



Department
for Education

Opening a 16 to 19 specialist maths school

**A guide for maths school proposer
groups in the pre-opening stage**

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1. Introduction

Maths schools: the pre-opening phase

1.1 Congratulations on receiving approval for your maths school to enter the “pre-opening” phase¹. This guidance is designed to support you through this phase and sets out the legal requirements and key tasks you will need to undertake to ensure your maths school opens successfully.

1.2 In order to open a maths school the Secretary of State will need to enter into a legal contract (the [funding agreement](#)) with the academy trust. The Secretary of State will sign a funding agreement only if he/she is satisfied that the school will provide a good standard of education with a viable and sustainable number of pupils from its first day of operation, and that there is a suitable site for the school that provides good value for money. The department will advise, challenge and support you throughout the pre-opening phase to ensure that your maths school meets these requirements and the specific criteria for maths schools. These criteria² are: strong university engagement; governance; qualifications, curriculum and stretch; improving social mobility particularly through wider outreach and partnership working; the capacity and capability including people with the skills, resources and commitment to set up a maths school; and an admissions policy and plans for identifying and selecting pupils.

Working with the department

1.3 During pre-opening, you will be assigned a lead contact from the department. In most cases, your lead contact will have supported you in the development of your maths school business case. Your lead contact will work with you clarifying, where necessary, what needs to be in place in order to open your maths school. You will receive specialised support to help secure the site and buildings for your maths school (covered in more detail in the section on [Site and buildings](#)) and you will also have access to educational support (covered in more detail in the section on [Staffing, education plans and policies](#)).

1.4 You will communicate regularly with your lead contact from the department and there will be a number of formal meetings at specified milestones. These include an initial

¹ The pre-opening phase is the time after a maths school business case has been approved and prior to when a maths school opens during which detailed plans for the school will need to be developed and delivered.

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693836/How_to_apply_to_set_up_a_maths_school_for_16_to_19_year_old.pdf

kick-off meeting, a checkpoint meeting to determine the provisional opening date of your maths school and a readiness to open meeting (about 3 months before opening).

1.5 At all of these meetings, and throughout the process, we will monitor the project's overall progress, identifying any key risks which might prevent the maths school from opening on time and operating successfully. We will also assess the costs you have incurred to date and your expected future spend of your project development grant (see section 6).

Determining the opening date of your maths school

1.6 Agreeing a provisional opening date is a key milestone in pre-opening. In most cases, agreement of your provisional opening date will only happen once a site has been confirmed, and we have assessed the time needed for obtaining planning permission and completing necessary building works or refurbishment. Our normal lead-in times for acquiring and delivering sites are at least a year (and can be up to three years). You may need to be flexible about precisely where the maths school is located as well as about the year of opening.

1.7 However, we are aware of the importance of maths schools being located near to the universities who are supporting them, in a place that is easily accessible via good transport links. DfE will work with LocatED³ to ensure that these requirements are met wherever possible (see section on [sites and buildings](#) for more information).

1.8 Until a suitable site has been secured, we would expect you to maintain momentum by continuing to develop plans for areas such as:

- admission arrangements
- curriculum plans
- outreach plans
- governance plans including reviewing memorandum, articles of association and developing a Memorandum of Understanding (MoU)⁴
- marketing plans

³ LocatED is a government-owned property company, responsible for buying and developing sites in England to help meet the government's commitment to build new free schools.

⁴ A Memorandum of Understanding (MoU) is an agreement between the maths school trust, its university partner and any other relevant partners and sets out the agreed actions that the partners will take. DfE can provide a template.

1.9 However, we would not normally expect you to undertake the following, which require confirmation of a site and provisional opening date, without prior agreement of the department:

- recruit the principal designate and other key staff
- carry out the statutory duty under Section 10 of the Academies Act 2010 to consult on your maths school proposal
- agree the terms set out in the funding agreement and understand the associated legal responsibilities and implications
- recruit pupils to your maths school.

2. Governance

Introduction

2.1 You need to put in place strong governance arrangements during pre-opening to manage your project through its pre-opening phase and to ensure your trustees are ready to manage your maths school effectively once it opens. Governance arrangements should demonstrate explicit links between the maths school and its university partner. In addition strong and current post-16 expertise should be embedded within your governance arrangements.

2.2 Every maths school is run by an academy trust: a charitable company limited by guarantee. You should have set up your trust before submitting your business case. Trusts are owned by their members. The members who own the trust then appoint trustees who will govern the maths school. In every academy trust, the trustees also have the role of being governors and company directors so in order to avoid confusion we use the term trustee.

2.3 The [governance handbook](#) has more information about the roles of members and trustees and outlines the features of effective governance. You should consider this when formulating your governance arrangements. A summary is provided below.

2.4 The All Party Parliamentary Group on Governance has published a [list of twenty questions](#) for a governing body to ask itself, some will be appropriate as a prompt for review once the maths school opens, but most will be useful in helping you to plan during pre-opening.

Members

Members have a general duty to exercise their powers to further the academy trust's charitable purpose. Members' powers include:

- appointing and removing trustees
- appointing and removing members
- amending the articles of association

2.5 The members' role is similar to that of the shareholders in a company. They have a role in ensuring the governance arrangements of the trust, as detailed in the articles of association, are robust and fit for purpose. Trusts must be established with at least three members, though it should be noted that trusts can have more should they choose to. The department's strong preference wherever possible is for trusts to have at least five members. This ensures that the trust has enough members to take decisions via special resolution (where 75% of members agree) without requiring unanimity while minimising

circumstances in which a split membership prevents decisions being taken by ordinary resolution (where at least 51% of the members are in favour). Members must not be employed by the trust.

- In the case that you have set up the trust specifically for the maths school, the majority of members should be university representatives and at least one of those should be an ex-officio senior member of the university.
- In the case where you have an existing multi-academy trust, at least one member should be an ex-officio senior member of the university.

If members are to be appointed by the university then the university should be a corporate member. We would recommend that the university or any other partners are signatories to a memorandum of understanding (MoU).

2.6 We expect the majority, if not all, of members to be independent of the board of trustees. This enables members to exercise their powers more objectively and reduces the risk of unchecked 'group think' by the board.

Trustees

Trustees are responsible for the operation of the academy trust, including:

- the three core functions of governance set out in the [governance handbook](#)
- ensuring compliance with charity and company law and the funding agreement
- as appropriate, delegating governance functions to local governing bodies (LGBs) if there are a number of schools within the trust.

2.7 Trustees are responsible for setting the strategic priorities for the maths school, holding the senior leadership team to account and ensuring that money is spent properly and effectively. Trustees must ensure compliance with the trust's charitable objects and with company and charity law. The board of trustees signs off the annual accounts and is responsible for adherence to the trust's funding agreement with the Secretary of State. It is the trustees who are therefore responsible for the trust's accountability to Parliament and to the Secretary of State as the Principal Regulator of academies as exempt charities.

2.8 The number of trustees you need should be determined by the experience and skills needed to run your maths school. Large boards of trustees (as a guide, more than thirteen trustees) should be avoided because large groups can find it harder to make decisions quickly and effectively.

2.9 Trusts need to have arrangements to ensure members and trustees avoid conflicts of interest wherever possible. Trusts need to be transparent, through a published register of interests, about all potential conflicts of interest and to manage them appropriately in line with the [Academies Financial Handbook](#) and [Charity Commission](#) guidance.

Confirming members and trustees

2.10 Your lead contact will ask you to confirm the names of any members and trustees you have already appointed. You are required to advise Companies House within 14 days of appointing a director (trustees) and to advise the department within 14 days of any change (appointment or removal) of any trustee or member of the trust.

Governance arrangements

2.11 A trust's governance arrangements are laid out in its articles of association. The department provides [model articles of association](#) documents for groups to use. You will need to submit your trust's articles of association, using the relevant model articles, to your lead contact, along with the completed confirmation of the model articles checklist⁵.

2.12 The founding **members** of the academy trust sign the trust's articles of association. Members have powers to appoint and remove trustees and can make changes to the articles (although permission from the Secretary of State and/or the Charity Commission will be required in some cases).

2.13 The department reserves the right to request a [Suitability and Declarations](#)⁶ form from any proposer if we deem it necessary and your lead contact will contact you about which people we will request forms for. Failure to submit suitability and declarations forms for members and trustees and the principal designate (when appointed) is likely to delay the progress of your maths school proposal (see section on [due diligence](#)).

Making sure you have established your academy trust properly

2.14 The academy trust will be the signatory to the funding agreement, and the legal owner of the maths schools site and other assets. Setting up your academy trust allows you to open a company bank account, into which the department will pay your project development grant (see section on [funding and finance](#)).

2.15 The articles of association describe your trust's constitution and establish the framework of your governance arrangements. The department's model articles have

⁵ See annex B to proposer guidance at <https://www.gov.uk/government/publications/free-school-pre-opening-guide>

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/579941/Info-Free_school_applications_suitability_and_declarations_Aug_2016.pdf

been designed to follow best practice in corporate, charitable and school governance. This is why our expectation is that you will adopt our latest [model articles](#) to establish your academy trust. Groups that are part of a multi academy trust (MAT) will need to use the department's model multi academy articles. Trusts moving from single to multi academy trust arrangements will also be expected to move to the department's model master and supplemental funding agreements when the time comes to sign the funding agreement for their new maths school.

2.16 Where a MAT is establishing a maths school to be overseen by a local governing body (LGB) we will expect that LGB to have the necessary expertise, in particular in mathematics and 16-19 education. If a MAT chooses not to establish a LGB it will need to demonstrate that it has the capacity to govern its new maths school centrally and will ensure that the trust has the expertise necessary.

2.17 MATs may establish local governing bodies to which the trustees can delegate certain functions. Individuals on the local governing body are referred to as local governors. For maths schools within a MAT, we would expect the majority of local governors to come from nominees of the university/university partner and include those with expertise in mathematics and 16-19 education. Local governors are not trustees (unless they also sit on the board of the MAT). While MATs can delegate functions to local governing bodies, they remain accountable and responsible for these.

2.18 If you have an established trust you must move to the department's latest model *master funding agreement* for the new maths school and any future free schools or academies, if you are not already on the latest model.

Size of your board of trustees

2.19 The number of trustees you have should be determined by the needs of your maths school. Between six and twelve high-calibre trustees with the specific skills and experience you will need to run a maths school ought to be sufficient to manage your trust effectively.

2.20 You will have indicated the size of your board of trustees in your articles. The articles require you to specify how many trustees will be appointed by the members and that you will elect a minimum of two parent trustees. In a MAT, this can be at board level or alternatively on each LGB. When an insufficient number of candidates stand for election, the board of trustees will appoint the required number of parent trustees or local governors. The articles will also specify the number of trustees that will be appointed by the university, if appropriate.

2.21 If you are establishing a LGB, you should ask yourself the same questions about size, skills and structures as you would when setting up a board of trustees for a single academy trust. You should also consider what, if any, responsibilities should be delegated from the trust board to the LGB, avoiding duplication or overlap between the

role of LGBs and the board in holding executive leaders to account. These should be set out in a clear written scheme of delegation published on your website.

2.22 No more than one third of the total number of trustees can be employees of the academy trust. Our strong preference is that the principal/CEO of the trust should be the only employee who is a trustee. The number of trustees who are local authority associated cannot exceed 19.9%. This includes anyone who is a member of a local authority, or has been within the past four years, where that organisation has a responsibility for education, or is a district or parish council where there is a land or other commercial relationship with the trust.

2.23 You should expect your lead contact to challenge you if the number of trustees set out in your articles is greater than twelve or does not include people with the specific skills and experience required to run a successful maths school. The department will want to be assured that any larger body is justified, according to the likely demands of running your maths school. Your lead contact may suggest that you ask some individuals to stand down if it is not clear that they will bring essential skills to the board of trustees, or if they judge the size of the group to be unwieldy.

Ensuring you are recruiting the right people as trustees

2.24 You need to ensure that the people you recruit as trustees understand the requirements of the role and have the commitment, experience and skills to be effective. In addition to university representation (see para 2.5), at least one trustee should have maths expertise and another expertise in 16-19 education. The department has published a competency [framework](#) for governance setting out the competencies needed for effective governance and you should take this in to account when appointing trustees. Your lead contact will want to be clear about the skills and experience each trustee brings and what role they will fulfil.

2.25 This will particularly important when you recruit the chair of trustees. The chair's relationships with the principal and the trust members are key to effective accountability between the trustees and the school, and between the trust members and the board of trustees. The department and National Governance Association guidance '[Leading governors: the role of the chair of governors in schools and academies](#)' will provide a useful guide to the skills you need to look for in a chair, and help them settle into the role on appointment.

2.26 The trustees of a maths school need to be assured that its financial systems, transactions and risks are being adequately assessed and addressed. Trustees are also responsible for establishing internal controls that recognise public expectations about governance, financial management and financial probity, and expectations on the stewardship of public funds by the ESFA's accounting officer and parliament. Maths schools need to check that their financial and other controls are operating effectively. More information on how to do this can be found in the [Academies Financial Handbook](#).

2.27 Your lead contact will want to be clear about the skills and experience each trustee brings and what role they will fulfil. They will also want to see that there is sufficient independent challenge and internal scrutiny within the trust board.

2.28 Parent trustees are elected by other parents, not the trust, but they are expected to act in the best interests of the trust in the same way as all other trustees. They take on the same responsibilities as every other trustee so it is vital that you do what you can to ensure that candidates understand the role and have the necessary skills and commitment (the term of office is two years).

2.29 Most free school proposers dedicate some of their project development grant (PDG)⁷ (see section on funding and finance) to trustee training. We strongly recommend that you follow suit. You will want to consider signing your trust or LGB chair up to one of the governance [leadership development programme that are funded by the department](#). The programme is delivered by [departmental contracted providers](#), with enrolment on a regular basis.

Finding trustees and when to appoint

2.30 DfE-funded support is provided to schools to help them find trustees by [Inspiring Governance](#) delivered by the Education & Employers Taskforce in partnership with the National Governance Association.

2.31 In recruiting your board of trustees you should aim to have recruited a capable chair and identified the majority of your trustees at least six months before your school's provisional opening date. This does not include parent trustees, who you can appoint during the first term post-opening. Your lead contact will challenge you on progress on trustee appointments throughout the pre-opening period and governance will be a key focus at your readiness to open meeting, where the chair will be expected to play a full part in the discussion, alongside the principal.

Trustee's commitments pre and post-opening

2.32 The skills sets required for the pre-opening and post-opening phases are different. You may be tempted to appoint, as trustees, individuals who make a strong contribution to the pre-opening project team. This can be appropriate but only if you are confident that an individual will make a full contribution as a trustee in the longer term. If not, there are other ways to involve supporters and give people a say over the running of the maths school, for example as non-trustees sitting on committees, or on informal working groups

⁷ The project development grant (PDG) is intended to cover all revenue costs up to the point when the school opens.

reporting to the trustees. Effective use of committees and working groups can also lessen the burden on individual trustees.

2.33 You will need to ensure you have trustees with sufficient capacity, particularly in pre-opening and the early years of the trust, to undertake their commitment to the role, which can be significant. During pre-opening some trustees take on additional responsibilities as part of the project team; this contribution can be vital and is welcomed, but it will be important to ensure that trustees understand the need to take a more strategic role as the maths school moves towards opening. To support this, having a transition plan in place can help trustees to make the necessary adjustments. We also recommend using the guidance in the [Governance Handbook](#), which describes the role and duties of governors and trustees in academies.

2.34 Your lead contact will ask you throughout the pre-opening process how trustees are managing the transition from pre- to post-opening.

Sub-committees and working groups

2.35 During pre-opening, you will need to determine how your board of trustees will be structured. A key consideration will be how to make the most effective use of committees, including, if you are part of a MAT, local governing bodies and working groups. Trust boards are expected to have a finance committee, but can set up other committees covering other areas of business, such as curriculum and attainment.

2.36 Trustees can formally delegate decision-making powers to a committee, in accordance with the trust's articles, allowing it to make decisions on behalf of the board of trustees. Other committees may focus on specific issues and make recommendations to the trustees. The constitution of committees is for the trustees to decide (except where you do not have two parents on the board of trustees: MATs must then have two parents on each local governing body). Non-trustees can be co-opted onto committees and can vote on that committee, although (except in the case of local governing bodies) the majority of committee members must be trustees. Committees can therefore be a helpful way to bring additional expertise to support the trustees. Your decision on whether to establish a committee should be based solely on the needs of your maths school and the skills of your trustees. It is also important to remember that the board of trustees retains overall accountability, regardless of what powers it delegates to any committee.

2.37 As an alternative to a standing committee, you could consider setting up a working group to offer advice to the trustees on specific issues or to give a voice to a particular group such as parents or the community. Because of its informal nature it can be easier to stand down a working group once an issue has been resolved, avoiding unnecessary demands on people's time. You cannot delegate decision-making powers to a working group.

Appointments

Accounting officer

2.38 Each maths school must designate a named individual as its accounting officer. The individual must be a fit and suitable person for the role. In single maths schools, this should be the principal. If a maths school is joining a MAT, it should be the senior executive leader.

2.39 The role of the accounting officer includes a personal responsibility to the ESFA's accounting officer and to parliament for the financial resources under the maths school's control. The maths school's accounting officer must be able to assure the ESFA's accounting officer, parliament and the public of high standards of probity in the management of public funds. This requires the maths school's accounting officer to have appropriate oversight, alongside the board of trustees for:

- the establishment, maintenance and monitoring of the maths school's internal control arrangements
- ensuring the maths school's assets and property are under proper control
- reducing the risk of fraud or irregularity
- keeping full and accurate accounting records to ensure ongoing viability

2.40 The maths school's accounting officer is also required to sign the following:

- a statement on regularity, propriety and compliance which is included in the maths school's audited annual accounts
- an annual value for money statement explaining and demonstrating with examples how the maths school has secured value for money

2.41 It is, therefore, very important that the trustees of the maths school establish robust internal control arrangements leading to the efficient clearance of these documents.

2.42 More detail on the role of the accounting officer and how this can be discharged can be found on the [National Association of School Business Management's website](#).

Senior executive leader

2.43 You will be required to appoint a senior executive leader (SEL), in practice also known as the Principal, Executive Principal or CEO. The SEL must be the head of the line management executive chain and be held accountable by the board of trustees for the performance of the whole trust. The SEL should also be the maths school's accounting officer. The SEL role must not rotate between individuals, although it may be filled by a job-share.

2.44 The appointment of a SEL does not require an additional person to be employed. In single academy trusts (SATs) the SEL will be the principal; for MATs the SEL could continue to be the principal of an individual academy within the MAT while also acting as CEO. It is important to remember that there is no 'lead school' in a MAT. The board must not favour or show allegiance to one school, but foster a common ethos and vision across the whole MAT. The appointment of an accounting officer or SEL does not remove the responsibility of the board of trustees for the proper conduct and financial operation of the trust.

Chief finance officer

2.45 Maths schools must demonstrate a capacity in their governance and financial management structures to safeguard public funds. An integral element is that maths schools must appoint a chief finance officer (CFO) who will act as the trust's finance director, business manager or equivalent, to lead on financial matters. However, as maths schools are smaller schools it may not be possible to justify the salary of a CFO. Trustees can elect to have this position filled by employing staff or contractors with relevant skills or knowledge at the appropriate time, provided effective governance and robust financial management is preserved. More detail on the role of the CFO can be found on the [National Association of School Business Management's website](#).

Clerk to the trustees

2.46 You are required to appoint a clerk to the trustees who will administer board meetings and ensure that all the necessary legal procedures are followed. Each meeting of the board of trustees must be formally recorded, and be clear on the matters discussed and the actions approved. There may also need to be formal documents produced and circulated before or after each meeting. All of these duties are performed by the clerk. More information on the role of the clerk and how to appoint a clerk can be found [here](#).

Delivering assurance

2.47 Academy trusts must have in place a process for checking their financial systems, controls, transactions and risks. This programme of risk review and checking of financial controls can be managed in the way that you deem most appropriate in your circumstances. Options include:

- the appointment of an internal audit service (either in-house, bought-in or provided by a sponsor)
- the performance of a supplementary programme of work by the trust's external auditor
- the appointment of a non-employed trustee with an appropriate level of qualifications and/or experience to check the trust's internal controls, who neither

charges, nor is paid by the trust for their work (this appointment is not mandatory but is one way trusts are able to conduct their internal checks)

- a peer review, with the work being performed by the CFO, or a suitably qualified or experienced member of the finance team, from another academy trust, as an independent reviewer

2.48 Further information on internal scrutiny can be found in the [Academies Financial Handbook](#).

Conflicts of interest

2.49 A conflict of interest can be defined as:

“any situation in which a trustee’s personal interests, or interests that they owe to another body, may (or may appear to) influence or affect their decision making.”

2.50 It is inevitable that conflicts of interest will arise at some time and even the perception of a conflict of interest can damage your trust’s reputation. Your priority should be to ensure that your trustees understand their responsibilities for managing public money, which are set out in detail in the [Academies Financial Handbook](#) and include putting the right mechanisms in place to identify and manage conflicts of interest.

2.51 Conflicts are most likely to arise where trustees or their relatives intend to provide goods or services to the trust, or where a trustee’s personal, family or professional relationships will, could, or might be seen to compromise their ability to act solely in the interests of the trust. Your lead contact will challenge any appointment they feel creates an unacceptably high risk of a conflict for your trust, but the responsibility is yours and we will expect you to ensure that:

- any individual or organisation represented as a member or trustee of your academy trust, or with influence over the trust through other means, understands that they will only be able to bid for contracts from the trust on an ‘at cost’ basis. This is in line with the approach taken by the department with approved academy sponsors
- trustees and members comply with the protocols set out at articles 6.1-6.9, 97 and 98 of the model articles, which ensure that decisions are taken without bias and that individuals who are ‘conflicted’ take steps to avoid influencing a decision
- trustees establish and maintain a register of interests to identify and record potential areas of conflict. The register should be completed, kept up to date and regularly reviewed by all trustees and any staff with budgetary control, covering them and their family members. This will show that your trust’s decisions are being made free from conflict. The register of interests should be a standing item at every meeting of the board of trustees.

2.52 The [Charity Commission](#) has produced helpful guidance on identifying and avoiding conflicts of interest. The department will take very seriously any failure to manage conflicts of interest properly and negligence could lead to the cancellation of the project.

Where can you get support?

2.53 The department's [National Leaders of Governance](#) (NLG) programme provides governing bodies in open schools with advice, support and coaching from experienced chairs of governors. It is also open to free schools in pre-opening to help them put in place effective governance arrangements. To identify an appropriate NLG lead, contact governors.mailbox@education.gov.uk.

2.54 Ideally, you will have recruited your chair of trustees, have a plan for trustee recruitment (based on a skills analysis) and thought about the structure of your board of trustees, before you draw on support from NLG. The [NLG website](#) provides examples of the challenge and support you can expect to receive from NLG.

How we will work with you

2.55 Your lead contact will support you to examine your governance plan, including the structure, roles and responsibilities, details of internal controls and identify any skills and experience gaps that need filling. Your lead contact will tell you about what has worked in other maths schools too. Your governance plan should be submitted with a completed checklist⁸, signed by the lead proposer or chair of governors, which ensures your plan contains the level of detail we require. Please do tell your lead contact if you are experiencing difficulties developing the governance plan or if you think they will fail to submit a final version by the January before the confirmed provisional opening date. Your lead contact may ask you to submit your plan before this time.

⁸ See Annex C to the proposer guidance here: <https://www.gov.uk/government/publications/free-school-pre-opening-guide>

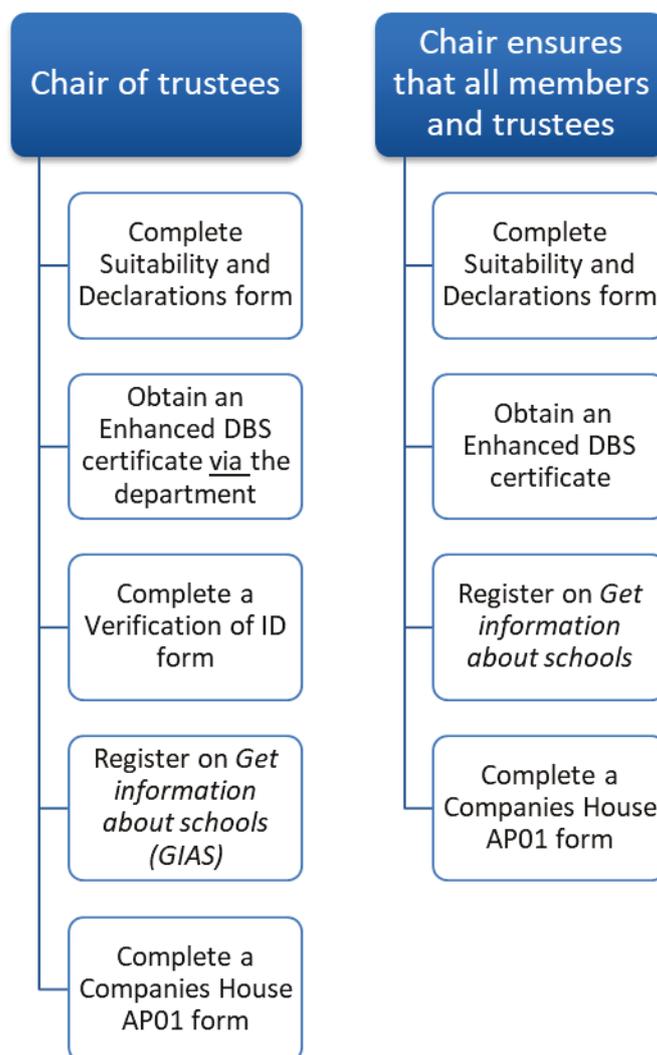
3. Due diligence

3.1 You must comply with the 7 principles of public life, which set out the standards of behaviour expected of public office holders, including those who work in education. The principles are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

3.2 The Secretary of State for Education permits that only suitable persons may establish publicly funded maths schools. The department will carry out a number of checks on those putting forward business cases to open a maths school to provide reassurance of their suitability to manage public money and run a school. These will include due diligence checks, credit checks, Disclosure and Barring Service (DBS) checks and other checks necessary to ensure that maths schools are set up and run by those who are suitable and able to do so only. There are several distinct actions for members and trustees to take as part of the due diligence process. Your lead contact will ask you for information early in the process to avoid delays in the Secretary of State signing a funding agreement with your trust or opening your school.

3.3 Everyone involved in the governance of an academy, or multi academy trust (MAT), holds an important public office and is required under their funding agreement to provide information about their members and trustees, as well as (in the case of MATs) those sitting on any local governing bodies (LGBs) that may be in place. A national database of all those involved in governance was implemented in September 2016, hosted in one easily accessible place via [Get Information About Schools](#) (GIAS, formerly Edubase).

Summary of the key tasks



Suitability and Declarations form

3.4 The department carries out suitability checks on members and trustees of a trust setting up a maths school. All new members and trustees (and principals designate, when appointed) must complete the [Suitability and Declarations form](#). This does not apply to members of local governing bodies (LGBs), unless the individual is also a trustee. The chair of trustees must take responsibility for ensuring that all sections of the form are complete, declaration pages are signed, and a passport-sized picture for each individual is provided to the department. All completed documents should be scanned as a PDF and emailed to due.diligence@education.gov.uk.

3.5 The [Academies Financial Handbook](#) requires academy trusts that have opened to keep the information held on [Get information about schools](#) (formerly Edubase) up-to-date (formerly Edubase). It is the responsibility of the chair of trustees to ensure all

changes are updated immediately. During the pre-opening phase if there are any changes to the members and trustees, the chair of trustees **must** report these changes to the maths schools team by [email](#).

3.6 New trustees will also need to register their details with Companies House by completing an [AP01](#) form (this is a legal requirement under the Companies Act 2006).

Disclosure and Barring Service (DBS) checks

3.7 The Independent Schools Standards require that the chair of trustees must apply for an enhanced DBS certificate via the department. This DBS certificate will be counter-signed by the Secretary of State. This forms part of the department's checks to ensure that only suitable people are involved in establishing maths schools.

3.8 All other members and trustees must hold an enhanced DBS certificate. New members and trustees must obtain a new enhanced DBS certificate, even if they already hold one. All other members and trustees must have an enhanced DBS certificate that was issued within the last 2 years. The chair of trustees must ensure that these requirements are met. The chair of trustees must also assess whether any offences or police information disclosed on a certificate are such that an individual is not suitable to hold the role of member or trustee.

3.9 You can apply online via an umbrella body that will carry out the checks on your behalf. The Disclosure and Barring Service's website has a searchable database of umbrella bodies that offer an online service ([DBS umbrella body directory](#)). As volunteers, you will not be charged £44 by DBS for an enhanced disclosure. Umbrella bodies request a small payment to cover their administrative costs.

3.10 The department does not counter-sign DBS certificates for the principal designate and does not require proof that a certificate has been obtained. The principal designate will be an employee of the school. As such, the school is required to ensure that all relevant checks (including vetting and barring checks) are conducted in line with safeguarding requirements.

Applying for an enhanced DBS check

Chair of trustees

3.11 The chair of trustees (of the trust, not a chair of a local governing body) must hold an enhanced DBS certificate counter-signed by the Department for Education.

3.12 If the chair of trustees already holds a valid, counter-signed enhanced DBS certificate, send a scanned copy of the certificate and declaration to due.diligence@education.gov.uk.

3.13 If the chair of trustees does not already hold a counter-signed and/or valid enhanced DBS certificate they must complete both an enhanced DBS application form⁹ and a [verification of identity form](#) and send them both to the department.

All other members and trustees

3.14 Members and trustees who hold an enhanced DBS certificate received within the past two years from any registered body should email a scanned copy of the certificate to the chair of trustees. The Secretary of State requires the chair to ensure that all members and trustees present an up-to-date DBS certificate at all times, and the department reserves the right to request sight of members' DBS certificates at our discretion.

3.15 Members and trustees who do not already hold a valid enhanced DBS certificate must apply online via an umbrella body using the [DBS umbrella body directory](#). Once you receive your certificate, email a scanned copy with the declaration to the chair of trustees.

⁹ You can do this by phoning DBS on 03000 200 190. Ask for a DBS Enhanced Disclosure application form, and state it is for the Department for Education – reference number 20881800002 – and that you are a volunteer.

4. Statutory duty to consult

4.1 By law, your trust must meet its statutory obligation to consult under [Section 10 of the Academies Act 2010](#) about your maths school proposal. Section 10 of the Act requires your trust to consult with the people you think appropriate on whether to enter into the arrangement with the Secretary of State. The arrangement in question is the funding agreement that needs to be signed before your maths school can open.

4.2 The New Schools Network has produced some [helpful guidance](#) on how to carry out a Section 10 consultation.

How we will work with you

4.3 When the time comes to decide whether to enter into a funding agreement with your trust, the thoroughness and transparency of the consultation will form a key part of that decision and your lead contact will contact you about your statutory duty to consult. This is part of the information presented to the Secretary of State before they sign the funding agreement (see section on [funding agreements](#)).

4.4 The Secretary of State is also required by law, under Section 9 of the Academies Act 2010, to assess the impact the opening of the maths school will have on maintained schools, academies and institutions within the further education sector in the area in which the institution is proposed to be, or is, situated. You do not need to do the impact assessment; your lead contact is responsible for carrying this out at the appropriate time, but this will incorporate any related evidence from your consultation. Trusts should speak to their lead contact if they experience significant opposition by local residents during or following the consultation, or if the local authority is unsupportive of the project.

5. Outreach

5.1 Maths schools are required, as part of their core business, to deliver significant outreach work. Outreach plans should be developed in collaboration with local schools and colleges and should complement the work of the local Maths Hubs¹⁰. Outreach plans should also be integral to the university's widening participation commitments.

5.2 Whilst developing your business case you will have considered how to deliver outreach that would have the most impact given your local circumstances.

5.3 As a minimum, we would expect your plans for outreach activity to include things such as:

- Running outreach programme activities (complementing the work of Maths Hubs) for pupils in surrounding schools and colleges, which prioritises support for disadvantaged students and girls specifically, through direct teaching, associated tutoring and structured activities, and individual feedback.
- Providing continuous professional development for teachers of mathematics in partner and feeder schools.
- Recruiting and raising awareness of the mathematics curriculum that will be offered by the school to potential students and prepare students for study of advanced mathematics.

5.4 As announced in the 2017 Autumn Budget, once open maths schools will receive additional funding of £350,000 a year to support the maths school specific aims of:

- Providing a stretching education that is developed in collaboration with leading universities, with a greater focus on wider mathematical problem solving, so that young people are better able to manage the jump to degree-level mathematics.
- Bringing together top performing mathematics students into a small school environment fostering a close-knit, nurturing learning community.
- Providing learning, tackling disadvantage and under-representation through delivering significant outreach that could benefit the rest of the system and influence mathematics teaching both pre and post 16 to complement both the work of Maths Hubs and universities' widening participation commitments

¹⁰ A Maths Hub is a network for the leadership of mathematics improvement work across a region; it is led by one school or college but draws together contributions from a range of other schools, higher education institutions and other bodies or individuals with mathematics education expertise.

5.5 Once your school is open we will expect you to produce an annual report which will describe and evaluate the impact of your outreach activities. Your lead contact will advise you on what we look for in your annual report.

5.6 See section 6.16-6.19 about the grant for outreach during the pre-opening stage. There is also a separate document of guidance for proposer groups on Applying for a Pre-opening Outreach Grant. Ask your lead contact to send you this, for more information on how to apply for funding for outreach during the pre-opening stage.

6. Funding and finance

6.1 The funding you receive is public money, and you will need to be able to demonstrate that the way you use it meets high standards of propriety, is transparent and defensible, and secures good value for money. You will need sound financial procedures, the capacity and capability to handle public money, and good governance arrangements. You must consider potential conflicts of interest and have arrangements in place to deal with them appropriately. You will want to agree your expenditure profile from the start of the project to the opening of your maths school.

6.2 Once open, the maths school will receive an additional £350,000 a year on top of its general annual grant. This funding is to support the specific aims of maths schools including outreach and your financial plan should include this funding.

6.3 You will also need to develop robust financial plans and controls to make effective use of the project development grant (PDG) in pre-opening and be sure that the maths school will be viable and well managed on opening.

6.4 Your financial plans must demonstrate:

- you have planned and are managing expenditure during pre-opening – including meeting the terms of the PDG and outreach grant.
- you are putting in place robust governance arrangements and accounting procedures to allow the maths school to manage public funding responsibly once open.
- the maths school will be viable on opening within the available funding based on a realistic and evidenced number of pupils, realistic staffing requirements and an up-to-date estimate of expenditure. This should be considered jointly with the development of your curriculum and your outreach work.

Funding in the pre-opening stage: project development grant (PDG)

6.5 We will provide a PDG of £250,000 to your trust once your maths school has been approved into the pre-opening stage. The grant is to help cover essential non-capital costs up to the point that the maths school opens. Your trust will need to develop robust financial plans and controls to make effective use of the PDG. Your lead contact will issue a grant agreement setting out the terms under which the PDG will be paid. You must read these terms before signing the agreement and returning it to your lead contact. Your trust will need its own bank account into which the funds can be paid. You cannot use a personal or other similar account. However, you can use a university account and if your maths school is part of a MAT, their accounts may be used, but there must be systems to ensure clear separation and accounting of the expenditure and income that relate to each school/sixth form/FE college etc.

6.6 The PDG will be formed of two elements. You will be given an initial allocation of £30,000, with the balance of the PDG funds being paid in instalments after the provisional opening date has been agreed. This initial £30,000 should be sufficient to meet all the pre-opening costs likely to be incurred by your trust up until the site is confirmed and we have agreed a provisional opening date with you, in writing. The remainder will be allocated at this point with the schedule of payments modelled around the budget profile you provided for the remainder of time in pre-opening.

6.7 You must provide regular budget profiles and statements of expenditure throughout the pre-opening stage. Your lead contact will advise when it will be necessary to provide these returns, but as a minimum we will expect you to provide an annual budget profile and statement of expenditure at least once a year. Details of future returns and templates are provided as part of the grant agreement.

6.8 Future payments will be delayed or stopped at any time if the terms of the grant are not upheld, for example, by not making timely expenditure returns or through inappropriate use of public funds, or if your project does not make satisfactory progress.

6.9 If your project is cancelled before it opens, you must not incur any further expenditure and must return any unused PDG funding, in accordance with the conditions of grant set out in the grant agreement.

6.10 If you have any PDG funding left over when the maths school opens, you should roll this over into the school's budget. Unspent PDG cannot be held centrally by the trust. The level of PDG has been set based on previous maths schools' costs in the pre-opening phase. We would not anticipate that schools will roll substantial amounts into their school's budget beyond any unspent contingency, which is likely to be small. We do not expect maths schools to assume that they will carry forward any funding into their funding plans for the open maths school.

6.11 After opening, maths schools can reclaim VAT on expenditure incurred during the pre-opening stage from HMRC. More information can be found on the [HMRC website](#).

Planning your PDG budget

6.12 You must ensure that all spending is essential to the development of the maths school during the pre-opening stage and provides good value for money. The department does not expect to provide any other funding to meet pre-opening costs. You should therefore think very carefully about how to allocate your budget before committing to any expenditure.

6.13 The PDG is intended to cover all revenue costs up to the opening of the maths school, except any preliminary outreach work, for which there is a separate grant of up to £94,000, available, on application (see below 6.16-6.19). Capital costs to secure and develop the maths school's site and ICT to support the curriculum are provided by the ESFA and should not be funded from the PDG. You should not use PDG for the

purchase of resources that the school will need once open such as books and curriculum materials.

6.14 Typically, projects will use their PDG funding to pay for the following:

- project management (support to coordinate all work leading to the development of the school excluding site related issues)
- educational services
- staff recruitment (including the **principal designate**)
- salary costs (which often include the principal designate, finance/business manager and administrative support in advance of opening)
- marketing costs
- consultation and open evening costs
- pre-opening office costs
- administration of admissions (including applications and appeals)
- trustee induction and support

6.15 Many projects also use their PDG to purchase the financial and management information system that the maths school requires in advance of opening. Where possible, it is good practice to maintain a contingency of about 5% in your initial financial plan to cover unexpected costs. It is up to you to decide how you allocate your PDG spending. Requirements vary from project to project depending on the local context, the maths school and the wider resources available to the trust.

Pre-opening outreach grant

6.16 Trusts can make a case to the department for additional funding during pre-opening for outreach. This grant is separate from PDG and the £350,000 annual top-up after opening, and is intended to support you in putting the structures in place to deliver outreach work when open, and to a lesser extent deliver some outreach programmes early. Trusts can make a bid for up to £94,000.

6.17 The outreach grant will be managed in a similar way to the PDG and we will not start issuing payments until your provisional opening date has been agreed.

6.18 To make a bid for an outreach grant, you will need to develop an outreach plan and budget profile and submit it to your lead contact – see also para 5.5. It is expected that outreach work delivered during pre-opening will build momentum towards your plans once open and we would expect the aims of pre-opening outreach to align with the aims of outreach when open (i.e. targeting girls and pupils from disadvantaged backgrounds).

6.19 The onus is on you to demonstrate how you will set up the structures for outreach or deliver outreach programmes that will have the biggest impact given the local context.

The budget profile you produce will need to be fully broken down so we can see when and where the money is being used.

Accountability

6.20 One person within the trust should have overall responsibility for managing the financial plan, PDG and outreach expenditure. They should be accountable to the trust and the department for ensuring that funding is used properly and the budget is managed well.

6.21 The funding you receive is public money, and you will need to be able to demonstrate that the way you use it meets the highest standards of propriety, and secures good value for money. The principles of good governance described below should apply throughout the project to open the maths school.

6.22 You will receive the PDG grant letter and a separate outreach grant letter (should you bid for funding and that bid is approved) shortly after your project proceeds to the pre-opening stage. Your lead contact will monitor the progress of the project and check expenditure returns are received and appropriate. They will challenge projects, where necessary, on their use of PDG and outreach funding, and can arrange for payments to be delayed or stopped where necessary.

Governance and accounting arrangements

6.23 Before opening, your trust will need to put in place effective systems for managing the public funding that it receives. Putting good governance arrangements in place at this stage will help develop a strong framework for the maths school on opening.

6.24 You will need to ensure that the trust's spending choices and decisions are in the maths school's best interests and are transparent and defensible. Your trust will need to be able to demonstrate sound financial procedures – the capacity to handle public money, and good governance arrangements, and your lead contact will consider the progress made. You must escalate to your lead contact if you have identified any potential conflicts of interest when spending your PDG or outreach grant.

6.25 You will need to agree how you will manage payments and any related decisions, such as how you will award contracts. You will also need to retain original copies of all receipts, invoices, contracts and tender documents which the department may review at any time.

6.26 On opening, the maths school will need to have a robust framework to manage its funding and ensure proper accountability and procedures are maintained. At the pre-opening stage, key tasks to deliver this include:

- setting out the role of the Chief Finance Officer (for example, a finance director or business manager) and recruiting an appropriate person

- forming the finance committee of the governing body, agreeing its terms of reference and making sure that the committee's membership includes appropriate financial expertise, process for checking its financial systems, controls, transactions and risks
- ratifying the appointment of the accounting officer (normally the principal for a SAT and the SEL for a MAT)
- securing formal governing body approval for the first year's budget
- developing policies and manuals covering procurement (including competitive tendering), delegation of responsibilities, financial procedures, internal control (including a split between purchasing, authorising and payment roles) and management of conflicts of interests

6.27 See section on [governance](#) for further advice on some of these tasks.

The Academies Financial Handbook

6.28 The [Academies Financial Handbook](#) and the funding agreement sets out the funding arrangements and financial management requirements that your maths school must follow. You must comply with the handbook throughout the pre-opening phase and once open.

Financial Statements

6.29 Maths schools, including those in the pre-opening phase with a signed funding agreement, must submit audited financial statements to ESFA, for each year ending 31 August, by 31 December. The [Academies Accounts Direction](#) prescribes the form and content of the financial statements. Prior to signing the funding agreement, financial statements should be prepared in accordance with company law.

6.30 Trusts should set their [accounting reference date](#) to 31 August at Companies House. This is the date to which their financial statements will be produced. You must file the accounts by 31 May (i.e. within 9 months of the end of the accounting period) with Companies House. Further information can be found on the [Companies House website](#).

Other financial returns

6.31 Trusts must also submit the following financial returns to ESFA once open:

- **Budget forecast return** – submitted to ESFA by 28 July or 6 weeks after receiving the final funding letter (whichever is the later)
- **Academies accounts return** – due where the maths school did not prepare audited accounts at 31 August but had opened by 31 March, or where you did prepare accounts at 31 August but opened between 1 September and 31 March. Your return must be submitted to ESFA by 31 May in the first year only.

Subsequent returns will be for the year ending 31 August and must be submitted to ESFA by 31 January.

- **Land and buildings valuation return** – you should complete the land and buildings valuation online form within 6 weeks of opening. This allows the department to produce desktop valuations of the land and buildings of all new academies. If your maths school opened in the year between 1 September and 31 August ESFA will send you a copy of the desktop valuation in the following January. The copy is for information only.
- [Financial management and governance self-assessment](#) – to be submitted to ESFA within four months of opening. The self-assessment highlights the main requirements academies must have in place soon after opening

6.32 Trusts are responsible for keeping up-to-date with the latest deadlines and requirements. More information is available [here](#).

6.33 You can also keep up to date through the ESFA [Update](#).

School resource management

6.34 Effective schools make the best use of resources, ensuring that every pound is used to have maximum impact for their pupils and the school. Schools that do this well tend to:

- base their financial planning on delivering educational outcomes, rather than as a separate consideration
- have a strategic approach towards financial planning for the longer term (3–5 years)
- deploy their staff effectively and efficiently, linked to their long-term plan
- have robust challenge from financially skilled governors and head teachers
- have skilled staff responsible for managing finances, who have experience of seeking best value for money when procuring
- have transparent financial systems and processes that encourage constructive challenge within and between schools

6.35 The [School resource management: top 10 planning checks for governors](#) guidance contains information to help schools manage their resources efficiently to deliver good educational outcomes. Your lead contact will work with you to use the key metrics contained within the planning check to consider the affordability and value of your proposed curriculum and staffing plans.

Insurance cover: Risk Protection Arrangement (RPA)

6.36 Risk protection arrangement (RPA) is an alternative to commercial insurance, whereby the government funds cover any losses that arise. The RPA will cover losses that are in scope of the RPA membership rules. The rules can be found [here](#). The RPA membership year runs from 1 September to the following 31 August, however you can join at any time. This means you can join the RPA scheme and receive cover prior to opening. There is no cost or premium to join the RPA in pre-opening.

6.37 Once your school is open, ESFA funding will deduct the per pupil cost at source from your maths school's general annual grant (GAG). From September 2019, the cost of RPA will be £18 per pupil/place.

6.38 It is not compulsory to enter into the RPA scheme and you are free to make your own commercial insurance arrangements. However, there will be no additional funding provided should extra costs be incurred. If you do not want to join the RPA scheme, please discuss this with your lead contact.

6.39 If you do not think the RPA cover is right for you, we would welcome your feedback, so that we can consider whether any changes to the current RPA offer that could be made in the future. There is more information on RPA on gov.uk.

Developing a viable financial plan for the proposed maths school

6.40 Once the maths school is open, it will be funded by ESFA on the basis of the post-16 national funding formula. A [guide to 16-19 free school revenue funding](#) explains how your funding will be calculated, and also contains details of how the post-opening grant, which is provided to new schools as they build up to full capacity, will be calculated.

6.41 Funding is largely based on a payment for each student who attends the maths school, but the detailed funding methodology may vary over time with changes to the funding of 16-19 provision as a whole. Financial and therefore educational viability is dependent upon you admitting a sufficient number of students. The 2017 Autumn Budget also committed to additional funding of £350,000 a year to support a maths school's specific aims (see section on Outreach). The department will need to be assured that your maths schools is on course to be financially viable on opening and delivering significant outreach before agreeing to sign a funding agreement.

6.42 Developing your maths school's financial plan should be an ongoing process with financial plans updated as plans for the maths school are progressed, further details of funding arrangements become available, staff are appointed, site plans are firmed-up, the number of pupils becomes clearer and other costs are more confidently established. You will need to complete your financial plan in the spring before opening and prior to the department entering into a funding agreement.

6.43 The assumptions boxes on the financial plan should be used to set out the basis for any estimates of student numbers and pupils characteristics, income from sources (e.g. renting out facilities) other than ESFA, and expenditure (including service contracts and salaries). You may be eligible for funding uplift if you anticipate higher disadvantage levels than the local authority average. If these criteria apply, you will be asked to provide a business case to establish any additional funding you might attract in order to reflect the extra costs associated levels of disadvantage.

6.44 Your lead contact may ask you to revise your plans or give further information if needed to show that the maths school will be viable. They will need to see that the maths school has complete and robust financial plans and governance arrangements, that the plans are consistent with up-to-date educational and staffing plans, and that the school will be viable and not go into deficit in any year.

6.45 The department will only enter into a funding agreement if it is confident that the maths schools has a viable financial plan. Please note, an adjustment of at least -30% must be applied to financial plans to take account of historical drop out between accepted offers and start date, due to students being able to hold multiple offers.

6.46 Once open, if the October schools census shows the school has not admitted the predicted number of pupils, any excess funding will be clawed back in the following academic year. As such, schools that have under-recruited pupils can experience financial viability issues if their plans do not have sufficient flexibility. The department will assess the risks and will not open a school where it does not believe the school will recruit enough pupils to be financially viable. It may be appropriate to consider opening with smaller intake than the intended eventual capacity, and with corresponding staff numbers.

6.47 Where more pupils are recruited than have been funded for, ESFA will carry out an in-year reconciliation and pay any additional funding in January/February of the current academic year.

7. Procurement and additional support

Purchasing additional support and services

7.1 Academy trusts are classed as public bodies and must comply with public procurement regulations. It is important that you understand the requirements when you are planning any purchase. Essentially, the rules are about using a fair and open procurement process to help ensure that you achieve the best outcomes for your maths school and the best value for money. The department publishes detailed guidance on [buying for schools](#). Our [schools' buying strategy](#) outlines the support available to help schools improve value for money from their non-staff spend. Further guidance on school procurement, which includes example contracts and expression of interest forms, can be viewed [here](#).

7.2 You will need to make sure that you understand the rules and regulations governing public spending and decide early on how you will make any spending decisions. As a general guide, the higher the value of the purchase and the more public money you are spending, the more regard you should have to the procurement rules.

7.3 It is a good idea to set out your approach to procurement within your financial management policy. This means thinking about how you will approve and review your expenditure; and how any financial powers will be delegated so that it is clear who is responsible for what.

7.4 You will need to be clear about how best to use your PDG. You should review your group's capacity and capability to decide what you can deliver for no cost and to estimate the total value of what you need to buy. Remember that value for money is not always about the lowest price but is about getting the right balance between quality and cost. Think about how you will measure both of these when you specify and evaluate your purchase. You are spending public money and need to be able to show that you are using it well. It is always useful to ask yourself if your procurement decisions can be satisfactorily defended in public.

7.5 Having a good range of expertise in your group can help you to decide what you can do for yourselves at no cost and when you will need to buy in support because your capacity and/or capability is likely to be stretched. It will also help you to negotiate and push back on costs to get a better deal.

7.6 Good procurement decisions will help you get the right support and achieve value for money. Conversely, if you do not follow a fair and transparent process and apply criteria consistently, you are less likely to identify the best proposals from potential suppliers. Poor procurement decisions risk wasting time and money and slowing down progress. They also risk reputational damage if potential suppliers think you are not being fair, and if people think you are not using public money properly. If you have not followed the requirements of public procurement law you could be open to legal challenges from

suppliers. If challenges are successful, this can lead to contracts being cancelled, competitions having to be re-held and financial penalties incurred (compensation).

Procurement regulations

7.7 All public sector procurement must comply with the Public Procurement Regulations, which incorporate the requirements of the European Procurement Directive. These regulations are designed to safeguard fair competition principles and are legally binding for anyone with responsibility for spending public funds. More information on EU financial limits is provided below on open recruitment. Further guidance on EU procurement thresholds is available [here](#).

7.8 Buying in services and/or goods is not just about processes. You need to ensure that you secure the right services at good value for money and use an approach that is proportionate to the estimated value of the contract you plan to let.

7.9 You must manage potential conflicts of interest. When using public money to award contracts, you need to demonstrate the highest standards of propriety. In particular, you need to have considered the scope for conflicts of interest and taken steps to manage them. This means that no members or trustees of the trust should be involved in any decision over awarding a contract if they or any of their relatives, friends or business associates are involved with or employed by any of the companies bidding.

7.10 It also means that if a member or trustee of the trust successfully bids for work, there must be arrangements in place to enable the trust to hold that individual or their company to account for the delivery of the contract.

7.11 When spending money, you should also check that your plans comply with your articles of association as these will include specific conditions on who can be employed by the trust or enter into a contract for the supply of goods or services to the trust.

7.12 The [Academies Financial Handbook](#) sets out a number of rules governing financial transactions using public money. The handbook is clear about our expectations around delivery of services to academies and free schools from anyone with a governing relationship the school. To summarise:

- all those with a governing relationship, including individual members and trustees and bodies related to them, as well as sponsors and sponsor related bodies are required to bid for and deliver services to their academies and free schools at cost
- it has always been the case that open, fair and proportionate procurement processes must be followed whenever outsourcing services from the academy trust – including if sourcing such services from the sponsor

- the definition of 'at cost' has been amended to ensure that at cost delivery is sustainable for the supplier in the long term

7.13 It is the responsibility of the academy trust to ensure that they are met, and that audit trails are kept. The handbook includes a requirement for academy trusts to secure a statement of assurance and open book arrangement with restricted suppliers, but beyond this it is up to the academy trust to decide how best to meet the requirements.

Securing additional support

7.14 If you decide you need to buy in additional support using your PDG, you have two ways in which you can do this, you can use any combination of the two:

- Open procurement, whereby the trust agrees and issues a specification for the required services and appoints a supplier based on an evaluation of the bids received
- In-house, whereby the trust has and uses its own employees to deliver specified services on an 'at cost' basis

Open procurement

7.15 Under this option, you can invite any third-party supplier to bid for your work by tendering. You will need to specify what it is you want to buy, and what criteria you will use to assess the tenders.

7.16 The procurement approach you use should be proportionate to the estimated value of the contract you plan to let. The greater the value, the more you need to demonstrate to all potential bidders that the competition is open and fair. Your trust will need to decide the approach it will take at different contract values.

7.17 It is up to you to decide your procurement thresholds but typical values might be:

- low value – below £10,000
- medium – between £10,000 and £40,000
- high – over £40,000 but below the EU threshold (details of EU threshold levels are available [here](#))

7.18 At lower values the procurement process could be very simple, such as getting two or three telephone quotes to help you check that you are getting a fair market rate. We provide some further [guidance](#) on low-value procurement on our website that sets out what you need to think about when writing a statement of requirement. This need not be a complicated document: a paragraph might suffice.

7.19 Not every purchase will require a competitive process. For example, if you are advertising in the local press, you may have only one option. In these cases the

expectation is that the trust will negotiate the best deal that it can within the market and keep a record of its spending decisions.

7.20 Under the EU Directive, there are set financial limits which apply to all public sector procurement across the European Union. This means that where the value of a specific procurement is likely to go over the thresholds for goods, services or works, the procurement process has to comply with the EU Directive.

7.21 The current thresholds (from the 1st January 2018) are £181,302 for goods and services, and £4,551,413 for building works. You cannot artificially 'split' contracts to avoid these rules. It is unlikely that many purchases during the pre-opening phase will exceed the EU thresholds. More information and guidance on the process is available [here](#).

7.22 A 'light touch regime', with a higher threshold of £589,148, applies for some services that are specifically for education provision. You should seek legal advice or contact the department to determine whether your procurement qualifies.

In-house delivery

7.23 In-house delivery is where the trust uses its own employees to deliver specified services, using PDG to cover the employment costs of the staff involved. This arrangement can include staff brought in through a secondment or a fixed-term contract of employment, as long as they are not appointed as a way of circumventing public procurement rules.

7.24 In choosing this option, you need to be sure that your employees have the experience and capacity to undertake these tasks and that the services it provides through the in-house route and the costs quoted offer good value for money.

7.25 Where a trust uses its own employees, salaries must be set at reasonable levels appropriate to the skills, qualifications and experience of the jobholder, and are in line with what similar employees in similar jobs would be paid in the local area. Employees may also receive reasonable actual costs for their incidental travel expenses and (if required) accommodation and essential subsistence where they need to travel to fulfil their duties for the trust. The trust will also have to budget for national insurance, pension, essential training and other directly employee-related costs. Salary levels for employees should normally be significantly lower than the day rates charged by consultants and other contractors. A definition of 'at cost' is included in your PDG letter.

7.26 It is up to you as the trust to ensure you comply with existing legislation in respect of employment and have the appropriate employment contracts in place. Where a secondment is put in place, you should ensure that there is agreement on the services that will be delivered. HMRC provides guidance [here](#).

8. Site and buildings

8.1 Finding the right site for your maths school is very important. It can also be the most time-consuming, complex aspect of your project. However, it is important not to get distracted by the site at the expense of the key tasks during pre-opening. Clarity of roles within your proposer group is crucial in relation to this. It is recommended that there is a person who leads on the site and works with Free Schools Capital (FSC) to prevent people from worrying about the site unnecessarily.

8.2 The earlier a site is secured – i.e. site acquired, relevant planning permission obtained and building works agreed – the better. Having a secured site can be very useful when marketing your maths school to prospective parents, pupils and staff.

8.3 The speed at which a site is secured will depend upon your requirements, the availability of local sites that meet those requirements and the rate of progress in negotiations. The average time taken to secure a suitable site is around a year, while the normal lead-time for acquiring and delivering sites ready for a school to open is around three years. Therefore, unless a site is already secured and requires little work and no planning approval, opening in a shorter period will be extremely challenging. Whilst it is important to secure a site that is appropriate for the maths school, it must also offer value for money for the public purse. During the pre-opening phase, the department will seek to deliver your maths school with the lowest possible capital cost (acquisition and property costs, plus the costs of necessary works and fit out).

Roles and responsibilities

FSC and its agents

8.4 FSC will help you to secure a site and construct the buildings for your maths school. FSC is the part of the department that provides expertise and technical support to ensure good value for money on capital investment. The roles and responsibilities of the FSC team are outlined below:

Project Director (PD)

8.5 The FSC Project Director (PD) and Project Manager (PM) will work closely with you and the lead contact throughout the project. The PD provides the strategic overview and will ensure that the PM is delivering your maths school and adhering to internal FSC processes.

8.6 The PD's level of involvement will vary according to the risk and complexity of your project. Where there are significant site issues and concerns (and/or where there are few educational, governance or finance concerns), they may intervene and engage directly with you.

Project Manager (PM)

8.7 The Project Manager will be your primary point of contact at FSC. Your PM will coordinate the rest of the project team to ensure all site related activities are delivered. They will work with and co-ordinate activity between the Property Team, ICT and Central Technical Advisers, and Legal Managers, and will report progress to you.

The role of the trust

8.8 In respect of securing the site, we need you to attend all the necessary site meetings to review options and agree next steps. We welcome any information or local knowledge that you have to help with the site identification and search. By all means find out as much as you can about properties - but you must not enter into negotiations on sites. FSC have experts who will do that for you, but more importantly this is public money and ministerial approval will be needed before public funds can be committed.

8.9 You must not announce the site that has been chosen for your maths school until your PD has confirmed that it has been secured and that it is appropriate to do so. This is because commercial negotiations are highly sensitive and there is a risk that they will be undermined by premature public announcements about acquisitions.

Finding a site

8.10 Maths schools can be located in a wide variety of premises. They may not look like 'traditional' school buildings, and will often not require the construction of a completely new building. In most cases, existing premises are refurbished or remodelled, and we provide funding to ensure your new school is functional and complies with all relevant legislation.

8.11 After the approval of your proposal, FSC will join your project kick-off meeting with your lead contact to discuss the suitability of the proposed premises and to consider any alternative site solutions. Before this meeting, FSC will have reviewed the suitability and availability of any sites you have proposed in your business case, and identified the necessary next steps. Depending on the outcome of our review, we may also have:

- commissioned LocatED, to undertake a site search, and considered alternative sites where relevant
- contacted the relevant local authority about planning designation
- considered the availability of government buildings

8.12 It is important to bear in mind that approval into the pre-opening phase does not constitute endorsement of your proposed site. You may have a preference for a particular site, but please be aware that it may not be the most feasible one. Common reasons why we often find that to be the case includes:

- it is too small or too big for the number of pupils

- it is not actually on the market, or available in the time needed to open your maths school
- it is too expensive to buy, lease or maintain
- it requires too much work to be affordable
- it does not have – and we may not be able to get – the appropriate planning consent for a maths school
- it is a listed structure. Securing planning for change of use and works is expensive, complicated and time consuming, which may increase the risk of delays. The ongoing maintenance of a listed structure and restrictions of use is likely to be expensive and restrictive

8.13 It will be important to keep an open mind regarding sites you will consider.

FSC and LocatED responsibilities in finding a site

8.14 During the site search stage of the project, FSC will commission LocatED where appropriate to do the following:

- conduct site searches and provide you with a suitable site
- FSC or LocatED's Technical Advisers to visit and assess the preferred site, provide a high level view of the nature and cost of any construction works needed, planning consents required and likely running costs
- if that assessment shows the site is affordable and good value for money, FSC or LocatED will start negotiations to acquire the site

8.15 If a market site is to be acquired, it will be LocatED's decision to secure a site based on a commission from FSC following close engagement with the trust on their requirements. You will be given an opportunity at the start of the process to input into the commissioning instruction. It is important that you take this opportunity to feed in your views as the commissioning instruction will form the basis for decisions on securing a site. LocatED will be required to obtain confirmation from the PD that the original commissioning instruction has been met prior to LocatED finalising their decision to acquire a site and the PD will keep the trust involved throughout. PDs will inform the trust of the site selected.

How the trust can help

8.16 If you have any information or local knowledge that you would like FSC property managers or LocatED to be aware of as part of the site search, you should feed this in

through your project director. We welcome any information that trusts may have – but you must not enter into **negotiations** on sites.

Securing a site

8.17 Securing a site can be complex and time-consuming. However, once we have found a suitable site for your maths school that can be delivered in the timescales available and that represents value for money, FSC Property Team or LocatED will begin negotiations to acquire it. The six main ways of doing that are:

- peppercorn rent lease (by FSC Property and Legal Teams)
- S106 site (by FSC Property and Legal Teams)
- peppercorn lease (Multi Academy held lands – FSC Property and Legal Teams)
- peppercorn lease pursuant to Development (FSC)
- freehold purchase (by LocatED on behalf of FSC)
- commercial lease (by LocatED on behalf of FSC)

8.18 The following link provides more information on the [options to acquire a site](#).

8.19 There will be sensitive negotiations around acquiring a site for your maths school. Site owners want to secure the best possible deal for themselves while it is our duty to secure best value for you and the taxpayer. It is vital that you check with your PM before discussing or revealing details of the site you are seeking with anyone outside your group. These negotiations are very commercially sensitive and public disclosure can seriously undermine our negotiating position. Subsequent planning applications can also be affected if information about sites is released at the wrong time. Securing [planning approval](#) is of course crucial to delivering your maths school buildings. We will tell you when you can publicly confirm your sites.

FSC responsibilities on securing a site

8.20 The FSC PM or LocatED will commence negotiations with the site owner or the agent representing them, and seek to agree Heads of Terms for the purchase or lease of the site. In parallel, the FSC PM/LocatED/the FSC Project Team will estimate the total costs for the site and seek approval from its investment committee and ministers, where required, to complete the acquisition.

8.21 Lawyers will carry out checks on the tenure, ownership and any restrictions affecting use of the property and complete the transaction. The time this takes will vary from property to property, depending on planning and other issues affecting the property.

Temporary site solutions

8.22 In some cases, free schools have opened on a temporary site before being relocated to their permanent buildings, but this should only happen in exceptional circumstances. Temporary solutions can come in many forms depending on what is needed and what is available, but the most common are:

- using a building on the permanent site while other buildings are in construction
- community buildings such as a church hall or community centre
- part of a neighbouring school
- porta cabins on the permanent site
- a local office building

8.23 Opening in temporary accommodation will only happen in exceptional circumstances. When securing the permanent site, we will establish with you whether opening in temporary accommodation is appropriate. We will evaluate the risks of this by examining the delivery of the project's permanent site, evaluating the viability of any proposed temporary solution, testing whether there is clear evidence of need for places in the area and ensuring that value for money is provided when compared to other schools of a similar phase/location. We do not want to spend any more money than necessary on temporary accommodation, so will try to provide an interim solution that requires minimal alteration.

8.24 Costs associated with temporary site works (such as the rental of temporary classrooms) will be managed by FSC, with the Secretary of State entering into required contracts.

Difficulties in securing sites

8.25 If a project has spent considerable time in pre-opening without a site being secured, therefore potentially wasting resources, and we do not feel it is making sufficient progress despite numerous interventions, we may contact you to inform you that we are considering cancelling the project. During this process, we will explain why we are minded to make a particular decision, taking into account the representations of those affected and allow trusts to respond to this before a final decision is made by the Minister to cancel the project.

The site and your statutory consultation

8.26 Section 10 of the Academies Act requires proposers to formally consult with those you think appropriate. This [statutory consultation](#) must be completed before the funding agreement can be signed. Ideally, you should do this once we have secured your permanent site, but in practice that may not always be possible. If it is not, you could

identify the catchment area from which the maths school will draw. We will agree with you what information you should provide.

8.27 See section on [statutory consultation](#) in section 4.

The site and your funding agreement

8.28 Other than in exceptional circumstances, your funding agreement can only be concluded once Heads of Terms for your site have been secured. As part of the funding agreement, there will be a set of land clauses which are specific to your site solution. These aim to protect our public investment in acquiring and developing the land, and to ensure you continue to meet your legal obligations as set out in the funding agreement.

8.29 Please note that:

- the land clauses in the funding agreement must reflect the relevant model drafted by the department
- your lead contact will confirm the land clauses and any bespoke legal arrangements that may apply

The capital funding

8.30 FSC will cover the capital costs of acquiring a site and refurbishing it for use as a maths school. This includes the costs of ICT provision, standard fittings, furniture and equipment (FFE), and the fees for your technical adviser, surveys and legal advice. FSC will set the budget for each scheme and submit it for ministerial approval. In most cases this will be done after Heads of Terms on the permanent site are agreed. The budget for each project will not be shared with you until it has been agreed by ministers or officials at which point FSC will confirm that it has permission to proceed with the construction works and will also notify the trust that funding has been approved for trust-procured elements (such as ICT).

Procuring works and services

8.31 The procurement route is determined by the size, nature of the works, time available and value of the contract. We begin work based on your approved pupil numbers and associated basic area requirements of your maths school.

8.32 All building contract appointments must comply with [public procurement procedures for free schools](#). The most common procurement routes, using design and built construction contracts, are:

- FSC Contractors' Framework
- FSC Modular Construction Framework
- Appropriate Regional Frameworks

- Local procurements for small-scale works

8.33 The FSC team will lead on the procurement and the Secretary of State will sign the construction contracts once we are ready to progress with the building works.

Planning issues

8.34 The key reasons why new maths schools may need to seek planning permission are:

- change of site use or classification (of an existing building)
- new-build, extension and other external works
- Listed Building consent

8.35 Your FSC PD will discuss with you the programme of work that needs to be completed and the approvals that need to be in place prior to a planning submission being submitted. Whilst planning permission should be sought as early as possible to avoid delay, we will work with Local Planning Authorities and seek to resolve issues and find proactive solutions to planning related matters as they arise.

8.36 The [National Planning Policy Framework](#) advises that local authority decision makers should not place unnecessary burdens on school development. This effectively amounts to a presumption in favour of the development of new schools, but it does not guarantee a successful outcome. Where necessary, and if all options at a local level have been exhausted, we can resort to a planning appeal to the Planning Inspectorate under the Department for Communities and Local Government.

8.37 In addition to the presumption in favour of new school development, there is legislation that allows for Permitted Development Rights for schools and these can be powerful tools in seeking to open a school on time. Your FSC contact will be able to advise you if these Rights may be of benefit to your project.

Building works

8.38 Although the building contract will be between the trust and the contractor, we will have strong input into deciding the best procurement route for your building works and give you advice and support throughout the works. We will:

- commission technical advisors (for example, architects, quantity surveyors)
- commission surveys of the site
- appoint legal advisors for the building works contract
- develop the design proposals, oversee and negotiate contracts for works
- manage the building works contract on site

- manage the handover to the maths school
- manage any defects through to the end of defects period, 12 months after completion

8.39 Your input at all stages of the procurement is encouraged and the FSC team will keep you updated on the progress of the procurement, agreeing relevant aspects for the works as the designs become finalised. Before signing the construction contract, the design of the maths school will be agreed with you, finalised and signed-off. Once a contract is signed, post-contract variations will not be permitted so your PD will ensure that you understand design constraints and are happy with the approach agreed.

8.40 Before opening the school you will need to:

- agree to the date proposed for Ofsted's pre-registration inspection visit to the site
- keep staff, parents and local communities updated on progress
- develop contingency plans just in case building works overrun
- prepare for and attend the readiness to open meeting with the department
- work with us to ensure the works are completed to the contract specification and formally handed over

Ofsted pre-opening site inspection

8.41 In order for your school to become registered with the department and officially open the site needs be inspected by Ofsted (see section on [Ofsted inspections](#)). The purpose of the site visit is to ensure the building is safe and complies with the Independent School Standards Regulations on premises.

8.42 In the majority of cases, when Ofsted visit, the site will not be ready as building works will still be ongoing. Inspectors will be aware of this but will still want a tour of the site, so that when they look at the plans and drawings they have a better understanding of how the maths school will fit and operate on the site. The FSC team will support you on this.

Planning how to operate the maths school

8.43 Construction works may continue up to the maths school's opening day or beyond. We will work with the contractor to tell you and your principal designate as soon as we can when you will have access to the site. This allows you to set a date for opening to inform parents and then plan for preparing, opening and operating the school. You should also develop contingency plans in case building works are delayed or there are other complications.

Formal hand-over of the site

8.44 When building works on the site have been completed, there is a formal process by which the building contractor will hand over the site to the maths school. Until then the contractor has responsibility for the site. The formal process will include the building contractor taking your business or premises manager, or principal, on a complete tour of the building, highlighting where all mechanical and electrical services are located and how they operate, and handing over all warranties and certificates, such as fire certificates. As part of the tour, a 'snagging' list will be drawn-up with the contractor to highlight where there are still minor defects or where the refurbishment has not met the required specification. The contractor will be required to rectify these following formal handover of the building. Your FSC PD will be able to provide further information on the formal hand over process.

8.45 At handover you will be presented with a building health and safety manual from the technical adviser and building contractor. This will provide you with building information, commissioning and test certificates and operation and maintenance manuals. It is important that these documents are kept safe and are available for reference by building or maintenance professionals. The building health and safety manual will contain important information regarding building systems on their operation and maintenance.

8.46 Once handed over, it will be your responsibility in most situations to arrange for maintenance of plant, equipment and the site generally. Failure to regularly maintain the equipment in accordance with the installation instructions can lead to warranties being invalid. Ask for early information on equipment and maintenance schedules so you can tender for the maintenance contract and have it in place at handover, if possible. You should prepare for this information to be provided to you at or after completion as is the case with most contractors. In relation to the site, your obligations will be set out in your lease or licence and/or your funding agreement.

9. Pupil recruitment and marketing

9.1 Your maths school's educational and financial viability is dependent upon the recruitment of pupils. This could be particularly challenging given the niche curriculum offer and high entry requirements. We know there will be a lot of calls on your time, and many other pressing matters, but attracting sufficient pupils to ensure your maths schools is viable is essential. Many crucial elements are driven by pupil numbers: financial viability, educational planning and staff recruitment.

9.2 Your lead contact will want to find out more about: how you are presenting the vision and ethos of the maths school; who will be responsible for marketing and recruitment and the resources at their disposal; the audiences, channels and messages you are using to promote your maths school; and your recruitment trajectory. Your school should reflect the ethnic and religious diversity of the wider local community in its recruitment and outreach, and in particular you should be targeting pupils from disadvantaged backgrounds and girls, who are currently under represented in maths post 16.

Marketing and pupil recruitment

9.3 Your marketing activity should increase now you are in pre-opening. Universities are expert at marketing and the trust and its pre-opening steering group should work closely with the university's marketing experts to develop a strong programme of activities. This will show those who have already expressed an interest that the maths school is moving to the next stage. It will help give them confidence in the maths school and encourage them to make an application. It will also give you the chance of attracting new students who may not have paid much attention so far but who would be interested now the maths school is becoming a reality.

9.4 However, do not assume that strong interest in your maths school will automatically equate to large number of applications. From experience, we know that a common pitfall is to assume that when you offer places to all the pupils who have applied, all those offers will be accepted. To make sure that you avoid these pitfalls, it is absolutely essential that you have an unrelenting focus on pupil recruitment. It is crucial to convert high levels of interest into applications. Some applicants will have made a firm commitment, and you need to keep them engaged, even after you have offered them a place, to ensure they accept and take up their place.

9.5 Work closely with schools across your region to both develop good recruitment strategies and to develop your outreach programme. Both King's College London Mathematics School and Exeter Mathematics School draw from a much larger area than other sixth forms and therefore it is a good idea to make sure your marketing goes further too. Marketing to schools across a wide area will also reduce the impact on any one school that you recruit pupils from.

9.6 An adjustment of -30% must be applied to financial plans to take account of historical drop between applications and accepted offers.

Marketing – what works?

9.7 Each maths school project is different, and so the marketing and pupil recruitment activity that works for one group will not necessarily work for another. There are, however, some general principles and lessons learned by previous groups that should help you get the most out of your planned activity. The key is to maintain momentum, so make sure, for example, that newsletters are issued regularly, emails are answered quickly, online information is up-to-date, and that you publicise key milestones, such as the appointment of a principal designate or securing your site. It is a good idea to have a dedicated spokesperson, so you have a consistent profile, especially as far as local media are concerned, so they always know whom to contact. Other mainstream ideas are:

- Produce regular newsletters and target them at future pupils: you can distribute printed copies locally, or via email to your contact list. You can use an online email marketing company to send out mailshots, often at little or no cost. Translate your leaflets and newsletters into languages which reflect the make-up of your local community.
- Having a comprehensive and up to date website is essential. It will help to have identified a person to maintain the site to keep it fresh. Make sure that all enquiries are followed up quickly, and ask correspondents if they are happy to add their email addresses to your contact list for information and updates.
- Using regional radio stations – you can book paid advertising space but you can also get free publicity by suggesting creative ideas for programme content, such as offering a spokesperson for an on-air debate or phone-in programme.
- When dealing with the media, try to get a named contact. Find out who is the education correspondent for your regional newspapers, or the relevant programme producer for local radio stations, and give them a call. Make sure they know who will be sending them information, and who in your group they can contact if they need to
- You can also maintain your profile locally and nationally, especially with the media, by creating and managing social media platforms. For example, creating a Twitter account for the maths school or using Facebook.

9.8 When preparing your business case you will have a looked at the local context and other sixth-forms/FE colleges in the area. You should use this information now to target your efforts. Maths school are likely to have large, sub regional catchment areas and you must ensure that you consider audiences across the entire catchment; this will include neighbouring local authorities, sixth forms, colleges, pupils, and parents. You will also need to consider equalities issues as part of your marketing, for example, to ensure

that different ethnic groups in the locality can access the information and that the marketing material is attractive to any gender.

9.9 You will need to engage and build strong links with local schools, sixth forms and colleges as having their support will be invaluable, especially in your delivery of outreach. Whilst some sixth forms and colleges will see the maths school as a threat your offer to support improved teaching and learning will help you to develop good relationships with them.

9.10 We encourage you to work with local secondary schools from which your pupils will come. These schools can help market your maths school for you through their own networks and identify suitable pupils. Once you have discussed your plans with the schools, offer to speak at assemblies or have a presence at school events such as parents' evenings and transition days.

9.11 You should also understand the particular forms of disadvantage that affect the local community in which your maths school will be based. You should use this information to attract applications from disadvantaged groups, for example, by running taster days for pupils from local secondary schools that have a high level of disadvantage in their intake. Similarly it will enable you to identify the most valuable and effective form of outreach you can provide. By effectively targeting disadvantaged groups, you will support the maths school specific aim of providing learning and tackling disadvantaged/underrepresentation and unlocking the potential of talented mathematicians.

Face-to-face

9.12 Events provide an effective platform to showcase your maths school, and can also provide an opportunity for young people and their parents to meet the principal designate, teaching staff and partner organisations (university, sixth form/FE College). Make sure you have application forms available at these events – take pupils' or parents' details and follow-up with an email or leaflets. Previous groups have also found that holding events with a theme can attract more people and give them a fuller flavour of what a maths school would be like. For example, mock lessons, enrichment days, fun science experiments, maths problem solving challenges have all proved popular and may work particularly well if they take place within the university.

9.13 It is important to consider timing of activity. Whilst marketing should be an on-going activity in the run-up to and immediately after GCSE results, it is useful to have a stall in a public place to recruit students and to publicise this in advance.

Promoting integration and community cohesion

9.14 Promoting integration and community cohesion is a priority for the government. All schools should prepare children and young people to participate fully in life in modern

Britain. All state-funded schools should be genuinely welcoming and attractive to pupils from different backgrounds. When marketing your school, you must consider how you can encourage applications from families belonging to different ethnic, religious and socioeconomic groups, to promote a pupil intake that represents the diversity of the wider local community.

9.15 To ensure that your marketing plans will support integration and community cohesion, you will first need to consider the demographics of the local community that your school will serve, for example, the main ethnic and faith groups represented within the community, the proportion of pupils who are disadvantaged, and where pupils from different backgrounds live. When considering whether your marketing plans are appropriate, you should consider:

- the characteristics of the school that are emphasised in publicity materials, these should not discourage parents from particular socioeconomic, ethnic or religious groups from applying to the school.
- where marketing events are advertised and held. Are prospective applicants from a representative range of backgrounds likely to know that these are taking place? Could the location prevent, deter or make it difficult for some groups to attend?
- where publicity materials are distributed, or posted online. Are they likely to be visible to prospective applicants from a range of backgrounds that reflects the diversity of the wider local community?
- for secondary schools, whether your marketing activities are targeted at particular primary schools. Do the pupil intakes of these schools reflect the diversity of the wider local community?
- whether you have engaged with representatives of the major faith communities represented within the area, to seek their support for the school.

10. Admissions

10.1 As an academy trust, you are responsible for admissions to your maths school. This means you are responsible for:

- making sure the maths school's admission arrangements are fair, objective and transparent
- managing applications to the institution. In most cases you will need to manage these directly, although in some areas post-16 institutions co-operate to co-ordinate admissions
- organising an independent admission appeals process

10.2 Maths schools must have admissions arrangements and criteria that are fair, objective and transparent. Maths schools are able to select pupils based on GCSE grades and other criteria because they are 16-19 academies and as such neither the School Admissions Code nor the School Admission Appeal Code apply. This means that parents/prospective pupils will need a clear understanding of how and when places are offered, what the minimum entry requirements are, whether there will be a test or an interview as part of the application process, and which criteria will be used to decide how applications will be prioritised. Arrangements should therefore be as straightforward as possible and be clear how criteria are to be applied.

10.3 There are no national co-ordinated deadlines for when applications to post-16 institutions need to be made. Institutions generally set their own deadlines based on how large and/or oversubscribed they are (and therefore how long they need to consider initial applications). Our strong advice is that you should aim to make provisional offers to pupils in the spring term, so they are clear about any academic conditions you will place on their offer sufficiently in advance of sitting their exams in the summer. An outline timeline might look like this:

- invite applications from the autumn, with an initial application deadline no later than early spring
- sift applications and applying selection criteria during the spring term
- make conditional or unconditional offers before Easter, so pupils are clear what requirements they will need to meet
- confirm places once pupils have received their GCSE/AS Level results in August (or earlier if you are offering unconditional places or places based on predicted grades)

10.4 You will need to include your timeline in your admissions policy, making it clear to pupils and parents how and when to apply.

The admissions process

10.5 You are required to draft your admission policy using the [template](#) on the free school admissions website. Your criteria should be fair and objective so it is clear how decisions are made, this will also minimise the chance of potential challenges or complaints. Your admission arrangements should include:

- an admission number for the institution, or admission numbers for courses – for each year of entry into the institution. This number sets the minimum number of pupils the maths school will admit each year
- clear oversubscription criteria
- details of how and when applications can be made
- an application form
- details of a waiting list
- details of your independent appeals process

Your admission arrangements

10.6 Although we will offer you advice on developing the maths school's first set of admission arrangements, you must bear in mind that it is your responsibility to get the arrangements right. During the pre-opening phase you must provide us with a copy of your proposed admission policy including any catchment area maps and application forms.

10.7 You will have set out the vision for your maths school, which may be about increasing the pool of STEM pupils, or preparing our most mathematically able pupils for STEM degrees and careers and your admissions arrangements can help you make that a reality. For example, you may intend to prioritise places for pupils who have mathematical potential but do not have access to high quality maths provision. You could also prioritise places for pupils from disadvantaged backgrounds and can achieve this by giving priority in your arrangements to pupils eligible for the pupil premium in year 11.

Oversubscription criteria

10.8 If you have more applications than places, you will need to apply clear oversubscription criteria to help you allocate places fairly. Maths schools, as 16-19 academies, have a great deal of flexibility about how they admit pupils and may choose to select by ability.

10.9 You can set specific requirements for specific courses, and you can turn down applicants you have offered places to if they do not subsequently meet the academic requirements. Beware of setting your minimum criteria too low or making the application

process too onerous for pupils: you do not want to have empty places in September. If you have more qualified applicants than places, you can sift them by applying your published admissions criteria.

10.10 You then need to list the rest of your maths school's oversubscription criteria in order. You need to think carefully about these and make sure they strike the right balance between admitting the pupils who will thrive and benefit most from the provision you offer, and being overly complex, burdensome, or inadvertently disadvantaging a prospective pupil.

Offering places

10.11 Once your application deadline has passed and you have applied the admission criteria, you can choose to make either conditional or unconditional offers. Before your funding agreement is signed you should only make conditional offers, in case there is any delay in opening. You do not need to have signed your funding agreement to make conditional offers, but you should advise your prospective pupils that they may wish to have an 'insurance' place.

10.12 At the point the department is ready to enter into a funding agreement with you, your lead contact will want to know how many formal applications have been made and, from March in the year of opening onwards, how many conditional offers have been made and how many offers have been accepted. Information about 'expressions of interest' will generally not suffice.

Finalising choices

10.13 Unlike a school with a sixth form where pupils can move into Year 12, you need to create opportunities to engage with pupils after you have offered them a place. It is beneficial to both you and them if you continue to get to know them and help them finalise their plans, such as which combination of A-Levels they want to study. This will help you plan timetables and teaching loads, and helps ensure pupils have a strong start at your institution. We suggest you host a 'getting ready' day for pupils much like a secondary school would hold an induction for pupils moving from primary schools.

10.14 It is also important to have opportunities to meet with pupils individually between GCSE results and the start of term, in case they or you think they might need to adjust their plans.

Waiting lists

10.15 You should keep a clear, fair and transparent waiting list and be clear about how long you will keep it for. Our advice is that you should keep a waiting list up until the first day of the academic year, and many post-16 institutions choose to maintain it for a longer period of time. Pupils on the list should be ranked in line with your published oversubscription criteria.

Appeals

10.16 Pupils who have not been offered a place at your maths school should have the right to appeal to the maths school. Your admission arrangements must tell pupils about their right to appeal and the process, deadline and contact details for making an appeal.

10.17 Local authorities, as well as other organisations, will operate an appeals service for school admissions, and you may want to consider buying into that service to run your appeals process. In doing so, however, you need to make sure that potential pupils and their parents understand that as a 16-19 academy you do not have to abide by the School Admissions Code or the School Admissions Appeals Code.

10.18 If you want to manage your own appeals, you should be prepared to commit time, money and resources to it. The process will need to be clear, fair and objective. You will need to set up an appeals panel which should be independent of the institution. It should comprise a clerk, and we advise at least two other people. We strongly recommend you provide training for all panel members.

Administration and verification of information

10.19 In operating your admission arrangements you can request proof that the information provided in the application form is valid. You can, for example, ask for a proof of address to confirm that a pupil lives where they say they do, but recognise that many pupils won't have access to the same types of proof of address that their parents would. You must not ask for evidence that includes, for example, parents' financial or marital status, or first languages of the parents and family.

Consulting on your arrangements

10.20 In the pre-opening period, we advise that you include your maths school's proposed admission arrangements as part of your Section 10 consultation, as set out in section 4. Once you have taken account of any responses to your consultation and published your final arrangements on your website and we have signed your funding agreement, you should not make any changes to the arrangements until the application process is over for the year. It should, however, be reviewed and published on an annual basis to take account of changing demographics in your area. We recommend that you consult local people on any changes and publish your policy each year in September for the following September's admissions. You need to be aware that it is possible for people to submit complaints about your policy to ESFA.

11. Equality duties

Free schools' duties under the Equality Act 2010

11.1 When your maths school opens it will be a public authority. [Section 149 of the Equality Act 2010](#) requires all public authorities when exercising their functions and making decisions to have due regard to the three limbs of the Public Sector Equality Duty (PSED). This must be considered throughout the pre-opening process and once the maths school is open.

11.2 The three limbs of the PSED are:

- to eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- to advance equality of opportunity between those who share a relevant protected characteristic and those who do not
- to foster good relations between those who share a relevant protected characteristic and those who do not

11.3 The Secretary of State has a statutory duty to consider the potential equality impact (positive and negative) of his/her decisions, and so the Secretary of State must consider how your maths school might affect the equality of different groups before deciding whether to enter into a funding agreement with you.

11.4 Throughout the pre-opening process, you must consider how the decisions you make will affect people with different protected characteristics. The protected characteristics that you need to consider are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. You also need to note that discrimination on the grounds of marriage and civil partnership is unlawful.

11.5 When making all your key decisions in pre-opening you should ensure you comply with the equality duty. Your lead contact in the department will be looking for evidence that the equality duty is being considered throughout the whole pre-opening process. To show that consideration has been given to the relevant protected characteristics in the maths schools plans and policies, some examples of the information the lead contact will need are:

- details of your marketing plan, to show how you will engage with local communities to meet your duties to promote community cohesion
- your staff recruitment policy, to show how you will ensure that all candidates will be treated in a fair and transparent way during the recruitment process

- your SEN policy, to show what provision will be available for the pupils at the school

11.6 Your lead contact will complete an equality assessment and keep a record of all pertinent information. This will help the Secretary of State to assess the impact on people with reference to different [protected characteristics](#). It will also show if there are any issues around equality which could prevent the trust or the Secretary of State from fulfilling their obligations under equality legislation.

12. Staffing, education plans and policies

Introduction

12.1 During the pre-opening stage, you will need to turn the staffing and education plans in your business case into reality to ensure that everything is in place to open successfully – from recruiting high-quality staff to having high quality education policies and schemes of work in place. You will need to ensure joint planning of finance, curriculum and staffing throughout the process, to deliver an affordable curriculum that meets pupils' needs.

12.2 You will need to have some policies in place early for consultation and pupil recruitment. Others will be needed ahead of the readiness to open meeting (ROM) with the department and the Ofsted pre-registration inspection. You should also consider what you will need ahead of your first full inspection, which will normally take place during year three of opening.

Essential information you'll need to provide to us

12.3

- details of your proposed staffing structure
- pupil assessment, recording and reporting policy
- safeguarding policy
- any other education plans or policies that are requested by the lead contact or EA

External Experts (EEs)

12.4 During the course of pre-opening, you will receive support from an education expert (EE). EEs are external contractors and highly experienced education professionals who have worked in senior education roles, typically as heads of outstanding schools and/or as Ofsted HMIs or inspectors. We ask that all engagement with your external expert is done through your lead contact to ensure a contract is in place for the work.

12.5 You will also need to have your own educational expertise in place to support you as a trust and the EE does not provide that support. Typically, EEs will usually do the following:

- be involved in the process of appointing the principal designate
- be involved in the process of appointing the chair of governors (unless already appointed) and comment on the quality of the governance plan
- comment on the build-up of the senior staffing structure

- comment on the quality of the education brief and education policies, in particular safeguarding and assessment
- attend and contribute to the readiness to open meeting (ROM)

12.6 An EE will normally devote between two and eight days to your project. The factors we will take into account in determining the level of EE support include the experience within your group and the complexity of your vision for the maths school. For example, if your educational expertise is limited, or your group has not set up a new school before, we will provide additional support. The level of EE support may also change during the pre-opening period.

12.7 After opening, an EE will continue to provide professional advice and challenge to ensure that your maths school is delivering a high standard of education to your pupils. An EE will normally undertake first, fourth and sixth term visits to your maths school, reporting to the department on your progress and assessing your preparations towards your first full Ofsted inspection. You should ensure you check the Ofsted website regularly to keep up-to-date with any changes to the inspection framework.

Appointing a principal designate

12.8 Appointing a high quality principal designate is probably the most important thing you will do as a trust during pre-opening. The recruitment process should not take place before the provisional opening date has been confirmed.

12.9 Getting the right person is of critical importance to the success of your maths school; inspected schools that have not had a change in Principal Designate are more likely to receive good or better Ofsted judgement than those that have so it is vital that you find the right person for the job. The Principal Designate will be involved in appointing other staff and writing the detailed education brief, education plans/policies and schemes of work you will need ahead of opening. It may take more than one recruitment round before a suitable candidate is appointed and this could present a risk to the successful opening of your maths school. You must escalate to your lead contact if you are experiencing difficulties recruiting a Principal Designate.

12.10 Given the importance of the appointment, an EE will be involved in the recruitment of the Principal Designate. Principal Designate appointments can be made either through open national recruitment or as a direct appointment (without advertising). If a direct appointment is made, you will need to be able to show how the appointment was transparent and fair. Trusts must also notify their lead contact before going against advice from their EE.

12.11 Most large educational recruitment firms run assessments for school leaders. Your EE will also be available to advise you on the suitability of a candidate for the role of Principal Designate for example by benchmarking him/her against the criteria for leadership. The benchmarking exercise normally involves the candidate being

interviewed by your EE and having their performance assessed against relevant leadership standards. You should also think about the support and mentoring programme that you will provide to support them.

12.12 We recognise that you may be asked by a potential Principal Designate for additional security where a funding agreement has yet to be signed and they are being asked to hand in their resignation and accept the job at the maths school. In such cases the department will underwrite the salary costs plus on- costs, should the maths school not open, or opening be deferred by a year. **We will only underwrite the PD salary once the provisional opening date has been confirmed and we have started to release PDG beyond the initial allocation.** The salary would be underwritten for up to two consecutive terms from the point at which the decision is taken not to proceed. You can share this [letter](#) with your PD to this effect. It is for this reason you will need to send a copy of the Principal Designate's contract to your lead contact when an appointment has been made to ensure the department is aware of any costs which could be incurred as a result of the Principal Designate's salary being underwritten.

Finalising staffing structure and recruitment

12.13 You will also need to finalise your staffing structure for all staff and recruit those needed in your first year. Alongside your Principal Designate, you will need to consider other key posts, including senior leaders, who must be carefully budgeted for. You might find it useful to consider the [Top 10 planning checks for governors](#), which provides some tools to help ensure that you are making the best use of resources when planning your staffing and curriculum.

12.14 As well as teaching posts, it is important to think carefully about who will take on the finance role, to develop the more detailed budget for year one and for pre-opening, and to regularly consider staffing plans against financial plans and pupils recruited. Only by doing so will you be able to demonstrate that your proposed staffing structure is affordable. Additionally, it is important to remember that your staffing structure and recruitment plans should not be confirmed until you have a firm idea of how many students you have recruited.

12.15 Most maths schools advertise for staff in both national and local press. Some have found holding their own recruitment fairs a good way of attracting staff. Others have used agencies or organisations with talent pools. Many of the major education recruitment agencies have access to pools of staff. [Teaching Vacancies](#) may also help you to recruit good staff.

12.16 Remember that all serving headteachers and teaching staff will be bound by contractual resignation dates and you will need to factor this into your recruitment plans. For example, a serving headteacher will have to have accepted a post and resigned by the end of September for a January start, the end of January to take up an appointment in May, and the end of April for a September start. As it may take a few attempts to

recruit a suitable Principal Designate, it is sensible to consider when to begin the recruitment process very carefully, factoring in that you will need confirmation of your provisional opening date first.

12.17 Although you may be keen to appoint newly qualified teachers (NQTs), it will be important, to ensure that teachers are specialist and have the depth of subject knowledge to provide stretch and challenge for students. You will need to consider where subject specific support might come from if there are no other specialists in the maths school in the first and even second year of opening. There might be a similar need for caution when recruiting a high proportion of senior and/or middle leaders with little relevant leadership experience. This can significantly limit leadership capacity at a time when it is needed to implement school improvement systems.

Maths school freedoms for appointing staff

12.18 The trust is responsible for appointing all staff as they will be the legal employer. Maths schools, like academies, have some freedoms in appointing staff that other schools do not:

- you are not bound by the national pay and conditions document and you can set your own pay and conditions. However, trusts have asked us about national pay scales for comparative purposes. These are set out in the [Teachers Pay and Conditions Document](#)
- you are not required to employ staff with Qualified Teacher Status (QTS)
- your principal designate is not required to hold the National Professional Qualification for Headship (NPQH)

Maths schools' statutory staffing responsibilities

12.19 There are statutory requirements with regard to staffing that you should be aware of:

- the SENCO and designated lead for children in care must hold QTS
- as an employer, you have a statutory duty to offer all your staff membership of either the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS). Pension contributions must start with employment, so you should ensure that pension provisions are in place for staff taking up post prior to the free school opening (during pre-opening).

12.20 Serving headteachers and teaching staff are bound by contractual resignation dates, and appointments made before a funding agreement is in place should be **conditional** on you entering into the funding agreement and the maths school opening. You must escalate to your lead contact if you are experiencing difficulties appointing high quality teaching staff.

Developing an education brief

12.21 The education brief provides details of how your school will operate. This can be distributed to staff and governors before opening to ensure everyone understands the vision for the new maths school, the way it will operate, the educational programme and the goals it wants to achieve. Many free schools have also found the overarching structure of the education brief helpful as this brings together all of the school's strategic and detailed education plans and policies.

12.22 It is important to be clear what are the essential elements that constitute a good brief, how they may be constructed, and the audience/s it will be for and the purpose it has. It is also important to state how it may be put into practice and owned by the entire maths school, trust, pupils and their parents.

12.23 A well-developed education brief will do the following:

- inform your pre-opening planning and timescales
- take you through your Ofsted pre-registration inspection successfully
- help you choose and retain the right staff and governors
- ensure you are effective, safe and secure and achieving from first day of opening
- be accessible and written in a way that you feel confident in sharing it with a wide range of audiences, internally and externally
- be focused on pupil outcomes from the start
- prepare you for your first Ofsted section 5 inspection and help you achieve a Good or Outstanding judgement

12.24 The education brief also provides valuable evidence and reassurance to lead contacts that you are offering a high quality and inclusive educational offer, and that the school is on track to be at least good. This will inform their judgement to recommend the Secretary of State to enter a funding agreement.

The role of the university

12.25 Your curriculum, education plans and policies must explain how your maths school will achieve its education vision; the structure of the school and the pupil experience.

12.26 University partners of maths schools have a strong role to play in ensuring the schools prepare pupils to succeed in mathematics related disciplines at top universities and pursue mathematically intensive careers. Universities also play a strong role, through their governing bodies, in holding senior leadership teams to account for the performance of the maths school. Prior to the Secretary of State signing the funding agreement for the maths school, the Vice Chancellor of the university will need to sign a MoU with the maths school trust which should cover some or all of the following:

- Providing curriculum support both through the development of existing curriculum models and through new stretching mathematics project work and/or master classes to ensure the school remains at the forefront of current thinking.
- Providing the school (and its pupils) access to resources such as lecturers, PhD students (in a mentoring capacity) and facilities.
- Using its expertise in, and funding for, widening participation to support and evaluate the impact of the school's outreach work
- Providing careers advice on access to HE and alternative options
- Providing links to networks of business and industry providers

Curriculum and qualifications

12.27 Maths schools must offer maths and further maths A-levels as compulsory, the third subject option must include physics and be limited to STEM subjects. Beyond delivering excellence in the core subjects, maths schools will need to provide pupils with stretching undergraduate level work. This can be achieved through extended projects (e.g. the EPQ) and enrichment with the aim of preparing pupils to excel in mathematics and related degrees at university.

Education plans and policies

12.28 Your education plans and policies should reflect the local context in which your maths school will operate, the involvement of your university, and if appropriate other, partner(s), the challenge and stretch that you will be offering all pupils and your outreach commitments.

12.29 As a trust, you have statutory duties in terms of the policies that need to be in place before opening. The department has published a [guide for schools](#) about these duties. It is imperative that policies are in place by their respective deadlines.

12.30 You will also be required to submit some policies before your Ofsted pre-registration inspection and an inspector may ask to see others on the day. There will be other detailed plans and policies you will need to have in place for your first Ofsted inspection in year three of opening.

12.31 Academies (including maths schools) are required by law to publish specific information on their website. Guidance as to what must be included can be viewed [here](#). You must also ensure that you have the following documents in place prior to opening:

- a scheme of work, setting out details of the programme of learning, must be written for each subject. These are usually prepared by the subject head of department.

- a school development plan for the opening year. This is a strategic document, typically constructed by the Principal Designate and senior team, which sets out the key objectives which the school wishes to achieve within the first years. This includes success indicators, actions, staff responsible, timelines and costings for the opening and subsequent years.

Measuring pupil progress

12.32 In order to demonstrate that your pupils are making progress, you will need to establish a baseline of pupils' current levels of attainment when entering your school. As such, you will need to develop a system for baselining before the maths school opens. You will also need to implement a system of assessment that enables you to measure pupils' performance and a strategy for improving this.

12.33 Once your maths school opens, it is important that you review your success measures and expectations regularly, to improve your school's performance. This could include benchmarking your assessment data with other schools in the network.

12.34 When designing your plans for measuring pupil progress, you should ensure that you consider how you will approach the following requirements:

- identify the learning needs of your disadvantaged pupils and inform approaches for tackling the individual issues faced
- use appropriate and proportionate data to inform teaching and drive progression and attainment for all pupils. You should refer to the recommendations of the department's report 'Making Data Work' to support you in this
- monitor and evaluate whether your approaches for disadvantaged pupils are working
- focus on measuring and improving quality of teaching in the classroom
- involve parents and report progress to them

Safeguarding

12.35 It is vitally important that as an academy trust you fully understand your responsibilities for safeguarding the young people in your care particularly as these will be different from the expectations of universities. You should consult the department's [Keeping children safe in education](#) (KCSIE), [Working together to safeguard children](#) and [What to do if you're worried a child is being abused: advice for practitioners](#) guidance documents. All governing bodies must have regard to this guidance that means they should comply with it unless there is good reason not to. When the maths school opens we would expect it to be meeting the requirements as set out in KCSIE.

12.36 Every school must have a Single Central Record (SCR) which records in one central place specific information on every adult employed by, or coming into regular

contact with, children on a voluntary basis (for example, in an excel spreadsheet, along with documentation in personnel files). This is a statutory requirement. The SCR should be maintained by a senior administrator or gatekeeper. The SCR must include for each adult employee, governor or volunteer whether the following checks have been carried out or certificated obtained, and the date on which each check was completed/certificate obtained:

- an identity check
- a barred list check
- an enhanced DBS check/certificate
- a prohibition from teaching check
- further check on people living and working outside the UK
- a check of professional qualifications
- a check to establish the person's right to work in the UK.

12.37 You can also find more information about what Ofsted will expect to see in place when you are inspected in their guidance [Inspecting safeguarding in early years, education and skills](#). This includes specific references to the Single Central Record (SCR). There are serious implications if a school fails to provide a complete an up-to-date SCR when requested. A school can be closed immediately if the SCR is not produced and staff can be sent home if it is incomplete. The safeguarding checklist¹¹ summarises these requirements and is a useful aide to keep on top of what needs to be in place.

How we will work with you

12.38 Lead contacts will be asking you to report on recruitment of staff (in the context of pupil recruitment and financial plans) and on the development of your education plans and policies – some of which will be needed at specific points, including ahead of the Ofsted pre-registration inspection and at your readiness to open meeting (ROM).

¹¹ See Annex F to proposer guidance here: <https://www.gov.uk/government/publications/free-school-pre-opening-guide>

13. Funding agreement

13.1 The funding agreement is the legally binding contract between the trust and the Secretary of State, which contains the terms and conditions upon which a maths school is funded. Signing the funding agreement is a significant step towards opening your maths school.

13.2 Entering into a funding agreement is an important decision for both parties so requires careful consideration. For the Secretary of State, signing a funding agreement represents a commitment to fund your maths schools and your trust will need to demonstrate that it is ready to enter the agreement and is likely to establish and maintain a popular and successful maths school.

13.3 The contract sets out what the maths school needs to do to receive funding; how the funding is allocated; how the trust can spend that funding; and the circumstances in which it might be withdrawn, i.e. the contract is terminated.

Why does the department use a model funding agreement for maths schools?

13.4 The department will produce a model-funding agreement for maths schools as using a model-funding agreement helps the department ensure consistency across all academies.

13.5 The terms of the model funding agreement have been developed since the beginning of the free schools programme. The Secretary of State has agreed these terms and is not willing to negotiate different terms for individual projects. The only acceptable variations between different funding agreements are those clauses which reflect the specific circumstances of that school, e.g. land arrangements and the planned capacity of the school. The model funding agreement makes clear where these variations will be made and your lead contact will tailor them accordingly before sending the document to you.

When should we begin the process for entering into a funding agreement?

13.6 The timing for entering into a funding agreement will vary depending on the project. Your lead contact will decide the appropriate time for your project. Funding agreements are usually signed when a project has achieved all its key milestones and the lead contact judges that the schools is likely to be good and viable upon opening. Before either party can begin the process of negotiating the funding agreement, there are certain statutory duties that must first be fulfilled by both parties.

Statutory duties

13.7 The trust must consult under Section 10 of the Academies Act 2010 and have due regard to Section 149 of the Equality Act 2010 (see section on [statutory duty to consult](#)).

13.8 The Secretary of State will want to be satisfied that the maths school will be popular and successful upon opening. In making his decision, the Secretary of State will consider whether the maths school:

- will deliver a good or outstanding education, according to the Ofsted criteria. Have enough high quality specialist teachers been appointed or are they likely to be appointed by the time the maths school opens? Is the maths school's leadership strong? Are the necessary policies in place?
- will deliver a stretching and challenging education preparing its pupils to succeed in mathematics related disciplines at top universities and pursue mathematically intensive careers?
- will develop a comprehensive outreach programme working in partnership with the university and local schools and colleges, as appropriate, and complementing the work of the local Maths Hubs?
- has recruited enough pupils to be financially viable and if it will be full within two to three years of opening. Are the admission arrangements for the maths school clear and transparent?
- has a capable and effective governing body. Does the proposed board include trustees with appropriate educational, financial and business experience/expertise? Are there arrangements in place to manage conflicts of interest?
- will open on an appropriate, value for money site
- is financially viable. The recruitment of pupils and an appropriate staffing structure are crucial for ensuring financial plans are affordable. Can the maths school cope with reasonable levels of change to its income and expenditure?
- whether the school's plans for promoting community cohesion are appropriate and likely to be effective for the local context where the school will be based.

The funding agreement process

13.9 At the appropriate point, your lead contact will send you a tailored version of the relevant model funding agreement. You may then consult lawyers (if necessary) on school specific clauses, which if changed must be approved by the department. We strongly recommend you wait to receive a tailored version of your funding agreement

from your lead contact before engaging your lawyers in the process. The Secretary of State will not negotiate terms for individual projects.

13.10 If approved, you need to print and sign (but not date, the department will date the document at the point it is signed and sealed) two hard copies, both with all the annexes attached, and send them to your lead contact. Your lead contact will arrange for both copies to be signed, dated and sealed by the department and will then send one hard copy back to you. To ensure the funding agreement is executed correctly, you must arrange for two trustees to sign the two copies (or one trustee and a witness).

How long does the process take?

13.11 The timings for the process will vary, depending on individual projects. However, the stage that most often holds up the process is agreeing the final version of the funding agreement. It is for that reason that we ask you to focus only on the school-specific clauses (as highlighted by your lead contact).

13.12 In order to speed up the process, we advise you to discuss with your lead contact, early in the pre-opening phase, timings for signing the funding agreement. Whilst we cannot guarantee that this will always happen, agreeing a timescale helps to focus you and your lead contact on ensuring they have completed the necessary tasks in advance.

What are the arrangements for MATs?

13.13 MATs require different FAs to single academy trusts. While a single academy trust will have one funding agreement for its single maths school, multi academy trusts require a master funding agreement to cover all schools within the trust alongside supplemental funding agreements for each individual school. Model supplemental funding agreements are available for maths schools. The master funding agreement contains general clauses whereas the supplemental agreement covers those clauses which are specific to the maths school.

13.14 If you are an existing single or multi academy trust looking to open a new maths school, the multi academy trust models (master and supplemental) will apply to you. Your lead contact will be able to advise on what will be needed.

13.15 If you are an established MAT you must move to the department's latest model master funding agreement for the new free schools and any future free schools or academies, if you are not already on the latest model.

14. Ofsted inspections and registration as an independent school

14.1 Your maths school will have more freedoms and flexibilities than other state-funded schools but, once open, it will be held accountable in exactly the same way and subject to the same Ofsted inspection regime.

14.2 Although 16-19 free schools are not legally independent schools, it has been agreed with Ofsted that they will undergo the equivalent of a pre-registration inspection (including registration on *Get information about schools*) to ensure parity of accountability for all free schools. This will need to be done before opening.

Timing of pre-registration inspections

14.3 Your lead contact will discuss with you when your inspection should happen. Your Ofsted inspector will then contact you directly to confirm the date of inspection. You will be given notice of when your inspection will take place and you will be expected to make yourselves available on that date.

14.4 Schools that have made the most progress towards opening will be prioritised for early inspection, while projects that would benefit from having more time before their inspection will be scheduled later. It may seem advantageous to have the inspection as late as possible to give yourselves the greatest possible time to prepare. However, having an early inspection gives you more time to put right any issues identified by Ofsted before your opening day. A maths school cannot legally open unless it has been added to the register of schools and colleges in England.

What you need to do ahead of the inspection

14.5 First, you will need to fill in a copy of the [registration of independent schools form](#).

14.6 The completed form should be returned to your lead contact and must be accompanied by the following documents:

- a copy of the maths school's written policies on:
 - preventing bullying. Changes to the Independent School Standards in 2013 mean that it is no longer prescribed that bullying policies must take into account the DfE guidance [Safe to Learn: Embedding anti-bullying work in schools](#). However, you may still find it useful to consider the advice.
 - safeguarding and promoting the welfare of children who are pupils at the school. This should be compliant with the relevant health and safety law.

- safeguarding and promoting the health and safety of pupils on activities outside the school which has regard to DfE guidance: [Departmental Advice on Health and Safety for schools](#)
- promoting good behaviour amongst pupils setting out the sanctions to be adopted in the event of pupil misbehaviour
- a copy of the school complaints procedures, as outlined in Part 7 of the Education (Independent School Standards) (England) Regulations 2010.
- evidence that the school has appropriate procedures in place for undertaking Disclosure and Barring Service (DBS) checks of staff recording the results. All schools should have a single central register to record this information and it is the trust's responsibility to keep it up-to-date.
- a plan showing the layout of the premises and accommodation of all buildings.

14.7 The form and these documents should be sent in one batch to your lead contact absolutely no later than two weeks before your inspection. This is to ensure that Ofsted inspectors receive all documents sufficiently in advance of the inspection. Your lead contact will advise on the deadline and send documentation on to Ofsted. **If you do not submit the necessary documentation in time your inspection may be delayed.**

14.8 Once Ofsted receives all the relevant documents, they will consider them and report their views to the department. These comments will be taken into account in determining whether your maths school can be registered. However, before offering a final judgement Ofsted will need to visit the school in order to advise the department on whether the maths school is likely to meet the prescribed standards for registration once open.

Compliance with the Regulatory Reform (Fire Safety) Order

14.9 You will need to be able to demonstrate that your maths school is meeting the requirements of the [Regulatory Reform \(Fire Safety\) Order 2005](#). Trusts should ensure that they comply with the fire safety order and registration will not be agreed until confirmation of satisfactory fire precautions is received. The local fire and rescue authority will update its database and carry out fire safety audits of school premises in accordance with its risk-based inspection regimes. Trusts should be aware that the fire service is not under any obligation to provide this service before the school opens, though many are still happy to do so.

14.10 If the fire service decides not to inspect the premises immediately, Ofsted will consider alternative evidence such as

- documentation/certificate issued by an independent fire safety advisor

- confirmation that you have a fire risk assessment and are complying with the Regulatory Reform (Fire Safety) Order 2005
- a completion certificate confirming construction is in accordance with Building Control Regulations and in compliance with fire safety standards

The day of the inspection

14.11 The inspector will usually spend half a day at the maths school and will normally need to be met and escorted by the Principal Designate and/or the lead proposer. They may also need access to some office space in order to work. While in most cases it is the Principal Designate who talks to the inspector, it does not have to be. As long as someone else in the group can talk through the policies and plans, the Principal Designate does not have to be there. Ofsted will not rearrange the date of the inspection simply because the Principal Designate is unavailable.

14.12 In order to make a judgement about each of the standards, the inspector may ask to see a [number of policies](#) on the day, in addition to those submitted with the registration form. If for any reason a particular document is not available, whoever is meeting the inspector needs to be able to discuss the plans for its development. Similarly, if the work on the site has not completed, you will need to be prepared to talk to the inspector about how the building will develop. If site works are still underway and it is possible for the inspector to be shown around that would be desirable but, again, not necessary. The building work does not need to be completed ahead of the inspection but the inspector will need to see evidence that all the requirements of part 5 of the standards, relating to the premises and accommodation of the school, are being considered and will be met by the time the maths school opens.

After the inspection

14.13 After the inspection, the inspector will produce an advice note and a checklist. The advice note is for the Secretary of State but the checklist will be sent to you by your lead contact.

14.14 In the event that the Ofsted checklist indicates that there are issues that must be addressed known as 'conditions of registration' you must take action to resolve these before the maths school can open. Your lead contact will be in touch to make sure that the conditions have been met and that you have evidence to demonstrate this.

14.15 In the event that Ofsted recommends that your maths school should not be registered, your lead contact will work with you urgently to address the issues and will arrange for the school to have a re-inspection. After the re-inspection, the inspector will produce a second advice note and checklist.

14.16 It is the department, not Ofsted, that decides whether your conditions have been met. Only then can you be registered on *Get information about schools*. If you are not added to the *Get information about schools* register, you cannot legally open.

14.17 Ofsted is responsible for publishing the advice notices. If you are interested in seeing what an advice notice looks like, you can view [previously published advice notices](#). You should be careful about how you communicate the outcome of your inspection to your local community. These inspections are about whether or not the school is fit to open rather than providing any judgement of quality. For example, it would be misleading to say that Ofsted have visited and said that you are 'good' or 'outstanding' just because you have no conditions to satisfy.

Get information about schools registration

14.18 *Get information about schools* is the department's database of all educational establishments across England and Wales. Being entered on *Get information about schools* gets your maths school its DfE number and unique reference number, which are used in a variety of circumstances to identify the school formally.

14.19 Your lead contact will provide your *Get information about schools* form which you must complete and return to them. This form is different from the one available on the independent schools part of the gov.uk website, because the process involved is slightly different. The *Get information about schools* form can be submitted for processing at any time during the pre-opening period, but you should aim to ensure that it is submitted no later than 5 months before your opening date. You will need a landline telephone number to put on this form (others are not accepted on the *Get information about schools* system). If you do not have one for the maths school, use another but remember to change it to the maths school's number as soon as you have [DfE Sign-in](#) login details.

14.20 Once the form has been processed your maths school will initially be registered as 'pending approval', which means that although your maths school will have a *Get information about schools* profile, it will not be searchable by the public. After your maths school has completed the initial *Get information about schools* registration, you will then be issued with your DfE number and unique reference number.

14.21 Please note that your maths school will not be publically searchable until its status has been changed to 'proposed to open' (the final stage of the *Get information about schools* registration process). This will be done when you have a funding agreement in place, any pre-opening ROM actions have been addressed, you have successfully completed your Ofsted pre-registration inspection, and have been assessed as likely to meet all the relevant Independent School Standards.

14.22 Once your lead contact has confirmed that your maths school's status has changed on *Get information about schools*, you will need to contact DfE Sign-in in order to gain login details for *Get information about schools* via the [DfE Sign-in service request form](#). DfE Sign-in is the department's portal for systems such as *COLLECT*, *School to*

School, Key to Success, ESFA managed Information Exchange and since September 2017, *Get information about schools*. The DfE Sign-in Portal allows registered users access to the DfE's systems. Access to systems is granted on a user-by-user basis and only those systems that a user has permission to access will be displayed.

14.23 Academies and trust accounts can have up to twenty user accounts and two approver accounts per organisation. The department will work with the DfE Sign-in team to set up the approver account but the user accounts must be set up by the approver at the organisation.

14.24 The approver can create accounts for other members of staff and also add services to accounts such as COLLECT. They also archive accounts when they are no longer in use. It is their responsibility and decision as to who they add to the account.

14.25 Once registration is complete, it is important that someone at the maths school takes responsibility for keeping your *Get information about schools* record up-to-date, the department will not do this for you. If you do not confirm your school information on *Get information about schools* is correct every 90 days then access to all other services such as COLLECT will be suspended until you do.

Inspections once open

14.26 Once open, maths schools are inspected under the same arrangements that apply to other post-16 providers. The first full inspection of a free school (including maths schools) normally takes place during the third year of opening (for maths schools with boarding provision, this will be the first year). Full inspections are conducted under Ofsted's Common Inspection Framework (CIF) for education, skills and early years. Ofsted publishes a School Inspection Handbook (covering section 5 inspections) and a Further Education & Skills Inspection Handbook, which provide more detailed information about the inspection process and criteria. Further information about inspection, including [changes to apply from Sept 2019](#), is available on [Ofsted's website](#).

14.27 Ahead of a maths school's first Ofsted inspection, an EE contracted by the department will carry out monitoring visits to open maths schools usually in their first, fourth and sixth terms.

14.28 The objectives of these visits are to ensure that the schools are satisfactorily addressing risks identified at ROMs (first-term visits only); that they are providing a high standard of education; are likely to achieve a rating of good or better in their first Ofsted inspection and to assure the department that there are no other issues or concerns that need to be addressed.

14.29 Monitoring will assess against the categories set out in the new CIF. EEs will make contact towards the end of September to arrange visits. The department may ask EEs to conduct follow-up monitoring visits should schools require additional support in their first year.

14.30 Visits are supportive but are also designed to provide challenge in order to highlight areas schools should focus on ahead of their first Ofsted inspection. In addition to monitoring visits, many open free schools have found it useful to buy in support to undertake a trial run inspection ahead of the real thing to identify any outstanding issues. Many providers offer this service and employ ex-HMI to deliver it. These external assurance exercises will help validate your maths school's own self-evaluations and inform school improvement plans ahead of your first Ofsted inspection.

Accommodation

14.31 If you are considering providing boarding accommodation, please speak to your lead contact about this.

15. Preparing to open

Readiness to open

15.1 You will have a readiness to open meeting (ROM) with the department before the end of June in the year of opening. The aim of this meeting is to ensure that everything is in place for your maths school to open successfully and on time.

15.2 ROMs are formal meetings between the department and the trust designed to achieve the following:

- identify issues and risks that might prevent the maths school from opening with viable pupil numbers and robust finances and/or getting a 'good' or better judgement at the first Ofsted inspection
- assess whether the school's plans for promoting integration and community cohesion are appropriate and likely to be effective for the local context where the school will be based
- identify actions needed to mitigate risks and/or address issues
- where necessary, enable ministers to take decisive action (such as to defer) before the opening date

15.3 Education and viability will be the key focus of the ROM. The department will use the meeting to make a judgement on how confident it is that the proposer group will open a successful maths school.

15.4 Attendees from the proposer group should be:

- chair of trustees
- principal designate
- any other person who can provide information useful to the meeting, e.g. chair of finance committee, or business manager
- a university member or trustee

15.5 Only those who hold a governance or leadership role should attend, with a maximum of five external attendees overall. We will **cancel the meeting** unless both the **chair of governors** and the **principal designate** are able to attend.

15.6 Your lead contact will discuss the format and aims of the ROM with you in advance of the meeting. Your lead contact will inform you of the venue of the ROM and will agree a date that is convenient. The ROM will be chaired by a senior departmental official and will also be attended by an external expert, lead contact and, where appropriate, representative(s) from ESFA and/or FSC. They will ask questions about

progress, risks and issues in key areas of the project and agree actions for each area where appropriate.

15.7 The principal designate will be required to complete a risk report and return it to the lead contact at least two weeks prior to the ROM, the content of the report will be discussed at the ROM. The report will do the following:

- outline any risks or issues and the actions needed to address those issues
- identify areas that require further discussion

16. Once your school is open

The final stage of the pre-opening period

16.1 The final stage of the pre-opening process is to prepare for opening, which includes the hand-over of your maths school from your lead contact in the maths schools team to the relevant Regional School Commissioner (RSC), to monitor your educational performance, and the ESFA, who will monitor your compliance with your funding agreement.

16.2 Your lead contact will ensure that the RSC and ESFA are fully briefed on your project so they know what challenges you may experience in your early days of opening. Once your project is handed over to ESFA it is important that you communicate with them and not your original lead contact.

16.3 Where it will be helpful, a named contact from ESFA will arrange an initial meeting with you early in the autumn term of opening to visit your maths school and develop an understanding of the school's vision. The expectation is that now you are open, you have the freedom, autonomy and responsibility to run your maths school, within the expectations and requirements set out in the Academies Financial Handbook and your funding agreement but should call on the ESFA if issues arise.

The role of the ESFA

16.4 The role of ESFA is to calculate and pay revenue and capital funding, as well as seek assurance over the use of public funds from academies of all types, including maths schools. The ESFA will also handle any requests you may make of the Secretary of State as required by the funding agreement. This may include things such as, approval to enter into a lease or to dispose of land.

16.5 Schools are asked to provide financial returns so ESFA can provide assurance that this is the case and that free schools are meeting the terms of their funding agreements.

Regional Schools Commissioners (RSC)

16.6 Regional schools commissioners are responsible for taking important decisions regarding academies and free schools (including maths schools) in their regions in the name of the Secretary of State. All decisions are taken in with the legislation and published criteria. This includes ensuring that schools at risk of receiving a less than good Ofsted judgement receive additional support as required. Further information on RSCs can be found [here](#).

Key tasks in the early days of opening

16.7

- If contacted update ESFA on pupil recruitment numbers and any early issues

- Prepare for a DfE EE visit in your first term of opening
- Ensure you have approved an annual budget for the first year of operation and submitted this to the ESFA in accordance with the published timetable
- Ensure that the academy trust has implemented the requirements of the [Academies Financial Handbook](#)

Further Information

Project tasks

The pre-opening guidance for all other types of free school contains an Annex A of project task lists, which is not included here, but you may find helpful to refer to this.

Checklists

The pre-opening guidance for all free school types has several helpful checklists. You may find it useful to refer to these which are [here](#).

- Annex B: Memorandum and Articles of Association – confirmation of model articles checklist
- Annex C: Governance plan – checklist for trusts
- Annex D: Section 10 Consultation – checklist for all trusts
- Annex E: What should an education brief contain?
- Annex F: Safeguarding checklist

New Schools Network

The New Schools Network (NSN) receives a grant from the Department for Education to provide free advice, tools, guidance and events to help you plan your approach to pre-opening, based on the experience of trusts that have opened schools successfully. For more information on NSN's support for free schools in pre-opening visit its website, or contact open@newschoolsnetwork.org.

Glossary of key terms

EE	Education Experts are external contractors and highly experienced education professionals who have worked in senior education roles.
ESFA	Education and Skills Funding Agency
MAT	Multi academy trust
Maths Hub	A Maths Hub is a network for the leadership of mathematics improvement work across a region; it is led by one school or college but draws together contributions from a range of other schools, higher education institutions and other bodies or individuals with mathematics education expertise.
PD	Project director
PM	Project manager
PDG	Project development grant
ROM	Readiness to open meeting
SAT	Single academy trust
SEL	Senior executive leader



Department
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