



Free schools

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This note provides background information on free schools. The main purpose is to outline the Government's policy on various aspects of the free schools programme, and indicate where more information may be found. It is not intended to contribute to a wider debate about the merits or otherwise of free schools. ([Library Research Paper 10/48](#), which was written for the House of Commons' second reading debate on the *Academies Bill*, reviewed the main debates surrounding academies and free schools.)

Free schools are usually new state-funded schools set up in areas where there is a local demand; however, applications from fee-paying independent schools wanting to enter the state sector are also considered. Existing maintained schools cannot become free schools but they may convert to academies. Free schools will have the same legal requirements as academies. Each application for a free school will be judged on its merits, as viewed by the Secretary of State, taking into account matters relevant to that proposal.

The first 24 free schools are expected to open in September 2011.

The [Department for Education's free schools website](#) provides information on the application process and gives links to key documents on the free schools programme.

This note applies to England only.

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1 Background

Free schools are usually new state-funded schools set up in areas where there is a local demand; however, applications from fee-paying independent schools wanting to enter the state sector are also considered. Existing maintained schools cannot become free schools but they may convert to academies. Free schools have the same legal requirements as academies.

The 2010 Conservative Election Manifesto proposed a ‘schools revolution’, drawing on the Swedish ‘free schools’ model and the ‘charter school’ movement in the US, to allow parents, charities, teachers and others to set up new small academy schools. The manifesto also said that a Conservative government would enable all existing schools to have the chance to acquire academy status; that ‘outstanding’ schools would be pre-approved; and that the academy programme would be extended to primary schools.

The Government’s *The Coalition: our programme for government*, published on 20 May 2010, proposed school reform to ensure that new providers can enter the state school system in response to parental demand. On 26 May 2010, Michael Gove, Secretary of State for Education, wrote to schools saying that he wanted to open up the academies programme to all schools - including, for the first time, primaries and special schools, and he invited schools to register their interest in becoming an academy.

On 18 June 2010, the DFE posted details of the Government’s free schools policy on the [DFE free schools website](#). This included examples of the bodies that had expressed an interest in, and/or support for the policy. The [DFE free schools website](#) explained that free schools would operate as academies:

What is the difference between Free Schools and academies?

Free Schools will have the same legal requirements as academies. Free Schools are normally brand-new schools set up by charities, universities, business, community or faith groups, teachers and groups of parents where there is parental demand. Academies are usually a change to an existing maintained school.

Legally the structure is the same, and they are expected to meet the same requirements as other academies. Free Schools will also benefit from the same freedoms and flexibilities as academies, including

the ability to set their own pay and conditions for staff

freedom from following the National Curriculum

greater control of their budget

freedom to change the length of terms and school days

freedom from local authority control.

On 21 June 2010, the Education Secretary made a statement on free schools to the House of Commons. He set out why he believed the policy was crucial to improve standards, and referred to more than 700 expressions of interest in free schools.¹

The first piece of education legislation introduced by the new Government was the *Academies Act 2010*. This contains provisions to allow the governing body of each maintained school in England to apply to the Secretary of State to convert the school to an academy. The Act also makes provision relating to free schools (referred to in the Act as 'additional' schools). Amongst other things, the Act requires the Secretary of State to take account of what the impact of establishing an additional school would be likely to have on maintained schools, academies, and institutions within the further education sector in the area in which the additional school is to be situated.² Under the Act applicants to set up additional schools must consult as they deem appropriate.³

Currently, it is not possible to establish a free school solely catering for pupils aged 16 to 19. However, the *Education Bill*, currently before Parliament, would make that possible. It would also make it possible for the establishment of alternative provision free schools offering full and/or part time provision.

The free school programme is highly controversial, and the evidence relating to the educational performance of 'free schools' and 'charter schools' is mixed. There was much debate on the subject in the run-up to the General Election.⁴

Those who are sceptical about the educational and social benefits of free schools point to the overall fall of Sweden in international league tables for pupil performance since the free schools were introduced, and point out that the free schools tend to be attended by children from relatively affluent backgrounds. Furthermore, they note that pupils attending them do not do better in post-school education. However, others argue that the free schools have

¹ HC Deb 21 June 2010 c25

² [HAcademies Act 2010](#)H, section 9

³ [HAcademies Act 2010](#)H, section 10

⁴ [Hhttp://news.bbc.co.uk/1/hi/programmes/newsnight/8504961.stm](http://news.bbc.co.uk/1/hi/programmes/newsnight/8504961.stm);
[Hhttp://news.bbc.co.uk/1/hi/programmes/newsnight/8506214.stm](http://news.bbc.co.uk/1/hi/programmes/newsnight/8506214.stm)

performed better than other schools, and that this, in turn, has led schools to improve their organization and teaching in order to improve results.⁵

The arguments for and against free schools, and some of the relevant evidence, have been debated in exchanges between the Education Secretary and the Shadow Education Secretary in the House of Commons. The former pointed to the academic research on the subject, and the latter stressed the comments made by the Swedish Schools Minister, and the position of Sweden in TIMSS (Trends in Mathematics and Science Study) league table in maths and science.⁶ [Library Research Paper 10/48](#), which was written for the House of Commons' second reading debate on the *Academies Bill*, noted some of the research that had been cited on both sides of the argument.

2 What is the DFE definition of free schools?

The [DFE's free schools website](#) states:

Free Schools are all-ability state-funded schools set up in response to what local people say they want and need in order to improve education for children in their community.

And the DFE webpage, [What are Free Schools?](#), states:

Free Schools are non-profit making, independent, state-funded schools. There is not a 'one-size-fits-all' approach. They are not defined by size or location: there is not a single type of Free School or a single reason for setting them up. Free Schools could be primary or secondary schools. They could be located in traditional school buildings or appropriate community spaces such as office buildings or church halls. They could be set up by a wide range of proposers – including charities, universities, businesses, educational groups, visionary teachers or committed parents – who want to make a difference to the educational landscape. They might be needed because there simply are not enough school places in a local area and children have to travel too far to the nearest school.

The thing which unites all Free Schools is that they are being set up in response to real demand within a local area for a greater variety of schools, they meet rigorous standards and they are all absolutely committed to providing young people with the best possible chance to succeed.

It is clear from the Academies programme that this autonomy has transformed the life chances of pupils. Free Schools will have some additional freedoms. For example, teachers in Free Schools will not necessarily need to have Qualified Teacher Status.

Like academies, Free Schools will be funded on a comparable basis to other state-funded schools. Groups running Free Schools cannot make a profit. They will be subject to the same Ofsted inspections as all state schools and will be expected to maintain the same rigorous standards.

The admissions arrangements of any Free School must be fair and transparent. Free Schools are expected to be open to pupils of all abilities from the area and cannot be academically selective. Free Schools will need to take part in their local coordinated

⁵ e.g. see Channel 4 blog summarising evidence: <http://blogs.channel4.com/factcheck/2010/05/04/do-swedish-free-schools-mean-higher-standards/H> ; [H"Private companies will run 'free schools'"H](#), Guardian, 25 May 2010

⁶ HC Deb 21 June 2010 cc 25-28

admissions process, and so parents apply for places for their child in the same way as any other local school.

Free Schools are required to enter into a funding agreement with the Secretary of State. The funding agreement provides the framework within which the Free School will operate. The [model funding agreement](#) and annexes are available on the DFE free schools website.

3 Who can set up a free school?

The DFE webpage, [Who can set up a Free School?](#), notes:

A Free School could be set up by any suitable proposer, where there is evidence of parental demand such as a petition or declaration from interested parents and a clear and compelling business case. This could include one or more of the following groups:

teachers

charities

academy sponsors

universities

independent schools

community and faith groups

parents

businesses (on a not-for-profit basis).

Whilst the Government is making it easier to set up a new school, proposers are still required to go through a robust process. The Secretary of State will consider each proposal on its merits, and take into account all matters relevant to that proposal.

The [Free Schools FAQs - types of Free School](#) states:

Can an existing fee-paying independent school become a Free School?

Yes. Applications from fee-paying independent schools wanting to enter the state sector are being considered alongside applications for brand new schools.

There has been considerable demand from independent schools applying to become Free Schools. Because of such high demand, and because of the need to ensure proposals for new provision can be considered, we will ensure that only the best independent schools are considered for approval. In addition to the requirements set out in the application guidance, independent schools must meet the following additional criteria:

the existing school must have achieved judgements of good or better in the following areas in its most recent inspection report:

quality of education

spiritual, moral, social and cultural development

safeguarding pupils' welfare, health and safety

there are no significant outstanding issues on compliance with the independent school standards

the existing trust has a good track record of managing their accounts.

We will also take into account a range of contextual factors, including examination performance, the popularity of the school, demand from parents who do not currently have children at the school, the level of deprivation in the area and whether the case for becoming a Free School offers good value for money. Further information is included in the application guidance.

Can an existing maintained school become a Free School?

No. Free Schools will normally be either brand new schools set up in areas where there is a demand locally or existing independent schools. Existing maintained schools should consider applying for academy status instead. You can find out more about this option on the Academies section of our website.

4 Applications to set up a free school

Each application for a free school will be judged on its merits, as viewed by the Secretary of State, taking into account matters relevant to that proposal. The application guidance issued by the DFE sets out the information that is required and the specific criteria that must be met.

The DFE webpage, [How to apply to open a Free School](#), explains that the period for applications to open a free school in 2012 has now closed:

The current window to open a Free School in 2012 has closed.

The forms that were used in the application process to open a Free School in 2012 are available on this page for information purposes only. They will be reviewed for any further application round.

You should only contact the Department if you submitted an application by the relevant deadline, and have not received an acknowledgement of receipt. We intend to let all applicants know whether they have been called for interview by the end of July.

Successful groups who applied to open a mainstream or 16-19 Free School will be notified in September this year, after which they can start preparing to open their new schools. Groups who applied to open a special or alternative provision Free School will be notified in September whether they have progressed to the financial assessment stage.

And the background section on the website states:

Learning from international best practice and our own experience of the first year of the programme, the application system for those groups that wish to open Free Schools from September 2012 has the following features:

All groups provide information to a set deadline - as set out in the 'How to apply' form - rather than submitting an initial proposal at a time of their own choosing.

This required detailed and robust responses to questions about things like parental demand, the type of education the school will provide, its ethos and the capacity and capability of the groups themselves.

Groups that meet our minimum requirements will be judged against each other and scored on the strength of their proposals.

Different guidance was issued in relation to applications for different types of proposed free schools. The guidance set out the application guidelines and criteria. Those interested in setting up a free school in the future may find it helpful to look at the forms and guidance relating to the latest application round; however, as the website notes, these documents will be reviewed for future application rounds. (For the relevant documents scroll to the bottom of the website: [How to apply to open a Free School](#)).

The guidance, *Free Schools in 2012 - How to apply: Mainstream Schools*, for example, set out the aims of the free schools programme; outlined the timetable for the preparation, submission and assessment of applications; gave details of the information applicants had to provide; and, set out the criteria against which applications would be assessed. It also listed the minimum requirements which all free school applications had to meet in order to be considered. The guidance made clear that in assessing an application, the Secretary of State would take into account a wide set of contextual factors (some of which were listed on p7 of the guidance). Amongst other things, applicants were required to set out their educational vision and provide an educational plan for the proposed structure of the school, including information on admissions, curriculum and learning, the organisation of pupils and matters relating to their development and performance, including behaviour and attendance, and how the school would engage with the local community. The applicants also had to provide evidence of demand; demonstrate that the group/team would have the capacity to set up and run the proposed school; provide a range of possible site options; and, demonstrate the cost of establishing the school and its financial viability.

5 Advice on setting up a free schools

The New Schools Network may be able to provide information and advice about setting up a free school:

New Schools Network
7 Heron Quays
London
E14 4JB
United Kingdom
Telephone: 0207 537 9208
Website: <http://www.newschoolsnetwork.org/>

6 Free school proposals

6.1 The first wave of applications

The deadline for the first wave of proposals closed on 11 February 2011. 323 free school applications were received by the DFE for schools opening in September 2011 or beyond. The [DFE website](#) noted the outcome as at 1 August 2011.

Of the 323 proposals received, 41 were approved to move to business case and plan stage or beyond, although one proposal was subsequently withdrawn by the proposer, and 8 proposer groups were invited to apply through the new application process. We will assess their applications alongside the new applications we receive. The results for all applications submitted or re-submitted in this period will be announced in September.

30 of the remaining 32 proposals, including a number that aim to open in September 2012 or beyond, have now been approved to move to the pre-opening stage.

The groups behind 13 of these proposals have entered into a funding agreement with the Secretary of State. Further applications which have moved to pre-opening stage or have signed a funding agreement will be listed in due course.

A written answer to a PQ on 7 June 2011 listed the 32 free schools and their locations.⁷

6.2 The second wave of application

The second application round was launched on 17 March 2011 and closed on 15 June 2011. On 20 June 2011, the Secretary of State announced that in this round there were 281 applications to open free schools in 2012. Commenting on the applications, the Education Secretary said:

Our school system leaves children poorly prepared for the world we face. We have just suffered the worst financial crisis since 1929. Our economy is weighed down by a huge debt burden. Europe has major problems with debt and the euro. Meanwhile there is a rapid and historic shift of political and economic power to Asia and a series of scientific and technological changes that are transforming our culture, economy and global politics. If we do not have a school system that is adapting to and preparing for these challenges then we will betray a generation.

The highest-performing education systems are those where government knows when to step back. We want a school system in which teachers have more power and in which they are more accountable to parents – not politicians.

Our critics said it was impossible to open a school in little more than a year. Several will open this September. They told us that schools wouldn't want to become Academies. They are converting at a rate of two every school day.⁸

Further details including a breakdown of the applications were given in the [DFE press notice](#) on the announcement.

Commenting on the 20 June announcement, Christine Blower, general secretary of the National Union of Teachers (NUT) said:

The fact is, in the first round of applications there were 323 applications but only 41 were approved and one of these has dropped out. I think Michael Gove should not be boasting about numbers when it is quite apparent that the quality of these bids is poor, with the majority being rejected.

“Of course the schools approved are opening in less than a year. They are doing so because they are not subject to the normal controls such as planning and building regulations that would be in place for a regular state school. There has also been a disproportionate amount of help and investment of resources into supporting these few schools by the 100 DfE staff in the Free Schools unit and goodness knows how many Partnership for Schools staff working on finding and funding of Free Schools premises.

“It is shameful that at a time of huge cuts the Government is squandering public money on a few ‘trophy schools’. It should be concentrating on supporting existing state schools which educate the overwhelming majority of pupils, not wasting scarce resources on a few schools which only a tiny minority of pupils will benefit from.”⁹

⁷ HL Deb 7 June 2011 ccWA122-123

⁸ Michael Gove announces 2012 Free School applications, DFE press release, 20 June 2011.

⁹ [HFree Schools Applications, NUT press release, 20 June 2011](#)

The Association of Teachers and Lecturers (ATL) echoed the concern expressed about use of resources on free schools:

In response to Education Secretary, Michael Gove's, announcement of the numbers in the 2012 Free School applications round, Martin Freedman, head of pay, conditions and pensions at the Association of Teachers and Lecturers (ATL), said:

"It's all very well for Michael Gove to talk about the current financial crisis and the national debt burden but what he won't talk about is the cost of these so-called free schools. At a time when teachers are facing a pay freeze and are being told that the government can't afford their pensions, Michael Gove is lavishing so much money on free schools that his department is embarrassed to reveal the total.

"Despite parliamentary questions and Freedom of Information requests, the Department for Education will only say that the cost of these schools is commercially sensitive. With many of them in listed buildings that will cost millions of pounds to renovate and maintain, it's no wonder that the DfE is coy about the outlay. Instead of spending vast amounts on 32 schools, Mr Gove should be using it for the benefit of all our children."¹⁰

6.3 Free schools opening in September 2011

On 30 August 2011 the Education Secretary announced that 24 free schools will open in September 2011. Funding Agreements for all 24 schools have now been agreed and signed. The [DFE press notice](#) on the announcement said that of the 24 schools:

17 are primary schools, five are secondary schools and two are all-age schools.

The schools are spread throughout the country, but are primarily concentrated in areas of deprivation (half of the 24 schools are located in the most deprived 30 per cent of communities in the country).¹¹

A list of the schools is given in the 'notes to editors' at the end of [DFE press notice](#).

On the issue of capital costs, the [DFE press notice](#) states the following.

Current estimations are that the total capital costs for the first 24 Free Schools opening in September 2011 will range from £110m to £130m.

At the upper estimate of £130m, this equates to 2.6 per cent of the Department's capital expenditure for 2011-12, which is £5,058m.

Many of the schools will open in temporary accommodation or require additional building work. This will take place over the coming months and years.

Because of this, the final capital costs for the vast majority of schools are not yet finalised as contracts for the works have not yet been signed.

Today's figures are based on lower and upper estimations.

It would not be sensible to release capital cost estimations for individual sites until a price has been agreed and contracts have been signed. To do this would effectively 'show our hand' on what we expect to spend on a project. This could jeopardise value for money for the taxpayer.

¹⁰ [HATL comment on the 2012 Free School applications round, ATL press release, 20 June 2011](#)

¹¹ [H24 Free Schools to open across England this year](#)H, DFE press notice 30 August 2011

We are committed to publishing capital costs for Free Schools, and expect to be in a position to do this for some Free Schools shortly.

Total allocations for Free Schools in 2012-13 have yet to be decided. Capital budgets will be partly dependent on the number of Free School proposals that are approved to open in 2012. The Department is currently assessing applications, and successful groups will be announced in the autumn.

7 New planning measures to support the creation of free schools

On 15 August 2011, the Communities Secretary, Eric Pickles announced new planning measures to encourage the creation of free schools and the expansion of state schools. The measures outlined included a presumption in favour of the development of state-funded schools including free schools, as expressed in the National Planning Policy Framework. The changes, which take immediate effect, are summarised below.

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.

Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

Local authorities should make full use of their planning powers to support state-funded schools applications. This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.

Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.

Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.

A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

Appeals against any refusals of planning permission for state-funded schools should be treated as a priority. Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.

Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

This statement applies to both change of use development and operational development necessary to the operational needs of the school.¹²

8 Some frequently asked questions

The purpose of this section is to give information on free schools derived from Government sources; it is not intended to review any related controversies.

8.1 What is the admissions policy for free schools?

In a written answer to a PQ in March 2011 the Schools Minister stated:

Nick Gibb: Like academies, free schools will be expected to have inclusive admission arrangements. Groups proposing to set up free schools set out their proposed admissions arrangements in their business case and plan. The Secretary of State considers this information when taking a final decision on whether to enter into a funding agreement with the free school academy trust. Where a free school academy trust has determined the admission arrangements for the free school, any persons or bodies who have been consulted on the arrangements can object by making representations to the Secretary of State. No recent representations have been received on admissions policies for free schools.¹³

The Department of Education website has a FAQs page, [Free Schools admissions](#), which covers the main issues.

Like Academies, Free Schools will be expected to have inclusive admission arrangements.

What special requirements apply to faith Free Schools?

The published oversubscription criteria must allow for 50 per cent of places to be allocated to children without reference to faith if the school is oversubscribed. This is to ensure that such schools not only add additional faith places but also add places for the broader local community. If a school is undersubscribed every child who has applied must be admitted, whether a faith or non faith applicant: it is not acceptable to keep places empty simply in order to balance the intake.

Will the children of the Free School applicants be guaranteed a place at the Free School?

We are considering if we might be able to facilitate enabling the children of Free School applicants to attend, whilst still maintaining a set of fair admission arrangements.

Will Free Schools be permitted to prioritise applications from feeder schools/nurseries?

Nurseries can be given priority but places must be applied for and cannot be guaranteed. Secondary Free Schools can also adopt feeder primary schools. These must be adopted on a fair basis.

¹² Policy statement – planning for schools development, [HDepartment for Communities and Local Government, August 2011](#)

¹³ HC Deb 30 March 2011 c419W

What are the rules for post-16 admissions in mainstream Free Schools?

Some academic selection, based on GCSE grades or other measures of attainment, can be applied to post-16 admissions as is already the case for sixth forms in existing maintained schools and Academies.

What are the rules on admissions to 16-19 Free Schools?

Stand alone 16-19 Free Schools do not have to abide by the School Admissions Code and are able to select pupils, based on GCSE grades or other criteria. They will also be permitted to interview prospective students. We would expect any 16-19 Free School applicant to set out their proposed admissions arrangements as part of their application.

How will parents apply to Free Schools? Will Free Schools be part of local coordinated admission arrangements?

Free Schools will be required to participate in coordinated admissions processes in their area. Parents will submit applications to the local authority and the local authority will offer places (once the Free School has informed the local authority who has priority for admission). This means Free Schools must abide by the deadlines within the local coordinated scheme for admissions.

However, it is recognised that not all Free Schools applications will move to the pre-opening stage to a timetable that will enable them to be included in co-ordination for their initial admissions round. Consequently, as a transitional measure, ministers have agreed that, in the first year they open only, Free Schools may be outside the coordinated process if it is necessary.

Local authorities are required to coordinate admissions for Free Schools and Academies as soon as they are established (by the signing and sealing of the funding agreement).

Can selective Free Schools be set up or can independent schools moving into the state sector as a Free School continue selective admissions based on ability?

No. Neither new Free Schools nor independent schools that enter the state system as Free Schools will be able to have academically selective admissions arrangements, apart from for their post-16 provision (see below).

Free Schools will be required to follow fair, transparent and inclusive admissions policies.

Any new selection by ability is ruled out by the combined effects of section 1(6)(c) and sections 6(3) and 6(4) of the *Academies Act 2010*. Taken together these provisions state that except for those schools that were previously designated as maintained grammar schools or where they were partially selective maintained schools, all academies must provide for children of different abilities (i.e. be 'comprehensive'). This means that any selective independent schools wishing to become free schools will not be able to select by ability as free schools.

8.2 How is revenue funding calculated for free schools?

The DFE website, [Advice on Free School revenue funding 2011/12](#), states:

The annual revenue funding for Free Schools will be based on the average funding received by maintained schools and academies in the same local authority, using a simple and transparent formula. The key elements of funding are:

a basic local funding unit for each pupil attending the school

an additional local funding unit for each pupil attending the school who qualifies for free school meals

the national pupil premium for each pupil attending the school who qualifies for free school meals

a grant which compensates for the services that maintained schools receive free of charge from their local authority (known as local authority central spend equivalent grant or LACSEG)

funding for sixth-form pupils, for Free Schools providing post-16 education

a fixed sum of £95,000 for each primary or all-through school

a grant to cover the cost of insurance

additional funding, from the local authority, for pupils with statements of special educational needs.

A mainstream Free Schools ready reckoner tool is available that will allow groups interested in setting up a Free School to work out an indicative funding allocation. More detail about how each element of funding is calculated is provided in A guide to Free School revenue funding 2011/12. A technical note and diagram on the Free School funding formula methodology is also available setting out the detailed basis on which funding is calculated.

A 16-19 Free Schools ready reckoner tool is available which will give proposers an indicative per learner funding level. The ready reckoner is based on the way allocations were calculated for the 2011/12 academic year and should be used to complete the financial plan template. We have not announced funding for the 2012/13 academic year and some changes may need to be made to funding policy and allocations depending on ministerial priorities. This means that the figures derived from the ready reckoner are not a guaranteed level of funding - it could be higher or lower. A technical note explaining how the per learner funding figure is derived is also available.

The documents referred to above can be accessed on the [Advice on Free School revenue funding 2011/12](#) (scroll to the bottom of the page¹⁴).

8.3 What qualifications are required for teachers in free schools?

There are various FAQs on this subject on the DFE free schools website:

Are Free School principals required to hold the National Professional Qualification for Headship?

NPQH is only a mandatory requirement for those taking up a first time headteacher post in the maintained sector. It does not apply to Academies and therefore will not apply to Free Schools. ...

¹⁴ [Hhttp://www.education.gov.uk/schools/leadership/typesofschools/freeschools/a0073853/advice-on-free-school-revenue-funding-201112H](http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/a0073853/advice-on-free-school-revenue-funding-201112H))

Who can teach at a Free School?

Innovation, diversity and flexibility are at the heart of the Free Schools policy. In that spirit we will not be setting overly prescriptive requirements in relation to qualifications. Instead we will expect Free School proposers to demonstrate how they intend to guarantee the highest quality of teaching and leadership in their schools. No school will be allowed to proceed unless its proposals for quality teaching are soundly based.

A written answer to a PQ on 18 May 2011 asked whether teaching staff in free schools will be required to have qualified teacher status. The Schools Minister replied:

Mr Gibb: Innovation, diversity and flexibility are at the heart of the free schools policy. In that spirit we will not be setting overly prescriptive requirements in relation to qualifications, although a free school's special educational needs co-ordinator and designated teacher for children in care will still require Qualified Teacher Status.

We will expect applications to demonstrate how each free school's governing body intends to guarantee the highest quality of teaching and leadership in their school. No school will be allowed to proceed unless its proposals for high quality teaching are soundly based.¹⁵

8.4 What happens if a free school becomes financially unviable?

In a written answer to a question in the House of Lords, the Parliamentary Under-Secretary of State for Schools said:

The Parliamentary Under-Secretary of State for Schools (Lord Hill of Oareford): All academy and free school proposals are assessed to determine their viability before the Secretary of State decides whether to enter into a funding agreement. That agreement sets out the respective roles and responsibilities for all parties, including the Secretary of State. It allows for the agreement to be terminated in the event of insolvency and for the orderly transfer of business to a new provider. Should such circumstances arise, the primary concern of the Secretary of State would be to protect the interests of pupils and ensure continuity of education.

In practice the YPLA, on behalf of the Secretary of State, would work with any academy which was at risk of financial failure to ensure it had a remedial action plan in place well in advance of its financial situation becoming critical.¹⁶

¹⁵ HC Deb 18 May 2011 c253W

¹⁶ HL Deb 27 June 2011 ccWA378-9