

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

**Shellina Prendergast**

**Cabinet Member for Education and Skills**

## DECISION NO:

To be allocated by  
Democratic Services

## For publication

### Key decision: YES

*Key decision criteria. The decision will:*

*b) be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions –*

## Subject Matter / Title of Decision

**Allocation of Additional Basic Needs Capital Funding Towards Proposed Expansion of Invicta Grammar School**

### Decision:

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

- a) authorise the allocation of £416,905 additional funding from the Children Young People and Education Services Basic Need Capital Budget to fund the permanent expansion of Invicta Grammar School, by increasing the Published Admission Number (PAN) from 192 places to 240 places from September 2022.
- b) authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with the General Counsel and Director of Education to enter into any necessary contracts/ agreements on behalf of the County Council with the Valley Invicta Academies Trust.
- c) authorise the Director of Infrastructure, Strategic and Corporate Services to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

### Reason(s) for decision:

#### Background

1.1 Kent County Council (KCC), as the Local Education Authority (LEA), has a statutory duty to ensure sufficient school places are available. 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 forecasts for the Maidstone and Malling Selective planning group indicates a deficit of Year 7 places throughout the Plan period. The deficit builds during the early years of the Plan period and peaks at -106 places in 2023-24, before settling into around a 90 places shortfall for the last 3 years of the forecast period.

1.3 Within this planning group, some schools have admitted over PAN in recent years, creating temporary additional selective capacity. It is anticipated that this pattern will continue and will accommodate the immediate forecast deficit of 28 places in 2021-22. However, from 2022-23 there

is a need to commission up to 3FE of additional permanent provision and a further 1FE (or 30 temporary places) may be needed to meet the 2023-24 demand.

#### Further information

2.1 This report follows on from Decision 21/00025, taken on 19 March 2021, whereby the Cabinet Member for Education and Skills agreed to authorise the allocation of £2,438,095 from the Children Young People and Education Services Basic Need Capital Budget to fund the permanent expansion of Invicta Grammar School, by increasing the Published Admission Number (PAN) from 192 places to 240 places from September 2022.

2.2 In recent years, Invicta Grammar School has accepted bulges up to 240 Year 7 pupils, which is 48 places above its PAN. These additional places have provided provision that ensured there were sufficient girls grammar places available in the Maidstone and Malling planning group. The latest KCP forecasts indicate a continued and growing demand for grammar places and in particular girls' provision.

2.3 However, Invicta Grammar School no longer has the physical capacity to accept pupils over their PAN beyond September 2021 without additional accommodation. Therefore, KCC intends to commission a Basic Need expansion of Invicta Grammar School to enable the school to continue to offer 240 places on a permanent basis from September 2022.

2.4 It is agreed with Valley Invicta Academies Trust (VIAT) that this would be a school managed scheme, with KCC providing the Basic Need funding and the Trust procuring and managing all capital works.

2.5 However, due to increased costs and supply chain issues, it is no longer possible to deliver the scheme within the initial cost estimate. The price of building materials, along with many other associated products needed for construction works, have risen considerably since the initial feasibility cost plan was completed. The increased costs identified predominately relate to inflation and site-specific conditions based on the proposed development location that have increased the abnormal costs. Supply chains have experienced disruptions due to the Covid-crisis and latterly by driver shortages and resulted in some of the key materials increasing in cost above the anticipated rate of inflation.

#### Financial Implications

3.1 Kent County Council initially allocated £2,438,095 from the Children Young People and Education Services Basic Need Capital Budget towards the Trust managed scheme. This was on the basis that the Basic Need Funding was provided in return for the school providing the necessary accommodation and resources to increase the school's PAN from 192 to 240 places. The roles and responsibility of each party are formally set out through a legal contract between KCC and VIAT and the agreements will be revised to account for the additional capital allocation.

3.2 This proposal would increase the allocation of Basic Need funding by £416,905, taking the total scheme cost to £2,855,000. KCC will monitor progress regularly during the building works to ensure that the accommodation needs are being met. The overall Basic Need programme is funded by a fixed quantum of capital and where the cost of one scheme in the programme increases there will need to be a compensating reduction elsewhere in the programme.

#### 4. Equalities implications

4.1 An Equality Impact Assessment (EqIA) has been produced and no issues were identified in the early stage EqIA, but the assessment will be reviewed as the project continues.

#### 5. Legal implications

5.1 The proposed expansion will be subject to a legally binding and enforceable contract being in place between KCC and the Trust.

5.2 The provision of sufficient school places is a statutory duty and contributes to the Strategic Business Plan Priorities to ensure that “Children and Young People in Kent get the best start in life”.

**Cabinet Committee recommendations and other consultation:**

6.1 The Children’s and Young People Cabinet Committee will consider the decision on 11 January 2022.

**Any alternatives considered and rejected:**

There are only 2 girls’ grammar schools within the planning group and therefore the options for expanding girls’ grammar provision are limited to these schools. KCC is currently working with both schools to assess the possibility of expansion, as it is likely it will be necessary for both schools to expand to meet the forecast deficit.

The Trust and its chosen contractors have completed detailed exploration to ensure that the cost rise is minimalised and that there is sufficient contingency within the scheme to mitigate any further construction risks.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

None

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signed

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date