

Cabinet

23 September 2025

Gateway 1 Procurement Commencement: Basic Need (BN) and Special Educational Needs and Disabilities (SEND) Sufficiency Programme 2025-30

Portfolio Holder: Councillor Tracy Coombs, Portfolio Holder for Education
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Procurement Overview

Total Programme Value (estimated): £25,209,615 Basic Need
£28,197,302 SEND
£53,406,917 TOTAL (including all internal and external fees)

Summary

This report seeks permission to commence the procurement of the Basic Need (mainstream) and Special Educational Needs and Disabilities (SEND) sufficiency programme contracts 2025-30.

The Basic Need and Special Educational Needs and Disabilities Education Sufficiency Programme 2025-2030 comprises of recently allocated central government funding, approved council borrowing commitment and rollover from previous allocations, which total **£53,406,917**.

The Basic Need and SEND grant funding are ringfenced to Education for the purpose of providing additional school places, in addition, a commitment to borrow £16.21m for the Danecourt Special School project was approved by Cabinet on 26 August 2025 under decision 117/2025.

The Council has a statutory duty to ensure that sufficient school places are available for their area. Providing the school places outlines in this report will support the Council to meet this duty.

1. Recommendation

- 1.1. The Cabinet is requested to approve the commencement of the procurement to appoint professional services to undertake the feasibility, design and tender processes to contract award and to oversee the delivery of the projects listed within the table 1.

2. Suggested reasons for decision

- 2.1. Approving the recommendation in section 1 of the report, will ensure Medway Council meets its statutory duty to provide sufficient school places in their area and the most effective and appropriate use of public funds.
- 2.2. Individual Gateway 3 reports will be presented to Procurement Board for each individual project at the appropriate time following the council's tender processes.

3. Budget & Policy Framework

- 3.1. Medway Council has a statutory duty to provide sufficient school places, and produces a School Place Planning Strategy, which acts as a framework for decision making in ensuring the Council meets this duty.
- 3.2. The proposals in this paper follow the School Place Planning Strategy Principles. They also support the Council Plan sub-priority to "Ensure all children and young people access a high-quality, inclusive education." Delivery of any approved proposals would be through available funding in the Education Capital Programme.

4. Background Information and Procurement Deliverables

- 4.1. Cabinet approved the School Place Planning Strategy Principles in May 2022, as part of the School Place Planning Strategy. These guidelines ensure that changes are based upon improving schools and raising standards, so the Council meets its statutory duty to provide sufficient school places.
- 4.2. On August 26th, 2025, as part of the annual review of the School Place Planning Strategy, Cabinet agreed under decision 114/2025 to approve commencement of the design and tender processes for the programme as set out in table 1.

'The Cabinet approved commencement of the design and tender processes for the projects listed in paragraph 9.2 of the report, which would follow the Council's Gateway procedures or approved funding agreements, at the appropriate time for each project.'

- 4.3. This proposed programme alleviates a significant proportion of the pressure on local mainstream and SEND places.

- 4.4. The proposed programme was approved by Cabinet on 26th August 2025 under decision 112/2025 within the annual review of the School Place Planning Strategy.
- 4.5. Table 1 lists the projects for the basic need and special educational needs and disabilities education capital programme 2025-2030. Cabinet is asked to approve the commencement of the design and tender processes as appropriate. These projects focus on immediate known demand. If after the design and tender process insufficient funding is available, projects may need to be re-prioritised until sufficient funding is available.

Table 1

Project	Target date (Sept)	Places	Estimated cost	Basic Need funding	High Needs funding
Total funding available				£25.2m	£28.2m
Hoo St Werburgh expansion	2027/2026	210	£2.7m	£2.7m	
Marlborough Centre relocation	2026	30	£3.3m	£3.3m	
Strood Academy expansion	2026	300	£6m	£6m	
Danecourt secondary phase*	2028	250	£25m		£25m
Napier Primary School resourced provision for ASD/SLCN	2026	20	£0.15m		£0.15m
Chatham Grammar resourced provision	2026	30	£2.75m		£2.75m
East Hill Primary school & resourced provision	2029	420	£10m	£10m	
New Road expansion	2030	105	£3m	£3m	
St Margaret's Junior School ASD resourced provision	2026	20	£0.15m		£0.15m
All Saints Primary School ASD resourced provision	2026	20	£0.15m		£0.15m
Total			£53.2m	£25m	£28.2m
Remaining funding				£0.2m	£0

To note, the remaining £0.2m in the basic need funding will be utilised to cover any short falls within the programme and approval for the monies to be added to the Capital programme will be requested for Cabinet to recommend to Full Council at the appropriate time. If this funding is not required for this purpose, it will be added to future Education Capital projects.

5. Parent Company Guarantee/Performance Bond Required

- 5.1. The procuring officer does not deem it necessary to seek a PCG/ Performance Bond for these standalone procurement activities, given that a JCT form of contract will be utilised, which automatically includes a retention clause.

We therefore request a waiver for this requirement for each standalone procurement activity, as per Table 1, except for:

- Danecourt Secondary School

For this much higher valued project a PCG will be sought. In the event a PCG does not exist the service will defer to the JCT Retention Clause, as with the other activities.

6. Procurement Dependencies and Obligations

6.1. Project Dependency

- 6.1.1. The overall programme is standalone, individual projects within the programme, whilst not related, are inter dependent due to the level of funding available. Only available funding, which may include agreed council borrowing as approved by Cabinet on 26th August 2025 under decision 117/2025, will be utilised and therefore some individual projects may need to be scaled back or removed from the programme until further funding is available.

6.2. Statutory/Legal Obligations

- 6.2.1. Section 14 Education Act 1996 provides that a local authority has a statutory duty to ensure that there are sufficient schools places in their area to deliver both primary and secondary education. Schools will not satisfy this requirement unless they are sufficient in number, character and equipment to provide the opportunity of appropriate education for all pupils.

6.3. Procurement Project Management

- 6.3.1. The management of this procurement process will be the responsibility of the Category Management team.

6.4. Post Procurement Contract Management

- 6.4.1. The management of any subsequent contract will be the responsibility of the Education Capital Programme Lead.
- 6.4.2. To ensure the needs of the requirement are met and continuously fulfilled post award, the following KPIs will be included in the tender and will form part of any subsequent contract.
- 6.4.3. The KPIs will be benchmarked against industry standards, assessed through progress meetings, actions appropriately RAG rated.

#	Title	Short Description	%/measurement criteria
1	Time	Construction completion vs planned date. Using this metric to ensure we can	30%

#	Title	Short Description	%/measurement criteria
		appoint contractors with a proven track record of delivering on time.	
2	Cost	Track variation claims accuracy, value engineer savings. To evidence a proven track record of delivering to budget.	30%
3	Quality	Defects on completion, client satisfaction, cooperation between contractor and client through project.	20%
4	Health and Safety	Incident reporting – ensure there is a record kept up to date and any incidents are reported at the time of the event.	10%
5	Social Value	Local employment and engagement.	10%

7. Market Conditions and Procurement Approach

7.1. Market Conditions

7.1.1. The market conditions for the services and works being procured are in established areas with local and national providers.

7.2. Procurement Options

7.2.1. The following is a detailed list of options considered and analysed for this report:

- 7.2.1.1. **Option 1 – Do nothing:** This would result in insufficient place being available to meet forecast demand, and in turn the Council would not meet its Statutory Duty and therefore should not be considered.
- 7.2.1.2. **Option 2 – Extend the current contract:** No current contracts are in place and all projects should be tendered individually or as a package.
- 7.2.1.3. **Option 3 – Utilise a framework/DPS:** A framework may be suitable in some instances of the overall programme, but this will be limited if at all.
- 7.2.1.4. **Option 4 – Open market procurement:** This will provide a greater response from the market and provides the council with the opportunity to achieve the most competitive quotes.

7.3. Advice and analysis

7.3.1. Officers' preference is for option 4, the open market procurement, as this provides the optimum route for achieving the best price for works under a limited funding position.

7.3.2. The contract length for each individual project within the programme will vary and will be specified at the Gateway 3 stage.

7.4. Evaluation Criteria

7.4.1. 60% of the weighting of all tenders will be given to price and 40% to quality. This will achieve best value by ensuring that quality is protected within the content of the tender documents and by robust project management throughout.

7.4.2. All tenderers will be asked to explain fully how they intend to deliver the projects within the constraints of each programme and budget

7.4.3. Officers propose the quality for each procurement activity will be weighted at 40%. However, due to the differences in value and complexity of individual requirements, we will select up to 4 of the following questions and weight them appropriately to the requirement.

#	Question	Weighting (%)	Purpose
1	Please provide details of how you will manage Health and Safety measures on site, including site set up, access, egress, compound location, traffic movements and the like, making reference to any additional measures you consider necessary to take account of the specific needs of the site.	TBC	To ensure the main contractor is competent to work in and adjacent to the school and to evidence their suitability to do so and appreciates for the SEND projects, the sensitive nature of working on a special school site.
2	Provide CV's detailing relevant experience and qualifications of the Site foreman, other people you will be assigning to this contract. Include experience, time spent in industry and relevant industry accreditations and qualifications of all other direct labour that will be assigned to the work. If applicable, experience, time spent in industry and relevant industry accreditations and qualifications of all subcontractors that will be	TBC	To ensure the key personnel have the requisite experience and qualifications to undertake the services required.

#	Question	Weighting (%)	Purpose
	assigned to the work relevant experience of working with the sub-contractors that will be assigned to the work (if applicable).		
3	Please provide a method statement detailing how you will fulfil the requirements of the specification in the following areas: 1. Lead in / mobilisation activities 2. Site set up, access and welfare 3. Site logistics 4. Handover and snagging statement 5. Defects resourcing and lead times for addressing defects	TBC	To ensure bidders understand the scope of the work and the need to work within a school environment and to demonstrate experience of similar projects.
4	Please provide details of how your company would carry out the testing and certification process on completion of the works including the provision of distribution.	TBC	To ensure there is a clear structured approach to verifying the works meet all relevant standards, ensure systems such as electrical or mechanical are safe to use before handover, ensure formal certification to comply with building regs or insurance policies.
5	Please provide value engineering suggestions, with projected values for the project, which will still fundamentally maintain the quality of the project and meet the client's brief.	TBC	To identify cost saving opportunities, improve efficiency or sustainability, maintain or enhance quality and performance.
6	Please provide details on how you identify and mitigate risk on construction projects. Please also identify 3 risks you envisage from the tender pack provided and how you would mitigate these 3 risks.	TBC	Ensure the contractor has a robust risk management strategy to ensure the project is delivered on time and to budget.
7	Please provide details of up to three contracts (from the past 3 years) to meet conditions of participation relating to technical ability set out in the relevant notice or procurement documents, in any combination from either the public or private	TBC	Ensure the contractor has relevant experience.

#	Question	Weighting (%)	Purpose
	sectors (which may include samples of grant-funded work).		
8	Provide a Programme in the form of a Gantt Chart illustrating key dates of delivery. If possible, please identify any time savings which will lead to the overall reduction of the Programme. The programme needs to include design development activities.	Pass/Fail	To ensure that the contractor has understood the time constraints and has developed a suitable programme to meet the required completion time, as well as to show their ability and willingness to identify opportunities to reduce the costs.

8. Risk Management

Risk	Description	Action to avoid or mitigate risk	Risk rating
The Council's statutory duty to provide sufficient school places	If insufficient school places are available to meet demand, the Council would not meet its obligations.	Implement proposals to provide places in the areas of demand.	CII
That insufficient funding is available to fund proposals to provide sufficient places.	Limited basic need funding is available. The extent of the emerging need may mean that without more funding, the Council may not be able to implement projects to provide places. This could mean that the council does not meet its statutory obligation. The strategy refers to s106 contributions not yet agreed through the planning process.	Explore options to fund projects including bidding for funding initiatives. Look at cost effective ways to supply places.	All
That the level of forecast pupils does not materialise	If the expected numbers of pupils do not materialise, then the Council could have spent the funding elsewhere.	Continue to track births, migration and housing developments and accuracy of forecasting.	CIII

Risk	Description	Action to avoid or mitigate risk	Risk rating
That the level of inward migration exceeds forecasts	If inward migration continues at unexpected and unprecedented levels, there will be pressure placed on areas of Medway to provide further places to meet demand	Continue to track births, migration and housing developments and accuracy of forecasting and start discussions with schools around school expansion or bulge classes.	CII
Applications for Free Schools increases	Applications for Free Schools could be a risk to strategic planning framework as the Council has less control over the location or who applies.	Monitor all applications to Secretary of State, and work with DfE to influence outcomes of applications to suit, and fit in with, the Council's wider pupil place planning strategy.	CIII
Other Local Authorities placing children in Medway	Other authorities are placing children into Medway schools, including unaccompanied asylum seekers, which adds pressure to the system and is difficult to plan for.	Retain a certain level of flexibility within the system to meet unexpected inward movement of children requiring a school place.	BIII

For risk rating, please refer to the following table

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

9. Consultation

- 9.1. This report does not require any consultation, but any proposals resulting from this report will include a consultation process, if necessary.

10. Service Implications

10.1. Financial Implications

- 10.1.1. The Basic Need and Special Educational Needs and Disabilities Education Sufficiency Programme 2025-2030 will be funded through the Education Capital Programme which comprises of central government funding, section 106 funding and approved commitment to council borrowing, as set out in the summary of this report.
- 10.1.2. The procurement requirement and its associated delivery as per the recommendations will be funded from existing and future tranches of capital budgets, which may include some borrowing.
- 10.1.3. It is expected that there will be future capital funding from central government for mainstream and specialist provisions. However, at this time the levels and timings of future funding are unknown, and further reports will be presented for approval at the relevant times to ensure that sufficient school places are maintained.

10.2. Legal Implications

- 10.2.1. The Council has the power under sections 18 and 19 of the Education and Inspections Act 2006 to make “prescribed alterations” to a maintained school. The procedure for making prescribed alterations is set out in ‘School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 10.2.2. For expansions at academies, the academy trust must carry out the statutory consultation. In these circumstances the Regional Schools Director is the decision maker on the proposals. If these proposals are to meet basic need for school places, then responsibility for funding falls to the Council. All decisions on funding approval will follow the Council’s procurement procedures.
- 10.2.3. This procurement programme has a mix of above and below threshold activities. Therefore, those above threshold will require the full application of Procurement Act notices.
- 10.2.4. The procedure gives a high degree of confidence that the council’s primary objectives for procurement are met, as required by Contract Procedural Rules.
- 10.2.5. Under the Council’s Contract Procedure Rules, the procurement is a Process 3 procurement (Rule 18), and the process set out in this report meets the requirements for such procurements. The procurement was

advertised on the Kent Business Portal, in compliance with rule 18.4 of the CPRs.

- 10.2.6. Medway Council has the power under the Local Government (Contracts) Act 1997 and the Localism Act 2011 to enter into contracts in connection with the performance of its functions.
- 10.2.7. The process described in this report complies with the Procurement Act 2023, Procurement Regulations 2024 and Medway Council's Contract Procedure Rules.
- 10.2.8. This report has been presented as a high-risk procurement, and therefore the Monitoring Officer, in consultation with the Procurement Board will therefore set the risk and reporting stages for the remainder of the procurement process.
- 10.3. TUPE Implications
 - 10.3.1. There are no TUPE implications in this programme.
- 10.4. Procurement Implications
 - 10.4.1. As per the Contract Procedure Rules: 'All requirements above £25,000.00 must be advertised on the Kent Business Portal and over £25,000.00 on governments Contracts Finder.
 - 10.4.2. The FTS threshold value for works (£5.33M inclusive of VAT), which this some of the procurement activities are clearly going to be above. Therefore, Category Management have agreed with the service area in light of the market conditions, that an Open Process would be the best option for each separate standalone procurement activity, as per Table 1.
- 10.5. ICT Implications
 - 10.5.1. There are no ICT implications.
- 10.6. Climate Change implications
 - 10.6.1. The proposals outlined in this report have implications for carbon emissions and climate resilience. Where new construction, refurbishment, or transport-related changes are involved, there is potential for positive environmental impacts. Opportunities for mitigation will be explored, such as incorporating energy-efficient design, using low-carbon materials, and promoting sustainable travel options.
 - 10.6.2. By making local provisions for school children, it is expected that families will have less need to transport children to schools further away from the area which will result in less journeys made across the Medway towns, helping reduce carbon emissions.

- 10.6.3. Schools encourage pupils to walk or cycle to school, and this becomes more achievable if the provision is local.

11. Social, Economic & Environmental Considerations

- 11.1. In line with Medway Council's Social Value Policy, officers will include the following standard outcomes and measures (the units have also been included for illustrative purposes) within the tender. Whilst there will be no commitment for bidders to deliver against every line, the accumulative value provided by each bidder will be scored and form part of the price evaluation score.
- 11.2. The Social Value commitment from the winning bidder will be transposed into contractual KPIs.

Outcomes	Measures	Standard Units
More local people in employment	No. of local direct employees (FTE) hired or retained (for re-tendered contracts) on contract for one year or the whole duration of the contract, whichever is shorter	No. people FTE
More local people in employment	Percentage of local employees (FTE) on contract	%
Improved skills	No. of staff hours spent on local school and college visits e.g. delivering careers talks, curriculum support, literacy support, safety talks (including preparation time)	No. staff hours
Improved skills	No. of weeks of apprenticeships on the contract that have either been completed during the year, or that will be supported by the organisation until completion in the following years - Level 2,3, or 4+	No. weeks
More opportunities for local MSMEs and VCSEs	Total amount (£) spent in LOCAL supply chain through the contract	£
More opportunities for local MSMEs and VCSEs	Meet the buyer' events held to highlight local supply chain opportunities	£ invested including staff time
Social Value embedded in the supply chain	Percentage of contracts with the supply chain on which Social Value commitments, measurement and monitoring are required	%

Outcomes	Measures	Standard Units
Creating a healthier community	Initiatives taken or supported to engage people in health interventions (e.g. stop smoking, obesity, alcoholism, drugs, etc.) or wellbeing initiatives in the community, including physical activities for adults and children	£ invested including staff time
Carbon emissions are reduced	Savings in CO2 emissions on contract achieved through de-carbonisation (specify how these are to be achieved)	Tonnes CO2e
Sustainable Procurement is promoted	Percentage of procurement contracts that includes sustainable procurement commitments or other relevant requirements and certifications (e.g. to use local produce, reduce food waste, and keep resources in circulation longer.)	% of contracts
Social innovation to create local skills and employment	Innovative measures to promote local skills and employment to be delivered on the contract - these could be e.g. co-designed with stakeholders or communities, or aiming at delivering benefits while minimising carbon footprint from initiatives, etc.	£ invested - including staff time and materials, equipment or other resources

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Appendices

None

Background Papers

[Cabinet paper - Annual Review of the School Place Planning Strategy 26/08/25](#)