

**From:** Shellina Prendergast, Cabinet Member for Education and Skills

**Matt Dunkley CBE, Corporate Director of Children, Young People and Education**

**To:** Children's and Young People Cabinet Committee - 1 March 2022

**Subject:** Proposal to Permanently Relocate the Nursery at Milestone Academy from Milestone Academy, Sevenoaks District to Cherry Orchard Primary Academy, Dartford District.

**Classification:** Unrestricted

**Key Decision:** Yes, affects two electoral divisions

**Future Pathway:** Cabinet Member Decision of Paper

**Electoral Division:** Sevenoaks Rural North East, David Brazier  
Swanscombe and Greenhithe, Peter Harman

**Summary:**

This report advises the Committee and Cabinet Member for Education and Skills of the costs of the project to permanently relocate the nursery at Milestone Academy to Cherry Orchard Primary Academy, following design work and asks that a decision is taken to allocate the necessary funding.

**Recommendation:**

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the proposed decision to

i. agree to provide a maximum amount of £838,000 from the Council's High Needs Provision Capital Allocation to progress the proposal to relocate the Nursery at Milestone Academy on to the site of Cherry Orchard Primary Academy, making a total scheme budget of £938,000, which includes a contribution from Leigh Academies Trust.

ii. authorise the Director of Infrastructure in consultation with the General Counsel and Director of Education to enter into any necessary contracts / agreements on behalf of the County Council.

iii. authorise the Director of Infrastructure to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

**1. Introduction**

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 2022-26 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. A copy of the plan can be viewed from this link:

<http://www.kent.gov.uk/about-the-council/strategies-and-policies/education-skills-and-employment-policies/education-provision>.

## **2. Background**

- 2.1. The Commissioning Plan for Education Provision in Kent highlights the SEN place pressure that Kent has experienced, with the number of Education Health and Care Plans (EHCPs) increasing significantly in recent years. A key area of demand is providing support for students who have Profound, Severe and Complex Needs (PSCN) as their primary barrier to achieving their potential.
- 2.2. The demand for PSCN places across Dartford, Sevenoaks and Gravesham has increased commensurately, with strong parental preference towards places at Special Schools and significant house building in the area. Even though much is being done in Kent to reduce the numbers of EHCPs and place a greater proportion of young people in mainstream provision, the demand for places at a Special School is not forecast to reduce in the near or medium future. The creation of a new Special School is very challenging and takes longer than that for a mainstream school, with associated issues of the availability of suitable sites.

## **3. Proposal Details**

- 3.1. This proposal would see Milestone Nursery relocated onto the Cherry Orchard Primary Academy site. It is the result of a collaboration between Kent County Council and the Leigh Academies Trust. The proposal allows for the repurposing of the vacant space within Milestone Academy's Sevenoaks provision to provide more capacity for Year R special school places at Milestone Academy. The number of students that can be accommodated each year will vary, depending on the complexity of the learning needs of the young people, but the school has been able to accommodate between 10 and 12 extra students as a result of this proposal. Insofar that the alternative for these extra students would likely have been private provision, this constitutes a significant saving, likely running to several millions over the lifetime of the student cohort. Members should note that the children have already been relocated into temporary accommodation on the Cherry Orchard Primary Academy site, which allowed additional year R placements to be made during 2020/21.
- 3.2. Ofsted deems Milestone Academy to be an 'Outstanding' school. It is a very popular school with parents. This contributes to it being full and oversubscribed every year. The school is part of the Leigh Academies Trust.
- 3.3. The Milestone Nursery offers places to children from across Dartford Borough and Northern Sevenoaks District. There are very few Specialist Nurseries in Kent and places are very carefully awarded through a North Kent Multi Agency Panel following the identification of a need by either a Dartford Early Years Specialist

Teacher, Sevenoaks Specialist Teacher or Portage. This means that most children must travel to the nursery with parents or carers in private transport. Some of the children will have mobility challenges.

- 3.4. Identifying a small site specifically for a Special Needs nursery is very challenging. While land can be identified for mainstream primary and secondary schools, nursery school do not always get accorded the same priority. Nevertheless, a Special Needs Nursery fulfils an essential place for the community and for the wellbeing and educational needs of children with challenges to their achieving their potential.
- 3.5. Cherry Orchard Primary Academy was inspected by Ofsted in November 2021 and received a rating of 'Outstanding'. The school is very popular with local families. Cherry Orchard Primary Academy is also part of the Leigh Academies Trust.
- 3.6. Discussion between the Leigh Academies Trust and Kent County Council has identified that if the Milestone nursery component was relocated to the Cherry Orchard Primary Academy site and operated as a satellite of Milestone Academy, it would release sufficient capacity at Milestone's Sevenoaks site to offer more special school places which would benefit children and families in the Dartford, Ebbsfleet and Northern Sevenoaks area.

#### **4. Alternative Proposals**

- 4.1. There have been extensive studies undertaken into alternatives to create new Special School provision. Moves have been underway for some time to increase Special School provision, but alternatives that can be put in place to address the challenges that this part of Kent is experiencing now, are extremely limited and logistically challenging.
- 4.2. However, if no further action is taken in the longer term, Kent County Council will find it extremely difficult to provide sufficient local special school places in the northern part of Kent.

#### **5. Financial Implications**

- 5.1. **Capital Funding:** Feasibility studies have been undertaken and identified that the cost of the scheme is £938,000. In April 2021, the DfE announced its distribution of the High Needs Provision Capital Allocations (HNPCA), which is paid to LAs to support the provision of places for pupils with SEND and those pupils requiring alternative provision (AP). Kent received £6,638,937 of HNPCA funding and it is proposed that £838,000 of this will be allocated to fund the relocation of Milestone Nursery. It will be a school managed scheme and the Trust has engaged architects and quantity surveyors to determine the cost of the works. The balance of £100,000, will be funded by the Leigh Academies Trust.
- 5.2. The Trust will manage and deliver the project and a funding agreement will be produced and signed by both the Trust and KCC stipulating that the KCC contribution is up to a value of £838,000. The Trust therefore agree to own the

risk of any overspend occurring on the scheme. The KCC funding will be passported to the Leigh Academies Trust.

- 5.3. In addition, an allowance of up to £2,500 may be payable to outfit each newly re-purposed teaching room with appropriate ICT equipment, such as touch screens or projection equipment.
- 5.4. **Revenue Funding:** Should the scheme progress, £6,000 per newly provided learning space would be provided towards the cost of furniture and equipment. This would be provided to the school to purchase required 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 Schools funding Formula.
- 5.5. Human: The school will appoint additional staff as required, utilising revenue funding allocated through the Schools Funding Formula for these additional pupils

## 6. **Other corporate implications**

- 6.1. 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".

## 7. **Kent Policy Framework**

- 7.1. The 'Kent Commissioning Plan for Education Provision, 2022-26, identified a pressure on PSCN Special School Places in North Kent.

## 8. **Consultation**

- 8.1. In accordance with the statutory guidance, the Academy Trust has undertaken its own public consultation and will advert the responses and decision to the Education & Skills Funding Agency when they apply for their funding agreements to be amended.

## 9. **Legal Implications**

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

## 10. **Equalities Implications**

11. An Equality Impact Assessment has been completed which applies to this project and the proposal has been assessed as offering improved facilities for students with disabilities and for students of faith and no faith.

## 12. **Data Protection implications**

LAT and the school are the 'controllers' under the General Data Protection Regulation and will ensure that any personal information is processed fairly and

lawfully within any consultation work completed as part of the fast-track business plan application.

### **13. Views**

13.1. The Local Members affected by the change, Peter Harmon and David Brazier have been informed of the proposal.

13.2. Both schools and the Trust are fully supportive of the proposal.

13.3. The Area Education Officer has said that the analysis of the demand for special school places in the North Kent area is pressing and this solution provides a simple and cost-effective way to increase the number of places in the short to medium term.

### **14. Conclusions**

14.1. KCC Special School place forecasts indicated a growing demand for places across North Kent from the start of the 2021-22 academic year. Although plans are underway to ameliorate this demand in the longer term, there remains the need to provide additional places in the short and medium term.

### **15. Recommendations**

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the proposed decision to

- i. agree to provide a maximum amount of £838,000 from the Council's High Needs Provision Capital Allocation to progress the proposal to relocate the Nursery at Milestone Academy on to the site of Cherry Orchard Primary Academy, making a total scheme budget of £938,000, which includes a contribution from Leigh Academies Trust.
- ii. authorise the Director of Infrastructure, in consultation with the General Counsel and Director of Education to enter into any necessary contracts / agreements on behalf of the County Council
- iii. authorise the Director of Infrastructure to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

### **16. Background Documents**

16.1. Kent Commissioning Plan for Education Provision.  
[www.kent.gov.uk/educationprovision](http://www.kent.gov.uk/educationprovision)

## 17. Contact details

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