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Dame Rachel de Souza  
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Old Weights and Measures Building  
28 Bethel Street  
Norwich  
NR2 1NR

Letter by email to:

[REDACTED]

9 March 2015

Dear Dame Rachel

## **FREE SCHOOL APPLICATIONS: CHARLES DARWIN PRIMARY SCHOOL AND TRAFALGAR COLLEGE**

I am delighted to inform you that the Secretary of State for Education has decided that your applications to establish Charles Darwin Primary School and Trafalgar College should proceed to the next stage of the free schools process. This is a significant step towards opening your schools.

### Pre-opening

Your applications have 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 schools are in a position to open successfully, provisionally in 2016. Through your applications, 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 applications**. Approval does not constitute endorsement of your proposed sites, budgets or opening dates 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 schools to parents on the basis that they will be situated on a particular site.

The final decision to go ahead with your proposals depends on the Secretary of State formally entering into funding agreements 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 schools 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.

Our expectation is that, if the Secretary of State approves the proposal, all free school proposer groups – including existing trusts that have already set up free schools and academies – will adopt in full the department’s model funding agreement and model memorandum and articles of association.

### Capital and site

The continued approval of your applications 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 schools 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 applications would not mean that you would necessarily receive the ideal buildings to deliver your vision. We would not be able to accommodate requests for specific designs. If either of your schools requires a new build, it 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 schools are located if either of your projects are 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.

As you plan to offer nursery provision in time at Charles Darwin School, we will need to discuss these plans with you specifically, including how this might be funded.

### Admission arrangements (mainstream)

Although we will offer you advice on developing each school's first set of admission arrangements, you should bear in mind that, as the admission authority for its schools, it is the trust which is responsible for getting these arrangements right. You will therefore need to understand your responsibilities under the [School Admissions Code](#) and the [Appeals Code](#). We have developed [comprehensive guidance](#) to help you develop your first set of arrangements.

In previous rounds a large number of admission policies and application forms submitted to the department have not complied with the Admissions Code. We want to ensure that this is no longer the case. We are therefore making it clear that:

- Apart from any boarding schools (to which we will send a separate template), you must use the template at this link in drafting your admission policy: <https://www.gov.uk/government/publications/free-schools-admissions>. If you admit to various phases (such as reception and year 7), the model documents also at this link will assist you in amending the template.
- Schools must ensure that they comply with the School Admissions Code, particularly paragraphs 1.9(a) to 1.9(o) and 2.4 in drafting any application forms: <https://www.gov.uk/government/publications/school-admissions-code--2>.

We know that pupil recruitment is always a challenge in any school's first year of operation. Having clear and fair admission arrangements will support recruitment and help the school to reach capacity. Getting the admission arrangements wrong can hinder recruitment, and could damage the reputation of the school. 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. For 2016 projects it will allow you to have a Code-compliant set of arrangements in place in time for you to submit them for inclusion in your local authority's admissions prospectus, which will be published during the summer.

Please remember that admission arrangements include not only your admissions policy but also your application process, application form (if you operate outside co-ordination in the first year) and any catchment map (if you decide to operate catchments).

### 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 schools. 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 schools to open. That remains subject to the Secretary of State entering into formal funding agreements 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](mailto: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 applications and at interview. I wish you every success with your projects.

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

Yours sincerely



**MELA WATTS CBE**  
**Director, Free Schools Group**

## **Annex A – Conditions to be met**

The continued approval of your applications is conditional on

### Both applications

Capital costs representing good value for money and being kept to a minimum. During the pre-opening phase the department will seek to deliver your schools 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.

### Conditions relating to Trafalgar College

The need for additional post-16 places in the town from 2021 - to be demonstrated by EFA's review of post-16 provision in Great Yarmouth.

Your group being flexible on location to ensure value for money.