

RECORD OF DECISION

DECISION TO BE TAKEN BY:

Rory Love, Cabinet Member for Education and Skills

DECISION NUMBER:

25/00029

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 capital funding - Whitfield Aspen Primary School (Dover)

Decision:

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

- 1) APPROVE the allocation of up to a total of £5.3m from either the Children's, Young People or Education capital and revenue budgets, as appropriate, to enable building issues to be rectified at Whitfield Aspen Primary School (Richmond Way site), Dover.
- 2) APPROVE the provision of 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/Head of Law (or other officer with delegated authority) and the Cabinet Member for Education and Skills, to enter into any negotiations, and contracts or contract variations that may be required.
- 4) DELEGATE authority to the Director of Infrastructure to be the nominated Authority Representative within the relevant contractual agreements and to enter into such variations as envisaged under any of these contracts.

Reason(s) for decision:

The newly built Whitfield Aspen Primary School (satellite) premises continue to present issues which are affecting their safe and efficient occupation. A further set of issues have been identified which need urgent rectification. Additional funding of £5.3m is needed to ensure these works are completed and to provide alternative accommodation if required.

Background.

House building in Whitfield, Dover produced the need for extra primary school provision. In May 2016, the expansion of Whitfield Aspen Primary School on a satellite site (Richmond Way) was

agreed. Decision 16/00032 – provided the initial funding of £7.9m to open the Richmond Way satellite site which has core infrastructure for a 2FE school, 1FE of mainstream classrooms and SEND classrooms for the ASPEN specialist resource provision. The building has been delivered and occupied.

Unfortunately, there have been a succession of issues relating to the building/landscaping. The issues have affected the efficient and safe operation of the school. To address these issues, two decisions were made in 2022 to provide further funding totalling £1.5m. The costs of addressing the works under those decisions was £128k higher than anticipated.

Further issues have been identified since 2022 which need to be addressed, which require the additional funding set out above. Currently the Emergency Day-2-Day budget being used to address any immediate health and safety issues.

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

-The proposed decision is compliant with objective 3 of Securing Kent's Future – the Council has made a policy choice to secure the expansion of the school on the Richmond Way site. This is supporting the Council to discharge its statutory responsibility of ensuring all children have access to a school place.

Financial Implications

Up to £5.3m will need to be allocated from either the Children's, Young People and Education capital or revenue budgets, as appropriate. Relevant revenue costs will be reported against the "other schools services" key service budget line.

Legal Implications

Detailed legal advice regarding KCC's ability to make a claim, KCC's liabilities and options for redress will be provided to the Decision-maker. The proposed decision balances the legal risks, against the need to address 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 additional places that the expansion has created continues to have a positive impact on pupils in the locality, including those pupils with profound, severe and complex needs as the expansion of the school added additional specialist places in addition of mainstream primary school places. However, the works required to address the defects may have a

greater impact of pupils who have sensory issues as there could be additional noise/distractions. Additionally, Some pupils with physical disabilities require additional facilities such as hoists and care suits. These will not be provided in temporary accommodation (should it be required) which could lead to those requiring hoisting/care suits having to stay in existing classrooms whilst works are taking place outside. The programme of works will need to consider the needs of disabled pupils. The aim will be to ensure works on the SRP classrooms will take place in holiday periods wherever possible.

Data Protection implications

The proposed decision does not create any data protection implications

Cabinet Committee recommendations and other consultation:

Members expressed their concerns around the level of works required, given that an independent Clerk of Works and a Buildings Control Officer were appointed to ensure works were completed in line with the planning specification and appropriate building controls.

The Cabinet Committee approved the recommendations.

Any alternatives considered and rejected:

The alternatives considered and any rejected are contained in the exempt report.

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

N/A



21/03/25

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signed

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date