

TITLE OF REPORT: **Framework for considering applications from independent schools applying to move into the maintained sector**

REPORT OF: **Helen Fergusson, Strategic Director, Children's Social Care and Lifelong Learning**

Purpose of the Report

1. This report seeks Cabinet approval for the framework for use by the Council when considering applications from independent schools seeking to open a new maintained school to replace an independent school.

Background

2. Legislation allows independent schools to move into the maintained sector and the local authority is the decision maker for such applications.
3. In general, all new state funded schools should be opened as academies, however there are a number of exceptions. These include proposals to open new voluntary aided schools and proposals to replace existing independent schools with new foundation or voluntary controlled schools. The local authority is the decision maker for applications from independent schools wanting to open new maintained schools to replace existing independent schools. The Department for Education (DfE) publishes guidance in relation to a range of school organisation issues, including where independent schools want to move into the maintained sector. A local authority must have regard to this guidance.
4. The updated guidance (January 2023) [Opening and closing maintained schools \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1154423/opening-and-closing-maintained-schools-guidance-2023.pdf) sets out a number of requirements for local authorities to consider in reaching a decision on proposals to open a new maintained school to replace an independent school. In particular the local authority must ensure that the decision to proceed with such a proposal is clearly based on value for money and that the school is able to meet the high standards expected of state-funded educational provision. The guidance lists a number of specific expectations (p36):
 - That there is genuine demand /need for this type of school place in the local community
 - That the proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance [Promoting fundamental British Values through SMSC](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1154423/promoting-fundamental-british-values-through-sm-sc.pdf)
 - That the proposal is compliant with the DfE's [School Admissions Code](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1154423/school-admissions-code-2023.pdf)

- That the school is viable and cost-effective, using the DfE’s guidance in Section A2 of [How to apply to set up a mainstream free school - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
5. In addition, the local authority as the decision maker must consider:
- The Public Sector Equality Duty (PSED), which requires local authorities to have due regard to the need to:
 - eliminate discrimination;
 - advance equality of opportunity; and
 - foster good relations between people with a protected characteristic and those without that characteristic
 - The impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals
 - An integrated impact assessment has been completed in relation to this paper (Appendix 4)
 - That the proposer has shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area in which a school is located, whilst ensuring that such opportunities are open to all.
 - The impact of any proposal on local integration and community cohesion objectives and have regard to the [Integrated Communities Action Plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
 - How children will travel to the school and be satisfied that the proposers have taken into account that the children they expect to apply for the school will be able to travel there sustainably, where possible, e.g. by walking, cycling or using public transport.

Proposal

6. It is proposed that Cabinet approves the framework to assess applications by independent schools that seek to join the maintained sector. The framework will provide information about the way in which the council will assess an application and the evidence required.

Recommendations

7. It is recommended that Cabinet approves the framework to assess applications by independent schools that seek to join the maintained sector as set out in appendix 2.

For the following reasons:

- (i) The framework will assist the council in its decision making.
- (ii) Prospective applicants will be clear about the council’s expectations.

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APPENDIX 1

Policy Context

1. Legislation permits proposals for a new voluntary aided school or, where there is an existing independent school, to replace this with a new foundation (including foundation special) school or voluntary controlled school. These are exceptions to the normal requirement for new state maintained schools to be academies. Under section 11 of the Education and Inspections Act 2006, any person may propose to establish a new maintained school falling within the exceptions covered in that section. Proposals must be submitted to the local authority and the local authority will decide whether to accept the proposals or not. When making a decision, the local authority must take account of the Department for Education's statutory guidance on establishing a new maintained school.
2. The proposal supports the Council's Corporate Plan and Thrive.

Background

3. The updated guidance (January 2023) [Opening and closing maintained schools \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) sets out a number of requirements for local authorities to consider in reaching a decision on proposals to open a new maintained school to replace an independent school. In particular the local authority must ensure that the decision to proceed with such a proposal is clearly based on value for money and that the school is able to meet the high standards expected of state-funded educational provision. The guidance lists a number of specific expectations (p36):
 - That there is genuine demand /need for this type of school place in the local community
 - That the proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance [Promoting fundamental British Values through SMSC](#)
 - That the proposal is compliant with the DfE's [School Admissions Code](#)
 - That the school is viable and cost-effective, using the DfE's guidance in Section A2 of [How to apply to set up a mainstream free school - GOV.UK \(www.gov.uk\)](#)
4. In addition, the local authority as the decision maker must consider:
 - The Public Sector Equality Duty (PSED), which requires local authorities to have due regard to the need to:
 - eliminate discrimination;
 - advance equality of opportunity; and
 - foster good relations between people with a protected characteristic and those without that characteristic
 - The impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals

- that the proposer has shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area in which a school is located, whilst ensuring that such opportunities are open to all.
- the impact of any proposal on local integration and community cohesion objectives and have regard to the [Integrated Communities Action Plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- how children will travel to the school and be satisfied that the proposers have taken into account that the children they expect to apply for the school will be able to travel there sustainably, where possible, e.g. by walking, cycling or using public transport

Consultation

5. The Leader and Children and Young People Portfolio Holders have been consulted in the preparation of this report.

Alternative Options

6. To not have a framework would make it more difficult for the council in reaching a decision, and proposers would be unclear of the expectations of the council, as the decision-maker.

Implications of Recommended Option

7. Resources:

- a) Financial Implications** – The Strategic Director, Resources and Digital confirms that there are no direct financial implications arising from this report. On proposing to open a new maintained school to replace an existing independent school, the new school would become funded through the council's allocation of the Dedicated Schools Grant. The school's revenue funding would be decided in accordance with Gateshead's school funding formula.
- b) Human Resources Implications** – the framework explains that as part of due diligence, clarification and confirmation will be required to ensure HR policies are in accordance with The School Staffing (England) Regulations 2009 and the statutory guidance on Managing staff employment in Schools and on school teacher's pay and conditions.
- c) Property Implications** - the framework explains the standard of accommodation required before entry into the maintained sector would be approved and therefore, makes clear that a move to the maintained sector will not secure priority for major capital investment. The replacement school becomes part of the maintained estate and will be eligible for capital funding streams that occur from time to time.

8. Risk Management Implication -

There is a risk to the reputation of the council if independent schools become maintained and do not provide a good standard of education, do not have good

governance or are not financially robust. The requirements within the framework ensure these factors are fully explored.

There is a financial risk to the council if schools are not in adequate premises. Each year, the council receives a limited pot of monies in relation to the condition of school premises. Should an existing independent school in poor premises become maintained, this could present a burden on these funding streams.

9. **Equality and Diversity Implications**

The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

The broad purpose of this duty is to integrate considerations of equality into day to day business and to keep them under review in decision making, the design of policies and the delivery of services.

Maintained schools are public bodies and must comply with the public sector equality duty and set and publish equality objectives.

A school must demonstrate that it is compliant with the duties of schools as identified in the Equalities Act and that the school positively promotes equality of opportunity for all pupils (e.g. irrespective of gender, race, disability, sexuality).

The main duties under the Equalities Act are:

- A school must not:
 - discriminate against a pupil or prospective pupil because of their disability, race, sex, gender reassignment, religion or belief, or sexual orientation;
 - harass or victimise a pupil or prospective pupil. A school must not discriminate against a person in relation to the following activities:
 - admission to the school;
 - the provision of education to pupils;
 - access to any benefit, facility or service;
 - exclusion from school; by subjecting a pupil to any other detriment.

Maintained schools are public bodies and must comply with the public sector equality duty and set and publish equality objectives. A new maintained school replacing an independent school should demonstrate its ability to deliver the national curriculum and to meet the diverse needs of pupils, including pupils with special educational needs. Maintained schools have obligations under section 78 of the Education Act (2002) which requires schools, as part of a broad and balanced curriculum to promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society.

10. **Crime and Disorder Implications** – There are no Crime and Disorder implications arising from this report.

11. **Health Implications** – There are no direct health implications arising from this report. Conversion of independent schools to maintained are likely to have positive health outcomes.
12. **Climate Emergency and Sustainability Implications** - There are no climate emergency and sustainability implications arising from this report.
13. **Human Rights Implications** - There are no direct human rights implications arising from this report.
14. **Ward Implications** - There are no ward implications.

Background Information

15. The following documents have been relied on in preparation of the report –
 - Opening and Closing maintained Schools, DfE, 2023
 - Promoting Fundamental British Values through SMSC, DfE, 2014
 - School's Admissions Code, DfE, updated 2022
 - How to apply to set up a mainstream free school, DfE, 2022
 - Integrated communities Action Plan, DfE, 2019

Appendix 2

Information for Independent Schools Wishing to Join the Maintained Sector

Legislation allows independent schools to move into the maintained sector and the local authority is the decision maker for such applications.

In general, all new state funded schools should be opened as academies, however there are a number of exceptions. These include proposals to open new voluntary aided schools and proposals to replace existing independent schools with new foundation or voluntary controlled schools. The local authority is the decision maker for applications from independent schools wanting to open new maintained schools to replace existing independent schools. The Department for Education (DfE) publishes guidance in relation to a range of school organisation issues, including where independent schools want to move into the maintained sector. A local authority must have regard to this guidance.

The updated guidance (January 2023) [Opening and closing maintained schools \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk) sets out a number of requirements for local authorities to consider in reaching a decision on proposals to open a new maintained school to replace an independent school. In particular the local authority must ensure that the decision to proceed with such a proposal is clearly based on value for money and that the school is able to meet the high standards expected of state-funded educational provision. The guidance lists a number of specific expectations (p36 -):

- That there is genuine demand /need for this type of school place in the local community
- That the proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance [Promoting fundamental British Values through SMSC](#)
- That the proposal is compliant with the DfE's [School Admissions Code](#)
- That the school is viable and cost-effective, using the DfE's guidance in Section A2 of [How to apply to set up a mainstream free school - GOV.UK \(www.gov.uk\)](#)

In addition, the local authority as the decision maker must consider:

- The Public Sector Equality Duty (PSED), which requires local authorities to have due regard to the need to:
 - eliminate discrimination;
 - advance equality of opportunity; and
 - foster good relations between people with a protected characteristic and those without that characteristic
- The impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals
- that the proposer has shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area in which a school is located, whilst ensuring that such opportunities are open to all.
- the impact of any proposal on local integration and community cohesion objectives and have regard to the [Integrated Communities Action Plan - GOV.UK \(www.gov.uk\)](#)

- how children will travel to the school and be satisfied that the proposers have taken into account that the children they expect to apply for the school will be able to travel there sustainably, where possible, e.g. by walking, cycling or using public transport.

Gateshead local authority has developed a framework, based on this guidance, to assess applications by independent schools that seek to join the maintained sector. This document provides information about the way in which the council will assess an application and the evidence required.

At the earliest stage of consideration, please note;

It is expected that your application is able to evidence that the school has already made progress to adapt your governance, leadership, and management systems, so that they are ready for the rigours of the state sector and the Ofsted inspection under the common inspection framework.

Declaration of financial liabilities

Applicants will be required to sign a declaration guaranteeing that you have disclosed all your financial liabilities, including any tax disputes. If your independent school has significant debts, it is very unlikely to be approved. Maintained Schools also need to follow Gateshead Council's Manual of Financial Procedures.

[Manual of Financial Procedures - Gateshead Intranet](#)

Premises

If your school requires capital investment, it is unlikely to be approved.

Quality of education

Schools need to demonstrate that they are currently offering a 'good' or 'outstanding' educational offer to be considered.

Small schools

In order to provide a sustainable broad and balanced curriculum there is a presumption that primary provision should have a minimum of two forms of entry of 30 pupils, and secondary provision have a minimum of four forms of entry of 30 pupils. Schools smaller than this are unlikely to be approved.

Schools outside Gateshead

Unless there are very exceptional circumstances, schools outside of Gateshead are very unlikely to be approved.

Application process

Any independent school that is considering making an application should contact the council at the earliest opportunity. The application should be completed and submitted when the governing body of the independent school considers that it is fully prepared to join the maintained sector and is ready to present all of the information and evidence that it would like the council to consider.

The Application form comprises of the following

Application form:	To be completed in full as an accompaniment to the range of evidence requested.
Appendix A:	Self-assessment on achievement of the school, the quality of teaching, behaviour and safety of pupils, quality of leadership in, and management of your school
Appendix B:	Self-assessment of the governance arrangements of the school
Appendix C:	Declaration

Reviews and reapplying

Decisions by the Council are final. However, you can ask for the decision to be formally reviewed if you think there has been an error made. If your application is not successful, you will receive a feedback letter giving information about the judgement. You should allow enough time to address any weaknesses and strengthen your application before reapplying. If you are reapplying after being unsuccessful previously, we expect you to demonstrate explicitly how you have changed your application in response to the written feedback you received. If this feedback is not addressed, it is likely that your application will not be considered further, and you may not get full feedback on the application.

Guidance for preparing an application:

Your application must be able to evidence that the school has already made progress to adapt your governance, leadership, and management systems, so that they are ready for the rigours of the state sector and the Ofsted inspection under the education inspection framework. Below are the requirements that you will need to be able to demonstrate and evidence to the council, as it considers your request.

A There is a genuine demand/need for this type of school in the local area

Independent schools seeking to become a Gateshead maintained school should enhance choice and increase the number and quality of school places locally. You will need to show how the independent school will do this in Gateshead. The address of the school should be located in Gateshead, unless there are very exceptional circumstances that you would like the council to consider.

You will need to demonstrate that there is a strong and sustained demand for your education offer. To do this, you will need to provide data showing applications for school places and numbers on roll for the last three years.

Where the school is proposing to operate as a designated faith school, a demand for places for pupils of that faith must be demonstrated. It is expected that:

- a. the school should be fully subscribed (defined as 95% full against normal admission numbers) in two year groups (Reception and year one for primary or year 7 and 8 for secondary) for two out of the three previous years before the date of application.
- b. the percentage of Gateshead resident pupils attending the school should be at least 80% for primary and 70% for secondary at the date of application.
- c. The address of the school is located in Gateshead unless there are very exceptional circumstances.

In proposing any expansion you will need to set out clearly how this will be managed. You should set out the suitability of the related curriculum offer and be clear about the capacity of the school, in terms of site, staff, and resources to make expansion a success.

B The school is able to meet the high standards expected of state funded educational provision

The School should have been registered as an independent school with the DfE for a period of at least two years.

The School should provide an education offer that is rated as good or outstanding in all aspects by Ofsted (leadership and management including safeguarding, personal development, quality of education, behaviour,). The Ofsted inspection should have taken place within two years of the application.

(Note: Where the last Ofsted review is 'good or outstanding' but more than two years old, a robust, externally validated self-assessment may, when considered alongside other evidence, be considered sufficient.)

The school must provide a current self-assessment against the Ofsted common inspection framework for maintained schools and the self-assessment must be externally validated by an Ofsted trained inspector or a locally authority commissioned review.

You should demonstrate how the leadership in your school has or will have successful systems in place to monitor and develop the effectiveness of teaching and learning, and the continuous professional development arrangements to underpin that;

You must provide a self-assessment of current governance arrangements and provide clear transition plans, if necessary, to a highly effective governing body within the state sector;

The school may also wish to commission an independent review of its governance arrangements to submit as evidence.

The school must provide minutes from the previous 12 months' meetings of its main governing body.

The school must provide the proposed the instrument of governance for the new maintained school.

C Current and projected financial health of the proposer is strong

The school proposer (if different to the school) must provide financial information to demonstrate the financial health of the organisation/trust – the last three years audited accounts together with financial information for any period since the last audited accounts.

In relation to the school, the school must provide financial information to demonstrate the financial health of the school– the last three years audited accounts together with financial information for any period since the last audited accounts.

The council may engage its own independent financial advisors to assess the financial health of the proposer and/or school and therefore the proposer/school must be prepared to share information, if requested.

D The proposal represents long term value for money

The school must provide a five year projected revenue budget for the future operation of the school as a maintained school that demonstrates a fully funded broad and balanced national curriculum from within state funds (voluntary contributions allowable in proscribed circumstances to fund activities over and above the national curriculum requirements). The projected revenue budget must follow the national scheme for Consistent Financial Reporting in schools (CFR).

The school must confirm its compliance with national pay provisions and provide information on staffing costs, including National Insurance and Pension contributions.

It is expected that the average cost per pupil at the school, taking account of all of the factors within Gateshead's funding formula, will be within the current range of Gateshead schools for a similar phase (primary, secondary, all through).

The school is invited to set out how it will work in partnership with other Gateshead schools, utilising its resources and expertise, to contribute to the achievement of all of Gateshead's children.

E Suitability

The school must demonstrate how it supports UK democratic values, including respect for the basis on which UK laws are made and applied, respect for democracy, support for individual liberties within the law and mutual tolerance and respect as set out in DfE guidance 'Promoting fundamental British values as part of promoting pupils' spiritual, moral, social and cultural development'.

The school will need to be able to describe how the school will promote these fundamental British values across a range of subjects as part of a broad and balanced curriculum and how pupils in the school will develop and demonstrate skills and attitudes that will allow them to participate fully in and contribute positively to a life in modern Britain.

F The school is able to deliver the whole of the national curriculum to the expected high standard

Where the school is currently delivering the whole of the national curriculum, evidence of this must be provided. The school must provide a curriculum timetable for all year groups.

Where a school is not providing the whole of the national curriculum, the school needs to provide evidence of its plan of action to develop and deliver the whole national curriculum offer as a state maintained school.

Where a school relies on voluntary contributions or donations for the delivery of any part of the school day (excluding after school activities), the school must provide information on the number of timetabled hours provided by state funds and the number of timetabled hours reliant on voluntary contributions/donations. Whilst there is no statutory requirement

for the number of state funded school hours, there is an expectation that it will be broadly in line with other Gateshead state-maintained secondary schools.

The school must demonstrate its ability to meet the needs of children with special educational needs and its capacity to cater for children with special educational needs placed at the school as a result of a pupil's Education, Health and Care Plan.

The school must demonstrate how it will monitor and track pupil progress effectively and meet both Ofsted's pre- and post-16 achievement criteria (if appropriate).

If a secondary school, the school must provide information on the destination of its pupils.

G The school meets the requirements as set out in the Equalities Act

The school must demonstrate that it is compliant with the duties of schools as identified in the Equalities Act and that the school positively promotes equality of opportunity for all pupils (e.g. irrespective of gender, race, disability, sexuality). The main duties under the Equalities Act are:

A school must not:

- discriminate against a pupil or prospective pupil because of their disability, race, sex, gender reassignment, religion or belief, or sexual orientation;
- harass or victimise a pupil or prospective pupil.

A school must not discriminate against a person in relation to the following activities:

- admission to the school;
- the provision of education to pupils;
- access to any benefit, facility or service;
- exclusion from school;
- by subjecting a pupil to any other detriment.

Maintained schools are public bodies and must comply with the public sector equality duty and set and publish equality objectives.

H Evidence is provided to allow the local authority to undertake due diligence

The Department for Education sets out the statutory policies that are required of state maintained schools. These can be found at

<https://www.gov.uk/government/publications/statutory-policies-for-schools>

Applicants should ensure that they have prepared policies to comply with these requirements. The guidance sets out the requirements to make policies available on a schools website.

In considering the application, the council may ask for any of these policies. These will need to be provided on request. It is the responsibility of the governing body to ensure that the school's policies comply with statutory requirements and the purpose of the council's request is to satisfy itself that the governing body is making sufficient preparations to become state-maintained.

Due diligence by the council includes but is not limited to:

- Financial health (above)
- Admission criteria meet statutory requirements and comply with the School Admissions code
- National Curriculum requirements (above), including curriculum policy
- Governance arrangements (above)
- HR requirements (e.g. evidence of appropriate recruitment policies, pay and appraisal policy, disciplinary policy, sick pay policy) in accordance with The School Staffing (England) Regulations 2009 and the statutory guidance on Managing staff employment in schools and on school teacher's pay and conditions
- Qualified Teacher Status of teaching staff
- Safeguarding (e.g. evidence of DBS checks for all staff and appropriate systems and policies, completion of Gateshead's Safeguarding Audit)
- Inclusion and Special Educational Needs - ability to provide the type of arrangements for children with Special Educational Needs and Disabilities (SEND) expected by the SEND Code of Practice including the information report
- Behaviour and exclusions
- Arrangements for dealing with complaints,
- Arrangements for the school's land and buildings
- Voluntary contribution policy
- Catering arrangements for pupils entitled to free school meals
- Attendance policy and data
- Policy and arrangements for the spiritual, moral social and cultural development of pupils,
- Arrangements for independent careers guidance provision (for secondary schools)
- Data protection and arrangements for Freedom of Information
- Register of business interests of headteachers and governors
- Destinations data (for secondary schools)

Where policies or requirements are expected to change as a result of the school becoming maintained, details of such changes should be submitted to the local authority.

I The school building is appropriate or can easily be improved

Buildings must meet standards set out for maintained schools or the school must provide a costed and active plan of action (with evidence of funding source in place) to meet the requirements.

The school must demonstrate that it has sufficient financial resources to meet the financial responsibilities of any planned maintenance work for a 5 year period.

- The school must provide a condition survey that must have taken place within 1 year of the application
- The school must provide asbestos survey and register that must have taken place within 1 year of the application
- Current Health and Safety document
- Energy bills for the most recent year
- Latest servicing certificate (maintenance) within 1 year
- Current fire management/ risk assessment/ escape plan
- Complete Gateshead's compliance spreadsheet

School must demonstrate that in the five years following the VA transfer the school will not have any major capital expenditure.

Appendix 3

Application Form – Gateshead Framework for Independent Schools Wishing to Join the Maintained Sector

Submission

Please submit both physical and electronic copies of your application, ensuring that you have completed Appendix A, B and C. Please attach all sources of evidence that you wish the council to consider.

Post Submission

If your independent school passes the paper-based assessment, your school will receive a visit from one or more representatives of the Council before being invited to interview. The visit will form part of the assessment of the transition plans in your application and your self-assessment and will inform interview questions.

Appeals and reapplying

Decisions by the Council are final and there is no formal appeals process. If your application is not successful, you will receive a feedback letter giving information about the judgement. You should allow enough time to address any weaknesses and strengthen your application before reapplying. If you are reapplying after being unsuccessful previously, we expect you to demonstrate explicitly how you have changed your application in response to the written feedback you received. If this feedback is not addressed, it is likely that your application will not be considered further, and you may not get full feedback on the application.

Data protection

Personal data is collected in order to consider an application to set a Gateshead maintained school and will not be used for other purposes.

Information about the current independent school

1. The name and address of the current independent school.
2. Date the school was established
3. Please set out any particular ethos of the current school, including any educational philosophy
4. Please set out the current ownership and governance arrangements for the **independent school** (trust, company, governing body) and set out the relationship and responsibilities between parties involved in the governance.
5. Please list all members of the current Trust and/or governing body, identifying any specific role (e.g. Chair, Vice chair etc)
6. Please list dates of Governing Body meetings over the last 12 months and provide minutes of the meetings.
7. Please set out the current ownership arrangements for the land and premises

Information about the proposed maintained school

8. The name and address of the proposed maintained school
9. Please set out any particular ethos of the proposed maintained school, including any educational philosophy if different from above
10. Please set out the proposed governance arrangements of the proposed **maintained school** and the proposed relationship and responsibilities between parties involved in the governance.
11. Please list all members of the proposed governance arrangements of the proposed maintained school, identifying any specific role (e.g. Chair, Vice chair etc)
12. Please set out the proposed ownership arrangements for the land and premises for the proposed maintained school

A. There is a genuine demand/need for this type of school in the local area

13. Please set out your evidence there is a need for the proposed maintained school in the area. Where the school is proposing to operate as a designated faith school, a demand for places for pupils of that faith must be demonstrated.
14. In your current independent school, please confirm the number of pupils you seek to receive in September each year in Reception for primary schools or Year 7 for secondary schools.
15. Please confirm the current number of all pupils in your school.

16. Please confirm the number of these current pupils that are resident in Gateshead..
17. Please provide the number of pupils on roll for each of the last five years in each year group.
18. For each of the last five years, please provide the number of applications received for entry (either Reception or Year 7 places) and the numbers that start in September each year.
19. For the proposed maintained school, please provide the projected number of pupils in each year group for the first seven years of operation.
20. In proposing any expansion to your current numbers you will need to set out clearly how this will be managed. Please set out the suitability of the related curriculum offer and the capacity of the school, in terms of site, staff, and resources to support an expansion.

B. The school is able to meet the high standards expected of state maintained funded educational provision

21. Please confirm the date and outcome of your last Ofsted inspection and provide a link to the inspection report.
22. Please confirm that you have provided your latest self-assessment against the Ofsted common inspection framework (Appendix A).
23. Please confirm how your self-assessment has been externally validated and provide contact details of the external validator (or organisation).
24. Please provide minutes of your Governing Body meetings for the last 12 months.
25. Please provide a self-assessment of your governing body (Appendix B) and provide evidence/examples of how your governing body has effectively monitored and challenged the independent school to improve educational standards.
26. Please set out how your proposed governance structure, and roles and responsibilities will ensure accountability and effective decision making in the new proposed school and drive continuous improvement in the school.
27. Please set out any transition or improvement plan to ensure that the governing body of the new maintained school will be a highly effective governing body in driving continuous improvement. In particular, you should demonstrate how the leadership in your school has or will have successful systems in place to monitor and develop the effectiveness of teaching and learning, and the continuous professional development arrangements to underpin that.
28. Please provide the proposed instruments of governance for the new maintained school.

29. For secondary schools, please provide details of the destination of pupils who have left your school in, at least the last two years.

C. Current and projected financial health of the proposer is strong

30. Please provide three years audited accounts of a) the school and b) the proposing organisation/trust (if different).

31. Please set out any secured and unsecured loans of) the school and b) the proposing organisation/trust (if different).

32. Please set out any other financial liabilities of a) the school and b) the proposing organisation/trust (if different).

33. Please confirm that, if requested, you are prepared to share financial information in relation to the proposing organisation/trust and the school with the council's independent financial advisors.

D. The proposal represents long term value for money

34. Please provide a five year projected revenue budget for the proposed maintained school that follows the national scheme for Consistent Financial Reporting in Schools (CFR).

35. Please provide a list of all posts in the proposed maintained school (teaching, support, management, administrative) together with the salary information, employer contributions (national insurance and pension contributions).

36. Please confirm that your pay policy complies with the provisions in the School Teachers' Pay and Conditions. If not, please set out the steps and timetable for ensuring that your pay policy complies and all staff are paid according to these provisions

37. Please provide a copy of your policy in relation to voluntary contributions in the proposed maintained school.

38. If your budget relies on regular voluntary contributions for the delivery of any part of the school day (excluding after school activities), please provide evidence for any assumptions you have made in relation to these contributions.

39. If your budget relies on regular voluntary contributions for the delivery of any part of the school day (excluding after school activities), please set out the elements of the curriculum or other activities which are dependent on these voluntary contributions.

40. If your budget relies on regular voluntary contributions or donations for the delivery of any part of the school day (excluding after school activities), please set out number of timetabled hours each week that will be funded by

a. State funding through the schools funding formula

- b. Voluntary contributions or donations

41. Please set out how the school will work in partnership with other local schools, for example, utilising resources and expertise, to contribute to the achievement of all of Gateshead's children

E. Suitability

42. Please describe the approach of the proposed maintained school to provide for the spiritual, moral, social and cultural development of the pupils and in particular, to meet the Department for Education's guidance 'Promoting pupils' spiritual, moral, social and cultural development'. Please demonstrate how the school will promote fundamental British values across a range of subjects as part of a broad and balanced curriculum.

43. Please provide examples of how pupils in the school will develop and demonstrate skills and attitudes that will allow them to participate fully in, and contribute positively to a life in modern Britain.

F. The school is able to deliver the whole of the national curriculum to the expected high standard

44. Please provide your proposed timetable for each year group (weekly or fortnightly timetable).

45. Please provide a breakdown of the how many hours in the timetable (weekly or fortnightly) that is allocated to the teaching of

- a. English
- b. Maths
- c. Science
- d. PE

46. Please indicate any areas of the national curriculum that are underdeveloped and set out your plans to strengthen or improve this aspect of the curriculum. Please indicate the resources required to deliver the improvement and the timetable for implementing the improvement (e.g. if your music offer is not yet meeting the expectations of the national curriculum, what steps are you taking and when will the steps be taken)

47. Please provide a staff structure, clearly indicating lines of accountability and responsibilities.

48. Please provide a list of all staff that will be employed in the proposed maintained school and indicate whether each person has Qualified Teacher Status (QTS) and when it was gained. If a teacher is unqualified, please set out the plan of action and timetable for acquiring QTS.

G. The school meets the requirements as set out in the Equalities Act

49. Please set out how the maintained school will demonstrate that it is meeting the requirements as set out in the Equalities Act.
(you may find it helpful to consult the 'Guidance for schools on the Equality Act')

H. Due diligence

50. Please provide copies of all policies that are statutory requirement of the Department for Education. Please see required
<https://www.gov.uk/government/publications/statutory-policies-for-schools>

51. Please provide a copy of your register of interest for the headteacher and governors of the proposed maintained school.

52. Please provide a signed declaration as set out in Appendix C

I. The school building is appropriate or can easily be improved

53. Please confirm whether your current premises meet the requirements of Gateshead's maintained schools (check – do we have a doc – see SW). If not, please provide a costed timetabled plan of action together with evidence of the source of funding that will ensure the premises will meet this standard.

54. Please provide a condition survey that must have taken place within 1 year of the application

55. Please provide a recent asbestos survey and register (dated within 1 year of the application)

56. Please provide a copy of the last 12 months energy bills.

57. Please provide a fire management/ risk assessment/ escape plan.

Appendix A. Self – assessment against Ofsted framework for the current independent school

Please complete the following self-assessment in full.

Name of school						
Girls/Boys/ Co-educational		% Special Educational Needs	% Free School Meals (or pupils on bursaries)	% English as an Additional Language	% Persistent Absence	% Attendance
Name of principal		Additional information about the school				
Chair of governors		[Please provide details about your school's site, physical environment and any finance issues, including any debt you may have.]				
Number of pupils currently on roll						
Capacity						

Your assessment against Ofsted framework (please provide a commentary) Review outcomes - current position		Your self-assessed Ofsted grade (1-4)	Required position - risks, actions plan (including priorities identified) and timescales
Overall Position	[Please provide an overall commentary on your school, with reference to the Ofsted grade descriptors, please delete this guidance before submitting this form]		
Quality of Education	Please cross-reference every section from the current school inspection handbook, with reference to the Ofsted grade descriptors. Please delete this guidance before submitting this form.		
Behaviour and attitudes	Please cross-reference every section from the current school inspection handbook, with reference to the Ofsted grade descriptors. Please delete this guidance before submitting this form.		
Personal Development	Please cross-reference every section from the current school inspection handbook, with reference to the Ofsted grade descriptors. Please delete this guidance before submitting this form.		

Leadership and Management	Please cross-reference every section from the current school inspection handbook, with reference to the Ofsted grade descriptors. Please delete this guidance before submitting this form.		
Early Years (if applicable – if not delete row)	Please cross-reference every section from the current school inspection handbook, with reference to the Ofsted grade descriptors. Please delete this guidance before submitting this form.		
Sixth-form provision (if applicable – if not delete row)	Please cross-reference every section from the current school inspection handbook, with reference to the Ofsted grade descriptors. Please delete this guidance before submitting this form.		
The extent to which the education and systems provided by your school meets the needs of the range of pupils at the school,			

and in particular the needs of disabled pupils and those who have special educational needs.			
Any other comments or observations not captured above. Please note, AP schools should state whether they are registered and if their existing provision is interwoven with the LA.			

Appendix B: Governance self-assessment

Please complete the following self-assessment in full.

Your assessment against the Governors and Academies Financial Handbook	Your assessment of current position (How you do it now)	How will you get to required position – Please list risks, actions plan (including priorities identified) and timescales
1. The roles and responsibilities of the directors/trustees	Please detail your duties as: J. company directors and charity trustees; K. accounting officer Understanding of the strengths and weaknesses of the school. Understanding performance data (what data do you use), how do you use it to ensure robust oversight of performance (including externally provided data for example data dashboard the school presents) Holding school leadership to account	
2. Structure of the board	Accountability system Structure of decision making	
3. Meetings	Please detail your board and committee meetings schedule and outline agenda	
4. Finance	Please give details of: L. your chief financial officer, with appropriate qualifications and/or experience; M. Schemes of delegation; N. Approvals	

	<p>process- budget; O. Investment policy; P. Procurement including leases; Q. Internal control framework; R. Contingency and business continuity plan; S. Insurance cover</p> <p>Compliance with Manual of Financial Procedures</p> <p>Manual of Financial Procedures - Gateshead Intranet</p>		
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[H&S questionnaire](#)

Appendix C: Declaration

As part of your application, you will need to sign a declaration guaranteeing that you have disclosed all your financial liabilities, including any tax disputes.

One copy must be signed by a company member on behalf of the company/trust and one copy by the Chair of the Governing Body

I confirm that the information provided in this application is correct to the best of my knowledge. I further confirm that if the application is successful the company will operate a Gateshead maintained school in accordance with:

T. all relevant obligations and requirements that apply to Gateshead maintained schools (e.g. safeguarding, welfare and bullying) – this includes statutory requirements (those that are enshrined in legislation) and non-statutory requirements (those contained in DfE guidance); and

U. the School Admissions Code, the School Admissions Appeal Code and the admissions law as it applies to maintained schools. 16 to 19 applicants do not need to follow these codes, but must have admissions arrangements and criteria which are fair, objective and transparent.

I have fully disclosed all financial liabilities and the full extent of each/any debt for which the company, trust or existing school is liable.

I confirm that we are not and have never been barred from regulated activity within the meaning given by the Safeguarding Vulnerable Groups Act 2006. I further declare that all current governors of the school have confirmed to me that they are not and have never been so barred, and that if it comes to my attention whilst I am chair of the school's governing body that I or any other governor are or have been so barred I will notify Gateshead Council. I and all other governors understand that the school's application may be rejected if a governor of the school is found to have been barred from regulated activity.

I acknowledge that this application may be rejected should any information be deliberately withheld or misrepresented that is later found to be material in considering the application.

Signed:

Position:

Print name:

Date: