

EXECUTIVE DECISION

From: **Sarah Hammond, Corporate Director of Children, Young People and Education**

To: **Rory Love, Cabinet Member for Education and Skills**

Subject: **Proposed Increase of the Designated Number of Nexus Foundation Special School**

Key decision: *It involves expenditure or savings of maximum £1m*

Classification: **Unrestricted**

Past Pathway of report: N/A

Future Pathway of report: Cabinet Member Decision

Electoral Division: Mark Hood and Paul Stepto – Tonbridge Division

Summary: This report sets out the proposed increase of the Designated Number of places at Nexus Foundation Special School, Upper Haysden Lane, Tonbridge, Kent TN11.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member, concerning the proposals to:

- a) increase the Designated Number of places at Nexus Foundation Special School, Upper Haysden Lane, Tonbridge, Kent TN11, from 228 to 330 from September 2024.
- b) authorise the allocation of £1,260,000 in funding from the Children Young People and Education Services Basic Need Capital Budget to fund the first phase of works to permanently expand Nexus Foundation Special School.
- c) authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with the General Counsel and Director of Education to enter into any necessary contracts/ agreements on behalf of the County Council with Nexus Foundation Special School.
- d) authorise the Director of Infrastructure, Strategic and Corporate Services to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts. Variations to contract value to be no more than 10% above the capital funding agreed by the Cabinet Member without requiring a new Record of Decision.

1. Introduction

- 1.1 Kent County Council (KCC), as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. The County Council's Commissioning Plan for Education Provision in Kent 2024-28 (KCP) is a five-year rolling plan which is updated annually. It sets out our future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent.
- 1.2 The KCP identifies that additional places are needed to meet the demand for Special Education Needs (SEN) places in Tonbridge and Malling and the wider West Kent area.

2. Body of the report

- 2.1 The Nexus Governing Body, with support from KCC, is proposing to increase the school's Designated Number of places from 228 to 330 places from September 2024 to meet the forecast demand.
- 2.2 The Commissioning Plan highlights the SEN place pressure that Kent has experienced, with the number of Education Health and Care Plans (EHCPs) increasing significantly in recent years. The demand for special school provision within Tonbridge and the wider West Kent area has increased commensurately, and in recent years KCC has commissioned additional places at Nexus without providing additional accommodation.
- 2.3 Since the academic year 2021/22 Nexus has temporarily increased its intake to average of 16 on its main campus and to 6 for the Wouldham satellite to meet the commissioned demand. The demand for places at Nexus is set to remain for the foreseeable future and therefore the proposed scheme provides the physical capacity to continue to admit the increased intakes on a permanent basis.

3. Securing Kent's Future

- 3.1 The 'Securing Kent's Future' strategy outlines the measures that KCC intend to take to ensure that Kent remains financially stable, now and in the future. It describes the statutory priorities, one of which being the statutory duty, as the Strategic Commissioner of Education Provision in Kent, to ensure sufficient school places are available to any child or young person who requires one.
- 3.2 The KCP identified that additional provision is needed to meet the demand for SEN places in Tonbridge and Malling and the wider West Kent area. Therefore, the proposed increase to the Designated Number of places at Nexus is necessary for KCC to continue to deliver its statutory duty, in a cost-effective way, in line with the guidelines described in the Securing Kent's Future strategy.

4. Alternative options

- 4.1 Nexus is the only special school for children with Profound Severe and Complex needs in Tonbridge and, without the provision of permanent additional provision, pupils would need to travel further to access appropriate Special Education Needs (SEN) placements or be placed in expensive independent

special needs provision. Both options would increase the on-going financial pressure on the authority.

5. Financial Implications

- 5.1 Feasibility work has been undertaken which estimates the total cost of additional accommodation to be circa £4m. This sum was included in the CYPE High Needs Provision Capital Budget agreed at County Council as at February 2024.
- 5.2 The delivery of the additional accommodation to provide capacity for the increased Designated Number is proposed to be delivered over two phases. The first phase of works will deliver the accommodation required for the September 2024 school year. Costings and a tender process have been undertaken for the first phase of the works and an estimated cost of £802,400 identified. This is to provide a modular building comprising 2 classrooms and dining hall. The cost identified also includes design and management, planning application/building control, surveys, installation, and all associated works to construct and deliver the modular build. This would provide the school with the initial capacity it would need to accommodate a staggered increase in pupil numbers.
- 5.3 It is proposed that the first phase of works will be a school managed scheme, with the roles and responsibilities of each party formally set out through a legal contract between KCC and Nexus. KCC will monitor progress regularly during the building works to ensure that the accommodation needs are being met.
- 5.4 A second phase of works would be undertaken to provide the school with the remaining additional accommodation it requires to admit a total roll of 330 pupils in subsequent years. An early estimate of the cost of Phase 2 is £2.88m, detailed costings will be developed as a design is progressed and planning permission sought. The pre-construction design costs associated with Phase 2 are approximately £420,000; this sum combined with the Phase 1 costs of £802,400 reaches the threshold for a Key Decision and therefore a total of £1,252,400 is being sought; with the capital cost of Phase 2 subject to a subsequent Key Decision.
- 5.5 Revenue Funding: There is no General Fund revenue funding requirement expected for phase 1 of the project as the scheme does not currently include the need for temporary mobiles to be hired based on the anticipated programme. Should the scheme not proceed through to completion, any costs incurred at the time of cessation would become abortive costs and are likely to be recharged to Revenue. This would be reported through the regular financial monitoring reports to Cabinet
- 5.6 Should the scheme progress, £6,000 per new learning space would be provided towards the cost of furniture and equipment. This would be provided to the school to purchase required equipment. In addition, an allowance of up to £2,500 may be payable to outfit each new teaching room with appropriate ICT equipment, such as touch screens or projection equipment. The school would receive funding for the additional pupils that it admits in line with the funding allocated to special schools through KCC's funding formula. All school related

revenue costs highlighted will be met from the Dedicated Schools Grant, a ring-fenced grant from the Department of Education.

6. Legal implications

- 6.1 The increase in Designated Number and the accommodation required to permanently admit the additional pupils will be subject to a legally binding and enforceable contract being in place between KCC and Nexus. Planning permission will be required for the new accommodation to enable the expansion of the school.

7. Equalities implications

- 7.1 An Equality Impact Assessment (EqIA) has been produced and no issues were identified in the early stage EqIA, but the assessment will be reviewed as the project continues.

8. Governance

- 8.1 The proposed decision will authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with the General Counsel and Director of Education to enter into any necessary contracts/ agreements on behalf of the County Council with Nexus Foundation Special School. It will also enable the Director of Infrastructure, Strategic and Corporate Services to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

9. Consultation

- 9.1 In accordance with the Department for Education's Statutory Guidance (January 2024): Making 'prescribed alterations' to maintained schools, there is a need to undertake a formal statutory consultation process.
- 9.2 An informal education consultation was held from 17 May 2024 to 21 June 2024. The consultation document was distributed by the Nexus to parents, members of staff and governors. The consultation was also emailed to all key stakeholders, including but not limited to the following groups:
- The Department for Education
 - The Diocese of Rochester, The Canterbury and Southwark
 - Elected Members (Kent County Council, District and Parish Councils)
 - Local MP
 - Trade Unions
 - Local Children's Centres and pre-school providers
 - Schools in Maidstone area

The consultation was advertised on the KCC and school websites and a drop-in information session was held on Tuesday 04 June 2024, 16:00 to 17:30 at the school.

- 9.3 As at the time this report was authored the consultation was on going and therefore the summarised results will be reported verbally by the Assistant Education Director for West Kent during the CYPE committee meeting.

10. Views

10.1 The View of the Local Members

The KCC Members for Tonbridge Division, Mark Hood and Paul Stepto, have been consulted on this proposal.

10.2 The View of the Assistant Director Education – West Kent

The Assistant Director fully supports this proposal as it contributes to ensuring sufficient places to meet the demand for SEND provision in Tonbridge and Malling and the wider West Kent area.

11. Conclusions

11.1 This report sets out a proposal to increase the Designated Number of places at Nexus Foundation Special School to meet the need for additional SEN places in the Tonbridge and Malling and the wider West Kent area. It also includes the realisation of Basic Need capital funding required to provide the additional accommodation needed to permanently admit the increased designated number of pupils. The building works would be split into 2 stages with the first stage proposed to be a school built scheme managed by Nexus. The roles and responsibilities of each party will be formally set out through a legal contract between KCC and Nexus to ensure the requirements are met.

11. Recommendation(s):

The Cabinet Member for Education and Skills is asked to agree to:

- a) increase the Designated Number of places at Nexus Foundation Special School, Upper Haysden Lane, Tonbridge, Kent TN11, from 228 to 330 from September 2024.
- b) authorise the allocation of £1,260,000 in funding from the Children Young People and Education Services Basic Need Capital Budget to fund the first phase of works to permanently expand Nexus Foundation Special School.
- c) authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with the General Counsel and Director of Education to enter into any necessary contracts/ agreements on behalf of the County Council with Nexus Foundation Special School.
- d) authorise the Director of Infrastructure, Strategic and Corporate Services to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts. Variations to contract value to be no more than 10% above the capital funding agreed by the Cabinet Member without requiring a new Record of Decision.

12. Background documents

Commissioning Plan for Education Provision in Kent 2024-28

13. Contact details

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