how you would be able to deliver the new provision required by the local authority.

6.14. You do not need to provide details of your intended enrichment programme at this stage, unless it is crucial to achieving your vision. If that is the case, you should mention it in this section and provide more details in the education plan (Section D1).

**6.15. In addition to this, applicants who already run or lead more than one school should also provide a brief overarching vision for your trust/chain, including:**

- 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 a summary of any discussions you have had with the relevant RSCs about this; and,
- Information on how the new school you are proposing forms part of that vision.

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

6.16. We would normally expect Section C to be no more than 5 pages long.

## AP free schools: Section D – education plan

AP settings should enable children to make rapid personal, social, and educational progress and go on to attain qualifications or re-integrate back into mainstream or special schools. AP providers should provide an ambitious education that meets children's needs and prepares them for success in the next phase of their education.

In Section C you set out the overall vision for your school. Section D is about how your school will meet the particular needs of its pupils, and how you intend to deliver both the local authority specification and your 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 that will give all children and young people the knowledge and skills they need to succeed and prepare for the next stage in their life.

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 that the local authority specification sets out 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

6.17. **All applicants must complete this section in full.** Some criterion request different information based on your group's experience.

6.18. Section D of the application form has 2 different parts:

- **Part 1** asks you to complete Table D(a), which will reflect the information in the local authority specification and, where appropriate, further discussion with the local authority.
- **Part 2** is where you should provide information relevant to the criteria below:
  - D1 – the curriculum;
  - D2 – measuring pupil performance;
  - D3 – staffing; and,
  - D4 – ensuring inclusivity.

6.19. Preparation for the next stage of pupils' lives should feature throughout Section D. The success of AP settings can be measured by how well prepared children are for the next stage of their lives. Schools, local authorities, AP settings, referring NHS teams, post-16 providers and employers should work together to ensure the routes out of AP are well-developed, so that children who leave AP settings can fulfil their potential as they grow up.

6.20. Your application should set out how your school would support preparation for the next stage for its pupils, including higher education, employment, and re-integration to mainstream schooling (where appropriate).

## D1 – curriculum plan

### Things you need to know

6.21. Within this section, all applicants will be assessed on the quality of their plans and the extent to which they meet the criteria, including how they meet the expectations set out in the local authority specification. We will be looking for an ambitious, affordable and deliverable curriculum plan, which is consistent with the vision, pupil intake and financial plan.

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

### 6.23. All applicants must:

- complete 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;
- demonstrate that your proposed curriculum will be deliverable and, if applicable, how and to what extent you intend to use resource from your existing school or other organisations 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 includes English, mathematics and science. We will also look at how you prepare children for the next stage in their lives – including how your curriculum will help pupils re-integrate into mainstream schools (where appropriate);
- 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);
- provide information on the curriculum that you are proposing to teach in your school, which should be consistent with your vision and the local authority specification. Please explain how it meets the needs of the expected intake, whilst having an ambitious approach to meeting those needs. If you are planning to teach something other than the national curriculum, please set out what you propose instead, your rationale, and how it provides the knowledge and skills that children need. If available, you should reference (but do not



copy and paste) published data and research which demonstrates that it is a good, rigorous and successful model (such as results of academic research);

- 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;
- describe the types of need that the expected cohort will have and include a strategy to assess and meet the needs of all pupils including looked after children, those requiring literacy and numeracy recovery/intervention (including English as an additional language), the most able, those with differing degrees of special educational needs and disabilities, and those children who attract the pupil premium;
- describe the extent to which you will engage with commissioners and other agencies, and how they will be involved to support pupil development;
- include the strategies you will put in place to support pupils to be successful when they enter and leave the school; and,
- provide a summary of how you have engaged with those commissioning places at your proposed school, local partners and providers, local parents/carers forums and students/young people when developing your curriculum plan, and the outcomes of that.

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

6.24. We would normally expect Section D1 to be 20-30 pages long.

## **D2 – measuring pupil performance effectively and setting challenging expectations**

### **Things you need to know**

6.25. **All applicants must:**

- describe how you will establish a baseline of students' current level of attainment (including external validation of this) and put in place an assessment system that will allow pupil performance and progress to be measured and improved;
- describe how you will share this information regularly and effectively with commissioners, and how this will ensure:
  - appropriate provision is made for each pupil; and,
  - successful re-integration to mainstream schooling (where appropriate) or progression into employment, further education or training;
- make explicit, ambitious and realistic expectations for pupil performance, behaviour and attendance, explaining why they are suitable to measure the

delivery of your education vision, and what your strategy will be to achieve them; and,

- explain how you will review success measures and expectations regularly to improve the school's performance, including non-academic targets for students' skills and outcomes in preparing pupils for the next stage in their life, including higher education, employment, and re-integration to mainstream schooling (where appropriate). This could include benchmarking assessment data with other schools.

6.26. We will also assess the **quality** of your plans to:

- use appropriate assessment data to inform teaching and drive progression and attainment for all pupils;
- focus on measuring and improving the quality of teaching in the classroom;
- involve parents/carers and report progress to them; and,
- involve students themselves and their families in decisions about their support, ambitions, and progress.

### How much you should write

6.27. We would normally expect Section D2 to be no more than 10 pages long.

## D3 – staffing

### Things you need to know

6.28. Within this section, all applicants will be assessed on the extent to which your staffing structure matches the curriculum proposed and your financial plans (which need to align with the top-up rates set out in the local authority specification). 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 of how teacher workload will be managed and kept under review so that it is sustainable as the school expands.

6.29. 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.

6.30. 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.

6.31. **All applicants must:**

- demonstrate an understanding of the teacher recruitment and retention issues that the school might face, taking into account any local, regional or national factors relevant to your context;
- set out your planned strategy for successfully recruiting high quality staff, demonstrating how you will mitigate against the challenges that you identified. You may wish to refer to [Teachers analysis compendium 2](#);
- 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 [2016 independent review group reports](#) on eliminating unnecessary workload in marking, planning and resources and data management, and those of the [2018 Advisory Group](#) on data; and,
  - show how the workforce will be well managed and developed, taking into consideration issues such as flexible working and continuous professional development;
- 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. You also need to describe the impact that phasing has on the curriculum offer until the school reaches full capacity;
- 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. You can provide a table demonstrating the growth in staffing;
- demonstrate that at full capacity, your staffing structure is sufficient to deliver the curriculum plan, consistent with the information provided in the [financial template](#);
- demonstrate how you will regularly review key financial health and efficiency metrics (including teacher contact ratio, average class size and average teacher cost) to 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. 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; and,
- 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 should refer to [Schools Financial Efficiency: top 10 planning checks for governors](#) and [School Resource Management](#) pages on GOV.UK.

6.32. You do not need to include information about the affordability of your staffing plans in this section. This will be assessed in Section F.

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

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

6.34. We would normally expect Section D3 to be no more than 10 pages long.

## **D4 – integration and community cohesion**

### **Things you need to know**

6.35. 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.

6.36. 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. Specifically, you should demonstrate how your 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.

6.37. **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 the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs;
- how the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education. SMSC development can support pupils' learning and understanding of fundamental British values – guidance is available on [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;

- how the school will develop in students the skills to participate in society and be active citizens in their communities;
- what the school will do to ensure that pupils from different backgrounds and different communities all feel welcome and able to play a full and active role in the school in a way that reflects and is in line with the requirements of the [Equality Act 2010](#);
- how the school will encourage pupils from different communities, faiths and backgrounds, 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 encourage pupils from different communities, faiths and backgrounds, to work together, learn about each other's customs, beliefs and ideas and respect each other's views;
- how the school will develop all its students skills, to support them to lead healthy lives; and,
- how the school will prepare pupils for successful re-integration to mainstream schooling (where appropriate) or for adult life, so they can progress into employment, independent living, community participation and good health.

6.38. 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.

6.39. 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 faiths (or no faith) in other schools as part of a sustained and structured linking programme. You may wish to provide the name of a school or a list of schools with a good educational track record with whom you plan to set up a meaningful linking programme, or provide a letter from the school you propose to link with which demonstrates their commitment to establish a strong and meaningful set of linking arrangements;<sup>4</sup>

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<sup>4</sup> To support new free schools who wish to undertake linking with other schools the government is investing over £500,000 to enable the Linking Network to develop programmes that will help develop strong and positive links between schools and communities with different religious and cultural backgrounds.

- having 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.

6.40. 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.

**6.41. 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**

6.42. We would normally expect Section D4 to be no more than 5 pages long.

## AP free schools: Section E – 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 proposed school, 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: academy trusts

- 6.41. Our assessment process will take account of 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 new special and AP free schools, with their RSC 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 and/or location. RSC contact details are available on [GOV.UK](https://www.gov.uk).
- 6.42. If you are an existing trust, to make a complete judgement about your trust’s track record, we will take into account whether you have effective governance (Section E3) and whether your trust is financially sustainable and operating efficiently (Section F), as well as your educational track record.

## E1 – a strong educational track record

### Things you need to know

- 6.43. Section E1 is only relevant to those **applicants with at least one open school**. However, **all applicants** should keep in mind the definition of a strong track record set out below when explaining the track record of the individuals in their group.
- 6.44. **All groups who currently run or lead 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 currently has a ‘good’ or ‘outstanding’ judgement from Ofsted (or, for independent schools, another appropriate inspectorate if not Ofsted); and,
  - if your existing school is an independent school, there are no significant outstanding issues on compliance in your most recent inspection report, and (if you are applying to join the state sector) any additional inspections requested by the department result in standards being met; and,
  - if your existing school is a state-funded mainstream school, achievement is above local authority and national averages (looking at headline accountability

measures of attainment and progress for the relevant schools) and is generally on a consistent or upward trajectory since the last Ofsted inspection.

- 6.45. **Groups who currently run independent schools must provide** the date and overall judgement of your latest inspection and include a link to the full report.
- 6.46. If you currently run or lead state-funded schools, you do not need to provide any information for Section E1, as we will use information held by the department and publically available data about the schools in your trust to make a judgement on your educational track record – including for schools that you have recently taken over or opened.
- 6.47. **However, you may wish to provide additional information that you believe will help us to better understand the track record of your group.** For example, there may be a specific reason why a school that you run or lead does not meet this definition (e.g. that the school has not been open long enough for exam results to be available, or that you have recently taken on an underperforming school).
- 6.48. Where a trust 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.

## **E2 – the necessary experience and credentials to deliver the school to opening**

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

- 6.49. Within this section, we will assess whether you have access to appropriate educational, financial and other expertise to ensure that the proposed school opens successfully. 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 show a clear understanding of the skills and capacity required to run a successful school and have secured sufficient and realistic time commitments from each individual.

6.50. 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.

6.51. You do not need to tell us how you will establish the school's local governing body.

6.52. In Section C, you will have explained briefly any other plans for your trust, such as 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) successfully in the proposed location, alongside any other plans for expansion and the work required to improve/maintain standards in your existing schools.

**6.53. In Section E2, all applicants must:**

- complete Table E2(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;
- provide the CVs of:
  - all the individuals you name in this Table E2(a);
  - your preferred candidate for principal designate, if you have one (in most cases, we would not expect you to have identified a principal designate at this stage); and,
  - your executive head, if you are planning to have one (in most cases, we would not expect you to have identified an executive head at this stage);
- 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 section E1) 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: alternative provision; managing school finances; leadership; project management; marketing; human resources; and, 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 E2(b). You will need to set out how you plan to fill those gaps; and,

- set out your plans and timeline for recruiting a principal designate and executive head (if you intend to have one) in Box E2(b).

### How much you should write

6.54. We would normally expect Section E2 to be 5-10 pages long, not including the CVs (which should be in an annex). You are likely to write up to 10 pages if you are a single school and would be becoming a MAT or setting up an academy trust for the first time (including if your school is currently local authority maintained), and/or if this would be your first school of this type or phase.

## E3 – an effective governance structure

### What you need to know

6.55. **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 the [Academies Financial Handbook](#)). While academy trusts can be established with a minimum of three members, it is the department's strong preference for trusts to have at least five members. The governance structure should cover all elements of the proposed school;
- include a brief explanation of the roles and responsibilities of the company members, the trustees, any proposed committees and the principal;
- include a strategy for avoiding and minimising conflicts of interest and for securing independent challenge to members and trustees;
- include a brief description of any specific conflicts of interest and an explanation of how you intend to manage them;
- declare any financial transactions that are likely to take place between any member/trustee (or a connected party/business) and the academy, the nature of the transaction(s) and provide assurance that they will comply with the 'at cost' principles set out in the [Academies Financial Handbook](#);
- demonstrate how you will ensure that 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, and how you will set up proportionate, streamlined and effective processes for reporting; and,
- if you are a maintained school or a group of maintained schools, and you are proposing to become 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.

6.56. We will also consider the proposed size and structure of your board of trustees and whether it will facilitate 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. It is the department's strong preference wherever possible for trusts to have at least five members.

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

- explain what changes, if any, you need to make to your existing governance structure, roles, and responsibilities, or schemes of delegation in order to ensure that your trust continues to exercise strong accountability for your free school both before and after it opens, and for the rest of your trust. You could for instance 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 provide assurance that they will comply with the 'at cost' principles set out in the [Academies Financial Handbook](#); and,
- show how the requirements of the governing board will not result in unnecessary and onerous workload for the headteacher and all staff members, and how you will set up proportionate, streamlined and effective processes for reporting.

6.58. 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.

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

6.59. We would normally expect Section E3 to be no more than 5 pages long. This might be shorter for MATs that have recently discussed their governance structure with their RSC.

## AP free schools: Section F – 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. We expect your financial plan to demonstrate that you are able to manage your school's budget efficiently. You will need to set out robust financial plans 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 must demonstrate that the school will be financially viable.**

### What you need to know

6.60. AP free schools' continuing financial viability will depend on the local authorities, schools and other commissioners continuing to refer children to those schools. It is therefore important that the school proposers offer the type of places that the local area needs, and within the funding available from the relevant local authority and other commissioners.

6.61. As each specification is for a different school in different local authorities, each prescribes different numbers of places, top-up funding rates, and build-up of places over time. The financial template provided on GOV.UK is applicable to all AP free schools – it is not tailored to each of the specifications. This means that you will need to fill in the place numbers, top-up funding rates, and build-up of places over time by copying these details from the specification. Please be careful when completing this – if you make mistakes it will affect the expected income in each year.

6.62. Trusts should implement effective resource planning to ensure every pound is used efficiently to improve 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.

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

- the overview of free school funding in Annex C and in the [Alternative provision free school revenue funding guide](#);

- the [guidance on how to complete the financial template](#);
- [guidance and tools on efficiency and financial health](#) published to help schools improve their financial management and efficiency; and,
- [Schools financial efficiency: top ten planning checks for governors](#).

6.64. We ask you to provide a financial plan showing your income and expenditure as your school grows to full capacity. The financial template is updated annually to include the latest funding rates. **The financial plan that is submitted to the department should use the updated May 2019 version of the template which includes the funding rates for 2019/20 and will be published in spring 2019.**

6.65. 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.

6.66. **If you currently run or lead any open schools we will take into account the financial health of the trust/business as part of our overall assessment.** If you are an independent school that is applying to join the state sector, we may be in touch to request further information in relation to your finances.

6.67. 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.

6.68. **All applicants 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;
- 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 accord 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); and,
- not be dependent on borrowing or third-party income to break even in any year. You may feel 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.

6.69. 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 (this information 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 children eligible for free school meals and SEN pupils; and,
- the school's particular education offer, for example, specialist teachers and equipment.

## 7. Suitability of applicants and due diligence checks

### What you need to know

- 7.1. The Secretary of State for Education will only allow suitable persons to establish publicly funded free schools.
- 7.2. 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.
- 7.3. The Secretary of State will reject applications put forward by organisations that advocate violence, extremism, or other illegal activities.
- 7.4. To ensure the suitability of proposers to set up and run free schools we will also complete credit checks. For the purpose of these checks, we will share personal information provided as part of the application process with third parties.
- 7.5. **For all applicants:**
- we require a [suitability and declarations form](#) for each member and trustee of the academy trust, as well as for the principal designate where she/he (when appointed) has not submitted this form within the past 365 days. Please provide details of any individuals who have already submitted this form within this time period. This should include their names, their role and the position of each such individual within the trust. We do not require suitability and declarations forms from individuals on local governing bodies unless we specifically request them;
  - the department reserves the right to request [suitability and declarations forms](#) from any group if we deem it necessary. Failure to submit forms for all members and trustees will delay the progress of your application to the next stage;
  - scanned copies of signed [suitability and declarations forms](#) and a passport-sized photograph attached to each applicant's form should be emailed to [due.diligence@education.gov.uk](mailto:due.diligence@education.gov.uk) stating Special/AP free school application\_[INSERT NAME OF LOCAL AUTHORITY COMPETITION]\_[INSERT NAME OF YOUR GROUP] in the email subject title.
- 7.6. For the purposes of the Data Protection Legislation, the DfE is the data controller for personal information supplied on free school application forms and for ensuring that

this information is processed in accordance with all legal requirements. Any third parties processing personal information on behalf of the DfE will be acting as its data processors. For information on how we will use your personal data, please see Annex G.

7.7. 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 allow the school to open;
- all other members and trustees must obtain an enhanced DBS certificate. **It is the responsibility of the chair of trustees to ensure that all members and trustees have an enhanced DBS certificate that was issued within the last two 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.



## 8. Annex A: technical and legal considerations for proposer groups

- 8.1. 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

- 8.2. Each free school is run by an academy trust formed specifically to establish and run one or more schools. The academy trust is the body that submits the application to open the free school and that the Secretary of State decides to enter into a [funding agreement](#) with.
- 8.3. 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.
- 8.4. 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 [NSN](#).
- 8.5. If you are proposer who already leads one or more maintained schools, we expect your existing maintained school(s) to convert to academy status, and the proposer group to form a 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.
- 8.6. In setting up a trust, ensuring you understand the need for strong governance and accountability is essential. For more information about governance, accountability and the role of members and trustees of an academy trust please see the [Governance Handbook](#), the [Competency Framework for Governance](#) and the [Academies Financial Handbook](#).
- 8.7. 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.

- 8.8. 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

- 8.9. 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

- 8.10. 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](#).

## 9. Annex B: requirements for special free schools and AP free schools

- 9.1. As free schools are legally academies, they have more freedom and control over some things, such as 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](#).
- 9.2. In addition, please read this section to familiarise yourself with the different requirements and obligations on special free schools and on AP free schools.

### Special free schools

- 9.3. Special free schools provide education for pupils with special educational needs and disabilities (SEND). They are designated for specific type(s) of SEND.
- 9.4. For this competition we are only accepting applications to open special free schools in response to specifications published by local authorities which are listed in Annex F and on the DfE website. Applications for special free schools should only include early years, 16-19 and/or residential provision where requested in the published specification.
- 9.5. Once a school is open, approval from the Secretary of State is required if the school wishes to change or extend its designation to cater for children with other types of SEND.
- 9.6. Special schools do not admit pupils on the basis of the School Admissions Code. Generally they are permitted only to admit pupils with EHC plans, or, on a temporary basis, pupils whose needs are being assessed (as set out in section 34 (5)-(8) of the Children and Families Act 2014). Further details are set out in paragraph 1.29 of the [SEND code of practice](#). Exceptionally, special schools may seek permission to admit pupils with special educational needs but without an EHC plan (section 34 (9) of the Children and Families Act). If you wish to seek this permission you will need to provide evidence that the school will be “innovative and increase access to specialist provision for children and young people without EHC plans” (SEND code of practice, paragraph 1.30).
- 9.7. The SEND code of practice sets out, in paragraph 1.26, the general presumption that children with SEN should be educated in mainstream settings. We will therefore wish to explore with you how your proposed school would seek to ensure, where appropriate, the reintegration of pupils with SEN but without EHC plans into mainstream schooling. You may wish to include this information as part of your application.
- 9.8. The following lists are not exhaustive.
- 9.9. **Special free schools must:**

- admit a child where the school is named in a child's or young person's EHC plan;
- admit pupils without EHC plans only in specified circumstances (as set out in section 34 (5)-(8) of the Children and Families Act 2014, or with express authority from the Secretary of State (section 34 (9)) which are provided in the Funding Agreement, and for types of SEN for which the school is designated;
- co-operate with the local authority in developing and reviewing the published local offer of services and provision for children and young people with SEND, and publish their own School Information Report;
- follow the statutory assessment (i.e. testing) arrangements as they apply to Academies;
- collect performance data, publish results where appropriate,<sup>5</sup> and be subject to Ofsted inspection under the same framework that applies to all state-funded schools;
- where practical, provide for the teaching of religious education and for acts of collective worship;
- ensure all teachers have Qualified Teacher Status (QTS);
- 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 (i.e. doing everything they can to meet children and young people's SEN). Special free schools are not required to have a SENCO as their principal purpose is to provide education for children with SEN;
- comply with their duties under the Equality Act 2010, including the duty to make reasonable adjustments and the Public Sector Equality Duty;
- maintain the support of local authorities in terms of a commitment to commission placements and services and their willingness to provide associated funding;
- if it wishes to offer any provision to [students aged 19 to 25](#), ensure this provision is a legally and financially separate entity and not part of the free school;
- 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

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<sup>5</sup>Details about what will be published in the performance tables can be found in the Statement of Intent published each year on the [DfE School and college performance tables website](#).

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. 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.

#### 9.10. **Special free schools do not have to:**

- follow the national curriculum;
- follow local authority term dates or standard school hours; or,
- comply with the provisions in the School Teachers' Pay and Conditions Document.

### **Safeguarding**

9.11. 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.

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

### **Residential provision**

9.13. Applications for special free schools should only include residential provision where it is included in the local authority's published specification. This means residential accommodation for some or all pupils. For pupils with an EHC plan, the residential provision will be specified in their EHC plan, and the associated costs of board and lodging will be agreed by the local authority when they commission a place, and may be partly funded by through the local authority children's social care budget.

## Special free schools with a faith ethos

- 9.14. Like special schools in the maintained sector special free schools cannot be designated as having a religious character.
- 9.15. 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.
- 9.16. Faith ethos schools must teach Religious Education and provide collective worship in the same way as a non-faith free school.
- 9.17. Faith ethos schools are not permitted to adopt faith-based admission arrangements and faith ethos free schools are not entitled to any additional freedoms. Faith ethos special free schools must admit pupils named in the EHCP, irrespective of faith. Faith ethos schools do have the freedom to take faith into account when appointing senior leaders. However, as with all such appointments, the requisite skills required to fulfil the requirements of the post should be paramount in any selection process.
- 9.18. Schools with a faith ethos, in common with all schools without a religious designation, can apply for permission not to provide broadly Christian collective worship where the belief of the majority of its pupils or the local community is such that another faith would be more appropriate.
- 9.19. We will expect you to be able to explain clearly how your faith ethos will (or will not) manifest itself in and influence the curriculum, school policies and the look and feel of your school in proposing a faith ethos free school. We will also expect you to be able to demonstrate that you have made this clear to parents and pupils.

## AP free schools

- 9.20. AP free schools provide education for pupils of compulsory school age who do not attend mainstream or special schools and who would not otherwise receive suitable education, for any reason. Local authorities are responsible for arranging suitable education for permanently excluded children and for other children who – because of illness or other reasons – would not receive suitable education without such arrangements being made. Where a child has been subject to a fixed-period exclusion of more than five school days, schools must arrange AP. AP is provided through full-time or part-time placements of short or longer-term duration. Schools can also arrange AP off site (without issuing an exclusion) as an early intervention to address behavioural issues.
- 9.21. For this competition we are only accepting applications to open AP free schools in response to specifications published by local authorities which are listed on the DfE website.
- 9.22. The following lists are not exhaustive.
- 9.23. **AP free schools must:**

- admit children of compulsory school age by referral from local authorities, schools and academies using existing referral powers or duties. They do not need to admit students on the basis of the Schools Admissions Code;
- follow the statutory assessment (i.e. testing) arrangements as they apply to Academies;
- collect performance data, publish results and be subject to Ofsted section 5 inspection under the same framework that applies to all publically funded schools;
- have regard to the Special Educational Needs Code of Practice;
- offer a broad and balanced curriculum, including English and mathematics;
- comply with their duties under the Equality Act 2010, including the duty to make reasonable adjustments and the Public Sector Equality Duty;
- maintain the support of local authorities (and other commissioners) in terms of a commitment to commission placements and services and their willingness to provide associated funding;
- 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. 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.

#### 9.24. **AP free schools do not have to:**

- follow the national curriculum;
- employ teachers with Qualified Teacher Status with the exception of a Special Educational Needs Coordinator and the school's designated lead for looked after children);
- follow local authority term dates or standard school hours; or,

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

## Safeguarding

- 9.25. 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.
- 9.26. It is vitally important that as an academy trust you fully understand your responsibilities for safeguarding the children in your care. You should consult the department's [Keeping children safe in education](#) (KCSIE), [Working together to safeguard children](#) and [What to do if you're worried a child is being abused: advice for practitioners](#) guidance documents. All governing bodies must have regard to this guidance – that means they should comply with it unless there is good reason not to. When the school opens we would expect it to be meeting the requirements as set out in KCSIE. This includes ensuring that **all staff** read at least part one of the guidance.

## AP free schools with a faith ethos

- 9.27. AP free schools cannot be designated as having a religious character.
- 9.28. 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. This ethos could then be reflected within the vision for the school, the values the school represents and the importance placed on particular beliefs.
- 9.29. Faith ethos schools must teach Religious Education and provide collective worship in the same way as a non-faith free school.
- 9.30. Faith ethos schools are not permitted to adopt faith-based admission arrangements and faith ethos free schools are not entitled to any additional freedoms. They will not normally be able to appoint teachers on the basis of faith. There may be limited circumstances where the academy trust can appoint staff on the basis of their faith; the academy trust must demonstrate that the applicant having a particular religious belief is a genuine occupational requirement (for example, the principal designate or RE teacher) and that having that requirement is a proportionate means of achieving a legitimate aim.
- 9.31. Schools with a faith ethos, in common with all schools without a religious designation, can apply for permission not to provide broadly Christian collective worship where the belief of the majority of its pupils or the local community is such that another faith would be more appropriate.
- 9.32. We will expect you to be able to explain clearly how your faith ethos will (or will not) manifest itself in and influence the curriculum, school policies and the look and feel of your school in proposing a faith ethos free school. We will also expect you to be able to demonstrate that you have made this clear to parents and pupils.



## 10. Annex C: overview of free school funding

### Pre-opening funding

- 10.1. Details on the pre-opening phase and the project development grant can be found in [the free schools pre-opening guide](#) for proposer groups.

### Funding for nursery provision

- 10.2. **Applications should only include early years provision where requested by the local authority in the published specification.**
- 10.3. Local authorities have discretion to fund 0-5 year olds in special and AP free schools from across their Dedicated School Grant allocations as they see fit (subject to the relevant regulations on the use of each funding block).
- 10.4. If a free school offers early years entitlement places (universal funded hours for all three and four-year-olds and additional funded hours for the children of working parents and the most disadvantaged two-year-olds) funding will be provided through the relevant local authority's early years single funding formula. Authorities can also provide top-up funding as they see fit. Where children are taking up one of entitlements, schools have the additional flexibility of being able to charge parents for extra hours taken up beyond entitlements (but not as a condition of receiving the free entitlement).
- 10.5. If you are applying for a competition that includes nursery provision, you should refer to the relevant local authority specification and speak to your local authority to find out how much you could receive. However, the funding you receive to establish your free school and provide for compulsory age children cannot be used for this purpose.

### Revenue funding for special schools

- 10.6. Special free schools' funding comprises two elements: place funding (also known as base funding) received directly from the Education and Skills Funding Agency (ESFA); and top-up funding, as agreed with the commissioning local authority or authorities where funding above the place funding is required.<sup>6</sup> Special schools can also receive income from specialist services provided to other schools and/or local authorities under a service level agreement.
- 10.7. Special free schools receive £10,000 per FTE place, per year, for children and young people up to the age of 19 years with EHC plans. Place funding for the first year will be determined by the free school's agreed financial plans and information from the commissioning local authorities. Special free schools' continuing financial viability will depend on local authorities continuing to place children and young

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<sup>6</sup> For these competitions, top-up funding rates are specified in the local authority specifications.

people with EHC plans in those schools, with the procedures for that (including the relevance of parental preference) being set out in law. It is therefore important that the school proposers offer the type of places that local authorities need, at a cost they are prepared to fund. As of 2019-20, local authorities will decide how many places a special free school will be funded for in the upcoming year from the school's second year of opening, in discussion with the school. This will take occur through the place change notification process, more details of which can be found [here](#). The funding will be paid by the ESFA directly to the free school.

10.8. In addition, special free schools may receive top-up funding from the relevant local authorities at an agreed rate in respect of each individual child placed at the school. The specific rate of top-up for each local authority is detailed in their specification document.

10.9. Further information about how free schools are funded and about high needs funding can be found on GOV.UK:

- [Opening a free school](#);
- [Changes to special free schools' place funding: 2019 to 2020](#); and,
- [High needs funding operational guide](#).

## Revenue funding for AP free schools

10.10. In AP free schools funding for school-aged pupils is comprised of two elements: place funding of £10,000 for each pre-16 FTE place received directly from ESFA; and any top-up funding required, which is agreed on a case-by-case basis with the authority or school commissioning a place within the provision. AP free schools may also receive funding for commissioned services from a local authority or school.

10.11. AP free schools' continuing financial viability will depend on local authorities and/or other commissioners continuing to place children in those schools. It is therefore important that the school proposers offer the type of places that local authorities need, at a cost they are prepared to fund. Once open, ESFA will decide on the number of places to be funded each year, based on the free school's plans, the commissioning of places by local authorities and schools (both actual and planned) and the number of pupils actually attending the school as indicated on the school census. This funding will be paid by ESFA directly to the free school. Normally, from the third year after an AP free school opening, ESFA starts to deduct place funding from the high needs block of the local authorities who commission (or whose schools commission) places at the AP free school. The deductions will be based on data from the October census. Exceptions will be made where the places in a new AP free school are substituting for existing AP places funded by local authorities that are being decommissioned.

10.12. The [GOV.UK website](#) has further information about how free schools are funded.

## 11. Annex D: further information and key documents

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

[Academies Act 2010](#)

[Academies Financial Handbook](#)

[Alternative provision market analysis \(ISOS research report\)](#)

[Behaviour and exclusions policies and guidance](#)

[Charity Commission guidance](#)

[Early Years Foundation Stage Framework 2](#)

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

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

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

[Fundamental British Values](#)

[Good Estate Management for Schools](#)

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

[Information on existing free school projects](#)

[Inspiring Governance](#)

[Keeping children safe in education](#)

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

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

[National minimum standards for residential provision](#)

[Ofsted Common Inspection Framework](#)

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

[Public procurement policy](#)

[Regional schools commissioners](#)

[School food advice](#)

[Seven Principles of Public Life](#)

[SEND Code of Practice](#)

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

[Working together to safeguard children](#)

## 12. Annex 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. The funding agreement requires compliance with the Handbook.

### 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).

### 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. 16-19 free schools must provide a weekly act of collective worship.

### Company limited by guarantee

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

## **Due diligence**

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

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

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

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

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

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

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

## **Faith ethos**

If you want your school to have a distinct ethos aligned with a particular faith and you want to make this explicit, you can register that your school has a faith ethos when the free school is first established. 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.

## **Founding members of the company**

These are the people that establish the company and sign the memorandum of association that is submitted (with the company's articles of association) when registering the company with [Companies House](#). Further members may subsequently be appointed.

## **Funding agreement**

Is a legally-binding contract between the academy trust and the Secretary of State that sets out the conditions and requirements upon which the academy trust is funded.

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

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

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

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

## **Memorandum of association**

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

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

A trust that governs a number of academies (which include free schools). The MAT 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.

## **Prevent**

All schools are subject to the duty to have due regard to the need to prevent people from being drawn into terrorism. [The Prevent duty: departmental advice for schools and childcare providers \(June 2015\)](#) 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 on the pupil premium can be found on [GOV.UK](#).

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

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

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

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

## **Trustees**

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

## 13. Annex F: list of local authority areas

13.1. In July 2018, we launched a joint special and AP free schools wave, where we first asked local authorities to set out their case for why a new school would benefit their area. We have now announced the 39 successful bids from local authorities (or combination of local authorities) and are inviting applications from proposer groups to open the new schools in these areas. For this wave we are only accepting applications to open special and AP free schools in the local authority competitions listed below:

Bexley (special school)	Oxfordshire (special school)
Bromley (special school)	Plymouth (special school)
Bury (special school)	Reading (special school)
Cornwall (special school)	Richmond upon Thames (special school)
Dorset (special school)	Rochdale (special school)
Essex (special school)	Salford (special school)
Halton (special school)	Sandwell (special school)
Hartlepool (special school)	Sheffield (special school)
Hertfordshire (special school)	Shropshire (special school)
Kent (special school)	Solihull (special school)
Kingston upon Hull (special school)	Somerset (special school)
Kingston upon Thames (special school)	Stockport (special school)
Leeds (special school)	Stoke-on-Trent (special school)
Leicestershire (special school)	Suffolk (special school)
Newham (special school)	Tees Valley <sup>7</sup> (special school)
Norfolk (special school)	Warrington (special school)
North Lincolnshire (special school)	Wiltshire (special school)
North Somerset (special school)	Warwickshire (AP school)
North Yorkshire (special school)	Worcestershire (AP school)
Northumberland (special school)	

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<sup>7</sup> Tees Valley Combined Authority is a partnership of five local authorities: Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees.



## 14. Annex G: how we use your personal data

### Who we are

14.1. The Department for Education will become the data controller for personal information collected on the pre-application registration form, 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.

### How we will use your information

14.2. 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.

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

14.3. 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).

14.4. 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 applications. 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

14.5. 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**

- 14.6. The Department for Education is committed to being as transparent as possible. We will publish a full list of applications we receive on GOV.UK. This will include the proposed school's name, local authority, type of school, category of SEND (where applicable), phase and faith ethos.
- 14.7. 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.
- 14.8. All other information, including the names of individuals and organisations mentioned in the application, will be published.
- 14.9. Please notify any individuals or organisations that you have named in your application that their information will be processed by the Department for Education during the assessment stage and that, if successful, the application will be published on GOV.UK as detailed above.

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

- 14.10. 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).
- 14.11. Where we need to share your personal data with others, we ensure that this data sharing complies with data protection legislation. For the purpose of this project:
- as you are submitting applications to both the Department for Education and the local authority in which you are applying for a school, the local authority will view your personal data as part of the decision-making process;
  - education advisers and independent panel members will be viewing your personal data as part of the decision-making process;
  - we will share personal data 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

14.12. 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.

14.13. 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

14.14. 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 (i.e. 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.

14.15. You have the right to raise any concerns with the Information Commissioner's Office (ICO) via their website at <https://ico.org.uk/concerns/>.

## Last updated

14.16. 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 21 February 2019.

## Contact information

14.17. If you have any questions about how your personal information will be used, please contact us at the department's '[contact us](#)' page and enter 'special and AP free schools' as the reference. For the Data Protection Officer (DPO), please contact us via [GOV.UK](#) and mark it for the attention of the 'DPO'.



Department  
for Education

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