

# KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

## Executive

### DECISION TAKEN BY:

Christine McInnes, Interim Corporate Director Children,  
Young People and Education

### DECISION NO:

OD/24/00004

### For publication

**Subject matter: Additional DfE “wave funded” special and alternative provision schools**

### Cabinet Member decision to which this action relates:

#### Key decisions:

25/00099 – Commissioning Plan for Education Provision 2026-30

23/00012 – Safety Valve Agreement

### Decision:

To confirm that KCC wishes the Department for Education (DfE) to continue to proceed with funding and delivering two new free special schools and a new free alternative provision school in Kent.

### Reason(s) for decision:

On 12<sup>th</sup> December 2025 the Government announced £3bn of investment in high needs capital funding over the next four years. Included within this programme were three new provisions in Kent that already had initial approval from the DfE, with trusts appointed to run these, subject to capital funding. These provisions are Leigh Academy Birchwood, Whitstable Special School and Jude’s Academy.

KCC was asked to confirm whether it wished the DfE to continue to deliver these new free schools, or if it preferred to receive additional high needs capital to enable it to deliver alternative solutions.

KCC’s Commissioning Plan for Education Provision 2026-30 (KCP) refers to the two new special schools (section 8), explaining that the overall size of Kent’s maintained special school sector (including the two new schools agreed with the DfE) was expected to remain stable during the forecast period. This expectation aligns with the assumptions made within the Safety Valve Agreement, which anticipates cultural change in the Kent SEN system, with better support for children and young people at an earlier stage in mainstream provision, resulting in better outcomes for them, and consequently fewer needing higher levels of support provided by special schools. The reduced demand for special school places will enable KCC to lessen its use of independent special schools.

### Financial Implications:

KCC is required to provide sites to enable the DfE to deliver Leigh Academy Birchwood and the Whitstable Special School. Sites in KCC’s ownership have been identified.

KCC had previously identified the former Birchwood Primary School site as surplus and included it in the Council’s disposal programme. However, because the site is now proposed for the new Swanley special school, it has been removed from the disposal list. As part of preparing the site for the DfE’s project, the DfE has indicated that it will require a “clean site”. This means the existing derelict

school buildings are in the process of being demolished, at a cost of around £700,000. Removing the buildings would also reduce ongoing holding and security costs from approximately £144,000 per year to around £20,000 per year.

The site for the Whitstable Free School is currently subject to a village green application. This is being defended by KCC (estimated cost £60k). The site is currently being held for education uses. Should the village green application be successful and planning permission cannot be gained for a new school on this site, the DfE will work with KCC to identify alternative options. However, there is a risk that no alternative can be found that the DfE will agree to, and the funding for this new school is lost.

KCC is not expected to provide a site for Jude's Academy. The application for the academy was made directly by the trust to the DfE in an alternative provision wave programme. The proposal is to use land at Northfleet School for Girls (owned by the Governing Body/Trust not KCC), in exchange for some capital investment in that school by the DfE. At the time of application, KCC would have confirmed it agreed there was a need for the places the academy expected to provide.

The DfE normally expect local authorities to meet any abnormal costs it encounters delivering new school projects (such as demolition costs or any highway works required). An allowance of £6m has been made in the Children, Young People and Education High Needs capital programme as a contingency to meet any costs arising from these schools. This budget is fully funded from grant funding from the Department of Education and not expected to be a cost to KCC. Approval decisions in respect of use of this funding will be made in line with the Council's Constitution and schemes of delegation.

The revenue funding for the new provisions will come from the high needs funding block (HNF) of the dedicated schools grant (DSG). The average cost of a maintained special school place is £26,000 compared with £56,000 in an independent special school. The expected revenue cost avoidance of these schools is therefore:

	Anticipate places and net revenue savings		
	2028-29	2029-30	2030-31
Leigh Academy Birchwood	114 (£3.4m)	180 (£5.4m)	250 (£7.5m)
Whitstable Special School	48 (£1.4m)	76 (£2.3m)	120 (£3.6m)

The Jude's Academy is expected to deliver 80 places at an estimated revenue cost of £1.6m (plus share of additional grants). The funding will come from a mix of KCC commissioned places for pupils with EHCPs, and the existing budgets of placing schools (therefore not an additional cost to KCC). It is assumed that initially the majority of places will be occupied by pupils with EHCPs, but as the system further shifts to better supporting children and young people better and sooner, without the need for an EHCP, the balance will progressively change. For illustrative purposes, if 50% of the places occupied by pupils with EHCPs, a net saving of £1.2m could be achieved via cost avoidance from using independent special schools. This will contribute to reducing the current overspend on the HNF block.

The prevailing Growth Policy for new and growing schools (at the time of opening) will confirm any contribution towards one-off costs associated with start-up and the opening of new classrooms, along with additional payments to support diseconomies of scale that may occur when a school first opens. The policy is agreed annually by the Schools Funding Forum. These payments are funded from the Dedicated Schools Grant.

At the time of writing, there is no known direct revenue cost to the General Fund because of these

proposals.

**Legal implications:**

The DfE will require the freehold transfer of the Birchwood and Whitstable sites from KCC and for the S151 Officer to confirm in writing that KCC will meet abnormal costs on the three projects. Decisions related to these will be made in due course, in line with the Council's Constitution and schemes of delegation.

**Equality Implications:**

The additional capacity provided by these three schools will have a positive impact on supporting children and young people with protected characteristics, particularly disabilities.

**Comments received from any Members or Officers consulted:**

The Cabinet Member for Education and Skills, the trusts appointed operate the new schools, the local members and the relevant MPs have been consulted prior to making this decision. All favour proceeding with the delivery of these new schools, and thus support the decision.

**Any alternatives considered and rejected:**

The alternative to receive additional HN capital funding has been considered. Potentially this would enable KCC to deliver additional places quicker at alternative locations. However, KCC has well defined capital plans, with decisions already made on the following:

- Expansion of Broomhill Bank (additional 172 places)
- Expansion of Parkwood Hall (additional 72 places)
- Creation of further specialist resource provisions (additional 889 places)

The DfE's alternative offer is based on a cost per place of £50,000 with a regional adjustment factor (1.08) applied. In November 2023 the National School Delivery Cost Benchmarking report was published. This found the average cost of a new pupil place in an SEN school was £96,806. By confirming that KCC wishes the DfE to deliver the three new schools, whilst delivering its own programme of new places, the County Council is spreading its financial risk.

Delivering these places will ease pressures whilst the new schools are delivered. The new schools remain an important part of KCC's provision planning.

The principal risk is the DfE does not deliver one or all of these school, for example because planning permission cannot be secured. There is no guarantee that the alternative cash offer would be made available to the Authority to enable alternative projects to be taken forward. In discussion, the DfE's officials have indicated the Department would work with KCC to find alternative solutions, but there is no guarantee.

In view of the above, the alternative has been rejected.

**Any conflict of interest declared by any executive member consulted by the decision maker and any dispensation granted by the Proper Officer:**

None.

signed

date