

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

### DECISION TO BE TAKEN BY:

Beverley Fordham, Cabinet Member for Education and Skills

### DECISION NUMBER:

25/00040

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

### Key decision: YES

Affects 2 or more Electoral Divisions

### Subject Matter / Title of Decision

Proposal to remove the Residential Provision at Broomhill Bank School North (Hextable), Rowhill Road, Swanley, Kent, BR8 7RP

### Decision:

As Cabinet Member for Education and Skills, I agree to:

- I. AGREE to issue a Public Notice to permanently remove residential provision at Broomhill Bank School North (Hextable) and following a representation period of four weeks with no substantive objections received, implement the decision
- II. DELEGATE authority to the Corporate Director of Children, Young People and Education to Issue a Public Notice
- III. DELEGATE authority for the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Education and Skills to take relevant actions including but not limited to entering into relevant contracts or other legal agreements as required, to implement the decision, subject to no new substantive objections received during the notice period

### Reason(s) for decision:

#### 1. Background

Kent County Council (KCC) as the Local Authority (LA), has a commitment to provide education, including Special School placements for children and young people within their locality, so that they can remain with their families. This follows national direction outlined in the Children's Wellbeing and Schools Bill and the Families First Partnership Programme.

The proposal to permanently remove residential provision at Broomhill Bank School North (Hextable), is driven by an assessment by KCC of the school's residential provision and need in the local area. This assessment has indicated that there is no longer a requirement for KCC to continue to commission residential placements at Broomhill Bank School North (Hextable).

Up to, and including this academic year, placements in Broomhill Bank North (Hextable) residential provision have been for various reasons and not based on one prescribed set of criteria. Some of these reasons include:

- Distance from home to school
- Parental requests for placement (not linked to Social Care Assessment)
- Different placement approaches from other LA

KCC school placement decisions now focus on meeting a young person's needs in a local provision, and where appropriate, those young people are supported by other services such as Social Care in line with their Education Health and Care Plan.

The approach most commonly employed now when placing children and young people in specialist residential provision is that the young person would have statutory care involvement, and the placement is made to meet care needs where local day specialist provision is not an option. This means that the cost of such placements is shared across Education and Social Care.

Based on the approach described above, the students who have previously been placed in residential provision at Broomhill Bank North (Hextable) would no longer meet the criteria for a residential placement. This would be in line with the national direction outlined in the Families First Partnership Programme.

## **2. Securing Kent's Future**

The 'Securing Kent's Future' strategy outlines the measures that KCC intend to take to ensure that Kent remains financially stable, now and long into the future. It describes the statutory priorities, one of which being the statutory duty to ensure sufficient school places are available to any child or young person who requires one. This duty applies to Special Educational Needs (SEN) provision, as well as mainstream settings.

This proposal supports KCC in continuing to deliver its statutory duty, in a cost-effective way, whilst ensuring there are still appropriate high-quality placements for children and young people with SEN. The principal of delivering statutory duties in a cost-effective way is in line with the guidelines described in the Securing Kent's Future strategy.

## **3. Financial Implications**

Revenue funding for special school places is met from the High Needs Block of the Dedicated Schools Grant, a specific ring-fenced grant provided by the Department of Education. The High Needs Block is overspent by c17% and the Council is part of the Safety Valve Programme where central government are providing additional funding to help pay off the accumulated deficit created from this historic overspend (since 2018-19), on the condition the Council puts in place plans to achieve best value for money under the current statutory arrangements with an aim to return to an in-year breakeven position in future years.

Ensuring we meet children's needs more locally where possible, and reducing our dependency on residential special school provision, by only retaining our residential provision for children who are more likely to have a statutory care involvement, is part of our savings strategy to reduce spending on the High Needs Block. By permanently removing the residential provision at Broomhill Bank School North (Hextable) it would save the authority approximately £40,000 per place.

A residential weekday place at Broomhill Bank School North (Hextable) costs nearly £62,000 for each student per academic year, and an assessment by KCC has identified that there is no longer a requirement or need for KCC to continue to commission residential placements at Broomhill Bank School North (Hextable). Day placements at Broomhill Bank School North (Hextable) are on average £20,500 for 2025/26.

From 1 September 2025, all students attending the school will be day students and to continue to run the residential offer at Broomhill Bank costs a minimum of £480,000 a year to maintain.

There may be one off redundancy costs associated with this proposal, but work is ongoing with the school to ensure these costs are kept to a minimum through working with the affected staff to identify alternative employment opportunities. In the first instance the schools would ordinarily be expected to fund these costs. However, if this is deemed unaffordable, funding would be made available through the school redundancy fund (paid by the Council but funded from school contributions). Due to the exceptional nature of this proposal, KCC has agreed to meet the one-off redundancy costs which are anticipated to be circa £20,000.

The Local Authority is responsible for funding home to school transport for eligible children. By removing the residential offer may increase home to school transport costs to the authority if children are eligible for local authority funded travel to school, as they would then be travelling to and from school on a daily basis. By continuing to pursue our aim to meet children's needs as locally as possible should keep these extra costs to a minimum, by securing more efficient transport. The average cost of transporting an eligible child with SEN to school is £8,500 per year, this cost would be met from the Home to School Transport Budget.

There are no direct capital implications arising from this proposal. The buildings will be repurposed to support the educational delivery for incoming Year 7 students with a wider dimension of need.

#### **4. Legal Implications**

All individual proposals to either establish new, expand current or cease current provision will be required to go through the statutory process under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and Making Significant Changes to an Academy (non-statutory guidance on collaborative school place planning, October 2024).

A statutory consultation has been undertaken, comprising of a 4-week public consultation.

#### **5. Consultation**

The KCC Member for Swanley, Dean Truder, has been informed of the proposal.

The school is a Foundation School and ran a public consultation on the proposal with assistance from KCC. The consultation ran from 7 March 2025 to 4 April 2025. The responses to which were presented in full to CYPE Cabinet Committee on 15 July 2025.

The school and KCC are the data controllers for the consultation. Any protected data will be managed by the school and KCC.

A Public Notice will be issued for a consultation period of 4 weeks, after which, should no significant objections be received, the decision to close residential provision at Broomhill Bank North (Hextable) will be implemented.

Should any significant objections, not already considered by the Cabinet Member when agreeing to issue the Public Notice, be received during the notice period, a separate decision may be required dependent on the level of modification required in order to continue the proposal and allow for proper consideration of the points raised.

#### **6. Equalities implications**

An impact assessment was completed that indicated that there are no issues. This assessment was re-examined, and no further or new issues have been identified.

#### **7. Data Protection Implications**

Any information that would have Data Protection implication was gathered by the school and KCC. A

consultation was conducted by the school and KCC. Any protected data will be managed by the school and KCC.

**Cabinet Committee recommendations and other consultation:**

This decision will be considered at the meeting of the Children's, Young People and Education Cabinet Committee on 15<sup>th</sup> July 2025.

**Any alternatives considered and rejected:**

Option 1: Do Nothing

Retain the residential provision, despite the placements not being made in line with the approach described above. This is not a viable option as this goes against KCC's aspiration to ensure children and young people's needs are met in a local provision with support from other services such as Social Care in line with their Education Health and Care Plan, where appropriate.

Option 2: Change the Admissions Criteria

Retain the residential provision but change the admissions criteria for the students who would receive placements at Broomhill Bank School North (Hextable) to match the approach described above. Whilst this appears to be reasonable alternative, due to the needs of the young people who are placed at Broomhill Bank School North (Hextable), the number who would meet that criteria would be minimal, and therefore adversely affect the financial viability of the provision.

**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