

From: Sarah Hammond, Corporate Director for Children, Young People and Education

To: Shellina Prendergast, Cabinet Member for Education and Skills

Subject: Provision of temporary premises to enable Chilmington Green Secondary School to open off-site in September 2023.

Decision Number: 22/00080

Past Pathway of Paper: **N/A**

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

Electoral Division: **Ashford West**

Summary: This report proposes the Council provides temporary premises to enable the Department for Education to open Chilmington Green Secondary School, Ashford, in September 2023, subject to Secretary of State entering into a funding agreement with the sponsors.

Recommendation(s):

The Cabinet Member for Education and Skills agrees the proposed decision to:

- I. Authorise funding of up to £2,900,000 from the Education Revenue Budget to enable Chilmington Green Secondary school to open off-site in September 2023.
- II. Delegate authority to the Director of Infrastructure 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 The growth of Ashford is dominated by two major development areas, Chilmington Green to the South West (5750 new homes) and Kingsnorth to the South East which comprises a number of separate sites. KCC's strategic solution to meeting the non-selective secondary school needs of this growing town is that Chilmington Green should provide a new secondary school early in the development's life cycle. Ideally this would have opened in September 2021. The School was intended to provide capacity to meet demographic growth as this came through from 2019 and then, as this demand begins to fall again, the capacity to meet growth from housing development.

1.2 A new secondary school was approved by the Department for Education (DfE) via the 'Wave Program' with United Learning Trust (ULT) being approved as the sponsor. Planning permission has been achieved for the school (June 2022).

2. Background

- 2.1 As part of the s106 agreement, the developer should have transferred a fully serviced site to KCC by 01 September 2020. However, the developer maintained that it was unable to transfer the school land as a fully serviced site because of cash flow issues in the business.
- 2.2 In order to ensure the new school could come forward to assist KCC in meeting its duty to provide sufficient school places, and to retain the DfE's commitment to Wave funding, it was decided that KCC would take possession of the school site without the infrastructure in place. A separate Deed of Variation to the s106 has been put in place. KCC has varied the triggers for the first £13,500,000 of developer contributions and has agreed to £3,100,000 of forward funding via said deed of variation (decision number 21/00014) to support the developer in providing the infrastructure to the secondary school site. The developer is required to refund the forward funding to council, with interest.
- 2.3 The DfE's current timeline for completing the build of the new school on site is Easter 2024, subject to the Secretary of State entering into a funding agreement with the Sponsor. Given the pressure for secondary school places in Ashford, and the limited opportunity to add provision in existing schools, the opportunity to open Chilmington Green secondary school off-site for September 2023 has been considered. The DfE has indicated it would agree to this, if KCC provided the accommodation required.

3. Opportunities for Off-site provision

- 3.1 There are two options for off-site provision:
- The Former Ashford South Primary School, in use as a primary school as recently as November 2021.
 - The Former Linden Grove Primary School, not used since 2018.
- 3.2 Site visits have been undertaken and condition surveys completed to get cost estimates for the refurbishment of both sites. This has considered the cost of bringing the buildings into use for one year in the first instance and then a second year if necessary. In addition to the costs, the advantages and disadvantages of both sites have been considered.

Ashford South: £2,525,557

Year 1: refurbishment of the ground floor and installation of 3 modular classrooms (one being a science lab): £1,201,884

Year 2: addition of further modular classrooms: £1,323,673

The intention would be to use the ground floor only which has been used to accommodate two primary schools in recent years. Some minor works to make the toilets secondary suitable and to create changing rooms will be required. Modular units will be rented to provide a science lab and additional classrooms.

Advantages

- Cost can be split over two years, reducing the total revenue expenditure required if the DfE deliver the school by September 2024.
- Building recently occupied so the condition is better known.
- Works can be completed in a shorter time (16 weeks maximum).
- Well fenced, reducing safeguarding risks and making pupil management easier.
- Closer to the town centre with good highways and pedestrian links.
- Adjacent to Ashford Oaks Primary School who would be willing to allow use of their sports field if required.
- This site is the preferred option of ULT. They feel that the site would be easier to manage, has been used more recently as a school and is located near the centre of Town and their current sites at Wye Free School and The Ashford School - both of which they may use to provide additional curriculum opportunities.

Risks/issues

- Possible need for electrical upgrade/drainage works to accommodate the mobile buildings required which can be absorbed within the contingency allowed for within proposed record of decision.
- Limited space albeit sufficient for two years - outdoor social space on site, parking, ancillary space.

Linden Grove: £2,909,668

Year 1: £2,384,655

Year 2: £525,013

There is one block at Linden Grove that could be refurbished now. This is over two floors with the ground floor giving sufficient accommodation for year 1 and the second floor for year 2. Given the level of works required, year 1 has significant upfront costs at £2,384,655. There would still be works required for a second year which would be disruptive to the school and pupils.

Advantages

- Larger site with access to a dedicated playing field, MUGA and social spaces.
- Several buildings which could be refurbished if required.
- Next to The John Wallis Academy which may be willing to support access to some of their facilities.

Risks

- The level of works required are greater with works taking 20-24 weeks to complete. It is not possible to carry out all works in Year 1, which could lead to disruption to students/staff if further works are required for year 2.
- Given the lack of use in recent years, there are more unknowns than the Ashford South site.
- There is asbestos throughout the building.
- There are greater risks associated with Mechanical and Electrical plant, particular the boiler.
- Safeguarding – the larger site will be more difficult to manage. KCC would need to erect fencing to a large portion of the site and block off access points within the buildings that would be used.
- Location close to the John Wallis Academy increasing traffic/ issues between the schools.
- Lots of level changes on ground floor making accessibility for all staff, children and visitors challenging.

3.3 The costs contained within this report are to accommodate a temporary school for two years only. Furthermore, neither site would easily lend themselves to occupation for a 3rd/4th year. Ashford South has limited space while the state of the additional buildings at Linden Grove has significant issues with roof leaks etc and will have deteriorated further needing significant investment or modulars added for ease.

3.4 Given the information above, off-site provision at the former Ashford South site would be the preferred off-site solution.

4. Alternatives considered

4.1 Agreements are already in place to provide additional places at the three non-selective school in the Town to provide 82 additional places in September 2023. However, the latest forecasts suggest that even with these additional places we would still be 70 places short in Year 7 across Ashford Town.

4.2 Adding additional provision in existing schools (above what is already agreed in point 4.1) will be challenging given that all Ashford Town non-selective schools have previously added places to meet demand from the previous 3 years. In addition, getting feasibility in place, planning permission secured and works tendered for September 2023 opening would be challenging.

4.3 We have looked at schools in other districts/boroughs to assess the practicality of transporting pupils out of Ashford. Based on the forecasts the nearest expected available spaces would be in Malling, the Isle of Sheppey, Dover and Canterbury. These spaces combined would not be sufficient to meet the need of displaced Ashford children, and some would not be practicably accessible by public transport.

5. Financial Implications

- 5.1 Opening off site provision for up to 2 years would require an agreement to revenue investment of up to £2,900,000. This would provide 240 Year 7 places across the 2 years at a maximum cost of £12,083 per place.
- 5.2 Off-site provision would represent a revenue budget pressure and this has not been budgeted for.
- 5.3 Both sites are currently earmarked for disposal and any capital receipt would need to be rephased based on the final option selected. The Linden Grove site already has the benefit of the S77 and Schedule 1 approvals as part of a bigger site to enable a disposal to proceed.

6. Legal Implications

- 6.1 Kent County Council (KCC) as the Local Authority has a duty to ensure sufficient school places are available.

7. Equalities implications

- 7.1 An Equality Impact Assessment has been completed and no adverse impact on protected groups being identified.

8. The view of the local Member, Charlie Simkins, Ashford Rural West

- 8.1 The views of the local Member will be sought prior to the CYPECC meeting.

9. Other corporate implications

- 9.1 None at this point.

10. Governance

- 10.1 It has been necessary to take this decision outside of the committee cycle as the Children's, Young People and Education (CYPE) Cabinet Committee on 13 September 2022 had to be postponed following the sad passing of Queen Elizabeth II. The reason this decision cannot wait until the next CYPE Cabinet Committee is the DfE wish to confirm to United Learning Trust that, subject to the Secretary of State for Education approving a funding agreement, move forward with a September 2023 opening. To give this confirmation, DfE require KCC to commit to providing a temporary site and buildings for the school to open in. Delay in providing this will delay the DfE's decision, which has a knock on for the timing of them entering contract to build the new school, which in turn increases the risk that KCC would need to provide temporary accommodation for a longer period, with the costs associated. It also reduces the time the new school has to market, recruit and provides parents with less opportunity to apply for school places with knowledge of the changing options. This would not be able to wait until October or November 2022.

10.2 The Officer Scheme of Delegation; within the Council's Constitution, provides a clear and appropriate link between this decision and the actions needed to implement it.

10.3 Legal advice is being provided and has been appointed in consultation with General Counsel.

11. Conclusion

11.1 The new secondary school at Chilmington Green is the strategic solution for the additional secondary school places required in Ashford. The school is expected to be funded by the DfE via the 'Wave programme', has a sponsor in ULT and has planning permission in place.

11.2 Forecasts suggest that there will be a significant deficit of Year 7 places in Ashford in 2023-24 and onwards with little options to add additional places above what has already been agreed in existing schools. The opening of a new school would provide the capacity needed.

11.3 Given that KCC have existing buildings which can be used as a temporary home for Chilmington Green, it would be in the best interest of families in Ashford to open the school off-site. This would avoid KCC having to look at the possibility of transporting pupils out of the Borough and the associated revenue costs.

11.4 Utilising the former Ashford South school site for temporary provision would seem to be the best option available given that the costs are less than that at Linden Grove, the location to the centre of Town and that it is the preferred option of the sponsor.

11.5 This revenue expenditure is not budgeted for and represents a budget pressure for the Authority.

12. Recommendations

The Cabinet Member for Education and Skills agrees the proposed decision to:

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- II. Delegate authority to the Director of Infrastructure 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 (plus links to document)

The Equality Impact Assessment

Commissioning Plan for Education Provision in Kent 2022-26

14. Contact details

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