

DECISION REPORT TO CABINET MEMBER

From: Sarah Hammond, Corporate Director of Children, Young People and Education

To: Beverley Fordham, Cabinet Member for Education and Skills

Subject: Agree to the Proposal to Remove the Residential Provision at Broomhill Bank School North (Hextable), Rowhill Road, Swanley, Kent, BR8 7RP

Decision no: 25/00040

Key Decision: It affects more than 2 Electoral Divisions

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: Cabinet Member Decision

Electoral Division: Swanley, served by Dean Truder

Is the decision eligible for call-in? Yes

Summary:

This report outlines the proposal to permanently remove residential provision at Broomhill Bank School North (Hextable), Rowhill Road, Swanley, Kent, BR8 7RP.

Recommendation(s):

That the Cabinet Member for Education and Skills:

- I. AGREE to issue a Public Notice to permanently remove residential provision at Broomhill Bank School North (Hextable) and following a representation period of four weeks with no substantive objections received, implement the decision
 - II. DELEGATE authority to the Corporate Director of Children, Young People and Education to Issue a Public Notice
 - III. DELEGATE authority for the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Education and Skills to take relevant actions including but not limited to entering into relevant contracts or other legal agreements as required, to implement the decision, subject to no new substantive objections received during the notice period
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1. Introduction

- 1.1 Kent County Council (KCC) as the Local Authority (LA) has a commitment to provide education, including Special School placements for children and young people within their locality, so that they can remain with their families. This follows national direction outlined in the Children's Wellbeing and Schools Bill and the Families First Partnership Programme.
- 1.2 The proposal to permanently remove residential provision at Broomhill Bank School North (Hextable), is driven by an assessment by KCC of the school's residential provision and need in the local area. This assessment has indicated that there is no longer a requirement for KCC to continue to commission residential placements at Broomhill Bank School North (Hextable).

2. Key Considerations

- 2.1 Up to, and including this academic year, placements in Broomhill Bank North (Hextable) residential provision have been for various reasons and not based on one prescribed set of criteria. Some of these reasons include:
- Distance from home to school
 - Parental requests for placement (not linked to Social Care Assessment)
 - Different placement approaches from other LAs
- 2.2 KCC school placement decisions now focus on meeting a young person's needs in a local provision, and where appropriate, those young people are supported by other services such as Social Care in line with their Education Health and Care Plan.
- 2.3 The approach most commonly employed now when placing children and young people in specialist residential provision is that the young person would have statutory care involvement, and the placement is made to meet care needs where local day specialist provision is not an option. This means that the cost of such placements is shared across Education and Social Care.
- 2.4 Based on the approach described above, the students who have previously been placed in residential provision at Broomhill Bank North (Hextable) would no longer meet the criteria for a residential placement. This would be in line with the national direction outlined in the Families First Partnership Programme.

3. Background

- 3.1 Broomhill Bank School is a co-educational Foundation Special School for students aged 11-19 who have communication and interaction difficulties associated with autism and speech, language and communication needs.
- 3.2 Following an inspection that took place in October 2023, Ofsted deemed Broomhill Bank School to be a 'GOOD' school.

- 3.3 Since September 2015 Broomhill Bank School North (Hextable) has offered residential provision. Following an inspection that took place in November 2024, Ofsted deemed this provision to be 'OUTSTANDING'.
- 3.4 However, as explained above, the students who have previously been placed in residential provision at Broomhill Bank North (Hextable) would no longer meet the criteria for a residential placement.
- 3.5 As such, it has been identified that there is not the requirement, for KCC to continue to commission residential placements at Broomhill Bank School North (Hextable). This has been discussed with the Executive Headteacher of the school and the school Governors at Broomhill Bank School.
- 3.6 For the reasons explained above, it is the intention that the residential provision will close following the departure of the students who are currently using the provision, all of whom are expected to leave the school at the end of this academic year.
- 3.7 Therefore, the Executive Headteacher and Governing Body have been working with KCC Officers to ensure that provision for the remaining residential students would not be adversely affected up to their leaving date.
- 3.8 KCC are proposing that the process for statutory closure of the provision is progressed, with an expected closure date of 31 August 2025.

4. Securing Kent's Future and Framing Kent's Future

- 4.1 The 'Securing Kent's Future' strategy outlines the measures that KCC intend to take to ensure that Kent remains financially stable, now and long into the future. It describes the statutory priorities, one of which being the statutory duty to ensure sufficient school places are available to any child or young person who requires one. This duty applies to Special Educational Needs (SEN) provision, as well as mainstream settings.
- 4.2 This proposal supports KCC in continuing to deliver its statutory duty, in a cost-effective way, whilst ensuring there are still appropriate high-quality placements for children and young people with SEN. The principal of delivering statutory duties in a cost-effective way is in line with the guidelines described in the Securing Kent's Future strategy.

5. Options considered and dismissed, and associated risk

- 5.1 Option 1: Do Nothing
Retain the residential provision, despite the placements not being made in line with the approach described in 2.1 above. This is not a viable option as this goes against KCC's aspiration to ensure children and young people's needs are met in a local provision with support from other services such as Social Care in line with their Education Health and Care Plan, where appropriate.

5.2 Option 2: Change the Admissions Criteria

Retain the residential provision but change the admissions criteria for the students who would receive placements at Broomhill Bank School North (Hextable) to match the approach described in 2.1 above. Whilst this appears to be reasonable alternative, due to the needs of the young people who are placed at Broomhill Bank School North (Hextable), the number who would meet that criteria would be minimal, and therefore adversely affect the financial viability of the provision.

6. **Financial Implications**

- 6.1 Revenue funding for special school places is met from the High Needs Block of the Dedicated Schools Grant, a specific ring-fenced grant, provided by the Department of Education. The High Needs Block is overspent by c17% and the Council is part of the Safety Valve Programme where central government are providing additional funding to help pay off the accumulated deficit created from this historic overspend (since 2018-19), on the condition the Council puts in place plans to achieve best value for money under the current statutory arrangements with an aim to return to an in-year breakeven position in future years.
- 6.2 Ensuring we meet children's needs more locally where possible, and reducing our dependency on residential special school provision, by only retaining our residential provision for children who are more likely to have a statutory care involvement, is part of our savings strategy to reduce spending on the High Needs Block. There are revenue savings against the Dedicated Schools Grant, associated with the proposal. By permanently removing the residential provision at Broomhill Bank School North (Hextable) it would save the authority approximately £40,000 per place.
- 6.3 A residential weekday place at Broomhill Bank School North (Hextable) costs nearly £62,000 for each student per academic year, and an assessment by KCC has identified that there is no longer a requirement or need for KCC to continue to commission residential placements at Broomhill Bank School North (Hextable). Day placements at Broomhill Bank School North (Hextable) are on average £20,500 for 2025/26.
- 6.4 From 1 September 2025, all students attending the school will be day students and to continue to run the residential offer at Broomhill Bank costs a minimum of £480,000 a year to maintain.
- 6.5 There may be one off redundancy costs associated with this proposal, but work is ongoing with the school to ensure these costs are kept to a minimum through working with the affected staff to identify alternative employment opportunities. In the first instance the schools would ordinarily be expected to fund these costs. However, if this is deemed unaffordable, funding would be made available through the school redundancy fund (paid by the Council but funded from school contributions). Due to the exceptional nature of this proposal, KCC has agreed to meet the one-off redundancy costs. At the time of drafting this report the potential costs are anticipated to be circa £20,000.

- 6.6 The Local Authority is responsible for funding home to school transport for eligible children. By removing the residential offer may increase home to school transport costs to the authority if children are eligible for local authority funded travel to school, as they would then be travelling to and from school on a daily basis. By continuing to pursue our aim to meet children's needs as locally as possible should keep these extra costs to a minimum, by securing more efficient transport. The average cost of transporting an eligible child with SEN to school is £8,500 per year, this cost would be met from the Home to School Transport Budget.
- 6.7 There are no direct capital implications arising from this proposal. The buildings will be repurposed to support the educational delivery for incoming Year 7 students with a wider dimension of need.

7. Legal implications

- 7.1 Under the Children and Families Act 2014 KCC has a duty 'to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes'. By ensuring we have appropriate provision as locally as possible, we are delivering on our obligation in accordance with this legislation.
- 7.2 Local Authorities need to deliver their statutory duties and be aware of non-statutory guidance and advice, which relate to children and young people with SEN. These are:
- Department for Education-Making significant changes to an academy 2024: non-statutory guidance on collaborative school place planning and making organisational changes to academies.
 - The SEND Code of Practice places requirements on Local Authorities to: provide access to advice from a suitably qualified person as part of the EHCP process and subsequent "assess, plan, do, review" cycles, and make appropriate provision for those with an EHC plan in the 0-25 range.
 - Sufficiency Duties: KCC is under a statutory duty to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs of the population of their area: section 13 of the Education Act 1996 ("the 1996 Act").
 - KCC must ensure that its education functions are exercised by the authority with a view to promoting high standards, ensuring fair access to opportunity for education and training, and promoting the fulfilment of learning potential by every person under the age of 20 and those over the age of 20 and for whom an EHC Plan is maintained: section 13A. By section 14, KCC must secure that sufficient schools for providing primary and secondary education are available for their area, defined as being sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.
 - Under section 27 of the Children and Families Act 2014 ("the 2014 Act"), KCC is under a duty to keep under review the educational provision, training provision and social care provision made in its area (and outside it) for children and young people who have special

educational needs or a disability. KCC must consider the extent to which its provision is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned.

- Children's Wellbeing and Schools Bill and the Families First Partnership Programme: a direction nationally aimed to improve children's wellbeing and support families in need. The Bill includes Local Authorities commitment to provide education, including Special School placement, within a child and young person's locality, so that children and young people can remain with their families.

7.3 All individual proposals to either establish new, expand current or cease current provision are required to go through the statutory process under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and Making Significant Changes to an Academy (non-statutory guidance on collaborative school place planning, October 2024). As part of this process, a public consultation was undertaken ahead of presentation of the proposal to CYPE Cabinet Committee. Should the Cabinet Member agree to the permanent removal of residential provision at Broomhill Bank School North (Hextable), a Public Notice will be issued for a period of 4 weeks.

8. Equalities implications

8.1 An impact assessment was completed that indicated that there are no issues. This assessment was re-examined, and no further or new issues have been identified.

9. Data Protection Implications

9.1 Any information that would have Data Protection implication was gathered by the school and KCC. A consultation was conducted by the school and KCC. Any protected data will be managed by the school and KCC.

10. Other corporate implications

10.1 None.

11. Governance

11.1 The Governing Body of Broomhill Bank School agree to the proposal.

11.2 The Assistant Director Education-North Kent confirms it has been identified that there is not the requirement for KCC to continue to commission residential placements at Broomhill Bank School North (Hextable). All alternatives have been considered, and the conclusion is to permanently remove residential provision at Broomhill Bank School North (Hextable).

11.3 This proposal was considered and endorsed by Children's, Young People and Education Cabinet Committee on 15 July 2025.

12. Consultation

- 12.1 The KCC Member for Swanley, Dean Truder, has been informed of the proposal.
- 12.2 The school is a Foundation School and ran a public consultation on the proposal with assistance from KCC. The consultation ran from 7 March 2025 to 4 April 2025. The responses to which are detailed in Appendix 1 of this report. In summary, only 13 responses were received, and all were opposed to the closure. However, 11 of those responses were provided by individuals directly associated with the school (10 staff, 1 Governor).
- 12.3 The school and KCC are the data controllers for the consultation. Any protected data will be managed by the school and KCC.
- 12.4 The consultation results were presented to the Governing Body who agreed on 29 April 2025 to proceed with the proposal to remove the residential provision at Broomhill Bank School North (Hextable).

13. Conclusions

- 13.1 An assessment by KCC of the school's residential provision and need in the local area, has indicated that there is no longer a requirement for KCC to continue to commission residential placements at Broomhill Bank School North (Hextable).
- 13.2 The Governing Body of Broomhill Bank School agree to permanently remove residential provision.

Recommendation(s):

That the Cabinet Member for Education and Skills:

- I. AGREE to issue a Public Notice to permanently remove residential provision at Broomhill Bank School North (Hextable) and following a representation period of four weeks with no substantive objections received, implement the decision
 - II. DELEGATE authority to the Corporate Director of Children, Young People and Education to Issue a Public Notice
 - III. DELEGATE authority for the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Education and Skills to take relevant actions including but not limited to entering into relevant contracts or other legal agreements as required, to implement the decision, subject to no new substantive objections received during the notice period
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14. Background Documents

- Appendix 1 - Responses to the Public Consultation 7 March 2025 to 4 April 2025
- EQIA

15. Contact details

<p>Report Author: Ian Watts</p> <p>Job title: Assistant Director Education-North Kent</p> <p>Telephone number: 03000 414302</p> <p>Email address: ian.watts@kent.gov.uk</p>	<p>Director: Christine McInnes</p> <p>Job title: Director of Education and SEND</p> <p>Telephone number: 03000 418913</p> <p>Email address: Christine.McInnes@kent.gov.uk</p>
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