

## HLT test criteria for Independent schools wishing to join the maintained sector

Set out below are the factors LA, as decision maker will need to take into account, when reaching a decision on an independent school joining the maintained sector. Further information may be requested from proposers seeking maintained status, in addition to the information detailed below.

	Questions for HLT consideration	Statutory areas for consideration	Minimum statutory criteria as per the Prescribed Information	Required information
1	Who will the school cater for?	Pupil numbers and admissions	The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is to be made at the school.	<b>Submission of:</b> <ul style="list-style-type: none"> <li>The school roll which will include a breakdown of pupils by year group and chronological age</li> <li>The intended year groups that the school will cater for</li> <li>The number of children on roll with SEN/EHCP's</li> <li>The number of children on roll who live outside Hackney</li> <li>The number of children on roll who are entitled to free school meals</li> </ul>
2	Is the school financially viable?  Is there evidence or assurance of financial management capacity and compliance?	School size	Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.	<ul style="list-style-type: none"> <li>Evidence of the viability of the Primary and or secondary provision in particular the number of places required in that area</li> <li>The year-end carry forward revenue balance for the previous two financial years</li> <li>Copy of audited financial accounts for the previous two financial years</li> <li>Analysed breakdown of the proposed staffing structure that will facilitate the introduction of the national curriculum</li> <li>Copy of the School's financial procedures which will gauge the compliance of standards in respect to financial management</li> </ul>

3	<p><b>Are the admissions arrangements legal, fair and transparent?</b></p>	<p><b>Admission arrangements</b></p>	<p>The extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.</p>	<ul style="list-style-type: none"> <li>• Receipt of admission arrangements which is compliant with the School Admissions Code.</li> </ul>
4	<p><b>Is the school oversubscribed?</b></p> <p><b>Can the school meet its indicated PAN each year?</b></p> <p><b>Is there a distinct and separate sector of the community being catered for?</b></p>	<p><b>Demand</b></p>	<p>In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).</p> <p>The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.</p> <p>Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus</p>	<p>Clear evidence of the demand for the school: to include:</p> <ul style="list-style-type: none"> <li>• School census data for the last 5 years</li> <li>• A statement which details the religious ethos of the pupils being catered for and how this is different or similar to other schools with a similar religious ethos in the local area</li> <li>• Evidence of parental support for the school joining the maintained sector</li> </ul>

			capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards	
5	<p><b>Is the National curriculum being taught?</b></p> <p><b>Is there any other type of education (religious or otherwise) being taught?</b></p>	<b>Education Standards and diversity of provision</b>	<p>All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.</p> <p>Confirmation that the school will meet the general requirements in relation to the curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education where appropriate.</p>	<p>Evidence that the full National Curriculum will be taught. Receipt of:</p> <p>Timetabling for all year groups to show coverage of the national curriculum in all year groups for primary and secondary curriculum</p> <ul style="list-style-type: none"> <li>• Assessment and moderation systems in relation the new requirements of assessment without levels in KS1,2,3 and 4</li> <li>• Arrangements for provision for post 16 education</li> <li>• Coverage of the PE curriculum and details about how PE will be delivered (e.g. timetable or plan).</li> <li>• Details of any additional charges/fees payable by parents for extra curricular teaching/ activities</li> <li>• Details of how the school will 'actively promote' the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and belief. The school must show evidence of a clear strategy showing how British values will be embedded within the curriculum.</li> </ul> <p>CV of Headteacher/Principal submitted which details:</p> <ul style="list-style-type: none"> <li>• Teaching experience across the national curriculum</li> <li>• Evidence of recent and relevant training related to teaching and national curriculum</li> <li>• Evidence of the quality of teaching and provision</li> <li>• CPD and performance management systems</li> </ul>

	<p><b>Are the teaching staff adequately trained?</b></p> <p><b>Is there evidence of the quality of provision?</b></p> <p><b>How has the school been performing?</b></p>		<p>Evidence of any relevant experience in education held by the proposers including details of any involvement in the improvement of standards in education.</p> <p>Effects on standards and contributions to school improvement Information and supporting evidence on— (a)how the school will contribute to enhancing the diversity and quality of education in the area; and (b)how the school will contribute to school improvement.</p>	<ul style="list-style-type: none"> <li>Evidence of the qualifications held and experience of other teaching staff employed by the school</li> </ul> <p>Receipt of the following documentation:</p> <ul style="list-style-type: none"> <li>Data summaries of KS1,2,3,4 performance – national and school level</li> <li>Evidence of how the school works with the local community to benefit local families and pupils</li> <li>Evidence of how the school will contribute to improving standards for all Hackney pupils</li> <li>Evidence of how senior management has raised standards for all pupils</li> </ul>
6	<p><b>Is the school equipped to cater for pupils with SEN or disabilities?</b></p>	<p><b>Special educational needs provision</b></p>	<p>Whether the school will have provision that is recognised by the LA as reserved for children with special educational needs or disabilities and, if so, the nature of such provision.</p> <p>Details of the proposed policy of the school relating to the education of pupils with special educational needs or disabilities.</p>	<ul style="list-style-type: none"> <li>Receipt of the School’s SEN policy showing compliance with Children and Families Act 2014 and the special educational needs and disability (SEND) legislation for children and young people aged 0 to 25 years including publication of the school offer</li> <li>Systems in place for supporting students with SEN and disabilities, who are on SEN Support or who have EHC Plans, for monitoring the progress of these students and for reporting back to the LA.</li> </ul>

	<p><b>Are teaching staff adequately trained to deal with SEN pupils?</b></p> <p><b>Are there effective SEN processes and strategies in place?</b></p>		<p>Where the school will replace existing educational provision for children with special educational needs—</p> <p>(a) a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and range of educational provision for these children;</p> <p>(b) details of the improvements that the proposals will bring in respect of—</p> <p>(i) access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local authority’s Accessibility Strategy;</p> <p>(ii) access to specialist staff, both education and other professionals, including any external support or outreach services;</p> <p>(iii) access to suitable accommodation; and</p> <p>(iv) supply of suitable places.</p>	<ul style="list-style-type: none"> <li>• Recognised systems for working and communicating with parents to ensure their views are taken into account</li> <li>• A SENCO who is a qualified teacher and who has or will undertake the national postgraduate qualification in special educational needs co-ordination.</li> <li>• Teacher knowledge &amp; understanding of and responsibility for SEN in their class</li> <li>• Evidence of curriculum differentiation –taking account of the individual needs of students; this should include attention to emotional and social as well as academic needs</li> <li>• Evidence of provision management (interventions for individuals and groups to meet specific needs) including monitoring of interventions and the progress of individual students. This should highlight the nature of additional support required. Monitoring should include all aspects of student progress (for example attendance, behaviour, social relationships as well as academic attainments).</li> <li>• Evidence of communication between the staff so that students’ needs and effective strategies are shared</li> </ul>
7	<p><b>Where will the school be located?</b></p> <p><b>Who owns the building(s)?</b></p> <p><b>Who owns the land?</b></p>	<p><b>Location and costs</b></p>	<p>A statement about—</p> <p>(a) the area or particular community or communities which the new school is expected to serve;</p> <p>(b) the location of the site or sites including, where appropriate, the postal address or addresses;</p> <p>(c) the current ownership and tenure (freehold or leasehold) on which the</p>	<ul style="list-style-type: none"> <li>• A statement detailing all school sites and year groups catered for</li> <li>• Receipt of documentation pertaining to the ownership and tenure of all buildings going back 10 years</li> <li>• Receipt of any leasehold arrangements or contracts</li> <li>• A copy of the land registry document and associated map</li> </ul>

	<p><b>Is there an outstanding mortgage or loan on the school building(s)?</b></p> <p><b>Are there any restrictions on the school building(s) or land?</b></p>		<p>site will be held, and if the site is to be held on a lease, details of the proposed lease;</p> <p>(d)whether the site is currently used for the purposes of another school and if so why the site will no longer be required by the other school;</p> <p>(e)the estimated capital costs of providing the site and how those costs will be met (including the extent to which the costs are to be met by the proposers and the local authority) and how the proposers intend to fund their share of the costs of implementing the proposals (if any);</p> <p>(f)whether planning permission is needed under the Town and Country Planning Act 1990, and when it is anticipated that it will be obtained;</p> <p>(g)confirmation from the Secretary of State or local authority (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).</p>	<ul style="list-style-type: none"> <li>• Details of Mortgages/charges attached to the site</li> <li>• Evidence of how many costs will be met the school (bank statements).</li> <li>• Details of any restrictions/ covenants on the buildings or the lands</li> </ul>
8	<p><b>Is there a Trust for the school? If yes, who is it?</b></p>	<p><b>Voluntary aided schools</b></p>	<p>Where the school is to be a voluntary aided school—</p> <p>(a)details of the trusts on which the site is to be held; and</p> <p>(b)confirmation that the governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.</p>	<ul style="list-style-type: none"> <li>• Receipt of Trust details (if any).</li> </ul>

	<p><b>Will the proposed maintained school have VA status?</b></p>			<ul style="list-style-type: none"> <li>Evidence of request to the Secretary of State to designate the school as a school with a religious character</li> <li>Name and address of the body or person representing the religion or religious denomination; a copy of any guidance issued by that body or person to schools of the same faith to assist the schools to draw up faith based over-subscription criteria and evidence that the school has consulted that person or body when deciding how membership or practice of the faith is to be demonstrated.</li> <li>Receipt of draft instrument of government for the proposed Governing Body</li> </ul>
	<p><b>Is the Governing Body established and fully representative of the school, parents and community?</b></p>		<p>The Governing Body has been constituted in accordance with the School Governance (Constitution) (England) Regulations 2012</p>	
<p><b>9</b></p>	<p><b>Have the necessary checks and surveys been carried out to determine the overall state and condition of the school building?</b></p>	<p><b>Independent schools entering the maintained sector</b></p>	<p>Where a school is an independent school entering the maintained sector—</p> <p>(a) a statement that the requirements of section 11(3) are met;</p> <p>(b) a statement as to whether the premises will meet the requirements of the School Premises (England) Regulations 2012 and, if not,</p> <p>(i) details of how the premises are deficient; and</p>	<ul style="list-style-type: none"> <li>Receipt of an Audit/Inspection Report undertaken by a RICS qualified surveyor (or equivalent), outlining compliance with 'The Education (School Premises) Regulations 2012'. Receipt of a recent condition survey, undertaken by a RICS qualified surveyor (or equivalent), which assesses building condition in line with DfE prioritisation methodology (undertaken within the last three years).</li> <li>Receipt of how any deficiencies will be remedied before entering the maintained sector</li> </ul>

	<p><b>Is the school accessible?</b></p> <p><b>What is the overall size and capacity of the school building(s)?</b></p>		<p>(ii)details of how it is intended to remedy the deficiency. In addition, independent schools entering the maintained sector must provide a statement that the requirements of Section 11 (3) Education and Inspections Act are met: AND: (b)a statement as to whether the premises will meet the requirements of the School Premises (England) Regulations 2012 and, if not, (i)details of how the premises are deficient; and  (ii)details of how it is intended to remedy the deficiency</p>	<ul style="list-style-type: none"> <li>• Receipt of the Authority's completed Plant &amp; Equipment Testing and Premises Compliance Form along with all certification/evidence of inspections and remedial works undertaken.</li> <li>• Receipt of the School's Accessibility Plan</li> <li>• A full measured survey identifying net and non net areas and external spaces</li> <li>• A completed net capacity assessment in line with DfE requirements demonstrating the proposed admission number for the school based on the accommodation available</li> </ul>
10	<p><b>Can the school finance the costs of any remedial works to bring the school</b></p>	<p><b>Changes of Category to VA</b></p>	<p>For a proposal to change the category of a school to voluntary-aided, the decision maker must be satisfied that the Governing Body and/or</p>	<ul style="list-style-type: none"> <li>• Evidence that the school accept the school will cover the costs of any remedial works prior to becoming maintained and anticipated projects for the next 5 years</li> </ul>



	<p><b>building(s) up to the minimum standards?</b></p>	<p><b>Capital</b></p>	<p>Foundation are able and willing to meet the financial responsibilities for building works. The decision maker may wish to consider whether the Governing Body has access to sufficient funds to enable it to meet the 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.</p> <p>The decision maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be funded conditionally upon funding being made available.</p> <p>Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation “in principle” be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital</p>	<ul style="list-style-type: none"> <li>• Evidence that the school can cover any costs for remedial works</li> </ul>
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			necessary to implement the proposal will be provided.	
11	<p><b>Is the school able to provide adequate outdoor space for pupils in in line with recent guidance?</b></p>	<p><b>School Premises and Playing Fields</b></p>	<p>Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.</p> <p>Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory</p>	<ul style="list-style-type: none"> <li>As per DFE guidance - Advice on Standards for School Premises, May 2013- the school should demonstrate how suitable outdoor space will be provided.</li> </ul>
12	<p><b>Has the school's proposal to enter the maintained sector been widely consulted on?</b></p> <p><b>Can the school demonstrate that the views of respondents have been considered?</b></p>	<p><b>Consultation</b></p>	<p>The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.</p>	<p>Evidence of a wide distribution of the consultation document which should include:</p> <ul style="list-style-type: none"> <li>Parents</li> <li>Pupils</li> <li>Local residents</li> <li>Consultation document placed on the school's website, if they have one.</li> <li>Local schools</li> </ul> <p>Evidence of the views received being considered at a school meeting:</p> <ul style="list-style-type: none"> <li>Minutes of the Governing Body meeting</li> <li>Copies of responses to the consultation</li> </ul>

<p>13</p>	<p><b>Can the school demonstrate that they are compliant with their duties under the Equalities Act 2010?</b></p> <p><b>How will the school ensure that pupils have access to a range of cultural opportunities and ethnic mix?</b></p>	<p><b>Equal Opportunities Issues</b></p>	<p>The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:</p> <ul style="list-style-type: none"> <li>• Eliminate discrimination;</li> <li>• Advance equality of opportunity; and</li> <li>• Foster good relations.</li> </ul> <p>The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.</p>	<ul style="list-style-type: none"> <li>• Evidence that the school has due regard to the Public Sector Equality Duty (PSED) and to the Equality Act 2010 e.g. preparation of an Equality Impact Assessment for the proposed maintained school</li> <li>• Evidence to demonstrate how pupils will have access to a range of cultural opportunities</li> </ul>
<p>14</p>	<p><b>How will the school ensure that pupils have access to learn with and from people of different backgrounds?</b></p>	<p><b>Community Cohesion</b></p>	<p>Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and</p>	<p>Receipt of a statement which details how the school will:</p> <ul style="list-style-type: none"> <li>• encourage pupils to understand and respect other cultures, faiths and communities</li> </ul> <p>and;</p>

	<p><b>What impact will the proposal have on the community served by the school?</b></p>		<p>communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.</p>	<ul style="list-style-type: none"> <li>evidence that the school can continue to reside in its current location alongside local residents in a cohesive manner.</li> </ul>
<p><b>15</b></p>	<p><b>What is the school's policy on travel and sustainability?</b></p>	<p><b>Travel and accessibility</b></p>	<p>Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.</p> <p>The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.</p> <p>A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school</p>	<ul style="list-style-type: none"> <li>Receipt of the school's Travel &amp; Sustainability Plan</li> </ul>

16	<p><b>Is there an effective and experienced senior leadership team?</b></p> <p><b>Is governance effective?</b></p> <p><b>Does it clearly operate its own system and processes that support school improvement and pupil achievement? Does the GB operate in an effective relationship with school leadership?</b></p>	<p><b>Leadership &amp; Governance</b></p> <p><b>Statutory and Ofsted framework and requirements</b></p>	<p>Governors have an overview of PM/Appraisal and staff appointments</p> <p>There are curriculum policies in operation including SEN and safeguarding that support the delivery of the curriculum linked to approaches to teaching and learning.</p> <p>Statutory policies for schools – Department for Education Advice on the policies and documents that governing bodies and proprietors of schools are required to have by law (September 2014)</p>	<p>Receipt of documentation showing details of:</p> <ul style="list-style-type: none"> <li>• Senior Management Team (structure and roles and responsibilities).</li> <li>• Primary and secondary Co-ordinator/ Leads</li> <li>• Evidence of statutory policies in place for maintained schools</li> <li>• Governing Body minutes which confirm that statutory policies are in place</li> </ul>
17	<p><b>What is the current staffing structure?</b></p> <p><b>What are the current rates of pay for staff in relation to the LA pay scales?</b></p>	<p><b>HR</b></p> <p><b>Teaching staff should be paid in line with the Teachers Pay and Conditions Document.</b></p>		<p>Receipt of documentation outlining:</p> <ul style="list-style-type: none"> <li>• The number of qualified and unqualified staff in the school (and the qualifications of the qualified staff).</li> <li>• The number of part time staff in the school</li> <li>• Rates of pay (pay roll report) as compared to agreed LA pay scales / the London Living Wage.</li> </ul>

	<p><b>How will the school ensure that HR issues are dealt with in the context of cultural needs?</b></p> <p><b>How will the school ensure that teaching staff are trained to an acceptable standard?</b></p>	<p><b>Support staff should be paid in line with The Single Status Agreement.</b></p>		<ul style="list-style-type: none"> <li>• A statement outlining how community / cultural needs which impact on how HR issues are addressed</li> <li>• The school's understanding of the expectations in relation to Teacher Standards</li> </ul>
18	<p><b>Does the school have the necessary ICT infrastructure in place?</b></p>	<p><b>IT</b></p>	<p>Expected good practice</p>	<ul style="list-style-type: none"> <li>• A full assessment of the school's systems e.g. The Technical Specification Institutional Infrastructure from Becta may be used a reference</li> </ul>
19	<p><b>Has the school ever made an application to the Department for Education to change the legal status of the current school?</b></p>	<p><b>Leadership and Governance</b></p>	<p>Accountability</p>	<ul style="list-style-type: none"> <li>• Receipt of correspondence between the school and the Department in regards to any applications to become a free school or Academy.</li> </ul>