

# KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

**DECISION TAKEN BY:**

**Peter Oakford**

**Deputy Leader and Cabinet Member for Finance,  
Corporate and Traded Services**

**DECISION NO:**

23/00067

**For Publication****Key decision: YES**

*Key decision criteria. The decision will:*

- a) *result in expenditure which is in excess of £1,000,000;*

**DECISION NAME – Reinforced Autoclave Aerated Concrete (RAAC) in Schools**

**As Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, I agree to:**

- a) note the current position in respect of Reinforced Autoclave Aerated Concrete (RAAC) and the emergency closure of four schools across the County.
- b) note the emergency measures that have been taken to minimise disruption to education whilst works are undertaken to enable the schools to reoccupy school accommodation as soon as possible at the start of the new academic year.
- c) approve the required expenditure to deliver the relevant works at any identified schools with a positive RAAC confirmation that requires immediate action and cover necessary temporary measures, including authorising the draw down on reserves to fund the emergency response and strengthening works that are required at identified schools, should forward funding from existing underspends and rephasing be insufficient. Funding for this is capped at £2.5M, pending further decision-making in the event of escalating costs.
- d) note that the capital costs will be reimbursed by the Department for Education (DfE) regardless of school type in relation to the schools where action has already been taken with ongoing discussions continuing with the DfE to recover all costs and any further action which may be required in respect of any new schools where immediate action is required; and
- e) authorise the Director of Infrastructure in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Democratic Services to finalise and enter into the necessary contracts, funding and legal agreements and take other actions as necessary to implement this decision.

**Reasons for decision:**

In June 2023, through the course of relevant inspections and the consideration of new guidance by the DfE regarding the presence of Reinforced Autoclave Aerated Concrete (RAAC) in schools, the following schools were flagged by Surveyors as constituting Red Critical status:

- Birchington CofE Primary School
- Sunny Bank Primary School
- Palmarsh Primary School
- St James' CE Primary School.

These four schools were all closed with immediate effect, meaning that 1,130 pupils were unable to access face-to-face education. Kent County Council (KCC) carries the statutory duty to ensure that children have access to education. Emergency plans by KCC were initiated to minimise the period that the children were out of face-to-face education, the affected schools and the wider school community. 1 school returned to face-to-face teaching on Tuesday 20 June 2023 (Sunny Bank) with the other 3 schools returning on Wednesday 21 June 2023.

In addition, Godinton Primary School have temporarily closed the hall and adjacent areas where RAAC is present whilst further investigations are undertaken.

#### **SUMMARY:**

The decision confirms the authority and requirement for strengthening works to be undertaken on the affected buildings – during the period while works are conducted, pupils will continue to use the temporary arrangements set up for each individual school. Initial Strengthening works to be instructed under this decision are due for completion prior to the start of the September term or as soon as practicable thereafter – pupils will return to normal school arrangements and their regular classrooms / buildings.

This decision grants authority to draw down up to £2.5M to fund relevant works for these and other schools as they are identified.

Consideration of and arrangements for longer term solutions to related building issues for the schools will be subject to separate decisions, pending ongoing discussions with the Department for Education.

#### **Financial implications:**

Assessments indicate costs will be approx. £1.2M for delivering the required strengthening works at the schools identified so far. This cost could increase if additional schools are identified as requiring similar closure, temporary arrangements and strengthening works.

There is therefore a risk that further RAAC may be identified within schools where KCC are the responsible body or within KCC's wider family of schools. This risk at present is unknown until all the schools KCC are responsible for have been visited through our own assurance process. This is expected to be completed for all three batches by August. Without further details as and when schools are identified, it is not possible to fully quantify the cost implications other than to note the risk of increased financial pressure. Should costs escalate beyond the approved level, the decision and arrangements will need to be reviewed to further consider the financial implications for the Council.

KCC will be required to fund any initial spend from reserves or underspending elsewhere in the capital programme whilst expenditure is reclaimed from the DfE.

#### **Legal implications:**

KCC has responsibilities both as a Responsible Body in respect of maintaining the buildings of community, foundation and voluntary controlled schools and as the education authority responsible for ensuring every child resident in Kent can access a school place. Maintained schools are required to deliver 380 school sessions each year, and whilst legal provision is made for sessions not being delivered in exceptional circumstances, such as an immediate health and safety risk requiring the school to close, it is expected the education function will be reinstated expeditiously. Failure to do so opens the school concerned and the maintaining authority to claims for failure to

educate.

In the event that another Responsible Body does not take the action required to ensure their school buildings can operate safely (because of affordability) and thus children cannot attend school, the most likely immediate reaction will be calls for the education authority to intervene to reopen the school, followed by options to look for alternative school places in order to discharge its statutory duty.

### **Equality Implications**

No adverse impacts on protected characteristics were identified in relation to this decision, which seeks to deliver a solution to the issue that required the closure of school building and related temporary arrangements.

### **Data Protection implications:**

No data protection implications identified in relation to instructing relevant works. No additional processing of personal data.

### **Reason for Urgency:**

The closure of four schools occurred over the course of 24 hours following the interpretation of the current guidance from the Institute of Structural Engineers and the subsequent direction from the DfE.

As a result, it has been necessary to instigate temporary measures to enable the schools to return to face-to-face full-time education as soon as possible. To ensure there is approved funding and policy direction to allow the instruction of strengthening works within the required timescales, in addition to the temporary accommodation already implemented, a key decision is required and cannot be deferred.

The emergency temporary measures do not provide a sustainable environment for the pupils, therefore urgent strengthening works must be instructed to allow the children to return to their school buildings whilst a longer-term plan is implemented to remove the RAAC. To ensure the strengthening and associated works can be completed over the next 8 to 10 weeks, instruction must be given imminently and cannot be deferred to allow for the normal decision notice periods.

### **Member and other consultation:**

No Cabinet Committee consultation possible due to urgency process.

**The Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred, provided the following comments:**

Mr Booth supported the Decision.

**The Chair and Group Spokespeople of the Policy & Resources Cabinet Committee provided the following comments:**

Mr Thomas (Chair) supported the decision.

**Local Members provided the following Comments:**

Mrs Dean supported the decision.

Mrs Wright supported the decision.

**Any alternatives considered and rejected:**

Alternatives to the chosen 'Strengthening Works' approach included:

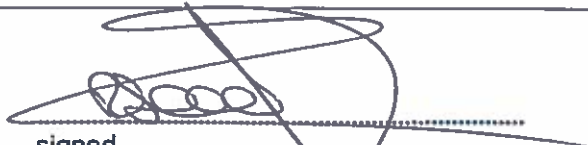
Installation of temporary propping – not progressed as unviable based on unacceptable disruption to pupils.

Full transition into Temporary Accommodation – not progressed in view of significant cost implications and prolonged time frames for design and delivery.

Taking no action at all was not viable due to the potential risk to pupils and the disruption or prevention of their education.

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

None

  
signed  
Peter J. Oakford

13 July '23  
date