



## Free Schools – a UNISON briefing

The Academies Act 2010 includes a provision for so called *Free Schools*. These will be new schools which can be set up by parents, charities, business or faith groups.

### What is the difference between Free Schools and Academies?

Free Schools will have the same legal requirements as academies and will be accountable like other state schools and academies via inspections and tests. However, unlike the new academies, which are a change from existing maintained schools, Free Schools are brand-new schools which can be set up where there is parental demand. According to the Department for Education (DfE), a threshold of just 40 or 50 parents will be needed for a primary school bid, with more support needed for a secondary school.

Free Schools will in fact be academies and therefore:

- can set their own pay and conditions for staff
- are independent from the local authority
- do not need to follow the National Curriculum
- can change the length of terms and school days

The DfE says that groups wanting to set up a Free School need to contact the New Schools Network (NSN). Even though the NSN describes itself as an independent charity it is working on behalf of the DfE acting as the first point of contact and providing information and advice on the process of setting up a Free School. For this purpose it has been given a grant of £500,000 for one year until 31 July 2011 (to be reviewed in November 2010).

The Government expects all Free Schools to be established on a non-profit-making basis. However, like all state schools, Free Schools will be able to subcontract elements of the running and management of the school to other organisations, including private companies.

Controversially, independent schools can also become Free Schools and thus receive state funding if their admissions policy is in line with the Admissions Code (i.e. they will not be able to retain any existing academic selection admission arrangements).

The Government expects the first Free Schools to open in September 2011.

## **What does this mean for local authorities and for other schools?**

It seems likely that Free Schools could threaten local education budgets as existing state schools are likely to lose pupils, and therefore funding, to the new Free Schools.

Dame Margaret Eaton, Chair of the Local Government Association, comments: "Whatever the combination of free schools, academies and community schools, someone needs to make sure there is the right number of places available, that the admissions process operates fairly and that funding is distributed efficiently. In a system which makes it easier for new schools to open up and encourages a wider range of providers it is more, not less, important that there is a body involved that understands a local area and can have some oversight of that area's education system."

## **Free Schools in converted shops?**

Free Schools are based on practice in Sweden and the USA. Both Swedish free schools and US charter schools are allowed to be "creative" with spaces used for schools. In both countries, school space is often rented with offices or churches and is converted for small school provision. It seems that the DfE has a similar intention for England by relaxing building requirements for Free Schools and some building companies have already offered to convert empty shops into school premises.

The DfE website states that the Government expects many Free Schools to be able to find premises to rent, and notes:

We will remove the unnecessary and burdensome regulations that get in the way of local communities securing sites for new schools. This will include allowing a wider range of sites to be used as schools without the need for 'change of use' consent.

Planning rules are going to be changed so they can be set up in converted commercial or residential buildings. It's going to be more village schools on a budget in an inner-city setting. But this will raise questions about what kind of minimum facilities will be allowed in schools.

In Sweden, Free Schools set up in converted empty offices and shops often have very few facilities. They rarely have libraries or art, design & technology, cookery or sports facilities, as these take up space and are expensive. So this raises the question as to how pupils will be given a wide enough range of subjects and experiences.

Professor Alan Smithers, Director of the Centre for Education and Employment Research, also pointed out that the typical cost of converting an existing building into an average-sized school of 1,000 pupils would be about £2.5 million. Therefore £50 million that the Government is providing for the project this year is not a realistic figure.

## **What will it cost?**

The DfE says that Free Schools will be funded on a comparable basis to other state-funded schools. However, there will be start-up capital funding. £50 million of funding from the

Harnessing Technology Grant would be re-allocated to create a Standards and Diversity Fund, and this will provide the capital funding for Free Schools up to 31 March 2011. The £50m of funding had previously been allocated to helping schools procure the right IT for pupils. In other words, the Coalition is taking the money which was most advantageous to less well-resourced schools and is giving it to a project which will mostly benefit the better off who have the time and resources to set up their own schools. The DfE also says that funding for Free Schools will be a top priority.

The Government's Free Schools programme will mean new providers - from the UK and abroad who will run and manage schools. It will inevitably cost more money. There will be set-up costs and there will be over-provision of school places in a given local area. That means an increase of costs at a time when the country can least afford it.

The question remains how such an expansion in schools will be funded. It will mean paying for new teachers and equipping buildings, while still maintaining the existing school system. And when cuts are being made to education budgets, there will be questions about where this money will be found - and what might be cut to pay for it.

The Secretary of State, Michael Gove, has promised that this will not mean cutting per pupil spending - and it will not mean taking resources from existing schools. However, there is a very practical question about the financial consequences. Existing schools will lose the full value of the pupils that will go to the new Free School, but can only make marginal savings. The consequences of having to stretch the budget might well be larger class sizes.

Despite reassurances from the DfE that Free Schools would not be allowed to run for profit, there is the strong possibility that governing bodies would increasingly contract out the running of schools to private companies in return for management fees. And private companies would only take over these contracts if they can make a profit. It might only be a question of time until the Government formally allows profit making in our schools.

At a time when education budgets are about to be seriously cut, the priority being given to establishing these schools must be questioned.

## **Who will benefit from Free Schools?**

The creation of Free Schools' is likely to create chaos at local level. Groups setting up their own schools irrespective of local planning needs will lead to planning gridlock and social division.

The reforms could also cement inequalities, as children with parents who are willing and able to put in the time and effort required to set up schools will reap the benefits, while the rest are left behind.

The DfE says that Sweden's Free Schools have not driven up segregation but improved standards for all. Yet the National Agency for Education (NAE) in Sweden points to a system that shows, fairly unambiguously, that segregation has increased. The NAE has found that free schools have higher results on average than municipal (state) schools, but that a significant factor for parents who opt for Free Schools is 'choosing a particular desirable social context'. In other words, Free Schools are a magnet for the middle class. Ann-Christin Larsson from the Swedish teaching union Lärarförbundet said at a Seminar in London in March 2010 that Free Schools had created more segregation. *"Pupils attending these schools are from better off,*

*more educated families. It's because they are more informed and they know how to work the system better."*

In England, a leading education lawyer, Graham Burns, who is acting on behalf of three groups of parents who wish to establish their own parent-led Free Schools, told the *Guardian* that parents from poor neighbourhoods will be unable to access the policy because they lack money and influential friends.

Burns said well-connected parents would be far more likely to succeed in setting up their own schools because they had the necessary funds and could access help to navigate the legal and bureaucratic maze.

Parents who are preparing to set up their own schools have admitted they have barristers, architects and surveyors on side and are dedicating hours of their free time to the project each day.

### **Private companies are moving in**

The BBC reported on 14 August 2010 that private firms were lining up with parent groups to run Free Schools in England. Some education firms are already working with groups on their applications to set up the new schools. Others are seeking to get into the market by teaming up with education charities. The charities themselves are also joining up with parents and teachers to try to establish new schools. This seems to confirm what UNISON has said right from the start, parents would hardly have the time or the know-how to run schools – so this is the big way in for private companies.

The world's largest provider of independent education abroad, Gems, says it is already working with groups on setting set up Free Schools and academies under the new legislation. Firms such as Pearson, Serco, Tribal and Nord Anglia are all said to be seeking work in this area, although none would be allowed to make a profit. Edison Learning is advertising its services on its website as specialists in "schools' operating systems". Consultancy firm Cambridge Education is offering on its website "a complete package of support is available for anyone wanting to set up a free school".

Gems incoming chief executive Zenna Atkins, who is moving to the firm in September from her post as chairman of Ofsted, said that a lot of big consultancy firms had been offering to help groups set up free schools.

Roy Blatchford, head of charity National Education Trust which specialises in school improvement work, said: "We have been approached by a number of different businesses including property companies who are interested in opening a school with an education provider." Charities have the advantage that they can make the application to set up a Free School themselves.

Neil McIntosh, chief executive of CfBT Education Trust, a big international charity<sup>1</sup>, said it would be submitting an application to set up a Free School in Berkshire and had been talking to six groups about future plans.

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<sup>1</sup> CfBT is ranked 30 out of 3,000 charities in the UK based on income in *Top 3,000 Charities 2010/11* published by Caritas Data

England's football Premier League has also indicated an interest in setting up its own Free Schools. It currently runs 'football academies' at its clubs offering young footballers between nine and 16 hours specialist training and coaching. The League's chief executive now sees an opportunity to extend sport training from currently five hours a week to much more since Free Schools will be able to determine their own curriculum.

## **First Free Schools announced**

On 5 September 2010, the Secretary of State announced the setting up of 16 Free Schools. These are far fewer than anticipated by the Government.

The proposals approved to go forward to business case and plan stage are:

- Bedford and Kempston Free School, Bedford Borough
- The Childcare Company, Slough
- Discovery New School, West Sussex
- The Free School Norwich, Norfolk
- Haringey Jewish Primary School, Haringey
- I-Foundation Primary School, Leicester
- King's Science Academy, Bradford
- Mill Hill Jewish Primary School, Barnet
- Nishkam Education Trust, Birmingham
- North Westminster Free School (ARK), Westminster
- Priors Marston and Priors Hardwick School, Warwickshire
- Rivendale Free School, Hammersmith and Fulham
- St. Luke's School, Camden
- Stour Valley Community School, Suffolk
- West London Free School, Ealing or Hammersmith and Fulham
- Wormholt North Hammersmith Free School (ARK), Hammersmith and Fulham (to be known as Burlington Primary Academy)

## **What branches can do?**

- use any local avenues to get information about planned Free Schools
- check any proposed company with UNISON's Bargaining Information System (BIS) at <http://www.unison.org.uk/bargaining/bis.asp>
- write to councillors and MPs to highlight UNISON's concerns about the planned Free School (attached is a model letter which branches can adapt as appropriate)
- build local alliances and campaigns using the media
- establish joint union action groups involving teaching unions and other support staff unions at local authority level
- affiliate to the Anti Academies Alliance and take part in their local actions

## Government criteria for setting up a Free School

The Department for Education has published on its website the criteria for setting up Free Schools. The details are given below.

<b>Criteria</b>	<b>Proposers will need to</b>
Suitability to establish / run a school	<p>Comply with all aspects of the rigorous suitability and vetting tests throughout the application process, including due diligence and CRB checks. The Secretary of State will consider each proposal on its merits, and take into account all matters relevant to that proposal and will generally reject any proposers who advocate violence, intolerance, hatred or whose ideology runs counter to the UK's democratic values.</p>
Clear educational aims and objectives and sufficient capacity and capability to implement these	<p>Set out details of the educational aims and objectives for the school, including any particular teaching methods that will be used and any philosophy that the school will follow. Aims and objectives must be compliant with the Independent School Standards (including requirements around the quality of the education provided).</p> <p>Draw up a written policy on the curriculum, supported by appropriate plans and schemes of work. This must include details of your plans to meet curriculum requirements as set out in the model funding or grant agreement and the Independent Schools Standards.</p> <p>Provide evidence of your capacity and capability to deliver the educational aims and objectives of the school. Evidence of capacity could include demonstrating how many people you have working on your application, how much time they are able to offer, and any sources of funding you may have. Evidence of capability could include details of any educational expertise you may have. You do not have to be an existing educational provider to be approved. New providers will need to demonstrate how they will ensure they have the skills, resources and time needed to implement their plans, for example through a link with a third-party organisation or through access to other sources of educational expertise. Existing education providers will need to demonstrate that they have sufficient capacity to deliver their aims and objectives for the new school and that they have a good record of success. Again, any plans to work with third-party organisations need to be declared and details of the relationship provided. Commercial conflicts of interest must also be declared.</p>
Evidence of demand	<p>Evidence of genuine, robust demand for places at the proposed school, e.g. through a petition or a declaration from interested parents.</p> <p>Alongside this, proposers will have to demonstrate that planned pupil numbers will support a financially viable business plan.</p>
Financial viability	<p>Produce a financially viable business case and plan which includes details of when the school is expected to reach capacity, robust evidence of demand, staffing structure, upfront and ongoing premises costs, etc. to demonstrate the long-term viability of the school across a minimum of five-year projections.</p> <p>Produce a business case providing a clear rationale for any start-up and development support that the proposer considers necessary.</p>

Suitable premises	<p>Evidence that the proposer has been actively seeking a site for the proposed new school and/or has given careful consideration to the type of site/building which will be needed (proposals stage).</p> <p>High-level costings for any sites identified including cost of renting/purchasing land/buildings, any planned refurbishment or new build.</p>
Leadership and management	<p>Produce plans for putting in place strong and effective leadership, including progress on identifying a principal designate.</p> <p>Set out plans for staffing structure and report progress on (i) identifying staff needed and (ii) planning how and when staff will be recruited.</p> <p>Demonstrate that your staffing plans support a business plan which is financially viable.</p>
Ability and willingness to meet the Independent School Standards	<p>Commitment to comply with Independent School Standards and, prior to opening, completion of independent schools registration. Regulations under the Education Act 2002 set out the standards that independent schools must satisfy as a condition of registration, and these include producing written policies on behaviour, child protection and complaints procedures.</p>
Ability and willingness to meet the terms of the funding agreement or grant agreement	<p>Commitment to comply with terms of the funding agreement or grant agreement. These terms include</p> <ul style="list-style-type: none"> <li>• not charging for provision</li> <li>• governance</li> <li>• funding/grants</li> <li>• accounting requirements</li> <li>• termination</li> <li>• admissions</li> <li>• compliance with Government test requirements.</li> </ul>