

Summary of the Free School Presumption Process

Statutory Framework

Where the need for a new school is identified, the LA is not able to open a new community school. The 2011 Education Act introduced the 'free school presumption'. (N.B. Free schools and academies are legally the same type of school.)

Free School Presumption and the LA Setting the Specification

The 'free school presumption' process will first involve the LA setting its specification for the new school. When setting the specification the local authority will publish notice and information on the council website and engage through a formal consultation with parents and other key stakeholders including potential providers, other local schools, academies, the wider community, diocesan bodies and any others affected by the proposals. The LA's specification will seek to ensure that a provider is appointed who can deliver what is required in consideration of the views expressed by parents and the wider stakeholder group.

The LA specification will set some key matters in addition to the basic details such as the size of the school, indicative project timescales, planned opening date and the community it should serve. This will include emphasising the need for a strong education vision, engagement with the local community, the provision of inclusive education for all children and the need for the school to serve local children. The specification will also include a commitment to support Tower Hamlets Education Partnership. Please see below a detailed summary of the information that would normally be included in the LA's specification.

Seeking Expressions of Interest

The LA will publish the new school specification along with details of the presumption process and seek expressions of interest from approved free school or academy providers. This procedure is set out by the DfE and will include holding a local event for both the community and potential providers. Only existing academies or free schools that have obtained 'approved provider' status from the DfE are able to bid to operate new schools.

The LA will receive and evaluate the bids according to its specification and in consultation with the Regional Schools Commissioner (RSC). The bids will then be submitted to the Secretary of State with the LA's recommendation.

The Decision

The decision on the appointment of a provider is taken by the Secretary of State, who delegates this responsibility to the RSC. The RSC will consider the local authority evaluations and recommendations before deciding which provider is in the best position to take forward the new school. The RSC will then inform the LA and the successful provider of its decision. The LA must then inform any unsuccessful applicants.

NB: the LA free school presumption is a different route to the DfE's free school programme. However, when establishing a new school the LA/DfE is obliged to first consider those providers who have already been approved via the Free Schools Programme to open a school in the Tower Hamlets area. Currently one academy schools trust operating in Tower Hamlets has been approved to open a new school in the Tower Hamlets area.

Next Steps

Once the new school provider has been chosen the DfE will begin the process of entering into a funding agreement with the appointed provider for the new school to be established by the relevant date.

For the opening of a new School in September 2022 the free school presumption process would normally begin in February 2019.

As an alternative to the Free School Presumption and where the LA establishes there is no longer the need for additional school places, it could decide to use a school site allocation for the relocation of an existing school. This would be in accordance with the statutory guidance for making organisation changes to local-authority-maintained schools.

LA's Outline Specification for a New School

Section A - Introduction

- Indicative timelines for the project
- Opening and closing dates for submission of proposals (at least 6 – 8 weeks, but if the timescale allows, 12-14 weeks may be more appropriate)
- Details of when and how the local authority intends to assess the bids and when the local authority intends to provide this information to the Department for Education (DfE)
- How to apply (including a link to the application form)
- Process the local authority will follow when assessing proposals].

Section B - The School

- Opening date
- Site / location (including any maps)/ postcode
- Pupil capacity
- Planned initial PANs, number of forms of entry on opening and expected rate of growth
- Proposed admission arrangements, including catchment area if applicable
- Type of school
- Phase of education and age range
- Gender (boys/girls/mixed)
- Nursery provision
- Sixth form provision
- SEN provision
- Community use / shared facilities
- Transport arrangements
- Character/Ethos of school
- Equalities impact analysis
- Details of the site/ building, including details of ownership

Section C - Vision

- A strong educational vision and a curriculum delivery based on high standards of attainment for each key stage
- Plans for appropriate engagement with the local community and parents during the pre-opening period and any on-going engagement
- Excellent support facilities to meet the needs of all children, including looked after children, those with Special Educational Needs, etc
- A commitment to excellent outcomes and high quality of teaching and learning

Section D - Education Plan

- An ambitious, broad and balanced, deliverable curriculum plan which is consistent with the vision and pupil intake. This could include a curriculum table and pupil build up chart
- Strategies for measuring pupil performance effectively and setting challenging targets
- A staffing structure that will deliver the planned curriculum within the expected income levels; with a focus on outstanding teaching (including strategies for effective performance management). This could also include an organogram and staff build up chart
- The needs of all children are fully provided for and how the school will be fully inclusive
- Details of enrichment and extended services, for example, breakfast clubs, sports clubs, homework clubs and music/art clubs
- The school's approach to: PHSE; the Prevent Duty; safeguarding and welfare; and promoting fundamental British values (democracy, the rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs)
- Commitment to support Tower Hamlets Education Partnership

Section E - Capacity and Capability

- The resources you would draw on and/or deploy to support the development of the new free school by the opening date
- Clear evidence that you have the range of skills and abilities necessary to set up and then run a school effectively, including: managing school finances; leadership; project management; marketing; human resources; safeguarding; and health and safety
- How the school would be organised and what the governance arrangements would look like, including a diagram of the proposed structures.

Section F - Funding and Costs

- An estimate of how much the school will cost to build and where the funding will be coming from, ie local authority, Section 106 or mixture
- The ownership of the land, transfer of lease, etc.
- Details about capital and revenue funding – how much will be available for start-up costs [state that the DfE currently provides £25,000 for legal expenses to the successful sponsor]
- Details of pre-opening funding to be provided by the local authority

Section G - Impact and Equalities Assessments

The LA will assess the potential impact of any new school on existing educational provision in the area. The local authority must also consider whether the new school would impact on any groups with protected characteristics.