

Title of policy / procedure / function / project / decision:	Free school presumption – Ledsham Road
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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 Ellesmere Port West Planning Area. The proposal to create a free school has arisen due to foreplanned mitigation of expected pupils from the strategic development, Ledsham Road, also known as Ledsham Garden Village, Ellesmere Port. Ledsham Road housing development is 2,000 residential dwellings.

This development was identified in the Cheshire West & Chester Local Plan, which was adopted in 2015 and leads additional development up to 2030. The strategic development site at Ledsham Road includes provision of a new Primary School with SEND Unit and nursery

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, 10 place SEND provision, for ages 3 to 11. The proposed opening date for the new school is September 2028.

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 2028. 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 new school will be located within the Ledsham Garden Village development. The school will primarily serve the families on that new development. It is planned, based on current forecasting, that the new school will open in September 2028 initially at 0.5FE with a restricted PAN of 15 places offered in Reception, 15 places in Year 1 and 15 places in Year 2. The school will then build up to a capacity of 210 primary places and then, as the housing development progresses and demand increases, a capacity of 315 primary places.

The SEN Unit will on the first year of opening will offer 5 places across Reception to year 2 and on the second year will increase by a further 5 places up to year 6 - providing a total of 10 SEN places. A SEND Unit is a form of specialist provision located within a mainstream school, designed for a clearly defined cohort of pupils who have Education, Health and Care Plans (EHCPs) and require a substantially higher level of specialist support than can ordinarily be delivered in a mainstream classroom. Pupils placed in the Unit are on the roll of the school but not included in the PAN.

A SEND Unit provides dedicated, additional accommodation and specialist staffing that operates as a distinct setting within the school, delivering most of each pupil's curriculum, interventions and care within the Unit, with planned and needs led access to mainstream lessons and wider school life. Unlike a Resourced Provision (RP), where pupils spend most of their timetable in mainstream classes, pupils in a Unit spend the majority of their time in the specialist Unit environment. The purpose of the Unit is to ensure pupils with complex SEND can access education safely and successfully, receiving specialist teaching, therapy, regulation support and structured routines, while still benefiting from the opportunities, social inclusion and community belonging that a mainstream school provides.

The SEND Unit will meet the needs of:

- Children with EHCPs identifying C&I as the primary area of need (including Autism and complex speech, language & communication needs).
- Pupils with communication and interaction profiles comparable to special school cohorts but who can thrive within a supported mainstream environment.
- A small number of pupils with additional cognition & learning or SEMH needs where these stem from or are closely associated with communication difficulties.

The nursery will initially have limited intake at 13 places upon opening and will increase up to 26 places in total, this will be 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 an option 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.

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 conducted an informal consultation which ran for 6 weeks from 6 November 2023 to 17 December 2023. Due to the time lapse, the Council held a second round of informal consultation from 27 April 2026 to 25 May 2026.

Stakeholders included:

- All Members within planning area
- MP
- All schools within 2 miles (including 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 in June 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.

Free school Presumption Timetable	
Stage 1 – Invitation for Proposals	
Council publish specification: National and local announcements using Department for Education (DfE) and Cheshire West and Chester Council websites	8 June 2026
Closing date for applications	3 August 2026
Stage 2 – Assessment	
Council informs DfE of all proposals received	Early August 2026
Council assesses proposals using DfE criteria	August / September 2026
Assessment panel of shortlisted proposers	September / October 2026
Recommendation to Cheshire West and Chester Cabinet	November 2026
Council assessment and preferred sponsor submitted to the Regional Director, for the North-West for consideration and decision	Spring Term 2027
Stage 3 – Decision	
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.	No specified timescale
New school opens	September 2028

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 new school, SEND Unit and nursery are currently in design. The presumption process will run concurrently with the planning permission process; therefore, the successful academy trust will not have the opportunity to influence the design of the new school.

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 30 schools within a three mile radius of the site and further information can be found on the [Government website](#).

The map below shows the position of the existing primary schools in the Ellesmere Port West Planning Area and the location of the Ledsham Garden Village housing development (area shaded grey):



The secondary school catchment for the area is split between The Whitby High School, Ellesmere Port, and Ellesmere Port CofE College

Support for vulnerable learners and those with special educational needs and/or Disability:

The new school must provide an inclusive learning environment in which all pupils, including those with special or additional educational needs and those with disabilities, are supported and enabled to make appropriate progress. The needs of vulnerable children and young people should be met locally wherever possible. The new school should have a strong focus on equalities, early intervention, and supporting the needs of the local community.

In line with the 0-25 SEND Code of Practice (2014), schools must ensure all children and young people have access to a broad, balanced and appropriate curriculum that is inclusive of those with SEND. Additionally, as part of The Equality Act (2010) any reasonable adjustments to support children and young people with disabilities (whether of a physical, educational or mental health nature) to access the same provision as others should be made.

The Council also has a statutory duty under the Childcare Acts 2006 and 2016 and the Education Act 2011 to secure sufficient childcare to enable parents to work or to undertake education or training which could lead to employments (section 6). In addition, the Council must ensure that there is sufficient free Early Years (EY) provision for all 3- and 4-year-olds and those 2-year-olds who meet the eligibility criteria.

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

	Neutral	Positive	Negative
Target group / area			

Race and ethnicity (including Gypsies and Travellers, refugees, asylum seekers etc.)	There is no basis for believing that this proposal will have a specific impact on race and ethnicity. There is no particular ethnic or cultural group overrepresented 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. The appointed academy trust will implement admissions arrangements in line with the School Admissions Code (2021), ensuring fair		
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	access for all children regardless of ethnicity or background While academies are not required to follow the National Curriculum, they must deliver a broad and balanced curriculum and comply with the Equality Act, ensuring that pupils are not disadvantaged through curriculum content or delivery.		
Disability (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)	The project has been designed in accordance with current DfE guidance. The design guides will cover any specific requirements expected of a new primary school facility. The design includes an SEN facility, and consideration has been given as to how this will operate to meet the needs to the children	The proposal will accommodate pupils, teaching staff, parents carers and visitors with a disability. The new school will be designed to be compliant with accessibility for all. The new school will offer additional special education needs and disabilities SEND Unit of up to 10 places catering for pupils	

	attending the school. The Senior Officer for Access has been consulted throughout the planning application process for the new school, ensuring their involvement in the design stage.	with significant communication, language, social interaction and Autism-related needs therefore increasing the number of school places available, supporting inclusion and closer to home, for children with SEND. The proposal delivers significant positive impact through purpose-built SEND provision. Fully accessible building which incorporates: • step-free access, lift, accessible toilets and changing facilities • specialist teaching spaces including therapy and intervention rooms Admissions arrangements for SEND pupils are consistent with statutory processes (e.g. EHCPs),	
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		ensuring fair and appropriate placement.	
Sex (male or female)	There is no basis for believing that this proposal will have a specific impact on sex. 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 sex. The school is open to both boys and girls. Admissions arrangements will comply with the School Admissions Code (2021) and will be non-discriminatory		
Gender identity (gender reassignment)	There is no basis for believing that this proposal will have a specific impact on Gender Identity.		

	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		
Religion and belief (including lack of belief)	There is no basis for believing that this proposal will have a specific impact on religion and belief. The new school will be expected to promote modern British values which includes mutual respect for and tolerance of those with different faiths and beliefs and for those without faith. Admissions arrangements will comply with the School Admissions Code (2021)	The proposed catchment area for the school will share part of St Saviour Catholic's parish boundary, which forms part of St Saviour's admissions criteria. This will benefit residents of catholic faith as well as the school, as parents will have additional choice of school options.	

	and will not discriminate on the basis of religion While academies are not required to follow the National Curriculum, they must deliver a broad and balanced curriculum and comply with the Equality Act, ensuring that pupils are not disadvantaged through curriculum content or delivery.		
Sexual orientation (including heterosexual, lesbian, gay, bisexual and others)	There is no basis for believing that this proposal will have a specific impact on sexual orientation. 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.		

	While academies are not required to follow the National Curriculum, they must deliver a broad and balanced curriculum and comply with the Equality Act, ensuring that pupils are not disadvantaged through curriculum content or delivery.		
Age (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)		The proposal specifically addresses the needs of young people of school age. The proposal will assist in the creation of additional primary school places. The proposal would provide pre-school class-base 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). We will specify that the provider offers a minimum of 30 hours across 38 weeks of the year (school term time).	
Care Experienced (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)	The proposal will not impact on care experienced children due to the school accommodating pupils up to the age of 11.		
Carers (people who care for others, informally or formally)		The proposal will benefit local carers and parents of children who live in the locality, by creating more choice of primary school places, early years and SEND provision.	

Rural communities	The proposal will not impact on residents of rural communities.		
Areas of deprivation (include any impact on people living in poverty who may not live in areas identified as deprived)		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, reducing travel time and cost for families, particularly those experiencing socioeconomic disadvantage. 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).	
Human rights (see guidance note for key areas to consider)	There is no basis for believing that this proposal will have a	The proposal supports the right to education, which is being delivered through compliance with the	

	specific impact on Human rights issues While academies are not required to follow the National Curriculum, they must deliver a broad and balanced curriculum and comply with the Equality Act, ensuring that pupils are not disadvantaged through curriculum content or delivery.	Equality Act, SEND legislation, and inclusive school design.	
Health and wellbeing and Health Inequalities (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)		The proposal of a new primary school is primarily to serve the new development Ledsham 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.	

		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. If eligible, working families may receive 30 hours funded early year entitlement across 38 weeks of the year (school term time) The school has been designed to promote wellbeing through: • safe, accessible and inclusive environments • SEND support and early intervention • outdoor learning and play spaces	
Procurement/partnership (if project due to be carried out by contractors/partners etc, identify	The Free School Presumption follows a DfE prescribed process.		

steps taken to ensure equality compliance)	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.		
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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:

Actions required	Priority	Outcomes required	Officer responsible	Review date

Mitigate any negative impact the new school may have on existing local schools		Ensure specification clearly outlines the council's 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. 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. As part of pre-opening phase ensure there is an adequate communications plan with successful Trust and liaison with councils' communications team in promoting new school and community engagement	VW/JS	Spring 2027
Residents of the new development concerned about temporary		Officers to work closely with local schools to mitigate any	JS/VW	Spring 2027

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

Sign off	
Lead officer:	Vikki Williams
Approved by Tier 4 Manager:	Debbie Edwards
Moderation and/or Scrutiny	
Date:	23 June 2026 (moderation panel)
Date analysis to be reviewed based on rating (high impact – review in one year, medium impact - review in two years, low impact in three years)	EA will be shared with DfE and the appointed Trust as part of the preopening phase. EA will then transfer to appointed Trust.