

Free Schools in 2012

How to apply

Special Free Schools

Introduction

This guidance:

- sets out the aims of the Free Schools programme;
- outlines the timetable for the preparation, submission and assessment of applications to open special Free Schools in 2012;
- details the information you must provide in each part of your application;
- sets out the criteria against which your application will be assessed; and
- lists the minimum requirements which all special Free School applications must meet in order to be considered.

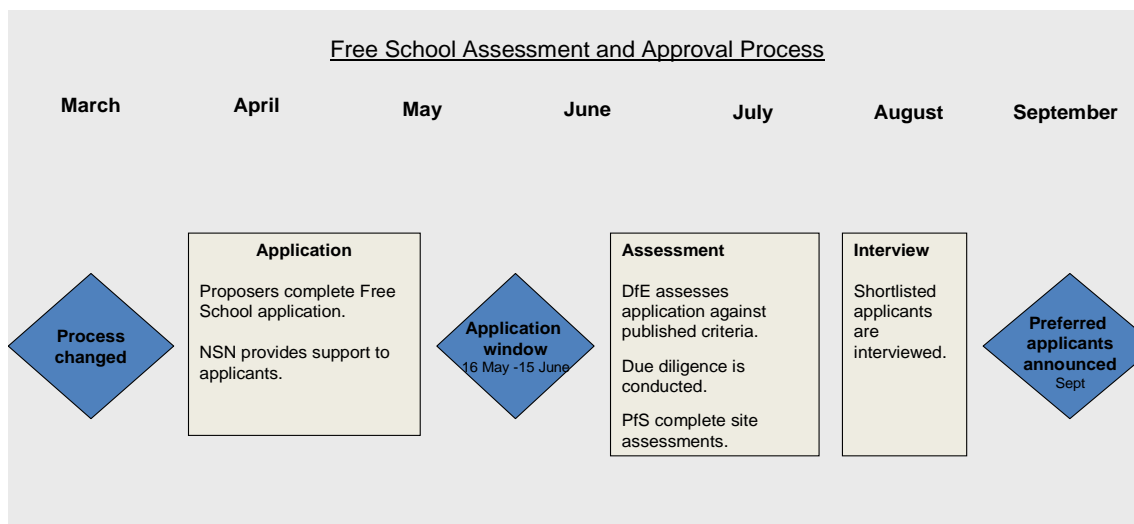
Free School aims

The vision of the Free Schools programme is to raise standards by encouraging a range of new and diverse providers to play a much greater role in state education. These new providers will have the opportunity to propose establishing new schools in response to parental demand, thereby introducing increased competition, new ideas and greater diversity into the school system.

In delivering this change, the Free Schools programme aims to:

- drive up quality of provision and standards – not only by the introduction of new Free Schools, which are of high quality themselves, but also in other local schools;
- provide parents with greater choice about the school their child attends – with the power to propose to set up their own school if they are unhappy with existing options;
- encourage greater innovation in the education system by opening it up to a much wider range of providers and approaches;
- provide a value for money solution to creating new school places and driving system-wide change; and
- create an increasingly self-sustaining and self-improving system, relying far less on central government intervention and more on school leaders, teachers and parents themselves to ensure a good quality of education for all.

The timetable for assessing and approving applications



What happens when

Preparing and submitting your application – up to 15 June 2011

- Read this guidance carefully;
- New Schools Network is able to provide advice and guidance to help you prepare your application; and
- **Please note that any applications received by the Department either before 16 May or after 5pm on 15 June will not be considered.**

Assessment of your application – 15 June to 31 July 2011

- We will assess your application against the criteria set out in this document;
- Any applications that do not meet the minimum criteria will be rejected;
- All applications that meet the minimum criteria will:
 - be judged against each other on a competitive basis, using both the minimum and comparative criteria set out in this guidance;
 - be subject to due diligence checks - this means that we will use the personal information you provided to ensure your application is suitable to be submitted to the Secretary of State for his approval; and

- undergo viability and cost assessments of your preferred site by Partnerships for Schools.

Interviewing applicants – 1 to 19 August 2011

If your application meets the minimum criteria *and* is assessed as one of the strongest applications against both the minimum and comparative criteria, we will invite you to interview in the first three weeks of August (1 – 19 August).

This is a key part of the process. Therefore, please ensure that the key people in your team hold this time in their diaries in case your application reaches the interview stage.

Approval to the financial assessment stage – 19 August to end of September 2011

- The first special Free Schools will be created in September 2012 and consequently there is not an established funding model for such schools. Funding will be determined as part of the work on the wider reform of the school funding system. In the meantime, as part of the application, proposers should set out their expected funding levels in line with the guidance in section 8 of this form.
- If you submit a strong application, the Secretary of State may approve your application to move to the financial assessment stage. This will be confirmed by the end of September, at which point you will be provided with a dedicated project lead from the Department.
- It is at the financial assessment stage that applicants will be judged against the minimum and comparative criteria in section 8. Approval to this stage does not guarantee that you will be approved to the pre-opening stage – but it will give you access to support from the Department as we make the final assessment of the financial viability of alternative provision applications. This may mean that applicants need to produce further financial information in light of the recommendations of the school funding review (which are expected in the summer).
- If you are then approved to the pre-opening stage, you will be provided with support to help you secure a site and open your school in September 2012. There will be a significant amount of work to complete between your special Free School application being approved and opening in September 2012.
- Assuming you make good progress against the key milestones in the pre-opening stage, the Secretary of State will then make a decision on whether to enter into a Funding Agreement – this represents final approval.

Application guidelines and criteria

This guide to completing your special Free School application is divided into sections:

- Details of the **applicant group**, including information on the registered company and individual members;
- A **summary sheet** with basic details about the proposed school; and
- **Specific sections** on educational vision and plan, evidence of demand, organisational capacity and capability, premises, initial funding and financial viability.

Each section includes instructions on what you are expected to demonstrate, criteria against which your application will be evaluated and reference to any relevant laws, regulations or guidance.

Format requirements

Sections 1 and 2 require you to complete template forms. Please include these with the main part of your application.

Sections 3 to 7 should be on A4 paper and in Arial font with a minimum font size of 12.

Section 8 requires you to complete the template spreadsheet. Please include this with the main part of your application.

You are also required to complete **Section 9** (which is self-standing and is accessible in a *separate* downloadable form). This section asks you to provide and confirm personal details and declarations.

Application deadline and instructions

We must receive your application no earlier than 16 May and no later than **5pm on Wednesday 15 June 2011** in order for it to be considered¹. You must submit one copy of your application electronically and **two** in hard copy. You will need to return two copies of “Section 9: Suitability and Declarations” to us by hard copy using the address highlighted in that document within the same timescales.

¹ Applicants should not submit additional supporting material after this date, although the Department reserves the right to request additional information if deemed necessary.

Further details on how to submit your application form will be available on our website on 9 May 2011.

We will inform applicants of the outcome of their application by the end of September 2011, if not earlier. Please note that there will not be any appeals processes.

Process and criteria

We will assess your form in three ways:

- against the minimum criteria, to decide if your proposed special Free School is likely to be one of acceptable quality;
- against other special Free School applications, to ensure that only the best applications are approved, taking into account the diversity of provision and needs in this sector; and
- against cost considerations, to ensure that the proposed special Free School is affordable and offers maximum value for public money.

To that end, please note that:

- **applications that do not meet all minimum criteria will not be approved.** These criteria are set out at the end of sections 3-8;
- **all applications that do meet the minimum criteria will then be assessed against each other**, using both the minimum and comparative criteria, also set out at the end of each of sections 3-8; and
- **value for money and overall cost will be a consideration throughout**, and applications will be assessed against each other in this regard.

Wider contextual factors for special Free School applications

In assessing an application, we will take into account a wide set of contextual factors, including, but not limited to:

- the age range of the special Free School;
- the type of Special Educational Needs (SEN) being catered for and the availability of similar provision in the wider geographical area;
- overall cost;
- value for money;
- the standards of other special schools in the local area and the quality of other specific provision for children with SEN; and
- its religious ethos or not.

Additional criteria for existing independent schools and non-maintained special schools seeking to become special Free Schools

Only existing independent schools that are registered as catering wholly or mainly for pupils with SEN and non-maintained special schools (NMSS) that already provide high quality places will be considered.

If an independent school does not meet the following minimum criteria, their applications will be rejected:

- For schools inspected by Ofsted, the Bridge Schools Inspectorate or the School Inspection Service, judgements of good or better in each of the following areas of its latest inspection report:
 - (i) the quality of education;
 - (ii) safeguarding pupils' welfare, health and safety; and
 - (iii) promoting the spiritual, moral, social and cultural development of pupils.
- For schools inspected by the Independent Schools Inspectorate, judgements equivalent to good or better in each of the following areas of its latest inspection report:
 - (i) the quality of academic and other achievements;
 - (ii) the contribution of curricular and extra-curricular provision;
 - (iii) the contribution of teaching;
 - (iv) the quality of the pupils' personal development;
 - (v) the contributions of arrangements for welfare, health and safety; and
 - (vi) the effectiveness of governance, leadership and management.
- For independent schools, there are no significant outstanding issues on compliance with the independent school standards.
- The existing school has a good track record of managing their accounts (see section 8 below).

If a NMSS does not meet the following minimum criteria, their application will be rejected:

- An overall Ofsted inspection judgement of good or better;
- There are no significant outstanding issues on compliance with the NMSS regulations; and
- The existing school has a good track record of managing their accounts (see section 8 below).

If an existing independent school or NMSS meets these criteria, we will take into account not just the information included in the application form but wider contextual factors, including:

- performance and quality, both in absolute and relative terms compared to maintained special schools catering for a similar pupil population. Where appropriate, this should include performance in examinations. Our expectation is that pupil outcomes should be significantly better than maintained special schools with a similar pupil population;
- the demand for the school. Our expectation is that the school is at or near maximum capacity in terms of pupil numbers. You should also be able to demonstrate that there is demand from parents who do not have children at the school currently and from local authorities who are willing to place children there;
- overall cost – including judgements on revenue and capital cost estimates;
- value for money (in comparison with similar state-maintained provision); and
- proposals/plans to extend the provision or range of services offered by the school, e.g. offering specialist services to the wider state-funded school community.

Checklist for applicants

Before submitting your application form, please ensure you have:

- established a Company Limited by Guarantee (also commonly known as an 'Academy Trust') and registered this with Companies House (not the Charity Commission) - guidance can be found at the links below^{2 3};
- completed ALL SECTIONS of the application and suitability and declarations forms, using the section numbering and titling consistent with the guide below:
 1. Applicant details
 2. Outline of the school
 3. Educational vision
 4. Educational plan
 5. Evidence of demand and marketing
 6. Organisational capacity and capability
 7. Premises
 8. Initial costs and financial viability
 9. Suitability and Declaration (separate downloadable form);
- completed and attached the financial viability assessment spreadsheets (section 8); and
- considered your responses against the evaluation criteria for each section.

² <http://www.companieshouse.gov.uk/>.

³ Model Memorandum and Articles of Association are available from <http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/a0074737/free-schools-model-funding-agreement>

Free School requirements

The Free Schools programme aims to increase the range and quality of education for children in a pluralist and democratic society. The Secretary of State will therefore seek to ensure that only suitable persons are permitted to establish Free Schools which will be publicly funded. In addition, any decision relating to the establishment of Free Schools must be affordable and in accordance with the Government's wider policies and guidelines.

The Secretary of State will consider each application on its merits and take into account all matters relevant to the application. He will reject any applications put forward by organisations which advocate violence or other illegal activities.

In order to be approved, applications will need to demonstrate that they would support UK democratic values including respect for the basis on which UK laws are made and applied; respect for democracy; support for individual liberties within the law; and mutual tolerance and respect.

Assessing the suitability of applications

In addition to the evaluation criteria set out in this application form, you should also be aware of the following **minimum requirements**.

1. Section 149 of the Equality Act 2010 places a duty on the Secretary of State to promote equality of opportunity. The Secretary of State must have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation;
 - Advance equality of opportunity⁴; and
 - Foster good relations (and tackle prejudice and promote understanding)⁵.Applicants are required to ensure that their proposed Free School will be able to further those aims.
2. Special Free Schools cannot be designated with a religious character and therefore cannot discriminate on the basis of faith when appointing staff or in admissions. They can, however, adopt a religious ethos and if they do, will have to balance the needs of all children (whether of a particular faith or none).
3. Creationism, intelligent design and similar ideas must not be taught as valid scientific theories.

⁴ This refers to people who do / do not share a protected characteristic; protected characteristics refer to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation

⁵ *ibid*

4. Existing independent schools and NMSS applicants should note the additional criteria set out on p.8-9.
5. Special Free School applicants will need to confirm that they understand and accept the following:
 - Special Free Schools fall within the definition of a special school, that is, a school which is specially organised to make special educational provision for pupils with SEN.
 - Special Free Schools will be designated for a specific type(s) of SEN. Approval from the Secretary of State will be required if a school wishes to change or extend their designation to other types of SEN.
 - All pupils attending a special Free School will have statements of SEN, unless temporarily admitted for an assessment of their SEN.
 - Admission to special Free Schools will be as follows:
 - Parents of children with statements can ask the local authority for a special Free School to be named in their child's statement.
 - The final decision on the school to be named rests with the local authority responsible for making and maintaining the statement. If parents do not agree with the school named in the statement, they can appeal to the First-tier Tribunal (Special Educational Needs and Disability).
 - Where a special Free School is named in a child's statement, the special Free School is under a statutory duty to admit the child (even if the child's SEN is not a type of SEN for which the school is designated).
 - Special Free Schools must have arrangements to safeguard and promote the welfare of children who are pupils at the school. This is set out in parts 3 and 4 of Schedule 1 of the Education (Independent School Standards) (England) Regulations 2010 (<http://www.legislation.gov.uk/ukxi/2010/1997/contents/made>).
 - Special Free Schools must meet the Education (Independent School Standards) (England) Regulations 2010 (<http://www.legislation.gov.uk/ukxi/2010/1997/contents/made>).
 - Before opening a special Free School, Academy Trusts will need to enter into a Funding Agreement with the Secretary of State. This is the contract between the two parties and sets out the arrangements under which the Free School will operate. A model Funding Agreement for special Free Schools is under development, but applicants may wish to refer to the Funding Agreement for special Academies (the first such Academies will open in September 2011) which is available here:

<http://www.education.gov.uk/schools/leadership/typesofschools/academies/becominganacademy/b0061866/supporting-documents/model-funding-agreement--special-academies>.

Please note that whilst the Funding Agreement for special Free Schools will be similar to the Academies' model, there will be some changes.

Section 1: Applicant details

As Companies Limited by Guarantee, certain details will be publicly available on the Companies House website. However, personal information will be treated in accordance with the Data Protection Act 1998.

We realise that not all of this section will be relevant or appropriate to existing Academy sponsors.

Details of Company Limited by Guarantee
Name:
Company address:
Company registration number:
Main contact
Name:
Address:
Email address:
Telephone number:
Members and Directors
Please confirm the total number of (a) Company Directors 5 and (b) any other members of the Governing Body <input type="checkbox"/> appointed to date and list them below. Please also confirm who the proposed Chair of the Governing Body is.
Name: Position:
Name: Position:
Name: Position:
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Name:

Position:
Related organisations
Does the Company Limited by Guarantee have any links (through the members, directors or otherwise) with any other charitable or commercial organisation?
If Y please provide their name and Charity Commission number and describe the role that it is envisaged to play in relation to the special Free School:
If your organisation is an existing independent or non-maintained special school, please provide your six digit unique reference number:

Declaration to be signed by a Company Director

I confirm that the information provided in this application is correct to the best of my knowledge and that if the application is successful, the Company will operate a special Free School in accordance with the requirements outlined above and the requirements of the Independent Schools Standards and the Funding Agreement with the Secretary of State.

Signed:

Print Name:

Date:

Each Member and Director of the Company should also complete and return the personal information and declarations from Section 9 (which is in a separate downloadable form).

Section 2: Outline of the school

Proposed school name:								
Age range:								
Proposed numbers in each year group at point of opening and explanation of how pupil numbers will expand to fill the school over time.		2012	2013	2014	2015	2016	2017	2018
	Pre-School							
	Year 1							
	Year 2							
	Year 3							
	Year 4							
	Year 5							
	Year 6							
Specific type of provision the school will cater for (please tick all that are appropriate).	<p>NB See Appendix A for more information on SEN designations</p> <p><input type="checkbox"/> Specific Learning Difficulty (SpLD)</p> <p><input type="checkbox"/> Moderate Learning Difficulty (MLD)</p> <p><input type="checkbox"/> Severe Learning Difficulty (SLD)</p> <p><input type="checkbox"/> Profound and Multiple Learning Difficulty (PMLD)</p> <p><input type="checkbox"/> Behaviour, Emotional and Social Difficulty (BESD)</p> <p><input type="checkbox"/> Speech, Language and Communication Needs (SLCN)</p> <p><input type="checkbox"/> Autistic Spectrum Disorder (ASD)</p> <p><input type="checkbox"/> Visual Impairment (VI)</p> <p><input type="checkbox"/> Hearing Impairment (HI)</p> <p><input type="checkbox"/> Multi-Sensory Impairment (MSI)</p> <p><input type="checkbox"/> Physical Disability (PD)</p> <p><input type="checkbox"/> Other (please specify) provision for pupils with no school place due to exclusions or mental health difficulties e.g. phobias.....</p> <p>.....</p> <p>.....</p> <p>.....</p>							

<p>If an existing independent school or NMSS, provide details of your latest inspection (including the report), current numbers on roll and total capacity of school.</p>	
<p>Will your school have a religious ethos If Y, please specify which faith.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Is this an application for a single-sex school? If so, please tick the relevant box.</p>	<p>N. If Y, please tick one of the following boxes <input type="checkbox"/> Boys <input type="checkbox"/> Girls</p>
<p>Will your school provide residential provision (i.e. where a statement specifies residential provision is required to meet the child's SEN)? Please give details.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Details:</p>
<p>Local authority area in which the school would be situated. Please include names of neighbouring LAs and those which may wish to place pupils at the school.</p>	<p>Local Authority: Neighbouring LAs:</p>

Section 3: Educational vision

The educational vision should describe why you are setting up *this* special Free School and its defining features and ethos. This is your opportunity to tell us in your own words about the overarching vision for your school.

Information required

- Set out why you are establishing your special Free School – the rationale for this age range, specific special educational need(s) being catered for, curriculum offer, location and pedagogy; and
- Identify what will make the school distinctive in its vision and ethos.

Evaluation Criteria

Minimum Criteria:

- A clearly focused vision that underpins the application; and
- A vision that aligns with the aims of the Free Schools programme (as set out on page 3).

Section 4: Educational plan

The educational plan should describe the structure of your school and the experience that pupils will have whilst attending it. You should set out what pupils will achieve, how they will achieve it and how the school will evaluate performance, both of individual pupils and the school as a whole.

The Department has set out in its Green Paper, *Support and Aspiration: A new approach to special educational needs*, a future vision for special Free Schools within a system that will support a more integrated education system where children can move more flexibly between mainstream and special provision to access the support they need. Further consideration will be given to this model following analysis of the consultation responses to the Green Paper. However, initially, special Free Schools will be established to cater solely for pupils with statements of SEN.

We have also set out our intention to change legislation to enable parents to express a preference for any state-funded school to be named in their child's statement, providing parents with a wider and more diverse choice of school for their children.

Free Schools have equivalent SEN obligations placed on them through their Funding Agreement as those placed on the governing bodies of mainstream schools (set out in Part 4 of the Education Act 1996). Special Free Schools will be under an obligation to admit a child where the school is named in a child's statement, even if the child's SEN is not a type of SEN for which the school is designated.

Information required

Curriculum and organisation of learning

Set out expectations around the length of the school day, term and year.

Describe the curriculum in detail, setting out how it will meet the different needs and interests of all pupils. You will need to confirm whether or not you will offer a broad and balanced curriculum, why your curriculum is appropriate for the children in your school and how you will meet their educational requirements. Where it is not appropriate to offer a broad and balanced curriculum, there is an expectation that the core offer in special Free Schools will include, as a minimum, the functional elements of English, mathematics, ICT, scientific literacy and personal and social development.

You should also describe how you will ensure the curriculum will take account of the SEN of pupils for whom the school will cater, including for pupils who are working below level 1 of the National Curriculum (e.g. at 'P Scale' level if your school will cater for pupils working at that level).

If appropriate, set out the range of qualifications the school might offer, and why this would be suitable for your pupils.

Set out a curriculum model that shows what proportion of learning is given over to each subject or area of learning for each year group.

Set out how your school will provide opportunities to help the social integration and emotional development of pupils through links with mainstream and special schools in the local area.

Set out how you will have regard to the SEN Code of Practice.

Organisation of pupils

Explain how pupils will be organised, for example through year groups, tutor groups or other class structures.

Pupil development and achievement

Show how your school will define, measure and hold people accountable for the success of: i) the whole school; and ii) individual pupils.

Set out how your school will, where appropriate, prepare pupils for transition to the next educational stage and encourage the re-integration of pupils to mainstream schools.

Schools and colleges play a key role in helping young people make a successful transition to adulthood. However, many young people who are disabled or who have SEN can face additional challenges, particularly during their teenage years. Set out how your school will prepare young people for transition to adulthood and independent living, where appropriate.

Partnership working

Set out how your school will work in partnership with parents, other services and agencies to give each pupil the support needed to fulfil their potential.

Set out how your school will work in partnership with schools and local authorities in its locality to help develop its own staff and share its expertise.

Behaviour and attendance

Show how the special Free School will promote good behaviour, positive relationships and good attitudes to learning; and show how the special Free School will maintain high levels of attendance.

Community engagement

Explain how, when the Free School is established, it will aim to foster good community relations and promote active contribution to modern British society, in line with the Equality Act 2010.

Evaluation Criteria

Minimum Criteria:

- Confirmed commitment to meeting the accountability requirements applicable to all state-funded special schools, as set out in the special Academies Funding Agreement:
<http://www.education.gov.uk/schools/leadership/typesofschools/academies/becominganacademy/b0061866/supporting-documents/model-funding-agreement--special-academies>⁶
- A viable and appropriate curriculum plan with appropriate focus on core areas of learning, tailored to meet the individual needs of pupils. Where appropriate, this should be a broad and balanced curriculum⁷ and support young people to achieve the English Baccalaureate. Plans should also include details of how the special Free School will cater for children for whom this may not be appropriate;
- A clear strategy for ensuring that the needs of pupils with different abilities are met;
- A clear definition of success and how it will be measured;
- A sound approach to behaviour management and attendance;
- A description of how the school will foster good community relations and promote active contribution to modern British society, in line with the Equality Act; and
- If a school with a religious ethos, a plan for how to balance the needs of all children (whether of a particular faith or none).

⁶ The model Funding Agreement for special Free Schools is under development. Please note that whilst the Funding Agreement for special Free Schools will be similar to the Academies' model, there will be some changes.

⁷ In order to be considered broadly based and balanced, the curriculum must (a) promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and (b) prepare pupils at the school for the opportunities, responsibilities and experiences of later life.

Further Guidance

Behaviour and exclusions:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>

SEN code of practice:

<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/guidance/a0013160/the-sen-code-of-practice>

Equality Act 2010:

http://www.equalities.gov.uk/equality_act_2010.aspx

Green Paper – *Support and Aspiration: A New Approach to Special Educational Needs and Disability*:

<http://www.education.gov.uk/consultations/index.cfm?action=consultationDetails&consultationId=1748&external=no&menu=1>

■ Section 5: Evidence of demand and marketing

You must demonstrate that there is both parental demand and an identified local need for the type of provision and number of places proposed, and that you have engaged with the wider community. Solid evidence of both parental demand and local need, including support from local authorities that shows they would be willing to place children at your school in line with parents' wishes, is a minimum requirement and you **must** provide the information required in order for your application to be considered.

Information required

Evidence of demand

Provide information that shows clearly the level of parental demand and local need for the numbers and type of SEN provision your school will provide. Evidence of local need should include agreement from local authorities that they would be willing to place children at your school in line with parents' wishes. You should also provide any other evidence to support your application such as details of: any consultation or discussion with the local authority in whose area the school is situated, other local authorities, other organisation and parents of children with the special educational needs you plan to cater for; wider demographic data; and any other evidence of local need.

Please **do not** provide us with copies of individually completed survey forms; however, do tell us the questions that you asked in your survey - which should be specific to your school.

Demonstrate how you have - or how you intend to - make the school known and attractive to parents, pupils, and local authorities in the geographical area. You may consider doing this through engagement with appropriate local voluntary organisations.

If you are proposing to adopt a faith ethos you should demonstrate that you have actively engaged with parents of other faiths and none.

Consultation and equality of opportunity

For all applications that are approved, the Academy Trust will need to carry out a statutory consultation. Please detail your plans for consultation as set out under section 10 of the Academies Act 2010; in doing so, you will want to consider your wider responsibilities under equalities legislation.

Marketing strategy

Provide a plan for how you will market the school to and engage with prospective parents, local authorities, other schools and voluntary organisations on an ongoing basis. You will need to be able to achieve the demand you have identified for your school so that places will be filled in each intake year going forward.

Evaluation Criteria

Minimum Criteria:

- Evidence of demand from local authorities and parents with children of the relevant age equivalent to a minimum of 75% of enrolment in your first two years of operation;
- Evidence demonstrating a local need (in addition to parental demand) for the type of SEN provision proposed - eg confirmation from local authorities that they would name your special Free School on children's statements in line with parental preferences; and
- Support from parents of children with the particular special educational need(s) your special Free School will cater for.

Comparative Criteria:

- Applicants offering a type of provision that is not catered for locally or in an area where the only alternatives are low quality or expensive provision may have an advantage;
- Independent schools and NMSS will need to demonstrate evidence of demand beyond their existing pupil and parent base as explained on pages 8-9;
- A clear plan for the statutory consultation which must be undertaken by the applicants (should the application be approved), including consideration of how you might respond to feedback; and
- A robust marketing strategy built on your educational vision and plan, taking into account your proposed intake and the demand that you have already gathered.

Further Guidance

Statutory Consultation:

<http://www.legislation.gov.uk/ukpga/2010/32/section/10>

Equality Act 2010:

http://www.equalities.gov.uk/equality_act_2010.aspx

Section 6: Organisational capacity and capability

You must demonstrate to us that your group / team has the capacity to set up and run a school that will meet the needs of your target pupil group, and has access to the relevant educational and financial expertise.

If your application is approved, we will then support you to secure additional expertise that you may need in relation to project management, ICT and sites and buildings.

Before submitting an application for a special Free School, you **must** have established a Company Limited by Guarantee (also commonly known as an Academy Trust) with members and directors appropriately skilled to discharge their duties. The company number should be provided in Section 1 and copies of the registered Memorandum and Articles of Association should be appended to your application. We will not consider applications that do not have this information attached.

Information required

Capacity and capability to set up a school

Provide details of the members of the company, their particular areas of experience and expertise, and the time they are able to commit to the project.

Show that you have considered the resources, people and skills that you will need to set up a school, and in particular demonstrate that you have educational and financial expertise in your long-term team.

Identify if there are skills gaps within your group / team at present and how you propose to address these if your application is approved. This could be through the involvement of people with expertise as part of the applicant group, through voluntary partnership with a provider, or through having procured this support from another organisation (once your application has been approved and you have agreed support arrangements with the Department).

Set out plans for recruiting your school's Principal Designate (headteacher) and the role you envisage him/her playing in the pre-opening phase. *If you have already identified your preferred Principal Designate you should provide their CV and evidence of their ability to deliver your educational vision and lead your proposed school.* You should be aware that if your application is approved, you will – subject to Departmental considerations – be able to appoint a Principal Designate two terms in advance of the school's opening date.

Set out plans for appointing a committed Governing Body with the breadth of skills needed to oversee both the pre-opening and post-opening phases.

Capacity and capability to run a school

Set out how you will have appropriate financial expertise to oversee the financial management of the school.

Set out your plans for the leadership and staffing of your school (including specialist skills and qualifications of staff, and pupil to staff ratios appropriate for your specific type of provision). This should reflect both the arrangements upon opening and as the school develops to full capacity, with clear delineation of roles and responsibilities.

Evaluation Criteria

Minimum Criteria:

- Company Limited by Guarantee established;
- Access to appropriate and sufficient specialist SEN expertise; and
- Access to appropriate and sufficient specialist financial expertise.

Comparative Criteria:

- The experience of the individuals involved in the project and the time they will be able to commit to it, (where you are relying on external support, you will need a clear plan for accessing that support);
- An adequate staffing structure to deliver the planned curriculum, building up from year 1 to when the school is at full capacity. You will be asked to demonstrate the financial viability of this staffing plan later in the application form in Section 8: Initial costs and financial viability;
- A robust and realistic set of plans for recruiting high quality staff and governors in accordance with your proposed staffing structure and educational plans;
- A clear understanding of the respective roles of the Company, Governing Body and Principal Designate; and
- A clear understanding of the key statutory and voluntary sector groups involved in the area of SEN for which the school will cater, and plans for how the school will engage and work with them.

Further Guidance

Companies House:

<http://www.companieshouse.gov.uk/>

Procurement Guidance:

<http://www.education.gov.uk/freeschools/b0073235/procurement-guidance-for-free-schools/>

Governance Guidance:

<http://www.governor.net.co.uk>

SEN Code of Practice

<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/guidance/a0013160/the-sen-code-of-practice>

Section 7: Premises

You will need to set out the range of possible site options available for your special Free School including details of the preferred site. This information is to allow Partnerships for Schools (PfS) to evaluate your site options. PfS are assisting special Free School applicants to secure sites.

You are not required to enter into any negotiations for sites and **must not** do so at this stage. Where an application meets the minimum criteria for consideration, PfS will undertake visits to assess proposed sites for their suitability, procurement plans, and consideration of any work required. We will make an overall cost and value for money assessment of your proposed site options. You must be aware, however, that if it proves impossible to identify a preferred feasible site by mid-July 2011, it is highly unlikely that we will be able to approve your application for opening in 2012. You should bear in mind that those applications that are able to achieve the best overall cost and best overall value for money will naturally be prioritised for approval over those that do not.

Information Required

Possible site options

Please provide brief details of the steps you have taken to search for suitable sites and what sites (if any) are available in the local area.

Details of your preferred site

Please set out (where you can):

- your reasons for choosing the site;
- the address of the proposed site;
- the current use of the proposed site;
- the current freeholder of the proposed site;
- a brief description of the site including size (in sqm) and the proposed pupil numbers;
- the availability of the site and the nature of the tenure; and
- the suitability of the site for your specific type of provision.

You **must not** enter into any negotiations for sites at this stage if you are seeking Government support to purchase your site.

Capital investment

Please detail any sources of funding available to you to support site acquisition.

Evaluation criteria

Minimum Criteria:

For this section, there are no minimum criteria that must be met at the point of submitting your application; however, please note that if it proves impossible to identify a preferred feasible site by mid-July 2011, it is highly unlikely we will be able to approve your application for opening in 2012, simply because of the time available to do whatever is necessary to prepare the site for the opening of the school.

Comparative Criteria:

- We will make an overall value for money and cost assessment of your preferred site options. Applications which are able to achieve the best value for money and best overall cost will naturally be prioritised for approval over those that do not.

Further Guidance

Guidance on accommodation requirements:

<http://www.education.gov.uk/schools/adminandfinance/schoolscapital/buildingsanddesign/whole-school-design/a0058201/children-with-special-educational-needs-sen-and-disabilities>

Partnerships for Schools:

<http://www.partnershipsforschools.org.uk> and
<http://fsk.partnershipsforschools.org.uk/default.htm>

Section 8: Initial costs and financial viability

You must demonstrate that the cost of establishing your proposed special Free School and bringing it to full capacity represents value for public money, making best use of available resources, while maintaining the school's educational vision and objectives. You will also need to demonstrate that the special Free School will be financially viable in the long-term and sustainable within the funding it is likely to receive.

Funding for schools from September 2012 and beyond is yet to be confirmed and is subject to work on the wider reform of the school funding system. Special Free School applicants should set out their expected levels of income and expenditure using reasonable assumptions and benchmarks where appropriate. Where residential provision is proposed, it is expected that the provision will be specifically linked with the provision required to meet the child's needs, i.e. the child's statement clearly indicates that the SEN of the child can only be met through being placed in residential provision. It is also worth consulting with the local authorities that your school will serve in order to ascertain how they would fund provision for pupils with the type of needs your school would cater for; and with other schools about the funding levels that they would expect the provision you propose to attract. If your application is progressed to the financial assessment stage, the Department will examine further the value for money of your proposal.

Information Required

Financial spreadsheet and long-term viability

You will need to set out the level of funding required in order for the proposed special Free School to be financially viable and sustainable on the basis of your planned pupil numbers. We anticipate that it will take time for the special Free School to reach full capacity, and that there may be changes to the school population over time, for example with shifting patterns of local need or in-year admissions. As such, you should demonstrate how you would manage these changes in a flexible and responsive way, and how the school would remain financially viable during these times.

You should use the **'financial plan template – special' spreadsheet** (www.education.gov.uk/freeschools) provided as a framework to enable you to build up indicative income and expenditure academic year budgets for the proposed school from opening until pupil numbers are forecast to have reached steady state. You should ensure it covers a minimum of five years.

The 'financial plan template – special' must be used for all special Free Schools. Instructions for completing the spreadsheet are contained within it. You will need to provide a full and detailed explanation of how you have assessed your funding requirements within your application. This should include any relevant

benchmarks and sources of information that would justify the level of funding sought and a clear rationale for why you require a higher level of funding in order to deliver your educational offer.

Your application should also include detailed assessment of how you would manage your budget and remain financially viable if the school's intake was only 75% of the number of planned places and the school's funding was amended to reflect this drop in intake. You might find it best to provide this as an amended version of the financial spreadsheet.

If you are assuming significant income from sources other than DfE grant e.g. third party contributions, you should provide a detailed assessment of how you would manage your budget and remain financially viable if these contributions were significantly less than expected. You might find it best to provide this as an amended version of the financial spreadsheet.

There may be uncertainties in some parts of the budgets. In these areas, you should use your current best estimates, referenced to established benchmark information where available. You should state clearly the assumptions which you have made in the appropriate place in the financial template.

Companies Limited by Guarantee, known also as Academy Trusts, are not permitted by their Funding Agreement to enter into borrowing arrangements without the specific approval of the Secretary of State. Such approval may only be granted in limited circumstances. Academy Trusts are not permitted by their Funding Agreement to carry over excessive balances (presently 12% in total, of which 2% can be revenue). Your financial plans should not therefore be predicated on your school being able to borrow or to carry over significant balances of funding from one year to the next.

Your completed financial template(s) should be submitted alongside your main application.

Start-up funding

Start-up funding is intended to enable a new school to cover essential costs when the school opens, such as employing a headteacher and buying books and equipment, where these costs could not otherwise be met by the per pupil funding initially received.

Start-up funding guidance and a template are included in the financial spreadsheet to allow you to see how much of this funding is likely to be needed by your special Free School proposal. Most elements of start-up funding are calculated on a formulaic basis. This is based on the number of pupils the school will have.

Formulaic elements of start-up funding include funding for books, materials and equipment, post-opening recruitment costs and some initial senior staff training. These formulaic elements will automatically complete in the financial

spreadsheet once you have entered pupil and teacher number information. If you feel that the particular needs of those you intend to cater for will require additional start-up funding than that provided, please provide full details of what these are and why.

There is also some funding available to meet the diseconomy of scale costs of employing senior and essential specialist staff when the school opens, when not all of the pupil cohorts are yet at the school. This funding is calculated on a school by school basis, depending on the way the pupil cohorts are building up and which senior staff are essential for a particular school to be able to operate. The **staffing diseconomy** lines of the spreadsheet are blank for you to complete, so you will need to estimate how much diseconomy funding your school will need as a minimum while building up your pupil cohorts. As a guide, a school which has 80 pupils and is starting with 40 pupils will have 50% of its pupils in the first year, so might expect diseconomy funding to cover 50% of the headteacher's and essential specialist staff salaries in the first year. Applicants will be required to provide a detailed explanation of who they consider to be essential specialist staff. Diseconomy funding should reduce proportionately as pupil numbers build up.

Please note that independent schools and NMSS becoming special Free Schools will not normally be eligible for start-up funding.

Prior year audited financial statements (existing independent schools and NMSS only)

Existing independent schools and NMSS seeking to become special Free Schools should submit their last two years' audited financial statements with their completed application form. We would normally expect to receive an up to date set of audited accounts before we can approve your application. If you are unable to provide audited accounts, please explain why and supply an alternative.

Evaluation Criteria

Minimum Criteria (special Free School applications will be assessed against these criteria during the financial assessment stage. Before this assessment, applicants may have the opportunity to produce further financial information in light of the recommendations of the school funding review).

- Demonstrate that the proposal to establish the school represents value for money in the use of public funding - any additional funding considered necessary e.g. staffing diseconomies, above that provided through general funding and any formulaic start-up funding, should be kept to the absolute essential items to provide a balanced budget whilst ensuring that the educational vision of the school can still be delivered; and

- Demonstrate that the planned school will be financially sustainable once there is a full cohort of pupils (as an expectation, this means generating in-year operating surpluses).

Comparative Criteria:

- Show that the planned school would be financially resilient to reductions in income caused by failure to recruit pupils to your best estimate recruitment pattern or failure to receive contributions from third party sources (where these are expected to be significant) - as a minimum, this means demonstrating that there is sufficient flexibility in the budget so that the school will be able to realistically change its expenditure to keep within reduced levels of income, without detriment to the delivery of the educational vision;
- Financial plans that are consistent with other aspects of the application and are based on supportable and realistic assumptions about income and expenditure and the demand for places; and
- For existing independent schools and NMSS, show that the existing school has a good track record of financial management and that there are no other existing financial issues which would impact on the transfer to Academy status.

Further Guidance

Academies Financial Handbook:

http://readingroom.ypla.gov.uk/ypla/ypla-academies_financial_handbook-gn-nov06.pdf

Visit the Schools Financial Benchmarking website to see examples of maintained school finances:

<http://www.education.gov.uk/schools/adminandfinance/financialmanagement/a0014737/financial-benchmarking>

Appendix A - SEN Designations

The main areas of SEN are set out in the SEN Code of Practice, Chapter 7. They are Cognition and Learning; Behaviour, Emotional and Social Development; Communication and Interaction; Sensory and/or Physical Needs. These broad areas are sub-divided into the categories used by Ofsted. These are:

A. Cognition and Learning Needs

- Specific Learning Difficulty (SpLD)
- Moderate Learning Difficulty (MLD)
- Severe Learning Difficulty (SLD)
- Profound and Multiple Learning Difficulty (PMLD)

B. Behaviour, Emotional and Social Development Needs

- Behaviour, Emotional and Social Difficulty (BESD)

C. Communication and Interaction Needs

- Speech, Language and Communication Needs (SLCN)
- Autistic Spectrum Disorder (ASD)

D. Sensory and/or Physical Needs

- Visual Impairment (VI)
- Hearing Impairment (HI)
- Multi-Sensory Impairment (MSI)
- Physical Disability (PD)

There is also a category of Other (OTH) which usually applies to pupils at *School Action Plus* where there is no clearly identified special educational need; it is not generally applicable as an SEN designation for a special school.

The short descriptions that follow are intended to help you to decide which types of SEN designation(s) are the most appropriate for your school.

A. COGNITION AND LEARNING NEEDS

Specific Learning Difficulty (SpLD)

Specific learning difficulties is an umbrella term which indicates that pupils display differences across their learning. Pupils with SpLD may have a particular difficulty in learning to read, write, spell or manipulate numbers so that their performance in these areas is below their performance in other areas. Pupils may also have problems with short-term memory, with organisational skills and with co-ordination. Pupils with SpLD cover the whole ability range and the severity of their impairment varies widely.

Specific learning difficulties include:

Dyslexia

Pupils with dyslexia may learn readily in some areas of the curriculum but have a marked and persistent difficulty in acquiring accuracy or fluency in learning to read, write and spell. Pupils may have poor reading comprehension, handwriting and punctuation. They may also have difficulties in concentration and organisation and in remembering sequences of words. They may mispronounce common words or reverse letters and sounds in words.

Dyscalculia

Pupils with dyscalculia have difficulty in acquiring mathematical skills. Pupils may have difficulty understanding simple number concepts, lack an intuitive grasp of numbers and have problems learning number facts and procedures.

Dyspraxia

Pupils with dyspraxia are affected by an impairment or immaturity of the organisation of movement, often appearing clumsy. Gross and fine motor skills are hard to learn and difficult to retain and generalise. Pupils may have poor balance and co-ordination and may be hesitant in many actions (running, skipping, hopping, holding a pencil, doing jigsaws, etc). Their articulation may also be immature and their language late to develop. They may also have poor awareness of body position.

Moderate Learning Difficulty (MLD)

Pupils with moderate learning difficulties will have attainments well below expected levels in all or most areas of the curriculum, despite appropriate interventions. Their needs will not be able to be met by normal differentiation and the flexibilities of the National Curriculum.

Pupils with MLD have much greater difficulty than their peers in acquiring basic literacy and numeracy skills and in understanding concepts. They may also have associated speech and language delay, low self-esteem, low levels of concentration and under-developed social skills.

Severe Learning Difficulty (SLD)

Pupils with severe learning difficulties have significant intellectual or cognitive impairments. This has a major effect on their ability to participate in the school curriculum without support. They may also have associated difficulties in mobility and co-ordination, communication and perception and the acquisition of self-help skills. Pupils with SLD will need support in all areas of the curriculum. They may also require teaching of self-help, independence and social skills. Some pupils may use sign and symbols but most will be able to hold simple conversations and gain some literacy skills. Their attainments may be within the upper P scale range (P4-P8) for much of their school careers (that is below level 1 of the National Curriculum).

Profound and Multiple Learning Difficulty (PMLD)

Pupils with profound and multiple learning difficulties have severe and complex learning needs, in addition they have other significant difficulties, such as physical disabilities or a sensory impairment. Pupils require a high level of adult support, both for their learning needs and also for personal care. They are likely to need sensory stimulation and a curriculum broken down into very small steps. Some pupils communicate by gesture, eye pointing or symbols, others by very simple language. Their attainments are likely to remain in the early P scale range (P1-P4) throughout their school careers (that is below level 1 of the National Curriculum).

B. BEHAVIOUR, EMOTIONAL AND SOCIAL DEVELOPMENT

Behavioural, Emotional and Social Difficulty (BESD)

Pupils with behavioural, emotional and social difficulties cover the full range of ability and a continuum of severity. Their behaviours present a barrier to learning and persist despite the implementation of an effective school behaviour policy and personal/social curriculum. They may be withdrawn or isolated, disruptive and disturbing, hyperactive and lack concentration, have immature social skills or present challenging behaviours.

Pupils with a range of difficulties, including emotional disorders such as depression and eating disorders; conduct disorders such as oppositional defiance disorder (ODD); hyperkinetic disorders including attention deficit disorder or attention deficit hyperactivity disorder (ADD/ADHD); and syndromes such as Tourette's, should be recorded as BESD if additional or different educational arrangements are being made to support them.

C. COMMUNICATION AND INTERACTION NEEDS

Speech, Language and Communication Needs (SLCN)

Pupils with speech, language and communication needs cover the whole ability range.

Pupils with SLCN may have difficulty in understanding and/or making others understand information conveyed through spoken language. Their acquisition of speech and their oral language skills may be significantly behind their peers. Their speech may be poor or unintelligible.

Pupils with language impairments find it hard to understand and/or use words in context. They may use words incorrectly with inappropriate grammatical patterns, have a reduced vocabulary or find it hard to recall words and express ideas. They may also hear or see a word but not be able to understand its meaning or have trouble getting others to understand what they are trying to say.

Autistic Spectrum Disorder (ASD)

Pupils with autistic spectrum disorder cover the full range of ability and the severity of their impairment varies widely. Some pupils may also have learning disabilities or other difficulties, making identification difficult.

ASD recognises that there are a number of sub-groups within the spectrum of autism. Pupils with ASD find it difficult to:

- understand and use non-verbal and verbal communication;
- understand social behaviour - which affects their ability to interact with children and adults; and
- think and behave flexibly – which may be shown in restricted, obsessional or repetitive activities.

Pupils with Asperger's syndrome should be recorded in this category. These pupils share the same impairments but have higher intellectual abilities although their language development is different from other pupils with autism.

D. SENSORY AND/OR PHYSICAL NEEDS

Visual Impairment (VI)

Visual impairment refers to a range of difficulties from partial sight through to blindness. Pupils with visual impairments cover the whole ability range. For educational purposes, a pupil is considered to be VI if they require adaptations to their environment or specific differentiation of learning materials in order to access the curriculum.

Hearing Impairment (HI)

Pupils with a hearing impairment range from those with a mild hearing loss to those who are profoundly deaf. They cover the whole ability range. For educational purposes, pupils are regarded as having a hearing impairment if they require hearing aids, adaptations to their environment and/or particular teaching strategies in order to access the concepts and language of the curriculum.

Multi-Sensory Impairment (MSI)

Pupils with multi-sensory impairment have a combination of visual and hearing difficulties. They are sometimes referred to as deaf blind but may have some residual sight and/or hearing. Many also have additional disabilities but their complex needs mean that it may be difficult to ascertain their intellectual abilities.

Pupils should only be recorded as MSI if their sensory impairment is their greatest need.

Physical Disability (PD)

There is a wide range of physical disabilities and pupils cover the whole ability range.

Some pupils are able to access the curriculum and learn effectively without additional educational provision. They have a disability but do not have a special educational need. For others, the impact on their education may be severe. Similarly a medical diagnosis does not necessarily mean that a pupil has SEN. It depends on the impact the condition has on their educational needs. (See SEN Code of Practice, chapter 7).

There are a number of medical conditions associated with physical disability which can impact on mobility, such as cerebral palsy, spina bifida and muscular dystrophy. Pupils with physical disabilities may also have associated sensory impairments, neurological problems or learning difficulties.

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