



## FREE SCHOOLS

The Academies Act 2010 allows for the creation of Free Schools which are **new** all ability schools, (existing and selective schools together with nurseries are excluded). They are established in response to parental demand and are promoted by various interest groups such as parents, teachers, charities, community organisations and businesses. Funded directly by central Government, they are outside of Local Authority control and their constitution, structure and freedoms are the same as Academies.

Further information can be obtained from the Department for Education website at:

<http://www.education.gov.uk/schools/leadership/typesofschools/freeschools>

Where there is a proposal to establish a Church of England Free School within the Diocese of Rochester the Rochester Diocesan Board of Education (RDBE) should be consulted as soon as possible. A Church of England School:-

- is a school of religious character which is operated according to the principles and practices of the Church of England. Its religious character is defined under the authority of the Bishop of the Diocese in which it is situated.
- adheres to the policies of the Diocesan Board of Education as regards Collective Worship; Religious Education; Admissions; Spiritual, Moral, Social and Cultural Development of pupils, and submits to inspection under the SIAS arrangements.
- is committed to maintaining the religious character of the school and seeks to give effect to this commitment by ensuring that appropriate Governing structures are established.

In the Diocese of Rochester all Church of England schools are members of the Rochester Diocesan Family of Schools (RDFS) which is a structure within which Church of England schools collaborate closely with each other; offer support to each other and explore ways of benefiting from shared procurement projects.

Where there is a proposal to establish a Free School which is not of a religious character or which is of a religious character other than "Church of England" (as defined above) the RDBE will welcome a co-operative relationship with the school and invites such schools to consider formalising this relationship by affiliating to the RDFS.

Before giving its approval in principle to any Church of England Free School proposal the RDBE will require

### A. General

1. Confirmation that the key people and organisations that will be involved in the running of the school intend to promote and operate a Church of England school as set out in the introduction above.
2. Evidence that there is local demand for the school and that it will be both financially and educationally viable.
3. Confirmation that the proposal provides benefits to the local young people and the community and does not impact negatively on other schools.
4. Evidence that the school will meet all required standards (including the Independent School Standards and the Admissions Code)
5. Reassurance that the school will be operated in accordance with Christian values as understood by the Church of England in its policies concerning schools
6. Evidence that the proposed premises will be suitable for the education of pupils

#### B. Christian distinctiveness

1. Confirmation that the school will maintain and develop the religious character of a Church of England school and that this will be made explicit by the inclusion of an appropriate ethos statement in the Memorandum and Articles of Association of each Academy company and in other relevant documents.
2. Confirmation that the school will be committed to the wider family of Church schools and to developing its relationship with the local, national and international Church
3. Confirmation that the school will operate in a spirit of collaboration with neighbouring schools and will not act in a way which will disadvantage them.
4. That Collective Worship and Religious Education in the school will follow the principles and practices of the Church of England.
5. That the school will be subject to inspection under SIAS arrangements in accordance with RDBE practice.

#### C. Governance

1. That the prior agreement of the RDBE is obtained to the membership of the Academy Trust/Company and the appointment of governors (who are in effect the directors of the company).
2. That Church corporate bodies, including the local Church, will form the majority of members of the Academy Trust.
3. That there is a well defined business plan which demonstrates that careful consideration has been given to the procurement of a full range of services. The school agrees to give serious consideration to the purchase of services made available by the RDBE/RDFS.
4. That the school accords advisory rights to the RDBE on the appointment of the Principal who it is expected will actively support the aims and the ethos of a Church of England school.

#### D. Legal and financial responsibilities

1. That all matters relating to the lease of any trustee/diocesan assets to the new academy trust are completed before the funding agreement is signed. This to include land, buildings or any other capital assets resting with the trustees.
2. That all costs (including those of the RDBE/DBF) relating to the leases, transfer/assignment of any extant leases/licences/transfer of control agreements/hiring agreements or tenancies at will are met in full by the school direct. (We regret there can be no provision for any loans or interim payments for this purpose from the Diocese)
3. That the legal mechanisms for establishing the school must be agreed by the RDBE and all costs met by the school. The RDBE wish to work in partnership with schools and it is anticipated cost savings would be achieved if the Governing Body and school trustees chose to instruct the RDBE's solicitors to also represent them. The RDBE expects this to be the normal arrangement unless conflicts of interest (in rare circumstances) dictate otherwise.
4. That the school consults fully with the RDBE in relation to their proposed admissions arrangements before the funding agreement is signed and whenever a change to those arrangements is proposed

#### The RDBE consent will become final when:

1. A RDBE officer has formally confirmed that the RDBE are satisfied with all the documents setting up the school, including those concerned with the constitution of the Academy Trust, the funding agreement, any lease or license arrangement and any supplemental agreement and
2. The school has settled all costs incurred by us in considering this matter and ensuring all conditions to our consent have been satisfied.

