

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Cabinet

DECISION NO:

23/00105

For publication [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

Key decision: YES

Key decision criteria. The decision will:

- a) *be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:*
 - *the adoption or significant amendment of major strategies or frameworks;*

Subject Matter / Title of Decision

Commissioning Plan for Education Provision in Kent 2024-28

Decision:

Cabinet, agrees:

- A) The Commissioning Plan for Education Provision in Kent 2024-28.

Reason(s) for decision:

Background

- 1.1 The County Council is the Strategic Commissioner of Education Provision in Kent. This Commissioning Plan (KCP) sets out how we will carry out our responsibility for ensuring there are sufficient high quality places, in the right locations for all learners, while at the same time fulfilling our other responsibilities to raise education standards and recognise 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.

Our Commissioning Intentions

- 2.1 The KCP 2024-28 identifies the need for additional permanent and temporary mainstream school and specialist places each year as follows. Additional provision will be secured through a combination of expanding existing schools and opening new ones.

Primary School Commissioning Intentions:

by 2024-25	by 2025-26	by 2026-27	by 2027-28	Between 2028-31	Post 2031
0.5FE 50 Year R temp places	2.3FE 30 Year R temp places	6FE 0 Year R temp places	6FE	22.6FE	6FE

Total of 43.4FE across the Plan period and up to 80 temporary Year R places

Secondary School Commissioning Intentions

by 2024-25	by 2025-26	by 2026-27	by 2027-28	Between 2028-31	Post 2031
1FE 150 Year 7 temp places	13FE 30 Year 7 temp places	8.5FE 90 Year 7 temp places	20FE 60 Year 7 temp places	2FE 30 Year 7 temp places	2FE

Total of 46.5FE across the Plan period and up to 360 temporary Year 7 places

SEND Commissioning Intentions:

by 2024-25	by 2025-26	by 2026-27	by 2027-28
209 places	155 places	500 places	0 places

A total of 864 permanent places across the Plan period

3. Financial Implications

- 3.1 The Local Authority as the Strategic Commissioner of Education Provision has a key role in securing funding to provide sufficient education provision in the County, particularly in schools, in order to meet its statutory responsibilities.
- 3.2 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.
- 3.3 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 forecast, the DfE provides funding towards the gap.
- 3.4 The allocations for the 2024-25 financial year are based upon the projected need for new places by September 2025 (the start of academic year 2025/26); Kent has been allocated £5,046,624. 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.

3.5 One funding option which can assist with or overcome the challenges of forward funding new schools is the Free Schools programme. We encouraged promoters to submit bids to Waves 13 and 14, with some success. However, as the free school programme has become more restrictive, being targeted to certain geographical areas of the Country in relation to mainstream schools, and of limited number for special schools and alternative provisions, it will not be the answer to all our needs. Additionally, it is not risk free for the Local Authority. Delays in delivery can require the Authority to put in place temporary provision with the resultant unplanned expense.

4 Legal implications

4.1 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.

5. Equalities implications

5.1 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.

Cabinet Committee recommendations and other consultation:

The Children's and Young People Cabinet Committee will consider the decision on 21 November 2023.

Any alternatives considered and rejected:

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.

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

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signed

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date