

From:

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

To: **Richard Long TD, Cabinet Member for Education and Skills**

Subject: **Proposal to allocate Basic Need funding and enter necessary contracts to enable the second phase of expansion at Broomhill Bank School.**

Decision Number and Title – **20/00116 - Proposal to allocate Basic Need funding and enter necessary contracts to enable the second phase of expansion at Broomhill Bank School.**

Key decision: Yes

- *It affects more than 2 Electoral Divisions, &;*
- *It involves expenditure or savings of maximum £1m – including if over several phases*

Classification: **Unrestricted**

Past Pathway of report: Original decision was taken by the Cabinet Member for Education and Skills outside of Cabinet Committee on 24th June 2020

Future Pathway of report: Cabinet Member Decision

Electoral Division: James McInroy - Tunbridge Wells West
Michael Horwood – Swanley

Summary: This report sets out proposals to allocate Basic Need funding and enter necessary contracts to enable the second phase of expansion at Broomhill Bank School.

Recommendation(s):

The Cabinet Member for Education and Skills is asked to take the proposed decision to:

- authorise the allocation of £2.4m from the Children Young People and Education Services Basic Need Capital Budget to deliver the accommodation required for the second phase of building works at Broomhill Bank School.
- authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with KCC General Counsel and the Director of Education to enter into any necessary agreements on behalf of the County Council with the Broomhill Bank School.
- delegate authority to the Director for Education, in consultation with Director of Infrastructure, Strategic and Corporate Services and KCC General Counsel to take necessary actions, including but not limited to entering into necessary contracts or taking other legal actions as required to implement the decision.

1. Introduction

- 1.1 KCC, as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. This duty applies to Special Educational Needs (SEN) provision, as well as mainstream settings. The County Council's Commissioning Plan for Education Provision in Kent 2020-24 is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent. A copy of the plan can be viewed from this link: [Kent Commissioning Plan for Education Provision 2020-2024](#)
- 1.2 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 most prevalent and fastest growing need type is ASD (Autistic Spectrum Disorder) and data indicates that 40% of children and young people aged 0-25 years with EHCPs have ASD as their primary need type.
- 1.3 The demand for ASD places at Broomhill Bank School has increased commensurately, with strong parental preference.
- 1.4 Following a statutory process, the school's Designated Number was increased from 210 to 318 places on 1st October 2020. Additional accommodation is required to enable the school to accommodate increased pupil numbers. A Cabinet Member Decision is required the necessary capital allocation is in excess of £1m.

2. Background

- 2.1 Feasibility and curriculum analysis work was undertaken across both of the school's sites to assess the accommodation and resources required for the expansion. It was determined that the additional accommodation to provide capacity for the proposed increased Designated Number would be delivered over two phases. The first phase of works would not require planning permission and would deliver the accommodation required for the School Year beginning in September 2020. Detailed costings identified a cost of £2m for the first phase of work. This first phase of work has been completed at a cost of £1.6m, however it has been necessary for some elements to be transferred to the second phase of works; the unspent £400k will be returned to the Basic Need Capital Budget and it is proposed that this be reallocated to the second phase. Subject to agreement of this Decision, the total Basic Need Capital Budget allocation for both phases would total £4m.
- 2.2 The increase to the school's Designated Number and the authorisation for expenditure on the first phase of works were approved by the Cabinet Member for Education and Skills on 24th June 2020 (Decision Number 20/00053).

- 2.3 The proposed second phase would provide the school with the new additional accommodation required to gradually admit pupils up to a total of 318 in subsequent years. This would include the provision and enhancement of sports facilities. It is anticipated that the second phase of works would be completed within the school year commencing September 2021. The proposed Decision relates to the allocation of capital funding and the contractual arrangements necessary to enable the second phase of works.

3. Alterative Options

- 3.1 There is limited ASD specific provision available in the West and North of the County, with the nearest Special School to the Broomhill Bank sites with ASD as its main need type having already recently been expanded. After exploring the options, the increase in Designated Number for Broomhill Bank School was deemed the suitable option.

4. Financial Implications

- 4.1 Capital Funding: Detailed feasibility has been undertaken and identified that the second phase of the scheme will require an allocation of £2.4m from the CYPE Basic Need Capital Budget. It is proposed that this will be a school managed scheme. KCC will provide the allocated Basic Need Funding in return for the school providing the necessary accommodation and resources to meet the increased Designated Number of 318 pupils. The roles and responsibility of each party will be formally set out through an agreement between KCC and the School. KCC will monitor progress regularly during the building works to ensure that the accommodation needs are being met.
- 4.2 Revenue Funding: 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 £2500 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.

5. Legal implications

- 5.1 As the original proposal increased of the Designated Number by 10% or 20 pupils (whichever is lesser), legislation required statutory process to be undertaken.
- 5.2 The second phase will be subject to a formal agreement being in place between KCC and Broomhill Bank School.

6. Equalities implications

- 6.1 An Equality Impact Assessment (EqIA) was completed as part of the consultation. The screening found there is no evidence that the change will impact negatively on pupils from Protected Groups or lead to them being treated less favourably. The school will remain co-educational and continue to welcome pupils placed by KCC regardless of gender identity, race, ethnicity or

religion beliefs. To date no comments have been received and no changes are required to the Equality Impact Assessment.

7. Other corporate implications

- 7.1 The provision of sufficient school places is a statutory duty and contributes to the Strategic Business Plan Priorities to ensure that “Children and Young People in Kent get the best start in life”.

8. Governance

- 8.1 The proposed decision will delegate authority to the Director for Education, in consultation Director of Infrastructure, Strategic and Corporate Services and KCC General Counsel to take necessary actions, including but not limited to entering into necessary contracts or taking other legal actions as required to implement the decision. It will also authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with KCC General Counsel and the Director of Education to enter into any necessary agreements on behalf of the County Council with the Broomhill Bank School.

9. Consultation

- 9.1 In accordance with the Department for Education’s Statutory Guidance (October 2018): Making ‘prescribed alterations’ to maintained schools, there was a need to undertake a formal statutory consultation process as part of the original decision.
- 9.2 An informal education consultation was completed from 1st May 2020 to 8th June 2020. Further information is available on the School Consultation webpage:
www.kent.gov.uk/schoolconsultations
- 9.3 Following the Cabinet Member for Children, Young People and Education’s decision to approve the project (Decision Number 20/00053), a Public Notice ran from 3rd July to 31st July 2020.

10. Views

- 10.1 The View of the Local Members
The following KCC Members have been consulted on both phases of the proposal:

James McInroy - Tunbridge Wells West
Michael Horwood – Swanley

- 10.2 The View of the School
The Governing Body and the Executive Headteacher Steve Ackerley fully support the proposal and have agreed that the school will lead the second phase of the project.

- 10.3 The View of the Area Education Officer

The Area Education Officer fully supports this proposal and feels the scheme will help provided much needed ASD places in West and North Kent. The proposal would also enable the school to reduce class sizes and improve the facilities for its pupils.

11. Conclusions

11.1 This report sets the Basic Need Capital Budget allocation and contractual arrangement required to complete the second phase of the planned works to increase the Designated Number of places offered at Broomhill Bank School. The second phase of the project will be school led and will ensure the school has the accommodation and resources required to gradually admit pupils up to a total of 318. There is a growing demand for ASD provision in West and North Kent and without the completion of the second phase the school will not be able to admit the additional places needed to meet this demand.

12. Recommendation(s) The Cabinet Member for Education and Skills is asked to take the proposed decision to:

- i) authorise the allocation of £2.4m from the Children Young People and Education Services Basic Need Capital Budget to deliver the accommodation required for the second phase of building works at Broomhill Bank School.
- ii) authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with KCC General Counsel and the Director of Education to enter into any necessary agreements on behalf of the County Council with the Broomhill Bank School.
- iii) delegate authority to the Director for Education, in consultation with Director of Infrastructure, Strategic and Corporate Services and KCC General Counsel to take necessary actions, including but not limited to entering into necessary contracts or taking other legal actions as required to implement the decision.

13. Background Documents

13.1 Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement 2015-2020
[Increasing Opportunities, Improving Outcomes](#)

13.2 Kent Commissioning Plan for Education Provision 2020-2024
[Kent Commissioning Plan for Education Provision 2020-2024](#)

13.3 Broomhill Bank School Consultation, Equality Impact Assessment and Public Notice documentation can be found via this link:
[Broomhill Bank consultation and associated documents](#)

13.4 Previous Decision: 20/00053 - Proposal to increase the Designated Number of places at Broomhill Bank School, Broomhill Road, Royal Tunbridge Wells, Tunbridge Wells, TN3 0TB from 210 to 318 places from September 2020.
[Decision 20-00053 – Broomhill Bank](#)

14. Contact details

Report Author:

Nick Abrahams
Area Education Officer – West Kent
Telephone number
03000 410058
Email address
nicholas.abrahams@kent.gov.uk

Relevant Director:

David Adams
Interim Director of Education
Telephone number
03000 414989
Email address
david.adams@kent.gov.uk