

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

To: **Rory Love, Cabinet Member for Education and Skills**

Decision Number  
and Title: **23-00080 -Establishment of two new Special Free Schools on KCC owned sites. One to be in Swanley and the other in Whitstable.**

Key decision

- *It involves expenditure or savings of more than £1m*

Classification: **Unrestricted**

**Past Pathway of report: Children's and Young People's Cabinet Committee – 12 September 2023**

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

**Electoral Division:**

Swanley – Perry Cole  
Canterbury North- Robert Thomas

Whitstable East and Herne Bay West - Neil Baker  
Whitstable West – Mark Dance

**Summary:**

As part of KCC's Safety Valve submission to the DfE, KCC has been successful in securing agreement to two new Special Free Schools. The new schools will enable KCC meet growing population need, reduce over-reliance on the independent and non-maintained sector and support the delivery of targets agreed as part of KCC's Safety Valve submission to the DfE.

**Recommendation(s):**

The Cabinet Member for education and Skills is asked to:

- I. Agree to the proposed decision 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.

## **1. Introduction**

1.1 The Commissioning Plan for Education Provision in Kent 2023-2027 sets out KCC's commissioning intentions and identified the need for additional Special School capacity. The need to commission a new 250 place Special School for Profound, Severe and Complex needs (PSCN) to serve both Dartford, Sevenoaks and surrounding areas was identified within the plan, as was the

need to commission a 120 place PSCN (with ASD) special school to serve the coastal area of Canterbury district (Whitstable, Herne Bay) and surrounding areas. The applications for both schools are appended to this report.

- 1.2 KCC submitted bids for 3 new special schools as part of the Safety Valve submission to the DfE. The third Special School applied for was for a PSCN Special school to serve Sheppey. Whilst the bids for the schools to serve Dartford and Sevenoaks and the coastal areas of Herne Bay and Whitstable included KCC owned sites that could potentially be utilised for these schools, a KCC owned site was not submitted with the application for the school on Sheppey. KCC had previously secured a new SEMH Special School for Sheppey through an earlier DfE Wave programme. The Cabinet Member record of decision relating to the establishment of this school was signed on the 16<sup>th</sup> May 2019. The school is currently in the process of being built and will open in September 2019. KCC received provisional approval for two of the three schools where bids were submitted as part of the Safety Valve programme, one on a site in Swaley and one on a site in Whitstable subject to an initial feasibility of the sites and has subsequently received approval for both schools in a letter from the DfE dated 5 July 2023. Both schools will now progress to the next stage of the process – the Trust application stage.

## **2. The Proposal**

- 2.1 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.'
- 2.2 Kent's ambitions for children and young people with Special Educational Needs (SEN) is articulated through its SEND Strategy 2021-2024 which has been jointly developed by KCC and the NHS in conjunction with children, young people, parents and carers, Kent PACT (Kent Parents and Carers Together) and other key stakeholders.  
[https://www.kent.gov.uk/data/assets/pdf\\_file/0012/13323/Strategy-for-children-with-special-educational-needs-and-disabilities.pdf](https://www.kent.gov.uk/data/assets/pdf_file/0012/13323/Strategy-for-children-with-special-educational-needs-and-disabilities.pdf)
- 2.3 The two new special schools will help to meet the growing population needs related to housing growth in the localities they will serve and will enable an increased number of children who require a special school place to be educated in a maintained special school. These two schools have been factored into Safety Valve calculations and are part of KCC's plans to ensure cost effective provision of high quality educational places for Kent learners with complex Special Educational (SEN) Needs.
- 2.4 The full applications (appended) set out the case for each school. The special school to serve Dartford and Sevenoaks is proposed to be sited at the former Birchwood site, near central Swaley. The school to serve the Canterbury coastal district and surrounding areas is proposed to be sited on the KCC owned (former detached playing field site) at Church Street, Whitstable.

- 2.5 KCC received confirmation of approval for the two special Free Schools in a letter from the DfE dated the 5 July 2023. The letter required KCC to agree to set conditions in order to secure both schools. The key conditions (set out in Annex A) related to the KCC owned sites and the development of both schools. KCC agreed to provide both sites with vacant possession on a 125-year peppercorn rent without premium leases, using the DfE model lease. As both schools are being fast-tracked to delivery for September 2026, KCC has also committed to facilitating and supporting the DfE in all the processes required to deliver the school and secure Trust sponsors to run them, although the DfE will project manage the delivery of both schools and is the ultimate decision maker in the appointment of Trusts to sponsor both schools.
- 2.6 The deadline set by the DfE to agree to the conditions as a requirement to securing both schools meant that the conditions had to be accepted by the 14 July 2023. KCC accepted the conditions following discussions with Finance and Infrastructure in order to establish any risks associated with acceptance. The acceptance letter from the DCS, Sarah Hammond is included for information.
- 2.7 The timetable for the appointment of Trusts to run both schools is set out below:

<b>Date</b>	<b>Action</b>
23 August 2023	Application window opens
23 August 2023	Mandatory pre-registration opens
22 September 2023	Mandatory pre-registration closes
3 November 2023	Application window closes at midday
6 November – 1 December 2023	DfE assesses applications
8 – 31 January 2024	Interviews take place
March 2024	Announcement

- 2.8 KCC is required to run “engagement” events to encourage Trusts to apply to sponsor the new schools and pre-register before the 22 September.
- 2.9 KCC will have representation at the interviews.

**3. Financial Implications**

- 3.1 Capital: the capital costs related to the building of both schools will be met by the DfE. Both schools will be built on KCC owned sites and both sites will be provided with vacant possession on 125-year peppercorn without premium leases, using the DfE model lease. KCC has agreed that it will meet site abnormal costs, including any section 278 costs should they be identified as required as the project progresses. KCC Infrastructure has carried out an initial assessment of risks associated with likely site abnormalities prior to KCC’s acceptance of the conditions related to the delivery of both schools and contingency funding of up to £4 million will be earmarked from the High Needs Capital budget.
- 3.2 Revenue: KCC expects to commission the majority of places in both schools. Current agreed rates are set out below:

<b>Need</b>	<b>Rate</b>
SLD	<b>£17,336</b>
PD and PMLD	<b>£24,582</b>
ASD	<b>£20,065</b>

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

#### **4. Legal implications**

- 4.1 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.

#### **5. Equalities implications**

- 5.1 An Equality Impact Assessment has been produced and the assessment identified the following positive impacts:

The aims and objectives of this proposal is to

- Ensure there are sufficient special school places available for children with complex needs, to include ASD
- Ensure that there is sufficient local provision

No adverse impacts were identified during the assessment.

#### **6. Other corporate implications**

- 6.1 None identified.

#### **7. Governance**

- 7.1 Once a key decision is made, Kent County Council’s Constitution (Section 10, Executive Scheme of Officer Delegation), provides a clear and appropriate link between this decision and the actions required to implement it.

#### **8. Conclusions**

- 8.1 The two new Special Free Schools are required to meet the growing populations in the Districts of Dartford, Sevenoaks and Canterbury and enable an increased number of children who require a special school place to be educated in a maintained special school. These two schools have been factored into Safety Valve calculations and are part of KCC’s plans to ensure cost effective provision of high quality educational places for Kent learners with complex Special Educational (SEN) Needs.

## 9. Recommendation(s):

The Cabinet Member for education and Skills is asked to:

- I. Agree to the proposed decision 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.

## 10. Background Documents

- 10.1 Kent Commissioning Plan for Education Provision  
[www.kent.gov.uk/educationprovision](http://www.kent.gov.uk/educationprovision)
- 10.2 Framing Kent's Future Our Councils Strategy 2022-2026  
[\*\*Framing Kent's Future - Kent County Council\*\*](#)
- 10.3 SEND Strategy 2021-2024

[https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0012/13323/Strategy-for-children-with-special-educational-needs-and-disabilities.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0012/13323/Strategy-for-children-with-special-educational-needs-and-disabilities.pdf)

## 11. Contact details

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