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[Department
for Education](#)

Guidance

How to open a special free school in Cambridgeshire, Kent, Merton or Norfolk

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This guidance is for proposer groups interested in applying to open a special free school in:

- Cambridgeshire
- Kent
- Merton
- Norfolk

This process does not replace the [free school presumption](#) process. It does not replace a local authority's duty to secure sufficient appropriate education for children and young people.

The new schools will be 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 operated by academy trusts.

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 \(AP\) improvement plan](#), our ambition for children with SEND is that they are able to:

- do their best in school

- reach their potential
- find employment
- lead happy and fulfilled lives

Special free schools make an important contribution to achieving this.

The government will create up to 60 new special and alternative provision free schools. This is part of the £2.6 billion capital investment in high-needs provision across the current Spending Review period.

In March 2023, we announced [33 successful local authority applications for special free schools](#). Separately, as part of the [safety valve](#) application process, local authorities were able to bid for a centrally delivered special free school. The free school had to:

- form part of their longer-term plans for improving the local provision offer
- support their deficit recovery work

We are now inviting applications from proposer groups to open new special free schools in:

- Cambridgeshire
- Kent
- Merton
- Norfolk

Who can apply

In this application wave, we are only accepting applications to open new special free schools in the following areas.

Local authority	Number of places	Age range	Special educational needs (SEN) designation
Cambridgeshire	60	11 to 16	social and emotional mental health
Cambridgeshire	210	2 to	multiple need types

Kent	120	4 to 19	severe learning difficulty, physical disability, profound and multiple learning difficulty and autistic spectrum disorder
Kent	250	4 to 19	severe learning difficulty, physical disability, profound and multiple learning difficulty and autistic spectrum disorder
Merton	120	4 to 16	moderate learning difficulty, severe learning difficulty, autistic spectrum disorder and speech, language and communication needs
Norfolk	170	3 to 19	severe learning difficulty, profound and multiple learning difficulty and moderate learning difficulty
Norfolk	100	5 to 19	autistic spectrum disorder

Proposer groups can apply to open schools in more than one local authority in this application wave.

We welcome innovation, but still expect applications to clearly show you have considered relevant evidence. 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
- show that the school will deliver the school specification within the top-up funding specified
- demonstrate a commitment to forming and working in local partnerships
- clearly show the evidence base used, with an implementation plan
- show a clear understanding of the needs of the expected cohort and demonstrate the ability and commitment to meet those needs
- demonstrate that the school will deliver a high standard of education
- demonstrate that the school will set ambitious and realistic expectations for children and support them towards effective preparation for adulthood
- offer good value for money, with an affordable education plan
- have a strong understanding of the teacher recruitment and retention issues the

school might face, taking into account any local, regional or national factors relevant to your context, with clear mitigations

- include specific plans for how teacher workload will be managed and kept under review so it is sustainable as the school grows

! We will only approve one application per school.

Applying as a single academy trust

We will continue to consider applications for high-quality free schools to open initially as standalone trusts rather than as part of a multi-academy trust (MAT), in order to support innovation.

If the school opens as a single academy trust, we will expect the trust to grow and become a MAT over time. This is so you can share your capacity across the system and operate at an increased scale.

Applying as a new provider

We welcome applications from new providers. If you are a new proposer and need to establish an academy trust, you must establish this before submitting your application. You must use the [model articles of association](#) relevant to special academies.

More information about [setting up an academy trust](#) is available. Additional guidance is available from [Create: Schools](#).

Application process

Before applying, read this guidance and your chosen [local authority's school specification](#).

The specification outlines key facts, including information about the:

- type of school (including the category of SEND)

- age range of the school
- proposed location
- number of places
- commissioning arrangements
- top-up funding

You should use the information in the specification and supporting contextual information to determine whether to apply to open and run the school. If you would like to apply, you should use this information as a basis for your application.

Links to all [local authority specifications](#) and contextual information are available.

Key dates

Date	Action
23 August 2023	<p>Mandatory pre-registration opens.</p> <p>Proposer groups must pre-register to apply in this wave.</p> <p>We will email application forms to you once you have completed the pre-registration.</p>
23 August 2023	<p>Application window opens.</p> <p>Applications should be sent via email to FS.Applications@education.gov.uk.</p> <p>We will accept completed applications at any point throughout the application window.</p>
22 September 2023	<p>Mandatory pre-registration closes at 5pm.</p>
3 November 2023	<p>Application window closes at midday.</p>
6 November to 1 December 2023	<p>We will assess the applications.</p>
8 to 31 January 2024	<p>Interviews will take place.</p>

We will invite the groups with the strongest applications to interview.

March 2024

We will announce the successful applications.

Groups will then enter the pre-opening phase.

Register your interest

To apply to open a free school, you must register your interest by completing the [pre-registration form](#) before 5pm on 22 September 2023.

You can pre-register for up to 5 schools using this form. If you are applying for more than 5 schools, you will need to submit more than one pre-registration form.

The pre-registration form will ask for information on:

- which local authority you are applying to open a special free school in
- your name and contact details
- information about your organisation or group
- basic details about your proposal, including proposed name of the school

Preparing your application

Before applying to open a special free school, you should contact the relevant local authority. They can provide more information about:

- the local context in the area
- the needs of the pupils
- who to engage with when developing your plans

Proposer groups will have the opportunity to attend engagement events held by the relevant local authority. These events will provide further information and an

opportunity to ask any questions.

We also recommend that you consider speaking to your [regional director](#). Where possible, existing trusts should raise their expansion plans with their regional director's office as part of any planned discussions about performance and capacity. This includes plans to apply for a new school.

[Create: Schools](#) can provide advice on developing your application. They can also put you in contact with other groups that have been successful in previous waves.

Completing your application

You must use the application forms provided, which we will only send to you if you complete the mandatory pre-registration. We will not consider your application if you do not use the application forms provided.

You must not amend the format of the application forms as this will disrupt our ability to upload completed applications to our database.

Check the word limit on each section of the application form. We may stop assessing your application if you exceed the word count.

If you are applying to open more than one school, you must complete a separate application form for each school. Where some information is the same, for example, your proposed governance arrangements, include this in both applications.

Identifying a site for the school

In this wave, the responsibility for finding a site lies with the local authority. Local authorities set out their preferred locations as part of their applications, and work with the Department for Education (DfE) and LocatED to identify and secure suitable sites. Further information on locations and sites are in the school specifications.

If you have an identified site, you can tell us about it in section B of your Excel application form. We will only look into this site if it becomes apparent that the site we are already progressing is unsuitable.

Where the permanent site for the school has been secured with planning permission in place (or an acceptably low level of planning risk), we may consider opening in

temporary accommodation. The temporary solution must adequately meet the needs of the pupil cohort, and without compromising curriculum delivery. The proposal must be supported by DfE, your local authority and your trust.

Submitting your application

Submit your completed application forms via email by midday on Friday 3 November to FS.Applications@education.gov.uk.

We will confirm receipt within 5 working days of the application deadline.

Your application forms must not be sent as PDF files. Send them as Word and Excel files. You can submit annexes as PDFs.

Title your application, electronic files and emails as:

Special free school application_[LOCAL AUTHORITY]_[INSERT NAME OF YOUR GROUP]

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

We will assess applications against the [assessment criteria](#) and the relevant local authority school specification.

If we assess your application as among the strongest, we will invite your group to interview. Interviews will be led by DfE with a representative from the relevant local authority. Where there is more than one local authority involved, a representative

from the lead local authority will attend.

We will select applicants to interview based on:

- the quality of their application
- the strength and track record of their academy trust, where relevant
- the local context in which the proposed school will operate and their understanding of the state school system

We will only approve one application per school. If the specification does not attract applications that meet both the local authority school specification and the application criteria, we will not approve any applications. The Secretary of State for Education may also make the decision to re-run the competition.

The Secretary of State decides which applications to approve. The decisions are final and there is no appeals process. We will not share the scoring of applications, either 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, such as your financial plans or budget. The Secretary of State may also decide to reprioritise funding for the benefit of the free schools programme as a whole, which means we may cancel your project.

If your application is successful

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

In our experience, projects typically take around 3 years to open. Attempting to open in a shorter timescale is extremely challenging. 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.

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. You must not use this grant retrospectively to cover any costs incurred in:

- preparing the free school application
- getting the school approved into pre-opening

The amount for the grant will vary depending on the number of schools the trust is opening in an academic year.

The school may be delayed or even cancelled in pre-opening for a range of reasons, including:

- the capital project fails to make sufficient progress, including if we are unable to secure a suitable site
- the costs of the project no longer represent good value for money
- we assess that there is no longer a sufficient need to justify the school
- we have concerns about the standard of education that would be provided

You can find out more about the pre-opening phase and project development grant in the [free schools pre-opening guide](#).

Funding agreement and opening the school

The final decision to open any free school requires the Secretary of State to enter into a legal contract with the academy trust. This is the [funding agreement](#).

A funding agreement will only be signed if the Secretary of State 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.

Assessment criteria

For this application process, all applicants should complete the application form.

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

Section A – tell us who you are

All applicants must complete this section in full.

In this section, we ask you for basic information about your applicant group and your academy trust.

Section B – outline of the school

All applicants must complete this section in full.

In this section, we ask for some details about the school.

You should refer to the relevant [local authority specification](#).

The type of school is a special free school. We understand that there can be similarities between special schools and AP schools (and their cohorts), but we will not accept applications for hybrid schools. By law, special schools may only admit children and young people with or being assessed for education, health and care (EHC) plans. 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.

Special free schools cannot be designated as having a religious character. Placements in special schools are determined through the application of the criteria in section 39(4) of the [Children and Families Act 2014](#). This states that the school must be suitable for the age, ability, aptitude or special educational needs of the child or young person. Religion is not a statutory criterion and therefore placements cannot be restricted in this way.

Special free schools can have a religious ethos. You should include a brief explanation, if applicable, of any:

- specialism
- particular ethos
- distinctive pedagogy
- educational philosophy

Section C – vision

All applicants should complete this section in full.

You must set out a clear vision for how the proposed school will improve outcomes and enhance the life chances of children within the local community.

You should explain how:

- your vision is evidence-based and consistent with the rest of your application, which should clearly show the plan for implementing it
- your vision is reflected in your curriculum approach and approaches to meeting pupils' needs
- your vision meets the relevant local authority's school specification and contributes to the delivery of its SEND strategy
- your proposed school will work collaboratively with other SEND provision, mainstream and other education settings, as well as any other local partners, to develop and share expertise and approaches
- your proposed school will prepare pupils for adulthood, including independent living and employment
- you will ensure your proposed school will be well supported, if your existing schools are in a local authority other than the local authority in which you are applying

You should also set out a brief overarching vision for your trust, including:

- your planned expansion strategy, which includes:
 - how many schools you plan to have in total
 - your planned geographical spread
 - timescales
- a summary of any discussions you have had with the relevant regional directors about your planned expansion strategy

Your response to this section should be no more than 1,000 words.

Section D – education plan

All applicants must complete this section in full.

In this section, you need to set out the plan to deliver your educational vision. We are looking for an ambitious and deliverable education plan that is consistent with your vision and pupil intake.

When preparing your education plan, you must consider the information on the [requirements of free schools](#) and [proposer groups](#).

Where the school includes secondary or post-16 provision, preparation for adult life should feature throughout section D. To help children understand what is available to them as they get older, schools should seek partnerships with:

- employment services
- businesses
- housing agencies
- disability organisations
- arts and sports groups

D1 – curriculum plan

Within this section, we will assess all applicants on:

- the quality of their plans
- the extent to which their plans meet the relevant school specification

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 table D1i in the application form, showing a list of subjects to be offered, with the number of hours spent per week on each (note: you do not need to provide sample timetables)
- provide information on the curriculum, which should be consistent with the vision
- set out what you propose instead, if you are planning to teach a curriculum other than the national curriculum, as well as your rationale, and how your curriculum provides the knowledge and skills that children need
- demonstrate that your curriculum will be deliverable and, if applicable, how and to what extent you intend to use resources from your existing school or other organisations to contribute to its delivery or improve teaching capability
- demonstrate that you will provide a broad and balanced curriculum that includes English, mathematics and science, and preparing children for the next stage in their lives
- demonstrate that you will offer appropriate qualifications

- demonstrate an ambitious curriculum approach that takes into account the expected pupil intake and their needs
- set out your approach to teaching and learning, specifically how this will ensure your 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

If you already have at least one open state-funded or independent special school of the same phase and type that you are proposing, your application should include:

- details of the pupil intake at your existing school and any differences between that and the expected intake at the new school, including:
 - looked-after children
 - pupils requiring literacy and numeracy intervention, including those with English as an alternative language who are at the early stage of learning English
 - pupils from disadvantaged backgrounds, including those who attract the pupil premium
- an evidence-based rationale for any changes to the approach you will take in your new school, including to the curriculum, approach to teaching and learning, extra-curricular offer or behaviour management – if you do not plan to make any changes, you should set out your rationale for how this will be sufficient to meet the needs of your new school's cohort
- how any changes you propose to make will be deliverable – if relevant, you should show how you intend to use resources from an existing school, college or university to contribute to the delivery of the curriculum, improve teaching capability or help students secure high-quality university places

If you have multiple strong schools of the same phase and type as the new school you are proposing, you can compare the intake of the new school with one of your existing schools or the whole cohort of your trust.

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

Your response to this section should be no more than 2,500 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 explicit, ambitious and realistic expectations of pupil performance, behaviour and attendance, explaining why they are suitable to measure the delivery of your 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 and the role of the MAT in doing so, where relevant
- how you will involve parents and report progress to them
- how you will share this information regularly and effectively with the local authority, and how this will ensure:
 - appropriate provision is made for each pupil
 - successful progression into employment, further education or training

If you already have at least one open state-funded or independent special school of the same phase and type that you are proposing, your application should include any changes to the way in which you will:

- measure pupil performance
- set challenging expectations for pupil performance, behaviour and attendance

If you do not plan to make any changes, you should set out how your existing approach will meet the needs of your new school cohort.

Your response to this section should be no more than 2,300 words.

D3 – staffing

You must ensure your staffing structure:

- matches your proposed curriculum
- complies with the statutory responsibilities of a special state school, including on child protection
- includes an appropriate balance of roles, experience and expertise across the senior leadership team, middle managers, subject leaders, teachers and support staff
- will meet the requirements to achieve an Ofsted judgement of 'good' or 'outstanding'
- can be delivered within your expected income

In this section, you should summarise:

- your plans for an affordable staffing structure that takes account of your curriculum plan
- your planned strategy for successfully recruiting high-quality staff and, if you run existing schools, 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:
 - that you have put in place plans that meet the recommendations of the [teacher workload advisory group](#)
 - how you will engage with the workforce to protect their wellbeing and ensure their workload is manageable
 - that you have a [flexible working policy](#) in place
 - how your 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, and average class size and teacher cost – to plan staffing and timetabling that will deliver an affordable curriculum
- the actions you would take to reduce costs, if necessary, the reason for these actions and the reason you have prioritised the actions as you have
- how your amended plans would continue to support the delivery of your vision and plan, and any changes you would have to make to the plan

If you do not currently run an open state-funded special school of the same phase and type as that you are proposing, you must demonstrate that, at full capacity, your staffing structure is sufficient to deliver the curriculum plan, consistent with the information provided in the financial template.

If you have any existing special schools of the same phase as that you are proposing, either state-funded or independent, you must set out if you intend to use any of your existing staff in this school and how this will work in practice.

Your response to this section should be no longer than 1,000 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 should summarise how your proposed school will:

- build opportunities for pupils to interact and build positive relationships with those from different backgrounds, both within the school and in the wider local community
- equip pupils with the skills, values and knowledge to:
 - become active citizens in wider society
 - play a positive role in shaping cohesive and integrated communities
- be welcoming to pupils of all faiths and none
- address the needs of all pupils and parents
- promote the fundamental British values of:
 - democracy
 - rule of law
 - individual liberty
 - mutual respect and tolerance of those with different faiths and beliefs
- have a broad and balanced curriculum
- prepare children for life in modern Britain, including through the teaching of spiritual, moral, social and cultural education
- teach personal, social, health and economic education
- adhere to the [Prevent duty](#)
- have appropriate policies on safeguarding and promoting the welfare of children
- equip its pupils with the skills to support them in leading healthy lives
- prepare pupils for adult life, so they can progress into employment, independent living and community participation, and maintain good health

When assessing the information you provide in this part of your application, we will consider the potential impact on integration and community cohesion and on 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
- challenge prejudice, discrimination, stereotyping and intolerance of others
- 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 school.

We will not approve any application where we have concerns about:

- a lack of genuine commitment to the inclusion of pupils of all faiths or no faith in the school
- creationism being taught as a valid scientific theory or about a school failing to teach evolution adequately as part of its science curriculum
- any member of the applicant group holding extremist beliefs, as defined in the [Prevent duty](#) guidance

Your response to this section should be no longer than 1,000 words.

Section E – capacity and capability

In this section, you must demonstrate the capacity and capability to deliver a financially viable school that will provide a high-quality and inclusive education within a strong trust.

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

You will need to demonstrate that you have the necessary experience and credentials within your group to deliver the school to opening, and an effective governance structure. If you already run an open school, you will also need to demonstrate a strong educational track record.

In the [schools white paper](#), we set out 5 pillars of quality for multi academy trusts. These are:

- high-quality and inclusive education
- school improvement
- workforce
- finance and operations
- governance and leadership

In April 2023, we published [detailed descriptions of quality against each pillar](#). The descriptions represent a clear and ambitious vision for the academies sector and will help inform trusts' improvement and capacity-building priorities.

If you run an existing trust, we will use the information in your application and that held by DfE to assess the strength of your trust, taking into account the length of time it has been established.

If you will be establishing a new trust, we will assess your capacity and capability to establish a strong trust.

The guidance on [commissioning high-quality trusts](#) provides more information about how regional directors make decisions.

E1 – strong educational track record

If you do not currently run or lead state-funded schools, you must complete section E1.

If you currently run or lead state-funded schools, you do not need to provide any information for section E1. We will use information we hold, and publicly available data about the schools in your trust, to make a judgement on your educational track record. This includes schools you have recently taken over or opened.

However, you should provide any additional information you believe will help us to better understand the track record of your group – for example, if you have recently taken on an underperforming school.

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 generally means that:

- any existing schools you run have a ‘good’ or ‘outstanding’ judgement from Ofsted or another appropriate inspectorate for independent schools
- there are no significant outstanding issues on compliance in your most recent inspection report, where appropriate, and any additional inspections requested result in standards being met

We will take into account the impact of the COVID-19 pandemic when assessing your educational track record. You can provide specific information on the impact of COVID-19 on the educational performance of your schools.

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 your proposed school opens successfully.

Your application will be rated more highly if:

- your core applicant group includes individuals with appropriate education and finance expertise
- your core applicant group includes individuals with expertise in most of the additional areas (managing state school finances, leadership, project management, marketing, human resources, safeguarding and health and safety) and they have a strong track record in their area of expertise
- your core applicant group includes individuals who would make strong trustees once the school is open, or who are currently strong trustees or governors at an existing school
- you show a clear understanding of the skills and capacity required to run a successful special school and have secured sufficient and realistic time commitments from each individual

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

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

We will refer to the growth plans for your trust set out in section C, along with the performance of any schools that individuals are associated with, to assess whether you have the required capability and capacity to open a successful new special free school.

In section E2, you must:

- complete table E2(a) with information about each individual who is part of your group, including:
 - all members and trustees of your academy trust
 - members of the executive team
 - members of the pre-opening team
 - anyone else providing a relevant contribution
- demonstrate that you have access to individuals with strong, relevant state education expertise 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
- safeguarding and health and safety
- use box E2(b) to further describe the skills and experience of your group, and to describe your plans to manage the pre-opening project
- conduct a skills-gap analysis of your 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(c). setting 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(c)

Your response to this section should be no longer than 2,000 words, not including box E2(c).

E3 – an effective governance structure

When completing this section, you should refer to the [academy trust handbook](#) and the [governance handbook](#), which outlines the features of effective governance that you should consider when formulating your governance arrangements.

If you are not currently operating as a MAT, you should:

- provide a scheme of delegation showing your proposed governance structure, including lines of accountability between the members, trustees, any local governing bodies or committees and the school's senior leadership team – if you want to provide a diagram of your trust's proposed governance structure, you should submit it as an annex to the application form
- give a brief but credible explanation of the roles and responsibilities of the trust's members, the trustees, the executive team, any proposed committees and the principal
- set out your strategy for avoiding and minimising conflicts of interest, and for securing independent challenge to members and trustees
- declare any financial transaction that is likely to take place between any member or trustee (or a connected party or business) and the academy, and the nature of that transaction, and provide assurance that it 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 an unnecessary and onerous workload for the headteacher and staff members, and how you will set up proportionate, streamlined and effective processes for reporting

- set out a clear plan, if applicable, to appoint and train any high-quality individuals needed to fill gaps in the governance structure, particularly those with education, school governance and financial expertise
- describe how your governance will work once you have established your academy trust, if you are a local-authority-maintained school or a group of maintained schools

If you are currently a MAT, we will look at the effectiveness of your existing governance. Your application should:

- say how the new school will fit within the current structure of your MAT
- briefly describe any specific conflicts of interest and explain how you intend to manage them declare any financial transaction that is likely to take place between any member or trustee (or a connected party or business) and the academy, and the nature of that transaction, and provide assurance that it 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 an unnecessary workload for the headteacher and staff members, and how you will set up effective processes for reporting

Your response to this section should be no more than 1,500 words. This should be shorter for MATs that have recently discussed their governance structure with their regional director.

Section F – financial viability

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 important that the school offers the type of places set out in the local authority specification, and within the funding available from the relevant local authority.

If you did not open a free school of the same type and phase before September 2021, you must complete the financial template provided with your application pack. The financial template is not tailored to each local authority. 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 key elements of the specification.

Trusts should implement effective resource planning to ensure every pound is used

efficiently to improve education standards and have maximum impact on 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 consideration
- have a strategic financial plan for the longer term of between 3 and 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 refer to the:

- overview of free school funding in annex E and the [guidance on special free school revenue funding](#)
- [guidance on school resource management and related tools](#)
- [top-10 planning checks for governors](#)

The school must not be dependent on borrowing or nursery income to deliver a viable school and break even in any year.

Where third-party funding is provided, you should state clearly what it will fund and the impact on the school and its education model if that funding were to cease.

We may request additional information about third-party funding, if it forms part of your financial plan. You may provide as annexes other evidence of this funding, such as letters, if you consider this would support your application.

Even if you are an experienced education provider, your 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 your trust as part of our overall assessment.

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

If you opened a free school of the same type and phase before September 2021

We will use the information we already hold about the financial situation of your

schools, including pupil recruitment numbers. You do not need to provide additional information unless there is something specific that you believe will help us to understand the financial health of your trust.

You do not need to complete the financial template at this stage. If you are invited to interview, we may ask you to provide further financial information, including the template, particularly if your existing school or the one you are proposing is small.

If you did not open a free school of the same type and phase before 2021

You must:

- complete the Excel financial template showing income and planned expenditure and the assumptions made about each line in the space provided – you should explain clearly what your assumptions are based on and the evidence that demonstrates that they are realistic and appropriate
- ensure 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 your education plan should accord with those in your 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 previous years
- use box F in the application form to add any further comments on areas you wish to highlight

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 and 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 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
- whether the funding will be sufficient to deliver the school's particular education offer – for example, specialist teachers and equipment

Checks on applicants

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

Proposers must abide by the [7 principles of public life](#), which set out the standards of behaviour we expect, and we may ask you questions about them at the interview. The Secretary of State may reject an application if the previous conduct of individuals associated with the trust does not comply with the principles.

The Secretary of State will reject any application put forward by an organisation that advocate violence, extremism, or other illegal activities.

We will undertake due diligence checks on proposers as part of the selection process, including conducting social media and internet searches.

We will also complete credit checks on individuals to ensure the suitability of proposers to set up and run free schools. 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 form.

If you are applying for more than one school but the individuals involved in establishing the schools are the same, you need to send the forms only once, stating to which schools they apply.

You should email scanned copies of each applicant's signed suitability and declarations form, along with a passport-sized photograph of them, to due.diligence@education.gov.uk and FS.Applications@education.gov.uk. The email should include in the email subject title the names of the proposed schools and the application reference number.

If your group is successful in the assessment stage, the chair of trustees must apply for an enhanced DBS certificate via DfE during the school's pre-opening phase. The Secretary of State will countersign the DBS certificate.

All other members and trustees must also obtain an enhanced DBS certificate. It is the responsibility of the chair of trustees to ensure all members and trustees have a valid enhanced DBS certificate issued in the past 2 years.

Annex A: technical and legal considerations for proposer groups

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 trust is the body that submits the application to open the free school and with which the Secretary of State decides to enter into a funding agreement.

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 about how to set up a company is available from [Companies House](#) and additional guidance is available from [Create: Schools](#).

If you currently lead one or more maintained schools, we expect your existing maintained school or schools to convert to academy status. You must form a MAT that will incorporate both the new free school and your 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.

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.

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 a

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 special free schools

As free schools are legally academies, they have more freedom and control over certain aspects. However, there are some requirements and obligations that all free schools must follow.

You should refer to the [free schools pre-opening guide](#) for more information.

Special free schools

Special free schools provide education for pupils with SEND. They are designated for specific types of SEND.

For this competition, we are only accepting applications to open special free schools in response to published specifications from local authorities listed in Annex A.

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.

Special schools do not admit pupils on the basis of the School Admissions Code. Generally, they are permitted to admit only pupils with EHC plans, or, on a temporary basis, those whose needs are being assessed, as set out in section 34 (5)-(8) of the [Children and Families Act 2014](#). You should refer to paragraph 1.29 of the [SEND code of practice](#) for more information.

Exceptionally, as set out in section 34 (9) of the Children and Families Act, special schools may ask for permission to admit pupils with SEND but without an EHC plan. 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).

Paragraph 1.26 of the SEND code of practice sets out the general presumption that children with SEND should be educated in mainstream settings. Consider including information in your application about how you would ensure, where appropriate, the reintegration of pupils with SEND but without EHC plans into mainstream schooling.

A special free school must:

- admit a child or young person if the school is named in their EHC plan
- admit a child or young person without an EHC plan only in the 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, as set out in section 34 (9)) provided in their funding agreement, and for types of SEND 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 arrangements, such as testing, as they apply to academies
- collect performance data, publish results where appropriate^{[[footnote 1](#)]}, and be subject to Ofsted inspections under the same framework that applies to all state-funded schools
- provide for the teaching of religious education and for acts of collective worship, where practical
- ensure all teachers have qualified teacher status
- have regard to the [SEND code of practice](#), including ensuring a child with SEND receives the support they need – special free schools are not required to have a special educational needs co-ordinator, as their principal purpose is to provide education for children with SEND
- 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
- ensure the provision is a legally and financially separate entity and not part of the free school, if it wishes to offer provision to [students aged 19 to 25](#)
- meet the spiritual, moral, social and cultural standard 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.

Special free schools do not have to:

- follow the national curriculum
- 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, provide help for children and prevent concerns escalating.

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

- [keeping children safe in education](#)
- [working together to safeguard children](#)
- [child abuse concerns: guide for practitioners](#)

When your school opens, we expect it to meet the requirements set out in [keeping children safe in education](#).

Performance and accountability

All state-funded schools, including free schools, are held to account against the same performance measures. You should consider the accountability measures that would apply to your proposed school.

All schools must collect performance data and publish results. Details about what will be published in the performance tables can be found in the [statements of intent](#).

All state-funded schools, including 16-to-19 free schools, are inspected under the terms of the [education inspection framework](#). Pre-16 free schools are inspected under the [Ofsted schools handbook](#) and 16-to-19 free schools under the [further education and skills inspection handbook](#).

Special free schools with a faith ethos

Like special schools in the maintained sector, special free schools cannot be designated as having a religious character.

If you want the school to reflect a distinct ethos aligned with a particular religion, you can register that the 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.

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 the 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

You can find details on the pre-opening phase and the project development grant in the [free schools pre-opening guide](#).

Revenue funding for special schools

Special free schools' funding comprises 2 elements:

- place-funding received directly from the Education and Skills Funding Agency (ESFA)
- top-up funding from the commissioning local authority or authorities, where funding above the place funding is required^{[\[footnote 2\]](#)}

Special schools can also receive income from specialist services provided to other schools or local authorities under a service-level agreement.

Special free schools receive £10,000 per full-time equivalent place, per year, for children and young people up to the age of 19 years with EHC plans. Place-funding for the first year is determined by the free school's agreed financial plans and information from the commissioning local authorities.

Special free schools' continuing financial viability depends 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 important that the school proposers offer the type of places that local authorities need, at a cost they are prepared to fund.

From the school's second year of opening, in discussion with the school, local authorities decide how many places a special free school will be funded for in the upcoming year. ESFA will pay the funding directly to the school, with the equivalent amounts deducted from the local authority's dedicated schools grant.

In addition, special free schools receive top-up funding. The specific rate of top-up funding is detailed in each local authority's specification document.

You can refer to the guidance on [high-needs funding arrangements](#) for more information.

Annex D: how we use your personal data

DfE will become the data controller for personal information collected on the:

- pre-application registration form
- Word and Excel application forms
- suitability and declarations form
- additional information supplied in annexes

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 DfE will be acting as its data processors.

How we will use your information

Personal data is collected so we can consider the application to set up a free school.

The nature of the 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 in section 5 of the suitability and declarations form or when undertaking due diligence checks on an application. This may include information relating to:

- character declarations, including details of:
 - unspent convictions
 - motoring offences
 - police cautions
 - insolvency
 - bankruptcy
- health declarations
- any orders made against you in relation to working with vulnerable individuals
- addresses for the past 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) of the 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.

The personal data we will publish

We will publish a full list of the applications we receive. This will include the:

- proposed school's name
- local authority
- type of school
- phase
- faith ethos

If your application to set up a new school is successful, we may also publish your application form. However, the following information will be redacted and will not be visible to the public:

- private addresses
- private email addresses
- private telephone numbers
- commercially sensitive information
- specific site locations
- CVs

We may publish other information. This includes the names of individuals and organisations mentioned in the application.

You should notify any individuals or organisations you have named in your bid that DfE will process their information during the assessment stage.

Who we will make your personal data available to

We sometimes need to make personal data available to other organisations. If we need to share your personal data with others, we ensure that this data-sharing complies with data protection legislation.

For this project, as part of the decision-making process, we will share personal data with:

- external education advisors and independent panel members
- local authorities
- third parties, to conduct checks on your suitability to run a free school
- Create: Schools, which we contract to provide support to free-school proposers

How long we will keep your personal data

We will keep your personal data only for as long as we need it for this project. After this, 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

In 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](#).

Contact

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

1. Details about what we publish in the performance tables is in the [statement of intent](#) on school and college performance tables. [↩](#)
2. For this competition, see the local authority specification for top-up funding rates. [↩](#)

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