

DECISION REPORT TO CABINET MEMBER

From: *Christine McInnes, Interim Corporate Director of Children, Young People and Education*

To: Beverley Fordham, Cabinet Member for Education and Skills

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

Decision no: 26/00024

Non-Key Decision

Classification: *Unrestricted*

Past Pathway of report: *Children, Young People and Education Cabinet Committee – 12 May 2026*

Future Pathway of report: *Cabinet Member Decision*

Electoral Division: Ramsgate served by Terry Mole and Trevor Shonk

Is the decision eligible for call-in? Yes

Summary: This report sets out the proposal to permanently increase the formal designated number of Laleham Gap School from 188 to 208 from September 2026. 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. It requires a Public Notice and decision by the Local Authority.

Recommendation(s):

That the Cabinet Member for Education and Skills consider the following proposal:

- 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.
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1. Introduction

1.1 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 County Council's Commissioning Plan for Education Provision in Kent 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.

1.2 This proposal is to permanently increase the formal designated number of Laleham Gap School from 188 to 208 from September 2026.

2. Key Considerations

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

3. Background

3.1 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.

3.2 In the most recent OFSTED report for Laleham Gap (April 2023), it was judged to be outstanding for its overall effectiveness.

'Laleham Gap School provides an exceptional quality of education. Pupils thrive here and are very well prepared for their next steps after leaving the school. The school's motto, 'learn, grow, succeed', is built into the fabric of the school. The strong pastoral care helps pupils to feel safe and happy here.'

3.3 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.

3.4 The Specialist Teaching and Learning service for Thanet was based at Laleham Gap School in dedicated rooms. Following the decision for this service to be

involved in TUPE to KCC from autumn 2025 the rooms at the school which were occupied for the service became vacant. Laleham Gap have repurposed and redecorated these offices into 2 classrooms giving them additional classroom capacity.

- 3.5 Kent County Council and Laleham Gap School conducted an informal education public consultation from 9 February to 13 March 2026 and consulted with stakeholders. A total of 5 responses were received with 2 supportive, 2 against and 1 undecided. The outcome analysis of the consultation can be found in Appendix B.
- 3.6 The KCC members for Ramsgate, Mr Trevor Shonk and Mr Terry Mole were consulted during the consultation period.

4. Options considered and dismissed, and associated risk

Other options were not considered as Laleham Gap is a Special School providing education and support to pupils with special educational needs as outlined in the pupil's Education Health and Care Plan (EHCP) and the proposal is specific to the school.

5. Financial Implications

5.1 Capital

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

5.2 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 the 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.

6. Legal implications

- 6.1 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.
- 6.2 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.
- 6.3 Local Authorities need to deliver their statutory duties and be aware of 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'.

7. Equalities implications

- 7.4 An Equality Impact Assessment has been produced by KCC. 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.
- 7.2 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. Therefore, there should be no equalities implications.

8. Data Protection Implications

- 8.1 There are no data protection implications for this proposal.

9. Other corporate implications

9.1 None identified

10. Governance

- 10.1 Once a decision is made, Kent County Council's Constitution (Section 10, Executive Scheme of Officer Delegation), provides a clear and appropriate link between this decision and the actions required to implement it.
- 10.2 The increase of the designated number at a maintained special school by 10% or 20 places is a significant change to the school and must follow the statutory process. 'Making Significant Changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision maker, August 2025'
- 10.3 Following the initial informal consultation which has been undertaken, a Statutory Consultation must be undertaken, comprising the issuing of a public notice and a 4-week consultation period. Should any significant objections, not already considered by the Cabinet Member when taking this decision 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.

The statutory process for making prescribed alterations to maintained schools has 5 stages.

1. Publication – Public notice issued for 4 weeks.
2. Representation – in the 4-week public notice period any person or organisation can submit comments on the proposal to the local authority to be taken into account by the decision maker.
3. Decision – The decision must be made within 2 months of the end of the representation period. The decision maker can
 - reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with modification
 - approve the proposal, with or without modifications subject to certain conditions (such as the granting of planning permission) being met.
4. Referral - For the change of age range proposal, the Diocesan Bodies or the Governing Body may refer the decision to the School's Adjudicator, within 4 weeks of the decision being made.
5. Implementation - A proposal must be implemented in the form that it was approved, including any modifications made by the decision maker.

11. Conclusions

- 11.1 The proposal will increase the designated number at Laleham Gap School and will ensure that there are additional places.

Recommendation(s):

That the Cabinet Member consider the following proposal:

- 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.

10. Background Documents

- It Kent Commissioning Plan 2026-2030
- Equality Impact Assessment

11. Appendices

Appendix A – RoD

Appendix B – Consultation summary.

12. Contact details *(please insert details below)*

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