

From: Rory Love, Cabinet Member for Education and Skills
Sarah Hammond, Corporate Director of Children, Young People and Education

To: Cabinet – 25 January 2024

Subject: Commissioning Plan for Education Provision in Kent 2024-28

Decision: 23/000105

Classification: Unrestricted

Past Pathway of report: CYPE Cabinet Committee - 21 November 2023

Future Pathway of report: Cabinet Decision

Electoral Division: All

Summary: This report provides the Cabinet with the Commissioning Plan for Education Provision in Kent 2024-28 for approval.

Recommendation(s):

Cabinet is asked to agree the Commissioning Plan for Education Provision in Kent 2024-28.

1. Introduction

- 1.1 The County Council is the Strategic Commissioner of Education Provision in Kent. This Commissioning Plan (KCP) sets out how we will carry out our responsibility for ensuring there are sufficient high quality places, in the right locations for all learners, while at the same time fulfilling our other responsibilities to raise education standards and recognise parental preference. The Plan details the expected future need for education provision, thereby enabling parents and education providers to put forward proposals as to how these needs might best be met.
- 1.2 The KCP sets out the principles by which we determine proposals, and it forecasts the need for future provision. It also sets out in more detail, plans to meet the commissioning needs which arise in each district and borough in Kent during the next five years.
- 1.3 This updated KCP is a 'live' document which underpins our on-going dialogue and consultation with schools, district and borough councils, diocesan authorities, KCC Members and local communities, to ensure we meet our responsibilities.

2. The Demographic Context

- 2.1 Information from the Office for National Statistics shows that in 2005 there were 15,613 live births in Kent (excluding Medway). The number of births rose each year up to 2012 when there was a peak in births of 18,147 children. Since this time, birth numbers have fallen to 16,367 in 2022. KCC will continue to monitor this data and forecast its impact over time.
- 2.2 As we have forecast for a number of years the increased number of births until 2012, which required us to add significant primary school places, is now being felt in the secondary sector. Between the 2022-23 and 2027-28 academic years we forecast the secondary school age population resident in Kent will rise by 5,167 pupils.
- 2.3 The number of children on the rolls of Kent schools is driven by the size of the school-aged population in the county but is also influenced by the number of children resident outside of Kent on the rolls of the county's schools, the take-up of state funded school places and other factors such as the pace and type of new housing. Due to these additional factors, a change in the overall school-aged population in the county does not on its own necessarily translate into the same change in the number of children on the rolls of schools in Kent. Additionally, changes in the overall school age population at County or district level do not necessarily mirror changes in population at smaller geographic levels, such as planning groups.
- 2.4 As in previous years, the numbers of pupils identified as requiring a specialist place to meet their educational needs remains a challenge. As of January 2023, 18,930 children and young people held an EHCP in Kent. This is an increase of 1,197 (6.8%) since January 2022. In England, the number of children and young people with EHC plans increased to 517,000, in January 2023, up by 9% from 2022. The number of EHCPs have increased each year since 2010. In Kent 34% (33.5% in 2022) are educated in mainstream schools (including SRPs), whilst the England figure is 41%. In Kent, 40% of children and young people with EHCPs are educated in a special school (including independent schools) compared to 33.1% nationally.

3. Our Commissioning Intentions

- 3.1 The KCP 2024-28 identifies the need for additional permanent and temporary mainstream school and specialist places each year as follows. Additional provision will be secured through a combination of expanding existing schools and opening new ones.
- 3.2 Within the individual district/borough sections we break down the expected surplus/deficit of places into smaller planning groups. This enables us to identify in more detail where and when provision may need to be added or removed. The pupil growth generated by new homes is forecast to produce significant demand for school places in specific planning groups over and above underlying demographic trends. This is particularly apparent in earlier years of the Plan within a number of primary planning groups impacted by substantial planned house building. The longer-term impact of this house building is also represented by the forecast need for significant additional secondary places in the latter period of the Plan.

- 3.3 Additional provision will be secured through a combination of expanding existing schools and opening new ones. The overall county commissioning intentions are shown below:

Primary School Commissioning Intentions:

by 2024-25	by 2025-26	by 2026-27	by 2027-28	Between 2028-31	Post 2031
0.5FE 50 Year R temp places	2.3FE 30 Year R temp places	6FE 0 Year R temp places	6FE	22.6FE	6FE

Total of 43.4FE across the Plan period and up to 80 temporary Year R places

Secondary School Commissioning Intentions

by 2024-25	by 2025-26	by 2026-27	by 2027-28	Between 2028-31	Post 2031
1FE 150 Year 7 temp places	13FE 30 Year 7 temp places	8.5FE 90 Year 7 temp places	18FE 60 Year 7 temp places	4FE 30 Year 7 temp places	2FE

Total of 46.5FE across the Plan period and up to 360 temporary Year 7 places

SEND Commissioning Intentions:

by 2024-25	by 2025-26	by 2026-27	by 2027-28
209 places	155 places	500 places	0 places

A total of 864 permanent places across the Plan period

4. Financial Implications

- 4.1 The Local Authority as the Strategic Commissioner of Education Provision has a key role in securing funding to provide sufficient education provision in the County, particularly in schools, in order to meet its statutory responsibilities.
- 4.2 The pressure on the County's Capital Budget continues, particularly as demand for secondary places and for specialist places grows. The cost of delivering school places is currently met from Basic Need grant from the Government, prudential borrowing by the County Council, Section 106 property developer contributions and the Community Infrastructure Levy (CIL). Government funding for 'Basic Need' is allocated on a formula based upon information provided by local authorities concerning forecast numbers of pupils and school capacity.
- 4.3 Basic Need funding is allocated by Government on the basis of a comparison of school capacity (not pupil admission numbers) against forecast mainstream pupil numbers from reception year to year 11 uplifted to provide a 2 per cent operating margin. Where capacity is lower than forecast, the DfE provides funding towards the gap.

- 4.4 The allocations for the 2024-25 financial year are based upon the projected need for new places by September 2025 (the start of academic year 2025/26); Kent has been allocated £5,046,624. The 'lumpy' nature of establishing new school provision means that the County Council incurs the majority of the capital costs at the outset of mitigating a forecast place deficit, e.g. expanding a school by a whole FE; whereas the Basic Need formula does not account for this and provides the Council with funding for places in an incremental way over a longer period of time.
- 4.5 One funding option which can assist with or overcome the challenges of forward funding new schools is the Free Schools programme. We encouraged promoters to submit bids to Waves 13 and 14, with some success. However, as the free school programme has become more restrictive, being targeted to certain geographical areas of the Country in relation to mainstream schools, and of limited number for special schools and alternative provisions, it will not be the answer to all our needs. Additionally, it is not risk free for the Local Authority. Delays in delivery can require the Authority to put in place temporary provision with the resultant unplanned expense.

5 Legal implications

- 5.1 Each project identified in the KCP will be subject to a separate consultation and decision-making process. The legal implications of each proposal will be identified at that time.

6. Equalities implications

- 6.1 The equality impact assessment considers whether the commissioning principles and guidelines contained within the KCP may have an impact (either positive or negative) on any protected groups and if so what action, if any, should be taken to mitigate the negative impacts. Separate, more detailed equalities impact assessments will be completed as individual project consultations come forward to consider the impacts on any protected group arising from that individual education proposal.

7. How does the proposed decision support Framing Kent's Future and Securing Kent's Future.

- 7.1 The KCP supports Priority 1: Levelling up Kent and Priority 2: Infrastructure for Communities within Framing Kent's Future. The plan details the commissioning of education places from good or better providers, with the aim of providing good quality education provision that is accessible to communities across the county. Within Priority 1 the County Council has committed to maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families; the Kent Commissioning Plan outlines how we will continue to do so.
- 7.2 The commissioning intentions within the plan are based on detailed analysis, at county and district level, to accurately assess the need for primary, secondary and special school places over the coming years. In drawing up options for providing additional places, the Local Authority consider a range of practical issues, such as:

- The condition and suitability of existing premises.
- The ability to expand or alter the premises (including arrangements whilst works progress).
- The works required to expand or alter the premises.
- The estimated capital costs.
- The size and topography of the site.
- Environmental considerations.
- Future proofing.
- Road access to the site, including transport and safety issues.

7.3 Kent is committed to securing value for money when providing additional school accommodation, in line with the DfE's baseline designs, and output performance specification. The construction methods for new accommodation will be that which are the most appropriate to meet the needs of provision, e.g. temporary or permanent provision and which represents good value for money.

7.4 The analysis of demand ensures that provision is only provided when and where it is necessary, in a manner that meets the Best Value duty placed upon the council. This work supports Objective 3: Policy choices and scope of Council's ambitions of Securing Kent's Future.

8. Conclusion

8.1. The commissioning intentions outlined in the KCP are planned to ensure there are sufficient schools places, in the right locations and at the right time in order to fulfil our legal responsibility to offer an appropriate school place to all who require one. At the same time, we are committed to reducing the budget shortfall, but without compromising on the high-quality provision our children and young people deserve.

<h2>9 Recommendation(s):</h2>

<p>9.1 Cabinet is asked to agree the Commissioning Plan for Education Provision in Kent 2024-28.</p>
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10. Background Documents

10.1 Commissioning Plan for Education Provision in Kent 2023-27
<https://www.kent.gov.uk/education-and-children/schools/education-provision/education-provision-plan>

10.2 Early Years and Childcare Strategy 2020-23
<https://www.kent.gov.uk/about-the-council/strategies-and-policies/education-skills-and-employment-policies/early-years-and-childcare-strategy-2020-2023>

10.3 Kent Strategy for SEND 2021-2024

<https://www.kent.gov.uk/education-and-children/special-educational-needs/send-strategy/strategy-for-children-with-special-educational-needs-and-disabilities>

11. Contact details

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