

**From:** Roger Gough, Cabinet Member for Children, Young People and Education

**Matt Dunkley, Corporate Director of Children, Young People and Education**

**To:** Children's, Young People and Education Cabinet Committee – 7 May 2019

**Decision No:** 19/00043

**Subject:** Basic Need Programme 2019-22 Update and Proposed Process for School Organisation Proposals

**Classification:** Unrestricted

**Past Pathway of Paper:** None

**Future Pathway of Paper:** Cabinet Member decision

**Electoral Division:** All

**Summary:** This report proposes a redesigned approval process for school organisation proposals, having regard to KCC's governance arrangements and relevant Regulations and also summarises the current position of the CYPE Basic Need Programme in respect of the current 2019-2022 MTFP, which sets out changes to the costs of individual CYPE capital projects agreed in previous years which require budget reallocations in order to proceed.

**Recommendation(s):** The Children's, Young People and Education Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Children, Young People and Education on the proposed decision to:

- (i) Revise the approval process for school organisation proposals as set out in Paragraph 3.1
- (ii) Reallocate capital funds within the CYPE capital programme as set out in Paragraph 5.8:
  - a) Wilmington Academy - allocate a further £2m (original decision number – 16/00033(e))
  - b) Wilmington Grammar School for Girls - allocate a further £2.8m (original decision number 16/00033(d))
  - c) St John's Catholic Primary School, Gravesend - allocate a further £2.2m (original decision number 16/00055)
  - d) Seal CE Primary School, Sevenoaks – allocate a further £1.72m (original

	decision number 15/00093(b))
e)	Trinity School, Sevenoaks - allocate a further £1m (original decision number 18/00006)
f)	Craylands Primary School, Dartford – allocate a further £0.55m (original decision number 15/00093(g))
g)	Harrietsham CEPS – allocate a further £0.6m (original decision number 17/00100)
h)	The Judd School – allocate £0.4m (original decision number 18/00019)
i)	Bennett Memorial Diocesan School - allocate a further £1m (original decision number 17/00104)
j)	St Gregory's Catholic School - allocate a further £0.8m (original decision number 17/00106)
k)	St Peter's CEPS, Tunbridge Wells – allocate a further £1.0m (original decision number 18/00020)
l)	Chilmington Green PS, Ashford – allocate a further £1.2m (original decision number 17/00056)
m)	River Mill, Dartford Northern Gateway – allocate £1.9m (new decision)

## 1. Background

- 1.1 The current CYPE Basic Need Programme consists of 79 projects across primary, secondary and special schools ranging from bulge years and expansions through to completely new schools. The current total value of the programme is £302.1m over the period 2018-2021. Work is underway on finalising the programme for the year 2021-22 so that is not included within this report.
- 1.2 The programme has, over the past seven years, been managed such that any cost pressures have been contained within the budget approved by County Council. In order to manage this budget effectively a programme management approach has been adopted which involves CYPE, Infrastructure and GEN2. As identified in this report the present approval process for capital projects can lead to budgets being set at a stage when full cost details are unavailable. This can create a situation where some schemes are delivered at a lower cost than originally anticipated, some are withdrawn for a variety of reasons, and others become more expensive as design and planning stages proceed.
- 1.3 The current arrangements for securing approval for school organisation proposals involve several stages and different KCC Boards and Committees.

Additionally, external approval via National Government Departments and Agencies may also be required for some projects. We have reviewed the current internal processes to ensure these are as efficient and effective as possible, while maintaining the high degree of Member oversight required.

- 1.4 The purpose of this report is to provide information on the current and proposed arrangements associated with securing approval for school organisation proposals, and the associated advantages of the proposed arrangements moving forward. The report also provides the financial summary of all the Basic Need schemes and how these are being managed within the existing approved budget. However, in line with the County Council's governance arrangements, new decisions need to be made to set revised budgets for some projects in order for them to proceed.

## **2. Current Arrangement**

- 2.1 Annually the process begins with the approval of the Commissioning Plan for Education in Kent (KCP). This sets out the school organisation commissioning intentions and is used as the basis for forming the capital programme for Children, Young People and Education (CYPE). This Plan is considered by CYPE Cabinet Committee in the Autumn each year, before being approved (or otherwise) by Cabinet in early Spring. No change is proposed to this element of the process.
- 2.2 The draft KCP is used in the Autumn to contribute to the annual budget discussions as part of the Medium-Term Financial Planning process, which culminates in the annual budget approval in February/March by County Council. In respect of school organisation proposals this approach means that a third year of funding is added to the rolling capital programme along with any necessary adjustments to the existing programme. Again, it is proposed this part of the process remains as now.
- 2.3 Individual school organisation proposals generally match with the stated commissioning intentions set out in the KCP. Exceptions are reported to Members, via the annual review of the KCP in the Summer each year. It is the process for gaining approval for the individual school organisation proposals which is the focus of this report.
- 2.4 Currently, using the mandate of the approved KCP, officers move individual school organisation proposals forward. Initial feasibility work is carried out to move from an identified pressure, e.g. 1FE within a particular planning area, to a proposed solution. Depending upon the point in the annual cycle that this information becomes available, the next iteration of the KCP may name the intended scheme. The proposal next moves to public consultation. This is led by KCC if it relates to a maintained school, or by the trust if an academy or free school. The outcome of consultations, together with estimated capital costs derived from the initial feasibility study, are reported to CYPE Cabinet Committee. The Cabinet Committee's views on the proposal are then considered by the Cabinet Member for CYPE, who decides whether to progress the scheme. In the case of maintained schools this

results in a statutory public consultation being issued in the form of a public notice, and in the case of an academy/free school, a decision to make the capital funds available, subject to any decision needed from the Secretary of State. It is this part of the process we recommend is amended.

- 2.5 The current arrangements result in a decision being made, and public notice issued, based on a high-level budget estimate and an early assessment of timescales for delivery. When the statutory public notice is issued, a “complete proposal” is also produced and published in line with the requirements of Regulations. This sets out the County Council’s commitment to make the funding available to deliver the scheme and sets the implementation date. The risks of a scheme running over-budget and over-time are significantly greater at this point, than if the key decision was made later in the process.

### **3. Proposed Arrangement**

- 3.1 It is proposed that the process set out in the flow chart contained at Appendix 2 is adopted. This is further explained below:
- a) Initial feasibility work is conducted to identify either the scope for delivery of the commissioning intention at a particular school or to determine the most efficient solution.
  - b) A public consultation (either KCC led or Trust led) on the educational merits of the proposal is undertaken. The outcome of this and the feasibility work is reported to CYPE Cabinet Committee. The Committee’s views to be sought on whether the scheme should be progressed through detailed design and planning application stages.
  - c) Detailed design work is carried out and a planning application submitted. This allows for costs to be refined having regard to the findings of detailed surveys (e.g. ground conditions), planning requirements, highway needs and market conditions. This stage would include pre-planning submission consultation with the public, and the statutory consultation as part of the planning process. The outcome of these would be considered by the Planning Applications Committee (if required) or through delegated powers.
  - d) Report to Infrastructure Commissioning Board for budget approval and permission to spend (subject to decision of the Cabinet Member for CYPE).
  - e) Cabinet Member for CYPE makes a key decision to progress the proposal, under the relevant section of the Act.
  - f) Public Notice and complete proposal issued, commencing the four-week statutory public consultation period. Any comments or objections received though this consultation that have not previously been considered by the Cabinet Member will be reported to him, otherwise the decision will be deemed to stand. This is in line with the current process.
  - g) Four-week appeal period for prescribed bodies (CE Diocese, RC Diocese, governing bodies and trustees of foundation and voluntary schools subject to the proposal).
  - h) Implement Cabinet Member decision.

- i) Award build contract (on receipt of ICB approval)
  - j) Implementation takes effect on date set out in the public notice.
- 3.2 It is proposed that CYPE Cabinet Committee retains oversight of the CYPE capital programme via a quarterly capital update paper.

#### **4. Anticipated Advantages**

- 4.1 Although to date the delivery of the basic need programme has been extremely successful over the last several years, there have been several projects where the budget estimate was insufficient to deliver the approved scheme. Adopting this new approach, key decisions would be made at a time when robust information is available. This includes costs, deliverability, and timescales in addition to the greater understanding of risk associated with each scheme. Any potential reputational risks to KCC should reduce. Implementation dates can be set with greater certainty, reducing situations where the school and KCC are required to admit pupils ahead of the buildings being available. Importantly schemes which become poor value for money due to high abnormal costs can be reconsidered before KCC is legally committed via a public notice.
- 4.2 The proposal should reduce the number of occasions when CYPE Cabinet Committee is asked to consider varying proposals, either to increase budgets, delay implementation, or to revoke them.

#### **5. Basic Need Programme Update**

- 5.1 The Local Authority as Strategic Commissioner of Education Provision has a key role in securing funding to provide sufficient education provision in the County, particularly in schools.
- 5.2 The cost of providing additional school places is met from Government Basic Need Grant, prudential borrowing by KCC and developer contribution monies. The Medium-Term Financial Plan and the KCP are clear that KCC is no longer in a position to undertake any additional prudential borrowing to support new provision (as it has done in the past - notably with the Special Schools programme). To do so would place the Council in breach of one of its key fiscal indicators that net debt should not exceed 15% of its net revenue expenditure. Delivery of the additional school places will rely more than ever on a timely and appropriate level of funding from Government and securing the maximum possible contribution from developers where relevant.
- 5.3 In drawing up options and proposals around reshaping provision or providing additional places, the Local Authority conducts an options appraisal on existing premises and sites, both those in use and those that are empty but have been retained, to inform feasibility. The issues considered include:
- The condition and suitability of existing premises.
  - The ability to expand or alter the premises (including arrangements whilst works are in process)

- The works required to expand or alter the premises.
- The estimated capital costs.
- The size and topography of the site.
- Road access to the site, including transport and safety issues.
- Air quality – this is an increasing issue and likely to become a more significant in light of recent NICE guidance.

5.4 The Government has reviewed the cost of providing new school buildings and the financial process for allocating funding to local authorities to support the provision of extra school places. ‘Baseline’ designs guide local authorities towards standardisation in terms of space and design of schools. In meeting these guidelines, Kent is committed to securing value for money while providing additional school accommodation which is of a high quality. New school design and build decisions are based on the long-term sustainability of school rolls. The build method for new accommodation will be that which is the most appropriate to meet either a bulge in school population or a permanent enlargement, and one which represents good value for money.

5.5 A detailed financial position of the current Basic Need Programme is contained within Appendix 3 of this report. Please note, this excludes the additional school projects identified in the new KCP 2019 – 2023. The information contained within Appendix 3 is as follows:

- School Name
- Area
- Description
- Record of Decision (RoD)
- Forecast RoD plus 10%
- RoD vs Forecast Variance
- Variance percentage
- Notes / Explanation

This shows that of the total number of projects, 55 are being delivered within budget, 12 are within the 10% flexibility allowed within the existing RoDs and 12 are expected to require additional funding.

5.6 The programme has, over the past seven years been managed such that any cost variations have been contained within the budget approved by County Council. In order to manage this budget effectively, a programme management approach has been adopted by GEN2/Infrastructure in liaison with CYPE. As can be seen below (and in Appendix 3) there are a number of schemes where cost pressures exist, or are expected to emerge, therefore, in line with the County Council’s governance arrangements new decisions need to be made to set revised budgets for these projects in order for them to proceed.

5.7 The table below summarises the projects that are expected to require a revised Record of Decision:

<b>Project</b>	<b>Existing RoD</b>	<b>RoD Required</b>	<b>Increase in RoD</b>
Wilmington Academy	£7,200,000	£9,200,000	£2,000,000
Wilmington Grammar Girls	£2,800,000	£5,600,000	£2,800,000
St John's Catholic PS	£2,800,000	£5,000,000	£2,200,000
Seal CEPS	£2,980,000	£4,700,000	£1,720,000
Trinity School	£8,000,000	£9,000,000	£1,000,000
Craylands PS	£2,650,000	£3,200,000	£550,000
Harrietsham CEPS	£3,000,000	£3,600,000	£600,000
The Judd School - SRP	£0	£400,000	£400,000
Bennett Memorial School	£6,500,000	£7,500,000	£1,000,000
St Gregory's Catholic	£6,600,000	£7,400,000	£800,000
St Peter's, Hawkenbury	£6,900,000	£7,900,000	£1,000,000
Chilmington PS	£7,200,000	£8,400,000	£1,200,000
River Mill PS	N/A	£1,900,000	£1,900,000
			<b>£17,170,000</b>

5.8 A summary explanation scheme by scheme is provided below. Through the programme management approach adopted, the £17.12M has been accounted for within the existing approved Basic Need Programme through project savings, scope amendments as well as additional external funding relating to two schemes. This means that, as with previous years, we are able to deliver the overall programme within the existing budget. Some of the potential additional costs identified may prove to be revenue rather than capital in nature. If these costs materialise and prove to be revenue rather than capital then we will work with colleagues in GEN2, Infrastructure and Finance to manage this.

:

a) **Wilmington Academy - 2FE Expansion**

Original budget £7.2m in 2016. The proposal is to allocate a further £2.0m

Reason

Planning Applications Committee considered both the Wilmington Academy expansion and the expansion of Wilmington Grammar School for Girls at the same meeting, due to both schools being within ¼ mile of each other.

Concerns regarding the expansions from Local Members, the District Council, residents and KCC Highways led to the original scheme being withdrawn (2016), and a revised scheme submitted, which was better received by the local stakeholders. Considerable work had to be completed to address concerns prior to a Planning Applications Committee decision in July 2018.

The need for places generated by demographic pressure but exacerbated by the Secretary of State's decision to close Oasis Academy meant places were needed before approval and delivery of the permanent build.

Consequently, extensive internal remodelling of the existing buildings has taken place for the past three years to create additional classrooms, dining and library spaces, plus temporary classrooms have been installed to ensure teaching spaces were available from September 2017 and 2018 when the cohorts of 240 students arrived.

The overall cost of the project has risen as a consequence of the remodelling works, temporary accommodation, extensive redesign work and the extensive on-site and offsite Highways requirements.

Divisions / Local Member  
Wilmington, Ann Allen

- b) **Wilmington Grammar School for Girls - 1FE Expansion**  
Original budget £2.8m in 2016. The proposal is to allocate a further £2.8m.

Reason

Planning issues as above for Wilmington Academy, following submission of initial planning application for a new teaching block.

The school had successfully secured national funding (CIF) for a new sports hall and had achieved conditional planning permission on the site through Dartford Borough Council. In 2017, discussions were held with the school to redesign the sports hall scheme to include the Basic Need block, thereby freeing up space for a coach park to serve both the Boys and Girls grammar schools which share the site. The school have agreed to provide KCC with the remaining CIF funding for the sports hall, and an agreement with the school will be entered into to ensure the funding is forthcoming.

In 2016 and 2017 internal modelling and temporary classrooms were installed at the school to ensure sufficient spaces were available for the increased PAN.

The budget for this project has increased significantly, incorporating the cost of the CIF funded sports hall, the coach park site and complying with Highways requirements.

Division / Local Member  
Wilmington, Ann Allen

- c) **St John's Catholic Primary School, Gravesend - 1FE Expansion**  
Original budget £2.8m in 2016. The proposal is to allocate a further £2.2m.

Reason

The school was previously separate infant and junior schools built in the 50's/60's, on a constrained site that shares the playing field of the adjacent school St John's Comprehensive. The secondary school is PFI



and the entire site, including much of the shared entrance falls under the PFI curtilage.

The emphasis of the expansion (increase from 3FE to 4FE) was to ensure the school could operate efficiently (i.e. because of the previous infant and juniors). This requires several internal alterations and extensions to the existing buildings, rather than delivering a more typical standalone block, in order to keep the year groups together within the school building.

The school is situated on the busy Rochester Road in Gravesend. Advice from Highways and Planning required a new car park for staff, and a dedicated drop-off & pick-up zone for parents. Consequently, an amount of hard play surface was lost, requiring replacement.

The project has encountered further cost pressures relating to ground conditions, utility upgrades, drainage, legal fees relating to the PFI agreement, temporary accommodation and upgrades to existing mechanical and electrical infrastructure that were life expired.

Divisions / Local Members  
Gravesend East, Diane Marsh and Alan Ridgers

- d) **Seal CE Primary School, Sevenoaks – 1FE Expansion**  
Original budget £2.98m in 2016. The proposal is to allocate a further £1.72m

Reason

The scheme had to be redesigned following the refusal of planning permission by the Planning Applications Committee. The redesign included additional car park spaces and footpath works on the Parish Council Car Park. The new building was also redesigned to meet the constraints of the green belt.

Seal CEPS has been expanding since 2013, initially through temporary expansion. New accommodation has been provided through internal alterations and temporary buildings each year as required, while the permanent scheme was designed and delivered. The original scheme proposed 7 new classrooms, but in order to secure planning permission existing dilapidated mobiles have also needed to be replaced, requiring 10 classrooms to be provided.

Division / Local Member  
Sevenoaks North & Darent Valley, Roger Gough

- e) **Trinity School, Sevenoaks - 2FE Expansion**  
Original budget £8.0m in 2018. The proposal is to allocate a further £1m.

Reason

The Wilderness site which accommodates Trinity School (and the Weald of Kent Grammar School's Sevenoaks expansion) is sensitive in planning terms due to proximity to green belt, traffic and road safety concerns.

Planning advice necessitated additional road safety audits and design requirements to address local concerns. This included a new 14 space, Bus Park to alleviate pressure on Seal Hollow Road.

New building works to the site are to be contained within the specific leasehold area for Trinity school which has required expansion in phased stages.

Division / Local Member  
Sevenoaks Town, Margaret Crabtree

- f) **Craylands Primary School, Dartford – 1FE Expansion**  
Original budget £2.65m in 2016. The proposal is to allocate a further £0.55m.

Reason

The Craylands school is a PFI managed site. The costs of working with the PFI provider has increased the cost of the project. The school expansion was facilitated in six phases, some of which could run concurrently, some sequentially. Four of the six phases were to be provided by the PFI provider, with KCC providing the remaining two.

The costs put forward by the PFI provider are higher than KCC would expect to be paying if using their own KCC Contractor Framework suppliers, but this was a requirement of the PFI provider. PFI costs have been challenged throughout the project cycle but this route does represent a more expensive delivery option.

Division / Local Member  
Swanscombe & Greenhithe, Peter Harmon

- g) **Harrietsham CEPS – 1FE Expansion**  
Original budget £3.0m in 2016. The proposal is to allocate a further £0.6m.

Reason

In order to deliver the scheme a land transfer was required with the neighbouring developer. A bell-mouth entrance has to be provided as part of the land transfer deal.

Site logistics during construction due to the topography and split levels between car park and the main building mean that it is going to take longer to build than a 'normal' site. This elongated build period is resulting in increased costs.

Division / Local Member

Maidstone Rural East, Shellina Prendergast

- h) **The Judd School – Addition of a Specialist Resourced Provision**  
Original budget £0m in 2018. The proposal is to allocate £0.4m.

Reason

It was originally envisaged that the Specialist Resourced Provision for pupils with ASD could be incorporated into existing accommodation within the School. Feasibility work has established that replacement accommodation will be required to provide for that displaced by the creation of the provision.

Division / Local Member  
Tonbridge, Richard Long

- i) **Bennett Memorial School - 2FE Expansion**  
Original budget £6.5m in 2017. The proposal is to allocate a further £1m.

Reason

The planning application is currently live. In order to address highway concerns £300k has been set aside to increase bus capacity should this be required.

In order to secure the places required for September 2019 the Authority must provide 4 temporary classrooms.

Further increases relate to the unforeseen need to replace the kitchen equipment to enable this to meet the increased demand, and inflation pressures since the original budget was set.

Division / Local Member  
Tunbridge Wells West, Peter Oakford

- j) **St Gregory's Catholic School - 1FE Expansion**  
Original budget £6.6m in 2017. The proposal is to allocate a further £0.8m.

Reason

In order to secure planning approval and address highway concerns £130k has been set aside to increase bus capacity should this be required.

In order to secure the places required for September 2019 the Authority must provide 2 temporary classrooms.

It is proposed that this scheme is batched with that of Tunbridge Wells Grammar School for Boys as they have adjoining sites. It is anticipated this will reduce the cost, but provision needs to be made in the event that this saving is not realised.

Division / Local Member  
Tunbridge Wells West, Peter Oakford

- k) **St Peter's CEPS, Tunbridge Wells – 0.5FE Expansion**  
Original budget £6.9m in 2018. The proposal is to allocate a further £1.0m

Reason

The scheme involves the relocation of the existing 0.5FE St Peter's CEPS from its current cramped site to a new site linked to housing development in Hawkenbury. The new building will provide 1FE of accommodation but with core infrastructure sized for a 2FE school in order to future proof the provision.

The site is complex. A high degree of ground work to create levels within the site have been undertaken by the developer in order to meet design compliance. The costs of delivering the school are correspondingly higher, as it has to be designed around the changes in levels, thus losing the efficiencies of a standard design on a level site, and having greater costs associated with lifts and ramps throughout the site. Ground conditions require piled foundations.

Inflation pressures are also affecting the final cost.

Division / Local Member  
Tunbridge Wells South, Catherine Rankin

- l) **Chilmington Green PS, Ashford – 2FE New School**  
Original budget £7.2m in 2017. The proposal is to allocate a further £1.2m

Reason

Extensive design work has had to be undertaken to ensure the scheme conforms to the design code adopted by Ashford Borough Council for this garden town. This has led to a more bespoke building, which will be the first public building in the development.

Archaeology is an abnormal cost on this site, with possible interests relating to several periods of history, including Roman.

Inflation pressures are also affecting the final cost.

Division / Local Member  
Ashford South – Dara Farrell, Ashford Rural South – Mike Angell, Ashford Rural West, Charlie Simkins

- m) **River Mill, Dartford Northern Gateway – 2FE New School**  
Free School with no initial cost to KCC. The proposal is to allocate £1.9m

### Reason

Following a wave application, the DfE nominated the Connect Schools Academy Trust to be the sponsor of this new primary school. KCC has received more than £4m in developer contributions, which can be used Borough wide for Primary Education provision some of which can be made available for this project.

The DfE have encountered significant planning and highways challenges which have resulted in the new school not being completed for the original 2018 opening. Agreement has now been reached for a provisional opening date of September 2019 for the school, and this will be opening in temporary accommodation from that date until the permanent building is complete.

As part of the planning conditions, Dartford Borough Council require KCC to adopt Central Road, which is both the site access and future school access road. Currently the road is not to a standard that KCC would be able to adopt. Although the developer has granted access rights for construction traffic, the DfE have stated that if they cannot obtain the planning permission due to this and other highways conditions, then they will not be able to deliver the school. As stated above, the Highways issues have contributed to a delay in the delivery of the project but there are other contributory factors around the original DfE acquisition of the land, access issues and subsequent land remediation.

The consequence of the delays is that the finished school building cannot be completed for the re-scheduled September 2019 opening date. However, the provision of temporary accommodation on site can be completed for September 2019.

Division / Local Member  
Dartford North East / Dave Butler

## **6. Equalities Impact Assessment**

- 6.1 Equality Impact Assessments were completed for each scheme at the time of the original decisions. It is not envisaged that any changes would be required as a result of the proposals to vary the individual Record of Decisions. The proposal to change the sequencing of the decision-making process for school organisation proposals does not present any equalities issues.

## **7. Recommendation(s)**

**Recommendation(s):** The Children's, Young People and Education Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Children, Young People and Education on the proposed decision to:

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  - e) Trinity School, Sevenoaks - allocate a further £1m (original decision number 18/00006)
  - f) Craylands Primary School, Dartford – allocate a further £0.55m (original decision number 15/00093(g))
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  - l) Chilmington Green PS, Ashford – allocate a further £1.2m (original decision number 17/00056)
  - m) River Mill, Dartford Northern Gateway – allocate £1.9m (new decision)

## 8. Background Documents

Appendix 1 – Proposed Record of Decision  
 Appendix 2 – Budget reallocations flow chart  
 Appendix 3 – CYPE Basic Need Programme

## **9. Contact details**

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