

Inclusive Schools: The Free Schools Monitoring Project

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rota
Race on the Agenda

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To find out more about *Inclusive Schools: The Free Schools Monitoring Project* contact Barbara Nea, Senior Policy Officer, on barbara@rota.org.uk.

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Executive summary

Current educational reforms, including the expansion of free schools and academies and decreased regulation, risk exacerbating the well-evidenced and persistent educational inequalities faced by Black, Asian and minority ethnic (BAME) pupils. The establishment of similar school systems in the US and Sweden have led to socio-economically and ethnically segregated school systems in many local areas, with significant gaps in the quality of educational provision. Many English academies have similarly increased inequalities.

Through *Inclusive Schools: The Free Schools Monitoring Project*, ROTA sought to assess the risks of similar inequalities emerging with the expansion of free schools in England. Further the project sought to identify potential ways to mitigate such risks, so that free schools can be part of the solution to educational inequality.

Sixty-three successful and unsuccessful free school projects were surveyed to ascertain the level of involvement of BAME communities as proposers, leaders, governors, staff and pupils in free school projects; the degree to which equality is being considered in the setting up of education services in free schools; and the support needs of the BAME communities seeking to establish free schools.

The project also brings to notice the lack of engagement with the most acutely disadvantaged BAME communities by the Department for Education. It notes the lack of transparency around the free schools programme, which is characterised by the limited information in the public domain about free schools from the Department for Education, as well as many free schools themselves.

Key findings

- 1. There is a lack of engagement with BAME communities in the free schools programme:** BAME communities, in particular those that have been acutely disadvantaged in education, such as African Caribbean, Pakistani, Gypsy, Roma and Irish Traveller communities, are underrepresented as leaders within successful free school projects. Some such communities, like the African Caribbean community, are attempting to seize the free schools programme as an opportunity to improve educational outcomes for BAME and other children and young people, but face barriers to success. Other such communities are largely unaware of the free schools programme. The Department for Education does not appear to have given much attention to the engagement of such underrepresented communities.
- 2. There is a lack of transparency around the free schools programme:** The Department for Education is limiting the information in the public domain about free schools. The public information provided by free schools themselves in relation to equality and inclusion is also often limited. This obscures the degree to which free schools are benefitting BAME communities. Additionally this lack of information reduces accountability.
- 3. The impact of free schools on BAME communities has been insufficiently evaluated:** There has been limited commentary and research on the impact of free schools on BAME communities. That which exists points to concerns about the lack of engagement of BAME communities in the free schools programme, risks of further ethnic segregation within school systems, and greater inequality in free schools than in state maintained schools. Concerns

highlighted within existing commentary and research should be taken seriously with measures put in place to monitor and overcome them.

- 4. There are risks that free schools' choice of premises will detrimentally impact on BAME and socio-economically disadvantaged communities:** While this research did not explore premises issues in depth, a number of instances were identified where free schools' choice of community premises has had detrimental impacts on BAME and disadvantaged communities. There is a need for further work to explore if such impacts are widespread and systemic.
- 5. Equality, diversity and human rights are insufficiently considered in the development of free schools' services:** While the majority of the free schools surveyed made general statements of commitment to equality, diversity, human rights and/or related concepts, most did not provide evidence of proactive and strategic approaches to ensuring equality in practice. This may indicate the need for further support to enable free schools to develop policies and procedures that meet their commitments to equality, diversity, human rights and duties under the Equality Act 2010.
- 6. Over-emphasis on traditional curriculum approaches among many approved free schools risks limiting pupil diversity:** There was a strong focus on 'traditional' subjects, such as Latin and Classics, among many of the first 40 approved free schools. When taken together with other factors such as limited strategic consideration of equality within this cohort of free schools, there are risks of social, cultural and ethnic segregation being exacerbated within education. There is a need to further explore the impact of curricula within free schools on educational segregation as growing numbers of free schools open their doors.
- 7. There are risks that admissions policies in use by free schools could lead to indirect discrimination:** The admissions policies of the first 40 approved free schools were examined in July 2011. While limited information on admissions policies and/or catchment areas made it difficult to draw concrete conclusions, a number of free schools were proposing to use admissions policies that have the potential to indirectly discriminate against BAME and socio-economically disadvantaged communities. Further research is required to ascertain if this issue is systemic and widespread within the free schools programme.
- 8. Many free schools being established with the aim of improving education in deprived urban areas are not fully benefiting socio-economically disadvantaged communities, among which BAME communities are overrepresented:** A significant portion of free schools opening in deprived urban areas are not enrolling pupils from disadvantaged backgrounds at the same rate as other local schools.
- 9. BAME communities face particular barriers in leading and engaging in successful free school projects:** Barriers linked to financial expertise, financial resources and social capital, along with inconsistencies in the free schools application process, affect BAME communities disproportionately in their efforts to establish free schools and have important equalities implications.

Key recommendations

Transparency and accountability

1. The Department for Education and free schools to make more complete information available to address a lack of transparency and improve accountability around the free schools programme.
2. Free schools to monitor and report on pupils' educational opportunities, experience and outcomes by ethnicity.

Engagement of BAME communities in the free schools programme

3. The Department for Education to encourage and prioritise better engagement with BAME communities, in particular those that are the most acutely disadvantaged in education. The Department for Education to undertake further monitoring of the level of BAME community involvement as proposers, governors, teachers and in parent forums and student bodies. In monitoring, ethnic categories should be more detailed than those used in the census.
4. Free schools to monitor and report on the level of involvement of BAME communities as proposers, governors, staff and pupils and within engagement mechanisms such as parents' forums and student bodies. Ethnic categories should be more detailed than those used in the census.
5. The Department for Education and the New Schools Network to develop their services for those seeking to establish free schools to address barriers that disproportionately impact on BAME and socio-economically disadvantaged communities.
6. The New Schools Network to commission an independent evaluation of its Development Programme (a programme of specialist support for those seeking to set up free schools that will serve pupils at risk of educational disadvantage) to ascertain if it is improving the engagement of BAME and socio-economically disadvantaged communities in successful free school projects.
7. The BAME voluntary and community sector to further explore and use opportunities within the Big Society Agenda, including free schools, to address educational and other inequalities faced by BAME communities.

Equality and inclusion in free schools' education services

8. The Department for Education and the New Schools Network to provide more support for free schools that are at various stages of development to enable them to develop inclusive services that are compliant with the Equality Act 2010. Such support should include elements focused on the Equality Act 2010, inclusive curriculum, educational needs arising from English as an Additional Language (EAL) and inclusive admissions policies.
9. The Department for Education to ensure that equalities and inclusion are at the heart of the state education provided by free schools through its applications and monitoring processes for free schools.
10. The Department for Education to ensure that equalities and inclusion are at the heart of the work of the education providers that are playing an increasing role in the management of free schools as well as academies.

Wider impact of free schools on ethnic segregation and inequality in education

There is a need for the Department for Education to explore if:

- 11.** Free schools are resulting in ethnic segregation by comparing the ethnic profile of all open free schools with that of the school age populations in surrounding areas and in neighbouring schools.
- 12.** Free schools' choice of premises are negatively impacting on BAME communities on a systemic and widespread basis.
- 13.** The emphasis demonstrated within the curriculum of the first 40 approved free schools on traditional academic subjects, such as Latin and Classics, is being replicated in later cohorts of approved free schools. Such research should consider the impact such curricula have on the diversity of pupil populations.
- 14.** The equalities impact of the Secretary of State's power to override the Admissions Code of Conduct.

1. Introduction

1.1 The free schools programme

The free schools programme was initiated by the Coalition Government in 2011¹. Funded through public money, its stated aim is to give parents, teachers and others that are interested, the chance to create new schools, thereby improving the choice of schooling. The day-to-day running of free schools will often be by an 'education provider' - a group or company brought in by the group setting up the free school. Free schools will have the same legal structures as academies, which means they will have far more freedom from the local authority in their operation than maintained schools.

1.2 The need for *Inclusive schools: the Free Schools Monitoring Project*

Risks of increased educational inequality

Current educational reforms, including the expansion of free schools and academies and decreased regulation, risk exacerbating the persistent educational inequalities faced by Black, Asian and minority ethnic (BAME) pupils². In March 2011 ROTA initiated the *Free School Monitoring Project* due to concerns that the programme was not being adequately equality impact assessed and risks that it may increase ethnic and socio-economic segregation and inequality.

There is evidence that the establishment of similar school systems in the US and Sweden have led to socio-economically and ethnically segregated school systems in many local areas, with significant gaps in the quality of educational provision³. There is also evidence that many of New Labour's academies have increased inequalities⁴.

This project has assessed the risks of similar inequalities emerging with the creation and expansion of free schools in England and identified potential ways to mitigate such risks. This project has sought to address the lack of evidence as to whether disadvantaged Black, Asian and Minority Ethnic (BAME) communities are benefiting from the government's free schools programme. It has also sought to identify any barriers and enablers such communities face in establishing successful free schools.

This project has:

- Examined the level of involvement of BAME communities as proposers, leaders, governors, staff and pupils in successful and unsuccessful free school projects
- Ascertained the degree to which equality is considered in the development and delivery of education services through free schools
- Determined barriers faced by BAME communities seeking to establish free schools and made recommendations as to how these might be addressed.

Limited information about free schools

ROTA faced barriers in conducting the project due to restrictions being placed by the Department for Education on the amount of information available in the public domain about free schools. When the project was initiated in summer 2011, the Department for Education had listed the first 40 approved free schools on its website. Many of these first 40 approved free schools had also produced some publicly available information, although rarely enough to enable a full equality impact assessment of the education service they were developing.

It was very difficult to gather information about the 282 free school proposals that had applied, but been declined in the first application round. The two Freedom of Information requests submitted by ROTA to the Department for Education for a list of all successful and unsuccessful free school proposals, and a sample of anonymised unsuccessful proposals were refused. Instead, the Department for Education provided ROTA with information about the processes it had developed to support the compliance of its free schools programme with equality legislation. This information, however, was too general in nature to allow for a meaningful examination of the degree to which equality is being supported through the free schools programme. The Department also appeared reluctant to provide data that would support transparency and enable independent organisations to hold it to account on its free schools programme. Appendix A includes further information about ROTA's attempts to acquire information about the free schools programme from the Department for Education.

It is interesting to note alongside this consideration that during the initial three months of the *Free Schools Monitoring Project*, while ROTA was attempting to learn about approved and unsuccessful free school projects involved in the first application round, not one Freedom of Information request about free schools had been granted by the Department for Education.

Thus, the limits on publicly available information about free schools call into question the transparency and accountability of the programme, highlighting the need for the *Free Schools Monitoring Project*.

The capacity of BAME communities to engage in free schools

ROTA has identified a range of concerns relating to the capacity of BAME communities to engage in successful free school projects:

- Since 2008 the BAME voluntary and community sector has been disproportionately affected by the recession and the public spending cuts. Between 2009 and 2011 there was an increase of 80 percent in the demand for services from the BAME voluntary and community sector. In 2009, some 42 percent of BAME organisations had an income of less than £10,000 and relied on public sector funding. Some 49 percent of the sector's budget came from central government; 26 percent from local government; and 16 percent from health authorities. The BAME sector, therefore, was then at great risk of being severely affected by public spending cuts⁵. This was confirmed by ROTA's three-year monitoring project⁶ on the impact of the recession and public spending cuts. Many organisations that took part in our project had to cease delivering services as they had not been able to absorb funding cuts of 25 percent. As the BAME voluntary and community sector is a key vehicle through which BAME communities organise and mobilise, its reduced capacity in

turn impacts on the capacity of BAME communities to engage in successful free school projects and proposals.

- In 2011/12 ROTA delivered a series of seminars that informed and consulted organisations working with young people from London's most marginalised BAME communities about educational reforms. Over 500 representatives took part in our *Educational Reforms: Challenges and Opportunities* and *Shaping the future: Race and racism in 21st century Britain* seminar series. These seminar series found significant interest in the potential opportunities free schools provided for BAME communities to address some persistent educational inequalities. However, where there was interest there was also concern about barriers faced by, and lack of capacity of, BAME communities to engage in successful free school projects.
- From February until 15 June 2011 (the deadline for the Department for Education's second free schools application round) we tracked the development of eight BAME-led free school projects, which we had identified through our networks. Unfortunately, none of these proposals have been progressed past the first application stage, with proposers highlighting a number of barriers and capacity restraints, as well as concerns as to the fairness of the application process as key reasons in their lack of success.

Through this project ROTA sought to explore in more depth such barriers and enablers BAME communities face in leading and engaging in successful free school projects.

Conclusion

- Engaging with BAME communities, and in particular those that have been acutely disadvantaged in education, appears to be a low priority for the Department for Education.
- There is a lack of transparency around the free schools programme, and in particular, limited information in the public domain about the degree to which free schools are benefiting BAME communities, especially those that have been historically disadvantaged in education.
- There is a lack of funding available for research into free schools and equality and inclusion.

Recommendation

- **The Department for Education:** to adequately resource further research to address transparency and bring better information to the public domain about the degree to which BAME communities are benefiting from free schools.

2. Methodology

The project methodology included a media and literature review, an examination of the first 40 approved free schools through equality impact assessments, and two complimentary surveys of free schools. In total, 63 free schools were surveyed through the various elements of the methodology.

2.1 Media and literature review

A review of literature and media commentary was carried out covering material related narrowly to free schools in England, BAME communities and/or the Equality Act 2010. The initial findings from this review, as well as from the equality impact assessments considered next, were used to develop the methodology for the remainder of the research.

2.2 Equality impact assessments of the first free schools

During the summer of 2011, following the first application round, the Department for Education published a list of the first 40 approved free schools. Through desk research, ROTA gathered and equality impact assessed all the information that was publicly available about these free schools, including policies and procedures they had developed at the time. The aim of this was to identify the level of involvement of BAME communities within successful free school projects and the degree to which the first 40 approved free schools were considering equality and inclusion in service delivery.

Not all of the first 40 approved free schools provided information publicly. While some had highly informative, up-to-date websites, others had none. For these, internet searches often proved inconclusive, or revealed limited information through media reports or campaign groups.

Due to the limitations on the publicly available information, only partial equality impact assessments could be undertaken (see Appendix B for details), highlighting lack of transparency around the free schools initiative. Never-the-less, these partial equality impact assessments did give some indication about the degree to which approved free schools were considering equality and inclusion in the visualisation and early development of their educational services, which need to be considered.

2.3 Surveys of successful and unsuccessful free school projects

In order to overcome the limits on public information about free schools, including the Department for Education's refusal of ROTA's Freedom of Information requests for a list of free school projects, ROTA undertook extensive internet searches to identify as many free school projects as possible. Comprehensive internet searches were undertaken using the exact phrase match 'free school' along with the name of every borough and county in England. Many free school projects use the internet as a means of obtaining and evidencing support for their projects,

which is required by the Department for Education as part of the application process. A total of 186 free school projects, at various stages of development, were identified.

A survey (Appendix C) which sought to ascertain the level of involvement of BAME communities in respondents' free school projects, the degree to which equalities was being considered in service development and delivery, and key challenges in developing free school projects and support needs, was piloted over a six week period from the beginning of November 2011. This was then further developed into a final survey and delivered over a two month period from early February 2012 (Appendix D). Both surveys were presented as semi-structured questionnaires using online tools.

The survey was sent directly to 186 free school projects and publicised through education forums, including that hosted by the New Schools Network⁷, and ROTA's networks. Twenty three responses were received.

3. Findings

3.1 Media and literature review

Introduction

This section reviews existing literature and media concerning free schools in conjunction with race, ethnicity, BAME engagement and equality. There is a distinct shortage of literature concerning these topics.

Much of the literature available examines free schools in the context of socio-economic disadvantage and a need to raise attainment levels. However, there is a scarcity of literature that discusses the relationship between free schools and BAME communities, as well as the educational disadvantages that typically have a disproportionate impact on BAME children and young people. Similarly, comment has been made about possibilities that free schools will lead to socio-economic segregation and a tiered education system, yet the racial/ethnic dimension to this debate is largely missing. In addition, although there has been some analysis of *who* the players in the free schools process are (private and charitable education 'providers', teachers, 'middle-class' parents, etc), as yet, there has been limited discussion on the levels of engagement of BAME communities and the BAME voluntary and community sector.

With reference to the Equality Act 2010, another area of notable omission is discussion of how free schools will implement and practise their public sector equality duties and how it can be ensured that equality is a central commitment of the free schools programme.

These gaps in the dialogue are highly significant and must be redressed to ensure a full, balanced analysis of both the free schools programme.

This literature and media review discusses five broad (and interrelated) themes that emerged.

Socio-economic disadvantage

Much of the current literature analyses free schools in the context of socio-economic disadvantage. From the outset the Secretary of State for Education, Michael Gove, and the government have presented free schools as a means to “close the attainment gap” between rich and poor students⁸. In June 2011 following the first application wave, Gove announced 31 percent of free school projects being progressed by the Department for Education were based in the most deprived 20 percent Lower Super Output Areas (LSOAs)⁹. Furthermore 59 percent were located in the most deprived 50 percent LSOAs in the country¹⁰. The government has packaged free schools as part of a process to eradicate unequal opportunities in education, and thus socio-economic disadvantage is a common theme throughout much discussion of the topic.

However, contrary to the government’s line, there is a growing sum of commentary and literature that questions the extent to which free schools will really help alleviate socio-economic disadvantage. For example, Jeevan Vasagar’s and Jessica Shepherd’s piece in the Guardian argues that free schools are predominantly built in middle-class areas. They contend that the *‘10-minute commuting area around the first wave of free schools...have 57% of better off, educated and professional households, compared with the English average of 42.8%...[and] just 29.1% are categorised as “hard-pressed” or of “moderate means”, compared with 36.9% of the country’*¹¹.

Francis Gilbert’s piece in the New Statesman presents a sceptical inquiry into *how many* poor children will actually be served by the government’s flagship education policy. Gilbert highlights the fact that of the first 40 approved schools, six were formerly private schools, 11 were faith schools (research from the Campaign for State Education suggests that faith schools tend to attract children from more prosperous backgrounds) and nearly a third were to be run by private companies. He comments that *‘only four of the approved schools met Gove’s initial criteria for free schools: local parents setting up schools to help poor children’*¹².

Much of the criticism relating to socio-economic disadvantage questions *who* is engaging in the process and whether free schools will exacerbate socio-economic segregation. These concerns will be explored in more detail later in the report. What is missing from these debates is a discussion about the possible impact that free schools will have on BAME communities specifically. Of course, as BAME communities are overrepresented in more disadvantaged groups, many of the socio-economic issues identified will affect BAME communities. However, an ‘ethnic penalty’ is also at play within the educational experiences, outcomes and opportunities of BAME pupils which requires separate consideration.

There is much evidence that shows that even when socio-economic factors are considered, such as employment status and family structure, unexplained differences in educational outcomes remain across different ethnic groups¹³. In addition to exploring whether the free schools programme is addressing or exacerbating the educational inequality experienced by those from disadvantaged backgrounds, there is also a need to look specifically at BAME children and young people, particularly those from communities that have historically faced acute educational disadvantage. This focus has largely been missing from literature and media commentary to date.

Participation

Dr Rob Higham from the Institute of Education expresses concern over the fact that little is known about *who* is/will attempt to open a free school and criticises the Department for Education for refusing Freedom of Information requests on this matter. Similar to many other commentators, he

deems it probable that the profile of free schools proposers will *'reflect existing unequal distributions of economic, social and cultural capitals in society'*¹⁴. He cites research that illustrates the *'socio-spatial variations'* that exist in volunteering in the UK, with a *'mismatch between areas of high activity and areas of high need'*¹⁵, and suggests that this could prove to be the case with free schools also. Higham further supports his contention by citing research that suggests that proposers with a particular class background or with faith-group support found it easier to secure state-funding for New Labour's Academy Schools¹⁶. He also references research by Wong and Klopott that takes the same line of argument in the context of Charter Schools in the USA¹⁷.

Higham suggests that the government's use of 'participation' and 'localism' in free schools (and the Big Society) discourse is normative and assumes that if action is 'local,' it will be cohesive and inclusive¹⁸. He argues that it *'lacks concern for who will be represented and who will be served'*¹⁹.

Another theme of Higham's research focuses on the centrality of private, 'for-profit' companies that further blur the boundaries between public and private provision of state services. With regard to equalities assurance, Higham cites research that illustrates how education 'markets' have accentuated hierarchies amongst schools, and has led to increased 'marketing-innovations' to target 'desirable' students²⁰.

Many other commentators pick up on the issues raised by Higham. Francis Gilbert's piece, for example, is also concerned by the fact that nearly a third of the first 40 free schools were to be run by private companies²¹. Contrary to the government's proposition, Gilbert argues that free schools will take resources away from the poorest children, to line the pockets of the privileged few²². He references an unsuccessful parent-led group who deemed partnering with a private provider to be the *'only game in town'*²³. Aside from criticising this move toward privatisation politically and financially (along with the Department for Education's secrecy over figures), Gilbert raises questions over how well-suited private providers are to be working with disadvantaged children. He comments that, whilst working with inner-city academies under New Labour, these companies have employed methods such as excluding undesirable students, cherry-picking the brightest pupils and relying on vocational qualifications to boost results. Work by Professor David Gillborn, Institute of Education, supports concerns that such issues are likely to disproportionately impact on BAME communities. In *Runnymede Bulletin, Summer Edition 2010*, Gillborn reports even greater inequalities, such as even higher rates of exclusion of BAME pupils, in academies than maintained schools²⁴.

This position is mirrored in a Runnymede report, produced from a series of conversations with parent groups in Blackburn, Croydon and Newcastle, which documents widespread concern that free schools, along with the Big Society agenda in general, may be used by already privileged groups to further entrench their social and economic advantages²⁵. Participants pointed out that people's ability to participate is *'unequally determined by differing capacity, time and access'*²⁶ and as a result, they argued, it was likely that those with the *'loudest voices and sharpest elbows'*²⁷ would dominate.

Unlike the majority of literature, the Runnymede report recognises race/ethnicity, along with gender and socio-economic status, as factors that may structure a person's ability to participate. It reported that groups who face discrimination and are excluded from decision-making processes are less likely to engage, or have their voice heard, in the free schools project²⁸. The report acknowledges that BAME communities, particularly those who are newly arrived in the UK, are less likely to have the type of social capital that is essential for engaging in the free schools

process, and the Big Society in general. Runnymede cite a report by the Third Sector Research Centre that revealed that BAME groups were more likely to become involved in social enterprises than their white counterparts, but less likely to be aware of funding opportunities or formal support structures²⁹.

Whilst there is insightful and relevant reporting on the issues regarding participation from numerous commentators, it is necessary to further explore the racial/ethnic dimension that was brought up in the Runnymede report, to paint a clear picture of how free schools will impact on BAME communities.

Educational disadvantages

It is recognised (although not considered enough) that there are educational issues that have a disproportionate impact on children and young people from certain BAME communities, such as attainment gaps, exclusion, limited parental engagement, bullying and admission barriers³⁰. However, there remains a distinct shortage of literature on the impact that free schools will have on these issues.

Barnardo's have reported how admissions policies for schools in general perpetuate educational disadvantage, entrench attainment gaps and increase socio-economic segregation³¹. Although the report does not explicitly outline this as an issue that has disproportionately affected BAME communities, its findings make a useful contribution to this topic.

Barnardo's have argued that the focus on 'parental choice' (where parents send off an application form stating their three preferred schools, and then admissions authorities allocate) has led to the admissions process being overly complicated. Barnardo's suggest that more affluent parents tend to be far better placed to 'work the system' to their children's advantage, whilst some disadvantaged families are not able to engage with the process, and often end up with low-performing schools. Barnardo's reported that half of children and young people in receipt of free school meals (FSMs) are concentrated in just one quarter of schools, whilst in the highest achieving schools, on average, only five percent receive FSMs; this is less than half the national average. The report identifies numerous barriers to engaging with the admissions process, such as, frequent house moves (especially across local educational authority boundaries), poverty and debt, domestic violence, lack of spoken and written English and recent immigration to the UK. Whilst the discussion does not explicitly extend to the specific barriers that BAME families might face, the latter two examples are particularly relevant.

The report also highlights the fact that there is a move away from local educational authorities acting as admission authorities for all schools, with fast growing numbers of academies and free schools controlling their own admissions affairs. This authorises schools to set their own criteria for oversubscription (adhering to the statutory Schools Admissions Code) and schools with a specialism can select by aptitude (up to 10 percent of its students). In the instance of oversubscription, free schools and academies also administer and deliver their own admissions procedure. This is deemed as a cause of concern because evidence shows that schools in charge of their own admissions tend to be more socially selective. The research highlights practises used by free schools and academies that may be a deterrent or inaccessible to disadvantaged parents, such as, requiring detailed written responses to open-ended questions and having dense explanations of procedures which may be different to the procedures of other schools. Furthermore, the report raises questions about levels of accountability, as unlike teaching practice, admissions are not considered in Ofsted inspections. Barnardo's conclude that to

meaningfully tackle socio-economic segregation and educational disadvantage, it is of paramount importance to redress the structure of school admissions. Whilst the report is not exclusively about free schools, it highlights as an area of concern the implications of free schools and academies acting as their own admissions authorities.

Equality

The Runnymede report³² asserts the crucial point that taking public services out of the hands of neutral bodies with a commitment to equality and opening them up to groups of any ideology or motivation has the potential for social harm. Of course, free schools are required to adhere to the Equality Act 2010 and fulfil public sector equalities duties. However, the concern is that equality is something that has to be *practised*, more than written about. The report comments that the Big Society agenda, including free schools, signals a departure from the statutory mechanisms that aim to ensure race equality: *'the coalition government's lack of commitment to equality generally and race equality specifically was crystallized in the decision to substantially cut the funding to the Equality and Human Rights Commission, and to ask on the Red Tape Challenge if the Equality Act should be scrapped in its entirety'*³³.

The BAME voluntary and community sector

Very little of the literature on free schools comments on the potential role of the BAME voluntary and community sector. Runnymede³⁴ proposes activist citizenship, where citizens find new modes of action for challenging the status quo, including previously excluded groups, such as *'irregular migrants, asylum seekers and refugees'*³⁵. They suggest that anti-racist and equality activists should be asking how the Big Society framework can be exploited to deliver more equal outcomes for BAME communities, giving the example of opening free schools to close ethnic gaps in attainment. Runnymede also acknowledges the difficulties caused by the disproportionate impact of public spending cuts on the BAME voluntary and community sector, but maintains the sector can continue to be a force for change through its innovation and self-reliance³⁶. In doing so, Runnymede highlights the need to ensure that the BAME voluntary and community sector, and members of BAME communities have access to the information, resources and support needed to ensure this is possible.

Conclusions

There has been limited commentary and research on the impact of free schools on BAME communities. The commentary and research which does exist points to concerns about barriers to engagement, ethnic segregation within school systems and potential risks that BAME communities will face greater inequalities in free schools than in maintained schools.

Recommendations

The Department for Education:

- To monitor the level of involvement of BAME communities as proposers, leaders, governors, staff and pupils in free school projects.
- To address the degree to which equality is considered in the development and delivery of free schools' services (in adherence to the Equality Act 2010).
- To undertake targeted measures to enable BAME communities to overcome barriers in establishing successful free school projects.

- To commission further research to ascertain the degree to which educational inequalities which disproportionately impact on BAME communities in maintained schools, such as exclusion, and under-attainment, are apparent within free schools.

The research carried out through the current project has begun addressing the first three points. Further research is required in response to point four.

The BAME Voluntary and Community Sector: to further explore and use opportunities within the Big Society Agenda, including free schools, to address educational and other inequalities faced by BAME communities.

3.2 Equality impact assessments of the first free schools

The ethnic profile of the local areas

In looking at the first 40 free schools that were approved and progressed by the Department for Education to the 'pre-opening'³⁷ stage, ROTA wanted to know if free schools were being established in multi-ethnic areas.

Seventy percent of the first 40 free schools (28 out of 40) were proposed for areas where the BAME population is at the national average or above (see Appendix E). We are unable to conclude anything from this figure. The demographic profiles are limited as, in most cases, they reflect the nearest town or county rather than a free school's catchment area. In some instances, the precise location for a given free school was not available. At the time of conducting the equality impact assessments, 13 out of the 40 free schools had not yet identified a permanent site. Of these, five were expected to open in September 2011 on temporary premises. This may suggest that the free schools programme was rushed during its initial stages. Where information about the location (temporary or permanent) was unavailable, the researchers sought data that reflected demographics at county level.

Recommendations

The Department for Education to employ mechanisms that compare the ethnic profile of free schools with that of school age populations in surrounding areas and neighbouring schools to determine if ethnic segregation is emerging in local school systems.

Location and premises – further equalities issues

In attempting to determine the location of free schools and subsequently the ethnic profiles of their surrounding localities, ROTA identified issues to do with premises and locations that had significant equalities implications. The displacement of current users from community buildings was an issue of concern, particularly in relation to free schools being proposed in deprived urban areas where disadvantaged BAME communities are often overrepresented. This occurred, for example, in Westminster where there were plans to house Arkwood Atwood Primary School temporarily in a community building in an area where there was no shortage of primary school places. A significant proportion of the users of the community building were BAME. Media stories reported how local community members and head teachers had expressed concern about inadequate consultation and the impact this would have on the quality of existing educational

provision for school age residents, 80 percent of whom spoke English as an Additional Language, and 48 percent of whom were eligible for free school meals³⁸. The proposal was for this free school to relocate in 2014 to a permanent site used by the Westminster Adult Education Service (WAES). There are also equalities implications associated with this site as it is a location where WAES offer a range of services whose main users are BAME, such as English as a Second Language (ESOL) courses.

Other instances involved the West London Free School, whose choice of premises, Palingswick House, was home to 20 voluntary groups that provide services to particularly vulnerable people including refugees and members of other disadvantaged BAME communities, homeless people and former young offenders. At the time of considering this free school, Hammersmith and Fulham Council had no plans in place to support these voluntary groups to find suitable alternative premises.

Other equality implications identified as in need of further consideration by researchers was investment in making premises suitable for free schools at a time when the Department for Education was attempting to make cuts to the Building Schools for the Future Scheme³⁹ and to maintained schools' capital funding⁴⁰. Available evidence suggests that these cuts would disproportionately impact disadvantaged BAME children and young people who are overrepresented in areas where there was greatest need for capital investment in schools⁴¹.

Conclusion

There are indications that premises and location issues may have significant equality implications. Researchers identified a number of instances where free schools' plans would negatively impact on BAME communities' use of community and public facilities. There is a risk that these instances are an indication of more systemic and widespread inequality issues.

Recommendation

The Department for Education to analyse the impact of choice of temporary and permanent premises of free schools on existing users to determine if BAME and socio-economically disadvantaged communities have been disproportionately impacted.

The involvement of BAME communities in free schools

In equality impact assessing the first 40 approved free schools, the representation of BAME people on proposal teams was explored. The majority of free schools (27 out of 40) did not provide any information about their proposal teams or governors on their websites. Where information was available, ONOMAP⁴², a tool which analyses names, was used to gain a crude sense of ethnic representation. Five out of the 13 free schools that provided information included BAME proposers, eight did not. Of the five which provided information, one was a Sikh faith-based school and the four others included one BAME proposer each, of Indian and Irish origins. Since free school proposal teams typically comprise five members, this indicates BAME communities are likely to have been underrepresented within the first 40 approved free schools' proposal teams, in particular those that have historically faced acute educational disadvantage.

The voice of BAME pupils and their families, in particular those from communities that have faced acute educational disadvantage, typically have insufficient influence in schools⁴³. People from such communities are also often under-employed in schools, particularly at senior levels⁴⁴. In this project, ROTA therefore wanted also to consider the involvement of BAME people as senior staff, teachers, on parent teacher associations, pupil voice bodies and among pupils. However, as the equality impact assessments were conducted before the first 40 free schools were up and running, and due to limited public information about free schools, findings about BAME representation among senior staff, teachers, etc. were minimal.

Conclusion

It is likely that BAME communities, in particular those that have faced acute educational disadvantage, such as African Caribbean, Pakistani and Gypsy, Roma and Irish Traveller communities, were underrepresented in the proposal teams of the first 40 approved free schools. Further monitoring is required of these first 40 free schools and those that have since been approved.

Recommendations

The Department of Education:

- To require that free schools monitor and report on the level of involvement of BAME communities as proposers, governors, senior school leaders, teachers, pupils and within engagement mechanisms such as parents' forums and student bodies. Ethnic categories used should be more detailed than those in the census.
- To commission research to compare the ethnic profile of the free schools' proposers, governors, senior staff, teachers and as pupils with that of the school age populations of the surrounding localities and neighbouring schools to determine if ethnic segregation is emerging within local school systems.
- To equality impact assess the conversion of independent schools to free schools.

For Free Schools:

- To monitor the level of engagement of BAME communities as proposers, governors, senior staff, teachers and pupils. Broader ethnic categories than those used in the census would provide more appropriate data. The BAME communities engaged with the free school should reflect the ethnic demographic profile of the local school age population. Positive action should be taken to address any underrepresentation of BAME communities. For example, free schools could seek support from local community organisations that work with communities that are underrepresented.
- To support good practice on inclusion and ensure compliance with the Equality Act 2010.
- To establish effective mechanisms to ensure that pupil voice plays a central role in designing, developing and evaluating educational services, and take proactive measures to address the lack of voice of groups that are typically underrepresented in governance and democratic processes.

Free schools' visions of equality and inclusion

In equality impact assessing the first 40 approved free schools, general information describing free schools' visions⁴⁵, missions and aims and objectives were examined for reference to equality, diversity, human rights, inclusion, community cohesion and/or related values.

As many free schools did not make relevant information available publicly, it was not possible to undertake a robust assessment. Almost two thirds of free schools who provided relevant information are committed, in rhetoric at least, to equality, diversity, human rights, inclusion, community cohesion and/or related values⁴⁶.

Other potential equalities issues identified

Three Ark academies considered had not referenced equality, diversity, human rights inclusion or community cohesion and related concepts on their websites. Ark Academy is a part of Ark Schools, a charitable organisation '*established to create a network of exceptional, non-selective inner-city schools*⁴⁷. At the time of conducting the equality impact assessments, Ark had eight open academies, and six in development. It is concerning that this charitable body that plays a significant and growing role in state education did not present easily available information about equalities and how it would enable the schools it supports to adhere to the Equality Act 2010.

Conclusion

It is unacceptable that a significant proportion of the first 40 free schools had not been considering equality, diversity, human rights, inclusion, community cohesion and/or related values within their free schools' visions for publicly-funded education.

Recommendations

The Department for Education:

- To ensure that equalities and inclusion are at the heart of the state education provided by free schools through its applications and monitoring processes for free schools.
- To ensure that equalities and inclusion are at the heart of the work of the education providers that are playing an increasing role in the management of free schools as well as academies.
- To undertake an assessment to ascertain how such education providers are supporting their schools in relation to their duties under the Equality Act 2010.

Curriculum

Seven out of the first 40 approved free schools provided no public information about their curriculum. Most of the free schools that published information, offered the national curriculum. Many also offered 'extra' subjects, mainly sports, arts, languages and classics. Some of the free schools committed to ensuring pupils achieve certain results, including the English Baccalaureate, or a minimum of 'C' grades in English and Maths. Others specialised in particular subjects such as English, science and music. Two offered alternative forms of education – Montessori and a consciousness-based education. Some of the religious schools offered religious studies alongside the national curriculum.

Twenty three (including the seven free schools for which there was no public information on their curriculum) did not mention any elements relevant to equality, diversity, human rights, inclusion

or community cohesion within their curriculum. Many pledged to promote social development within their pupils through their curriculum, including citizenship, community service and assemblies. Some placed an emphasis on using their curriculum to promote positive attitudes and respect for all people.

One free school gave very detailed information about their curriculum and, how it was designed to *'take account the specific needs of the pupils, including explicit reference to teaching English as an Additional Language'*. This free school also stated its intention to celebrate a variety of religious festivals and to promote spiritual, moral and cultural development through assemblies.

Another free school stated it would deliver a local authority religious education curriculum in addition to an extensive Jewish Studies programme funded by parental contributions. It stated that no provision would be available to pupils who wished to be exempt from its Jewish studies programme.

Another free school stated its intention to draw on the experience of the London Diocesan Board for Schools, and have a strong religious ethos.

Conclusions

- The focus on traditional academic subjects, including 'extra' subjects such as Latin and Classics, in many of the first 40 approved free schools risks limiting the diversity of the pupil population in this cohort. Such traditional approaches, possibly at the expense of other subjects, may be a deterrent for pupils and parents from a range of BAME communities. This is particularly concerning when considered alongside the fact that less than half of the first 40 free schools contained any elements relevant to equality, diversity, human rights, inclusion or community cohesion within their curriculum. At the time the first 40 free schools were approved, many commentators picked up on the risk that such emphasis could lead to social and cultural segregation within local school systems⁴⁸.
- Only one of the first 40 approved free schools explicitly referenced English as an Additional Language (EAL) within the context of its curriculum. EAL pupils have a diverse range of specific learning needs. Schools require specialist expertise to support teachers to meet these needs effectively. There is a risk that the first forty approved free schools were unprepared for this on opening their doors.

Recommendations

The Department for Education:

- To commission further research to ascertain whether the emphasis demonstrated within the curriculum of the first 40 approved free schools on traditional academic subjects, such as Latin and Classics, is being replicated in later cohorts of approved free schools. Such research should consider the impact such curricula have on the diversity of pupil populations and on whether this emphasis indirectly discriminates against certain groups.
- To develop a package of support to enable free schools to ensure inclusive services that are compliant with the Equality Act 2010. Such a package of support should include elements focused on inclusive curriculum and educational needs arising from English as an Additional Language (EAL).

Admissions' policies and procedures

At the time of conducting the partial equality impact assessments, it was impossible to tell anything substantial about admissions to almost half of the first 40 approved free schools. This is because six did not provide any public information about admissions while almost half did not have permanent sites making it impossible to consider their catchment areas.

Thirteen explicitly stated they would be non-selective. Ten of these published oversubscription criteria giving priority to: 1. children with a special educational needs (SEN); 2. children in the care of the local authority; 3. children with a sibling in the school; and 4. distance from the school. These oversubscription criteria reflect the recommendations of the schools admissions code⁴⁹.

A number of the free schools had additional oversubscription criteria with potential equality implications. For example:

- Entrance via a nursery: Two free schools had admission to an attached nursery as a high-priority for oversubscription. This criteria will effectively exclude pupils from BAME communities that are less likely to send their children to nursery school⁵⁰.
- Entrance via feeder schools: Two free schools had attendance to 'feeder' schools in their oversubscription criteria. There are risks that the selection of feeder schools would allow for pupil selection. This had been a particular concern in relation to Ark Bolingbroke Academy, which had originally excluded a nearby school – Falconbrook Primary – which served a social housing estate in an area of high deprivation, where BAME residents are overrepresented, from its list of feeder schools. This list was eventually extended to include this primary following a strong local campaign⁵¹ that criticised the Ark Bolingbroke Academy's consultation on its admissions process⁵². Never-the-less, this example indicates the need for greater transparency; should the capacity for a strong local campaign not have existed, Falconbrook Primary pupils may still be excluded with significant implications for the profile of the local school system.
- Connections to free school founders: One free school admits children whose parents are founders of the school as its second oversubscription criteria. Given the small size of many free schools, this has significant implications for the pupil population, particularly as founders usually share socio-economic backgrounds and, as this study has shown, ethnic backgrounds.
- Pre-existing 'converter' schools: A significant portion of the first 40 approved free schools had been fee-paying independent schools. The implications associated with pupils from fee-paying schools and their siblings being prioritised within admissions is that poorer pupils will be excluded.
- Testing and musical aptitude⁵³: One free school allocated 10 percent of its places on the basis of musical aptitude. Difficulties in distinguishing between 'aptitude' and taught ability⁵⁴ is likely to disadvantage children who experience socio-economic disadvantage, and as such, have less access to music lessons.

Six of the free schools that provided public information explicitly considered equality and inclusion within their admissions procedures, mainly including general statements of intention to offer places irrespective of gender, religion, ethnicity, disability, or other indicators of difference.

Free schools that allocate 50 percent of places on the basis of religion are discussed as religious schools. Of the first 40 approved free schools, from the limited public information about

admissions, it was apparent that three were religious schools. A further six free schools described themselves as having a 'religious ethos'. However, these did not consider religion or belief within their admissions criteria and are not, therefore, religious free schools.

There are a number of potential equalities issues in relation to religious schools. Firstly, application forms are more complicated than other school applications. This may deter parents with limited literacy skills or knowledge of the British education system from applying, reducing potential admissions of pupils from certain BAME communities⁵⁵. Secondly, admissions for religious schools are usually less objective and transparent than local authority schools⁵⁶. Religious schools' application forms often ask parents about voluntary or community work. Such screening is likely to lead to the exclusion of those who face barriers in undertaking voluntary work, such as the working poor, among which disadvantaged BAME communities are overrepresented. In the case of the religious free schools examined here, the Eden Primary application form asked parents about local charity work. Forms were not available for the other two religious-based free schools.

The remaining places in these three religious-based free schools would be allocated on an 'open' basis to any child who might or might not belong to the religion upon which the free school is based. This implies that well over 50 percent of places in religious-based free schools could be allocated to pupils of that particular religion. As particular ethnic groups are often more likely to be associated with particular religions or none, this has implications in terms of ethnic segregation within local school systems which needs to be further explored.

Admissions - further equalities issues

All free schools and academies are bound by the admissions code of conduct, which require schools to abide by certain rules of fairness, as supervised by the Schools Adjudicator. However, the code also states that *'the Secretary of State has the power to vary this requirement where there is demonstrable need'* (paragraph 4, p. 3)⁵⁷. His decision will override the power of the Schools Adjudicator where there is a dispute over the fairness of the determined policy.

Free schools and academies can become their own admissions trust, unlike community schools, whose admissions trust is the local authority. Schools who are their own admissions trust are more likely to be unrepresentative of local communities and the Schools Adjudicator has called for a single system for all schools in his evidence to the Parliamentary Education Select Committee due to concerns arising from this⁵⁸.

Conclusion

- It was not possible to make concrete conclusions about the inclusiveness of the admissions criteria for the first 40 approved free schools at the time of undertaking the partial equality impact assessments, since most provided no information on their catchments.
- Despite limits on public information about admissions and catchments, a number of examples were identified of admissions criteria that could amount to indirect exclusion of disadvantaged groups, among which BAME pupils are overrepresented.
- While a significant portion of the first 40 approved free schools made statements of commitment to equality and inclusion within their visions, most of those which provided relevant information publicly did not have admissions' policies and procedures that would practically support such commitments.

Recommendations

The Department for Education:

- To assess if the instances of indirectly discriminatory admissions policies and procedures are causing a systemic problem within its free schools programme.
- To monitor the impact of free schools' catchment areas and oversubscription criteria on local school systems to determine if they are leading to ethnic segregation. Particular attention should be given to free schools that are their own admissions trusts.
- To provide support to enable free schools to develop admissions policies that support equality and inclusion.
- To commission research to ascertain the equalities impact of the Secretary of State's power to override the Admissions Code of Conduct.

Other areas of free school policy

All other areas of free school policies were reviewed to get a sense of how well equality and inclusion considerations were being mainstreamed across free schools' services.

Thirty one did not consider equality, diversity, human rights, inclusion or community cohesion in any other policy that had been published at the time of conducting the partial equality impact assessments.

Only four of the first 40 approved free schools had an equal opportunities policy at the time of conducting the partial equality impact assessments. Only one of these mentioned the Equality Act 2010. These equal opportunities policies focused on ensuring discrimination, harassment and victimisation did not take place against those who share characteristics which are protected under the Equality Act 2010⁵⁹ and on promoting good relations. They were less focused on ensuring the free schools proactively advanced equality of opportunity for those with protected characteristics.

Fourteen of the first 40 approved free schools had considered uniforms at the time of conducting the partial equality impact assessments or had a full policy. Four of these took into account the needs of different religious groups, by either making explicit reference to religious requirements, or stating that uniform was at the discretion of the free school's senior management.

Seven of the first 40 approved free schools mentioned meals. Of these, three had anticipated the requirements of different religious and belief groups.

Conclusions

While a significant proportion of the first 40 approved free schools made statements of commitment to equality of opportunity, the majority had not adequately considered this across their policies and procedures at the time of undertaking the partial equality impact assessments. Where equality policies existed, they often demonstrated limited understanding of the need for services to proactively advance equality of opportunity.

Recommendations

The Department for Education:

- To commission further research to develop a robust picture of how well equality and inclusion considerations are being mainstreamed across free schools' service delivery.
- To develop its assessment and monitoring process for approved and established free schools to ensure meaningful compliance with the Equality Act 2010.

The New Schools Network:

- To provide more support for free schools that are at various stages of development to enable them to develop inclusive services that ensure equality for all and are compliant with the Equality Act 2010.

3.3 Surveys of successful and unsuccessful free school projects

Description of respondent free schools

There were 23 respondents to the survey: twelve free school proposals had been approved; eight had been declined; and two had yet to be submitted. The table below presents how respondents described their free schools' catchment areas. It demonstrates over half of respondents considered their intended catchment areas to be urban/inner city, deprived, socially diverse/mixed and ethnically diverse/mixed. Very few respondents considered their intended catchment areas to be rural, high income or ethnically or socially segregated.

	Declined	Not yet submitted	Approved	Total
Rural	1	2	0	3
Sub-urban ⁶⁰	0	0	3	3
Urban/inner city ⁶¹	7	2	6	15
High income	1	0	0	1
Medium income/middle class ⁶²	2	0	2	4
Low-income	5	2	4	11
Deprived	6	2	6	14
Socially diverse/mixed	8	2	8	18
Socially segregated	2	0	1	3
Ethnically diverse/mixed	7	2	7	16
Ethnically segregated	1	0	1	2

Free schools' aims

Respondents were asked about their reasons for wanting to set up free schools. All stated a key aim was to address inadequate educational provision. ROTA linked additional reasons to the following themes: an alternative education; community, family and pupil centred learning; shortage of school places; improving education available in deprived sub/urban areas; and provision of non faith-based education.

An alternative education

Seven wanted to provide a local choice to alternative types of education than that which is typically provided in state schools. For example:

'...a sustainable, ecology-oriented, integrated curriculum that addresses the whole child.'

'To provide inner-city children with more opportunity and give them the privilege of a private school education which is more traditional, emphasis on academic subjects and rigour instead of what is currently available in the state sector.'

Community, family and pupil centred learning

Five emphasised intentions to place communities, parents, carers, and pupils at the centre of their free schools. For example:

'To put learning in the hearts of our pupils, and pupils in the heart of our community. Community involvement is a very important part of our proposal - both our students being involved in giving back to our community, and also providing our community with much needed facilities.'

'Work closely with parents and carers. We will engage parents more actively in achieving the best possible outcome for each child, and in taking ownership/contributing to the future success of the school... We recognise that the close relationship between home and school is fundamental to the overall achievement and success of pupils. Parents/carers will be empowered and given the capability and motivation to support their child's learning.'

'a curriculum that recognises the parents as the most important influence on the child's motivation.'

Shortage of school places

Six aimed to address a current or impending shortage of school places. For example:

'There was a shortage of primary school places in the area and several local schools were in special measures. We believed that our philosophy and ethos would contribute positively to the standard of education available in the area. We wanted to provide children with a creative education that encourages independence and a love for learning.'

'To fulfil a local need for 60 places in reception in 2012. A school for: •for you, your children and the local community •where children expect to reach high academic standards •where every child is in on the way to college or university •developing the whole child •specialising in science and technology We aim to improve the current and future lives of local children and families and be among the highest performing schools nationally and in Hertfordshire.'

Improving education available in deprived sub/urban areas

The most common additional reason respondents had for wanting to set up free schools was to improve educational provision in deprived sub/urban areas (eight of these wanted to improve

provision in an urban area, while one wanted to improve provision in a sub-urban area). All respondents giving this reason were proposing free schools in areas where there were significant BAME populations. For example:

'Tottenham is one of the most deprived areas in the country with poor standards of education and high levels of unemployment... Primary Schools in the Tottenham area are stretched beyond their maximum capacity. In September 2011 more than 100 families in Haringey could be without places for their child to start at Primary School. By 2018 or before, there will be insufficient Secondary School places available to satisfy demand due to the growing population in the Borough...'

'At the same time, we want to offer a new educational approach in Waltham Forest which reflects and responds to the real needs in our community. In terms of poverty indicators, Waltham Forest is one of the most deprived London Boroughs. Areas such as Leyton and Leytonstone, our proposed school locations, are deprived even within the borough...This deprivation is reflected in educational results.'

Two of these eight respondents explicitly aimed to improve educational provision in deprived urban areas in order to support social mobility among pupils from disadvantaged backgrounds:

'Our objective was to bridge the gap in educational services between poor and rich children in our area.'

'to enhance social mobility in the area by providing a more accessible and relevant curriculum for disadvantaged children.'

There is a need to note a potential distinction between proposals that aim to improve educational provision in deprived urban areas with those that aim to improve provision for pupils from disadvantaged backgrounds in deprived urban areas. A significant portion of approved free schools are being established in deprived urban areas. This does not mean that disadvantaged pupils from these areas will benefit from their services. On the contrary, there is a risk, as witnessed in the US and Sweden⁶³, that such schools are often set up in such areas by wealthier residents to address shortcomings in the state system for the benefit of those from similar socio-economic backgrounds. Where this happens, the result is the introduction of ethnic and socio-economic segregation in the local school system, with a negative impact on pre-existing state provision.

There is evidence⁶⁴ already that free schools are leading to similar segregation in many local areas where they have been set up. Government data has shown that at least three-quarters of free schools that have already opened have admitted a lower proportion of disadvantaged pupils than is average for their wider neighbourhoods. According to the data, at St Luke's primary school in the London borough of Camden, the percentage of pupils eligible for free school meals is zero. The average proportion of children claiming the benefit in state primary schools across Camden is 38.8%. At Nishkam free school, a primary in Birmingham, just 6.4% of children are eligible for free lunches compared to 33.2% across the city. At Bristol free school – a secondary school – 8.8% of children are eligible for free school meals, compared to 22.5% across the city's secondary schools. There are limitations with this data and a more telling comparison would be between percentages of pupils eligible for school meals in a particular free school with the neighbourhood, rather than borough. Never-the-less it indicates issues and the need for further exploration.

In providing reasons for wanting to set up free schools, three respondents explicitly referenced BAME pupils. This was not because they had an explicit aim of improving provision for BAME pupils, but rather they were seeking to improve education in a disadvantaged area and that BAME pupils would benefit from this. For example:

'We wanted to provide for minority ethnic groups, particularly boys of East London.'

'We wanted to narrow the attainment gap of people in disadvantaged groups; provide teaching excellence; offer international and African ethos.'

This is also important to note within the context of risks that free schools may lead to ethnic as well as socio-economic segregation in local school systems.

To provide a non faith-based education

Four respondents wanted to provide an alternative to the faith-based education which dominated the local educational provision. For example:

'to address the lack of local primary school places and to increase choice by offering children an excellent secular education (the majority of local state schools are faith schools).'

'Lack of quality education in the town Faith based provision.'

Conclusion

Survey respondents' had varied reasons for wanting to establish free schools. One of the most common reasons was to improve education available in deprived urban areas. All those who cited this reason were hoping to establish free schools in areas where large proportions of the population were BAME. It is important to note a potential distinction between proposals that aim to improve educational provision in deprived urban areas with those that aim to improve provision for pupils from disadvantaged backgrounds in deprived urban areas. A significant portion of free schools that are opening in deprived urban areas are not enrolling pupils from disadvantaged backgrounds at the same rate as other local schools. There is a risk, as already witnessed with comparable school systems in the US and Sweden, of free schools being set up in poor areas by wealthier residents to address shortcomings in the state system for the benefit of those from similar socio-economic backgrounds.

Recommendations

The Department for Education to develop its application processes to pick up on the distinction between proposals that aim to improve educational provision in deprived urban areas with those that aim to improve provision for disadvantaged pupils in deprived urban areas. This is necessary in monitoring risks that free schools lead to ethnic and socio-economic segregation within local school systems.

Ethnic make-up of proposal teams

The proposal teams of all 23 respondents included over 173 people. The table below summarises responses to a question about the ethnic makeup of proposal teams⁶⁵. It separates the data for approved and declined free school proposals, for those that had not been submitted or were under review at the time the survey was completed.

There was a slight variation in the ethnic categories used in the pilot and final surveys. The categories listed in black font on the following table were used in the pilot survey while those in green font were used in the final survey. The numbers in similar categories have been totalled in the right-hand column to give an indication of the ethnic makeup of the proposal teams of the cohort that responded to both the pilot and final surveys.

The free school proposers that our survey respondents reported were a multi-ethnic group in reflection of the most cited reason respondents gave for wanting to set up a free school – to improve educational provision in deprived sub/urban areas (where BAME residents are present in significant proportions). It would be misleading to compare our sample to the ethnic demography of the English population overall and conclude that BAME groups are more involved in free school projects. It is likely this diversity is because this survey was publicised via ROTA’s networks and the importance of this sample is in what it tells us about how success rates vary between different ethnic groups and about barriers which disproportionately impact on certain ethnic groups.

When looking at responses to our surveys, we see that White British communities have much higher success rates than other groups. While White British proposers made up 56.6% of free school proposers overall, among proposers that were approved, 79.5% were White British. 16.8% of free school proposers were Black. Among proposers that were approved only 3.8% were Black. 14.4% of free school proposers represented by our survey respondents were Asian. This group were heavily overrepresented at 42% among respondents whose applications had not been submitted yet. This may point to a need for the Department for Education and the New Schools Network to do more to publicise its free school programme among certain BAME groups that are under-engaged.

	Total – 173	Not yet submitted (total - 38)	Under review (total – 5)	Declined (total - 51)	Approved (total – 78)
White British (9) or White British (64)	98 (56.6%)	13 (34.2%)	4 (80%)	19 (37.2%)	62 (79.5%)
Black Caribbean (7) or Black, Black British – Caribbean (10)	17 (9.83%)	1 (2.6%)	0	13 (25.5%)	3 (3.8%)
White – other white (1)	12 (6.9%)	2 (5.3%)	1 (20%)	2 (3.9%)	7 (9.0%)
Asian – Indian (1) or Asian, Asian British – Indian (9)	10 (5.8%)	8 (21.1%)	0	2 (3.9%)	0
Black African (3) or Black, Black British – African (7)	6 (3.5%)	0	0	6 (1.2%)	0
Asian – Pakistani (1) or Asian, Asian British – Pakistani (6)	7 (4.0%)	3 (7.9%)	0	1 (2.0%)	3 (3.8%)

Asian – other (0) or Asian, Asian British – other (6)	6 (3.5%)	5 (1.3%)	0	1 (2.0%)	0
White European (4)	4 (2.3%)	0	0	0	0
Black British (4)	4 (2.3%)	0	0	4 (7.8%)	0
Black – other (2) or Black, Black British – other (0)	2 (1.2%)	0	0	2 (3.9%)	0
Asian – British (2)	2 (1.2%)	0	0	0	2 (2.6%)
Chinese (1) or Chinese, or other ethnic group Chinese (0)	1 (0.58%)	0	0	1 (2.0%)	0
White Irish (1)	1 (0.58%)	0	0	0	1 (1.3%)
Mix – White and Asian (1)	1 (0.58%)	1 (2.6%)	0	0	0
Mix – White and Black Caribbean (1)	1 (0.58%)	0	0	0	1 (1.3%)
Mix – other mix	1 (0.58%)	1 (2.6%)	0	0	0

None of the following ethnic groups were represented among respondents' proposal teams:

- Arab or Arab, Arab British (1)
- Asian – Bangladeshi (or Asian, Asian British – Bangladeshi)
- Latin America
- Middle Eastern
- Mixed – other mixed
- Mix – White and Black African
- Gypsy, Roma and Irish Traveller

The surveys also asked for details of the ethnic make-up of senior management teams, teaching staff and parent associations. Responses to these questions were limited, partly because many of respondents' schools had not been approved or opened. The responses that were received, however, reflect similar patterns of under-engagement that were found in considering the ethnic make-up of successful free school proposal teams.

In order to get a sense of how well proposal teams reflected local populations, respondents were asked to list the largest ethnic groups in their catchment areas. It was found that eleven proposal teams were unrepresentative of their catchment areas⁶⁶; four proposal teams were representative⁶⁷; four proposal teams were almost representative⁶⁸. We were unable to tell whether the remaining four proposal teams were representative or not.

Conclusion

Among the cohort that responded to the survey, BAME groups, and in particular those that have historically faced educational inequality, are severely underrepresented as leaders within successful free school projects. Some communities, such as Black Caribbean, are attempting to seize opportunities through the government's free schools programme to improve outcomes for young people from within and outside their community but are facing barriers to success. Other such communities, such as Asian-Bangladeshi and Gypsy, Roma and Irish Travellers, appear not to be included in this agenda either in successful or unsuccessful free school projects. These findings are consistent with those from the partial equality impact assessments of the first 40 approved

free schools.

Recommendations

- **The Department for Education** to monitor the engagement of BAME communities, in particular those that have been historically disadvantaged in education, in successful free school projects.
- **The Department for Education and the New Schools Network** to undertake proactive steps to address under-representation of BAME communities as leaders in successful free school projects.

Equality, inclusion and human rights in service delivery

In the pilot survey, respondents were asked to outline their plans for considering equality, inclusion and human rights within their educational services. All eight respondents made strong statements of commitment to equality, inclusion and human rights. Further detail provided in responses can be grouped as follows:

General statements of commitment

Four stated that they would comply with relevant legislation, with one referring to the Equality Act 2010 and Human Rights Act 1988. These four, however, did not outline how they would comply with legislation.

Five stated general commitments to inclusion of pupils from all backgrounds, equality of opportunity, and the promotion of tolerance and respect for difference among pupils.

Proactive steps towards equality

Only one respondent provided an example of a proactive step to ensure equality of opportunity for BAME pupils: *'Linking with BME and refugee support and umbrella organisations, and disability groups, to promote the school, recruiting volunteers from diverse communities to promote (the school).'*

Concrete action planned

None of the respondents, including the three that had been approved, referred to equal opportunities policies and procedures or concrete objectives, schemes and plans.

In attempting to encourage more detailed responses and concrete examples, this question was expanded to ask respondents to the final survey to outline *'plans to comply with the Equality Act 2010'* and to *'provide examples, if relevant and available, on how any of the following policy areas promote equality and diversity in your school: Admission policy; Bullying policy; Curriculum; Equal opportunities policy; Ethos, mission, aims and objectives; Inclusion policy; School meal policy; and Uniform policy'*. Free text boxes followed each policy area in an attempt to encourage respondents to provide a good range of examples. The 15 responses to the final survey can be grouped as follows:

Lack of understanding/progress

Three did not answer to these questions.

Seven demonstrated lack of progress in this area, or lack of understanding of the nature of policy and practice required to practically secure equality and ensure compliance with the Equality Act 2010. For example, in responding to the request for an outline of 'plans to comply with the Equality Act 2010', one respondent replied '*as yet am not aware of it*'. In response to the request for examples of how the listed policy areas promote equality and diversity, the same respondent replied '*mentions "regardless of race" etc*'. Another one of these seven respondents simply replied '*work on this area is currently underway*'.

Proactive steps towards equality

Four gave responses which demonstrated greater awareness of the type of process required to practically secure equality and ensure compliance with the Equality Act 2010. Never-the-less, there was considerable variation in the strength of these responses and the degree to which they are likely to achieve educational equality for the range of BAME groups.

One of these four stronger responses made a strong statement of commitment to preventing discrimination, harassment and victimisation. It did not acknowledge any particular disadvantage pupils from different ethnic groups are more at risk from. It did, however, plan responses to the impact of socio-economic disadvantage on educational outcome. For example: '*(the admissions policy is) based on a lottery within a socially-inclusive defined catchment area. Significant emphasis on differentiation in teaching and learning that will accommodate diverse learning needs; extra support planned for pupils who experience educational disadvantage; Positive emphasis on supporting "respect for others, property, environment and self; develop personal responsibility and self-discipline, empathy and awareness of wants and needs of others; develop critical and creative thinkers who are sensitive to cultural difference"*'.

Another of these four stronger responses outlined how equality would be mainstreamed across policies with several examples of proactive measures, for example: of outreach to promote the free school among underrepresented and under-engaged BAME communities; support from outside agencies in cases of serious bullying of vulnerable people; the curriculum would support identity and difference, including '*global perspectives*' and '*cultural studies*'; the equality policy would include recruitment, progression and retention of staff.

Another of these four stronger responses considered the process required under the Equality Act 2010, for example, the setting of equality objectives and the production of a single equality scheme. Examples of specific needs were given, but focused on those arising from one's religion only. This respondent represented an Islamic school which may partially explain the emphasis on religion in relation to this question.

Another of these four stronger responses gave examples of relevant policies that were already in place, including a bullying policy, an equal opportunities policy and an inclusion policy. While detail of what these involved was not provided, one example of a positive action measure was provided: '*we follow national curriculum and add black history to it*'.

The last respondent to the final survey made several statements which demonstrate awareness of potential areas where inequality can emerge. For example:

'City wide intake promotes diversity; random selection promotes equality.'

The bullying policy references various forms of harassment and victimisation identified under equalities legislation and *'treats them as aggravating factors'*.

The school meal policy ensures provision of *'Vegetarian, halal and non-halal options.'*

The school uniform policy allows for a *'High degree of choice (e.g. colour) within very well-defined and tight boundaries around hair, jewellery, style etc. Allows individuality within common clear boundaries'*.

This respondent was proposing a free school for an area of significant ethnic segregation. This proposed free school was deliberately planning not to cater for the distinctive needs of different religious and ethnic groups as a means of promoting race relations and social cohesion:

'Our overall approach is deliberately less accommodating of special requests than other (name of locality) schools from any one ethnic group, like time off for holidays, shorter Fridays, exemption from certain subjects. We seek to build a common core experience, for example insisting on compulsory residential trips in Years 7 and 8, subsidised as necessary, around which to build our community. The (name of locality) norm is more one of self-selected ghettoisation... In (name of locality) the celebration of ethnic diversity has to be actively promoted through PHSE, assemblies and ethos-building across the school.'

This respondent's proposed approach places a strong focus on certain aspects of the Equality Act 2010 (*'to foster good relations between people who share protected characteristic and those who do not'*), potentially at the expense of other aspects (*'to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; to advance equality of opportunity between people who share a protected characteristic and those who do not'*). This response demonstrates careful consideration has been given to issues of ethnic segregation and the Equality Act 2010. However, plans to deliberately ignore distinctive needs of different religious and ethnic groups raise a whole range of questions which are beyond the scope of this study to consider.

All 23 responses to the surveys were analysed to test an assumption that the weaker responses to these particular questions were mostly from free schools that had either been declined or were awaiting the outcomes of their proposals and were therefore at earlier stages of development. To the contrary, it was found that weaker responses were overrepresented among the free schools that had already been approved. This finding is consistent with the partial equality impact assessments of the first 40 approved free schools, which identified that, while a significant portion made statements of commitment to equalities, the majority had not adequately considered equality and inclusion across their policies and procedures.

Conclusion

While most survey respondents made general statements of commitment to equality, inclusion and human rights, the majority did not provide evidence of planning the type of proactive and strategic approaches that are essential in ensuring equality in practice. This may indicate the need for further support to enable free schools to develop policies and procedures that meet their commitments to equality, inclusion and human rights, and duties under the Equality Act 2010.

It appears unsuccessful free school proposers have greater awareness of the type of process involved in ensuring equality. This may indicate that the Department for Education needs to give greater weight to plans to comply with the Equality Act 2010 in assessing proposals and support to free schools to enable them to strengthen in this area⁶⁹.

Recommendations

- **The Department for Education** to develop its application and monitoring processes to ensure approved free schools are developing inclusive services that are compliant with the Equality Act 2010.
- **The Department for Education and New Schools Network** to develop a specialist package of support on equality, inclusion, human rights and compliance with the Equality Act 2010 for free school proposers and managers.

Barriers to developing successful free school proposals

Respondents were also asked about the main challenges faced in developing free school projects (see Appendix F).

Problems finding premises

Fifteen out of the 23 respondents listed 'problems finding school premises' as a challenge. This was a challenge experienced equally by respondents whose proposals had already been approved, those whose proposals had been unsuccessful, and those whose proposals had not yet been submitted or were under review.

Lack of financial expertise and resources

The most significant challenges faced by proposers after premises related to financial expertise and resources. Eight respondents listed 'lack of financial expertise' as a key challenge. Of these seven had been unsuccessful, while one had been successful. Seven respondents listed 'lack of financial resources'⁷⁰ as a key challenge. Of these five had not been successful while two had not yet been submitted or were under review.

In addition to responses to this question, lack of access to financial resources was a concern noted through responses to various other questions. For example:

'Funding is what is needed!!! Proposers like myself have stopped working to dedicate the time that is needed to project manage risking career development, financial security and quality time with one's own family. Since the process changed in February 2011 it has become a huge task to submit such a detailed business case despite the fact that we have a good team of educationalists and other professionals'.

'The cut in the project management funding available until in Feb 2011 put smaller groups at a disadvantage.'

'... we are a long way from London and the trains are expensive (we now have a travel allowance for meetings and DfE etc now generally come to Swanage for meetings).'

'We felt the actual process did not help people with enough financial resources. There was money available on the first wave but not on the second.'

'There was a huge financial cost in terms of the time commitment that our application took. As lead proposer I turned down paid work to complete the application and we were able to access printing costs for free. Collating evidence of demand required us to hire a stand at a shopping centre but this cost was born personally by us.'

One respondent whose application had been approved explained: *'6 months on we have still not received a penny towards pre opening costs and we are struggling to secure clarity on what's expected from the Dfe (Department for Education) in terms of bureaucracy to support our application.'*

Access to social capital and networks

Linked to access to financial resources, access to social capital and networks was also identified as a challenge by a number of respondents. For example:

'lacked experience getting a water tight development plan... no high-powered parents which has been the key to some of other schools. ... a bigger push with professional parents, that would have helped (they felt).'

'Managing a group of volunteers who all have different ideas and sometimes different agendas and reasons for becoming involved.'

Several respondents mentioned the importance of networking for mutual support, to explore potential partnerships, and for opportunities to be linked to the right 'kinds of people' that could enable them to establish successful free schools in line with their school visions:

'Proper networking and partnership match facilities.'

'More networking with existing free school proposers and heads.'

'From what I understand, lots of groups lack expertise. They need help being put in touch with the right kinds of people who can help to support their applications and their projects.'

'We're not sure how important it is to be politically connected in this process.'

Support available when developing proposals

Respondents were asked to rate the support services from the Department for Education and the New Schools Network and to list other support that may be helpful to those developing proposals.

Overall the key services, such as application guidance and the proposal checking services were rated as quite helpful. Other services were largely unknown about or were not used.

Only two respondents had taken part in the New Schools Network's Development Programme – an intensive programme of support for those aiming to benefit particularly disadvantaged communities. This low take up rate is most probably due to the time at which the surveys were conducted – while the Development Programme was being established. Those who had used this Development Programme had found it to be particularly useful.

Potential inconsistencies in the application process

Respondents were asked about the feedback received from the Department for Education and reasons received if their proposals had not been progressed. Due to the variations in how this question was asked in the pilot and final surveys, it is not possible to draw concrete conclusions about reasons that might disproportionately impact on BAME communities. However, many points of inconsistency and lack of transparency were inferred in responses, which should be noted. For example:

A number of respondents spoke of the unpreparedness of the Department for Education to take risks in approving certain free schools and about being encouraged to fit into set models and frameworks. These respondents felt this was in contradiction to the Secretary of State for Education's promotion of the free school programme as a means of supporting creativity and innovation in education through risk-taking. Three respondents commented:

'It is disappointing that so many constraints are being placed upon us and we are being asked to fit into existing frameworks and structures. If we are to do something new and different it is important that we have the freedom to sit outside of existing frameworks. If free schools are required to simply follow existing practice what is the point in calling them free?'

'I think from the noise heard and the response received, that over time emphasis and ideas of risk taking associated with Free School changed; therefore approval was granted to the usual suspects.'

'We also feel diversity and innovation are no longer priorities in this process.'

A key reason given to one respondent for not being approved was that their building was not suitable; this is at odds with the fact that capital funding is being awarded to many free schools to make premises suitable and even that 13 of the first 40 free schools were approved despite the fact they had not secured premises.

A number of respondents were told that the evidence of demand they had supplied for their free schools was not robust enough. One respondent complained that the Department for Education criticised their evidence of demand, which had been secured after workshops with the local community, while approving another free school which had, apparently, secured signatures in shopping malls in exchange for balloons:

'All our signatures were given after talks and workshops we held or after people read a very informative website...about our distinctive approach. We know of successful proposals who swapped signatures for balloons in a 2 minute interaction in a busy shopping mall, yet this was deemed "safe" demand.'

One respondent provided an example where the reason given for lack of success contradicted feedback given by the Department for Education and New Schools Network on a draft of the proposal.

One respondent provided an example where reasons given for lack of success were not obviously part of the assessment criteria:

'We were unhappy with the feedback we received from the Department for Education because we felt that the minor and irrelevant issues raised with our Application in no way reflected the substance of the Application or addressed the questions we had been asked to address in our Application.'

Several respondents referred to difficulties caused by changes to the application process while they were developing their proposals:

'Since the process changed in February 2011 it has become a huge task to submit such a detailed business case despite the fact that we have a good team of educationalists and other professionals.'

'[I lament] lack of clarity as to what they were looking for. The goalpost kept moving; they ended up supporting safe projects and people they knew and could trust'.

'There was a lot of change since we went through the opening phase. We understood that, as we were one of the first Free Schools to set up, policies and procedures would be created as we went along. This was challenging but we knew why this was the case. During the setting up process the DfE (Department for Education) had to put policies into place quickly and in the absence of a well thought through strategy existing policies were imposed on us that were at times inappropriate and unnecessary.'

Some respondents recognised this was because the programme was very new and that improvements were being made:

'The first response to wave 1 application was very poor. It was also reviewed inadequately as key information was missed by the allocated DfE lead. Second wave application was approved but we received minimal guidance other than reiteration that it was our project and we had to take ownership. 6 months on we have still not received a penny towards pre opening costs and we are struggling to secure clarity on what's expected from the DfE in terms of bureaucracy to support our application'.

Conclusion

A range of barriers to establishing successful free schools that are linked to access to financial expertise, resource and social capital were identified. These have important implications for the accessibility of the free school programme to socio-economically disadvantaged communities, among which BAME communities are overrepresented.

A range of inconsistencies linked to the application process were identified which have important equality implications and need to be explored further. An application process that is robust, open and transparent in how it reaches its conclusions will strengthen the process.

Recommendations

The Department for Education:

- To investigate if inconsistencies described by some respondents about the free schools application process are an indication of unfairness, or simply an expression of disappointment by those whose free school projects had not been successful.
- To commission research to identify if barriers to success following approval of free school proposals disproportionately impact on certain ethnic or socio-economic groups.
- To investigate whether the New School Networks' Development Programme (a programme of specialist support for those seeking to set up free schools which will serve pupils at risk of educational disadvantage) is improving the engagement of BAME and less affluent communities in successful free school projects.
- **The Department for Education and the New Schools Network** to evaluate their services to see who is using them, how they are being used, if they are addressing the barriers to engagement of BAME and socio-economically disadvantaged communities in successful free school projects.

Appendices

A. Seeking information about free schools from government

During the initial stages of the project, ROTA sought information from the Department for Education that would enable us to undertake the project. However, the Department for Education would not provide us with the information required to undertake the project. The following summarises our interaction with the Department for Education around free schools.

On 27.04.11 ROTA submitted a Freedom of Information (FOI) request to the Department for Education for a full list of groups that made proposals to set up free schools during the first application stage. The FOI also requested *'as full information about the proposals as possible including, but not limited to: name of school; geographical area to be served; primary or secondary; school vision, mission and aims; curriculum details; details of policies and procedures; charity and/or company registration number; information about the expertise of the team leading the proposal; admissions policy; details of levels of community and other support for school; and website details'*.

On 02.06.11, having received no response within the expected 20 working days to this FOI request, ROTA submitted a reminder request to the Department for Education.

On 06.06.11 the Department for Education refused the FOI request, reasoning: *'The Department holds some of the information you have requested. However, the Department estimates that the cost of complying with your request would exceed the cost threshold applicable to central Government. This is set at £600 and represents the estimated cost of one person spending 3½ working days locating, retrieving and extracting the information. Under section 12 of the Act the Department is not, therefore, obliged to comply with your request and will not be processing it further.'*

On 16.06.11 ROTA submitted a refined FOI request for *'a list of the names of all the free schools that were proposed in the first round with website addresses (if available) and contact details' and 'as much of the information that is available about a random sample of unsuccessful free school proposals. Please include within this random sample as many proposed free schools as possible without exceeding the cost threshold applicable to central government.'*

In July 2011 ROTA sought advice from colleagues at the Department for Work and Pensions on how to effectively engage the Department for Education in our *Free Schools Monitoring Project*.

On 14.07.11 ROTA sent a reminder email about this second FOI request which did not receive a response within the expected 20 days.

On 20.07.11 the Department for Education refused the refined FOI request reasoning:

'while the Department holds the information you have requested about unsuccessful proposals, it is being withheld because exemptions under section 36 and 40 of the Act apply to it.'

Section 36(2)(c) of the Act exempts from disclosure certain information if, in the reasonable opinion of a qualified person (in the case of government departments, a Minister), disclosure of the information under the Act would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs. A Minister has decided that, in his reasonable opinion, disclosure of the names and locations of unsuccessful proposals would be likely to have this effect and therefore the exemption in section 36(2)(c) applies.

Section 36(2)(c) is a qualified exemption and therefore a public interest test has been carried out. In deciding where the public interest lies, the following factors have been taken into consideration:

It is acknowledged that there is a general public interest in disclosure because of the need for Government decision-making to be open and transparent and that the sharing of information with the public should be free and open, so far as possible, to facilitate that transparency.

However, the probable intense public interest in unsuccessful proposals, could result in the embarrassment or harassment of these proposers. This is likely to in turn deter future proposers from coming forward for fear of the consequences if their proposal was unsuccessful and restrict the number and quality of proposals to the detriment of the programme.

The arguments for and against release have been considered and it has been decided that the balance of public interest falls in favour of the maintenance of this exemption in relation to the information requested.

Some personal information within the unsuccessful proposals is also exempt under Section 40(2) of the Act. Section 40(2) of the Act provides for personal data such as addresses and contact details to be exempt from disclosure where its disclosure otherwise than under the Act would contravene any of the data protection principles under the Data Protection Act 1998. This is an absolute exemption and requires no public interest consideration.

However, we have been led to understand by colleagues in the Department for Work and Pensions that ROTA might have an interest in entering into a discussion with DfE about our Free Schools policy and its potential benefits for ethnic minorities, and I would be happy to facilitate this.'

On 16.08.11 ROTA met representatives from the Department for Education to discuss the 'Free Schools Policy and its potential benefits for ethnic minorities'. The following actions were agreed at this meeting:

- The Department for Education would set up a further meeting between ROTA and free schools equalities leads and that ROTA would forward a list of questions to be considered at that meeting.
- The Department for Education agreed to consider what was currently available on the websites of approved free schools in terms of: a. Their engagement with BAME communities and b. Free School equalities policies.

- The Department for Education agreed to liaise with colleagues leading on support arrangements for free schools applicants to establish whether any more could be done to help 'hard to reach' groups. ROTA offered to assist in providing such support as appropriate.
- The Department for Education agreed in principle to respond positively to any request from Department for Work and Pensions for engagement with their Ethnic Minority Advisory Group's Education sub group.
- The Department for Education agreed to establish some dates that an appropriate representative would be available to speak about the education reform agenda at a ROTA event in London.

On 16.08.11 the Department for Education agreed Inderjit Dehal, Deputy Director of the Free Schools Group would speak at a ROTA/London Civic Forum event on 16.09.12. The event, 'How education works in London', was focused on the educational reforms, and on free schools and academies in particular. It was targeted at community representatives.

On 15.09.11 Inderjit Dehal cancelled this speaking engagement.

On 19.09.11 ROTA submitted the following broad questions to be used as the basis for discussion during the follow-up meeting with Department for Education free schools equalities leads that had been arranged for 21.09.11 to follow up on actions committed to by ROTA and the Department for Education at our first meeting on 18.08.12:

1. In relation to equalities, we would like to know the mechanisms the Department for Education has to monitor free schools in relation to representation, equal opportunities policies, educational inequalities and disadvantage, and equality impact assessments.
2. We would like to know how many Freedom of Information requests in relation to free schools have been received by the Department and how many have been granted.
3. Our research will include successful and unsuccessful free schools and we would like to have details on the assessment process and the reasons why some schools are successful and other schools are not.
4. We would like to know how the Department for Education is enabling free schools to meet the duties of the Equality Act 2010.

On 20.09.11 the Department for Education cancelled this meeting and stated that ROTA would receive a response to our questions in writing. On 21.09.11 ROTA proposed new dates to the Department for Education for a rescheduled meeting. On 25.10.11, having received no response, ROTA again proposed new dates for the rescheduled meeting and requested a written response to our questions.

On 07.11.11 ROTA received the following partial response to broad questions submitted by ROTA as general discussion guides for the meeting scheduled between ROTA and the Department for Education on 21.09.11:

'Firstly, it is helpful if I start by clarifying that Free Schools are Academies. When open, they are subject to compliance with the Equality Act 2010 (the Act), and, in common with all other Academies, are named within Schedule 19 of the Act and subject to the Public Sector Equality Duty (PSED) imposed by section 149 of that Act. Currently open Free Schools will be required to publish, by April 2012, information demonstrating how they

are complying with the PSED, and one or more objectives that they think they should achieve to comply with the three limbs of section 149(1) of the Act. This will give the public the information they need to hold Free Schools to account for their compliance on equality duties.

Free Schools are accountable to the Secretary of State through a Funding Agreement. But before making a Funding Agreement with a Free School, the Secretary of State exercises his duty under the Equality Act to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, and he considers such issues before entering into a Funding Agreement with a new school.

In addition, as part of Ofsted's pre-registration inspection, all schools are required to produce their equalities policy and, once open, the school is subject to the same inspection arrangements that apply to all academies and maintained schools. During an inspection, Ofsted will seek to assess how well the school promotes all pupils' spiritual, moral, social and cultural development. The new Ofsted inspection framework specifically mentions that each school will include a range of pupils and that each school should be tested to ensure that all pupils can progress and fulfil their potential.

The Department provides support to free schools at the pre-opening stage to assist them to develop all the necessary policies including those on equalities, bullying etc. In addition, the Department has published advice for schools on the Act, including a chapter explaining what is expected of schools under the new PSED and the specific duties. This advice is available as an online tool which is easily accessible from the Department's website.

In terms of your point around disadvantage, it is our experience from 2011 openers that there is a clear link between the location of free schools, and the areas where there is deprivation or a lack of places - half of the first 24 schools are in the 30% most deprived communities. Again, like other academies, free schools are required to collect performance data and their results will be published in performance tables giving a clear view on the attainment of their pupils.

With regard to the numbers of Freedom of Information requests in relation to free schools that have been received by the Department, we have received more than a hundred FOI requests in the past 15 months, each are considered on their own merits and there are some where we have relied upon the exceptions to refuse to provide the information.

Finally, you asked for details about the assessment process and the reasons why some schools are successful and other schools are not. The details about the assessment process and the criteria used to assess applications were published in the 'How to Apply' guidance on the DfE website. As the assessment process is competitive, those that met the criteria may not have been approved because other applications were stronger by comparison. The Department's website details the number of applications received to open a free school from 2012, along with identifying those that were approved to enter into the pre-opening stage.'

The information provided a useful context. However, the questions submitted were intended as broad questions to guide discussions and information sharing. The written information provided did not enable us to progress our project or provide assurance that BAME communities are proportionately engaged in and benefiting from free schools. As such, for a third time, ROTA requested that the 21.09.12 meeting that the Department for Education had cancelled be rescheduled. This meeting was rescheduled and took place on 01.02.12. Nothing further was gleaned that enabled ROTA to progress the *Free Schools Monitoring Project*.

B. Equality impact assessments of the first free schools

In undertaking the partial equality impact assessments, over the summer of 2011, the researchers reviewed all publicly available information. In reviewing the information, the researchers considered the following questions and recorded their responses:

1. Is it a faith school?
2. Is it a primary or secondary free school?
3. Who is proposing free school status?
4. What geographical area does the free school serve?
5. Web-address:
6. What is the demographic profile of the geographical area served?
7. Does the free school have a permanent site in place?
8. Do the free school governors include BAME people? (Researchers responded to this question with 'yes', 'no' or 'don't know based on the information viewed'. Additionally researchers provided details, including demographic profiles, where possible.)
9. Does the free school's Parent Teacher Association include BAME people? Does the free school staff team include BAME people? (Researchers responded to this question with 'yes', 'no' or 'don't know based on the information viewed'. Additionally researchers provided details, including demographic profiles, where possible.)
10. Does the free school's senior management team include BAME people? (Researchers responded to this question with 'yes', 'no' or 'don't know based on the information viewed'. Additionally researchers provided details, including demographic profiles, where possible.)
11. Does the free school's pupil population include BAME people? (Researchers responded to this question with 'yes', 'no' or 'don't know based on the information viewed'. Additionally researchers provided details, including demographic profiles, where possible.)
12. Does the free school's student council, prefects or head pupil include BAME people? (Researchers responded to this question with 'yes', 'no' or 'don't know based on the information viewed'. Additionally researchers provided details, including demographic profiles, where possible.)
13. Does the free school's vision mention anything relevant to equality, diversity, human rights, inclusion and community cohesion (Researchers provided a summary)?
14. Does the free school's mission mention anything relevant to equality, diversity, human rights, inclusion and community cohesion? (Researchers provided a summary).
15. Does the free school's aims and objectives mention anything relevant to equality, diversity, human rights, inclusion and community cohesion (Researchers provided a summary).
16. Summarise the curriculum.

17. Does the curriculum include any elements relevant to equality, diversity, human rights, inclusion and community cohesion? Will it be responsive to the needs of a diverse pupil population (Researchers provided a summary)?
18. Is equality, diversity, human rights, inclusion and community cohesion mentioned anywhere in the information reviewed other than that already considered (Researchers provided a summary)?
19. Does the free school provide any extra-curricular activities aimed at fostering understanding about equality, diversity, human rights, inclusion and community cohesion (Researchers provided a summary)?
20. Summarise the admissions criteria.
21. Does the free school have a uniform policy? If yes, does it take into account the needs of different groups? How?
22. Does the free school have a policy or statement on meal provision? If yes, does it take into account the needs of different groups? How?
23. Does the admissions policy include anything specific to ensure the free school considers equality, diversity, human rights, inclusion and/or community cohesion in its admissions process?
24. Does any of the free school's other policies include anything specifically about equality, diversity, human rights, inclusion and/or community cohesion?
25. Does any of the other free school's policies include anything specific to ensure the school considers equality, diversity, human rights, inclusion, community cohesion in its admissions process?
26. Does any of the information reviewed mention the Equality Act 2010?
27. Does the free school have a complaints procedure (Researchers provided a summary)?
28. Does the free school have an appeals process for excluded pupils (Researchers provided a summary)?
29. Does the free school have a bullying strategy? If so, does it explicitly consider bullying based on ethnicity?
30. Lead Proposer(s)
31. Status of Application.
32. When is the free school expected to open?
33. Present number of pupils/students
34. Future number of pupils/students

C. Pilot survey questions

1. Please list your main reasons for wanting to set up a free school, including your school's stated aims and objectives.
2. Which of the following best describes your proposed free school's catchment area? Please select all that apply: rural, urban, wealthy, deprived, working class, middle class, low-income, professional, ethnically diverse/mixed, socially diverse/mixed, socially segregated, ethnically segregated?
3. We are interested in knowing about your free school's proposal team. Please provide a breakdown of the team by indicating the number of individuals on your team belonging to each listed ethnicity: Asian – Bangladeshi, Asian – British, Asian – Indian, Asian – Pakistani, Asian – Other, Black – African, Black – British, Black – Caribbean, Black – other, Chinese, Latin American, Middle Eastern, Arab, White – British, White – Irish, White – European,

- White – Other, Prefer not to say, Gypsy or Irish Traveller. Please give further details if the options given are insufficient, or if you have selected ‘other’ for any of the options.
4. We are interested in the ethnic demographic of your proposed free school. Please select the five largest ethnic groups represented in your catchment area: Asian – Bangladeshi, Asian – British, Asian – Indian, Asian – Pakistani, Asian – Other, Black – African, Black – British, Black – Caribbean, Black – other, Chinese, Latin American, Middle Eastern, Arab, White – British, White – Irish, White – European, White – Other, Prefer not to say, Gypsy or Irish Traveller. Please give further details if the options given are insufficient, or if you have selected ‘other’ for any of the options.
 5. Briefly describe your plans for considering equality, inclusion and human rights in your proposed free school.
 6. Has your proposal been progressed by the Department for Education (yes, no, not yet submitted). If your proposal has not been progressed, and you have received feedback from the Department for Education, please list the main reasons given for not taking your proposal to the next stage.
 7. Were you happy with the reasons and the feedback you received from the Department for Education (yes, no). Please give reasons for your answer.
 8. Will you use the feedback given to develop your proposal? (yes, no). Please give reasons for your answer.
 9. Please select the main challenges you have faced when developing your proposals. Select all that apply: local competition from other proposers, lack of local parental support, lack of support from the local authority, difficulty attending events hosted by the New Schools Network, difficulty attending events hosted by the Department for Education, problems finding premises for a school, surplus of available school places in the area, lack of financial expertise, lack of educational expertise, lack of financial resources needed to secure expertise in order to develop proposal, did not face any challenges. Please describe any additional challenges you faced that are not included in the list above.
 10. Please rate the following services provided by the New Schools Network, based on how helpful they have been in supporting your proposal (as helpful, neither helpful nor unhelpful, unhelpful, was not aware this resource was available, chose not to use this resource). Briefly describe the types of support services that would be useful for developing a future free school proposal.

D. Full survey questions

1. Please list your main reasons for wanting to set up a free school, including your school’s stated aims and objectives.
2. Please tell us about your school. Please tick all boxes that apply: open, pre-opening stage, under review, not yet applied, single-sex, mixed gender, primary, secondary, further education (16 – 19), mainstream/16 – 19 free school, special free school, alternative provision free school, brand new school, replacing an existing independent school, replacing an existing school.
3. Please tick the boxes that indicate each stage(s) of your application: first wave (deadline February 2011; second wave (deadline June 2011); third wave (deadline February 2012). Please specify whether you were happy with the response from the Department for Education and how you wish to use the feedback to develop your free school.

4. Did you seek or will you seek help from a private provider (yes, no)? Please provide details of the services you used, specifying at which stage of the process you used them.
5. Please select the main challenges you faced when developing your proposal. Select all that apply: lack of support from local authority, difficulty attending events hosted by the New Schools Network, difficulty attending events hosted by the Department for Education, local competition from other providers, surplus of available school places in the area, lack of parental support, lack of financial expertise, lack of educational expertise, lack of financial resources, difficulty finding premises for the school, difficulty completing application forms, did not face challenges. Please describe any additional challenges that are not listed.
6. Please rate the following services provided by the New Schools Network (as helpful, neither helpful or unhelpful, unhelpful, was not aware this resource was available, chose not to use this resource). Briefly describe the types of support services that would be useful for developing a future free schools proposal.
7. Which of the following best describes your proposed free school's catchment area? Select all that apply: rural, suburban, inner city, high income, medium income, low income, deprived, socially diverse/mixed, socially segregated, ethnically diverse/mixed, ethnically segregated. Please add any further comments that describe the area.
8. We are interested in knowing about your free school's proposal team, governance team, senior management team, staff team, parent's association and student leadership. Please provide a breakdown of the proposal team by indicating the number of individuals of each listed ethnicity: Arab or Arab British, Asian or Asian British: Bangladeshi, Asian or Asian British: Indian, Asian or Asian British: Pakistani, Asian or Asian British: Other Asian, Black or Black British: African, Black or Black British: Caribbean, Black or Black British: African, Black or Black British: Other Black, Chinese or other ethnic group: Chinese, Gypsy, Irish Traveller or Roma, Mixed: White and Asian, Mixed: White and Black African, Mixed: White and Black Caribbean, Mixed: Other Mixed, White: British, White: Irish, White: Other White, Other, Prefer not to say. Please provide additional information if appropriate.
9. We are interested in the ethnic demographic of your proposed free school. Please select the five largest ethnic groups represented in your catchment area: Arab or Arab British, Asian or Asian British: Bangladeshi, Asian or Asian British: Indian, Asian or Asian British: Pakistani, Asian or Asian British: Other Asian, Black or Black British: African, Black or Black British: Caribbean, Black or Black British: African, Black or Black British: Other Black, Chinese or other ethnic group: Chinese, Gypsy, Irish Traveller or Roma, Mixed: White and Asian, Mixed: White and Black African, Mixed: White and Black Caribbean, Mixed: Other Mixed, White: British, White: Irish, White: Other White, Other, Prefer not to say. Please provide additional information if appropriate.
10. Briefly describe your plans to comply with the Equality Act 2010.
11. Please provide examples, if relevant and available, on how any of the following policy areas promote equality and diversity in your school: Admission policy: Bullying policy, Curriculum, Equal opportunities policy, Ethos, mission, aims and objectives, Inclusion policy, School meal policy, Uniform policy, Other, please specify.
12. (Question for schools that are either open or in the pre-opening stage.) Please provide a breakdown of the school governance team by indicating the number of individuals of each listed ethnicity: Arab or Arab British, Asian or Asian British: Bangladeshi, Asian or Asian British: Indian, Asian or Asian British: Pakistani, Asian or Asian British: Other Asian, Black or Black British: African, Black or Black British: Caribbean, Black or Black British: African, Black or Black British: Other Black, Chinese or other ethnic group: Chinese, Gypsy, Irish Traveller or Roma, Mixed: White and Asian, Mixed: White and Black African, Mixed: White and Black

- Caribbean, Mixed: Other Mixed, White: British, White: Irish, White: Other White, Other, Prefer not to say. Please provide additional information if appropriate.
13. (Question for schools that are either open or in the pre-opening stage.) Please provide a breakdown of the school senior management team by indicating the number of individuals of each listed ethnicity: Arab or Arab British, Asian or Asian British: Bangladeshi, Asian or Asian British: Indian, Asian or Asian British: Pakistani, Asian or Asian British: Other Asian, Black or Black British: African, Black or Black British: Caribbean, Black or Black British: African, Black or Black British: Other Black, Chinese or other ethnic group: Chinese, Gypsy, Irish Traveller or Roma, Mixed: White and Asian, Mixed: White and Black African, Mixed: White and Black Caribbean, Mixed: Other Mixed, White: British, White: Irish, White: Other White, Other, Prefer not to say. Please provide additional information if appropriate.
 14. (Question for schools that are either open or in the pre-opening stage). Please provide a breakdown of the teaching staff by indicating the number of individuals of each listed ethnicity: Arab or Arab British, Asian or Asian British: Bangladeshi, Asian or Asian British: Indian, Asian or Asian British: Pakistani, Asian or Asian British: Other Asian, Black or Black British: African, Black or Black British: Caribbean, Black or Black British: African, Black or Black British: Other Black, Chinese or other ethnic group: Chinese, Gypsy, Irish Traveller or Roma, Mixed: White and Asian, Mixed: White and Black African, Mixed: White and Black Caribbean, Mixed: Other Mixed, White: British, White: Irish, White: Other White, Other, Prefer not to say. Please provide additional information if appropriate.
 15. (Question for schools that are either open or in the pre-opening stage). Please provide a breakdown of the student leadership team (e.g. student council or similar) by indicating the number of individuals of each listed ethnicity: Arab or Arab British, Asian or Asian British: Bangladeshi, Asian or Asian British: Indian, Asian or Asian British: Pakistani, Asian or Asian British: Other Asian, Black or Black British: African, Black or Black British: Caribbean, Black or Black British: African, Black or Black British: Other Black, Chinese or other ethnic group: Chinese, Gypsy, Irish Traveller or Roma, Mixed: White and Asian, Mixed: White and Black African, Mixed: White and Black Caribbean, Mixed: Other Mixed, White: British, White: Irish, White: Other White, Other, Prefer not to say. Please provide additional information if appropriate.
 16. (Question for schools that are either open or in the pre-opening stage). Please provide a breakdown of the members of the Parents' Association by indicating the number of individuals of each listed ethnicity: Arab or Arab British, Asian or Asian British: Bangladeshi, Asian or Asian British: Indian, Asian or Asian British: Pakistani, Asian or Asian British: Other Asian, Black or Black British: African, Black or Black British: Caribbean, Black or Black British: African, Black or Black British: Other Black, Chinese or other ethnic group: Chinese, Gypsy, Irish Traveller or Roma, Mixed: White and Asian, Mixed: White and Black African, Mixed: White and Black Caribbean, Mixed: Other Mixed, White: British, White: Irish, White: Other White, Other, Prefer not to say. Please provide additional information if appropriate.

E. Ethnic profile of local areas of the first free schools

Demographic profile (% White)	Number of successful Free Schools
<60%	5
60-65%	2
65-70%	3
70-75%	1
75-80%	8
80-85%	3
85-90%	4
90-92%	2
92%+	12

UK White population – 92.1%; BAME – 7.9%⁷¹

F. Main challenges in developing successful free school projects

Has your free school proposal been progressed yet	10
Lack of support from the local authority	4
Difficulty attending events hosted by the New Schools Network	3
Difficulty attending events hosted by the Department for Education	4
Local competition from other proposers	2
Surplus of available school places in the area	2
Lack of parental support	0
Lack of financial expertise	8
Lack of educational expertise	3
Lack of financial resources needed to secure expertise in order to develop proposal	7
Problems finding premises for the school	15
This challenge was not listed in the pilot survey (note this challenge was not listed in the pilot survey)	1
Did not face any challenges	1

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<http://www.education.gov.uk/schools>.

² For an analysis of the risks see 'ROTA (2010) *Briefing: The Importance of Teaching*', which explores the potential impact of the reforms on BAME pupils; and 'Richardson, R. Eds, *Race Equality Teaching Spring 2011 v. 29 no 2*. Insted'. For evidence of the persistent educational inequalities faced by BAME pupils see, for example, 'National Equality Panel (2010) *An Anatomy of Economic Inequality in the UK*. Government Equalities Office' and 'Department for Education (2010) *Permanent and Fixed Exclusions from School in England 2008/09*'.

³ For example see 'Ravitch, D. (2010) *The Death and Life of the Great American School System*'; <http://larryferlazzo.edublogs.org/>; and 'Runnymede Trust (2010) *Did they get it right?*'

⁴ Ibid.

⁵ Lord Parekh at 3.35pm at the House of Lords Debate on '*Local Authority Grants: Impact of Cuts*'. Available at <http://www.theyworkforyou.com/lords/?id=2010-12-09a.336.1&s=speaker%3A12947#g362.0>.

⁶ From 2008 until 2011, in partnership with MiNet, ROTA monitored the impact of the recession on the BAME sector and access to services for BAME communities. In 2009 ROTA launched the first recession monitoring report, *The Economic Downturn and the BAME sector* (Available at www.rota.org.uk). In May 2011 ROTA launched the second report, which focused on children and young peoples' services and supplementary schools, 'MiNet (2011) *The Impact of the Economic Downturn on BAME Education Services*. ROTA'.

⁷ The New Schools Network (NSN) is a charity that was set up by the Department for Education in 2011 to provide advice and guidance on how to set up free schools.

⁸ Gabbatt, A. (18th June 2012) *Michael Gove sets out Coalitions Plans for Free Schools*. The Guardian.

⁹ LSOAs are made up of around 1,500 residents and are judged a reasonable reflection of the catchment size of many of free schools.

¹⁰ 20th June 2011. *Michael Gove announces 2012 Free School Applications*. News and Press Notices, www.education.gov.uk.

¹¹ Vasagar, J. and Shepherd, J. (31st August 2011) *Free Schools Built in Mainly Middle-Class and Wealthy Areas*. The Guardian.

¹² Gilbert, F. (2nd June 2011) *Gove's Free School Policy is Already in Trouble*. The New Statesman.

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¹⁴ Higham, R. Dr., Institute of Education (2011) *Free Schools in the Big Society*. Paper presented to BELMAS 2011 conference on 8th July 2011, p4.

¹⁵ Ibid.

¹⁶ Amin et al (2002), *ibid*.

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- ¹⁷ Ong and Kloptt (2009), *ibid.*
- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.*
- ²⁰ *Ibid.*
- ²¹ Gilbert, F. (2nd June 2011) *Gove's Free School Policy is Already in Trouble*. The New Statesman.
- ²² *Ibid.*
- ²³ *Ibid.*
- ²⁴ Gillborn, D and Drew, D (2010) 'Academy Exclusions', *Runnymede Bulletin*, Summer edition 2010, pp.12 – 13, <http://www.scribd.com/doc/35298622/Runnymede-Bulletin-Summer-2010-Final>.
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- ²⁶ *Ibid.*
- ²⁷ *Ibid.*
- ²⁸ *Ibid.*
- ²⁹ *Ibid.*
- ³⁰ For further discussion of these issues see 'Lareau, A. & McNamara Horvat, E. (1999) *Moments of Social Inclusion and Exclusion. Race, Class and Cultural Capital in Family-School Relationships*', *Sociology of Education*, 72 (1), pp. 37-53' and 'Gillborn, D. (2010) *Reform, Racism and the Centrality of Whiteness: Assessment, Ability and the "New Eugenics"*', *Irish Educational Studies*, (29) 3, pp. 231-252.
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- ³³ *Ibid.*
- ³⁴ *Ibid.*
- ³⁵ *Ibid.*
- ³⁶ *Ibid.*
- ³⁷ The pre-opening stage is a developmental stage that free school projects enter after having been successful in the first application round.
- ³⁸ <http://www.camdennewjournal.com/news/2011/feb/headteachers-warn-free-school-impact-%E2%80%98vulnerable%E2%80%99-ark-dismisses-fears-new-primary-acad>; Guardian, 'New Primary Academy for Westminster Ruffles Feathers', Guardian, 31 January 2011, <http://www.guardian.co.uk/education/2011/jan/31/new-primary-academy-consultation> [accessed 31/08/11].
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- ⁴² See <http://www.onomap.org/>.
- ⁴³ For example see 'Bird (2003) *Do the right thing! How governors can contribute to community cohesion and accountability*. London: DfES/TEN'; 'Rollock (2006) *The experiences of Black school governors in London*. Institute of Policy Studies for Education', which considered the challenges

faced by BAME parents in engaging in education as governors; 'Crozier and Davies (2005) *British Bangladeshi and Pakistani Families and Education Involvement: Barriers and Possibilities*. University of Sunderland; Crozier and Davies (2007) *Parental Involvement in Education amongst Pakistani and Bangladeshi Family in North East England*. University of Sunderland'; 'Vincent (2011) *The Educational Strategies of the Black Middle Classes*. Institute of Education', which reported difficulties BAME parents often face in engaging in constructive dialogue about their children's education with schools; 'ROTA (2012) *Shaping the future: Race and racism in 21st century Britain. Seminar Series report*. www.rota.org.uk', which voiced young BAME people's concerns about their limited control over their learning and influence within schools.

⁴⁴ Department for Children, Schools and Families (2009) *School Workforce in England (including Local Authority level figures)*.

⁴⁵ The researchers considered 'vision' as anything within the overview information about a free school, as well as explicit vision statements.

⁴⁶ Just over half of the free schools (23 out of 40) made a commitment to such aspirations within their visions. Statements of commitment varied in strength, with 11 stating intentions to provide inclusive environments and just one explicitly referencing equal opportunities.

⁴⁷ To find out more about Ark visit <http://www.arkacademy.org/>.

⁴⁸ For example see 'Local Schools Network (17th March 2011) *West London Free School Curriculum Not Appropriate For All Children*, <http://www.localschoolsnetwork.org.uk/2011/03/west-london-free-school-curriculum-not-appropriate-for-all-children/> [accessed 20/07/11].

⁴⁹ Department for Education (2011) *Draft School Admissions Code – For Consultation*. Available at <http://www.education.gov.uk/consultations/downloadableDocs/Admissions%20Code%20-%20%20140611.pdf>. [Accessed 20/07/11]. All of the references to school admissions refer to this code, which was available on the Department for Education's website in draft form at the time of undertaking the partial equality impact assessments in summer 2011.

⁵⁰ ROTA's response to the consultation on the Mayor of London's Race Equality Scheme 2010 reports that, for cultural reasons, some BAME communities such as Irish Travellers are less likely to send their children to nursery. To read the response visit the consultation pages of ROTA's website at www.rota.org.uk.

⁵¹ London Evening Standard (14th January 2011) *Parents Fight Bankers' School that will 'Exclude Poor Pupils'*, <http://www.thisislondon.co.uk/standard/article-23914307-parents-fight-bankers-school-that-will-exclude-poor-pupils.do>. [Accessed 06/08/11].

⁵² Ofsted (2011) *Falconbrook Primary School – School Inspection Report*. Available at <http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/101006>.

⁵³ Banding is a system whereby pupils are tested in order to determine their academic ability, and schools select a number of pupils from different academic 'bands' in order to ensure a mixed-ability intake.

⁵⁴ The equalities implications in relation to inability to distinguish between musical aptitude and ability has previously been identified by the Chief School Adjudicator, 'Parliament HOC Education Committee (2nd February 2011) *Annual Report of the Chief School Adjudicator*, Parliament HOC Education Committee'. Available at <http://www.parliamentlive.tv/Main/Player.aspx?meetingId=7588>. [Accessed 04/08/11].

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⁵⁶ This issue has previously been raised as a concern by the Chief Schools Adjudicator.

⁵⁷ Department for Education (December 2011) *School Admissions Code*. Available at <http://media.education.gov.uk/assets/files/pdf/s/school%20admissions%20code.pdf>. [Accessed 28/05/12]. All of the references to school admissions refer to this code.

⁵⁸ Parliament HOC Education Committee (2nd February 2011) *Annual Report of the Chief School Adjudicator*. Parliament HOC Education Committee. Available at <http://www.parliamentlive.tv/Main/Player.aspx?meetingId=7588>. [Accessed 04/08/11].

⁵⁹ The characteristics protected under Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

⁶⁰ This category was only used in the final survey.

⁶¹ 'Urban' was used only in the pilot survey. 'Inner city' was used only in the final survey.

⁶² 'Medium Income' was used in the pilot survey and 'middle class' was used in the final survey.

⁶³ For example see 'Ravitch, D. (2010) *The Death and Life of the Great American School System*.' Available at <http://larryferlazzo.edublogs.org/>.

⁶⁴ Shepard, J. (23rd April 2011) *Most free schools take fewer deprived pupils than local average, figures show*. Guardian, <http://www.guardian.co.uk/education/2012/apr/23/free-schools-deprived-pupils-average>. [Accessed 01/08/12].

⁶⁵ Two respondents did not provide information about the ethnic makeup of their proposal teams. In one of these cases the free school's website included the names of proposers. Onomap was used to estimate the ethnicity of the four listed proposers for this approved free school.

⁶⁶ Seven successful proposals, two unsuccessful, and two not yet submitted.

⁶⁷ Two unsuccessful proposals, one successful, and one not yet submitted.

⁶⁸ Two successful proposals, two unsuccessful proposals.

⁶⁹ Eight respondents' proposals had been declined. Researchers assessed four of the responses to these questions as being weak and four as being sufficient; three responses had yet to be submitted; researchers assessed two of the responses to these questions as being weak and one as being sufficient; twelve respondents' proposals had been approved. Researchers assessed nine of the responses to these questions as being weak and four as being sufficient.

⁷⁰ Note this challenge was phrased as 'Lack of financial resources needed to secure expertise in order to develop proposal' in the pilot survey, while it was listed as 'lack of financial resources' in the final survey.

⁷¹ Office of National Statistics, <http://www.statistics.gov.uk/ci/nugget.asp?id=455>. [Accessed 27/07/11].

What is ROTA?

ROTA is an action research and social policy organisation focused on issues impacting on Black, Asian and minority ethnic (BAME) communities.

As a BAME-led organisation, all ROTA's work is based on the principle that those with direct experience of inequality should be central to solutions to address it. Our work is actively informed by the lived experiences of BAME communities and their organisations.

How do I join?

Membership is free and the online membership form only takes a few minutes to complete. Members automatically receive our services including invitations to events, policy briefings, our monthly policy e-bulletin and more. The membership form is available on the 'about us' section of our website at www.rota.org.uk. Alternatively you can sign up at today's discussion seminar by talking to a member of ROTA staff.

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