

By: Patrick Leeson, Corporate Director for Education and Young People's Services

To: Cabinet Member for Education, Health and Reform, 4 December 2014

Subject: Decision Number: 14/00140 New primary school at Langley Park, Maidstone

Classification: Unrestricted

Past pathway of paper: Education and Young People's Services Committee – Commissioning Plan for Education Provision 24 September 2014

Future pathway of paper: Cabinet Member decision

Electoral Division: Gary Cooke, Maidstone South East; Eric Hotson, Maidstone Rural South; Paul Carter, Maidstone Rural North

Summary: This report sets out the processes undertaken to establish a new school at Langley Park, Maidstone and the associated financial implications for KCC.

Recommendations: The Cabinet Member for Education and Health Reform is asked to consider and endorse or make recommendations on the decision to:

- (i) Allocate £6million from the Education and Young People's Services Capital Budget.
- (ii) Authorise the Director of Property and Infrastructure Support in consultation with the Director of Law and Governance to enter into any necessary contracts/ agreements on behalf of the County Council
- (iii) Authorise the Director of Property and Infrastructure Support to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

Should objections, not already considered by me when taking this decision, be received during the notice period a separate decision will be required in order to continue the proposal and allow for proper consideration of the points raised

1. Introduction

- 1.1 Kent County Council (KCC) as the strategic commissioner of education provision in the County is responsible for ensuring there are sufficient high quality places for all learners, while at the same time fulfilling our other responsibilities to raise education standards and be the champion of children and their families in securing good quality education. The Kent Commissioning Plan for Education Provision 2015-2019 is key to achieving our aims and identifies the need for new school provision across Kent. One such need is a new two-form entry primary school at Langley Park in the Maidstone district. Our Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) identifies a second need; that is

for more specialist resource base provisions (SRBP) for pupils with Autistic Spectrum Disorder (ASD).

- 1.2 In the past year a number of new residential development sites have achieved planning consent in the South East of Maidstone. Discussions with Maidstone Borough Council have resulted in a school site being identified and allocated within the development known as Langley Park. The housing developments are estimated to produce approximately 400 additional pupils resulting in a demand for school places which cannot be met locally.
- 1.3 The current Academy/Free School Presumption Guidance (October 2014) published by the Department for Education requires local authorities to plan and secure sufficient school places in their area. KCC has identified a need for a new school and in accordance with The Education Act 2011 (EA 2011); The Education and Inspections Act 2006 (EIA 2006) and The Academies Act 2010 (AA 2010) is now seeking promoters to run the new school at Langley Park.
- 1.4 The decision on all new academy/free school proposals lies with the Secretary of State for Education. The academy or free school would be established through a funding agreement with the Education Funding Agency (EFA) and open on land leased from the local authority.
- 1.5 It is proposed that the new school site at Langley Park will also host a specialist resource based provision (SRBP) for up to 15 pupils for pupils who have greater difficulty learning as a result of an Autistic Spectrum Disorder (ASD). Promoters are required to sign a Service Level Agreement (SLA) covering the SRBP. The proposal to create these additional places is in line with Kent County Council's strategy for children and young people with special educational needs and who are disabled (SEND) and the aims of the Kent Commissioning Plan for Education Provision 2015-19.
- 1.6 A childcare sufficiency assessment has been undertaken in accordance with Section 11 of The Childcare Act 2006 in respect of the proposed new school at Langley Park, Maidstone. The assessment indicates there is a high demand for early years and childcare provision. Therefore, it is proposed that provision will be made in the school building for a pre-school/nursery. Promoters are required to agree to operate or commission the pre-school/nursery from the school site.
- 1.7 This report sets out the processes to establish a new school at Langley Park, Sutton Road, Maidstone and the associated financial implications.

2. Financial Implications

- 2.1 The proposal requires the provision of a new school building on the Langley Park development, Sutton Road, Maidstone. The accommodation will be delivered in line with the new school baseline designs, which have smaller footprints than the Kent Standard of recent years.

2.2 The intention is to build a two-form entry (2FE) school building with nursery provision and community use facilities. This will allow the school to accommodate the pupil demand arising from the new development and local demand from population growth.

a. Capital

- i. KCC has secured through the planning system an area of land for the building of a new primary school. The 2.05ha site is located within Taylor Wimpey's Langley Park development and the legal agreement (s106) ensures that KCC is able to call on the land when it needs to and work with the developer to have the site serviced by roads and facilities. The total price of the school land will be £1,127,808.56 with this being recovered from developers in the area through s106 contributions secured as part of their planning permission.
- ii. KCC is seeking and securing contributions of £14,285 for each pupil generated by new development in the area. Developer contributions of £3.2 million has been secured to date to mitigate the impact of an additional 225 pupils. However within the planning process system there are applications or site allocations for a further 947 homes which equates to approximately 200 further pupils. It is anticipated that a further £2.8million will be secured as developer contributions to mitigate the impact of these further pupils.
- iii. As part of the Primary School Notice to be served on Taylor Wimpey in accordance with paragraph 1.1 of Schedule 2 of the s106 agreement, KCC will construct and provide community facilities on the school site in accordance with the agreed specification. This provision will be funded by Taylor Wimpey through payment of an agreed sum of £122,000. The community facility will be managed by the academy trust of the school or other constituted body on a commercial basis and made available for community events and activities, the hours and charges of which are to be set by the academy trust.
- iv. The total cost for the new school project is estimated to be £6 million. The costs of the project are estimates and these may increase as the project is developed. If the cost of the project is greater than 10% the Cabinet Member will be required to take a further decision to allocate the additional funding. Over time it is expected that the quantum of development will cover the total cost of the project. However, the nature of developer contributions is that they are received over a staggered period of time.

b. Revenue

- v. Furniture and Equipment - £6,000 per classroom will be provided towards the cost of furniture and equipment. This will be given to the new school's leadership team for them to undertake procurement.
- vi. Start up Costs: KCC will provide a budget of £50,000 for start-up costs which will typically commence from January through to 31 August prior to the new school opening on 1 September 2016. This is to cover the costs of employing appropriate staff. On opening, the new school will be funded directly by the Education Funding Agency.

vii. Pupil Growth Funding: In accordance with the Pupil Growth Policy established by KCC and its School's Funding Forum, the school will receive guaranteed funding as follows:

- Year 1 - 120 pupils
- Year 2 - 180 pupils
- Year 3 - 240 pupils

c) Human – The school will appoint additional teachers and support staff as required.

3. Bold Steps for Kent and Policy Framework

3.1 This proposal will help to secure our ambition “to ensure every child will go to a good school where they make good progress and can have fair access to school places” as set out in ‘Bold Steps for Education’.

3.2 The Kent Commissioning Plan for Education Provision sets out the additional demand for school places in 2015-2019 to be met by commissioning additional places across Kent.

3.3 Kent County Council's strategy for children and young people with special educational needs and who are disabled (SEND) identified the need to add 275 additional SEN places in Kent for pupils with Autism and Behavioural Needs.

4. The Academy Presumption Process

4.1 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the academy/free school presumption) to The Education and Inspections Act 2006. Where a local authority thinks there is a need for a new school in its area it must seek proposals to establish an academy or free school. All new academy and free school proposals require the Secretary of State for Education's approval. Once the LA has received all formal proposals, they must provide the Secretary of State with details of all proposers. The local authority may assess proposals received and can recommend their preferred proposal to the Secretary of State for consideration. The Secretary of State will take into consideration the LA's assessment, along with any additional factors of which she is aware. The Secretary of State reserves the right to agree a sponsor of her own choice (from the department's list of approved sponsors) on the basis that she may have further evidence about a proposer, or proposers, which mean that none of those put forward is suitable.

4.2 The process and timetable for identifying the best sponsor for the new school at Langley Park is set out below.

Event	Proposed Date
Invitation to submit a proposal published	4 November 2014
New school community consultation commences	6 November 2014
New school consultation drop-in session	22 & 26 November 2014
Deadline for receipt of applications	2 December 2014
New school community consultation ends	2 December 2014
KCC informs DfE of all proposals received	3 December 2014

Promoter Assessment Panel meets	12 December 2014
Education Commission considers proposals	15 December 2014
KCC submits all proposals to the Secretary of State	By 19 December 2014
Secretary of State full sign off	End March 2015

- 4.4 KCC published specifications, including indicative 3-year budget profile, an application form for potential sponsors to complete, and assessment criteria against which the applications would be assessed. Details were published as a web page, containing all the information required by potential sponsors, on the KCC website.
- 4.5 The DfE Academies Presumption Team was notified of the competition on 4 November 2014. A DfE case worker was assigned to KCC and the specification was forwarded onto the New Schools Network, Independent Academies Association, SSAT and the Freedom and Autonomy for Schools National Association (FASNA) and included on the DfE website. KCC also notified all 'outstanding' schools in Kent and organisations currently sponsoring a Kent Academy.

Assessment

- 4.6 An assessment panel consisting of the Director of Education Planning and Access, the Area Education Officer for West Kent, the Senior Improvement Adviser (Primary) for West Kent and a School Finance Team Officer is scheduled for 12 December 2014 to consider the applications. Each application will be carefully assessed against the assessment criteria published by KCC on 4 November 2014 using a scoring matrix.
- 4.7 A report incorporating the findings of the assessment panel will be submitted to a meeting of KCC's Education Commission on 15 December 2014. The Education Commission will be asked to endorse the recommendation of preferred sponsor for the new academy at Langley Park, Maidstone.
- 4.8 A report setting out the recommendation of KCC's Education Commission will be submitted to the Secretary of State for Education by 19 December 2014 for consideration. The Secretary of State for Education is expected to confirm the sponsor of the academy at Langley Park, Maidstone by March 2015.

5. Community Consultation

- 5.1 The Academy/Free School Presumption guidance states that it is for the local authority to decide how to consult on the proposed new school and with whom. Two community drop-in information sessions have taken place on 24 November at Heather House, Bicknor Road, Park Wood and 26 November 2014 at the Langley Village Hall, Maidstone. Details of the events were published on the website and publicised widely through key stakeholders.

6. Equality Impact Assessment

- 6.3 An Equality Impact Assessment has been completed as part of the process to seek Academy/Free School promoters. To date no comments have been received and no changes are required to the Equality Impact Assessment.

7. Delegation to Officers

- 7.1 The Officer Scheme of Delegation; under Appendix 2 part 4 of the Council's Constitution, provides a clear and appropriate link between this decision and the actions needed to implement it. For information it is envisaged, if the proposal goes ahead, that the Director of Property & Infrastructure Support will sign contracts on behalf of the County Council.

8. Conclusion

- 8.1 This report has set out the need for a new school at the Langley Park development, Maidstone; the associated financial implications and academy presumption process followed by KCC which is aligned to the DfE Academy Presumption Guidance (October 2014). A careful, transparent evaluation will be undertaken and based on this process, KCC's Education Commission will be asked to recommend a preferred sponsor for consideration by the Secretary of State for Education.

9. Recommendations:

The Cabinet Member for Education and Health Reform is asked to consider and endorse the recommendations on the decision to:

- (i) Allocate £6 million from the Education and Young People's Services Capital Budget in order that the proposal may go ahead.
- (ii) Authorise the Director of Property and Infrastructure Support in consultation with the Director of Law and Governance to enter into any necessary contracts/ agreements on behalf of the County Council
- (iii) Authorise the Director of Property and Infrastructure Support to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

Should objections, not already considered by me when taking this decision, be received during the notice period a separate decision will be required in order to continue the proposal and allow for proper consideration of the points raised.

10. Contact details:

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11. Background Documents:

Bold Steps for Kent and Policy Framework

http://www.kent.gov.uk/your_council/priorities_policies_and_plans/priorities_and_plans/bold_steps_for_kent.aspx

Kent Commissioning Plan for Education Provision 2015-2019

http://www.kent.gov.uk/_data/assets/pdf_file/0018/16236/Commissioning-plan-for-education-provision-in-Kent-2015-2019.pdf

Strategy for Children & Young People with Special Educational Needs and Disabilities

<https://shareweb.kent.gov.uk/Documents/KELSI/supporting-pupil-learning/SEN/SEN/FINAL%20Strategy%20for%20Children%20and%20Young%20People%20with%20Special%20Educational%20Needs%20and%20Disabilities.pdf>

KCC School consultation webpage – Langley Park <http://www.kent.gov.uk/about-the-council/strategies-and-policies/education-skills-and-employment-policies/education-provision/langley-park>