

KENT COUNTY COUNCIL –RECORD OF DECISION

DECISION TAKEN BY:

Rory Love,

Cabinet Member for Education and Skills

DECISION NO:

23/00080

For publication [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

Key decision: YES

Key decision criteria. The decision will:

Be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:

- *significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.*

Subject Matter / Title of Decision

Arrangements to establish 2 new Special Free Schools in Swanley and Whitstable.

Decision:

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

Approve arrangements to establish 2 new special free schools in Whitstable and Swanley in accordance with free school presumption process and relevant Safety Valve agreements.

• Reason for the decision

As part of KCC's Safety Valve submission to the DfE, KCC was encouraged to submit Free School bids for additional Special Schools based on data and forecasts evidencing need. The bids were considered as part of the DfE Special School and Alternative provision Wave programme. KCC submitted bids for 3 new special Schools (Swanley, Sheppey and Whitstable). Bids for Whitstable and Swanley received approval subject to certain conditions.

• Background (Swanley)

Dartford is an area of high housing and population growth, with the [Ebbsfleet Garden City](#) forecast to provide 12,000 more new homes, in addition to the 3000 already built and occupied.

Redevelopment in other parts of Dartford, under the auspices of Dartford Borough Council, will add more housing. A new Local Plan is in the [early stages of consultation](#), and it indicates a target of 790 new dwellings, per annum, for the duration of the plan period. This is a continuation of the existing [Local Plan](#), which indicated a housing target of 17,900 new homes.

Sevenoaks is also looking to publish a new local plan, and early indication is that the numbers of new dwellings could be as high as 14,900.

The new housing across the Sevenoaks, Dartford and Gravesham area will create a need for more Special School places. The existing pressures on Special School places in the area indicates very clearly that any new demand, cannot be absorbed into existing capacity.

A new PSCN Special School in Sevenoaks (250 places) would address a geographical gap and reduce pressure on PSCN schools that are over capacity, relieving pressure on Dartford, Gravesham and Sevenoaks schools, and special schools further afield in Tonbridge, Tunbridge Wells and Maidstone. These schools can then serve their local communities and reduce

displacement of children who currently must travel further.

The need to commission a new 250 place special school for Profound Severe and Complex Needs to serve the Dartford and surrounding areas is identified in the current Commissioning Plan for Education provision in Kent 2023-2027:

https://www.kent.gov.uk/data/assets/pdf_file/0009/148086/Commissioning-Plan-for-Education-Provision-in-Kent.pdf

• **Background (Whitstable)**

A new PSCN/ASD Special School in Whitstable (120 places) would address an identified geographical gap and reduce pressure on PSCN schools in neighbouring districts that are over capacity, relieving pressure on Sittingbourne, Maidstone and West Kent schools, and schools in Canterbury and Thanet. These schools can then serve their own local communities and reduce displacement of children who currently must travel further. Currently 20 children from Maidstone travel to schools in West Kent (Five Acre Wood is considerably over capacity), and 40 children travel to Five Acre Wood from Sittingbourne, the Isle of Sheppey and Canterbury. Children from Canterbury and Canterbury Coastal are travelling to Thanet (Foreland Fields), Meadowfield which is also over capacity is taking 37 children from Faversham who could access a new school in Whitstable, enabling a readjustment of pupils from Maidstone back to Sittingbourne.

The need to commission a new 120 place special school for Profound Severe and Complex Needs/Autistic Spectrum Disorder to serve the Canterbury coast and surrounding areas is identified in the current Commissioning Plan for Education provision in Kent 2023-2027.

• **How the proposed decision meets the objectives of 'Framing Kent's Future – Our Council Strategy (2022-2026)**

This proposal will help to support Framing Kent's Future – Our Council Strategy (2022-2026) Priority 1 - Levelling up. 'To maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families.'

The proposal also supports KCC's SEND Strategy 2021-2024. The aim of the SEND strategy is to improve the educational, health and emotional wellbeing outcomes for all of Kent's children and young people with special educational needs and those who are disabled.

• **Financial Implications**

Capital

The cost of capital build for both schools will be met by the DfE.

Both schools will be situated on KCC owned sites and both sites will be provided with vacant possession, on a 125-year peppercorn without premium lease using the DfE model lease.

KCC is required to accept that it would meet abnormal site development costs or any section 278 costs which may be imposed should they be identified as the projects progress. These costs are not available at this stage of the project.

Revenue

KCC expects to commission the majority of places at both schools and based on the current agreed rates set out below:

Need Type	Rate
SLD	£17,336
PD & PMLD	£24,582
ASD	£20,065

The average cost of an independent special school place in the county is £41,448.

KCC will work closely with the DfE to ensure that all appropriate accommodation and facilities are provided to enable them to deliver an effective curriculum with an opening date of September 2026.

- **Legal Implications**

Any further legal implications will be identified in the report to the Cabinet Member for Education and Skills

As part of the approval from the Secretary of State, these two proposals are subject to specific conditions that KCC has had to agree to.

- **Equalities implications**

An Equality Impact Assessment has been produced and will be updated as part of any consultation process.

- **Data Protection implications**

A DPIA has not been completed as there is no risk to the rights and freedoms of individuals.

Cabinet Committee recommendations and other consultation:

The Children's and Young People Cabinet Committee considered the decision on 12 September 2023.

Which Divisions / Local Members are particularly affected:

Swanley (Sevenoaks): Perry Cole
Whitstable east and Herne Bay West: Neil Baker
Whitstable West: Mark Dance

Have views been sought from local Members?

Local Members have been advised prior to the DfE announcement of the successful bids and their comments will be sought as part of any wider consultation on the establishment of both schools.

Any alternatives considered and rejected:

Three bids were originally submitted for new Special Schools. Two with potential sites in KCC ownership and one (on the Isle of Sheppey) without a site named. The bids formed part of KCC's Safety Valve submission and were part of the steps to ensure sufficient Local Authority maintained provision would be available for future years, reducing reliance on more costly independent provision. As part of the Safety Valve agreement, KCC had to submit bids for 3 new special schools.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None

Rony Love

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signed

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date