

From: Matt Dunkley, Corporate Director of Children, Young People and Education

To: Roger Gough, Cabinet Member for Children, Young People and Education

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

Classification: Unrestricted

Decision number: 19/00037

Past Pathway of Paper: **28 January 2019 - the Commissioning Plan for Education Provision 2019-23 - Cabinet**

Future Pathway of Paper: **Cabinet Member Decision**

Electoral Division: **Tunbridge Wells Rural - Sarah Hamilton**

Summary:

This report seeks approval for Kent County Council (KCC) to enter into the contractual arrangements to enable the procurement and construction of the new St Andrew's Primary Free School in Paddock Wood. It is proposed that KCC will manage the construction of the school, with the costs of construction being met by the Education and Skills Funding Agency.

Recommendation(s):

The Cabinet Member for Children, Young People and Education is asked to agree on the decision 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.

1. Introduction

- 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. Proposal

- 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.

3. Financial Implications

- 3.1 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.

4. Raising Standards

- 4.1 The new school will be part of the Tenax Schools Trust, which is a Church of England multi-academy trust (MAT) that includes both primary and secondary schools in Kent and East Sussex. The Tenax Trust is locally based and led by Bennett Memorial School in Tunbridge Wells, which is an outstanding school with experience of working extensively with primary schools. It will work in partnership with St Andrew's Church in Paddock Wood, a joint Church of England and Methodist Church with very strong existing links to the local community and a good relationship with local schools.

4.2

5. Policy Framework

- 5.1 These proposals will help to secure our ambition “to ensure that Kent’s young people have access to the education, work and skills opportunities necessary to support Kent business to grow and be increasingly competitive in the national and international economy” as set out in ‘Increasing Opportunities, Improving Outcomes: Kent County Council’s Strategic Statement (2015-2020)’
- 5.2 These proposals reflect KCC’s aspirations to provide sufficient school places across the County, as set out in the Commissioning Plan for Education Provision in Kent 2019-23.

6. Risks

- 6.1 As the Responsible Body delivering the scheme on behalf of the ESFA, KCC would carry reputational risk relating to any delays to the programme once construction has commenced; these are to be mitigated by strong contractual obligations with a main contractor, ensuring KCC can both prevent issues from occurring and remedy any that may arise once construction has commenced.
- 6.2 The amount of capital funding that the ESFA will allocate to the scheme will be determined through a Business Case process which sets out the cost of the scheme based on surveys, design and quantity surveyor estimates etc. Should the scheme encounter abnormal costs not foreseen as part of the Business Case process then these would not automatically be covered by the ESFA and could fall to the County Council should they not be recoverable. The County Council and Gen2 are mitigating this risk through endeavouring to ensure that the Full Business Case explores as many aspects of the project’s costs as possible and will react quickly and robustly to ensure any abnormal costs are recovered.

7. Legal Implications

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

8. Equalities implications

- 8.1 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.

9. Conclusions

- 9.1 Consented housing development in the Paddock Wood area will create additional demand for primary education provision. The proposed new St Andrew’s Primary Free School will meet this demand. KCC acting as the Local Delivery Agent for the school’s construction has no financial impact on the County Council. This report seeks approval for KCC to enter into the contractual arrangements to enable the procurement and construction of the new school.

10. Recommendation(s)

The Cabinet Member for Children, Young People and Education is asked to agree on the decision 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.

10. Background Documents

- 10.1 Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement 2015-2020 <http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/increasing-opportunities-improving-outcomes>
- 10.2 Kent Commissioning Plan for Education Provision 2019-2023 <https://democracy.kent.gov.uk/documents/s88604/KCP%202019%20-%202023%20Cabinet%20Committee%20-%20FINAL%20PW.pdf>

11. Appendices

Appendix A – Proposed Record of Decision

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