

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY:

Beverley Fordham, Cabinet Member for Education
and Skills

DECISION NUMBER:

26/00024

Executive Decision – non-key

**Proposal to permanently increase the formal designated number of Students
at Laleham Gap School from 188 to 208 from September 2026.**

Decision:

As Cabinet Member for Education and Skills I agree to:

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- I. APPROVE the increase of Laleham Gap School’s designated number from 188 students to 208 students.
 - II. AGREE for officers to issue a Public Notice to permanently increase Laleham Gap School’s formal designated numbers.
 - III. Delegate authority to the Corporate Director for Children, Young People and Education, in consultation with the Cabinet Member for Education and Skills, subject to no substantive objections being received and following expiry of the formal 4 week notice period, to take necessary actions to implement the decision.

Reasons for decision:

Laleham Gap School is a Foundation Special School and a member of Kent Special Educational Needs Trust (KSENT), catering for pupils aged 4-18 years who have Communication and Interaction special education needs associated with autism and/or speech, language, and communication. Laleham Gap School is already admitting pupils over their current designated number of 188. This proposal will formally increase the designated number of the school and includes the addition of 20 places aided by the conversion of the rooms previously used by the Specialist Teaching and Learning Service at Laleham Gap School.

Increasing the designated number at a maintained special school by 10% or 20 places is a significant change to the school and therefore a statutory process. *‘Making Significant Changes (‘prescribed alterations’) to maintained schools. Statutory guidance for proposers and decision maker, August 2025’* must be adhered to. The decision maker is the Local Authority.

Financial implications:

Capital

The limited conversion of the Specialist Teaching and Learning Service accommodation at Laleham Gap has been met within the school's own resources.

Revenue

Local Authorities are responsible for funding state-funded Special Schools, through the commissioning of places using a specific-ring fenced revenue grant from the Department of Education (known as the High Needs Block of Dedicated Schools Grant). The costs are expected to be fully met from this grant and not a cost to Council's General Fund.

The LA agrees the commissioned number of places with the school, based on the designated number and the actual level of need, on an annual basis. The commissioning cycle which commences each autumn will confirm the estimated number of students who will require a place for the following September. The commissioned number currently determines the minimum number of places a school will be paid for each academic year (with a current minimum rate of £14,421 per year including historic grant funding). Schools will be paid an additional top-up dependent on the needs of the actual children attending which can range between £3,594 and £15,656. Approved changes to the commissioned number can be made during the academic year if required and funding would be expected to follow.

Legal implications:

KCC, as the Local Authority, has a statutory duty to ensure sufficient school places are available. This duty applies to mainstream settings, as well as SEND provision. The County Council's Commissioning Plan for Education Provision in Kent 2026-30 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.

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.

Local Authorities need to deliver their statutory duties and be aware non-statutory guidance and advice, which relate to children and young people. These include:

- Department for Education - Making significant changes (prescribed alterations) to maintained schools (August 2025): statutory guidance for proposers and decision makers.
- 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.

- KCC, when carrying out its functions must have “due regard” to the provisions of section 149 of the Equality Act 2010, known as the ‘public sector equality duty’.

Equalities implications:

The proposal will not change the delivery of education with the school. Additional school places benefit residents, including those with protected characteristics, to access local school places.

The screening found no evidence that the KCC’s proposed decision will impact negatively on pupils from Protected Groups or lead to them being treated less favourably.

Data Protection implications:

There are no data protection implications for this proposal.

Cabinet Committee recommendations and other consultation:

The proposed decision was considered by the Children, Young People and Education Cabinet Committee on 12 May 2026

Any alternatives considered and rejected:

Other options were not considered as Laleham Gap is a Special School providing education and support to pupils with special needs and the proposal is specific to the school.

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

Signed

Date 1.6.26

