KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:	DECISION NUMBER:
Beverley Fordham, Cabinet Member for Education and Skills	26/00064

Executive Decision – key

26/00064-
Commissioning Plan for Education Provision in Kent 2027-31

Decision:

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

Approve the Commissioning Plan for Education Provision in Kent 2027-31 and agree to note the annual review of the SEND Sufficiency Plan.

Reasons for decision:

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 2027-31 (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.

The Plan 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 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.

The KCP reflects the dynamic and ongoing process of ensuring there are sufficient places for Kent children in schools, and other provisions. It is subject to regular discussion and consultation with schools, district/borough councils, KCC Elected Members, the diocesan authorities, and relevant others. The content of this Plan reflects those discussions and consultations.

The Plan includes detail of the future commissioning of special educational needs and disabilities (SEND) provision and incorporates the SEND Sufficiency Plan 2026 within Appendix 11.3. The SEND Sufficiency Plan sets out how KCC will plan and commission sufficient, high-quality education provision for children and young people with SEND, particularly those with an Education, Health and Care Plan (EHCP).

Financial implications:

The costs associated with delivering the commissioning intentions outlined in the plan include both capital and revenue costs.

Capital Costs
Capital costs are associated with the construction of additional school accommodation and revenue costs include providing schools with Growth Funding. The General Fund is Kent County Council's main account for financing a wide range of local services, such as social care, highways `and libraries, using income from council tax, business rates, and government grants.

Capital Costs for mainstream provision are funded through Basic Need Capital Programme, which is made up from a range of sources including Basic Need Grant, Developer Contributions, Prudential Borrowing (originally agreed to fund shortfalls in historic schemes) and other specific grants (such as schools rebuild programme). The Basic Need Grant is the largest contributor to the programme and is provided by the DfE to support local authorities fulfil their statutory duty to ensure there are enough school places for children aged 5 to 16 in their area. The grant is allocated annually, based on local authorities' own pupil forecasts and school capacity data, which they submit through the School Capacity Survey. The funding is primarily intended to support the creation of new school places - either by expanding existing schools or building new ones to meet projected demand.

Capital costs for any schemes outlined in the SEND section of the KCP, are funded from the High Needs Provision Capital Allocation (HNPCA) Grant. HNPCA is paid to local authorities to support the expansion or improvement of places for children and young people with special educational needs and disabilities and those pupils requiring alternative provision (AP). Of the available funding nationally, 50% is distributed in proportion to LAs' population (as determined by the School Census) and the remaining 50% is distributed in proportion to LAs' population, weighted to reflect LAs' pupil to capacity ratio for pupils in specialist provision.

The Education capital programme is continuously reviewed, with projects entering and leaving the programme regularly in response to demand and project completions. The current programme includes projects commissioned in previous years alongside those identified within this new iteration of the KCP for the period 2027-31 KCP. This means the funding associated with the programme also includes elements of Basic Need grant provided to KCC in previous years along with elements of other DfE grants and Developer contributions. The total estimated cost of the plan for additional mainstream places is £135m.The Basic Need programme for current and future schemes has a budget of circa £130m (in addition to further grant funding of £31m up to 27-28), and the value of projects that are currently committed is circa £98m. The current balance of circa £32m will be used to meet the cost of any new schemes identified in the 2027-31 KCP that may be identified during the coming year or in future KCPs, alongside future DfE Basic Need Grant allocations, new developer contributions and other external grants. To ensure all schemes are prioritised appropriately and expenditure is controlled within available funding, any new scheme included in the programme, first needs to be considered and agreed by Education Asset Board, before being progressed through the formal governance processes.

In respect of HNPCA, this programme has been running since 2020-21, with a total combined budget of just over £134m, of which £44m has been spent in previous years leaving the total funding available in the current programme at circa £90m, and the value of projects that are currently committed is circa £77m. The current balance of circa £13m, alongside future grant allocations, will be used to meet the cost of any new schemes identified in the 2027-31 KCP that may be identified during the coming year or in future KCPs. The total estimated cost of this Commissioning Plan for High Needs provision is circa £34m, In the same way as the Basic Need programme is managed, to ensure all schemes are prioritised appropriately and expenditure is controlled within available funding, any new scheme included in the programme, first needs to be considered and agreed by Education Asset Board, before being progressed through the formal governance processes. The estimated costs includes £20m for SRPs, The prioritisation of the HNPCA to expedite the development of this provision was authorised under decision 25/00085, in line with the previously agreed KCP. As the KCP is a live document refreshed annually, this provision continues to be reflected in the updated 2027–31 Plan.

Revenue Costs
The additional revenue costs associated with the Plan for primary and secondary basic need are largely incurred through Growth Funding which is intended to ensure that schools have the resources needed to manage the school-based costs of an expansion, such as increased staffing costs, before the standard funding arrangements (based on pupil numbers from the previous year) are updated to reflect the increased roll. This funding can also be used to support the revenue costs of schools removing or re-purposing places for example: to support inclusive practice. In Kent the fund has been extended to support set up costs for special schools The Dedicated Schools Grant (DSG) is a ring-fenced grant from the DfE that can only be used for education purposes, including funding schools, early years, and special educational needs provision. Growth Funding is funded through the DSG and not the General Fund.

The ongoing revenue cost of additional places in primary and secondary schools will be met by the schools through the annual school budget funded by DfE via the DSG. It is the responsibility of maintained schools, academy trusts and free schools to manage their budget in response to a growing or falling roll. There is no expected cost to the General Fund. This plan identifies over 1,500 additional places in SRPs and Special Schools between 2026 and 2030. The Council is responsible for the annual commissioning of these places, normally by paying a pre-agreed rate per place. The funds the revenue costs form the High Needs Block of the DSG, a specific ring-fenced grant from the DfE. The total annual cost of these places would be circa £42m, when fully occupied. In contrast, by securing more state-funded provision, alongside the wider inclusion strategy it is expected to avoid the independent special school places with an estimated cost of circa £83m. Leading to a net future annual saving circa £40m.

Legal implications:

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.

The general and relevant legal obligations includes ensuring there are “sufficient” school places (Education Act 1996), as far as possible, complying with the preferences expressed by parents (School Standards and Framework Act 1998), increasing opportunities for parental choice (Education and Inspections Act 2006, provide fair access to educational opportunity) (Education and Inspections Act 2006, keep its SEND provision under review and consider if it is sufficient to meet the needs of children and young people in its area (Children and Families Act 2014).

Pursuant to the Equality Act 2010, the Council must, in the exercise of its functions have due regard to the need to: ‘eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not”.

Equalities implications:

An Equality Impact Assessment (EqIA) has been completed for the KCP. The screening found no evidence that the KCP will impact negatively on pupils from Protected Groups or lead to them being treated less favourably.

Data Protection implications:

There are no data protection implications.

Cabinet Committee recommendations and other consultation:

The proposed decision will be considered at the Children’s, Young People and Education Cabinet Committee on 26 November 2026.

Any alternatives considered and rejected:

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.

The KCP provides an overarching framework for determining when and where education may be needed in the future. It sets out the forecast number of children and young people in Kent and breaks this down to smaller geographical areas (districts and planning groups) to show where there may be a need for more or fewer places. It sets out the principles which will be used to consider and evaluate individual proposals which might come forward (be commissioned) to address any identified shortage or surplus of places in a locality.

Each individual scheme that is brought forward will have a rigorous feasibility stage that is completed prior to the scheme formally being commissioned, through the appropriate democratic pathway. An integral part of this process is to identify the most suitable option to provide the additional places. Consideration is given to:

- where the additional places would be best located from an education point of view
- the physical capacity of the existing school sites and the practicality of delivery (including geographical and Highways constraints).
- providing the best value for money for the proposed scheme.

The options considered will then be detailed in the Options section of the individual committee papers associated with each decision.

Local authorities in England are not legally required to publish a strategic school place planning document as a standalone statutory obligation. However, they do have a statutory duty under Section 14 of the Education Act 1996 to ensure that there are sufficient school places available for children of compulsory school age in their area.

While publication is not mandated by law, the Department for Education (DfE) strongly encourages local authorities to produce and share strategic school place planning documents. These are expected to include medium-term forecasts, rationale for expansions or contractions, and underpinning data. This is part of a broader framework for collaborative and transparent planning with academy trusts, dioceses, and the DfE's Regions Group; the Kent Commissioning Plan achieves these aims and the option of not producing a strategic plan would not, it has therefore been rejected.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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Signed	Date