

From: Shellina Prendergast, Cabinet Member for Education and Skills
Matt Dunkley CBE, Corporate Director of Children, Young People and Education

To: Cabinet – 6 January 2022

Subject: Commissioning Plan for Education Provision in Kent 2022-26

Classification: Unrestricted

Past Pathway of report: CYPE Cabinet Committee - 16 November 2021

Future Pathway of report: Cabinet Decision

Electoral Division: All

Summary: This report provides the Cabinet with the Commissioning Plan for Education Provision in Kent 2022-26 for approval.

Recommendation(s):

Cabinet is asked to agree the Commissioning Plan for Education Provision in Kent 2022-26.

1. Introduction

- 1.1 The County Council is the Strategic Commissioner of Education Provision in Kent. The Commissioning Plan for Education Provision in Kent (KCP) is an annual document which sets out how we will carry out our responsibility for ensuring there are sufficient high quality places, in the right places for all learners, while at the same time fulfilling our other responsibilities to raise education standards and promote parental preference. The Plan details the expected future need for education provision, thereby enabling parents and education providers to put forward proposals as to how these needs might best be met.
- 1.2 The KCP sets out the principles by which we determine proposals, and it forecasts the need for future provision. It also sets out in more detail, plans to meet the commissioning needs which arise in each district and borough in Kent during the next five years.
- 1.3 This updated KCP is a 'live' document which underpins our on-going dialogue and consultation with schools, district and borough councils, diocesan authorities, KCC Members and local communities, to ensure we meet our responsibilities.

2. The Demographic Context

- 2.1 Information from the Office for National Statistics shows that in 2005 there were 15,613 live births in Kent (excluding Medway). The number of births rose each year up to 2012 when there was a baby boom of 18,147 children. Since this time, birth numbers have fallen to 16,537 in 2019. KCC will continue to monitor this data and forecast its impact over time.
- 2.2 As we have forecast for a number of years the effect of the increased number of births until 2012, which required us to add significant primary school places, is now being felt in the secondary sector. Between the 2020-21 and 2025-26 academic years we forecast secondary school rolls will rise by a further 6,600 pupils. This is equivalent to over 7 new 6FE secondary schools. Primary rolls are forecast to fall during the same period. Pupil numbers are also influenced by migration and KCC will monitor the influence of both Brexit and of Covid on future demand for school places.
- 2.3 As of January 2021, 15,281 children and young people had an Education Health and Care Plan (EHCP) across all schools and settings in Kent. This is an increase of 1,782 since January 2020, an increase of 13.2% compared to 10% in England. The pressure for specialist school provision continues to grow. In Kent, 31.1% of the children and young people with an EHCP are educated in mainstream schools (including Specialist Resourced Provisions), whilst the England figure is 39.9%; 41.8% of children and young people with EHCPs are educated in a special school placement compared to 35.8% nationally.

3. Our Commissioning Intentions

- 3.1 The KCP 2022-26 identifies the need for additional permanent and temporary mainstream school and specialist places over the Plan period. This is based on forecasts which incorporate demographic changes such as the number of births, but also migration and the level of house building.
- 3.2 Within the individual district/borough sections we break down the expected surplus/deficit of places into smaller planning groups. This enables us to identify in more detail where and when provision may need to be added or removed. The pupil growth generated by new homes is forecast to produce significant demand for school places in specific planning groups over and above underlying demographic trends. This is particularly apparent in earlier years of the Plan within a number of primary planning groups impacted by substantial planned house building. The longer-term impact of this house building is also represented by the forecast need for significant additional secondary places in the latter period of the Plan.
- 3.3 Additional provision will be secured through a combination of expanding existing schools and opening new ones. The overall county commissioning intentions are shown below:

Primary School Commissioning Intentions:

by 2022-23	by 2023-24	by 2024-25	by 2025-26	Between 2026-29	Post 2030
0FE 30 Year R temp places	1.5FE	6.8FE	5FE	20.8FE	5FE

Total of 39.1FE across the Plan period and up to 30 temporary Year R places

Secondary School Commissioning Intentions

by 2022-23	by 2023-24	by 2024-25	by 2025-26	Between 2026-29	Post 2030
3FE 335 Year 7 temp places	11.5FE 285 Year 7 temp places	4FE 45 Year 7 temp places	2FE 15 Year 7 temp places	26.5FE	2FE

Total of 49FE across the Plan period and up to 680 temporary Year 7 places

SEND Commissioning Intentions:

by 2022-23	by 2023-24	by 2024-25	by 2025-26	Between 2026-29	Post 2030
92 places	355 places	281 places	50 places		

A total of 778 permanent places across the Plan period

4. Financial Implications

- 4.1 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.
- 4.2 The pressure on the County's Capital Budget continues, particularly as demand for secondary places and for specialist places grows. The cost of delivering school places is currently met from Basic Need grant from the Government, prudential borrowing by the County Council, Section 106 property developer contributions and the Community Infrastructure Levy (CIL). Government funding for 'Basic Need' is allocated on a formula based upon information provided by local authorities concerning forecast numbers of pupils and school capacity.
- 4.3 Basic need funding is allocated by Government on the basis of a comparison of school capacity (not pupil admission numbers) against forecast mainstream pupil numbers from reception year to year 11 uplifted to provide a 2 per cent operating margin. Where capacity is lower than forecasts, the DfE provides funding towards the gap. The allocations for financial year 2022-23 are based upon the projected need for new places by September 2023; Kent received just £20.18m, which would barely fund the construction of just one 6FE secondary school. The 'lumpy' nature of establishing new school provision means that the County Council incurs the majority of the capital costs at the outset of mitigating a forecast place deficit, e.g. expanding a school by a whole FE; whereas the Basic Need formula does not account for this and provides the Council with funding for places in an incremental way over a longer period of time.

- 4.4 The Department for Education's (DfE) Free Schools Programme is another way to deliver some of the school provision Kent needs. We have encouraged promoters to submit bids to Waves 13 and 14, with some success, but this programme is not a significant contributor to places overall and does have financial risks.
- 4.5 The cost of providing school places in response to housing growth is significant, and the County Council seeks developer contributions towards mitigating this cost. Developer contributions for education are secured either through s106 agreements or through the Community Infrastructure Levy (CIL). The reality is that in two-tier areas such as Kent, where education and planning responsibilities are not held within the same local authority, s106 agreements are the most effective mechanism for securing developer contributions for education. However, an increasing number of District Authorities have adopted CIL; whilst S106 can continue to be used on the largest of developments in those areas, KCC's ability to secure contributions directly from developers to fund additional school places is diminishing. This, coupled with the frequent inadequacy of the funding available, means that under the current developer contributions regime there is a significant risk to the funding of school places over the longer-term.

5 Legal implications

- 5.1 Each project identified in the KCP will be subject to a separate consultation and decision-making process. The legal implications of each proposal will be identified at that time.

6. Equalities implications

- 6.1 The equality impact assessment considers whether the commissioning principles and guidelines contained within the KCP may have an impact (either positive or negative) on any protected groups and if so what action, if any, should be taken to mitigate the negative impacts. Separate, more detailed equalities impact assessments will be completed as individual project consultations come forward to consider the impacts on any protected group arising from that individual education proposal.

7. Conclusion

- 7.1. The commissioning intentions outlined in the KCP are planned to ensure there are sufficient schools places, in the right locations and at the right time in order to fulfil our legal responsibility to offer an appropriate school place to all who require one. At the same time, we are committed to reducing the budget shortfall, but without compromising on the high-quality provision our children and young people deserve.

8 Recommendation(s):

- 8.1 Cabinet is asked to agree the Commissioning Plan for Education Provision in Kent 2022-26.

9. Background Documents

- 9.1 Commissioning Plan for Education Provision in Kent 2021-25
<https://www.kent.gov.uk/education-and-children/schools/education-provision/education-provision-plan>
- 9.2 Early Years and Childcare Strategy 2020-23
<https://www.kent.gov.uk/about-the-council/strategies-and-policies/education-skills-and-employment-policies/early-years-and-childcare-strategy-2020-2023>
- 9.3 Kent Strategy for SEND 2021-2024
<https://www.kent.gov.uk/education-and-children/special-educational-needs/send-strategy/strategy-for-children-with-special-educational-needs-and-disabilities>

10. Contact details

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