

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TO BE TAKEN BY:

Rory Love, Cabinet Member for Education and Skills

DECISION NUMBER:

25/00006

For publication *[Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]*

Key decision: YES

- Savings or expenditure of more than £1m

Subject Matter / Title of Decision

Chilmington Green Secondary School Provision, Ashford

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

1. Allocate up to a total of £1.2m from either the Children's, Young People and Education capital or revenue budgets, as appropriate, to continue to deliver the policy objective of ensuring Chilmington Green Secondary School can move into its permanent buildings in the academic year 2025-26.
2. APPROVE the updated temporary accommodation arrangements, subject to requirement as set out in the report.
3. DELEGATE authority to the Director of Infrastructure in consultation with the Director of Education and SEND, the General Counsel and the Cabinet Member for Education and Skills to enter into any negotiations, contracts or contract variations that may be required. This includes enabling funding provided under this and previous related key decisions 21/00014, 22/00080, and 23/00057 to be used as a collective to deliver the policy objective.
4. DELEGATE authority to the Director of Infrastructure to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under any of these contracts and to take other relevant actions, including but not limited to entering into other contracts or legal agreements, as necessary to implement the decision.

Reason(s) for decision:

Background

Chilmington Green Secondary School opened in September 2023 off-site in the former Ashford South Primary School. The DfE is currently building the permanent accommodation, via its Wave Programme, at a cost of c£40m. The s106 agreement provides a site for a new secondary school and, over time, £22.5m of contributions. The additional school capacity is supporting the Council in delivering its statutory duty to ensure sufficient school places.

The Council has consistently confirmed its commitment to ensuring the new secondary school at Chilmington Green, Ashford can move into its permanent buildings in the 2025-26 academic year. Ongoing issues with the delivery of the utilities and the access road threaten achieving this policy commitment. Funding is required to ensure sufficient resources are available to achieve the objective, and to contingency plan for an alternative to ensure pupils on roll in September 2025 have access to school accommodation.

Four previous key decisions have been made in respect of the delivery of Chilmington Green Secondary School:

21/00014 – which provides funding to deliver the utilities and access road, and confirmation that contributions received from the developer to fund the build of the school will be passed to the Department for Education as it is forward funding the build of the school.

22/00080 – which provides the resources to provide a temporary school site and accommodation for the school to open in.

23/00057 – which provides funding to address issues covered by privileged legal advice.

24/00075 – which provides funding to support self-delivery of the utilities and road infrastructure required to open the school.

Options (other options considered but discarded)

There are still a variety of options available to KCC to ensure the school can move in to its permanent buildings in the 2025-26 academic. None have been rejected. The benefits and risks of each option have been evaluated.

The option to remain within the temporary site, if required, for a further year is also open. This is not preferred option, given that it would limit the curriculum available to pupils.

How the proposed decision supports the Framing Kent's Future - Our Council Strategy 2022-2026

The proposed decision supports priorities one and two of Framing Kent's Future:

Commitment under priority one – Levelling up Kent:

- To maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families.

Commitments under priority two – Infrastructure for communities:

- Through our 'Infrastructure First' commitment we seek to ensure that new development provides the appropriate physical and social infrastructure necessary to support new and existing communities' quality of life.

- To help all Kent's communities benefit from having a strong social fabric which underpins family, community and personal resilience.

How the proposed decision supports Securing Kent's Future 2022 -2026: [Securing Kents Future - Budget Recovery Strategy.pdf](#)

The proposed decision is compliant with objective 3 of Securing Kent's Future – the Council has made a policy choice to secure the opening of this school on its permanent site. The DfE are forward funding c£40m of capital investment, which is supporting the developer and the Council with their respective cash flow and in respect of the Council, to discharge its statutory responsibility of ensuring all children have access to a school place.

Financial Implications

These decisions have created “pots” for specific activity. An underspend against one Record of Decision (ROD) is not necessarily available to support pressure against a different ROD. This will change, such that the totality of funding can be used to deliver the policy objective.

Up to a total of £1.2m from either the Children's, Young People and Education basic need capital or revenue budgets, will be required as appropriate, to continue to deliver the policy objective of ensuring Chilmington Green Secondary School can move into its permanent buildings in the academic year 2025-26. Relevant revenue costs will be reported against the “other schools services” key service budget line.

This will ensure the road and utilities can be delivered, and to provide for further temporary accommodation in the event this proves necessary. The Council will seek to recover these costs as appropriate.

Detailed funding considerations and the wider financial impact have been set out in the Exempt Report and have been considered in making this decision.

Legal Implications

Detailed legal advice regarding the KCC liabilities and options for redress has been considered in making this decision. The decision represents a recognition of relevant legal risks, balanced against the policy choice to prioritise the progression of the school project to ensure successful delivery of the school and compliance with KCC's statutory duty to ensure sufficient school places. Key considerations are set out in the Exempt Report.

Equalities implications

An Equality Impact Assessment was completed prior to the initial funding being agreed. This assessment has been reviewed. The school is currently operating out of a temporary site. This has its limitations. It is important that the pupils are able to access their new, permanent site, with all its facilities to ensure they can have access to comparable facilities to pupils in other secondary schools, that pupils with disabilities can access all curriculum areas, that those with SEND can access an appropriate environment and support. By acting to ensure the utilities and access are provided to the school and prevent its opening being delayed beyond September 2025 will have a positive impact on its pupils, staff and community. Failure to open in September 2025 will negatively impact on pupils, staff and families. It also threatens the reputation of the school, and puts at risk the additional places it is due to provide, with the consequential impact of the Council's ability to discharge its statutory duties.

Data Protection implications

The proposed decision does not create any data protection implications

Cabinet Committee recommendations and other consultation:

Members noted the statutory responsibility to ensure sufficient school places and recommended the Cabinet Member approves the proposal.

Any alternatives considered and rejected:

None rejected.

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

NA



21/3/2025

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signed

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date