

department for  
**children, schools and families**

# Guide for people wishing to set up a new school outside a competition

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# Contents

1	Background	Page 1
2	Introduction to the guide	Page 3
3	Comply with the conditions	Page 5
4	Draw up a project plan	Page 8
5	Decide on the type of school	Page 9
	Annex 5a Differences between types of school	
	Annex 5b Specialist school status	
	Annex 5c Extended school services	
	Annex 5d Federation or collaboration	
	Annex 5e Religious character	
	Annex 5f Community cohesion	
6	Establish demand	Page 22
7	Find a site	Page 23
8	Get support for your proposals	Page 25
9	Seek consent to publish	Page 26
	Annex 9a Pro-forma for proposers	
10	Obtain capital funding	Page 29
11	Consult interested parties	Page 30
12	Prepare and publish your proposals	Page 32
	Annex 12a Information you must include in your proposals	
	Annex 12b Proposals checklist	
	Annex 12c Prepare your statutory notice	
13	Wait for comments/objections	Page 48
14	Receive a decision	Page 49
	Annex 14a Factors considered	
15	Implement your proposals	Page 54
	Annex 15a Governing body requirements	
	Annex 15b Types of school governor	
16	Relevant legislation and guidance	Page 59

# Background

# 1

## Government aims

The Government wants every child to receive an excellent education, whatever their background and wherever they live. A key part of that vision is to create a more diverse education sector where:

- a range of individuals, groups, organisations and institutions get involved in setting up schools, bringing new energy, ideas and skills
- schools each have their own character and ethos
- excellence and choice are the norm.

Under the new education strategy local authorities will move from being providers of education to a more strategic role as commissioners of educational services, promoting:

- high standards and fulfillment of every child's educational potential
- diversity in school provision and greater parental choice
- fair access for all.

## New role for local authorities

Under the new education strategy local authorities will move from being providers of education to a more strategic role as commissioners of educational services, promoting:

- high standards and fulfilment of every child's educational potential
- diversity in school provision and greater parental choice
- fair access for all.

## Focus on parents

The Government wants to encourage parent groups who want to see improvements in local provision to come forward and set up new schools. Parents' actions and attitudes can have a huge influence in raising levels of pupil achievement and their knowledge of local needs and connections with the community can be an asset to the school.

The Office of the Schools Commissioner will ensure that authorities listen and respond to parents' views and demands and will formally support any parent group in making a case to the local authority for a new school.

## Focus on Trust schools

A key part of the Government's strategy on diversity is to encourage more people to set up 'Trust' schools. A Trust school is not legally defined but is the term used for a foundation school with a foundation or Trust — any body or person which exists for holding land on Trust for the purposes of the school.

Trust schools are self governing schools run by charitable foundations that may have a majority on the governing body. Trust schools will also be able to apply for additional flexibilities.

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A particular feature of Trust schools is that they form long term relationships with external partners such as businesses and universities — bringing new approaches to teaching and school management and a variety of experiences and skills.

# Introduction to the guide

# 2

## Who this guide is for

This guide is for groups of people – **proposers** – who wish to set up a new maintained school outside of a new school competition to increase diversity and meet a particular local need. These are publicly funded schools maintained by the local authority and established under section 10 of the Education and Inspections Act 2006.

The sorts of proposers the Government wants to come forward and set up new schools include:

- parents and community groups
- universities and FE colleges
- education charities and business foundations
- voluntary and religious groups, including church and faith communities
- those offering distinctive educational philosophies
- existing schools or consortia of schools.

If you are parent promoters you can ask your local authority to help you with your proposals, they are under a duty to **consider and respond in a proportionate way according to the circumstances of the case (s14A of the Education Act 1996)**.

## What this guide covers

This guide gives details of the various steps you will need to follow in setting up a new school. It provides information on what you need to do and when. Bear in mind that although the steps follow a logical sequence, in practice you are likely to find yourself working on a number of them in parallel.

## Before you begin

You must be sure that your school will be able and willing to comply with the conditions attached to all maintained schools as set out in section 3. If you cannot commit your school to the conditions you cannot set up a maintained school.

## First steps

To ensure the best chance of success you should identify key activities, set target dates and draw up a project plan as soon as possible as recommended in section 4.

Then you need to consider a range of factors about how you want your school to operate and decide on the type of school that best meets your community's needs. The options are contained in section 5.

The success of your proposals will be influenced by the level of demand for your type of school. So it is essential you establish demand for your type of school following the examples in section 6.

You cannot publish proposals for your school until you have identified a suitable site. So before you go any further, you will need to seek your local authority's help to find a site if you do not already have one in mind. Guidelines are contained in section 7.

Once you have established the type of school you want to set up and where it will be you should consult locally on your plans to get support for your proposals as described in section 8.

### **Next steps**

Most new schools are established through a local authority competition. If you wish to set up a new school outside of a competition you must apply to the Secretary of State to seek consent to publish proposals. The process is set out in section 9.

Once you receive the Secretary of State's consent you need to obtain capital funding. The routes to funding are contained in section 10.

You must also consult interested parties as specified in section 11.

After consultation, and taking into account views expressed, you must:

- prepare and publish your proposals according to legal requirements in section 12.
- wait for comments/objections – see section 13.

### **Finally**

Your proposals will be considered on the basis of their educational merits and what they have to offer parents and the local community and you will receive a decision (see section 14).

If they are approved, you must implement your proposals (see section 15).

### **Further information**

You can get more information about setting up and running a school by looking at *A Guide to the Law for School Governors* on [www.governor.net.gov.uk](http://www.governor.net.gov.uk).

You should also be aware of the relevant legislation and guidance (see section 16).

# Comply with the conditions

# 3

## Curriculum and assessment

All maintained schools must:

- provide the national curriculum
- participate in national curriculum assessment, including tests
- provide RE and Collective Worship.

All secondary schools must provide sex education.

For more information about the national curriculum see [www.nc.uk.net](http://www.nc.uk.net).

## Admissions

An admission authority is responsible for deciding a school's admission arrangements each year. For a Trust, foundation or voluntary aided school this is the governing body, for a voluntary controlled school it is the local authority. Admission authorities may operate any admissions criteria they wish providing they are lawful, reasonable, fair and objective, and comply with the School Admissions Code.

A school's admission arrangements must include over-subscription criteria that specify the basis for allocating places if more children apply than there are places. Points to note are:

- Children in Care must be given top priority (except in very limited circumstances)
- The Code allows schools with a religious character to give priority to children who are of the faith of their school although, in practice, many set aside a proportion of places for children of other faiths or no faith.
- Schools with a religious character that cannot fill all of their places with children of their faith must admit any other applicants.
- Schools must not interview children or parents when deciding who should be offered a place at the school.
- No new school can select pupils on the basis of their academic ability, except under a banded admissions system.

Once proposals for a new school are approved, the admission arrangements cannot be changed for **two years** after the first year of operation, unless the schools adjudicator agrees a variation.

For more information see the School Admissions Code available on [www.dcsf.gov.uk/sacode](http://www.dcsf.gov.uk/sacode)

## Staffing

All maintained schools must have a head teacher. Head teachers must normally hold the National Professional Qualification for Headship as set out by the National College for School Leadership ([www.ncsl.org.uk](http://www.ncsl.org.uk)).

Teaching staff in maintained schools normally hold qualified teacher status (QTS) and must be registered with the General Teaching Council. Governing bodies must check teachers' qualifications with the GTC.

Qualified teachers in maintained schools are entitled to agreed terms and conditions as set out in the School Teachers' Pay and Conditions Document 2006.

## Governance

All maintained schools must have a governing body. It has a key role in helping the school provide the best possible standard of education for all its pupils. Among other things the governing body has responsibility for:

- setting targets for pupils' achievement
- taking responsibility for the conduct of the school
- making sure the curriculum is broadly balanced
- managing the school's delegated budget.

## Equal opportunities

Schools must not discriminate against pupils, or prospective pupils, on the grounds of:

- race
- sex (gender)
- disability
- religion or belief
- sexual orientation.

They must eliminate unlawful discrimination in these areas and promote equal opportunities for all. They must also develop equality policies on race, disability, sex.

**Race:** schools must promote good relations between different racial groups.

**Disability:** schools must address the individual needs of every child in terms of personal development and access to education and other life opportunities; they must do all they can to accommodate those needs.

**Sex:** schools must offer equal opportunities to boys and girls, unless they are single sex schools.

## Revenue funding

All maintained schools in an area are funded according to their local authority's funding formula which is primarily based on the number of pupils on roll. Local authority funding formulae do not distinguish schools on the basis of faith or denomination.

Maintained schools cannot supplement their revenue budget by charging fees for education:

- that takes place in school hours
- is part of the national curriculum.

## Special educational needs

Almost every school in the country has some children on roll who have special educational needs; some of these children will have a statement of special needs from the local authority. If the name of a maintained school is specified in a child's statement a school cannot refuse to admit the child. Schools must consider the most effective ways of delivering special educational needs support to pupils requiring it.

## Community cohesion

From September 2007, governing bodies of all maintained schools are under a duty to promote community cohesion – educating children and young people to live and work in an ethnically, culturally and socially diverse country. Schools can contribute through:

- teaching pupils to understand others, promoting discussion and debate about common values and diversity
- removing barriers to access and participation and offer equal opportunities to all pupils to succeed at the highest level possible
- providing opportunities for children, young people and their families to interact with others from different backgrounds.

## Extended schools

Every Child Matters aims to improve outcomes for all children. As part of this agenda all schools must provide children, their parents and the wider community with access to core of extended services, including wrap-round childcare in primary schools, by 2010.

## Draw up a project plan

# 4

Establishing a new school takes time – maybe longer than you might expect. As a rough guide it can take up to five years from the initial idea for a new secondary school to the school admitting its first pupils. Primary schools are generally smaller projects and may require less time. But it is difficult to generalise and you might encounter issues that take time to resolve.

In producing your plan be clear about:

- where there is flexibility
- the likely impact of any slippage
- those activities that are time critical.

Then use your plan to manage, co-ordinate and monitor the project.

### Take account of dependencies

In preparing your plan, remember that certain tasks are dependent on others. For example, decision makers can only consider proposals for which capital funds – including the provision of a site for the school - are agreed in principle. So if, like most proposers, you need public funds to build your school you must apply for them well in advance.

Early in the process you should discuss your proposals with your local authority to find out whether they can:

- find a site that might be available
- provide the capital funding you might need.

If your authority cannot provide a site or the capital funds needed, it may apply to the DCSF for a commitment of exceptional capital funding.

How this funding is delivered will depend on the type of school that is agreed. If you are proposing a **voluntary aided** school you may also wish to discuss your plans, directly or through your local authority, with the DCSF' voluntary aided unit.

If your local authority is to apply to the DCSF for exceptional capital funding, you will need to allow extra time in your project plan for this process.

### Further information

If you do not have a lot of experience, you may find it useful to talk to others who have been through the process. You might also consider working with an independent consultant experienced in this field. Before entering into any commitment, make sure you have a good understanding of the process for setting up a new school and the role you will be expected to play in it by looking at the remainder of this guide.

## Decide on the type of school

# 5

You need to decide what kind of school best meets your community's needs and make decisions on a wide range of factors relating to the new school.

### Types of school

You may propose one of the following types of school:

- voluntary aided (VA)
- voluntary controlled (VC)
- Trust (foundation school with a foundation)
- foundation (no foundation).

The main characteristics of each type are contained in [Annex 5a](#) of this section.

### Trust schools

If you decide to set up a Trust school you need to find a partner organisation – university or business for example. In looking for a Trust partner, bear in mind that they do not have to contribute funding. Their contribution will come from working with the school to impart knowledge, expertise and skills in education, training or management.

If you have difficulty finding a partner organisation you should ask the local authority to help you find one.

The Office of the Schools Commissioner also keeps a list of partner organisations and will advise parents and parent backed groups on setting up Trusts.

### Factors to consider

You also need to consider:

- school size
- age range
- gender of pupils
- school ethos

And whether your school will:

- apply for specialist school status or have a specialism
- provide extended school services
- form a federation or collaboration with another school or schools
- have a religious character and what that will be
- contribute to community cohesion.

For more information please refer to the guidelines at [Annex 5b to 5f](#) of this section.

## Differences between types of school

5a

	<b>Voluntary Aided school</b>	<b>Voluntary controlled school</b>	<b>Foundation school (no foundation)</b>	<b>Trust school (with foundation)</b>
<b>Source of initial capital funding</b>	at least 10% from proposers (new schools) or the governing body (existing schools); the remainder through grant support from DCSF	local authority	local authority	local authority
<b>Improvement (devolved formula) capital funding</b>	directly from DCSF on national formula reflecting governors' 10% contribution and VAT	through local authority on national formula	through local authority on national formula	through local authority on national formula
<b>Staff employer</b>	governing body	local authority	governing body	governing body
<b>Owner of school's site and buildings</b>	charitable foundation (usually)	charitable foundation (usually)	governing body	charitable foundation
<b>Owner of playing fields</b>	local authority (usually)	local authority (usually)	governing body (usually)	charitable foundation (usually)
<b>Admissions authority</b>	governing body	local authority	governing body	governing body

## Specialist school status

5<sub>b</sub>

You should include in your proposals any ambition you may have for your school to:

- have a specialism from day one
- apply to the Secretary of State for specialist school status from day one.

Before making a decision you should look carefully at:

- the range of specialisms already available in schools across the local authority area
- the criteria that your application will need to satisfy to be successful.

### Who can apply for specialist school status?

In the year leading up to opening - once the temporary governing body, and preferably the head teacher and senior management team, are in place - your school can apply for specialist school status providing it is a secondary school.

Specialist school status brings with it a one-off capital grant of £100,000 and recurrent funding of £129 per pupil per year over a four year period, scaled as follows:

- up to 1,000 pupils - £129 per pupil
- 1,001 to 1,199 pupils - as above per 1,000 pupils only
- 1,200 pupils and over - £129 per pupil.

To become a specialist school your school will need to raise £50,000 in sponsorship. If you fall short of this target you may qualify for financial assistance, providing you can demonstrate that you made a serious effort to raise the full amount.

If you do not intend the school to apply for specialist school status at the outset you can still decide to have a specialism, but your school will not qualify for additional funding.

### Specialist schools programme

The Specialist Schools Programme helps schools, in partnership with private sector sponsors and supported by additional Government funding, to:

- establish distinctive identities through their chosen specialisms
- achieve their targets to raise standards across the whole curriculum.

Specialist schools have a special focus on those subjects relating to their chosen specialism but must also meet the National Curriculum requirements and deliver a broad and balanced education to all pupils.

### Specialisms

Any maintained secondary school in England can apply for specialist status in one or two of the following 10 specialist areas:

- arts
- business & enterprise
- engineering
- humanities
- languages
- mathematics & computing
- music
- science
- sports
- technology

### **Further information**

You can get support and advice, including help with finding a sponsor, from the Specialist Schools and Academies Trust.

You can get further guidance and an application form on the specialist schools website ([www.specialistschools.org.uk](http://www.specialistschools.org.uk)).

## Extended school services

5<sub>c</sub>

Extended schools are central to delivering the *Every Child Matters* strategy for reshaping children and young people's services. They offer pupils, their families and communities, services that go beyond the school day and the formal curriculum.

Section 27 of the Education Act 2002 enables governing bodies to:

- provide community facilities for families of pupils at the school and people who live or work in the area
- enter into agreements with other partners to provide services on school premises
- charge for some services.

### Support

The Government wants all schools to provide access to a core offer of extended services by 2010 and has put in place support to help them achieve this:

- Funding is provided through local authorities, so that they can plan extended services strategically with all their schools and partners.
- Schools can also use their school standards grant to develop and deliver access to extended services. The local authority's extended school remodelling adviser will provide advice and support.

### What you must do

You must include in your proposals whether, and to what extent, your school will provide extended services. In deciding the type of services your school might offer you need to consider:

- the needs of families and the local community your school will serve
- the range of extended services already on offer in the area
- the cost of setting up those services and how you will fund them.

Before you publish your proposals you will need to discuss your plans with your local authority and other partners.

### Types of extended services

You will want to work with the governing body, when it is in place, and head teacher designate to consider the strategy and priorities for developing extended services at your school– taking into account local needs and existing provision. In shaping your school's offering you will need to work in partnership with the local authority, parents, other schools, other children's agencies and the voluntary and private sectors.

Core services you might consider include:

- wrap-around childcare from 8am to 6pm all year round, if you are setting up a primary school

- parenting support and adult and family learning
- a varied menu of activities including study support, sport and music clubs and volunteering opportunities
- swift and easy referral to a wide range of specialist services such as speech therapy, health and social care
- community access to facilities such as information and communications technology, sports and arts.

In providing extended services, your school's governing body must ensure that those services do not interfere with the main duty to educate pupils.

### **Further information**

You can find out more about setting up extended services, including case studies and funding, in the extended schools guidance ([www.teachernet.gov.uk/wholeschool/extendedschools](http://www.teachernet.gov.uk/wholeschool/extendedschools)).

## Federation or collaboration

5<sub>d</sub>

Many schools work closely together and develop joint working arrangements but there are only two forms of statutory arrangements - federation and collaboration. The main rationale is to raise standards.

You must include in your proposals whether your school will form a 'hard' federation or collaboration - known as a 'soft' federation - with another school or schools, and you must provide details of the proposed arrangements.

### Hard federation

A hard federation is an arrangement under section 24 and 25 of the Education Act 2002 by which two to five schools share a single governing body.

Federations can involve a mix of primary and secondary schools. Within the federation each school retains its separate legal identity in respect of its budget, admissions and performance tables, and each is subject to a separate inspection by Ofsted.

### Soft federation or collaboration

A soft federation, or collaboration, is a formal arrangement under section 26 of the Education Act 2002 by which two or more governing bodies share elements of governance or establish a joint strategic committee with delegated powers. Under these arrangements each school retains its individual governing body.

Soft federation can involve a mix of primary and secondary schools and is based on the principle of allowing governing bodies and joint committees freedom to determine their own arrangements within an agreed framework. It can cover a range of operational models from an over-arching committee delegated to take strategic decisions on behalf of two or more governing bodies, to setting up single-issue committees such as premises or curriculum committees.

### Reasons for federating

You may want your school to become part of a new or existing federation, for instance:

- If your foundation or Trust runs other schools you may wish to federate with them.
- You may wish to federate with an established and high performing school nearby whose experience your school would benefit from.
- If yours is to be a specialist school you may want to federate to with another school with the same or a complementary specialism to share facilities/resources.

### What you have to do

Ideally, if you intend your new school to be part of a hard or soft federation when it opens, you should include your intentions in the new school proposals you publish.

If you decide to federate after you have published your proposals you can still go ahead with your plans, providing you do so before your school's temporary governing body is in place. To do this you must follow the procedures set out in A Guide to the Law for School Governors which are described below.

Once the temporary governing body is in place it must make the decision to federate and must follow the same procedures.

### **Federation procedure**

You the proposers, or your schools temporary governing body if it is in place, must publish proposals to federate jointly with the governing body or bodies of the other school or schools involved.

Proposals must contain the:

- names of governing bodies involved
- size and make-up of the governing body for the proposed federation
- arrangements for staffing and admissions for the schools within the new federation
- proposed date for the federation to come into being
- date by which written representations should be made to the proposing governing bodies, allowing at least six weeks.

Proposals must be published by sending them to the:

- local authority or authorities in which the schools are located
- head teacher of each school in the proposed federation and school staff
- parents of all registered pupils at each school
- foundation governors where there is a foundation and appropriate diocese or other body for schools with a religious character.

After receiving written representations, the governing bodies (and you the proposers if appropriate) must decide whether to proceed with the federation as proposed or whether to modify the proposals to address points made in the representations.

Where the governing bodies decide to proceed with federation, they (and you if appropriate) must jointly give notice to the relevant local authority or authorities.

### **Informal arrangements**

There are many less formal ways than federation or collaboration in which schools can work together for the general good of their pupils. These might involve, for example:

- committees/groups of governors from one or more schools but without formal decision-making authority
- schools with joint management groups of head teachers, etc.
- the joint employment of finance and other support staff or specialist teachers (e.g. for music or sport) or Advanced Skills Teachers

- the sharing of facilities such as ICT suites or sports facilities
- joint working on curriculum issues or cooperation between primary and secondary schools.

You or your school's governing body may consider these arrangements rather than formal federation, providing it does not involve governing bodies carrying out their functions jointly or setting up formal joint committees.

### **Further information**

You can find more information about federation and collaboration on the DCSF Standards Site ([www.standards.dcsf.gov.uk](http://www.standards.dcsf.gov.uk)).

You should also see the Education Act 2002 sections 24, 25 and 26.

# Religious character

5<sub>e</sub>

You must include in your proposals whether you intend to ask the Secretary of State to designate your school as having a religious character.

## Designation criteria

The Secretary of State may designate your school if it meets at least one of the following conditions:

- at least one member of the governing body is appointed as a foundation governor to represent the interests of a religion or religious denomination
- if the school should close, the premises will be disposed of for the benefit of one or more religions or religious denominations
- the Trust which owns the site has made it available on the condition that the school provides education in accordance with the tenets of the faith.

Your school may have the religious character of one or more religions or religious denominations.

## Characteristics of schools with a religious character

Schools with a religious character – often called faith schools - have particular characteristics that distinguish them from other voluntary or foundation schools:

### Staff

In appointing a head teacher and teachers the governing body of a voluntary aided school may take into account applicants' commitment to the school's religious ethos. The governing body may appoint other staff on this basis but there must be a genuine occupational requirement in relation to the post – in accordance with the Employment Equality (Religion or belief) Regulations 2003.

Voluntary controlled and foundation schools with a religious character have similar powers in appointing a head teacher but not in appointing teachers (except for 'reserved teachers') or other staff.

### Religious education and collective worship

In voluntary aided schools RE is taught in accordance with the tenets of the faith. In voluntary controlled, foundation and Trust schools RE is taught to the locally agreed syllabus. In all three types of school collective worship is conducted according to the tenets of the faith.

### Admissions

Voluntary aided, foundation and Trust schools may give priority to applicants who are of the faith of the school, although they may consider allocating a proportion of places to other children. If they cannot fill all of their places with children of the faith they must admit other applicants.

Voluntary controlled schools may also give priority to children of their faith but because the admission's authority is the local authority they tend not to.

5<sub>e</sub>

### **Ethos**

Schools with a religious character have a faith-based ethos that is written into the schools' Instrument of Government.

# Community cohesion

5<sub>f</sub>

All schools have a key part to play in promoting community cohesion through their approach to:

**teaching and learning:** teaching pupils to understand others, promoting discussion and debate about common values and diversity

**equity and excellence:** removing barriers to access and participation, offering equal opportunities to all their pupils to succeed at the highest level possible

**engagement and ethos:** providing opportunities for children, young people and their families to interact with others from different backgrounds.

## Ways of promoting community cohesion

You need to consider some elements of community cohesion when developing your proposals for the new school. Bear in mind that your school's approach should reflect the nature of the school's population and the community it serves. Contributions will differ from school to school.

Your approach will probably include a range of activities:

- within the school
- with other schools
- with parents and the local and wider community.

Your school can promote community cohesion in many ways. Some examples you might consider are:

### Teaching and learning

- teaching and curriculum provision that supports high standards of attainment, promotes common values, and builds pupils' understanding of the diversity that surrounds them
- lessons across the curriculum that promote common values and help pupils to value differences and challenge prejudice and stereotyping
- a programme of curriculum based activities whereby pupils' understanding of community and diversity is enriched through fieldwork, visits and meetings with members of different communities
- support for pupils for whom English is an additional language to enable them to achieve at the highest possible level in English.

### Equity and excellence

- a focus on securing high standards of attainment for all pupils from all ethnic backgrounds and of different socio-economic status
- effective approaches in place to deal with incidents of prejudice, bullying and harassment
- admission arrangements that promote community cohesion and social equity.

## Engagement and ethos

### School to school:

- partnership arrangements to share good practice and offer pupils the opportunity to meet and learn from other young people from different backgrounds.
- Links built into existing schemes of work and grounded in the curriculum with pupils working together on a joint project or activity
- shared use of facilities to provide a means for pupils to interact

### School to parents and the community:

- working with community representatives, for example through mentoring schemes or bringing community representatives into school to work with pupils
- strong links and multi-agency working between the school and other local agencies, such as the youth support service, the police and social care and health professionals
- engagement with parents through coffee mornings, curriculum evenings, parent and child courses
- provision of extended services and community use of facilities for activities that take place out of school hours, including adult and family learning, information and communications technology, and English classes for speakers of other languages.

## Establish demand

# 6

Before making a decision about the size of your school you should consider the likely demand for places. To do this you will need to consult widely and obtain as much relevant information as you can.

If your school is a secondary school you should consider whether the size is compatible with the breadth of curriculum you envisage.

### **Education plan information**

You may be able to obtain planning information that gives details of current and projected school places from your local authority. You should also check its children's and young people's plan for information on the authority's priorities for children's services. You may find the relevant information on the authority's website.

If your proposed school is close to an authority border, or one that will draw pupils from a wide geographical area, you should also look at school place planning information and the children's and young people's plan for neighbouring authorities.

### **Faith information**

If your school is to give priority to applicants of a particular faith or denomination you should assess the likely demand for places from parents of that faith.

### **Demographic information**

You should look at recent census data, Health Authority data on births and any other local relevant data. You should also consult your council's planning department about new housing and obtain details of type, quantity, location and timetable. All of these factors will influence the number of children in your school's catchment area.

### **Information about other schools**

You should take account of other schools in your area (independent as well as maintained) that cater for the same age range as your school. In determining the extent to which these other schools meet current demand you should consider:

- their type – religious character, single sex, specialist, etc
- their location
- the number of places they provide.

### **Other**

You will need to provide convincing evidence from parents, community groups and/or independent surveys for example that your proposed school is sustainable in the longer term.

## Find a site

# 7

Before you can go out to consultation and publish proposals you must find a suitable site, and agree who will provide the site. You must make this clear in your proposals.

If you do not have a site in mind for your new school you should ask your local authority to help you find one.

### **You find a site**

Once you have found a site you will need to get the authority's agreement to provide it, unless you intend to provide the site from your own or other resources. The DCSF does not usually fund site acquisition.

Your local authority may agree to provide a site for your school with existing buildings that you can make use of. You should not expect to get a clear site and funding for a new build school. The authority may also offer suitable leasehold premises.

If your local authority provides the site it must transfer its interest in the site to:

- your school's foundation or charitable Trust, if you are setting up a Trust, voluntary controlled or voluntary aided school
- your school's governing body, if you are setting up a foundation school (without a foundation).

If you have difficulty in persuading the local authority to provide a site you could ask the Schools Commissioner for support in reminding the authority of its duty to promote choice and diversity and – if you are parent promoters - to respond to parental demand.

If you intend to provide the site for your new school you need to discuss the land tenure arrangements with your local authority, as it must give its assurance that the arrangements are satisfactory.

For all types of school the local authority is responsible for providing the playing fields, subject to practical considerations.

### **There are no sites available**

If your local authority cannot find you a site you will have to look for one on the open market - either freehold or leasehold. Your local authority may help you with this. The authority may approach the DCSF for exceptional funding in these circumstances.

The DCSF will only fund site acquisition where it is satisfied that:

- there are no alternative suitable premises available
- if the local authority were to fund the purchase itself, it would have an unacceptable impact on its other capital needs.

Bear in mind that the DCSF will only fund at the price decided by the District Valuer.

## Professional advice

You will need to appoint professional advisers, usually a project manager, an architect and a quantity surveyor (preferably with experience of education or school building projects) to look for and advise on sites. You may also need other specialists such as an educationalist and a planning consultant. The local authority may provide these advisors but you may wish to appoint your own, particularly if you are setting up a voluntary aided school

The advisers should carry out an option appraisal of the possible sites, including any legal restrictions on their use. Each site, which may include existing buildings, will present different design challenges and involve different development costs. In order to give sound advice, your consultants will need to be familiar with all the relevant legislation and guidance (see section 16).

## Land tenure

**Freehold:** If you are setting up a Trust, voluntary controlled or voluntary aided school, your school's foundation or Trust will normally hold the freehold to the site. If you are setting up a foundation school (without a foundation), your school's governing body will hold the freehold to the site.

**Leasehold:** If you decide on a leasehold site, you will need to include details of the leasing arrangements in your proposals, and you will need to convince the decision maker that they will not compromise your school's long term viability. So you should only consider short term leases where there is an agreed plan with the local authority for the school to migrate, in time, to more permanent premises.

Where significant capital investment is involved, the lease should have a minimum of 50 years to run.

# Get support for your proposals

# 8

## Local authority

Local authorities are a valuable source of information and advice. You should meet your local authority as early as possible to discuss, and get support for, your proposals. Proposals which have the support of the local authority from the start are likely to progress much more smoothly than those which do not.

If you are proposing to set up a voluntary aided school, local authority support is important if you need capital funding from the DCSF, since you must submit your funding application through the authority.

If you are proposing to set up a Trust school, a foundation school or a voluntary controlled school your local authority must provide the necessary capital funding. It is essential you agree with the authority as early as possible its role and yours in setting up the school. You must include this information in your statutory proposals.

## Parents and community

You should consult with, and secure the support of, the parents and communities you intend your school to serve. This will probably involve:

- providing written information (in various languages if appropriate)
- meeting to discuss your proposals with those likely to be affected by it
- holding a number of meetings at various stages in the project's development to get local feedback and to ensure that people want what you are proposing.

## Other groups

You should also consult other groups and organisations likely to have an interest in your school including:

- pupils, schools and colleges in your area
- neighbouring authorities if they could be affected
- Church of England and Roman Catholic dioceses
- the Learning and Skills Council if your school is to provide 14-19 education
- the Early Years Development & Childcare Partnership if your school is to provide nursery education
- your local authority planners if you will need planning permission
- your local authority highways department if there are road or traffic implications
- any other faith groups in your local community.

## Seek consent to publish

# 9

Before you publish your proposals you must get the Secretary of State's consent to publish. The Secretary of State will consider all requests on their merits - you cannot assume that your request will be approved automatically.

The Secretary of State may give his consent where proposers wish to set up a new school that will increase diversity and meet a particular need that is not already provided.

Bear in mind that if you get consent this does not mean that the Secretary of State is also agreeing to provide capital funding. If you need capital funding for your project you must obtain it through the normal channels before you publish your proposals.

Nor is the Secretary of State giving approval for your proposals. You must follow the statutory process described in this guide and publish your proposals which the local authority or schools adjudicator will decide.

### **Factors that will be considered**

In coming to a decision the Secretary of State will consider:

- existing range of local provision – types of school, size, specialisms, etc.
- local standards
- whether there is an urgent need for the new school
- parental preferences.

### **How to apply**

You need to complete the pro-forma for proposers attached at [Annex 9a](#) to this section.

Within six weeks of receiving your application, the Secretary of State will write to inform you of his decision. If he rejects your application he will tell you why he has done so.

You cannot appeal against the Secretary of State's decision. If he rejects your application your only recourse is to ask your local authority to consider running a new schools competition.

# Pro-forma for proposers

10

## Section 10 Application Form

**APPLICATION FORM FOR Proposers (other than Local Authorities) TO APPLY TO THE SECRETARY OF STATE, FOR AGREEMENT TO PUBLISH PROPOSALS FOR A NEW FOUNDATION, TRUST (foundation school with a Foundation), FOUNDATION SPECIAL (with or without a Trust) OR VOLUNTARY SCHOOL UNDER SECTION 10 OF THE EDUCATION AND INSPECTIONS ACT 2006**

Please complete all sections and submit to School Organisation & Competitions Unit mailbox at [school.organisation@education.gsi.gov.uk](mailto:school.organisation@education.gsi.gov.uk) (or by post: School Organisation & Competitions Unit, DCSF, 2F Area D, Mowden Hall, Darlington, DL3 9BG).

### 1. Details of proposer and proposed school including:

Title of Proposing Body:

Local Authority area:

Site details (e.g. single/split site, freehold/leasehold tenure):

Postal address:

Age range:

Please confirm that you have had 'due regard' to section 14(6-7) of the Education Act 1996, ([www.opsi.gov.uk/ACTS/acts1996/ukpga\\_19960056\\_en\\_2#pt1-ch3-pb2-11g14](http://www.opsi.gov.uk/ACTS/acts1996/ukpga_19960056_en_2#pt1-ch3-pb2-11g14)), when determining the age range of the proposed school:

Number of Pupils to be provided for, including details of any nursery (full-time equivalent places), SEN, Boarding or Sixth Form provision:

Category (Foundation/Foundation Special/Voluntary Aided/Voluntary Controlled):

Proposed opening date:

Religious category (if any):

Ethos:

Secondary Schools only - Proposed specialism (if any):

2. If the proposed school is to be a foundation school with a foundation (ie. Trust School), information on the proposed foundation and current plans for membership:

<b>3. Brief details of main reason for the proposed new school eg. amalgamation/reorganisation, falling roles/surplus places, BSF/PCF, headteacher(s) retiring, new housing development or population growth:</b>		
<b>4. Will the school replace an existing school or schools? If so, provide details of the closing school(s), (eg. Postal address; Number of Pupils; Age range; Category) and proposed date for closure:</b>		
<b>5. Statement on how the school will contribute to raising standards, including how it is proposed it will network with other schools in the area:</b>		
<b>6. Evidence of levels of parental demand for this school:</b>		
<b>7. Views of local community: evidence of informal or statutory consultation, copies of consultation documents, notes of meetings and feedback received (please list any documents attached):</b>		
<b>8. Contact details:</b>		
<b>Name:</b>	<b>Tel No:</b>	<b>E-mail:</b>
<b>Address:</b>		
<b>Date:</b>		

Revised 1/9/09

The form for LAs to complete, can be found in the 'Establishing a New Maintained Mainstream School' guide, via [www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2](http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2)

## Obtain capital funding

# 10

When you publish your proposals you must make clear who will provide the site, buildings, furniture and equipment. You need to discuss this with your local authority.

You should begin by looking to the local authority to provide capital funding for your school as:

- funding for Trust, foundation and voluntary controlled schools forms part of its schools capital programme
- funding for voluntary aided schools is part of your local authority's coordinated voluntary aided programme which it administers in conjunction with diocesan bodies.

You need to convince your local authority that your proposed school will promote high standards, be worthy of support and be in line with the Government's aim to increase choice and diversity. Local authorities are under a duty to promote choice and diversity and to respond to demands from parents for new schools.

If your local authority agrees to fund your project it must provide proof of funding.

### **No local authority funding available**

If your local authority agrees a site and a capital investment plan but cannot meet the costs itself, it may approach the DCSF for exceptional funding.

The DCSF wants to ensure that the decision maker is able to consider your proposals, and that they don't fall because there is no capital funding agreed (even in principle). But it will only provide exceptional funding where it is satisfied that:

- the local authority cannot reasonably be expected to provide the funding without unacceptable impact on investment in its other schools
- the investment offers value for money use of the public purse.

DCSF may approve your local authority's application for exceptional capital funding – but approval is in principle only and subject to your proposals being agreed.

### **Voluntary aided schools**

The capital funding considerations are generally the same as for other categories of school but:

- the most you can receive from public funds is 90% of the capital project costs
- you must contribute at least 10% of the costs
- your local authority must provide the playing fields and the associated buildings on them.

## Consult interested parties

Before publishing statutory proposals you must consult all interested parties. In doing so you must:

- allow adequate time and provide sufficient information for those being consulted to form a considered view on your proposals
- make clear how those consulted can make their views known
- take account of responses to your consultation and be able to demonstrate that you have done so.

If you wish to consider a new option that emerges from your consultation you must consult again on that option before publishing your proposals.

It is up to you to decide on your method(s) of consultation and whether to hold public meetings.

### Who you must consult

Those you must consult are set out in statutory guidance issued by the Secretary of State. They include:

- Any **local authority** likely to be affected by your proposals, including neighbouring authorities where there may be significant cross-border movement of pupils.
- The **governing bodies, teachers and other staff** of any other school that might be affected by your proposals.
- **Families** at any other school who may be affected by your proposals including, where appropriate, parents of pupils at feeder primary schools.
- Any **trade unions** who may represent staff at the school; and representatives of any trade union of any staff at other schools who may be affected by your proposals.
- The local **Church of England and Roman Catholic dioceses** and anyone else who has recently expressed an interest in setting up a school.
- The **Learning and Skills Council** if your proposals affect the provision of full-time 14-19 education.
- **MPs** whose constituencies include the schools that are the subject of the proposals, or whose constituents are likely to be affected by the proposals.
- The **local district, parish or community council** where the proposed school is to be situated.
- Any other interested party, for example the **Early Years Development and Child Care Partnership**, or any local partnership that exists in place of an Early Years

Development and Child Care Partnership, if your proposals affect early years provision; or those who benefit from a contractual arrangement giving them the use of the premises.

11

Other examples of interested parties you might consult include:

- If your proposals are likely to affect a school with a religious character, **the national faith group** which provides the school.
- If your proposals are likely to affect a foundation or voluntary school that does not have a religious character, **any Trust or foundation** providing the school.
- If your proposals affect the provision of full-time 14-19 education, neighbouring **learning and skills councils** where there may be significant cross-border movement of pupils. Also any **institution in the further education sector** that is likely to be affected by your proposals.

# Prepare and publish your proposals

# 12

## Preparing proposals

In preparing your proposals you must include the statutory information that is prescribed in regulations and set out in [Annex 12a](#) to this section.

You may find it helpful to complete the proposals checklist at [Annex 12b](#) as you go along to make sure you have included all the relevant information.

## Publication

You must publish details of your proposals in the form of a statutory notice:

- in at least one local newspaper
- posted at the main entrance of any school(s) named in your proposals
- in a conspicuous place in the area served by your school (for example the local library, community centre or post office).

You are advised to avoid publication during summer holidays.

You must include the statutory information that is prescribed in regulations as you prepare your statutory notice as set out in [Annex 12c](#) to this section.

To ensure your statutory notice is completed correctly, you can draft it online by accessing the facility on [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg). You will need to register for the “Members’ Area” on the website first - this is free of charge. You can also ask to have your statutory notice checked by the DCSF via this facility.

## Timing

To ensure that your proposals reflect relatively recent feedback, you should publish within 12 months of completing your consultation.

## Distribution

You must send a copy of your proposals to your local authority within one week of publication.

You must also send copies of your proposals to:

- any other local authority likely to be affected by your proposals
- the Diocesan Board of Education for any diocese of the Church of England any part of which falls within your local authority’s area
- the bishop of a diocese of the Roman Catholic church any part of which falls within your local authority’s area
- the Learning and Skills Council for England if your proposals include provision of 14-16 education or sixth form

- the Secretary of State
- any person requesting a copy within one week of the publication date.

### **Voluntary aided schools**

If your school is to be voluntary aided, you must complete and return Form 18 to the DCSF Voluntary Aided Capital Team. This is a statement of the governors' resources indicating that they can meet their contribution of at least 10% for providing and maintaining the school. You should also include a copy of Form 18 with your submission to your local authority. This form is available on [www.teachernet.gov.uk/docbank/index.cfm?id=6079](http://www.teachernet.gov.uk/docbank/index.cfm?id=6079)

## Information you must include in your proposals

12<sub>a</sub>

You must include in your proposals the following information from Schedule 3 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007:

### Contact Details

1. The name of the proposer or proposers and a contact address.
2. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

### Category

3. The type of school that it is proposed be established (a foundation school and, if so, whether it is to have a foundation, a voluntary school or a community school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to publication of the proposals.

### Consultation

4. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals have been complied with.
5. Evidence of the consultation before the proposals were published including—
  - (a) a list of persons and/or parties who were consulted;
  - (b) minutes of all public consultation meetings;
  - (c) the views of the persons consulted; and
  - (d) copies of all consultation documents and a statement of how these were made available.

### Objectives

6. The objectives of the proposals.

### Extended Services

7. Information on the extended services which it is envisaged will be provided on the site of the school.

### Pupil numbers and admissions

8. Information on—
  - (a) the number of pupil places the school should provide;
  - (b) the upper and lower age limits of the school;
  - (c) where it is intended that it should provide sixth form education, the number of pupils for whom it is intended that such education should be provided;
  - (d) where it is intended that it should provide nursery education, the number of pupils for whom it is intended that such education should be provided;
  - (e) where it is intended that the school should provide for boarding pupils, the number of pupils for whom it is intended such facilities should be provided;
  - (f) the number of pupils to be admitted to the school in each relevant age group in the first school year in which the proposals will be implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the proposed school in each stage that the proposals will be implemented;

(g) whether it is proposed that the school should admit pupils of both sexes or boys or girls only and, in the case of a single sex school where it is intended to provide sixth form education, whether both sexes or boys or girls only are to be admitted to the sixth form.

#### **Ethos/Religious Character**

9. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

10. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

#### **Area or community that school serves**

11. The area or particular community or communities which the new school is expected to serve.

#### **Admission Arrangements**

12. An indication of the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school or Academy which is to have a religious character—

- (a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and
- (b) the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

#### **Grammar schools**

13. Where the school is to be established in substitution for one or more discontinued grammar schools, a statement to this effect and a statement that the school may be designated as a grammar school for the purpose of Chapter 2 of Part 3 of SSFA 1998.

#### **Schools with a religious character or particular educational philosophy – parental demand**

14. Where the school is—

- (a) proposed to have a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion; or
- (b) proposed to adhere to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question that is not already met in other maintained schools or Academies in the area.

#### **Sixth Form Education**

15. Where it is proposed that the school will provide sixth form education, how the proposals will—

- (a) improve the educational or training achievements;
- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities, for 16-19 year olds in the area.

#### **Early Years Provision**

16. Where the proposals are to include provision for pupils aged between 2 and 5, the following information must be provided—

- (a) details of how the early years provision will be organised, including the number of fulltime and part-

time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;

(b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;

(c) evidence of parental demand for additional provision of early years provision;

(d) assessment of capacity, quality and sustainability of provision in schools, and in settings outside of the maintained school sector who deliver the Early Years Foundation Stage within 3 miles of the school; and

(e) the reasons why schools and settings outside the maintained school sector who deliver the Early Years Foundation Stage within 3 miles of the school and who have spare capacity, cannot make provision for any forecast increase in the numbers of such children.

### **Specialisms**

17. Whether the school will have any specialisms on implementation and whether the promoter intends to apply to the Secretary of State for the school to be a specialist school from implementation.

### **Effects on Standards and Contributions to School Improvement**

18. Information and supporting evidence on:

(a) how the school will contribute to enhancing the diversity and quality of education in the area; and

(b) how the school will help to raise the standard of education in the area and contribute to school improvement.

19. Information and supporting evidence on how the proposals will contribute to enabling children and young people to be healthy, stay safe, enjoy and achieve, make a positive contribution to the community and society, and achieve economic well-being.

### **Community Cohesion**

20. The following information relating to the proposals—

(a) how the school will promote and contribute to community cohesion;

(b) how the school will increase inclusion and equality of access for all social groups; and

(c) how the school will collaborate with other schools, and in relation to secondary school proposals how the new school will collaborate with colleges and training providers.

### **Single sex or co-educational school**

21. Where the school is to admit pupils of a single sex—

(a) evidence of local demand for single sex education and how this will be met if the proposals are approved; and

(b) A statement giving details of the likely effect the alteration will have on the balance of provision of single sex education in the area.

### **Location**

22. A statement about—

(a) the location of the site (including, where appropriate, the postal address or addresses if the school is to occupy a split site);

(b) whether the school will occupy a single or split site;

- (c) the accessibility of the site (or if the school is to occupy a split site the accessibility of the accommodation);
- (d) the current ownership and tenure (freehold or leasehold) of the site and the proposed use of any buildings already on the site;
- (e) details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease including details of any provisions which could obstruct the governing body or the head teacher in the exercise of any of their functions under any of the Education Acts or place indirect pressures upon funding bodies;
- (f) whether the site is currently used for the purposes of another school which will no longer be required for the purposes of that school. If so, provide details as to why the site will no longer be required for the purposes of that school; and
- (g) the estimated costs of providing the site and a statement about how the costs will be met.

### **Implementation**

23. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

24. Where the proposals are to establish a voluntary controlled or foundation school, a statement as to whether the proposals are to be implemented by the local education authority or by the proposers, and if the proposals are to be implemented by both,

- (a) a statement as to the extent that they are to be implemented by each body, and
- (b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

### **Project Costs**

25. A statement of the estimated capital cost of the proposals and the extent to which the costs are to be met by the proposers and/or the local education authority.

26. A copy of a confirmation from the Secretary of State or local education authority or the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

27. Details of how it is proposed to fund the proposer's share of the capital costs of implementing the proposals (if any).

### **Travel**

28. The proposed arrangements for travel of pupils to the school.

### **Federation**

29. Details of any proposals for the school to be federated with one or more schools (by virtue of section 24 of EA 2002 and section 12).

### **Curriculum**

30. Confirmation that the school will meet the general requirements in relation to curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

### **Voluntary aided schools**

31. In addition, where the school is to be a voluntary aided school—

- (a) details of the Trusts on which the site is to be held; and
- (b) confirmation that governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.

#### **Staff**

32. An outline of the proposed senior staffing at the new school.

#### **Foundation Schools**

33. Where the school is to be a foundation school, confirmation as to whether the new school—

- (a) will have a foundation established otherwise than under SSFA 1998 and, if so, the identity of that foundation;
- (b) will belong to a group of schools for which a foundation body acts under section 21 of SSFA 1998; or
- (c) will not fall within sub-paragraph (a) or (b).

34. Where the school is to be a foundation school which has a foundation—

- (a) the name of the foundation where known;
- (b) the rationale for the foundation and the particular ethos that it will bring to the school;
- (c) the details of membership of the foundation, including the names of the members;
- (d) the entitlement to appoint charity trustees and the number of trustees to be appointed;
- (e) the proposed constitution of the governing body;
- (f) details of the foundation's charitable objects;
- (g) where the majority of governors are to be foundation governors, a statement that a parent council will be established in accordance with section 23A of EA 2002;
- (h) a statement that the requirements set out in the School Organisation (Requirements as to Foundations) (England ) Regulations will be met;
- (i) a statement of how the foundation will contribute to the advancement of education at the school and how it is envisaged it will help to raise standards; and
- (j) a statement of how the foundation will contribute to the advancement of community cohesion and the impact the foundation will have on the diversity of school provision in the area.

#### **Special educational benefits**

35. Information as to whether the school will have provision that is recognised by the local education authority as reserved for children with special educational needs and, if so, the nature of such provision and the proposed number of pupils for whom such provision is to be made.

36. Details of the proposed policy of the school relating to the education of pupils with special educational needs.

37. Where the school will replace existing educational provision for children with special educational needs

- (a) a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and/or range of educational provision for these children;
- (b) Details of the specific educational benefits that will flow from the proposals in terms of—
  - (i) improved access to education and associated services including the curriculum, wider school

activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;

(ii) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;

(iii) improved access to suitable accommodation; and

(iv) improved supply of suitable places.

**Relevant experience of proposers**

38. Evidence of any relevant experience in education held by the proposer, or proposers (other than a local authority) including details of any involvement in the improvement of standards in education.

**Planning permission**

39. Where the establishment of the new school involves development for the purpose of the Town and Country Planning Act 1990, a statement as to whether planning permission has been obtained and, if it has not been obtained, details of when it is anticipated that it will be obtained

**Independent schools entering the maintained sector**

40. A statement that the requirements of section 11 (3) are met

41. A statement as to whether the premises will meet the requirements of the Education (School Premises) Regulations 1999 and, if not,

(a) details of how the premises are deficient; and

(b) details of how it is intended to remedy the deficiency.

# Proposals checklist

12<sub>b</sub>

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## Contact details

- your name(s) and contact address
  - whether you are publishing proposals independently or jointly with other proposer(s)
- 

## Category

- whether your school will be foundation, Trust, voluntary aided or voluntary controlled
  - whether you have the Secretary of State's consent to publish proposals
- 

## Consultation

- confirmation that you have complied with all applicable statutory requirements in consulting on your proposals
  - evidence of the consultation you undertook before publishing your proposals including:
    - a list of people and parties you consulted
    - minutes of all the public consultation meetings you held
    - the views of those consulted
    - copies of all consultation documents and how they were made available
- 

## Objectives

- the objectives of your proposals
- 

## Extended services

- details of any extended services you propose to provide on your school site
- 

## Pupil numbers and admissions

- the number of pupils your school will cater for and their age range
  - the number of sixth form pupils it will provide for, if any
  - the number of nursery pupils it will provide for, if any
  - the number of pupils your school will admit in its first year in each age group, and, if it will open in stages, the same information for the start of each stage
  - whether your school will admit boys and girls, or if it will be single sex
  - if your school will be single sex with sixth form provision, whether the sixth form will admit boys and girls or if it will also be single sex
- 

## Ethos/religious character

- a statement of your school's ethos including details of any educational philosophy it will adhere to
-

- 
- whether your school is to have a religious character and, if so, what it will be
  - a statement of your intent to ask the Secretary of State to designate your school as having a religious character
- 

**Community**

- the area, particular community or communities your school is to serve
- 

**Admission arrangements**

- your school’s proposed admission arrangements
  - the over-subscription criteria which form part of the admission arrangements
  - if your school is to have a religious character, the extent to which the admission arrangements will give:
    - priority to children of your school’s religion or denomination
    - priority to children of other religions/denominations or to those with no religious affiliations
- 

**Parental demand**

- if your school will have a religious character, evidence of the likely demand in the area for the type of religious education it will offer
  - if your school will adhere to a particular educational philosophy, evidence of the likely demand in the area for the type of education it will offer that is not already met in other local maintained schools
- 

**16-19 education**

If your school will provide education for 16-19 year olds, how it will:

- improve educational and training achievements
  - increase participation in education and training
  - expand the range of educational and training opportunities
- 

**Early years**

If your school will provide education for 2-5 year olds:

- how you will organise provision in terms of the:
    - number of full time and part time pupils
    - number of places
    - number and length of sessions in each week
    - services you will offer for disabled children
  - how you will integrate early years provision with childcare services
  - evidence of parental demand for additional early years provision
  - capacity, quality and sustainability of early years foundation stage provision in other maintained schools and settings within three miles of your school
  - whether those schools and other settings have spare capacity and if so, why they can’t provide for any anticipated increase in the number of 2-5 year olds
-

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### Specialisms

If your school is to be a secondary school, whether:

- it will have any specialism(s) when it opens and if so, details of those specialisms
  - you intend to apply to the Secretary of State for specialist school status from the date the school opens
- 

### Standards and diversity

How your school will contribute to:

- enhancing the quality and diversity of provision in the area
  - raising standards in the area and school improvement
- 

### Community cohesion

How your school will:

- promote and contribute to community cohesion
  - enhance inclusiveness and equal access for all social groups
  - work with other schools and, in the case of a secondary school, colleges and training providers
- 

### Single sex schools

- evidence of local demand for single sex education and the extent to which your proposals meet that demand
  - the effect of your proposals on the balance of single sex provision in the area
- 

### Location

- where your school will be located and the postal address if there is one
  - whether your school will occupy a split site and the location/postal address of the additional site(s)
  - details of the site(s) accessibility
  - details of your school site's current ownership, whether tenure is leasehold or freehold, and whether there are any existing buildings you will use
  - whether you will hold the site on lease and if so, details of the proposed lease
  - details of any provisions of the proposed lease that would:
    - obstruct the governing body or head teacher in running the school
    - place indirect pressure on funding bodies
  - whether the site is currently used by another school and why it is no longer needed
  - the cost of providing your proposed school site and how the costs will be met
  - the purchase price of your proposed school site, including any existing buildings
-

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### Implementation

- the date your school will open and, if it is to be opened in stages, the start date of each stage

If your school is to be **foundation, Trust** or **voluntary controlled**:

- whether you or your local authority will establish the school
  - if both of you are to be involved, the extent to which each of you will implement the proposals
- 

### Project costs

- a breakdown of the capital costs of establishing your school
- details of how the costs are to be funded

If your school is to be a **foundation, Trust** or **voluntary controlled** school:

- confirmation from the local authority of the funding it will provide
- confirmation from the Learning and Skills Council of any funding it will provide

If your school is to be a **voluntary aided school**:

- confirmation from the Secretary of State that he has approved capital grant
  - details of your share of the capital cost and how you propose to fund it
- 

### Travel

- the proposed arrangements for transporting pupils to your school
- 

### Federation

- whether your school will form a 'hard' federation with another school or schools whereby you they share a governing body
- 

### Curriculum

- confirmation that your school will teach:
    - the national curriculum
    - religious education (as appropriate)
    - sex education, if a secondary school
  - details of any additional provision, in particular any 14-19 vocational education
- 

### Voluntary aided schools

- details of the Trusts on which the site is to be held
  - confirmation that the governing body will be able and willing to meet their obligations in connection to maintaining the school buildings as set out in Schedule 3 to the SSFA 1993
- 

### Staff

- details of your school's proposed senior staffing arrangements
-

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### Foundation schools

Whether your school will have a foundation, and if so:

- whether it will belong to a group of schools for which a foundation body acts under section 21 of the SSFA 1998
  - whether it will have a foundation established other than under section 21 of the SSFA 1998
- 

### Trust schools (foundation schools with a foundation)

- the name of the foundation, if known
  - rationale for the foundation and the ethos it will bring to the school
  - membership of the foundation including names of members, if known
  - if entitled to appoint charity trustees, the number of trustees to be appointed
  - details of the foundation's charitable objects
  - the proposed constitution of the governing body
  - where foundation governors will be in the majority, confirmation that a parent council will be established
  - confirmation that the foundation will meet the requirements set out in the School Organisation (Requirements as to Foundations)(England) 2007
  - how the foundation will contribute to:
    - education at the school and help to raise standards
    - community cohesion and its impact on diversity of educational provision in the area
- 

### SEN provision

- whether your school will have provision which is recognised by the local authority as reserved for children with special educational needs
  - the nature of that provision and the number of pupils for which it be provided
  - details of your proposed policy relating to the education of SEN pupils
- 

### Relevant experience

- evidence of your relevant educational experience, if any, including details of any involvement in improving standards
- 

### Planning permission

If setting up your school involves development for the purpose of the Town and Country Planning Act 1990:

- whether you have planning permission and if not, when you plan to obtain it
-

## Prepare your statutory notice

12<sub>c</sub>

In preparing your statutory notice you must include the following information prescribed in Part 5 of Schedule 5 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007:

### Contact details

- your name(s) and contact address
- whether you are submitting proposals independently or jointly with another proposer or proposers

### Category

- the type of school you are proposing - a foundation school, and if so whether it will have a foundation (i.e. a Trust school), or a voluntary aided or controlled school
- whether you have obtained the Secretary of State's consent to publish proposals

### Extended services

- information on the extended services you envisage will be provided on your school site

### Pupil numbers and admissions

Information on:

- the number of pupils your school will provide for
- the upper and lower age limits
- if your school will provide sixth form education, the number of sixth form pupils it will provide for
- if your school will provide nursery education, the number of nursery pupils it will provide for
- the number of pupils your school will admit in each relevant age group in its first year, or if you intend to implement your proposals in stages, the number of pupils your school will admit at each stage
- whether your school will admit both boys and girls, or whether it will be single sex
- if your school will be single sex and will provide sixth form education, whether the sixth form will admit both boys and girls, or whether it too will be single sex

### Ethos/religious character

- a statement of your school's proposed ethos including details of any educational philosophy it will adhere to
- whether your school it is to have a religious character and, if so, confirmation of the proposed religion or religious denomination it will have
- a statement of your intent to ask the Secretary of State to designate your school as having such a religious character

**Community**

- the area, particular community or communities your school is to serve

**Admission arrangements**

- an indication of the proposed admission arrangements and over-subscription criteria for your school
- if your school is to have a religious character, the extent to which you propose the admission arrangements will give:
  - priority to children of your school's religion or religious denomination
  - priority to children of other religions or religious denominations or to children with no religious affiliations

**Specialisms**

- whether your school will have any specialisms when it opens
- whether you intend to apply to the Secretary of State for specialist school status from the date the school opens

**Location**

- where your school will be located including the postal address if there is one
- whether your school will occupy a split site and if so, the location and postal address of the additional site(s)

**Implementation**

- the date your school will open and, if it is to be opened in stages, the start date of each stage

**Travel**

- the proposed arrangements for travel of pupils to your school

**Federation**

- details of any proposals to federate your school in a hard federation with one or more other schools (under sections 12 and 24 of Education Act 2002)

**Trust schools (foundation schools with a foundation)**

- the name of the foundation, if known
- the rationale for the foundation and the particular ethos it will bring to your school
- details of membership of the foundation, including names of members if known

**SEN provision**

- information as to whether your school will have provision which is recognised by the local authority as reserved for children with special educational needs
- if so, the nature of that provision and the number of pupils for which it will provide

**Other**

- how to obtain copies of your full proposals
- invitation to object to, or comment on, the proposals
- the address of the local authority to which objections/comments should be sent
- the date by which any objections/comments must be received.

## Wait for comments/objections

13

Once you have published your proposals, there follows a statutory six week period during which representations (objections or supportive comments) can be made directly to your local authority.

## Receive a decision

# 14

### Decision maker

Your **local authority** is responsible for deciding your proposals, unless you are setting up a Trust school and the authority has an interest in the school's foundation.

An authority has an interest in a foundation where:

- the authority or anyone it appoints is to be a member of the foundation
- the authority or anyone it appoints is to have voting rights in the foundation
- anyone the authority appoints is to be a charity trustee of the foundation.

Your local authority must pass your proposals to the **schools adjudicator** for a decision if it:

- has an interest in your school's foundation as defined above
- fails to reach a decision within two months from the end of the six-week representation period or, if later, the date on which it received the information required by regulations.

### Decision criteria

When considering your proposals your local authority or schools adjudicator must have regard to guidance issued by the Secretary of State. It is up to them to decide how much weight to give to the factors considered in each particular case. The factors considered by the Secretary of State are set out in [Annex 14a](#) to this section.

Your local authority can reach one of four decisions on your proposals:

- approval
- rejection
- approval with modification, eg your school's opening date
- conditional approval; your local authority must specify a date by which the conditions must be met.

The local authority cannot give a conditional approval that is subject to capital funding being made available.

### Conditions under which conditional approval may be granted

- grant of planning permission
- acquisition of and/or access to a site or playing fields
- DCSF approval for a private finance contract or agreement to Building Schools for the Future building project
- setting up of a charity scheme
- formation of a hard federation

- Secretary of State approval for a new foundation body or membership of a group foundation
- a change in another school's admission arrangements as specified in the approval or the occurrence of any events above relating to another school by a specific date
- Secretary of State approval for, or local agreement to, the disposal of premises.
- Secretary of State agreement to exemption of school premises and/or playing fields from the School Premises Standards.

### **Decision notification**

If your local authority is deciding your proposals it must make a decision within two months of the end of the representation period or, if later, the date on which it received the information required by regulations.

You will receive a letter notifying you of the decision and the rationale for that decision. Copies of the decision will be sent to:

- anyone who objected to your proposals
- the Secretary of State
- the Learning and Skills Council, if your school is to provide 14-16 or sixth form education
- the local Church of England and Roman Catholic dioceses.

### **Grounds for appeal**

You can ask your local authority to pass your proposals to the schools adjudicator if it rejects your proposals. You must make your request within four weeks of receiving the decision. The local authority must pass on your proposals to the adjudicator within one week of receiving your request.

You cannot appeal against a decision by the schools adjudicator.

## Factors considered

14a

### Effect on standards and contribution to diversity

Whether your proposals will:

- improve the quality of educational provision in the area, help raise standards, improve attainment and narrow the attainment gap for under-performing groups
- improve the diversity of educational provision in the area
- provide a broad and balanced curriculum, the national curriculum, religious education and, if a secondary school, sex education
- help every child and young person at the school achieve their full potential, for example through personal development, access to academic and vocational training, and by removing barriers to participation
- meet the aspirations of parents and the local community, and whether your proposals are the result of parental pressure for a new school.

### Need for places

- whether there is a need for additional places in your area
- whether there are surplus places in neighbouring schools, the educational standards at schools with surplus and their level of popularity with parents
- the extent of parental demand for the type of school you are proposing, for example provision for particular religions or religious denominations, or for specialisms
- whether there is a strong case for approving your proposals on grounds of parental preference and standards; if so there is a **presumption to approve**.

### Accessibility

- whether your school's proposed admission arrangements are equitable and allow fair access for all, and whether they comply with the law and the School Admissions Code
- the existence of safe walking, cycling and bus routes to your proposed site and whether your proposals contribute to sustainable travel and transport to school
- whether your school's position and travel arrangements make it accessible to disadvantaged groups

### Finance

- whether the capital resources you need are available
- whether your proposals are viable and represent a cost-effective use of public funds
- if your school is a small school, whether it will need additional funding and if so, the impact on the local authority schools budget

- whether the sale proceeds of redundant sites are to be made available, and whether the Secretary of State's consent has been obtained (in the case of playing fields) or there is local agreement to the disposal of school buildings/other land
- if you are proposing a new voluntary aided school, whether you have provided evidence (Form 18) that the governing body will be able to meet their financial responsibilities for future building work.

### Site

- if your proposals are for a voluntary or Trust school where the Trust will not hold the freehold of the site; whether the **land tenure** arrangements are satisfactory
- whether your school meets the minimum statutory requirement for provision of **school playing fields** and if not, whether the Secretary of State has agreed in principle to relax the requirement.

### Community cohesion and inclusiveness

- whether your proposals tackle divisions in the community - religious, social, racial and cultural - and the extent to which your school will promote community cohesion
- the extent to which your school will collaborate with other schools, FE colleges and other educational providers in the area
- whether your school will have strong links with families and the local community; whether it will provide extended services and whether you have the funding needed.

### 14-19 issues (if your school will be catering for this age group)

- the extent to which your proposals will extend the range of options available to 14-16 year olds opportunities for collaborative arrangements with other providers
- if your school includes 16–19 provision, the extent to which your proposals offer high quality provision, breadth of curriculum, and meet the diverse needs of all young people through collaborative arrangements with other providers
- whether there are other local authority or Learning and Skills Council proposals in the pipeline which may conflict with yours; if so those other proposals will be considered first.

### Trust schools

- the nature and constitution of the proposed Trust, and the activities and reputation of the proposed trustees
- if the Trust is to hold the majority on the governing body, plans for setting up a parent council and its proposed constitution
- the nature and strength of existing and proposed relationships with partners.

### Other issues

- if your school is to have a **specialism**, whether there is existing provision of the specialist subject in the area, and the links proposed with other local schools

- whether your proposals are to join an existing **federation** or to jointly establish a new federation, and whether the arrangements will help raise standards
- whether your proposals are to join an existing group **foundation body** or to jointly establish a new group foundation body. (In the latter case, approval of your proposals will be conditional upon the Secretary of State's approval for the new foundation body).
- whether there are any **equal opportunities** issues - sex, race or disability discrimination or human rights - including balance of provision in the case of proposals for a single sex school
- if your proposals are for a primary school with early years provision, the level of **integration of pre-school education** with childcare and other child/family services.

### **Views of interested parties**

- parents, pupils, families, local residents affected by the proposals or who have an interest in them
- pupils, staff and governing bodies/Trusts of other schools and colleges in your area
- any local authority affected by your proposals or with an interest in them
- the Church of England and Roman Catholic dioceses in your area and any other religious bodies providing schools
- if your proposals affect 14-19 provision, the Learning and Skills Council
- if your proposals affect early education provision, the Early Years Development and Childcare Partnership or any partnership in its place.

### **Further information**

You should read the guidance for decision makers (<http://www.dfes.gov.uk/schoolorg/guidance.cfm?id=4>) where these criteria are explained in more detail.

# Implement your proposals

## Responsibilities

If your proposals are approved, those legally responsible for their implementation - either you, your local authority or both of you as stated in your proposals - must do whatever is necessary to proceed with the project until the school is established.

If your proposals are approved and they state that the local authority has agreed to provide your school site, the authority is under a duty to transfer its interest in the site to the foundation body, charitable Trust or governing body, depending on the type of school you are establishing.

If your proposals are approved subject to a condition being met by a specified date, you are responsible for ensuring that the condition is met.

If you cannot or do not want to proceed with implementation, you must publish and get approval for statutory proposals relieving you of your duty.

## Requesting changes

Any conditions attached by your local authority or the schools adjudicator to your proposals are not negotiable. However, you may ask whichever of them made the decision to change the date by which:

- the conditions must be met
- your proposals must be implemented.

## Capital work

If you are setting up a voluntary controlled or foundation school, the responsibility for implementation could rest with you, your local authority or both of you as stated in your proposals.

If you are setting up a voluntary aided school you have sole responsibility for implementing your proposals.

## Voluntary aided schools

Before you commit contractually for your chosen site, you should send a completed form SB1 to the DCSF Voluntary Aided Capital Team. This is used to check that any site or land acquisition (purchase or lease/rental, gift) offers value for money and meets DCSF recommendations on site requirements. Form SB1 is available on [www.teachernet.gov.uk/docbank/index.cfm?id=5221](http://www.teachernet.gov.uk/docbank/index.cfm?id=5221)

Your governors and trustees will need to sign a Condition of Grant agreement and send it to the DCSF Voluntary Aided Capital Team. This will ensure that if your school

closes or moves to a new site the proceeds of sale of the site will be used for another maintained school.

The DCSF will pay your project development costs once it has received your signed Condition of Grant agreement and you have published your proposals.

### **Running costs**

In the year before your school opens your local authority must provide it with sufficient funds to meet the costs of any staffing, purchase of goods and services it needs to enable it to admit pupils. Once the temporary governing body is in place, your local authority will provide your school with a delegated budget payable at least 15 months prior to its opening. This period may be varied at the discretion of the local Schools Forum.

Once your school opens, your local authority will provide a delegated budget:

- based largely on the number of pupils at the school
- taking account of social deprivation, for example, the number of pupils in receipt of free school meals
- possibly including other factors such as funding for special educational needs, the size and condition of the premises, split sites.

Your school's budget will be set before the start of each financial year.

### **Governing body**

Each maintained school has a governing body responsible for:

- setting the school's strategic direction
- monitoring and evaluating the school's performance
- securing accountability.

There must be at least nine but no more than 20 governors on the governing body. Beyond this, governors may choose their preferred constitutional model so long as the proportion of different types of governor is in line with the requirements set out in governing body requirements which are set out in [Annex 15a](#) to this section - and subject to Diocesan or trustee approval if appropriate. You can find out more about the different types of school governor in [Annex 15b](#).

### **Temporary governing body**

It can take time to set up a permanent governing body so your local authority will probably need to put in place a temporary one to cover the period between getting approval for your proposals and opening your school.

Once established, the temporary governing body takes legal responsibility for carrying out most of the necessary work. It has most of the powers and responsibilities of a permanent governing body; for example, in the case of a voluntary aided or foundation

school it has the power to appoint the head teacher. In the case of a voluntary controlled school the appointment is subject to local authority confirmation.

Your local authority is responsible for establishing the temporary governing body but:

- if your school is to be voluntary controlled the authority must consult you
- if your school is to be voluntary aided, foundation or Trust the authority and you must agree the arrangements for establishing the temporary governing body.

If you cannot agree, either you or the authority can refer the matter to the Secretary of State.

If you want to know more about governing bodies you should read the '*A Guide to the Law for School Governors*' which is available on [www.governor.net.co.uk](http://www.governor.net.co.uk).

### **Religious character**

If your school is to have a religious character the governing body must apply to the Secretary of State for the school to be designated as such. If Church of England or Roman Catholic it must get prior approval from the appropriate diocesan authority.

### **Next steps**

When you are ready to implement your proposals you should follow the detailed guidance set out in the **Guide for people implementing proposals for a new maintained school**.

# Governing body requirements

15<sub>a</sub>

	<b>Voluntary aided schools</b>	<b>Voluntary controlled &amp; foundation schools</b>	<b>Trust schools (no majority on GB)</b>	<b>Trust schools (majority on GB)</b>
<b>Parent governors</b>	at least a third of the total (including foundation parent governors): at least one must be an elected parent governor (or if that is not possible, a parent governor appointed by the governing body)	at least a third of the total	at least a third of the total	at least a third of the total (including foundation parent governors): at least one must be an elected parent governor (or if that is not possible, a parent governor appointed by the governing body)
<b>Staff governors</b>	at least two places but no more than a third of the total including the head teacher	at least two places, but no more than a third of the total, including the head teacher	at least two places but no more than a third of the total, including the head teacher	at least two places but no more than a third of the total, including the head teacher
<b>LA appointed governors</b>	at least one place but no more than a tenth of the total	at least one place but no more than a fifth of the total	at least one place but no more than a fifth of the total	at least one place but no more than a fifth of the total
<b>Community governors</b>		at least a tenth of the total	at least a tenth of the total	at least a tenth of the total
<b>Foundation governors (partnership governors if the school has no foundation)</b>	must outnumber the other governors by two and at least a fifth must be eligible to be parent governors	at least two places but no more than a quarter of the total	at least two places but no more than 45% of the total	outnumber the other governors by two; the governing body must set up a parent council
<b>Sponsor governors</b>	governing body may appoint one or two sponsor governors in primary schools, and up to four in secondary schools. In that case the person appointing the foundation governors may appoint an equal number of foundation governors to preserve their majority of two	governing body may appoint one or two sponsor governors.	governing body may appoint one or two sponsor governors	governing body may appoint one or two sponsor governors in primary schools, and up to four in secondary schools. In that case the person appointing the foundation governors may appoint an equal number of foundation governors to preserve their majority of up to two

## Types of school governor

15<sub>b</sub>

**Parent governors** - parents, including carers, of pupils at the school are eligible to stand for election as governors. Parent governors are elected by other parents at the school. If insufficient parents stand for election, the governing body may appoint parents.

**Staff governors** - the head teacher is a staff governor by virtue of their office. Other staff, both teaching and support, may become governors so long as they are paid (volunteers do not qualify). Staff governors are elected by the school staff. Any election which is contested must be held by ballot.

**Local authority governors** - local authorities are encouraged to appoint high calibre governors to schools that need most support and to appoint candidates irrespective of any political affiliation or preferences. Authorities may appoint minor authority representatives, e.g. district and parish councillors, as local authority governors.

**Community governors** - community governors are appointed by the governing body to represent community interests. They can be individuals who:

- live or work in the community served by the school *or*
- are committed to the good governance and success of the school even though they do not work or live close to it.

The definition of community governor is wide. People from a business or professional background and minor authority representatives can be appointed as community governors.

**Foundation and partnership governors** - foundation governors are appointed by the school's founding body, church or other organisation named in the school's instrument of government. If the school has a religious character the foundation governors must preserve and develop this. They must also ensure compliance with the Trust deed, if there is one. If a foundation school has no foundation or equivalent body, the foundation governors are replaced by partnership governors appointed by the governing body after a nomination process.

**Sponsor governors** - sponsor governors are appointed by the governing body. They may be individuals who:

- give substantial assistance to the school, financially or in kind
- provide services to the school.

If the governing body wants to appoint sponsor governors it must seek nominations from the sponsor(s). The governing body can appoint a maximum of two persons as sponsor governors.

# Relevant legislation and guidance

# 16

## Education Acts

- Education Act 1996
- Education Act 1997
- School Standards and Framework Act 1998
- Education Act 2002
- Education Act 2005
- Education and Inspections Act 2006

## Capital Funding

- [www.teachernet.gov.uk/schoolscapital](http://www.teachernet.gov.uk/schoolscapital) gives detailed information on all capital funding for schools
- [www.teachernet.gov.uk/management/resourcesfinanceandbuilding/schoolbuildings/sbschoolsforthefuture](http://www.teachernet.gov.uk/management/resourcesfinanceandbuilding/schoolbuildings/sbschoolsforthefuture) gives more information on Building Schools for the Future and exemplar designs
- [www.teachernet.gov.uk/voluntaryaidedschools](http://www.teachernet.gov.uk/voluntaryaidedschools) gives more information on capital funding issues for voluntary aided schools.

## School Buildings

- A Guide for School Governors: Developing School Buildings, available from the Royal Institute of British Architects website [www.riba.net](http://www.riba.net) under School Client Forum on the publications page
- Client Guide – Achieving well designed schools through PFI, available from the Commission for Architecture and the Built Environment website [www.cabe.org.uk](http://www.cabe.org.uk)
- Schools for the Future – Designs for Learning Communities: Building Bulletin 95 (ISBN0-11-271128-6), available from Stationery Office bookshops
- The Education (School Premises) Regulations 1999
- Disability Discrimination Act 1995 and SEND Act 2001
- Building Regulations 2000
- School Premises Regulations 1999
- Construction (Design and Management) Regulations 1994
- Health and Safety Regulations
- Protection of School Playing Fields available on [www.teachernet.gov.uk/schoolslandandproperty](http://www.teachernet.gov.uk/schoolslandandproperty)
- Land for Academies and The Transfer and Disposal of School Land in England – A General Guide for Schools, Local Authorities and the Adjudicator is available on [www.teachernet.gov.uk/schoolslandandproperty](http://www.teachernet.gov.uk/schoolslandandproperty)
- Planning Regulations
- DCSF Constructional Standards

- Building Bulletin 98: Briefing Framework for Secondary Schools Projects, and Building Bulletin 99: Briefing Framework for Primary School Projects are both available on [www.teachernet.gov.uk/schoolbuildings](http://www.teachernet.gov.uk/schoolbuildings)
- Finding the Right Solution – a guide to option appraisal; a curriculum analysis model; Key Design Guidance for School: access to information for school design; Education Building Projects – Information on Costs and Performance Data – Schools Building and Design Unit all on [www.teachernet.gov.uk/schoolbuildings](http://www.teachernet.gov.uk/schoolbuildings).

### **School governance**

- New Schools (General) (England) Regulations 2003 (SI number 1558), available from Governornet from HMSO [www.hmsso.gov.uk](http://www.hmsso.gov.uk)
- The School Governance (New Schools) regulations 2007 from [www.hmsso.gov.uk](http://www.hmsso.gov.uk)
- Governornet [www.governornet.co.uk](http://www.governornet.co.uk) is also a good source of information on the governance of schools and gives links to other useful websites

### **School admissions**

- Part 3 (sections 39-54) of the Education Act 2006, available from the HMSO website [www.hmsso.gov.uk](http://www.hmsso.gov.uk)
- Part 3 of the School Standards and Framework Act 1998, available from the HMSO website [www.hmsso.gov.uk](http://www.hmsso.gov.uk)
- Part 3 of the Education Act 2002, available from HMSO [www.hmsso.gov.uk](http://www.hmsso.gov.uk)
- School Admissions Code and School Admission Appeals, available from DCSF [www.dcsf.gov.uk/sacode](http://www.dcsf.gov.uk/sacode) or from DCSF publications centre, Tel: 0845 6022260
- The New School (Admissions) (England) Regulations 2003, available from HMSO [www.hmsso.gov.uk](http://www.hmsso.gov.uk).

### **School staffing**

- Part 3 of the Education Act 2002 (sections 35-37), available on Governornet [www.governornet.co.uk](http://www.governornet.co.uk)
- Education (Head Teachers' Qualifications) (England) Regulations 2003 (SI 2003/3111), made under section 135 of the Education Act 2002, available from HMSO [www.hmsso.gov.uk](http://www.hmsso.gov.uk)
- School Staffing (England) Regulations 2003 (SI number 2003/1963), available from HMSO [www.hmsso.gov.uk](http://www.hmsso.gov.uk)
- Further information on staffing functions, including staffing regulations and statutory guidance, is available on [www.governornet.co.uk](http://www.governornet.co.uk) (search using '2003 No. 1963')
- [www.teachernet.co.uk](http://www.teachernet.co.uk) is a good source of information on the employment, pay and management of teachers and gives links to other useful websites
- School Teachers' Pay and Conditions Document 2006 is available on Teachernet [www.teachernet.gov.uk/management/payandperformance/pay/2006/](http://www.teachernet.gov.uk/management/payandperformance/pay/2006/)

## Recurrent funding

- [www.teachernet.gov.uk/management/schoolfunding/](http://www.teachernet.gov.uk/management/schoolfunding/)

## Special educational needs

- The parents guide sets out the main points of the Code of Practice, explaining procedures and informing parents of their rights - *SEN: A Guide for Parents and Carers*.

## Equal opportunities

- Race Relations (Amendment) Act 2000
- Special Educational Needs Code of Practice, 2001  
[www.teachernet.gov.uk/wholeschool/sen](http://www.teachernet.gov.uk/wholeschool/sen)
- Code of Practice for Schools – Disability Discrimination Act 1995: Part 4 (2002)  
[www.drc-gb.org](http://www.drc-gb.org)
- Accessible Schools: planning to increase access to schools for disabled pupils  
[www.teachernet.gov.uk/accessibleschools](http://www.teachernet.gov.uk/accessibleschools)
- Disability Discrimination Act 1995 - as amended by the Special Educational Needs and Disability Act 2001
- Disability Discrimination Act 2005
- Equality Act 2006
- The Equality Act (Sexual Orientation Regulations) 2007

## Community cohesion

- Education Act 2002 section 21(5) as inserted by the Education and Inspections Act 2006 placed a duty on school governing bodies to promote community cohesion
- Equality Act 2006
- Race Relations (Amendment) Act 2000
- Community Cohesion Education Standards for Schools, September 2004
- Community Cohesion – an action guide, LGA guidance for local authorities, 2004
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- Strong and Prosperous Communities – the Local Government White Paper, 2006

We hope you found this guide helpful. If you have any questions or comments, please call 01325 391 282, or email [school.organisation@education.gsi.gov.uk](mailto:school.organisation@education.gsi.gov.uk)

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