



Department
for Education

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The Dunham Trust
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Letter by email to:

[REDACTED]

09 March 2015

Dear [REDACTED]

FREE SCHOOL APPLICATION: THE ORCHARDS

I am delighted to inform you that the Secretary of State for Education has decided that your application to establish The Orchards should proceed to the next stage of the free schools process. This is a significant step towards opening your school.

Pre-opening

Your application has been approved to enter the “pre-opening” stage. In pre-opening, you will need to develop your plans in detail in order to ensure that your school is in a position to open successfully, provisionally in September 2016. Through your application, you have demonstrated a range of capacity and skills within your group, and you will need to draw on these attributes in order to turn your plans into reality. From our experience of working with groups, we know that the scale and range of tasks you will need to undertake over the coming months will be challenging, but ultimately very rewarding.

Entry into the pre-opening stage of the process is an important step, **but this should not be taken as final approval or as confirmation that we have agreed all aspects of your application.** Approval does not constitute endorsement of your proposed site, budget or opening date and is subject to the Secretary of State’s discretion to prioritise funding for the free schools programme as she sees fit. You should not therefore market your proposed new school to parents on the basis that it will be situated on a particular site.

The final decision to go ahead with the proposal depends on the Secretary of State formally entering into a funding agreement with the academy trust. The Secretary of

State will consider signing a funding agreement only if you are able to develop your plans to the required standard during the pre-opening stage.

It is open to the Secretary of State to decide to cancel or defer a project at any point during the pre-opening stage. It is of course particularly important that prospective schools are in a position to be able to attract parents in time for the annual admissions round. If therefore it proves impossible to find a suitable permanent site by January of the year when the school is due to open, we will review the situation and decide whether to defer the project in order to give clarity to local parents and prospective pupils or students.

You should be aware that, if you run an existing school – and/or have another application in pre-opening – and one of our education advisers or officials raises any concerns about it, we may need to reconsider the approval of this project, as a result of which it could be deferred or cancelled. The same would apply if an Ofsted inspection of an existing school which you run results in a rating of “requires improvement” or “inadequate”.

Conditions

This approval is subject to some very precise and strict conditions. Failure to meet these conditions would mean that the Secretary of State would be unlikely to enter into a funding agreement with you, meaning that your school would not open. These conditions are set out at **Annex A**. This should not be taken as an exhaustive list of issues that will need to be resolved. As plans develop, further conditions may be set during the pre-opening stage.

Capital and site

The continued approval of your application is also conditional on the capital costs representing good value for money and being kept to a minimum. During the pre-opening phase we will seek to deliver your school with the lowest possible capital cost (ie acquisition and property costs, plus the costs of necessary works and fit out). You will be assigned a project director from the department’s Education Funding Agency (EFA) who will discuss this with you in due course.

The capital funding available is strictly limited. Approval of the application would not mean that you would necessarily receive the ideal building to deliver your vision. We would not be able to accommodate requests for specific designs. If your school requires a new build, the school will have a standardised design. We continue to have difficulty finding sites in some areas, particularly London and the South East. You may need to be flexible about where the school is located if your project is located in one of those areas.

Sometimes more than one approved application has named the same site as their preferred option. In such cases, where it is clear that the site is suitable and affordable but cannot accommodate all the schools proposed, we will decide which application should take priority based on a range of factors including:

- the strength of the respective applications;
- local demand;
- the need for local school places; and

- the impact on existing provision.

Nursery provision

As you plan to offer nursery provision at The Orchards, we will need to discuss these plans with you specifically, including how this might be funded.

Admission arrangements (special educational needs)

Special free schools do not admit pupils by application. Under [section 43 of the Children and Families Act 2014](#), they are required to comply with any Education Health and Care Plan naming the school. However, they do need to publish a “statement of provision” setting out details of the school and the provision it offers. Guidance is in the admissions section of the guidance document for proposer groups (see above).

Although we will offer you advice on developing the school’s first policy, you should bear in mind that it is the trust which is responsible for ensuring that this policy accurately reflects the school’s specialisation and its duty to admit all pupils with an education, health and care plan naming the school.

We know that pupil recruitment is always a challenge in the first year of operation. Having a clear published statement of the provision offered will support recruitment and help the school to reach capacity. Being unclear about what is on offer can hinder recruitment. For schools due to open in September 2016, **we are therefore asking the trust to submit the proposed school’s draft admission arrangements no later than 30 April 2015**. This will enable us to advise you on these arrangements in a timely manner.

Project development grant

You will be paid a project development grant to cover appropriate pre-opening costs in the run up to the opening of your school. The grant is set at a level commensurate with the type of school you are proposing to open and the nature of the academy trust. This is of course public money and you must be able to account for having spent the grant properly and seek the best value for money at all times.

The payment of this grant does not in any way affect the Secretary of State’s final approval for the free school to open. That remains subject to the Secretary of State entering into a formal funding agreement with the academy trust.

We will need to agree arrangements to enable you to access the grant as a matter of urgency. We will therefore be writing to you shortly with the formal grant agreement which you will need to sign and return **by Friday 20 March at the latest**. If you have not already done so, you will also need to ensure that the trust sets up a bank account to receive the grant.

Launch event

You should already have received an email asking you to save the date for the pre-opening launch event, which is due to be held on Tuesday 17 March in central London. A draft agenda for the day is enclosed. DfE representatives will be available during the day to answer questions and there will be an opportunity for groups to meet their key DfE contacts.

To confirm your attendance and receive further details, please contact New Schools Network, who are helping us to organise the event, by emailing events@newschoolsnetwork.org. We look forward to seeing you there.

Conclusion

We will be in touch again shortly to confirm arrangements for liaising with the department during the pre-opening stage – including your named contacts in Free Schools Group and the Education Funding Agency – and to finalise the grant payment process. In the meantime I would like to thank you and your colleagues for the commitment and energy that you have shown in developing your application and at interview. I wish you every success with your project.

We will be informing the relevant local authority and local MP about your successful application.

Yours sincerely,

A handwritten signature in black ink that reads "Mel Watt". The signature is written in a cursive style with a long horizontal stroke at the end.

MELA WATTS CBE
Director, Free Schools Group

Annex A – Conditions to be met

1. Capital costs represent good value for money and are kept to a minimum. During the pre-opening phase the department will seek to deliver your school with the lowest possible capital cost (acquisition and property costs, plus the costs of necessary works and fit out). Your EFA project director will discuss this with you in due course.
2. That the site is made available by the local authority on a peppercorn rent.
3. Your group demonstrates improved financial expertise by 29 May 2015. Written confirmation of the additional expertise you secure, including the specific time commitment individuals will offer to the project, will also be required.
4. Using this additional support, your group will need to submit, by 31 July 2015, a revised financial plan, which demonstrates to our satisfaction that your free school will be financially viable both in the immediate period post-opening and at a steady state. The department will need to be confident that your school will be financially resilient, so will as a minimum expect your plan to show an operating surplus in every year post-opening.