

FREE SCHOOLS

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What are Free Schools?

In law there will be no such thing as a Free Schools. 'Free schools' will be set up under academies legislation.

'Free schools' are the Government's variation on the Free school system in Sweden and the Charter schools in the USA. The Government's idea is that they will drive up standards and increase choice. There are conflicting research reports as to whether the Swedish & American models have raised standards. A summary of the research was conducted by Rebecca Allen of the Institute of Education (IoE) – her summary report can be downloaded via the attached link - [Rebecca Allen Free School Research Summary](#). The most recently reported research was from Dr Susanne Wiborg, also from the IoE which was highlighted by the BBC and the Guardian – those articles can be read via the attached links - [BBC Wiborg](#) & [Guardian Wiborg](#).

Who can set them up?

'Free schools' can be proposed by a number of bodies: groups of parents, teachers, charities, universities or existing educational providers. Although during the election campaign the focus was on parents, in fact many expressions of interest have come from teachers. All new schools which are set up as faith schools will have to accept at least half of their intake from outside the faith. This issue received attention in the House of Lords where concerns were expressed that any significant increase in faith schools could lead to segregation of communities.

Independent schools can also apply to become free schools and join the state sector. This document primarily covers the establishment of new schools, or as the Academies Bill calls them 'additional schools'.

Is this just a case of I want to set up a school let's apply?

Proposers will need to demonstrate 'evidence of robust demand' from parents for a new school of the type they are proposing. The guidance does not define robust and so it remains unclear just how many parents expressing a desire for a new school will be required to set one up. Having said that, the BBC reported that the Secretary

of State said at a conference that 40-50 parents would be required. - [BBC Free Schools](#)

Proposers will have to show that there will be sufficient pupil numbers to support a financially viable institution. The guidance does not set out what size a financial viable school is likely to be.

Local authority approval will not be required for the establishment of a 'Free school', but clearly a new establishment will have an impact upon LAs strategic responsibility for planning school places.

Process

There is a four stage process to establish a Free School.

- Preparation – contact the [New Schools Network](#) for advice (particularly relevant for groups which have not previously established a new school). Over 700 groups have so far registered.
- Proposal – submit a proposal to the Department for Education outlining key details of the proposed school
 - The Secretary of State will make an initial decision on whether the proposal can go forward to the next stage.
- Business Case and Plan - full details of proposed school including aims and objectives, proposed curriculum and financial viability
 - The Secretary of State must approve the business plan
- Pre-opening
 - Sign pre-opening agreement this enables start-up funding to be released
 - Complete academy registration process
 - Establish school with buildings and necessary staff and run first admissions round
 - Open school

The stages are covered in more detail in the section below.

The full DfE proposal form can be downloaded via the attached link - [DfE Free School Proposal Form](#).

Who will run the School?

As these schools will be set up as academies, they will have an Academy Trust and a governing body who will be responsible for the strategic management of the school. If a group of parents wishes to establish a new school but does not want the responsibility of running it then part of the role of the New Schools Network will be to put them in touch with suitable organisations (charities/education providers) that could do so.

Suitability to establish/run a school

The Secretary of State will decide each application on its merits. Proposers will need to:

- undergo due diligence checks and appropriate CRB checks.
- set out clear educational aims and objectives and sufficient capacity and capability implement these
- set out the educational aims and objectives for the school, including any particular teaching methods, the philosophy of the school.
 - These aims will have to meet requirements of the Independent School Standards (including the quality of education).

There must be a written curriculum policy. As 'Free schools' will not be subject to the National Curriculum they must provide 'a balanced and broadly based curriculum'. Proposers must also set out how they will achieve their educational aims and objectives and deliver their curriculum commitment

Financial viability

Proposers will have to produce a business plan showing viability over a five-year period. The plan will need to include: details of: when the school will reach capacity, staffing structure and premises costs (both set-up and ongoing running costs).

Suitable premises

At the proposal stage the proposer will need to show that they have considered what type of site/building will be required and have been actively seeking an appropriate site. Later in the process the proposer will need to produce costings for the buildings including rental/purchase costs and any development costs (i.e. refurbishment). See buildings below.

Leadership and management

The proposer will need to show its staffing structure, including leadership structure, when and how it intends to recruit staff and in particular what plans it has in place to identify a principal for the school.

Admissions

'Free schools' must be 'all ability' schools and will not be able to use selection. Any Independent school wishing to open as 'Free School' would have to change its admission arrangements if it currently uses selection. The model Funding Agreement for Academies stipulates that they must abide by the Admissions Code.

Funding

It is not yet clear how revenue Free Schools will be funded. The Department's website says that it intends 'the funding model to be as simple as possible, based mainly on a per-pupil funding level, and a pupil premium for disadvantaged pupils. Within the core principle of comparable funding for all state-funded schools'. This

suggests that 'Free' Schools will not be funded on the same basis as existing academies, or those schools converting from the maintained sector. That funding is calculated using the relevant local authority's local funding formula and using local authority outturn statements to calculate an allowance for services provided to maintained schools by the local authority, but for which academies are individually responsible. There is then additional funding for insurance and VAT.

While schools starting from scratch and possibly building up one year at a time may need some additional funding – it is not clear why they should be funded on a completely different basis to other academies or schools. It will be difficult to assess whether 'Free' Schools are being funded fairly if it is not possible to make a direct comparison.

It is also not clear what impact these schools will have on the funding pot as whole; they do not exist at present and so by definition any funding for them must be new money or money previously intended for another purpose. In this first year the Government has identified £50m for Free Schools by scrapping the 'Harnessing Technology Grant' and moving the money into the restarted Standards and Diversity Grant which supports new schools.

Buildings

Proposers will need to identify a suitable site and building. There is a presumption that 'Free' Schools will be housed in existing buildings, either the premises of a school which has closed, or other buildings. The Government intends to relax the planning requirements to make it easier for a change of use of premises. The Secretary of State for Communities and Local Government is to planning to write to Local Authorities in advance of the Parliamentary recess to update guidance on planning applications to make clear that there is a presumption in favour of setting up new schools.

Opening

It will take longer for a new school to be established than for an existing school to convert to academy status. It is not expected that any new 'Free' Schools will be open before September 2011.

Accountability

Free Schools will be subject to Ofsted inspections.

Further Information

This briefing will be updated as and when further information becomes available. Contact Gillian Allcroft (NGA Policy Manager) - gillian.allcroft@nga.org.uk

The DfE's information about Free Schools can be found via the attached link - [DfE Free Schools](#)