

# KENT COUNTY COUNCIL – RECORD OF DECISION

**DECISION TAKEN BY:**

**Shellina Prendergast**

**Cabinet Member for Education and Skills**

**DECISION NO:**

22/00064

**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**

Additional funding required to complete the construction of the expansion of Whitfield Aspen Primary School (Dover) onto a satellite site

**Decision:**

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

- I. Authorise the allocation of £1,225,000 from the Children's, Young People and Education Basic Need Capital budget to complete the permanent expansion of the satellite of Whitfield Aspen Primary School (Dover), thus increasing the agreed allocation to £9,490,000.
- II. Authorise the Director of Property and Infrastructure in consultation with the Director of Education and General Counsel to enter into any necessary contracts / agreements on behalf of the County Council.

**Reason(s) for decision:**

In May 2016, funding of £7,990,000 was agreed to support the expansion of Whitfield Aspen Primary School (Dover) on to a satellite site (Decision Number 16/00032). This included expanding its specialist provision, which supports pupils with Profound, Severe and Complex Needs.

The school has been built, and the buildings handed over to staff and governors, but there remain a number of issues and some unfinished areas which need urgent attention. To complete the works to provide the school with the facilities it requires at a quality level that is appropriate, safe, and long lasting, £1.225m of additional funding is needed.

There are several factors that have increased the costs of the project. Many are commercially sensitive. Therefore a high level summary is provided here:

- The length of time between tender and entering contract.
- Commercial variations.
- Post-handover works requested by the school or a result of contractor omission.
- Stockpiling earth and subsequent cost of removal.
- Provision of playing field. A separate contractor is being commissioned to deliver the playing pitch for September 2023.
- Defects - a number remain outstanding. These need to be resolved.
- Residential development slowed as a result of the pandemic leaving the new building isolated; security is in place when the site is vacated.

Further details were considered in an exempt report.

### Financial Implications

An additional allocation of £1,225,000 from the Children's, Young People and Education Basic Need Capital budget is requested to complete the works. This is in addition to the £275,000 allocated by the Cabinet Member for Education and Skills in a non-key decision (decision number 22/00077) to enable the time critical contract for works to deliver the school's playing field. Altogether these allocations increase the budget to £9,490,000.

### Legal implications

KCC as the LA has a duty to ensure sufficient school places are available.

### Equalities implications

An Equality Impact Assessment was completed prior to the initial funding being agreed. This assessment has been reviewed with no adverse impact on protected groups being identified.

### **Cabinet Committee recommendations and other consultation:**

The expansion of the school on to the satellite site was recommended by Members in May 2016 and approved by the Cabinet Member.

Stakeholders were consulted at that time and the expansion was supported.

It has been necessary to take this decision outside of the committee cycle as the Children's, Young People and Education (CYPE) Cabinet Committee on 13 September 2022 had to be postponed following the sad passing of Queen Elizabeth II. The decision cannot wait until the next CYPE Cabinet Committee as there are safety concerns which need to be addressed and a delay in moving forward on these matters would exacerbate the issue. Although the immediate issue of letting the contract for the playing field has been addressed in decision 22-00077 other issues highlighted in this report remain.

### **Any alternatives considered and rejected:**

Provide the contractor with further opportunities to rectify any defects. This option will have a detrimental impact on the schools ability to operate and grow sufficiently.

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



29/09/2022

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signed

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date