

KENT COUNTY COUNCIL –RECORD OF DECISION

DECISION TAKEN BY:

**Roger Gough,
Cabinet Member for Children, Young People and
Education**

DECISION NO:

19/00037

Unrestricted

Key decision: **YES**

Subject: New St Andrew's Primary Free School Contract Approval

Decision:

The Cabinet member for Children, Young People and Education agrees to:

- i. Authorise the Director of Infrastructure, in consultation with General Counsel, to enter into any necessary contracts/agreements on behalf of the County Council;
- (ii) Authorise the Director of Infrastructure to ensure that the appropriate level of funding is received from the Education and Skills Funding Agency to cover the costs of these projects to ensure the Kent County Council does not incur any unforeseen costs; and
- (iii) Authorise the Director of Infrastructure to be the nominated Authority Representative within the relevant contracts/agreements and to enter into variations as envisaged under the contract terms.

Reason(s) for decision:

- 1.1 As the strategic commissioner of school provision, the Local Authority has a duty to ensure that there are sufficient school places for the residents of Kent as set out in the Commissioning Plan for Education Provision in Kent 2019-23. The Commissioning Plan is a five-year rolling plan which is updated annually that sets out our future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent.
- 1.2 The 2019-23 Commissioning Plan forecasts for the Paddock Wood primary planning group indicate the demand for places is expected to increase as new homes are delivered, leading to a deficit of 58 places by the end of the Plan period. This demand cannot be met by existing local provision and will require the opening of a new primary Free school to provide the places needed.
- 1.3 In July 2016, the Department for Education (DfE) approved a Wave 11 bid proposed by the Tenax Trust to establish the St Andrew's Primary Free School at Paddock Wood, Tunbridge Wells. The proposed new school will have the capacity for 420 pupils (2 FE) from Reception to Year 6. The bid also included an estimated 60 nursery places. The Education and Skills Funding Agency (ESFA) is responsible for funding the delivery of the new school (as an agency of the DfE). The new school is scheduled to open in September 2021.
- 2.1 The ESFA has appointed KCC to act as the Local Delivery Agent (Responsible Body), with Gen2 acting as KCC's Agent. As the Responsible Body, KCC will commit to procuring and delivering the scheme and will be the contracting authority for the purpose of the scheme. As the Responsible Body KCC is also responsible for compliance with all relevant statutory obligations and is required to secure any statutory approvals required to deliver the scheme, such as planning permission.

Equality Implications

Tenax Trust and the Department for Education will have considered the equality impacts of opening a new school as part of their decision making. In respect of this proposed decision, to agree KCC can enter into a contract to deliver the school building, there are no known equalities implications.

Financial Implications

The ESFA has allocated funding for the build costs of the school (circa £8.35 million) and this will be secured within a Development Agreement prior to KCC entering any Construction Contract. There will be no capital funding requirements from KCC in relation to the scheme and therefore no impact on the County Council's MTFP.

Legal Implications

KCC will accept the contractual responsibilities for the construction contracts to deliver the new school.

Cabinet Committee recommendations and other consultation:

The CYPE Cabinet Committee at its meeting on 7 May 2019 considered the proposal and the minute extract is as follows:

109. School Expansions/Alterations
(Item 14)

Mr Adams (Area Education Officer - South Kent), Mr Watts (Area Education Officer – North Kent) and Ms White (Area Education Officer – East Kent) were in attendance for this item.

1. The Chairman set out the proposed decisions to expand or alter the following schools: St James' Church of England Voluntary Aided Infant School and St James' Church of England Junior School, establishing a new Special Free School on the Isle of Sheppey, Grange Park School, and the new St Andrew's Primary Free School.

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(Item 14d)

6. RESOLVED that the decision (19/00036) proposed to be taken by the Cabinet Member for Children, Young People and Education to:

a) authorise the Director of Infrastructure, in consultation with General Counsel, to enter into any necessary contracts/agreements on behalf of the County Council;

b) authorise the Director of Infrastructure to ensure that the appropriate level of funding is received from the Education and Skills Funding Agency to cover the costs of these projects to ensure the Kent County Council does not incur any unforeseen costs; and

c) authorise the Director of Infrastructure to be the nominated Authority Representative within the relevant contracts/agreements and to enter into variations as envisaged under the contract terms,

be endorsed.

Any alternatives considered and rejected:

The County Council's Commissioning Plan for Education Provision in Kent 2019-23 is a five-year rolling plan which is updated annually. It sets out our future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent. All alternatives were explored as part of this process.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None

A handwritten signature in black ink, appearing to be 'Rogers' followed by a long horizontal flourish.

15 May 2019

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signed

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date