

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

### DECISION TO BE TAKEN BY:

Beverley Fordham, Cabinet Member for Education and Skills

### DECISION NUMBER:

25/00087

**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

Affects 2 or more Electoral Divisions

### Subject Matter / Title of Decision

Proposal to permanently increase the designated number of Broomhill Bank School, Broomhill Road, Royal Tunbridge Wells, Tunbridge Wells, TN3 0TB, from 318 students to 490 students

### Decision:

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

- I. APPROVE the increase of Broomhill Bank School's designated number from 318 students to 490 students
- II. AGREE to allocate the funding from the Children Young People and Education Services High Needs Capital Budget that will be required to complete the expansion
- III. AGREE to issue a Public Notice to permanently increase Broomhill Bank School's formal designated numbers following a representation period of four weeks with no substantive objections received, implement the decision
- IV. DELEGATE authority to the Corporate Director of Children, Young People and Education to Issue a Public Notice
- V. DELEGATE authority for the Corporate Director of Children, Young People and Education in consultation with the Cabinet Member for Education and Skills to make minor revisions as required to the proposal following a representation period of four weeks
- VI. DELEGATE authority to the Director of Infrastructure, in consultation with the Head of Law and Director of Education to take relevant actions including but not limited to entering into relevant contracts or other legal agreements as required to implement the decision; and
- VII. AGREE for the Director of Infrastructure, to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

## **Reason(s) for decision:**

### **1. Background**

Kent County Council (KCC) as the Local Authority, has a statutory duty to ensure sufficient high quality school places are available, in the right places for all learners, while at the same time fulfilling our other responsibilities to raise education standards and promote parental preference. The Kent Commissioning Plan 2025-2029 indicated that there will be a shortfall in Special School provision in North and West Kent. Even though KCC's direction of travel is to increase Special Educational Needs (SEN) provision in mainstream schools and associated Specialist Resource Provisions (SRPs), due to already identified shortfalls and anticipated population growth in certain areas of North and West Kent, more specialist provision is required for children and young people with more complex needs.

KCC SEN Data for North Kent as at April 2025, evidenced that there were 237 children and young people waiting for a Special School placement, and 243 open cases, of which was anticipated that a large number would require a Special School placement. For West Kent as at April 2025, there were 201 children and young people awaiting a Special School placement, with 207 open cases.

In July 2023 KCC was informed that it had been successful in bidding for a new 250 place Profound, Severe, and Complex Needs (PSCN) Special School in North Kent (Swanley). The school had an initial target opening date of September 2026 and was to be funded and built by the Department for Education (DfE). However, for a number of reasons progress has been incredibly slow and there are now concerns that the school may not progress any further. Even if it were to continue, that school would not be built until 2028 at the very earliest and as the data shows, provision is required now. KCC Officers and the Cabinet Member for Education and Skills continue to push the DfE and Ministers for confirmation of the status of the proposed new Swanley Special School.

The proposal to permanently increase the formal designated number of the Broomhill Bank School from 318 students to 490 students, will require new teaching spaces and enhancements to existing infrastructure on both school sites in Tunbridge Wells and Hextable. The building projects for this expansion will be managed by Broomhill Bank School, while KCC Infrastructure will oversee the scheme from a quality assurance perspective.

If no further action is taken in the longer term, KCC will find it extremely difficult to provide sufficient state-funded Special School provision in North and West Kent.

### **2. Kents Strategic Statement**

The County Council's Commissioning Plan for Education Provision in Kent 2025-2029 is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent. A copy of the latest plan can be viewed from this link: [Commissioning Plan for Education Provision in Kent 2025-2029](#).

The proposed decision supports KCC's strategic statement in the following ways:

- This proposal supports improved efficiency and timeliness in SEND services and compliments plans to also expand Specialist Resource Provisions (SRPs) and increase mainstream inclusion capacity.
- In line with Section 7 of the KCP: Commissioning Statutory School Provision by Districts, this proposal will assist in responding to housing growth and demographic pressures and help to ensure housing growth is sustainable.
- In line with Section 5 of the KCP: Capital Funding, which outlines the use of developer contributions, Basic Need funding, and cautious capital investment strategies, this proposal promotes in-house provision where financially viable and reducing reliance on independent placements.

This proposal is necessary for KCC to continue to deliver the statutory duty, in a cost-effective way, in line with the guidelines described in the Securing Kent's Future strategy. It will help to maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families.

### **3. Financial Implications**

#### Capital

Progression of the scheme will be dependent on the outcome of detailed feasibility and design work – these will inform the full overall cost of the scheme, at which point the formal decision will be taken by the Cabinet Member for Education and Skills.

The project will be a school managed scheme and will be confirmed via legally binding funding and development agreements between KCC and Broomhill Bank School. The costs of the two new blocks on the North (Hextable) site, and upgrades and modifications across both the North (Hextable) site and West (Tunbridge Well) site will be borne by the CYPE High Needs Capital Budget, this is funded from a ring-fenced Capital Grant from the DfE. From initial feasibility studies, the estimated cost for the whole scheme was £4,000,000.

However, after initial feedback from KCC Planning and Highways colleagues, there is a possibility that costs may increase, primarily due to the need for additional Highways mitigations around the Broomhill Bank School North (Hextable) site. Therefore, we will not be requesting the formal decision to be taken until such time that planning is concluded, and the full extent of the cost of the scheme is known. The latest estimates indicate the costs could increase to as much as c£5.5m, but much work still needs to be undertaken with Planners and Highways to determine the extent of the mitigations required.

For Special School capital projects, the average cost per student place for a school expansion in Kent is c£85,000. However, even if this scheme were to produce only the teaching accommodation for 105 students the higher estimated cost equates to a cost per place of only c£52,000, which still demonstrates good value for money.

An allowance of up to £2,500 per teaching space may be payable to Broomhill Bank School; to outfit each new teaching room with appropriate ICT equipment, such as touch screens or projection equipment. This will be met from the overall Capital allocation for this scheme.

The High Needs Capital Programme has been running since 2020-21 with a total combined budget of just under £109m of which £67m has been either spent or committed to current known schemes (as at Quarter 1 2025 capital monitoring reported to Cabinet in September 2025). In the same way as the Basic Need programme is managed, to ensure all schemes are prioritised appropriately and expenditure is controlled within available funding, any proposed new or additional capital expenditure, first needs to be considered by KCC Officers through Education Asset Board, before being progressed through the formal governance processes and included in the capital programme.

#### Revenue

Should the scheme not proceed through to completion, any costs incurred at the time of cessation would become abortive costs and are likely to be recharged to Revenue. This would be reported through the regular financial monitoring reports to Cabinet. This will be a cost to the General Fund.

As the scheme progresses, £8,000 per newly provided learning space, would be provided towards the cost of furniture and equipment, such as tables, desks, chairs, cabinets and learning resources. This will be funded from the Dedicated Schools Grant Growth Fund.

State funded Special School places are commissioned by Local Authorities and paid based on a rate per place. The rate per place set by KCC for Broomhill Bank School is currently between £15,041 to £24,946 dependant on need type. The higher rate for Broomhill Bank School is approximately £35,000 less than a place in an independent Special School. Local Authorities use the High Needs Block of the Dedicated Schools Grant to pay for these places. Broomhill Bank School will use the revenue income they receive to facilitate additional staffing requirements and increased running costs.

Whilst there are no direct General Fund implications to these proposals, ensuring children are educated as locally as possible, avoids additional school transport costs, which are a General Fund expenditure. In addition, the Council is currently overspending on its Dedicated Schools Grant High Needs Block by approximately £55m-£60m per year. The use of independent Special Schools rather than state-funded provision (mainstream to Special School), has been highlighted as a key contributing factor to this position.

Whilst the cost of Special School places do not directly impact the General Fund, the Council is part of the DfE Safety Valve Programme, for which the Council has agreed to contribute a total of £82m between 2022-23 and 2027-28 to help reduce the accumulated deficit on the Dedicated Schools Grant High Needs Block. KCC's contribution is alongside an extra £140m from DfE.

The DfE funding is contingent on the development of a plan to achieve value for money within the existing SEN regulatory framework, and the aim is to reach an in-year breakeven position by the end of 2027-28. Reducing the Council's reliance on independent sector education placements is a key part of the strategy to achieve this. Therefore, alleviating unsustainable pressures on existing Special Schools who are over-capacity by securing additional state-funded Special School places will help to avoid future dependence on the independent sector.

#### **4. Legal Implications**

Planning permission will be required for the new accommodation to enable the expansion of the school's accommodation. As part of the Funding Agreement Broomhill Bank School will be responsible for gaining the appropriate planning consent.

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) (Amendment) Regulations, 2025. As part of this process, a public consultation was undertaken ahead of presentation of the proposal to CYPE Cabinet Committee. Should the Cabinet Member for Education and Skills agree to the permanently increase to the formal designated number of the Broomhill Bank School from 318 students to 490 students, through a permanent expansion, a Public Notice will be issued for a period of 4 weeks.

A statutory consultation has been undertaken, comprising of a 4-week public consultation.

#### **5. Consultation**

The KCC Members for Swanley, served by Dean Truder, and Tunbridge Wells West, served by John Moreland, have both been informed of the proposal.

A Public Consultation was undertaken on the proposal, which ran from 20 June 2025 to 18 July 2025. The Governing Body of Broomhill bank School are fully supportive and have agreed to continue with the proposal to permanently increase the formal designated number of the school from 318 students to 490 students. The responses to the consultation were presented in full to CYPE Cabinet Committee on 18 November 2025. The school and KCC are the data controllers for the consultation. Any protected data will be managed by the school and KCC.

The Assistant Director Education-North Kent and Assistant Director Education-West Kent have said

that the analysis of demand in North and West Kent shows that additional Special School capacity is required in the area. All alternatives have been considered, and the conclusion is to permanently increase the formal designated number of the school from 318 students to 490 students.

A Public Notice will be issued for a consultation period of 4 weeks, after which, should no significant objections be received, the decision to permanently increase the designated number of Broomhill Bank School, from 318 students to 490 students will be implemented.

Should any significant objections, not already considered by the Cabinet Member for Education and Skills when agreeing to issue the Public Notice, be received during the notice period, a separate decision may be required dependent on the level of modification required in order to continue the proposal and allow for proper consideration of the points raised.

## **6. Equalities implications**

An Equalities Impact Assessment (EqIA) has been completed and indicated that there are no issues to the proposal to permanently increase the formal designated number of the Broomhill Bank School from 318 students to 490 students.

This assessment was re-examined, and no further or new issues have been identified.

## **7. Data Protection Implications**

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

### **Cabinet Committee recommendations and other consultation:**

To be completed following consideration at Children's, Young People and Education Cabinet Committee on 18 November 2025.

### **Any alternatives considered and rejected:**

KCC has considered whether other Special Schools in the North and West Kent areas are viable candidates for a permanent increase to their formal designated numbers. There is also a proposal to expand Parkwood Hall Co-operative Academy, but this alone will not produce sufficient places to meet current demand, as that expansion primarily relates to additional places for Primary age children. Therefore, Broomhill Bank School is the most appropriate and viable option to also increase its designated number.

By increasing their formal designated numbers through the expansion of Broomhill Bank School, which is a maintained provision, it protects the Local Authority from increased revenue costs, through needing to place students into high-cost independent settings.

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

None.

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signed

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date