

## Appendix 5

<b>Title of policy / procedure / function / project / decision:</b>	<b>Free school presumption - Wrexham Road</b>
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### **Evidence based equality analysis**

Main aims, purpose and outcomes and how does it fit in with the wider aims of the organisation:

As prescribed by section 9 of the Academies Act 2010 and section 149 of the Equality Act 2010, the council must assess the potential impact of any new school on existing educational provision in the area. The council must also consider whether the new school would impact on any groups with protected characteristics.

The council has a statutory duty to ensure that there are sufficient school places for primary, secondary and special schools within the Borough. This proposal will assist the council in meeting this sufficiency duty in the Chester South Planning Area. The proposal to create a free school has arisen due to foreplanned mitigation of expected pupils from the strategic development, Wrexham Road. Wrexham Road housing development is 1,400 residential dwellings.

Following the progress of the housing development, the Council has identified an increased need in primary school places and seeks to establish a new 1.5 form entry (FE) 315 place, mainstream, mixed primary free school and 26 place nursery, for ages 3 to 11. It is proposed the new school and nursery would open at the earliest in September 2026

The school building will be built in two phases, the first being a 1 FE (210 place) building with the ancillary spaces (such as hall, kitchen, dining etc) for a 1.5 form entry/315 pupil place school, to open September 2026. The second phase will then proceed at the point in which pupil numbers determine it, this will add on the additional accommodation for the additional 0.5 form entry, 105 pupils.

The school will accommodate mixed genders for children aged 3-11. The school will have pre-school provision of 26 places.

The new school will be located within the Wrexham Road development. The school will primarily serve the families on that new development. It is planned, based on current forecasting, that the school will initially open at 0.5 FE (15 places) to Reception and key stage 1 aged children in September 2026. The Published Admission Number (PAN) will be limited on

opening and will increase in line with housing growth and increased pupil numbers. The nursery will initially have limited intake at 13 places upon opening and will increase in-line with growth.

There is a Section 106 Agreement associated with the planning application, which identifies the developer's commitments to deliver infrastructure for the area. As part of the Section 106 agreement, the Council have secured the land required to build the school and a financial contribution towards the build costs, as well as additional costs for temporary accommodation.

The Free School Presumption process is the main route by which councils establish new schools in order to meet the need for additional places, both in terms of basic need and the need for diverse provision within their areas.

All new schools established through the presumption process are classified as free schools. This reflects the fact that 'free school' is the Department for Education's term for any new provision academy. Academies are state-funded schools that are independent of council control and receive their funding directly from the government.

By law, all new schools in England must be opened as free schools, set up and run by a Trust. The process by which councils establish a new free school, and the Secretary of State appoints a Trust to run it, is known as the Free School Presumption.

Before embarking on the launch of a Free School Presumption competition, the council is encouraged by the Department for Education to conduct local, informal consultation. The aims of this are to publicise the need for a new school and gather feedback to contribute towards the formulation of the council's specification for a new school.

The council informal consultation ran for 6 weeks from 6 November 2023 to 17 December 2023.

Stakeholders included:

- All Members within planning area
- MP
- All schools within 2 miles (inc Governing Bodies)
- All parents, carers and pupils in planning area
- Chairs of each headteacher association (primary, secondary and special)

- Further Education Colleges and Higher Education institutions
- Nurseries and Pre-schools
- Neighbouring Local Authorities
- Town and Parish Councils
- Relevant local resident associations
- General Public

Following the informal consultation, the council will then progress to publishing the Free School Specification. The specification will be published between **11 March 2024 to 20 May 2024** on the Councils website: [Potential new schools | Cheshire West and Chester Council](#) and also the DfE's: [New school proposals - GOV.UK \(www.gov.uk\)](#) . Prospective Trusts will be able to submit bids to run the new school.

<b>Free school Presumption Timetable</b>	
<b>Stage 1 – Invitation for Proposals</b>	
Council publish specification: National and local announcements using Department for Education (DfE) and Cheshire West and Chester Council websites	Monday 11 March 2024
Closing date for applications	Monday 20 May 2024
<b>Stage 2 – Assessment</b>	
Council informs DfE of all proposals received	27 May 2024
Council assesses proposals using DfE criteria	Week commencing 17 June 2024
Assessment panel of shortlisted proposers	Week commencing 24 June 2024
Recommendation to Cheshire West and Chester Cabinet Member for Children and Families and confirmation of preferred sponsor.	June 2024
Council assessment and preferred sponsor submitted to the Regional Director, for the North-West for consideration and decision	July 2024
<b>Stage 3 – Decision</b>	

The Regional Director for the North-West (for the Secretary of State) will consider the Councils assessments and recommendations and decide which proposer is in the best position to take forward the new school. The RD will inform the Council and the successful proposer of the decision, and the Council will inform unsuccessful proposers.	There is no specified timescale for this part of the process
New school opens (at the earliest)	September 2026

A formal statutory consultation will be required to be conducted by the appointed Trust at a later date.

Further details on the Free School Presumption process can be found:

<https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

The aim and objective of this proposal is to ensure sufficient primary school places are available in the Chester South Planning Area for local families.

To help understand the area further, the Department for Education’s “Find and compare schools in England” website provides data on primary performance (2019), Ofsted ratings, absence, pupil population, workforce and finance within a one and three mile radius. Based on the approximate school site, there are five schools within a one mile radius. There are a total of 31 schools within a three mile radius of the site and further information can be found on the [Government website](#).

For each of the areas below, an assessment needs to be made on whether the policy has a positive, negative or neutral impact, and brief details of why this decision was made and notes of any mitigation should be included. Where the impact is negative, this needs to be given a high, medium or low assessment. It is important to rate the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact –some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion			
	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>
Target group / area			
<b>Race and ethnicity</b> (including Gypsies and Travellers, refugees, asylum seekers etc.)	<p>There is no basis for believing that this proposal will have a specific impact on race and ethnicity.</p> <p>There is no particular ethnic or cultural group over represented in the numbers of service users for the proposal nor are there any identified restrictions in terms of them being able to access such. We will be expecting the school to have clear policies and practices in place that actively seek to avoid discrimination against pupils and staff on the basis of race</p>		

<p><b>Disability</b></p> <p>(as defined by the Equality Act - a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities)</p>		<p>The proposal will likely accommodate pupils, teaching staff, parents carers and visitors with a disability. The new school will be designed to be compliant with accessibility for all.</p> <p>Should the future need be identified, there is potential opportunity to provide additional special educational needs and disabilities (SEND) provision as part of the new school process therefore increasing the number of school places available, closer to home, for children with SEND</p>	
<p><b>Sex</b> (male or female)</p>	<p>There is no basis for believing that this proposal will have a specific impact on sex.</p> <p>We will be expecting the school to have clear policies and practices in</p>		

	<p>place that actively seek to avoid discrimination against pupils and staff on the basis of sex. The school is open to both boys and girls.</p>		
<p><b>Gender identity</b> (gender reassignment)</p>	<p>There is no basis for believing that this proposal will have a specific impact on Gender Identity.</p> <p>We will be expecting the school to have clear policies and practices in place that actively seek to avoid discrimination against learners based on their gender identity</p>		
<p><b>Religion and belief</b> (including lack of belief)</p>	<p>There is no basis for believing that this proposal will have a specific impact on religion and belief.</p> <p>The new school will be expected to promote modern British values</p>		

	<p>which includes mutual respect for and tolerance of those with different faiths and beliefs and for those without faith.</p>		
<p><b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual and others)</p>	<p>There is no basis for believing that this proposal will have a specific impact on sexual orientation.</p> <p>We will be expecting the new school to have clear policies and practices in place that actively seek to avoid discrimination against pupils and staff on the basis of sexual orientation</p>		
<p><b>Age</b> (children and young people aged 0 – 24, adults 25 – 50, younger older people 51 – 75/80; older older people 81+. Age bands are for illustration only as overriding consideration should be given to needs)</p>		<p>The proposal specifically addresses the needs of young people of school age. The proposal will assist in the creation of additional primary school places.</p>	



		<p>The proposal would provide pre-school classbase nursery provision of 26 places for children aged 3+. All 3 – 4 year olds will receive a minimum of 15 hours of funded early year entitlement across 38 weeks of the year (school term time).</p> <p>We will specify that the provider offers a minimum of 30 hours across 38 weeks of the year (school term time).</p>	
<p><b>Care Experienced</b> (all young people and adults who have been in the care of Cheshire West and Chester Council - for a period of 13 weeks or more - from the age of 14 years. This includes those children/young people for whom the Council currently or have previously held corporate parenting responsibilities)</p>	<p>The proposal will not impact on care experienced children due to the school accommodating pupils upto the age of 11.</p>		

<p><b>Carers</b> (people who care for others, informally or formally)</p>		<p>The proposal will benefit local carers and parents of children who live in the locality, by creating more choice of primary school places and early years provision.</p>	
<p><b>Rural communities</b></p>	<p>The proposal will not impact on residents of rural communities.</p>		
<p><b>Areas of deprivation</b> (include any impact on people living in poverty who may not live in areas identified as deprived)</p>		<p>The proposal will increase the probability of a member of these groups increasing pupil attendance. The creation of additional primary school places will create more school choice for parents in the locality.</p> <p>All 3 – 4 year olds will receive a minimum of 15 hours of funded early year entitlement across 38 weeks of the year (school term time).</p>	

<p><b>Human rights</b> (see guidance note for key areas to consider)</p>	<p>There is no basis for believing that this proposal will have a specific impact on Human rights issues</p>		
<p><b>Health and wellbeing and Health Inequalities</b> (consider the wider determinants of health such as education, housing, employment, environment, crime and transport, plus impacts on lifestyles and effects on health and care services)</p>		<p>The proposal of a new primary school is primarily to serve the new development Wrexham Road. This will likely encourage local children to attend local schools and, promoting walking and bike riding to school, encouraging exercise and reducing pollutants – this should be provided in the School Travel Plan.</p> <p>We will specify that the school must offer before and after school club / wrap around care from 8am – 6pm. Helping to support families and carers in employment.</p>	

		<p>If eligible, working families may receive 30 hours funded early year entitlement across 38 weeks of the year (school term time)</p>	
<p><b>Procurement/partnership</b> (if project due to be carried out by contractors/partners etc, identify steps taken to ensure equality compliance)</p>	<p><a href="#">The Free School Presumption</a> follows a DfE prescribed process. A new school specification will be drawn up by the council and published for prospective trusts to submit bids to run the new school. All bids will be assessed by an assessment panel with an identified preferred bidder confirmed to the DfE. The Regional Director for the North-West (on behalf of the Secretary of State for Education) will then make the final decision on who the successful Trust will be.</p>		

**Evidence (see guidance note for details of what to include here):** Consideration of consultation feedback, indices of pupil absence data, assessment of neighbouring authorities standardised school year for alignment.

**Action plan: TO BE COMPLETED AFTER CONSULTATION**

Actions required	Priority	Outcomes required	Officer responsible	Review date
Mitigate any negative impact the new school may have on existing local schools		<p>Ensure specification clearly outlines the councils expectation that the successful Trust must have a collaborative approach with working with local schools and support partnership working to successfully manage pupil numbers across the planning area.</p> <p>Restrict initial intake of new school to avoid destabilising existing school pupil numbers. Ensures new schools intake is specific to new development as much as possible</p>	VW/JS	
Residents of the new development concerned about temporary		Officers to work closely with local schools to mitigate any	JS/VW	

arrangements prior to new school opening.		pupil place pressures during the interim period.		

<b>Sign off</b>	
Lead officer:	Vikki Williams
Approved by Tier 4 Manager:	Debbie Edwards
<b>Moderation and/or Scrutiny</b>	
Date:	
<b>Date analysis to be reviewed based on rating</b> (high impact – review in one year, medium impact - review in two years, low impact in three years)	

**Please forward the completed Equality Analysis to the Equality and Diversity Managers for publishing on the Council's website**