

## **Free Schools**

### **Purpose of report**

To provide background information for the discussion on free schools.

### **Summary**

Sarah Counter, Principal of Canary Wharf College and Tom Philpott, Head of Partnerships for the New Schools Network will attend the meeting to discuss the role of free schools, the benefits and challenges of setting them up and how councils and Free School proposers can work together.

### **Recommendation**

This report is to inform the discussion around Free Schools.

### **Action**

LGA officers to proceed as directed.

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## **Free Schools**

### **Background**

1. State schools with additional freedoms as compared to council-maintained schools have existed for several decades. In the 1980s, City Technology Colleges were established in deprived areas. In the 1990s, existing state schools were given more freedom and independence as Grant Maintained schools. In 2000, Academies were established as independent state schools in deprived areas, with sponsors from business and education.
2. Following the 2010 General Election, the Government fast-tracked the Academies Act 2010 through Parliament to allow (among other things) groups to apply to set up Free Schools from June 2010. Once they are open, Free Schools have the same legal status as academies with the same freedoms from the national curriculum, national terms and condition for teachers' pay and conditions and national regulations on the length of school days. They are funded directly by central government through the Education Funding Agency as academies are.
3. The Education Act 2011 introduced the 'academies and Free Schools presumption' which means that where councils identify the need for a new school in an area, they must first invite proposals for Free Schools or academies. Where proposals are made, the council may make recommendations to the Secretary of State on their preferred option. However, the decision as to which proposal is accepted lies with the Secretary of State and he or she may accept a proposal that has come forward after the council has submitted the proposals it has received.
4. If no proposal for a Free School or academy is received by a council, it can run a competition for a school proposal from another provider (but cannot put forward a proposal for a council-maintained school). If a Free School or academy proposal is submitted as part of the competition, proposals from other types of providers (e.g. trusts or faith groups) will fall, and only the Free School or academy proposals will be considered by the Secretary of State.

### **Requirements on Free Schools**

5. Free Schools must:
  - 5.1. teach students only within the reception through 19 years old age range. Any school teaching nursery or over-19s will not be funded for those years as a Free School;

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- 5.2. abide by the Schools Admissions Code;
- 5.3. have more than 5 pupils over the age of 5;
- 5.4. take account of the SEN Code of Practice;
- 5.5. be run by a Charitable Trust;
- 5.6. provide a broad and balanced curriculum including the core subjects such as Maths, English and Science. Free Schools do not have to follow the National Curriculum; and
- 5.7. achieve good results and do well in inspections.

**Free School Types**

6. Groups can apply to set up:
  - 6.1. Mainstream Free Schools – accessible to all students and bound by the School Admissions Code and the SEN Code of Practice. They must demonstrate clear evidence of demand from local parents of pupils of the appropriate age.
  - 6.2. Special Free Schools – for pupils with a statement of Special Educational Need. They must demonstrate that local authorities would be willing to refer pupils to the school.
  - 6.3. Alternative Provision Free Schools - for pupils not flourishing in mainstream education, who have been excluded or are at risk of exclusion. They must demonstrate that existing schools or local authorities would be willing to refer students to the Free School.
  - 6.4. 16-19 Free Schools – For pupils of college/sixth-form age. They must demonstrate demand from parents and pupils in the local area.

**Progress in establishing Free Schools**

7. There are currently 24 Free Schools open across England. Additional schools approved by DfE to open in September 2012 and beyond include:
  - 7.1. 56 Mainstream Free Schools
  - 7.2. 5 Alternative Provision Free Schools
  - 7.3. 3 Special Free Schools
  - 7.4. 2 Hybrid Free Schools

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8. However, it is understood that many of the Free School due to open this September have yet to finalise negotiations around a site. A further round of applications will be approved by DfE before summer 2012 to open in September 2013.

**The New Schools Network**

9. On its website the New Schools Network (NSN) states that it aims to improve the quality of education – particularly for the most deprived – by increasing the number of independent, innovative schools within the state sector. It offers free services to Free School proposer groups including:
  - 9.1. advising and supporting groups during the Free School application process;
  - 9.2. providing groups with specialist support;
  - 9.3. running events and seminars;
  - 9.4. providing feedback on draft applications;
  - 9.5. facilitating matchmaking between Free School groups and volunteers.

**Issues for councils**

10. One issue is that potential Free School providers deal directly with DfE and councils get very late notice about proposals in their areas which potentially have an effect on neighbouring schools. A number of councils are working proactively to encourage and engage Free Schools providers at an early stage to avoid this risk. The difficulty that some Free Schools are having in finding a site may encourage them to work more closely with their local council in preparing their bids.
11. The guidance around the way the new ‘academies presumption’ will work is still with Ministers, although the provisions came into force in February this year. LGA officers have been involved in discussions around the new process and have stressed that the basis on which Ministers make decisions needs to be transparent, especially in cases where they might choose to reject a council’s preferred proposal or accept a proposal that has come forward after the council has made its recommendations.
12. As a result of the ‘academies presumption’, Free Schools will have a role to play in meeting increasing demand for school places. Some councils are actively engaging potential Free School sponsors to meet identified need and others are explicitly sharing their projections with potential Free School groups to help

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them make their case for the establishment of Free Schools in areas where new places are needed.