

Public Document Pack



**Assistant Director, Governance and
Monitoring**

Julie Muscroft

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Direct Line: 01484 221000

Fax: 01484 221707

Please ask for: Andrea Woodside

Email: andrea.woodside@kirklees.gov.uk

Thursday 24 March 2016

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 5 April 2016**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Cabinet members are:-

Member

Councillor David Sheard
Councillor Jean Calvert

Councillor Steve Hall
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Peter McBride
Councillor Shabir Pandor
Councillor Cathy Scott
Councillor Graham Turner

Responsible For:

The Leader
Community Development, Councillors involvement in
a New Council, including Councillor Development
Place - Planning, Highways and Open Spaces
Family Support and Child Protection
Prevention, Early Intervention and Vulnerable Adults
Transportation, Skills, Jobs and Regional Affairs
Schools and Learning
Housing and Relief of Poverty
Resources and Community Safety

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive apologies for absence of Members who are unable to attend this meeting.

2: Minutes of previous meeting

1 - 10

To approve the Minutes of the meeting of the Committee held on 9 February 2016.

To follow.

3: Interests

11 - 12

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

6: Member Question Time

To consider questions from Councillors.

7: Solar PV Programme 2014-2017

13 - 18

A report updating members on the reductions to the 'Feed in Tariff' and seeking approval to withdraw from the programme of works.

Officer: Dave Woodhead and Helen Geldart

Wards

Affected: All Wards

8: Overview of progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees

19 - 28

A report updating on the progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees. The report requests approval to take forward proposals for adjustments to some existing specialist provisions.

Officer: Jo-Anne Sanders and Mandy Cameron

Wards

Affected: All Wards

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 9th February 2016

Present: Councillor David Sheard (Chair)
Councillor Steve Hall
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Peter McBride
Councillor Shabir Pandor
Councillor Cathy Scott
Councillor Graham Turner

Apologies: Councillor Jean Calvert

In attendance:

Observers: Councillor Martyn Bolt

205 Membership of the Committee

Apologies were received from Councillor Jean Calvert.

206 Minutes of previous meeting

The Minutes of the meeting held on 17 November and 15 December 2015 were agreed as a correct record.

207 Interests

Councillor Cathy Scott declared a disclosable pecuniary interest in Agenda Item 10 - Leasehold Asset Transfer of Chickenley Community Centre, due to her being the Centre Manager and withdrew from the meeting during consideration of the item.

Councillor Steve Hall declared a disclosable pecuniary interest in Item 12 - Future Delivery of Housing Functions and Services (including repairs and maintenance) due to his wife working for KNH and took no part in the decision making process on the item.

Councillor Peter McBride declared an other interest in Agenda Item 19 - Provision of loan facility to a hotel development at the John Smith's Stadium site, Huddersfield, due to him being a Director at Kirklees Stadium Ltd and withdrew from the meeting during consideration of this item.

Councillors David Sheard, Erin Hill, Viv Kendrick, Shabir Pandor, Cathy Scott and Graham Turner declared other interests in Agenda Item 12 due to their Trade Union Membership.

208 Admission of the Public

Cabinet agreed that all items be considered in public with the exception of confidential information relating to the Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016/2017 and the Provision of loan facility to a hotel development at the John Smith's Stadium site, Huddersfield.

209 Deputations/Petitions

No deputations or petitions were received.

210 Public Question Time

No questions were asked.

211 Member Question Time

No Member questions were asked.

212 Implications of School category changes for Land and Premises - an extension of delegation to Senior Officers to dispose of Council assets.

Cabinet considered a report seeking the delegation of powers to the Assistant Director, Place and Assistant Director, Legal and Governance for them to be able to deal with the disposals of Council assets, when a school changes category or in order to regularise the position that has arisen as a result of historical or a new extension to certain types of schools. The report set out the range of categories of state funded and other types of schools and the implications in relation to land and buildings for each of these categories and, specifically, identified the circumstances where the Council was required to transfer ownership of buildings and/or land to a relevant school.

The report provided information on the proposed delegation of powers to the Assistant Director Place and Assistant Director, Legal and Governance.

RESOLVED -

(1) That the information received regarding the implications of school category changes for land and premises be noted.

(2) That approval be given to the delegation of powers to the Assistant Directors Place and Assistant Director Legal and Governance to deal with the disposal of Council assets either as a result of school expansion, historic or otherwise and also when a school changes category.

213 Determination of Admission Arrangements for 2017/18

Cabinet considered a report seeking the determination of School Admission arrangements for 2017/2018, both in relation to Kirklees Coordinated Admission schemes (including In-Year admissions) and admission arrangements for all Kirklees Community and Voluntary Controlled schools.

The report indicated that the Council is required by law to produce admission schemes to coordinate the admission of children to the first year of all schools in Kirklees and also sought approval for the Kirklees scheme for the coordination of the admission of rising 5 year olds and admission of first year of Junior, Middle and Secondary schools in 2017/18 (including In-Year admissions).

The considered report also advised that the Council was the admission authority for Kirklees Community and Voluntary Controlled schools and, following the annual consultation about arrangements for admission, the report sought authority to determine those admission arrangements for Kirklees Community and Voluntary Controlled schools for 2017/18 which had to be done by 28 February 2016, to comply with the School Admission Code.

The considered report provided information on the proposed admission arrangements in the above categories.

RESOLVED -

(1) That the Kirklees Coordinated Admission schemes for 2017/2018, including In-Year admissions, as set out at Appendix 2 of the considered report be approved.

(2) That the admission arrangements for Kirklees Community and Voluntary Controlled schools as detailed in Appendix 1 and including the recommended Pupil Admission Numbers (PAN's) for the schools where Governing Bodies requested a change to the PAN proposed by the Local Authority, as detailed in Appendix 1 to the considered report be approved.

214

Leasehold Asset Transfer of Chickenley Community Centre

Cabinet considered a report outlining a proposal to transfer the land and buildings on a long leasehold transfer, which currently make up Chickenley Community Centre at Princess Road, Chickenley, to the community location known as Chickenley Community Centre. The terms of the lease set out within the considered report included covenants to ensure that Chickenley Community Centre is a building that principally remained available for community use only.

The report indicated that the community asset transfer involved transferring land and buildings, from a statutory body to a community organisation at "less than best consideration" which was less than the full market value, in order to further local social, economic and/or environmental objectives.

The report indicated that the proposals were in line with the Council's Asset Management Policy which had been approved at Cabinet in October 2013.

RESOLVED -

(1) That officers be authorised to grant a 125 year full repair and insure leasehold of the building and land currently used for Chickenley Community Centre to the Community Association known as Chickenley Community Centre for no premium/nil consideration, subject to the lease containing covenants that restrict the use of the centre for community use, but with the flexibility that up to 30% of the floor space of the existing building on the centre can be used for commercial purposes.

(2) That it be noted that the Assistant Director Physical Resources and Procurement and Assistant Director Legal, Governance and Monitoring have delegated authority to negotiate and agree the terms of the lease that relate to the transfer of the Chickenley Community Centre.

215 Transformation of Council Pre-school Daycare Services - Phase 5

Cabinet considered a report providing an update on proposals for delivering the requirements of the Council's Medium Term Financial Plan for 2015-2018 within the Council's agreed Childcare Commissioning and Market Management Framework. The report specifically sought approval to proceed with a proposal at Little Jack's Day Care at Chickenley, Dewsbury.

The considered report provided information relating to the finances and demand for places at Little Jack's Nursery and, in line with the Council's Medium Term Financial Plan set out 4 options for consideration in relation to the future of the centre.

The considered report provided information on the benefits of the recommended option at Model C as set out at paragraph 2.13 to 2.16 of the considered report.

RESOLVED - That approval be given to the proposal as set out in model C to the considered report, which would result in the transfer of management of Little Jacks Nursery to Orchard Academy School.

216 Future Delivery of Housing Functions and Services (including repairs and maintenance)

Subsequent to a previous decision at Cabinet on 22 September 2015 regarding options for the future delivery of housing functions and services, to include repairs and maintenance, Cabinet considered a report providing a detailed analysis of an option to merge Kirklees Neighbourhood Housing (KNH) with Kirklees Building Services (KBS) as distinct from the continuation of the existing arrangements for both functions.

The considered report outlined the considerations for developing and determining the content and length of any new management agreement for the future delivery of housing functions and services in light of any merger, provided information on a high level deliverable implementation plan and timeline for a merger should this be agreed and sought approval to proceed with a merger of KNH and KBS.

Detailed information was contained within the considered report on the considerations that needed to be given in relation to the proposal to merge KBS and KNH, including how the proposal related to the Council in its journey to becoming New Council and the proposals linked to the Council's Strategic Priorities set out within the Kirklees Economic Strategy and the Joint Health and Wellbeing Strategy.

The report reminded Cabinet of the background to the proposal and set out a detailed option appraisal, including information on Governance, accountability and participation and a financial assessment of the proposals that were to be considered.

The report provided conclusions to the option appraisal which, on balance, recommended the option to merge KBS and KNH and the report then went on to set out the expectations of a merged organisation. Information was also contained within the report on the implications of the merger for the Council in relation to financial issues, including the Council's Medium Term Financial Plan and the Legal and Governance Implications of the proposal.

RESOLVED -

(1) That the Council's high level option appraisal included at paragraph 4.2 of the considered report be noted together with the appraisal commissioned by the Council from the Housing Quality Network set out at Appendix 1, together with all information in the considered report.

(2) That the recommended approach to transfer the Council's building maintenance DSO (Kirklees Building Services) to KNH Ltd, including staff as well as responsibility for operational repairs and maintenance services to Council Houses; other Council owned premises and work for some schools (proposed transfer) from or before 1 April 2017, be approved, subject to the satisfactory resolution of Legal, Financial, HR issues highlighted within the considered report.

(3) That the financial implications of the proposal shown at paragraph 4.2 and 7.1 of the considered report be noted together with the further work required by officers before it is possible to make the final decision in relation to the proposed transfer.

(4) That the legal framework set out at paragraph 7.2 of the considered report on the Council's legal power to enter into the proposed transfer arrangements and the further work required before it is possible to make a final decision in relation to the proposed transfer be noted.

(5) That the response to the statutory consultation exercise under Section 3 of the Local Government Act 1999 and Section 105 Housing Act 1985, together with the Council's response at Section 8 of the considered report and Appendix A be noted.

(6) That the proposed arrangements set out at paragraphs 6.9, 7.1.4 and 7.2.5 in relation to service level agreements between the Council and KNH be noted.

(7) That the HR implications at paragraph 7.3 of the considered report be noted and that approval be given to the transfer of all effected Council employees "in scope" and the provision of information and consultation as appropriate with Trade Unions.

(8) That the project management arrangements set out at paragraph 9.2 of the considered report, which would be responsible for ensuring the outstanding legal, financial, HR and organisational issues are addressed be noted.

(9) That authority be delegated to the Director of Place or authorised representatives to progress the matters, including amongst other things, those listed in the implementation plan, to effect the proposed transfer; in accordance with the Council's contract procedure rules, the award of a 20 year management agreement, covering housing management and building maintenance services; a new delivery plan; leases of relevant premises; appropriate valuations based on market rate; consents as considered appropriate; and any other ancillary documentation to effect the transfer and commencement of a new agreement from or before 1 April 2017 and that it be noted that if further risk are identified or there are any material changes to any issues that emerge, the report be brought back to Cabinet for further decision.

(10) That authority be delegated to the Assistant Director Legal, Governance and Monitoring to sign, seal (as appropriate), and enter into on behalf of the Council, any documentation (including, but not limited to) leases, a new 20 year management agreement, for housing management and building maintenance and repair services and other associated and or ancillary documentations to effect the transfer of services to KNH; and update the Councils constitution as required.

217 West Yorkshire Transport Fund - Scheme Principles

Cabinet considered a report providing information on a number of forthcoming sensitive issues which were likely to arise from the development of the Kirklees West Yorkshire Transport Fund Schemes and seeking approval of the key highway design principals associated with this initiative.

The considered report indicated that some of the key issues around how the Council improved and developed its main transport corridors to deal with traffic congestion problems where likely to be publically contentious and leading to Cabinet having to take difficult decisions. The considered report set out where the key issues may arise as well as proposed principles to help mitigate concerns arising from proposals under consideration.

The considered report provided information on the West Yorkshire Plus Transport Fund and specifically provided details on core projects and gateway schemes. The report recommended proposed principles relating to the design and implementation of schemes associated with the fund which was set out at paragraph 2.2 and went on to provide information on key considerations for each of the principles as set out below:-

- * Strategic Needs v Local Concerns
- * Creating Gateways to our main centres
- * Land equitation/appropriation
- * Use and management of road space
- * Green streets/green corridors

That the report went on to set out the implications for the Council in adopting the design principles, including information on the financial implications.

RESOLVED -

(1) That approval be given to the following key highways design principals as a basis for the design and development of the Kirklees West Yorkshire Transport Fund schemes;

* Strategic and local needs will need to be carefully considered but where there is a strong evidence need for measures in support of overall benefits, strategic priorities will take preference over local ones.

* Gateways will be created on our main roads on approaches to all main towns and urban centres.

* Where schemes require third party land acquisition for highway purposes, such land will be acquired using compulsive purchase order powers where agreement

cannot be reached by negotiation. Each case where a compulsive purchase order is considered necessary will be the subject of a further Cabinet report.

* To improve the capacity and reliability of our existing transport corridors the use of management and road space will be considered and control measures proposed if congestion benefits will be achieved. Such measures to also consider potential mitigation measures for economic and environmental frontage activities.

* The environmental and economic benefits of greening up our key transport corridors (green streets) is supported.

(2) That it be noted that the outcome of the application of these principals on all our Kirklees West Yorkshire Fund Schemes would be included in future individual project reports as they are developed and presented to Cabinet for consideration/approval.

218 Creative Partners Investment Programme 2016

Cabinet considered a report to seek approval of a delivery of a 1 year creative partners investment programme and the framework by which organisations would be selected onto the scheme. The report indicated that the framework options under consideration allowed for the extension of the current scheme for 1 final year, with the existing creative partners or to hold an open call for a 1 year programme of work. An analysis of both options was set out at paragraph 2.13 of the considered report and at Appendix 1 to the considered report.

RESOLVED -

(1) That option 2 set out at paragraph 2.11 of the considered report be approved in relation to the investment of the final £169,000 creative partner budget.

(2) That the Director of Community, Transformation and Change be delegated authority, after consultation with the Cabinet Portfolio Holder for resources and community safety, to approve which organisations are selected to the scheme based on the criteria set out at paragraphs 2.9 and 2.10 and how much each is awarded so that decisions can be made quickly, in order to help creative organisations with their financial planning.

219 Place Directorate - Trade Waste Fees and Charges

Cabinet considered a report seeking approval of a review of fees and charges for Trade Waste Services. The considered report set out information on the proposed increase in charges for all the services that were included within the schedule.

RESOLVED - That the fees and charges as set out within the considered report be approved with an effective implementation date of 1 April 2016.

220 Dewsbury Market Hall Repairs

Cabinet considered a report seeking approval to spend from the Market Capital budget, within the regeneration base line budget to replace external wooden fascia and aluminium angle strips around Dewsbury Market and to also repaint high level exterior areas of the building. Information was contained within the considered report of the work, which had an estimated cost of £97,098.

The report also set out recommended delegations to allow transfer of resources between projects, the addition of urgent projects to programmes on condition that the total cost of the programmes remains within the approved Capital allocations set by Council for the rest of the year 2015/2016 and to slip or delete projects during the course of the financial year to enable the effective management of the programmes concerned.

RESOLVED -

(1) That approval be given to the Capital Spend from the Market Capital Budget within the regeneration base line budget, as set out in the considered report, to complete the refurbishment works required at Dewsbury Market.

(2) That authority be delegated in accordance with Council Financial Procedure Rules to the Director of Economy, Skills and Environment to manage the implementation within the respective agreed total market capital budget as set out in section 2 of the considered report.

221 Parks and Greenspace Refurbishment Programme 2016/17

Cabinet considered a report seeking approval to the Streetscene - Park Capital Plan and the Section 106 expenditure programme for 2016/2017. The Appendix to the considered report provided information on the proposed schemes both in relation to the Parks Capital Plan, totalling £150,000 and the use of Section 106 monies totalling £101,500.

RESOLVED -

(1) That approval be given to the expenditure of £150,000 capital funding in order to upgrade and improve provision and the £101,500 Section 106 monies as outlined in the work programme and set out within the considered report, in relation to the Parks and Greenspace refurbishment programme for 2016/2017.

(2) That authority be delegated to the Head of Environment and Greenspace to authorise works.

222 Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016/17 - 1 Year

Cabinet were asked to give consideration to proposals for a 1 year Capital Investment Vehicle Replacement programme so as to allow a continuation of the previous replacement programme which had been approved at Cabinet in July 2014 and expired on 31 March 2016. The report also requested consideration of delegated authority to manage and implement the Capital Investment Vehicle Replacement programme within the agreed budget.

Prior to a decision being taken in relation to this item Cabinet considered confidential financial information in relating to the proposed Capital Investment Vehicle Replacement programme, which had been included in a confidential Appendix.

RESOLVED -

(1) That approval be given to the continued investment of £2.577m in the vehicle replacement programme for the financial year 2016/2017, as identified in the Capital Plan and set out in the considered report, subject to approval by Council on 17 February 2016.

(2) That approval be given to the officer delegation outlined at paragraphs 2.6 and 2.7 of the considered report, to manage the implementation of the vehicle replacement programme within the agreed budget and in accordance with Council Financial Procedure Rules 3.10 to 3.12, to the Director of Economy, Skills and the Environment.

223 Provision of loan facility to a hotel development at the John Smith's Stadium site Huddersfield

Cabinet considered a report setting out a proposal to provide secured loan facility to a scheme to develop a business class hotel at the John Smith's Stadium, Huddersfield. The considered report provided information on the proposed development of a hotel, set out its links to the overall HD1 development of the John Smith's Stadium and provided information on the proposal to create a joint venture special purposes vehicle, to carry out the development of the hotel in conjunction with an international hotel group, who would manage the facility post completion.

The considered report provided information on the request from the Kirklees Stadium Development Ltd company for the provision of a senior debt facility to the development of the hotel to a maximum of £9m over 25 years term. An assessment of the proposed loan was included within the considered report and an analysis of the advantages that the hotels scheme would bring to both the Huddersfield area, the Stadium and the investment potential for a wider HD1 development. Taking account of the assessment, it was recommended that Cabinet give authority to enter into detailed negotiations for a loan facility of up to £9m.

Detailed financial information in relation to the proposal was included in a private Appendix to the considered report and Cabinet gave consideration to this information prior to taking a decision on the proposed loan.

RESOLVED -

(1) That officers be authorised to enter into detailed negotiations on a loan agreement to provide up to £9m of secured senior debt funding, to the proposed hotel development at the John Smith's Stadium site, Huddersfield.

(2) That authority be delegated to the Director of Resources to agree the terms of the loan agreement and the Assistant Director (Legal, Governance and Monitoring) to enter into any documentation required to secure this and that the loan agreement be subject to appropriate due diligence on the business case and financial projections provided by Kirklees Stadium Ltd / Hotel Land Development Ltd in respect of the hotel proposal.

224 Exclusion of the Public

That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that

it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

225 Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016 - 2017

(Exempt information relating to financial or business affairs of any particular person. It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money and compromise commercial confidentiality, which outweighs the public interest in disclosing the information)

Prior to taking a decision in relation to the 1 year Capital Investment Vehicle Replacement programme for 2016/2017, Cabinet considered an Appendix containing confidential financial information in relation to the proposal.

226 Provision of loan facility to a hotel development at the John Smith's Stadium site Huddersfield

(Exempt information relating to information provided by a third party. It is recommended that the exemption be provided because the information relates to an individual and includes commercially sensitive information about a third party who has an interest in investing in the commercial development at the John Smith's Stadium site, Huddersfield, which outweighs the public interest in providing the information for reasons of open Governance)

Prior to taking a decision on proposals for the provision of a loan facility to a hotel development at John Smith's Stadium site, Huddersfield, Cabinet gave consideration to commercially sensitive financial information in relation to the proposal.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Cabinet
Date: 5 April 2016

Title of report: Solar PV Programme 2014-17

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Is it in the Council's Forward Plan ?	Yes
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman - 23.03.16
Is it signed off by the Director of Resources?	David Smith - 21.03.16
Is it signed off by the Assistant Director - Legal, Governance and Monitoring	Julie Muscroft - 23.03.16
Cabinet member portfolio	Councillor Cathy Scott - Housing and the Relief of Poverty

Electoral [wards](#) affected: Kirklees Wide
Ward councillors consulted: None

Public or private: Public

1. Purpose of report

- To provide an update on progress made against the original target of 2,000 solar photo voltaic (PV) systems on Council houses across Kirklees Council.
- To give information on recent changes published by the Department of Energy and Climate Change (DECC) regarding a 60% reduction in the Feed in Tariff (FIT) rate for all solar PV systems registered after 15 January 2016;
- To highlight the impact the changes will have on the project; and
- To consider whether to continue or end the project.

2. Key points

2.1 Project Update

- 2.1.1 In September 2014 Cabinet approved £9.2m capital programme of investment in the solar PV programme on up to 2,000 Council homes funded by the Housing Revenue Account. The project targeted households at risk of fuel poverty and contributes towards the Council's carbon reduction strategy. The FIT income would be utilised to cover the capital cost of the installations, revenue cost of claims management and future maintenance of the equipment. It was assumed that

medium to long term that the project would generate surplus income, and that Members would decide on the best way to utilise the additional income.

- 2.1.2 The project aimed to contribute towards the Council's key strategic priorities in the Joint Health and Wellbeing Strategy and the Economic Strategy by improving the health and wellbeing of residents, reducing fuel poverty, impacting positively on the cost of living and providing economic benefits and opportunities to local businesses.
- 2.1.3 A total of 574 systems have been installed and registered with the Office of Gas and Electricity Markets (OFGEM) since the start of the project in January 2015. The cost of each installation is significantly lower than originally estimated, primarily due to a successful procurement exercise for materials, but also because the size of some installations was restricted by the grid operators or available roof space.
- 2.1.4 FIT rates have been reduced gradually each quarter since the programme was agreed at Cabinet, but until the most recent change these didn't have a significant impact on the viability of the project.
- 2.1.5 The contract for collecting the data and submitting the claims to OFGEM has been procured at a lower rate than estimated, leading to reduced revenue costs. Initially this contract has been awarded for one year only, but the intention is to procure a longer term contract which should drive down costs further.
- 2.1.6 The revised expenditure and income projections shown in Section 3.4 below take into account the reduction in costs and the reduced income resulting from smaller systems being installed (typically 1.8kWh rather than the 2.0kWh in the original cost model).

3. Implications for the Council

3.1 Reputational Risk

Reducing the size of the programme may present a reputational risk to the Council, as there has been a well published public commitment to the project. There has however been a great deal of publicity recently about the reduction in the FIT rate, and other Councils and housing providers have scaled back their proposals in response to the different economic context.

3.2 Local Employment

One aim of the project as originally conceived, was to provide work and training opportunities for local Small/Medium size Enterprises (SMEs). This will not be possible if the project is brought to an end. It should be noted however that the primary aim in including SMEs was to enhance skills and knowledge in a developing market, but changes to the FIT rates has effectively, at least in the short term, resulted in a much smaller market and fewer opportunities.

3.3 Impact of the Reduction in FIT

Appendix 1 shows the assumed income generated by a 1.8kWh system at the FIT rates applicable in December 2015 using the standard industry model. This indicates that the capital outlay will be covered by FIT income in 14 years.

Appendix 2 shows the impact of the FIT reduction on income. After the full 20 years covered by the FIT agreement, only 75% of the initial capital outlay would be covered by the income generated.

The data from the pilot project at Eastway, which has been in operation for 2 full years, gives some confidence that the FIT income generated will be broadly in line with the projection, but it won't be until the receipt of the 2nd quarter claim of 2016 in early July that it will be possible to provide greater certainty.

3.4 Revised Expenditure and Income Projections

The primary risk in going ahead with the project would be the impact on the Housing Revenue Account at a time when it is under unprecedented pressure from the reduction in Council rents and benefit changes linked to Welfare Reform. The project as first outlined was designed to be self-financing in the medium term, but the reduction in the FIT rate will mean that there will be no return on the capital outlay.

The table below shows the expenditure and income projections included in the original report to Cabinet and revised projections based on the 574 installations to date. The final column provides an estimate of how much it would cost to complete the full programme of 2000 properties, but with 1426 properties getting the lower rate of FIT.

Summary Table	Cabinet Report - (2000 Installations)	Installations to date (574)	Revised Estimate (2000)
Capital Expenditure	£9,200,000	£1,973,818	£6,878,000
Revenue Expenditure	£2,200,000	£522,000	£1,720,000
Total Expenditure	£11,400,000	£2,495,818	£8,598,000
Estimated Income (FIT)	£14,000,000	£2,952,277	£6,615,443
Estimated Surplus	+£2,600,000	+£456,459	-£1,982,557

Overall this suggests that the capital outlay to date will be covered in full by the FIT income generated, with a modest surplus generated.

4. Consultees and their opinions

- 4.1 Cabinet Portfolio Lead Members have been briefed and have requested, that a detailed report on the changes to the FIT and the implications, are set out, to enable Cabinet to take a decision on whether or not to continue with the programme.

5. Next steps

- 5.1 To communicate to Members and public, the Cabinet decision.

6. Officer recommendations and reasons

- 6.1 Cabinet note progress made against the original target of 2,000 solar photo voltaic (PV) systems on 574 Council houses across Kirklees Council.
- 6.2 Cabinet note the information on recent changes published by the Department of Energy and Climate Change which is a 60% reduction in the FIT rate for all systems registered after 15 January 2016 and the impact the changes have on the project finances.
- 6.3 Cabinet agree that the Council should withdraw from the programme of works, provided that panels are provided for those homes where promises to complete and/or works have already started.
- 6.4 Based on revised FIT and revised project expenditure and income projections and bearing in mind the pressures on the HRA that the project be ended.

7. Cabinet portfolio holder recommendation

- 7.1 The portfolio holder, Councillor Cathy Scott, asks that Cabinet note progress made against the original target of 2,000 solar photo voltaic (PV) systems on 574 Council houses across Kirklees Council and the information on recent changes published by the Department of Energy and Climate Change as detailed in 6.2 above.
- 7.2 In addition, the portfolio holder, Councillor Cathy Scott, recommends, that based on revised FIT, revised project expenditure and income projections and bearing in mind the pressures on the HRA, that the project be ended. However, Cabinet agree, that where a commitment has been given to householders and where work has already commenced, this is completed.

8. Contact officer and relevant papers

Dave Woodhead
Contracts Management, Kirklees Neighbourhood Housing
Tel: 01484 221000
Email: dave.woodhead@knh.org.uk

Helen Geldart
Head of Housing Services, Kirklees Council
Tel: 01484 221000
Email: helen.geldart@kirklees.gov.uk

9. Assistant Director responsible

Kim Brear
Assistant Director Place
Tel: 01484 221000
Email: kim.brear@kirklees.gov.uk

Appendix 1 - December 2015 Solar PV Cost / Benefit Analysis

Below is a calculation of the energy that your panels would produce and the economic value of that. It is based upon the orientation and pitch of your roof and the location of your property.

Your Property		FIT & Export rate inflation (RPI)		3.0% per annum	
Roof Orientation	South	Energy Price Inflation		6.0% per annum	
Roof Pitch	30°	Drop in system performance		1.0% per annum	
Overshadowing	None or very little <20%	System Size	1.8 kWp		
Retrofit or Newbuild	Retrofit	FIT rate	11.22 Pence/kWh		
Your System		Productivity	1,556 kWh / Year *		
Number of Panels	6	Imported electricity cost		13 pence / kWh	
Size of Panels	300 Watts	Percentage of self consumption		50%	
		Electricity export rate		4.85 pence / kWh	
		Percentage of export		50%	

	Production kWh	FIT Rate pence / kWh	FIT revenue £	Cost of Electricity pence / kWh	Electricity Saving £	Export Rate pence / kWh	Export revenue £	Annual benefit £	Cumulative Benefit £
Year 1	1556	11.2	£174.58	0.0	£0.00	4.9	£37.73	£212.32	£212.32
Year 2	1540	11.6	£178.02	0.0	£0.00	5.0	£38.48	£216.50	£428.82
Year 3	1525	11.9	£181.53	0.0	£0.00	5.1	£39.23	£220.76	£649.58
Year 4	1510	12.3	£185.11	0.0	£0.00	5.3	£40.01	£225.11	£874.69
Year 5	1495	12.6	£188.75	0.0	£0.00	5.5	£40.80	£229.55	£1,104.24
Year 6	1480	13.0	£192.47	0.0	£0.00	5.6	£41.60	£234.07	£1,338.31
Year 7	1465	13.4	£196.26	0.0	£0.00	5.8	£42.42	£238.68	£1,576.99
Year 8	1450	13.8	£200.13	0.0	£0.00	6.0	£43.25	£243.38	£1,820.37
Year 9	1436	14.2	£204.07	0.0	£0.00	6.1	£44.11	£248.18	£2,068.55
Year 10	1421	14.6	£208.09	0.0	£0.00	6.3	£44.98	£253.07	£2,321.62
Year 11	1407	15.1	£212.19	0.0	£0.00	6.5	£45.86	£258.05	£2,579.67
Year 12	1393	15.5	£216.37	0.0	£0.00	6.7	£46.76	£263.14	£2,842.80
Year 13	1379	16.0	£220.63	0.0	£0.00	6.9	£47.69	£268.32	£3,111.12
Year 14	1365	16.5	£224.98	0.0	£0.00	7.1	£48.63	£273.61	£3,384.73
Year 15	1352	17.0	£229.41	0.0	£0.00	7.3	£49.58	£279.00	£3,663.73
Year 16	1338	17.5	£233.93	0.0	£0.00	7.6	£50.56	£284.49	£3,948.22
Year 17	1325	18.0	£238.54	0.0	£0.00	7.8	£51.56	£290.10	£4,238.31
Year 18	1312	18.5	£243.24	0.0	£0.00	8.0	£52.57	£295.81	£4,534.12
Year 19	1299	19.1	£248.03	0.0	£0.00	8.3	£53.61	£301.64	£4,835.76
Year 20	1286	19.7	£252.92	0.0	£0.00	8.5	£54.66	£307.58	£5,143.34
TOTAL Benefit over 20 years								£5,143.34	
Return on investment	150% equivalent to		6.0% pa		Cost of installation including VAT @ 5%			£3,439.00	

* The performance of solar PV systems is impossible to predict with certainty due to the variability in the amount of solar radiation (sunlight) from location to location and from year to year. This estimate is based upon the Solar PV Guide procedure for energy rating of buildings and is given as guidance only. It should not be considered as a guarantee of performance.

Appendix 2 - January 2016 Solar PV Cost / Benefit Analysis

Below is a calculation of the energy that your panels would produce and the economic value of that. It is based upon the orientation and pitch of your roof and the location of your property.

Your Property		FIT & Export rate inflation (RPI)		3.0% per annum	
Roof Orientation	South	Energy Price Inflation		6.0% per annum	
Roof Pitch	30°	Drop in system performance		1.0% per annum	
Overshadowing	None or very little <20%	System Size	1.8 kWp		
Retrofit or Newbuild	Retrofit	FIT rate	4.39 Pence/kWh		
Your System		Productivity	1,556 kWh / Year *		
Number of Panels	6	Imported electricity cost		13 pence / kWh	
Size of Panels	300 Watts	Percentage of self consumption		50%	
		Electricity export rate		4.85 pence / kWh	
		Percentage of export		50%	

	Production kWh	FIT Rate pence / kWh	FIT revenue £	Cost of Electricity pence / kWh	Electricity Saving £	Export Rate pence / kWh	Export revenue £	Annual benefit £	Cumulative Benefit £
Year 1	1556	4.4	£68.31	0.0	£0.00	4.9	£37.73	£106.04	£106.04
Year 2	1540	4.5	£69.65	0.0	£0.00	5.0	£38.48	£108.13	£214.17
Year 3	1525	4.7	£71.03	0.0	£0.00	5.1	£39.23	£110.26	£324.43
Year 4	1510	4.8	£72.43	0.0	£0.00	5.3	£40.01	£112.43	£436.87
Year 5	1495	4.9	£73.85	0.0	£0.00	5.5	£40.80	£114.65	£551.51
Year 6	1480	5.1	£75.31	0.0	£0.00	5.6	£41.60	£116.91	£668.42
Year 7	1465	5.2	£76.79	0.0	£0.00	5.8	£42.42	£119.21	£787.63
Year 8	1450	5.4	£78.30	0.0	£0.00	6.0	£43.25	£121.56	£909.19
Year 9	1436	5.6	£79.85	0.0	£0.00	6.1	£44.11	£123.95	£1,033.14
Year 10	1421	5.7	£81.42	0.0	£0.00	6.3	£44.98	£126.39	£1,159.53
Year 11	1407	5.9	£83.02	0.0	£0.00	6.5	£45.86	£128.88	£1,288.42
Year 12	1393	6.1	£84.66	0.0	£0.00	6.7	£46.76	£131.42	£1,419.84
Year 13	1379	6.3	£86.33	0.0	£0.00	6.9	£47.69	£134.01	£1,553.85
Year 14	1365	6.4	£88.03	0.0	£0.00	7.1	£48.63	£136.65	£1,690.50
Year 15	1352	6.6	£89.76	0.0	£0.00	7.3	£49.58	£139.34	£1,829.85
Year 16	1338	6.8	£91.53	0.0	£0.00	7.6	£50.56	£142.09	£1,971.94
Year 17	1325	7.0	£93.33	0.0	£0.00	7.8	£51.56	£144.89	£2,116.83
Year 18	1312	7.3	£95.17	0.0	£0.00	8.0	£52.57	£147.74	£2,264.57
Year 19	1299	7.5	£97.05	0.0	£0.00	8.3	£53.61	£150.65	£2,415.22
Year 20	1286	7.7	£98.96	0.0	£0.00	8.5	£54.66	£153.62	£2,568.84
TOTAL Benefit over 20 years								£2,568.84	
Return on investment	75% equivalent to		3.0% pa		Cost of installation including VAT @ 5%			£3,439.00	

* The performance of solar PV systems is impossible to predict with certainty due to the variability in the amount of solar radiation (sunlight) from location to location and from year to year. This estimate is based upon the Solar PV Guide procedure for energy rating of buildings and is given as guidance only. It should not be considered as a guarantee of performance.



Name of meeting: Cabinet - Date: 5th April 2016

Title of report: Overview of progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees. The report requests approval to take forward proposals for adjustments to some existing specialist provisions.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes – this impacts on all wards across Kirklees
Is it in the Council's Forward Plan ?	Yes – March 2016
Is it eligible for “call in” by Scrutiny ?	Yes
Date signed off by Director & name	Alison O’Sullivan 22 nd March
Is it signed off by the Director of Resources?	David Smith 21 st March
Is it signed off by the Assistant Director – Legal, Governance and Monitoring?	Julie Muscroft (John Chapman) 23 rd March
Cabinet member portfolio	Cllr Shabir Pandor

Electoral [wards](#) affected: All wards

Ward councillors consulted: All ward councillors consulted as part of the 2011 authority wide re-organisation of specialist provision for disabled children and those with special educational needs across Kirklees.

Public or private: Public

1. Purpose of report

This report provides an overview of progress made in relation to the changes to specialist provision for children and young people with additional needs in the areas of Autism, speech, language and communication (SLCN), physical impairment (PI) and sensory impairment (HI & VI) from December 2014, when some changes were agreed and implemented, and to highlight areas for further reconfiguration in order to best meet existing and future demand.

The report requests approval to carry out a non-statutory consultation on proposed changes to the existing specialist provisions at Ashbrow School and Thornhill J&I School for children with SLCN and to complete the legal process following the closure of the specialist provision at Moldgreen Community Primary School for children with Autism.

2. Background : Kirklees review of specialist provision for children with special educational needs

Guidance from the government states that the pattern of specialist provision in each Local Authority (LA) area should be informed by local needs and circumstances. Further, it should follow careful consultation and a widely shared understanding of the role of specialist provision in meeting children and young people's special educational needs.

To plan for the very best provision for Kirklees children and young people, an independent review of special educational needs was carried out by Cambridge Education in 2008.

The findings of the review, as well as the views of parents and carers of children with special educational needs, head teachers, specialist educational and health professionals underpinned proposals that were reported to Kirklees Council Cabinet in September 2010. The proposals aimed to reorganise resources so that the highest quality provision would be available fairly to all children with statements of special educational needs across Kirklees.

2.1 The proposals included a set of principles to underpin the development of coherent specialist provision across Kirklees:

- Children with special educational needs are educated in their local school setting as far as possible.
- The capacity of all mainstream schools to meet the full range of needs is enhanced through support from specialist resourced schools offering placements as well outreach services to support children, families and schools.
- There is a continuity of provision through all phases of education across specialist provision and central services.
- Where there is a need for continuous specialist provision, this is provided within the same family of schools, minimising disruption to peer and friendship groups.
- Skills, expertise and goodwill that currently exists within specialist provisions is maximised.
- A coherent and equitable pattern of provision is provided across Kirklees which is adequate for the numbers of children with more complex special educational needs
- There is holistic support for children and families through multi-agency partnerships.
- Career development pathways for specialist provision staff are built into the commissioning arrangements.

2.2 The proposals for changes to the organisation and pattern of provision were based on the acknowledgement that the majority of children and young people with special educational needs attend their local school.

At the heart of the changes therefore was the requirement to use the expertise within and across all specialist provision schools and the central outreach teams to maximum effect and provide greater support for children, particularly to be educated in their local schools. As such, the changes aimed to:

- provide more effective specialist support for children with special educational needs across mainstream schools so that a local school is the best option for most children and young people.
- enable more children and young people to access the expertise in the specialist provision schools through transitional places where appropriate.
- give more support and advice in areas of growing demand.
- reduce costly under used provision by utilising resources more effectively where needed.
- further develop the skills and expertise available in local schools with the outreach support from specialist provisions in partnership with other agencies.

3. The current pattern of specialist provision

Strand	Primary	Secondary
HI	<p>Lowerhouses CE (VC) JI & EY School</p> <p>10 Fixed places 4 Transitional places & Outreach</p>	<p>Newsome High School & Sports College</p> <p>12 Fixed places 2 Transitional places & Outreach</p>
VI	<p>Dalton School</p> <p>10 Fixed places 4 Transitional places & Outreach</p>	<p>Moor End Academy</p> <p>12 Fixed places 2 Transitional places & Outreach</p>
PI	<p>Rawthorpe St. James (CE) VC I&N and Rawthorpe Junior School</p> <p>5 Transitional places & Outreach</p>	<p>Newsome High School & Sports College</p> <p>10 Fixed places 2 Transitional places & Outreach</p>
SLCN	<p>Thornhill J & I School</p> <p>12 Transitional places & Outreach</p> <p>Ashbrow School</p> <p>12 Transitional places & Outreach</p>	<p>Royds Hall Community School</p> <p>20 Fixed places 4 Transitional places & Outreach</p>
Autism	<p>Headlands CE (VC) JI & N School</p> <p>6 Transitional places & Outreach</p> <p>Central Team Support for outreach covering South Kirklees Primary</p>	<p>Honley High School</p> <p>15 Fixed places 5 Transitional places & Outreach</p> <p>Thornhill Community Academy</p> <p>15 Fixed places 5 Transitional places & Outreach</p>

The strand leads (Autism, SLCN & Sensory/PI) oversee and monitor the delivery and quality of support provided in partnership with head teachers. These posts are retained within the LA, to ensure consistency; they are integral to the implementation of changes in terms of the development of systems and processes. They lead on the development of quality standards frameworks with reference to national best practice guidance; they organise and lead development sessions for teachers in charge and other specialist provision staff.

The majority of specialist provision staff work both as part of the provision within schools as well as undertaking outreach support. Staff roles include teachers in charge of each provision, specialist teachers, special educational teaching assistants, mobility officers, deaf support

workers, and braille and visual resource technicians. The new role of Family SEN worker has enabled a designated worker to be available to support parents where needed.

The Educational Psychology Service commits time to support with development and practice issues as well as complex casework and health professionals provide support to each of the specialist provision strands, e.g. speech and language therapy.

Robust service level agreements are in place through which specialist provision schools are commissioned by the LA to ensure the delivery of high quality provision that provides positive outcomes for children, young people and their families as well as ensuring accountability.

3.2 The type of places currently available

Each school provides placements as part of the school based provision (fixed/transitional) as well as outreach support. The flexibility around the capacity for outreach work is governed by the numbers attending either fixed or transitional places.

Where numbers are low, this releases capacity and maximises the outreach support available to Kirklees schools.

3.2.1 Fixed places

At primary levels, fixed places exist for children with complex sensory impairments where there is a requirement for long term, specialist interventions and support which cannot be offered routinely across all mainstream settings. These involve regular use of specialist staff such as braille and visual resource technicians, a high level of specialist teaching time from a teacher of the deaf or teacher of the visually impaired, access to a signing environment with accompanying expertise to address the associated significant language needs associated with a profound and significant hearing loss, amongst other things.

Fixed placements are offered to children and young people where indicated following a review of the statement of special educational needs.

3.2.2 Transitional places

These give placements for children for up to a maximum of 6 terms and are for children and young people who require support over and above that provided through outreach. Any transitional placement is likely be preceded by a period of outreach involvement which has exhausted every avenue that would normally result in the child's needs being best met in their local school. Transitional placements are offered where indicated following a review of the statement of special educational needs or education health and care plan.

3.2.3 Outreach support

This aspect of the specialist provision work accounts for a significant and in some areas, growing amount of the support available from the specialist provision teams.

Outreach support varies according to a child's needs and can include:

- training and development of staff at the local school
- curriculum, teaching and learning advice
- environmental audits
- specialist assessment
- intervention advice
- parental support and guidance

- a child or young person attending the specialist provision school with staff going from the local school to observe and learn from specialist practice.

4. Update and recommendations on proposed changes to existing specialist provisions.

Based on a review of uptake and levels of support for outreach, the following proposals have been made to change provision in order to direct resources appropriately to meet the needs of children and young people. These relate specifically to Autism and SLCN.

Uptake for sensory and physical impairment (HI/VI/PI) places remains steady and the provision currently in place is appropriate to meet need. In line with our practice of analysing the take up of provision, we are monitoring demand for outreach in the physical strand and the need for transitional places at primary level.

4.1 Children with Autism

In light of the lack of demand for specialist provision transitional places for primary aged children with Autism, officers recommend to decommission the provision of 10 transitional places at Moldgreen Community Primary School. Since September 2014, there have been no children taking up a transitional place in the specialist provision at this school. There remains a legal requirement to de-commission this specialist provision and this would effectively complete the closure of the specialist provision at this school.

Following the ongoing reduction in transitional place requests as a result of the high quality outreach support being delivered, the 6 transitional places available at Headlands CE (VC) JI&N School are currently deemed to be sufficient for demand across the borough and are under constant review.

Staffing capacity allocated to South Kirklees primary Autism (formally allocated to Moldgreen Community Primary School) is now located at the Westtown Centre in Dewsbury alongside the Educational Psychology team and Early Years SEN team. These members of staff work alongside specialist provision staff based at Headlands CE (VC) JI&N School to ensure outreach support across the borough as well as sufficient teacher support to children in transitional places at the school at a time when specialist Autism teacher posts are difficult to recruit to within school.

It must be acknowledged that that the Autism strand support continues to cater for a growing number of children and young people in Kirklees, who are referred for outreach support as they have difficulties with social communication interaction as well as those with a diagnosis of Autism. As expertise in mainstream settings grows, and with the support of a responsive approach to outreach, more children are able to access their local school.

Specialist provision support for the secondary sector based at Honley High School and Thornhill Community Academy has already been enhanced to reflect the growing numbers of young people requiring support as part of fixed term placements.

4.2 Children with Speech Language and Communication Needs

In light of the lack of demand for transitional places in the specialist provision for primary aged children with Speech Language and Communication Needs, as a result of the high quality outreach being delivered, officers recommend to decommission the provision of 12 transitional places at Ashbrow School and 12 transitional places at Thornhill J&I School, this would enable the relocation of resources to a centralised hub that also caters for children with autism, where support can be utilised more effectively across the primary sector, particularly in enabling greater capacity to deliver outreach services across Kirklees.

Ongoing monitoring of both primary transitional place take up along with outreach referral requests to the primary SLCN teams indicates that the available capacity of staff and resources allocated has exceeded actual demand from schools for SLCN support. This is

particularly marked when compared with demands for primary outreach requests for children with autism where requests are on the increase, however current staffing structures do not reflect this accordingly.

The lack of take up of transitional places has meant that time required for specialist provision staff support to work directly within the designated provision schools has been limited. In the case of Thornhill J&I School, there has been no take up of transitional places, whereas at Ashbrow School there has been a low take up since implementation. Both schools have catered in school for a small number of children who were attending the respective schools at part of the historical pattern of provision prior to the review in 2012; however these numbers will remain very low at Ashbrow School in September 2016.

Given the low take up of transitional places and the retirement of specialist teaching staff in July 2015 at Ashbrow School and following engagement with the governing body, a request to consider decommissioning this specialist provision for children with SLCN has been agreed to. Since September 2015, the small number of children utilising the provision at Ashbrow School have continued to have their needs met in school by remaining specialist provision staff with the spare capacity available at Thornhill J&I School (as a result of no placement take up) being utilised to respond to primary outreach requests across both North and South Kirklees. As such, these staffing reductions have had no detrimental impact upon the ability to respond to requests for SLCN outreach support.

All schools commissioned by the LA to deliver support for any aspect of specialist provision are governed by a rigorous service level agreement which outlines expectations and responsibilities around leadership, management and operational delivery of support. In situations where there is little or no in-school support required for transitional places, as seen at Ashbrow School and Thornhill J&I School, the time required and expended on the management of staff for outreach, when largely an activity which is separate to the day to day functioning of the school, raises the question of whether this is an efficient and effective way of managing resources from both a school and LA perspective.

Following engagement with the governing body of Thornhill J&I School a request to decommission its provision for children with SLCN has been agreed to on the basis of the fact that whilst some capacity needs to be retained for outreach support, the management of this would be more sensibly and effectively undertaken as part of the management arrangements currently in place within the central team specialist provision as a result of changes to the primary provision for Autism.

The proposal is subject to the completion of a statutory process for school re-organisation. The LA proposes a non-statutory consultation in order to gain the view of all key stakeholders.

At the secondary stage, Royds Hall Community School has continued to develop as a thriving specialist provision for young people accessing fixed placements with specialist provision staff supporting an increasing number of Kirklees high schools in meeting SLCN needs across KS3&4.

1The term decommission is intended to describe the process of discontinuing an existing provision.

2The term commission is intended to describe the process of reconfiguring existing resourced provision or establishing new resourced provision through a formal agreement with a school to provide a quality assured level of specialised provision to support pupils and staff. This is not a procurement or tendering process.

Decommission	Primary outreach provision for Speech Language and Communication Needs and Autism across Kirklees Proposal to increase resources to a centralised primary outreach provision 'hub' to serve the whole of Kirklees for children with Speech Language and Communication Needs and Autism This will continue to provide support to the full range of needs in relation to speech and language, social communication and Autism but enable a more effective use of the capacity within the system to respond to the more complex level of outreach support required currently within the Autism strand, particularly at primary level.
Ashbrow School Prescribed alteration to discontinue the 12 transitional places for children with Speech Language and Communication Needs	
Thornhill J&I School Prescribed alteration to discontinue the 12 transitional places for children with Speech Language and Communication Needs	
Moldgreen Community Primary School Prescribed alteration to discontinue the 10 transitional places for children with Autism* <i>This proposal enables the legal closure of this specialist provision where there have been no children in transitional places since July 2014.</i>	

4.3 The statutory process for school re-organisation

The proposed re-organisation of the specialist provisions at Ashbrow School and at Thornhill J&I School for children with Speech Language and Communication Needs and Moldgreen Community Primary School for children with autism will be subject to School Organisation (Prescribed Alterations to maintained Schools) (England) Regulations 2013. This regulation requires a statutory process to be followed for establishing, removing, altering, special educational needs provision at a mainstream school. The LA may propose these changes, but must follow a four stage statutory process set out below.

- Publication
- Representation (statutory consultation)
- Decision
- Implementation

To ensure a robust consultation process is in place to enable the maximum number of stakeholders an opportunity to comment on the proposals, the LA will hold a non-statutory consultation on the proposals.

4.4 Funding arrangements

Existing pupils attending transitional places at the schools will be funded in future as all other high needs pupils in mainstream schools, top-up funding will be allocated according to their needs, and outreach support will be available from the new centralised outreach service.

5 Implications for the Council

5.1 Council priorities

Council policies affected by this proposal include the Children & Young People Plan. The proposals will support the Council priorities which are to;

Enhance life chances for young people: Working in partnership to improve health and educational attainment to enable them to reach their full potential. The proposals offer the opportunity to continue to improve and enhance the overall educational opportunities and achievements of young people in Kirklees.

Support older people to be healthy, active and involved in their communities: Focusing on preventative work, while empowering those with long term conditions to live independent lives to the full and be in control of making their own decisions.

Business growth and jobs: Creating the right conditions for business to sustain the Kirklees economy, facilitating investment in skills, jobs and homes and providing pathways into work.

Provide effective and productive services: Ensuring services are focused on the needs of the community and delivering excellent value for money.

5.2 Human Resources implications

There would be human resources implications resulting from the re-organisation of the specialist provision at Thornhill J&I School and Ashbrow School. Should the proposals be agreed officers from the LA would work with the governing bodies of these two schools and head teachers regarding any revision to structures. Following this, consultation would need to be held with staff and recognised Trade Unions.

5.3 Financial Implications

5.3.1 Revenue

The Specialist Provisions are fully funded from the “high needs block” of the Dedicated Schools Grant (DSG) which is an annual government grant received by the Council. This can only be spent on education so the proposals have no revenue impact for the Council budget. The proposals do not reduce the funding allocated to Specialist Provision services; the change is that the funding will be redirected to pay for specialist Speech Language and Communication Needs and Autism support for pupils remaining in their local school.

The DfE has recently launched a consultation document about introducing a national funding formula for Schools and High Needs. This will affect the funding of Specialist Provisions, as part of the overall DSG High Needs budget. Work on the implications of the proposals has started and will be reported to Cabinet when the full details are known.

5.3.2 Capital

There would be no capital implications arising from these proposals if agreed and Implemented.

5.4 Equalities implications.

An initial equalities impact assessment has been carried out to assess the implications of the proposals and would be developed into a full assessment, taking into account the responses from the full consultation process, which would be reported to Cabinet.

6. Next steps

Subject to decisions made by Cabinet, the indicative timeline for the next stages of the statutory processes are set out below:

Activity	Date <i>* These dates are indicative and may change, they are also subject to Cabinet approval.</i>
Consultation and engagement (non-statutory)	April/May 2016
Representation (formal consultation on statutory proposals)	July/August 2016

Kirklees Council Cabinet take a decision regarding implementation of the proposals	August 2016
Implementation	1 st September 2016

7. Consultees and their opinions

It is intended to carry out a 4 week non-statutory consultation involving all key stakeholders including: parents and carers, governing bodies, school staff, ward members, wider community stakeholders and other interested parties. The responses received as part of this consultation would be reported to members for a decision on the next steps.

8. Officer recommendations and reasons

It is recommended that Members:

Authorise officers to develop plans for a non-statutory consultation to;

- Discontinue the specialist provisions for children with speech, language and communication needs at Ashbrow School and Thornhill J&I School, discontinue the specialist provision for Autism at Moldgreen Community Primary School and relocate resources to a centralised Primary outreach provision hub for Speech Language and Communication Needs and Autism across Kirklees.

8.1 Delegate authority to the Director for Children and Adults in consultation with the Cabinet Portfolio leads to:-

- develop consultation materials on the basis of the proposals.
- organise and carry out a non-statutory consultation about the proposals.
- require officers to report the outcomes of the non-statutory consultation to Cabinet for further consideration of the next steps.

9. Cabinet Portfolio Holders' Recommendation

We, the Cabinet Members for Children's Services endorse the recommendations set out by officers in the previous section of this report.

Ensuring there is the best possible organisation of support in order that our children and young people can succeed is of the utmost importance. It is because of this that we recognise that further changes are needed if we are able to ensure our resources are configured in such a way that will help deliver better outcomes. It is for these reasons that we support the officer recommendations to carry out a non-statutory consultation about the proposals to make the necessary changes at some existing specialist provisions as described in this report.

We will consider any further material matters that are brought to our attention in advance of, and during, the Cabinet meeting on the 5th April 2016 and will make our final, oral, recommendations at the end of the discussion of this item at the meeting.

10. Contact officers

Jo-Anne Sanders, Deputy Assistant Director LA Statutory Duties
 Directorate for Children and Adults
 Civic Centre 1, 01484 221000 jo-anne.sanders@kirklees.gov.uk

Mandy Cameron, Deputy Assistant Director, Vulnerable Children and Groups
 Directorate for Children and Adults

Assistant Director responsible

Gill Ellis, Assistant Director for Learning and Skills

Civic Centre 1, 01484 221000, gill.ellis@kirklees.gov.uk

11. Background papers

- Report Prepared by Cambridge Education April 2008 : Kirklees Council -*Review of the Arrangements for Special Educational Needs in the Children & Young People Service*
- Cabinet Report: 28th September 2010 - *Specialist Provision for Disabled Children and those with Special Educational Needs*
- Cabinet Report: 21st June 2011 - *Report on the outcomes of the non-statutory consultation on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees*
- Cabinet Report 6th December 2011 *Report on the outcomes of the statutory consultation on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees*
- Cabinet Report 13th March 2012.- *Report on the representations received from the published Statutory Notices on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees at the following schools:- Ashbrow I & N School, Ashbrow Junior School, Carlinghow Princess Royal J I & N School, Dalton School, Flatts Nursery School, Headlands CE(VC) J I & N School, Honley High School, Lowerhouses CE(VC) JI & EY School, Moldgreen Community Primary School, Netherhall Learning Campus - Rawthorpe Junior School, Netherhall Learning Campus - Rawthorpe St. James CE(VC) I & N School, Netherhall Learning Campus High School, Newsome High School, Park Road J I & N School, Royds Hall High School, The Community Science College @ Thornhill, Thornhill J & I School*
- Cabinet Report 2nd December 2014 - *Overview of progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees.*
- Cabinet Report 10th March 2015 - *Report on the outcomes from the non-statutory consultation for Members consideration on proposals for change to existing specialist provisions*
- Cabinet Report 2nd June 2015 - *Report on the statutory proposals for Flatts Nursery School, Rawthorpe St. James CE(VC) I&N School and Rawthorpe Junior School*