

# KENT COUNTY COUNCIL – RECORD OF DECISION

**DECISION TAKEN BY:**

Richard Long, TD

Cabinet Member for Education and Skills

**DECISION NO:**

20/00116

**For publication** [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

**Key decision: YES**

*Key decision criteria. The decision will:*

- a) *result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or*
- b) *be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:*
  - *the adoption or significant amendment of major strategies or frameworks;*
  - *significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.*

**Subject Matter / Title of Decision**

Proposal to allocate Basic Need funding and enter necessary contracts to enable the second phase of expansion at Broomhill Bank School.

**Decision:**

As Cabinet Member for Education and Skills, I agree to:

- i) authorise the allocation of £2.4m from the Children Young People and Education Services Basic Need Capital Budget to deliver the accommodation required for the second phase of building works at Broomhill Bank School.
- ii) authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with KCC General Counsel and the Director of Education to enter into any necessary agreements on behalf of the County Council with the Broomhill Bank School.
- iii) delegate authority to the Director for Education, in consultation with Director of Infrastructure, Strategic and Corporate Services and KCC General Counsel to take necessary actions, including but not limited to entering into necessary contracts or taking other legal actions as required to implement the decision.

**Reason(s) for decision:****Background**

1.1 KCC, as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. This duty applies to Special Educational Needs (SEN) provision, as well as mainstream settings. The County Council's Commissioning Plan for Education Provision in Kent 2020-24 is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent.

- 1.2 The Commissioning Plan highlights the SEN place pressure that Kent has experienced, with the number of Education Health and Care Plans (EHCPs) increasing significantly in recent years. The most prevalent and fastest growing need type is ASD (Autistic Spectrum Disorder) and data indicates that 40% of children and young people aged 0-25 years with EHCPs have ASD as their primary need type.
- 1.3 The demand for ASD places at Broomhill Bank School has increased commensurately, with strong parental preference.
- 1.4 Following a statutory process, the school's Designated Number was increased from 210 to 318 places on 1st October 2020. Additional accommodation is required to enable the school to accommodate increased pupil numbers. A Cabinet Member Decision is required the necessary capital allocation is in excess of £1m.
- 1.5 The increase to the school's Designated Number and the authorisation for expenditure on the first phase of works were approved by the Cabinet Member for Education and Skills on 24th June 2020 (Decision Number 20/00053).
- 1.6 The proposed second phase would provide the school with the new additional accommodation required to gradually admit pupils up to a total of 318 in subsequent years. This would include the provision and enhancement of sports facilities. It is anticipated that the second phase of works would be completed within the school year commencing September 2021. The proposed Decision relates to the allocation of capital funding and the contractual arrangements necessary to enable the second phase of works.

#### Financial Implications

- 2.1 Capital Funding: Detailed feasibility has been undertaken and identified that the second phase of the scheme will require an allocation of £2.4m from the CYPE Basic Need Capital Budget. It is proposed that this will be a school managed scheme. KCC will provide the allocated Basic Need Funding in return for the school providing the necessary accommodation and resources to meet the increased Designated Number of 318 pupils. The roles and responsibility of each party will be formally set out through an agreement between KCC and the School. KCC will monitor progress regularly during the building works to ensure that the accommodation needs are being met.
- 2.2 Revenue Funding: Should the scheme progress, £6,000 per new learning space would be provided towards the cost of furniture and equipment. This would be provided to the school to purchase required equipment. In addition, an allowance of up to £2500 may be payable to outfit each new teaching room with appropriate ICT equipment, such as touch screens or projection equipment. The school would receive funding for the additional pupils that it admits in line with the funding allocated to special schools through KCC's funding formula.

#### Legal implications

- 3.1 As the original proposal increased of the Designated Number by 10% or 20 pupils (whichever is lesser), legislation required statutory process to be undertaken.
- 3.2 The second phase will be subject to a formal agreement being in place between KCC and Broomhill Bank School.

#### Equalities implications

- 4.1 An Equality Impact Assessment (EqIA) was completed as part of the consultation. The screening found there is no evidence that the change will impact negatively on pupils from Protected Groups or lead to them being treated less favourably. The school will remain co-educational and continue to welcome pupils placed by KCC regardless of gender identity, race, ethnicity or religion beliefs. To date no comments have been received and no changes are required to the Equality Impact Assessment.

**Cabinet Committee recommendations and other consultation:**

The Children’s and Young People Cabinet Committee considered the decision on 15 January 2021. The Committee supported the proposal.

In accordance with the Department for Education’s Statutory Guidance (October 2018): Making ‘prescribed alterations’ to maintained schools, there was a need to undertake a formal statutory consultation process as part of the original decision.

An informal education consultation was completed from 1st May 2020 to 8th June 2020. Further information is available on the School Consultation webpage:

[www.kent.gov.uk/schoolconsultations](http://www.kent.gov.uk/schoolconsultations)

Following the Cabinet Member for Education and Skills decision to approve the project (Decision Number 20/00053), a Public Notice ran from 3rd July to 31st July 2020.

**Any alternatives considered and rejected:**

There is limited ASD specific provision available in the West and North of the County, with the nearest Special School to the Broomhill Bank sites with ASD as its main need type having already recently been expanded. After exploring the options, the increase in Designated Number for Broomhill Bank School was deemed the suitable option.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:** None



25/01/21

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signed

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date