Department for Education

A guide to new special free school revenue funding 2017 to 2018

April 2017

Contents

Introduction

1. This guide sets outs how the revenue funding for new special free schools will be calculated and paid based upon funding rates for the 2017 to 2018 academic year.

2. This guide also sets out the importance of good financial health and the financial governance and accountability requirements for trusts. A pre-opening financial management and governance self-assessment is available at Annex A, and is a helpful tool for trusts to assess a free school's financial governance and compliance prior to opening.

3. The following funding will be available to special free schools upon opening in September 2017:

- per-place (FTE) funding
- commissioner top-up funding
- national 16 to 19 formula funding
- business rates grant
- post-opening grant

Each is described in more detail later in this guide.

4. The guide does not cover:

- funding for mainstream or alternative provision free schools, for which separate guides are available
- funding for hospital education
- free schools open before September 2017 (who will be receiving updates on future funding arrangements from the Education and Skills Funding Agency (ESFA))
- any initial funding which may be provided by the department to help free school proposers to develop their projects before the opening of the school (e.g. project development grant)
- capital funding, which will depend on the circumstances of individual free schools (and within this heading is included any ongoing annual costs of leasing premises)
- Value Added Tax (VAT) – open academies and free schools do not receive a separate grant to cover these costs, but will instead be able to claim back, when open, any VAT paid in respect of their non-commercial activity, directly from Her Majesty's Revenue and Customs (HMRC) via their VAT scheme for academies

Financial health and efficiency

5. Effective schools make the best use of resources – ensuring every pound is used efficiently to improve our children's education standards and have maximum impact for their pupils and the school. This means planning educational improvement and finances together. Managing school finance is not an 'additional' responsibility or requirement – it is intrinsic to each and every high performing school.

6. For schools to deliver the high standards parents and pupils expect of them, they must start from a position of strong financial management. In practice, this means schools can invest more of their resources in the classroom, making even more of a difference to the children that need it most. To support free schools and others in achieving this, the department has launched online guidance and tools on efficiency and financial health.

Financial planning

7. Free schools should plan their expenditure to ensure that it is affordable within the funding provided. This should be an on-going process with financial plans updated as plans for the school are more fully developed, staff are appointed, site plans are developed and other costs are more firmly established. Groups should also refresh financial plans as further details of funding arrangements are confirmed, and review regularly to ensure they reflect the likely number of pupils based on the number of applications. In doing this, they will want to make sure they are aware of funding arrangements for each new academic year.

8. In particular, free schools will be asked to share their current financial plans with the department before entering into a funding agreement. This should include a version modelled around the lowest number of pupils required in order to deliver an educationally and financially viable offer. Plans will need to be resubmitted ahead of the school's readiness to opening meeting (ROM). The details included in this plan will be used in order for draft funding allocation statements to be issued.

9. Projects should be ready to submit their plans at these points with **evidence to underpin their place number assumptions** which must **be realistic and achievable.** The department will want to see that as far as possible the plans reflect the school's income based on the best estimates of available grants, the school's outgoings and the likely number of places. The plans should show that the school will not go into deficit at any point.

10. Plans should be based on the most up-to-date available estimates of grant funding. The financial template containing 2017 to 2018 funding rates is available on GOV.UK, and will calculate your indicative funding using the up-to-date funding rates.

Annual revenue funding for special free schools

11. Once the school is open, funding will be calculated and paid by both ESFA and local authorities commissioning places at the free school. Special free schools may also receive funding from local authorities and other schools or academies for commissioned services – for example to provide specialist teaching support for pupils in local schools. Special free schools are established in response to demand by local authorities and sometimes by local parents although, in the case of the latter, local authority support is also essential. Evidence of this demand is needed to support the establishment of the schools.

12. Funding in special free schools comprises:

- All places for pre-16 and post-16 pupils with education, health and care (EHC) plans/statements of special educational needs (SEN) in a special free school attract per-place funding
- The fixed per-place funding will be paid for a number of places which will be subject to regular review. The per-place rate will be £10,000 in 2017 to 2018, and may be subject to change in subsequent years. The detailed funding methodology may also vary over time as changes are made to the school and high-needs funding systems
- Schools will also receive top-up funding for each pupil placed in the free school, based on the pupil's assessed needs and the cost of meeting those needs in the school. That top-up funding comes from the local authority that commissions the place, and is determined by the local authority in negotiation with the free school
- This top-up funding will be paid in or close to the real-time movement of the pupil, and will flow directly between the local authority and the special free school
- Pupils aged 16 to 19 without SEN statements or EHC plans will attract an allocation of mainstream funding calculated using the national 16 to 19 funding formula. Pupils without statements of SEN or EHC plans can only be admitted to special schools in certain circumstances. Please refer to the SEND Code of Practice and your Funding Agreement for further details

13. Special free schools' continuing financial viability depends on both the ongoing support of local authorities, in terms of a commitment to commission placements, and their willingness to provide associated funding.

14. Base funding for the first two years is based upon evidence provided in pre-opening of the estimated number of FTE places required for the number of pupils attending the free school. ESFA will review actual pupil numbers against planned places (occupancy), and under-occupancy in year one may impact upon the number

of places funded for year two. The per-place funding beyond year two will be based upon previous years' occupancy unless the place numbers are planned to be higher in the relevant year. ESFA have put in place a process to scrutinise this.

15. Where applicable, special free schools will also receive the pupil premium of £1320 per primary pupil and £935 per secondary pupil for all pupils aged 5 to 15 who have been eligible for free school meals at any point in the past six years. They will receive a £1900 premium for each looked-after child, and a £300 per pupil premium for all pupils aged 5 to 15 who have a service parent. More information on the pupil premium is available on GOV.UK.

National 16 to 19 formula funding

16. Funding for students aged 16 to 19 attending special free schools who do not have statements of special educational needs or EHC plans will be based on the national formula applied to all 16 to 19 places, including maintained schools and academies.

17. Schools will be asked to submit a short business case in the February before they open which provides evidence to support their assumptions about the characteristics to be reflected in the formula. This will inform the final per-pupil funding level. More information on 16 to 19 funding is available on GOV.UK.

Education services grant

18. In the 2015 Spending Review, the department announced a saving of £600m by removing the education services grant (ESG) general funding rate from September 2017. Academies and free schools will continue to receive the current annual rates per pupil for the April to August 2017 period. We have also put in place protection arrangements for academies and free schools following the removal of the ESG general funding rate using the same methodology as in 2016 to 2017.

19. Free schools which open between April and August 2017 will receive ESG funding at the current per pupil rate prorated to the number of days open. From September 2017 they will also be eligible for the protection arrangements. Free schools which open from September 2017 onwards will not be eligible for ESG funding or ESG protection.

Risk protection arrangement (RPA)

20. Free schools are able to opt in to a voluntary risk protection arrangement provided by the government. The RPA is an alternative to insurance where UK government funds cover losses that arise. There is no cost or premium to join the

RPA. ESFA will deduct £20 per place at source from the free school's general annual grant (GAG). Free schools do not have to enter the scheme and are free to make their own alternative insurance arrangements, however there will be no additional funding provided should extra costs be incurred. More information about RPA can be found on GOV.UK.

Business rates grant

21. All free schools will receive a grant to cover the actual cost of business rates (at the 80% discounted charitable rate). This needs to be claimed via the online form on GOV.UK. Most special schools are exempt from business rates.

Post-opening grant

22. Special free schools, like all free schools, are provided with a post-opening grant to reflect the additional costs in establishing a new publicly-funded school which cannot be met through the GAG. The post-opening grant provides funding in two elements as the free school grows: non-staffing resources, paid on a per pupil basis; and a leadership grant. These titles reflect the basis on which the funding is calculated, but the grant can be spent on any legitimate purpose of the school.

23. The first element (resources) is paid each year that the school builds up to capacity for each new place created. It is paid at the following rates:

- £250 for each new place created in the primary phase (years R to 6)
- £500 for each new place created in the secondary and 16 to 19 phases (years 7 to 13)

24. The second element (leadership) is a fixed-rate payment of £170,000 (50% in the first year; 30% in the second; and 20% in the third).

Financial governance and accountability

25. Trusts will need to ensure that spending decisions are transparent and in the school's best interests and should not give rise to criticism of the trust by Parliament, and/or the public, and/or the media. Free schools will need sound financial procedures - the capacity to handle public money, and good governance arrangements. On opening, free schools will need to have a robust framework to manage its funding and ensure proper accountability and procedures are maintained.

The Academies' Financial Handbook

26. The Academies' Financial Handbook, together with the funding agreement, sets out the financial management and governance requirements for academy trusts.

27. **Trusts must comply with the handbook throughout the pre-opening period and once open.** This is outlined within the grant agreements underlying any funding you receive from the department and/or ESFA. Non-compliance with the handbook is considered a breach of contract and may trigger various sanctions.

28. The handbook includes requirements in relation to financial oversight, financial planning, internal control, financial monitoring and management and proper and regular use of public funds as well as a number of other specific matters. The handbook also sets out the audit requirements for academy trusts.

29. The handbook is aimed at trustees, accounting officers (principals and chief executives), principal finance officers (finance directors and business managers), clerks to the board of trustees, local governing bodies of multi-academy trusts and auditors.

30. The handbook clearly articulates that the accounting officer is personally responsible to Parliament, and to the accounting officer of ESFA, for the resources under their control. This personal responsibility extends to ensuring regularity, propriety and value for money. The accounting officer also has responsibilities for keeping proper financial records and accounts, and for the management of opportunities and risks.

ESFA Information Exchange

31. ESFA Information Exchange is a secure website, accessible via DfE's secure access system. It enables academies to use:

- Document Exchange to receive and exchange documents with ESFA
- Knowledge Centre to find their own answers to common questions
- Business Calendar to check key business cycle dates and deadlines
- Digital forms for accurate financial returns and other transactions

32. A secure access account for new free schools will be automatically set up using information shared from EduBase, the Department for Education's register of educational establishments. Prior to a free school opening, ESFA will send an email to the secure access approver of the free school who will then be able activate the account and add 2 approvers and up to 7 end users to use secure access and have access to ESFA Information Exchange.

Financial statements

33. Free schools, including those in the pre-opening phase, with a signed funding agreement must submit audited financial statements to ESFA, for each year ending 31 August, by 31 December. The Academies Accounts Direction prescribes the form and content of the financial statements. Prior to signing the funding agreement financial statements should be prepared in accordance with company law.

34. Trusts should set their accounting reference date to 31 August at Companies House. This is the date to which their financial statements will be produced.

35. Exceptions to submitting audited financial statements are:

- Extended accounting period - new trusts that have not previously prepared financial statements can extend their first accounting period to a maximum of 18 months. For example a trust incorporated at Companies House on or after 1 March 2017 can defer preparing their first financial statements until 31 August 2018. A trust incorporated before 1 March 2017 must prepare their first financial statements to 31 August 2017
- Dormant accounts – Trusts that have been dormant since incorporation can prepare dormant accounts. These do not have to be audited but still need to be submitted to Companies House and (if the trust has signed its funding agreement) to ESFA

36. This guide does not substitute for the full requirements in the Academies Accounts Direction.

37. The timetable for submission and publication of accounts, including how accounts are submitted, is set out in detail in the Accounts Direction. Key deadlines are given below:

- **By 31 December** – trust to **send** audited accounts, including an independent reporting accountant's report on regularity and auditor's management letter to ESFA
- **By 31 January** – trust to publish accounts on their website
- **By 31 May (i.e. within 9 months of the end of the accounting period) –** trust to file their audited accounts with Companies House. Further information can be found on the Companies House website.

Other financial returns

38. Trusts must also submit the following financial returns to ESFA once open:

- **Budget forecast return** – submitted to ESFA by 31 July or 6 weeks after receiving the final funding letter, whichever is the later

- **Academies accounts return** – due where the free school did not prepare audited accounts at 31 August but had opened by 31 March, or where the free school did prepare accounts at 31 August but has opened between 1 September and 31 March. The return must be submitted to ESFA by 31 May in the first year only. Subsequent returns will be for the year ending 31 August and must be submitted to ESFA by 31 January
- Financial management and governance self-assessment - submitted to ESFA within four months of opening. The self-assessment highlights the main requirements academies must have in place soon after opening. A pre-opening self-assessment is available at Annex A, and is a helpful tool for trusts to assess a free school's financial governance and compliance prior to opening

39. Trusts are responsible for keeping up to date with the latest deadlines and requirements. More information is available on GOV.UK.

40. Trusts can also keep up to date through the ESFA e-bulletin.

Further information

41. Further information on academies revenue funding is available on the ESFA pages on GOV.UK.

42. There are also training videos available which trusts may find useful.

Annex A – Pre-opening financial management and governance self-assessment

This self-assessment is comprised of questions from the Financial management and governance self-assessment**.** It is a helpful tool for trusts to assess a free school's financial governance and compliance **prior to opening**. The self-assessment must be completed in full and sent to ESFA within four months of opening.

1. Has the board appointed a principal or chief executive?
2. Do the directors/trustees fully understand their duties as company directors and charity trustees to discharge their duties?
3. Has only one senior executive leader (principal) or chief executive) been permanently designated as the accounting officer and does this person fully understand the duties and responsibilities of the role?
4. Does the accounting officer, under the guidance of the board, ensure appropriate oversight of financial transactions by having all the trust's property under the control of the trustees, measures in place to prevent losses or misuse; having bank accounts, financial systems and financial records operated by more than one person; keeping and maintaining full and accurate accounting records; and preparing accruals accounts, giving a true and fair view of the trust's use of resources, in accordance with existing accounting standards?
5. Does the board and appropriate committees meet at least three times per year and conduct business only when meetings are quorate?
6. Does the board receive, consider and act upon information about the financial performance of the trust at least three times a year?
7. Has a chief financial officer, with appropriate qualifications and/or experience, been appointed by the board?
8. Has the board approved a written scheme of delegation of financial powers that maintains robust internal control arrangements?
9. Has the board approved a balanced budget for the financial year and the approval been minuted?
10. Is the academy trust aware of considerations when making investments, including having an investment policy to manage, control and track financial exposure, and ensure value for money; and regularly reviewing the policy and the trusts investments?

11. Has the board been made aware of the requirement to obtain approval from the Education and Skills Funding Agency (ESFA) where it is conserving borrowing funds or entering into liabilities such as leases or tenancies beyond delegated limits? If any payments have been made beyond delegated limits, full details must be provided in the commentary section below.
12. Has an appropriate internal control framework been established?
13. Has a contingency and business continuity plan been prepared?
14. Have the risks arising from your operations been assessed?
15. Has adequate insurance cover been obtained?
16. Has the board been informed of the delegated authority limits for the categories of transactions set out in the Academies Financial Handbook? If any payments have been made beyond delegated limits, full details must be provided in the commentary section below.
17. Has the board been informed of the requirement to ensure that all the academy trust's spending has been for the purpose intended; that there is probity in the use of public funds; and that all spending decisions represent value for money?
18. Has the board been informed of the requirement to obtain approval from ESFA before making any novel, contentious or other such payments (for example, staff severance payments) as detailed in the Academies Financial Handbook? If any payments have been made beyond delegated limits, full details must be provided in the commentary below.
19. Have all trustees, including the accounting officer, completed the register of business interests?
20. Has the academy trust published, on its website, its governing structure and remit and the relevant business and pecuniary interest of the accounting officer, members, trustees, including local governors where the trust is a Multi Academy Trust?
21. Are there measures in place to manage any conflicts of interest?
22. Has the board approved a competitive tendering policy?
23. Do senior officers' payroll arrangements meet tax obligations fully?
24. Has the board been informed that goods or services provided by individuals or organisations connected to the trust must be provided at 'no more than cost', on the basis of an open book agreement and supported by statements of assurance, in accordance with the conditions set out in the Academies

Financial Handbook? If any goods or services have been provided that exceed 'no more than cost', not on the basis of an open book agreement or without statements of assurance, full details must be provided in the commentary section below.

25. Has a set of accounting policies been approved?

26. Has an external auditor been appointed?

27. Has an audit committee or a committee that fulfils the functions of an audit committee been established?

28. Has a process for independent checking of financial controls been implemented?

29. Has an appropriate committee agreed a programme to address the risks to financial control?

30. Has the board been informed of the requirement to report to ESFA any instances of fraud or theft: above £5,000 against the trust whether by employees, trustees or third parties; or where fraud is unusual or systematic in nature? Full details must be provided in the commentary section where any such fraud or theft has occurred.

31. Has the board approved a whistleblowing policy?

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Reference: DFE-00129-2017