

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TO BE TAKEN BY:

Paul Carter, Leader of the Council

DECISION NO:

19/00078

For publication**Key decision***

This is a key decision, as it involves expenditure over £1m

Subject: Reviewing the planned provision of school places within the Thanet area.

Decision:

As Leader of the Council, I approve a variation to the existing school place planning in Thanet through an urgent application being made to the Secretary of State to terminate the Academy Presumption process published in November 2017.

On the basis of approval from the Secretary of State being forthcoming, I further agree, subject to normal KCC and statutory school consultations, to KCC reversing its decision (17/0088) to establish a new secondary school in Thanet and instead;

- Agreement is given to the expansion of Ursuline College by 1 Form of Entry (FE) (5FE to 6FE) and King Ethelbert's School by 2FE (from 5FE to 7FE)
- Agreement is given to the temporary expansion of Royal Harbour Academy to meet the additional need up to 2023/24

Reason(s) for decision:

My reason for the decision is as follows:

- It provides the best use of public resource with potential savings of at least £10.3 million capital.
- School rolls have not grown to the extent predicted in Thanet. Principally as a result of new housing build out rates being significantly lower than anticipated based on the Thanet Local Plan. I believe that the shortfall against earlier projections should be materially reflected in our planning for future years and accordingly am persuaded that reducing the anticipated need is reasonable.
- In my view, the proposed strategy presents the best case for improving Educational Outcomes for young people in Thanet
- Numbers currently entering primary schools in Year R, 1 and 2 are dropping significantly.
- Expanding existing secondary schools strengthens the viability of Thanet secondary schools – both financially and educationally.
- The strategy to expand existing secondary schools in Thanet, has the full support of all Thanet secondary heads The extent of their support is shown in a letter signed by all secondary headteachers on 15 October 2019 and is appended to this decision.

It is on this basis that I seek to vary the existing commissioning plan and apply to the Secretary of State to terminate the presumption process and seek support to pursue alternative arrangements to meet the educational needs in that locality.

Reason for urgency:

The Department for Education (DfE) have indicated that they are only willing to consider proposals when they are formally put before them. Given the urgent timelines, I have concluded that it is imperative to bring forward the decision urgently and that KCC cannot wait for the conclusion of the normal key decision timetable.

The short-term demand on places in Thanet in the next two to three years rises to 5FE in 2021 and reduces to 1FE in 2025. Urgency is therefore required to obtain the DfE's formal support. Note, building a new 6FE school in Margate would not be completed until September 2022, which is predominantly post bulge and therefore an interim solution needs to be found.

To provide clarity on the way forward and seeking clarity in their respective statutory positions, both the General Counsel and Corporate Director of Children, Young People and Education also believe that the decision is now urgent.

Equality Implications:

An Equality Impact Assessment has been undertaken and can be viewed on request. All identified issues have been mitigated and considered as part of this decision.

Business Plan:

The decision relates to the method for KCC to meet its Statutory duty to provide suitable education provision.

Cabinet Committee recommendations and other consultation:

The decision has not been considered by Cabinet Committee due to the need to take the decision urgently – the relevant Chair and Spokespeople have been consulted.

CYPE Cabinet Committee – Gary Cooke (Chair), Trudy Dean and Dara Farrell

The Local Members for the affected Divisions were consulted and one supportive additional comments were provided for inclusion on the Record of Decision.

Rosalind Binks (Conservative - Broadstairs)
Karen Constantine (Labour - Ramsgate)
Emma Dawson (Conservative - Birchington and Rural)
Lesley Game (Conservative - Cliftonville)
Liz Hurst (Conservative – Birchington and Rural)
Barry Lewis (Labour – Margate) - Agreed with proposals
Paul Messenger (Independent – Ramsgate)

Necessity for urgency process was discussed with the Chair of the Scrutiny Committee and the relevant Corporate Director – both agreed that the decision could not be reasonably deferred.

Comments from consulted Members:

Andy Booth – Chair of Scrutiny Committee

- 1) I am very concerned about this Council reversing any decision, particularly one of such significance. Education is a priority and we are all very aware of the magnitude of feeling amongst the population of Kent.
- 2) Irrespective of the house build rate in Thanet and the school roll – looking toward the future for housing and demand ultimate necessity for school placements I believe wherever we have undertaken the decision to increase the school portfolio (buildings) we should adhere to it.
- 3) Whilst expansion/extension of schools forms an important part of the equation, I am particularly concerned about the effect on the infrastructure surrounding this building work. The disruption on the school(s) – logistics of construction, hours of allowable operation, term time relationships with the school – and the effect these works have on the school pupils.
- 4) Finance is always a key decision issue and it is far easier to look at the big numbers now and take a deep breath. Expansion/extension work to existing schools is usually accepted to have a number of additional variations (building and services related) – due to unforeseen issues and design implications. Keeping a very close eye on the budget more often leads to compromise and a 'make do' result. In my experience, a new build development has better isolation, less impact and by definition – (subject to prudent turnkey project management) the ability to deliver the very best for the school children of Kent.
- 5) Site restrictions at any existing school that is undertaking expansion/extension works is far reaching. The build program is typically extended due to working hours restrictions that usually creep into the project, delivery scheduling, quiet-working restrictions and as previously mentioned – the unforeseen design and construction related matters.
- 6) Consultation is a key issue with any proposed infrastructure change to the school portfolio. I am concerned that the fullest and considered consultation has not been undertaken. This is not what I would consider to be appropriate.

Rob Bird – Liberal Democrat Spokesperson for Scrutiny

1. Although the proposed decision has certain merits, it also involves a number of risks as set out by the Corporate Director and the General Council. Despite this, there is no evidence in the RoD that the proposed decision has the support of the Cabinet Member for Children, Young People and Education, currently Roger Gough. This is particularly relevant at the current time given the expectation that Roger Gough will assume the Leadership role imminently.
2. We have not yet been provided with the text of the letter of support from the Thanet school headteachers, so we do not have any assurance that their governing bodies have agreed to expand their schools as envisaged.
3. There are a number of other omissions from the text of the proposed RoD.
4. I have not yet seen any response from the Thanet members who may have concerns about the academy trusts currently operating in Thanet.
5. Although we have been advised [verbally] that the Minister will take the decision quickly, we have no guarantee of this. Should he wish to take DfE officer advice, there is a likelihood that his decision could be delayed given the policy implications and the known stance of the Regional Schools Commissioner and the National Schools Commissioner in relation to Thanet.
6. I accept that KCC may need to move quickly on this and that it may therefore be too late to go through the full FED process. Nonetheless, in this instance I do not see any pressing need for the decision to be taken tomorrow, without any formal scrutiny.

Trudy Dean – Liberal Democrat Spokesperson for CYPE Cabinet Committee

A. I assume the report confirms that the considerable risk of not proceeding with the purchase of the RSD has been avoided, and I would be grateful for your confirmation that this is the case.

B. Given that the remainder of the decision concerns construction projects with a long lead in time, I am unable to understand why this particular level of urgency is reasonable. There are complex arguments involved and I do not have at my disposal

i. the views of local members, particularly from Margate whose residents would be most negatively impacted.

ii. the views of Thanet Council whose housing projections are being questioned and perhaps wholly disregarded for planning purposes. I note Mr Dunkley's concerns in this regard. There may be local intelligence of which KCC is unaware. Have other Borough housing predictions been examined in this way against KCC's school places predictions? If not, is there a risk of challenge of unreasonableness ?

iii. the views of the Cabinet Member for CYPE.

iv. the results of the EqIA. I would like to see this please.

C. There is significant underperformance in achievement at Hartsdown and I am unconvinced by the argument that extending pupil numbers will improve results. I am most reluctant to invest in schools to which 200 pupils had to be directed last year.

The financial comparisons given are fairly rudimentary, and do not appear to include the costs of additional accommodation required at Hartsdown . Are there none?

D. I have concerns that future relationships with DfE and EFSA may be undermined, with potential negative effects on other Kent projects.

Relevant education consultation processes relating to the expansions will be undertaken in due course and in accordance with statutory requirements.

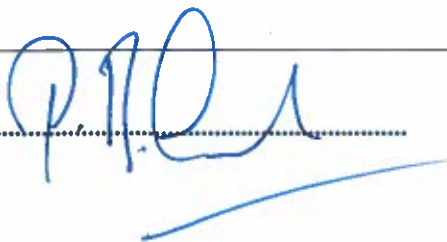
Any alternatives considered:

Consideration was been given to continuing to progress with the previous related decision (17/00088), as per the current Education Commissioning Plan.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None

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signed



10.30 AM 17 October 2019.....
date