

Free schools: *The next 10 years*

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**New
Schools
Network**

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“My child loves the school and has thrived in it. I am completely amazed by everything the school does.”

Parent, free school student

Foreword



Luke Tryl

Director, New Schools Network

A decade ago some people saw free schools as a pipe dream. The notion that parents, teachers, businesses, charities and others would come together to establish great new schools was dismissed as a fantasy, in the words of one politician ‘a vanity project for yummy mummies’ or another as ‘freaky schools’. Ten years later we can see how wrong those sceptics were.

There are now 442 open free schools across the country, many of which are beacons of excellence in terms of the education they offer to young people. They have brought new ideas and driven improvement into our education system, they have put paid to the myth that in some communities you simply can't offer a good education and above all have transformed the life chances of thousands of young people. That they are now the highest performing schools at Key Stages 1, 4 and 5 is a testament to the vision of free school founders, the drive of trustees and the hard work and expertise of the leaders, teachers and other staff who work so hard to deliver excellence for young people. That is why I am very proud to lead the charity responsible for championing and supporting free schools.

But as Brexit has dominated the agenda in Westminster and Whitehall over the past three years, domestic policy has been sidelined. As a result, at a time when the need to tackle entrenched underperformance and support neglected communities has never been more obvious or pressing, the momentum behind education reform and the free schools programme is at risk of stalling. That would be a travesty, not least because despite nearly 20 years of progress in education led by all three main parties, opportunity is still not distributed evenly across the country. Too often parents are left with no choice but to send their child to a failing school. Many coastal towns and rural and northern areas face a systematic pattern of educational underperformance. It is in these communities where parents have expressed their frustration against the status quo and which stand to benefit the most from the dynamism and aspiration free schools can bring to the education system. That's why we need to return to the original vision of the free schools programme and to remove the barriers to setting up good, innovative new schools.

Ultimately, what makes free schools unique is that rather than a top down approach to delivering education, they instead give communities the ability to demand more for their children, to reject the failed approaches of the past, and create something different and better. At NSN we want to reignite that founding vision and ambition for free schools. My hope is that you will join us in doing just that over the next decade of our existence, ensuring we finally deliver on the promise of giving every child an excellent education, one that sets them up for success in modern Britain and allows them to realise every ounce of their potential.

Introduction

Education is the best route to improving young people's life chances, it is also key to our social and economic success as a nation. That means making sure we have enough good new schools should be a top priority for the next Government. Free schools are now the highest performing schools at Key Stages 1, 4 and 5 and are more likely to be rated Outstanding by Ofsted than any other type of school.

The free schools policy started with a vision to empower parents, teachers, charities and businesses to set up new schools in their local community. The principle behind these schools was to introduce a different type of school to an area, giving parents the ability to demand more for their children. They are, at heart, a vehicle for social justice and educational opportunity. Alongside the academies programme, free schools are powerful drivers for school improvement, raising standards not just for pupils that attend them, but also by supporting other schools across the country to improve their practice as well.

This year is the 10th anniversary of New Schools Network. Our organisation was established to help these applicant groups to set up hundreds of new independent state schools. Over the last 10 years, NSN has worked with around 1,200 applicant groups, of which almost 1,000 secured an interview with the Department for Education; around 850 groups applying to open all types of schools across all regions of the country received bespoke support through NSN's Development Programme. As a result, the education sector has changed significantly since we first started out 10 years ago. Free schools have flourished and are an embedded part of the education landscape. There are over four hundred open free schools and they have been proposed by a wide variety of groups from all backgrounds, offering genuine innovation to the sector.

The free schools programme must now return to its original purpose and mission. Recent narrow restrictions on the types of schools that can be approved and the bureaucracy of the application process have hampered the growth of the programme. Innovation and community led schools, which were the driver behind the free schools concept, are completely absent in recent waves. Where highly successful free schools already exist, they are struggling to expand and spread excellence. There is a risk the system is becoming dominated by a few big regional players, creating barriers to unleashing the next wave of innovation in education. In recent years, the policy has continued to see success in niche areas, such as the approval of four new university sponsored 16-19 maths schools and the growth in the number of special school places. Yet the original vision of the mainstream programme, which brought so many benefits to the thousands of children, has disappeared.

Recommendations:

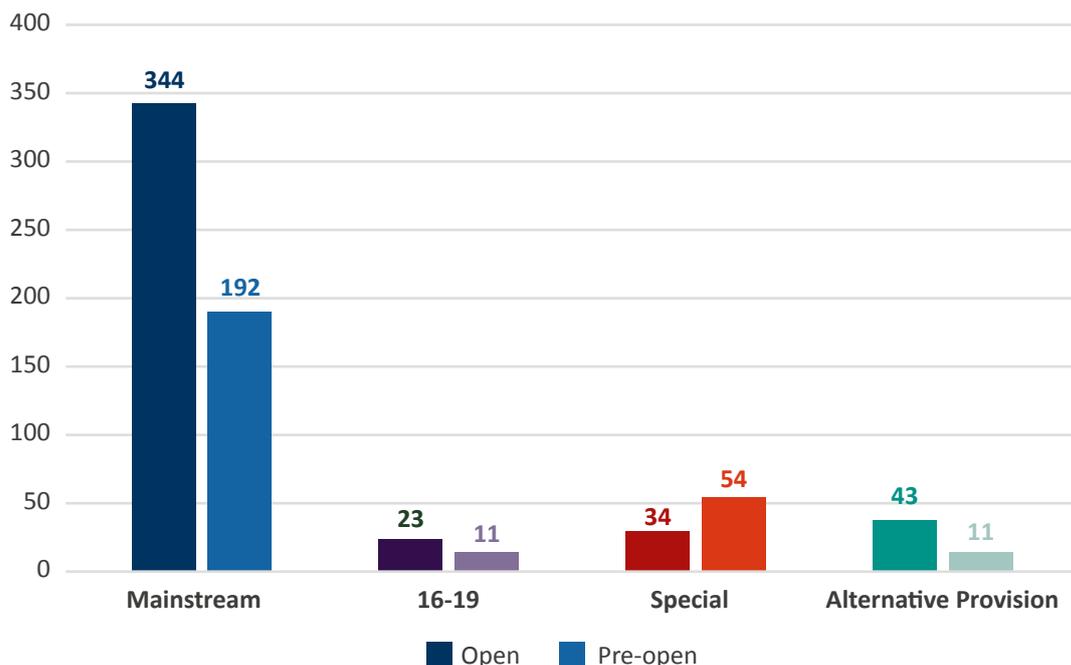
We have identified seven recommendations to revitalise the free school programme, to ensure we spread educational opportunity and unlock real social justice, and to deliver a good school place for every child in England.

- Open 100 new free schools each year, concentrated in areas that have been left behind
- Expand the policy to ensure there is a free school in every local authority
- Encourage new providers to enter the schools system by allowing new single academy trusts to be established, and placing innovation at the heart of the free school assessment process
- Legislate to compel local authorities to set aside land for new free schools and remove the barriers to opening new schools
- A new sponsorship model which brings the benefits of a track record of improvement, new leadership and capital funding to schools which have been stuck in a pattern of underperformance
- Support for small, highly successful free schools to grow their academy trust, sharing their Outstanding practice
- A new, dedicated, AP free school wave to deliver places for vulnerable pupils at risk of gang violence.

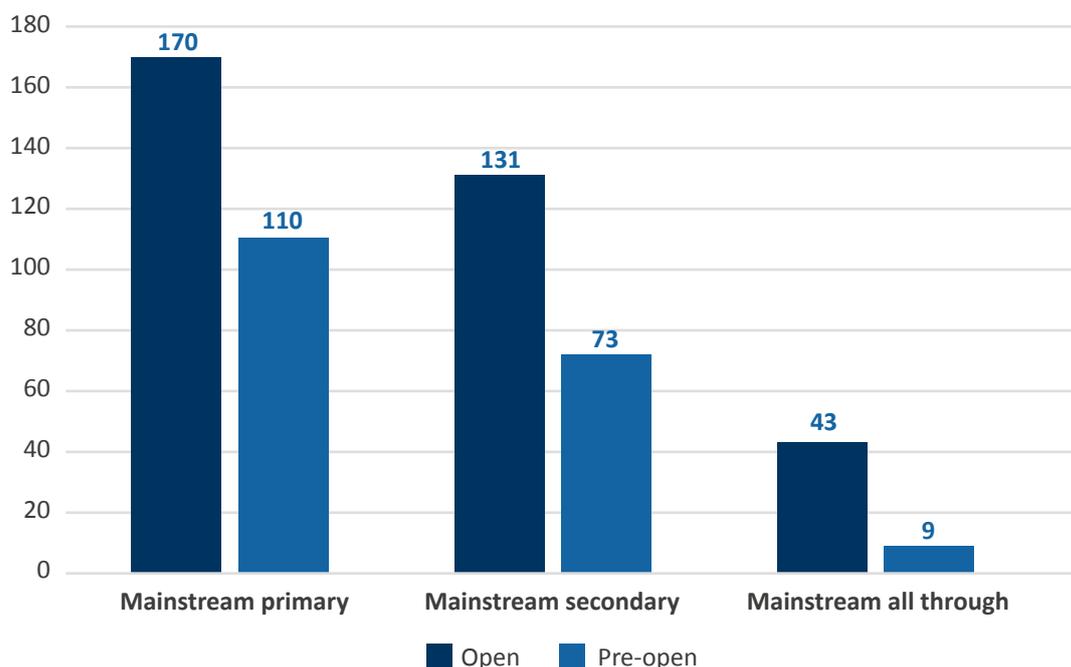
Free Schools 2010-2019

In June 2010, the Government invited proposals from teachers, charities, parents and others for new free schools across the country. This paved the way for the first wave of free schools, 24 of which prepared to open their doors in September 2011. There are now 442 open free schools in the country, with a further 261 due to open in the next few years. These schools have created more than 400,000 places across England.

Open and pre-open free schools by type



Open and pre-open mainstream free schools by phase



To date, there have been 13 free school ‘waves’. For each wave the Government invites bids for a new school, publishes a set of criteria and proposer groups complete and submit an application to the DfE.

Since 2010, there have also been some key policy developments which have shaped the programme:

- In 2015, all new academies were also deemed free schools; this includes schools opened through the free school presumption process. Through this route, a local authority launches a competition to find a provider for a particular type of school in response to basic need, for instance as part of a new housing development.
- In 2016, the DfE separated out the process to open new special schools, known as the local authority commissioned special free school process.
- In 2018 the DfE launched a second round of local authority commissioned special free schools, this time allowing local authorities to bid for both alternative provision and special schools.
- In 2018, the DfE launched a process whereby proposers of Voluntary Aided (VA) schools could bid to the department for capital funding to support the establishment of new VA maintained schools.
- In 2018, a new policy was launched to encourage Universities to open 16-19 specialist maths free schools.

Each free school wave has had its own set of criteria. Over the last nine years of the programme, these have evolved considerably. In particular, there has been a significant shift in the way that the DfE defines a need case for a new school. For example, in application wave 10 the requirements were that groups must:

- have interest from parents of pupils that is close to the school’s capacity – for each of the school’s first two years of operation

and either that there is:

- no significant surplus of school places in the relevant phase in the area; or
- that the number of places in underperforming existing schools in the school’s proposed vicinity comprises a total number of pupil places greater than your proposed school’s capacity at scale.¹

This was in line with the original spirit of the programme. However, the criteria for the most recent wave of applications this year, wave 13, stated they would accept applications only for schools that are located in **both**:

- An area where there is basic need for the additional school places that the free school will create. We want to avoid free schools creating and contributing to an oversupply of places in the area.

And

- One of the targeted districts identified by the department as having the lowest standards and lowest capacity to improve. If the proposed school is not in one of these areas, the applicant will need to demonstrate that it is in a ‘pocket’ of low standards where there is a very strong case for a free school.²

This has severely limited the potential of the programme. What was once an opportunity to unleash new ideas and deliver a community centred approach to education has moved to a bureaucratic mechanism for delivering school places, which is sometimes failing to even do that.

Open Free Schools by type - geographical

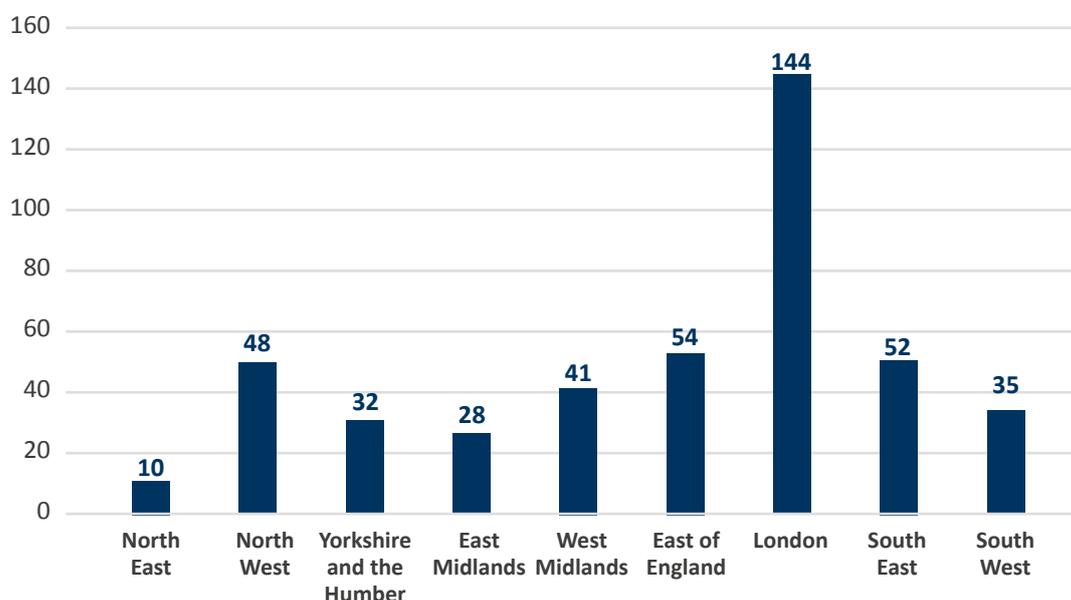
■ Mainstream ■ Alternative Provision ■ Free Schools Special ■ Free Schools 16-19



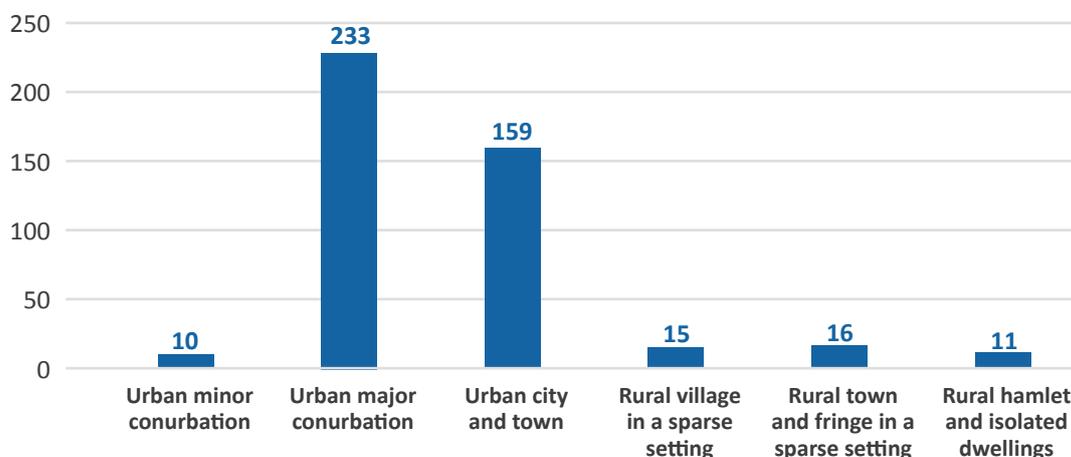
Geographical spread

As a demand led initiative, new free schools have only been approved where they have been proposed. This has resulted in a concentration of free schools in large urban areas and in particular in the south of the country. These are also the areas where capacity for citizen led initiatives is usually higher and there is better infrastructure to support groups setting up new schools.

Open free schools by RSC region ³



Open free schools by urban/rural geography ⁴



Free Schools 2010-2019 *(continued)*

There is no doubt the free policy has allowed much needed growth in the number of school places across the country with 83 per cent of approved free schools located in areas of recognised need⁵ and twice as many free schools are located in the most deprived areas of the country as in the least deprived.⁶

Despite this, it is clear that we need to do more to make sure the programme reaches communities where good new schools are needed most. Free schools are making a transformative difference to lives of pupils where they are located, but there are not enough of them in underperforming areas. There are 29 local authorities which do not currently have a free school in them.⁷

Community led academy trusts

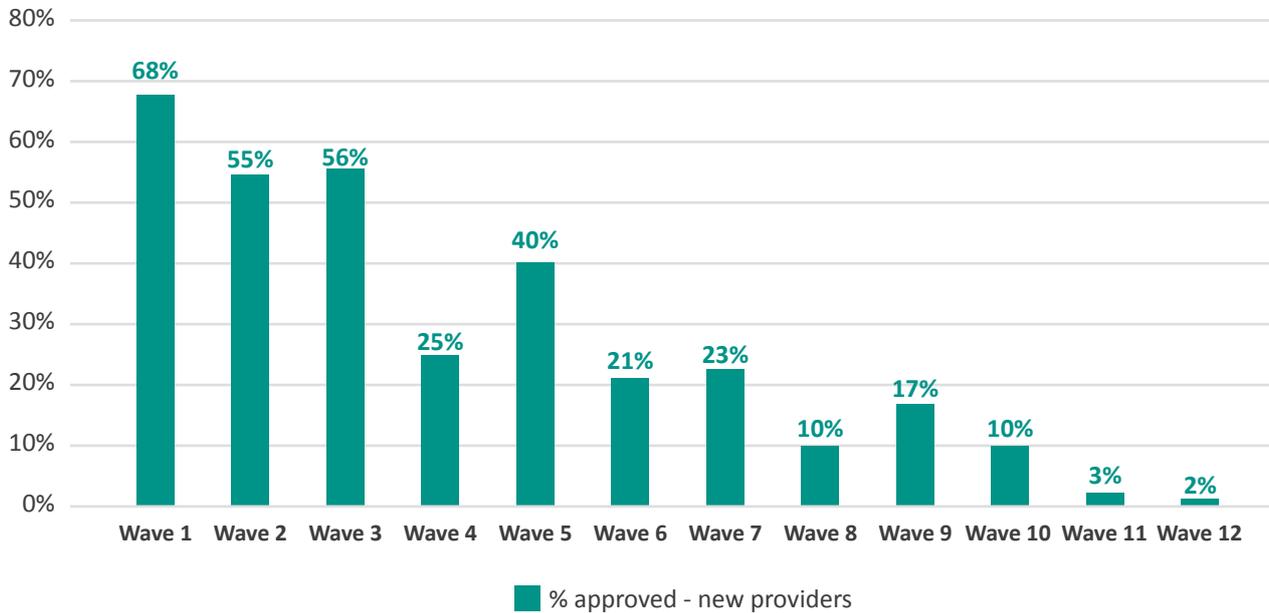
The free school policy empowered parents, teachers and local community groups, with a distinctive vision and ambition, the opportunity to run a school which met the needs of their community. They established community led academy trusts, which are now amongst some of the most successful free schools in England.

- **Michaela Community School** offers a highly academic curriculum, strong discipline and a culture of family values. The school focusses on traditional, rigorous subjects, aiming to offer an education which rivals the independent sector. Children are encouraged to develop a love of learning, with a longer school day and a breadth of extra-curricular activities.
- **School 21** aims to prepare children for life in the 21st century. Oracy is embedded throughout the curriculum and school culture, recognising that effective communication is an essential skill learners will need in the world of work. Every year 10 pupil also engages in a Real World Learning project, a version of work experience, where pupils spend half a day a week in organisations such as KPMG and John Lewis for a term and a half.
- **XP School, Doncaster** is modelled on the successful practices of schools in the USA such as High Tech High. It is an academically rigorous school, delivered through cross subject expeditionary learning. Their aim is to focus on character development with an ambition that all pupils will attend University on completing their time at school.

All of these schools are rated Outstanding by Ofsted and demonstrate the impact these schools are making in their community.

However, the rate of approval for these types of applicants has dropped.

Applications approved by wave, submitted by 'new providers' ⁸



The DfE now strongly prefer new free schools to be proposed by existing multi-academy trusts (MATs), and they are not minded to approve new single, community led academy trusts. This has shifted the nature of the programme to be a vehicle through which existing academy trusts expand, rather than allowing for innovation or community empowerment.

The location of these new schools are now pre-determined by the DfE. The criteria for the most recent waves (13 and 14) leave little room for community led proposals. Free schools can respond to the needs of their communities precisely because they come from those communities, genuinely empowering local people to demand better for their area. Without a recommitment to the original vision of the free school policy, allowing new providers to apply for free schools, we will not see new and successful providers opening free schools again.

Innovation

When the programme launched, innovation and community led proposals were at the heart of the concept. Free schools offer some of the most innovative practice in schools across England. Practice from which everyone in education benefits. In earlier waves, several innovative proposals were approved, establishing schools such as:

- **East London Arts and Music (ELAM):** Rated Outstanding by Ofsted, the 16-19 free school is an industry academy for young people who want to pursue a career in music, film and television.
- **Marine Academy Primary:** A school in Plymouth where pupils learn through a curriculum built around the nautical heritage of their city to help them connect with its past and prepare for its future. Their progress scores for Reading, Writing and Maths at Key Stage 2 are above and well above national averages, including for their disadvantaged pupils.
- **Bilingual Primary School – Brighton and Hove:** The school immerses pupils in Spanish, alongside English, to promote effective development of communication skills and a global outlook. The school posts impressive results with pupils making well above average progress in Reading and Maths.⁹

However, as the programme has grown, the role of innovation, as a distinctive element of the policy, has diminished. In May 2018, the National Foundation for Educational Research report found that only a third of open free schools were ‘found to have demonstrated such a novel approach’.

Under the most recent DfE criteria, applications for schools such as the ones above would not be approved. The DfE has become too risk averse in approving projects. NSN will focus on helping these genuinely innovative projects to succeed, but the Government must commit to approving these types of proposals, where they have an evidence-led plan to deliver genuine choice for parents.

In our experience, the role of new providers and innovative proposals is interlinked. Parents, teachers and community led groups are more inclined to want to offer something different at their free school. MATs, by their nature, are more likely to replicate the curriculum and offer from one of their existing schools. This is, in of itself, no bad thing, a key principle of the academies programme was that trusts that have a proven model should be able to replicate it in other schools. However it was not meant to be the only way to open new schools, and simply replicating existing models will lead to a lack of challenge and stagnation in the system.

Special and alternative provision (AP) free schools

The free school programme has allowed for a significant growth in the number of special and AP free schools. There are 34 special and 42 AP free schools already open, with a further 54 special and 12 AP in the pre-opening phase. An additional 39 free schools will be opened as part of the current joint wave, run in conjunction with local authorities. It is an outstanding achievement that the free school programme has delivered over 16,500¹⁰ new places for the most vulnerable pupils.

AP and special free schools offer some of the most innovative and high-quality practice in the sector:

- **The Fermain Academy:** The Fermain Academy has had a considerable impact on improving education for some of the most vulnerable pupils in the local area and has been shortlisted for the ‘AP School of the Year’ award 2019 by TES. The school opened in Macclesfield in 2016 and was rated Outstanding in 2018.
- **The Boxing Academy:** A 14-16 AP free school in Hackney which empowers pupils through the discipline and ethos of boxing. Each pupil receives a programme of intense mentoring and support from a boxing coach, who lead ‘pods’ of up to eight pupils in the gym and academic classes. These mentors develop a strong relationship with pupils, helping pupils to rebuild their self-esteem, channel their aggression and learn discipline, teamwork and achievement.
- **Harmonize Academy:** Rated Outstanding by Ofsted, the Merseyside school caters for students in years 9-11 with an urban arts and enterprise base. In 2017/18, 88 per cent of students at the school achieved 5 or more A*- G GCSEs or equivalent including English and Maths. This is compared to 0 per cent in other Key Stage 4 alternative provision settings in Liverpool.
- **The Lighthouse School:** Established in 2012 by a group of local parents, this was the first special free school to open under the free school programme. The school has developed a process to identify each student’s needs, with a focus on the student’s long term destinations. This informs the curriculum, which is tailored to the needs of each pupil. Each student’s personal interests, achievements and areas of success are recorded in school “passports” to help staff develop a personalised approach to teaching.

In spite of this, recent changes to the programme have created barriers to setting up new AP free schools. Allowing the process for establishing AP free schools to be led by local authorities has resulted in no new AP free school being approved since spring 2017. The Timpson Review, published this year, highlighted the urgent need to invest capital funding to expand buildings and facilities for pupils who need AP.¹¹

AP free schools have often been a vehicle through which mainstream schools collaborate to meet a need in their area. Free schools such as EBN Academy and ContinU Plus Academy, both rated Good by Ofsted are examples of this. AP free schools often offer early intervention for pupils who require AP, offering a lifeline to pupils in need. However, the new process only allows alternative provision to be proposed in areas where the local authority has submitted a specification and made a commitment to commissioning the places. This means that schools crying out for new AP free schools for their pupils are going ignored.

Challenges

One of the biggest barriers to opening new free schools are the barriers to finding a suitable site. In some cases, developers are not doing enough to support new schools, in other cases local authorities have been actively hostile.

In 2017, a National Audit Office report into capital funding for schools found that:

*'a lack of land means that the Department sometimes enters into complex commercial agreements and pays large sums to secure sites in the right places... while the average cost of the 175 sites that the Department has bought is £4.9 million... Twenty sites exceeded their official valuation by more than 60%, indicating that the Department had to pay a premium to secure the land required.'*¹²

The same report also stated:

*"On average, the construction costs of a newly built free school are 29% lower per square metre than schools built under Building Schools for the Future and similar to schools built under the Priority School Building Programme. The Department has reduced costs by taking advantage of central economies of scale and standardised building specifications."*¹³

The DfE has since established LocatEd, a government owned property company responsible for the purchase and development of free schools sites in England. Despite this, problems still remain in the purchase of land. There are 269 free schools in pre-opening currently. 154 of which do not yet have agreed Heads of Terms on their site. It is a travesty that the opening of exciting and innovative new schools is being held back by a failure to secure suitable sites. Reform of the system, to allow land to be made available for free school sites, is needed to tackle this.



“Free schools have allowed my children access to innovative curricula and new ways of doing things. This has helped them to find their place in the world and to flourish in it.”

Parent, free school students

The future of free schools

Free schools are the highest performing school type in the country. Free schools are outperforming all other types of state school at Key Stage 1 in each subject,¹⁴ secure better A level results on average than all other types of state school¹⁵ and top the GCSE progress league table with a score of 0.24.¹⁶ Free schools are more likely to be rated Outstanding than all other schools – 30 per cent of free schools are Outstanding compared to a national average of 19 per cent.¹⁷

There is no doubt that the policy works but it needs to be expanded. There are still persistent problems in our education system:

- **Disadvantage:** The attainment gap between disadvantaged pupils and their peers is large and persistent. By the end of Key Stage 2, less than half of pupils eligible for free school meals achieve the expected standard in reading, writing and maths, compared to 68 per cent of all other pupils.¹⁸
- **Wealth bias:** Too often, a parent's ability to send their child to a high performing school is determined by their ability to buy their way into a good catchment area. Research by confused.com showed that houses in a catchment area of an Outstanding school could be up to 40 per cent more expensive than a similar property in the catchment area of an Inadequate school.¹⁹
- **Chronic underperformance:** Since 2009, the number of schools judged Requires Improvement or Inadequate has dropped by 57 per cent- but last year 42 per cent of schools inspected by Ofsted were either Requires Improvement or Inadequate. Ofsted's 2018 annual report highlighted 490 'stuck schools' – those judged Requires Improvement or Inadequate at every inspection they have had since 2005.²⁰ Further analysis by NSN found that this year, up to 100,000 families were offered a primary school place in a school judged Requires Improvement or Inadequate, including 12,500 in a 'stuck school'.
- **Choice:** DfE research²¹ released in 2018 showed 88 per cent of families secured a place at their most preferred school. This figure was slightly lower for Pupil Premium students (86 per cent) and dropped significantly for densely populated urban areas (74 per cent in London and 80 per cent in Birmingham). Figures released in June 2019 showed a continued decline, with just 81 per cent securing a place at their preferred secondary – or 115,000 children missing out on their first place choice. Free schools provide additional choice for parents and are the most popular type of state school, securing more first choice preference applications at both primary and secondary (1.08 and 1.13 vs 1.00 and 0.99 for maintained schools).²²

The future of education, opportunity and social justice will depend on our ability to provide good new schools to address these imbalances. The free schools policy can make a significant difference to these challenges. This report has identified seven key recommendations to deliver this.

1. Open 100 free schools each year

Despite the success of free schools, they are too concentrated in narrow pockets across the country. That means too few free schools are being approved in our most disadvantaged communities. Every parent has the right to send their child to a good school. A recommitment from the Government to delivering 100 new free schools a year will help to deliver this, particularly in those communities that we know feel they have been left behind. Building new schools shouldn't just be about meeting the basic need for new school places, but ensuring every child has a good school place. That is the only way we will tackle chronic underperformance and spread educational excellence.

Free school waves are not a basic need programme; local authority presumption competitions fulfil that role. It is important that free schools are located in areas of need, but that must mean educational as well as demographic need. It is no good simply to say to parents 'there are places available in an underperforming school'.

The criteria for waves 13 and 14 are the most stringent they have ever been. Applicants must demonstrate there is a need for a high proportion of the places the free school will provide. This has resulted in fewer approvals and will likely lead to greater expansions of existing schools and the creation of further 'titan schools'. Furthermore, in 2017 when the data was last published, in one year over 10,000 new places were created in schools rated either Inadequate or Requires Improvement by Ofsted.²³ This is not acceptable. While the expansion of existing high quality schools may be appropriate in some instances, there are cases where a new free school would better serve the needs of the local area and create genuine choice and competition, this is not factored into the DfE assessment process.

When assessing need the DfE is wholly reliant up the School Capacity (SCAP) data published annually and collected from LA need figures. There is no standardised method for calculating need and it is highly unreliable. It is not sustainable for the future of the free schools to be reliant on data that is often inaccurate and out of date. An intensive quality assurance process means data received from LAs is often not published until up to a year later. The reliance on local authority need data has also turned the programme from a demand led initiative into a process driven initiative on the most part by local authorities, rather than being a genuinely community led project.

NSN believes that the benefits of free schools go beyond serving a need for places only. In particular:

- **Quality need:** Educational need, with a small deficit of places should be a sufficient argument to approve a new free school. The measures used to determine if an area is underperforming should not relate only to local authorities or districts where the standards at schools are significantly below average. It is important that the criteria allow for applications in areas where any underperformance is present. For example, it is not clear that an area which has an average progress 8 score of -2 needs a free school more than an area with an average progress 8 score of -0.2. In both cases, parents and their children are being underserved by poor local provision.

The future of free schools *(continued)*

1. Open 100 free schools each year *(continued)*

- **Parental choice:** To return the policy to its original purpose, community and parent support should be a distinct criterion for need. Applicants who have demonstrated this successfully in the past often conduct a survey, asking parents and residents to support the proposal. This currently carries little weight in the DfE's assessment.
- **Innovation:** The need for evidence-led innovation in an area should be a separate criterion which is judged as part of the overall case for a free school. In prior waves, this was part of the criteria, however it was not considered a significant factor. This change would encourage proposers to think critically about their offer and what they want the free school to achieve. This will bring new approaches into the sector which then can be adapted by others – raising standards for pupils, not just in the new free school, but many other schools as well- which either learn from or up their game in response.

Beyond wave 14, there should be numerous factors involved in the assessment for need. These criteria should all carry equal weight, and the expectation should be that the applicant group should make a holistic case based on the following factors:

- Need for places;
- Need for higher quality provision;
- Need for greater parental choice;
- Need for innovation and diversity in provision;
- Parent and community support for the proposal.

2. Expand the free school policy to all areas of the country

It is essential that all families can access high quality education, and a commitment to ensure a free school in every local authority by 2024 will do this. Of the 152 local education authorities in England, 29 still have no free school and have not benefitted from the programme. A free school in every local authority can be achieved with changes to the criteria, detailed earlier in this paper. A free school is a community centred project, based on engagement with parents and families throughout the application and pre-opening process. Harder to reach areas, which have not yet had a free school will require greater support, with advice on how to effectively build support and capacity to open a school. The Government must commit to ensuring that adequate support is in place to do this for these types of groups.

3. A new wave of community-led academy trusts

The current criteria allow for new providers and innovative proposals in principle, but the willingness to seek out and encourage these applicants is limited. In practice, proposals such as Michaela Community School and XP School would not get approved now. The DfE must encourage these types of proposals, be open to approving them and ensure there is necessary support in place for them to be successful.

These types of providers are likely to need far greater support and encouragement to set up a free school. An expansion of NSN's Advisory capacity would allow the team to provide intensive support to applicants in the left behind communities to change the life chances of the children in these areas. This is a similar case for growing small free school MATs.

A radical overhaul of the criteria is required to meet these aims. The criteria for waves 13 and 14 were more restrictive and burdensome than they have ever been and became a major barrier for new providers. The perception that the free school process has become more onerous and bureaucratic has meant that many potential proposer groups are deterred from applying. Although a rigorous application process is necessary, we believe the DfE have created an unfair process which has actively discouraged competition, leaving the creation of new schools solely to one size fits all MATs. The process currently does not allow for new providers and inventive proposals. Decision makers must show a greater level of ambition when it comes to supporting these projects. The experience from the first 10 years of the programme is important in terms of assessing which school models are likely to succeed and there are of course non-negotiables around good governance and financial management. But the simple truth is channelling more government funding to the same organisations without genuine competition, will not, in the long term, generate higher outcomes for students and risks recreating the worst stagnation of the local authority system.

4. Removing the barriers to opening new free schools

The next Government must ensure local authorities work closely with free schools to help secure sites. This requires the Government to legislate for new powers that will enable them to compel local authorities to set aside land for free schools. The Government should also be providing funding for schools that are part of housing developments to be built in advance of contributions from developers being paid, to bridge the gap between places being required and funding being available. A good local school is one of the most financially valuable assets to developers, and the Government should understand this relationship. It is in all parties' interest to get the school built before the houses get there. Developers should provide additional capital funding and support the LA in underwriting the pupil admission number until the school is full to ensure the success of both the school and the development as a future community.

5. Reform the sponsorship model for failing schools

Restoring financial incentives for the best schools to become academies so that they can sponsor and support struggling schools is essential to ensuring that no community and no child is left behind.

The current sponsorship model does not offer enough incentives to tackle this chronic underperformance. Once a school is in Special Measures the Regional Schools Commissioner will seek out a new sponsor. This is the same process for maintained schools and academies. Schools placed in Special Measures typically face endemic challenges, which could include issues with their site, finances, curriculum and leadership. Finding a sponsor is rarely a straight forward process. There is little incentive for trusts to take these schools on.

- 93 schools are currently stuck in limbo without a sponsor;
- 10 schools have a sponsor but no proposed opening date, including four that have been approved for over five years;
- 31 of these are 'orphan schools', which have remained unsponsored for at least 12 months.

The free schools policy should be used to find suitable sponsors for these schools, and revitalise the process by which support is offered to failing schools. Introducing a new arm of the free schools process which would allow applicants to submit a proposal to sponsor one of these schools, and offer financial incentives to do so. This would spread the benefits of the free schools policy to these 'orphan schools' that are currently struggling to find support, targeting areas of genuine need and tackling head on the issue of underperformance in our school system.

This would also unlock the sponsorship process to parents and community groups. Parents and communities often feel shut out of school sponsorship process, and the choice of sponsor is under the control of the Regional Schools Commissioner (RSC) with little community feedback built in. This can lead to tension between local communities and new academy sponsors. The original vision of free schools and academies is for schools to be led from within communities, and so community, parent and teacher groups should have the right to bid to sponsor academies against existing MATs. Thereby ensuring proper competition and choice.

Although the model of delivery would be more expensive than regular sponsorship, it would be cheaper than opening a new school on its own and offers a solution that no other school improvement initiative has been able to deliver. The application process would be operated as central free school wave, with opportunities identified by the RSC. The intention would be that the schools should re-open under new sponsorship, by a free schools group, the following September from approval. Free school approval and opening on this shorter timeline is feasible, as presumption groups have been approved and opened within the space of 6-12 months.

Applicants would be tested on their vision, curriculum offer for the school, plans to improve leadership, CPD, quality of teaching, community engagement and provide a financial template. Final approval would come from the Secretary of State. On approval, groups must be entitled to a modest capital commitment from DfE.



“My son couldn’t talk or read or hold a pen when he came here. Now he is a different person because of what you have done for him. All the teachers want the best for him and are working together and I can see that.”

Parent, free school student

6. Growth of small, innovative trusts

Established, high performing free schools are finding it difficult to expand. RSCs are unlikely to approve new sponsors or new MATs with just one school. That means many free schools are faced with joining another MAT, which means ceding control of their curriculum, leadership and staff development offers, all the things that make them so successful in the first place. Allowing these small trusts to expand is an essential next step to continue to build capacity, identify the MATs of the future, share best practice, and allow the wider sector to reap the rewards successful free schools already enjoy.

Increasingly, these schools are finding it more difficult to bid to open a second free school too. The DfE's insistence on an established track record, capacity and resource to devote to a project is preventing smaller providers from opening new schools. If we are truly to spread educational excellence across the country we need to make sure that free schools don't exist as isolated pockets of outstanding performance, but instead are able to spread their model.

Some academy trusts have done this with great success such as Dixons Academies Trust. The trust was founded by a former City Technology College, Dixons City Academy. The group have 12 schools in their trust, six of which will be free schools located in Bradford and Leeds. Dixons Trinity Academy is the third highest performing secondary school in England with a progress score of 1.55.

7. Investment in provision for the most vulnerable pupils

Children who have fallen out of mainstream education for whatever reason deserve a proper chance to get back on track. But too many alternative providers are not good enough. Many excluded pupils are educated in unregistered AP which isn't inspected by Ofsted and does not keep pupils safe, or in full time education. This leaving some of our most vulnerable young people, those who have been excluded, at risk of grooming by gangs and in danger of falling into knife crime. AP and special free schools are doing excellent work to tackle this and support excluded children, giving them a second chance. There need to be more of them, as shown by the number of schools in need of better early intervention support.

Proposers can only apply to open a new AP where the local authority has submitted a bid that has been approved to the competition stage by the DfE. Only eight out of 65 bids submitted to the DfE by local authorities were for alternative provision, and only two were approved to enter the competition stage. This will mean the creation of 3,400 places in special schools, but only 105 additional AP places at a time when the sector is crying out for them. The DfE's own research²⁴ highlights a dearth of quality alternative provision in a number of areas, and eight LAs which currently have no state-funded AP rated as Good or Outstanding by Ofsted. None of these LAs put in a bid for a new AP free school in the current LA commissioned special and AP wave. This means that LAs that would benefit most from new APs in the state sector are not using the current process to identify and meet the need for AP in their area. Currently high quality AP is a post code lottery. That needs to change with a commitment to ensuring there are enough AP free schools in every area they are needed.

Furthermore, it is much harder for an innovative or new provider to bid for an AP free school under the current system. The criteria place a significant emphasis on the track record of applicants and both the LA and DfE are more likely to approve experienced providers to open new AP.

Because of these restrictions, the incentives are instead to set up an unregistered AP, with all of the risks highlighted above. Creating, instead, new AP places within the state sector means that the most vulnerable pupils will receive the education they need to rehabilitate behaviour issues, and where appropriate, reintegrate into mainstream education.

NSN recommends that the DfE should introduce an open, centrally managed AP application wave, similar to the mainstream process. The DfE should publish a set of criteria and allow for a long window between the launch and the application deadline where NSN could engage with the sector and generate high potential leads to set up new schools.

An application process that requires applicants to present evidence of need for an AP along with evidence of commissioner demand would restore innovation to the process, address schools very real needs, and would lead to more quality free school proposals for AP.



“I am very proud to be a student here where it is cool to be smart.”

Free school student

Conclusion

When it was introduced, the free schools programme was designed to empower parents, revitalise communities and deliver real educational opportunity for young people. Many of the free schools approved and opened to date have done exactly that, offering the young people who attend them the very best education, unlocking social justice, as well as bringing in high quality new approaches that have benefited the whole education system.

But that promise is now at risk. Changes to the free school programme have left it more akin to a centrally managed basic need delivery vehicle. Innovation, parental demand and a commitment to excellence are secondary considerations compared to raw demand for places.

The changes proposed in this paper seek to tackle that and to restore the founding vision of the free schools policy to empower groups of local people to demand more for their children and bring real and lasting change in their communities.

Education reform is a process not a destination. The moment we stand still is the moment we let down the next generation of young people headed to our schools. We can avoid doing that, by recommitting to free schools, building more of them, championing innovation, supporting the most vulnerable young people and above all putting parents and children first. That is why NSN was established, what we have campaigned for over the past ten years, and is what we are determined to do for the next decade as well.

Glossary

Academy sponsor – an organisation or person who has received approval from the Department for Education to support an underperforming academy or group of academies.

Academy status – state funded schools in England which are directly funded by the Department for Education and independent of local authority control.

Alternative provision schools (AP) – settings that provide education for children who can't go to a mainstream school.

Free school – state funded school set by an organisation or a group of individuals and independent of the local authority.

Key Stage – Key Stages define parts of children's education. They are grouped as follows:

- Key Stage 1 – ages 5-7 (Year 1 and 2)
- Key Stage 2 – ages 7-11 (Year 3-6)
- Key Stage 3 – ages 11-14 (Year 7-9)
- Key Stage 4 – ages 14-16 (10-11).

LocatED – government-owned property company, responsible for buying and developing sites for new schools in England.

Multi-academy trust – an academy trust that operates more than one academy or free school.

Progress 8 – a measure of the progress children make between the end of primary school and the end of secondary school.

Pupil Premium – is an additional grant for publicly funded schools in England. It's a school-level grant allocated largely on the basis of the number of pupils from deprived backgrounds.

Regional School Commission (RSC) – act on behalf of the Secretary of State for Education. Responsibilities include taking action where academies are underperforming and encouraging and deciding on applications from sponsors to operate in a region.

School Capacity Data (SCAP) – statistics on the numbers of filled and unfilled primary and secondary school places in England, including forecasts of pupil numbers.

Special school – school catering for children with special educational needs.

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