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Guidance

# How to apply to set up an alternative provision free school

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**Applies to England**

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This guidance sets out the 2022 alternative provision (AP) free school application wave process for applying to set up a centrally delivered AP free school as part of a partnership.

New schools approved through this process are part of the 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 a significant need in an area, the local authority should decide whether a free school presumption competition is needed. If there is a need, they must ask for proposals to establish a free school through the presumption process.

## Introduction

Every child in this country, whatever their background, should have the opportunity to get a world-class education. As set out in the [special educational needs and disabilities \(SEND\) and alternative provision \(AP\) green paper](#), our ambition for children in alternative provision is the same as it is for all children – that they are able to do their best in school, reach their potential and afterwards find employment and lead happy and fulfilled lives.

Whilst the SEND and AP green paper sets out plans for an integrated system, and to increase

inclusion in mainstream settings, there are still a number of children whose needs can only be met in alternative provision. However, a high-quality alternative provision offer does not exist everywhere.

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.

At their best, alternative provision schools are experts in dealing with behavioural or other needs which present a barrier to learning. They deploy their specialist skills in both mainstream and alternative provision settings to help children and young people get back on track.

To further meet these needs the government will build up to 60 new centrally-delivered special and AP free schools as part of the £2.6 billion capital investment in high needs provision across the Spending Review Period.

Commitment from local authorities, and proactive collaboration between local partners, are key factors in enabling new AP schools to play an effective role within their local education system. In line with these important principles, we are launching the 2022 AP free school application wave, which will operate as a one-stage process, whereby we will be inviting applications from partnerships

## Who can apply

We want to open new AP free schools in places where good new schools are most needed.

We will prioritise applications which:

- are in areas where a new school fits with the local authority's wider strategy for high needs provision – including where none of the existing AP schools are currently rated 'good' or 'outstanding' by Ofsted, or where no AP schools currently exist
- make a strong strategic case for why a new AP free school is needed and will achieve better outcomes for children and young people in the area
- demonstrate that the new school will support inclusion, including reintegration where appropriate, and by providing expertise to mainstream schools

- demonstrate that a new AP free school will help local authorities reduce their dedicated schools grant (DSG) deficits
- demonstrate that a new school will be financially sustainable and that the local authorities will commit to commissioning, funding and supporting places
- will contribute to the wider aims of the SEND and AP green paper
- include an ambitious, affordable and deliverable curriculum plan, which is consistent with the partnership's vision, pupil intake and financial plan, and which places preparations for the next stage of pupils' lives at the centre, so that children who leave AP settings can fulfil their potential as they grow up
- include details of a viable site, which is likely to secure value for money, in a timely manner, and with an acceptable level of risk

The 2022 AP application wave will be based on the current AP system. However, the [SEND and AP green paper](#) (chapter 4) sets out our ambitious proposals to reform the AP sector. When submitting proposals, you should consider how your provision would fit into a future model including the proposed changes to the:

- commissioning and funding arrangements
- 3-tier model for AP which will see providers offering far more outreach support to mainstream schools

The [assessment criteria](#) we will use to assess applications is available later in this guidance.

## Forming a partnership

For the purposes of the 2022 AP free school application wave, a partnership is a formal agreement between a group of people or organisations, working together to open a new AP free school.

Each partnership applying to open an AP free school should include:

- one lead applicant who will act as the lead partner - this can be an existing AP or mainstream provider (academy trust, independent school) or a new proposer
- at least one local authority – though more than one local authority can also be involved in the partnership (and in more than one partnership)

Local authorities have strategic responsibility for AP, including a statutory duty to make suitable alternative education for children who cannot attend a mainstream school and budgetary responsibility for funding these places. They are a vital member of the partnership.

The partnership may also feature other members - this could be other relevant parties such as:

- successful mainstream, special or AP state-funded schools
- independent providers
- FE colleges which offer 14 to 16 courses
- charities

The specific roles and responsibilities of each member of the partnership is broadly a matter for the members. Members may wish to take their own professional advice on what should be covered in their partnership agreement. As a minimum, we would expect the following from each member.

### **Lead applicant (provider)**

The lead applicant (provider):

- must submit the completed application to open the free school (once signed off by all other members of the partnership)
- will be legally responsible for the new AP free school if the application is successful
- must regularly engage with DfE (if approved), including attending and participating in all key meetings
- will be responsible for leading the project through pre-opening, as set out in the [free school pre-opening guide](#), working with their assigned DfE delivery officer towards opening the school
- must continue to engage regularly - and maintain a shared approach between - all members of the partnership throughout pre-opening, and once the school is open

If you are a new proposer and need to establish an academy trust, you will need to do so before you apply, using the [model articles of association](#).

We will continue to consider bids for high-quality free schools to open initially as standalone trusts to support innovation. We will expect trusts formed from free schools to grow over time in a similar way to other trusts, so they can share their capacity across the system and unlock the additional benefits of operating at an increased scale. This is in line with the ambitions set out in the schools white paper and the SEND and AP green paper that by 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one.

If you are a proposer who already leads any existing local authority maintained schools, we expect your existing schools to convert to academy status. The proposer group should then form a multi-academy trust (MAT) that will incorporate both the new free school and any existing schools.

You do not need to convert your existing local authority maintained schools 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 this will form a condition of approval.

Further information about setting up an academy trust and considerations for trusts can be found in [annex A](#).

An independent school may act as the lead applicant as part of a partnership to apply to establish a new AP free school, however, we are not accepting applications from independent schools that wish to apply to become state-funded.

## Local authority

Local authorities involved in a partnership:

- must support the lead applicant and wider partnership to develop a strong rationale and vision for a new school, which fits within the local high needs strategy
- must actively investigate potential sites and, where sites are identified, provide information on them in the application

## All members of the partnership

There is no limit to the number of members that may be in a partnership. However, we expect all members to demonstrate a commitment to their partnership, working to create an AP free school that will deliver what the local area and its families need. This may include, for example, involvement in ongoing governance arrangements.

# Application process

Read this guidance carefully as it sets out what we will be looking for in your application. Begin finding other members to form your partnership and consulting the various sources of support to help you [prepare your application](#).

The lead applicant should complete the pre-application form between 12 September and 17 October 2022.

We will email application forms and specification templates once you have completed the pre-registration.

Read the application guidance to check you have everything you need. The [application](#)

[criteria](#) sets out the information you will need to provide.

The lead applicant, working with the local authority and other members of the partnership, should complete the Excel and Word application forms. You must address all the criteria.

Email your completed application form to [fs.applications@education.gov.uk](mailto:fs.applications@education.gov.uk) by 17 February 2023.

## Key dates

Date	Action
<b>12 September 2022</b>	<p>Mandatory pre-application registration opens.</p> <p>This should be completed by the lead applicant.</p> <p>Application forms will only be sent to you by email once the pre-registration form has been completed.</p>
<b>17 October 2022</b>	<p>Mandatory pre-application registration closes.</p> <p>Continue work on your application, gathering all the material that is required. The <a href="#">assessment criteria</a> sets out the information you will need to provide.</p>
<b>28 November 2022</b>	<p>Application window opens.</p> <p>The application should be submitted by the lead applicant (provider).</p>
<b>17 February 2023</b>	<p>Application window closes.</p> <p>Applications will be assessed against the published criteria.</p>
<b>May 2023</b>	<p>Interviews start. Partnerships with the strongest applications will be invited to interview.</p>
<b>Summer 2023</b>	<p>Successful applications will be announced and will enter the pre-opening phase.</p> <p>In this phase, the lead applicant (provider) will need to develop detailed plans and</p>

turn them into a school ready for opening.

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## Preparing your application

Before applying to open an AP free school, we recommend that you consider the following sources of support to help prepare your application.

If you are the lead applicant (provider), consider speaking to:

- the local authority to ensure that they are supportive and will join your partnership - they can also provide more information about the local context in the area and help to identify a suitable site
- [Create: Schools](#) who can put you in contact with other academy trusts who may be interested in joining the partnership
- your [regional director](#) – where possible, existing trusts should raise their growth plans, including plans to apply for new AP free schools, with their regional director's office as part of any planned discussions about performance and capacity

If you are a local authority, consider speaking to:

- neighbouring local authorities to determine whether they are interested in commissioning places or joining the partnership - the lead local authority will be the authority in which the school is located, however it can also serve neighbouring local authorities
- [Create: Schools](#) who provide free advice, guidance and resources to those applying to open free schools

## Completing your application

We will assess your application against the assessment criteria.

You must use the application form provided, which will be sent to you once you complete the mandatory online pre-registration. Your application will not be considered if you do not use the provided application form.

If you are submitting applications for multiple AP free schools, we will not accept duplicate applications. A separate application must be developed and submitted for each school that you are applying for.



## Submitting your application

The lead applicant is responsible for submitting the completed application form, with sign-off from all other partnership members.

Completed applications should be submitted by midday on 17 February 2023 by email to: [fs.applications@education.gov.uk](mailto:fs.applications@education.gov.uk), copying in all members of your partnership.

Your application forms must not be sent as pdf files, they must be sent as Word and Excel files.

Title your application electronic files and emails as: AP free school application\_[INSERT NAME OF YOUR PARTNERSHIP] [INSERT NAME OF LOCAL AUTHORITY].

Your email should not exceed 9 megabytes in size, anything larger will not be delivered. If the application is larger than 9 megabytes, split the documents and send 2 (or more) emails clearly indicating that the emails are connected (for example, email 1 of 3).

We will publish a full list of the applications we receive on GOV.UK. Before submitting, read the information about [how we will use your personal data](#).

## Assessment of your application

If your application is assessed as one of the strongest, we will invite your partnership to interview.

We expect representatives from the lead applicant (provider), local authority and any other relevant parties to attend the interview. The interview panels will consist of representatives from DfE. Interviews will be tailored based on:

- the quality of the application
- the strength and track record of the lead applicant (provider)
- the local context in which the school will operate
- your understanding of the state school system

Decisions on which applications to approve are taken by the Secretary of State. The decisions are final and there is no appeals process. Scoring of applications will not be shared with applicants or

externally. You will receive feedback if your application is not successful.

Approval of your application does not mean approval of every detail, which may be subject to change, and is conditional on the proposed site being deliverable and representing good value for money. The Secretary of State may also decide to reprioritise funding for the benefit of the free schools programme as a whole which could result in your project being cancelled.

## **If your application is approved**

If your application is successful, you will be invited to move to the free school pre-opening phase.

In this phase, you will need to turn your application into a school ready for opening. We would expect to see the partnership to continue to work together to deliver a strong school, led by the lead applicant (provider).

Approved schools 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. See the [free schools pre-opening guide](#) for more information.

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.

Where a project fails to make sufficient progress in pre-opening, the opening of the school may be delayed or even cancelled. We will be running this wave to a strict timeline based on opening the new provision within a period of 3 to 4 years.

## **Assessment criteria**

For this application process we are asking all applicants to complete a full application form.

There are no different application requirements in place depending on the type of proposer, but the information that you provide will vary depending on your experience and background.

## **Section A – the partnership putting forward the application and evidence that the new school is needed**

### **Section A1 – tell us who you are**

All members of the partnership must complete this section in full.

In this section, we ask you for basic information about the lead applicant (provider [\[footnote 1\]](#), the local authority, and all other members of the partnership.

### **Section A2 – evidence that the new school will be fully commissioned**

This section should be completed by the local authority.

We will look at the data you have provided to judge the level of demand and the extent to which you have engaged with other commissioners, where relevant, for example, where there is likely to be cross-border commissioning.

You must:

- complete the commissioner table and demand table in the application form showing how many places you (and any other commissioners) would use at the school for the first 2 years of the school's operation
- explain how the school will be used for the different types of placements offered (full time, short term, part time)
- explain how the school will be used to support outreach and reintegration into mainstream settings
- make sure the director of children's services in all relevant local authorities commissioning places signs the confirmation section in the application form

## **Section B – outline of the school**

This section should be completed by the lead applicant (provider), in conjunction with the other members of the partnership. It should include:

- the age range
- expected top-up funding rate

- whether the school will be co-educational or not
- the total number of proposed full time equivalent places per year group
- the type of placements offered (for example, full time, short term, part time)
- the number of 16 to 19 places, if applicable (AP free schools can receive funding for this age group, through the national funding formula, in the same way, and at the same rate, as other providers of education for 16- to 19-year-olds)
- how the new school will support mainstream schools through outreach, training or reintegration (and confirmation that funding will be made available by the relevant local authorities to support the school to undertake this)

We understand that there can be similarities between AP schools and special schools (and their cohorts), but we would not expect to receive bids for 'hybrid' schools. By law, special schools may only admit children and young people with or being assessed for EHC plans, while AP is for children of compulsory school age who do not attend mainstream or special schools or who would not otherwise receive suitable education for any reason.

AP free schools cannot be designated as having a religious character.

You should include a brief explanation (if applicable) of any specialism, particular ethos, distinctive pedagogy or educational philosophy.

## **Section C – rationale and vision for a new school**

### **Section C1 – the current context and strategy for high needs provision in your area**

This section should be completed by the local authority.

The purpose of section C1 is to help us understand the current AP and high needs position in your area so that we can assess the benefit of, and need for, a new school.

We will judge applications to be strong where the local authority is able to:

- make a sound strategic case for new provision that will better meet the needs of children and young people in the area
- explain how they will afford to fund this in the future and demonstrate that the new school will not add financial pressures
- use data to show that there would not be an over-supply of places in the area if a new AP free school were created

In this section, you must summarise:

- your strategy for high needs and AP provision and either a link to it or provide a copy when you submit your application - if you do not have a strategy, explain your current thinking and plans to develop one
- the desired outcomes of your strategy in terms of key performance indicators (KPIs), for example:
  - improving educational attainment and destination outcomes
  - the delivery of effective outreach support
  - increasing rates of successful reintegration
  - reducing the use of one-to-one tuition
  - reducing the elective home education and travel-distance for children or the use of residential provision where it is appropriate for them to be educated closer to home
- how you have developed your strategy in consultation with the local community, local (and neighbouring local authorities) parent and schools forums and other schools with an interest, including other local special providers whose intake may be affected, and relevant partners
- any relevant existing provision including its type, quality, how it is currently used, and why the educational needs of the specific cohort you want a new school for are not currently being adequately met
- information on residential costs, managed moves, exclusions, home tuition numbers, elective home education numbers, rationale for and use (if any) of unregistered provision, and delays in placing children
- why new or additional AP is needed, future numbers and how they will fit into the local authority's current and future AP offer
- how the places in the school would be filled (where the children would come from and where they would be educated if a new school is not approved)
- any future changes to capacity that you are already expecting, for example, planned expansions, re-configuration or closures of existing schools
- how you are managing your high needs budget
- how the new school would help you to manage your high needs costs (delivering wider value for money) - if you have a DSG management plan, include links to the plan or add it as an annex

The assessment of this section will consider evidence provided in your application, as well as data held by us and publicly available information. You should also use this section to provide a commentary around the information sources that you will use and tell us if you have any new information to support your application. For example, if there have been any recent changes or if there is an anomaly that can be explained in more detail.

Your response to this section should be no more than 2000 words, excluding annexes and your

entries in the relevant table of high needs costs.

## **Section C2 – rationale for the new AP free school and how it fits with the local authority strategy and the local education offer**

This section should be completed by the local authority and explain the rationale for a new AP free school in the area.

In this section you must summarise:

- the rationale for the new AP free school – what needs of children and young people it would meet and how, as well as the types and purposes of placements you expect to fund
- how a new AP free school and the commissioning of placements and services would fit into your strategic plan for high needs provision in the area, and how it would help to achieve your strategy
- how a new AP free school is accounted for in your high needs budget, for example, assuming that the ongoing revenue costs of the school will be affordable within the level of overall high needs funding that the local authority expects to receive in future years, and considering contributions from other schools' budgets, given demographic and other trends
- how the new AP free school will fit into and complement the broader provision in the local area and region (including neighbouring local authorities, if appropriate)
- your understanding of the likely impact that a new AP free school might have on existing providers in the area (both mainstream and specialist)
- the evidence of engagement, including conversations with, for example:
  - existing providers
  - neighbouring local authorities and commissioning bodies
  - schools forums
  - parent and carer forums

Your response to this section should be no more than 750 words, excluding your entries in the table about how you have engaged with others.

## **Section C3 – expected outcomes for the new AP free school**

This section should be completed by the local authority.

Applications must demonstrate that the new school will support inclusion, including the delivery of effective outreach support and reintegration where appropriate and by providing expertise to mainstream schools. They should also demonstrate that the new school will help to achieve better outcomes for children and young people (compared with existing options).

In this section you must describe the expected outcomes you want the school to achieve. This

should include:

- outcomes for the children that will attend the school including outcomes relating to length of stay, reintegration back to mainstream provision, and post-16 transitions
- outcomes relating to how the school will prepare those who attend it for adult life, for example, preparation for employment and independent living
- outcomes relating to how the school will address specific personal, social and academic needs of pupils and improve pupil motivation, self-confidence, attendance and engagement with education

You should also use this section to tell us what you think the risks of opening a new school are in terms of unintended outcomes, for example, an increase in the proportion of children educated in specialist settings, which might not be in the best interests of the children concerned. You should explain how you plan to mitigate those if your application is successful. This should include how you will mitigate any potential adverse impact on inclusion in mainstream schools, including (where applicable) types of expert support you would expect the school to provide to mainstream schools in the area and how funding would be made available to the school to support it with this.

Your response to this section should be no more than 500 words, excluding risks and mitigations.

#### **Section C4 – vision**

This section should be completed by the lead applicant (provider), in conjunction with all applicants within the partnership.

You must summarise:

- your own vision for the proposed school, and how it will deliver the needs of the local authority and the wider partnership
- how that vision is reflected in your curriculum approach and approaches to meeting pupils' needs
- how your proposed school will work collaboratively with wider members of the partnership, and other AP, mainstream and other education settings, as well as any other local stakeholders, to develop and share expertise and approaches
- how 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
- if your proposed school is in a different area from your existing school, you should explain clearly how you will ensure that the new school will be well supported

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).

Applicants who already run or lead more than one school should also provide a brief overarching vision for your trust. This should include:

- your planned growth strategy (including how many schools you plan to have in total, your planned geographical spread and timescales)
- a summary of any discussions you have had with the relevant regional directors about this

Your response to this section should be no more than 1000 words.

## **Section D – education plan**

This section should be completed by the lead applicant (provider), in conjunction with members of the partnership.

Preparation for the next stage of pupils' lives should feature throughout your responses to section D, including higher education, employment, and re-integration to mainstream schooling (where appropriate).

### **D1 – curriculum plan**

Within this section, you will be assessed on the quality of your plans and the extent to which they meet the criteria. This includes how they meet the local authority's high needs strategy. We will be looking for an ambitious, affordable and deliverable curriculum plan, which is consistent with the vision, pupil intake and financial plan.

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

In this section, you should:

- 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)
  - the length of the school day, including any enrichment time, making a distinction between compulsory and voluntary activities
- provide information on the curriculum, which should be consistent with the partnership's vision
- if you are planning to teach something other than the national curriculum, set out what you propose instead, your rationale, and how it provides the knowledge and skills that children need
- demonstrate that your curriculum will be deliverable and, if applicable, how you intend to use resource from your existing school or other organisations to contribute to the delivery of the



curriculum 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 ambitious curriculum approach, which takes account of the expected intake and their needs
- set out your approach to teaching and learning – specifically, how this will ensure the curriculum is delivered in a robust and effective manner, meeting the needs of the expected intake
- provide evidence that you will ensure safeguarding, good behaviour and good attendance and that any health needs will be met

Your response to this section should be no more than 2000 words, excluding tables.

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

In this section, you should summarise:

- the types of need for the expected cohort and how you will establish a baseline of students' current level of attainment (including external validation of this)
- your expectations for pupil performance, behaviour and attendance, explaining why they are suitable to measure the delivery of your education vision, and putting in place an assessment system that will allow pupil performance and progress to be measured and improved
- the strategies you will put in place to support pupils to be successful when they enter and leave the school
- 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
- 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)

Your response to this section should be no more than 2000 words.

## **D3 – staffing**

Within this section, we will assess the quality of the staffing structure making sure 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
- support staff

In this section, you should summarise:

- your plans for an affordable staffing structure, which takes account of your curriculum plan and the fluctuating commissioning and funding that is part of the AP sector (you may want to include an organogram)
- your planned strategy for successfully recruiting high-quality staff (if you run existing schools, include whether you intend to use existing staff in the new school and how this will work in practice)
- your plan for teacher retention, for example show:
  - you have put in place plans which meet the recommendations of the [teacher workload advisory group](#)
  - how you will engage with the workforce to protect their wellbeing and ensure workload is manageable
  - how you have a [flexible working policy](#) in place
  - how the workforce will be well managed and developed, taking into account opportunities for flexible working and continuous professional development
- 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 deliver an affordable curriculum
- the actions you would take to reduce costs, the reasons for these actions and the reason you have prioritised the actions as you have

Your response to this section should be no longer than 2000 words, excluding any organograms or staffing charts you wish to provide.

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

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.

You must 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
- how your school will 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

- 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 prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural education
- how the school will:
  - teach personal, social, health and economic education (PSHE)
  - adhere to the [Prevent duty](#)
  - have appropriate policies on safeguarding and promoting the welfare of children
- how teaching and extra-curricular activities align with schools' duties on [political impartiality](#).
- how the school will develop all its students skills, to support them to lead healthy lives
- 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

When assessing the information that you provide in this part of your application, we will consider the potential impact on integration and community cohesion and the intake of neighbouring schools.

There are a number of ways you may wish to demonstrate your commitment to integration and community cohesion. The strongest applications are likely to include 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. We will consider the extent to which the additional activities you propose will be effective and appropriate to the local context of the proposed school.

We will not approve any 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
- any member of the applicant group holding extremist beliefs, as defined by the government's counter-extremism strategy

Your response to this section should be no longer than 750 words.

## **Section E – capacity and capability**

This section should be completed by the lead applicant (provider), in conjunction with members of the partnership.

Our assessment process will take account of the evaluation of the trust's capacity by regional directors.

If you are an existing trust, to make a judgement about your trust's track record, we will take into account:

- whether you have effective governance (section E3)
- whether your trust is financially sustainable and operating efficiently (section F)
- your educational track record

Checks are conducted on all applicants from academy trusts. We will use the personal information you provide to check your suitability to set up a free school.

### **E1 – a strong educational track record**

This section is only relevant to applicants who currently run or lead schools. If you do not currently run or lead schools, you will not be scored for this section.

If you currently run or lead state-funded schools, you do not need to provide any information for section E1. We will use the information we hold along with publicly available data about the schools in your trust to make a judgement on your educational track record. This includes schools that you have recently taken over or opened. However, if there is a specific reason why a school that you run does not meet the definition of a 'strong educational track record', you should provide additional information that will help us to understand the track record of your partnership.

All groups who currently run or lead schools will need to have a 'strong educational track record' to apply to open a free school. This means:

- your existing schools currently have a 'good' or 'outstanding' judgement from Ofsted (or, for independent schools, another appropriate inspectorate if not Ofsted)
- if you currently run one or more state independent schools, 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 result in standards being met
- if you currently run one or more state-funded mainstream schools, 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

If you choose to provide additional information in this section, your response should be no more than 500 words.

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

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 you:

- have individuals with appropriate education and finance expertise and 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 partnership, and they have a strong track record in their areas of expertise
- already have individuals in your partnership who would make strong trustees once the school is open (or who are currently strong trustees or governors at your school) and they have excellent school finance, leadership or other relevant experience
- already have individuals in your partnership who have a strong understanding of alternative provision and who ideally have experience of working in or with the sector - this includes:
  - an understanding of how to identify and address specific personal, social and academic needs of pupils to help them to overcome any barriers to attainment
  - how to manage unstable and fluctuating budgets
  - working with other relevant services such as social care, educational psychology, child and adolescent mental health services, youth offending teams and drug support services
- 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

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

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

In section C, you will have briefly explained any other plans for your trust, such as growth plans, plans to take on a sponsored project or plans to move to a new area. We will refer to those, 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 successfully in the proposed location.

In section E2, you must:

- complete table E2(a) with information about each individual who is part of the trust, including:
  - all members and trustees of your academy trust
  - members of the executive team
  - the lead person from each partner (excluding the local authority)

- any other members of the pre-opening team
- 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
  - safeguarding
  - health and safety
- conduct a skills gap analysis of proposed trust members who will make up the pre-opening group (including your existing governors or 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
- set out your plans and timeline for recruiting a principal designate and executive head (if you intend to have one) in box E2(b)

Your response to this section should be no longer than 2500 words long, not including box E2(b).

### **E3 – an effective governance structure**

If you are or will be operating as an academy trust (but not currently a MAT) you must:

- provide a scheme of delegation showing your proposed governance structure including lines of accountability between the company members, its trustees, any local governing bodies or committees and the school's senior leadership team (see the [Academy Trust Handbook](#))
- include a brief explanation of the roles and responsibilities of the trust's members, the trustees, the executive team, 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
- declare any financial transactions that are likely to take place between any member or trustee (or a connected party or business) and the academy, the nature of the transactions and provide assurance that they will comply with the 'at cost' principles set out in the [Academy Trust 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 workload for the headteacher and all staff members, and how you will set up effective processes for reporting
- if you are a local authority 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 (you do not need to have converted to academy status before applying)

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

If you are a trust who is currently a MAT, we will look at the effectiveness of your existing governance. You will need to:

- provide an overview of how the new school will fit within the current structure of your MAT
- explain any changes you need to make to your existing governance structure, roles, and responsibilities, or schemes of delegation, to ensure that your trust continues to exercise strong accountability for your free school and your trust
- 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 or trustee (or a connected party or business) and the academy, the nature of the transactions and provide assurance that they will comply with the 'at cost' principles set out in the [Academy Trust Handbook](#)
- show how the requirements of the governing board will not result in unnecessary workload for the headteacher and all staff members, and how you will set up effective processes for reporting

If you are proposing 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 growth plans in section C.

Your response to this section should be no more than 1500 words long. This should be shorter for MATs that have recently discussed their governance structure with their regional director.

## **Section F – financial viability**

This section should be completed by the lead applicant (provider), in conjunction with other



members of the partnership.

It is important that the school proposals offer the type of places that the local area needs, and within the funding available from the relevant local authority and other commissioners.

You must complete the financial template provided (with your application pack), which is applicable to all AP free schools. We expect the lead applicant, local authority and any other commissioners to work together to provide the information required, including how provision will be brought into use and if necessary, expanded over time.

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 to 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
- have transparent financial systems and processes that encourage constructive challenge within and between schools

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

- the [overview of free school funding in annex C](#) and in the [alternative provision free school revenue funding guide](#)
- the guidance and tools on [efficiency and financial health](#)
- the [schools financial efficiency: top 10 planning checks for governors](#)

Even if you are an experienced education provider, the financial plan can help us assess your understanding of managing a state school's finances and the financial challenges associated with opening a new school. If you currently run or lead any open schools, we will take into account the financial health of the trust as part of our overall assessment.

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

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 match the financial plan
- show 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 previous years
- not be dependent on borrowing or third-party income to break even in any year - your plans must not rely on this additional funding to break even

We will also assess the quality of your financial plan. We will consider:

- core operating income and 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 and rationale column)
- any centrally-provided services and their costs
- the proportion of spend allocated to each budget area – 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
- the school's particular education offer, for example, specialist teachers and equipment

## **Section G – the proposed location and site**

This section should be completed by the local authority, in conjunction with other members of the partnership.

Finding a suitable site is an essential part of opening a free school. As part of preparing your application you should investigate potential sites for the school and tell us about them.

We have a team with specific property and planning expertise that acquires sites for free schools. They also oversee construction, redevelopment, and necessary works. They will undertake a desktop site assessment and consider the value for money, timescale, and delivery risks in securing a site for the proposed school in the proposed area.

We will give preference to applications where our site assessments shows that we are likely to

secure a value for money site in a timely manner with an acceptable level of risk. This will reduce the risk that your project will be delayed or cancelled during the pre-opening phase. We will assess the viability of the site using the information you supply in section G.

If your application does not include a site, but your application is strong in all other areas, we may consider conducting a commercial site search on your behalf.

If you have identified a site, provide details including:

- site location
- address
- ownership
- any supplementary information

You can add more than one site, but should list them in order of preference. See [annex E](#) for a full list of the information we ask for.

The form also asks you to provide information around the overall site area and gross internal floor area. Use the tables in [annex E](#) to calculate these figures. The correct formula to use depends upon the type of provision. These sizes are guidelines, not requirements or entitlements.

For those schools that move into the pre-opening phase, there will be a series of engagement meetings to look at the range of needs the new provision will cater for.

You should make enquiries about your preferred site acquisition (peppercorn lease, freehold, commercial lease, long lease), but you must not enter into any negotiations during the application process or at any other stage. If your application is approved, we will undertake negotiations to acquire a site for the school on your behalf.

You should not include sites that will be prohibitively expensive to develop or have significant delivery challenges. For example, sites that are designated as a green belt in an existing local plan are very unlikely to be suitable for development. We will expect the applying authority to meet agreed abnormal development costs as part of the formal approval.

If you have any queries or require advice on sites, you can contact the Free Schools Capital Property and Planning Teams on [FSC.EOI@education.gov.uk](mailto:FSC.EOI@education.gov.uk). They will be able to give advice on finding a site, as well as the process and requirements for planning permission and associated approvals.

We will make an overall cost and value for money assessment of your preferred site. You should aim for the lowest possible capital costs and be as flexible as possible in your site requirements. If

appropriate, we may also ask you to share sites with other approved free schools and when open, you may be required to share surplus space in your permanent building with new free schools requiring a temporary home.

This process is intended to create open competitions. It is not designed for co-located special schools where there is only one feasible proposer (such as on the site of an existing mainstream school with access issues that would preclude other proposers operating it).

A model lease is available by emailing [fs.applications@education.gov.uk](mailto:fs.applications@education.gov.uk).

## Checks on applicants

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

Applicants must abide by the [7 principles of public life](#), which set out the standards of behaviour we expect.

We will undertake due diligence checks on proposers as part of the selection process, including social media and internet searches. We may also ask you questions at interview about the 7 principles of public life. The Secretary of State may reject applications where the previous conduct of individuals associated with the trust does not comply with the 7 principles of public life.

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

To ensure the suitability of proposers to set up and run free schools we will also complete credit checks on individuals. We will share personal information provided as part of the application process with third parties for the purpose of these checks.

We need a [suitability and declarations form](#) for each individual member and trustee of the academy trust regardless of whether they have previously submitted this form. If the head of finance, chair or CEO is not a member or trustee we also require their completed suitability and declarations forms.

You should email scanned copies of signed suitability and declarations forms and a passport-sized photograph attached to each applicant's form to [due.diligence@education.gov.uk](mailto:due.diligence@education.gov.uk). The email should include the names of your proposed schools and state the application reference number in the email subject title.

If you are successful at the assessment stage, the chair of trustees must apply for an enhanced

DBS certificate via DfE during the pre-opening phase. The Secretary of State will countersign the DBS certificate.

All other members and trustees must obtain an enhanced DBS certificate. The chair of trustees is responsible for ensuring that all members and trustees have an enhanced DBS certificate that was issued within the last 2 years.

## Annex A: technical and legal considerations for partnerships

### Setting up an academy trust

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.

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

If you are a proposer who already leads any existing local authority maintained schools, we expect your existing schools 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 as this will form a condition of approval.

For more information about governance, accountability and the role of members and trustees of an academy trust see the:

- [Governance handbook](#) and the competency framework for governance
- [Academy Trust Handbook](#)

### Third parties

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.

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

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](#).

## Annex B: requirements for AP free schools

As free schools are legally established as academies, they have more freedom and control over some things. However, there are some requirements and obligations that all free schools must follow once open.

See the [pre-opening guidance](#) for more information.

### AP free schools

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 5 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.

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 arrangements (such as testing) 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 publicly funded schools
- have regard to the SEND 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 standard that is set out in Part 2 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010, as amended

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. See the guidance on [promoting fundamental British values as part of pupils' spiritual, moral, social and cultural development](#) for more information.

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
- comply with the guidance on [school teachers' pay and conditions](#)

## Safeguarding

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.

It is vitally important that as an academy trust you fully understand your responsibilities for safeguarding the children in your care. Read:

- [keeping children safe in education](#)
- [working together to safeguard children](#)
- [what to do if you're worried a child is being abused: advice for practitioners](#)

When the school opens we would expect it to be meeting the requirements set out in [keeping children safe in education](#).

## AP free schools with a faith ethos

AP free schools cannot be designated as having a religious character.

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.

We 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. We will also expect you to be able to demonstrate that you have made this clear to parents and pupils.

## Annex C: overview of free school funding

## Pre-opening funding

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

## Revenue funding for AP free schools

In AP free schools funding for school-aged pupils is made up of:

- place funding of £10,000 for each pre-16 FTE place received directly from ESFA
- any top-up funding required, which is paid by 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.

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 is 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 are made where the places in a new AP free school are substituting for existing AP places funded by local authorities that are being decommissioned.

More information about [how AP free schools are funded](#) is available.

## Annex D: how we use your personal data

The Department for Education will become the data controller for personal information collected on the:

- pre-application registration form



- Word and Excel application forms
- suitability and declarations form

We are responsible 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**

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

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

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

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

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

For the purpose of this project, the relevant conditions we are meeting are:

- Article 6 (1)(e) of the General Data Protection Regulations (GDPR)
- Article 9 (2)(g) GDPR

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

We will publish a full list of the applications we receive. This will include the proposed school's name, local authority, type of school and phase.

If your application to set up a new school is successful, we may also publish the full application. 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
- CVs

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

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.

## Who we will make your personal data available to

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) or other organisations (with whom we need to share your personal data for specific purposes).

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 advisory board members as 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

## **How long we will keep your personal data**

We will only keep your personal data for as long as we need it for the purpose 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.

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**

Under certain circumstances, you have the right to:

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

similarly significant effect on you

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

## Contact

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

## Annex E: the proposed location and site

In section G we ask you to set out where the school would be located and whether a site has been identified or made available. We ask for:

- the details of your preferred location
- the full address and full postcode, for example, DL1 5QE, not DL1
- details of how you found the site
- the tenure and ownership plus purchase and lease cost if known
- if appropriate, confirmation that the relevant contact within the local authority supports the use of the site, including terms (for example, 125 year peppercorn lease)
- confirmation of availability
- an outline of its current use (and adjacent uses if, for example, surrounded by industrial use)
- your reasons for choosing it and its suitability
- where appropriate, any size requirements that are necessary to deliver the provision
- size of site and, if applicable, building
- a description of any constraints on usable areas such as excessive gradients, protected features of other natural or built constraints
- comments on the condition of the building
- details of any local authority contribution towards the capital costs of the project (for example the provision of a site, developer contributions)
- whether the site is part of a housing development, including key dates for the development
- if relevant, confirmation that the relevant Lead Member for Corporate Property has seen the bid

and understands that the local authority will be required to meet all site abnormal costs

Send any surveys, site plans, Ordnance Survey extracts showing contours and existing features, photos, location maps, any other technical work previously carried out on the site or other associated technical information as annexes along with your application to [fs.applications@education.gov.uk](mailto:fs.applications@education.gov.uk).

## Site size formulas

Type and age range of provision	Minimum recommended site area (m <sup>2</sup> )
AP	$8000\text{m}^2 + 36\text{m}^2$ per pupil place

For these calculations, the number of pupils numbers should be the FTE number of pupils on site and should be rounded to a multiple of 8.

## Building size

The formula for building size depends on the type and age range of provision. The number of pupils numbers should be the FTE number of pupils on site and should be rounded to a multiple of 8.

An all-through AP should use the secondary base areas. AP (health) applies where pupils have mental or physical health difficulties. AP (behaviour) applies where pupils have behavioural difficulties (and may have been excluded from school).

Where AP provides for a wide range of needs including behavioural difficulties the AP (behaviour) formulae apply. The formulae above are for AP that offer the full curriculum on site.

For existing buildings only, 15% should be added to the building areas from the formulae.

Type and age range of provision	Minimum recommended building area (m <sup>2</sup> )
Primary only AP (health)	$300\text{m}^2 + 12.5\text{m}^2$ per pupil place
Secondary AP (health)	$450\text{m}^2 + 12.5\text{m}^2$ per pupil place

Primary only AP (behaviour)                      350m + 14.5m per pupil place

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Secondary AP (behaviour)                      525m<sup>2</sup> + 14.5m<sup>2</sup> per pupil place

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Further information on recommended building and site areas and the application of these gross area formulae to different types of alternative provision are given in [Building Bulletin 104 area guidelines for SEND and alternative provision](#).

## Possible site abnormalities

As part of the requirement to achieve value for money there is a requirement for applicant authorities to meet abnormal site development costs, including:

- geochemical exceedances relative to guidelines for school use
- geophysical conditions
- flooding and alleviation measures
- s278 costs
- new road provision from the adopted highway to the site boundary
- s106 costs
- retaining structures required as a function of topography
- ecological provision - reserves, species protection and relocation
- listed building and heritage community costs
- title consolidation and registration
- utility provision
- environmental conditions that may require specific mitigations such as acoustics or air pollution
- mitigation measures for constrained sites (such as roof top playgrounds)
- other site-specific issues

- 
1. 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 [model articles](#) 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 D. [↩](#)

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