

ATL ADVICE



Free schools

What are free schools and who can set them up? How are they run and what are the requirements for staff and pupils? And if you join one, what questions do you need to ask about terms and conditions? This ATL factsheet aims to address these and other key questions on the subject

What is a free school?

Free schools are independent schools with state funding provided by the Department for Education (DfE). The government legislated for them in the Academies Act 2010, with the first 24 free schools opening in September 2011. Sources close to the government expect around 100 free schools to be open by autumn 2013, educating about 60,000 pupils. As with academies, ATL has concerns that the process of setting up a free school is not open to public scrutiny, despite being funded by public money.

Who can set up a free school?

Any suitable sponsor can make an application to establish a free school, including parents, teachers, charities, academy sponsors, universities, independent schools, community and faith groups, and businesses. Groups wanting to set up a free school must supply the government with a list of enough parents who would choose to send their children there to fill 50% of places. It is for the Secretary of State for Education to decide whether a free school can be opened.

In what premises can free schools be set up?

Free schools can be set up in any type of building, including disused shops, hospitals and offices. The government is looking to lighten the burden of school building and premises regulations, suggesting the quality of the teaching and learning environment is of little importance. ATL is concerned that any building used to provide education should be fit for purpose, and has called on the government to ensure all free school buildings are properly risk assessed. Such risk

assessments should guarantee that these schools are free of any dangerous materials, including asbestos, and are fully accessible to existing and prospective staff and pupils with disabilities.

What are the governing arrangements for free schools?

Free schools do not have to comply with the same rules as maintained schools in setting up their governing bodies. Apart from requiring the appointment of the headteacher, or principal of the school and two parent governors, the sponsors of a free school can define their own governance arrangements. ATL's view is that staff should be represented on governing bodies. See ATL's position statement on academies: www.atl.org.uk/policy-and-campaigns/policies/new-position-on-academies.asp.

Do free schools have to follow the national curriculum?

No. Free schools do not have to follow the national curriculum, as long as they teach a 'broad and balanced' curriculum. In the absence of a national entitlement, however, it will be down to the school to decide what constitutes 'broad and balanced' provision. ATL remains committed to the idea of a slim national curriculum framework that guarantees entitlement to all children and young people. See ATL's position statement on the curriculum: www.atl.org.uk/policy-and-campaigns/policies/subject-to-change-new-thinking-on-the-curriculum.asp.

The new model funding agreement only requires free schools to teach English, mathematics and science, and to make provision for the teaching of religious education.

Free-standing 16-19 schools do not have to provide a broad and balanced curriculum. ATL is extremely concerned that this provision reinforces the segregation between academic and vocational learning from age 16 onwards. See ATL's position statement on 14-19 education: www.atl.org.uk/policy-and-campaigns/policies/14-19-curriculum-assessment.asp.

Do free schools have to adhere to the school admissions code?

Free schools must adhere to the school admissions code, except for their first year of operation, when they will be allowed to run their own admissions processes.

Those free schools with a religious character can admit pupils and recruit education staff on the basis of religious belief. However, from their second year of operation, oversubscribed free schools of this nature will be restricted to admitting no more than 50% of their pupils on the basis of faith.

Research indicates higher levels of segregation in areas with a high concentration of faith schools; particularly those with selective admissions policies. See ATL's position statement on faith schools: www.atl.org.uk/policy-and-campaigns/policies/Faith-schools.asp.

Do free schools have to follow the same term times as maintained schools?

No. Free schools can set the length of terms and school days. Some free schools have been established with the purpose of offering childcare in addition to the normal timetabled day. Staff in free schools are advised to ensure that their workload reflects that of the education workforce in maintained schools. Contact ATL if you would like further advice (see contact details on page four).

Will free schools be inspected by Ofsted?

Yes. Free schools will be inspected by Ofsted.

Do applicants have to hold qualified teacher status (QTS) to teach in a free school?

No. Applicants do not need formal teaching qualifications unless they are coordinating special needs education, or are responsible for looked-after children. This implies that teaching is a 'craft' that can be learnt on the job; one that does not require any specific pedagogical understanding

of how children, in particular young children, learn and develop into confident, well-rounded individuals.

If you are a qualified teacher thinking of working at a free school, you may want to consider what additional duties may fall to you as a result of your qualification. For example, will you be responsible for setting or moderating the lessons of others? Will you be responsible for mentoring unqualified staff?

Can teachers undertake their induction in a free school?

The Training and Development Agency for Schools (TDA) classes free schools as independents for the purposes of induction.

Free schools that wish to offer an NQ who has been awarded QTS the chance to complete statutory induction must provide a suitable post and programme to help them continue to meet the standards for QTS. They must be able to provide the teacher with an induction mentor who has QTS.

The free school must have an agreement with either a local authority or (for schools affiliated to the Independent Schools Council) the Independent Schools Council Teacher Induction Panel (ISCTIP), that they will act as the school's 'appropriate body'.

Furthermore, the school must meet the appropriate national curriculum requirements, and every core or other foundation subject must be taught. Not all free schools intend to offer the national curriculum. Indeed, for some, this is part of the attraction of being 'free'.

It is therefore crucial that you check the school is both willing and able to host your induction. If you have any general induction enquiries, please contact the TDA's induction enquiries helpline on 0300 065 6526, or email induction@tda.gov.uk.

Do free schools have to adhere to the School Teachers' Pay and Conditions Document and/or the Conditions of Service for School Teachers in England and Wales?

No. Free schools can set their own pay and conditions for staff. Until candidates are offered a job, they may have no information on the free school's offer on pay and conditions, which can vary significantly among members of staff.

Do free schools have to recognise the education unions for collective bargaining on pay and terms and conditions?

No. Staff working in free schools do not have an automatic right to union bargaining on workplace issues. ATL will pursue bargaining rights on behalf of staff where this is requested by members. To find out more, email Peter Morris at pmorris@atl.org.uk.

Do free schools have to offer the Teachers' Pension Scheme or the Local Government Pension Scheme?

Yes. Free schools must offer membership of the Teachers' Pension Scheme to teaching staff and the Local Government Pension Scheme to support staff.

You should check which scheme you have been entered into, and that deductions are made from your salary each month.

Checklist

If you are thinking about working in a free school, you may wish to read ATL's checklist of points to consider below, before accepting a post.

How can you make sure you know what you are signing up to before you say yes? Ask for a copy of the contract of employment and all relevant supplementary documents, eg the staff handbook. ATL members are advised to check their terms and conditions carefully before accepting a post.

Don't be afraid to ask questions; taking a new job is a major commitment. That said, a common-sense approach should be taken, as asking a string of questions about benefits may create the wrong impression.

Here is a checklist of some issues you may wish to consider before starting to work at a free school.

Is there a job description, and am I happy with it?

You should be clear what your duties are, who your line manager will be, and any staff you are responsible for.

What is the starting salary?

You may be able to negotiate a higher starting salary, based on your experience or qualifications. You should ensure that you are clear whether you are on a full-time, part-time or term-time only contract.

Is there a pay scale and how do I progress on it? Is progression performance-related?

You should also check how any cost of living increase will be applied to the pay scale and the mechanism for agreeing any increase. ATL recommends that you use the nationally agreed pay scales as a benchmark.

Are there any additional payments?

Are payments made for recruitment or retention, taking on additional responsibilities or management roles? You should check if there are bonuses attached to high performance.

When is my pay reviewed?

Pay is usually increased at the start of each academic year.

What are my normal working hours? What are the term dates? What are the holiday arrangements?

In addition to your timetabled lessons, you may be required to be at school both before and after the school sessions. You should also check the length of the school terms. Some free schools will be open at weekends and during the traditional school holidays. You may wish to check how much holiday you are entitled to take, and when you can take it. You are entitled to 28 days' statutory holiday per year (including bank holidays).

What extra-curricular activities are expected of me?

Are you expected to take on lunchtime duties or out-of-hours clubs, such as breakfast/homework/holiday clubs? If so, how often will you be required to attend?

What is the sickness policy and my sick pay entitlement?

Statutory sick pay is not payable for the first three days of any illness. In the maintained sector, you are entitled to six months' sick leave on full pay and six months' sick leave on half pay.

What is the maternity/paternity/adoption policy?

Many independent schools only offer statutory maternity/paternity/adoption pay and leave.

Statutory maternity provision is up to 52 weeks' leave and 39 weeks' statutory maternity pay. This is calculated at 90% of average weekly earnings (AWE) for the first six weeks; then, for the next 33 weeks, the lower of either 90% AWE or £128.73 per week. See ATL's factsheet, Maternity leave and pay: www.atl.org.uk/publications-and-resources/factsheets/maternity-leave.asp.

Statutory paternity leave comprises ordinary paternity leave, payable at the statutory paternity pay rate of £128.73 for up to two weeks.

Additional paternity leave can be taken for up to 26 weeks, with a maximum of 26 weeks' pay, at the lower of either 90% AWE or £128.73 per week. See ATL's factsheets: Paternity leave, www.atl.org.uk/paternity-leave-factsheet; and, Additional paternity leave and pay, www.atl.org.uk/additional-paternity-leave-and-pay-factsheet.

Statutory adoption leave can be taken for up to 52 weeks, with up to 39 weeks' pay, calculated at the same rate. See ATL's factsheet, Adoption leave and pay: www.atl.org.uk/publications-and-resources/factsheets/adoption.asp.

What notice are you entitled to receive and obliged to give?

In maintained schools, teachers can only leave at the end of a school term. You should also check that the contract is permanent, or if it is a fixed-term contract, when discussions on renewal will start. Does the free school have a clear redundancy policy, should it need to lose staff?

What if any PPA time or equivalent, are you entitled to?

In maintained schools, teachers are guaranteed at least 10% of timetabled teaching time to prepare and assess lessons.

What are the cover arrangements?

In maintained schools, teachers can only rarely cover for their absent colleagues. You may wish to check

what will happen if your colleagues are absent; eg will classes be combined?

What staff facilities are there?

You may wish to check whether there is a staffroom, or somewhere to safely store your belongings, or somewhere comfortable to eat your lunch.

You may wish to check public transport links or parking availability and cost at or near the school.

How are staff views aired?

Free schools do not automatically recognise trade unions for bargaining purposes, although ATL will be able to support you with any individual problems and queries.

Is there a joint consultative committee through which you and your colleagues can raise any issues about your employment? Or would you like to find out more about the possibility of union recognition at your school? If so, see ATL's advice on union recognition: www.atl.org.uk/help-and-advice/union-rights/union-recognition.asp.

And finally... research the school

Researching an employer is important when applying for any job. As well as obtaining the school's prospectus, it is advisable to research its website.

Many free schools are faith schools, and may have additional requirements of staff. Free schools may have a strong ethos, which you should feel comfortable about supporting.



Need advice?

Your first point of contact is the ATL rep in your school/college. Your local ATL branch is also available to help, or you can contact ATL's member advisers on 020 7930 6441, email info@atl.org.uk. Don't forget there's lots more advice on ATL's website at www.atl.org.uk.

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