

Appendix A – Barnet framework for local authority decision making in relation to independent schools seeking to move to the maintained sector

DfE expectation of factors that decision makers consider	Local benchmark to be met/source of evidence/guidelines
<p>1. There is a genuine demand/need for this type of school in the local area</p>	<p>Data must be provided 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:</p> <ul style="list-style-type: none"> 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 Barnet 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 Barnet unless there are very exceptional circumstances
<p>2. The school is able to meet the high standards expected of state funded educational provision</p>	<ul style="list-style-type: none"> a) The School has been registered as an independent school with the DfE for a period of at least two years. b) The School must provide an education offer that is rated as good or outstanding in all aspects by Ofsted (e.g. leadership and management, teaching, safeguarding). The Ofsted inspection must have taken place within two years of the application. <ul style="list-style-type: none"> • Where the last Ofsted review is more than two years old, the proposer can commission a local authority-led review (or from an equivalent provider, agreed with the local authority) to confirm that the school remains good or outstanding • Where the most recent Ofsted judgement is less than good, the application will not normally be considered until the school is rated good or outstanding by Ofsted. c) The school must provide either evidence of how its governance arrangements meet the requirements of a maintained school or its plan of action to meet the requirements prior to admittance to the maintained sector. The school may wish to commission a review of its governance arrangements to submit as

	<p>evidence.</p> <p>d) The school must provide minutes from the previous 12 months' meetings of its main governing body.</p>
3. Current and projected financial health of the proposer is strong	<p>a) The school proposer must provide financial information to demonstrate the financial health of the organisation/trust – three year auditable accounts.</p> <p>b) In relation to the school, the proposer must provide the last three year audited accounts of the independent school to show at least a balanced budget has been set and delivered</p>
4. The proposal represents long term value for money	<p>a) 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 (<u>voluntary</u> 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).</p> <p>b) It is expected that the average cost per pupil at the school, taking account of all of the factors within Barnet's funding formula, will be within the current range of Barnet schools for a similar phase (primary, secondary, all through).</p> <p>c) The school is invited to set out how it will work in partnership with other Barnet schools, utilising its resources and expertise, to contribute to the achievement of all of Barnet's children.</p>
5. Suitability	<p>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'</p>
6. The school is able to deliver the whole of the national curriculum to the expected high standard	<p>Where the school is currently delivering the whole of the national curriculum, evidence of this must be provided. 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.</p> <p>Maintained schools have obligations under Part 6 of the Education Act 2002 in relation to delivery of the</p>

	<p>curriculum. This includes the requirement to promote the spiritual, moral, cultural, mental and physical development of pupils and of society and to prepare pupils for the opportunities, responsibilities and experiences of later life.</p> <p>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.</p>
<p>7. The school meets the requirements as set out in the Equalities Act</p>	<p>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).</p> <p>The main duties under the Equalities Act are: A school must not:</p> <ul style="list-style-type: none"> • 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. <p>A school must not discriminate against a person in relation to the following activities:</p> <ul style="list-style-type: none"> • admission to the school; • the provision of education to pupils; • access to any benefit, facility or service; • exclusion from school; <p>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.</p>
<p>8. Evidence is provided to allow the local authority to undertake due diligence</p>	<p>Due diligence includes but is not limited to:</p> <ul style="list-style-type: none"> • Financial health (above) • Admission criteria meet statutory requirements and comply with the School Admissions code • National Curriculum requirements (above) • Governance (above) • Inclusion – inclusion policy • HR requirements (e.g. evidence of appropriate recruitment policies) • Safeguarding (e.g. evidence of DBS checks for all staff and appropriate systems and policies) • 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

	<ul style="list-style-type: none"> • Policies (published on website e.g. in relation to admissions, exclusions, complaints) • 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.
<p>9. The school building is appropriate or can easily be improved</p>	<ul style="list-style-type: none"> • Buildings must meet standards set out in Building Bulletin 103 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

In addition to the DfE requirements, Barnet's local approach includes:

In order to manage any undue strain on the local Dedicated Schools Grant (DSG) budget and mitigate any impact on other Barnet schools, the local authority would normally seek to admit no more than one school in any one financial year. Where a number of applications are received at the same time, weight will be given to an applicant's ability to meet the general demand for places for the type of school being proposed.

In order to secure revenue funding from the Education Funding Agency, if there is not sufficient certainty of a successful application by January, entry within the next academic year cannot be guaranteed as the local authority set DSG budget will not have included the cost of the new maintained school in its financial plan.

The local authority would not normally expect to receive a request for a revenue loan within the first five years of transferring.

Glossary

Academies – an Academy School as defined in s1A of the Academies Act, being an independent school, offering a broad and balanced curriculum, providing education for pupils of different abilities and who are wholly or mainly in the local area.

Voluntary controlled – as defined by Part II of School Standards and Framework Act 1998

Voluntary aided - as defined by Part II of School Standards and Framework Act 1998

Foundation - as defined by Part II of School Standards and Framework Act 1998

