

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

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

DECISION NO:

19/00043

Unrestricted

Key decision: YES

Subject: Basic Need Programme 2019-22 Update and Proposed Process for School Organisation Proposals

Decision:

As Cabinet Member for Children, Young People and Education, I propose to:

- (i) Revise the approval process for school organisation proposals as set out in Appendix 1.
- (ii) Reallocate monies within the CYPE capital programme as follows:
 - a) Wilmington Academy - allocate a further £2m (original decision number – 16/00033(e))
 - b) Wilmington Grammar School for Girls - allocate a further £2.8m (original decision number 16/00033(d))
 - c) St John's Catholic Primary School, Gravesend - allocate a further £2.2m (original decision number 16/00055)
 - d) Seal CE Primary School, Sevenoaks – allocate a further £1.72m (original decision number 15/00093(b))
 - e) Trinity School, Sevenoaks - allocate a further £1m (original decision number 18/00006)
 - f) Craylands Primary School, Dartford – allocate a further £0.55m (original decision number 15/00093(g))
 - g) Harrietsham CEPS – allocate a further £0.6m (original decision number 17/00100)
 - h) The Judd School – allocate £0.4m (original decision number 18/00019)
 - i) Bennett Memorial Diocesan School - allocate a further £1m (original decision number 17/00104)
 - j) St Gregory's Catholic School - allocate a further £0.8m (original decision number 17/00106)
 - k) St Peter's CEPS, Tunbridge Wells – allocate a further £1.0m (original decision number 18/00020)
 - l) Chilmington Green PS, Ashford – allocate a further £1.2m (original decision number 17/00056)
 - m) River Mill, Dartford Northern Gateway – allocate £1.9m (new decision)

Reason(s) for decision:

The current CYPE Basic Need Programme consists of 79 projects across primary, secondary and special schools ranging from bulge years and expansions through to completely new schools. The current total value of the programme is £302.1m over the period 2018-2021.

The programme has, over the past seven years, been managed such that any cost pressures have been contained within the budget approved by County Council. In order to manage this budget effectively a programme management approach has been adopted which involves CYPE, Infrastructure and GEN2. The present approval process for capital projects can lead to budgets being set at a stage when full cost details are unavailable. This can create a situation where some

schemes are delivered at a lower cost than originally anticipated, some are withdrawn for a variety of reasons, and others become more expensive as design and planning stages proceed.

Currently, using the mandate of the approved KCP, officers move individual school organisation proposals forward. Initial feasibility work is carried out to move from an identified pressure, i.e. 1FE within a particular planning area to a proposed solution. Depending upon the point in the annual cycle that this information becomes available, the next iteration of the KCP may name the intended scheme. The proposal next moves to public consultation. This is led by KCC if it relates to a maintained school, or by the trust if an academy or free school. The outcome of consultations, together with estimated capital costs derived from the initial feasibility study, are reported to CYPE Cabinet Committee. The Cabinet Committee's views on the proposal are then considered by the Cabinet Member for CYPE, who decides whether to progress the scheme. In the case of maintained schools this results in a statutory public consultation being issued in the form of a public notice, and in the case of an academy/free school, a decision to make the capital funds available, subject to any decision needed from the Secretary of State. It is this part of the process we recommend is amended.

The current arrangements result in a decision being made, and public notice issued, based on a high-level budget estimate and an early assessment of timescales for delivery. When the statutory public notice is issued, a "complete proposal" is also produced and published in line with the requirements of Regulations. This sets out the County Council's commitment to make the funding available to deliver the scheme, and sets the implementation date. The risks of a scheme running over-budget and over-time are significantly greater at this point, than if the key decision was made later in the process.

Implementing the revised decision-making process, as set out in Appendix 1, will ensure that key decisions are made at a time when robust information is available. This includes costs, deliverability, and timescales in addition to the greater understanding of risk associated with each scheme. Any potential reputational risks to KCC should reduce. Implementation dates can be set with greater certainty, reducing situations where the school and KCC are required to admit pupils ahead of the buildings being available. Importantly schemes which become poor value for money due to high abnormal costs can be reconsidered before KCC is legally committed via a public notice.

The reasons for needing to adjust the budget allocations for the schemes above have been reported to CYPE Cabinet Committee, and these have been taken in to account in the final decision.

Equality Implications

The proposal to change the sequencing of the decision-making process for school organisation proposals does not present any equalities issues. Equality Impact Assessments were completed for each scheme at the time of the original decisions. It is not envisaged that any changes would be required as a result of the proposals to vary the individual Record of Decisions.

Financial Implications

The basic need programme has, over the past seven years been managed such that any cost variations have been contained within the budget approved by County Council. In order to manage this budget effectively, a programme management approach has been adopted by GEN2/Infrastructure in liaison with CYPE. This approach has enabled the £17.12M of pressure generated by the increasing costs of the schemes identified above to be contained within existing programme budget.

Some of the potential additional costs identified may prove to be revenue rather than capital in nature. If these costs materialise and prove to be revenue rather capital then work will be undertaken to manage this.

Legal Implications

The Local Authority as Strategic Commissioner of Education Provision has a key role in securing funding to provide sufficient education provision in the County, particularly in schools.

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: 104. 19/00043 - Basic Need Programme 2019-22 Update and Proposed Process for School Organisation Proposals (Item 10)

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. Mr Gough, Cabinet Member for Children, Young People and Education, and Mr Adams introduced the report which set out the proposals for a redesigned approval process for school organisation proposals, having regard to Kent County Council's governance arrangements and relevant Regulations and the current position of the Children, Young People and Education (CYPE) Basic Need Programme in respect of the current 2019-2022 Medium Term Financial Plan.

Mr Adams then responded to comments and questions from Members, including the following: -

a) Mr Adams explained the reasoning behind the proposed decision to allocate a further £1.2m to Chilmington Green Primary School in Ashford and said that costs were regularly reviewed by Kent County Council's Education and Property officers, together with GEN2. Mr Gough added that each individual project had an impact on costs and talked briefly about the impact that the ever-increasing population in Kent had had on schools.

b) Mr Adams said that whilst schools had a list of desired developments to be made within the school, Kent County Council always prioritised statutory duties and what was required to provide the "basic needs" accommodation in efforts to ensure that schemes were delivered within allocated budgets and timescales.

c) Mr Adams talked about the communications that had taken place between Kent County Council and developers and highlighted the significance of always providing clear and concise information to developers in relation to expected project costs.

d) Mr Abbott talked briefly about private finance initiative schemes within schools and the costs associated with the schemes.

e) Mr Abbott confirmed that Kent County Council's Education officers had liaised with senior colleagues in the Highways department in relation to addressing school transport issues and travel plans.

f) Ms White explained the reasoning behind the proposed decision to allocate a further £0.6m to Harrietsham Church of England Primary School in Maidstone.

2. RESOLVED that the proposed decision to be taken by the Cabinet Member for Children, Young People and Education to:

(i) Revise the approval process for school organisation proposals as set out in Paragraph 3.1;

(ii) Reallocate capital funds within the CYPE capital programme as set out in Paragraph 5.8;

(iii) Wilmington Academy - allocate a further £2m (original decision number – 16/00033(e));

(iv) Wilmington Grammar School for Girls - allocate a further £2.8m (original decision number 16/00033(d));

(v) St John's Catholic Primary School, Gravesend - allocate a further £2.2m (original

decision number 16/00055);

(vi) Seal CE Primary School, Sevenoaks – allocate a further £1.72m (original decision number 15/00093(b));

(vii) Trinity School, Sevenoaks - allocate a further £1m (original decision number 18/00006);

(viii) Craylands Primary School, Dartford – allocate a further £0.55m (original decision number 15/00093(g));

(ix) Harrietsham CEPS – allocate a further £0.6m (original decision number 17/00100);

(x) The Judd School – allocate £0.4m (original decision number 18/00019);

(xi) Bennett Memorial Diocesan School - allocate a further £1m (original decision number 17/00104);

(xii) St Gregory's Catholic School - allocate a further £0.8m (original decision number 17/00106);

(xiii) St Peter's CEPS, Tunbridge Wells – allocate a further £1.0m (original decision number 18/00020);

(xiv) Chilmington Green PS, Ashford – allocate a further £1.2m (original decision number 17/00056); and

(xv) River Mill, Dartford Northern Gateway – allocate £1.9m (new decision),
be endorsed.

(Ida Linfield abstained from voting and asked that the abstention be recorded in the minutes)

Any alternatives considered and rejected:

Each scheme goes through a process of feasibility, design development, planning consultation, and value engineering. During all these stages options and alternatives will be considered before the way forward is determined.

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



signed

4th June 2019

date