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[REDACTED]

Letter by email:

[REDACTED]

2 September 2015

[REDACTED]

FREE SCHOOL APPLICATION: MacIntyre Academies Free School - Rugby

I am delighted to tell you that the Secretary of State for Education has decided that your application to establish MacIntyre Academies Free School - Rugby should proceed to the next stage of the free schools process (the pre-opening stage). This is a significant step towards opening your school.

In the pre-opening stage, you will need to develop detailed plans to ensure that your school is in a position to open successfully, provisionally in September 2017. You will need to draw on the capacity and skills within your group to turn your plans into reality. 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**. In particular, approval does not constitute either:

- endorsement of your proposed site or budget. It is also 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 on a particular site; or

- confirmation of your proposed opening date. It is of course particularly important that prospective mainstream schools are in a position to be able to attract parents in time for the annual admissions rounds. If 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.

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. For mainstream (primary, secondary and all-through) schools, the ideal is to enter into a funding agreement before the relevant national offer day in the year in which the school is due to open, thereby giving parents receiving offers the confidence that the school will open that year. However, the Secretary of State will not enter into a funding agreement until she is confident that the school will open successfully on its proposed date. It is moreover open to the Secretary of State to cancel or defer a project at any point during the pre-opening stage – even after your funding agreement has been signed – if your plans are not to the required standard.

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 Ofsted inspects a school you run and rates it *Requires Improvement* or *Inadequate*, or if there is a decline in the performance of your existing schools.

This approval is subject to some very precise and strict conditions. Failure to meet these conditions would make it very unlikely that the Secretary of State would 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 the issues that will need to be resolved. As plans develop, further conditions may be set during the pre-opening stage.

Further information about capital and site issues, model processes, admission arrangements and project development grant are attached at **Annex B**. We would also encourage you to familiarise yourselves with our guidance for proposer groups in the process of opening a free school (see link attached), which we have recently updated.

Your lead departmental contact will be [REDACTED] and your Regional Schools Commissioner is Pank Patel. Your lead contact will be in touch shortly to confirm arrangements for liaising with the department during the pre-opening stage, including setting up a “kick-off meeting” with you, 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. The hard work starts now!

We will be informing the relevant local authority and local MP about your successful application. I am copying this letter to Pank Patel, Regional Schools Commissioner for West Midlands.

Yours sincerely

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

MELA WATTS CBE
Director, Free Schools Group

Conditions to be met

The continued approval of your application is conditional on:

1. The 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 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. The opening date of the school is deferred to September 2017, to allow the trust time to consolidate the educational offer and leadership at Endeavour in Oxford in order that they achieve a Good or better in their first Ofsted; and to ensure a successful first year of Discovery in Nuneaton.
3. The trust submitting by 31 December 2015 a robust plan on how it will increase the financial capacity and expertise at operational, local governing body and board level within the trust by recruiting suitably qualified financial experts into the school and onto the relevant governing bodies.
4. The trust review and develop a plan, to be submitted to the department by 31 December 2015, to improve the leadership capacity of the open and opening academy at all levels; ensuring that the leadership capacity of the free school will be additional and any recruitment will not adversely impact on the other schools.

Guidance

We have recently revised the guidance document to help proposer groups navigate the pre-opening phase effectively <https://www.gov.uk/government/publications/free-school-pre-opening-guide>. It contains the information and supporting materials needed to complete the critical tasks required to open a successful free school. Your lead contact will discuss this with you at your initial “kick-off” meeting.

Capital and site

The final approval of your application is 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 (i.e. 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 does not represent any commitment to a particular type of building or level of provision or equipment to deliver your vision. We will 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 – as well as about the year of opening – if your project is in one of those areas.

Sometimes more than one approved application – or an open free school – have expressed an interest in 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.

Model processes

Our expectation is that, if the Secretary of State approves the proposal, free school proposer groups will adopt in full the department’s model funding agreement and model memorandum and articles of association. Where the group is an existing academy trust and therefore already has articles in place, we would expect you to consider adopting key provisions from the latest model, which reflects the department’s experience of best practice in the governance of academy trusts, as well as charity and company law. We will discuss with you any particular governance issues that you will need to consider.

Admission arrangements (special schools)

Special free schools do not normally 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. Trusts proposing to open a special free school will need to publish a “statement of provision” setting out details of the school and the provision it will offer. Guidance on requirements is in the admissions section of the guidance document for proposer groups (see above) and your DfE lead contact will send you a model statement of provision for guidance.

Although we will offer you advice on developing the school’s first statement of provision, you should bear in mind that it is the trust which is responsible for ensuring that this statement 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 2017, **we therefore require the trust to submit the proposed school’s draft statement of provision no later than the end of January 2017**. This will enable us to advise you on these arrangements in a timely manner so that your policy is in place well in advance of your opening in September 2017.

Project development grant

Your academy trust 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 mean that the Secretary of State has given 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 18 September 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. Without a bank account we will not be able to pay you this money.