From: Beverly Fordham, Cabinet Member for Education and Skills

Christine McInnes, Corporate Director Children, Young People and Education

To: **Children, Young People and Education Cabinet Committee** – 26th November 2026

Subject: State Maintained Special School Capacity – Capital Programme

Decision no: 26/00072

Key Decision: The proposals affect more than 2 Electoral Divisions

Classification: *Unrestricted*

Past Pathway of report: None

Electoral Division: All

Is the decision eligible for call-in? Yes

Summary:
Pressures remain, both locally and nationally, on state maintained special school capacity. This pressure takes two forms – having enough places to meet need (known as sufficiency) and having suitable premises to meet changing needs (known as suitability). For Kent, the sufficiency pressures have led to our state maintained special schools facing a number of challenges, for example, over-crowding, increased class-sizes, reallocation of specialist spaces to general teaching rooms, and shortages of intervention and therapy spaces. These have also led to the increased use of the independent and non-maintained sectors. Sufficiency pressures also create suitability pressures, for example the loss of specialist facilities, but suitability issues exist in some of the school because of the changing needs of our children and young people. Suitability and sufficiency issues can be exacerbated for schools by the condition of some of their buildings (condition issues). A variety of solutions are required to address the challenges.

This paper proposes a capital programme to alleviate the sufficiency and suitability challenges and support Kent's state maintained special schools continue to deliver high-quality education to their pupils. Condition issues are dealt with separately through the Authority's buildings maintenance programme.

Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to:

Consider and endorse, or make recommendations to the Cabinet Member about, the proposed decision to approve the State Maintained Special School Capital Programme and the associated funding allocation, as detailed in the proposed record of decision.

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1. Introduction

1.1 Nationally the number of children and young people with an Education, Health and Care Plan (EHCP) continues to rise. In 2025/26 the number of EHCPs increased by 13%. Whilst it was 5% in Kent, it currently remains an upward trend. The Department for Education (DfE) expects this trend to continue ahead of any reform to the Special Educational Needs (SEND) system in England.

1.2 This upward trend continues to place pressure on the system for specialist places. The Council's strategic plan to ensure sufficient capacity is set out in its SEND Sufficiency Plan, which is appended to its Commissioning Plan for Education in Kent. The strategy is focused on increasing confidence and skills in the system to enable a greater proportion of children and young people to have their needs meet in mainstream schools. This is fundamental, both for the children themselves so that they can grow up and be educated in their communities with all the advantages and support that this brings, but also to the sustainability of the system. Currently 28% of children in Kent with an EHCP are educated in mainstream schools (excluding specialist resource provisions (SRP)) compared to 40% nationally. This paper does not set out the details of all the strategy, plans and activities within Kent to bring about this change. Such details have been presented separately on many occasions to this Committee and to Scrutiny Committee.

1.3 At the other end, the strategy is to reduce our reliance on more specialist provision and in particular the use of high cost independent and non-maintained special school places. As of January 2026 (SEN2 return) the Council was purchasing 2,068 places in these schools. This represents 10% of the Council's EHCPs, compared to 7% nationally. The cost of this is unsustainable.

1.4 To help support the rebalancing of the system, the Council is investing £20m in increasing SRP places, providing more opportunities for children and young people with EHCPs and higher levels of need to thrive in local mainstream schools. The Council is also committed to improving the physical environments of mainstream schools through its School Access Initiative and high needs capital budgets to ensure these are accessible and meet the sensory needs of an increasing number of children and young people.

1.5 Kent's state maintained special schools continue to play a vital role in meeting the needs of the county's children and young people. In Kent 31% of children and young people with an EHCP attend a state maintained special school, compared to 24% in England. Our strategy is to increase special school capacity, principally through two new special schools in Swanley and

Whitstable, and a new alternative provision school (with specialist provision) in Gravesham. However, it is clear none of these schools will be in operation before 2030. All three are to be delivered by the Department for Education (DfE).

1.6 Currently, the pressure to use the independent and non-maintained special school sector arises for a number of reasons. Lack of places in state maintained special schools, parental wishes and tribunal decisions, and the complexity of need not being met in state-maintained schools. Often these reasons are inter-related, for example a state maintained special school is over-crowded, inhibiting its ability to meet need, leading the parent to want an alternative placement.

1.7 The pressures have led to a situation where many of Kent's state maintained special schools need capital investment to ensure these have the facilities and spaces to meet both the numerical demand of the future and the changing needs of Kent's children and young people.

2. Kent state maintained school capacity and accommodation pressures

2.1 There are 25 state maintained special schools in Kent. Some occupy one site; many have satellite provisions which are either solely the school's or are bases within mainstream schools and colleges. This makes it challenging to state clearly what capacity each school has against any national method of calculation. However, it is clear from the DfE's net capacity surveys that the rolls of nearly all of Kent's maintained special schools exceed their stated capacity. To illustrate, the combined designated number of the 25 schools is 5,956, the combined net capacity figure is 5,654, and as of September 2026 the total roll of these schools is 6,868.

2.2 Repeatedly over time Kent's special schools have responded to the Council's requests to admit more pupils and have been obligated by tribunals to admit yet further pupils. This has resulted in many issues, such as the repurposing of halls and specialist spaces to be class bases, conversion of storage spaces to be intervention rooms, and increased class sizes. The impact of this on the pupils in the schools is self-evident. The less obvious impact is this drives tribunal activity as parents seek alternatives.

2.3 The DfE publish space standards for schools. BB103 applies to mainstream schools, BB104 to specialist settings. It is important to state that these standards represent the current design standards for new school buildings. It must be appreciated that applying these standards to all state maintained schools in Kent and seeking to "right size" them is not feasible. For example, a rural Victorian primary school will not meet the standards, nor could it be modernised to do so. However, these provide a benchmark against which all schools can be assessed to establish over or under provision and to inform decision making.

2.4 The four Assistant Directors Education (ADE) have worked with Kent's state maintained special school headteachers to consider a range of issues. This

has been done by need type – Profound, Severe and Complex (PSCN), Social, Emotional and Mental Health (SEMH), and Communication and Interaction (C&I). Through these groups we have sought to:

- identify children and young people whose needs are not currently being met within their (need type) special schools or other state-maintained provision;
- develop a shared understanding of what appropriate provision and additional pathways for these pupils might look like;
- explore the practical barriers and enablers to broadening provision, including accommodation, staffing, training and resources; and
- consider how schools might support additional cohorts while maintaining suitable provision for their existing pupils.

2.5 The backdrop to these conversations needs to be stated. The Council made some proposals for reforming the special school structure in Kent, which were not universally welcomed. However, what is evident and remains so, is that both the Council and its special school leaders are committed to ensuring that all children and young people of Kent receive the best education in state maintained provision that is possible within the resources available. There is a recognition that:

- Pupil need and the presentation of need is becoming more complex;
- State maintained special schools continue to adjust to meet the needs of the most complex, but together we can, and want to, do more;
- The independent sector is not a panacea for the most complex pupils;
- We need to ensure that pupils in state maintained special schools are able to access the wrap around support from partner agencies and commissioned services;
- How we meet the needs of “introvert” pupils (i.e. school refusers, anxious, mental health) and the needs of “extrovert” pupils (i.e. unregulated violent behaviour, fight or flight responses) in the same building needs very careful consideration and likely building adaptations;
- Supporting pupils with more complex needs may mean fewer pupils per class. Accordingly, either fewer pupil spaces will be available in each school, or further accommodation will be required to maintain numbers.
- The future funding model will be aligned to the Government’s plan for specialist provision packages (SPPs) and will be expected to support the different pathways that will operate in the schools. This may include a bespoke pathway for a small number of the most complex pupils, until they are able to access class-based learning with a small number of peers.

2.6 This paper focuses exclusively on the accommodation strand of the conversations. A capacity tool, based on BB104 was commissioned. ADEs invited special school headteachers to use this tool to compare their school to the latest space standards and submit the outputs. Each school site was also visited by the lead ADE for the need type, and usually the local ADE. This provided a cross-county view by need type of the relative issues faced by each school, together with the opportunity for the headteacher to state their priorities. Similarly, priorities were formed in the need type groups, for example the SEMH headteachers agreed the priority for each of them was the provision of a small off-site centre where they can support pupils who were not able to access the main school site, as part of their integration journey.

2.7 Letters were produced for each school in order to "replay" the output of the capacity tool and the discussion, together with a recommendation as to the capital project for the school. Headteachers were invited to raise any queries with the author to enable any issues to be resolved in advance of this report being produced.

2.8 ADEs met with all headteachers (via KSENT) on 15th October 2026 to: share the proposals for each school and the school's response; explain the intended process to move forward, including the key components of this report and proposed decision; to respond to any queries or challenges; to consider if and how any prioritisation might be made; and to determine whether the sector wished to provide a comment for inclusion in this report. This provided both transparency and the opportunity for consensus to be reached.

2.9 It is important that the same transparent messages are conveyed in this report as have been conveyed to and by KCC in meetings with the sector:

- BB104 is the latest space standard, it cannot be applied retrospectively. The Council does not have the resources to bring all 25 special schools up to BB104 space standards. It should also be noted that the standards are for guidance and are not mandatory requirements, meaning school designs and plans can include derogations from the BB standards.
- The Council does not universally apply BB103 retrospectively to mainstream schools, nor does it have the resources to do so.
- The Council will do as much as it can, for as many of the state maintained special schools as it can, but it does not have the resources to do everything that may be required or requested.
- The Council will continue to be transparent in its approach and decision making.
- KSENT is a co-operative trust, and its values are based on putting the needs of all above the needs of the individual. The sector has prioritised with some schools recognising the needs of others are greater than their own.

- Schools that have budget surpluses over the allowed balance control mechanism limit will be required to use this surplus to deliver the project for their school.
- Through transparency and joint working, we will strive to ensure that the limited resources remain available to all in the programme and are not spent on the first few projects.
- Pace of delivery is urgent.

3. Proposals

3.1 Table 1 sets out all Kent state maintained special schools and a high-level summary of the proposal for each. Some proposals have been in development for a period of time and are therefore fairly advanced, others are at early stages. Programme delivery will require access to some buildings the Council has vacated/intends to vacate, in order to create the satellite and off-site provisions described. These will support pacey delivery and provide cost effective solutions.

3.2 Schools that have buildings that are new or have recently received significant investment are not recommended for further capital investment at this point. The schools' leaders recognise the needs of other schools.

3.3 Table 1:

School	Capacity Capital Programme Recommendation
Communication & Interaction (C&I) Dimension	
Aspire	**Develop a satellite provision to increase capacity.**
Broomhill Bank	**No further capital funding proposed – expansion underway.**
Grange Park	**Use accumulated financial surplus to expand provision.**
Leigh Academy Snowfields	**No capital funding proposed. Review pathways and future development opportunities.**
Laleham Gap	**Explore a satellite provision for EBSA pupils.**
Stone Bay	**Improve specialist accommodation.**
SEMH Dimension	
Bower Grove	**Off-site expansion and enhanced intervention spaces on main site**
Elms	**Off-site integration centre and improved support spaces.**
Goldwyn	**Consolidation of provision and additional intervention spaces.**
Nore Academy	**New school – no capital investment planned.**
Portal House	**Off-site integration centre, potentially shared.**
Rowhill School	**On-site nurture/vocational centre and intervention space improvements.**
St Anthony's	**Remodel existing accommodation and off-site integration centre.**
The Orchard	**Modular expansion and off-site integration centre**
Profound Severe and Complex Needs (PSCN) (DfE: Cognition and Learning; C&L)	

Five Acre Wood	**Completion of the 3rd phase of the conversion of the Oxford Road building to provide additional accommodation for the school.**
Foreland Fields	**Increase classroom capacity, access, parking and hygiene facilities.**
Ifield	**Increase teaching space and improve site access and circulation.**
Leigh Academy Milestone	**Replace Post-16 accommodation and enhance key facilities, while reviewing the future suitability of satellite provision.**
Meadowfield	**Reconfigure and enhance both sites to increase capacity and suitability.**
Nexus	**No further capital investment recommended at this stage.**
Oakley	**Improve accommodation, accessibility and site infrastructure across both sites. Address significant maintenance issues (separately).**
St Nicholas'	**Provide a new SEN block and targeted site improvements.**
The Beacon	**No further capital investment recommended.**
Wyvern	**Address sixth form and capacity pressures.**
Valence	**Address suitability issues for PMLD cohort.**

4. Views of the KSENT

4.1 At the meeting of 15th October 2026, the headteacher group expressed the desire to provide a statement for inclusion in this paper. The school holidays, and the time required to agree a single sector response means that this is not available for incorporation in this report, but will be circulated separately in advance of the Cabinet Committee meeting.

5. Options considered and dismissed, and associated risk.

5.1 The DfE's most recent position on high needs capital is that this should be directed to mainstream provision, in particular through the provision of inclusion bases. The Council has already committed £20m towards this.

5.2 The option of making no further investment in Kent's state maintained special schools was dismissed. For some, the overcrowding is creating operation challenges and increasing health and safety risks. Additionally, the Council has to discharge its statutory duty to make suitable provision available to all children. The current context means we do need to continue supporting Kent's state maintained special schools to accommodate additional pupils safely, while work in the mainstream sector continues. Doing nothing was not a viable option.

5.3 The option of making significant investment in a few special schools to address fully their issues was also rejected in favour of supporting a greater number of schools, albeit to a lesser degree.

6. Financial Implications

Capital

6.1 Capital costs related to these proposals will be funded through KCC's High Needs Capital Grant allocations provided by the DfE. This capital grant is provided annually to support high needs provision for children and young people with special educational needs and disabilities or requiring alternative provision. The grant can be used to either create new school places, improve existing facilities or/and support mainstream inclusion.

6.2 The annual grant allocations are combined, along with other specific funding sources, to fund the programme of works to support the development of High Needs Provision across Kent. The programme has been running since 2020-21 with grant funding over that period totalling just under £128m. A further £4m has been added to the grant which has been made through the use of other grants and developer contributions. Of the £132m, c£84m has been either spent or committed to current known schemes, such as the £20m allocated to the SRP expansion programme. The balance of £48m is intended to support new projects, such as the sufficiency of SRPs and special school places and SEND support in mainstream schools.

6.3 The estimated cost of delivering the accommodation proposed in this paper is £35m. It is recognised that this is ambitious and will require considerable prioritisation within each project.

6.4 These costs sit alongside those for capital investment in SRPs and initiatives to make environmental changes to mainstream schools to support inclusion.

6.5 Projects will be prioritised to ensure costs remain within the overall budget allocated.

Revenue:

6.6 The Council funds the revenue costs of maintained special school places from the High Needs Block of the Dedicated Schools Grant, a specific ring-fenced revenue grant from the DfE. These are paid as a "rate per place" in line with Government requirements. The Government is intending to move to national funding model for children with Special Education Needs as part of the wider SEN reforms whereby different levels of funding will be linked to newly developed "Specialist Provision Packages".

7. Legal implications

7.1 The proposals support discharging the Councils duties to:

- secure that sufficient schools for providing primary and secondary education are available for their area, defined as being sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.
- ensure that its education functions are exercised by the authority with a view to promoting high standards, ensuring fair access to opportunity for education and training, and promoting the fulfilment of learning potential

by every person under the age of 20 and those over the age of 20 and for whom an EHCP is maintained.

- keep under review the educational provision, training provision and social care provision made in its area (and outside it) for children and young people who have special educational needs or a disability. KCC must consider the extent to which its provision is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned.

7.2 Some projects may require consultations to be undertaken. The process for each proposal would depend on the status of the school relating to the proposal. For example:

- Proposals which increase the number of pupils a community or foundation special schools is set up for by 10% or 20 pupils would be a statutory proposal in accordance with "Making significant changes ('prescribed alterations') to maintained schools", August 2025 statutory guidance. The decision maker in these cases would be the Local Authority.
- Proposals which increase the number of pupils in an academy special school by 21 pupils or more, or more than 20%, fall within the "Making significant changes to an academy", August 2025 non-statutory guidance. Such proposals require full consultation, plus the submission of a Tier 1 screening form to the DfE by the relevant Trust.

7.3 The public sector equality duty requires KCC, in the exercise of its functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act;
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic; and
- foster good relations between people who share and people who do not share a relevant protected characteristic.

7.4 Projects will be commissioned in accordance with procurement regulations.

8. Equalities implications

8.1 The proposals support more children and young people to attend specialist provision in their locality, reducing travel distances and improving choice. They also seek to ensure equity, as far as possible within the resources available, in the facilities available to children and young people in Kent's state maintained special schools. An EQIA has been completed and no equalities issues have been identified.

9. Data Protection Implications

9.1 An initial Data Protection Impact Assessment (DPIA) screening has been carried out and submitted which determined a full DPIA is not required. No personal data is required for the implementation of this proposal.

10. Other corporate implications

10.1 Where proposals involve modification of buildings, the Infrastructure Team will be involved as necessary, with feasibility studies and resultant works being undertaken. Some proposals will involve building works being managed directly by the schools concerned.

10.2 Implementation will require public consultation on individual solutions proposed, which will require support from the Authority's Engagement and Consultation Team.

10.3 Contracts will need to be entered in to. These are standard documents but will require legal support to have sealed as appropriate.

11. Governance

11.1 The four Assistant Directors Education will, as necessary, undertake or work with schools and/or trusts to undertake consultations (statutory and non-statutory) on individual proposals and to produce the relevant reports/applications to enable the relevant decision maker (Corporate Director Children, Young People and Education and the Secretary of State) to determine proposals. Local Members will be consulted on proposals in their divisions, and consultation documents can be sent to the Members of this Cabinet Committee.

11.2 The proposed decision sets out a range of delegations to relevant Officers to progress work required to implement the overarching policy decision to approve the planned capital programme and allocate required funding to the necessary work. This decision therefore grants appropriate authority for Officers to proceed through to the delivery stages of the programmes outlined in the report, subject to the spend remaining within the approval limit.

12. Conclusions

12.1 Kent's state maintained special schools are a vital part of the Council's continuum of provision. It is important that, within the resources available, these schools have the capacity and facilities to appropriately meet the needs of their pupils. The proposals seek to deliver this, addressing the key issues and priorities as fairly as possible across the sector.

12.2 The proposals sit alongside investment in SRPs and mainstream schools.

13. Background Documents

None

14. Appendices

- Appendix One: Proposed Record of Decision (PRoD)
- Appendix Two: Equality Impact Assessment
- Appendix Three: KsENT Strategic Investment Proposal Letter

15. Contact details

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