

Public Document Pack



**Service Director – Legal, Governance and
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Monday 4 March 2024

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.30 pm** on **Tuesday 12 March 2024**.

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", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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.

Cabinet Members:-

Member	Responsible For:
Councillor Cathy Scott	Leader of the Council
Councillor Moses Crook	Cabinet Member – Housing and Highways
Councillor Paul Davies	Cabinet Member – Corporate (Deputy Leader)
Councillor Aafaq Butt	Cabinet Member – Culture and Greener Kirklees
Councillor Viv Kendrick	Children' Services (Statutory responsibility for Children)
Councillor Mussarat Pervaiz	Cabinet Member - Communities
Councillor Jackie Ramsay	Health & Social Care (Statutory responsibility for Adults)
Councillor Elizabeth Reynolds	Cabinet Member – Learning and Aspiration
Councillor Graham Turner	Cabinet Member – Finance and Regeneration

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

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

2: Minutes of Previous Meetings

1 - 14

To approve the Minutes of the Meetings of the Cabinet held on 13 February 2024 and 20 February 2024.

3: Declaration of Interests

15 - 16

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

4: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Committee.

5: Deputations/Petitions

The Cabinet will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

6: Questions by Members of the Public

The Cabinet will receive any questions from members of the public who attend the meeting. In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days (not including the day of the meeting) in advance.

7: Questions by Elected Members (Oral Questions)

Cabinet will receive any questions from Elected Members.

In accordance with Executive Procedure Rule 2.3 (2.3.1.6) a period of up to 30 minutes will be allocated.

8: Future Arrangements for the Council-Run Long Stay Dementia Care Homes 17 - 40

To consider the findings of the dementia care homes consultation.

Wards affected: all

Contact: Saf Bhuta, Head of In-House Care Provision

9: Future of Council provided Supported Living Services 41 - 110

To consider the findings from the Supported Living Consultation.

Wards affected: all wards

Contact: Saf Bhuta, Head of In-House Care Provision

10: Redesign of short break, respite and support provision 111 - 148

To consider the transformation of short break, respite, and support provision.

Wards affected: all

Contact: Kieran Lord – Service Director, Resources, Improvement and Partnerships

11: Increasing the number of places available at Woodley School and College - Final Decision 149 - 308

To consider a proposal to create additional special school places at Woodley School and College.

Wards affected: all

Contact: Martin Wilby, Head of Education Places and Access

12: Funding associated with Huddersfield Open Market, Penistone Rail Line, Dewsbury Long-term plan and West Yorkshire Investment Zone; and delivery of Growth & Regeneration portfolio 309 - 322

To consider funding and recent grant allocations to support the delivery of Huddersfield Open Market, Penistone Rail Line, Dewsbury Long-term plan and West Yorkshire Investment Zone.

Wards affected: all

Contacts:

Huddersfield Open Market Regeneration

Sarah Collins – Programme Manager, Town Centre Programmes

Penistone Line rail upgrade

Joanna Ward – Transport Strategy & Policy Manager

Dewsbury – Long-term plan for Towns

David Wildman – Strategic Partnership Lead, Town Centres

Investment Zone / Station to Station Enterprise Corridor

Chris Duffill – Head of Business, Economy & Growth

Delivery support

13: Buxton House high-rise block - site assembly 323 - 344

To consider the scheme to remodel Buxton House high-rise block, Huddersfield.

Wards affected: Newsome

Contact: Chris Kwasniewski – Service Manager, Development

Exempt information is detailed in the appendices to the attached report.

Consideration must be given to whether the public and press should be excluded from the meeting prior to the determination of the matter to enable the exempt information to be discussed by passing the following resolution: -

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act

14: Council Housing Fire Safety Management Plan and Policy 345 - 394

To consider with the Council Housing Fire Safety Management Plan and revised Fire Safety Management Policy.

Wards affected: all

Contact: Hannah Elliott, Head of Assets and Development

15: Homes and Neighbourhoods Housing Management IT System Replacement 395 - 434

To consider the continued implementation of Civic Cx.

Wards affected: all

Contact: Sarah Thistlethwaite, Service Development Manager,

Homes and Neighbourhoods

Exempt information is detailed in the appendices to the attached report.

Consideration must be given to whether the public and press should be excluded from the meeting prior to the determination of the matter to enable the exempt information to be discussed by passing the following resolution: -

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act

- | | | |
|------------|--|--------------|
| 16: | Council Housing Asset Strategy and Investment Plan | 435 -
478 |
| | To consider the Asset Management Strategy for Council Housing. | |
| | Wards affected: all | |
| | Contact: Hannah Elliott, Head of Assets and Development | |
| <hr/> | | |
| 17: | Level 4 Devolution | 479 -
540 |
| | To consider the Level 4 Devolution Framework. | |
| | Wards affected: all | |
| | Contact: Stephen Bonnell – Head of Policy, Partnerships and Corporate Planning | |
| <hr/> | | |
| 18: | Marsden Masterplan - proposed approach | 541 -
548 |
| | To consider the Marsden Masterplan. | |
| | Wards affected: Colne Valley | |
| | Contact: David Wildman, Strategic Partnership Lead – Town Centres | |
| <hr/> | | |
| 19: | Local Plan Documents: Statement of Community Involvement and Local Plan Timetable | 549 -
662 |

To consider the Statement of Community Involvement and Local Plan Timetable.

Wards affected: all

Contact: Jacob Parker-Henry, Planning Policy Officer

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 13th February 2024

Present: Councillor Cathy Scott (Chair)
Councillor Moses Crook
Councillor Paul Davies
Councillor Viv Kendrick
Councillor Mussarat Pervaiz
Councillor Elizabeth Reynolds
Councillor Jackie Ramsay
Councillor Graham Turner

Observers: Councillor Bill Armer
Councillor David Hall

- 131 Membership of Cabinet**
Councillor Butt was not present at the meeting.
- 132 Declaration of Interests**
No interests were declared.
- 133 Minutes of Previous Meeting**
RESOLVED – That the Minutes of the Meeting held on 23 January 2024 were approved as a correct record.
- 134 Admission of the Public**
It was noted that all agenda items would be considered in public session.
- 135 Deputations/Petitions**
No deputations or petitions were received.
- 136 Questions by Members of the Public**
No questions were asked.
- 137 Questions by Elected Members (Oral Questions)**
No questions were asked.
- 138 Our 2024/25 Council Plan**
Cabinet gave consideration to the 2024/2025 Council Plan, which set out the strategic framework for the allocation of resources and summarised the Council's long term commitments, mid-term priorities and annual deliverables, prior to its submission to Council on 6 March 2024.

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The plan confirmed the Council's commitment to the long term vision, shared outcomes and key partnership strategies, and provided a summary of areas of focus and indicators for measuring progress against shared outcomes. In the context of the current economic and financial challenges the plan set out the following four priorities over a three year period (i) to address the financial position in a fair and balanced way (ii) to strive to transform services to become more modernised, efficient and effective (iii) to continue to deliver a greener, healthier Kirklees and address the challenges of climate change and (iv) continue to invest and regenerate towns and villages, supporting diverse places and communities to flourish. It was noted that a set of deliverables for each of these priorities were set out over the next twelve month period to enable progress to be monitored and that six and twelve monthly reports would be submitted to Cabinet.

RESOLVED - That the 2024/2025 Council Plan be approved and referred to the meeting of Council on 6 March 2024, with a recommendation that the Council Plan be adopted as part of the Policy Framework.

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Council Annual Budget Report 2024-25 and following years; incorporating Capital, Treasury Management, General Fund, Revenue and Housing Revenue Account

(The report gave notice to Cabinet Members of the requirements of Section 106 of the Local Government and Finance Act 1992 in relation to voting and participation in the meeting).

(Under the provision of Council Procedure Rule 36(1), Cabinet received a representation from Councillor D Hall).

Cabinet gave consideration the Council Budget Report 2024/2025 and future years, incorporating Capital, Treasury Management, General Fund Revenue and Housing Revenue Account, prior to its submission to Council on 6 March 2024. The report provided a summary of the overall budget position along with information on the financial strategy and medium term financial strategy update 2024/2025 to 2026/2027. The report (set out an on overview of spending plans in each Directorate and provided information in regards to (i) central budgets (ii) flexible capital receipts (iii) treasury management (iv) schools funding – dedicated schools grant (v) funding within the Medium Term Financial Strategy (vi) budget savings (vii) reserves (viii) housing revenue account (ix) capital strategy and capital (x) council tax referendum principles and the (xi) business rates pool.

Paragraph 21 of the report set out the Section 25 Statement from the Section 151 Officer.

Having considered the content of the report and the accompanying appendices, it was agreed that the proposed budget be submitted to the meeting of Council for determination.

RESOLVED - That the Motion be submitted to the Meeting of Council on 6 March 2024 with a recommendation that;

- (i) General Fund Revenue

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- the draft Revenue Budget for 2024-2025, as attached at Appendix F, be approved
- the forecast spending and funding plans for the 2024-2027 period, as set out at Appendix F, be noted
- the forecast levels of statutory and other council reserves, as set out at Appendix H, be noted
- the strategy for the use of balances and reserves (paragraph 2.15 refers) be approved
- the Council's participation in the Leeds City Region Business Rates Pool for 2024-2054 be noted and that authority be delegated to the Chief Executive and Service Director (Finance), in consultation with the Leader and Cabinet Member (Finance), to agree the governance arrangements for 2024-2025, to be approved by the Business Rates Joint Committee (paragraph 2.20 refers)
- it be noted that discussions regarding the uplifts on the rates paid to external providers for demand-led activities are ongoing, and that authority be delegated to the Strategic Director (Adults and Health) to agree the final uplifts to rates for 2024-2025 (paragraph 2.4.3 refers)
- approval be given to the Council's flexible capital receipts policy for 2024-2025 (paragraph 2.8 and Appendix E refer)
- approval be given to the Council Tax requirement for 2024-2025 (Appendix N refers)
- the Council's Statutory 151 Officer's positive assurance statement as to the robustness of the forecasts and estimates and adequacy of financial reserves be noted (paragraph 2.21 refers)
- authority be delegated to the Council's statutory s151 Officer to amend how the finally approved precepts are recorded in the Council's revenue budget in line with the final notifications received following decisions by the West Yorkshire Mayor Police and Crime Commissioner, the Fire and Rescue Authority and the Parish Councils, should these be received after 6 March 2023 (paragraph 3.1.3 refers)

(ii) Treasury Management

- the borrowing strategy be approved (paragraphs 2.16 to 2.29 refer)
- the investment strategy be approved (paragraphs 2.30 to 2.38 and Appendices A and B refer)
- the policy for provision of repayment of debt (minimum revenue provision) be approved (paragraphs 2.39 to 2.41, Appendix C refer)
- the treasury management indicators be approved (Appendix D refers)
- the investment strategy (non treasury investments) be approved (Appendix F refers)

(iii) Capital

- the updated Capital Plan 2023-2032 be approved (Appendix Kiii refers)
- the Capital Strategy (including prudential indicators) be approved (Appendix K refers)

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(iv) Housing Revenue Account

- the draft Housing Revenue Account Budget for 2024-2025 be approved (Appendix L refers)
- the strategy for the use of the Housing Revenue Account reserves be approved (Appendix L refers)

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 20th February 2024

Present: Councillor Cathy Scott (Chair)
Councillor Paul Davies
Councillor Graham Turner
Councillor Viv Kendrick
Councillor Jackie Ramsay
Councillor Mussarat Pervaiz
Councillor Moses Crook
Councillor Aafaq Butt

Observers: Councillor Martyn Bolt
Councillor Charles Greaves
Councillor Adam Gregg
Councillor Bernard McGuin
Councillor Imran Safdar
Councillor Will Simpson

Apologies: Councillor Elizabeth Reynolds

140 Membership of Cabinet

Apologies were received on behalf of Cllr Elizabeth Reynolds.

141 Declaration of Interests

No interests were declared.

142 Admission of the Public

It was noted that all items would be considered in public session.

143 Deputations/Petitions

No deputations or petitions were received.

144 Questions by Members of the Public

Cabinet received questions under Executive Procedure Rule 2.3.

Question from James Brown

“Kirklees Council is currently using the Old Golf House Hotel in Outlane for temporary accommodation, resulting in many issues and concerns for those being accommodated and especially for Outlane residents, including policing, safeguarding, financial cost to the public, a lack of (specialised and non-specialised) facilities, no functioning kitchen at the Hotel (with the kitchen condemned due to

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structural issues) and poor public transport links. The Hotel had already been rejected due to issues and concerns in 2021 by the Home Office/Mears for accommodating asylum seekers. Kirklees Council has refused to cooperate with Freedom of Information Requests on important points from concerned Outlane residents, citing that information cannot be released as it may put those linked to the Hotel at risk, even though Kirklees Council has made information on the Council using the Hotel public for months through Expenditure Data. This has created a form of cover up. Why is Kirklees Council still using the Hotel when there are issues and concerns and why is Kirklees Council not addressing those issues and concerns?"

A response was provided from the Portfolio Holder for Housing and Highways (Councillor Moses Crook)

Question from Sherene Tyrell

"In relation to the report on the Registration Service, what work has been done to be certain that all statutory functions can be delivered with a reduction of 9.2 full time equivalents, or any reduction?"

A response was provided from the Portfolio Holder for Corporate (Councillor Paul Davies)

Question from Helen Tye

"Are all councillors cognisant of the fact that the proposed measures, as outlined in the cabinet paper regarding Strength Based Integrated Library and Customer Service Functions and Assets, entail the complete withdrawal of in-person assistance for services such as Blue Badge applications, Council Tax enquiries, Housing Benefit, and Travel Passes, and a range of other support services and referrals?"

A response was provided from the Portfolio Holder for Corporate (Councillor Paul Davies)

Question from Helen Tye

"In relation to the report on Strength Based Integrated Library and Customer Service Functions and Assets what provisions are in place to ensure that customers with significant mental health issues, visual and hearing impairments, and other forms of deprivation, receive the necessary support in the absence of in-person assistance?"

A response was provided from the Portfolio Holder for Corporate (Councillor Paul Davies)

145 Questions by Elected Members (Oral Questions)

Cabinet received oral questions under Executive Procedure Rule 2.3.

Question from Councillor Charles Greaves

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“When will the consultation on parking charges commence, and what will be the process?”

A response was provided by the Portfolio Holder for Culture and Greener Kirklees (Councillor Aafaq Butt)

Question from Councillor Alison Munro

“It came as a shock that Valley View Care Home is to close. Can you tell me if there are sufficient places in other care homes to meet needs?”

A response was provided by the Portfolio Holder for Health and Social Care (Councillor Jackie Ramsay)

Question from Councillor Will Simpson

“I have had a Denby Dale Conservative Parish Councillor publish on public forums that they know my family’s address and have encouraged people to come to my home to abuse me. I have also received a threatening letter through my door, which refers to my personal health. A crime of harassment has been recorded by West Yorkshire Police. Does the Leader agree with me that this kind of attempted intimidation is not an acceptable way for a representative of a political party to behave?”

A response was provided by the Leader of the Council (Councillor Cathy Scott)

Question from Councillor Martyn Bolt

“Why are members of the public not allowed to submit questions remotely, rather than making them attend Cabinet meetings, except in exceptional circumstances, adding to carbon emissions, and which may mean for some people taking half a day off work. Can we take those questions remotely?”

A response was provided by the Leader of the Council (Councillor Cathy Scott)

Question from Councillor Adam Gregg

“I have recently been contacted by residents who have expressed heartbreak at the removal of trees on Queensgate. Can I ask, are there any plans to remove any trees on Queen Street as part of the Cultural Heart?”

A response was provided by the Portfolio Holder for Finance and Regeneration (Councillor Graham Turner)

Question from Councillor Charles Greaves

“What were the objective measures used to determine which libraries would be integrated, which would be community supported and which would be community managed?”

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A response was provided by the Portfolio Holder for Corporate (Councillor Paul Davies)

Question from Councillor Charles Greaves

“Honley library receives 15 hours a week of officer time, Meltham receives 20 hours, neither receive any contribution from Kirklees towards their building costs. If the other six libraries that are proposed to be community managed have similar hours of opening, how has the saving of £912k been calculated?”

A response was provided by the Portfolio Holder for Corporate (Councillor Paul Davies)

Question from Councillor Bernard McGuin

“Who took the decision to claw back the ward councillor budgets?”

A response was provided by the Portfolio Holder for Finance and Regeneration (Councillor Graham Turner)

Question from Councillor Imran Safdar

“Residents are concerned that libraries and Citizens Advice Bureaus could be closing. The impression is that Huddersfield may well be downgraded as the de facto centre of Kirklees. Will Dewsbury be the new centre of Kirklees?”

A response was provided by the Leader of the Council (Councillor Cathy Scott)

Question from Councillor Alison Munro

“Where is the evidence to support that the footfall to the Huddersfield Library at its new site location has been maintained at the rate it had at its original location?”

A response was provided by the Portfolio Holder for Corporate (Councillor Paul Davies)

Question from Councillor Will Simpson

“We have had the announcement about the important step taken on the reduction in Member allowances, can we be provided with the impact on those reductions due to the new Independent Group?”

A response was provided by the Leader of the Council (Councillor Cathy Scott)

Question from Councillor Martyn Bolt

“A previous Cabinet Member said it was meaningless and no one would make any make any reasonable judgement on the consultation returns for Heckmondwike three years ago which were incredibly low, given the equally low returns for the Heckmondwike Blueprint, were they right?”

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A response was provided by the Portfolio Holder for Finance and Regeneration (Councillor Graham Turner)

146 **Corporate Financial Monitoring Report - Quarter 3 for 2023-24**

Cabinet received the Corporate Financial Monitoring Report, Quarter 3, 2023/24. The report provided information on financial monitoring for General Fund Revenue, Housing Revenue Account and Capital Plan.

In summary, the report set out a forecast overspend of £9.9m for Quarter 3 with savings forecast to be delivered at 100% against a target of £19.9m. It advised that total useable reserves were forecast to be c£43m by 31 March 2024 of which unallocated reserves were forecast to be £22m and earmarked reserves were forecast to be £21m.

The report provided information on (i) the forecast General Fund revenue outturn position in 2023/2024 by service area (ii) General Fund reserves and balances movements in year (iii) forecast Housing Revenue Account revenue outturn position, including movements in Housing Revenue Account reserves in-year (iv) forecast capital outturn position 2023/2024 and (v) treasury management prudential indicators.

RESOLVED –

- 1) That the forecast revenue outturn position at Quarter 3 for 2023/24 (£9.9m overspend), and the forecast year end position on the Council's reserves and balances: £55.8m Reserves, of which £43.8m were Usable Reserves (£47.4m Reserves, of which £35.4m were Usable at Q2) be noted.
- 2) That the Quarter 3 forecast HRA position (£600k surplus) and forecast year-end reserves position be noted.
- 3) That the Quarter 3 forecast capital monitoring position for 2023/24 with regards to Capital (£2.7m underspend) be noted.
- 4) That approval be given to the re-profiling of the 2023/24 capital plan reduction since Council Budget Report of £27.8m being
 - (i) +£1.24m grants (Housing DFG/Climate Emergency/Active Travel Fund)
 - (ii) -£29.1m re-profile (£13.8m/self-financed, £11.5m grants/S106, £0.7m receipts, HRA RCCO/Reserves £3.1m)
- 5) That the Quarter 3 treasury management prudential indicators be noted.

147 **Council Tax provisions within the Levelling Up and Regeneration Act 2023 - empty property and second homes (Reference to Council)**

Cabinet received a report which detailed new powers available to local authorities as legislated for the in Levelling Up and Regeneration Act 2023 in relation to long term empty properties and empty homes.

The report set out the facility for a Billing Authority to determine that it would (i) reduce the qualifying period for the long-term empty property premium in Council Tax to one year to be effective from 1 April 2024 and (ii) charge a 100% Council Tax premium for second homes (dwellings which are furnished but unoccupied) to be effective from 1 April 2025.

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Cabinet was advised that the decision to make such a determination could only be made by council in accordance with s67 Local Government Finance Act 1992, and it must be made before 31st March 2024.

It was noted that data suggested there were 587 properties in the borough that would be empty for one year but less than two years as at 1st April 2024. Although the properties would attract a 100% premium it was impossible to know what the impact of the exceptions referred to in Appendix 1 of the considered report would have. Cabinet noted that if all those properties became chargeable with a 100% premium it would equate to £953k additional revenue, although it was anticipated that many properties would be brought back into use and the premium would cease to apply.

RESOLVED – That the report be referred to Council on 6 March 2024 with a recommendation that: -

- 1) The qualifying period for the long-term empty property premium in Council Tax be reduced to one year effective from 1st April 2024; and
- 2) A 100% Council Tax premium for second homes (dwellings which are furnished, but unoccupied) be introduced effective from 1st April 2025.
- 3) Authority be delegated to the Council's Section 151 Officer In conjunction with the portfolio holder to enable them to amend the policy and / or any associated procedures to ensure alignment with the regulations or statutory guidance relating to the exemptions from the premiums, when these are issued or subsequently amended by Government.

148 Strength Based Integrated Community Library and Customer Service Functions & assets

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillor Bolt, Councillor Greaves, Councillor Gregg and Councillor Safdar).

Cabinet gave consideration to a report which proposed the development of a strength based integrated community library model. The proposal included the integration of the customer service function into the library estate. This would result in the reshaping of the existing two main customer service centre sites in Huddersfield and Dewsbury into an integrated offer in those respective libraries, alongside access to digital and telephony support across the library network.

Cabinet noted the proposal was also to establish the feasibility of developing a community managed library model with targeted community-based libraries. The initial focus for the feasibility would be on identified libraries with the foundational characteristics to deliver successful transition (community strengths, community demographics, capacity, and resources).

Cabinet was advised that engagement with the eight identified libraries would commence to explore the feasibility of transition into community managed libraries.

Once feasibility had been established, subsequent proposals would be considered by Cabinet at a later date to enable further decision making.

RESOLVED –

- 1) That authority be given to the overall approach to integrate the customer service and library functions.
- 2) That authority be given to commence a service change process to reduce both management and frontline staffing to achieve integration and savings.
- 3) That authority be given to commence engagement with community partners around the proposed community managed libraries model.
- 4) That the contents of the initial Integrated Impact Assessment be noted.

149

Registration Service

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillor Gregg and Councillor Bolt).

Cabinet considered a report which sought approval to consult with the General Registrar office (GRO) to redesign the Registration Service.

The report advised that since 2012 the council had delivered registration services in both Huddersfield and Dewsbury providing services across the full functionality of a Registration Service. The financial challenges of the council required a review of the service delivery model as providing full-service delivery at both sites was no longer sustainable or fully efficient.

Cabinet was advised that the consultation with the GRO would seek approval from them to redesign the Registration Service with options to (i) consolidate into a central main site for delivering all Registration services although wedding ceremonies would still take place at Dewsbury Town Hall and at wedding venues across North Kirklees and (ii) needs led support - with the impact of this reviewed and adjustments considered in light of the experience, including holistic support to individuals and the feasibility of offering place-based service delivery where need was identified.

The report outlined supporting information and data used to aid decision making and the identification of which site would minimise the impact for residents on moving to full-service delivery at one site only. It was noted from data collated in 2022/23 that the Huddersfield site saw the highest usage, and that in total 2,245 people who used the Dewsbury office out of a total North Kirklees population of circa 190,000 would need to travel to Huddersfield. This meant that 1.2% of the population of North Kirklees would potentially have been affected in 22/23 had the change already taken place.

RESOLVED –

- 1) That authority be given for the Registration service to consult with and obtain the required approval from the General Registration Office (GRO) on the proposed new local scheme.

- 2) That it be noted that any consolidation to one central site would only be agreed following due process with the GRO.
- 3) That authority be given to re-design the Registration Service including options to (i) consolidate into a central main site in Huddersfield for delivering all Registration services with wedding ceremonies still taking place at Dewsbury Town Hall and at wedding venues across North Kirklees, (ii) for Needs led support – ensuring that the impact of consolidation be reviewed, and adjustments considered in light of the experience, including holistic support to individuals and the feasibility of offering place-based service delivery where the need was identified.
- 4) That a full review of the Registration Service fees and charges set by the council be made annually based on benchmarking with other local Registration districts and implemented in year from 2025/26 and reviewed annually thereafter.
- 5) That it be noted the final decision would only be made following the consultation with, and approval from, the GRO and that authority be delegated to the Strategic Director for Adults and Health in consultation with the cabinet portfolio holder for a decision on site arrangements.

150 New Commissioning approach for Domestic Abuse Support Services

Cabinet considered a report which sought approval to change the Councils approach to commissioning Domestic Abuse support services using external grant funding.

The report outlined the proposal to commission an outcomes-based contract (duration 60 months commencing on April 1st, 2024) with Kirklees Better Outcomes Partnership (KBOP) to deliver domestic abuse support services. KBOP would subcontract the frontline delivery on a fee recovery basis to the best placed local providers.

Cabinet was advised that KBOP provided services at risk (they have social investors), which meant they would not receive payment from the Council unless they could evidence those outcomes had been achieved. This should lead to better outcomes for service users, as delivery organisations were provided with the strongest possible incentives to deliver needs met services which would aim to (i) reduce the risk of harm (ii) reduce symptoms of trauma (iii) improve independence and wellbeing (iv) improve multiagency co-ordination and (v) improve access to services.

The report outlined that KBOP would be required to collate evidence of the impact of services on the people who use them, and the Council would then pay via the Department of Levelling Up, Housing and Communities grant and Public Health grant for the successful achievement of positive outcomes.

RESOLVED –

- 1) That authority be given to change the Councils approach to commissioning domestic abuse support services enabling 60-month outcomes-based contract to be entered into with Kirklees Better Outcomes Partnership

(KBOP) part of Bridge Outcome Partnership (BOP), to commence on the 1 April 2024;

2) That authority be delegated to officers to execute the agreed contract.

151 Local Flood Risk Management Strategy 2024

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillor Munro and Councillor Bolt).

Cabinet considered the new Local Flood Risk Management Strategy 2024 for adoption. The strategy was needed to adapt the Council's approach in line with current science and thinking to give communities the best chance, in light of the risk of flooding in England being predicted to increase due to factors such as climate change and growth in the Council's demographic.

The report advised that the new strategy would have strengthened focus on (i) creating resilient communities with build-back better approach (ii) increasing emphasis on nature based solutions (iii) being adaptive in responding to new climate hazards (iv) working together with communities around awareness and shared responsibilities and (v) the Council's commitment in responding to severe weather events.

Cabinet noted that the new Local Strategy would be consistent with the National Strategy which would support the Council's funding applications in securing investment into the district. It would also better align with the nature of the flood risk within the district and the support for communities.

RESOLVED – That the new Local Flood Risk Management Strategy 2024 be adopted.

152 Admission arrangements for community and voluntary controlled schools in 2025/26

Cabinet gave consideration to a report which sought to determine admission arrangements for all Kirklees Community and Voluntary Controlled Schools for the 2025-2026 year. It was noted that arrangements needed to be determined by 28 February 2024, in order to comply with the requirements of the Schools Admission Code.

Cabinet was advised that evidence showed a period of declining child population year on year entering school at Reception. Future indications were that this decline would continue, and the priority to continue to engage with the school system about opportunities to reduce the number of available places where there was evidence of a significant surplus, was declared in the 2023 School Place Planning Document in relation to the primary phase.

The proposals for community and voluntary controlled schools for the 2025/26 admissions year included (i) reducing the PAN from 90 to 60 for Purwell Infant & Nursery School and (ii) reducing the PAN from 60 to 30 for Savile Town CE (VC) I & N School.

RESOLVED –

Cabinet - 20 February 2024

- 1) That approval be given to the Kirklees co-ordinated admission schemes for 2025/26 including in-year admissions, as set out in Appendix 2;
- 2) That approval be given for the admission arrangements for Kirklees community and voluntary controlled schools as detailed in Appendix 1C;
- 3) That approval be given for the PANs for each community and voluntary controlled school set out in appendix 1D of the considered report which include: (i) Purlwell I & N School – PAN decrease from 90 to 60 in 2025/26 and (ii) Savile Town CE (VC) I & N School – PAN decrease from 60 to 30 in 2025/26.

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.



REPORT TITLE: Future arrangements for the council-run long stay dementia care homes.

Cabinet Date:	12/03/24
Cabinet Member (if applicable)	Cllr Jackie Ramsay
Key Decision Eligible for Call In	Yes Yes
Purpose of Report 1.1 To present cabinet with findings from the recent dementia care homes consultation.	
Recommendations <ul style="list-style-type: none"> • Cabinet to understand the consultation process followed, feedback and impact from the consultation. • Seek cabinet approval to explore potential opportunities to transfer the homes to an independent sector provider. Reasons for Recommendations <ul style="list-style-type: none"> • During the consultation process, there was informal dialogue with providers who are interested in taking over the running of the homes as a going concern. The Council has previously sought to transfer the homes into the independent sector but, for a number of reasons, this was not successful. The Council will use the learning from this to inform the approach this time round. The Council will continue to operate the homes during this time, and thereafter if it is not successful in transferring them. 	
Resource Implications:	
Date signed off by <u>Strategic Director</u> & name.	Give name and date for Cabinet / Scrutiny reports. Richard Parry – Strategic Director of Adults and Health – 19/02/2024
Is it also signed off by the Service Director for Finance?	Give name and date for Cabinet reports. Isabel Brittain- 29/02/2024
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Give name and date for Cabinet reports. Julie Muscroft Service Director of Legal Governance and Commissioning – 29/02/2024

Electoral wards affected:

The following are the wards where the buildings are situated, however the residents are from all wards across Kirklees:

- Heckmondwike
- Newsome

Ward councillors consulted:

Ward Councillors (Cllr Viv Kendrick, Cllr Steve Hall, Cllr Aafaq Butt, Cllr Andrew Cooper, Cllr Susan Lee-Richards, Cllr Karen Allison)

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

There are 57 long stay care homes for older people in Kirklees of which 44 are registered to provide care for people living with dementia. Kirklees Council operates 2 of the 44 homes at Claremont House, Heckmondwike and Castle Grange, Newsome.

On 26 September the Council's Cabinet approved proposals for consultation on the proposed closure of Castle Grange and Claremont House. The consultation ran from 11 October 2023 to 03 January 2024.

This report summarises the findings of the consultation; the impacts of the proposals on affected residents, family / carers, staff, and the wider local communities; and the proposed mitigating options.

1.1 Context

1.1.1 The Vision for Adult Social Care is the Council's strategy for people with care and support needs, setting out the strategic aim for social care services to support people to remain in their own homes and as independent as possible for as long as possible.

1.1.2 This is reflected in the significant expansion in reablement and home care capacity and delivery across Kirklees and the Council's investment in services such as the new build dementia day service at Knowl Park House.

1.1.3 For some people, they will reach a point where they will need accommodation with support such as Extra Care Housing, Residential Care and Nursing Care.

1.1.4 Alongside the challenging financial context, we recognise the need for the most efficient and effective model of services to ensure value for money and optimal use of resources. As such, it is also timely to review in-house service provision and consider future options as part of the Council's medium-term financial strategy and the breadth of activity that the Council needs to undertake over the next few years.

1.2 Castle Grange and Claremont House

1.2.1 Castle Grange is situated at the junction of Ing lane and Dawson Road in Newsome.

1.2.2 Claremont House is situated at the junction of Brighton Street and Claremont in Heckmondwike.

1.2.3 Both Care Homes:

- Are owned and run by the Council, providing twenty-four-hour residential care and support for older people with dementia.
- Have provision for forty beds (mix of long stay and short stay beds).
- Provide bedrooms which are single occupancy with ensuite shower facilities.
- Are two-storey buildings with use of either a lift or stairs to access the first floor. Each floor is divided into two self-contained suites that consist of ten personalised ensuite bedrooms, one open planned lounge and dining area, one kitchen with facilities to promote independence and one assisted bathroom.

1.2.4 Castle Grange is temporarily accommodating a Dementia Day care service (The Homestead) prior to its move to Knowl Park House in the summer of 2024. This has reduced the home's provision to thirty beds in total, twenty-three beds are currently

occupied by long stay service users and seven beds are used for short stay/emergency placements.

1.2.5 Claremont House was undertaking a series of upgrades to facilities, works that have since been paused pending the outcome of the future of the service. These works have reduced the homes provision to thirty beds in total, nineteen beds are currently occupied by long stay service users and ten beds are used for short stay placements.

1.2.6 There are currently 37 residents across both care homes – with 16 residents at Claremont House and 21 residents at Castle Grange.

1.2.7 The following sections are considered important factors as part of the Council's strategic considerations for providing dementia residential care as presented in this report, alongside the following:

- The Council's investment in modern and dementia designed day services is as part of wider efforts to invest in services that enable people to live a good life at home for as long as possible.
- A recognition that some people living with dementia will ultimately need residential or nursing care, but many people already receive this through the independent sector.
- Opportunities to utilise the available capacity in the wider independent sector.
- Consideration to the quality of care across the wider independent sector

2. Information required to take a decision.

2.1 Kirklees Council sought views on proposals for the future of Claremont House and Castle Grange care homes. The consultation ran for 12 weeks from 11 October 2023 to 03 January 2024.

2.2 The consultation was based on the preferred option of closure of both Claremont House and Castle Grange, with a view to supporting the safe reassessment and relocation of existing service users.

2.3 The proposal of closing both homes has anticipated annual savings of £1.247m net.

2.4 As this report has demonstrated the consultation was extensively promoted throughout the period leading to good levels of engagement.

2.5 In total, there were 399 responses to consultation. Of this, 366 responded to the consultation questionnaire and all other submissions were made via emails, letters or in a face-to-face meeting. This consultation ran parallel with the overall budget consultation and multiple other consultations on specific proposals.

2.6 Emails and letters were received by local MPs and Councillors on behalf of concerned residents, setting out MP and Councillor concerns about the proposed closure of the care homes.

2.7 Unison and GMB completed a joint campaign against the home closures. Trade Unions were also consulted as part of the consultation process and a detailed statement from GMB on the proposals to close Claremont House and Castle Grange was received.

2.8 Due to the number of queries raised through the consultation, the proposal was discussed on 22/11/2023 at the Health and Social Care Overview and Scrutiny Panel.

2.9 Several deputations were also raised at formal Council meetings including Cabinet meetings 21/12/23 and Full Council meetings 18/10/23 and 13/12/23.

2.10 The families directly impacted by the proposals were engaged on a regular basis through a range of engagement approaches to keep them up to date with the consultation.

2.11 Family meetings were attended by most families (both in person and virtually). All communication and presentations were followed up with emails and letters.

2.12 Ward Councillors have been engaged and included throughout the consultation process. This includes involvement in consultation meetings with family members, Councillor Briefings to ensure ward councillors are kept updated on progress with the consultation, specific Ward Councillor Briefing Sessions led by the Cabinet Member and Lead Council Officer held on 04 January 2024

2.14 The Council commenced a voluntary consultation process and there is no legal requirement to consult on alternative options in the context of voluntary consultation. In the spirit of transparency and openness Council Officers have responded promptly to requests for additional information from consultees where appropriate. The Council has provided sufficient information and sufficient reasons to justify the Council's proposals upon which the Council is consulting.

2.15 Care home operating cost

2.15.1 The operating costs for both care homes are set out below in Table 1. These costs are predominantly fixed i.e. there is little variance linked to the level of bed occupancy or income.

Fig 1: Care Home Operating Costs

	Castle Grange	Claremont House
Direct Costs	£2,079,684	£2,066,901
Indirect Costs /Overheads	£382,173	£391,933
Total	£2,461,857	£2,458,834

2.15.2 Alongside the overall £4,920,691 annual (2023/24) operating cost for the care homes the council is also responsible for the capital repair costs required at each home. When considering the proposals in this report, it is important that the Cabinet also considers the estimated level of capital funding which was identified for 2024/25 for essential repairs at the homes - £550,000 of expenditure which would need to be spent on the properties if they remained open.

2.15.3 It has been suggested that the Council should consider the 20-year financial implications of any decision. Such a time frame introduces a few uncertainties but there is no evidence to suggest that the cost of providing the service in-house will move to being equal to or less than the cost of purchasing the service in the independent sector over that period.

2.16 Care Home Staffing

2.16.1 Staffing costs for the care homes form a significant proportion of the operating costs for these Council run homes (as they do in the independent sector). These costs include the cost of care staff, catering, cleaning and laundry staff, as well as management and administrative staff.

2.16.2 There are currently approximately 119 staff (81.14 FTEs) across both establishments, primarily grade 5 support workers.

2.16.3 Staffing levels are reviewed both operationally and strategically to ensure safe operating levels, compliance with regulatory standards and service effectiveness.

2.16.4 In respect of the Council run homes, each care home has capacity for 40 beds, however currently there are 37 residents across all 80 beds which represents a 46.25% occupancy. Reasons for this level of occupancy are:

- 10 beds at Castle Grange are being used as the temporary decant solution for The Homestead team pending completion of works at Knowl Park House in Mirfield
- 10 beds at Claremont House were retained as vacant capacity pending significant facilities management works to be undertaken during 2023/24
- Limited demand for short term respite beds following the pandemic - the service currently has capacity for up to 20 short term respite beds, this service offer has been under-used which led to the Council reviewing the bed mix across the homes (following consultation sessions with families, a wing of 10 respite beds was opened up at Claremont House from 26 October 2023).

2.16.5 Whilst occupancy has an impact on unit cost it is not the overriding factor in determining the overall financial position for these homes. As set out in the Cabinet report dated 26 September 2023, should the homes operate at 100% occupancy, it would still remain value for money for the Council to secure alternative placements and support service users through maximising the capacity in the independent sector.

2.17 Unit Cost Comparisons and Care Home Fee Rates

2.17.1 Further to the information presented above in section 2.15 (Care Home Operating Costs) the unit cost of providing a bed at Claremont House equates to £1,178.89 per bed per week, with the cost of a bed at Castle Grange equating to £1,180.34 per bed per week (unit costs based on the full operating costs to the Council)

2.17.2 The above unit costs are based on an assumed level of occupancy of 100%, additional occupancy scenarios are also presented below for consideration and to highlight the impact of lower rates of occupancy on the costs per bed.

Fig 2: Care Home Unit Costs

	Castle Grange	Claremont House
Direct Costs	£2,079,684	£2,066,901
Indirect Costs / Overheads	£382,173	£391,933
Total	£2,461,857	£2,458,834
Based on the above operating costs, the cost per bed per week is:		
At Current Occupancy Levels (58%)	£2,052.76	£2,481.87
At Current Market Occupancy (87%)	£1,356.71	£1,355.05

At Full Occupancy (100%)	£1,180.34	£1,178.89
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2.17.3 The current average dementia residential fee rate in the independent sector is £865.32 per bed per week – this is the average cost to the Council based on the full range of contracted dementia residential beds in the independent sector.

2.17.4 Figure 3 below provides a comparison of unit costs between the Council run care homes and the average independent sector unit cost for a dementia residential bed.

Fig 3: Care Home Unit Cost Comparisons

	Castle Grange	Claremont House
Internal cost per bed/week	£1,180.34	£1,178.89
External cost per bed/week	<u>£852.69</u>	<u>£852.69</u>
Difference (per bed/week)	£327.65	£326.20
Or difference of	£683,384 per year	£680,361 per year

2.17.5 Based on the above calculations, alternative placements for the equivalent of 80 beds (based on 100% occupancy of 80 beds) in the independent sector would cost the Council £3,556,945. This is £1,363,746 less than the current Council costs presented above.

2.17.6 It would be prudent to note that all independent sector care homes in Kirklees state they accept council rates. Some residential care homes do request a top up for the care they provide, this is based on individual circumstances, we are therefore unable to advise on the number of homes that would require a top up payment.

2.17.7 The amount of the top up is agreed between the third-party payer and the residential home at the time the person goes to live in the home. This amount can be changed by agreement with the person paying the top-up.

3 Implications for the Council

3.1 Working with People

3.1.1 All relevant stakeholders were consulted as part of the non-statutory consultation process. The consultation has been about listening to the views of our citizens, which the Cabinet is asked to consider when deciding about the future of Claremont House and Castle Grange.

3.2 Working with Partners

3.2.1 All relevant partners were consulted as part of the non-statutory consultation process. Through the consultation, Adult Services and the council have been approached by other potential care providers with an interest in exploring potential purchase or transfer options for the care homes. This is being explored further as part of the Commercial Partnership process.

3.3 Place Based Working

3.3.1 Claremont House and Castle Grange support residents and families from across Kirklees.

3.4 Climate Change and Air Quality

3.4.1 No impact.

3.5 Improving outcomes for children

3.5.1 No impact.

3.6 Legal Implications

3.6.1 The Care Act 2014 imposes a general duty on local authorities to promote an individual's well-being (section 1 Care Act 2014).

3.6.2 Section 2 of the Care Act 2014 imposes a general duty to provide or arrange services to reduce, prevent or delay the development of needs.

3.6.3 Local authorities had a duty to provide residential accommodation for adults who needed care and attention not otherwise available to them under section 21 of the National Assistance Act 1948. This was repealed and replaced by a duty to meet needs for care and support (section 18 Care Act 2014).

3.6.4 Section 19 of the Care Act 2014 gives a local authority the power to meet needs for care and support, where it is not under a duty to do so. Unlike the National Assistance Act 1948, the Care Act 2014 does not specify separate duties for the provision of residential and non-residential care. Section 8 of the Care Act instead gives examples of the different ways that a local authority may meet needs under section 18, and the list includes "accommodation in a care home or premises of some other type" (s8(1)(a)), or "care and support at home or in the community" (s.8(1)(b)).

3.6.5 An assessment of needs must be carried out where it appears to the local authority that a person may have needs for care and support. The assessment must identify whether the adult has any needs for care and support. If there are, the assessment must state what those needs are. (Section 9(1), Care Act 2014.) A Local authority must also assess any carer (current or prospective) where it appears they may have need for support. Section 10(1) Care Act 2014.

3.6.6 After assessing what the needs of an adult or carer are, a Local Authority must consider whether the needs meet the eligibility criteria for a provision or service (section 13(1), Care Act 2014). The criteria do not specify the types of care and support that a Local Authority must provide to meet eligible needs. Prior to any individual moving accommodation, their needs assessment and care and support plan should be reviewed. In offering alternative accommodation the Local Authority should have regard to the Care and Support and After-care (Choice of Accommodation) Regulations 2014.

3.6.7 The council has a market shaping duty under section 5 of the Care Act 2014 and must exercise its duties in accordance with the Department of Health Care and Support Statutory guidance (updated June 2023).

3.6.8 The Council also has responsibilities under the Care and Support (Ordinary Residence) (specified Accommodation) Regulations SI 2014/2828 which specifies supported living accommodation (reg 5) whereby if an individual's needs can only be met in supported living accommodation, the council where the individual is ordinarily resident immediately before being placed is responsible (section 39 Care Act 2014).

3.6.9 The Council will also comply with all relevant mental health legislation, amongst other things, in relation to capacity issues.

3.6.10 The Council is required to carry out a non-statutory consultation process regarding proposals to reconfigure services and to carefully consider responses before reaching any decision regarding reconfiguration of care services. The consultation process should be done at a formative stage in line with criteria laid out in R v Brent LBC Ex parte Gunning [1985] and endorsed by the Supreme Court in R (Moseley) v Haringey LBC [2014].

3.6.11 The criteria are:

1. The duty to act fairly.
2. The requirement of fairness is linked to the purpose of the Consultation, and sufficient reasons given so that the proposals enable an intelligent response.
3. The features of the consultees are relevant in deciding the degree of specificity required in the information provided.
4. Where the proposals involve the denial of a benefit, fairness demands will be higher.
5. Where there are no statutory restrictions on the content of the consultation, fairness may require that interested stakeholders be consulted on preferred and rejected options. Consultation in this case will be non-statutory.

3.6.12 Article 8 of the Human Rights Act 1998 - right to a private and family life, may be engaged. Following completion of the consultation, the council will need to ensure the needs of residents have been properly assessed and individual service user reviews in line with the Care Act 2014 will be carried out.

3.6.13 The council must comply with its Public Sector Equality Duty in section 149 Equality Act 2010. An Equality Impact Assessment (EIA) of the proposed options is advisable. The Council when exercising its functions must have “due regard to the need to”:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Section 149(7) sets out 7 protected characteristics namely: age, disability, gender reassignment; pregnancy and maternity, race, religion or belief, sex or sexual orientation. It follows that age and disability will be most relevant in taking decisions about the future of the Council’s care homes and an EIA will show how the proposals impact on people.

3.7 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

3.7.1 Informed by the consultation, an Integrated Impact Assessment has been completed to assess the impact of the proposed changes to the care homes. This considers the equality impact, covering the nine protected characteristics as set out in the Equality Act 2010. This is available to support decision making here: [Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/integrated-impact-assessments)

3.8 Overall Impact Summary

3.8.1 Based on the Council’s initial proposals to close the care homes, a literature review of the impact of moving care homes was undertaken by a member of the Public Health team, and a summary of which is provided below:

- **The evidence within the past 10 years is limited** - evidence from the past 10 years reveals a paucity of research into the impact of care home closures and relocation on dementia residents.
- **The understanding of impact is mixed** - the health effects of any relocation of older adults suffering from dementia were negative. The research highlights a decline in physical, mental, behavioural, and functional well-being. It is important to note that the research also examines how relocations can be managed to reduce the negative impact on residents. This includes involvement of patients, careful planning and preparation and creating a similar environment for the resident in their new home.
- **The way in which the process of relocation is managed is important** - studies show that the way in which a relocation process is managed for residents, staff and family can have a significant impact on the outcomes for care home residents. The research suggests care home closures may be a “tale of two halves”, with inevitable distress during the closure but, if done well, with scope for improved outcomes for some people in the longer term.

3.8.2 The consultation asked people what they would consider to be the impacts of the proposals. The submission responses showed key themes, with key issues and messages relating to each theme. These are detailed in full in Appendix 1 - [Survey – Summary Report](#).

3.8.3 The proposals are the subject of an IIA which has been updated throughout the consultation process and used to inform this report. Identified impacts arising from these assessments are also summarised below.

3.8.4 Health and Wellbeing Impact

3.8.4.1 Concerns were raised through the consultation as to the impact on the mental and physical health and wellbeing of long stay residents having to leave their home, with additional worry created for residents, families / carers and staff around settling into a new environment or in finding alternative employment.

3.8.4.2 A literature review was undertaken by a colleague in Public Health as set out in 3.8.2 above.

3.8.4.3 In drawing up the initial proposals, conducting the consultation and in making any formal recommendations, officers have been acutely conscious of the depth of feeling aroused among service users, families, carers, staff, and local communities.

3.8.4.4 Officers have responded to the above through: regular and ongoing communications; dedicated web site with key information for families; dedicated email address for all care home related correspondence and queries; face to face briefing sessions and meetings with resident families, staff and stakeholders; enhanced leadership visibility at each care home; one to one meetings offered to resident families and staff.

3.8.4.5 The commitment and quality of care provided by staff at both homes is fully recognised and acknowledged. It is also fully acknowledged that hearing that your workplace is subject to a consultation can create uncertainty and worry. It is therefore important that staff are made aware of any recommendations affecting the future of their workplace directly and at the earliest opportunity.

3.8.5 Quality and availability

3.8.5.1 Both Castle Grange and Claremont House are rated 'Good' performing homes by the Care Quality Commission (CQC), with Castle Grange achieving an improved rating in March 2023 compared with the previous 'Requires Improvement' rating issued by CQC following inspection in April 2019.

3.8.5.2 The context within Kirklees is that there is a well-developed independent sector care home market.

3.8.6 Community Impact

3.8.6.1 Concerns were raised about the impact on the ability of family / carers (including young children) to visit relatives easily within their local community based on the original proposals to consider closure of these care homes. Concerns were also raised in that closing the homes would limit people's choices of quality provision in their local area, leading to insufficient provision compared to demand in the future.

3.8.7 Strategic Impact

3.8.7.1 The reputational impact on the council was voiced should the decision to close the two homes be made when money is being spent on other services viewed by the respondents as of less value than keeping council-run care home provision.

3.8.7.2 The impact on the quality and availability of long and short stay residential care and support in the future if a reliance is placed so heavily on the private sector, with a need for long term strategy.

3.8.8 Methodology Impact

3.8.8.1 The impact of the timing of the proposals, particularly the way the initial cabinet proposals dated 26 September 2023 were presented to Cabinet with limited pre-consultation with families and staff, were raised as adding an additional burden on residents, families and carers, and frontline workers.

3.8.8.2 Whilst it is acknowledged that the uncertainty created by the proposals on the future of the two care homes creates worry for those affected, it is also important that people are made aware of any recommendations affecting the future of their home, services they use and their workplace directly and at the earliest opportunity. Officers therefore commenced an early engagement process with resident families and staff, allowing sufficient time for a non-statutory consultation of this nature to take place.

3.8.8.3 Families of residents in the care homes also reported the lack of information on the alternative options considered by the Council for making the necessary savings.

3.8.8.4 The Council have a wide margin of discretion as to what it decides to consult on and there is no legal requirement to consult on alternative options in the context of voluntary consultation.

3.8.9 Financial Impact

3.8.9.1 Concerns were raised about the cost of alternative provision and the impact of this on residents, resident families and carers financially. The 1:1 meetings offered to all

families provided the opportunity to discuss this issue in more detail in the context of their individual family member.

3.8.9.2 Social care across England is means tested and individuals in receipt of care services must pay towards the cost of their service up to a limit based on their income and assets/savings. There are a number of residents of Claremont House and Castle Grange who have been assessed as being able to pay the full cost of their care. Other residents have been assessed as being able to afford a partial contribution towards the cost of their care and the Council pays the balance of the cost. For the latter group, subject to individual financial review and circumstances, this is likely to remain the case if an individual is placed in an independent sector care home that accepts placements at the Council's placement rates.

3.8.9.3 The council will review the delivery model as a provider of long stay resident care beds based on the current financial position and the increasing costs of such provision

4 Consultation

4.0.1 The council carried out a comprehensive consultation for a period of 12 weeks between 11/10/23 and 03/01/24 on proposals for the future of Castle Grange and Claremont House.

4.0.2 As part of the consultation process a dedicated email account was set up to deal with any enquiries from all stakeholders. The email address was promoted widely and was shared via letter to the families, on any briefings to stakeholders and was on the web page for the Care Home consultation.

4.1 Face to Face Meetings and Feedback

4.1.1 Face to face meetings have been held with family members of residents of Castle Grange and Claremont House before and during the consultation.

4.1.2 In total there were five separate face-to-face meetings with families of residents, eight staff meetings and 30 stakeholder/1:1 meetings where feedback was received to support the consultation process. The range of engagements are outlined below:

Date	Topic	No of Attendees
5th September 6th September 18th September 19th September	Pre-consultation Session	Claremont House Staff team Castle Grange Staff Team Claremont House families Castle Grange families
19th September 20th September	Staff teams/Trade Union Meeting	Claremont House Castle Grange
23rd October 24th October 8th November 13th November 14th November 15th November	First Consultation Session	Castle Grange Families Claremont House Families Castle Grange – Senior Team Claremont House – Senior Team Castle Grange Staff Team Claremont House Staff Team
20th November	Second Consultation Session - Finance	Family representatives from both care homes.

29 th November to 29 th December	1:1 meeting with families. All families were offered the opportunity for a 1:1 meeting	13 family members representing 9 residents attended the meetings.
14 th – 21 st December	1:1 meeting with stakeholders	17 individual conversations were held.

4.1.3 At the pre-consultation briefing families were made aware about the proposals and how they could get involved with the consultation as early as possible.

4.1.4 Subsequent meetings have focussed on understanding the Council's preferred model, understanding the cost and benefit of options explored, impact of proposals on resident wellbeing and family wellbeing, identifying and appraising alternative options etc.

4.1.5 High level themes emerging from these sessions include:

- Concern about the proposed review of these settings with a view to closure of the in-house dementia care homes and alternative options to be explored in the private sector.
- Seeking assurance that the private sector can deliver the same high level of quality care and specialism in dementia care.
- Identifying Council savings and/or efficiencies through other initiatives to help protect social care services, questions about the Council's investment in other services.
- An open dialogue about options explored and financial models used to arrive at the proposed Council model.
- Impact of the proposals on resident (and family) health, wellbeing and relationships, both short term and long term
- Challenge of the report presented to Cabinet 26 September 2023 and the subsequent consultation process.

4.1.6 A detailed Questions and Answers document shaped in collaboration with family members was produced and shared.

4.2 Petitions, questions at Council meetings and deputations

4.2.1 There were two petitions on the proposals for the future of the care homes. The Stop the Closure of Claremont House petition had over 4,500 signatures (both online and paper signatures) hence triggered a debate at Full Council on 13 December. The second petition entitled Stop the Closure of Castle Grange had 2,629 signatures and therefore fell below the threshold of 3,000 signatures to trigger a debate at Full Council.

4.2.2 Deputations from family members were presented at Full Council on 18 October and 15 November and at Cabinet on 21 December 2023.

4.2.3 Public Questions were asked at the above meetings and at the Health and Adult Social Care Scrutiny committee meeting on 22 November 2023.

4.3 Other material submitted:

4.3.1 In addition:

A request for information was received from Irwin Mitchell on 28/11/23.

A report from Avalon Rawling was received on 22/12/23.

4.4 Summary of the consultation

4.4.1 399 respondents participated in the consultation, of which 366 either completed the online or paper version of the survey and 33 participated in face to face/telephone consultation.

4.4.2 People who took part in the survey:

- 43% General public, 31% Care/family member, 10% Friend of a care home resident, 10% Other, 6% Staff member and 1% Care home resident.
- The care home that people lived at or associated with most:
 - 29% Claremont, 24% Castle Grange, 23% Both and 24% was not applicable.
- The information on the web site was read by 97% of the respondents and understood by 65%.
- Of the respondents 2% strongly agreed, 2% agreed, 4% Not sure / didn't know, 14% Disagreed and 78% strongly disagreed with the proposals.
- The respondents were able to select four responses of their biggest concerns if the Council progressed with a closure programme for Castle Grange and Claremont House:
 - 23% Negative impact on residents' health / wellbeing
 - 19% Receiving the same quality of care.
 - 14% Identifying somewhere suitable to live.
 - 8% Getting used to new staff.
 - 7% Losing friendships.
 - 7% Increased pressure on other local care services
 - 6% Additional costs / expense
 - 5% Increased travel time to visit loved one.
 - 5% Staying in the borough.
 - 4% Potential job losses
- In relation to what other care services people felt would benefit them / their community in the future and select all that applied:
 - 28% Residential care
 - 20% Dementia Day Services
 - 15% Home Care
 - 12% Reablement
 - 10% Assistive technology
 - 10% Independent Sector
 - 5% Other.

4.4.3 Further information about those who participated includes:

- 69% Females, 18% Males, 1% Non-Binary/Intersex and 3% preferred not to say.
- 51% under 54 and under, 46% over 55s and 2% preferred not to say.
- 6% BAME, 88% White British, white other, 6% preferred not to say.

4.4.4 Potential impacts highlighted through the consultation are:

- Recognition of the good quality care provided through Castle Grange and Claremont House
- Impact of the proposals on resident (and family) health, wellbeing and relationships both short term and long term

- Identifying equivalent high-quality choices in the wider care home independent market taking and accounting for location, travel and distance.
- Financial impact of the proposals for families
- Suggested Council savings and/or efficiencies through other initiatives to help protect social care services.
- Impact of the Council no longer providing residential care for older people with dementia
- Balancing the need for financial savings and Council strategy with the human impact of the proposals
- Challenge of the report presented at Cabinet 26th September 2023 and the subsequent consultation process.

5 Engagement

5.1 A wide range of residents have engaged through the consultation process, including the families and representatives of existing service users, non-users and citizens with protected characteristics.

5.2 Alongside the online consultation, paper copies were provided to consultees where requested, with support provided through face-to-face drop-in sessions or telephone support to complete the consultation survey.

5.3 Drop-in sessions and focus groups to support engagement with the consultation were held. This enabled those with protected characteristics or those who did not want to engage online or were unable to, to have their voices heard.

5.4 An analysis of the views submitted by citizens and key stakeholders is highlighted in Appendix 1 – [Survey summary report](#).

5.5 Ward Councillors have also been engaged and included throughout the consultation process. This includes involvement in consultation meetings with family members, Councillor Briefings to ensure ward councillors are kept updated on progress with the consultation, specific Ward Councillor Briefing Sessions led by the Cabinet Member and Lead Council Officer held on 4th January 2024.

6 Options

6.1 Options considered.

6.1.1 To help inform the Cabinet Report, officers have considered a number of options for the Council run care homes. A summary of this information is presented below:

1. **Close both homes** (the preferred option at the start of consultation). Other providers would continue to provide dementia residential care where this is needed, whilst the council focused on supporting people at home. For people who currently live in the two homes, this would mean that alternative care and support would have to be put in place. Thorough assessments would be undertaken of each individual resident of the homes to determine their needs and how they could best be met in future. These would consider the views and preferences of the person, as well as their families, carers and where appropriate their independent advocates.

2. **Maximise bed occupancy** – this option would mean both care homes would remain open as they are now, and the council would try to ensure the homes had as few vacancies as possible by marketing them to people who pay for their own care. To ensure flexible and safe working practices we would normally aim for 95% occupancy. Nevertheless, should both homes be fully occupied the unit cost of each bed at Castle Grange/Claremont House (£1196 per bed per week) would remain above the average market rate for a dementia bed (£852.69 per bed per week). Other factors such as income through client charges were also considered in this context. The nature of charging for social care means that most current residents only pay a part of the cost of their care and so, increasing the charge would not increase the level of income received. The only potential increase in income if the Council charged more would come from those who pay the full cost of their care. This group of residents are in a minority in the care homes. Even at full occupancy, there would still be a shortfall and an increase in charging would not lead to the income levels required.
3. **Close one home/retain one and relocate all residents into the retained home** – Whilst this would maintain some stability for one home, this introduces the complexity of which home would be put forward for closure and the impact of displacement this would create for residents and families. If it was Claremont House that closed, Castle Grange would be considerably further away than many alternative independent sector providers and vice versa. It would therefore not address the concerns about not relocating residents. In addition, the current total number of residents means that some would still need an independent sector placement.
4. **Secure funding from the NHS** - Castle Grange and Claremont House are residential care homes providing long term care and support placements in a residential setting. The funding of this sort of care, whether in-house or in the independent sector is the responsibility of a local authority.

Whilst there is a tangential benefit to the NHS through the provision of high-quality residential care in that this might reduce some demand on healthcare services, the benefit is very limited and indirect. There are many services that the Council provides or commissions which could be argued as providing some benefit to the NHS through reduced demand.

The NHS can only provide funding to a care home where:

- There is provision of nursing care by a registered nurse for those assessed as eligible for NHS-funded nursing care
- Ongoing medical/health care needs provided alongside social care support for a temporary period (usually up to 4 weeks), usually following a stay in hospital, as part of intermediate care.

Castle Grange and Claremont House do not fit the above criteria and therefore legally cannot be funded via the NHS in the way Ings Grove House and Moorlands Grange are.

The Council has, additionally, raised the question of NHS funding with local NHS organisations and they have confirmed that they are not able to fund the care homes.

If an individual has eligible needs that fit the criteria for Continuing Health Care, then they may, as an individual, receive some NHS funding for the cost of some aspects of their care.

6.2 Reasons for recommended option

The funding challenges for this Local Authority and for Adult Social Care haven't changed since I brought the paper asking for Cabinet's approval to go out to formal consultation on the 'Closure of both Castle Grange and Claremont House residential care homes' on the 26th September 2023.

However, we got nearly 400 respondents to the Consultation, nearly 80% of whom said they strongly disagreed with the closures, so on that basis I am recommending we formally explore the appetite of the Independent Sector to take over the running of these homes. If successful, this would mitigate the key concerns raised by respondents to the Consultation as the current clients would be able to stay in their current home and be cared for by the staff currently providing their care.

7 Next steps

Cabinet to approve for Officers to formally explore the Commercial Partnership model to work with a private provider (or with a range of providers) as the delivery partner(s).

8 Contact officer

Saf Bhuta

9 Background Papers and History of Decisions

- Presented and approved at Cabinet 26.09.23 - [UPDATEDCabinetReport2026.09.23CHCGexitfinal2018.09BM.pdf \(kirklees.gov.uk\)](#)
- [Have your say on dementia residential homes in Kirklees consultation | Kirklees Council](#)
- Presented at Scrutiny Panel 22.11.23 - [\(Public Pack\)Agenda Document for Health and Adult Social Care Scrutiny Panel, 22/11/2023 14:00 \(kirklees.gov.uk\)](#)
- [Information for families | Kirklees Council Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](#)

10 Appendices

Appendix 1 - Consultation Survey Summary Report

11 Contact Officer

Saf Bhuta, Head of In-House Care Provision

13. Service Director responsible

Michelle Cross, Service Director

Appendix 1 - Survey - Summary Report

Following approval at the Cabinet meeting held on 26th September 2023, a public consultation has been undertaken on the proposals for the future of Castle Grange and Claremont House. The care home consultation was launched on 04.10.23 and ran for a period of 12 weeks with a closing date of 03.01.2024.

The consultation consisted of an online survey which asked for views on the proposals to potentially close Castle Grange and Claremont House, and to gather views on further support the council could offer residents and their families should the potential closures happen.

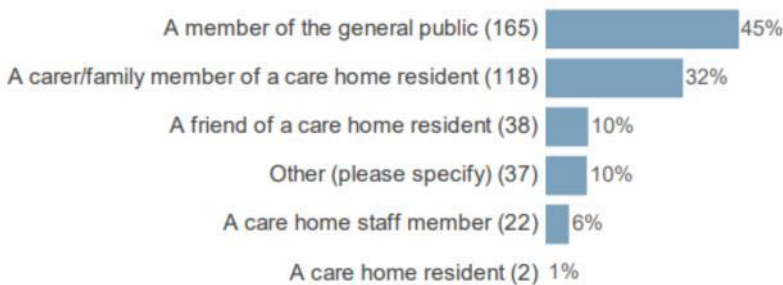
The online survey was also supported with a number of in-person one-to-one sessions which gave respondents the opportunity to complete the survey face to face.

This report shows the results of all the survey closed questions along with a discussion of a number of themes which have emerged from the open responses.

Who has taken part?

The survey has received 366 responses – 360 online and 6 face to face. Respondents were firstly asked in what capacity they were taking part in the survey, with the ability to select more than one answer to this question:

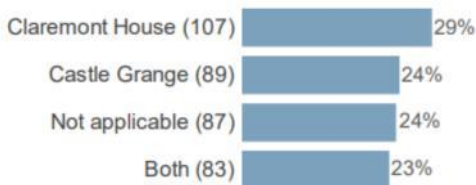
Are you completing this questionnaire as... (Please select all that apply):



The largest groups of responses (77%) were received from members of the public and carers/family members of a care home resident.

Respondents were asked which of these two care homes they either lived at, or associated with the most?

Which of these two care homes do you live at, or associate with the most?



Over three quarters of respondents selected that they associated with at least one of the care homes with 24% selecting none were applicable.

Respondents were also asked several other demographic questions such as their age, gender, ethnicity and if they had a disability. Results of these can be seen in the appendix.

Respondents' understanding/agreement of the Proposal.

Respondents were asked a series of questions to help the council better understand how much they understood/agreed with the proposals to close Castle Grange and Claremont House. None of the questions were set as mandatory so results will not always add up to the full sample size for each question.

The first question was asked to see if people taking part in the consultation had read the information available on the Kirklees website detailing the reasons for the proposals to close Castle Grange and Claremont House.

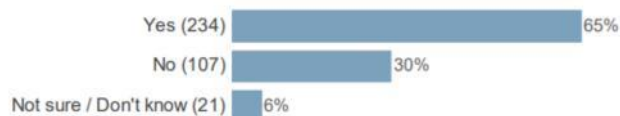
Have you read the information available on the Kirklees website detailing the reasons why we are proposing to close Castle Grange and Claremont House?



Results showed that 97% of respondents had read the proposals with 3% selecting they had not.

The second question was asked to see if respondents understood the reasons why Kirklees are proposing to close Castle Grange and Claremont House and to relocate residents to homes in the independent sector.

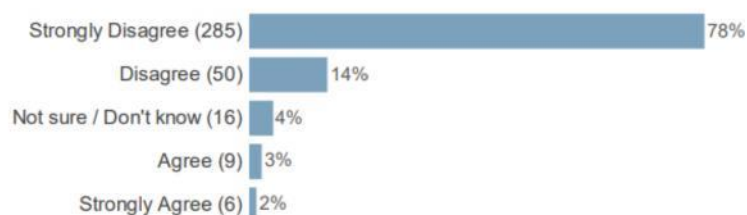
Do you understand the reasons why we are proposing to close Castle Grange and Claremont House and relocate residents to homes in the independent sector which meet their needs?



Results showed that 65% understood the reasoning behind the proposals with almost a third saying they did not and 6% saying they were unsure.

Respondents were then asked to what extent they agreed with the proposals.

To what extent do you agree with these proposals?



Results showed that 92% of respondents disagreed/strongly disagreed with the proposal, 5% of respondents agreed/strongly agreed and 4% said they were unsure.

To understand the reasons people did not agree with the proposals, respondents who had selected 'disagreed or strongly disagreed' were then asked an open question to provide their reasons for this view.

There were 295 comments received on this question.

The comments submitted have been reviewed and categorised based on the topic being discussed. Many of the comments received covered multiple points so cover multiple categories.

The four most common themes that were discussed amongst the comments can be categorised in the following way:

- Negative impacts on health and wellbeing of residents and their families (153)
- Accessibility/suitability of alternative specialist care (121)
- Quality of care for the residents (119)
- Current and future demand for specialist residential dementia care (75)

Negative impacts on health and wellbeing of residents and their families

- Over half of the comments expressed that closing the care homes and relocating the residents would result in a direct negative impact on resident's health and wellbeing, with a number stating a move could result in their loved one's death.
- Many spoke about how people who suffer with dementia take time to settle and how a possible move would unsettle them and impact their health and wellbeing.
- Respondents also discussed how a move would affect the mental wellbeing of family members and staff with the importance of familiar relationships highlighted as an essential support for residents who suffer advanced dementia.

Accessibility/suitability of alternative specialist care

This theme covered a number of accessibility/suitability issues when considering alternative specialist care which included lack of availability, concern of increasing distance and adequacy of alternative accessible care provisions.

Many people spoke about how few places at dementia specialist care homes were available for their loved ones to move to in their condition and how they were concerned that they could be moved out of the borough which would result in confusion for the residents alongside less visits for their loved ones.

Respondents mentioned they had already struggled to find any other homes when searching for a specialist care home and that closing these would result in them having to move their loved ones out of the area.

A number discussed how care at home was not an adequate option as their family members needed 24-hour care and care visits/day centres were not a suitable substitute for their care needs.

Quality of care for the residents

Many people spoke positively about how the specialist care given to their family members at the 2 care homes was of high quality and how this support comforted families knowing that their loved ones were receiving the care they needed.

Concern was raised that care was not deemed of the same standard in the private/independent sector with much lower standards and poorer working conditions for staff resulting in lower levels of care provided to their residents. Several people suggested that in the private sector profits came before care.

Current and future demand for specialist residential dementia care

Many people spoke about how dementia care homes were not only needed right now in the borough but also ongoing in supporting the aging population alongside the growth of dementia rates.

People raised concern that removing a service that was already in high demand would create a long-term problem which would also contribute to added pressure on other local health services and create future financial problems. Respondents challenged that the council should not be considering closing provision but rather that the council should be investing in more of these services for the future.

Other topics discussed from the responses included:

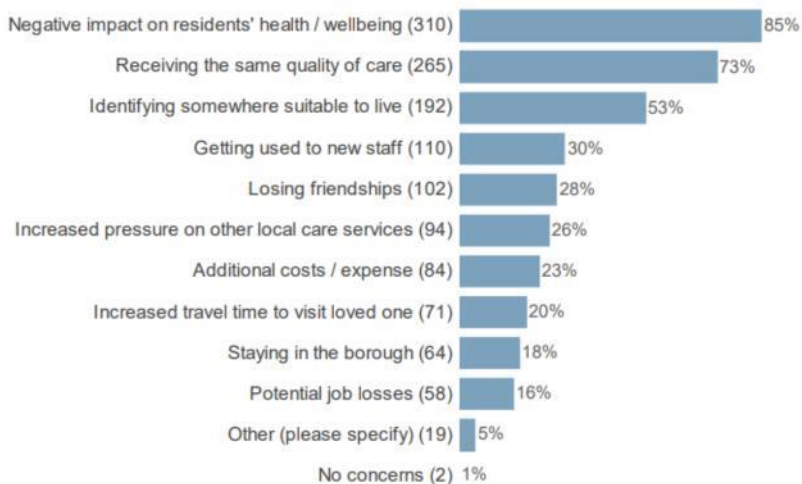
- Recognition that the council would be moving vulnerable people from their homes.
- Longer term financial implications for council and service users
Not enough/unclear information shared regarding the proposals.
- Focus on proposals being financial rather than on impact the closures would have on individuals.
- Residents unable to speak for themselves.
- Increasing pressure on other local health care services
- Concern for job losses.

Impact of proposed closures

All respondents were then asked a series of questions to understand the impact closing the care homes would have and what support could be put in place should the proposal go ahead.

People were firstly asked what their biggest concerns would be if they were closed. Respondents were asked to select up to 4 answers.

Which one of the following would be your biggest concerns if we closed Castle Grange and Claremont House? (You can select up to 4 answers)



Results showed that the **highest four concerns** selected from the list by people were:

- Negative impact on residents' health / wellbeing (85%)
- Receiving the same quality of care (73%)
- Identifying somewhere suitable to live (53%)
- Getting used to new staff (30%)

Results showed that the lowest four concerns selected from the list by people were:

- Increased travel time to visit loved one (20%)
- Staying in the borough (18%)
- Potential job losses (16%)
- No concern (1%)

There were 19 people who selected other with concern further raised for the wellbeing of the residents and their families along with asset stripping and poorer quality/availability of alternative services.

All respondents were asked an open question to understand what support could be offered if the care homes closed.

There were 214 comments received on this question.

The comments submitted have been reviewed and have been categorised based on the topic being discussed. Many of the comments received covered multiple points so fell into multiple categories.

A number of respondents provided written comments stating that they did not wish to comment or that they did not have relatives in the care homes so would not personally need any support.

The four most common themes discussed in this question can be categorised in the following way:

- Alternative options needed for same standard of care (53)
- Keeping the care homes open (44)
- Health and wellbeing concerns (40)
- Full support needed for transitioning each resident (17)

Alternative options needed for same standard of care.

The most commented upon theme in this question was from respondents who spoke about the need for the same quality of specialist dementia care for residents. People highlighted the importance of the standard of care needing to be as good if not better than the 2 care homes, whilst also staying within a close distance for friends/relatives to ensure they can continue to visit their loved ones.

Several respondents spoke about the need of ensuring no cost increases would be passed onto the residents for the same care – including moving costs or potential increases in care home fees. In order to ensure the same quality of care was provided a number of respondents suggested ensuring quality standards are fully reviewed and monitored of alternative care options. The importance of ensuring that there are enough community health care staff was also discussed. Support in the community was deemed as not appropriate or not an adequate enough replacement for the specialised care residents currently receive in the care homes.

Keeping the care homes open

Many respondents expressed the need to keep the care homes open and that closing them was not an option, with some suggesting at least one should remain open.

Several spoke about how no support other than keeping the homes open would help the residents and their families with this stage of their care needs.

A suggestion was made to open up respite care and fully opening the homes to help them run at a profit.

Health and wellbeing concerns

Many comments were received highlighting the effect that the closures would have on the resident's health and wellbeing with the worry of impending mortality raised by a number of family members.

Several spoke about the importance of familiarity and relationships with dementia sufferers and how moving them would significantly impact their health. A number of people suggested keeping residents and staff together was important in any potential move to help mitigate the negative impacts on the resident's wellbeing.

It was also suggested that those making the decision need to have a clearer understanding of the direct impact of moving dementia patients who are fully settled and the effect this would have on their health and wellbeing.

Full support for transitioning each resident.

Ensuring social workers have enough time to do a proper care and risk assessment to make sure alternatives meet the resident's care needs was raised in a number of comments.

Respondents expressed how important it was to have enough time and choices to support them with their loved one's potential moves should the proposal go ahead.

Other themes discussed in the comments included:

- Supporting the family of loved ones in the homes
- No increase in costs to residents
- Keep residents/staff together.
- Council needs to provide support options.

The final question asked what other care services would benefit them in the future. Respondents were able to select as many as applied.

**What other care services do you feel would benefit you / your community in future?
(Please select all that apply)**

248 (77%)	Residential care
109 (34%)	Reablement (this is a short term intervention provided by the council to help people over 18 rebuild their skills, abilities and confidence)
85 (26%)	Assistive technology (sensors and alarms)
137 (42%)	Home Care
173 (54%)	Dementia Day Services
88 (27%)	Independent Sector (Residential and Nursing Care)
47 (15%)	Other (please specify)
	Please specify:
41 (100%)	

The highest three selected by respondents were:

- Residential care (77%)
- Dementia day services (54%)
- Home care (42%)

The lowest three selected by respondents were:

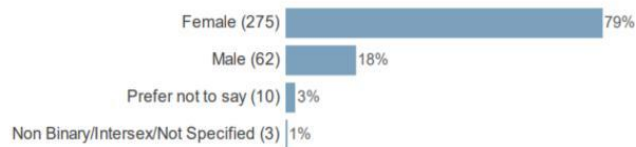
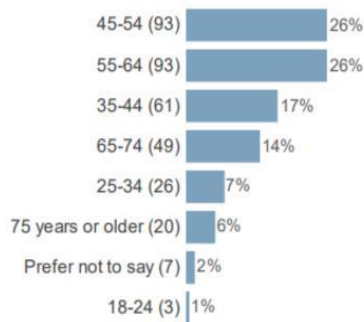
- Reablement (34%)
- Independent sector (Residential and Nursing Care) (27%)
- Assistive technology (sensors and alarms) (26%)

Those who selected other mentioned keeping them open, respite care, specialised dementia residential care, volunteer befriending, direct payment, assisted living and home care.

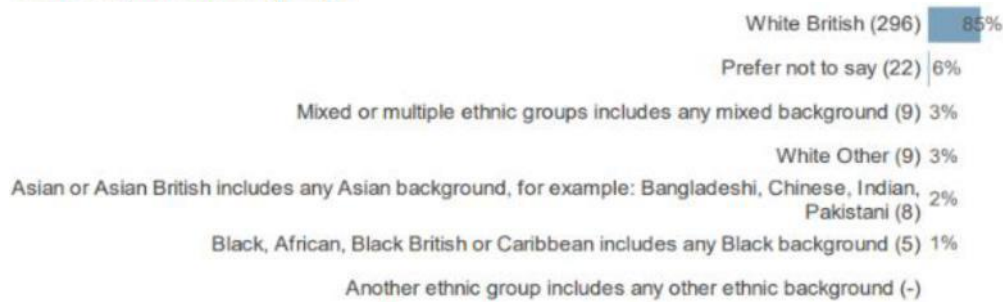
Demographics of respondents.

Which age category do you fall into?

Are you...



What is your ethnic group?





REPORT TITLE: Future arrangements for council provided Supported Living services.

Cabinet date	12/03/2024
Cabinet Member	Cllr Jackie Ramsay
Key Decision Eligible for Call In	Yes Yes
<p>1. Purpose of Report</p> <p>1.1 To present cabinet with findings from the recent Supported Living consultation and other relevant details to enable a decision to be made on the future arrangements for Supported Living services provided via The Mews (Mirfield), Brighton Court (Heckmondwike) and Wilton Terrace (Cleckheaton).</p>	
<p>2. Recommendations</p> <p>2.1 Note the outcome of the full consultation process with stakeholders, (Appendix 1), and the information within Appendix 2: Key Partner Consultation.</p> <p>2.2 Note the options appraised as part of this process (this includes the option the Council consulted on), including the factors contributing to each of the options, to help inform the recommendations to Cabinet presented in this report (Appendix 3).</p> <p>2.3 Approve the recommendation to progress with Option B as set out in section 6 of this report – which is for the Council to continue to act as care provider across all three schemes (The Mews, Wilton Terrace and Brighton Court).</p> <p>2.4. Approve a redesign of the current service model and focus resources in all three schemes to offering support for service users with high levels of complex needs and thereby creating opportunities for those currently placed out of area to return.</p> <p>2.5 Reasons for Recommendations</p> <p>2.6 75% of respondents to the consultation were opposed or strongly opposed to the Council's proposals for intended closure of The Mews as a Supported Living service.</p> <p>2.8 Retention of The Mews offers opportunities to reconfigure the service model with a view to relocating back into Kirklees existing service users currently placed out of area with high-cost packages of support.</p> <p>2.9 Option B also offers the potential to increase the number of beds at The Mews as the developer has indicated an opportunity to increase numbers from 7 to 9 beds, providing further economies of scale to the Council.</p> <p>2.10 Cabinet are also requested to:</p> <ul style="list-style-type: none"> Note the strategic context in which these proposals are set. 	

- Note the key factors that have contributed to the proposals set out in this report – section 2: Context, Supported Living for Adults with Learning Disabilities.
- Note the options considered and appraised to inform this report – see [section 2](#) and detailed Options Appraisal in [Appendix 3](#)
- Note the outcome of:
 - the full consultation with stakeholders, [section 4](#) of this report and [Appendix 1](#)
 - the Integrated Impact Assessment ([Appendix 4](#))

3 Resource Implications:

3.1 Finance

This report recommends that the Council continue to act as care provider across all three schemes (The Mews, Wilton Terrace and Brighton Court) – with budget savings proposed in the 26 Sept Cabinet report remaining achievable through:

Savings Strategy	Timescale	Estimated Savings/Costs	Impact on Budget
Reviewing the existing staffing model across the three in-house services to identify efficiencies based on best practice staffing models	2024 - 2025	<p>Staffing structure to be redesigned based on core operating costs of background direct support hours consisting of 112-day time hours and 56 nighttime hours (168 hours) which equates to one member of staff 24 hours a day, seven days a week) and background direct support hours consisting of 224-day time hours and 112 nighttime hours (336 hours) which equates to two members of staff 24 hours a day, seven days a week)</p> <p>Additional staffing context includes:</p> <ul style="list-style-type: none"> • One full time registered manager would oversee the support for all tenants across all three schemes. • Each scheme will have one full time deputy manager providing support to the registered manager. • All schemes will have a minimum of 168 background hours. • Direct care support will be provided based on an assessment of very complex needs allocation. • All schemes will only provide support for tenants assessed with very complex levels of need. • All schemes will be registered with CQC 	Current budgets do not reflect the correct operating costs and in some cases would need to be optimised. Savings are realised against current operating costs.
Work with the developer to reconfigure the	2024-2025	Cost savings are realised in relation to background hours.	No negative impact on the budget

building layout at The Mews and increase the offer of flats from 7 to 9		Cost for background hours do not change despite increase in flats – therefore cost savings are in relation to the additional charges for Background hours charged by the independent sector.	Cost for building works paid for by the develop and reclaimed via the rent agreement with landlord
Improved management of voids in collaboration with the Registered Landlord to ensure properties are not left empty/untenanted for a significant period of time	2024 - Ongoing	Current void cost are: Brighton Court - £145.57 per week The Mews - £236.02 per week Wilton Terrace - £236.02 per week There are currently 2 voids across the three services.	Improved management would impact on budget directorate wide by: <ul style="list-style-type: none"> • Reducing the commitment to the council paid out via voids. • Supporting the reduction of waiting list to access supported living schemes. • Reduce need for accessing emergency high-cost placement within the independent sector
Redesigning the current service model and focus all in-house provision on only supporting service users with larger high-cost packages of care and/or increased complexities	2025 - Ongoing	Cost savings are realised by increasing to the highest level of complexity and taking high-cost packages of care that are currently being cared for by the independent sector back into in-house provision – In house care becomes more cost effective than the private sector when comparisons are made for larger high-cost packages of care and/or increased complexities.	Budget for the service may need to increase to manage the larger packages of care and increase complexities – However budget impact will be realised and reduced across the directorate
Bringing expensive out of area placements, back in-borough and in-house	2025 - Ongoing	Cost savings are realised by increasing to the highest level of complexity and taking high-cost packages of care that are currently being cared for by the independent sector back into in-house provision – In house care becomes more cost effective than the private sector when comparisons are made for larger high-cost packages of care and/or increased complexities.	Budget for the service may need to increase to manage the larger packages of care and increase complexities – However budget impact will be realised and reduced across the directorate

3.2 HR

3.2.1 There are currently approximately 37 staff (equating to 31.108 FTEs) staff providing support across all three properties, primarily grade 5 support workers.

3.2.2 There will be HR implications from these changes and staff and trade unions will be consulted in accordance with the usual procedures.

3.3 Land and Buildings

3.3.1 The current landlord of The Mews who leases the property from the owner has given notice that they will be withdrawing from this role. Officers will continue to work to identify an alternative leaseholder for this service and to review existing lease arrangements and mitigate against this existing tenancy risk.

Date signed off by Strategic Director & name.

Give name and date for Cabinet / Scrutiny reports.

Richard Parry – 19/02/2024

Is it also signed off by the Service Director for Finance?

Give name and date for Cabinet reports.

Isabel Brittain – 29/02/2024

Is it also signed off by the Service Director for Legal Governance and Commissioning?

Give name and date for Cabinet reports.

Julie Muscroft Service Director of Legal Governance and Commissioning – 29/02/2024

Electoral wards affected:

The following are the wards where the buildings are situated, however the residents are from all wards across Kirklees:

- Heckmondwike
- Mirfield
- Cleckheaton

Ward councillors consulted:

Cllr Viv Kendrick, Cllr Steve Hall, Cllr Aafaq Butt, Cllr Martyn Bolt, Cllr Itrat Ali, Cllr Vivien Lees-Hamilton, Cllr Andrew Pinnock, Cllr Kath Pinnock, Cllr John Lawson.

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

On 26 September the Council's Cabinet approved proposals for consultation on the future proposals for Council provided supported living provision across the following three schemes:

- Brighton Court, Heckmondwike
- The Mews, Mirfield
- Wilton Terrace, Cleckheaton

At the time, the preferred option for the council was to withdraw from being the care provider at The Mews due to uncertainties relating to the intentions of the developer and Registered Landlord.

The non-statutory consultation process ran from 18th October 2023 to 10th January 2024.

This report summarises the findings of the consultation and sets out viable options for the future of these services based on the above consultation but also based on subsequent changes in circumstances in relation to The Mews.

The report also recommends retention of all three sites as this offers opportunities to relocate service users with more complex needs from external out of area placements. This option also offers opportunities to mitigate future out of area placement volumes through the Specialist Adults Pathway Team, in particular for younger people transitioning to adulthood.

Although this report recommends retention of all three sites for provision of supported living, it provides Cabinet with an overview of the options considered regarding whether or not the council should continue to be the care provider at all three sites. (see section 6.1: [Options Considered](#)).

The proposals also align strategically with the Cabinet approved report on 'Implementing the Council's Visions for Adult Social Care' – approved by Cabinet on 21 December 2023

2. Information required to take a decision.

2.1 Context - Supported Living for Adults with Learning Disabilities

2.1.1 The Vision for Adult Social Care is the Council's strategy for people with care and support needs. Supported Living services are a key part of this vision in enabling people with care and support needs to live as independently as possible.

2.1.2 The Supported Living model is a model of community living which was promoted in response to historical models of care in which a significant number of people with profound and / or multiple learning disabilities lived in large institutions (hospital or residential care settings).

2.1.3 Similar to, but at a smaller scale than residential care, Supported Living accommodation typically supports up to 8 people. Individuals are responsible for their living costs such as food and utilities (unlike residential care) and are short term tenants. They also live as part of their local community and access a range of community services as part of their daily life (such as shops, leisure facilities etc.).

2.1.4 The aspirations of people with care and support needs have changed over time and there is a strong and increasing desire to remain living within the communities people identify with, for as long as possible. Often parents and adults with learning disabilities themselves prefer more independence away from the family home but wish to remain living in the community.

2.1.5 As such a key aspect of the Vision has been a continuous review of the Council's in-house services with the focus being on how they meet both current expectations and crucially how they can contribute to maximising people's independence, recovery and quality of life in the future.

2.1.6 Alongside the challenging financial context, we recognise the need for the most efficient and effective model of services to ensure value for money and optimal use of resources. As such, it is also timely to review in-house service provision and consider future options as part of the Council's medium-term financial strategy and the breadth of activity that the Council needs to undertake over the next few years.

2.2 How Supported Living Works

2.2.1 People in Supported Living have their own tenancy agreement and are responsible for their own bills and cost of living.

2.2.2 There are several elements involved in creating Supported Living service offers, these are:

1. Developer - Investment made to build the property- this can come from various sources – private and public – to build or convert a suitable property.
2. Registered Provider/Landlord: The developer will need to appoint a landlord (referred to as the registered provider) who will manage and maintain the property. The landlord will need to be registered (and in compliance) with the Regulator for Social Housing. There is a lease agreement between the developer and the Registered Provider/Landlord.
3. Tenants: Each tenant will have a tenancy agreement. The tenant will be entitled to a range of benefits such as the housing benefit part of Universal Credit, Personal Independence Payments (PIP, up to state pension age only), Employment and Support Allowance (ESA, up to state pension age only) and Attendance Allowance (AA).
4. Care Provider: The care provider provides the tenant with social care support. The level of support will vary depending on the needs of the individual tenant.
5. Local Authority: The Council can commission the care provider to ensure they have the right values and skills to deliver the person's care package. In some cases, the council has no involvement with the commissioning of services where this is facilitated purely through a Direct Payment basis.

2.2.3 There are three schemes in which the Council acts as the registered **Care Provider** for Supported Living tenants – these are Brighton Court (Heckmondwike), The Mews (Mirfield) and Wilton Terrace (Cleckheaton). These schemes are the services in scope of this report.

2.2.4 Brighton Court in Heckmondwike has 6 flats of which all 6 are currently occupied, The Mews in Mirfield has 7 flats of which 5 are currently occupied and Wilton Terrace in Cleckheaton has 6 flats of which all 6 are currently occupied. All three properties are not owned by the Council.

2.2.5 In the case of The Mews, the landlord of the property (Together Housing) has confirmed that as part of an ongoing strategic review of their portfolio, and the associated risks of the leased-based model, they will not be entering into any new long term lease arrangements (with the Developer) for Supported Housing.

2.2.6 Whilst Together Housing are aiming to exit from current leases subject to alternative options, they are prepared to work flexibly with all parties to ensure that all other options are considered including working with other specialist registered providers who may have an interest in taking on The Mews if it is compatible with their business plans.

2.2.7 The developer (Darren Smith Homes) would also like to continue to offer the property as a social housing/Supported Living scheme with the intention of refurbishing the property to add an additional two flats. This would provide opportunities for additional economies of scale.

2.2.8 Other factors considered as part of the Council's strategic considerations for acting as the registered care and support provider in Supported Living services are:

- Market management and engagement is required to shape the future of Supported Living in Kirklees. Work is currently underway to launch a Supported Living Market Position Statement for Kirklees. This will set out the work with social care providers to understand the future opportunities to work with the Council to deliver a diverse range of quality services and to meet the needs of local residents.
- The ongoing cost of providing this care as the care and support provider, including the current staffing arrangements across the existing supported living schemes, which can often provide value for money compared with the private sector (value for money is achieved when the service is targeted at the more complex levels of need)
- The feedback received through the consultation process, which highlights that 75% of respondents were opposed or strongly opposed to the proposals for intended closure of The Mews as a Supported Living service, and the proposal to refocus the Council's resource on the remaining Supported Living schemes in which the Council acts as the care provider.
- The updated strategic positions for both the property Developer (DS Homes) and the Registered Provider/Landlord (Together Housing) in respect of The Mews, which provides an opportunity to reconsider the proposals presented to Cabinet on 26 September 2023.
- The Kirklees population for people with a learning disability (and those with Autism) is changing both in complexity and with an ageing population there is a need to address the local supported housing options for young people with complex learning disabilities (and autism).
- This cohort are often placed in costly, out-of-area residential placements if they are unable to live with their family. The continued development of in-borough capacity to support this cohort, with the Council acting as the registered care provider for people with more complex care needs, could generate savings or provide cost avoidance strategies in comparison to the use of high-cost out of borough placements.

3. Implications for the Council

3.1 Working with People

3.1.1 All relevant stakeholders were consulted as part of the non-statutory consultation process. The consultation was about listening to the views of our residents, which the Cabinet is asked to consider when deciding about the future of Council provided Supported Living services.

3.2 Working with Partners

3.2.1 All relevant partners were consulted as part of the non-statutory consultation process. This has enabled officers to bring strategic alignment with the key stakeholders involved in providing Supported Living services.

3.3 Place Based Working

3.3.1 The services in scope of this report support residents and families from across Kirklees.

3.4 Climate Change and Air Quality

3.4.1 No impact.

3.5 Improving outcomes for children

3.5.1 No impact.

3.6 Financial Implications

3.6.1 The previous proposals approved by Cabinet on 26 September 2023 for consultation on the future for Council provided Supported Living provision included cumulative savings of £452k by April 2026. This was based on:

- The Council exiting as the care provider from The Mews
- Release of staffing revenue costs associated with The Mews, by deploying staff into vacancies across other teams as part of service change.
- Reassessment and relocation of all existing tenants at The Mews (based on the expiry of the lease at The Mews and understanding at the time of the developer wanting the property back)

3.6.2 The consultation process highlighted that the circumstances presented within the 26 September Cabinet report in relation to the potential withdrawal of the building owner, had changed. Whilst this report proposes an alternative model for the Council to continue to act as care provider across all three schemes (The Mews, Wilton Terrace and Brighton Court) – with budget savings proposed in the 26 Sept Cabinet report remaining achievable through:

Savings Strategy	Timescale	Estimated Savings/Costs	Impact on Budget
Reviewing the existing staffing model across the three in-house services to identify efficiencies based on best practice staffing models	2024 - 2025	<p>Staffing structure to be redesigned based on core operating costs of background direct support hours consisting of 112-day time hours and 56 nighttime hours (168 hours) which equates to one member of staff 24 hours a day, seven days a week) and background direct support hours consisting of 224-day time hours and 112 nighttime hours (336 hours) which equates to two members of staff 24 hours a day, seven days a week)</p> <p>Additional staffing context includes:</p> <ul style="list-style-type: none">• One full time registered manager would oversee the support for all tenants across all three schemes.• Each scheme will have one full time deputy manager providing support to the registered manager.• All schemes will have a minimum of 168 background hours.• Direct care support will be provided based on an	Current budgets do not reflect the correct operating costs and in some cases would need to be optimised. Savings are realised against current operating costs.

		<p>assessment of very complex needs allocation.</p> <ul style="list-style-type: none"> • All schemes will only provide support for tenants assessed with very complex levels of need. • All schemes will be registered with CQC 	
Work with the developer to reconfigure the building layout at The Mews and increase the offer of flats from 7 to 9	2024-2025	<p>Cost savings are realised in relation to background hours.</p> <p>Cost for background hours do not change despite increase in flats – therefore cost savings are in relation to the additional charges for Background hours charged by the independent sector.</p>	<p>No negative impact on the budget</p> <p>Cost for building works paid for by the develop and reclaimed via the rent agreement with landlord</p>
Improved management of voids in collaboration with the Registered Landlord to ensure properties are not left empty/untenanted for a significant period of time	2024 - Ongoing	<p>Current void cost are:</p> <p>Brighton Court - £145.57 per week</p> <p>The Mews - £236.02 per week</p> <p>Wilton Terrace - £236.02 per week</p> <p>There are currently 2 voids across the three services.</p>	<p>Improved management would impact on budget directorate wide by:</p> <ul style="list-style-type: none"> • Reducing the commitment to the council paid out via voids. • Supporting the reduction of waiting list to access supported living schemes. • Reduce need for accessing emergency high-cost placement within the independent sector
Redesigning the current service model and focus all in-house provision on only supporting service users with larger high-cost packages of care and/or increased complexities	2025 - Ongoing	<p>Cost savings are realised by increasing to the highest level of complexity and taking high-cost packages of care that are currently being cared for by the independent sector back into in-house provision – In house care becomes more cost effective than the private sector when comparisons are made for larger high-cost packages of care and/or increased complexities.</p>	<p>Budget for the service may need to increase to manage the larger packages of care and increase complexities – However budget impact will be realised and reduced across the directorate</p>
Bringing expensive out of area placements, back in-borough and in-house	2025 - Ongoing	<p>Cost savings are realised by increasing to the highest level of complexity and taking high-cost packages of care that are currently being cared for by the independent sector back into in-house provision – In house care becomes more cost effective than the private sector when comparisons are made for larger high-cost packages of care and/or increased complexities.</p>	<p>Budget for the service may need to increase to manage the larger packages of care and increase complexities – However budget impact will be realised and reduced across the directorate</p>

3.7 Legal Implications

3.7.1 The Care Act 2014 imposes a general duty on local authorities to promote an individual's well-being (section 1 Care Act 2014).

3.7.2 Section 2 of the Care Act 2014 imposes a general duty to provide or arrange services to reduce, prevent or delay the development of needs.

3.7.3 Local authorities had a duty to provide residential accommodation for adults who needed care and attention not otherwise available to them under section 21 of the National Assistance Act 1948. This was repealed and replaced by a duty to meet needs for care and support (section 18 Care Act 2014). Section 19 of the Care Act 2014 gives a local authority the power to meet needs for care and support, where it is not under a duty to do so. Unlike the National Assistance Act 1948, the Care Act 2014 does not specify separate duties for the provision of residential and non-residential care. Section 8 of the Care Act instead gives examples of the different ways that a local authority may meet needs under section 18, and the list includes "accommodation in a care home or premises of some other type" (s.8(1)(a)), or "care and support at home or in the community" (s.8(1)(b)).

3.7.4 An assessment of needs must be carried out where it appears to the local authority that a person may have needs for care and support. The assessment must identify whether the adult has any needs for care and support. If there are, the assessment must state what those needs are. (Section 9(1), Care Act 2014.) A Local authority must also assess any carer (current or prospective) where it appears they may have need for support. Section 10(1) Care Act 2014.

3.7.5 After assessing what the needs of an adult or carer are, a Local Authority must consider whether the needs meet the eligibility criteria for a provision or service (section 13(1), Care Act 2014). The criteria do not specify the types of care and support that a Local Authority must provide to meet eligible needs. Prior to any individual moving accommodation, their needs assessment and care and support plan should be reviewed. In offering alternative accommodation the Local Authority should have regard to the Care and Support and After-care (Choice of Accommodation) Regulations 2014.

3.7.6 The council has a market shaping duty under section 5 of the Care Act 2014 and must exercise its duties in accordance with the Department of Health Care and Support Statutory guidance (updated June 2023).

3.7.7 The Council also has responsibilities under the Care and Support (Ordinary Residence) (specified Accommodation) Regulations SI 2014/2828 which specifies supported living accommodation (reg 5) whereby if an individual's needs can only be met in supported living accommodation, the council where the individual is ordinarily resident immediately before being placed is responsible (section 39 Care Act 2014).

3.7.8 The Council will also comply with all relevant mental health legislation, amongst other things, in relation to capacity issues.

3.7.9 The Council is required to carry out, and has undertaken, a non-statutory consultation process regarding proposals to reconfigure services and to carefully consider responses before reaching any decision regarding reconfiguration of care services. The consultation process should be done at a formative stage in line with criteria laid out in R v Brent LBC Ex parte Gunning [1985] and endorsed by the Supreme Court in R (Moseley) v Haringey LBC [2014].

3.7.10 The criteria are:

1. The duty to act fairly.
2. The requirement of fairness is linked to the purpose of the Consultation, and sufficient reasons given so that the proposals enable an intelligent response.
3. The features of the consultees are relevant in deciding the degree of specificity required in the information provided.
4. Where the proposals involve the denial of a benefit, fairness demands will be higher.
5. Where there are no statutory restrictions on the content of the consultation, fairness may require that interested stakeholders be consulted on preferred and rejected options. Consultation in this case will be non-statutory.

3.7.11 Article 8 of the Human Rights Act 1998 - right to a private and family life, may be engaged. Following completion of the consultation, the council will need to ensure the needs of residents have been properly assessed and individual service user reviews in line with the Care Act 2014 will be carried out.

3.7.12 The council must comply with its Public Sector Equality Duty in section 149 Equality Act 2010. An Equality Impact Assessment (EIA) of the proposed options is advisable. The Council when exercising its functions must have “due regard to the need to”:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Section 149(7) sets out 7 protected characteristics namely: age, disability, gender reassignment; pregnancy and maternity, race, religion or belief, sex or sexual orientation. It follows that age and disability will be most relevant in taking decisions about the future of the Council’s care homes and an EIA will show how the proposals impact on people.

3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

3.8.1 Informed by the consultation, an Integrated Impact Assessment was completed to assess the impact of the proposed changes to the Supported Living services. This considered the equality impact, covering the nine protected characteristics as set out in the Equality Act 2010. This is available to support decision making: [LINK](#)

3.8.2 There are approximately 37 staff (equating to 31.108 FTEs) staff currently providing support across all three properties, primarily grade 5 support workers.

3.8.3 Should Cabinet approve the recommendation of Option B; the service will undertake a review of staffing arrangements to ensure a staffing model commensurate with the proposed service model for supporting people with higher levels of complexity.

3.8.4 There will be HR implications from these changes and staff and trade unions will be consulted in accordance with the usual procedures.

4. Consultation

4.1 The council carried out a comprehensive consultation for a period of 12 weeks between 18th October 2023 and 10th January 2024 on proposals for the review of the Council’s in-house offer in Supported Living provision.

- 4.2 The consultation was based on the preferred option of the Council, based on available information at that time, to cease acting as the care provider at The Mews with a view to ceasing the provision of supported living services at The Mews and refocussing the Council's role as the care provider for Brighton Court and Wilton Terrace.
- 4.3 The consultation process with stakeholders, including the Developer of The Mews (Darren Smith Homes) and the Registered Provider/Landlord (Together Housing) has supported a strategic alignment of strategy providing the Council with additional options to consider as part of this report.

4.4 Summary of the consultation

4.4.1 36 respondents participated in the consultation, of which 25 either completed the online or easy read/paper version of the survey and 11 participated in face to face/telephone consultation.

4.4.2 Face to face meetings were held with tenants and family members of Brighton Court, The Mews and Wilton Terrace residents before and during the consultation process. An overview of the feedback from these meetings can be found in [Appendix 1c](#)

4.4.3 At the pre-consultation briefing residents and families were made aware about the proposals and how they could get involved with the consultation as early as possible.

4.4.4 Subsequent meetings have focussed on: understanding the Council's preferred model, understanding the cost and benefit of options explored, impact of proposals on resident wellbeing and family wellbeing, identifying and appraising alternative options etc.

4.4.5 High level themes emerging from these sessions include:

- Concern about the proposed review of these settings with a view to alternative options to be explored in the private sector.
- Seeking assurance that the private sector can deliver the same high level of quality care and support.
- Identifying Council savings and/or efficiencies through other initiatives to help protect social care services, questions about the Council's investment in other services.
- An open dialogue about what the options are and clarity about what this means for the people involved.
- Impact of the proposals on resident (and family) health, wellbeing and relationships, both short term and long term

4.4.6 A detailed Questions and Answers document shaped in collaboration with family members is included in [Appendix 5](#)

4.4.7 In brief, 75% of respondents were opposed or strongly opposed to the proposals for intended closure of The Mews as a Supported Living service, and the proposal to refocus the Council's resource on the remaining supported living schemes in which the Council acts as the care provider.

4.4.8 Other themes and impacts highlighted through the consultation are:

- Identifying Council savings and/or efficiencies through other initiatives to help protect frontline social care services.
- Impact of the proposals on resident (and family) health and wellbeing, both short term and long term
- Recognising the good quality care provided through existing services, and identifying equivalent high-quality choices in the wider supported living market.

- The need to understand the complexities with this service model, particularly in the context of housing management and tenancy regulations.
- Balancing the need for financial savings with the human impact of the proposals

4.4.9 A summary report of the consultation can be found in [Appendix 1d](#)

5 Engagement

5.1 Following formal consultation, all stakeholders will be engaged in the delivery of changes as appropriate.

6 Options

6.1 Options considered.

6.1.1 Several options have been considered as part of this report based on the findings of the consultation, the need to set out viable and value led options for the future of these services and based on subsequent changes in circumstances in relation to The Mews.

- Option A – Cease acting as care provider at The Mews and focus existing resources at Brighton Court and Wilton Terrace in supporting more complex service users. This was the option the Council consulted on based on the key factors and information available at the time of presenting proposals to Cabinet on 26 September 2023. This would involve:
 - Decommissioning the current supported living service offer in this setting.
 - Reassessment and relocation of all existing tenants
 - The council no longer acting as the care provider in this setting.
- Option B – retain The Mews and continue to act as care provider across all three schemes (Wilton Terrace and Brighton Court). However, this option requires reconfiguring the service model to focusing resources in supporting more complex service users. For some of the existing tenants, this will involve a review of their individual needs with their needs met through alternative solutions, as part of the part of a social work reassessment and in accordance with the Care Act 2014, the Equality Act 2010 and the Health and Social Care Act 2008 (Regulated Activities (Regs 2014)). This is the recommended option as part of the proposals presented in this report.
- Option C – cease acting as the care provider at The Mews and focus existing resources in supporting more complex service users at Brighton Court/Wilton Terrace. A new care provider will be commissioned via the Adult Social Care Commissioning team to act as the care provider at The Mews.

6.1.2 A full options appraisal with further details on the above options can be found in [Appendix3](#)

6.2 Reasons for recommended option

6.2.1 The Council's preferred option pre-consultation to cease acting as the care provider at The Mews with a view to ceasing the provision of Supported Living services at this setting and refocussing the Council's role as the care provider for Brighton Court and Wilton Terrace was the most unpopular option during the consultation.

- 6.2.2 75% of respondents were opposed or strongly opposed to the proposals for intended closure of The Mews as a Supported Living service.
- 6.2.3 The consultation process assisted in highlighting that the circumstances which acted as the impetus for the service to make proposals as set out in 6.2.1 above had changed.
- 6.2.4 The recommended option following the consultation process is Option B. This considers all the consultation and feedback and also the change in circumstances for key stakeholders which impacts on the longevity of The Mews.
- 6.2.5 Retention of The Mews also offers opportunities to relocate some people currently out of area and to possibly increase the number of beds at The Mews as the developer has indicated an opportunity to increase numbers from 7 to 9 beds.
- 6.2.6 Ward Councillors have been engaged and included throughout the consultation process.
- 6.2.7 The Cabinet report dated 26 September set out the reasons why the Council proposed to review the service offer through the three schemes in line with the wider commissioning framework for Learning Disabilities Supported Living. This report provides the Council with a further opportunity to consider its role as a provider of care and support in the wider Supported Living market following a thorough consultation process.

6.3 Reasons for recommended option

As a Cabinet we approved, on the 26th of September 2023, the request to go out to consultation with regards to a review of the council provided Supported Living facilities for adults with Learning Disabilities/ Autism. At the time we believed that we would have to withdraw as the Care Provider at The Mews as the landlord had given notice. However, things have changed in that the landlord is willing to work flexibly with all parties so that services can continue on that site, and the developer for The Mews is considering extending the number of units from 7 to 9 which would provide us with some economies of scale.

Therefore, I would like to propose that we support the preferred option (Option B) of retaining all 3 Supported Living sites, and that we remain the Care Provider for all 3 sites. That we take the opportunity to redesign our service model to ensure that the Council support those residents with complex care needs and carefully support those with the potential to be more independent to be safely transferred into the wider community, enabling us to relocate some residents with complex care needs who are currently are placed out of area back into the borough and to prevent some young adults being transferred out of area.

7 Next steps and timelines

- 7.1 Cabinet is asked to note and approve the proposal for officers to progress with Option B as presented in sections 6.1 and 6.2 of this report.
- 7.2 Subject to Cabinet approval, the next steps in developing Option B include engagement with existing tenants/families, engagement with commissioning and with key stakeholders, developing the business case in line with the wider commissioning framework for supported living services in Kirklees. Please see timeline enclosed in [Appendix 6](#)

8 Contact officer

Saf Bhuta – Head of In-House Care Provision

9 Background Papers and History of Decisions

The 26 September Cabinet report can be found at the following link for reference:
https://democracy.kirklees.gov.uk/documents/s53722/AMENDED_Cabinet_Report_Supported_Living_26.09.23_FINAL002.pdf

'Implementing the Council's Visions for Adult Social Care' – approved by Cabinet on 21 December 2023

https://democracy.kirklees.gov.uk/documents/s54748/FINAL_Cabinet_Report_Implementing_the_Councils_Vision_for_Adult_Social_Care_12.12.23.pdf

[Integrated Impact Assessment](#)

10 Appendices

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11 Service Director responsible

Michelle Cross, Service Director

Appendix 1 – Consultation reports with Stakeholders

Appendix 1a – Survey - Qualitative responses

All comments received to Question 6: Please tell us your reasons for this view:

(This was asked to respondents who selected 'disagree' or 'strongly disagree' to 'To what extent do you agree with these proposals')

- I disagree with your proposals because of the devastation it will cause to the current residents of these establishments.
- What effect do you think it will have on their mental health and well-being? They are vulnerable adults who do not have the capacity or ability to understand the implications of your proposals, and the impact it will have on them and their families.
- All Service users are vulnerable adults and have had failed community placements in the past.
- Because of the impact on existing vulnerable tenants. There is a complete lack of awareness regarding their attachment needs; some have lived in these properties for many years, and it is the only place they feel safe.
- You are seeking a short-term fix with no long-term solution. The council are still looking to spend millions on local towns when the care of your vulnerable residents are not taken into consideration. Simply just moving residents will have a serious impact on their lives and mental health. It will cause more issues than it solves, and these people will still need to be paid for by the council.
- The people who live at Brighton Court are all adults who have lived within the community in the past and this has failed for one reason or another, they have experienced abuse, exploitation, mental illness and become involved in anti-social behaviours due to their vulnerabilities when they had no formal support in place. The work the team at Brighton Court have done over the years to get the tenants at Brighton Court to where they are now is the reason that they are no longer being abused and exploited. Now they have a safe home, which for most of the tenants is the first time they have been safe. Without a safe home, they are at risk of becoming a victim of abuse and exploitation again.
- The people I support have a learning disability and have lived on their own in their own flats, they have decorated and bought all the things in their flats. They have their own tenancy and

like doing things on a daily basis. They do their own shopping and go to the day service this would all go if they had to go in residential because they would not be able to do these things.

- Kirklees are about budget with no interest in person centered care I think the council is constantly trying to fix things that are not actually suitable for purpose. Because they have no money.
- I am a family member of a Wilton Terrace resident, who after many years of being cared for and supported by family members, is finally living as independently as possible. He still needs significant support and care and relies on a support worker on a daily basis. The closure of Wilton Terrace to support others with different needs is devastating to our family.
- We have been given no indication of what other alternative accommodation will be offered, or where this will be. Given the existing limitations on support in Kirklees, and how difficult it is to access this support, we do not have high hopes that the council will provide the care he requires. We do not support it.
- I feel that the people that live there are settled, and they see that as their home, it's unfair to move them out. Moving them out will cause anxiety and upset to them. A line should be drawn when it comes to providing support to vulnerable people and everything possible should be done to allow them to stay in their homes that they love and feel secure, they also have connections with the community around them.
- Because of the negative effect on our son's life
- Unable to quantify how massive that is in words. The upheaval - Trying not to think about it. Don't think Officers really understand how much of a negative impact this will make.
- WT is the best place for our friend and believe a move could be disastrous.
- Disruption to the service users and families. The effect on the mental wellbeing of the service users. The increased risk level to both the service user and others if service users routines and staff teams are disrupted. The standard of care they will receive - staff teams not as adequately trained - lack of monitoring of public providers in the sector. Turning the whole provision over to private providers gives free reign to drive prices in the market upwards.
- Residents at Wilton Terrace (WT) are settled & the services provided serve them well, I know that moving to a new location will have a detrimental effect on the physical & mental wellbeing of our friend & other residents. Our friend has special needs well catered for at WT, the location close to a town Centre & major bus routes is so important to social mobility & mental wellbeing. A move would cause unnecessary uncertainty & disruption. The Council has not been clear about where the alternative accommodation will be, whether or not it will meet the additional needs of our friend. I feel very strongly that.
- These are people's homes that they have spent money on decorating and buying furniture. They feel safe in their environment and have built a little community where they live. It's not fair to turf them out of their homes because the council is skint and has mishandled funding. I hope they are not put into residential homes where they will have little choice and input into their life and learning skills.
- Further information sent by email.
- Clients are used to their staff environment. They do not like change... It concerns me as to how this change might have a dire effect on my client, whom I've bonded with, and we understand and get on so well ... Not to mention the lovely relationship my client has with the staff and other residents... Like one happy family... My client is possessive and proud of his property... Loves to be independent... He'll try to do things for himself but will eventually ask for help if needed. My concern if my client has to move... If he's going to get that individual personal care, independence and the opportunity to still make his own choices and decisions. It's just all a big concern for my client.
- Brighton Court is my grandson's home; it has taken time for him to learn the skills that have enabled him to be confident and independent in living in this type of environment. He has formed friendships with the other tenants and within the local community. To propose he be reviewed and moved is wrong.

- This is x's home and where she has lived for a long time. The community is where she has grown up and is familiar with.
- The council has talked about having some independent person coming to scrutinise the consultation process, which I do not have any trust in. I do not think the proposal is fair to the people who use these services. They are already assessed as needing these services, to move my brother to a place where he will not know anyone, where he is not familiar with his surroundings is wrong. My brother is a creature of habit and routine, he needs this for consistency. There is a knock on effect to losing team ethic, as the teams know and have the insight into my brothers needs and the support he requires. Kirklees put our relative there only 12 months ago and said it was the place for her to be.
- I am extremely concerned about the impact of this review and subsequent move on my brother's health and wellbeing.
- Broadly, my concerns can be categorised as those arising from him having to move at all (which following recent discussions between Kirklees and Together Housing I understand is now inevitable), and concerns specifically related to if Kirklees should decide to withdraw from service provision and use private providers. Continued at the end of this form.

All comments received to Question 8: If the decision is taken to support these proposals, in what ways could we support you and/or your loved one?

- We are not supported now by the council with the difficulties we face on a daily basis with the residents. They all have their individual needs which have already been badly affected by the current lack of services to meet their needs.
- Ensure all service users and staff receive the correct information and kept up to date regularly and ensure if tenants have to move it is done in a personal centred way and not done for the cost.
- n/a
- I applied for my job because it's what I wanted to do. Due to my health issues, I would struggle to cope with a different job. I would be happy to accept a redundancy offer.
- Most of the tenants at Brighton Court do not have any positive family relationships so are very much reliant on the formal support they receive. One tenant has discussed with me what live before Brighton Court was like, and how happy and safe they now are. Even going on to say that since the passing of their mum, they feel like Brighton Court was given to them as a blessing from their mum, as their mum could no longer make sure they are safe, but mum has made sure they are safe now by living at Brighton Court.
- The ways in which you could support myself and other staff members and tenant's is by keeping us well informed and revaluation of Brighton Court service and job roles and grades in line with different challenges. To be given adequate training where needed and to help tenant's with support to elevate there worries and to allow them to continue to live at Brighton Court as all tenants have been in previous placements that have broken down in the past and feel that they are too vulnerable to live on their own in the community. If there are to be any redundancies to allow older employees to take early retirement so that the younger employees can keep their jobs.
- To find supported living so they can keep the skills they have learned and still do the things they like doing.
- He must be provided with a suitable alternative accommodation that is safe - i.e. not full of drug/alcohol users. He must be supported to live independently, not just in a day centre which would not support our family at all.

- N/A
- All the above points are major concerns and need to be addressed. We could be supported by our son being provided with the equivalent care, by North Kirklees Domiciliary Care within Cleckheaton.
- The Council's proposal is one sided as we have not been given any idea what or where the alternative accommodation and support will be.
- Allow our friend to remain in his home at Wilton Court
- Don't do this to them in the first place, find somewhere else to save the money. These are our most vulnerable adults who are being punished.
- Further information sent by email.
- Family is important to my grandson as is his relationship with his friends. it is important that he has easy access to these relationships and as I don't drive it is important to me that I can get to him as and when he needs me. I think communication at all levels with my grandson and the other tenants, and relatives is key in assuring we all understand what is happening from beginning to the end of the consultation and in regard to what happens afterwards. I do worry my grandson will be thrown out with no choice of a suitable place to live. is there anywhere that can meet his needs better than where he is now? this information would be helpful to know.
- Certainty that decisions will not be made purely on the ground of financial reasons when choosing a suitable alternative accommodation. I want to be involved fully in the decision-making process for the best outcomes for x. Consideration of location in relation to where family live.
- The difficulty with this is if staff go my brother will feel lost, lonely, angry and frustrated. whichever service comes in to support him will have to manage this in a way that needs to be done sympathetically. This will be a bereavement for him, he has suffered enough loss over his years. I would not be able to support him with this. This will put emotional stress and worry on me as his brother.
- Support for x to get a place to live in Mirfield. Involved in the decision-making process.
- X's views and family views taken into account. Moving cost and cost of fitting out new accommodation.
- Listen, keep us informed, get better at communication. Make decisions that are really based on the best interests of the Service Users. Find a way that my brother's PA can continue to work with him wherever he ends up living.
- Short term support to help me with daily living skills.
- Full communication and comprehensive information to the family. Continuity in care, Employment and lifestyle for x home care
- Home care
- Need full time support.

Appendix 1b – Survey – Quantitative responses

Are you completing this questionnaire as... (Please select all that apply):

- 6 (17%) A service user within a supported living setting
- 11 (31%) A carer/family member of a service user
- 2 (6%) A friend of a service user
- 11 (31%) A staff member in a supported living setting
- 3 (8%) A member of the general public
- 3 (8%) Other (please specify)

Please specify:

- 3 (100%)
-

Which of these Supported Living settings do you live at, or associate with the most?

- 10 (28%) The Mews (Mirfield)
- 12 (33%) Brighton Court (Heckmondwike)
- 11 (31%) Wilton Terrace (Cleckheaton)
- 3 (8%) Not applicable

Have you read the information available on the Kirklees website detailing the reasons why we are proposing to review the provision of supported living services and reassess/reaccommodate service users to more appropriate settings with the care and support to meet their needs?

- 27 (87%) Yes
- 4 (13%) No

Do you understand the reasons why we are proposing to review the provision of supported living services and reassess/reaccommodate service users to more appropriate settings with the care and support to meet their needs?

- 27 (77%) Yes
- 5 (14%) No
- 3 (9%) Not sure / Don't know

To what extent do you agree with these proposals?

- 0 (0%) Strongly Agree
- 2 (6%) Agree
- 7 (19%) Not sure / Don't know
- 13 (36%) Disagree
- 14 (39%) Strongly Disagree

Which one of the following would be your biggest concerns if we went ahead with these proposals? (You can select up to 5 answers)

- 27 (77%) Identifying somewhere suitable to live
 - 12 (34%) Staying in the borough
 - 28 (80%) Receiving the same quality of care
 - 17 (49%) Getting used to new staff
 - 12 (34%) Losing friendships
 - 12 (34%) Losing connections to community
 - 1 (3%) Additional costs / expense
 - 28 (80%) Negative impact on residents' health / wellbeing
 - 13 (37%) Safeguarding concerns
 - 6 (17%) Potential job losses
 - 7 (20%) Increased travel time to visit loved one
 - 0 (0%) No concerns
 - 6 (17%) Other (please specify)
- Please specify:
- 6 (100%)

**What other care services do you feel would benefit you / your community in the future?
(Please select all that apply)**

- 15 (58%) Residential care
- 16 (62%) Reablement (this is a short term intervention provided by the council to help people over 18 rebuild their skills, abilities and confidence)
- 9 (35%) Assistive technology (sensors and alarms)
- 13 (50%) Home Care
- 9 (35%) Dementia Day Services
- 12 (46%) Independent Sector (Residential and Nursing Care)
- 6 (23%) Other (please specify)

Please specify:

6 (100%)

Which age category do you fall into?

- 0 (0%) 18-24
- 2 (7%) 25-34
- 1 (3%) 35-44
- 5 (17%) 45-54
- 15 (50%) 55-64
- 3 (10%) 65-74
- 1 (3%) 75 years or older
- 3 (10%) Prefer not to say

Are you...

- 6 (20%) Male
- 20 (67%) Female
- 0 (0%) Non Binary/Intersex/Not Specified
- 4 (13%) Prefer not to say

What is your ethnic group?

- 0 (0%) Asian or Asian British includes any Asian background, for example: Bangladeshi, Chinese, Indian, Pakistani
- 1 (3%) Black, African, Black British or Caribbean includes any Black background
- 0 (0%) Mixed or multiple ethnic groups includes any mixed background
- 25 (83%) White British
- 1 (3%) White Other
- 0 (0%) Another ethnic group includes any other ethnic background
- 3 (10%) Prefer not to say

Appendix 1c - Survey - Face to face responses

Overall, 11 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'. A total of 11 cases fall into this category.

A carer/family member of a service user (6)

- A service user within a supported living setting (5)
- A friend of a service user (-)
- A staff member in a supported living setting (-)
- A member of the general public (-)
- Other (please specify) (-)

Which of these Supported Living settings do you live at, or associate with the most?

- Brighton Court (Heckmondwike) (5)
- The Mews (Mirfield) (4)
- Wilton Terrace (Cleckheaton) (2)
- Not applicable (-)

Have you read the information available on the Kirklees website detailing the reasons why we are proposing to review the provision of supported living services and reassess/reaccommodate service users to more appropriate settings with the care and support to meet their needs?

- Yes (3) 60%
- No (2) 40%

Do you understand the reasons why we are proposing to review the provision of supported living services and reassess/reaccommodate service users to more appropriate settings with the care and support to meet their needs?

- Yes (8) 80%
- No (2) 20%

To what extent do you agree with these proposals?

- Disagree (5) 46%
- Strongly Disagree (5) 46%
- Not sure / Don't know (1) 9%

Please tell us your reasons for this view:

- Brighton Court is my grandson's home; it has taken time for him to learn the skills that have enabled him to be confident and independent in living in this type of environment. He has formed friendships with the other tenants and within the local community. To propose he be reviewed and moved is wrong.
- This is x's home and where she has lived for a long time. The community is where she has grown up and is familiar with. Unable to quantify how massive that is in words. The upheaval - Trying not to think about it. Don't think Officers really understand how much of a negative impact this will make.
- The council has talked about having someone independent person coming to scrutinise the consultation process which I do not have any trust in. I do not think the proposal is fair to the people who use these services. They are already assessed as needing these services, to move my brother to a place where he will not know anyone, where he is not familiar with his surrounding is wrong. My brother is a creature of habit and routine he needs this for consistency. There is a knock-on effect to losing team ethic, as the teams know and have the insight into my brothers needs and the support he requires.
- Kirklees put our relative there only 12 months ago and said it was the place for her to be.
- I am extremely concerned about the impact of this review and subsequent move on my brother's health and wellbeing. Broadly, my concerns can be categorised as those arising from him having to move at all (which following recent discussions between Kirklees and Together Housing I understand is now inevitable), and concerns specifically related to if Kirklees should decide to withdraw from service provision and use private providers. Continued at the end of this form.

Which one of the following would be your biggest concerns if we went ahead with these proposals? (You can select up to 5 answers)

- Identifying somewhere suitable to live (10)
- Receiving the same quality of care (8)
- Staying in the borough (7)
- Getting used to new staff (7)
- Other (please specify) (6)

- Negative impact on residents' health / wellbeing (4)
- Losing friendships (2)
- Losing connections to community (2)
- Safeguarding concerns (2)
- Increased travel time to visit loved one (2)
- Additional costs / expense (-)
- Potential job losses (-)

Please specify:

- Losing friendships, losing contact to the area, Extra cost/expenses, Negative effect on health/wellbeing, Safeguarding concerns, Possible job loses, longer travel time for family/friends to visit and to visit them, Feeling lonely, loss of normal daily routine.
- Losing connections to community, Negative impact on residents health / wellbeing
- Losing friendships, losing contact to the area, extra cost/expenses, negative effect on health/wellbeing, safeguarding concerns, possible job loses, longer travel for family/friends to visit and to visit them, feeling lonely, Loss of normal daily routine, longer travel time to go to my social activities or place of work.
- Losing friendships, losing contact to the area, extra cost/expenses, negative effect on health/wellbeing, safeguarding concerns, possible job loses, longer travel for family/friends to visit and to visit them, feeling lonely, Loss of normal daily routine, longer travel time to go to my social activities or place of work.
- Losing contact to the area, extra cost/expenses, negative effect on health/wellbeing, safeguarding concerns, possible job loses, longer travel for family/friends to visit and to visit them, feeling lonely, Loss of normal daily routine, longer travel time to go to my social activities or place of work.
- Losing friendships, extra cost/expenses, negative effect on health/wellbeing (anxious), safeguarding concerns (Wouldn't feel safe), possible job loses, longer travel for family/friends to visit and to visit them, feeling lonely, Loss of normal daily routine, longer travel time to go to my social activities or place of work.

If the decision is taken for the Council to go ahead with these proposals, in which ways could we support you or your loved one?

- Family is important to my grandson as is his relationship with his friends. it is important that he has easy access to these relationships and as I don't drive it is important to me that I can get to him as and when he needs me. I think communication at all levels with my grandson and the other tenants, and relatives is key in assuring we all understand what is happening from beginning to the end of the consultation and in regard to what happens afterwards. I do worry my grandson will be thrown out with no choice of a suitable place to live. is there anywhere that can meet his needs better than where he is now? this information would be helpful to know.
- Certainty that decisions will not be made purely on the ground of financial reasons when choosing a suitable alternative accommodation. I want to be involved fully in the decision-making process for the best outcomes for x. Consideration of location in relation to where family live.
- The difficulty with this is if staff go my brother will feel lost, lonely, angry and frustrated. whichever service comes in to support him will have to manage this in a way that needs to be done sympathetically. This will be a bereavement for him, he has suffered enough loss over his years. I would not be able to support him with this. This will put emotional stress and worry on me as his brother.

- Support for x to get a place to live in Mirfield. Involved in the decision-making process. X's views and family views taken into account. Moving cost and cost of fitting out new accommodation.
- Listen, keep us informed, get better at communication. Make decisions that are really based on the best interests of the Service Users. Find a way that my brother's PA can continue to work with him wherever he ends up living.
- Short term support to help me with daily living skills.
- Full communication and comprehensive information to the family. Continuity in care, Employment and lifestyle for Julie
- Home care
- Need full time support.

**What other care services do you feel would benefit you / your community in the future?
(Please select all that apply)**

- This question is difficult to answer as no one knows the future. Therefore irrelevant.
- Support from private services that are not provided by the council.
- To know what other service would be available.
- Short term support - Unsure what this means. Assistive technology - Need more details. Home care - I don't understand the question.

Which age category do you fall into?

- 55 - 63 (3) 50%
- 65 - 75 (1) 17%
- 75 Years or older (1) 17%
- Prefer not to say (1) 17%

Are you?

- Male (3) 50%
- Female (2) 33%
- Prefer not to say (1) 17%

What is your ethnic group?

- White British (5) 83%
- Prefer not to say (1) 17%

Do you have any further comments or views you would like to share?

- I think this is unfair on everyone who lives at Brighton court and in the other supported living services. Why are the council not looking at services that do not impact on the most vulnerable people. I am very upset that this is happening, this is people's homes. Questions - if this proposal means my grandson has to move will the council be paying for any moving expenses? this cost should not be placed on people whose choice would be to stay in their current homes. My grandson likes routine and does not adapt to change well, I am worried about the impacts this will have on him and myself not being in a position to support him through this because of current distance and age, also other close family members are not in a position to support. I am also worried about the safeguarding concerns. My grandson has fallen victim to financial abuse in the past if the right support is not in place this could happen

again. This and other types of abuse are a concern to me because of his vulnerability. Increased travel time.

- We know this will have a massive impact on x - The unknown impact is a worry and how the change will affect her going forward not just emotionally but physically and her mental health, health and well-being.
- My main concerns are the impacts this proposal will have on my brother if he has to be reaccommodated. My brother is very routined and does not deal well with change. Since living at Wilton, he has been supported to manage his behaviours. Any changes to this may result in his previous violent tendencies coming back. I feel that the consultation is a social exercise of tick boxes, this is morally the wrong thing to do and a decision based on the council being reactive to the financial situation it is in. Surely other options can be looked at that don't affect the lives of the most vulnerable. Has the Council looked at being the landlord of the Mews and scoped out how this can save money? I am worried that moving to a private sector model will take away the continuity of care and quality my brother already receives. Nothing in the proposal is concrete or definitive and therefore families are being consulted on what if's and maybe's. This is not good for us nor the people who this will directly affect.
- X has lived in Mirfield all her life without any support from Kirklees. Until she was 49 years old and her mum's dementia deteriorated. She was (14 months ago) then put into the Mews which was considered the best place to meet her needs. At this point she was made to buy a cooker, washing machine and fridge freezer along with other household items to furnish her flat. X has a routine and knows it well enabling her to be independent in the community. Any change to this routine has a detrimental effect on her wellbeing - Because of Christmas her day centre and college are closed This has caused X a lot of anguish / anxiety and has completely thrown her routine - X has been constantly ringing and turning up at her stepfathers house not knowing what to do with herself. Moving her from Mirfield will put her back 15 years in her development and independence I consider that Kirklees have run the place for the last 10/12 years with no real thought to the cost of it. I consider this still to be the case which is why it is in this position of potential closure - Three office rooms with eight computers at which the staff are never away from when they are supposed to be caring. This will not help to keep it open Where she is currently friends and family can visit often - Moving her may mean that she loses those relationships.
- 1. Concerns related to a move under any circumstances - From my brother's perspective, it appears unlikely that there will be significant benefits to an alternative setting i.e. anything which will improve his quality of life. As yet no one has been able to provide me any examples of a benefit. But there will be a considerable period of extreme distress for him, which will have a significant adverse effect on his wellbeing. His disability means that every tiny change is a massive issue for him, things that most of us would deem insignificant are incredibly difficult. When he had to move from X to The Mews (approximately 2010 I believe), I would say it took him around 5 years to get back to anything close to equilibrium. Spending time with him was very difficult and distressing for myself and mum during that time - he was unable to think or talk about anything else for much of the time we spent with him. He was angry and upset and argued about tiny everyday things – it was virtually impossible to have a conversation with him without it turning into an argument. And even now he still gets angry about having to move from X as soon as something upsets or worries him. As an example of his continuing resentment, a few weeks ago he was expressing his anxiety to me about a forthcoming hospital appointment. Completely unprompted, he shifted the conversation around to when he had to move from X. He said, and I quote “that was the worst day of my life - I hope I never have to go through that again”. That was extremely difficult for me to hear, knowing what is ahead of him. And that is how he still feels, some 13 years after the event, and even after losing his mum less than a year ago. Whilst objectively his flat at The Mews is much nicer than the room and shared facilities he had at X, that is worth nothing to X compared to all the upheaval of having to move, and all the small things (which would be insignificant for most of us) which aren't as they were at X. I have no reason to think that another move would have

less impact. My brother also has a recently diagnosed physical health condition. The symptoms of this are limiting his daily activities to a degree, and appear to be exacerbated by anxiety, so I am additionally concerned that the emotional distress caused by having to move will increase these symptoms and cause further limitation.

2. Concerns related to moving to a private provider - Quality of care - The estimated cost saving of closing The Mews and moving to a private provider is £200k p.a. I don't see how a private provider can provide a service that is as good as the current Service, for such a significantly lower cost. So, I have concerns about the quality of the service from a private provider. The Proposal document that went to Cabinet states that the majority of current Service expenditure is staff costs. So perhaps lower costs may be achieved by employing fewer staff or having lower rates of pay and less beneficial terms and conditions. All of these are likely to adversely affect staff morale and lead to poorer performance and care, and higher staff turnover, to the detriment of service users. However, much staff working in the sector are doing so for altruistic reasons, rates of pay and conditions of employment are still important. If a private provider is a company who is in business to make money, then the bottom line is always going to be the priority for the company. I am deeply concerned that profit will take priority over quality of care, and that standards may be allowed to slip. I have many years of experience of working with Residential Care Homes for the Elderly as part of my job, and I know how variable standards can be. And how mistakes can happen when there is frequent staff turnover, too few staff and low levels of morale and motivation.

Stability - I have concerns about the relative stability of a private provider. If a provider goes out of business or decide to sell the company then that will inevitably lead to disruption and upheaval to a greater or lesser degree, whether it is a new set of staff and ways of working, or potentially even another move.

General - It seems that a move is inevitable, given what I've been told this week about discussions with Together Housing. And that is bad enough, but to move to a private provider as well would mean that every aspect of my brother's life would change. His home, the staff, probably his PA, his location, ways of working, absolutely everything would change. And given that my brother is not able to deal with change, I just can't imagine how bad that's going to be for him.

Additional comments - Losing connections to community - My brother has a Personal Assistant funded through his Direct Payments with whom he has an extremely good relationship. He has a very specific "requirement" to go out to see music on a Saturday evening – his current PA is willing/able to work with him on Saturday evenings, most are not. He would be extremely upset if she was no longer able to work with him due to relocating, and previous experience suggests it would be difficult to find someone else to do this. Being able to do this over the last few years has had a really positive impact on his quality of life and is extremely important to him. My brother also has a Key Worker at The Mews with whom he has a particularly good connection; it would be an enormous loss to him if she is no longer able to work with him.

Safeguarding - My brother is extremely vulnerable, and I am very concerned that he should not go to live anywhere that doesn't have a secure entrance and 24/7 staffing. He definitely should not be in a situation where someone could ring his doorbell and take advantage of his vulnerability. He has a naturally kind nature and more than once has given money to people who have asked for it when out and about – he does not understand money or recognise the value of notes and coins, so is easily taken advantage of. He is unable to use a phone and needs someone to be available for occasions when problems do crop up or such things as medication that is used on a "when required" basis.

We've been told that this whole process could take up to two years – obviously I'm very concerned about this. I'm told that someone will be speaking to my brother before the Consultation closing date about this process, I still feel that however sensitively this is done, two years is an extremely long time for him to know that he is going to have to move, but not when or where. That will be very difficult for him, and just prolong the trauma of the whole experience.

I'm also concerned that the way the proposal is worded implies that service users potentially might move from The Mews to one of the other properties, then later on have to move again

to somewhere else. At the meeting in November, when this question was asked, the person answering was not able to state categorically that no-one would have to move twice, but only that Kirklees would try to avoid this. I think to force two moves on to any of these extremely vulnerable people would be totally unacceptable, and the Council must find a way to avoid this.

Kirklees' Vision for Adult Social Care repeatedly states that the Council "want every person in Kirklees who needs social care to be able to live the life that matters to them; with the people they value, in the places and communities they call home," But if this proposal goes ahead, it will take away my brother's home, and very likely the people and community he values.

- Our preferred option for X would be for her to remain at the Mews, she is settled there, she feels secure and feels safe, she has a good life and lifestyle there. X has a good rapport with the staff who assist her in living as independently as possible for example by taking her food shopping, meal planning and cooking her own meals, ensuring that she keeps her flat clean and tidy and that she attends to her personal hygiene. At the Mews X has been taught skills which have taken months of training which we would take for granted for example going to the local nail bar on her own to have her nails done, going to the local shop to have a sandwich made and pay for it. In addition, after much support X is now able to travel to her place of work by taxi unaccompanied. Carers from the Mews take X to classical musical concerts at local venues, arrange and accompany her on days out, and take her on the occasional overnight excursion, all of which are hugely enjoyed by X and enable her, rightly, to live a life as the rest of us are able to do. X needs her own flat and independent whilst supported living, we know that if X is in shared accommodation, she is unable to cope, retreats to her room and will not come out. X appreciates and uses constantly the safe outside space which she has access to at the Mews. X attends daycare and works at X. X loves day care and being at X always talks about it and thrives on the responsibility that this gives her. X's learning difficulties give rise to her needing routine, stability and certainty in all aspects of her life, X always plans ahead whether it is the next person who is going to telephone her. her birthday party which she has already arranged, visits from relatives and outings, with Blackpool illuminations 2024 already in her diary - Her diary being completely and accurately maintained in her mind, she remembers everybody's birthday / wedding anniversary / important dates for people and events. X can be difficult and so the rapport she has built up with her carers and staff at the Mews has been hard won. X responds badly to change and can become difficult to communicate with in these situations, not accepting or understanding reasoning and/or explanations. We are concerned that a change to X living arrangements and/or care could result in a serious regression in her ability to maintain the level of independence she has achieved. In the event that the Mews closes, X needs as much continuity of her lifestyle as referred to above, and as little disruption to the provision of her care, employment and activities for her wellbeing. X reacts extremely badly and often, what we would deem to be, irrationally to all change and disruption to her routine. As a family we have all had telephone conversations where X has slammed the telephone down because she perceives things differently to us. If X hears that she will be leaving the Mews it is certain that she will contact all family members by telephone, will not listen to reason or be able to discuss what is happening in a rational way with us and will, because we have previous experience of this from minor issues, be making telephone calls 24 /7. It is not unusual for X to make a dozen telephone calls in quick succession if things are not going her way and she is not getting the answer or response she wants. X has no filter of reasonable behaviour on these occasions. As a family we are concerned, as some of us are some distance away from X, some are elderly, and X's main guardian has just recently become a widow.
- I want to stay where I am the staff at Brighton Court are very nice You will not save any money if you close either of these.
- I don't want to move; this is the first time in my life that I feel settled. I have lived in the community before. I had support worker, but this did not last long and broke down. I am happy where I am and I like the staff that support me. I feel safe and continue to learn new skills.

- I just don't want to lose my home. Always been in supported living don't want to live some.

Appendix 1d - Survey - Summary Report

Following approval at the Cabinet meeting held on 26th September 2023, a public consultation has been undertaken on the proposals for the future of The Mews (Mirfield), Brighton Court (Heckmondwike) and Wilton Terrace (Cleckheaton).

The supported living consultation was launched on 18.10.2023 and ran for a period of 12 weeks with a closing date of 10.01.2024.

The consultation consisted of an online survey which asked for views on the proposals to reassess / reaccommodate service users from The Mews, Brighton Court and Wilton Terrace, and to gather views on further support the council could offer service users and their families should the proposals take place.

The online survey was also supported with a number of in-person one to one sessions which gave respondents the opportunity to complete the survey face to face.

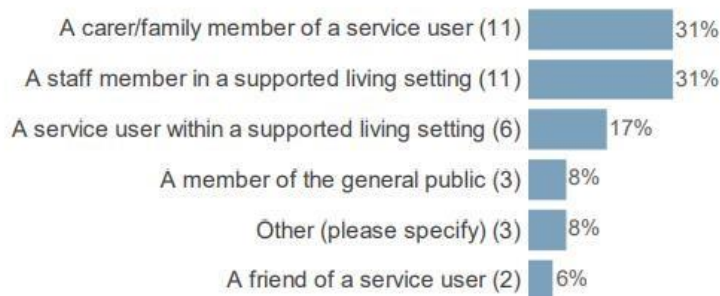
This report shows the results of the closed questions in the survey along with a discussing a number of themes which have emerged from the open responses.

Who has taken part?

This survey has received 36 responses.

Respondents were firstly asked in what capacity they were taking part in the survey, with the ability to select more than one answer to this question:

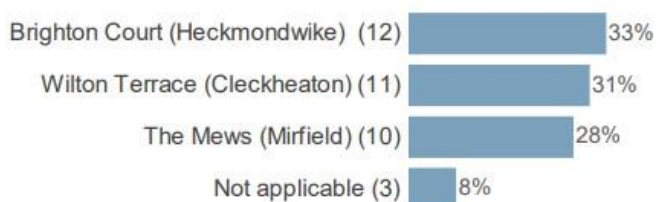
Are you completing this questionnaire as... (Please select all that apply):



Three respondents **selected other** and described themselves as a councillor testing the consultation, an NHS professional and a personal assistant.

Respondents were then asked which of the three supported living settings they either lived at or associated with the most.

Which of these Supported Living settings do you live at, or associate with the most?



Respondents were also asked several other demographic questions including their age, gender and ethnicity. Results of these can be found in the appendix.

Results

Respondents were asked a series of questions to help the council better understand how much they agreed with the proposals to reassess / reaccommodate service users at The Mews, Brighton Court and Wilton Terrace.

The first question was asked to see if people taking part in the consultation had read the information detailing the reasons for the proposals:

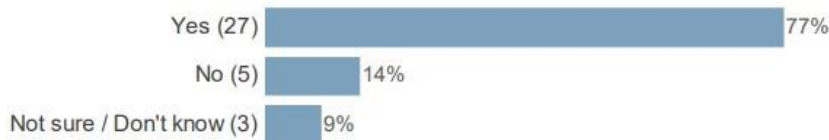
Have you read the information available on the Kirklees website detailing the reasons why we are proposing to review the provision of supported living services and reassess/reaccommodate service users to more appropriate settings with the care and support to meet their needs?



Results showed that 87% of respondents had read the proposals.

The second question was asked to see if respondents clearly understood the reasons why Kirklees are proposing to reassess / reaccommodate service users at The Mews, Brighton Court and Wilton Terrace.

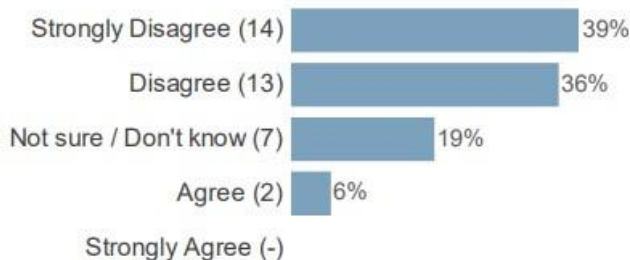
Do you understand the reasons why we are proposing to review the provision of supported living services and reassess/reaccommodate service users to more appropriate settings with the care and support to meet their needs?



Results showed that 77% of respondents did understand the reasons for the proposals.

Respondents were then asked whether or not they agreed with the proposals.

To what extent do you agree with these proposals?



Results showed that 75% of respondents disagreed/strongly disagreed with the proposals. 6% of respondents agreed/strongly agreed, with 19% unsure.

To understand why people did not agree with the proposals, respondents who had selected 'disagreed' or 'strongly disagreed' were then asked an open question to provide reasons for this view.

There were 21 comments received on this question.

The three most common themes can be categorised in the following way:

- **The negative impact on service users and their families**
- **Finding suitable alternative care**
- **Council budget mismanagement**

The negative impact on service users and their families

This was the biggest theme to emerge. Respondents commented that service users were vulnerable adults, many of whom had resided in the setting(s) for years and felt safe, settled and at home there. Service users had forged all-important friendships, a sense of community and benefitted from the consistency and care from staff who were familiar with them and their needs. Concerns were raised that the upheaval of moving service users away from their homes would cause a significant degree of anxiety and upset, as well as have a detrimental and disruptive effect on their wellbeing and mental health, and that of their families.

Finding suitable alternative care

Respondents commented that the current provision provides service users with a level of independence, life skills and confidence that residential care would not. They claimed that reaccommodating may result in them having to live somewhere less suited to their needs, further away from familiar surroundings, staff and friends; and potentially offering a poorer standard of care. It was also suggested that moving could put some service users at renewed risk of abuse and exploitation if the decision was taken for them to live alone in the community.

Council budget mismanagement

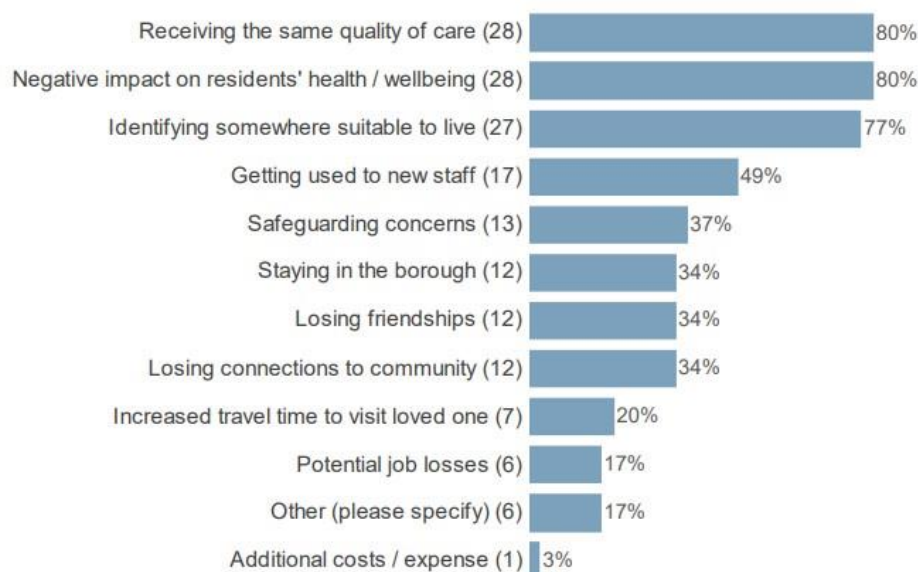
Respondents commented that it was unfair to move vulnerable adults away from a safe and settled environment as a result of the council having mishandled or misappropriated their funds. It was suggested that the council's priority should be person-centred care as opposed to making budget savings.

Other topics discussed from the responses included:

- **Longer term financial implications for the council and service users**
- **Not enough/unclear information shared regarding future alternative living arrangements.**
- **Service users have spent money on furnishings / decorating their accommodation.**
- **Prices may be driven up by turning the provision over to private providers.**

Respondents were then asked what their biggest concerns would be if these settings were closed.

Which one of the following would be your biggest concerns if we went ahead with these proposals? (You can select up to 5 answers)



Results showed that the **highest four concerns** selected from the list by people were:

- Receiving the same quality of care (80%)
- Negative impact on residents' health / wellbeing (80%)
- Identifying somewhere suitable to live (77%)
- Getting used to new staff (49%)

Results showed that the **lowest four concerns** selected from the list by people were:

- Losing connections to community (34%)
- Increased travel time to visit loved one (20%)
- Potential job losses (17%)
- Additional costs / expense (3%)

There were 6 people who **selected other** with concern raised regarding losing contact to the area, extra cost/expenses, negative effect on health/wellbeing, safeguarding concerns, possible job losses, longer travel for family/friends to visit and to visit them, feeling lonely, loss of normal daily routine, and longer travel time to go to social activities or place of work. All respondents were then asked an open question to understand what support could be offered if the proposals went ahead.

There were 24 comments received on this question which a number of themes arose.

The four most common themes discussed in this question can be categorised in the following way:

- **A person-centred approach**
- **Communication**
- **Practical support**
- **Support for staff**

A person-centred approach

This was the biggest theme to emerge from the comments. Respondents discussed the vulnerability of service users and stressed the importance of handling the process sympathetically given the amount of emotional distress it was likely to cause both to them and their families. Respondents called for the needs of the service users to be placed above cost-cutting. They appealed for continuity of care, and for service users to either remain in their current homes or stay in the same locality where family, friends and carers could continue to support them. It was stressed that all decisions needed to be based on the best interests of those impacted.

Clear communication

Respondents called for clear communication from the council throughout the process – involving service users, family members and carers; keeping everyone fully informed with any decisions and taking their views into account. Some respondents commented that not enough information had been shared up till now regarding what the alternative accommodation or support would look like.

Finding a suitable alternative

The importance of finding suitable and safe alternative accommodation for service users was highlighted. Ensuring they were transferred to a setting where they would be able to maintain the lifestyle, skills and independence they had gained. The council offering financial help with moving costs / new furnishings was also suggested.

Support for staff

Keeping staff fully up to date with correct information throughout the process was raised within the comments. Considering offering staff extra training, redundancy or early retirement where applicable was also suggested.

The final question asked what other care services would benefit them in the future. Respondents were able to select as many as applied.

What other care services do you feel would benefit you / your community in the future? (Please select all that apply)

- 15 (58%) Residential care
 - 16 (62%) Reablement (this is a short term intervention provided by the council to help people over 18 rebuild their skills, abilities and confidence)
 - 9 (35%) Assistive technology (sensors and alarms)
 - 13 (50%) Home Care
 - 9 (35%) Dementia Day Services
 - 12 (46%) Independent Sector (Residential and Nursing Care)
 - 6 (23%) Other (please specify)
- Please specify:
- 6 (100%)

The **highest three selected** by respondents were:

- Reablement (62%)
- Residential care (58%)
- Home care (50%)

The **lowest three selected** by respondents were:

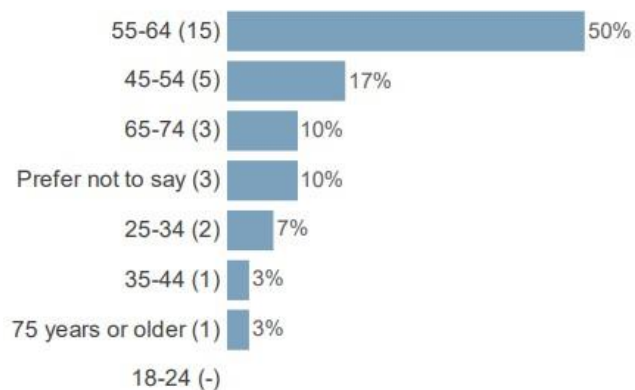
- Independent sector (46%)
- Dementia day services (35%)
- Assistive technology (35%)

Those who **selected other** mentioned complex adults, supported living, support from private services and asked to receive more information about what services were available.

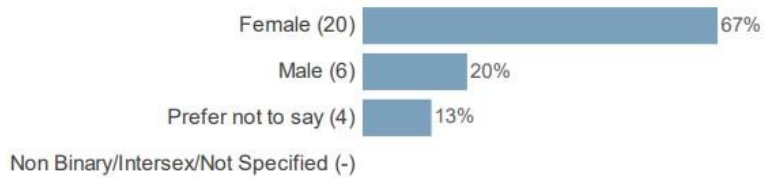
Appendix

Demographics of respondents:

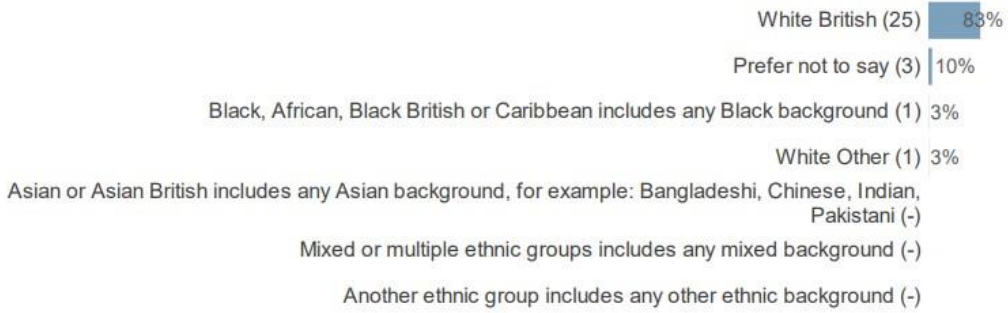
Which age category do you fall into?



Are you...



What is your ethnic group?



Appendix 1e – Survey – Highlights

Who took part?

- The supported living consultation was launched on 18.10.23 and ran for a period of 12 weeks with a closing date of 10.01.2024.
- The survey has received 36 responses – 25 online, 11 face to face.
- The largest groups of responses (62%) were received from staff members and carers/family members of a service user.
- Only 8% of respondents selected that they did not associate with at least one of the supported living settings.

Respondents' understanding of/agreement with the proposal.

- 87% of respondents had read the proposals with 13% selecting they had not.
- 77% understood the reasoning behind the proposals with 14% saying they did not and 9% saying they were unsure.
- 75% of respondents disagreed/strongly disagreed with the proposal, 6% of respondents agreed/strongly agreed and 19% said they were unsure.
- There were 21 comments received regarding why people did not agree with the proposals, with the three most common themes as follows:
 - o The negative impact on service users and their families
 - o Finding suitable alternative care
 - o Council budget mismanagement

Impact of proposed closures

- The highest four concerns selected from the list provided were:
 - o Receiving the same quality of care
 - o Negative impact on residents' health / wellbeing
 - o Identifying somewhere suitable to live
 - o Getting used to new staff.
- There were 24 comments received regarding what support could be offered if the proposals went ahead, with the 4 most common themes as follows:
 - o A person-centred approach
 - o Communication
 - o Practical support
 - o Support for staff
- The highest three options selected by respondents regarding what other care services would benefit them in the future were:
 - o Reablement
 - o Residential care
 - o Home care

Appendix 1f - Themed feedback from families

Index

1. [The proposal presented at Cabinet 26/09/23.](#)
2. [Council procedures / strategy.](#)
3. [Service Cuts](#)
4. [Perception of care in the independent sector.](#)
5. [Developed relationships.](#)
6. [Impact on Health and wellbeing](#)
7. [Travel, Distance and Location](#)
8. [Community links](#)
9. [Cost implication](#)
10. [Suggested options for consideration.](#)
11. [Pleas from families](#)

Feedback from families

1. The proposals presented at Cabinet 26/09/23

- This proposal is seriously flawed and is discriminatory to the most vulnerable people in our community.
- This is just a money saving exercise, that has been rushed through, without considering the implications.
- This proposal is going to take a very long time to implement, and it will be very costly, so I can see no benefit in financial terms.
- The way the proposal is worded implies that service users potentially might move from The Mews to one of the other properties, then later on have to move again to somewhere else. I think to force two moves on to any of these extremely vulnerable people would be totally unacceptable, and the Council must find a way to avoid this.
- This is an exercise in outsourcing care to the private sector, without a care for the people involved.
- People are still not clear about what will happen or where they will go. There is nowhere else for them to go in Kirklees with the level of support they need.
- Consultation has been rushed, not thought out properly and not accessible or clear for people.

2. Council procedures / strategy.

- The council have a moral duty and obligation to support the most vulnerable people in our community.
- We are in this dire situation because the council have neglected these services for far too long, and now the most vulnerable people in the community are paying the price for that neglect.
- Is it not the case that health and social care is meant to be the number one priority for all councils?
- The council will still have a responsibility to provide funding towards care costs, whether the care is private or otherwise.
- The council do not care how this is going to affect the residents and their families for years to come.

- Kirklees' Vision for Adult Social Care repeatedly states that the Council "want every person in Kirklees who needs social care to be able to live the life that matters to them; with the people they value, in the places and communities they call home," But if this proposal goes ahead, it will take away my brother's home, and very likely the people and community he values.
- People have been assessed under the Care Act and therefore the support cannot be changed.

3. Service Cuts

- Why are they looking at making cuts to the most important sector of the council's budget?
- Surely there are many other ways budgets should be cut first before this.
- You will be making our family members pay the price to keep other social care services running.
- You say you empathise with us, but you don't.
- As yet no-one has been able to provide me any examples of a benefit.

4. Perception of care in the independent sector

- I have concerns about the relative stability of a private provider. If a provider goes out of business or decide to sell the company then that will inevitably lead to disruption and upheaval to a greater or lesser degree, whether it is a new set of staff and ways of working, or potentially even another move.
- The estimated cost saving of closing The Mews and moving to a private provider is £200k p.a. I don't see how a private provider can provide a service that is as good as the current Service, for such a significantly lower cost. So, I have concerns about the quality of the service from a private provider.
- I have many years of experience of working with Residential Care Homes for the Elderly as part of my job, and I know how variable standards can be. And how mistakes can happen when there is frequent staff turnover, too few staff and low levels of morale and motivation.
- If a private provider is a company who is in business to make money, then the bottom line is always going to be the priority for the company.
- I am deeply concerned that profit will take priority over quality of care, and that standards may be allowed to slip.
- We have had previous experience of private sector support workers. Whilst a few were good, the majority were totally inadequate with little support experience and no experience of working with people with autism.

5. Developed Relationships

- My brother has a Key Worker at The Mews with whom he has a particularly good connection; it would be an enormous loss to him if she is no longer able to work with him.
- My brother has a Personal Assistant with whom he has an extremely good relationship. He has a very specific "requirement" to go out to see music on a Saturday evening – his current PA is willing/able to work with him on Saturday evenings, most are not. Previous experience suggests it would be difficult to find someone else to do this.

6. Impact on Health and wellbeing

- This has caused my mother who is not in the best of health a great deal of distress - she thought my sister would be settled permanently at Wilton Terrace
- My sister's health is deteriorating – she is becoming more set in her ways and more resistant to any change in her routine.
- Due to her condition - she is more susceptible to the risk of risk of dementia so it is most likely her condition will decline even more.

- I am extremely concerned about the impact of this review and subsequent move on my brother's health and wellbeing.
- There will be a considerable period of extreme distress for him, which will have a significant adverse effect on his wellbeing.
- Moving her from her home which she loves would have a severe impact on her mental well – being and to my mind is simply not acceptable.
- I think the council needs to look at other ways to save money, as the implications of these proposals will have a massive impact on the residents and families mental health and wellbeing.
- Unless you are in this situation yourself, you cannot possibly understand how physically and mentally draining this is.
- The residents don't really have a voice themselves, as many of them will not even understand the implications of what you are proposing, but they will be the ones who suffer.
- His disability means that every tiny change is a massive issue for him, things that most of us would deem insignificant are incredibly difficult.
- When he had to previously move, it took him 5 years to get back to anything close to equilibrium. Spending time with him was very difficult and distressing for myself and mum as he was unable to think or talk about anything else. He was angry and upset and argued about tiny everyday things – it was virtually impossible to have a conversation with him without it turning into an argument. Even now he still gets angry about it as soon as something upsets or worries him.
- My brother has a diagnosed that limits his daily activities to a degree, and appears to be exacerbated by anxiety, so I am additionally concerned that the emotional distress caused by having to move will increase these symptoms and cause further limitation.
- Some of the parents are unwell themselves or retired, but we are still supporting these adults as if they were still our children.
- You want to assess all the residents from across the three homes and cause more stress and anxiety than is necessary.
- The upheaval of having to move, and all the small things (insignificant for most of us). I have no reason to think would have less impact.
- My sister loves her flat which was decorated quite recently in accordance with her taste.
- A few weeks ago, he was expressing his anxiety to me about a forthcoming appointment, completely unprompted, he shifted the conversation around to when he had to move from xx. He said, "that was the worst day of my life - I hope I never have to go through that again". That is how he still feels, some 13 years after the event, and even after losing his mum less than a year ago.
- Prior to our son living in Wilton Terrace, we went through living hell with him being in abusive relationships, contemplating suicide and not being able to care for himself properly. Things have improved greatly for him now and his life is much more stable. We have no wish to go through the past nightmares again.
- Nobody felt like they could live on their own with any of the extra support services suggested. Many people have tried living on their own before and couldn't cope, that's why they need specialist supported living.
- Doing this just before Christmas was really unfair, she has spent 5 years in XX before moving into Brighton Court. For the first time in her life, she feels settled and now this consultation has made her super anxious.

7. Travel, Distance and Location

- My mother doesn't drive so the placement at Wilton Court is ideal regarding easy access of visiting through using public transport.

8. Community links

- She is part of the local community and goes to church on Sundays and is confident enough go round the town centre on her own

9. Cost implication

- If these homes are still going to be viable, they will have to be staffed and filled with residents, so how is this going to save any money?
- Can Kirklees prove it will save them money?
- They will still have to pay for the same level of care under the Care Act, people may have to move out of area.

10. Suggested options for consideration

- This problem could be solved by just moving the residents from the Mews to the vacant places you say are available around Kirklees.

11. Pleas from families

- This is not just about saving money; this is people's lives. How can you justify this!
- If this was happening to a member of their family, they would have some idea how utterly devastating this will be for everyone involved.
- People feel like a decision will be made then people will be reassessed to fit into the new model.
- We are on call 24/7, dealing with all sorts of complications these individuals face in this uncaring, unsupportive society we live in today.

Appendix 1g – Feedback received via emails.

Feedback received.

The things that matter after 12 years at Wilton Terrace in Cleckheaton

Church, she started there as soon as she went into Wilton Terrace. She is able to go around Cleckheaton, do some simple shopping, have lunch in the park when its fine weather. She loves her flat, it's easy for her to come home and for me to visit her. Her sister and brother live not far away. She goes to the same Health centre that she has been in all her life as has I, and her brother and sister.

The downside of her moving out

She has a skin condition which has got worse over the years but has been kept in check, What affect will moving her from a familiar place do to that? She is also frailer than she used to be.

I am xx years old, how easy would it be for me to see her? I don't drive. Her sister does but isn't a confident driver. Her brother has got three children, two of which have Autism, Life is difficult enough for him.

At my age how long am I likely to be able to carry on seeing her, visiting her and having her come to stay every other weekend.

She has already been taken away from the centre she went to for about 25 years. That closed because of / during covid and she still talks about it.

The youth club in Huddersfield closed then didn't reopen as far as I know.

I am concerned that if she is moved, she will go downhill both mentally and physically.

Her flat was decorated all through about 2 years ago.

Feedback received. 22/12/23

I am extremely concerned about the impact of this review and subsequent move on my brother's health and wellbeing. Broadly, my concerns can be categorised as those arising from him having to move at all (which following recent discussions between Kirklees and Together Housing I understand is now inevitable), and concerns specifically related to if Kirklees should decide to withdraw from service provision and use private providers.

1. Concerns related to a move under any circumstances.

From my brother's perspective, it appears unlikely that there will be significant benefits to an alternative setting i.e. anything which will improve his quality of life. As yet no-one has been able to provide me any examples of a benefit. But there will be a considerable period of extreme distress for him, which will have a significant adverse effect on his wellbeing. His disability means that every tiny change is a massive issue for him, things that most of us would deem insignificant are incredibly difficult.

When he had to move from xx to The Mews (approximately 2010 I believe), I would say it took him around 5 years to get back to anything close to equilibrium. Spending time with him was very

difficult and distressing for myself and mum during that time - he was unable to think or talk about anything else for much of the time we spent with him. He was angry and upset and argued about tiny everyday things – it was virtually impossible to have a conversation with him without it turning into an argument. And even now he still gets angry about having to move from xx as soon as something upsets or worries him.

As an example of his continuing resentment, a few weeks ago he was expressing his anxiety to me about a forthcoming hospital appointment. Completely unprompted, he shifted the conversation around to when he had to move from xx. He said, and I quote “that was the worst day of my life - I hope I never have to go through that again”. That was extremely difficult for me to hear, knowing what is ahead of him. And that is how he still feels, some 13 years after the event, and even after losing his mum less than a year ago.

Whilst objectively his flat at The Mews is much nicer than the room and shared facilities, he had at xx, that is worth nothing to him compared to all the upheaval of having to move, and all the small things (which would be insignificant for most of us) which aren't as they were at xx

I have no reason to think that another move would have less impact.

My brother also has a recently diagnosed health condition. The symptoms of this are limiting his daily activities to a degree, and appear to be exacerbated by anxiety, so I am additionally concerned that the emotional distress caused by having to move will increase these symptoms and cause further limitation.

2. Concerns related to moving to a private provider.

Quality of care

The estimated cost saving of closing The Mews and moving to a private provider is £200k p.a. I don't see how a private provider can provide a service that is as good as the current Service, for such a significantly lower cost. So, I have concerns about the quality of the service from a private provider.

The Proposal document that went to Cabinet states that the majority of current Service expenditure is staff costs. So perhaps lower costs may be achieved by employing fewer staff or having lower rates of pay and less beneficial terms and conditions. All of these are likely to adversely affect staff morale and lead to poorer performance and care, and higher staff turnover, to the detriment of service users. However, much staff working in the sector are doing so for altruistic reasons, rates of pay and conditions of employment are still important.

If a private provider is a company who is in business to make money, then the bottom line is always going to be the priority for the company. I am deeply concerned that profit will take priority over quality of care, and that standards may be allowed to slip.

I have many years of experience of working with Residential Care Homes for the Elderly as part of my job, and I know how variable standards can be. And how mistakes can happen when there is frequent staff turnover, too few staff and low levels of morale and motivation.

Stability

I have concerns about the relative stability of a private provider. If a provider goes out of business or decide to sell the company then that will inevitably lead to disruption and upheaval to a greater or lesser degree, whether it is a new set of staff and ways of working, or potentially even another move.

General

It seems that a move is inevitable, given what I've been told this week about discussions with Together Housing. And that is bad enough, but to move to a private provider as well would mean that every aspect of my brother's life would change. His home, the staff, probably his PA, his location, ways of working, absolutely everything would change. And given that my brother is not able to deal with change, I just can't imagine how bad that's going to be for him.

If the decision is taken for the Council to go ahead with these proposals, in which ways could we support you or your loved one?

Listen, keep us informed, get better at communication. Make decisions that are really based on the best interests of the Service Users. Find a way that my brother's PA can continue to work with him wherever he ends up living.

Additional comments

Losing connections to community

My brother has a Personal Assistant with whom he has an extremely good relationship. He has a very specific "requirement" to go out to see music on a Saturday evening – his current PA is willing/able to work with him on Saturday evenings, most are not. He would be extremely upset if she was no longer able to work with him due to relocating, and previous experience suggests it would be difficult to find someone else to do this. Being able to do this over the last few years has had a really positive impact on his quality of life and is extremely important to him.

My brother also has a worker at The Mews with whom he has a particularly good connection; it would be an enormous loss to him if she is no longer able to work with him.

Safeguarding

My brother is extremely vulnerable, and I am very concerned that he should not go to live anywhere that doesn't have a secure entrance and 24/7 staffing. He definitely should not be in a situation where someone could ring his doorbell and take advantage of his vulnerability. He has a naturally kind nature and more than once has given money to people who have asked for it when out and about – he does not understand money or recognise the value of notes and coins, so is easily taken advantage of. He is unable to use a phone and needs someone to be available for occasions when problems do crop up or such things as medication that is used on a "when required" basis.

We've been told that this whole process could take up to two years – obviously I'm very concerned about this. I'm told that someone will be speaking to my brother before the Consultation closing date about this process, I still feel that however sensitively this is done, two years is an extremely long time for him to know that he is going to have to move, but not when or where. That will be very difficult for him, and just prolong the trauma of the whole experience.

I'm also concerned that the way the proposal is worded implies that service users potentially might move from The Mews to one of the other properties, then later on have to move again to somewhere else. At the meeting in November, when this question was asked, the person answering was not able to state categorically that no-one would have to move twice, but only that Kirklees would try to avoid this. I think to force two moves on to any of these extremely vulnerable people would be totally unacceptable, and the Council must find a way to avoid this.

Kirklees' Vision for Adult Social Care repeatedly states that the Council "want every person in Kirklees who needs social care to be able to live the life that matters to them; with the people they value, in the places and communities they call home." But if this proposal goes ahead, it will take away my brother's home, and very likely the people and community he values.

Appendix 1h – Stakeholder feedback form

Stakeholder ref 001	
Which care home do you provide goods and services to?	Wilton Terrace
Are you aware of the proposals?	No
Do you understand the reasons behind them?	NO
Do you agree with them?	NO
Do you have any concerns about the proposals?	I'm 62 so it won't be easy for me to find employment should the outcome of the review be to stop providing Supported Living out of Wilton Terrace.
What impact are proposals likely to have on you and your business?	It will make a difference to my finance as I will need to find another day's worth of work to cover my lost income if the closure goes ahead.

Stakeholder ref 002	
Which care home do you provide goods and services to?	The Mews
Are you aware of the proposals?	NO
Do you understand the reasons behind them?	NO
Do you agree with them?	YES/ NO – Not sure
Do you have any concerns about the proposals?	No, not significantly only one customer and really only continuing to provide them with a service because they feel a little sorry for them and know that he would not like to have this routine changed.
What impact are proposals likely to have on you and your business?	He has autism and any changes the Council make would be a challenge for him due to his need for routine, familiarity and predictability. KC would need to take this into account when considering changing his supported living arrangements, and presumably there will be other residents in a similar situation. Declined any additional information.

Stakeholder ref 003	
Which care home do you provide goods and services to?	All 3 sites
Are you aware of the proposals?	NO
Do you understand the reasons behind them?	NO – explained the proposals.
Do you agree with them?	NO
Do you have any concerns about the proposals?	Make little difference as semi-retirement but enjoy working with the residents and staff at the schemes.

<p>What impact are proposals likely to have on you and your business?</p>	<p>Would be really upset if these sites closed or were repurposed. Devasting for people living there who are part of a small community and have a strong sense of belonging. One resident has been in his home for 12 years, so imagine how they would feel if they had to move out or were left behind if others moved out and new staff took on the supporting role. These people are in there for a reason and Kirklees should find the funding to keep them open as they do a fantastic job for the community, which is aging and in need of more provision not less. The staff are fantastic and the residents are well looked after and kept relatively independent because they receive effective support. <i>In response to explaining the options the Council are considering he responded:</i> 'Private sector is ruled by profit and can exploit the fact that there is a diminishing Council offer meaning that a monopoly will exist where providers can charge high rates and deliver low quality. I strongly disagree with any policy whereby the Council transfers its provision of support and care to the private sector as its not in the long-term interests of the community.'</p>
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Stakeholder ref 004	
Which care home do you provide goods and services to?	The Mews
Are you aware of the proposals?	YES
Do you understand the reasons behind them?	YES
Do you agree with them?	NO
Do you have any concerns about the proposals?	It would depend on where the resident I support would be moved to, for travel purposes.
What impact are proposals likely to have on you and your business?	The Resident was severely impacted the last time he was made to move out of his last home. He often tells me how he cried when he had to leave. He has been at the mews for a number of years now and I would say that it's only been within the last year that he feels a tad more settled and uprooting him again will have an extremely negative effect on his mental health and I will be the one trying to pick up the pieces and bear the brunt of his anger.

Stakeholder ref 005	
Which care home do you provide goods and services to?	The Mews
Are you aware of the proposals?	NO
Do you understand the reasons behind them?	NO
Do you agree with them?	Not sure

Do you have any concerns about the proposals?	Would have a very small impact on my business as I have a salon, but a bigger impact on my job satisfaction as I like doing this work because I know it is highly valued, part of a routine that supports a person's wellbeing and helps combat loneliness. I do it for social value reasons rather than financial.
What impact are proposals likely to have on you and your business?	If the Mews has a new provider and my client needs to get use to new staff or even has to be relocated into an alternative scheme, it will definitely affect her a lot. She really struggles with routine and even a small incident/ change can have an enormous impact on her state of mind. She was recently frustrated and overwhelmed by something small that happened (forgot to bring in a birthday card I had promised) and she got very upset and angry about it, which was difficult for me. Later she apologised for her behaviour but then constantly sought reassurance that I was) that wasn't predicted – breakdown. Massive impact if she had to move property and cause huge stress and anxiety. This would be a huge worry. She also catastrophises the future and worries excessively. Would all the support and therapy

Stakeholder ref 006	
Which care home do you provide goods and services to?	The Mews
Are you aware of the proposals?	YES
Do you understand the reasons behind them?	YES
Do you agree with them?	No
Do you have any concerns about the proposals?	Been working there for six years and know how comfortable the residents are and it would be terrible to uproot them and put them somewhere different where they would have to start all over again. I would be sad not to work with them as I have a long relationship with the residents and will upsetting not to know what will happen to both them and the staff. Do the council really need to make these changes considering the huge upset it will cause? I have built friendships up with the residents and I am part of their routine and they like to socialise and tell me about their day.
What impact are proposals likely to have on you and your business?	One resident in particular will struggle, he has been at Mews for 9 years and still talks about his last scheme and gets upset about having moved. If any of them were forced to move it could cause loads of upset and anxiety and spoil their social lives, at least for a long while whilst they adjusted. The residents have spent a lot of money on their flats – carpets, wardrobes, decorations etc – and it would be a real shame for them to lose this. Might not have the money to do up a new flat and to get it just right for themselves – it has taken some of them months or even years to get their flats just the way the want and it is an important part of feeling good about themselves. Would

	be good if could find a provider for the Mews so can continue in their homes.
Stakeholder ref 007	
Which care home do you provide goods and services to?	The Mews, Wilton Terrace
Are you aware of the proposals?	YES – I read something about the Mews. Out of the blue re. Wilton don't feel have been very well informed.
Do you understand the reasons behind them?	NO - Explained
Do you agree with them?	NO
Do you have any concerns about the proposals?	<p>I mainly do support work in small groups, and I also have one person in Wilton who I provide individual support to. How much I am affected will depend on where residents go to if they are moved out of Council schemes and whether, if they had to move, I can continue to support them and organise outings (including short breaks), which would depend upon whether the new provider would fund me. So could have a big effect on me work wise and income wise. The effect of the Council reducing its supported living offer might have unforeseen impacts. For example, one Lady I support at Wilton goes on outings and short breaks with another woman who lives in a private scheme. They have developed a close relationship over several years, and any change to this arrangement would have a massive impact on them and on their wellbeing. Also, it is cheaper to provide support of this kind in small groups or pairs, so if this relationship is ended by the Mews scheme closing, it might lead to the private resident no longer be able to go on outings as she might not be able to afford it.</p> <p>I am very disappointed to be hearing about this so close to the consultation deadline, especially when it affects my livelihood and it doesn't inspire confidence in the consultation being a genuine attempt to take the views of people affected into account before decisions are made.</p>
What impact are proposals likely to have on you and your business?	<p>Would be a big worry for families. If residents hear initially about the proposed changes, then that will cause a lot of anxiety and upset but if the changes went ahead and they were displaced this would hugely affect their routines and relationships on a devastating level. A number of people who could be affected have already had to deal with the emotional upset of moves or the loss of cherished day care provision, which they still talk about and continue to get upset over.</p> <p>I think that it is wrong that some of the service users (the ones who were assessed as lacking the capacity to deal with a disclosure about the proposals) are going to be the last people to know, even if they face major upset. These people are generally disempowered and don't have a voice in society. Some of the people don't have relatives close by to fight this on their behalf – as an advocacy group been enlisted to act on behalf of the residents who don't have a voice?</p>

Stakeholder ref 008	
Which care home do you provide goods and services to?	Wilton Terrace
Are you aware of the proposals?	YES, but only as a rumour, the staff haven't talked to me about it.
Do you understand the reasons behind them?	NO
Do you agree with them?	Not sure
Do you have any concerns about the proposals?	Worked at the home for 13 years but well over retirement age so wouldn't really affect me personally.
What impact are proposals likely to have on you and your business?	<p>Council seems to spend money on non-important things so worried that any changes to this service could have been avoided if the Council had made better choices about how to spend its money.</p> <p>I don't have an opinion on whether this is the right thing to do, as I know the Council can only provide services it can afford but it will be a shame for the residents.</p> <p>Some of them have been there a while and have grown used each other and the staff, and people like me who clean for them. It will probably be very upsetting if any of them have to leave their home and start all over again. Some of them find it very hard to cope with changes to their routine. I worry about where they would put them.</p>

Stakeholder ref 009	
Which care home do you provide goods and services to?	
Are you aware of the proposals?	YES
Do you understand the reasons behind them?	YES/ NO
Do you agree with them?	know all about money
Do you have any concerns about the proposals?	
What impact are proposals likely to have on you and your business?	<p>Council is very good at spending money wisely and are short-sighted decisions don't generate wealth.</p> <p>Continuity</p> <p>Move people with high support needs can't cope, go downhill rapidly, sometimes die.</p>

Appendix 2– Key Partner Consultation.

Phase 1:

- Exiting from being the provider of care and support at The Mews. This is in response to the expiry of the lease on the building.
- Existing tenants to be reassessed and reaccommodated in suitable alternative accommodation that would maximise available capacity across Brighton Court and Wilton Terrace.
- Phase 1 of this proposal would be deliverable during 2024/25

THA Feedback

We appreciate the council's strategic review and current proposals for The Mews and that this coincides with our own review of existing lease arrangements at The Mews. Together Housing's position is that, as part of an ongoing strategic review of our portfolio, and the associated risks of the leased-based model, we will not be entering into any new long term lease arrangements for Supported Housing and we are aiming to exit from current leases subject to alternative options; instead, we will consolidate our supported housing stock to that which is owned by Together Housing. This is mainly because.

- There are added complexities of managing stock not in our direct control, even more so given increasing requirements in relation to building safety.
- There are complexities of the rent model and value-for-money in relation to leased fees.
- The leased model does not offer the strategic aim of providing long term, secure and stable homes.

We will work with all parties to ensure that all other options are considered including working with other specialist registered providers whom may have an interest in taking on this model if its compatible with their business plans. We understand the need for a shared plan with Kirklees Council while both reviews are under way and will work closely with residents, families, Commissioners and any new providers.

Phase 2:

- Reassessment and re-accommodation of service users at Wilton Terrace into alternative and more appropriate settings.
- Wilton Terrace would accommodate tenants with more complex and high-cost needs.
- Phase 2 of this proposal would be deliverable during 2025/26

By focusing our provision for adults with more complex needs we hope to bring back those service users who were forced to seek care outside of Kirklees due to lack of local provision that could cater to their needs.

THA Feedback

We support that the properties at Wilton Terrace will accommodate and meet the needs of adults with complex needs and that this meets the wider strategic aims of providing local provision of Supportive Housing.

Appendix 3 – Supported Living Options Appraisal

Option Ref	Option Description	What this means	Estimated Savings
Option Z – Do Nothing	Note - This option has been included as a baseline comparator. 'Doing nothing' is not considered a viable option, as it does not address the council's priorities and challenges nor contributes to planning services to meet future need.	Retains the services as they are with no proposed changes to the service model, the profile of service users supported nor the staffing model. Does not address the council's priorities and challenges. More cost-effective solutions could be identified in the wider market. Does not resolve the issue of the tenancy/lease arrangement between Landlord and the Developer	None
Option A – Cease providing all services at The Mews	Option A – Cease acting as care provider at The Mews and focus existing resources at Brighton Court and Wilton Terrace in supporting more complex service users. This was the option the Council consulted on based on the key factors and information available at the time of presenting proposals to Cabinet on 26 September 2023. This would involve: <ul style="list-style-type: none"> • Decommissioning the current supported living service offer in this setting. • Reassessment and relocation of all existing tenants • The council no longer acting as the care provider in this setting 	The Mews will be handed back to the Registered Provider/Landlord and Developer with the scheme no longer operate as a supported living scheme. Original proposals were based on eliminating the current tenancy risk associated with the setting – however, this has now changed with the housing provider offering flexibility in working with the Council whilst we identify an alternative housing provider to manage tenancies. Original proposal was based on eliminating the risk of the Developer wanting the building back – however, this has now changed with the Developer wanting to work with the Council to retain the building as a supported living facility. This proposal does offer the opportunity to release staffing revenue costs, which delivers a net saving of £200k in 2024/25 (once alternative placements have been factored in)	This option would save the council £200k net based on staffing revenue costs.
Option B – retain all three schemes,	Retain The Mews and continue to act as care provider across all three schemes (Wilton Terrace and Brighton Court). However, this	This option considers all the consultation and feedback and also the change in circumstances for key stakeholders which impacts on the longevity of The Mews.	Savings associated with this model are to be confirmed,

<p>focussing as a care provider at the more complex levels of need</p>	<p>option requires reconfiguring the service model to focusing resources in supporting more complex service users. This is the recommended option as part of the proposals presented in this report.</p>	<p>This option also involves working collaboratively and flexibility with Adult Social Care Commissioning, the existing Registered Provider/Landlord (Together Housing) and the Developer (Darren Smith Homes) to:</p> <ul style="list-style-type: none"> • Secure a new Registered Provider/Landlord to manage the tenancies. • Liaise with the Developer (Darren Smith Homes) to undertake planned refurbishments works to increase the capacity of flats at The Mews (increase flats from 7 to 8/9) • This option would ensure a longer-term lease arrangement for the Registered Provider/Landlord is secured. • Increasing the capacity of flats within the existing lease would provide additional economies of scale. • Reconfiguring the care provider model to focus on those with more complex needs could provide significant cost reduction/cost avoidance to the Council through existing high cost/out of area placements. <p>This option will involve a reassessment of all existing tenants, with a potential transfer/relocation of those tenants where needs could be effectively met elsewhere.</p>	<p>based on the renewed service model.</p>
<p>Option C – retain all three schemes but the Council acts as a provider to only two out of the three schemes</p>	<p>Cease acting as the care provider at The Mews and focus existing resources in supporting more complex service users at Brighton Court/Wilton Terrace. A new care provider will be commissioned via the Adult Social Care Commissioning team to act as the care provider at The Mews.</p>	<p>A new care provider will be commissioned via the Adult Social Care Commissioning team to act as the care provider at The Mews.</p> <p>A new Registered Provider/Landlord will be commissioned via the Adult Social Care Commissioning team to act as the Landlord at The Mews.</p> <p>The Developer may choose to undertake refurbishments works to increase the capacity of flats at The Mews (increase flats from 7 to 9)</p> <p>Exiting as the service provider from The Mews eliminates the current tenancy risk associated with the setting, mitigates the cost of existing voids and releases staffing revenue costs. However, the costs of re-commissioning an alternative care provider would need to be determined – this cost would be factored into any proposed savings</p>	<p>This option would provide gross savings to the Council of £200k however, the cost of alternative placements would need to be offset from this.</p>

Explore the future of Learning Disability Supported Living schemes provided by the Council

Case ID: IIA-532240088

Date of assessment: 17/07/2023 14:17:44

Lead officer: Julie Uttley

Strategic directorate: Adults & Health

Directorate: Learning Disabilities & Mental Health

Service: In-House Provision

What is being assessed: Removal of a service

Outline of the proposal and the overall aims/purposes: Proposed review of Supported Living service provided through Brighton Court and Wilton Terrace, and withdrawal of Council as a provider of Supported Living services at The Mews

Who does this proposal impact upon: Employees and residents

Does this proposal concern health care, education or housing: yes

What wards will be affected by this proposal: All

What intelligence and insight were considered to assess the proposal and its relevance to equality:

Kirklees area profiles, Kirklees joint strategic assessment, Other - Service intelligence based on current and historical service users of supported living services

- Commissioning intelligence to understand volume, demand and levels of need
- wider market data to understand supported living and other service offers across Kirklees

Comments in relation to intelligence and insight considered: Enhanced understanding of the service offer, level of needs etc

To what extent were Public Sector Equality Duty (PSED) aims considered: Fully

Comments in relation to how PSED aims were considered:

Through completing this IIA

Does the proposal include residents/service users accessing information or a service from the council: yes

Details why residents/service users access has not been considered:

Does this project involve making a planning application: No

Did this proposal require an Environmental Impact Assessment (EIA) completing: No


Were any groups consulted: yes

Details of consultation:

planning to consult fully and meaningfully with residents / families / staff and other key stakeholders (including housing providers who manage the tenancy arrangements for service users)


Summary of action plan including how negative impacts were mitigated: pending

Equality, diversity and inclusion - Protected characteristics

Age - Impact on Employees 


Type of impact: Neutral

Comments: No impact

Age - Impact on residents or service users 


Type of impact: Neutral

Comments: No impact

Different races - Impact on Employees 


Type of impact: Neutral

Comments: No impact

Different races - Impact on residents or service users 

Type of impact: Neutral

Comments: No impact

Disabled individuals - Impact on Employees 

Type of impact: Neutral

Comments: No impact

Disabled individuals - Impact on residents or service users



Level of impact: High

Type of impact: Negative

Comments: All service users that are resident in these facilities are classed as disabled (learning disability). The proposals will have a high negative impact on service users/residents - this includes uncertainty about the future, elevated levels of worry which may lead to crisis. These impacts will be managed through the support offer via each team, and through careful consideration of the comms shared with residents. We will also respect the views of some of the families who have strongly requested, in the interest of their loved ones, that no comms about the changes are shared with their loved one until formal decisions about the future of services are decided by Cabinet

Gender reassignment - Impact on Employees



Type of impact: Neutral

Comments: No impact

Gender reassignment - Impact on residents or service users



Type of impact: Neutral


Comments: No impact

Gypsy, Roma or Traveller communities - Impact on Employees




Type of impact: Neutral

Comments: No impact

Gypsy, Roma or Traveller communities - Impact on residents or service users 


Type of impact: Neutral

Comments: No impact

People based on their sex - Impact on Employees 


Type of impact: Neutral

Comments: No impact

People based on their sex - Impact on residents or service users 

Type of impact: Neutral


Comments: No impact

People in poverty or with low incomes - Impact on Employees 

Level of impact: High


Type of impact: Negative

Comments: The majority of employees are low paid workers they also may be the sole source of income in their household. The Council will where possible protect against any job losses and compulsory redundancies

People in poverty or with low incomes - Impact on residents or service users 


Type of impact: Neutral

Comments: No impact

People who are married or in a civil partnership - Impact on Employees 


Type of impact: Neutral

Comments: No impact

People who are married or in a civil partnership - Impact on residents or service users 


Type of impact: Neutral

Comments: No impact

People with different sexual orientation - Impact on Employees 


Type of impact: Neutral

Comments: No impact

People with different sexual orientation - Impact on residents or service users 


Type of impact: Neutral

Comments: No impact

Pregnancy and maternity - Impact on Employees 

Type of impact: Neutral

Comments: No impact

Pregnancy and maternity - Impact on residents or service users 

Type of impact: Neutral

Comments: No impact

The armed forces community - Impact on Employees



Type of impact: Neutral

Comments: No impact

The armed forces community - Impact on residents or service users



Type of impact: Neutral

Comments: No impact

The practice of different religions or beliefs - Impact on Employees



Type of impact: Neutral


Comments: no impact

The practice of different religions or beliefs - Impact on residents or service users



Type of impact: Neutral


Comments: No impact

Unpaid carers - Impact on residents or service users 

Level of impact: High

Type of impact: Negative


Comments: possible trauma of having to find an alternative placement for their relative and potentially higher travelling costs

Unpaid carers - Impact on Employees 

Type of impact: Neutral


Comments: No impact

Access to services

Choice of channels 

Type of impact: Neutral

Comments: families and carers will liaise with assessors directly

Minimising multiple or repeated contact 

Type of impact: Neutral


Comments: not applicable

Resolving issues at first point of contact 

Type of impact: Neutral

Comments: not applicable

Environment


Air quality 

Type of impact: Neutral

Comments: No impact

Does this proposal affect an Air Quality Management Area (AQMA): No


Yes/No/Partial

Biodiversity and nature 


Type of impact: Neutral

Comments: No impact

Does this proposal include changes to a location within a Site of Special Scientific Interest (SSSI), local wildlife sites or green belt: No

Climate risk and vulnerability 

Will the proposal be impacted by climate change: No

Conservation of the historic environment 

Type of impact: Neutral

Comments: No impact

Greenhouse gas emissions



Type of impact: Neutral

Comments: No impact

Light pollution



Type of impact: Neutral

Comments: No impact

Noise pollution



Type of impact: Neutral

Comments: No impact

Waste and resource efficiency



Type of impact: Neutral

Comments: No impact

To what extent was reducing the amount of waste created in the first place been considered: Not at all

Details, information or evidence in relation to waste reduction: No impact

Water quality



Type of impact: Neutral

Comments: No impact

Does this proposal involve the installation or use of a private water supply: No

Water usage



Type of impact: Neutral

Comments: No impact

Appendix 5 - Questions and answers

Questions raised by Service Users – Brighton Court

Number	Question	Response
1	Is Brighton Court going to close?	No decisions have been made yet – Cabinet will decide about the future of Council run supported living services and The Mews in February.
2	It has been mentioned there are multiple alternative service options – where are they, can I visit them before and if I don't like them do I have to move to them?	<p>There are a number of supported living services across Kirklees.</p> <ul style="list-style-type: none"> • They cater for a range of differing needs and preferences. • If a decision is made to close The Mews, we will review everyone to find another service which is right for them and meets their needs. • Yes, you can visit before you decide. • You will be involved in all decision about where you live.
3	I am happy at Brighton court and don't want to move, do I have to?	There may be other places that may be able to meet your needs like Brighton Court. We will support you to decide what is important to you.
4	What does repurpose mean and what does that look like?	the word 'repurpose' is another way of saying that we would like to change our service to ensure it is targeted at the right level, the right people and at the right cost.
5	Who will Brighton court be supporting in the future? (What kind of service users)	We are currently working through this with colleagues. We feel Brighton Court could be used to support people at the more complex levels of need.
6	Does together housing know about the plans?	We will be meeting with Together Housing and Darren Smith Homes to talk about the plans.
7	What other parts of the council are being looked at?	All of the Council's spending is being looked at. For example, Sport centres and Dementia Care homes
8	As I don't want to move will the council pay for my moving cost if I must move	If you have to move, this would be considered on an individual basis.
9	What is the actual date when the decision for Brighton Court is made.	The decision will be made at the Cabinet meeting in February.
10	If I move, will I get the same level of support I receive now.	<ul style="list-style-type: none"> • No decisions have been made yet about the supported living services. • If a decision is made to close The Mews, we will review everyone to find another service which is right for them and meets their needs. • Service user will be supported by a social worker, staff, an advocate and their family to make sure we have the information on what is important to you.

Questions raised by family members.

Number	Question	Response
1	Update on progress with Together Housing and Darren Smith	Meeting held 11th December 2023. The meeting was helpful in ensuring all parties were able to share and be clear about their respective pressures, challenges and plans for the future. I know you will appreciate that there are some factors outside of the Council's control, for instance, the clear intent from Together Housing to exit from the current tenancy management
2	What kind of organisations are the providers that may be used? e.g. Ltd Companies with a profit motive, charities, CICs etc	We work with a number of different private and third sector organisations and landlords.
3	What kind of service do they provide, from a practical perspective? (i.e. staffing levels & roles etc	The majority of the service will operate in a similar way and will have 24/7 cover in addition to an individual's 1:1 hours. They will be registered with CQC and staff should be trained in the same way. Some offer accommodation in shared houses and others will offer single occupancy flats. Not all services and properties are suitable for everyone and so providing a full list of schemes would not be recommended. Once a decision has been made and a move anticipated following a social work reassessment, we have accommodation officers who can help source the most suitable accommodation to meet an individual's needs.
4	What is the process for determining who the provider will be?	This will be based on each individual's needs identified through the social work reassessment. Once we understand an individual's needs the accommodation officer will provide a list of suitable properties and vacancies. Families will then be able to visit and work with the accommodation officer and social worker to secure a place if required.
5	How can we be assured of the quality of the service they will provide?	Our contracts with providers enable us to have a view on quality. Families can visit and are welcome to look at inspection reports and outcome on the CQC website. Where there are schemes, we are aware are underperforming or where we have concerns about the building, these would be excluded as an option.
6	What guarantee of stability is there with a private provider?	We are seeking to identify arrangements that we feel offer the level of stability we would require. If a family member selects a property, we will have an open and honest conversation with them about any risks associated with the security of tenure, for example properties owned by family members or unregulated landlords.

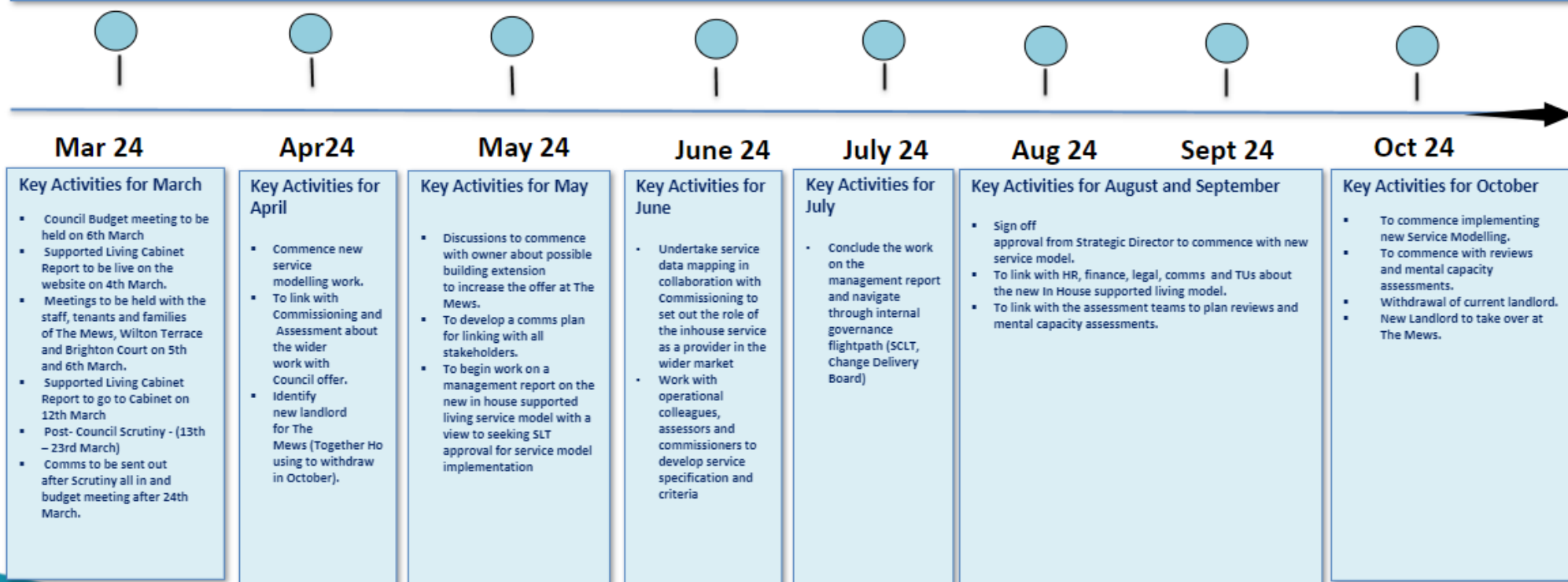
7	What would Kirklees' role be in the future if a private provider is chosen and used? e.g. ongoing involvement/monitoring	We have two accommodation officers whose role is to support tenants and families with issues relating to their tenancies. They are available to speak with and offer support to manage any issues that cannot be resolved directly with the care provider of landlord. The allocated social worker will also be available to support with any transitions arrangements and settling issues.
8	Will our son be evicted from his current tenancy with Together Housing, should Kirklees wish to do so? Will this be classed as a 'no fault eviction'?	There will be no change to the tenancies and support of our existing service users until Cabinet have made a decision on the future of the services consulted on. Once a decision has been made, we will ensure we work with tenants, families and professionals to manage any change in a safe and effective way. If people have to move, this would be considered on an individual basis.
9	We have no knowledge of any proposed intentions about future possible locations and type of property. How can anyone make a decision based on such scant knowledge?	There are a number of supported living services across Kirklees. <ul style="list-style-type: none"> • They cater for a range of differing needs and preferences. • If a decision is made to close The Mews, we will review everyone to find another service which is right for them and meets their needs.
10	Who would pay any expenses incurred e.g. termination of contracts, removal costs, decorations etc?	There will be no change to the tenancies and support of our existing service users until Cabinet have made a decision on the future of the services consulted on. Once a decision has been made, we will ensure we work with tenants, families and professionals to manage any change in a safe and effective way. If people have to move, this would be considered on an individual basis.
11	Is Kirklees aware of the upset and turmoil that will be caused to the vulnerable tenants who reside at these properties and their families?	We apologise for any concern the consultation process may have caused. Please note that no decisions have yet been made about the future of these services.
12	Will the service users be reimbursed for the money they have invested in their rooms?	There will be no change to the tenancies and support of our existing service users until Cabinet have made a decision on the future of the services consulted on. Once a decision has been made, we will ensure we work with tenants, families and professionals to manage any change in a safe and effective way. If people have to move, this would be considered on an individual basis.
13	Can I have more information about the service in Mirfield that was mentioned by Cristina in the last group meeting held?	We have two accommodation officers whose role is to support tenants and families with information relating to the various scheme available. More information will be shared about supported living schemes which are relevant to meet individuals needs during the review process

<p>14</p>	<p>What kind of organisations are involved in providing supported living, as obviously my concerns may vary according to the type of organisation. e.g. if there is a profit motive etc.</p>	<p>We work with a number of different private and third sector organisations and landlords.</p>
<p>15</p>	<p>Previous messaging has been that there will be opportunities for service users to view a number of placement and select their preferred choice to move into – At the meeting held on the 8th was stated that there is a shortage of places / accommodation – Which is true? – Will they get a choice of home to select from.</p>	<p>There are a number of supported living services across Kirklees. However, it will be dependent on where the vacancies are at the time of the review and move as they cater for a range of differing needs and preferences. If a decision is made to close any service, we will review everyone to find another service which is right for them and meets their needs. You will be able to visit before you decide</p>

Appendix 6 – In house supported living timeline.

In House Supported Living Timeline

Following public consultation on the future of supported living services provided by Kirklees Council, Cabinet proposals to be presented to Cabinet on 12 March 2024. This timeline is based on the key recommendations to Cabinet to progress with the option to retain The Mews and continue to act as care provider across all three schemes (Wilton Terrace and Brighton Court). This considers all the consultation and feedback as well as the change in circumstances for key stakeholders which impacts on the longevity of The Mews.



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Report title: Redesign of short break, respite and support provision

Cabinet date	12 th March 2024
Cabinet Member	Cllr Kendrick
Key Decision	Yes
Eligible for Call In	Yes

Purpose of Report

To seek cabinet approval to proceed with the transformation of short breaks, respite and support services for disabled children, young people, and their families in Kirklees. This report outlines a proposal to move towards a more personalised flexible, locality-based approach.

Recommendations

1. Cabinet receive and note the views arising out of the consultation (Appendix A refers) and the proposal to move to a personalised flexible, locality-based approach.
2. Cabinet receive and note the relevant Integrated Impact Assessment.
3. The Strategic Director – Children and Families be authorised to take all necessary steps to implement the proposals, namely the transformation of short breaks, respite and support services for disabled children, young people, and their families in Kirklees.

Reasons for Recommendations

If approved, this transformation should lead to improved outcomes for children and families as the service will take a more personalised and enabling approach, with services delivered closer to where people live. This approach will also develop, enhance, and improve accessibility and engagement with local community groups and voluntary sector provision.

The proposed service model will result in financial efficiencies in respect of buildings, staffing and transport costs. Furthermore, these arrangements allow flexibility in delivery arrangements and to allow providers to test different approaches and adapt in response to evidence of effectiveness and/or emerging best practice.

The proposals have been developed in consultation with families, providers and other stakeholders, and the approach facilitates coproduction and codesign of service models.

Resource Implication:

The budget for the short breaks and respite service in 2023/24 was £1,401,337.
The proposed service model will provide £400,000 of efficiencies in 2024/25.

<p>Date signed off by <u>Strategic Director</u> & name</p>	<p>Give name and date for Cabinet / Scrutiny reports</p> <p>Tom Brailsford, 22/02/2024</p>
<p>Is it also signed off by the Service Director for Finance?</p>	<p>Isabel Brittain, 22/02/2024</p>
<p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Julie Muscroft, 27/02/2024</p>

Electoral wards affected: All wards are affected.

Ward councillors consulted: We have consulted with Portfolio Holders, Cllr Reynolds, and Cllr Kendrick on 9th January 2024.

Public or private: This is a public report.

Has GDPR been considered? The Data Protection Act 2018 and UK GDPR Law have been considered. During the consultation process, we sought advice from the Information Governance Team, and we took all reasonable steps to anonymise personal data. Therefore, no personal or personally identifiable data is contained within this public report.

1. Executive Summary

- 1.1 It is a Kirklees council priority to provide the best possible outcomes for all children, young people, and families, especially our most vulnerable children with Special Educational Needs and Disabilities (SEND). Kirklees invests in a wide range of services that support children, young people, and families with additional needs.
- 1.2 As part of our overall offer to children and families with additional needs, we offer a range of services which provide short breaks, activities and overnight respite. Short breaks and respite provision are invaluable support to maintain family function and prevent demand for more intensive provision. The majority of this provision is currently delivered from fixed buildings across Kirklees.
- 1.3 Throughout and since the COVID-19 Pandemic, alternative delivery models for all respite, short break and activity provision were necessarily established due to restrictions. As a result, activities were more often delivered in the community close to where children, young people and their families lived or where they wanted to access services, in a more flexible and individually tailored way. Post-pandemic this has resulted in a number of families changing the way they wish to receive respite, short break and activity provision in the longer term. This reinforced the need to progress the planned re-design of the service to meet the changing needs and aspirations of families.
- 1.4 Cabinet previously approved a consultation process on 26th September 2023 with key stakeholders. This was regarding the redesign and reconfiguration of the short breaks service. Stakeholders told us that they valued the skilled and experienced staff teams involved but wanted increased flexibility of provision, with better access to information

and services delivered closer to where they live, and required access, as well as supporting the enablement of their own vocational needs. Parents told us that they would be willing to contribute financially for additional provision where appropriate, particularly when this better fit with their needs.

- 1.5 This report outlines the proposed new service model for short breaks and respite, using intelligence from the consultation. The new service model allows for financial efficiencies which are described in the report and the appendices.

2. Information required to take a decision

2.1 Background

- 2.1.1 **Current offer** - Kirklees Council provides a range of activities and services to support the whole family take a break from the demands they may face when caring for a child with additional needs. These are often referred to as “short breaks” and come in a range of forms. They include:

- 2.1.2 **The Young People’s Activity Team (YPAT)** – This provides both community and building based activity to children. This is a Kirklees Council service, currently delivered from a single location centre in Ravensthorpe by highly skilled staff, however from a building which is out of date and difficult to access. The YPAT building will no longer be available to Children’s services from summer 2024.

- 2.1.3 **Orchard View** – This a Kirklees Council run residential home which provides overnight breaks to children and young people, with a capacity for up to 8 children depending on individual needs and matching.

- 2.1.4 **Direct Payments** – This is money paid by the local authority to a parent to meet an assessed need of a child needing support.

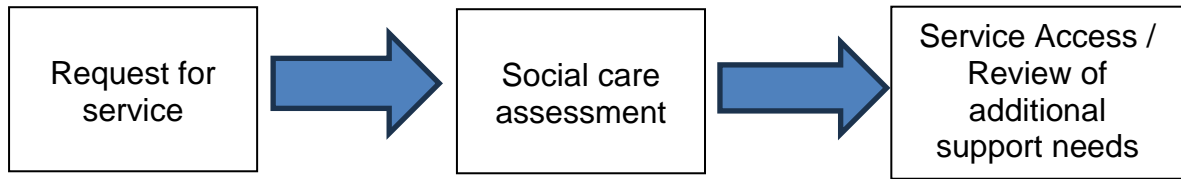
- 2.1.5 **Domiciliary care** (also known as home care) – This encompasses a range of services that are put in place to support someone in their own home. Demand for domiciliary care and direct payments has increased significantly recently resulting in pressure on service budgets.

- 2.1.6 **Targeted Activity** – This includes community-based activities such as voluntary sector organisations, or youth clubs.

- 2.1.7 **Universal Offer** – These are provisions that can be accessed by all but can be difficult to access for children with additional needs without specific support; and there is often a charge for this. This offer includes youth clubs, sports clubs or uniformed organisations.

2.2 Current referral and assessment process

Under the existing service model, families who request a short break receive a social care assessment and are allocated resources and provision from the options currently available:

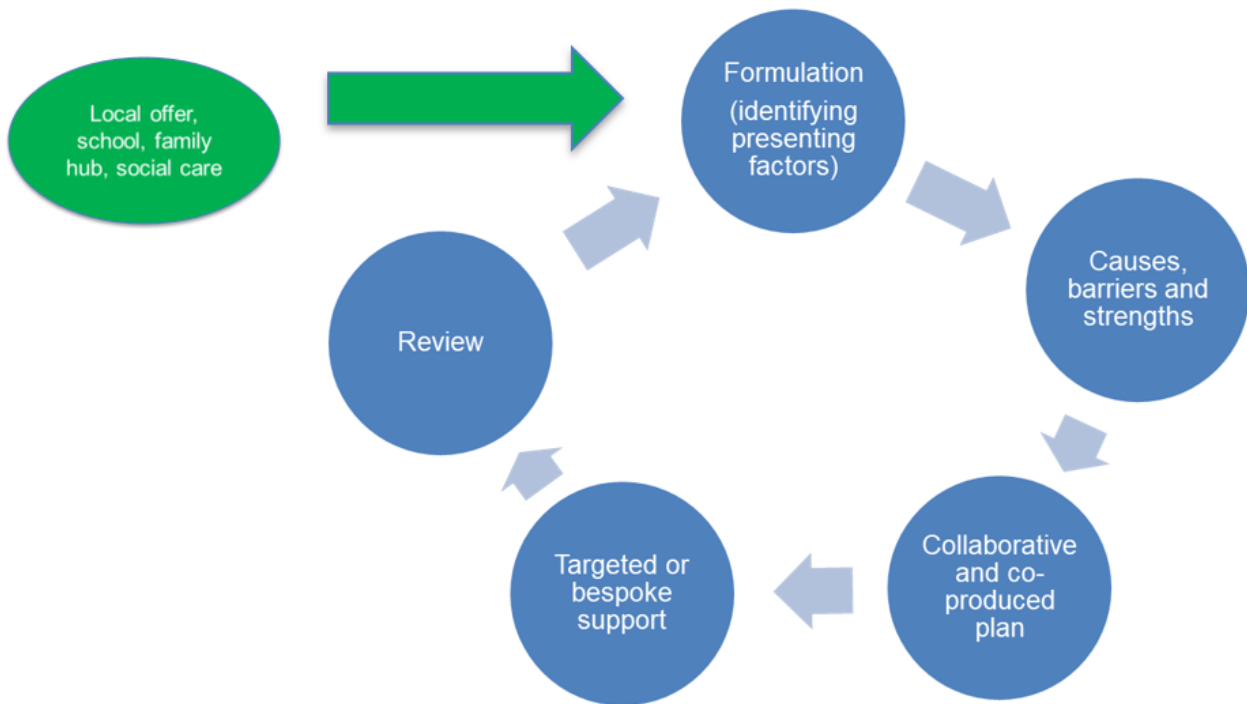


2.3 Consultation

- 2.3.1 The consultation (details of those contacted within the appendices) informed us that families wanted a more flexible and holistic approach to short breaks, as well as more choice in terms of provisions available.
- 2.3.2 They want to have more information about things they can access and an easier, clearer referral process. Families also reported that the fixed and proximal locations of YPAT and Orchard View and the distance from where they live are barriers for many to accessing them.
- 2.3.3 People expressed a desire to use community venues and organisations but were concerned about a lack of facilities for personal care or wheelchair access. Some consultees said that they would be happy to contribute towards provisions, either financially or in terms of time and support.
- 2.3.4 The most common presenting needs of those children using the short breaks service were autistic spectrum conditions, social and communication difficulties, and speech and language difficulties.

2.4 The new model for short breaks and respite

- 2.4.1 The new service model was developed based on the intelligence gathered from the consultation. The new more flexible referral process utilises formulation (which is a structured and collaborative process for bringing together information to best understand presenting conditions) as an entry and review mechanism. This is intended to ensure a fair access to service for all, that promotes the concepts of prevention and low-level support proportionate to needs, co-producing plans and activities with partners and peers in a place-based way and community-level engagement. The cyclical model also ensures required additional targeted and bespoke support is identified and accessed through the model:



2.4.2 Information about the short breaks and respite model and overall offer will continue to be widely publicised through the Local Offer website, schools, family hubs and community groups. Each family will take part in a formulation discussion to establish their individual needs, strengths and challenges. This will be holistic and wide-ranging, facilitated by skilled and trained professionals. The formulation process will help identify the specific causes of presenting issues, any barriers to overcoming them and the strengths within the family and community that can be utilised, rather than the existing linear referral approach that automatically moves children and families into higher level support interventions that may be disempowering for the family.

2.4.3 Through the new model, a plan will be developed to meet those needs and a package of support will be formulated with the family. A broad range of support options will be considered, such as support to access activities, such as sports and leisure activities. Support will be provided at the lowest appropriate level, with escalation to more intensive support only when necessary, as outlined through the ongoing formulation process. We will work *with* families to reduce the need for higher level interventions. This will increase options for group and community activity and help to promote independence and life skills. Parents suggested in the consultation that they would be willing to contribute financially to some activities in order to support a more flexible and sustainable approach to the activity offer. This approach will be explored further during the implementation of the new short breaks model.

2.4.4 The effectiveness of the support package will be regularly reviewed. If outcomes continue to be met the support may continue at the same level. If needs have changed, the provision may be stepped up or down and the cycle continues.

2.4.5 Service-users will be able to self-serve their requirements from the information and community directory to be found on the Local Offer website. Community organisations will be supported to increase inclusivity and be accessible to young people with SEND. This will be supported by a re-launch of advice and training in relation to meeting additional needs and from necessary alterations to buildings and facilities. A number of organisations have already received capital grant support to improve their facilities to be

more accessible through the Kirklees Council Our Space scheme. It should be noted, however, that the most frequent presenting needs for short breaks are social, emotional and mental health (SEMH), or neurodiversity, rather than physical disabilities. We will continue to support young people with additional needs to access universal services, supporting integration in the community and developing key life skills.

2.4.6 Council staff involved in referrals and assessments will be supported and trained to implement this new way of working, led by the formulation programme team and in conjunction with colleagues from the children's disability social care service.

2.5 Implications for current provisions

2.5.1 To facilitate the new enhanced community and place-based approach, some changes will be required to the council provisions at YPAT and Orchard View. The existing YPAT building at Havelock Street, Ravensthorpe, as outlined in the cabinet report presented in 2022 is outdated and no longer fit for purpose. It is proposed that the service will move out of that building and temporarily co-locate with Orchard View, which will become the hub for staff involved in community activities.

2.5.2 Bringing the two staff teams together will bring benefits in terms of skills mix and skills transfer between them. To maximise flexibility, staff will become multi-skilled to work across a range of provisions.

2.5.3 Orchard View currently has a capacity of 8 beds with an average bed occupancy rate of 4.6 over the last 12 months. The new co-located model at Orchard View will mean space at Orchard View will be used for activities offering minimal disruption to capacity for beds until sufficient community activity venues are established. However, the average usage will be maintained. Overnight places for those accessing the services will continue to be prioritised according to need, and new referrals will benefit from the new formulation-based model to determine appropriate support.

2.6 Financial model

2.6.1 The financial model has been developed based on the Needs Analysis (Appendix B), and proposed delivery model. This will maintain current service level to meet the needs of existing children and families accessing provision whilst the new service model is being implemented.

2.6.2 The new service model will result in some staffing efficiencies being made. The majority of the efficiencies will be achieved immediately due to vacancies that have been held in anticipation of the model development. It is anticipated that 12 FTE posts will be affected, 7 of which are vacancies. Due to the highly skilled nature of staff and demand for resource across the residential services there is minimal risk of staff not having access to deployment opportunities.

2.7 Timescales

2.7.1 The cabinet report in September 2023 committed to a total cost efficiencies target of £400,000.

2.7.2 The proposed service transformation will result in £261,165 efficiencies realised immediately from 1st April 2024, with a further £178,340 in summer 2024 when the model transformation is concluded. This provides efficiencies of approximately 10% in

excess of the £400,000 to allow for any slippages due to implementation and/or HR processes.

2.7.3 Additionally, a previously approached capital spend of £1.2m has been avoided by moving to a community-based model and therefore not replacing the current YPAT building. There may, however, be some capital costs incurred if community buildings required improved facilities to enable access, for example.

2.8 Expected impact/outcomes, benefits & risks (how they will be managed)

2.8.1

- The new service model is expected to deliver improved outcomes for children and families.
- Presenting needs will be understood holistically, with sustainable, long-term solutions put in place.
- Ongoing reviews will take place to step up or down the levels of support offered as appropriate.
- Solutions will be personalised and proportionate.
- Families will be able to source their own solutions from the information and guidance made available and will be more engaged with their own access to services.
- Children will benefit from a range of fun and enriching experiences.
- Communities will be empowered to form groups and to create facilities.
- Families will receive their support closer to where they live.
- The council will continue to offer high quality overnight respite where appropriate.

2.8.2 However, the following risks have been considered:

Risk	Mitigating Actions
A potential temporary reduction in capacity for overnight respite at Orchard View	<p>Incorporating the prioritisation/formulation-based triage process should mitigate and prioritise key need.</p> <p>Identifying early intervention strategies, which will reduce the need for overnight provision, whilst improving outcomes for children and families.</p>
Children who are unable to access their current offer or future assessed need through a temporary reduction to Orchard View capacity may seek to access Domiciliary Care provision to meet their needs. This may impact on an increased agency budget spend.	<p>This impact will be temporary as we transition to our new model, and further mitigated through our early intervention strategies, which will help us reduce the demand for Domiciliary Care and/or Direct Payment support moving forward.</p> <p>We will continue to be able to support current levels of demand, however if required we would utilise one unit at Orchard View to cover the six weeks holidays to support YPAT holiday activity. Ensuring any impact to agency budgets is minimised.</p>

<p>Limited/unknown community-based infrastructure to meet the needs of children requiring specialist support.</p>	<p>Mapping, engaging and commissioning community venues to ensure suitability, including provision of specialist equipment including wet rooms, hoists etc has already been initiated and is a key priority for the project group following cabinet approval.</p>
<p>Judicial review: Children with assessed needs are unable to access provision to meet them, due to a reduction in capacity across the short breaks offer (Universal, Targeted and Specialist).</p>	<p>We are developing a nuanced and inclusive offer, accessible at each level including a new focus on bespoke support for children and families. Work is ongoing with legal services to ensure legislation compliance.</p> <p>The new model does not remove access to overnight respite breaks to those that require it.</p>
<p>Organisation Reputation – If people feel “done to” rather than “worked with”.</p>	<p>Whilst the consultation findings provide evidence that we have listened to the view of a wide range of stakeholders, we intend to undertake further work to co-produce the new model.</p>
<p>HR process including possible service change process which would result in a proportion of the savings not realised until Summer 2024.</p>	<p>A “buffer” has been added to the in-year savings target which mitigates the impact of initial savings not realised. Early Access Deployment is also available which could mitigate this risk should there be a requirement for a service change process.</p> <p>We have held a number of vacancies within the residential estate to accommodate the potential for highly skilled and affected staff to retain employment in our services.</p>

2.9 Evaluation

2.9.1 It is critical to ensure that any service change makes a positive impact to young people, their families, and services. We will continue to work with stakeholders to evidence the impact of evaluation of short breaks provision following implementation of the new model. This will include:

- Working with the formulation team to best understand the specific needs, set SMART (Specific, Measurable, Achievable, Relevant and Time-Bound) outcomes, and review progress for children and young people.

- Evidencing how short breaks activities are improving the outcomes for young people accessing the provision, demonstrating impact, to make these activities more attractive to potential funders who may wish to support activities set up by parents and carers.
- Evidencing the impact of early intervention strategies.
- Regularly reviewing our offer to ensure delivery is evidence informed and in line with the “Golden Thread” principles, and our Kirklees values of kindness, inclusion and pride.

2.9.2 The implementation of the service model and outcomes for children and families will be closely monitored via a working/project group. Service and finance performance will be reported and scrutinised at Children’s Senior Leadership team, the Early Support Partnership, and the Starting Well Board. Impact upon related services will be monitored.

2.10 Sustainability

Quality assurance and monitoring will determine whether provision is delivering value for money, as well as positive outcomes, high quality and fun activities for children and young people. Relationships with stakeholders will be further developed and maintained to develop the place-based offer. This will include coproduction with parents, carers and young people.

2.11 Key services & agencies involved.

- Orchard View
- YPAT
- Formulation Team
- Children with a Disability Service
- Early Support and Inclusion Team
- Holiday Activity and Food Programme
- Community Hubs
- Schools
- Community venues / activities
- External overnight provisions

3. Implications for the Council

3.1 Working with People

A wide range of stakeholders have contributed to the development of the new offer. Families will continue to be involved in new and different ways to establish and deliver the most appropriate level of support whilst improving outcomes.

Staff will be engaged to create an integrated service, ensuring they have the skills, knowledge and behaviours required. The Kirklees values of kindness, inclusion and pride are at the centre of this work.

3.2 Working with Partners

Throughout the consultation we have liaised and worked with partners to ensure we have asked the right questions to discover how we can best meet the needs of children and young people in Kirklees. We will continue to work with Parents of Children with Additional Needs (PCAN), other interested parents/carers, community members, staff, and elected

members. Continued involvement of community groups and venues will be crucial as we implement and develop our new model to ensure we can offer a wide variety of support.

3.3 **Place Based Working**

A key priority for Children & Families directorate is the development of place-based working and the Families Together model. The new short breaks and respite provision will be an important component of this model as it will not only bring in valuable community intelligence but will help to disseminate information to families.

3.4 **Climate Change and Air Quality**

A delivery model that means families can access support nearer to where they live, will result in shorter journeys for families, and in turn reduce emissions, positively affecting air quality and climate change.

3.5 **Improving outcomes for children**

- 3.5.1 Optimal outcomes for our children are receiving targeted, meaningful, and purposeful activities that increase life skills and experiences, as well as meeting specific identified health and wellbeing needs, and simultaneously developing greater independence skills. The premise of the new model is to provide the right support at the right time in the right place. Providing tailored services nearer to where families live would increase access for a wider range of families across Kirklees. Better integration of services provides opportunities to share the high-quality skills of staff and ensure consistency of relationships with children and families.
- 3.5.2 The new model would involve the family, services, and community in formulating the individual needs of the young person to provide a creative, individualised plan. As an example, a young person with additional needs might wish to play football at a local sports club but might require some support to do so. This support could be provided by a staff member or volunteer. The activity could be planned for an evening, weekend or other time which would be most beneficial to the family.
- 3.5.3 In another example, under the current model an assessment might identify a lack of sleep for both the child and parents which has an impact on quality of life for all, work performance or attendance for the parents or school attainment for the child. The assessment might typically result in the provision of 2 overnight stays per month at Orchard View and 4 hours per week of domiciliary care.
- 3.5.4 Under the new model the formulation identifies that the child's lack of sleep is linked to them feeling socially isolated and not engaged in physically demanding and emotionally engaging activities. A plan would be developed in partnership with parents, carers, the young person, and a local support group to develop a friendship group with other local young people and families. This would deliver a range of community based stimulating activities and increased social contact. This would be supplemented by sleep strategy support for the parents from the Families Together parent offer which would provide a more sustainable long-term solution to the sleep issues. The total cost of the new approach in this case would be approximately one third of the previous cost.

3.5.5 The consultation also identified a need for an increased and broader range of provisions for children under 8 years old. Further work with parents and providers is required to understand their needs and any barriers to accessing mainstream provisions and to increase accessibility.

3.6 Financial Implications

- The proposed service re-design will achieve efficiencies of £400k.
- Providing a range of support options nearer where children and families live will reduce the transport costs for individual families and the Council transport spending.
- Use of community venues may involve costs. However, the consultation findings suggested that some parents/carers would consider contributing towards services for additional support where these meet their needs.
- Some further capital investment to support the development of community venues may be required.

3.7 Legal Implications

Advice from Legal services has informed this consultation and design process. Recommendations fall in line with obligations under these legal duties (see appendix C). When making funding decisions in relation the provision of short breaks, the council must do so and has done in compliance with all the material considerations required by the relevant law.

3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

3.8.1 A risk register has been put in place to monitor current and emerging risks. A project team will oversee the implementation of the new service model.

3.8.2 An Integrated Impact Assessment has been completed – [Integrated Impact Assessments Short breaks 2024](#)

4 Consultation

The consultation took place between 20th November 2023 and 2nd January 2024. Targeted engagement was conducted with all relevant stakeholders by means of

- An online survey for parents/carers which was produced with support and challenge from PCAN. This received 42 responses.
- Drop-in sessions facilitated for service users of YPAT and Orchard View as well as PCAN members from north and south Kirklees. 6 sessions were held in venues across Kirklees, 39 people participated.
- The Local Offer Live Event held at Dewsbury Town Hall on 29/11/23.
- A total of 6 consultation sessions held with 13 children and young people who attend YPAT (4 sessions) and Orchard View (2 sessions). The Voice and Influence Team supporting our participation groups over a period of time to contribute to the consultation. This ensured we were able to get the views of children and young people, some of whom have complex communication needs. This included meaningful advocacy through relationships which have been established over several months.

- A Staff survey shared with Orchard View and YPAT colleagues. 26 responses were received.

5 Engagement

- 5.1 Ahead of the consultation in November 2023, our Parent Carer Forum, Parents of Children with Additional Needs (PCAN) were engaged to seek guidance and input on proposed survey questions. PCAN also identified opportunities for face-to-face consultation, including coffee mornings held in different areas of Kirklees. Specific feedback and views from PCAN members, alongside staff and other interested parties are included in the report.
- 5.2 Engagement and question & answer sessions with staff at YPAT and Orchard View took place in October and December 2023 directly with the Service Director, Heads of Services and those involved in the consultation process.

6 Options

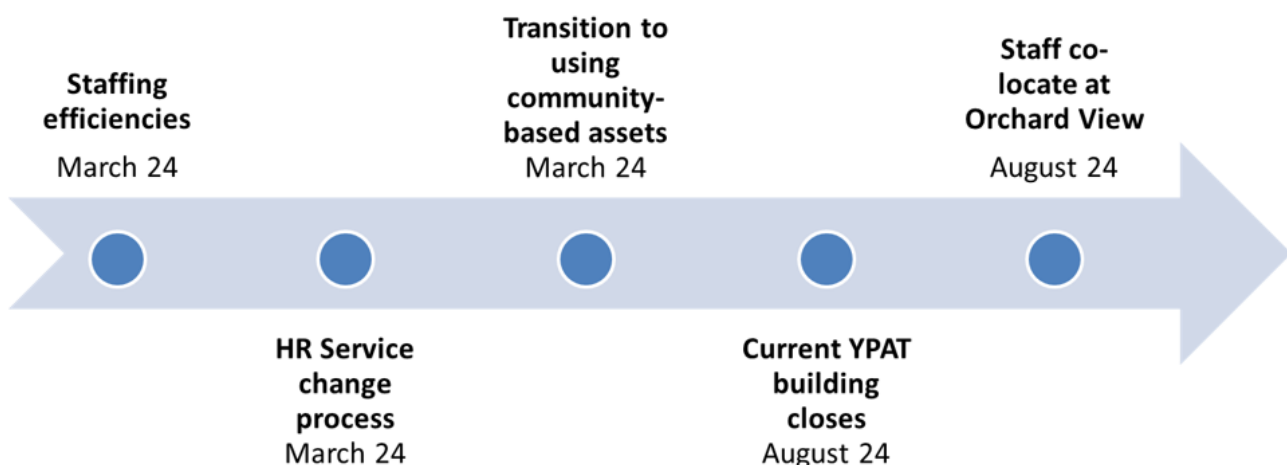
6.1 Options Considered

The new community-based model for short breaks and respite provision described in this report has been developed following consultation with service users in order to better meet their needs. During the development of the model a number of different options have been considered, none of which would fully meet the emerging and identified needs of families or realise the financial efficiencies required.

6.2 Reasons for recommended Option

- 6.2.1 The proposed model will achieve the efficiency target of £400,000, whilst providing flexible, personalised, enabling, local provision that families have asked for based on consultation outcomes.
- 6.2.2 The current YPAT building will no longer be available post summer 2024. This would require capital investment to provide a replacement facility.

7 Next steps and timelines



8 Contact officer

Dr Kieran Lord – Service Director, Resources, Improvement and Partnerships
Stewart Horn – Head of Children’s Integrated Commissioning

9 Background Papers and History of Decisions

[26/7/2022 – Cabinet Paper - Capital Scheme - Specialist Accommodation at former Children's Place Nursery, Netherfield Road, Ravensthorpe](#)

To consider proposals for a capital scheme from the Children's Service Best Start Capital Programme.

RESOLVED – That approval be given to the release of up to £1,358,353 from the Best Start Capital Programme to enable procurement of works to proceed.

[29/09/2023 - Cabinet paper - Redesign of Short Break, Respite and Support Provision](#)

RESOLVED –

1) That authority be delegated to the Strategic Director for Children's Services, in consultation with the Portfolio Holder for Children's Services, to finalise plans for, and enter into, a six-week consultation relating to the redesign and reconfiguration of the short breaks, respite and support services for disabled children, young people and their families.

2) That the outcome of the consultation be considered at a future meeting of Cabinet for decision.

10 Appendices

Appendix A – Consultation Findings Report

Appendix B – Needs Analysis

Appendix C – Relevant Legislation

11 Service Director responsible

Dr Kieran Lord – Service Director, Resources, Improvement and Partnerships

Title of Report: Short Breaks Consultation Summary

Report Content: Overview of the Short Breaks Consultation – Process & Responses

Overview of Short Breaks Consultation Process

Cabinet delegated authority on 26th September 2023 to proceed with a consultation to establish options to design the optimal service for children and young people across the geographic region of Kirklees.

The consultation considered a change of service delivery from the previously approved model of resource focused in one fixed location towards an integrated, place based, and partnership delivered approach.

The consultation process involved all relevant stakeholders in a targeted approach to ensure the voices of staff, parents, carers, children and young people were heard.

This was facilitated via the following means:

- An online survey for parents which was created with the support of and feedback from Parents of Children with Additional Needs (PCAN) members.
- A staff meeting at Batley Town Hall on 17th October 2023.
- Director visits to YPAT and Orchard View on 17th December 2023.
- An online survey for staff.
- Targeted drop-in sessions for YPAT, Orchard View and PCAN members across North and South Kirklees.
- Targeted engagement sessions for children and young people.
- A stall at the Local Offer Live Event.

The online survey sought feedback on how parents, carers, children and young people access short breaks, what works well, what does not work well and what could be improved.

The facilitated targeted engagement sessions asked stakeholders for their comments and views on the current model including what improvements could be made.

This paper provides a summary of the overall findings from the online survey and targeted engagement.

Overview of Responses Received to the Online Consultation

42 individuals participated in the online consultation survey which ran from 20th November 2023 to 2nd January 2024. The responses were all from parents and carers with children and young people who access short breaks.

Survey Respondents

28 responses were from parents or carers who identified as White British, 6 from parents or carers who identified as Asian or Asian British and 5 from Black, African or Black British.

The ages of the children or young people accessing short breaks were as follows:

- 0 to 5 – 4
- 6 to 8 – 4
- 9 to 12 – 11
- 13 to 18 – 19
- 19 to 25 – 2
- Prefer not to say – 1

37 parents or carers acknowledged that their child or young person accessing short breaks had a diagnosed medical condition(s) with 4 saying no.

Please see a summary breakdown below of the condition(s) that represent the disabilities of the child or young person from the parent or carer who responded to the survey.

Conditions	No
Autistic spectrum condition	23
Social and Communication difficulties	19
Speech and Language Difficulties	18
Global developmental delay	12
Profound and multiple learning disabilities	11
Sensory processing	11
Wheelchair user	11
Eating and drinking - needs help with	10
Learning difficulty (e.g. Dyslexia)	9
Uses alternative communication eg. Sign language, picture symbols	8
Epilepsy	7
Mild to moderate learning disability	7

Please see a breakdown of the short breaks services that have been accessed by a child or young person.

Short Breaks Service	
Direct Payments	43%
Targeted Community Activity Groups	38%
YPAT	36%
Other	29%
Domiciliary Care Agencies	17%
Orchard View	7%
Universal Community Activity Groups	0%

Key Findings

Between 20th November 2023 and 2nd January 2024, the following individuals and children or young people provided feedback and comments on a range of short breaks services which all contributed to the consultation analysis. Here is a summary of who responded or participated in additional targeted sessions:

- 42 parents and / or carers completed the online consultation survey on behalf of their child or young person.
- 5 members of staff completed a staff consultation survey.
- 13 children and or young people who use the services participated in a targeted engagement session.
- 35 individuals participated in 6 separate targeted engagement sessions across different respite sites.

Please see a breakdown of the key findings to the two main questions which we asked participants throughout the consultation period which were as follows:

- What works well?
- What can be done differently or improved?

3.3 What works well?

Quality of Care

- The staff at the short breaks services are highly skilled and provide complex care to children and young people with a range of different behaviours.
- The children and young people feel safe and have built excellent rapport with the staff at all sites.
- The flexibility of the short breaks offer is excellent and is welcomed by those accessing various different services.

Activities

- The activities provide the opportunity for children and young people to develop skills and socially interact with others.
- The activities are fun and provide opportunities for developing skills.

Essential Respite Care

- The short breaks are incredibly important as it improves our resilience and family dynamic as parents / carers are able to spend time with other family members.
- Short breaks are vital to individuals physical and mental health and allow for a much-needed break.

3.4 What can be done differently or improved?

Triage / Referral Process

- Review the intervention and triage process so the correct package of care is provided from the offset with an emphasis on exploring all options available for suitability and preference.
- Referral process to be reviewed so it is both top down and bottom up in its approach.
- We will triage referrals to our short breaks service by working closely with our formulation team to ensure we apply personal centred approach and identify measurable outcomes when allocating resources.

Package of Care

- Review the package of care provided per individual so we ensure we support any unmet need.
- Emergency respite would be greatly welcomed when a parent or carer requires additional support.
- Any new model must address the tiers of support and care package offered.

Activities

- Review the choice of activities and number of sessions offered per week / month to gauge accessibility and availability.
- There are limited activities available for under 8's.

Information

- Improve the information provided so it is easily accessible, well informed and up to date so sharing and signposting is easier for all.

Complex provision

- Review the provision for children and or young people with more complex needs and behaviours to ensure there is a range of activities available and establish whether additional support (1-2-1 or 1-2-2) can be provided for certain activities.

Direct Payments – Consultation Analysis

18 parents or carers responded to the Direct Payments service.

15 parents or carers acknowledged that their child or young person accessing Direct Payments had a diagnosed medical condition(s) with 3 saying no.

Ethnic Group		Age Group	
White British	13	0 to 5	2
Asian or Asian British	2	6 to 8	2
White Other	2	9 to 12	4
Black, African or Black British	0	13 to 18	7
Another Ethnic Group	1	19 to 25	2
Mixed or Multiple Ethnic Groups	0	Prefer not to say	1
Prefer not to say	0		

Summary

What works well?

- The flexibility of arrangements for personal assistants and choosing the correct care is excellent and greatly valued.
- The complex support is provided with the upmost care and improves our resilience and family dynamic as parents / carers are able to spend time with other family members.
- It is very noticeable how experienced and knowledgeable staff are in caring for the children and young people.
- Short breaks result in parents / carers having a break and sometime to themselves.

What can be done differently or improved?

- There are some recruitment concerns in relation to personal assistants and carers and in finding the appropriate care.
- Improve information sharing and ensure services are better coordinated.
- Build a pool of direct payment workers and review the current policies.
- Review the package of cares we can offer to ensure we support any unmet need.
- It can be very difficult to find carers for very short hours whether that be for a school run or ad hoc care requirements.
- More choice of activities, particularly community-based activities are required.
- Review age restrictions on short breaks.
- Options for a paid service for additional days.
- Ongoing parental support would be much appreciated.

Targeted Community Activity Groups – Consultation Analysis

16 parents or carers responded to the TCAG's service.

15 parents or carers acknowledged that their child or young person accessing TCAG's had a diagnosed medical condition(s) with 1 saying no.

Ethnic Group		Age Group	
White British	10	0 to 5	0
Asian or Asian British	5	6 to 8	2
White Other	1	9 to 12	6
Black, African or Black British		13 to 18	6
Another Ethnic Group		19 to 25	2
Mixed or Multiple Ethnic Groups		Prefer not to say	0
Prefer not to say			

Please see the breakdown in the table below of the difference short breaks has at TCAG's.

Positive Difference	Number	% of Respondents
Provides a fun experience for my child	14	100%
Gives my child the skills and confidence to manage new experiences	12	86%
Enables my child to develop and maintain good quality friendships	11	79%
Having time with my other children or wider family	10	71%
Supports my mental health and wellbeing	8	57%
Getting jobs done at home	7	50%
Gives me a break from my caring role	6	43%
Helps to establish good quality night time routines, resulting in better quality sleep	4	29%
Helps with ways to better manage behaviour that is challenging	3	21%
Catching up on sleep	3	21%

Summary

What works well?

- We have always had very positive experiences at Shabang as the staff are friendly, welcoming and there is a choice of activities.
- The staff have excellent knowledge of children and young people's needs, complexities and parental support.
- The activities are fun and provide opportunities for developing skills.
- The range and flexibility of activities available is excellent.

What can be done differently or improved?

- Some activities have long waiting lists so accessibility can be difficult despite the range offered.
- Parking is an issue, including for those who use wheelchair accessible vehicles.

- There is no provision for children and young people with more complex needs and behaviours. Having the choice of a group with 1-2-1 or 1-2-2 support would be extremely welcomed due to additional care needs required.
- Offer longer hours so parents and carer receive much needed downtime.
- Ensure groups such as Endorphins can provide for continence issues.
- Increased hours during the school holidays.
- More streamlined information on the activities available in the area would be very helpful as there is currently a gap here.
- Transport and accessibility is a barrier for some.

Young People's Activity Groups (YPAT) – Consultation Analysis

15 parents or carers responded to the Direct Payments service.

14 parents or carers acknowledged that their child or young person accessing YPAT had a diagnosed medical condition(s) with 1 saying no.

Ethnic Group		Age Group	
White British	12	0 to 5	0
Asian or Asian British	0	6 to 8	1
White Other	2	9 to 12	3
Black, African or Black British	1	13 to 18	11
Another Ethnic Group	0	19 to 25	0
Mixed or Multiple Ethnic Groups	0	Prefer not to say	0
Prefer not to say	0		

Please see the breakdown in the table below of the difference short breaks has at YPAT.

Positive Difference	Number	% of Respondents
Provides a fun experience for my child	15	100%
Gives me a break from my caring role	14	93%
Enables my child to develop and maintain good quality friendships	13	87%
Having time with my other children or wider family	13	87%
Gives my child the skills and confidence to manage new experiences	11	73%
Getting jobs done at home	8	53%
Supports my mental health and wellbeing	8	53%
Catching up on sleep	4	27%
Helps with ways to better manage behaviour that is challenging	2	13%
Helps to establish good quality night time routines, resulting in better quality sleep	1	7%

Summary

What works well?

- The staff are highly experienced and provide quality care at YPAT.
- The activities provide the opportunity for children and young people to develop skills and socially interact with others.
- Participation in activities gives access to the community in a measure way whilst also integrating and including children and young people with disabilities into other groups.
- The outcomes of accessing YPAT short breaks have been excellent.

What can be done differently or improved?

- The building requires investment, and the location can be difficult to reach (or take considerable time).
- Options for a paid service for additional days.
- Referral process to be reviewed so it is both top down and bottom up, specifically based on the needs analysis and requirements of each child and young person.

- Any new model must address the tiers of support and care package offered.
- Review the full activities package to ensure the greatest flexibility for those accessing them.
- More holiday provision.
- Transport continues to be a barrier to accessing care.
- Vital information is up to date and easily accessible.
- Services must work in coordination with each other.

Other – Consultation Analysis

12 parents or carers responded to other respite care offered.

11 parents or carers acknowledged that their child or young person accessing other short breaks respite care had a diagnosed medical condition(s).

Ethnic Group		Age Group	
White British	8	0 to 5	2
Asian or Asian British	1	6 to 8	0
White Other	2	9 to 12	3
Black, African or Black British	0	13 to 18	6
Another Ethnic Group	0	19 to 25	0
Mixed or Multiple Ethnic Groups	0	Prefer not to say	0
Prefer not to say	0		

Please see the breakdown in the table below of the difference short breaks respite has at other short breaks buildings e.g. Hollybank.

Positive Difference	Number	% of Respondents
Gives me a break from my caring role	10	91%
Getting jobs done at home	10	91%
Supports my mental health and wellbeing	10	91%
Provides a fun experience for my child	10	91%
Having time with my other children or wider family	10	91%
Enables my child to develop and maintain good quality friendships	8	73%
Gives my child the skills and confidence to manage new experiences	8	73%
Helps with ways to better manage behaviour that is challenging	6	55%
Helps to establish good quality night time routines, resulting in better quality sleep	5	46%
Catching up on sleep	5	46%

Summary

What works well?

- Hollybank provides not just excellent care for complex children but also quality assurance due to the regular regulatory checks by respective governing bodies.
- Hollybank is a huge lifeline and the support to me and my child is greatly appreciated.
- In some cases, carers take children or young people out of Hollybank to other activities which would not occur without that support.
- Agency workers providing care in the home allow parents to spend time with other children in the family home which is necessary for family resilience.
- The respite carers provide excellent support.

What can be done differently or improved?

- The transition to adult services and in the community is a huge challenge so a review of that support and how it is implemented would be welcome. Continuity is vital.
- Currently, only overnight respite care is on offer to PMLD children.
- More creative and sports-based activities.
- Activities do not always provide respite if the parent or carer is supervising, or present so additional support would be welcomed.
- Unplanned sickness for respite in the home causes difficulties with work and other responsibilities .
- More control over how hours are distributed would be welcomed.
- More hours of care are required in the holidays.
- Increase staffing numbers so more facilities can be accessed.

Domiciliary Care – Consultation Analysis

7 parents or carers responded to the Domiciliary Care service.

7 parents or carers acknowledged that their child or young person accessing Direct Payments had a diagnosed medical condition(s).

Ethnic Group		Age Group	
White British	6	0 to 5	2
Asian or Asian British	0	6 to 8	0
White Other	1	9 to 12	2
Black, African or Black British	0	13 to 18	3
Another Ethnic Group	0	19 to 25	0
Mixed or Multiple Ethnic Groups	0	Prefer not to say	0
Prefer not to say	0		

Summary

What works well?

- The staff are skilled and provide safe caring support to the children and young people.
- The flexibility of support whether it be day or night is appreciated and it allows for family time with other children / partner. Short breaks are vital to individuals physical and mental health and allow for a much-needed break.
- The flexibility of the short breaks offer is great as it means we can decide how children and young people are supported.

What can be done differently or improved?

- The rota system in place for carers does present some issues.
- There have been some past difficulties with care agencies.
- Some of the short breaks are limited in time which means it is difficult to travel further away from the family home or plan ahead.
- A hybrid model of care with more control of how hours are distributed would be welcomed.
- Children under the age of 8 also need access to overnight short breaks.
- Recruitment of personal assistants and the overall package of care (which includes the use of agencies) needs to be reviewed.
- Transport needs to be made available so short breaks can be accessed much more easily.
- More community activities are needed for children and young people with challenging behaviour.
- Review the intervention and triage process so the correct package of care is provided from the offset.

Orchard View – Consultation Analysis

3 parents or carers responded to the Orchard View service.

2 parents or carers acknowledged that their child or young person accessing Orchard View had a diagnosed medical condition(s) with 1 saying no.

Ethnic Group		Age Group	
White British	2	0 to 5	0
Asian or Asian British	0	6 to 8	0
White Other	1	9 to 12	0
Black, African or Black British	0	13 to 18	3
Another Ethnic Group	0	19 to 25	0
Mixed or Multiple Ethnic Groups	0	Prefer not to say	0
Prefer not to say	0		

Please see the breakdown in the table below of the different short breaks respite has at Orchard View.

Positive Difference	Number	% of Respondents
Gives me a break from my caring role	3	100%
Provides a fun experience for my child	3	100%
Enables my child to develop and maintain good quality friendships	3	100%
Gives my child the skills and confidence to manage new experiences	3	100%
Helps to establish good quality night time routines, resulting in better quality sleep	2	67%
Catching up on sleep	2	67%
Getting jobs done at home	2	67%
Supports my mental health and wellbeing	2	67%
Having time with my other children or wider family	2	67%
Helps with ways to better manage behaviour that is challenging	1	33%

Summary

What works well?

- The staff are very knowledgeable and provide caring and homely support to the children. They go above and beyond to cater for children and young people with complex needs.
- The staff have built excellent relationships with the children and young people at Orchard View, and they love going.
- The staff are kind, supportive and empathetic to parents which is appreciated. Short breaks provide excellent respite to individuals like myself.

What can be done differently or improved?

- The service needs to be better coordinated with YPAT in relation to availability of activities, holiday cover and information.

- The time lag in understanding if holiday cover or respite is approved needs to be addressed.
- Emergency respite would be welcome when a parent or carer is struggling or requires additional support.
- A review of transportation between respite buildings and / or to school would be welcomed as moving around the district can be timely and difficult.

Targeted Engagement – Consultation Analysis

6 separate engagement sessions were facilitated throughout the consultation period which were as follows:

No.	Session	Location
1	YPAT/Orchard View Parents and Carers	Honley Village
2	Orchard View/YPAT Parents and Carers	Orchard View
3	YPAT/Orchard View Parents and Carers	YPAT
4	All Parents and Carers of Children with SEND / Disability	Dewsbury Town Hall (Local Offer Event)
5	All Parents and Carers of Children with SEND / Disability	The Zone Huddersfield (PCAN Drop in Event)

Summary

What works well?

- The quality of skilled staff was commented on by those who attended the targeted engagement sessions.
- Short breaks and overnight breaks in particular are incredibly important and helpful to parents and carers and there are wider ranging benefits from these. This is amplified further for single parents who are very grateful for the short breaks available to them and their child or young person.
- Transport is essential as it can be a barrier for some to access support and the activities available.
- The SEND newsletter is very informative.

What can be done differently or improved?

- Accessing information is difficult and needs to be more streamlined and coordinated.
- Travelling time between short breaks sites and activities is problematic.
- There is a lack of choice with activities sometimes.
- There are limited activities for under 8's.
- Transitioning into adult care is very challenging and perhaps needs addressing.
- A review of the community activities available is required as children with complex needs and behaviours have more limited choice compared to others.
- Parent stays in and outside of the holidays would be welcomed.

Young People's Perspectives – Consultation Analysis

A total of 13 young people who use care and respite services were part of this engagement. This is a useful snapshot of thoughts, wishes, feelings and lived experience but does not capture all children and young people's views.

The connection between the young people and key workers is key

- Some of the young people who participated have accessed care and respite services regularly for a number of years, some for a short time.
- What is clear, are the bonds which are built between the young people and staff who care for them.
- Understanding communication through actions, words or specialist tools, helps the young people accessing care and respite service's feel welcome and included in their care.
- Relationships observed in this engagement are warm, knowledgeable, trusted, kind and playful. They are the foundation of the care and respite offer.

Environments, activities and peers are important

- A young person may need a flexible and adaptive space to settle into their care and respite activity or for their care needs to be met. Orchard View offers the feeling of 'home comfort' with quiet, welcoming, and safe communal spaces. The building is adapted to meet young people's care needs. Young people enjoy the privacy of 'their' bedroom and keyworkers who are committed to supporting them.
- Young people can influence their care and are enabled to make decisions about their free-time and activities on their visits. Should situations or feelings become overwhelming, there is break out space to calm or chill and people who know how to respond.
- When visiting the YPAT Base, young people can use the soft play, join in sports or arts and crafts and chill with the tech. For some of the young people, the familiarity of the building appeared to increase their engagement and communication.
- When visiting a community venue, the young people explored, played together and immersed themselves in the activity. They were observed to be happy, engaged and well supported.

What children and young people communicate about their care and respite services?

- Familiarity and routine are important. Changes to the people supporting us, places we go, and schedule of our visits can be very unsettling.
- Having choice in how our care is delivered matters. This was observed from choosing my 'room', what I will eat, the games or activities I'll join in and places I might visit.
- Being in a place where I can be with my friends and equally be able to get a little space if I need to, allows me to socialise, develop connections and gain independence. There needs to be safe spaces where I can go and feel my emotions if I'm feeling unhappy or overwhelmed.
- The consistency and relationships I build with key workers who understand my communications, likes, interests and can respond to my needs, helps me feel welcome and happy, whether this is in a residential, specialist or community setting.
- I might be able to communicate the places that I like to visit or feel welcome. My school, the bounce park, play-gyms and swimming baths are all exciting or familiar. I might need adults to ensure these places have the facilities and adjustments I need to make them accessible for my needs.
- I might need support at mealtimes (with my choices of food, feeding apparatus or behaviours). YPAT Base and Orchard View are great at understanding my needs and enabling me to eat, comfortably.

Staff Engagement – Consultation Analysis

5 individuals completed the staff survey.

Summary

- The activities and short breaks offer much needed short breaks to parents and carers.
- The building provides familiarity and consistency which children and young people appreciated.
- There is a range of activities offered which allows children and young people to develop social and communication skills. They have the option to interact in these activities with their peers or to participate on their own as full flexibility is offered.
- Quality specialist support is offered to children and young people.
- The staff at YPAT are trained to manage complex behaviours and medical needs so families feel their children's complex needs are met.
- The after-school outreach service in South Kirklees has reduced travel time for parents and we have received very positive feedback about the activities offered.
- Staff take the young people out on trips which they thoroughly enjoy, and this enables them to grow their confidence and independence of going out into the wider community.

Appendix B – Needs Analysis

Short Breaks and Respite – Needs Analysis (Report for SLT 17/01/24)**Respite Care Referral and Occupancy Data**

Provision	April 2019- March 2020	April 2020 – March 2021	April 2021- March 2022	April 2022- March 2023	April 2023- Dec 23
Referrals to Orchard View	8	1	6	6	14
Children Accessing Orchard View	54	45	32	20	14
Referrals to YPAT	4	3	7	27	17
Children Accessing YPAT	102	44	60	60	59
Referrals to CWDS	289	124	98	114	53
Referrals to Early Support Multi Agency Panel	n/a	n/a	n/a	21	13

Occupancy Levels and Capacity when operating with fully staffed service.**Orchard view**

Number of available beds per night when operating with fully staff team	8
Number of nights available per year	2920
Number of nights currently allocated per year	1692

Number of Beds when operating with suggested efficiencies / current staff vacancies	4
Number of nights available per year	1460
Number of nights currently allocated per year	1692

YPAT

Activity	Capacity Per Session	Current Allocation Per Session	Weeks Per Year	Days Per Week	Hours Per Session
Summer play schemes	25	12	6	5	5
After-school clubs	12	4	40	5	3.5
Community Outreach	4	3	40	4	3.5
Weekend clubs	12	8	52	2	5
Easter play schemes	25	12	2	5	5
Christmas play schemes	25	12	2	5	5
Half-term play schemes	25	12	2	5	5

Current Staffing Compliment

<u>Orchard View budgeted establishment 24/25</u>	<u>Pay Scale</u>	Pay Scale Level	Weekly Hours	FTE	Vacancies
Manager	GRD 14	41	37.00	1.0	
Deputy Team Manager	GRD 11	32	37.00	1.0	
Residential Care Workers	GRD 6-8	14	466.20	12.6	4.3
Residential Care Workers waking night	GRD 6-8	14	139.86	3.8	
Cook	GRD 5	5	25.16	0.7	
Domestic	GRD 3	3	51.80	1.4	0.1
Passenger Assistant	GRD 5	6	0.00		
Total				20.5	

<u>YPAT budgeted establishment 24/25</u>	<u>Pay Grade</u>	<u>Pay Scale Level</u>	Weekly Hours	FTE	Vacancies
Team Managers	GRD 11	33	37.00	1.0	
Assistant Manager	GRD 9	25	74.00	2.0	
Group Leaders	GRD 7	17	148.00	4.0	1.5
Assistant Group Leaders / Activity Assistants	GRD 5	06	314.13	8.5	3.1
Cook	GRD 3	03	19.98	0.5	
Business Support	GRD 5	05	14.06	0.4	
Total				16.4	

Summary

Orchard View

Children accessing Orchard View remains low compared to pre covid levels with an average bed occupancy of 4.6 beds per night (58% capacity). Data forecasts indicate an increase in referrals will create additional demands on the service, the impact of new referrals on current demand is mitigated due to the decreased number of referrals to our Children with a Disability and ESMAP services, which has been achieved through improved signposting to early intervention services at our front door. However, data indicates referrals will continue to grow until we meet capacity if we are unable to further develop early intervention strategies and alternative resources to meet unmet need.

Current data shows additional capacity; however, we are advised by Orchard View Service manager that flexibility will need to be built into our delivery model to accommodate increased staffing ratios for children who may have complex needs and/or behaviour that challenges. It therefore suggests that based on current staffing levels and/or proposed efficiencies, Orchard View will temporarily run at capacity and be unable to accept new referrals while we have completed the transition to phase 2 of our new short breaks model.

Young Peoples Activity Team (YPAT)

Data indicates that demand for YPAT will remain level due to a slight decrease in referrals to the service.

Based on the current level of service, there will be limited capacity to accept additional referrals following implementation of our proposed efficiencies (see options paper), however it should be noted that the Council does not have a legal obligation to provide these services.

Reductions to the staffing team following efficiencies would temporarily reduce capacity, our current option to meet any additional referrals would be through the allocation of Domiciliary Care Provision and or Direct Payment, we would mitigate this risk through the implementation of our planned Phase 2 Short Breaks Model.

Orchard View and YPAT

Phase 2 of our delivery model will allow us to develop early intervention and bespoke solutions, ensuring we have capacity to flex up and down delivery during peak demand for services, e.g. holiday periods, we will also strengthen the assessment process and allocation of resources to meet unmet need through partnership with our Formulation Programme Team.

Appendix C – Relevant legislation

1. The Council has decided to undertake a non-statutory consultation on its proposals which has been carried out so it will improve the quality of the decision making. A fair consultation is one undertaken when proposals are at a formative stage; sufficient reasons are given for proposals to allow intelligent consideration together with criteria that will be applied when considering proposals and which factors will be considered decisive or of substantial importance; adequate time is given for consideration and response; and the product of consultation must be conscientiously taken into account before any final decision is taken. Members should carefully consider the outcomes of the consultation when considering the recommendations put forward by officers in this report including the IIA and all other relevant issues.
2. The Council has a duty of Best Value under section 3 of the Local Government Act 1999 to secure continuous improvement in the way functions are carried out having regard to a combination of economy, efficiency and effectiveness following the DLUCH Revised Best Value Statutory Guidance (March 2015). On 1 July 2023 the Government began consulting on draft revised supplementary guidance which closed on 15 August 2023. The Council has a fiduciary duty to taxpayers when making funding decisions and commissioning services to ensure it has regard to all the relevant legal duties and that it is prudent, affordable and sustainable in the context of the council's unprecedented budget challenges and the statutory requirement for a balanced budget.
3. The council has legal duties in relation to the provision of short breaks which include both duties owed towards individual children and families in terms of assessment and care planning and in relation to commissioning. These duties have been taken into consideration during the redesign of the Council's short break, respite and support provision and in formulating the proposed new Kirklees Local Offer (as required by s 30 of the Children and Families Act 2014) and recommendations in this report. There are two sets of Government guidance on short breaks. Firstly, DCSF, "Short Breaks Statutory Guidance on how to safeguard and promote the welfare of disabled children using short breaks" (April 2010). This focuses on whether overnight short breaks should be provided under section 17 or section 20 of the Children Act 1989. This is supplemented by DfE non-statutory guidance: "Short breaks for carers of disabled children: Departmental advice for local authorities" (March 2011). This explains the short breaks duty under the 2011 Regulations. The main legal duties are outlined below:

The Children Act 1989 (the 1989 Act)

Under the Children Act 1989, all disabled children are 'children in need' within section 17 (10) (c) and (11) of the 1989 Act. This sets out a wide definition of 'disabled'-namely, "a child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity."

Local authorities have a general, or target, duty (the short breaks duty) under Section 17(1) of the Act to provide services, which safeguard and promote the welfare of children within their area who are in need, and where this is consistent with that duty, to promote the upbringing of those children by their families. This means that in relation to disabled children, local authorities need to ensure there are services appropriate to meet those

needs. There is also a duty to assess children “in need” in the context of their family circumstances.

The 'short breaks duty' under section 17 (1) of the Children Act 1989 imposes another duty on every council (section 6 of schedule 2 to the 1989 Act) to provide services designed to minimise the effect on disabled children within their area of their disabilities; and to give disabled children the opportunity to lead lives which are as normal as possible ;and to assist carers of disabled children to continue to care and to do so more effectively, by providing carers with breaks from caring. Local authorities must ensure that services to support disabled children in need and their families include services which can provide short breaks in a “crisis” and breaks which support families to manage family life effectively. Local authorities can provide overnight short breaks at home or in a community setting under either section 17 or section 20(4) of the 1989 Act in accordance with para 2 DCSF Short Breaks Statutory guidance (April 2010).

There is a Duty to Assess all disabled children at their request taking into account the family context. Section 17ZD-ZE of the 1989 Act also provides a duty to assess the needs of parent carers of disabled children, by carrying out a “parent carer’s needs assessment” where it appears a parent carer may have needs for support, or where the Council receives a request to undertake an assessment. There is no specific duty to provide support (e.g., short breaks) to parent carers of disabled children following a needs assessment being undertaken. However, consideration must also be given to the general duty under section 17(3) of the 1989 Act and to the Breaks for Carers of Disabled Children Regulations 2011. Non-parental carers can be assessed under section 1 of the Carers (Recognition of Services) Act 1995.

Breaks for Carers of Disabled Children Regulations 2011 (the “2011 Regulations”)

The 2011 Regulations provide detail on how the Council must perform its short break duty under the 1989 Act. In performing the duty under paragraph 6(1)(c) of schedule 2 to the 1989 Act, a local authority must:

- (a) Have regard to the needs of carers who would be unable to continue to provide care unless breaks from caring were given to them; and
- (b) Have regard to the needs of carers who would be able to provide care for their disabled child more effectively if breaks from caring were given to them to allow them to –
 - (i) undertake education, training or any regular leisure activity,
 - (ii) meet the needs of other children in the family more effectively, or
 - (iii) carry out day to day tasks which they must perform in order to run their household. (Reg 3).

A local authority must, so far as is reasonably practicable, provide a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively. (Reg 4(1)). In particular, it must provide, as appropriate, a range of:

- (a) day-time care in the homes of disabled children or elsewhere,
- (b) overnight care in the homes of disabled children or elsewhere,
- (c) educational or leisure activities for disabled children outside their homes, and
- (d) services available to assist carers in the evenings, at weekends and during the school holidays. (Reg 4(2)).

In order to comply with Reg 4, the Council should consider, amongst other things, current provision of short breaks, from whatever source, the level of demand from service users

including unmet needs and whether current level of provision is sufficient to meet demand.

A local authority must also publish a “short breaks services statement”, published as part of the Kirklees “Local Offer” which sets out the range of services provided under Reg 4, any criteria by which eligibility for those services will be assessed, and how the range of services is designed to meet the needs of carers in their area.(Reg 5).

The 2011 Regulations do not refer to supporting parents of disabled children. to work. There are separate duties on local authorities in relation to childcare for parents of disabled children under the Childcare Act 2006.

Chronically Sick and Disabled Person's Act 1970 (the “1970 Act”)

The 1970 Act provides a specific service provision duty to provide any of the specified list of services to disabled children under Section 2(4). Where a local authority following an assessment under section 17 of the 1989 Act (and Working Together statutory guidance) has determined it is “necessary” to provide services (e.g., short breaks) to meet a child's needs, there is a duty to provide an appropriate level of support to meet those needs. The 1970 Act duty can be discharged through the provision of services or commissioning of services or direct payments to the family. The list of services includes short breaks at home and in the community (s.2(6)(c) .. The Council can have regard to its resources when setting its thresholds for when it is necessary to provide services. In such cases once it is accepted a short breaks service is needed, it must be provided to meet such needs in a cost-effective way, so it is not regardless of cost.

Children Act 2004

Section 11(2) of the 2004 Act imposes a duty which requires local authorities to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children which includes in relation to commissioning of short break services and budget setting for shorts breaks.

Children and Families Act 2014

Section 19 of this Act requires regard to be given to,” the views, wishes and feelings of the child, and his/her parent or young person “in relation to decisions that affect them.

For the avoidance of doubt, the Council is not exercising functions under section 27 in relation to its proposals. Section 27 requires local authorities to keep social care provision for disabled children and young people made inside and outside its area under review; and to consider the extent to which this provision is sufficient to meet the needs of these children and young people. This Act provides a clear requirement on local authorities to consider the sufficiency of provision in all relevant decision-making including budget setting. The outcome required in relation to short breaks is covered by Regulation 4 of the 2011 Regulations. The Council will need to give careful consideration to comments from disabled children, young people and parents made about the Kirklees Local Offer on short breaks. Section 27(3) requires the Council to consult a range of specified groups when it exercises functions under s.27.

Equality Act 2010

Members should carefully consider before making a decision, the Integrated Impact Assessment (IIA) at Appendix D of this report. Section 149 of the Equality Act 2010 sets out the “public sector equality duty” replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e., race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, and gender reassignment. The public sector equality duty requires public authorities to have “due regard” to the need to:

Eliminate discrimination, harassment and victimisation and other conduct prohibited under this Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and

Foster good relations between persons who share a protected characteristic and persons who do not share it, which involves having due regard, in particular, to the need to- (a) tackle prejudice, and (b) promote understanding.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to— (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, including, in particular, steps to take account of disabled persons' disabilities; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The provision of short breaks is relevant to all of the needs above, in particular the advancement of equality of opportunity for disabled children and the importance of complying with the PSED when making decisions around resources and services and impact or likely impact on disabled children and take steps to mitigate adverse impact protected groups.

Article 8 of the European Convention on Human Rights (ECHR)

Article 8 is a relevant consideration in relation to the assessment and provision of short breaks because it requires the council to respect the private and family life rights of disabled children which includes their wellbeing and ability to function socially. A breach of these rights may give rise to damages claim against the Council. Moreover, it is proper to consider international provisions, such as the UN Convention on the Rights of the Child 1989 (UNCRC) and the UN Convention on the Rights of Persons with Disabilities (UNCRPD) when interpreting the ECHR. In particular the Council should consider, Article 3 of the UNCRC (and Article 7 UNCRPD) which requires the best interests of children including disabled children to be the primary consideration in all decisions affecting them. Article 31 UNCRC refers to children's rights to age appropriate play, leisure and recreational activities; and Article 19 of the UNCRPD refers to the right to support for disabled children's full inclusion and participation in the community. Article 8 is only engaged if the proposals interfere with service user rights, and if so, may nonetheless be permissible if justified and proportionate. Provided the council complies with its statutory duties its actions should be compliant with its obligations under the ECHR.

Local Authority power to Charge

Section 29(1) of the Children Act 1989 states that where a local authority provides a service under S17 or S18, other than advice, guidance or

counselling, they may recover from a person specified in section 29(4) (i.e. each of the parents of a child under 16, a child of 16 years or more, and a member of the child's family if the service is provided to them) such charge for the service as they consider reasonable.

The Council cannot require a person of insufficient means to pay more than they can reasonably be expected to pay (S.29(2)).

Schedule 2 to the 1989 Act states: Where a local Authority provides accommodation under S20,

S21 they may recover contributions towards the maintenance of the child Looked after.

It is not lawful to charge if someone is on income-related benefits such as income support, child or working tax credits, Job seekers' allowance or employment and support allowance. (S.29(3)).



Report title: Special Educational Needs and Disabilities (SEND) – Increasing special school places for children with complex autism at Woodley School & College - final decision

Cabinet date	12 March 2024
Cabinet Member	Cllr Elizabeth Reynolds – Learning and Aspiration Cllr Viv Kendrick – Children’s Services
Key Decision	Yes – this will have a significant effect on two or more electoral wards because of the reach of SEND provision.
Eligible for Call In	Yes

Purpose of Report

This report seeks a final decision on a proposal to create additional special school places at Woodley School and College ahead of, and leading up, to the completion of construction on a new and larger school building.

Recommendations

It is recommended that cabinet:

- notes the advice of Kirklees School Organisation Advisory Group (SOAG) that the proposal to increase the number of special school places at Woodley School and College to 194 places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild is valid and that the required statutory process has been carried out correctly;
- agrees that in their role as decision-makers, they will take the decision regarding the proposals within the statutory time period, two months from the end of the representation period;
- acknowledges the outcomes and recommendations of the Kirklees SOAG meeting on 22 February 2024 and the associated officer recommendations for the proposals;
- notes the financial implications of approving the proposals;
- confirms that it has had regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 and taken into account in the Integrated Impact Assessment made in relation to this proposal.
- approves without modification or condition the proposal to increase the number of special school places at Woodley School and College to 194 places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.
- request officers to support and work closely with the governing body of Woodley School and College to finalise arrangements for pupils, parents, staff and other stakeholders in order to implement the proposal in line with the timelines in this report.

Reasons for Recommendations

- To increase the number of special school places for children with Complex Autism in Kirklees. Complex Communication and Interaction (which includes complex autism) is an area of need where demand is growing. Many children and young people with

make better, more sustained progress when they attend an appropriate specialist setting with access to specialist teaching and support staff and resources. Satellite opportunities, like the one proposed, in addition to Additionally Resourced Provisions and special school rebuild projects, are intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring the needs of more children and young people with SEND across the whole of Kirklees can be met. Building on existing good quality provision helps ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe.

- This provides better value for money than reliance upon independent school provision.

Resource Implication:

The ongoing revenue funding for additional places will be under the same formula used for the commissioning of other places at Woodley School and College from the High Needs Block of the Dedicated Schools Grant. Start-up costs will be supported from existing School Reorganisation budgets. The cost of providing places at Woodley School and College is significantly lower than the average cost of places in independent special schools.

Date signed off by Strategic Director & name

Tom Brailsford – Director of Children’s Services – 27 February 2024

Is it also signed off by the Service Director for Finance?

Isabel Brittain – Service Director for Finance – 4th March 2024

Is it also signed off by the Service Director for Legal Governance and Commissioning?

Julie Muscroft – Service Director for Legal, Governance and Commissioning – 27 February 2024

Electoral wards affected: All.

Ward councillors consulted: SEND provision serves children from across the district, all Ward Councillors have had the opportunity to engage with and respond to a non-statutory consultation about a proposed increase to 194 pupil places gradually over time, using satellite provision to enable this in the first instance. There was also an opportunity to make representations on the statutory proposals during the representation period.

Public or private: Public.

Has GDPR been considered? Yes, person-identifiable data is not present in this report.

1. Executive Summary

1.1 Linked to the Kirklees SEND Transformation Plan, a proposal was published in a non-statutory consultation to increase the number of special school places at Woodley School and College to 194 places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

1.2 The proposed 194 places include 180 places in the planned new school rebuild, and up to 14 places in the existing Woodley Post-16 satellite provision based in a shop in Huddersfield town centre.

1.3 This report requests Kirklees cabinet considers a final decision on this proposal where they are the decision maker.

1.4 On 12 January 2024 the LA (“the Proposer”) published a statutory proposal that:

- The places available at Woodley School and College be increased to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

1.5 This report sets out the statutory process that has been undertaken by the Proposer and the rationale for this proposal. It details the outcome of the formal representation period and gives Officer recommendations.

2. Information required to take a decision

The following areas will provide key context and background:

- Transformation plan
- The rebuild of Woodley School and College
- Special School Satellite provision
- The process required to increase pupil places in a special school

2.1 Transformation plan

2.1.1 Our partnership across Education, Health and Social Care aims to improve the lives and life chances of children and young people (aged 0-25) with SEND. We shape and co-produce this together with our parents and carers.

2.1.2 A comprehensive SEND Transformation Plan (STP) has been established and implementation of the multi-year programme is well underway. It is noted that work is founded on outcome / financial trajectories and the plans will continue to evolve over the lifetime of the 5-year programme in order to harness emerging best practice and capitalise on opportunities for innovation, all with the aim of improving the outcomes for our learners and their families.

2.1.3 The STP focuses on early identification of needs, key strategic investment to flexibly increase capacity and sufficiency, effective transitions for our children as they grow into adulthood, and a focus on inclusivity across all our settings and provision.

2.1.4 A key strand of the SEND Transformation Plan is ‘Commissioning and Sufficiency’, which includes improving local sufficiency of places across a graduated approach of specialist provision (see Appendix 1, page 2).

2.2 The rebuild of Woodley School and College

2.2.1 In October 2021, Kirklees cabinet agreed an ambitious plan to rebuild two existing special schools, Joseph Norton Academy, and Woodley School and College. Not only will the plan provide modern facilities for existing pupils, but the schools will also be built to accommodate more pupils to address growing demand.

2.2.2 The rebuild of two special schools continues to compliment and deliver on the Council’s 2023/24 priorities:

- Addressing the financial challenges – saving money on expensive independent provision.
- Transforming services – improving outcomes for children and young people.

- Working with people, partners and places on the cost of living – providing local high quality school places to limit the travel parents need to make.
- Continuing to invest in the future – a new build special school will serve Kirklees residents for decades to come.

2.2.3 For Woodley School and College, the agreed plan is to build a 180-place new school building on Fernside Avenue, Almondbury. It takes time to design and build a new school, so it is not expected to be complete until around Autumn 2026.

2.3 Special School Satellite Provision

2.3.1 Special school satellite provision is where a special school increases its capacity by expanding onto an additional site. The additional site may be on the site of a mainstream school which provides some physical space for satellite purposes, or it could be a suitable building not occupied by another school. Pupils attending a special school satellite provision remain on the roll of the special school. The satellite provision remains under the leadership and governance of the special school, and its staff are employees of the special school.

2.3.2 Existing examples of special school satellite provision in Kirklees include:

- Ravenshall Special School hosted by Headfield CE (VC) Junior School
- Ravenshall Post-16 provision based in a former library building
- Southgate Special School hosted by Newsome Academy
- Woodley Post-16 provision based in a shop in Huddersfield town centre

2.3.3 Admissions to special schools are made through the Kirklees SEND decision-making groups. These groups include representation from the Special Educational Needs & Disabilities Assessment and Commissioning Team, Educational Psychology, School Head Teachers/Special Educational Needs & Disabilities Co-ordinators, and other multi agency professionals. It is then for the special school to work with parents to identify which children might benefit from the environment provided on a satellite site.

2.3.4 Ahead of, and leading up to, the completion of a new, larger school building for Woodley School and College, the local authority, working with the Governing Body of Woodley School and College, believe there are opportunities to establish a further satellite site to enable a gradual increase in the number of pupil places.

2.4 The process required to increase pupil places in a special school

2.4.1 The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the 2013 Regulations) require a statutory process to be followed for establishing, removing or altering special educational needs provision at a mainstream school.

2.4.2 DfE statutory guidance [Making significant changes \(prescribed alterations\) to maintained schools](#) (Appendix 6) states that governing bodies and local authorities can increase the number of pupil places at maintained special schools by up to 10%; or 20 pupil places, (whichever is the smaller) without the need for a statutory process.

2.4.3 To date, the size and growth of the existing special school satellite provision in Kirklees has been within these limits. The scale of the planned increase in pupil places at Woodley School and College is, however, likely to exceed these limits.

2.4.4 Table 1 is extracted from the DfE statutory guidance [Making significant changes \(prescribed alterations\) to maintained schools](#) and sets out who can propose to change

the number of pupil places in a community special school and what process must be followed:

Table 1.				
Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
Governing body of community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese

The DfE Guidance explains that, as the proposer, the LA must follow the five-stage statutory process set out in Table 3:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		Where the proposed implementation timescale is longer than 3 years, the proposer should demonstrate good reason
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	
Stage 4	Referral (if applicable)	If a decision has been made, any referral to the adjudicator must be made within 4 weeks of the decision. If the local authority has not decided a proposal within 2 months, it must refer the proposal to the Schools Adjudicator	
Stage 5	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to

			any modifications agreed by the decision-maker
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2.5 Non-Statutory Consultation

The DfE Guidance states that ‘Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations’ (page 36).

A four-week non-statutory consultation took place between 29 September 2023 and 27 October 2023, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties. The consultation document can be found at Appendix 1.

On 13 November 2023, the non-statutory consultation outcomes report was published on the Council’s external website (SOAG Appendix A). Key stakeholders were notified and sent a link to the report. On 13 November 2023, the Strategic Director for Children’s Services, having been given delegated authority to do so by Kirklees cabinet on 17 October 2023, agreed to proceed with the next stage of the statutory process and the publication of the related statutory notice and proposal.

2.6 Publication

The statutory notice (SOAG Appendix D) and proposal (SOAG Appendix E) were published on 12 January 2024. The representation period commenced on this date and ended on 8 February 2024, therefore lasting for a period of four weeks, and meeting the requirements of School Organisation Regulations.

Note: For full transparency, Kirklees Council originally published a statutory proposal on 13 November 2023. However, internal cross-checking processes revealed a technical omission in the original statutory process which would have compromised final decision-making. On 12 January 2024, Kirklees Council withdrew the statutory proposal made on 13 November 2023 and replaced it with the identical statutory proposal referred to above. The only change was to the timeline for the statutory process. Permission was formally granted from the relevant three individuals to transfer representations made in the first representation period to the second representation period and they are recorded as such below. All references made in this report to the statutory proposal on which cabinet is being asked to make a decision pertain to the statutory proposal published on 12 January 2024.

2.7 Representations received about the proposal

Three representations were received during representation period.

2.8 Decision - the role of the Kirklees School Organisation Advisory Group (SOAG)

The LA is the primary Decision Maker for school re-organisation proposals relating to maintained schools, and under Kirklees arrangements, the cabinet of Kirklees Council is the decision-making body. Under School Organisation Regulations, if the cabinet of Kirklees Council is unable to make a decision within 2 months of the end of the statutory representation period, then the decision passes to the Schools Adjudicator.

The Kirklees School Organisation Advisory Group (SOAG) was established by cabinet on 12 September 2007 to advise the cabinet on school organisation decision-making matters. The constitution and purpose of SOAG is attached at Appendix 2. SOAG exists to provide advice to cabinet, but cabinet is the decision-maker

2.9 Review of the statutory process

Kirklees SOAG met on 22 February 2024 to consider the statutory process and representations on the proposal and to formulate advice for cabinet as decision-maker. The notes of the

meeting are attached at Appendix 3, along with the SOAG checklist (Appendix 4) and DfE decision-making factors document (Appendix 5) which were completed by the LA as the Proposer. All appendices and supporting documents provided by the LA for SOAG are also included with this report.

2.9.1 Statutory process check by SOAG

The LA submitted a completed checklist in relation to the process it had undertaken (Appendix 4). At the meeting, the processes that were followed in relation to the proposal were checked alongside appropriate evidence that each aspect of the process had been completed.

2.9.2 SOAG conclusions about the statutory process

Following the process check, it was concluded that the statutory notice, statutory proposal, and statutory process were valid and within time limits.

- SOAG unanimously agreed that the statutory process had been followed correctly.
- Subject to one minor amendment, agreed the rationale for the proposals had been clearly articulated against the factors in the decision maker's guidance.
- Kirklees cabinet is able to take a decision regarding the proposals.

Officers would, therefore, prepare a cabinet report within two months of the end of the statutory four-week representation period, which ended on 8 February 2024, for Kirklees Council cabinet to make a decision about the proposals.

2.10 SOAG review of the proposal and representations using the DfE Statutory Guidance for Decision Makers.

2.10.1 Factors to be considered in making the decisions about the statutory proposal.

To support decision-making by Cabinet, a range of factors have to be considered. These factors are derived from the guidance issued by the Department for Education. [‘Making significant changes \(‘prescribed alterations’\) to maintained schools - Statutory guidance for proposers and decision-makers, January 2023’](#) (Appendix 6).

The factors can vary depending upon the nature and type of proposal. A template was completed by the LA and included a rationale for the proposals against each of the factors for decision-making. The completed template can be found at Appendix 5.

The relevant factors for decision-making in relation to these proposals are:

- Representation (Formal Consultation) and Decision
- Education Standards and Diversity of Provision
- Equal Opportunity Issues
- Community Cohesion
- Travel and Accessibility
- Funding
- Implementation
- School Premises and Playing Fields

2.10.2 SOAG conclusions for decision makers

SOAG agreed that:

The statutory process enabled a detailed presentation of the statutory proposal for Woodley School and College.

- The places available at Woodley School and College be increased to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

The rationale for the proposals had been clearly articulated against the factors in the decision maker's guidance.

2.11 Officers' recommendations for decision makers regarding the proposal.

2.11.1 Guidance note: Type of decision

The decision maker can make one of four types of decision for the statutory proposals:

- reject the proposals;
- approve the proposals without modification;
- approve the proposals with a modification, having consulted the LA and/or governing body of both schools (as appropriate); or
- approve the proposals with or without modification subject to certain prescribed events (such as the granting of planning permission) being met.

Following the SOAG review, officers recommend, subject to consideration of any further matters raised at the decision-making meeting, that the statutory proposal to increase the places available at Woodley School and College to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild can be considered for approval for the following reasons (see Appendix 3).

2.11.2 Consideration of Consultation and Representation Period

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/ or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Three representations were received during the statutory four-week representation period following the publication of the statutory proposal on 12 January 2024.

These three representations were all very supportive of the proposal. They acknowledged the demand for additional specialist places in Kirklees. They highlighted that increasing the number of places available at Woodley School and College would reduce the need for out of authority placements for pupils with complex needs, noting that this would be of benefit to pupils and their families as well as providing long term value for money.

2.11.2 Education Standards and Diversity of Provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

REPRESENTATIONS:

The representations received cited the following:

- The Head, Leadership, Governors and staff have the skills, capacity, aspiration, and determination to take the proposal forward, in collaboration with Kirklees LA.
- Woodley School and College has the proven expertise to meet the needs of children and young people with complex autism.
- Woodley School and College is the recognised Autism Education Training hub for the district, influencing practice in schools and colleges across Kirklees. A satellite provision will allow further dissemination of “autism friendly” practice across Kirklees.

Officer advice: The proposal to expand the number of places at Woodley School and College will enable more children and young people with complex autism to secure places and thrive in a local educational setting. In October 2021, Kirklees cabinet agreed an ambitious plan to rebuild two existing special schools, one of which is Woodley School and College. Not only will the plan provide modern facilities for existing pupils, but the school will also be built to

accommodate more pupils to address growing demand. The agreed plan is to build a 180-place new school building on Fernside Avenue, Almondbury. It takes time to design and build a new school, so it is not expected to be complete until around Autumn 2026. Ahead of, and leading up to, the completion of a new, larger school building for Woodley School and College, the local authority, working with the Governing Body of Woodley School and College, believe there are opportunities to establish a further satellite site (in addition to the recently opened post-16 satellite provision in Huddersfield town centre) to enable a gradual increase in the number of pupil places. Creating more provision within Kirklees will ensure there is sufficient capacity to meet need locally wherever possible, reducing travelling times for pupils by enabling them to access suitable provision closer to home.

Many children and young people with SEND can make better, more sustained progress when they attend an appropriate specialist setting with access to specialist teaching and support staff and resources. Satellite opportunities, like the one proposed, in addition to Additionally Resourced Provisions and special school rebuild projects, are intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring the needs of more children and young people with SEND across the whole of Kirklees can be met. Building on existing good quality provision helps ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe.

2.11.3 Equal Opportunity Issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;*
- *advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and*
- *foster good relations between people who share a relevant protected characteristic and people who do not share it.*

No representations received.

Officer advice: An integrated impact assessment was undertaken in September 2023, updated in December 2023 and reviewed in February 2024 in the lead up to cabinet being asked to make a final decision.

It is considered that there are no adverse impacts arising from the proposal under this duty. These changes are necessary to continue to improve service delivery and outcomes for children and young people. The proposal will result in an increase in special school places.

The proposals do not give rise to any sex, race or disability discrimination issues. The proposal for Woodley School and College, which aims to increase the number of special school places for children with complex autism, will ensure there is sufficient capacity to meet children's needs locally wherever possible and enable positive outcomes.

2.11.4 Community Cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

No representations received.

Officer advice: It is considered that there is no adverse impact upon community cohesion as a result of this proposal for Woodley School and College. The school would continue to provide primary, secondary and post-16 education to the communities it presently serves.

2.11.5 Travel and Accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The representations received noted introducing additional specialist places within Kirklees will reduce the need for out of authority placements for pupils with complex needs and that places will be nearer to where pupils live.

Officer advice: The need for additional specialist places across Kirklees is recognised. Not being able to attend an appropriate school locally has significant impact on some learners in terms of travelling time and emotional regulatory status on arrival at, or on leaving, school. The aspiration for the SEND Transformation Plan is that fewer young people will leave or travel outside of Kirklees. Having services more local and accessible to where people live can have a positive impact on their mode of travel and in doing so, will contribute to the Council's net zero ambition. Providing suitable school places nearer to where families live not only supports place-based working and outcomes for children, but it can also save families' time and money because they can travel smaller distances to school events such as parents' evenings.

SOAG requested clarification on whether pupils attending satellite provision would be disadvantaged in relation to home-to-school transport. Officers explained that pupils attending a satellite site remain on the roll of the main school and, therefore, would be treated equitably with all other pupils at the school.

2.11.6 Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. Trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available: nor can any allocation "in principle" be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

No representations were received.

Officer advice: The ongoing revenue funding for additional places will be under the same formula used for the commissioning of other places at Woodley School and College from the High Needs Block of the Dedicated Schools Grant. Start-up costs will be supported from existing School Re-Organisation budgets. The cost of providing places at Woodley School and College is significantly lower than the average cost of places in independent special schools.

2.11.7 Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modification made by the decision-maker.

No representations received.

Officer advice: Implementation will take into account any modifications made by the decision-maker, if applicable.

2.11.8 School Premises and Playing Fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

No representations received.

Officer advice: A key factor in selecting an appropriate site for the proposed satellite would be access to outdoor space. The Council has a modest capital budget available to adapt and enhance buildings and outdoor spaces as required to ensure they are suitable and safe for all pupils.

3. Implications for the Council

3.1 Working with People

In establishing a Kirklees SEND Transformation Plan we recognise that delivering the best outcomes for all our children with SEND is a significant challenge which many authorities and partners face. Our plan outlines how we approach these challenges and the opportunities there are to improve our work. It has a focus on outcomes for people. We will concentrate our energy and resources on the things that make a difference to people's lives.

With a focus on early intervention and supporting co-production and design, the approach we are developing illustrates our organisational commitment to working with families, partners, stakeholders and communities. This is highlighted in the development and agreement of a shared set of 'Inclusive Ambitions' across the Kirklees SEND partnership.

Integral to those ambitions and our approach is working with, not 'doing to' our children, young people and families - ensuring voices are heard and valued and views are used to shape provision and support. We want to create a truly person-centred approach to supporting children and young people and their families with a commitment of: "No decision about me is made without me."

In producing change and transformation of outcomes, we are seeking to improve the life experiences and chances of a cohort of young people who consistently benchmark below their peers in relation to educational attainment and employment prospects. Should the proposals in this report be approved, we are committed to working with our families as we progress the delivery of the ARPs.

We listened to a range of views during the non-statutory consultation and the statutory representation period and these informed the proposal in this report.

3.2 Working with Partners

The transformation of the SEND system to deliver better outcomes and on a sustainable financial basis is reliant on a strong partnership approach with Kirklees internal and external partners.

The opportunity for expanding places for Kirklees children and young people with SEND, cannot be realised without good relationships and collaboration with our education providers, local elected members and communities. Ensuring that we maximise opportunities for the next stages to be shaped by partners will be crucial to ensure that services are joined up and well understood.

3.3 Place Based Working

One of the cornerstones of our SEND Transformation Plan is building provision within Kirklees to ensure there is sufficient capacity locally to meet need wherever possible. We recognise that some children may need to receive support outside of Kirklees, but we want to ensure that is kept to a minimum through better integration of provision and support across partners.

We are passionate about ensuring services are accessible to our Children and Young People and their families and plan to move towards a place-based approach of joined up working with services across Education, Health and Care.

3.4 Climate Change and Air Quality

The aspiration for our SEND strategy is that fewer young people will leave or travel outside of Kirklees. Having services more local and accessible to where people live can have a positive impact on their mode of travel and in doing so, we will contribute to the Council's net zero ambition.

The Council recognises that the proposed construction of two brand new special schools within the borough provides us with a unique opportunity to demonstrate our commitment to help address the climate emergency through the built environment. The Council has aspirations to seize this opportunity to create two new flagship schools which should be designed and built to the highest environmental design standards and encompass the latest renewable technologies that will help us achieve our carbon net zero target.

3.5 Improving outcomes for children

The whole of the SEND Transformation Plan focuses on improving outcomes for children. The proposals in this report are integral to successful achievement of our ambition.

Across the partnership, Kirklees have taken significant action to improve SEND services for children and young people aged 0 to 25. This is now captured as part of a clear Inclusion strategic plan.

With the development of our 'Inclusive Ambitions', the direction for us is to work towards shared vision and equal partnership with a clear pathway of improvement across a range of partners, striving for the best outcomes for children and young people with SEND. In modelling the proposals, meeting the needs of children and young people and their preparation for adulthood, has been our key underlying principle and is intrinsic in the proposed new build and expansion of Woodley School and College.

'Our Kirklees Futures' is our Learning strategy which describes our ambitions for learners in Kirklees. From engagement, three 'obsessions' emerged that would be our areas of relentless focus:

- Inclusion: Children, young people and learners of all backgrounds learn and grow side by side, to the benefit of all.
- Resilience: The ability and support to overcome adversity.
- Equity: Everyone gets the support they need

These obsessions are at the heart of everything we do when planning services for education of children and young people.

3.6 Financial implications

3.6.1 Revenue and Capital

The Council is currently involved in the High Needs Block Safety Valve Programme and has been successful in securing £33.5m of revenue funding and £8.2m of capital funding. As part of the Safety Valve plan to reduce the historic deficit position work is ongoing to increase local capacity through the development of Additionally Resourced Provisions (ARP's), Special School Satellite Provisions and the building of two new special schools. As noted earlier in the report, Woodley School and College is one of the schools to be re-built and as a result of this, it is proposed that pupil numbers will increase from around 150 to 194 (180 at the school and 14 at the post-16 shop satellite site).

By developing local capacity, there is an assumption that the number of children educated at Non-Maintained Independent Special Schools (NMISS) will reduce. The current average cost of these placements is £60K and the current average cost of a place at Woodley is £28K – a difference of £32K per year. Saving assumptions have been factored into the Safety Valve for the Woodley rebuild. Increasing places earlier has the potential to improve upon the Safety Valve position.

3.6.2 Financial implications for the people living or working in Kirklees

Providing suitable school places nearer to where families live not only supports place-based working and outcomes for children, but it can also save families time and money because they can travel smaller distances to school events such as parents' evenings.

3.7 Legal Implications

3.7.1 Statutory proposals and Significant Changes to Academies

Details of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 applying to the requirement for a statutory process to be followed for establishing, removing or altering special educational needs provision at a mainstream school are included in the main body of the report.

3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

3.8.1 Governance and statutory compliance

The SEND Programme Board oversees the implementation of the SEND Transformation Plan. This work would feature as one of the projects within that plan.

As the work progresses a project team would be created to include school representatives, partners as well as Council Officers to design, plan and deliver all activity to successfully deliver the required outcomes and outputs.

3.8.2 Integrated Impact Assessment (IIA)

As highlighted in this report, the proposals are intended to have positive impact. An integrated impact assessment was undertaken in September 2023, updated in December 2023 and reviewed in February 2024 in the lead up to cabinet being asked to make a

final decision. The [Integrated Impact Assessment](#) can be accessed on the Kirklees website.

4 Consultation

A four-week non-statutory consultation took place between 29 September 2023 and 27 October 2023, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties. The consultation document can be found at Appendix 1. On 13 November 2023, the non-statutory consultation outcomes report was published on the Council's external website (SOAG Appendix A).

On 12 January 2024 statutory proposals were published on the Council's website and statutory notices were published in the local press and shared widely with stakeholders. Comments or objections to the proposals could be made in writing by post or via email until 8 February 2024.

During the four-week representation period, three representations were received.

5 Engagement

There is continued engagement with the senior leadership team at Woodley school and College.

Woodley School and College pupils have been engaged in a programme of consultation about what is important to them in their new school building (SOAG Appendix I). This feedback can be used to inform the establishment of a satellite site too.

Throughout this process there has been, and will continue to be, regular engagement with the school and with the Places, Access and Inclusion Committee, which in turn reports into Education and Learning Partnership Board.

Senior managers regularly engage with PCAN (Parents of Children with Additional Needs making a Difference in Kirklees). PCAN is an independent, parent-led forum for all parents and carers of children/young people (aged 0-25 years) with additional needs in Kirklees. PCAN is a key contact for the local authority to ensure that parents have their say in the design and delivery of local services for their children.

6 Options

6.1 Options Considered

- The decision to provide Woodley School and College with a new larger building was taken by cabinet 5 October 2021
- It is not a cost-effective option to rely upon high-cost independent provision for children with SEND.

6.2 Reasons for recommended Option

- Increasing the places will make best use of the planned new school building for Woodley School and College.
- Woodley School and College is already providing high quality places for children with complex autism.
- The special school satellite model is already working successfully in Kirklees with Woodley Schools and College and other special schools.
- This is a more cost-effective model than relying upon high cost independent provision for children with SEND.

7 Next steps and timelines

Cabinet is required to make a decision on this statutory proposal within two months of the end of the representation period, i.e., no later than 8 April 2024, or the proposal must be referred to the Schools Adjudicator for determination.

If cabinet approves this proposal, officers will support and work with the governing body of Woodley School and College to finalise arrangements for pupils, parents, staff and other stakeholders in order to ensure that effective plans are put in place to implement the proposal to increase pupil places to 194 at Woodley School and College, gradually over time, using satellite provision ahead of, and leading up to, the completion of construction on a new and larger school building in line with the timelines in this report.

8 Contact officer

Martin Wilby – Head of Education Places and Access
01484 221000 martin.wilby@kirklees.gov.uk

9 Background Papers and History of Decisions

- SEND Code of Practice 2015
- 16 March 2021 Kirklees Council cabinet report - Proposed changes to top-up funding allocations for children in mainstream schools with an Education Health & Care Plan (EHCP) from 1st April 2021
[210227 Mainstream Funding Top Ups Cabinet report V4.pdf \(kirklees.gov.uk\)](#)
- 16 March 2021 Kirklees Council cabinet report - Procuring an External Business Partner - SEND
[Cabinet report SEND Transformation FINAL V2.pdf \(kirklees.gov.uk\)](#)
- 5 October 2021 Kirklees Council cabinet report -
[Capital investment and rebuild of 2 Special Schools](#)
- March 2022 Kirklees Safety Valve Agreement - [Kirklees SV agreement \(publishing.service.gov.uk\)](#)
- 17 October 2023 Kirklees Council cabinet report - Special Educational Needs and Disabilities (SEND) – Increasing special school places.
[Increasing increase special school places - Woodley - Cabinet Report.pdf \(kirklees.gov.uk\)](#)

10 Appendices

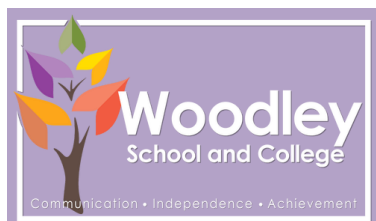
- Appendix 1 Non-statutory consultation - increase in Woodley numbers
- Appendix 2 Kirklees SOAG Constitution and Purpose
- Appendix 3 - FINAL 2024-02-22 SOAG meeting notes
- Appendix 4 Woodley expansion SOAG Check List
- Appendix 5 Woodley expansion DfE factors for decision-making
- Appendix 6 Maintained_schools_prescribed_alterations_guidance_Jan_23
- SOAG Appendix A - Consultation outcomes report Woodley expansion
- SOAG Appendix B - Dewsbury Reporter Printed Publication
- SOAG Appendix C - Huddersfield Examiner Printed Publication
- SOAG Appendix D - FINAL Woodley expansion Statutory Notice
- SOAG Appendix E - FINAL Woodley expansion Statutory Proposal
- SOAG Appendix F - Statutory proposal distribution list
- SOAG Appendix G - Woodley X post stat proposal
- SOAG Appendix H - Woodley website post stat proposal
- SOAG Appendix I - Woodley School College Report - pupil consultation
- SOAG Appendix J - FINAL Woodley Governing Body
- SOAG Appendix K - FINAL Woodley parent-carers

11 Service Director responsible

Jo-Anne Sanders – Service Director for Learning and Early Support

01484 221000 jo-anne.sanders@kirklees.gov.uk

Appendix 1



Proposals to expand Woodley School and College

Consultation on the proposal to expand the number of special school places at Woodley School and College ahead of, and leading up to, the completion of a new, larger school building.

Introduction and Background

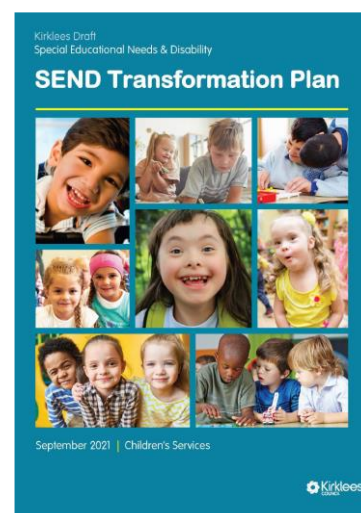
Our vision for children and young people in Kirklees is that they have the best start in life. Our aspirations for children and young people with SEND are no different to those we hold for all children.

Our partnership across Education, Health and Social Care aims to improve the lives and life chances of children and young people (aged 0-25) with SEND. We will achieve this through delivering our [SEND Transformation Plan](#) which focuses on early identification of needs, key strategic investment to flexibly increase capacity and sufficiency, effective transitions for our children as they grow, and a focus on inclusivity across all our settings and provision.

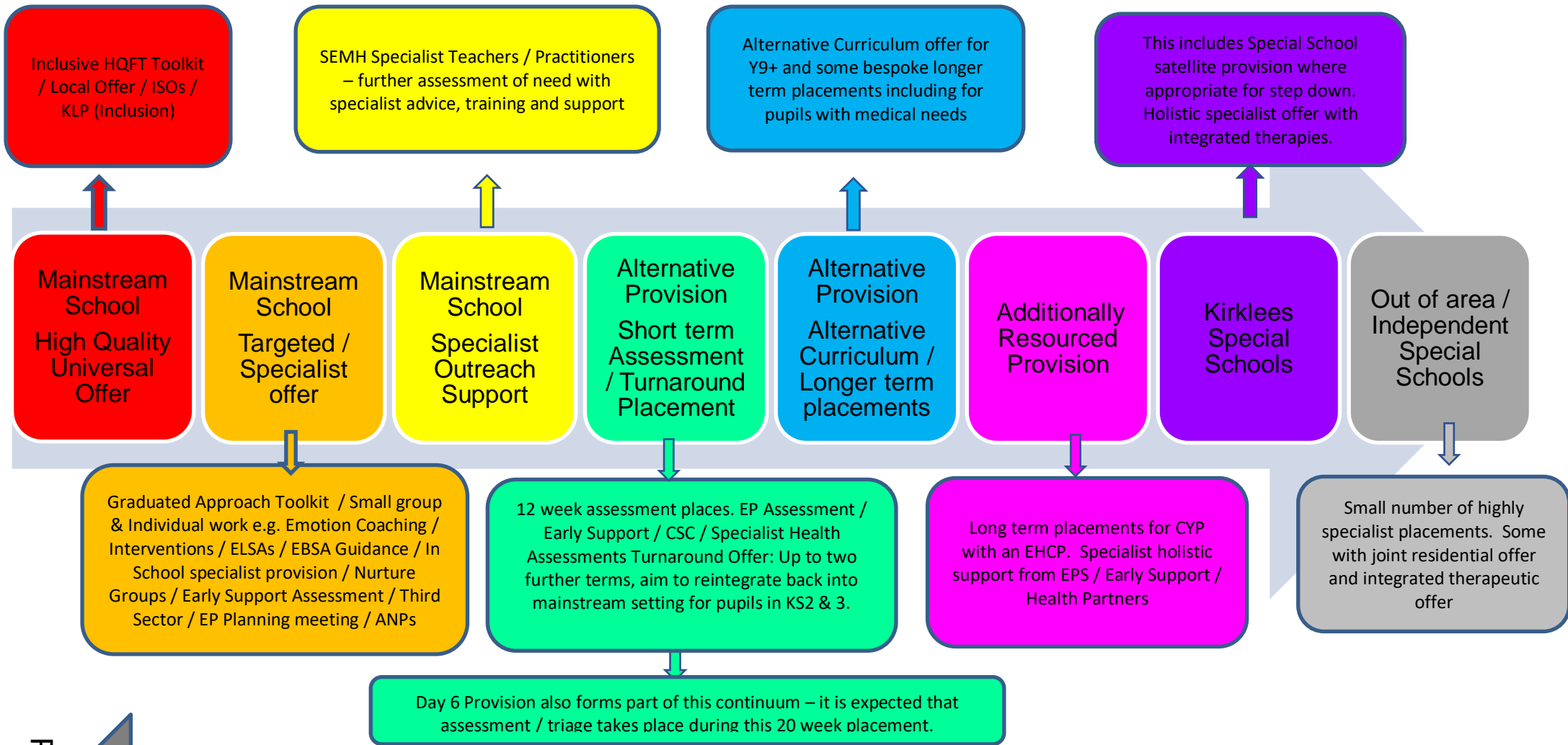
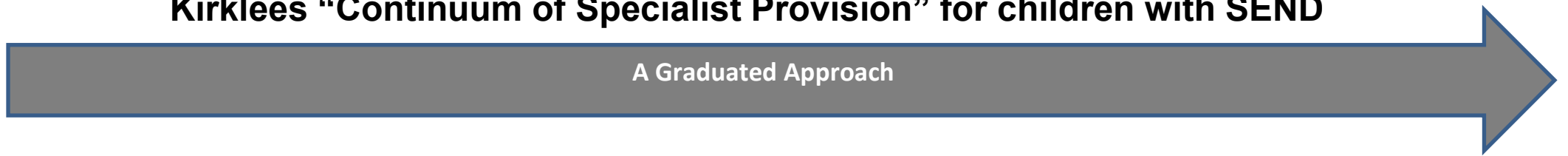
Within our SEND Transformation Plan we have worked with stakeholders across Kirklees to develop our 'Inclusive Ambitions', which are:

- Responsive and holistic early intervention
- Culture of trust with parents and families
- Inclusive practice in the community and within education settings
- Children and young people thriving in education settings and celebrating more holistic outcomes and achievements
- An integrated system
- Embedding a shared culture of proactivity, holistic skills and knowledge
- Supporting children to have clear aspirations with a focus on preparing for adulthood

A key strand of the SEND Transformation Plan is 'Commissioning and Sufficiency', which includes improving local sufficiency of places across a graduated approach model.



Kirklees “Continuum of Specialist Provision” for children with SEND



Provision is fluid and can move both ways

Woodley School and college

Woodley School and College is a Kirklees Local Authority aspirational, inclusive and outward looking special school in Huddersfield for children aged 5-19 with complex autism. There are currently 153 pupils on roll.

The school is rated as 'Good' by Ofsted (March 2023), holds Advanced Autism Accreditation and is the Autism Education Trust licensed training provider for Kirklees schools and Post-16. This recognises the highest standards of autism expertise and practice and underpins the school's important role as a schools training hub.

Further details can be found on the school website: <https://www.woodleyschool.org.uk/>

Special School Re-build

In October 2021, Kirklees Cabinet agreed an ambitious plan to rebuild two existing special schools, Joseph Norton Academy and Woodley School and College. Not only would the plan provide modern facilities for existing pupils, but the schools would also be built to accommodate more pupils to address the growing demand.

For Woodley School and College, the agreed plan is to build a 180-place new school building on Fernside Avenue, Almondbury. It takes time to design and build a new school, so it is not expected to be complete until around Autumn 2026.

Further information is available in the Cabinet report: <https://democracy.kirklees.gov.uk/documents/s43155/210924%20Special%20Schools%20-%20Cabinet%20Report.pdf>

Satellite opportunities

Special school satellite provision is where a special school increases its capacity by expanding onto an additional site. The additional site may be on the site of a mainstream school which provides some physical space for satellite purposes, or it could be a suitable building not occupied by another school. Pupils attending a special school satellite provision remain on the roll of the special school. The satellite provision remains under the leadership and governance of the special school, and its staff are employees of the special school. Examples already in Kirklees include:

- Ravenshall Special School hosted by Headfield CE (VC) Junior School
- Ravenshall Post-16 provision based in an old library building
- Southgate Special School hosted by Newsome Academy
- Woodley Post-16 provision based in a shop in Huddersfield town centre

Ahead of, and leading up to, the completion of a new, larger school building for Woodley School and College, the local authority, working with the Governing Body of Woodley School and College, believes there is an opportunity to establish a further satellite site to enable a gradual increase in the number of pupil places.

This opportunity would support the planned strategy of enabling more children and young people to secure places and thrive in local education settings.

Pupil placements at special school satellite provision

Admissions to special schools are made through the Kirklees SEND decision-making groups. These groups include representation from the Special Educational Needs & Disabilities Assessment and Commissioning Team, Educational Psychology, School Head Teachers/Special Educational Needs & Disabilities Co-ordinators, and other multi agency professionals. It is then for the special school to work with parents to select which children might benefit from the environment provided on a satellite site.

The proposal

The places available at Woodley School and College be increased to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

The proposed 194 places include 180 places in the planned new school rebuild, and up to 14 places in the existing Woodley Post-16 satellite provision based in a shop in Huddersfield town centre.

What happens next?

This consultation is open between **29 September and 27 October 2023**. During this time, we are inviting feedback on the proposals outlined in this consultation. You can express your views online, by email, or in person at a consultation event.

Once the consultation has finished, all feedback will be published in a consultation outcome report. This will inform a decision by the local authority on whether to move to the next stage. Moving to the next stage would mean the publication of legal notices and another chance to view the proposals and comment on them before a final decision is made. The following table shows the next steps involved in the process. Dates are subject to change and would be dependent on approval to move to each stage.

Milestone	Date
Publication of consultation outcome report	October/November 2023
Publication of statutory notices and representation period	November 2023
Final decision by Cabinet (within 2 months)	January 2024
Implementation from	Implementation will be gradual from January 2024

Have your say

Online: You can take part in the consultation by completing the online consultation form on our website at:

www.kirklees.gov.uk/schoolorganisation

In person: If you would like to talk through the proposals you can attend a drop-in session at Woodley School and College. Details will be published on the following website:

www.kirklees.gov.uk/schoolorganisation

Email: Please note that you can contact us via email should you have any queries regarding these proposals. Please send emails to: school.organisation@kirklees.gov.uk

Please make sure you respond by **Friday 27 October 2023** to ensure that your views are heard.

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APPENDIX 2

Kirklees School Organisation Advisory Group Constitution & Purpose

The Education and Inspections Act 2006 confirms Local Authority responsibility for school organisation decision-making.

To assist the Local Authority in reaching decisions on school organisation statutory notices, a School Organisation Advisory Group will be established to consider and advise Cabinet, as the decision-making body, on statutory proposals related to school organisation.

The Advisory group will not have decision-making powers.

Constitution of the School Organisation Advisory Group.

Membership of the Advisory Group will be as follows:

1. Member representation in line with the current political ratio of the Council (6)
2. Schools representative (1)
3. Governing Body representative (1)
4. Diocesan representatives. (Catholic and Anglican) (2)
5. Learning Skills Council (1)
6. Minority Community representative (1)

The Chair of the School Organisation Advisory Group will be the lead member for Children and Young People Service.

The group may decide to invite other individuals to attend the group to receive information related to the school organisation proposal as appropriate.

As an Advisory group, the Council's quorum guidelines do not apply.

Purpose of the School Organisation Advisory Group.

The proposed draft terms of reference for the School Organisation Advisory Group are detailed below.

At the end of the 4 week statutory notice period where the notice outlines a school organisation proposal, the School Organisation Advisory Group will meet as soon as possible to:

- Check and confirm that all required information is available regarding the school organisation proposal;
- Check and confirm that the published notice complies with statutory requirements;
- Check and confirm that the statutory consultation has been carried out prior to the publication of the Notice;
- Consider the prescribed information related to the proposal to change the pattern of school provision;
- Consider the proposal for change with regard to the DCSF statutory guidance on implementing change to the pattern of school organisation; (Statutory Guidance-Factors to be considered by Decision-Makers);
- Consider any objections received during the statutory notice period and the Local Authority response to these objections;
- Receive a presentation on the proposal for change from the Proposer;
- Having considered the statutory proposal with regard to the above, prepare a list of reasons for the decision they would recommend to Cabinet in respect of the school organisation proposal. This should be prepared using the factors to be considered in the statutory guidance as the framework for their collective view

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SOAG – Expansion of places at Woodley School
Thursday 22 February 2024

Present: Martin Wilby, Head of Places and Access (Chair)
Jane Lima, School Organisation & Planning Team Manager
Cllr Kath Pinnock
Cllr Elizabeth Smaje
Rik Robinson, Headteacher, Ravenshall School
Dawn Pitt, PCAN
Ben Barnett, School Organisation & Planning

Apologies: Cllr Elizabeth Reynolds
Cllr Viv Kendrick
Cllr Yusra Hussain

MW gave an overview of the SOAG meeting and its purpose.

4a. Review of statutory processes using checklist:

Consultation (non-stat): Agreed that consultation has been effective and appropriate, process has been followed.

(DP joined the meeting)

Publication: Agreed proposals published appropriately, process has been followed correctly.

Representation: There was consensus at SOAG that Cabinet should be made aware of the publication of both statutory proposals and the formal permission to transfer three representations from the first representation period to the second representation period, upon which the decision would be based.
Confirmed process has been followed correctly.

Decision: Confirmed process has been followed and a decision can be made in the required time frame

4b. DfE Guidance

- *Representation (formal consultation) and decision* – reviewed and confirmed that the statutory process has been followed (three representations received, all supportive).
- *Education standards and diversity of provision* – reviewed and confirmed. Woodley is rated 'good' by Ofsted so additional places will mean more pupils will benefit.
- *Equal opportunity issues* – reviewed and confirmed no adverse impact expected (an integrated impact assessment has been undertaken).
- *Community cohesion* – reviewed and confirmed no adverse impact expected (the school would continue to provide primary, secondary and post-16 education across Kirklees).
- *Travel and accessibility* – It was felt further detail should be added about the satellite site and home-to-school transport, clarifying that no pupil would be at a disadvantage whether assigned to the main school or a satellite site. To make clear all pupils will be treated equitably.
- Funding – reviewed and confirmed funding arrangements are in place.
- Implementation – reviewed and confirmed no issues.

- School premises and playing fields – reviewed and confirmed that design will take into account feedback from pupils and staff, and safety.

4c Conclusions and recommendations

Subject to the above points being addressed, SOAG agreed the rationale for the proposals had been clearly articulated against the factors in the decision maker's guidance.

4d Final conclusions and recommendations

SOAG advice is that Kirklees Council Cabinet are able to take a decision about increasing the places at Woodley School and college to 194.

1 Statutory process check sheet:

School	Statutory Proposals
Woodley School and College	Woodley School and College, a Community Special school, Dog Kennel Bank, Huddersfield, HD5 8JE Prescribed alteration to increase the number of places available at Woodley School and College to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild. It is proposed that the changes would be implemented gradually, increasing numbers from March 2024.

1. CONSULTATION (non-statutory)		Y, N, N/A	NOTES/EVIDENCE
1.1 Has a consultation taken place?		Y	Consultation outcome report: 13.11.2023 (Appendix A)
1.2 Consultation process	a. Has adequate time been allowed for the consultation process?	Y	Consultation outcome report: 13.11.2023 (Appendix A) 4 weeks term-time non-statutory consultation has been completed (consultation period 29.09.2023 to 27.10.2023).
	b. Does the consultation document provide sufficient information to those who are being consulted?	Y	Consultation outcome report : 13.11.2023 (Appendix A, Pages 8-12)
	c. Does the consultation material make it clear how interested parties can make their views known?	Y	Consultation outcome report : 13.11.2023 (Appendix A, Pages 11 and 12)
	d. Does the report that summarises the outcome of the consultation demonstrate how the views expressed during the consultation have been taken into account in reaching any subsequent decision as to the publication of proposals?	Y	Consultation outcome report: 13.11.2023 (Appendix A)
1.3 Evidence that interested parties have been consulted. To include:	a. the governing body of any school which is the subject of proposals (if the LA are publishing proposals);	Y	Consultation outcome report: 13.11.2023 (Appendix A, Pages 13-15 Consultation strategy and methodology + distribution list)
	b. the LA that maintains the schools (if the governing body is publishing the proposals);	N/A	
	c. families of pupils, teachers and other staff at the schools	Y	
	d. any LA likely to be affected by the proposals, in particular neighbouring authorities where there may be significant cross-border movement of pupils;	Y	
	e. the governing bodies, teachers and other staff of any other schools that may be affected;	Y	
	f. families of any pupils at any other school who may be affected by the proposals including where appropriate families of pupils at feeder primary schools;	Y	
	g. any trade unions who represent staff at the schools; and representatives of any trade union of any other staff at schools who may be affected by the proposals;	Y	
	h. (if proposals involve, or are likely to affect a	Y	

	school which has a particular religious character) the appropriate diocesan authorities or the relevant faith group in relation to the school;		
	i. the trustees of the schools (if any)	N/A	
	j. any other persons as appear to the proposers to be appropriate.	Y	
1.4 Pupils	Have pupils been formally consulted?	Y	Pupils have been engaged in a programme of consultation about what is important to them in their new school building (Appendix I). This feedback can be used to inform the establishment of a satellite site too.

2. PUBLICATION		Y, N, N/A	NOTES/EVIDENCE
2.1 Statutory notice	a. Have formal proposals been published by the appropriate body (i.e. LA/GB etc)?	Y	The LA are able to publish proposals for increasing the number of places in a maintained special school. Proposals published 12.01.2024.
2.2	a. Has "plain English" been used to describe the proposal	Y	
	b. Do the complete proposals contain all the specified information? <ul style="list-style-type: none"> How copies of the proposal may be obtained; That anybody can object to, or comment on the proposal; The date that the representation period ends; and The address to which objective or comments should be submitted 	Y	See complete proposal (Appendix E)
2.3	a. Have statutory notices been prepared?	Y	See statutory notice (Appendix D)
	b. Have the statutory notices been published in a local newspaper?	Y	Copy was published in Huddersfield Examiner on 12.01.2024 (Appendix C) and Dewsbury reporter on 18.01.2024 (Appendix B)
	c. If GB proposal then have the statutory notices been posted at the main entrance of the schools (or all entrances if there are more than one)?	N/A	
	d. Have notices been published on the LA website?	Y	Published 12.01.24 on www.kirklees.gov.uk/schoolorganisation
	e. Details on how the full proposals can be accessed e.g. Is the website address on the	Y	See statutory notice (Appendix D)

	statutory notices		
	<p>f. Within a week of the date of publication on the website proposer must send copies to</p> <ul style="list-style-type: none"> • The GB/LA (as appropriate) • The parents of every registered pupil at the school (for special schools ONLY) 	Y	<p>See letters to Governing Body (Appendix J) and Parents/Carers of Woodley School pupils (Appendix K). The letter to the Governing Body was sent by email. The letter to parents/carers and a copy of the statutory proposal was posted to each pupil's home address, and also shared via the 'Class Dojo' app.</p> <p>A link to the statutory proposal was also posted on X (formerly Twitter by Woodley College (see Appendix G) and an article also containing a link to the statutory proposal was published on the Woodley School website (see Appendix H).</p>
	<p>g. Within a week of the date of publication, if it involves or is likely to affect a school which has been designated as having a religious Character:</p> <ul style="list-style-type: none"> • The local Church of England diocese; • The local Roman Catholic Diocese; or • The relevant faith group in relation to the school; 	Y	See distribution list (Appendix F)
	<p>h. Within a week of the date of publication</p> <ul style="list-style-type: none"> • Any other body or person that the proposer thinks is appropriate e.g. affected educational institutions in the area 	Y	See distribution list (Appendix F)
	<p>i. Within a week of the date of publication</p> <ul style="list-style-type: none"> • Special school proposals should go to any LA that have commissioned a place at the school 	Y	See distribution list (Appendix F)
2.4 Related proposals	a. Are these proposals interdependent on any other proposals?	N	
	b. If so, are the related proposals included on the same Statutory Notice?	N/A	
	c. If so, is this clearly identified in the Statutory Notice?	N/A	
	d. If so, is it clear who is proposing what on the Statutory Notice?	N/A	
2.5 Implementati	a. Are the implementation dates for the proposals specified on the Statutory Notices?	Y	See statutory notice (Appendix D)

on date	b. Is the time scale for implementation reasonable	Y	Proposals published 12.01.24 gradual implementation, increasing numbers from March 2024.
2.6 Explanatory note	a. Is the full effect of the proposals clear to the general public?	Y	See statutory proposals (Appendix E)
	b. If not, has an explanatory note been included alongside the Statutory Notice?	N/A	
2.7	Has the council's legal team advised on the validity of the Statutory Notices?	Y	LA legal team have reviewed the statutory notice prior to publication.

3. REPRESENTATION		Y,N, N/A	NOTES/EVIDENCE
3.1	Has a period been allowed for 4-week statutory representation?	Y	In accordance with School Organisation regulations a four-week representation period has been held between 12.01.2024 and 08.02.2024.
3.2	Have any representations been received during this period?	Y	Three Woodley School governors who made representations following publication of the previous statutory proposal, confirmed they wished these to be considered as part of this statutory process.

4. DECISION – Decisions must be made within 2 months (by the LA, or this must be referred to the schools adjudicator).		Y,N, N/A	NOTES/EVIDENCE
4.1	Are these decisions to be made by the LA or the schools adjudicator?	LA	Decision to be made by Kirklees Cabinet, the Council's main decision-making body
4.2	Decisions must be made within 2 months (by the LA, or this must be referred to the schools adjudicator).	Y	Representation period ended 08.02.2024 and cabinet is scheduled for 12.03.2024. Recommendation to be made by SOAG and reported to Cabinet for a final decision within 2 months.
4.3	Is there any information missing?	N	
4.4	Do the published notices comply with statutory requirements?	Y	
4.5	Has the statutory representation period been carried out?	Y	In accordance with School Organisation regulations a four-week

			representation period has been held between 12.01.2024 and 08.02.2024.
4.6	Are the proposals 'related' to other proposals (if so, the related proposals must be considered at the same time)? <i>Proposals should be regarded as "related" if the notice makes a reference to a link to other proposals.</i>	N	

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Factors to be considered in decision making

The factors which are being considered are derived from guidance issued by the Department for Education: Making significant changes (“prescribed alterations”) to maintained schools: Statutory guidance for proposers and decision-makers (January 2023)

Paragraphs highlighted in **Yellow** relate to factors that are relevant to these proposal(s). Factors that are greyed out are considered not to be relevant to these proposal(s). These have been identified as; “Not applicable to these proposals” and are greyed out, however. for clarity these are fully listed.

REPRESENTATION (FORMAL CONSULTATION) and DECISION

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/ or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decision must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- *Reject the proposal;*
- *Approve the proposal without modification;*
- *Approve the proposal with modifications, having consulted the LA and/or GB (as appropriate): or*
- *Approve the proposal with or without modification, - subject to certain conditions (such as the granting of planning permission) being met.*

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them) A notice must also be places on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- *The LA (where the Schools Adjudicator is the decision-maker)*
- *The Schools Adjudicator (where the LA is the decision-maker)*
- *The GB/ proposers (as appropriate);*
- *The trustees of the school (if any);*
- *The local Church of England diocese;*
- *The local Roman Catholic diocese;*
- *The parents of every registered pupil at the school- where the school is a special school: and*
- *Any other body that they think is appropriate (e.g. other relevant diocese or diocesan*

Factors to be considered in decision making

board, faith organisation and any affected educational institutions in the area).

REPRESENTATIONS:

Three representations were received during the statutory four-week representation period following the publication of the original proposal on 13 November 2023, all of which were from governors at Woodley School and College. The local authority contacted the governors who submitted these representations following publication of the new statutory proposal on 12 January 2024 to ask if they would like the representations they had previously submitted to be considered as part of the new statutory process. All three governors confirmed that they would.

These three representations were all very supportive of the proposal. They acknowledged the demand for additional specialist places in Kirklees. They highlighted that increasing the number of places available at Woodley School and College would reduce the need for out of authority placements for pupils with complex needs, noting that this would be of benefit to pupils and their families as well as providing long term value for money.

OFFICER COMMENT: We recognise the need for additional specialist places across Kirklees. A key strand of the SEND Transformation Plan is 'Commissioning and Sufficiency', which includes improving local sufficiency of places. Satellite opportunities, Additionally Resourced Provisions and special school rebuild projects, are intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring we can meet the needs of more children and young people with SEND across the whole of Kirklees.

RATIONALE FOR THE PROPOSALS:

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, require a statutory process set out by law be followed when making certain changes to a Local Authority Maintained school. The Department for Education (DfE) publish Guidance for such changes, 'Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers – January 2023. The regulations state that because Woodey School and College is a Community school, Kirklees Council can propose these changes. As long as published proposals are determined within two months of the end of a statutory representation period, the LA is the decision-maker.

The DfE Guidance explains that, as the proposer, the LA must follow the five-stage statutory process set out below:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		Where the proposed implementation timescale is longer than 3 years, the proposer should demonstrate good reason
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2	

Factors to be considered in decision making

		months otherwise it will fall to the Schools Adjudicator	
Stage 4	Referral (if applicable)	If a decision has been made, any referral to the adjudicator must be made within 4 weeks of the decision. If the local authority has not decided a proposal within 2 months, it must refer the proposal to the Schools Adjudicator	
Stage 5	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision- maker

The DfE Guidance states that 'Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations.' (page 36)

A four-week non-statutory consultation took place between 29 September 2023 and 27 October 2023, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties.

On 13 November 2023, the non-statutory consultation outcomes report was published on the Council's external website. Key stakeholders were notified and sent a link to the report. On 13 November 2023 the Strategic Director for Children's Services, having been given delegated authority to do so by Kirklees Cabinet on 17 October 2023, agreed to proceed with the next stage of the statutory process and the publication of the related statutory notice and proposal.

The publication of the statutory notice, proposals and representation period commenced on 12 January 2024 and ended on 8 February 2024, therefore lasting for a period of four weeks and meeting the requirements of School Organisation Regulations.

Three representations were received during representation period.

RELATED PROPOSALS

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

REPRESENTATIONS: Not applicable to these proposals

OFFICER COMMENT: Not applicable to these proposals

RATIONALE FOR THE PROPOSALS: Not applicable to these proposals

Factors to be considered in decision making

CONDITIONAL APPROVAL

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

REPRESENTATIONS: Not applicable to these proposals

OFFICER COMMENT: Not applicable to these proposals

RATIONALE FOR THE PROPOSALS: Not applicable to these proposals

EDUCATION STANDARDS AND DIVERSITY OF PROVISION

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

REPRESENTATIONS:

The representations received cited the following:

- The Head, Leadership, Governors and staff have the skills, capacity, aspiration, and determination to take the proposal forward, in collaboration with Kirklees LA.
- Woodley School and College has the proven expertise to meet the needs of children and young people with complex autism.
- Woodley School and College is the recognised Autism Education Training hub for the district, influencing practice in schools and colleges across Kirklees. A satellite provision will allow further dissemination of "autism friendly" practice across Kirklees.

OFFICER COMMENT:

Woodley is an aspirational, inclusive and outward looking special school. The school is rated as 'Good' by Ofsted (March 2023), holds Advanced Autism Accreditation and is the Autism Education Trust licensed training provider for Kirklees schools and Post-16. This recognises the highest standards of autism expertise and practice and underpins the school's important role as a schools training hub. This supports the reasoning to expand provision, initially via a satellite site, and, in future, at the new school site.

RATIONALE FOR THE PROPOSALS:

The proposal to expand the number of places at Woodley School and College will enable more children and young people with complex autism to secure places and thrive in a local educational setting. In October 2021, Kirklees Cabinet agreed an ambitious plan to rebuild two existing special schools, one of which is Woodley School and College. Not only will the plan provide modern facilities for existing pupils, but the school will also be built to accommodate more pupils to address growing demand. The agreed plan is to build a 180-place new school building on Fernside Avenue, Almondbury. It takes time to design and build a new school, so

Factors to be considered in decision making

it is not expected to be complete until around Autumn 2026. Ahead of, and leading up to, the completion of a new, larger school building for Woodley School and College, the local authority, working with the Governing Body of Woodley School and College, believe there are opportunities to establish a further satellite site (in addition to the recently opened post-16 satellite provision in Huddersfield town centre) to enable a gradual increase in the number of pupil places. Creating more provision within Kirklees will ensure there is sufficient capacity to meet need locally wherever possible, reducing travelling times for pupils by enabling them to access suitable provision closer to home.

Many children and young people with SEND can make better, more sustained progress when they attend an appropriate specialist setting with access to specialist teaching and support staff and resources. Satellite opportunities, like the one proposed, in addition to Additionally Resourced Provisions and special school rebuild projects, are intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring the needs of more children and young people with SEND across the whole of Kirklees can be met. Building on existing good quality provision helps ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe.

EQUAL OPPORTUNITY ISSUES

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;*
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and*
- foster good relations between people who share a relevant protected characteristic and people who do not share it.*

REPRESENTATIONS: None.

OFFICER COMMENT: None.

RATIONALE FOR THE PROPOSALS:

An integrated impact assessment was undertaken in September 2023, updated in December 2023 and will continue to be reviewed in the lead up to Cabinet being asked to make a final decision.

It is considered that there are no adverse impacts arising from the proposals under this duty. These changes are necessary to continue to improve service delivery and outcomes for children and young people. The proposals will result in an increase in special school places.

The proposals do not give rise to any sex, race or disability discrimination issues. The proposals for Woodley School and College, which aim to increase the number of special school places for children with complex autism, will ensure there is sufficient capacity to meet children's needs locally wherever possible and enable positive outcomes.

Factors to be considered in decision making

COMMUNITY COHESION

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

REPRESENTATIONS: None.

OFFICER COMMENT: None.

RATIONALE FOR THE PROPOSALS:

It is considered that there is no adverse impact upon community cohesion as a result of this proposal for Woodley School and College. The school would continue to provide primary, secondary and post-16 education to children and young people living across Kirklees.

TRAVEL AND ACCESSIBILITY

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

REPRESENTATIONS:

The representations received noted introducing additional specialist places within Kirklees will reduce the need for out of authority placements for pupils with complex needs and that places will be nearer to where pupils live.

OFFICER COMMENT: None.

RATIONALE FOR THE PROPOSALS:

The need for additional specialist places across Kirklees is recognised. Not being able to attend an appropriate school locally has significant impact on some learners in terms of travelling time and emotional regulatory status on arrival at, or on leaving, school. The aspiration for the SEND Transformation Plan is that fewer young people will leave or travel outside of Kirklees. Having services more local and accessible to where people live can have a positive impact on their mode of travel and in doing so, will contribute to the Council's net zero ambition. Providing suitable school places nearer to where families live not only supports place-based working and outcomes for children, but it can also save families' time and money because they can travel shorter distances to school events such as parents' evenings.

Factors to be considered in decision making

FUNDING

*The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. Trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.*

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available: nor can any allocation "in principle" be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

REPRESENTATIONS: None.

OFFICER COMMENT: None.

RATIONALE FOR THE PROPOSALS:

The ongoing revenue funding for additional places will be under the same formula used for the commissioning of other places at Woodley School and College from the High Needs Block of the Dedicated Schools Grant. Start-up costs will be supported from existing School Re-Organisation budgets. The cost of providing places at Woodley School and College is significantly lower than the average cost of places in independent special schools.

From a capital funding perspective, in October 2021, Kirklees Cabinet approved £21m for the development, design, tendering and construction of a new of Woodley School and College. Minor capital works may be required to establish satellite provision ahead of, and leading up to, the rebuild. The High Needs Provision Capital Allocation is available for purposes such as this.

RIGHTS OF APPEAL AGAINST A DECISION

The following bodies may appeal to the Schools Adjudicator against a decision made by the LA decision-makers, within four weeks of the decision being made:

- *The local Church of England diocese;*
- *The local Roman Catholic diocese; and*
- *The governors and trustees of a foundation, foundation special or voluntary school that is subjected to the proposal.*

On receipt of any appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

REPRESENTATIONS: Not applicable to these proposals

OFFICER COMMENT: Not applicable to these proposals

RATIONALE FOR THE PROPOSALS: Not applicable to these proposals

Factors to be considered in decision making

IMPLEMENTATION

The proposer must implement a proposal in the form that it was approved, taking into account any modification made by the decision-maker

REPRESENTATIONS: None.

OFFICER COMMENT: Implementation will take into account any modifications made by the decision-maker, if applicable.

RATIONALE FOR THE PROPOSALS:

MODIFICATION POST DETERMINATION

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposal were published.

REPRESENTATIONS: Not applicable to these proposals

OFFICER COMMENT: Not applicable to these proposals

RATIONALE FOR THE PROPOSALS: Not applicable to these proposals

REVOCAION OF PROPOSALS

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

REPRESENTATIONS: Not applicable to these proposals

OFFICER COMMENT: Not applicable to these proposals

RATIONALE FOR THE PROPOSALS: Not applicable to these proposals

LAND AND BUILDINGS

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must;

- *Transfer their interest in the site and in any buildings in on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school: or*
- *If the school has no trustees, to the GB, to be held by the body for the purposes of the school.*

In the case of a dispute as to the person to whom the LA is required to make the transfer, the adjudicator will make a decision.

REPRESENTATIONS: Not applicable to these proposals

OFFICER COMMENT: Not applicable to these proposals

RATIONALE FOR THE PROPOSALS: Not applicable to these proposals

VOLUNTARY AIDED SCHOOLS

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

Factors to be considered in decision making

REPRESENTATIONS: Not applicable to these proposals

OFFICER COMMENT: Not applicable to these proposals

RATIONALE FOR THE PROPOSALS: Not applicable to these proposals

SCHOOL PREMISES AND PLAYING FIELDS

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

REPRESENTATIONS: None.

OFFICER COMMENT: None.

RATIONALE FOR THE PROPOSALS:

Safe outside facilities for play and learning will be an important factor in the design of the new site for Woodley School and College. A landscape architect is part of the specialist design team to facilitate this. The feedback from consultation exercises with pupils and staff from the school are informing this work. A key factor in selecting an appropriate site for the proposed satellite would be access to safe and appropriate outdoor space.

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Department
for Education

Making significant changes (‘prescribed alterations’) to maintained schools

**Statutory guidance for proposers and
decision makers**

January 2023

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Summary

About this guidance

This is from the Department for Education. It only relates to schools in England.

This means that local authorities, governing bodies and the Schools Adjudicator must have regard to this guidance¹ when exercising functions under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, referred to in this guidance as the Prescribed Alterations Regulations². This means that they must follow this guidance unless there is a good reason not to. It applies to all categories of maintained schools unless explicitly stated. A maintained school means a community, foundation or voluntary school; a community or foundation special school; or a maintained nursery school. This guidance is not relevant to [pupil referral units](#)³. Separate advice on [making significant changes to an academy](#)⁴ and [opening and closing a maintained school](#)⁵ is available.

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; local authorities and governing bodies do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented effectively where there is a strong case for doing so. It is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of 'good' or 'outstanding'. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

Local authorities and governing bodies need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance. It is the responsibility of local authorities and governing bodies to ensure that they act in accordance with the [relevant legislation](#). If they are unsure of how the legislation applies to the individual circumstances of their case, they should consider seeking independent legal advice as the department cannot advise on individual cases.

¹ [Regulation 7 of the Prescribed Alterations Regulations](#)

² <https://www.legislation.gov.uk/ukxi/2013/3110/contents/made>.

³ <https://www.gov.uk/government/publications/alternative-provision>.

⁴ <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>.

⁵ <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

Expiry or review date

This guidance supersedes all previous versions. It will be kept under review and updated versions will be published if necessary.

What legislation does this guidance refer to?

This guidance primarily relates to:

- The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

For a full list please see the [relevant departmental advice and statutory guidance](#) section.

Who is this guidance for?

This guidance is for:

- Proposers and decision makers (local authorities, governing bodies and the Schools Adjudicator)
- For information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).

Terminology

Definitions of common terms used in this guidance:

- **Schools with a religious character** – All schools designated as having a religious character in accordance with the [School Standards and Framework Act 1998](#)⁶ ('SSFA').
- **Foundation trust** – For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.
- **Parent(s)** – A parent should be considered to be whoever has parental responsibility, including parents, carers and legal guardians.

⁶ <https://www.legislation.gov.uk/ukpga/1998/31/contents>.

Main points

Where a local authority proposes to expand a school that is eligible for intervention⁷, they should copy the proposal to the relevant Department for Education [Regional Director](#)⁸ (RD) at the point of publication.

To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in the [contentious proposals](#) section below, to the School Organisation mailbox as soon as it is published schoolorganisation.notifications@education.gov.uk.

Local authorities and governing bodies proposing to make significant changes to a school which has been designated as having a religious character should engage any trustees of the school⁹, and in the case of Church schools the diocese or relevant diocesan board, or any other relevant faith body where appropriate, at the earliest opportunity.

Where the school occupies land held by a charitable trust, trustees should always be consulted on whether any proposed alterations to a school are compatible with the terms of the trust.

Where a local authority is the decision maker, it must make a decision within a period of 2 months of the end of the representation period. Where a decision is not made within this time frame, the local authority must refer the proposal to the Schools Adjudicator for a decision.

Where neighbouring local authority areas are likely to be impacted by proposals, the proposer should ensure they are included in the process. Where a governing body is the proposer, they should ensure the home local authority has been involved in the process at an early stage.

It is not possible for any school to gain, lose or change a religious character through a change of category. Information on the process to be followed is available in the [opening and closing maintained schools guidance](#)¹⁰.

⁷ [Section 59\(2\) of the Education and Inspections Act 2006](#).

⁸ <https://www.gov.uk/government/organisations/regional-department-for-education-dfe-directors/about>.

⁹ Although the term trustee is usually used in the department's documents to refer to those who sit on the board of directors of an academy trust, trustees in this document means any person (other than the governing body) holding property on trust for the purpose of the school. In the case of schools designated as having a religious character, this could be the Church of England, the Catholic Church or any other religious body.

¹⁰ <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

Once a decision has been made the proposer (governing body or local authority) must make changes to the school's record in the department's system [Get Information About Schools](#)¹¹ (GIAS) within one week of the change being implemented.

Where a school wishes to change their name, the governing body will need to amend the instrument of government in line with regulation 30 of [The School Governance \(Constitution\) \(England\) Regulations 2012](#)¹². Once that is done, either the school or the local authority will need to update the school record in the department's GIAS system.

Smaller changes that do not meet the thresholds set out in the relevant sections below do not need to follow the [prescribed alterations' statutory process](#). Nevertheless, proposers should adhere to the usual principles of public law, see the [changes that can be made outside of the statutory process](#) section.

¹¹ <https://get-information-schools.service.gov.uk>.

¹² <http://www.legislation.gov.uk/uksi/2012/1034/contents/made>.

Prescribed alteration changes

Enlargement of premises (expansion)

This section applies to mainstream schools. Details of how [special schools can increase their intake](#)¹³ are covered below.

Under section 14 of the [Education Act 1996](#)¹⁴, local authorities have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects local authorities to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. Local authorities are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the local authority can propose an enlargement of the capacity¹⁵ of premises.

The [prescribed alterations' statutory process](#) must be followed to enlarge premises as set out in the [Prescribed Alterations Regulations](#)¹⁶ if:

- the proposed enlargement is permanent (longer than 3 years) and **would increase the capacity of the school** by:
 - more than 30 pupils; **and**
 - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than 3 years) that meets the above threshold.

Small scale expansions that do not meet the thresholds above do not need to follow the formal statutory process [below](#). Furthermore, in many cases, small increases in the

¹³ The number of pupils admitted into the school at a particular time.

¹⁴ <https://www.legislation.gov.uk/ukpga/1996/56/contents>.

¹⁵ Net capacity as calculated using the department's Guidance Assessing the Net Capacity of Schools which can be found [assessing the net capacity of schools.pdf \(nationalarchives.gov.uk\)](#), and read in conjunction with the [School capacity survey: guide for local authorities - GOV.UK \(www.gov.uk\)](#).

¹⁶ <https://www.legislation.gov.uk/uksi/2014/3110/contents/made>.

number of places can be achieved solely by increasing the school's published admissions number¹⁷ (PAN); please see the [School Admissions Code](#)¹⁸.

Examples of when you would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry – 30 pupils per class, 5 year groups) **could** enlarge its premises to bring the capacity to 900 pupils, creating space that would allow the addition of one form of entry (30 extra pupils x 5 year groups = increase of 150 pupils), **without** having to publish statutory proposals. Although the increase would be by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. less than 187).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be **both** 'more than 30' and '200' (it may or may not be more than '25%' but that is irrelevant as the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry $45 \times 7 = 315$), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than** '25%' (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

The quality of new places created through expansion

We expect local authorities to consider a range of performance indicators and financial data before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect local authorities to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the local authority should notify their Pupil Place Planning adviser¹⁹. In cases where there is a proposal to expand a

¹⁷ All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN for Year 7.

¹⁸ <https://www.gov.uk/government/publications/school-admissions-code--2>.

¹⁹ Advisers.PPP@education.gov.uk

school that is rated inadequate, the local authority should also send a copy of the proposal to the relevant RD so that they can ensure appropriate intervention strategies are in place.

The table below sets out who can propose an enlargement of premises and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	Enlargement of premises that meets the threshold	Statutory process	Local authority	Church of England (CofE) diocese, Roman Catholic (RC) diocese
Local authority for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Table 1: Enlargement of premises process

Expansion onto an additional site ('or satellite sites')

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a local authority decides that a new school is needed to meet basic need, they should refer to the guidance for opening new schools²⁰.

Judgements about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which it will serve the same community as the existing site. The more integration, the more likely the change is an expansion:

- **The reasons for the expansion**

²⁰ <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

- What is the rationale for this approach and this particular site?
- **Admission and curriculum arrangements**
 - How will the new site be used (e.g. which age groups/pupils will it serve)?
 - What will the admission arrangements be?
 - Will there be movement of pupils between sites?
- **Governance and administration**
 - How will whole school activities be managed?
 - Will staff be employed on contracts to work on both sites? How frequently will they do so?
 - What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?
- **Physical characteristics of the school**
 - How will facilities across the 2 sites be used (e.g. sharing of the facilities and resources available at the 2 sites, such as playing fields)?
 - Is the new site in an area that is easily accessible to the community that the current school serves?

Where proposers seek to establish an additional site within another local authority area, they should consult with the local authority for that area with regards to the details of the proposal and any subsequent objections and comments on the proposed site.

Where changes are likely to impact on a neighbouring local authority's ability to effectively manage the school estate in its area, the department expects that the proposer will involve that local authority during the decision making process. An example of where another local authority area may be affected is where pupils regularly cross between the local authorities' areas to go to school.

Local authorities should copy any proposal to expand a school onto a satellite site to schoolorganisation.notifications@education.gov.uk for monitoring purposes.

Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools²¹. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely

²¹ Except where a grammar school is replacing one or more existing grammar schools.

part of the existing school. Decision makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities²² must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the [School Admissions Code](#)²³ for further details of the processes admission authorities must follow).

Change of age range

Local authorities and governing bodies can propose the following age range changes. This section is for changes that are expected to be in place for more than 2 years (as these are considered permanent increases). Temporary changes (expected to be in place for no more than 2 years) do not require the statutory process to be followed.

Local authorities can propose a change of age range of one year group or more for community schools (including the adding or removal of sixth form or nursery provision) or an alteration of the upper age limit of a foundation or voluntary school to add sixth form provision by following the [prescribed alterations' statutory process](#).

Governing bodies of foundation and voluntary schools can propose an age range change of 3 year groups or more (including adding or removing a sixth form) by following the [prescribed alterations' statutory process](#).

Before making such a proposal, the governing body should consult with local authorities, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area. Where the school occupies land held by a charitable trust, the governing body should also consult with the trustees to ensure the terms under which the land is held do not restrict the age-range in any way.

²² The local authority in the case of community and voluntary controlled schools or the governing body in the case of voluntary aided and foundation schools.

²³ <https://www.gov.uk/government/publications/school-admissions-code--2>.

Governing bodies of community schools can propose the alteration of their upper age limit to add sixth form provision following the [prescribed alterations' statutory process](#).

Where a proposed age range change would also require an expansion of the school's premises, the local authority or governing body must also ensure that they act in accordance with the requirements for proposals for the [enlargement of premises](#).

In cases where the age-range of the school has changed, this should be altered on GIAS. For example, if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

The table below sets out who can propose a change of age range and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Local authority for community	Alteration of upper or lower age range by one year or more, including the adding or removal of sixth form or nursery provision	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community	Alteration of upper age range so as to add sixth form provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of voluntary and foundation	Alteration of upper age range so as to remove sixth form provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Table 2: Change of age range process

Adding a sixth form

This section applies to mainstream schools. Details of [how special schools can add post-16 provision](#) are covered below.

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth form provision will only be put forward for mainstream secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education should be good or outstanding (as rated by Ofsted) and the school should have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form should provide at least 200 places;

- **Subject Breadth:** The proposed sixth form should – either directly or through partnership – offer a minimum of 15 A level subjects. Local authorities may wish to consider the benefits of delivering a broader A level curriculum through partnership arrangements with other school sixth forms. Working with others can offer opportunities to:
 - a. Improve choice and attainment for pupils;
 - b. Deliver new, improved or more integrated services;
 - c. Make efficiency savings through sharing costs;
 - d. Develop a stronger, more united voice; and
 - e. Share knowledge and information.

Schools proposing a partnership arrangement should include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form, the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore where a decision maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

Closing an additional site

For schools that are already operating on a satellite site, proposals to close any site of the school must follow the [prescribed alterations' statutory process](#) where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed.

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	Closure of one or multiple sites	Statutory process	Local authority	CofE diocese, RC diocese
Governing body for voluntary or foundation	Closure of one or multiple sites	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Table 3: Closure of an additional site process

Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than 2 miles from the main entrance of the current school site, or if the proposed new site is within the area of another local authority:

- Local authorities can propose the transfer to an entirely new site for community schools and maintained nursery schools following the [prescribed alterations' statutory process](#).
- Governing bodies of voluntary and foundation can propose a transfer to a new site following the [prescribed alterations' statutory process](#).

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community and maintained nursery	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of voluntary foundation	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Table 4: Transfer to a new site process

Changes of category

Governing bodies of all categories of maintained schools, apart from governing bodies of foundation special and maintained nursery schools, may propose to change category by following the statutory process. The process for the addition or removal of a foundation is described in the [statutory process: foundation proposals](#) section below.

For a proposal to change the category of a school to voluntary aided, the decision maker should be satisfied that the governing body and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least 5 years from the date of implementation, taking into account anticipated building projects.

When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. Further information can be found in [Schedule 5 to the Prescribed Alterations Regulations](#)²⁴.

The table below sets out who can propose a change of category and what process must be followed:

²⁴ <https://www.legislation.gov.uk/uksi/2013/3110/schedule/5/made>.

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of voluntary	Voluntary controlled to voluntary aided, Voluntary aided to voluntary controlled	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of voluntary	Voluntary controlled or voluntary aided to foundation school	Statutory process	Governing body	For proposals at a voluntary aided school when decided by the governing body: Local authority, CofE diocese, RC diocese
Governing body of foundation	Foundation school to voluntary controlled or voluntary aided	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community	Community to voluntary controlled or voluntary aided ²⁵	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of community	Community to foundation school	Statutory process	Governing body	N/A

Table 5: Changes of category process

²⁵ Where this change would result in a change of religious character, this would not be permitted. Instead the governing body should follow the [opening and closing maintained schools guidance](#).

The following proposals to change the category of a mainstream school are not permitted under section 18 of the [Education and Inspections Act 2006](#)²⁶:

- from foundation or voluntary school to community school;
- from mainstream school to community special or foundation special school;
- from community special or foundation special school to mainstream school;
- from foundation special to community special;
- from maintained nursery school to any other kind of maintained school; and
- from any other kind of maintained school to maintained nursery school.

Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) but they should be able to show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex. When making a decision, local authorities will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#)²⁷.

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation or voluntary	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Table 6: Single sex school becoming co-educational (or vice versa) process

²⁶ <https://www.legislation.gov.uk/ukpga/2006/40/contents>.

²⁷ <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

Boarding provision

The introduction of boarding provision may require the statutory process to be followed (depending on the type of school in question – see table below).

Local authorities can propose the establishment, removal or decrease by 50 pupils or 50% whichever is the greater of boarding provision for community schools by following the [prescribed alterations' statutory process](#).

Governing bodies of voluntary and foundation schools can propose the removal or decrease by 50 pupils or 50% whichever is the greater of boarding provision by following the [prescribed alterations' statutory process](#).

The table below sets out who can propose to add, remove or decrease boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	Add, remove or decrease (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation or voluntary	Remove or decrease (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Table 7: Boarding provision process

In making a decision on a proposal to remove or decrease boarding provision from a school, the decision maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements²⁸ and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of voluntary or foundation	Remove selective admission arrangements	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community	Remove selective admission arrangements	Statutory process	Local authority	CofE diocese, RC diocese

Table 8: Remove selective admission arrangements at a grammar school process

Amalgamations

The local authority and/or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Alternatively, local authorities may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on [opening and closing a maintained school](#)²⁹.

²⁸ In accordance with [s. 109\(1\) of the School Standards and Framework Act 1998](#).

²⁹ <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

Changes to special schools and special educational needs (SEN) provision

Change of age range at special schools

Where the proposed alteration is a permanent one that is anticipated to be in place for more than 2 years:

- **Local authorities** can propose a change of age range of one year or more for community special schools by following the [prescribed alterations' statutory process](#).
- **Governing bodies** can propose a change of age range of one year or more for foundation special schools and community special schools by following the [prescribed alterations' statutory process](#).

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community special	Alteration of upper or lower age range by one year or more	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation special	Alteration of upper or lower age range by one year or more	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community special	Alteration of upper or lower age range by one year or more	Statutory process	Local authority	CofE diocese, RC diocese

Table 9: Change of age range at special schools process

Change in number of pupils in a special school

The [School Admissions Code](#)³⁰ does not apply to special schools. For a special school, the 'number of pupils' means the maximum number of pupils the school is set up to provide for (which is not necessarily the same as the number of pupils actually attending the school).

Governing bodies and local authorities may seek to increase the number of places by following the [prescribed alterations' statutory process](#) if the increase is by:

- 10%; or
 - 20 pupils (or 5 pupils if the school is a boarding-only school),
- (whichever is the smaller number).

The exception to this is where a special school is established in a hospital. In such a circumstance, the prescribed alterations process is not applicable.

Governing bodies of both categories of maintained special school, and local authorities for community special schools, may seek to decrease the number of places, by following the [prescribed alterations' statutory process](#). As above, this does not apply to a special school established in a hospital.

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

³⁰ <https://www.gov.uk/government/publications/school-admissions-code--2>.

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	Local authority	Governing body/Trustees, CofE diocese, RC diocese

Table 10: Change in number of pupils in a special school process

Expansion of a special school into a satellite site

In addition to the factors stated in the [expansions onto a satellite site](#) section above, where the proposal is for a special school to establish a satellite site (particularly where this involves sharing a site with a mainstream school), the decision maker may also want to consider:

- the suitability of a mainstream school, where applicable, to support the proposed provision and the practical implications of sharing a site;
- who is to be responsible for delivering the provision and for the safeguarding of the pupils; and
- how transport arrangements will be made.

Special school transferring to a new site

Where the main entrance of the proposed new site for a school would be more than 2 miles from the main entrance of the current school site, or if the proposed new site is within the area of another local authority:

- **Local authorities** can propose the transfer to an entirely new site for community special schools by following the [prescribed alterations' statutory process](#).
- **Governing bodies** of foundation special and community special schools can propose a transfer to a new site following the [prescribed alterations' statutory process](#).

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community special	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese
Governing body for foundation special	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body for community special	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese

Table 11: Special school transferring to a new site process

Removal of foundation and/or reduce majority of foundation in a special school

The process for the addition or removal of a foundation is described [below](#).

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of foundation special	Remove foundation and/or reduce majority of foundation governors on governing body	Statutory process	Governing body	N/A

Table 12: Removal of foundation and/or reduce majority of foundation in a special school process

Single sex special school becoming co-educational (or vice versa)

As with mainstream schools, proposers can seek to change their school from single sex to co-educational (or vice versa) but they should be able to show that this would better serve their local community. When making a decision, local authorities will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#)³¹.

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authorities for community special	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation special	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community special	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese

³¹ <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

Table 13: Single sex special school becoming co-educational (or vice versa) process

Boarding provision in special schools

Local authorities can propose the establishment or removal of boarding provision for community special schools or, where the school makes provision for day and boarding pupils, the increase or decrease of boarding provision by 5 pupils or more by following the [prescribed alterations' statutory process](#).

Governing bodies can propose to add or remove boarding provision or, where the school makes provision for day and boarding pupils, to increase or decrease boarding provision by 5 pupils or more following the [prescribed alterations' statutory process](#).

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese

Table 14: Boarding provision in special schools process

Special schools adding post-16 provision

Where a special school wishes to add 16-19 provision, the guidelines set out for mainstream schools do not apply. The procedure is the same as for any other change of age range (as described above).

Schools wishing to add post-19 provision should consult: [High needs funding: due diligence process for special post-16 institutions](#)³².

Mainstream school: establish/remove/alter SEN provision

Many mainstream schools include dedicated provision for pupils with SEN, either SEN units or resourced provision:

- SEN units are special provisions within a mainstream school where the pupils with SEN are taught within separate classes for at least half of their time.
- Resourced provision are places that are reserved at a mainstream school for pupils with a specific type of SEN, taught for at least half of their time within mainstream classes, but requiring a base and some specialist facilities around the school.

When considering any reorganisation of provision that the local authority recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers should demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

Changes might be made to add or remove a SEN unit or resourced provision or to change the type of special educational provision a SEN unit or resourced provision supports.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed. In this table, 'SEN provision' means provision which is recognised by the local authority as reserved for children with SEN and 'alter' means change the type or types of SEN provision:

³² <https://www.gov.uk/government/publications/high-needs-funding-due-diligence-process-for-new-special-post-16-providers/high-needs-funding-due-diligence-process-for-special-post-16-institutions-for-academic-year-2018-to-2019>.

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	Establish, remove or alter SEN provision	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for voluntary and foundation	Establish or remove SEN provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of foundation and voluntary	Establish, remove or alter SEN provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Table 15: Mainstream school: establish/remove/alter SEN provision process

Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community special	Change type of SEN provision	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for foundation special	Change type of SEN provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community special	Change type of SEN provision	Statutory process	Local authority	CofE diocese, RC diocese

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of foundation special	Change type of SEN provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Table 16: Change the types of need catered for by a special school process

Contentious proposals

When proposing changes, local authorities and governing bodies should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

To enable the department to monitor potentially controversial proposals, local authorities and governing bodies should notify schoolorganisation.notifications@education.gov.uk of the publication of any proposals which would:

- involve [expansion onto a separate 'satellite' site](#); or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

Changes that can be made outside of the statutory process

Local authorities and governing bodies of maintained schools can make limited changes to their schools without following the statutory process, including some temporary changes (e.g. enlargement of premises anticipated to be in place for no more than 3 years, or a change of age range anticipated to be in place for no more than 2); local authorities and governing bodies are nevertheless required to adhere to the usual principles of public law. Local authorities and governing bodies MUST:

- act rationally and within their powers;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department expects that in making these changes, local authorities and governing bodies will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character, the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and further education (FE) colleges as required) and other interested parties. The [consultation principles guidance](#)³³ can be referenced for examples of good practice.

Before making any changes, governing bodies should ensure that:

- they have consulted with the local authority to ensure the proposal is aligned with local place planning arrangements;

³³ <https://www.gov.uk/government/publications/consultation-principles-guidance>.

- they have secured any necessary funding;
- they have identified suitable accommodation and sites;
- they have secured planning permission and/or agreement on the transfer of land where necessary³⁴;
- they have the consent of the site trustees or other land owner where the land is not owned by the governing body;
- where a school is designated as having a religious character they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, as appropriate; and
- the admission authority is content for the PAN to be changed where this forms part of expansion plans, in accordance with the [School Admissions Code](#)³⁵.

Once a decision on the change has been made, the change should be recorded in the department's [GIAS](#)³⁶ system. These changes should be made within a week of the date of implementation of the change and can be input in advance, once a decision is made.

³⁴ Including, where necessary, approval from the Secretary of State for change to the use of playing field land under [section 77\(1\) of the SSFA 1998](#).

³⁵ <https://www.gov.uk/government/publications/school-admissions-code--2>.

³⁶ <https://get-information-schools.service.gov.uk>.

Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools (other than alterations arising from foundation proposals, which are covered in [statutory process: foundation proposals](#) section) has 5 stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)	-	Where the proposed implementation timescale is longer than 3 years, the proposer should demonstrate good reason
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	Local authority must decide a proposal within 2 months	
Stage 4	Referral (if applicable)	If a decision has been made, any referral to the adjudicator must be made within 4 weeks of the decision. If the local authority has not decided a proposal within 2 months, it must refer the proposal to the Schools Adjudicator	

Stage	Description	Timescale	Comments
Stage 5	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications decided by the decision maker

Table 17: Prescribed alterations statutory process

Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that governing bodies and local authorities will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Governing bodies should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend any pre-publication consultation period if it overlaps school holidays etc;
- by planning where any public and stakeholder meetings are held to maximise response;
- by taking into account the admissions cycle for changes that will impact on the school’s admission arrangements.

A number of changes can impact admissions, necessitating e.g. reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of 2 ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)³⁷) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or

³⁷ <https://www.gov.uk/government/publications/school-admissions-code--2>.

- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#)³⁸ so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will necessitate a reduction in PAN or removal of a relevant age group for admission after parents have submitted an application for the following September (i.e. 31 October for secondary admissions or 15 January for primary admissions).

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a local authority is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed), the 2 notices could be published together and cross-refer to the other.

The full proposal must be published on a website (e.g. the school or local authority's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the local authority's address to which objections or comments should be submitted.

A brief notice (including the website address) must be published in a local newspaper. If the proposal is published by a governing body, then notification must also be posted in a conspicuous place on the school premises and at or near all of the main entrances to the school.

³⁸ <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the governing body/local authority (as appropriate);
- the parents of every registered pupil at the school – where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
 - the Diocesan Boards of Education for any diocese of the CofE any part of which is comprised in the area of the local authority;
 - the bishop(s) of a diocese of the RC Church any part of which is comprised in the area of the local authority; or
 - the relevant faith group in relation to the school; and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area, or neighbouring local authorities.

Proposals affecting a special school should go to any local authority that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there).

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than 3 years.

Representation (formal consultation)

The representation period must last for 4 weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the local authority to be taken into account by the decision maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The local authority will be the decision maker in all cases³⁹ except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁴⁰, or where the proposals are referred to the Adjudicator as described below.

Decision makers will need to be satisfied that the appropriate fair and open representation period has been carried out and that the proposer has given full consideration to all the responses received during any pre-publication consultation. Decision makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s). Decisions must be made within a period of 2 months of the end of the representation period, or the proposals must be referred to the Schools Adjudicator.

When issuing a decision, the decision maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted whichever of the local authority and/or governing body that has not proposed the modification; or
- approve the proposal, with or without modification (having consulted on any modifications as mentioned above) subject to certain conditions⁴¹ (such as the granting of planning permission) being met.

³⁹ With the exception of proposals relating to changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority (see the [statutory process: foundation proposals](#) section below).

⁴⁰ <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

⁴¹ The condition must be the occurrence of a prescribed event. The prescribed events are those listed in [paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations](#). These are:

- (a) the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- (b) the acquisition of any site required for the implementation of the proposals;
- (c) the acquisition of playing fields required for the implementation of the proposals;
- (d) the securing of any necessary access to a site referred to in Paragraph (b) or playing fields referred to in Paragraph (c);
- (e) the entering into an agreement for any necessary building project supported by the Department for Education;
- (f) in the case of mainstream schools, the agreement to any change of the admission arrangements relating to the school or any other school or schools, as specified in the approval;
- (g) the making of any scheme relating to any charity connected with the school;
- (h) the formation of any federation (within the meaning of section 24(2) of the Education Act 2002 of which it is intended that the school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the local authority or the governing body (as appropriate); or the Schools Adjudicator (if the proposal has been referred to them). A notice must be placed on the website where the original proposal was published.

Within one week of making a decision the local authority must publish their decision and the reasons for it on the website where the original proposal was published and send copies to:

- the local authority (where the Schools Adjudicator is the decision maker);
- the Schools Adjudicator (where the local authority is the decision maker);
- the governing body (as appropriate);
- the trustees of the school (if any);
- the Diocesan Board of Education for any diocese of the CofE any part of which is comprised in the area of the local authority;
- the bishop(s) of a diocese of the RC Church any part of which is comprised in the area of the local authority;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#)⁴² is the decision maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the local authority must publish the decision, with reasons, on the website where the original proposal was published.

(i) where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new further education institution under section 16 or 33C of the Further and Higher Education Act 1992;

(j) where the proposals in question depend upon any of the events specified in Paragraphs (a) to (i) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and

(k) where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and these proposals depend on the occurrence of events specified in regulation 16 of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 the occurrence of such an event.

⁴² <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

Related proposals

Where proposals appear to be related to other proposals, the decision maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Conditional approval

For many types of proposal, decision makers may make their approval conditional on certain prescribed kinds of events⁴³. The decision maker must set a date by which the condition should be met but can modify the date if the governing body that made the proposal asks for this before the date expires, for example because the condition will be met later than originally thought. If the decision maker is the Schools Adjudicator they must consult the local authority before doing this.

The proposer should inform the decision maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision maker for fresh consideration.

Education standards and diversity of provision

Decision makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

Equal opportunities issues

The decision maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

⁴³ Under [paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations](#). See footnote 41.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#)⁴⁴ website.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

Travel and accessibility

Decision makers should be satisfied that proposed changes will not adversely impact any particular group, including those with protected characteristics or who are disadvantaged (for example, those who are eligible for free school meals or pupil premium). Decision makers should also consider how the proposal will support the local authorities' duty to promote the use of sustainable travel and transport to school.

The decision maker should consider whether a proposal will result in unreasonably long journey times or increased travel costs for local authorities or families, as well as any increase in the use of motor vehicles which is likely to result from the change, and the likely effects of any such increase.

Decision makers should be satisfied that the proposers have taken into account whether the proposal will result in a significant increase in the number of children who are unable to travel sustainably, for example due to a lack of suitable walking, cycling or public transport routes. Further information is available in the statutory [Home-to-school travel and transport guidance](#)⁴⁵ for local authorities.

Funding

The decision maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given any agreements required for this. A proposal cannot be approved conditionally upon funding being made available (unless the proposal is conditional on funding for any necessary

⁴⁴ <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>.

⁴⁵ <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>.

building project supported by the Department⁴⁶). In such circumstances consideration of the proposal should be deferred until it is clear that the capital necessary to implement the proposal will be provided.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available.

In terms of the revenue funding support that schools will receive for taking on additional pupils, schools' core allocations in any given year are based on the number of pupils that they had on roll at the previous autumn census. This means that schools that expand to educate additional pupils could be funded for fewer pupils for a given year. Local authorities can use growth funding to support schools to manage the revenue costs of an increase in pupil numbers before schools receive the corresponding increase in their core funding.

The department provides local authorities growth funding through the National Funding Formula (NFF) within their schools' block. Local authorities' growth funding is allocated based on the actual growth in pupil numbers experienced in the previous year. Local authorities determine criteria for allocating growth funding to schools in their area with the agreement of their schools forum. We expect any additional school places required to meet basic need would be funded in accordance with those local criteria.

Further information is available in the [Schools Operational Guidance](#) on local implementation of the funding system⁴⁷.

Right of referral

For prescribed alterations to maintained schools, the following bodies may refer a decision made by a local authority decision maker to the Schools Adjudicator, within 4 weeks of the decision being made:

- a Diocesan Board of Education for any diocese of the CofE any part of which is comprised in the area of the local authority;

⁴⁶ [Paragraph 8\(e\) of Schedule 3 to the School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013.](#)

⁴⁷ <https://www.gov.uk/government/publications/pre-16-schools-funding-local-authority-guidance-for-2023-to-2024/schools-operational-guide-2023-to-2024#growth-funding>.

- a bishop of the RC Church any part of which is comprised in the area of the local authority; and
- the governing body or trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of a request for a referral, a local authority decision maker must then send the proposal and representations received to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

A proposal must be implemented in the form that it was approved, including any modifications made by the decision maker.

Modification post determination

Governing bodies can seek modifications from the decision maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal. If the decision maker agrees, this removes the duty to implement as set out in the [School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)⁴⁸.

Land and buildings

Foundation, foundation special or voluntary controlled schools

Where a local authority is required to provide a site for a foundation, foundation special or voluntary controlled school, the local authority must⁴⁹:

⁴⁸ <http://www.legislation.gov.uk/uksi/2013/3110/contents/made>.

⁴⁹ <http://www.legislation.gov.uk/uksi/2013/3110/schedule/3/paragraph/17/made>.

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the governing body, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the local authority is required to make the transfer, the adjudicator will make a decision.

Voluntary aided schools

Where a local authority is required to provide a site for a voluntary aided school⁵⁰, or where they choose to use their discretionary powers to provide assistance by means of providing a site⁵¹, they must transfer their interest in the land to the trustees of the school or to the school's foundation bodies if the school has no trustees, and must pay to the persons to whom the transfer is made the reasonable costs in connection with the transfer.

School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities (except pupil referral units) are required to have suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#)⁵² setting out suggested areas for pitches and games courts are in place although these are non-statutory.

⁵⁰ Paragraph 4 of Schedule 3 to the [School Standards and Framework Act 1998](#).

⁵¹ Paragraph 8 of Schedule 3 to the [School Standards and Framework Act 1998](#).

⁵² <https://www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal>.

Statutory process: foundation proposals

Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

The foundation of a foundation trust school is called a 'foundation trust'. A foundation trust must have a charitable purpose of advancing the education of pupils at the school and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby a majority of governors on the governing body must be foundation governors⁵³. Governing bodies can propose:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of voluntary	Voluntary controlled or voluntary aided to foundation school and acquire a foundation, Voluntary controlled or voluntary aided to foundation school, acquire a foundation and majority foundation governors on the governing body	Statutory process	Governing body	For proposals at a voluntary aided school when decided by the governing body: Local authority, CofE diocese, RC diocese

⁵³ 'Foundation governor' is defined in regulation 9 of the School Governance (Constitution) (England) Regulations 2012.

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of foundation	Acquire foundation, Acquire a majority of foundation governors on the governing body	Statutory process	Governing body	N/A
Governing body of community	Community to foundation school, Community to foundation school and acquire foundation, Community to foundation school and acquire majority of foundation governors on governing body	Statutory process	Governing body	N/A

Table 18: Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority process

Where a school's governing body considers changing category to foundation and/or acquiring a foundation (including a foundation trust) and/or acquiring a foundation majority, the following 5-stage statutory process must be followed. These 3 types of proposals are collectively called 'foundation proposals'.

Stage	Description	Timescale	Comments
Stage 1	Initiation/consent	-	The governing body must in some cases get consent (as described below) before publishing proposals for a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication	-	Having gained consent where required
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the Prescribed Alterations Regulations
Stage 4	Decision	The governing body must decide within 12 months of the date of publication	Unless the local authority has triggered referral of the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications made by the decision maker

Table 19: Foundation proposals statutory process

Initiation/consent

For a proposal to change the category of a school to a foundation school, the governing body should inform the local authority in writing of a proposed motion to consult, at least 7 days in advance of a meeting.

Before the governing body can publish a proposal to change category from a voluntary school to a foundation school, or a proposal for some types of foundation school to acquire a foundation majority, the existing trustees and whoever appoints the foundation governors must give their consent.

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Schedule 1 to the Prescribed Alterations Regulations](#)⁵⁴ specifies information that the statutory proposal must contain.

Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last 4 weeks. During this period, any person or organisation can submit comments on the proposal to the governing body, to be taken into account when the decision is made.

During the representation period, the local authority has the power to require the referral of a proposal to acquire a foundation majority, or a proposal that would result in the school becoming a foundation school with a foundation or a foundation special school with a foundation, to the [Schools Adjudicator](#)⁵⁵ for decision, if they consider it will have a negative impact on standards at the school. The local authority does not have this power in respect of a proposal solely to change category to foundation⁵⁶.

Where a proposal is referred to the [Schools Adjudicator](#)⁵⁷, the governing body must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the governing body will be the decision maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

⁵⁴ <https://www.legislation.gov.uk/ukxi/2013/3110/schedule/1/part/1/made>.

⁵⁵ <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

⁵⁶ However, where such a proposal is related to a proposal to acquire a foundation, then the whole set of proposals will be referred to the Schools Adjudicator.

⁵⁷ <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

Where a proposal to acquire a foundation or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

When issuing a decision, the decision maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the local authority (or, if the decision maker is the Schools Adjudicator, the governing body); or
- approve the proposal with or without modifications (consulting as above before deciding on any modifications) but conditional upon:
 - the making of any scheme relating to any charity connected with the school; and
 - the establishment of a foundation⁵⁸.

Where the local authority has required a governing body to refer a proposal to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will fall to be decided by the Schools Adjudicator.

Decision makers should consider the impact of changing category to foundation school and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty⁵⁹ to promote community cohesion and decision makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies (if the foundation trust is already in existence at the time of the decision).

Foundation schools acquiring a foundation trust

For proposals for schools to become foundation trust schools the decision maker should be satisfied that the following criteria are met for the proposal to be approved:

⁵⁸ As defined in [section 23A of the School Standards and Framework Act 1998](#).

⁵⁹ Under [section 23A of the School Standards and Framework Act 1998](#).

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the proposed foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
 - disqualifications from working with children or young people;
 - not having obtained a criminal record check certificate⁶⁰;
 - the Charities Act 2011⁶¹ which disqualifies certain persons from acting as charity trustees.

Suitability of partners

Decision makers will need to be satisfied of the suitability of foundation trust partners and members. Foundation trust partners are partnership governors that only exist in foundation schools that have no foundation or equivalent body, and they act instead of foundation governors. They are eligible to be appointed if the person nominating them believes that they have the skills needed to contribute to the effective governance and success of the school. Decision makers should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)⁶²
- [The Charity Commission's Register of Charities](#)⁶³; and
- [The Companies House web check service](#)⁶⁴.

⁶⁰ Under [section 113A of the Police Act 1997](#).

⁶¹ Section 178: <http://www.legislation.gov.uk/ukpga/2011/25/contents>.

⁶² Appearance on this database should not automatically disqualify a potential trust member; decision makers will wish to consider each case on its merits: <https://www.hse.gov.uk/enforce/convictions.htm>.

⁶³ <https://register-of-charities.charitycommission.gov.uk>.

⁶⁴ <https://wck2.companieshouse.gov.uk/wcframe?name=accessCompanyInfo>.

Within one week of making a decision the governing body must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

- the local authority;
- the Diocesan Board of Education for any diocese of the CofE any part of which is comprised in the area of the local authority, if the proposal relates to a change of category from voluntary aided to foundation school; and
- the bishop(s) of a diocese of the RC Church any part of which is comprised in the area of the local authority, if the proposal relates to a change of category from voluntary aided to foundation school.

Where a proposal has been decided by the governing body and relates to changing the category of a voluntary aided school to foundation (with or without the acquisition of a foundation /foundation majority), the following bodies have the right to request referral to the [Schools Adjudicator](#)⁶⁵:

- the local authority;
- the Diocesan Board of Education for any diocese of the CofE any part of which is comprised in the area of the local authority; and
- the bishop(s) of a diocese of the RC Church any part of which is comprised in the area of the local authority.

If one of those bodies requests referral, the governing body must submit the proposals, and any objections or comments received, to the Schools Adjudicator within one week of receiving the request.

Conditional approval

Decision makers may make their approval conditional on certain prescribed kinds of events⁶⁶. The decision maker must set a date by which the condition should be met but a governing body can modify the date before the date expires, for example if the condition will be met later than originally thought. Before changing the date for a condition to be met for a change of category to foundation school and/or the acquisition of a foundation, a governing body must consult the local authority.

⁶⁵ <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>. The specific circumstances in which a referral can be made are prescribed under [paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations](#).

⁶⁶ Under [paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations](#).

The proposer should inform the decision maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision maker for fresh consideration.

Implementation

The governing body must implement any approved proposal by the approved implementation date, including any modifications made by the decision maker.

Within one week of implementation the governing body must provide information to the Secretary of State⁶⁷ about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to schoolorganisation.notifications@education.gov.uk in order for the school record to be updated on GIAS.

Modification post determination

Modifications can be made to a proposal by the governing body after determination but before implementation. The local authority must be consulted before any modification is made to a proposal for a change of category to foundation school or for the acquisition of a foundation. The details of the modification must be published on the website where the original proposal was published.

Revocation

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal as set out in the [Prescribed Alterations Regulations](#)⁶⁸. If they decide, following that procedure, that the proposed changes should not be implemented, they will be relieved of the duty to implement.

Governance and staffing issues

[Schedule 4 to the Prescribed Alterations Regulations](#)⁶⁹ provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the governing body;
- current governors continuing in office;

⁶⁷ <http://www.legislation.gov.uk/uksi/2013/3110/schedule/1/paragraph/18/made>.

⁶⁸ <https://www.legislation.gov.uk/uksi/2013/3110/contents/made>.

⁶⁹ <https://www.legislation.gov.uk/uksi/2007/1289/schedule/4/made>.

- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

Land transfer issues

When making a proposal to acquire a foundation, proposers will need to consider whether the current terms on which the school’s land is held on trust allows for the change in category proposed. Requirements as to land transfers when a school acquires a foundation are prescribed in [Schedule 5 to the Prescribed Alterations Regulations](#)⁷⁰.

If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

Removing a foundation trust and/or removing a foundation majority

Governing bodies of foundation schools can propose to remove a foundation trust and/or remove a foundation majority by following the statutory process:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of foundation	Removal of foundation and/or reduction in majority of foundation governors on governing body	Statutory process	Governing body	N/A

Table 20: Removing a foundation trust and/or removing a foundation majority process

There are 5 or 6 statutory stages (depending on the proposal and circumstances) to remove a foundation and/or to remove a foundation majority. This procedure applies only if the school was established under the Education and Inspections Act 2006 or acquired its foundation under that Act. It does not apply to a foundation that was established under

⁷⁰ <https://www.legislation.gov.uk/ukxi/2013/3110/schedule/5/made>.

the School Standards and Framework Act 1998. It may be triggered in 2 different ways – either by a majority or a minority of the governing body:

Stage	Description	Timescale	Comments
Stage 1	Initiation	-	<p>Majority A meeting of the whole governing body votes to publish a proposal to remove a foundation/remove the foundation majority,</p> <p>or</p> <p>Minority A minority (of not less than a third of the governors) notify the clerk of the governing body of their wish for the governing body to publish a proposal to remove a foundation/remove the foundation majority</p>
Stage 2	Land Issues (applicable only to removal of foundation)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation, the governing body, trustees and the local authority must resolve issues related to land and assets before a proposal is published

Stage	Description	Timescale	Comments
Stage 3	Consultation	<p>Majority A minimum of 4 weeks is recommended or</p> <p>Minority No consultation required</p>	<p>Majority It is for the governing body to determine the length of consultation</p>
Stage 4	Publication	<p>Minority Where there are no land or asset issues – publish within 3 months of receipt of notice by governing body clerk</p> <p>Where there are land issues, publish within one month of receipt of School Adjudicator's determination</p>	-
Stage 5	Representation	6 week representation period	-
Stage 6	Decision	Within 3 months of publication	A proposal initiated by a minority of governors may not be rejected unless at least 2/3 of the governing body vote in favour of the rejection

Stage	Description	Timescale	Comments
Stage 7	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications made by the decision maker

Table 21: Remove a foundation and/or foundation majority statutory process

Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- the governing body⁷¹ or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole governing body at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- at least 1/3⁷² of the governors requesting in writing to the clerk of the governing body, that a proposal be published. No vote of the governing body is required as they are obliged to publish a proposal. To prevent on-going challenges there are a number of prescribed circumstances⁷³ in which there is no obligation to follow the wishes of the minority of governors.

Land and assets (when removing a foundation)

Before publishing proposals to remove a foundation, the governing body must reach agreement with the trustees and local authority on prescribed issues relating to the school's land and assets⁷⁴. Where such issues remain unresolved within 3 months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the [Schools Adjudicator](#)⁷⁵ for determination.

⁷¹ [Regulation 4 of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007.](#)

⁷² [Regulation 5 of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007.](#)

⁷³ [Regulation 5\(4\) of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007.](#)

⁷⁴ The issues on which they must agree are set out in regulation 6(1) of the School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007

⁷⁵ <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

On the removal of the foundation, all publicly provided land held by the foundation for the purposes of the school will transfer to the governing body⁷⁶. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the governing body in accordance with a transfer agreement, providing for consideration to be paid by the governing body to the trustees where appropriate. This also applies to a transfer of publicly provided land if the trustees sold other land to buy the land or to build buildings on it. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

Consultation

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the governing body must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the local authority;
- the governing bodies of any other foundation or foundation special schools maintained by the same local authority for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;

⁷⁶ By virtue of [regulation 17\(1\) of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#).

- the Secretary of State if the proposals affect the provision of full-time education suitable to children and young people between the beginning of the academic year when they turn 15 and the date they turn 19; and
- any other person the governing body consider appropriate.

Publication

Where the decision to publish a proposal was made by a majority of governors, the governing body at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the governing body must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the [Schools Adjudicator](#)⁷⁷, the proposal must be published within one month of receipt of its determination.

Proposals to remove a foundation or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#)⁷⁸.

At the same time as publishing the proposals, the governing body must send copies of the proposals to the trustees, the Secretary of State, and the local authority. The Secretary of State's copy should be emailed to schoolorganisation.notifications@education.gov.uk.

Representation

The representation period starts on the date of the publication of the proposal and must last 6 weeks. During this period, any person or organisation can submit comments on the proposal to the governing body to be taken into account when the decision is made.

Unlike the foundation acquisition process, there is no power for the local authority to refer a proposal to the Schools Adjudicator to remove a school's foundation or to remove a foundation majority. However, governing bodies must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of

⁷⁷ <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

⁷⁸ <https://www.legislation.gov.uk/uksi/2007/3475/contents/made>.

State under section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

Decision

The governing body is the decision maker for a proposal to remove a foundation or a foundation majority and must determine the proposal within 3 months of the date of its publication.

If a proposal was published following a decision of the whole governing body, then it may be determined by a majority vote of those governors present at the meeting to decide the proposals⁷⁹.

If a proposal was initiated by a minority of governors, then the governing body may not reject the proposal unless 2/3 or more of the governors indicate that they are in favour of its rejection⁸⁰.

When deciding a proposal for the removal of a foundation, the governing body should consider the proposal in the context of the original decision to acquire the foundation, and consider whether the foundation has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners to act as a partnership governor in a foundation school that has no foundation or equivalent body, this should be considered.

All decisions must be taken in accordance with the processes prescribed in the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013⁸¹.

The governing body must notify the relevant local authority, trustees and the Secretary of State of their decision. Notification to the Secretary of State should be sent via schoolorganisation.notifications@education.gov.uk.

Implementation

The governing body is under a statutory duty to implement any approved proposal, as published (and as modified in the final decision), by the approved implementation date.

Removal of a foundation must be implemented in accordance with regulations 14-18, and removal of foundation majority must be implemented as per regulations 14-16 of the

⁷⁹ As per the [School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#).

⁸⁰ As per [regulation 11\(2\) of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#).

⁸¹ Except as otherwise provided by the [School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#).

School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007.

An implementation period begins when the proposal is decided and ends on the date set out in the proposal (as published or as subsequently modified) as the date by which implementation is to occur. During this period, the local authority and governing body are required to ensure that a new instrument of government is made for the school, so enough time must be built into the timeframe for this to happen. The governing body must then be reconstituted in accordance with the new instrument of government and the [School Governance \(Constitution\) \(England\) Regulations 2012](#)⁸².

When removing a foundation or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current governing body who continues as a governor on these grounds holds office for the remainder of the term for which they were originally appointed or elected. Where a school with a religious character has no foundation trust, the governing body must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent a former foundation governor being reappointed by the governing body as a partnership governor, if eligible.

Where there are more governors for the category than are provided for by the new instrument of government, it must be decided which governors in that category are best placed to contribute to the effective governance and success of the school. For foundation governors, this decision must be made by those who appointed them. For governors without a foundation, this decision must be made by the governing body. The others must cease to hold office.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation for the use of the school and premises.

Modification of proposals

The governing body may approve a proposal subject to modifications. Modifications can only be made to the implementation date and the proposed constitution of the governing body. If the proposal was initiated by a minority of governors, a modification can only be made at a vote of at least 2/3 of the governors.

⁸² <https://www.legislation.gov.uk/uksi/2012/1034/contents/made>.

Further information

Relevant departmental advice and statutory guidance

This guidance primarily relates to:

- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#)
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#)
- [Education and Inspections Act 2006](#) (especially Parts 2 and 3)
- [School Standards and Framework Act 1998](#)
- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#)

It also relates to:

- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](#)
- [The School Governance \(New Schools\) \(England\) Regulations 2007](#)
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)
- [Childcare Act 2006](#)
- [The School Premises \(England\) Regulations 2012](#)
- [Making significant changes to existing academies guidance](#)
- [Closure of an academy by mutual agreement guidance](#)
- [Establishing a new school: free school presumption guidance](#)
- [Opening and closing maintained schools guidance](#)
- [School admissions code](#)

- [Education Act 1996](#)
- [Equality Act 2010](#)
- [Police Act 1997](#)
- [Charities Act 2011](#)
- Guidance from the Equality and Human Rights Commission on the [Public Sector Equality Duty](#)

Other departmental resources

Contact details for Regional Directors offices:

- East Midlands – RG.EM@education.gov.uk
- East of England – RG.EOE@education.gov.uk
- London – RG.LONDON@education.gov.uk
- North West – RG.NW@education.gov.uk
- South East – RG.SE@education.gov.uk
- South West – RG.SW@education.gov.uk
- West Midlands – RG.WM@education.gov.uk
- Yorkshire and Humber – RG.YH@education.gov.uk

Annex A: Information to be included in a prescribed alteration statutory proposal

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and local authority details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support; objections and comments.



Department
for Education

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Date: 13 November 2023

Title of report: Proposals to expand Woodley School and College
– outcome report.

Purpose of report: To present the outcomes from the non-statutory consultation on the proposal to expand the number of special school places at Woodley School and College ahead of, and leading up to, the completion of a new, larger school building.

1. Background

Between 29 September and 27 October 2023, a non-statutory consultation took place on a proposal to increase the places available at Woodley School and College to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild. The proposed 194 places include 180 places in the planned new school rebuild and up to 14 places in the existing Woodley Post-16 satellite provision based in a shop in Huddersfield town centre. This report details the findings from the consultation which can be taken into account when decisions are made about the next steps for the proposals. The consultation document can be found at Appendix A, the consultation strategy and methodology at Appendix B, and the distribution list for the consultation document at Appendix C.

1.1.1 Woodley School and College

Woodley School and College is a Kirklees Local Authority aspirational, inclusive and outward-looking special school in Huddersfield for children aged 5-19 with complex autism. There are currently 153 pupils on roll.

The school is rated as 'Good' by Ofsted (March 2023), holds Advanced Autism Accreditation and is the Autism Education Trust licensed training provider for Kirklees schools and Post-16. This recognises the highest standards of autism expertise and practice and underpins the school's important role as a schools training hub.

Further details can be found on the school website:

<https://www.woodleyschool.org.uk/>

1.2 Special School Re-build

In October 2021, Kirklees Cabinet agreed an ambitious plan to rebuild two existing special schools, Joseph Norton Academy and Woodley School and College. Not only would the plan provide modern facilities for existing pupils, but the schools would also be built to accommodate more pupils to address the growing demand.

For Woodley School and College, the agreed plan is to build a 180-place new school building on Fernside Avenue, Almondbury. It takes time to design and build a new

school, so it is not expected to be complete until around Autumn 2026.

Further information is available in the Cabinet report:

<https://democracy.kirklees.gov.uk/documents/s43155/210924%20Special%20Schools%20-%20Cabinet%20Report.pdf>

1.3 Satellite opportunities

Special school satellite provision is where a special school increases its capacity by expanding onto an additional site. The additional site may be on the site of a mainstream school, which provides some physical space for satellite purposes, or it could be a suitable building not occupied by another school. Pupils attending a special school satellite provision remain on the roll of the special school. The satellite provision remains under the leadership and governance of the special school, and its staff are employees of the special school. Examples already in Kirklees include:

- Ravenshall Special School hosted by Headfield CE (VC) Junior School
- Ravenshall Post-16 provision based in a former library building
- Southgate Special School hosted by Newsome Academy
- Woodley Post-16 provision based in a shop in Huddersfield town centre

Ahead of, and leading up to, the completion of a new, larger school building for Woodley School and College, the local authority, working with the Governing Body of Woodley School and College, believes there is an opportunity to establish a further satellite site to enable a gradual increase in the number of pupil places.

This opportunity would support the planned strategy of enabling more children and young people to secure places and thrive in local education settings.

2. Response to Consultation

Question: Do you support or oppose the proposal to increase the places available at Woodley School and College from 180 to 194 pupil places? The additional places would be delivered gradually, using satellite provision, ahead of the completion of a new and larger school building.

The Council received 45 responses from a range of stakeholders. All responses are included in full in Appendix D. The types of stakeholders responding to the consultation are detailed in the table below. Please note that percentages shown in the analysis of responses may not equal 100% due to rounding.

Type of respondent		
Respondent	Number of respondents	% of respondents
Parents/Carers	15	33%
Pupils	0	0%
Staff Members	16	36%
Governors	1	2%
Local Residents	10	22%
Other	3	7%
	45	

Note: Some respondents have classified themselves as belonging to more than one stakeholder group and have therefore been counted in more than one group in this

table (38 actual respondents logged as 45 stakeholder views in the above table). The table above shows 33% of respondents were parents, carers or pupils, 36% of respondents were members of school staff, 2% were school governors, and 22% were local residents.

Summary by response type

Summary by response type	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know	Total
	36	0	1	0	1	0	38
	95%	0%	3%	0%	3%	0%	

Note: Where respondents have classified themselves in more than one category, their response has been counted only once in this table.

This table provides a summary of the responses received and is included in order that the overall level of support or opposition to the proposals can be clearly established.

It shows that 95% of respondents either strongly support or support the proposals, 3% of respondents oppose or strongly oppose the proposals, and 3% of respondents neither support nor oppose the proposals.

Responses from parents/carers

Responses of parents/carers	strongly support	support	neither support nor oppose	oppose	strongly oppose	don't know	total
	13	0	1	0	1	0	15
	87%	0%	7%	0%	7%	0%	

- This table shows the distribution of responses from parents/carers, 15 responses were received.
- 87% of this group of respondents strongly supports or supports the proposals, with 7% opposing or strongly opposing the proposals.

Responses from Staff

Responses from individual staff	strongly support	support	neither support nor oppose	oppose	strongly oppose	don't know	total
	16	0	0	0	0	0	16
	100%	0%	0%	0%	0%	0%	

This table shows the distribution of responses from individual staff members from various schools. A total of 16 responses were received from members of school staff. 100% strongly support or support the proposals.

Responses from Governors.

Responses from governors	strongly support	support	neither support nor oppose	oppose	strongly oppose	don't know	total
	1	0	0	0	0	0	1
	100%	0%	0%	0%	0%	0%	

This table shows responses from Governors. A total of 1 response was received. 100% of governors strongly support or support the proposal. The very low number of responses from this category of stakeholder should be noted.

Responses from other respondents

Responses from other respondents	strongly support	support	neither support nor oppose	oppose	strongly oppose	don't know	total
Local Residents	10	0	0	0	0	0	10
Pupil	0	0	0	0	0	0	0
Other	3	0	0	0	0	0	3
Total	13	0	0	0	0	0	13
	100%	0%	0%	0%	0%	0%	

This table shows responses from other respondents including Local Residents. A total of 13 responses were received, 100% of which strongly supported or supported the proposals.

3. Key Themes from the Consultation Responses

The responses to the consultation question ‘**Do you support or oppose the proposal to increase the places available at Woodley School and College from 180 to 194 pupil places? The additional places would be delivered gradually, using satellite provision, ahead of the completion of a new and larger school building**’ have been analysed to identify key themes and these have been summarised, along with an officer commentary, below:

Key Theme: Current provision	
Summary response	Officer commentary
<p>Many respondents highlighted the current lack of specialist provision in Kirklees.</p> <p>There is a strong response from all respondents who support the proposals for additional specialist places in Kirklees.</p>	<p>We recognise the need for additional specialist places across Kirklees. A key strand of the SEND Transformation Plan is ‘Commissioning and Sufficiency’, which includes improving local sufficiency of places. Satellite opportunities, like the one proposed, in addition to Additionally Resourced Provisions and special school rebuild projects, are intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring we can meet the needs of more children and young people with SEND across the whole of Kirklees.</p>
Key Theme: Quality of the educational offer	
Summary response	Officer commentary
<p>There is positive feedback and support for the current Woodley provision. Respondents commented on the specialist skills of staff, along with school’s good reputation, recommendations from within the SEND community and the positive outcomes the school achieves.</p>	<p>Woodley is an aspirational, inclusive and outward looking special school. The school is rated as ‘Good’ by Ofsted (March 2023), holds Advanced Autism Accreditation and is the Autism Education Trust licensed training provider for Kirklees schools and Post-16. This recognises the highest standards of autism expertise and practice and underpins the school’s important role as a schools training hub. This supports the reasoning to expand provision, initially via a satellite site, and, in future, at the new school site.</p>
Key Theme: Learning environment & transition	
Summary response	Officer commentary
<p>A respondent who opposed the proposals expressed concern about the use of satellite provision and how this could be problematic for their child, not coping with multiple site changes and</p>	<p>A satellite provision is not suitable for every child, and the school would work in partnership with families to establish the students who would benefit most from this provision.</p>

<p>transitions with venues.</p> <p>Another respondent commented that a town centre satellite was not an appropriate space, due to crime and sensory overload for children with SEND.</p>	<p>We want to ensure young people and their families have confidence in the planning and delivery of the educational provision required in their journey from childhood into adulthood. The importance of managing a successful transition with bespoke plans for individual needs is a key focus of this. This is a very important factor not only for this provision, but when the school moves premises to a new purpose-built school site. The council and school will work closely together to manage this carefully.</p> <p>The safety of pupils and staff is paramount, and this has been key in selecting the location of the recently opened post-16 provision in the town centre and establishing safeguarding procedures. There are no plans to create a further satellite in this location for young people under 16.</p>
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Summary of the consultation responses

The majority of respondents to the consultation were staff members. Overall, there was a positive response to the proposal, with a significant majority of respondents strongly supporting or supporting it.

Conclusion from the consultation responses

The conclusion to be drawn from the non-statutory consultation is that there is a very good level of support from a large majority of respondents for the proposal to expand the number of special school places at Woodley School and College ahead of, and leading up to, the completion of a new, larger school building. Respondents commented that the introduction of more special school places was a positive step and that suitable provision for children whose needs cannot be met in mainstream settings was very important.

A small number of respondents raised concerns about the provision of additional places through satellite sites, specifically around safety and the impact of transitions between sites on pupils. The Local Authority recognises that a satellite provision is not suitable for every child. The school would work in partnership with families to establish the students who would benefit most from this provision and implement bespoke plans to ensure successful transitions. The safety of pupils and staff is paramount. This has been a factor in selecting the location of the recently opened post-16 provision in the town centre and establishing the safeguarding procedures. There are no plans to create a further satellite, in this location, for young people under 16.

4. Next Steps:

On 17 October 2023 Kirklees Cabinet approved that, further to the consideration of the outcome of the non-statutory consultation, authority be delegated to the Strategic Director, Children's Services to publish related statutory proposals to create additional special school places at Woodley School and College as prescribed in the 2013 Regulations. This consideration will take place as soon as possible.

Appendix A

Consultation Document



Proposals to expand Woodley School and College

Consultation on the proposal to expand the number of special school places at Woodley School and College ahead of, and leading up to, the completion of a new, larger school building.

Introduction and Background

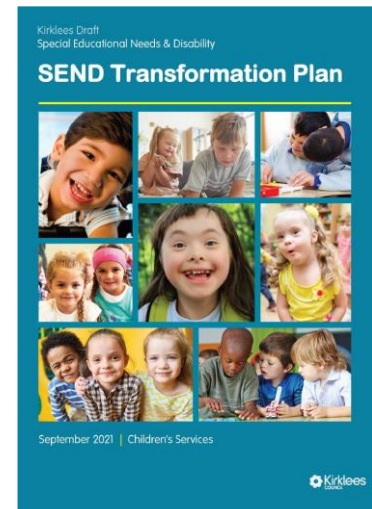
Our vision for children and young people in Kirklees is that they have the best start in life. Our aspirations for children and young people with SEND are no different to those we hold for all children.

Our partnership across Education, Health and Social Care aims to improve the lives and life chances of children and young people (aged 0-25) with SEND. We will achieve this through delivering our [SEND Transformation Plan](#) which focuses on early identification of needs, key strategic investment to flexibly increase capacity and sufficiency, effective transitions for our children as they grow, and a focus on inclusivity across all our settings and provision.

Within our SEND Transformation Plan we have worked with stakeholders across Kirklees to develop our 'Inclusive Ambitions', which are:

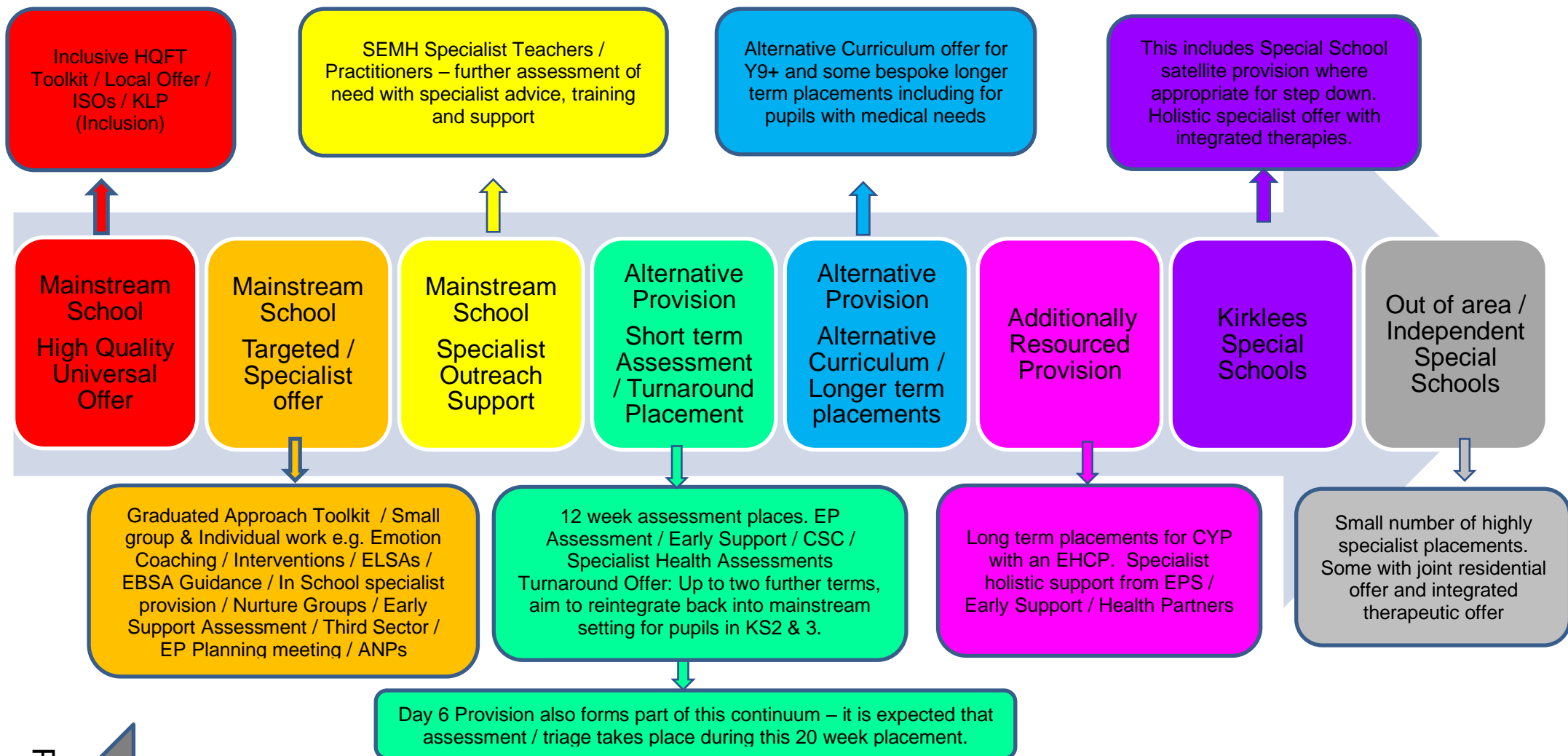
- Responsive and holistic early intervention
- Culture of trust with parents and families
- Inclusive practice in the community and within education settings
- Children and young people thriving in education settings and celebrating more holistic outcomes and achievements
- An integrated system
- Embedding a shared culture of proactivity, holistic skills and knowledge
- Supporting children to have clear aspirations with a focus on preparing for adulthood

A key strand of the SEND Transformation Plan is 'Commissioning and Sufficiency', which includes improving local sufficiency of places across a graduated approach model.



Kirklees “Continuum of Specialist Provision” for children with SEND

A Graduated Approach



Provision is fluid and can move both ways

Woodley School and college

Woodley School and College is a Kirklees Local Authority aspirational, inclusive and outward looking special school in Huddersfield for children aged 5-19 with complex autism. There are currently 153 pupils on roll.

The school is rated as 'Good' by Ofsted (March 2023), holds Advanced Autism Accreditation and is the Autism Education Trust licensed training provider for Kirklees schools and Post-16. This recognises the highest standards of autism expertise and practice and underpins the school's important role as a schools training hub.

Further details can be found on the school website: <https://www.woodleyschool.org.uk/>

Special School Re-build

In October 2021, Kirklees Cabinet agreed an ambitious plan to rebuild two existing special schools, Joseph Norton Academy and Woodley School and College. Not only would the plan provide modern facilities for existing pupils, but the schools would also be built to accommodate more pupils to address the growing demand.

For Woodley School and College, the agreed plan is to build a 180-place new school building on Fernside Avenue, Almondbury. It takes time to design and build a new school, so it is not expected to be complete until around Autumn 2026.

Further information is available in the Cabinet report:

<https://democracy.kirklees.gov.uk/documents/s43155/210924%20Special%20Schools%20-%20Cabinet%20Report.pdf>

Satellite opportunities

Special school satellite provision is where a special school increases its capacity by expanding onto an additional site. The additional site may be on the site of a mainstream school which provides some physical space for satellite purposes, or it could be a suitable building not occupied by another school. Pupils attending a special school satellite provision remain on the roll of the special school. The satellite provision remains under the leadership and governance of the special school, and its staff are employees of the special school. Examples already in Kirklees include:

- Ravenshall Special School hosted by Headfield CE (VC) Junior School
- Ravenshall Post-16 provision based in an old library building
- Southgate Special School hosted by Newsome Academy
- Woodley Post-16 provision based in a shop in Huddersfield town centre

Ahead of, and leading up to, the completion of a new, larger school building for Woodley School and College, the local authority, working with the Governing Body of Woodley School and College, believes there is an opportunity to establish a further satellite site to enable a gradual increase in the number of pupil places.

This opportunity would support the planned strategy of enabling more children and young people to secure places and thrive in local education settings.

Pupil placements at special school satellite provision

Admissions to special schools are made through the Kirklees SEND decision-making groups. These groups include representation from the Special Educational Needs & Disabilities Assessment and Commissioning Team, Educational Psychology, School Head Teachers/Special Educational Needs & Disabilities Co-ordinators, and other multi agency professionals. It is then for the special school to work with parents to select which children might benefit from the environment provided on a satellite site.

The proposal

The places available at Woodley School and College be increased to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

The proposed 194 places include 180 places in the planned new school rebuild, and up to 14 places in the existing Woodley Post-16 satellite provision based in a shop in Huddersfield town centre.

What happens next?

This consultation is open between **29 September and 27 October 2023**. During this time, we are inviting feedback on the proposals outlined in this consultation. You can express your views online, by email, or in person at a consultation event.

Once the consultation has finished, all feedback will be published in a consultation outcome report. This will inform a decision by the local authority on whether to move to the next stage. Moving to the next stage would mean the publication of legal notices and another chance to view the proposals and comment on them before a final decision is made. The following table shows the next steps involved in the process. Dates are subject to change and would be dependent on approval to move to each stage.

Milestone	Date
Publication of consultation outcome report	October/November 2023
Publication of statutory notices and representation period	November 2023
Final decision by Cabinet (within 2 months)	January 2024
Implementation from	Implementation will be gradual from January 2024

Have your say

Online: You can take part in the consultation by completing the online consultation form on our website at:

www.kirklees.gov.uk/schoolorganisation

SOAG APPENDIX A

In person: If you would like to talk through the proposals you can attend a drop-in session at Woodley School and College. Details will be published on the following website: www.kirklees.gov.uk/schoolorganisation

Email: Please note that you can contact us via email should you have any queries regarding these proposals. Please send emails to: school.organisation@kirklees.gov.uk

Please make sure you respond by **Friday 27 October 2023** to ensure that your views are heard.

Appendix B

Consultation Strategy and Methodology.

A consultation document was made available on the Council's website. Responses to the consultation could be made online.

The consultation document outlined the proposal and a proposed timeline for next steps. The response form asked for feedback using a key question relating to the proposals. The response form was designed to enable qualitative and quantitative feedback by asking respondents to explain why they had selected a particular answer. In addition, questions were asked to ascertain the type of stakeholder responding. The key question was:

- Do you support or oppose the proposal to increase the places available at Woodley School and College from 180 to 194 pupil places? The additional places would be delivered gradually, using satellite provision, ahead of the completion of a new and larger school building.

Emails with a link to the web page were also sent ward members, MPs, the Catholic and Church of England and Dioceses, Trade Union representatives, community groups and other key stakeholders. A brief outline and a link to the consultation were published on HeadsUP! and in the weekly governors' bulletin. The consultation was also publicised on the Local Offer website and Facebook page, the Kirklees Together website and the Kirklees Council Facebook page, all of which had a link to full details of the consultation and how to respond.

A public consultation 'drop-in' session was held at Woodley School and College, which people attended.

The purpose of this drop-in session was for officers to support and advise groups and individuals about matters relating to the proposals.

Appendix C

Distribution list: Consultation on the proposal to expand the number of special school places at Woodley School and College ahead of, and leading up to, the completion of a new, larger school building.

Kirklees Council Officers	Chief Executive – Steve Mawson Strategic Director for Children’s Services – Tom Brailsford Strategic Director for Adults and Health - Richard Parry Strategic Director Corporate Strategy, Commissioning & Public Health - Rachel Spencer-Henshall Strategic Director for Growth & Regeneration - David Shepherd Service Director - Resources, Improvement and Partnerships – Kieran Lord Service Director - Communities and Access Services - Jill Greenfield Service Director - Child Protection & Family Support – Vicky Metherington Service Director - Learning and Early Support - Jo-anne Sanders
Kirklees Councillors	All wards
MPs	Kim Leadbeater MP Jason McCartney MP Barry Sherman MP Mark Eastwood MP
CE and RC Dioceses	Diocese of Leeds The Church of England Diocese of Leeds - Richard Noake, Diocesan Director of Education
Further and Higher Education Establishments	Greenhead College Huddersfield New College Kirklees College University of Huddersfield
Neighbouring LAs	Barnsley Council Calderdale Metropolitan Borough Council City Of Bradford Metropolitan District Council Leeds City Council Oldham Council Wakefield Metropolitan District Council Wakefield Metropolitan District Council
Professional Associations and Unions	GMB NAHT NEU NASUWT UNISON UNITE
Community Groups	HSGA - Huddersfield Support Group For Autism The Whole Autism Family PCAN (Parents of Children with Additional Needs) Carers Count Downs and Special Friends PDA Yorkshire Intensive Interaction Group Northorpe Hall Calderdale SENDIASS
All Kirklees Schools	Article published in HeadsUP!

School Governors	Article published in Governors weekly briefing.
Independent/Non-maintained special schools in Kirklees	Holly Bank School
Independent Schools	Paradise Primary School Madni Muslim Girls School Institute of Islamic Education (Boarding School) Rida Girls School Rida Boys School Al Furqaan Preparatory School Branch Christian School Cambridge Street School The Mount School Huddersfield Grammar School Dale House Independent School & Nursery

Appendix D

Full Responses to the consultation

Do you support or oppose the proposal to increase the places available at Woodley School and College from 180 to 194 pupil places? The additional places would be delivered gradually, using satellite provision, ahead of the completion of a new and larger school building.

Responses - Parents / Carers	
Strongly Support	<ul style="list-style-type: none"> • Amazing school that is getting better and better, it will be able to help more children. • The provision for education of children with autism is lacking uk wide • I think the requirement for special school places is in high demand and sometimes mainstream schools just cannot accommodate SEND children. The building of a new purpose built school will make facilities appropriate for the children that need them most, supporting the most vulnerable and allowing them to thrive in the correct environment • I have seen first hand the impact of the lack of SEN places in Kirklees, and fully support any school wishing to make a posit impact on this situation. There are a massive number of children not getting the support they need, and this new building is part of the solution. • There are alot of children who need this facility I. • Provision is desperately needed. • I see how difficult it is for SEN children do adapt to mainstream school, also due to a massive lack of funding, resources and staff. • Other schools are not equipped to support all the children who are often dysregulated. More spaces in specialised schools will help children that need the extra care and also the children who have learning disrupted because of the dysregulated children. • A lot of children with additional needs are not being met due to shortages of school and educational help available to them making Woodley bigger will help massively the satellite shop in the town centre will help those of Woodley college gain extra experience out in the community • Theres not enough schools about to take on these kids. Mainstream definitely dont have the tools. My poor son suffered for a year and a half waiting for a school and got over 20 exclusion in the meantime. • I have an 8 yr old in yr 3 currently in mainstream with an ehcp but i will be looking for a special school. This school comes highly recommended and therell be a higher chance of getting a place if theres more places available • More post 16 places are neededto support neurodiverse young people. • Not enough suitable places for SEN kids in Kirklees
Responses - Parent/Carers	
Neither Support nor Oppose	<ul style="list-style-type: none"> • Satellite provision could be problematic due to transitions. We are hoping for our child to attend Woodley in the future, but child would definitely not cope with multiple changes so would have to wait for new build to complete.
Responses - Parents / Carers	
Strongly Oppose	<ul style="list-style-type: none"> • I do not feel a satellite base in the town centre is not a safe or appropriate space due to sensory overload and high crime

Responses - Member of School Staff	
Strongly Support	<ul style="list-style-type: none"> • This is hugely needed for our autistic society and pupils to give them the best start in life to learn life skills and have an right to education • This is important for our community and children with autism who have a right to education, to learn life skills inna safe enviroment provided by staff • I have seen first hand the impact of the lack of SEN places in Kirklees, and fully support any school wishing to make a posit impact on this situation. There are a massive number of children not getting the support they need, and this new building is part of the solution. • with the places at this school being limited, it is putting children who need that

	<p>extra support in mainstream schools. This is unfair to the children as they aren't getting the full provision and support they need.</p> <ul style="list-style-type: none"> • There are not enough places in special schools to support the number of children with special educational needs that require specialist support that cannot be provided to the level required by/in other schools • Need more school's that can accommodate send children • We have a number of children in our school year on year whose needs cannot be met in mainstream education. When the schools fail (not through the lack of trying) the children then get given the provision that they should have received from the start. Parents and children are fighting from the get go for places that should already be there. Children's basic educational needs are not being met and the other children are suffering as a result. There should be more places available as this is jus a drop in the ocean to what is actually needed. • There are alot of children who need this facility I. • Provision is desperately needed. • I see how difficult it is for SEN children do adapt to mainstream school, also due to a massive lack of funding, resources and staff. • There is great need for places • We really need more support for children in Kirklees • I believe that certain children would benefit from this type of school setting. It would have everything that is needed to care and provide children in need of the special provision that would be a positive & safe surrounding for their future • Other schools are not equipped to support all the children who are often dysregulated. More spaces in specialised schools will help children that need the extra care and also the children who have learning disrupted because of the dysregulated children.
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Responses – Local Residents	
Strongly Support	<ul style="list-style-type: none"> • Kirklees has a great need for more specalist places for children. This would help greatly with the need for extra places. • I want to support a friends of mine who is a member of staff at the school • It's a very good school providing specialised education to pupils with special needs • To support as many children as possible who desperately need placements in special schools. • Provision is desperately needed. • The current situation around the increase in special educational needs and the increasing population overall has seen pressure on schools in general in terms of class sizes. The sufficiency of special school places is a national problem, whilst I feel all pupils should have a right to an inclusive mainstream offer the cuts to school funding wont allow schools to deliver the specialist support some pupils needs. • Wrap around and holiday provision should also be taken into consideration to support students and families. • Not enough suitable places for SEN kids in Kirklees

Responses - Governor	
Strongly Support	<ul style="list-style-type: none"> • On behalf of Governors at at Woodley School and College. We are wholeheartedly in favour of the proposed changes. Our reasons can be grouped in two ways- wider authority issues and those which focus on Woodley directly. <p>WIDER ISSUES</p> <ul style="list-style-type: none"> -The proposal promotes INCLUSION overall in that there is increased provision within Kirklees, reducing out of authority education for those with the most very complex needs. This is of benefit to children, families and professionals and provides value for money. <p>ISSUES PERTINENT TO WOODLEY</p> <ul style="list-style-type: none"> - Woodley is proud of the breadth of it's provision, acknowledged by OFSTED (Good March 23) Advanced Autism Accreditation and as AET Licenced Trainer for Kirklees .

	<ul style="list-style-type: none"> - Not only do these recognise the quality of education but it's specialist nature and it's ability to train staff and influence practice in schools and colleges throughout Kirklees. -Woodley has been successfully deploying staff in outreach work to the benefit of pupils and staff during the last year. - The proposals to extend satellite provision at the shop and other sites will increase overall numbers promote further inclusion widen mainstream skills and develop what governors refer to as "An Autism Friendly Kirklees" - Focussing on the new build itself , our pupils are as EQUALLY ENTITLED to quality provision as any other child in Kirklees. - Their needs are very complex. -They require a building which is fit for purpose not merely in terms of it's size but in the detail of it's layout. - They require space, specialist facilities and resources. - Other professionals and therapists, including those directly employed in the school need to be well accommodated and able to work with pupils to the maximum of efficiency. - The building needs to reflect the four different pathways and include for the very individual needs of some pupils. -In addition the building needs to provide age-appropriate provision for pupils from EYFS to YR 14. -The building needs to accommodate meeting facilities for an active parent group and for a variety of training sessions. <p>CONCLUDING</p> <p>We support the proposals, they promote Inclusion and Equality and are an intrinsic part of the SEND Transformation Plan.</p> <p>MOST IMPORTANTLY the Head, Leadership, Governance and Staff of Woodley School and College have the skills, capacity, desire and drive to take this forward with confidence.</p>
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Responses – “Other” category of respondents	
Strongly Support	<ul style="list-style-type: none"> • strongly believe in the good work the school does and know many more will benefit from the expansion. Sen places are limited in the area so I also feel that this is a necessity! • Specialist Provision is needed across the Yorkshire and Humberside region in order to support Children and Young People to reach their full potential. The number of children with EHCP's is rising and children are presenting with more complex needs. This provision looks to meet the needs of a particular cohort of Children and Young People that are in need of a supportive environment. • This is an excellent idea! As my autistic son attends this amazing school, all associated have my best wishes and full support • There's a need for more ASC specialist places. Growing through satellites supports places for Kirklees children - rather than those in neighbouring authorities. Satellites offer a chance for needs to be met at local school and maybe increase their ability to meet needs in this growth area. Too much pressure in local send system. High levels of complaints and tribunal appeals. It's the right thing for the children who need specialist support and tailored environments.

Note- Some stakeholder responses may have been included in more than one category of responses if they have identified themselves in more than one category of respondents.

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PLANNING

Woodley School and College, Huddersfield – Proposals to Make Prescribed Alterations to Provision for Pupils with Special Educational Needs

HD5 8JE • Published 18/01/24

D Dewsbury Reporter • [Publish a notice](#)



What is planned?

KIRKLEES COUNCIL

Proposals to Make Prescribed Alterations to Provision for Pupils with Special Educational Needs.

Notice is given in accordance with section 19 (1) of the Education and Inspections Act 2006 that Kirklees Council intends to make prescribed alterations to the provision for children with special educational needs at the following school:

Woodley School and College, a Community Special school, Dog Kennel Bank, Huddersfield, HD5 8JE

Prescribed alteration to increase the pupil places available at Woodley School and College to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

It is proposed that the changes would be implemented gradually, increasing numbers from March 2024.

This notice is an extract from the complete proposals.

Copies of the complete proposals can be obtained from: Kirklees Council, School Organisation and Planning Team, PO Box 1720, Huddersfield, HD1 9EL. Tel: 01484 221000. Copies of the full proposals are available on the Kirklees Council website www.kirklees.gov.uk/schoolorganisation

Within four weeks from the date of publication of this proposal (i.e. by 8 February 2024), any person may object to or make comments on either or both of the proposals by sending them to Kirklees Council, School Organisation and Planning Team, PO Box 1720, Huddersfield, HD1 9EL, or via email to school.organisation@kirklees.gov.uk

Tom Brailsford – Strategic Director for Children’s

Services, Kirklees Council Publication Date: (12 January 2024)

Note: Not part of the statutory notice. A non-statutory consultation took place between 29 September 2023 and 27 October 2023. Consultation documents were written and produced with due regard to ‘The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013’.

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TRAFFIC & ROADS

Woodley School and College, a Community Special school, Dog Kennel Bank, Huddersfeld – Education and Inspections Act 2006

HD5 8JB • Published 12/01/24

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What is happening?

KIRKLEES COUNCIL

Proposals to Make Prescribed Alterations to Provision for Pupils with Special Educational Needs.

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Proposals to Make Prescribed Alterations to Provision for Pupils with Special Educational Needs.

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Tom Brailsford – Strategic Director for Children's Services, Kirklees Council

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Alterations other than alterations proposed in foundation proposals which may be published by a Governing Body or Local Authority as specified in regulations 4 and 5

Published in accordance with Schedule 2 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

1. Contact details

The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school.

Proposer:

Kirklees Council, School Organisation & Planning Team, PO Box 1720, Huddersfield, HD1 9EL
school.organisation@kirklees.gov.uk

School:

Woodley School and College, a Community Special school,
Dog Kennel Bank, Huddersfield, HD5 8JE

2. Description of alteration and evidence of demand

It is proposed that:

The places available at Woodley School and College be increased to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

The proposed 194 places include 180 places in the planned new school rebuild, and up to 14 places in the existing Woodley Post-16 satellite provision based in a shop in Huddersfield town centre.

3. Objectives. The objectives of the proposal (including how the proposals would increase Educational Standards and parental choice)

The objective of this proposal is to:

Enable more children and young people with complex autism to secure places and thrive in a local educational setting. In October 2021, Kirklees Cabinet agreed an ambitious plan to rebuild two existing special schools, one of which is Woodley School and College. Not only will the plan provide modern facilities for existing pupils, but the school will also be built to accommodate more pupils to address growing demand. The agreed plan is to build a 180-place new school building on Fernside Avenue, Almondbury. It takes time to design and build a new school, so it is not expected to be complete until around Autumn 2026. Ahead of, and leading up to, the completion of a new, larger school building for Woodley School and College, the local authority, working with the Governing Body of Woodley School and College, believe there are opportunities to establish a further satellite site to enable a gradual increase in the number of pupil places.

4. The effect on other schools

The effect on other schools, academies and educational institutions in the area

The provision of sufficient specialist places within Kirklees to meet the specific needs of some learners is an essential part of the school system. This proposal will therefore have a positive impact across the school system, enabling children with complex SEND, who may not currently be having their needs fully met in their mainstream setting, to access special school places where required.

5. Project costs

Project cost and indication of how these will be met, including how long-term value for money will be achieved.

The ongoing revenue funding for additional places will be under the same formula used for the commissioning of other places at Woodley School and College from the High Needs Block of the Dedicated Schools Grant. Start-up costs will be supported from existing School Re-Organisation budgets. The cost of providing places at Woodley School and College is significantly lower than the average cost of places in independent special schools.

6. Implementation and any proposed stages for implementation

The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

Proposed gradual implementation, increasing numbers from March 2024.

7. Change to special educational need provision- the SEN improvement test.

In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability. Decision-makers should ensure that proposals:

- (a) take account of parental preferences for particular styles of provision or education settings.
- (b) take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it.
- (c) offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision.
- (d) take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe.
- (e) support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people.
- (f) provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community.

(g) ensure appropriate provision for 14-19 year-olds; and

(h) ensure that appropriate full-time education will be available to all displaced pupils. Their Education, Health and Care Plan must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.

When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that this SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

- (a) Kirklees wants to build on the existing provision at Woodley School and College, which is very successfully meeting children's needs and enabling positive outcomes. This view is supported by families whose children attend Woodley School and College, along with families of other children with complex needs, as evidenced by the overwhelmingly positive response to the non-statutory consultation on this proposal.
- (b) The LA carried out a non-statutory consultation with parent/carers and other key stakeholders between 29 September and 27 October 2023. The views they expressed have been taken into account and published on 13 November 2023 in an outcome report for decision-makers: 'Proposals to expand Woodley School and College', which is available at www.kirklees.gov.uk/schoolorganisation. In summary, there was very good level of support from a large majority of respondents for the proposal to expand the number of special school places at Woodley School and College ahead of, and leading up to, the completion of a new, larger school building. Respondents commented that the introduction of more special school places was a positive step and that suitable for provision for children whose needs cannot be met in mainstream settings was very important.
- (c) Special school places are one type of provision on the continuum of provision available to support children with SEND. Children with complex autism would continue to be offered a range of services to meet their needs as part of their Education, Health and Care Plan. The proposal aims to ensure that the overall offer of SEND provision in Kirklees maintains flexibility and offers a broad range of provision and support, thereby contributing to the planned strategy of enabling more children and young people to secure places and thrive in local education settings.
- (d) Many children and young people with SEND can make better, more sustained progress when they attend an appropriate specialist setting with access to specialist teaching and support staff and resources. Satellite opportunities, like the one proposed, in addition to Additionally Resourced Provisions and special school rebuild projects, are intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring the needs of more children and young people with SEND across the whole of Kirklees can be met. Building on existing good quality provision helps ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe
- (e) This proposal relates to children with complex autism. The proposed satellite provision will offer accommodation and an environment that is adapted to support the learning, behaviour and social and emotional needs of each pupil. A satellite provision is not suitable for every child, and the school would work in partnership with families to establish the students who would benefit most from this provision.

It is vital to ensure young people and their families have confidence in the planning and delivery of the educational provision required in their journey from childhood into adulthood. The importance of managing a successful transition with bespoke plans for individual needs is a key focus of this. This is a very important factor not only for this provision, but when the school moves premises to a new purpose-built school site. The council and school will work closely together to manage this carefully.

- (f) Woodley School and College is a Kirklees Local Authority aspirational, inclusive and outward looking special school in Huddersfield for children aged 5-19 with complex autism. The school is rated as 'Good' by Ofsted (March 2023), holds Advanced Autism Accreditation and is the Autism Education Trust licensed training provider for Kirklees schools and Post-16. This recognises the highest standards of autism expertise and practice and underpins the school's important role as a schools training hub.
- (g) The proposed 194 places include 180 places in the planned new school rebuild, and up to 14 places in the existing Woodley Post-16 satellite provision based in a shop in Huddersfield town centre. The proposed new satellite provision will not include post-16 provision but appropriate provision will be taken into account in the design of the new school building.
- (h) There would be no pupils displaced by this proposal.

8. Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times, increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The need for additional specialist places across Kirklees is recognised. Not being able to attend an appropriate school locally has significant impact on some learners in terms of travelling time and emotional regulatory status on arrival at, or on leaving, school. The aspiration for the SEND Transformation Plan is that fewer young people will leave or travel outside of Kirklees. Having services more local and accessible to where people live can have a positive impact on their mode of travel and in doing so, will contribute to the Council's net zero ambition. Providing suitable school places nearer to where families live not only supports place-based working and outcomes for children, but it can also save families' time and money because they can travel smaller distances to school events such as parents' evenings.

9. Objections and comments

Any person may send objections or comments in relation to any proposals to the local authority with four weeks from the date of publication. Objections and comments must be received by 8 February 2024. Copies of the proposals can be found on the Kirklees website at www.kirklees.gov.uk/schoolorganisation or obtained from Kirklees Council School, Organisation and Planning Team, PO Box 1720, Huddersfield, HD1 9EL.

The address of the authority to which objections or comments should be sent:

Within four weeks from the date of publication of this proposal, (i.e., by 8 February 2024) any person may object to or make comments on the proposal by sending them to Tom Brailsford, Strategic Director for Children's Services, Kirklees Council, c/o School Organisation & Planning Team, PO Box 1720, Huddersfield, HD1 9EL or by email to school.organisation@kirklees.gov.uk.

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Distribution list: Proposals to make Prescribed alteration to increase the number of places available at Woodley School and College to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild

Kirklees Council Officers	Chief Executive – Steve Mawson Strategic Director for Children's Services – Tom Brailsford Strategic Director for Adults and Health - Richard Parry Strategic Director Corporate Strategy, Commissioning & Public Health - Rachel Spencer-Henshall Strategic Director for Growth & Regeneration - David Shepherd Service Director - Resources, Improvement and Partnerships – Kieran Lord Head of Children's Improvement, Partnerships & Voice – Anna Gledhill Service Director - Customer and Communities - Jill Greenfield Service Director - Child Protection & Family Support – Vicky Metheringham Service Director - Learning and Early Support - Jo-Anne Sanders
Kirklees Councillors	All wards
MPs	Kim Leadbeater MP Jason McCartney MP Barry Sherman MP Mark Eastwood MP
CE and RC Dioceses	Diocese of Leeds - Canon Timothy Swinglehurst, Vicariate of Education The Church of England Diocese of Leeds - Richard Noake, Diocesan Director of Education
Further and Higher Education Establishments	Greenhead College Huddersfield New College Kirklees College University of Huddersfield
Neighbouring LAs	Barnsley Council.....School Organisation Calderdale Metropolitan Borough Council..... School Organisation & Admissions City Of Bradford Metropolitan District Council.....Planning & Sufficiency Leeds City Council.....Assets & Access, Children & Families Oldham Council.....Managing Director Children & Young People Wakefield Metropolitan District Council.....Schools Organisation Team Manager Wakefield Metropolitan District Council.....Head of Service for SEN
Professional Associations and Unions	GMB NAHT NEU NASUWT UNISON UNITE
Community Groups	Richard Dresser - Local Offer Development and Engagement Lead Northorpe Hall Child and Family Trust Intensive Interaction Institute Calderdale SENDIASS HSGA - Huddersfield Support Group For Autism The Whole Autism Family Downs and Special Friends Parents of Children with Additional Needs Carers Count PDA Yorkshire Intensive Interaction Group
All Kirklees Schools	Article published in HeadsUP!
School Governors	Article published in Governors weekly briefing. Ruth Hobson - Chair of Governors at Woodley School & College
Independent/Non-maintained special schools in Kirklees	Holly Bank School
Independent Schools	Paradise Primary School Madni Muslim Girls School Institute of Islamic Education (Boarding School) Rida Girls School

	Rida Boys School Al Furqaan Preparatory School Branch Christian School Cambridge Street School
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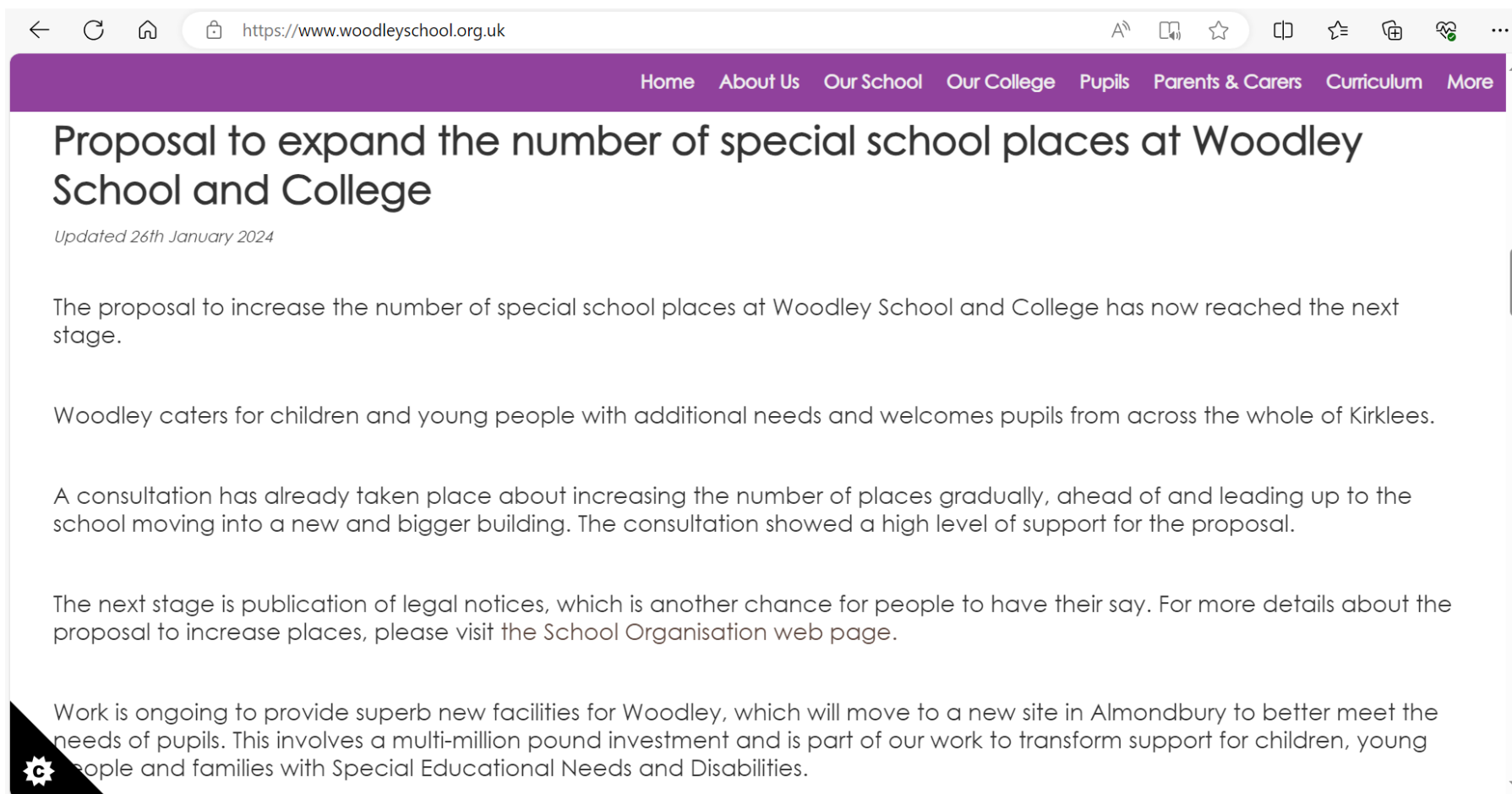
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Please check out the article on our website about the next stage in proposals to increase the number of places at Woodley School & College and how you can have your say.
woodleyschool.org.uk

12:26 PM · Jan 26, 2024 · 12 Views

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The screenshot shows a web browser window with the URL <https://www.woodleyschool.org.uk>. The navigation menu includes Home, About Us, Our School, Our College, Pupils, Parents & Carers, Curriculum, and More. The main heading is "Proposal to expand the number of special school places at Woodley School and College", updated on 26th January 2024. The text describes the proposal to increase special school places, mentions a consultation, and notes the next stage is publication of legal notices. A gear icon is visible in the bottom left corner of the page content.

Home About Us Our School Our College Pupils Parents & Carers Curriculum More

Proposal to expand the number of special school places at Woodley School and College

Updated 26th January 2024

The proposal to increase the number of special school places at Woodley School and College has now reached the next stage.

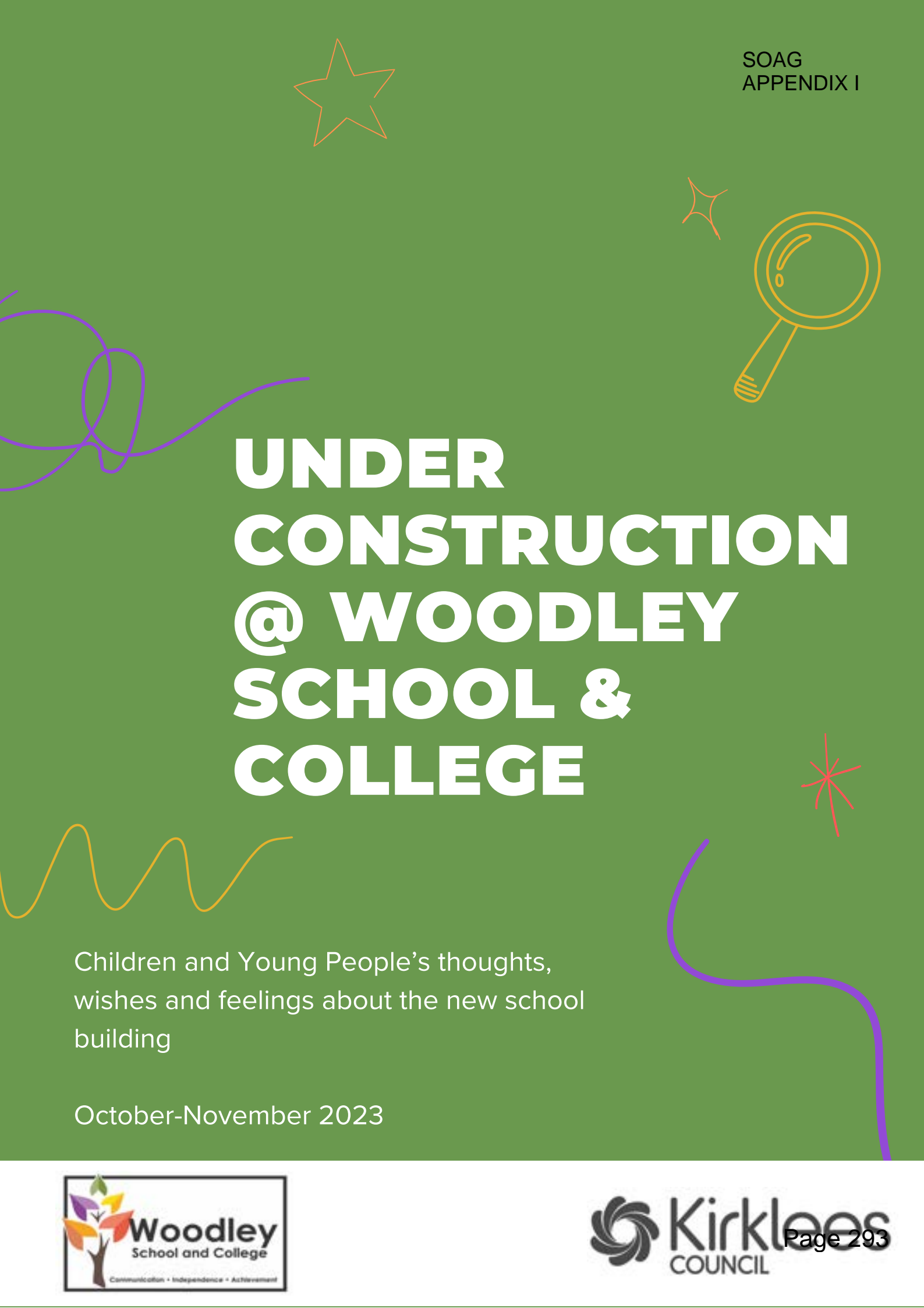
Woodley caters for children and young people with additional needs and welcomes pupils from across the whole of Kirklees.

A consultation has already taken place about increasing the number of places gradually, ahead of and leading up to the school moving into a new and bigger building. The consultation showed a high level of support for the proposal.

The next stage is publication of legal notices, which is another chance for people to have their say. For more details about the proposal to increase places, please visit the School Organisation web page.

Work is ongoing to provide superb new facilities for Woodley, which will move to a new site in Almondbury to better meet the needs of pupils. This involves a multi-million pound investment and is part of our work to transform support for children, young people and families with Special Educational Needs and Disabilities.

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UNDER CONSTRUCTION @ WOODLEY SCHOOL & COLLEGE

Children and Young People's thoughts,
wishes and feelings about the new school
building

October-November 2023



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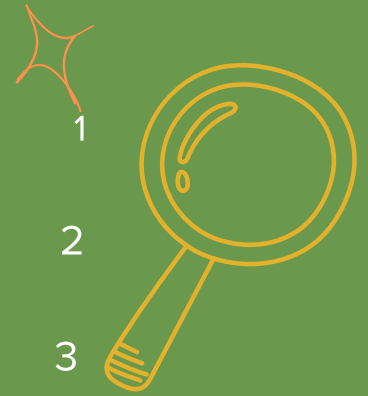
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THANK YOU

A huge Thanks to all the young people who contributed their thoughts, wishes and feelings throughout this project.

Thank you to the Colleagues who supported young people in the sessions, with a special mention to Suzanne Porter for co-ordinating the engagement visits.

WHAT DID WE DO?

The new school is planned for Autumn 2026. Who better to help us know what to consider in the design, than the current students.

We all have individual ways to communicate.

We tried creative approaches to help everyone participate and feel included in the design of the new school.



MEANINGFUL PARTICIPATION

We met with School Leaders and Class Teachers to understand what activities might be of most interest and be accessible to the young people at Woodley School and College .

ENGAGEMENT APPROACHES

- 1 Assistive Technology (Virtual Reality and iPads)
- 2 Observation
- 3 Meaningful Advocay
- 4 Drawing
- 5 Play-building with Lego, running under parachutes, ball games, treasure baskets and puzzles
- 6 Talking

INCLUSIVITY

- 1 Two introduction sessions to build relationships and assess young peoples skills and interests.
- 2 Manageable durations sessions to aid concentration and engagement.
- 3 2:3 staff ratios implemented supporting young people's participation.
- 4 Flexible approaches so young people could dip in or out or change activities should they wish.
- 5 43 young people participated in direct work sessions over the 5 week period.

WHAT DID THE INTRODUCTION PLAY SESSIONS TELL US?

Tech, is cool! We were excited by the the virtual reality and iPads.

Games with beach balls and the parachute would encourage us to join in and sue our energy!

Activities where we can sit and colour, build or sort were nice if we wanted quieter options.

THE PLAN AFTER MEETING THE YOUNG PEOPLE

1. A 'lets create a playground and outside spaces' session, using a treasure hunt, ball game Lego and mini figures.
2. A 'lets build our dream classroom' session using Minecraft and the IPads.
3. A 'lets make a relaxing space session' using virtual reality and treasure baskets.

KEY LEARNING?

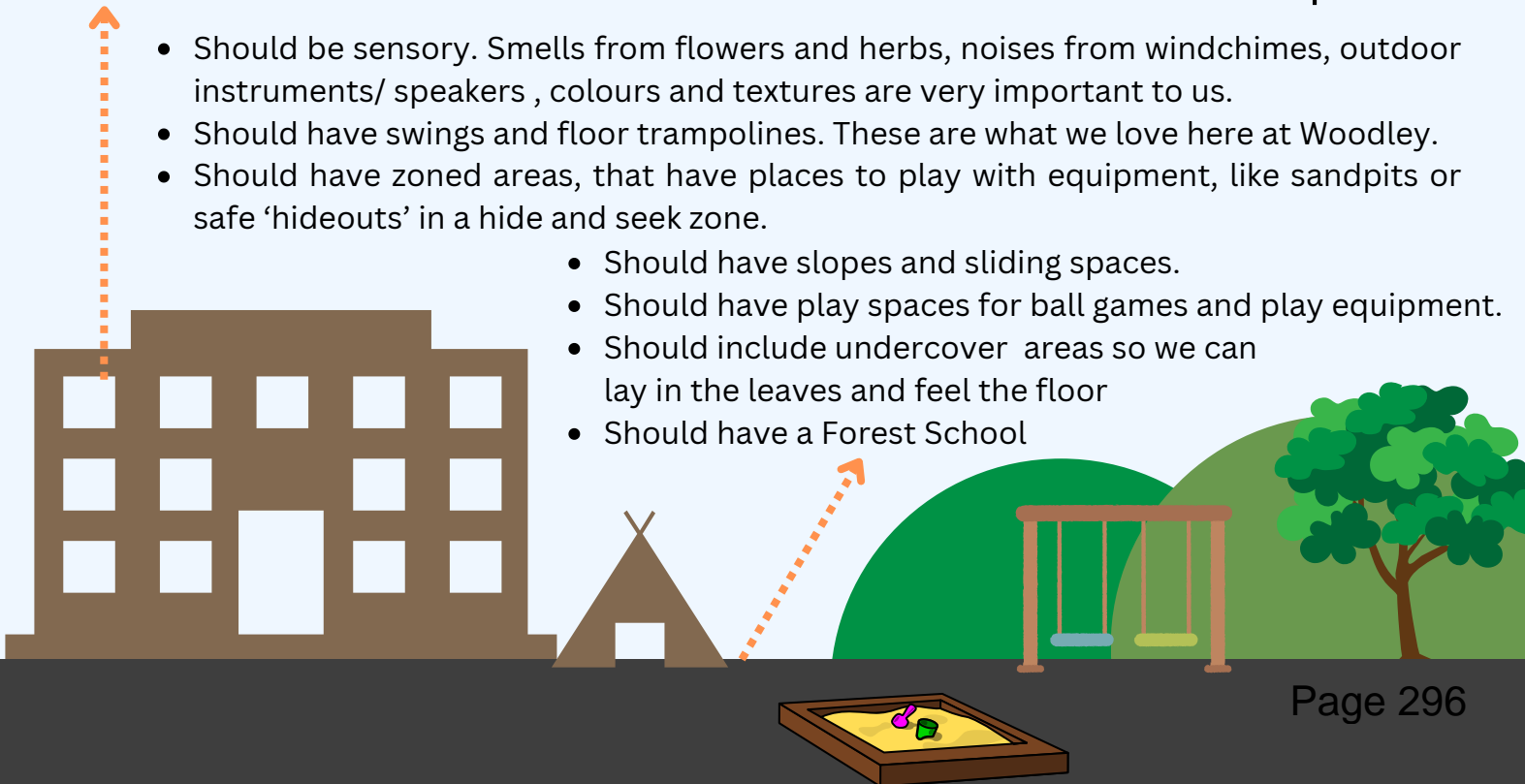
If we tried to create a plan based on our communications, for our new school, it would look like this...

Our School building and classrooms

- A new build might be modern, but we like the aesthetic of medieval computer games. Soft lights, wood and nice textures in fabric.
- There should be well integrated technology. iPad's, screens and tech are used for learning, fun and communication. good connectivity throughout the school is important.
- There should be wide corridors. Sometimes when we need a space, the corridor just outside our rooms is a good place to sit and be calm.
- There should be big windows and 'look out spaces'. Ideally with some areas that 'bring the outside in'. Glass or sheltered walkways, veranda's and seamless indoor to outdoor structures were all communicated as good ideas.
- Could we consider a toilet and sink inside each classroom to help us with personal care and prevent us having to leave our classroom space?
- We couldn't agree on preferred colours, but bright tones were preferred over pastels.
- Booths/zones and screened spaces were important in our classrooms to create areas for learning, communicating and relaxing.

Our outside spaces

- Should be sensory. Smells from flowers and herbs, noises from windchimes, outdoor instruments/ speakers , colours and textures are very important to us.
- Should have swings and floor trampolines. These are what we love here at Woodley.
- Should have zoned areas, that have places to play with equipment, like sandpits or safe 'hideouts' in a hide and seek zone.
 - Should have slopes and sliding spaces.
 - Should have play spaces for ball games and play equipment.
 - Should include undercover areas so we can lay in the leaves and feel the floor
 - Should have a Forest School



OUTDOOR SPACES

What did we find out about the young people's preferences and ideas for outdoor spaces?



SENSORY AND PLAY SPACE

From squelching dirt between our fingers to laying in the leaves and kicking our legs, the outdoors can be a very sensory place for us.

Maintaining the forest school is important and having equipment like mud kitchens or sand-pits helps us to play, learn, and use our senses.

Our Voice Team: "I see you've gone straight for the play-doh from the sensory basket,"

Young Person-squeezes the play-doh between their fingers.

Our Voice Team: "Does that feel nice?"

Young Person-knocks on the table and smiles

Woodley Staff Member: They love to squelch mud, between their fingers, in the mud kitchen outside, but will only go and play out there if it's not raining. In the rain they sit under the covered area and watch"

Some of us have high energy and like to play together or with sports equipment. Places to play football, climb, slide, swing and hide, were all really important.

"It needs somewhere with space to play ball games. Like a game show"

"A nice playground to exert energy"

"Tree's for hide and seek"

"The swings, they are very popular"

WHAT DID THE OUTDOOR SPACES SESSION TELL US?

The current swings and floor trampolines are popular. Please have them at the new school.

Multi-use play spaces for ball games, exploration or relaxation would be great.

Some shelter for bad weather would allow us to use the outside on wet days.

We gather feedback and enjoyment from sound, light, smell and texture. Please integrate this into our outdoor space.



DETAIL

CLASSROOM SPACES

Using Minecraft Builder and iPads, we had a session building our dream classrooms. Here are the key messages we collected and some of the young people's creations.

READING, SOUND AND TECH

The designs on Minecraft featured 'comic walls', sensory nooks and 'boothed areas' a little bit like you'd see in a restaurant.

Our Voice Team: "They look like booths-like if you went out for dinner?"

Young Person: "Yes. It's nice to be able to sit alone and be able to have quiet and concentrate..."

Bookcases are also featured heavily in designs.

"It's a comic book wall, full of comics. That's fun"

When we talked about this, reading was a way to both relax and learn. Having a comfy library space in the classroom might be a place to work independently as well as a space to take time out.

"There should be a wide corridor, where you can go sit when you need some space"

This led to conversations, that although there might be 'break out', sensory or regulation spaces, opening corridors up wider could work as these spaces too.

For regulation or learning, technology was a key theme.

"It's where you can escape the real world, by going into a digital one. That's kind of fun"

A young person needed to use the toilet in the session, but didn't really want to leave the space or their peers. This prompted ideas around each class having a toilet and a sink. Enabling their return class more quickly, if this was an option.



WHAT DID THE CLASSROOM SPACES SESSION TELL US?

Zones are good. Comfy places to sit quietly and read or watch screens, tables for group work and tech are the things we like.

Soft textures, curves and colour add interest.

Big windows and light matter.

WIFI connectivity and 'future proofing' with screens and charging ports would assist our communication and learning.

DETAIL

CLASSROOM SPACES: OUR MINECRAFT DESIGNS



OUR ARTWORK



Primrose's picture shows the school with a large bell on top. In the grounds, there are a bouncy castle, football pitch and somewhere for the school bus to stop safely. Inside of school there is technology enabling Primrose to watch things of interest, listen to music and play games.

Primrose enjoys swimming/water (pool to the right), caring for animals and playing with friends and wanted to communicate this in her picture. From this, we can see bouncing, sport (football and swimming), tech, music, games and safety are important.

"Trees for hide and seek"
Oliver

"Quiet, not busy, that's overwhelming"
Elijah

"A nice playground to exert energy"
Alfie



RELAXATION SPACES

We used Class VR to explore some virtual relaxation spaces. Creative methods are key-but we found on this occasion the play became the focus and we did less communicating. For young people who communicate through action we took some treasure baskets. Here is what we did find out, by trialling the approach...

QUIET, IMMERSIVE AND TACTILE

Three virtual relaxation spaces were used on the Class VR headsets

- A beachscape with sand, sea, palm trees, whales and crabs
- A bubble room, with tubes, lights, and dolphins
- A fidget space with texture and light.

The light spaces were the most popular and some young people showed us how relaxing they found them, sitting on the floor, immersed.

“Music, I love music. It’s my special interest and I’m so glad that I don’t have to explain it”

The treasure baskets and stickers saw a clear preference for brighter colours (red being a common choice). The soft/tactile items were selected more commonly including fluffy pipe cleaners, play-doh, the sponge pineapple and soft toys.

For students who communicate through actions, the ‘little people’ were sorted into colour groups. So fiddle/textured finishes or built in movement activities could be considered.



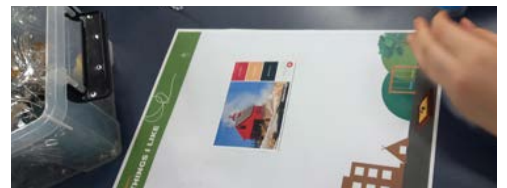
Above is a young persons drawing of sensory ideas. There are lights, coloured balls (from a ball pool) and the parachute game. These were all communications about calming things.

HOW COULD THIS INFLUENCE THE DESIGN?

Spaces with variable and coloured lights, soft textures and the ability to use music/sound are all crucial

Bright colours appears to be a preference. Some further work would be needed to develop this.

The outdoors is so heavily linked to feeling happy/play, outdoor relaxation spaces are as important as those inside.



A student exploring the treasure baskets

PARTICIPATION: PERSONAL OUTCOMES

This engagement has supported young people to participate using communication tools they find the most useful. Creativity, time, play, and the support of staff who know the young people well, have meant contributions have been meaningful.

Alongside the learning for the new build, we noted some amazing achievements and personal outcomes, which we wanted to capture.

- A young person who rarely communicates through speech, sorted the 'little people' toys into colour order and verbally named the colour groups.
- We witnessed some very big smiles when playing a ball game. Some of the students were clearly proud of themselves for taking on a new challenge and succeeding.
- A student brought in some special collection items to show and share with the Our Voice Team. They had clearly made a connection and felt valued.
- Throughout the overall engagement the majority of the young people remained in the sessions, with only two occasions where students expressed a desire to return to their class after completing some of the activities.



THAT'S ALL GREAT, WHAT NEXT?

What are the outcomes and impact of young people's participation?



WE CELEBRATE THE CONTRIBUTIONS OF THE YOUNG PEOPLE AT WOODLEY SCHOOL AND COLLEGE

We thank the 43 young people for all their hard work, through an awards assembly.

Each student will receive a certificate and some goodies to say THANK YOU.

ALL OF THIS INFORMATION IS PULLED INTO THE 'DECISION MAKING MATRIX'

The young people's ideas will now sit alongside those of the adult's (Parents, School Colleagues, Design Team).

We can see what we all agree on and where there is challenge, to inform the plans.

WE CONTINUE THE COMMUNICATION AND LEARNING

The young people know they are valued. They have contributed to the development of their new school and have expressed that they have enjoyed this participation project. This is a personal outcome.

The young people have taught adults what might (or might not) work in terms of supporting them to participate. The Our Voice Team and colleagues can adapt their practice from this learning this is an operational outcome.

We can continue the communication and support participation as we move forward in the process. Young people's voice influences our commissioning process. This is a strategic outcome.

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Governing Body of Woodley School
Dog Kennel Bank
Huddersfield
HD5 8JE

12 January 2024

Dear Governing Body

Proposal to expand the number of special school places at Woodley School and College

A non-statutory consultation took place between 29 September 2023 and 27 October 2023 on a proposal to increase the places available at Woodley School and College to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild. An [outcomes report](#) on the feedback received from the consultation has now been published and has informed a decision by the local authority to publish legal notices.

Kirklees Council is withdrawing the statutory proposal made on 13 November 2023 and is replacing it with an identical statutory proposal. The only change is to the timeline for the statutory process. The reason for taking this approach is that internal cross-checking processes revealed a technical omission in the original statutory process which would have compromised final decision-making.

Publishing a statutory proposal means another opportunity to view the proposal and comment on it before a final decision is made. The consultation will run until **8 February 2024**. Full details of the proposal and how to respond can be found in the [Woodley expansion statutory proposal](#).

Timeline

Dates are subject to change and will be dependent on approval to move to each stage.

Woodley School and College consultation timeline	
Event	Date
Publication of consultation outcome report	November 2023
Publication of statutory notices and representation period	January 2024
Final decision by Cabinet (within 2 months)	March 2024
Implementation	Implementation will be gradual from March 2024



Yours sincerely

School Organisation and Planning

Parent/Carer of a pupil at
Woodley School

12 January 2024

Dear Parent/Carer

Proposal to expand the number of special school places at Woodley School and College

A non-statutory consultation took place between 29 September 2023 and 27 October 2023 on a proposal to increase the places available at Woodley School and College to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild. An outcomes report on the feedback received from the consultation was published on 13 November 2023 and has informed a decision by the local authority to publish legal notices. You can read the outcomes report on the Kirklees website here: <http://www.kirklees.gov.uk/schoolorganisation>

Kirklees Council is withdrawing the statutory proposal made on 13 November 2023 and is replacing it with an identical statutory proposal. The only change is to the timeline for the statutory process. The reason for taking this approach is that internal cross-checking processes revealed a technical omission in the original statutory process which would have compromised final decision-making.

Publishing a statutory proposal means another opportunity to view the proposal and comment on it before a final decision is made. The consultation will run until **8 February 2024**. A copy of the proposal is enclosed with this letter.

Timeline

Dates are subject to change and will be dependent on approval to move to each stage.

Woodley School and College consultation timeline

Event	Date
Publication of consultation outcome report	November 2023
Publication of statutory notices and representation period	January 2024
Final decision by Cabinet (within 2 months)	March 2024
Implementation	Implementation will be gradual from March 2024

Within four weeks from the date of publication of this proposal, (i.e. by **8 February 2024**) any person may object to or make comments on the proposal by sending them to Tom Brailsford, Strategic Director for Children's Services, Kirklees Council, c/o School Organisation & Planning Team, PO Box 1720, Huddersfield, HD1 9EL or by email to school.organisation@kirklees.gov.uk.

Yours sincerely

School Organisation and Planning



REPORT TITLE: Funding associated with Huddersfield Open Market, Penistone Rail Line, Dewsbury Long-term plan and West Yorkshire Investment Zone; and delivery of Growth & Regeneration portfolio.

Cabinet date	12 March 2024
Cabinet Member	Cllr Graham Turner
Key Decision	Yes
Eligible for Call In	Yes
Purpose of Report	
This report seeks Cabinet Authority to accept funding and move forward programmes and projects relating to recent grant allocations and announcements, and to put in place the necessary resources to support the delivery of these and projects and programmes and the wider portfolio of schemes.	
Recommendations	
<ol style="list-style-type: none"> 1. Cabinet notes the content of this report. 2. Cabinet agrees to accept external Levelling Up Funding Round 3 of £16,649,855 from Department of Levelling Up, Housing and Communities (DLUHC) to support the delivery of Huddersfield Open Market Hall Levelling Up project, subject to the terms and conditions of the grant funding agreement. 3. Cabinet agrees to accept external Levelling Up Funding Round 3 of £47,917,122 from DLUHC to support the delivery of Penistone rail line upgrade, subject to the terms and conditions of the grant funding agreement. 4. Cabinet agrees to accept external funding of up to £20m (£15m for Capital, and £5m for Revenue) from DLUHC for the development and delivery of the Long-term plan for Dewsbury, subject to the terms and conditions of the grant funding agreement. Upon acceptance the £15m will form part of the Council's Capital Plan. 5. Cabinet agrees to accept external capital funding of up to £17m from DLUHC, via West Yorkshire Combined Authority (WYCA) as Accountable Body, to develop and deliver Kirklees projects within the West Yorkshire Investment Zone, subject to the terms and conditions of the grant funding agreement. Upon acceptance this will form part of the Council's Capital Plan. 6. Cabinet notes that in accordance with Sections 22.4 to 22.8 of the Financial Procedure Rules grant funding will be accepted for external capital and revenue funding for Kirklees projects within the West Yorkshire Investment Zone from DLUHC via WYCA as Accountable Body, should this become available and subject to any related terms and conditions. Subject to this funding, Cabinet authorise officers to progress projects within the Investment Zone. 7. Cabinet delegates authority to the Strategic Director Growth and Regeneration and the Service Director Legal, Governance and Commissioning in consultation with relevant Portfolio holders to finalise and execute all necessary legal agreements and to put in place the necessary governance and assurance arrangements including entering into any grant agreements with DLUHC and WYCA to facilitate delivery of the above projects. 8. Cabinet delegates authority to the Strategic Director Growth and Regeneration in consultation with relevant Portfolio holders to develop and deliver the identified schemes for Huddersfield Open Market, the Penistone rail line upgrade and Kirklees projects within the West Yorkshire Investment Zone. This will include the preparation and submission of necessary statutory consents to ensure delivery and undertake the necessary procurement exercises, including the award of related contracts to deliver the projects, subject to necessary consents and approvals being in place and in accord with the Council's Contract and Financial Procedure rules. 	

9. Cabinet authorises Strategic Director Growth and Regeneration in consultation with the Portfolio holder to work with the existing Dewsbury Town Deal Board to establish a new Town Board by 1st April 2024, with the Council continuing to act as Accountable Body, and for officers to work with the Board and Portfolio holder to develop and submit a Long-term Plan by 1st August 2024.
10. Cabinet authorises the Strategic Director Growth and Regeneration in consultation with relevant Portfolio holders to progress all necessary delivery arrangements including procurement and award of a contract to a Strategic Delivery Partner to provide professional services that facilitate the effective delivery of the project portfolio, and Cabinet authorise the Strategic Director for Growth & Regeneration, in consultation with the Portfolio Holder and the Service Director Legal, Governance and Commissioning to finalise and execute all necessary contract agreements.

Reasons for Recommendations

- To help achieve the priorities of the Corporate Plan to enable and drive sustainable and inclusive economic growth across Kirklees, by supporting the development and delivery of key projects that will deliver regeneration in our towns and villages.
- To ensure efficient and effective delivery of the suite of projects that are the subject of this report and to achieve economies of scale where such opportunities present themselves.
- To secure value for money for public funds and to optimise opportunities to leverage private investment.

Resource Implications:

Staff time from across the G&R Directorate, along with staff time from Procurement, Finance and Legal will be required to progress and manage the projects and undertake necessary procurement.

Date signed off by Strategic Director & name

David Shepherd – 13 February 2024

Is it also signed off by the Service Director for Finance?

Isabel Brittain – 13 February 2024

Is it also signed off by the Service Director for Legal Governance and Commissioning?

Julie Muscroft – 13 February 2024

Electoral wards affected:

LUF3 - Huddersfield Open Market

- Newsome

LUF3 - Penistone Line

- Newsome
- Crossland Moor and Netherton
- Holme Valley North
- Holme Valley South
- Kirkburton
- Denby Dale

Station to Station Enterprise Corridor & Kirklees Investment Zone

- Dalton
- Newsome

Long-term Plan for Towns

- Dewsbury East
- Dewsbury West
- Dewsbury South

Delivery of Growth & Regeneration Portfolio

- All Wards

Ward councillors consulted:

Ward Councillors have been consulted on during the development of both LUF3 projects, and during the development of the Station to Stadium Masterplan; and have been briefed on the Long-term Plan for Towns.

Public or private:

Public

Has GDPR been considered?

Yes. No personal data

1. Executive Summary

- 1.1 The Council has been successful in securing significant inward investment and funding allocations, in particular from the Government and WYCA. As a result, there is a significant portfolio of projects to be developed and delivered over the next 10 years.
- 1.2 A recent review of the Growth & Regeneration portfolio has identified c.50 projects/schemes with a total value that exceeds £500m.
- 1.3 Within this portfolio are recent allocations from Department for Levelling Up Homes and Communities (DLUHC) for Levelling Up Fund 3 schemes (Huddersfield Open Market Regeneration, and Penistone Line rail upgrade), and Long-term Plan for Towns (Dewsbury). The Government has also named a new West Yorkshire Investment Zone which includes large parts of the Station to Stadium Enterprise Corridor in Huddersfield. This report provides a position for each of these schemes and seeks Cabinet approval to progress with the next stages for each project and to put in place the necessary officer delegations to enable delivery.
- 1.4 Considering the scale of projects to be delivered the Council needs to consider delivery models that will mitigate risk, enable delivery and ensure best value. This report summarises this need and seeks Cabinet approval to progress with the appointment of a Strategic Delivery Partner, to ensure the Council can successfully deliver the objectives and obligations associated with the new funding.

2. Information required to take a decision

- 2.1 On 13 December 2023 the Leader gave a speech to Council setting out the Council priority of investing in the future of our towns and villages to deliver regeneration. This report builds directly on that commitment and sets out the decisions needed to progress key projects that will help to transform places across the district through the significant investment being made by the council and by external funders.
- 2.2 This section of the report is structured in parts: first a summary of the Growth & Regeneration portfolio is provided; then details are provided on each of the recent investment announcements; and lastly details are provided on the need to progress with delivery support.

Portfolio summary

- 2.3 Across multiple funding streams there is over £500m of regeneration focussed investment planned over the next 10 years. A significant proportion of this is external funding, including: Transforming Cities Fund, West Yorkshire+ Transport Fund, City Region Sustainable Transport Fund, Levelling Up Fund, and the Long-term Plan for towns. This report focuses on recent announcements (sections 2.4 – 2.36) which will see significant inward investment in our district – and seeks authority to progress these schemes and put in place the necessary resources to support their delivery and the delivery of the wider portfolio of schemes. Future reports will come back to Cabinet as necessary where future decisions are required.

Huddersfield Open Market Regeneration

- 2.4 On 20 November 2023 Kirklees Council was provisionally awarded up to £16,649,855 for the Huddersfield Open Market Regeneration Project as part of the third round of the Levelling Up Fund. It was decided by Department for Levelling Up Homes and Communities (DLUHC) to draw on the pool of bids submitted at round two, which were not able to be funded earlier in the year but were assessed as high quality and ready to deliver schemes.
- 2.5 Following the announcement, the Council has confirmed to DLUHC through the completion of the Project Validation Form that that the project will benefit from government funding and remains a local priority.
- 2.6 In being awarded the funding through Round 3 of LUF the intention is to deliver the project as set out in the bid of 2022, although it is accepted that some project adjustments may need to be made. The expectation is that the project can be delivered by March 2026.
- 2.7 Levelling Up Funding will regenerate the market provision at the existing Open Market site. The project will restore the Grade 2* Listed structure and improve the surrounding public realm. The new market's offer will strengthen the evening and food economy and will provide a new focal point for the north of the town centre. It will act as a catalyst for regeneration through increased demand and vibrancy.
- 2.8 Linking into the Station to Stadium Enterprise Corridor, this regeneration project will create a popular, vibrant and sustainable market, responding to the needs of the new and building on the existing customer base. It will focus on high-quality independent traders, provide an enhanced food and beverage offer and will provide an anchor location and focal point within this area of the town centre which will provide good quality public realm, drive footfall and create an evening and night-time economy.
- 2.9 At the time the round 2 bid was submitted the intention was to receive match funding from the Council of circa £2million. The match funding is no longer available so the total project cost will now need to be covered by the LUF funding and adjustments to the proposal will be made to accommodate this overall reduction in the total project cost.
- 2.10 To enable this part of the overall programme to continue to move forward and hit key deadlines set by DLUHC officers are seeking agreement from Cabinet to accept external funding of £16,649,855 from the Government to support delivery of the Huddersfield Open Market project.
- 2.11 Cabinet is asked to delegate authority to the Strategic Director Growth and Regeneration and the Service Director Legal, Governance and Commissioning in consultation with Portfolio holders to finalise and execute all necessary legal agreements and authorise them to spend the grant to deliver this project. This includes the setting up of the appropriate governance arrangements for the oversight and delivery of the project.

Penistone Line rail upgrade

- 2.12 The Penistone Line is a key strategic element of the transport infrastructure linking Huddersfield, Barnsley, Sheffield and the wider South Yorkshire area. It provides a sustainable alternative to road travel to, from and between the urban areas and is highly valued as a community asset providing access to work, education, leisure and retail.
- 2.13 The shared vision for the line includes enhancing the stations, and increasing the service frequency through track doubling and line speed improvements. Achieving this is estimated to cost in excess of £100m. A Levelling Up Round 2 bid was submitted in August 2022, the LUF Round 2 had a funding cap of £50m, as such, the bid identified a range of improvements that would act as a stepping stone to the wider aspiration of delivering a half hourly service across the route in line with the West Yorkshire Rail Strategy.

- 2.14 After notification that the LUF Round 2 bid was unsuccessful (January 2023) it was decided by DLUHC to draw on the pool of bids submitted at round two, which were not able to be funded earlier in the year but were assessed as high quality and ready to deliver schemes.
- 2.15 On 20 November 2023 Kirklees Council was provisionally awarded up to £47,917,122 for the Penistone rail line upgrade as part of the third round of the Levelling Up Fund.
- 2.16 Following the announcement, the Council has confirmed to DLUHC through the completion of the Stage 1 Project Validation Form that that the project will benefit from government funding and remains a local priority. In being awarded the funding through Round 3 of LUF the intention is to deliver the project as set out in the bid of 2022 (following discussion with DLUHC to take into account major changes that have occurred in the 18 months since the second round submission), subject to discussions with DfT, Network Rail and necessary business case Approval. The Council is currently awaiting a response to stage 2 of the DfT validation process and final Ministerial approval.
- 2.17 Levelling Up Funding will deliver significant improvements to the performance and reliability of services operating on the route through additional passing places on the single line sections and line speed improvements. It will also deliver enhancements to stations (Mobility Hubs) to provide better connectivity between different modes along with improved walking and cycling facilities to stations. Additionally, funding facilitates the installation of full fibre along the route which not only benefits the rail industry and passengers but can be made available to local communities through commercial agreements with telecoms providers. Future funding will be required to deliver the remaining infrastructure to enable a half hourly service.
- 2.18 Improvements to the Penistone Line support nine parliamentary constituencies between Huddersfield and Sheffield for which cross party-political support has been received. Work to enhance the Penistone Line has been developed in partnership with Barnsley Metropolitan Borough Council, South Yorkshire Mayoral Combined Authority (SYMCA) and West Yorkshire Combined Authority (WYCA). Additionally, the scheme had support from Sheffield City Council (subject to resolution of capacity issues to the northern approach to Sheffield Station).
- 2.19 The development of rail services and associated infrastructure on the Penistone Line within Kirklees supports shared council and WYCA ambitions in the West Yorkshire Local Transport Vision, West Yorkshire Rail Strategy and the emerging Kirklees Council Transport Strategy.
- 2.20 There was no match funding committed as part of the bid and so all project costs will need to be covered by the LUF funding. However, the potential for additional complimentary funding from Network Rail (fibre) and WYCA (Mobility Hubs) will be explored.
- 2.21 To enable this part of the overall programme to continue to move forward and hit key deadlines set by DLUHC officers are seeking agreement from Cabinet to accept external funding of £47,917,122 to support delivery of the project subject to validation by DLUHC.
- 2.22 Cabinet is asked to delegate authority to the Strategic Director Growth and Regeneration and the Service Director Legal, Governance and Commissioning in consultation with Portfolio holders to finalise and execute all necessary legal agreements and authorise them to spend grant to deliver the Penistone rail line upgrade LUF3 project. This includes the setting up of the appropriate governance arrangements for the oversight and delivery of the project including development of business cases and associated consents.

Dewsbury – Long-term plan for Towns

- 2.23 On 1 October 2023 the Government announced additional investment as part of a long-term plan for towns. Dewsbury has been identified as one of 55 town that will benefit from up to £20m of funding over the next 10 years. Funding will be released over a 7-year period with flexibility to spend over the 10 years. This funding will be made up of 25% Revenue and 75% Capital and is to be focussed on three investment themes.

- 2.24 The three investment themes are:
- Safety and security – to focus on tackling crime and anti-social behaviour.
 - High Streets, Heritage and Regeneration – to help towns adapt and diversify their offer to be happy, healthy, liveable, inclusive and vibrant places for everyone.
 - Transport & Connectivity – to support the other themes and help improve access, safety and attractiveness.
- 2.25 On 18 December 2023 DLUHC released guidance which sets out the following requirements: a Town Board must be in place by 1st April 2024; and a Long-term plan (including a 10year vision and 3year investment plan) must be submitted by 1st August 2024.
- 2.26 Whilst the Local Authority (LA) will remain the accountable body the Guidance encourages the LA to empower the Town Board to shape the Plan and help drive community-led change. In Dewsbury, a Town Deal Board currently exists, and the Government are encouraging the use of existing Town Deal Boards to avoid duplication and help accelerate development of the Plan. As such, it is proposed that the existing Town Deal Board evolves to become the Town Board to cover both the delivery of existing Town Deal projects, and the development and delivery of the Long-term Plan. To provide continuity and ensure we achieve the deadline of 1st April set by DLUHC it is proposed that the term for the current Chair of the Town Deal Board is extended, and officers work with the Chair to review and amend membership and the Terms of Reference for the Board as necessary.
- 2.27 The Long-term Plan is intended to build on current investments and is to be shaped by community engagement to ensure it reflects local priorities. However, the funding must be focussed on the three investment themes (as section 2.24). It is proposed that officers work with the Board through thematic working groups to initiate early community engagement and identify interventions for inclusion within the Long-term Plan to ensure we achieve the deadline of 1st August.
- 2.28 Cabinet is asked to authorise officers to make progress as outlined above by working with the existing Dewsbury Town Deal Board to establish a new Town Board, and to work with that Board and the Portfolio holder to develop the Long-term Plan.

Station to Station Enterprise Corridor & Kirklees Investment Zone

- 2.29 The Station to Stadium Enterprise Corridor (S2SEC) represents one of the most exciting economic development opportunities in Yorkshire and the Humber. Connecting Huddersfield Station – at the heart of the £6.9bn TransPennine Route upgrade that will transform journeys between Manchester, Leeds and Newcastle – with the John Smith’s Stadium to the east of the town centre and with the University of Huddersfield/s new National Health Innovation Campus at its core. The S2SEC will create new, high quality employment opportunities which complement the ongoing Blueprint regeneration programme across the town centre.
- 2.30 Cabinet approved a draft masterplan for the S2SEC area in December 2022. The Masterplan was consulted on in November to December 2023 and has now been finalised. The masterplan provides a framework to guide the long-term development of the area and underpin the attraction of both public and private investment. Since then, several key developments have already progressed within the Corridor including:
- Construction of the Daphne Steel Building, the first development on the National Health Innovation Campus at Southgate that will provide research and teaching facilities focused on allied health occupations and will represent over £60m of investment by the University when it opens in September 2024; the second building on campus is now at the planning stage and will include a community diagnostic hub and innovation space and the NHIC is expected to accommodate up to 75,000 sqm of research, teaching, clinical and community health floorspace.
 - A planning application has been approved to convert the adjoining 11-storey Crown House building, formerly used as Government offices, into just 198 studio flats for student living.

- The acquisition of a former car dealership adjoining the ring road by West Yorkshire Police to develop a new police station for Huddersfield, replacing the existing facility in Castlegate.
- Improvement works to the A62 Leeds Corridor have been completed which will enhance connectivity between the town centre and motorway network and reduce barriers to pedestrian movement between the town centre and health campus.
- As set out in Section 2.5, the Council has secured Levelling Up Funding to transform the Huddersfield Open Market which will complement other developments in the S2SEC; and is working with the Huddersfield Parish Church and the Huddersfield Mission to implement public realm improvements to St Peter's Gardens, with funding from the UK Shared Prosperity Fund.

2.31 The Council also continues to work with key stakeholders Huddersfield Town AFC and Huddersfield Giants to facilitate a new ownership model for the John Smith's Stadium and unlock related investment opportunities.

West Yorkshire Investment Zone

2.32 In November 2023 the Government announced that West Yorkshire would house one of twelve Investment Zones (IZs) across the UK. Investment Zones will support the growth of knowledge intensive business clusters, underpinned by the presence of research-led Universities, and aim to stimulate business innovation and investment.

2.33 The West Yorkshire Investment Zone will focus on the region's world class health and wellbeing and digital sectors and will benefit from Government investment of up to £160m over the 10 years from 2024/25. Sites in Leeds, Bradford and Huddersfield will underpin the IZ programme with the Huddersfield sites centred on the S2SEC and anchored by the University of Huddersfield's National Health Innovation Campus.

2.34 Government investment in the West Yorkshire Investment Zone will take the form of capital and revenue grant support rather than tax incentives for investors/developers. This is because significant, up-front public investment in enabling infrastructure is required to address the market failure which has prevented private sector investment in the type of office, industrial, research and laboratory space that is required.

2.35 An initial capital investment package of £17m for the Kirklees projects within the West Yorkshire Investment Zone has been agreed by WYCA, Government and the West Yorkshire Leaders. This will address infrastructure constraints including electricity supply; improve pedestrian connectivity between key sites within the S2SEC and bring forward new sites for development for industrial and R&D use including funding for Building 2 at the University of Huddersfield's National Health Innovation Campus.

2.36 In addition, a package of revenue funding has been agreed as part of the IZ programme to complement the proposed capital projects, supporting business start-up, growth and innovation activity across the health and wellbeing and digital sectors and to accelerate the commercialisation of research. The precise funding allocations and distribution mechanism for the revenue programme have yet to be finalised, although the programme will include:

- A regional Accelerator programme to deliver world class scale up and innovation support for established early-stage businesses.
- A health and wellbeing-focused business incubator to supporting new and pre-start businesses, to be located in the Council's flagship small business centre, the Glass Box, which adjoins the health campus.
- Additional local capacity to support the attraction of Inward Investment and support the marketing and promotion of the IZ.
- Funding to enhance delivery of the Council's planning functions within the Investment Zone.

Delivery support

- 2.37 Given scale of Growth & Regeneration portfolio and current capacity constraints within the Council there is a need to consider how best to ensure the projects can be delivered on time, to budget and to a high quality.
- 2.38 Complex professional services such as project management, commercial / cost management advice and development management expertise will be required from the private sector throughout the life of each project. Specific work packages such as Master planning (design, planning, business case development), multi-disciplinary engineering (civils, structural, mechanical, electrical and plumbing, sustainability) and specialist legal and procurement may also be required, specific to the nature of each project. Rather than procuring each element on a case-by-case basis, there is strong economic and efficiency arguments to procure a single Strategic Delivery Partner instead to support the delivery of multiple schemes, providing additional expertise and capacity to the Council that will enable the effective delivery of these major investments.
- 2.39 The scope of services, and contract length for a Strategic Delivery Partner will need to be explored but this procurement will provide a flexible delivery model that can scale additional resources up or down according to the needs of the project and the level of internal capacity, skills, knowledge etc available at the time. The Council will however at all times retain the vital role of project 'Client' or 'Senior Responsible Officer'.
- 2.40 The procurement of a Strategic Delivery Partner will not only help to support the delivery of multiple schemes it will help the Council deliver its Social Value policy by maximising the economic, social and environmental benefits to our residents, communities and businesses. It will also help to create and support learning and development opportunities for our staff. This will help to realise the full benefit of investment and create a lasting legacy across the district.
- 2.41 The length of contract is expected to be at least 4years to ensure consistency of delivery, and the value of professional fees (including those of any Strategic Development Partner), could be expected to range between 10 and 20% of total project costs. All professional fees would be funded from within the overall capital / external funding secured.
- 2.42 Subject to Cabinet approval officers will identify develop a scope of requirements and select the most appropriate procurement route to appoint a Strategic Delivery Partner.
- 2.43 Cabinet is asked to authorise officers to progress all necessary delivery arrangements including procurement of a Strategic Delivery Partner to provide professional services that facilitate the effective delivery of the project portfolio, and Cabinet authorise the Strategic Director for Growth & Regeneration, in consultation with the Portfolio Holder and the Service Director Legal, Governance and Commissioning to finalise and execute all necessary contracts agreements.

3. Implications for the Council

3.1 Working with People

The programmes and projects outlined in this report have either already involved significant engagement with people and communities which will continue as the schemes develop, or in the case of the Long-term Plan for Dewsbury engagement will take place to shape the proposals. The projects and interventions to be delivered are being designed to reflect local priorities and create positive change for local people. Ensuring the Council has the resources and partners in place to deliver these projects is crucial to delivering lasting change in our towns and helping to empower local people and communities to become more involved.

3.2 Working with Partners

Collaborative working with partners has formed a key element of scheme development to date to ensure we are achieving the best outcomes possible; this is reflected in the continued success of the Council to secure inward investment as demonstrated by recent announcements and the scale of the current portfolio.

The Huddersfield Open Market project has involved partnership working with Historic England, local traders and officers at DLUHC. The Penistone Line project has involved partnership working with Barnsley Council, Network Rail, Northern Trains, Penistone Line Partnership, South Yorkshire Mayoral Combined Authority, Transport for the North and West Yorkshire Combined Authority. The Investment Zone / Station to Stadium Masterplan has involved partnership working with WYCA, the University of Huddersfield, Huddersfield Town AFC and Huddersfield Giants and local businesses.

As the Long-term Plan for Dewsbury is developed partners will be actively engaged – the range of partners is anticipated to include the police, health services, local businesses, community groups and the voluntary and community sector.

3.3 Place Based Working

The development of the Blueprints and associated Place Standard exercise engaged local people and town centre stakeholders, businesses, and users to help shape the overall approach to redeveloping Huddersfield Town Centre. Engagement with businesses and landowners took place as part of the Station to Stadium Masterplan and a public consultation on the Masterplan took place November-December 2023. This place and community-based feedback has helped to shape the Huddersfield Open Market scheme and the Station to Stadium Masterplan.

The Penistone Line upgrade reflects a demand from local people, Councillors and MPs along the line between Huddersfield and Sheffield to see an improvement in journey times and reliability that will help improve connectivity and enable inclusive growth.

The development of the Long-term Plan for Dewsbury will build on past engagements and be shaped by the community through further engagement to ensure it reflects local priorities and is tailored to the needs of Dewsbury to achieve the best outcomes for residents.

3.4 Climate Change and Air Quality

The reduction of carbon emissions and air quality problems is a key objective for each of the projects and programmes described in this report. Specifically, the Penistone Line upgrade project has the potential to help facilitate a shift towards more sustainable and efficient modes of travel by providing an alternative to the private car. The Station to Stadium Masterplan includes propositions that will help to make access to Huddersfield town centre by walking and cycling safer and more attractive for all users, and the University buildings will meet BREEAM standards. One of the three investment themes for the Long-term Plan is Transport & Connectivity, any interventions brought forward within this theme will need to consider how they can help to tackle the climate emergency, reduce emissions and improve air quality.

3.5 Improving outcomes for children

The Blueprints for both Huddersfield and Dewsbury aim to provide a family-friendly town where everyone feels safe and welcome. The Open Market and the Station to Stadium Masterplan in Huddersfield, and the Long-term Plan in Dewsbury will be part of helping to realise this ambition to improve our towns for all people, including children – and will help to create a long-lasting legacy that benefits the next and future generations. The Investment Zone programme will specifically support research and innovation activity with the aim of improving health and wellbeing outcomes for children and young people and rapid diffusion of innovative new products and services within the NHS and other users.

3.6 Financial Implications

Both LUF3 schemes are 100% grant funding. Whilst there is no 'match contribution' from the Council the LUF submissions do include a commitment to underwrite the bids meaning the council is responsible for scheme overspend. However, the council will not commit to overwriting any scheme overspend associated with elements of the Penistone Line Rail project within Network Rail responsibility. For both schemes effective project and cost management processes will be in place to minimise the risk of overspends, this will include ongoing cost reviews and where necessary value engineering and or scope reduction will be undertaken to remain within the grant allocation. The current spend profile will be amended in future iterations of the Capital plan following further intelligence on timescales of schemes.

Full funding details associated with the Long-term Plan for Dewsbury are not yet known as we await further detail from DLUHC. However, a level of 'match contribution' is expected, although our current understanding is this could include council land, resource, property etc, not necessarily additional borrowing. The Council, as the accountable body will be responsible for cost overspends and will implement effective project and cost management processes to minimise this risk. The Long-Term Plan is for a ten year period with a £20m investment (75% capital) – once greater clarification emerges on the initiative the Capital Plan will be amended to reflect the investment.

WYCA will be the Accountable Body for the IZ funding. A grant agreement will be in place between the Council and WYCA covering contracted outputs, delivery milestones, funding profiles, compliance requirements etc for the final list of capital/revenue projects which the Council be responsible for delivering. Whilst WYCA will be the Accountable Body, the Council will be responsible for any cost overspends on Council-led projects.

For all projects, the professional fees including any associated with a Strategic Delivery Partner will be funded from within the overall capital / external funding secured.

3.7 Legal Implications

The Council acting reasonably has the legal power to enter into Funding Agreements with DLUHC and WYCA under section 1 of the Localism Act 2011 which is a general power of competence to do anything an individual may do subject to restrictions and limitations in other legislation. Together with Section 1 the council will rely on all other enabling legislation to carry out the projects referred to in this report. Legal Services will advise on the relevant grant conditions and associated compliance risks including failure to achieve contracted spend and output profiles, procurement will be in line with relevant regulations, failure to comply with branding guidelines etc.

The Council will comply with its Contract Procedure Rules and Financial Procedure Rules; and the Public Contracts Regulations 2015 and/or the Procurement Act 2023 when brought fully into force (c. Autumn 2024) in relation to Goods, Works and Services and the Subsidy Control Act 2022. The Council must comply with its duty of Best Value under section 3 of the Local Government Act 1999. The Council must comply with its Public Sector Equality Duty under section 149 Equality Act 2010 in relation to projects on a case-by-case basis before making any decisions.

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

The individual projects and programmes each have a risk and opportunity register, these are being actively managed to mitigate potential risks. By accepting the external funding as set out in this report there are five key risks:

- The risks associated with programme delay and non-delivery. The approvals sought in this report will enable officers to accelerate progress and put in place the necessary governance, assurance and resources to help ensure robust delivery programmes are developed and agreed with all partners, including external funders, namely DLUHC.

- The grant conditions will require the Council to work with the delivery teams and DLUHC to deliver within cost and programme margins to avoid the risk of clawback of grant funding.
- Managing the range and number of stakeholders involved, especially on the Penistone Rail Line upgrade project, presents a potential risk and could result in conflicting opinions and delay.
- The risks associated with project overspends. All project costs will need to be covered by the funding grant and additional Government funding is unlikely. Putting the appropriate project and cost management support in place will help to ensure a process of ongoing cost management so that changes in material and labour costs can be monitored, any potential cost overspends can be addressed through value engineering or de-scoping.
- Procuring a Strategic Delivery Partner will require the Council to act as an 'Intelligent Client' to ensure the partnership and projects are effectively managed – this will require resource and is likely to result in the need for staff development and training.

Integrated Impact Assessments will be undertaken and updated during the development of the projects as required to consider the potential effects of activities and decisions on people, the environment and Kirklees as a whole.

4. Consultation

As discussed in Sections 3.1 to 3.3 formal consultations were undertaken on the Huddersfield Blueprint, and the Station to Stadium Masterplan. The feedback has helped to shape the Huddersfield Open Market scheme and the final Station to Stadium Masterplan. Feedback from the Dewsbury Blueprint consultation will be reviewed as part of developing the Long-term Plan. As each project progresses statutory consultation will take place as required.

5. Engagement

As discussed in Sections 3.1 to 3.3 engagement has taken place with partners in the development of both LUF3 schemes, and the Station to Stadium Masterplan – and as these schemes progress further engagement will take place. Ongoing engagement is taking place with key stakeholders including Government, WYCA, University of Huddersfield and the private sector regarding the IZ. Engagement is planned with the community in Dewsbury to ensure the Long-term Plan reflects local priorities.

6. Options

6.1 Options considered

At a scheme level, the LUF3 projects (Huddersfield Open Market and Penistone rail line upgrade) and the Station to Station Masterplan were all subject to an option development and assessment process to help identify the preferred way forward. Whilst no options have yet been selected for the Dewsbury Long-term Plan, an evidence-based option assessment process will be adopted.

In terms of the purpose of this report, two main options were considered:

- Whether to Refuse or Accept the external funding
- Whether to procure the various specialist delivery resources that will be required on a case-by-case basis or via a single Strategic Delivery Partner approach

6.2 Reasons for recommended option

The recommended option for each project is based on their alignment to local and strategic objectives, support from stakeholders, their deliverability and their anticipated value for money.

In terms of the purpose of this report:

- It is recommended that Cabinet Accept the external funding. Not accepting the funding would have significant impact on project delivery and reputational risk, by accepting the grant fundings these risks are mitigated and we can realise economic and social outcomes.

- It is recommended that a new Strategic Delivery Partner is procured. Piecemeal arrangements would present a risk in terms of non-delivery. By establishing a new contractual arrangement with a single provider, the necessary project, programme and cost management can be put in place to support the delivery in a way that is most efficient and cost effective.

7. Next steps and timelines

A summary of next steps and milestones is provided in the table below – as noted in Section 2.3 whilst this report seeks authority to progress these schemes and put in place the necessary resources to support delivery future reports will come back to Cabinet as necessary where future decisions are required.

Project / Programme	Next steps / Key milestones	
	Target Date	Activity
Huddersfield Open Market	Early 2024	Design team in place
	Summer 2024	Submission of Planning application
	Spring 2025 – March 2026	Construction
Penistone rail line upgrade	Spring / Summer 2024	Confirmation of procurement options.
	Spring / Summer 2024	Programme agreed with DfT and DLUHC
Investment Zone	April 2024	Formal commencement of IZ programme
	Spring 2024	Commence recruitment of delivery team
	Spring / Summer 2024	Commence project business cases
	September 2024	Daphne Steel Building completion/opens
Dewsbury Long-term Plan	1 April 2024	Town Board confirmed
	March – June 2024	Community engagement & Plan development
	1 August 2024	Long-term Plan submitted
Delivery support	April 2024	Define scope / requirements
	May 2024	Commence procurement
	Summer 2024	Partnership in place

8. Contact officer

Huddersfield Open Market Regeneration

Sarah Collins – Programme Manager, Town Centre Programmes

Penistone Line rail upgrade

Joanna Ward – Transport Strategy & Policy Manager

Dewsbury – Long-term plan for Towns

David Wildman – Strategic Partnership Lead, Town Centres

Investment Zone / Station to Station Enterprise Corridor

Chris Duffill – Head of Business, Economy & Growth

Delivery support

Edward Highfield – Service Director, Skills and Regeneration

9. Background Papers and History of Decisions

Huddersfield Open Market Regeneration

None

Penistone Line rail upgrade

None

Dewsbury – Long-term plan for Towns

Cabinet – 12 October 2021: Dewsbury Town Deal - Next Steps [report](#) and [decisions](#)

WY Investment Zone / Station to Station Enterprise Corridor

Cabinet – 21 December 2022: Station to Stadium Enterprise Corridor Masterplan [report](#) and [decisions](#)

Delivery support

Cabinet – 13 February 2024: [Council Annual Budget Report 2024-25 and following years](#)

10. Appendices

None

11. Service Director responsible

Edward Highfield: Service Director Skills & Regeneration

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REPORT TITLE: BUXTON HOUSE HIGH-RISE BLOCK - SITE ASSEMBLY

Cabinet	12 March 2024
Cabinet Member	Councillor Moses Crook Housing and Highways
Key Decision	Yes
Eligible for Call In	Yes
<p>Purpose of Report</p> <ul style="list-style-type: none"> • This report updates Cabinet as to progress with the scheme to remodel Buxton House high-rise block, Huddersfield. It seeks authority from Cabinet to acquire key interests including the headlease and sublease interests relating to a property at Buxton House, Buxton Way, and Albion Street to facilitate the remodelling scheme. • In addition, Cabinet authority is sought to begin the process leading to the Council making a Compulsory Purchase Order ("CPO"), in tandem with negotiating the acquisition of land interests, as a contingency measure. 	
<p>Recommendations</p> <ul style="list-style-type: none"> • That authority be delegated to the Strategic Director Growth and Regeneration to negotiate and agree terms to acquire the interests and rights identified in paragraph 2.10 of this report, within the terms outlined in the Private Appendix attached. • That authority be delegated to the Strategic Director Growth and Regeneration to negotiate and agree terms to acquire any further interests or rights subsequently identified which are required to deliver the remodel of Buxton House, provided that the values are within those contained in the Scheme of Delegation for Corporate Landlord & Capital, and the cost of such can be met within the allocated project budget. • That authority be delegated to the Strategic Director of Growth and Regeneration to take the necessary preliminary steps required for the Council to make a Compulsory Purchase Order ("CPO") including: <ol style="list-style-type: none"> 1) The service of statutory requisitions for information from owners/occupiers of land within the proposed CPO area. 2) Instructing land referencing agents to begin liaising with affected landowners/occupiers and to identify the full extent of the land required (either to be acquired permanently or temporarily) and any rights to be acquired as part of the CPO (e.g. rights of way, light, support, easement, or restrictive covenants over the land required as required). • That authority be delegated to the Service Director Legal Governance and Commissioning to finalise and enter into all appropriate contracts, deeds and documents required for the reasons identified in this report. 	

- That Cabinet note that a further report will be brought to them should it prove necessary to make a CPO.
- That Cabinet note that the acquisition of required land interests, and any potential CPO process will be funded from the high-rise budget approved by Cabinet on the 27th July 2021.

Reasons for Recommendations

- The acquisition of the land interests and rights over land outlined in this report are necessary to support and de-risk the scheme to allow the remodelling of the Buxton House residential high-rise block, which will address critical fire safety issues and create accommodation that meets future tenant requirements, including the creation of a safer, inclusive entrance to the building. Whilst efforts to acquire these interests by agreement are ongoing, the project is time sensitive and needs to progress in accordance with the proposed timescales to ensure that it can be completed within the allocated budget and that the provision of social housing is reinstated as soon as possible. Therefore, it is necessary that these steps are taken now, including taking preparatory steps for the purposes of the Council making a CPO.

Resource Implications

- The acquisition of these land interests will be funded from the £16 million budget envelope for the Buxton House project that forms part of the overall £57 million High-Rise Programme approved by Cabinet on the 27th July 2021.
- The project is being managed by existing resources within the Homes and Neighbourhoods Development Team.

Date signed off by Strategic Director & name.

David Shepherd
17 January 2024

Is it also signed off by the Service Director for Finance?

Isabel Brittain
Yes: 29th February 2024.

Is it also signed off by the Service Director for Legal Governance and Commissioning?

Julie Muscroft
Yes. 26th February 2024

Electoral wards affected: Newsome

Ward councillors consulted: Yes, up to the current position.

Public or private: Public report with private appendix

Has GDPR been considered? Yes

1. Executive Summary

- 1.1 This report seeks Cabinet approval to acquire various third-party interests that are required to facilitate the remodelling of the Buxton House high-rise block in Huddersfield town centre, including granting authority to the Service Director, Legal Governance and Commissioning to enter into appropriate legal documents.
- 1.2 Whilst every effort is being made to acquire these interests by negotiation, Cabinet is requested to authorise the Strategic Director of Growth and Regeneration to take the necessary preliminary steps required for the Council to make a Compulsory Purchase Order.

2. Information required to take a decision.

Background

- 2.1 Buxton House is a high-rise residential block in the town centre of Huddersfield. It currently comprises of 19 one-bedroom flats and 38 bedsits. The Council holds it on a lease and sublets the flats therein as social housing.
- 2.2 On the 27th July 2021 Cabinet resolved to remodel Buxton House as part of a £57 million high-rise programme. This programme was instigated by fire safety concerns and requirements. Please refer to the earlier report for full details.
- 2.3 Since the 2021 Cabinet report the Council has engaged architects and finalised the design proposals for Buxton House. The proposed scheme will result in the provision of 46 flats (19 two bedroom, 22 one bedroom and 5 studio) replacing the 19 one-bedroom flats and 38 bedsits in the current building. The remodelled building will have a new, larger entrance from Albion Street, a new electric scooter/bike storage facility, wider corridors, and larger communal areas.
- 2.4 A detailed planning application for the proposed scheme was submitted on the 12th January 2024, which is due to be determined in May/June 2024.
- 2.5 The process of rehousing tenants from the existing building commenced in the autumn of 2023 and 24 of the 55 flats are now void (45%).
- 2.6 Subject to planning approval and securing vacant possession of the building, it intends commencing work on the new scheme in September 2025, with an anticipated 24-month contract period.
- 2.7 As outlined above, to facilitate the remodelling of the Buxton House high-rise block it is necessary for the Council to acquire several units within or underneath the Tower which are not currently in the Council's ownership or control. It is also necessary for the Council to seek rights over the Car Park Deck for the duration of the works to ensure safety and provide a works compound to support construction.

Proposed Acquisitions

- 2.8 The Council owns the freehold to Buxton House and the associated shopping centre and car park. However, this is subject to a lease ("the Headlease") granted by the Council on

15 June 2012 for a term of 175 years. This Interest is currently owned by ALB Kirklees Limited (“ALB”).

2.9 The Council has 2 underleases from ALB one in relation to Buxton House Tower (“the Buxton House Tower Underlease”) and one for the Albion Street carpark (“the Carpark Underlease”). Both underleases have a term of 45 years remaining.

2.10 The acquisition by the Council of part of the ALB Headlease would give the Council full control to create a fire safety compliant building. This is the objective of the scheme. The acquisition of the interests and rights shown in the table below are required to facilitate the development of a comprehensive scheme that will give the Council full control to comply with fire safety requirements and deliver the remodelling of Buxton House both on time and on budget. Any delays in delivery could put the project at risk due to increased costs and inflationary consequences which are particularly acute at present.

	Property	Interest Sought
Interests to be Acquired		
	<i>Headlease Interests</i>	
1	Flats 1-57, Buxton House 1-3 Buxton Way* 2 Buxton Way* 6 Buxton Way* 4 Buxton Way* 7 Buxton Way* 9 Albion Street* 11/11A Albion Street/5 Buxton Way*	Headlease Interest– YY6883
	<i>Retail Units</i>	
2	11/11A Albion Street/5 Buxton Way (all indicated by a number 11 on the attached plans) *	Sublease – YWE72978
	<i>Right to Buy Flats</i>	
3	Flat 49	Sublease – YY110368
4	Flat 13	Sublease – WYK436051
5	Flat 53	Sublease – WYK428883
Rights to be Acquired		
6	Albion Street deck car park**	Right to use the land as a temporary site compound sought. Any rights of access over the Albion Street Car Park Deck under Headlease – YY6883 to be suspended. (Will be accommodated if possible)

* Please note that the numbers detailed correspond with the numbers in grey circles shown on the AHR plans at Appendix 2.

** Shown coloured blue on the Car Park plan at Appendix 2.

Members may note that there are more headlease interests to be acquired than Sublease interests. This is because some of the units are vacant and therefore there is no sublease interest in relation to those units.

Reasons for the Proposed Acquisitions

The Headlease Interests (ALB's interest)

- 2.11 As matters presently stand, if the Council wishes to remodel Buxton House, then it must do so in compliance with its current lease from ALB and consents will be required from ALB as its immediate landlord. This puts the scheme at risk if those consents cannot be obtained, in a timely manner, or at all and will lead to additional costs. Additionally, the Council's Underleases have only 45 years of their term remaining. Therefore, the investment the Council is proposing to make in the structure of the building and its compliance with modern fire safety standards will only benefit the Council for 45 years. The current fragmented ownership also creates complexity as to where fire safety responsibility lies under the new Building Safety Act 2022. Whilst mechanisms are in place to attribute responsibility and enforce action from relevant parties, in reality this can prove difficult, costly and be protracted.

Retail Units below the Residential Tower Block

- 2.12 It is necessary to acquire the retail units beneath Buxton House as:
- additional accommodation is required to site plant and machinery such as the new sprinkler system and the construction of cost-effective service runs that will serve the remodelled Buxton House Scheme.
 - additional space is required to create a new, more prominent, accessible, and safer entrance to Buxton House and a new refuse storage facility/space for electric bikes and mobility scooters.
 - it is important to gain control of these spaces to mitigate fire risk, by allowing the installation of fire safety measures and effective management of these areas going forward.
- 2.13 If the Council is unable to acquire these interests, the approval of the main scheme by the fire regulator would be seriously jeopardised. Once the modifications for fire safety are completed:
- 4 and 5 Buxton Way will be converted into two further residential social housing flats.
 - 1-3 and 2 Buxton way will continue as retail units, with the Council as landlord. This will generate rental income.

The Right to Buy Flats

- 2.14 Flats 13, 49 and 53 Buxton House – the remodelling scheme will require the whole building to be stripped back to its frame to enable the flats to be reconfigured and improvements made to communal areas and circulation space to comply with updated fire regulations. It will not be possible for the existing leasehold flats to remain in situ due to the extensive nature of the works. The footprints of some of the flats will be different post remodel.

Rights to be Acquired.

- 2.15 It is necessary for the duration of the works to close the Car Park deck accessed from Albion Street for safety reasons and to provide an area for a site compound. The Council currently leases this area from ALB and delivers the car parking provision (under the terms of the Car Park Underlease). An agreement has been reached with Parking Services to suspend the car park for the duration of the works. The Council will also have to negotiate with the ALB for a change of use from car parking to site compound, and the suspension of any rights ALB or its tenants may have over this area for the duration of the works, if these cannot be accommodated or alternative access agreed.

Telecoms Lease

- 2.16 It should be noted that there is a telecoms mast on the top of Buxton Tower under a lease from the Council to the operator. Options are being explored as to whether this can remain in situ during the remodel. Negotiations are ongoing with the tenant in relation to this lease in the course of normal estate management under delegated powers.

3 Implications for the Council

3.1 Working with People

- 3.1.1 Putting tenants at the heart of the decisions affecting them remains central to this project. The remodelling of Buxton House will improve safety by bringing the building up to the standards required by the current Fire Safety regulations, provide a much better living environment including wider corridors, larger communal areas, and a new entrance, and provide more efficient energy use and insulation. The proposals have been shaped by the opinions of the tenants who currently reside in the building.
- 3.1.2 Due consideration has also been given to the way proposals will contribute to the council's strategic priorities and the anticipated impact the outcomes arising from the implementation of this report will have in the following areas:

3.2 Working with Partners

- 3.2.1 A collaborative approach has informed the response to building safety issues and the design of the proposed scheme and this will continue as the proposals are progressed. The head leaseholder and sub leaseholders have been engaged in the design process and informed of progress.

3.3 Place Based Working

- 3.3.1 The engagement of tenants and residents has been informed by intelligence and evidence gathered from previous successful place-based engagement programmes delivered by Homes and Neighbourhoods and other partner services. This has been informed by practice learned and used at the high-rise block at Harold Wilson Court to inform regeneration and fire safety improvement programmes, working with ward members, tailored to the requirements of legislation and the needs of tenants.

3.4 Climate Change and Air Quality

- 3.4.1 Remodelling Buxton House will result in a more energy efficient building that is intended to be linked to the Council's extended combined heat and power network.
- 3.4.2 The design team will be utilising the SAP assessment (Standard Assessment Procedure) to baseline the performance of the existing building and then performing a BIM model-based assessment (Building Information Modelling) following the completion of the new design to RIBA stage 3. This tool allows the design team to monitor the overall thermal performance of the building during each stage of the design process and make relevant tweaks to elements such as insulation and window specifications etc to ensure the thermal performance of the building is exceeding the minimum standards set out in the Building Regulations.
- 3.4.3 The potential linking of the district heating system into the scheme, combined with the potential siting of solar panels on the roof of the building will result in a significant benefit to operational energy usage. MVHR units (Mechanical Ventilation with Heat Recovery) will be used at the Ground and First floor apartments which will include carbon capture filtration.

3.5 Improving outcomes for children.

- 3.5.1 The opportunity to increase the council's supply of family homes has been carefully considered, but the siting and configuration of Buxton House means that it will be unlikely to provide suitable accommodation for children.

3.6 Financial Implications

- 3.6.1 The acquisition of the interests outlined in this report will be funded from the £16 million budget envelope for the Buxton House project that forms part of the Council's £57 million high-rise programme approved by Cabinet in July 2021.
- 3.6.2 The remodelled scheme will result in revenue savings due to the heating and maintenance of the building being upgraded and more efficient, 100% occupation of the flats and the 24-hour waking watch service no longer being required.
- 3.6.3 The additional commercial floorspace will be added to the existing Homes and Neighbourhoods asset-management portfolio of properties, which will not result in additional expenditure as they will be tenanted and generating an income.
- 3.6.4 For the current position with the Buxton House budget Please see the private appendix.

3.7 Legal Implications

- 3.7.1 The Council's in-house legal team will provide the necessary support to acquire the interests identified in this report. Freeths LLP have been engaged from an existing framework to support the Council in progressing the Compulsory Purchase Order process should this be required. Subject to Cabinet approval, it is anticipated that the acquisition of the various interests will be completed by October 2024. The Compulsory Purchase Order process could take 12 to 18 months to complete and is a risk to the anticipated start date for the remodelling contract.

3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

3.8.1 The project is being managed by an experienced multi-disciplinary team, which maintains and monitors an extensive risk register monthly. An Integrated Impact Assessment of the project to remodel Buxton House was prepared for the Cabinet on 21 July 2021.

4 Consultation

4.1 Tenants and Ward Members have been informed of progress on the scheme through regular newsletters. A detailed programme of consultation on the first draft scheme was undertaken in July/August 2023 involving delivering letters/leaflets outlining the scheme to every tenant and three 'drop-in' sessions in Buxton House.

4.2 A newsletter was also delivered to tenants in December 2023 advising them that the planning application for the proposed scheme was to be submitted and a subsequent drop-in session will be held in March 2024 to enable tenants to discuss the planning application process with the Project/Design team.

5 Engagement

5.1 External stakeholders, including leaseholders, the fire service, and police representatives have been fully engaged as part of the design process.

6 Homes & Neighbourhoods Improvement Board Feedback/Recommendations

6.1 The Homes and Neighbourhoods Improvement Board endorsed the recommendations that are being presented to Cabinet on the 13th February.

7 Options

Options considered.

7.1 Option 1: Do nothing.

7.1.1 The legislation and guidance that has been established since the Grenfell disaster requires owners of high-rise buildings put into place very specific and stringent measures to improve fire safety in high-rise buildings (over 18m high). Buxton House fits into this category and although several temporary measures have been put into place to safeguard the safety of tenants (replacement fire doors and a 24 hour 'fire-watch' regime) the building does not fully comply with the requirements of the updated legislation and will need to be completely remodelled in accordance with the July 2021 cabinet approval.

7.1.2 It is not feasible for this remodelling to be undertaken within the confines of the existing footprint of the building as a new sprinkler system, ventilation shaft and services will need to be incorporated and the internal layout of the flats and communal spaces redesigned.

7.1.3 The Council must make very significant fire safety improvements to the building and this option therefore cannot be considered.

7.2 Option 2: Utilise the existing Buxton House footprint only within the confines of the existing Underlease.

7.2.1 Buxton House sits on a podium deck beneath which are several commercial units, many of which are vacant. The interrelationship between these various units is complex. There

are shared services/access, and the sub-leaseholder of the bar is in dispute with the Council regarding alleged water penetration into his premises.

- 7.2.2 This configuration results in a significant fire risk (for example the unit immediately below Buxton House was previously used as a restaurant) which complicates the design of the scheme and the ability to secure approval from the Regulator.
- 7.2.3 The Underlease (with ALB as head leaseholder) has only 45 years remaining and would need to be re-negotiated prior to the commencement of the Buxton House remodelling scheme to ensure that the Council benefits from its investment in the longer term. Under the terms of the Underlease, ALB's permission is required to make any alterations to Buxton House, which is a major risk.
- 7.2.4 The remodelling scheme will involve the building being stripped back to its shell to enable the internal space to be completely reconfigured. Surveys by the Council's Architects have uncovered issues with the structure of the building which need to be addressed. These are mainly associated with the widening of corridors, the creation of larger, fire protected communal areas, the introduction of a ventilation/service shaft and the cladding of the building with Grade A materials.
It is not feasible to work around the three flats that have been sold to leaseholders.
- 7.2.5 As a result of the above considerations, this option has been discounted.

7.3 Option 3: The Council purchased leasehold interests associated with the units beneath Buxton House, to enable the Council to construct a comprehensive, fully integrated scheme for the building and gain control of this associated floorspace. (Preferred option.)

- 7.3.1 As outlined above the control of the commercial units beneath Buxton House by third party interests presents a very significant fire safety risk for the building, and the major remodelling works required to enable Buxton House to comply with updated building safety legislation could not be implemented without utilising the majority of this floorspace.
- 7.3.2 The Council's preferred option is therefore to acquire these interests by negotiation and prepare a CPO case in tandem to allow the timescales for the project to be met, should negotiations fail.

7.4 Reasons for recommended option

- 7.4.1 As things stand, the Council is in a vulnerable position. It is compelled by law to make very significant improvements to Buxton House to improve fire safety, but under the terms of the Underlease with ALB, their permission is required to undertake any improvement works. There are ongoing revenue implications associated with the 'waking watch' regime that has been put into place to safeguard tenant's safety until the building is improved. The Underlease itself only has 45 years remaining and would need to be renegotiated to make the scheme financially viable.
- 7.4.2 The control of the commercial units beneath Buxton House by third parties is also a major issue in terms of addressing fire safety issues and the ability of the Council to construct a comprehensive, integrated scheme that meets tenants' requirements and a longer-term asset management strategy.

- 7.4.3 The scale and extent of the improvements required to upgrade Buxton House cannot be implemented with the three leasehold flats remaining in situ.
- 7.4.4 The preferred option will result in the Council gaining the unincumbered freehold of Buxton House and the commercial properties beneath it. This will not only enable a fully comprehensive and integrated scheme to be constructed for Buxton House and maintained by the Council going forward, but also gives control of a large sector of the town centre which could contribute towards longer-term Blueprint plans.

8 Next steps and timelines

8.1 The next stage of the project will be:

Determination of planning application	May 2024
Invitation of tenders to construct the approved scheme	July 2024
Appointment of preferred contractor	November/December 2024
Target for achieving vacant possession of the building	February 2025
Anticipated start on site	September 2025
Anticipated completion date	September 2027

9 Contact officer

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Chris.kwasniewski@kirklees.gov.uk
 01484 221000 Ext: 78114

10 Background Papers and History of Decisions

10.1 N/A

11 Appendices

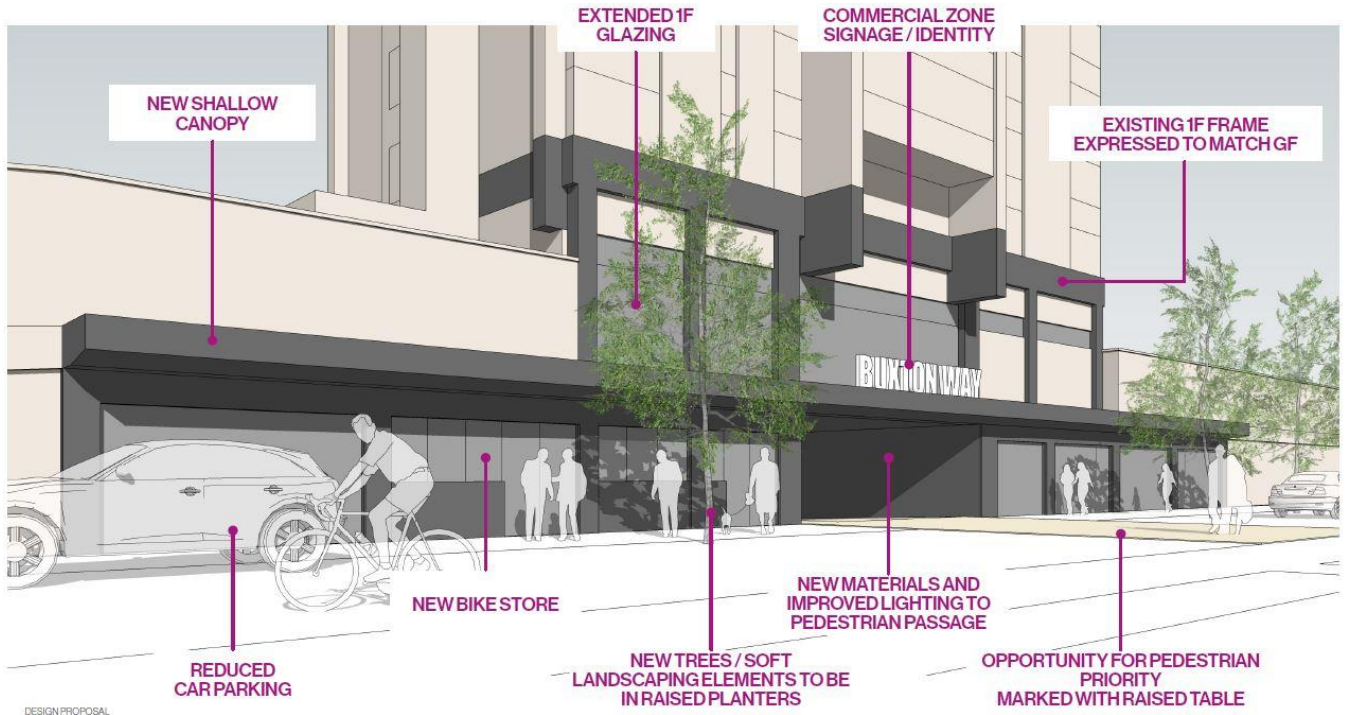
11.1 Appendix 1: indicative scheme images.
 Appendix 2: Plans showing the interests to be acquired.
 Private appendix

12 Service Director responsible

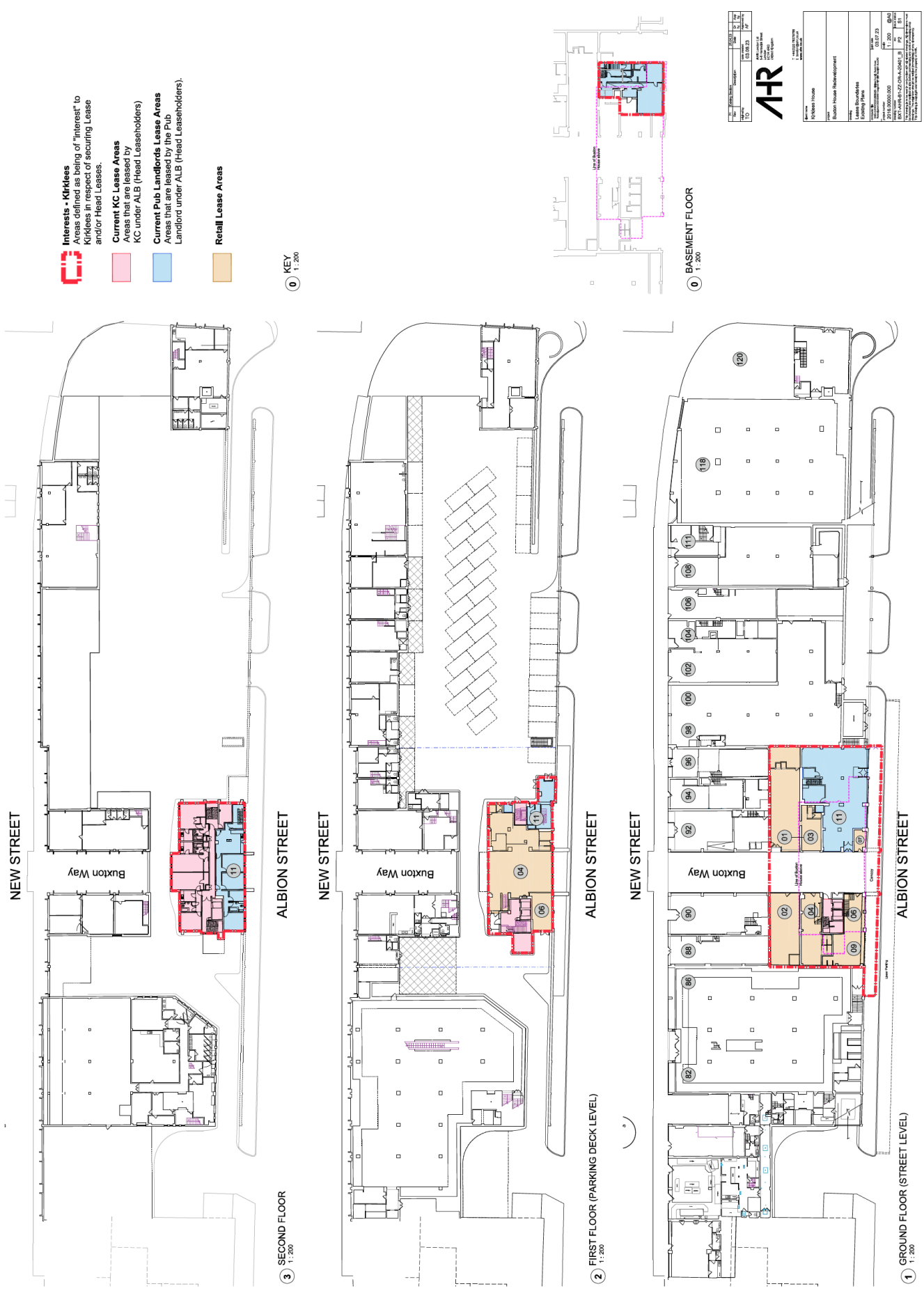
Naz Parkar for Homes and Neighbourhoods
naz.parkar@kirklees.gov.uk
 01484 221000 ext. 75312

Appendix 1: Concept designs for the remodelled Buxton House scheme

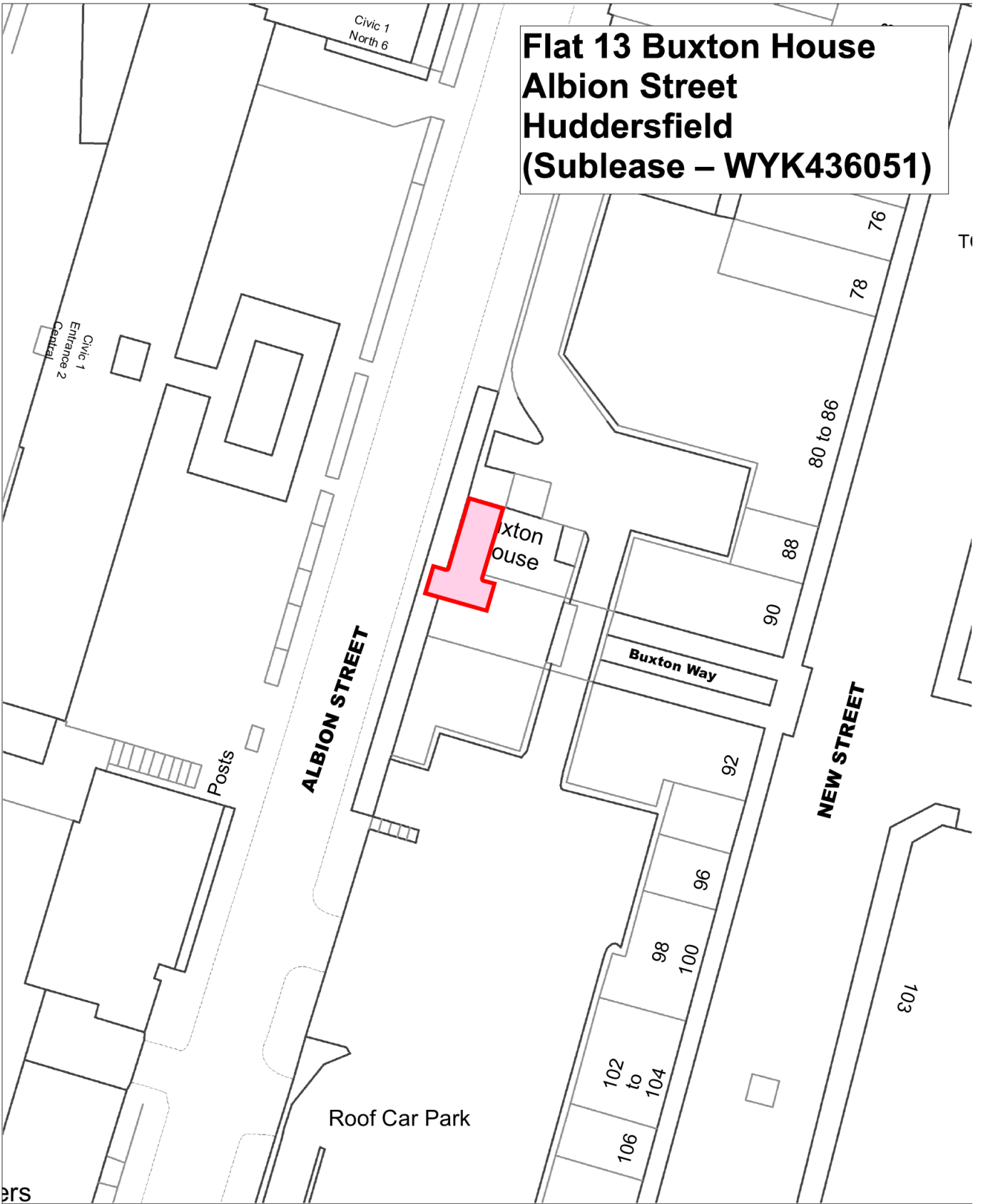




Appendix 2 – Plans of proposed property acquisitions



**Flat 13 Buxton House
 Albion Street
 Huddersfield
 (Sublease – WYK436051)**



**Assets
 & Estates**

Plan No:24-0047

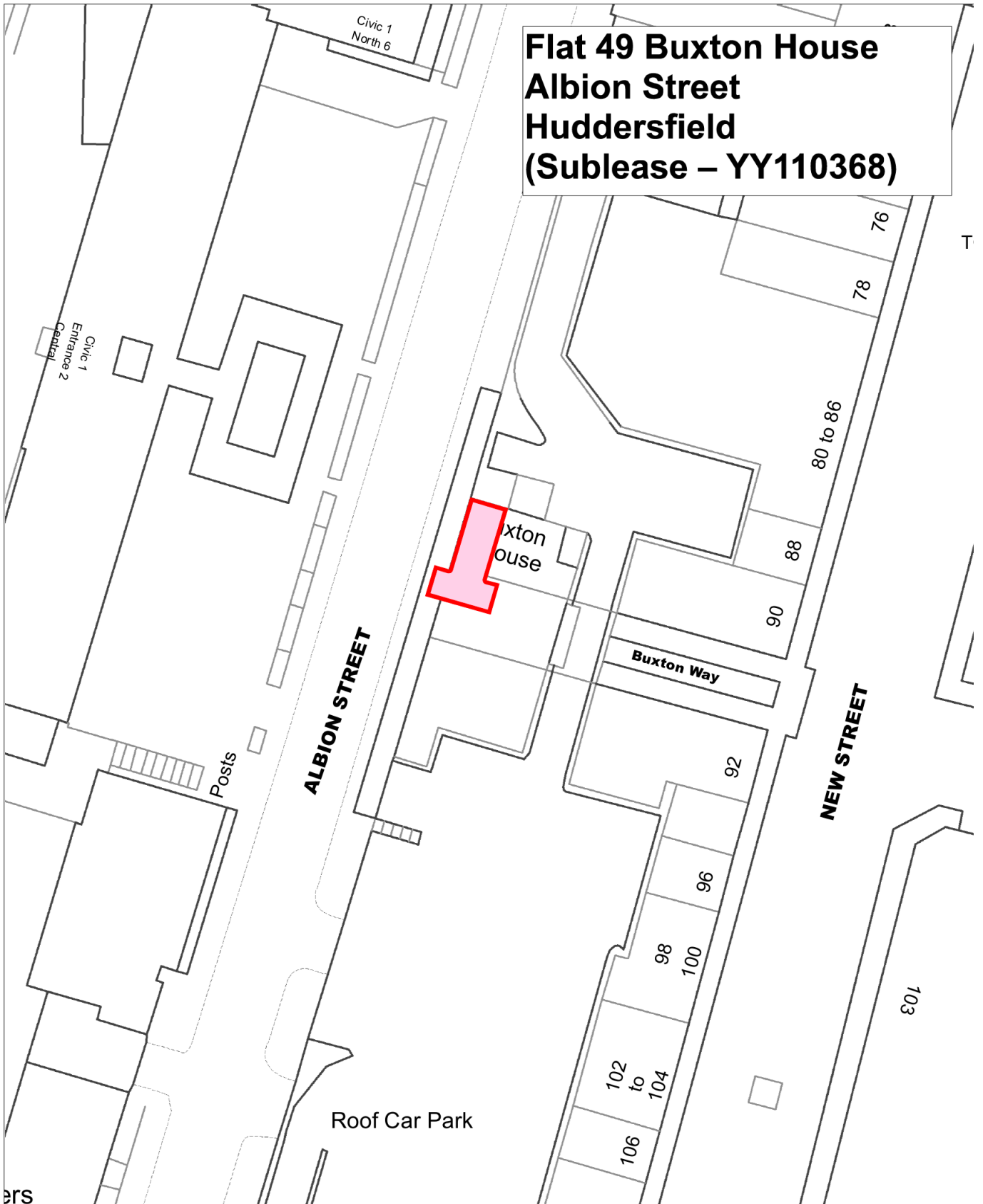
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**Flat 49 Buxton House
Albion Street
Huddersfield
(Sublease – YY110368)**



**Assets
& Estates**

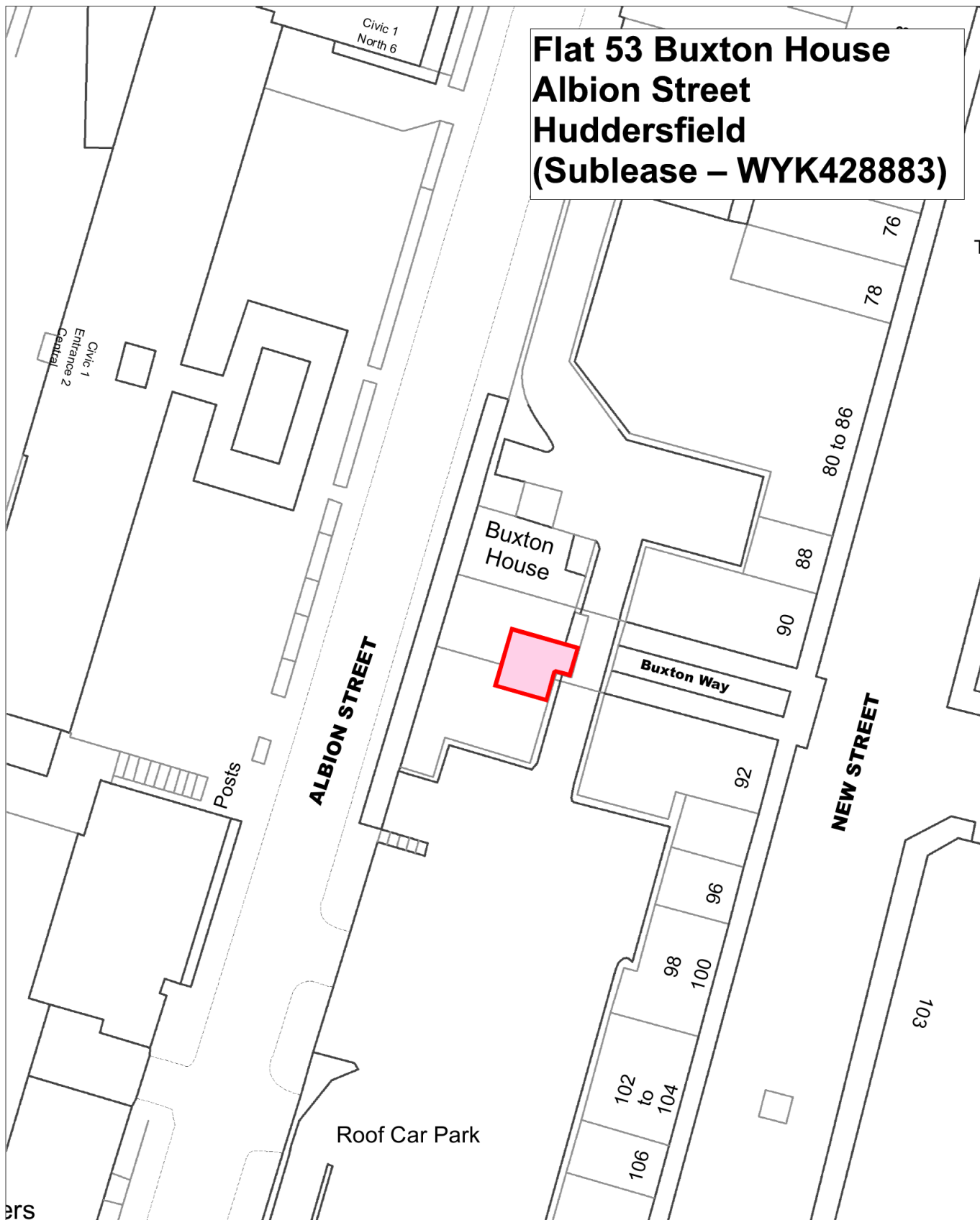
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**Flat 53 Buxton House
 Albion Street
 Huddersfield
 (Sublease – WYK428883)**



**Assets
 & Estates**

Plan No:24-0049

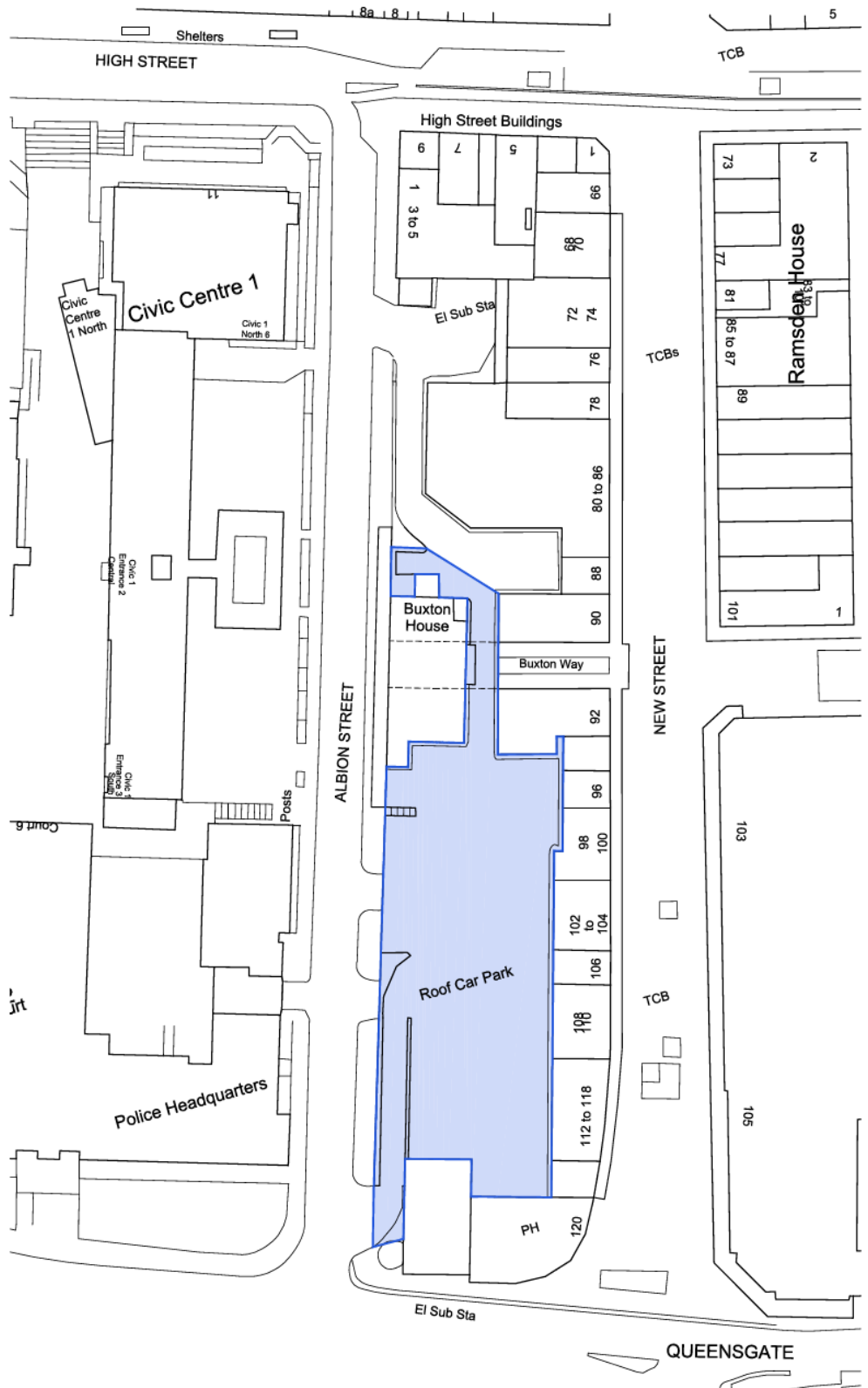
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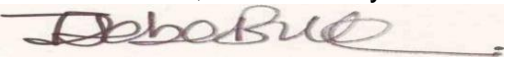
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ITEM

REPORT TITLE: Council Housing Fire Safety Management Plan and Policy

Cabinet	12 March 2024
Cabinet Member	Cllr Moses Crook Housing & Highways
Key Decision Eligible for Call In	Yes Yes
<p>Purpose of Report To provide Cabinet with the Council Housing Fire Safety Management Plan and revised Fire Safety Management Policy for review and adoption. To inform Cabinet of the next steps required to implement the Council Housing Fire Safety Management Plan and ensure that it is followed when delivering services to council housing.</p>	
<p>Recommendations</p> <ul style="list-style-type: none"> Officers recommend the endorsement and adoption of the Council Housing Fire Safety Management Plan and updated Fire Safety Management Policy. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> The Council Housing Fire Safety Management Plan and Policy will ensure regulatory compliance and the implementation of consistent and appropriate processes to manage safety in council housing. 	
<p>Resource Implications: The development of operational guidance and processes to underpin the Council Housing Fire Safety Management Plan requires a project manager to manage the work, and officers from across Homes and Neighbourhoods and Strategic Housing to provide subject matter expertise until the end of April 2024. The implementation and embedding of the Fire Safety Management Plan and operational guidance will involve officers across Homes and Neighbourhoods and Strategic Housing from May until the end of July 2024 to ensure that working practices are adapted to meet new requirements. Once the processes are in place, regular review of whether they are being followed will take place through day-to-day management.</p> <p>The Fire Safety Management Plan does not, in itself, require financial provision to be made. However, service delivery for fire safety activity that flows from the Plan will require both revenue and capital budget provision through the Housing Revenue Account (HRA). The current HRA business plan makes provision for costs associated with fire safety management.</p>	
Date signed off by <u>Strategic Director</u> & name	David Shepherd, Strategic Director Growth and Regeneration 1 February 2024

<p>Is it also signed off by the Service Director for Finance?</p>	<p>Isabel Brittain, 29 February 2024 </p>
<p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Julie Muscroft 1 March 2024</p>

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? GDPR has been considered and there are no issues arising

1. Executive Summary

- 1.1 The Council has statutory duties and obligations as a registered housing provider and must comply with regulatory standards relating to the health and safety of its tenants and staff. The Council Housing Fire Safety Management Policy (attached at Appendix 1) explains how the Council’s commitments to fire safety for council housing will be met.
- 1.2 The existing Fire Safety Management Policy was produced in October 2017, revised in October 2017 and approved in July 2022. The Fire Safety Management Policy has been updated to reflect changes in law that have occurred since approval.
- 1.3 A Council Housing Fire Safety Management Plan has been produced to provide more detailed guidance and procedures to support delivery of the Policy and ensure regulatory compliance. The Plan sets out the roles and responsibilities of the Council and individual officers in relation to fire safety management and provides guidance and requirements for those involved in managing homes and properties. It includes requirements for assessment, inspection and servicing of buildings and fire safety systems, associated data requirements as well as details of how performance will be monitored, and assurance provided.
- 1.4 The Plan enables the development and implementation of operational guidance that represents consistent, proportionate, and appropriate processes to manage safety in council housing.
- 1.5 The adoption of a Fire Safety Management Plan has been recommended by successive audits of building safety practice in Homes and Neighbourhoods, formerly Kirklees Neighbourhood Housing (KNH).

2. Information required to take a decision

- 2.1 During 2018 independent scrutiny of compliance and building safety in KNH was undertaken through the appointment of a third-party auditor (Mazars). The audits of each safety area highlighted a number of common themes and made a total of thirty-seven recommendations.

- 2.2 In late 2020 major regulatory reform was announced in the publication of the White Paper on Social Housing, Draft Building Safety Bill, and Fire Safety Bill revision. This prompted the Council to commission a further independent review into Compliance and Building Safety as well as this forming a part of its due diligence for the transition of KNH into the Council.
- 2.3 A Building Safety Compliance Report was produced by Anthony Brown, RM Consulting and presented to Cabinet in December 2021. Cabinet gave approval to the direction of the improvement plan which included forty-eight individual recommendations of which 13 were outstanding from the Mazars review (24 had been completed).
- 2.4 The Health and Safety Compliance in Residential Housing Stock report was presented by an Ad Hoc Scrutiny Panel to Cabinet in December 2022. The report included an action plan and a set of seventeen recommendations of which one recommendation outlined the need for updating of policies for all six compliance areas. To support this work as well as other recommendations within the report the service commissioned an external consultant to review and update the building safety management plans.
- 2.5 An external consultant, Savills, was appointed in February 2023 to develop the Fire Safety Management Plan and did so in conjunction with council officers. The Plan has been developed with sector experts and represents best practice.
- 2.6 A project has been established within the Homes and Neighbourhoods Transformation Programme to develop, implement, and embed safety management plans. The project has a defined scope and assurance, reporting via Building Safety Assurance Board and the Homes and Neighbourhoods Improvement Board (HNIB) which in turn reports to the Transformation Portfolio Board.
- 2.7 The review of existing processes and development of new processes is underway and will be completed by the end of March 2024. The formal implementation and embedding of the processes within the operational guidance document will commence in April 2024 and be completed by the end of June 2024.

3. Implications for the Council

3.1 Working with People

The Council Housing Fire Safety Management Plan was considered by the Tenant Voice Panel (TVP) on Friday 20th October 2023. The Plan, and the approach taken were well received; the panel requested more information and engagement on how information will be shared with residents.

3.2 Working with Partners

West Yorkshire Fire and Rescue Service (WYFRS) have been informed that the Plan has been developed and is due for adoption and confirmed they do not need to be involved in this process. WYFRS will be consulted and engaged with as appropriate about the development of the operational guidance that supports the delivery of the Fire Safety Management Plan.

Engagement with WYFRS in relation to fire safety management in Council Housing and the development of refurbishment and improvement schemes is ongoing.

3.3 Place Based Working

The Council Housing Fire Safety Management Plan will help to support an intelligence-led approach to fire safety, enabling resources to be targeted where they will make the most difference to outcomes for residents. Where fire safety activity and works are delivered, engagement will take place with residents and stakeholders to ensure that local needs are considered and prioritised where possible.

3.4 Climate Change and Air Quality

The Council Housing Fire Safety Management Plan does not have specific implications for climate change and air quality.

3.5 Improving outcomes for children

The provision of safe, good quality, decent homes and neighbourhoods will help to support the physical and mental health of children contributing to improving outcomes for them. Many young people who are care leavers live in council housing and the Plan will help to ensure that they live in homes that support their safety and wellbeing. All officers who visit council housing tenants undertake mandatory safeguarding training and report any concerns through appropriate channels where a child (or person) is considered to be at risk from harm.

3.6 Financial Implications

The Plan sets out required arrangements for the inspection, maintenance and remediation of properties in relation to fire safety. The costs associated with delivering these arrangements will vary dependant on the works and actions required. Provision of £1,364,791 has been made in the HRA for revenue costs associated with fire safety (e.g. Fire Risk Assessment inspections, remedial and insurance works, testing and maintenance of systems) for 2024/25. Revenue budget provision is reviewed annually to reflect service requirements. There are currently 'exceptional' revenue costs for fire safety due to the provision of waking watches in the four high-rise blocks. Remedial works are underway at one high-rise block and the waking watch provision will be removed from April 2024, the remaining three blocks are the subject of regeneration plans and waking watch provision will be reviewed as the blocks are emptied for demolition and refurbishment. Provision of £67,781,975 has been made in the Housing Revenue Account's capital budgets from 2024/25 to 2031/32 for major fire safety projects to individual blocks and £1,070,000 per annum has been provided for ongoing capital fire safety works.

The Council must maintain the fabric and quality of a building and the Fire Safety Management Plan will support the organisation to do this, which in turn supports residents to adequately insure their homes.

3.7 Legal Implications

The Plan will help to ensure that the Council meets its legal obligations in relation to fire safety and sets out how it will discharge its duties to ensure compliance. The Plan will support compliance with the Regulatory Reform

(Fire Safety) Order 2005, Fire Safety Act 2021, Building Safety Act 2022, the Building Regulations 2010, The Home Standard (and the Quality and Safety Standard as from April 2024), Housing Act 2004, Health and Safety at Work etc Act 1974 and Landlord Tenant Act 1985. It will also support the council in its public sector equality duty under s149 of the Equality Act 2010.

3.8 **Other (eg Risk, Integrated Impact Assessment or Human Resources)**

Fire safety in council housing is included on the corporate risk register and the implementation of the Fire Safety Management Plan will reduce and manage risk by ensuring legal compliance and providing consistent, comprehensive management processes and procedures.

An Integrated Impact Assessment was completed for the Fire Safety Management Plan on 29 January 2024 and can be found [here](#). The Plan has a largely neutral impact on protected characteristics and the environment.

4. **Consultation**

Where processes, procedures and actions arising from the Fire Safety Management Plan and operational guidance affect residents, formal consultation will be undertaken.

5. **Engagement**

Homes and Neighbourhoods Fire Safety Resident Engagement Framework is in line with best practice recommendations and an integral part of the Council Housing Fire Safety Management Plan. Homes and Neighbourhoods will formally engage with residents where actions arising from the Plan result in changes to services.

6. **Options**

The Council Housing Fire Safety Management Plan, along with the Council Housing Fire Safety Management Policy sets out the approach to managing fire safety in council housing. The Plan reflects legislative requirements and as such there are not multiple options for consideration.

6.1 **Options considered**

Where legislative requirements do not govern the detail in the Plan, then sector best practice has been used.

6.2 **Reasons for recommended option**

The Policy and Plan will ensure statutory compliance.

The Homes and Neighbourhoods Improvement Board considered the Plan, Policy and this report at its meeting on 14 February 2024 and recommends it for Cabinet approval.

7. **Next steps and timelines**

7.1 Detailed operational guidance and standard operating procedures will be finalised by the end of April 2024.

7.2 Following formal approval of the Council Housing Fire Safety Management Plan and revised Fire Safety Management Policy, a period of

implementation will take place to embed new processes and procedures outlined within the Plan, from May to the end of July 2024.

8. Contact officer

Hannah Elliott, Head of Assets & Development

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01484 22100 ext 76400

9. Background Papers and History of Decisions

The final report of the Ad Hoc Scrutiny Panel – Housing Stock Health and Safety Compliance was presented to Cabinet on Wednesday 21 December 2022. The report can be found [here](#).

In addition, on Tuesday 17 October 2023 Cabinet was presented with an update on the actions within the report including the progress on the Safety Management Plans. This can be found [here](#).

On 11 April 2023 Cabinet was presented with a report on the procurement of fire safety remedial works to 6-storey, low-rise and retirement living scheme blocks. The report can be found [here](#) and the decision [here](#).

10. Appendices

Appendix 1 – Council Housing Fire Safety Management Policy (revised draft subject to approval)

Appendix 2 – Council Housing Fire Safety Management Plan (draft subject to approval)

11. Service Director responsible

Naz Parkar for Homes & Neighbourhoods

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Email: naz.parkar@kirklees.gov.uk

Council Housing Fire Safety Management Policy

Publish Date: July 2022

Review Date: January 2024

Approving Body: Executive Board

Date Originated:	October 2017	Approved by:	SMT
Date Revised:	October 2021	Approval Date:	6 July 2022
Ref:	P/H&S03/03	Minute Number	8
Date Revised:	January 2024	Approved by:	Cabinet
		Approval Date:	12 March 2024

Contents

1. Introduction
2. Policy Scope
3. Policy Statement
4. Roles & Responsibilities
5. Monitoring and Review
6. Referenced Documents and Further Reading

1. Introduction

1.1. The aim of this document is to define the policy for Fire Safety Management in compliance with statutory legislation within all council housing and non-residential properties managed by Kirklees Council through the Housing Revenue Account. It covers the following properties:

- All residential properties: (which include general needs housing, supported housing, sheltered housing, extra care housing and other rented properties owned and managed by KC).
- All non-residential properties: (which include offices, depots, shops, other commercial buildings, community premises, blocks and communal areas, remote plant, and garages) under the management of Homes & Neighbourhoods (H&N) through the Housing Revenue Account (HRA).
- Leaseholders/ shared ownership properties and other rented housing managed by Kirklees Council on behalf of a third party; unless other parties are explicitly specified as having statutory responsibility in a lease or management agreement.

Where properties are vested in the HRA but managed by others, e.g. through Private Finance Initiative schemes, this policy applies only in as much as the requirement for third party assurance will need to be provided.

1.2. Applicable legislation includes:

- Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Regulatory Reform (Fire Safety) Order 2005;
- Building Regulations 2010;
- Housing Act 2004;
- HSE Guidance HSG 168 – Fire Safety in Construction;
- The Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002;
- Fire Safety (Employee’s capabilities) (England) Regulations 2010;
- Health & Safety (Safety Signs and Signal) Regulations 1996;
- Construction (Design and Management) Regulations 2015;
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013;
- Control of Substances Hazardous to Health (COSHH) Regulations 2002.
- Fire Safety Act 2021
- Building Safety Act 2022

This is not an exhaustive list.

2. Policy Scope

2.1. This policy is aimed at all H&N employees, including any temporary or agency workers and apprentices who have responsibility for, or may come into contact with fire safety systems or equipment during their normal work activities, as well as contractors and suppliers working in council housing properties. It should be read and understood by all parties who have responsibilities relating to Fire Safety within H&N and a duty of care under the Health & Safety at Work

Act 1974, Regulatory Reform (Fire Safety) Order 2005 (RRFSO), Fire Safety Act 2021 and Building Safety Act 2022.

- 2.2. The policy applies to the fire safety arrangements in all premises, common areas of residential premises and any other premises/areas managed and/or owned by H&N.

3. **Policy Statement**

- 3.1. Kirklees Council is responsible for the maintenance and repair of circa 22,500 domestic and non-domestic premises owned through the Housing Revenue Account. As responsible social landlord, Kirklees Council is committed to minimising the risks associated with fire safety and ensuring that all fire safety works, including installation, maintenance, and testing of equipment, are carried out in compliance with the Regulatory Reform (Fire Safety) Order 2005, Fire Safety Act 2021, Building Safety Act 2022 and other regulatory and industry body requirements.

- 3.2. This policy aims to ensure that Kirklees Council meets its obligations as a landlord and seeks to provide assurance that fire safety is effectively managed to ensure the safety of employees, contractors, tenants, leaseholders, and members of the public.

- 3.3. In order to help minimise the likelihood of fire occurring, and to minimise injury and loss in the event that a fire does occur, H&N will implement arrangements designed to ensure:

- Adequate resources are available to maintain standards in fire safety;
- Suitable and sufficient fire risk assessments in accordance with the Regulatory Reform (Fire Safety) Order 2005 are undertaken, significant findings recorded, communicated and any necessary remedial work is undertaken in a timely manner;
- A clear set of fire safety procedures are in place to enable employees to work safely by assessing risks and implementing and monitoring controls; and which are maintained and reviewed annually or sooner if there are any changes to legislation or working practices;
- Fire related training, instruction, information, and supervision is provided to enable employees to perform their duties safely and efficiently;
- All tools, machinery, equipment, installations, and systems are maintained in a safe condition;
- Fire related incidents are investigated in a timely manner, and in conjunction with West Yorkshire Fire and Rescue Service, to identify immediate, root and underlying causes and the measures required to reduce or eliminate the likelihood of recurrence;
- Each maintenance, upgrade and renewal scheme is assessed to ensure fire safety standards are not compromised and remain compliant after works are carried out;
- Contractors and suppliers are committed to achieving and adhering to relevant fire safety standards;
- Fire safety inspections of premises are conducted to ensure safe standards are maintained to a suitable and sufficient standard with regard to fire prevention, containment, detection, alarms, means of escape, etc.

and in compliance with relevant legislation, approved codes of practice and industry guidelines. These systems will be tested in accordance with best practice and relevant standards;

- Evacuation drills are conducted to maintain overall awareness and practise procedures;
- Incidences of fire and false alarms are investigated and learning is taken from the findings;
- Monitor, audit, and review of all the arrangements for fire safety to ensure they remain current and relevant and fire safety performance improves;
- Increased awareness for residents and other relevant persons, through communication and appropriate provision of information;
- Communicate to other persons that they have a duty to co-operate as far as is necessary to allow H&N to comply with the above requirements.

4. Roles and Responsibilities

- 4.1. Kirklees Council is the responsible legal entity and is accountable for ensuring implementation of this policy and the Fire Safety Management Plan.
- 4.2. The Chief Executive Officer has overall responsibility for monitoring the consistent implementation of this policy and the Fire Safety Management Plan.
- 4.3. Homes and Neighbourhoods Improvement Board is, on behalf of Cabinet, responsible for ensuring ongoing compliance with fire and building safety legislation and escalating any key risks.
- 4.4. The Strategic Director Growth and Regeneration is responsible for ensuring sufficient resources are in place to fulfil Responsible Person roles for all fire safety requirements.
- 4.5. The Service Director Homes and Neighbourhoods is responsible for providing an effective performance management framework to strengthen risk control and provide greater levels of assurance in relation to fire safety.
- 4.6. The Head of Assets and Development is responsible for managing the strategic implementation of this policy and the Fire Safety Management Plan and ensuring compliance with all regulations in relation to fire safety.
- 4.7. More detailed information on roles and responsibilities can be found in Section 3 of the Fire Safety Management Plan.

5. Monitoring and Review

- 5.1. This policy will be reviewed annually, after every significant event in council housing properties and after any major events in the wider housing sector.
- 5.2. Monitoring fire safety and updating risk assessments are an integral part of the H&N Fire Safety Management Plan.
- 5.3. A system of formal audit (internal and/or external) of the Fire Safety Management Plan must be in place to ensure that both Policy and Procedures are being implemented.

- 5.4. Where the Head of Assets and Development or appointed competent person(s) have reason to believe that the Fire Safety Management Plan is not achieving the aims of this Policy, the Service Director Homes and Neighbourhoods and Safety, Health and Environment Manager shall be notified, and a review of the Plan shall be carried out. If the review identifies deficiencies, the Head of Assets and Development shall take action to amend the Plan as required.
- 5.5. Communicate and consult employee and contractors by bringing the Policy, and any subsequent amendments, to their attention through induction and training. This may be in alternate formats / languages as and when necessary.
- 5.6. Communicate and consult employee and contractors by bringing the Policy, and any subsequent amendments, to their attention through induction and training. This may be in alternate formats / languages as and when necessary.
- 5.7. Fire Safety Guidance information, the Fire Safety Management Policy and Fire Safety Management Plan are available on the H&N website for tenants, Elected Members and the wider public. The information may be provided in alternate formats / languages as and when necessary.
- 5.8. Regular communications on Fire Safety, including the responsibilities of H&N, tenants and leaseholders, will be included undertaken.

6. Referenced Documents and Further Reading

- Fire Safety Management Plan (March 2024);
- Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Regulatory Reform (Fire Safety) Order 2005;
- Fire Safety Act 2021
- Building Safety Bill 2022
- Building Regulations Approved Document;
- Housing Act 2004;
- National Fire Chiefs Council (NFCC) Fire safety in Specialised Housing Guidance 2017;
- Health & Safety (Safety Signs and Signal) Regulations 1996;
- Construction (Design and Management) Regulations 2015;
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013;
- Control of Substances Hazardous to Health (COSHH) Regulations 2002;
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended);
- The Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002;
- Fire Safety (Employee's capabilities) (England) Regulations 2010
- Fire Safety in Construction – Guidance for clients, designers, and those managing and carrying out construction work involving significant fire risk – HSG168;
- Housing Health and safety Regulations 2005;
- 'Fire Safety in Purpose Built blocks of Flats' – Government Guidance;
- Relevant British Standards;

- Smoke Detectors Act 1991;
- LACORS - Housing Fire Safety Guidance;
- Fire Safety Risk Assessment sleeping Accommodation Guidance;
- Occupiers Liability Act;
- Defective Premises Act.

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Council Housing Fire Safety Management Plan

Publish Date: March 2024

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Approving body: Executive Board

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1. Introduction

This Management Plan explains how Kirklees Councils' (**KC's**) commitment to fire safety will be met for Council Housing. It provides guidance and procedures which, with the Operational Guidance document, define how the commitments given within the Council Housing Fire Safety Management Policy will be delivered.

The Management Plan will be available to KC staff via the Quality Management System (**QMS**), and training will be provided to those involved in delivering compliance to explain its content and use. Contractors will be provided with a copy of the Management Plan to ensure clarity in how the services must be delivered. Appropriate guidance will be provided for tenants and any members of the public occupying or visiting the building concerned.

For clarity, this document applies to Pinnacle properties only in as much as the requirement for third party assurance will need to be provided.

KC will also undertake a monitoring role to ensure that it is able to demonstrate a validated compliance position and provide assurance to other Third Parties that statutory, contractual, and regulatory standards are being achieved. The Management Plan will also provide guidance on Performance and Assurance.

It will also cover the roles and responsibilities in respect to compliance from the Council and Executive to teams and individual posts.

2. Scope

The management plan includes guidance on the delivery of the Councils policy commitments for council housing in the following areas:

- Fire risk assessment (FRA)
- Actions arising from FRA.
- Management of buildings in relation to fire safety
- The testing, inspection, and servicing of fire safety systems

It also covers includes guidance on:

- Data- how data in relation to the above area is captured and controlled in each of the four areas detailed above.
- Access- the process relating to gaining access.
- Performance and assurance- how and when performance is monitored and report and assurance in place.

It covers the following properties.

- All residential properties: (which include general needs housing, supported housing, sheltered housing, extra care housing and other rented properties owned and managed by KC).
- All non-residential properties: (which include offices, depots, shops, other commercial buildings, community premises, blocks and communal areas, remote plant, and garages) under the management of Homes & Neighbourhoods (**H&N**) through the Housing Revenue Account (**HRA**).

- Leaseholders/ shared ownership properties and other rented housing managed by KC on behalf of a third party; unless other parties are explicitly specified as having statutory responsibility in a lease or management agreement.

3. Roles and Responsibilities

Role	Responsibilities	Frequency
Kirklees Council	<ul style="list-style-type: none"> • They are the responsible legal entity and must oversee the discharge of the required standards. • They act as Duty Holders and are accountable for ensuring the implementation of this Management Plan and the associated policy. • They will receive assurance through regular performance reports that the management plan and policy are being implemented and that the regulations are being fully complied with. • In doing so they will ensure the safety of residents, staff, contractors and any other parties and the wider public has not been compromised. • They will also ensure that appropriate governance arrangements are in place to keep internal stakeholders, and other interested 3rd parties, informed of the regulatory landlord compliance position. • The Council will be responsible for ensuring that any necessary remedial action, arising from performance reports, are undertaken to comply with the policy and ensure that a regulatory landlord compliant position is maintained. • Agree and set budgets that are sufficient to meet the compliance requirements. 	Annually
The Chief Executive Officer	<ul style="list-style-type: none"> • Retains the overall responsibility for the monitoring of the consistent implementation of this management plan and policy. • Through the implementation of the management plan and policy to effectively comply with the regulatory standards • If the regulatory standards are not maintained to report any breach in standards to the Regulator of Social Housing (RSH). 	Ongoing

Homes and Neighbourhoods Improvement Board (HNIB)	<ul style="list-style-type: none"> • Will, on behalf of Cabinet, ensure ongoing compliance, with all relevant fire safety & building safety legislation. • It will keep under review the effective management of fire safety across KC with the objective of always promoting fire safety. • Ensuring that the fire safety policy is communicated to all employees in the business. • Implementing an appropriate fire safety management system, which is compliant with the required health and safety standards. • Personally, encouraging a positive fire safety culture, leading by example, and taking visible actions. • Monitoring fire safety performance on a bi-monthly basis. • Conducting an annual review of the fire safety management system. • Ensuring a fire safety review of new acquisitions/new ventures is carried out. • Ensuring that the fire safety programme is adequately resourced. • Implement the Independent Review of Building Regulations (Fire Safety) Recommendations. 	Ongoing
Strategic Director Growth and Regeneration	<ul style="list-style-type: none"> • They shall appoint /nominate sufficient resources to fulfil the Responsible Person(s) roles for all fire safety requirements and use this Management Plan to define their duties. • Ensure appropriate governance is in place for works to be delivered in-house or procured externally. • Seek assurance that the Regulations are being adhered to and regularly review internal service and contractor operational practices and performance. • Ensure that the conditions of all contracts are being fulfilled either by internal service or contractors. 	Ongoing

Service Director Homes and Neighbourhoods	<ul style="list-style-type: none"> • Will provide an effective performance management framework that will strengthen risk control and provide greater levels of assurance. • Will implement Data Governance protocols. • Will manage the availability of accurate stock data and landlord compliance data subsets against which to prepare work programmes and contracts. • Will oversee the preparation of the KPI/MPI and OPI reporting suite. • Will assist the implementation of this management plan and policy through monitoring implementation. • Will receive audit feedback and act upon the findings. • Seek assurance that the Regulations are being adhered to and regularly review internal service and contractor operational practices and performance. • Will ensure that Tenant Engagement Strategies are in place and guide the approach to engagement. 	Ongoing
Head of Assets and Development	<ul style="list-style-type: none"> • Will manage the strategic implementation of this management plan and policy and ensure compliance with all regulations. • Will ensure the operational delivery of this management plan and policy and compliance with the Regulations. • Will produce the policy at the appropriate review dates. • Will formulate programmes of work consistent with the delivery of this management plan and policy. • Will instruct /consult with internal operational managers and contractors in respect to the operational delivery of this management plan. • Will consult and engage with Housing Management and Partnerships (HMP) and tenants and leaseholders to explain the importance of landlord compliance and the need to achieve access to complete safety checks and works. • Managing resident feedback (enquiries, complaints, and compliments) handling and progress in liaison with Customer Experience Team. 	Ongoing

	<ul style="list-style-type: none"> • Liaise with Technical Officer Fire Safety and ensure data is updated accurately and on time. • Liaise with Building Safety Team, IT service, Asset data Team Leader and ensure system(s) and interfaces operate effectively. • Inform the Service Director Homes and Neighbourhoods of any performance issues. • Receive feedback from 3rd Party External Validation Consultants and liaise with Technical Officer Fire Safety, Assets team and Contractors to address any delivery shortfalls. • Monitor the quality and correct storage of all certifications and documents required to demonstrate landlord compliance. 	
Technical Officer Fire Safety	<ul style="list-style-type: none"> • Development of fire safety cyclical maintenance programmes arising from the risk assessments and tailored to the needs of each building (Fire Alarms, sprinklers, AOVs, emergency lighting etc. • Review property addresses and reconcile with contractor databases to ensure the programme remains accurate. • Responsible for the development and implementation of all required policies and procedures in relation to fire safety ensuring compliance with all legislative requirements. • Ensure that all relevant information is captured and uploaded into the Compliance Risk Database. • Manage and undertake FRA inspections and programme, including risk management of assets. • Responsible for identifying the technical solutions for fire safety works and supporting investment teams in the delivery of major schemes, repair teams and contractors in the delivery of minor works. • Responsible for consulting with other professional bodies including Building Control and the Fire Service. 	

	<ul style="list-style-type: none"> • Responsible for identifying all fire related risks and issues across the portfolio and design, arrange and oversee the necessary remedial actions and work packages. • Conduct all necessary non-domestic surveys such as reg4 asbestos inspections. • Assist the Building Safety Team in monitoring that remedial actions identified through the FRAs are being delivered within a timely manner. • Undertake 10% audit of all FRA's and a further 10% where the outcomes of the initial audit are of concern. 	
Tenant Panel	<ul style="list-style-type: none"> • Providing regular input and resident perspectives on Building Safety performance and compliance. • Reviewing proposals for remedial works and programmes; providing advice on resident concerns and engagement approaches and connecting this to wider tenant involvement work. 	Ongoing
Building Safety Assurance Board (BSAB)	<ul style="list-style-type: none"> • Will receive bi-monthly KPI reports and commentary on building safety compliance performance. • They will receive Internal Audit reports and monitor the delivery of manager's actions arising through to successful completion. • They will draw any concerns they may have arising from such reports to the attention of the council Committee responsible. 	Bi-Monthly (every 2 months)
Responsible Person(s)	<ul style="list-style-type: none"> • To be appointed as required by the Strategic Director Growth and Regeneration in consultation with HNIB 	
Specialist Fire Risk Assessment (FRA) providers, Contractors undertaking work arising from the FRAs, and specialist Fire Safety Systems Cyclical Maintenance	<ul style="list-style-type: none"> • Operational delivery of a three-year programme of FRAs and re-assessments within properties falling within the remit of the Regulatory Reform (Fire Safety) Order 2005 (RRFSO). • Review property addresses and reconcile with client databases to ensure the programme remains accurate. • Liaise with residents and leaseholders in relation to arranging/keeping 	Ongoing

Contractors	<p>appointments.</p> <ul style="list-style-type: none"> • Liaise with the Building Safety Team in relation to access issues. • Update system(s) with accurate data. • Provide appropriate, complete, and correct certification for all fire safety works. • Provide QA checks in accordance with the contract. 	
Assets Team and HMP	<ul style="list-style-type: none"> • Implementation and delivery of remedial works arising from the FRAs and re-assessments 	As required
Resident	<ul style="list-style-type: none"> • Agreeing to and keeping appointments to provide access. • Informing KC staff in relation to any poor service, failure to attend/poor repair etc. • Provide satisfaction information. • Take note of and comply with fire advice provided and follow the appropriate procedures in respect to seeking authorisation for any alteration work. • Follow instructions to ensure that building safety measures are not damaged and kept in good working order. E.g. tampering with fire detection devices and fire doors. 	As required
Independent External Auditor	<ul style="list-style-type: none"> • Undertake 10% external validation of fire safety remedial works and cyclical maintenance in line with the management plan. 	
West Yorkshire Fire and Rescue Service	<ul style="list-style-type: none"> • Extinguishing fires and protecting life and property in the event of fire. • Responding to any other emergencies. • Assessing and preventing any fire and rescue-related risks. • Issuing Enforcement, Alterations and Prohibition Notices requiring mitigations and improvements to use of and state of premises. 	
Regulator of Social Housing	<ul style="list-style-type: none"> • Pro-active regulation of the Social Housing sector through inspection and assessment • Assessment and enforcement of compliance with regulation including the Social Housing (Regulation) Act and Economic and Consumer Standards. • Assessment of Landlord performance through monitoring of Tenant 	

	Satisfaction Measures and other performance indicators.	
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4. Data

Understanding and recording requirements is a key part of effectively managing and monitoring them. The guide below sets out the data we will hold and how it will be maintained:

Fire Risk Assessment (FRA)

KC will maintain a Master Database of all properties where it has a responsibility to provide FRAs. All the assets within the groups identified in the table below will be classified either 'Yes' or 'No' (**On for Yes, Off for No**) in respect of if an FRA is required.

	Dwelling	Common Part	Block	Depots	Office/Community Premises	Shop
FRA Requirement		✓	✓	✓	✓	✓

Note: Houses/Flats are recorded as dwellings in council data if they are occupied as single private dwellings – See Data Reconciliation Guidance and Process Map.

A monthly reconciliation check will be undertaken to ensure that all properties in the categories above have a confirmed **Yes** or **No** status. Any exception (i.e., an asset without an FRA requirement status) will be reported along with an explanation of any changes to the numbers. The results of the reconciliation check will be signed off on a monthly basis. Process Map 1 covers how the monthly reconciliation is undertaken.

All properties with a '**No**' status will require evidence to support the case that no FRA is required.

Some properties will have a '**Yes**' status where there is a requirement to undertake one, but where KC holds suitable and sufficient evidence to identify that it is not their responsibility to do so. For example, if a shop unit is let under a commercial lease and the FRA responsibility is clearly shown to be with the shopkeeper, KC will seek evidence from the shopkeeper that an FRA is in place. In these cases, KC will hold the information on the current FRA date and the date the FRA should be renewed. In the absence of evidence of a completed FRA, KC will attempt to complete an asset safety check where the terms of the lease permit.

All assets with a 'Yes' status will hold the following information within the data:

- Full address details including UPRN.
- The date the current and the previous FRAs were undertaken.
- The date of the last desktop review
- The outcome of the last desktop review (i.e., if the previous FRA remains valid)
- The target date for the renewal of the FRA

- The risk category of the building
- The evacuation strategy for the building
- A link to the full FRA report (for the current and previous FRAs)
- A link to the full list of remedial works

Remedial Actions

KC will maintain a collated list of remedial actions for assets with a Yes status. For each remedial action we will hold the following information:

- Full address details including UPRN.
- The date the FRA was undertaken.
- The risk category of the building
- Description of the required remedial action
- The priority of the remedial action
- The target period for the remedial action
- The completion dates.
- A link to evidence of completion
- The date the action was verified as complete.
- The date that the action was post inspected.
- Photographic or document evidence. See process map 11a for the completion, sign off and post inspection of remedial works.

Fire Safety Management

KC will maintain a Master Database of all properties where specific cyclical management activities are identified. All the assets in the groups listed below will have a 'Yes' or 'No' status (indicating if the activity is or is not required) against each of the elements listed below:

	Dwelling	Common Part	Block	Depots	Office/Community Premises	Shop
Person-centered Fire Risk Assessment	When required					
PEEP	When required			When required	When required	
Management Inspection		✓	✓	✓	✓	✓
Fire Drill		Where required by recommended best practice				

All properties with a 'No' status will require evidence to support the case that the activity is not required. This is likely to be confirmed by the competent person undertaking the assessment.

KC will maintain a collated list of assets where the above activities have a 'Yes' status. For each record we will hold the following information:

- Full address details including UPRN.
- The type of activity required.
- The frequency of the activity required - note one record will be held per activity/frequency combination.
- Last and previous completion dates (i.e., the last two completed actions)
- A link to evidence of completion
- The date the next action is due.

The Technical Officer Fire Safety will undertake a monthly reconciliation check to ensure that all properties in the categories above have a confirmed **Yes** or **No** status. Any exception (i.e., an asset without a requirement status for any of the activities listed) will be reported along with an explanation of any changes to the numbers. The Head of Assets and Development will sign the results of the reconciliation check on a monthly basis. Process Map 1 covers how the monthly reconciliation is undertaken.

PCFRAs are carried out for residents with a known vulnerability and in high-risk buildings. The Fire Safety Resident Engagement Team undertake assessments across all residential stock on a referral basis. Referrals come from Housing Management, Older Peoples Support Service, the Fire Safety Team and West Yorkshire Fire and Rescue Service (WYFRS). A member of the Fire Safety Engagement Team sits on the Hoarding Panel chaired by WYFRS, and this is also a source for referrals. Where they agree, residents enter into voluntary agreements to manage risks such as hoarding with ongoing support from their HMO and Fire Safety Engagement Team.

On completion of an assessment the information is passed to the Fire Safety Team within Building Safety to review and implement recommendations arising e.g., changes to fire detection systems, vibrating pillows etc. Risks identified that relate to resident behaviour, vulnerabilities or disabilities are referred to the individuals housing management officer and in most cases the Fire Safety Resident Engagement continues to provide support. PCFRA's will be reviewed at least annually based on the fire safety risk an individual poses. A mechanism is in place to monitor this via a RAG rating.

Fire safety systems and equipment

KC will maintain a Master Database of all properties where fire safety systems and equipment are installed. All the assets in the groups listed below will have a '**Yes**' or '**No**' status (indicating if the activity is or is not required) against each of the elements listed below:

	Dwelling	Common Part	Block	Depots	Office	Shop
Fire Alarm System	*	✓	✓	✓	✓	✓
Emergency Lighting	*	✓	✓	✓	✓	✓
Sprinklers	*	✓	✓	✓	✓	✓
AOV		✓	✓	✓	✓	✓
Dry/Wet Riser		✓	✓	✓	✓	✓
Fire Extinguisher		✓	✓	✓	✓	✓

* Dwellings linked to common parts where a system is present will have a Yes or No status indicating if related equipment existed within the dwelling.

All properties with a '**No**' status will require evidence to support the case that no systems or equipment is present. This is typically the result of an inspection (stock condition survey or the asset schedule accompanying the FRA) showing that the above elements are not present.

KC will maintain a collated list of fire safety systems and equipment for assets with a '**Yes**' status. For each record we will hold the following information:

- Full address details including UPRN of system.
- Location of the equipment (includes UPRN if the equipment is in a dwelling linked to main UPRN)
- The type of equipment
- The type and frequency of the activity required (i.e., test/service etc.)- note one record will be held per activity/frequency combination.
- Last and previous completion dates (i.e., the last two completed actions)
- A link to evidence of completion (e.g., certification)
- The date the next action is due.
- The date that the action was post inspected (where appropriate)

The Technical Officer Fire Safety will undertake a monthly reconciliation check to ensure that all properties in the categories above have a confirmed yes or no status. Any exception (i.e., an asset without a requirement status for any of the systems/equipment listed) will be reported along with an explanation of any changes to the numbers. The Head of Assets and Development will sign the results of the reconciliation check on a monthly basis. Process Map 1 covers how the monthly reconciliation is undertaken.

Additions/Reductions to Stock

The following circumstances will require a controlled amendment to the Master Database where there is a responsibility for fire safety:

- New build property
- Acquisition of property
- Property disposal
- Property demolition
- Any other addition or reduction to the stock

The following circumstances will require a review of fire safety responsibilities and any changes to the existing responsibility should be updated in the Master Database:

- Property refurbishment.
- Change of property tenure.
- Change of property use

Please see Data Reconciliation Process Map 1 in the Operational Guidance section of this Management Plan for guidance on management of the core data.

5. Delivery

A top-level summary of the fire safety process is provided at the commencement of the Operational Guidance Section of this Management Plan

Access

- Residents are required to provide reasonable access to Contractors to undertake fire safety checks and maintenance in accordance with their tenancy agreement. A clear and consistent process including front-line engagement and enforcement will be in place to obtain access to properties to undertake safety checks, which shall include legal action when required. See Process Map 2.
- KC will proactively assess available data for relevant information about the resident to help gain access (disability, vulnerability, local connections, etc.). Please see a copy of KC privacy notice.
- KC will comply with its legal responsibilities and will take reasonable steps to gain access to leasehold properties when KC is responsible for fire safety works. If fire safety issues are identified that are the responsibility of the leaseholder, this will be clearly communicated to the leaseholder in writing. If the works are risk critical and put others at risk within the building and remains incomplete, KC will take legal action to ensure the work is completed by the third party. This includes for example, works required to the leasehold flat entrance fire doors, if the responsibility for repair/ replacement is by the leaseholder. In certain cases, the Head of Assets and Development may approve for KC to proceed with the works may proceed to charge the costs back to the leaseholder. In which case, the No Access Protocol will be applied.

The Fire Risk Assessment (FRA)

General

- All properties subject to the RRFSo will be subject to an FRA. FRAs will only be undertaken by contractors deemed competent in accordance with this Plan. Reports shall follow PAS 79 with a separate action plan.
- For new builds and refurbishments when the site is controlled by the contractor, regular FRA's must be undertaken as required by the HSE. When the building is handed over for occupation an FRA will be carried out by KC when the building is occupied.
- A type 1 FRA shall be the initial assessment. The inspection of the building is non-destructive. But, as well as considering the arrangements for means of escape and so forth, the fire risk assessment includes examination of at least a sample of flat entrance doors. It also considers, as far as reasonably practicable, the separating construction between the flats and the common parts without any opening up of construction. However, in this Type of fire risk assessment, entry to flats beyond the area of the flat entrance door, is not

involved. Where there are demountable false ceilings in the common parts, it may be appropriate to lift a sample of readily accessible false ceiling tiles. In addition, it will normally be appropriate to open a sample of service risers, provided access is practicable at the time of inspection.

- Unless there is reason to expect serious deficiencies in structural fire protection (such as inadequate compartmentation, or poor fire stopping) a Type 1 inspection will normally be sufficient for most blocks of purpose-built flats. Where doubt exists in relation to these matters, the competent person undertaking the assessment may recommend that one of the other types of fire risk assessment (Types 2,3,4) be carried out or that further investigation be conducted by specialists. This recommendation will carry a time limit in accordance with the risk. However, this should not be a generic recommendation of all Type 1 fire risk assessments and should be based on identification of issues that justify reason for doubt.
- The FRA will establish the current and recommended evacuation strategy for the building (see general guidance below).
- The FRA will establish a risk rating against each applicable property. This will be identified by the competent person undertaking the FRA along with a recommended date for a new FRA to be undertaken (see section below). In summary, the risk categories to be used and typical examples are as follows.

Risk Profile of the Premises	Example of Property Type
Level 3	Purpose built, general needs residential blocks of no more than 2 storeys above ground.
Level 2	Purpose built, general needs residential blocks of between 3 and 5 storeys (inclusive) above ground.
Level 1	Premises with vulnerable occupants (e.g., sheltered, and supported housing), HMO's, converted premises, high rise blocks (greater than 5 storeys), assembly buildings, offices etc.
Category Stock	B Buildings where some element of common part exists but there is negligible foreseeable risk in relation to that common part at the time of inspection

Review and Renewal of FRA

- The FRA is a ‘live’ document and needs to remain valid.
- KC will undertake a review of FRAs following any of the events below:
 - a fire, near miss or threat of arson.
 - the introduction of new work practices.
 - any works affecting the means of escape or alarm systems.
 - structural or material changes to the building or its use.
 - widespread changes in the type of residents occupying the building; and
 - a significant change in legislation or guidance.
- If there is a reason to suspect that the FRA may no longer be valid, this will prompt a new FRA. This decision is made by the Responsible Person.
- Outside the circumstances outlined above, FRAs will be renewed on or before the date recommended by the competent person undertaking the previous assessment. In any event renewals of FRAs will be undertaken at frequencies not greater than those in the table below. Refer to **Appendix 1** for a more detailed breakdown of Property Types (this is the current version at time of the revision of this Management Plan).

Risk Profile of the Premises	Example of Property Type	New FRA
Level 3	Purpose built, general needs residential blocks of no more than 2 storeys.	Every 3 years
Level 2	Purpose- built, general needs residential blocks of between 3 and 5 storeys (inclusive).	Every 2 years
Level 1	Premises with vulnerable occupants (e.g., sheltered, and supported housing), HMO's, converted premises, high rise blocks (greater than 5 storeys), assembly buildings, offices etc.	Annually
Category B	Buildings where some element of common part exist but there is no foreseeable risk in relation to that common part at the time of inspection	N/A

Actions Arising from the FRA

Actions arising from the FRA are categorised into the following areas:

- Management Actions.
- Remedial Works.

A. Management Actions

- Defined as actions to be taken in relation to the management of the building where further confirmation is required or further site checks needed.

- Examples of management actions are non-compliance with Smoking policies, storage of items in communal areas, unlocked cupboards in communal areas.

Management Action Priority

Management Actions will be prioritised according to the nature of the risk identified within the FRA and timescales for completion will be provided by the Fire Risk Assessor (having previously been established as a risk matrix in consultation with KC). As a general guidance, Management Action priorities are likely to be as follows:

Priority
Urgent
Man1
Man2
Man3

B. Remedial Works

- Defined as works which generally involve the need for contractors to complete.
- Examples of remedial actions are replacement or repair of fire doors, compartmentation improvements, automatic fire detection and alarm works etc.

Remedial Works Priority

Remedial actions will be prioritised according to the nature of the risk identified within the FRA and timescales for completion will be provided by the competent person. As a general guidance Remedial Action priorities will be categorised as follows:

Priority
Urgent
A
B
C
R

Timescales

- Actions arising from the FRA will be dealt with in accordance with the priorities and periods set out by the competent person undertaking it. As a guide the following priorities and timeframes will be used:

Building Risk/Action Priority	Level 1	Level 2	Level 3
Urgent	1 Day	1 Day	1 Day
A	3 Months	6 Months	12 Months
B	12 Months	18 Months	24 Months

C	18 Months	24 Months	30 Months
Man 1	1 Month	1 Month	1 Month
Man 2	3 Months	12 Months	24 Months
Man 3	6 Months	18 Months	30 Months
R	Unspecified	Unspecified	Unspecified

- There are circumstances where it is appropriate to review and potentially extend the periods attached to actions. However, it is essential that any changes are appropriate, risk based, and the process is controlled and visible. Action priorities/timeframes will only be changed if the Fire Risk Assessor agrees in writing that it is appropriate to do so. Evidence of the same will be held. Changes to timeframes or priorities will be signed off by the Service Director and shall be clearly explained when the first subsequent set of KPIs are recorded. See process map 11b.

External Wall Assessments

KC will develop and maintain a record of multi-occupancy buildings external wall materials; records will be held centrally electronically.

Information on external wall materials will be obtained through the Stock Condition Survey Programme, operational and maintenance manuals and as built drawings from any new developments that take place as well as any additional Fire Risk Appraisal of External Walls (FRAEW).

KC Accountable Person will also appoint a contractor to undertake FRAEWs to identify external wall construction and cladding using PAS 9980 Code of Practice. KC will instruct FRAEW assessments on the following types of buildings:

- High Rise Residential Buildings (a building containing two or more sets of domestic premises that are at least 18 metres above ground level or have at least seven storeys).
- As recommended by the Fire Risk Assessor or informed by the Fire Risk Prioritization Tool - for buildings below 18 metres – i.e., where there is known or suspected risk from the form of construction used for the

external wall, such as the presence of combustible materials used for cladding or external wall insulation.

FRAEWs will provide recommendations on remedial action considered necessary, with a suitable timeframe that considers both the nature of the works required for remediation and any recommended interim measures.

The programme for FRAEWs will be managed by KC Accountable Person, including the preparation of any remediation programmes of work. Project management of major works such as cladding replacement will be the responsibility of the Asset Team.

If there are any significant changes to the external walls of buildings, the records held will be revised and updated.

Management of Buildings

Evacuation

- Ensure each building has an evacuation strategy stated clearly in the FRA. The FRA will record the current and recommended evacuation strategy. Any exceptions, i.e., where the current and recommended strategy differ will be reported and referred to the HNIB. The recommended evacuation strategy will be confirmed or proposed by the Fire Risk Assessor, however as a general principle:
- Residential accommodation (with common parts):
 - Purpose-built accommodation will have a 'stay put' policy. Occupants have the option to stay in the building provided they feel it is safe to do so. The 'stay put' policy may change based on the instructions of the Fire and Rescue Service during an emergency situation.
 - Aged, converted accommodation will have a 'total evacuation' policy. All occupants self-evacuate in the event of fire or once the fire alarm sounds.
 - Residential buildings which are managed 24 hours or which house vulnerable residents may require bespoke evacuation strategies specific to the premises (outlined below in 'Assisted Evacuation').
- Commercial accommodation and community premises:
 - Premises to have a 'total evacuation' policy. All occupants self-evacuate in the event of fire or once the fire alarm sounds.
- Assisted Evacuation:
 - For commercial, community and non-residential premises it is the responsibility of each employee to inform their line manager of any physical or sensory impairment he/she may have, including temporary impairment, which may affect how they evacuate the premises. KC will be proactive in becoming aware of people who may need assistance to escape in the event of a fire.
 - In residential premises:

- General Needs - where practicable and should assistance be requested, and where KC is made aware, it will provide advice and guidance to assist residents in developing their own means of escape plan in general needs premises. This will not involve the assistance of KC in the evacuation.
- Specialised Housing – assessment of individuals will be made by the specialist care providers. This will involve detailed and up to date records of occupants, in some buildings will require person centered fire risk assessments (PCFRAs). Assistance in evacuation provided by staff will be determined on a case-by-case basis. The Fire and Rescue Service will be included in the process. PCFRAs will be undertaken at the start of tenancy and reviewed on the same basis as FRAs for the premises.
- Where appropriate, provide equipment to aid evacuation which should only be used by appropriately qualified or trained persons e.g., the Fire and Rescue Service.
- Evacuation drills will be carried out in all non-residential buildings and a selected set of residential buildings. This will be determined by the FRA. In non-residential buildings KC will conduct drills twice annually. Residential premises with alarms will be assessed as to the appropriateness of regular fire drills as part of the FRA. Results will be monitored to ensure evacuation in a safe and timely manner and improvements to evacuation processes made where necessary.

Provision of Signage (Including Wayfinding Signage):

KC will ensure the provision of suitable fire safety signage within the means of escape and communal areas, requirements for signage will be identified from the Fire Risk Assessment and addressed via the FRA Actions Programme.

In addition, to comply with the requirements of the Fire Safety (England) Regulations 2022, KC will ensure there is suitable 'Wayfinding' signage to assist fire and rescue service crews in buildings in high-rise residential buildings. KC Head of Assets and Development will ensure these are included in a planned programme for installation when they are not already present.

All existing fire safety signage will be checked as part of routine communal area inspections, to ensure they are maintained in good condition.

Provision of Building Plans for the Fire & Rescue Service

KC Accountable Person will ensure the appointment of a qualified professional to prepare Buildings Plans for High Rise Residential Buildings (i.e., 7 storeys and above / or measuring 18 metres or greater). The preparation of the plans will be in accordance with published guidance at the time of instruction. They will

be made available as required by the local Fire & Rescue Service and copies provided within the building's Secure Information Box (see section further below).

KC Accountable Person will ensure the Plans are obtained for all High-Rise Residential Buildings. They should include:

- **Preparation of Floor Plans** - including a plan for each floor of the building, including identifying the location of all lifts and identifying if the lift is one used by firefighters or an evacuation lift, the key firefighting equipment in the whole building.
- **Preparation of a single page building plan** - which should include information such as the items listed below (but not limited to):
 - the environs of the building.
 - details of the use of the building, for example for commercial or residential purposes.
 - access for fire and rescue appliances.
 - the dimensions of the building.
 - information on the number of storeys in the building and the number of basement levels (if any).
 - information regarding the presence of maisonettes or scissor section flats.
 - inlets for dry-rising mains.
 - inlets for wet-rising mains.
 - the location of shut-off controls for any sprinklers.
 - access points for the building.
 - the location of the secure information box.
 - the location of the controls for any smoke control system.
 - the location of any firefighting shaft.
 - the location of the main stairways in the building.
 - the location of the controls for any evacuation alert system.

Communication/Fire Emergency Evacuation Plan (FEEP)/Fire Action Notice (FAN)

- All new staff to the organisation will be instructed in the fire evacuation procedure relating to their workplace on induction.
- It is imperative that KC plan and inform relevant parties on the site-specific procedures in the event of a fire emergency. For each relevant property, an emergency plan will be provided which will include the following:
 - How occupants are warned in the event of a fire.
 - What staff and occupants should do if they discover a fire.
 - How the evacuation of the premises should be conducted.
 - The needs or risks relating to individuals.
 - Where occupants should assemble after they have left the premises and procedures for checking whether the premises have been evacuated.

- Identification of key escape routes, how people can gain access to them and escape from them to a place of total safety.
 - The duties and identity of staff that have specific responsibilities if there is a fire e.g., Fire Wardens.
 - Arrangements for the safe evacuation of people identified as being especially at risk, such as occupants and others with disabilities, children, people working alone and members of the public.
 - Any machines, processes, appliances, or power supplies that need to be stopped or isolated if there is a fire.
 - Specific arrangements, if necessary, for high-fire-risk areas.
 - Contingency plans, such as restrictions on the use of the building for when life safety systems, such as evacuation lifts, fire detection and warning systems, sprinklers or smoke control systems are out of order.
 - How the Fire and Rescue Service and any other necessary services will be called and who will be responsible for doing this.
 - Procedures for meeting the Fire and Rescue Service on their arrival and notifying them of relevant information such as the locations of any persons still in the building or any special risks, e.g., the location of highly flammable materials.
- The Fire Emergency Evacuation Plan outlined above (and specifically detailed in the FRA) will, in most cases, be communicated in the form of a Fire Action Notice situated in areas of high footfall and/ or near final exits. The FRA will make recommendations if the FANs within the buildings are not currently sufficient, and the rectification of any issues will be dealt with as actions outlined above.
 - Critically, a fire action notice will inform occupants of the building's evacuation strategy (for example stay put or total evacuation) and on actions to take in the event of a fire as follows:
 - I. **Raising the alarm** - Advise occupants on the recommended way to raise the alarm. If appropriate, whether it is verbally or through using an available fire alarm call point.
 - II. **Fire and Rescue Services** - Advise occupants on the method of contacting the fire brigade.
 - III. **Assembly Point** - Advise occupants of the location of the assembly point as a safe area.
 - IV. **Lift** - Advise Occupants that in the event of fire, not to use the lift.
 - V. **Do not collect belongings** – Advise occupants to vacate the premises without delay in the event of a fire.

Secure Information Boxes (Premises Information Boxes)

Secure Information Boxes will be provided within higher risk premises to ensure information is made available to the fire and rescue services on arrival in the event of an emergency, this will include details captured from PEEPs, such as identifying those residents with impaired mobility and residents using oxygen etc. Higher risk premises include:

- Specialised Housing (Sheltered Schemes / Extra Care)
- Care Homes
- High Rise Buildings (6 storeys and above)

More robust information will be held within the Secure Information Boxes for high-rise buildings (6 storeys and above) including Building Plans and Emergency Response Packs (see Operational Guidance for relevant detail to be included).

In addition, KC will also engage with the Fire & Rescue service to share up to date information regarding resident profile, identifying residents that may require assistance in the event of an emergency.

Responsive Repairs

- All responsive repairs must consider fire safety and should be conducted in accordance with the relevant British Standard, approved code of practice or associated best practice guidance.
- The adequacy of the proposed 'temporary' repairs should be approved by the relevant Manager in consultation with the Head of Assets and Development.
- Key staff and contractors involved in the delivery of repairs will be trained in the key risks to Fire Safety resulting from the repairs activity. This is outlined in the competence section below.
- Due to higher risk profile, HRRBs will be designated 'permit to work' areas, KC are currently working towards putting this in place and will aim to further introduce this to Level 1 Buildings. Signage will be displayed on the premises to explain the procedure. Before any work can commence a suitable method, a statement will be prepared to ensure continuity of fire safety, particularly relating to work on fire safety systems or when hot works are being undertaken. This will be agreed in advance by the Building Safety Manager or Service Manager Building Safety as appropriate.

Planned Investment and Refurbishment Programmes

- Where required, KC will ensure that all relevant building control legislation is complied with, for fire safety. KC will ensure that building regulations approval and completion certificates are obtained and that the premises are fire risk assessed prior to occupation.
- Before commencing any planned maintenance or upgrade programmes a risk assessment must be undertaken. The risk assessment will consider the scope of work and the premises included, against the available fire safety information (FRA, current reports/examinations, remedial works, management actions etc.). The primary purpose of the risk assessment shall be to assess if there is a foreseeable risk relating to the impact on fire

safety and if the current proposals adequately manage that risk. The risk assessment will form part of the CDM/RAMS for the scheme.

- Where the risk assessment indicates that work being conducted by a contractor has a foreseeable risk of an impact on existing fire safety measures in a building, KC will ensure that an appropriate volume of post project fire safety checks, proportionate to risk, will be completed by a competent person independent to the contractor. This check will provide confirmation that all existing fire safety measures remain in place and are fully functional.
- As it is not unusual for fire compartmentation and fire stopping to be disturbed or breached during construction or services work, the post project fire safety check will include visual inspection of vulnerable locations such as roof voids and services risers etc.
- For major refurbishment projects the following principles will be applied:
 - The design responsibility matrix should be developed as early as practical and should target early consideration of Building Regulations requirements and must result in full sign-off of fire safety design prior to any construction.
 - Early involvement of competent people to ensure design, and again in particular that relating to fire safety, is well considered, and coordinated.
 - early involvement of the Fire Consultant, local FRS and Building Control should be sought.
 - Care will be required to ensure that the design team has the appropriate skills, knowledge, and experience in accordance with the requirements and timing set out in the design responsibility matrix.
 - An evaluation of the potential conflict in the design and procurement strategies and risk associated with the contractor being incentivised to deliver the lowest cost solution to meet employers' requirements.
 - Client appointed independent inspection by a competent person during the construction phase should be used to provide assurance.
 - Agreed mandatory activities prior to occupation to include an FRA and involvement of the Fire Authority at this stage will be key.

Residential Properties

All residential properties will receive the following checks which contribute to reducing the risk of fire:

- an annual gas and heating installations safety check, thereby reducing the risk of fire from gas faults (see Gas Safety policy)
- An electrical safety test in general needs accommodation (dwellings) in accordance with the Electrical Safety Policy. Five-yearly electrical safety tests in general needs common areas, sheltered and supported schemes, thereby reducing the risk of fire from faulty electrical systems.

- an additional gas safety check and electrical safety test when a property is re-let (including mutual exchanges)
- regular checks and testing where portable electrical appliances (such as vacuum cleaners or toasters) are provided and maintained by KC, in line with the Portable Appliance Testing procedure located in the Electrical Safety policy.
- Beyond the scope of the RR(FS)O, all Dwellings owned across KC's portfolio (excluding Leasehold and Shared Ownership) will have Mains-Powered with standby Battery Smoke Detection Systems installed across all properties as part of the 5-year EICR programme, they will also be installed as part of tailored Planned Improvement Programmes and Void Improvement Works.
- These Smoke Alarm installations will take place in full compliance with the requirements of both The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022– all Dwellings owned by KC (excluding Leasehold and Shared Ownership) will have working Mains-Powered Smoke/Heat Alarms installed (or Battery-Powered Smoke Alarms as an interim measure until Mains-Powered can be installed).
- In accordance with the Regulations, at least one Smoke Alarm will be installed on each storey of homes where there is a room used as accommodation. The appropriate level of provision will be installed in accordance with British Standard (BS 5839:6 2019) and will include LD2 (Additional Protection – a Smoke Alarm also in the 'principal habitable room' i.e., Room and a Heat Detection Alarm in the Kitchen), or Category LD1 (Maximum Level Protection – detection installation in all rooms and all circulation spaces) within homes occupied by high-risk residents, such as within specialised housing.
- Residents of individual general needs, shared ownership and leasehold properties are responsible for their own fire safety within their private homes, including carrying out regular tests of their individual fire detection system.

Furniture and Furnishings

In all residential properties where furniture and furnishings are provided, whether in common areas or as part of a furnished tenancy, all will be fire retardant in compliance with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended).

Furniture and furnishings will be checked for condition every 2 years and replaced, as necessary.

Fire Door Inspections

Fire Doors will be sample inspected as part of the FRA process and at regular intervals as recommended within the FRA.

KC will aim to comply with Regulation 10 of The Fire Safety (England) Regulations 2022, and will endeavour to ensure for all multi-occupied residential buildings, with two or more sets of domestic premises, over 11 metres in height, this will include undertaking:

- Quarterly fire door checks for common area fire doors (including self-closing devices), and:
- Annual checks of all flat entrance doors (including self-closing devices) that lead onto a building's common parts.

KC's Head of Assets and Development is responsible for overseeing the door inspection programme and associated performance with key targets, and ensuring an evidence base is collected within the database.

Records of gaining access and escalation letters to residents will be controlled and monitored by the General Manager, Quality and Performance, in line with KC's No Access Protocol.

Communal Area Inspections

- All properties subject to the RRFSO will receive regular inspection of communal areas.
- The frequency of inspections will be determined by the premises risk level. In the absence of specific guidance, the following frequencies will apply:

Priority	Timescale
Level 1:	
1. Attended	Weekly
2. Non-Attended	Monthly
Level 2	Quarterly
Level 3	Quarterly

Common Areas and Escape Routes

- Goods left in communal areas by residents can be a source of ignition and support combustion, as well as potentially blocking escape routes. For this reason, storage of goods in communal areas is not allowed without express permission and all tenancy agreements include a clause prohibiting the storage of goods in communal areas.
- KC will take action to remove items that are left in communal areas. Bicycles, motorbikes, and mobility scooters can present a hazard by blocking important access and escape routes.
- The storage of bicycles, motorbikes and other resident goods will not be permitted in communal areas, except in designated storage areas.

- In the case of mobility scooters, where no designated storage area exists, they must not be stored in access or escape routes. Under no circumstances should mobility scooters be charged in any communal areas other than specially equipped designated charging/storage rooms.
- Where residents are storing goods in communal areas, if the owner is known, KC will contact them to request removal. See process map 7 covering management actions arising from the FRA.
- To deal with a general problem a range of approaches will be considered, including for example putting up signs, or carrying out a mailshot to all residents and leaseholders in the building.
- Under no circumstances should flammable materials be stored in any communal areas other than designated storage rooms.
- Celebratory decorations will not be allowed in communal areas unless installed by KC in designated “protected” areas such as residents’ lounges or office accommodation.
- Celebratory decorations will meet all relevant safety standards.
- Celebratory decorations not meeting the required standards, or unauthorised installation will be removed in line with KCs sterile areas process.
- KC’s Communal Areas Policy 2023 will always apply here.

Managing Customer Influences on Fire Safety

- **Stored Oxygen** - Where residents have stored medical oxygen on their properties, they are responsible for informing KC so the Local FRS can be alerted to the presence of stored oxygen on the premises. Arrangements are in place for information to be exchanged between the health service’s oxygen provider and the local FRS. Where KC is informed that oxygen is present appropriate records will be kept.
- **Gas Cylinders** -These are prohibited from being used or stored inside the home. In some cases, KC may have provided bottled gas where mains gas or bulked supply is unavailable, in such cases they must be stored externally and, in a location, confirmed by the provider.
- **Paraffin, Petrol, or other flammable/ explosive materials** –These are prohibited from being used or stored inside the home or nearby. If a resident is in doubt, they should seek advice from their Housing Officer.

Where a resident has stored oxygen or gas cylinders in or about their property, a referral will be made for a PCFRA to be undertaken.

- **Security gates and grills** - Residents should not fit metal security gates to their homes without seeking permission. Where residents have already fitted metal security gates and these have been identified as an unacceptable fire risk in the fire risk assessment, KC will request them to be removed.

Fire Investigation

- Following a fire at any KC property, the Technical Officer Fire Safety and the Safety, Health, and Environment Manager (**SHE Manager**) will lead an internal fire investigation. The investigation will assess the current FRA and management and remedial actions completed, as well as the effectiveness of any fire precautions present, how procedures worked including learning outcomes.
- A fire investigation report will be requested from the local FRS which will be integrated within the internal investigation report. Additionally, a fire within any property may trigger a new FRA reassessment to be undertaken (see above).
- The internal fire investigation and the Fire Authority report will be considered by HNIB at the next meeting, and any resulting actions agreed.
- The fire investigation reports should be electronically stored on a central file and a running count kept of fire incidents within a twelve-month period, with any learning points and actions arising /changes in process, recommendations of HNIB, captured on the central file.

Enforcement

- Due to the location of KC property portfolio the West Yorkshire Fire and Rescue Service will be the enforcing fire authority. The relevant fire and rescue services will be engaged should KC's portfolio expand into new geographical areas. They have the power to inspect all premises to establish if a suitable and sufficient FRA has been conducted, and if significant findings have been recorded and the assessments have been acted upon.
- If they are dissatisfied with the outcome of the FRA or the action taken an Enforcement Notice may be issued. This may contain specific improvements, or in extreme cases a Prohibition Notice may be issued to restrict the use of all or part of the premises until improvements are undertaken.
- If the premises are considered by the Fire and Rescue Services to be high risk, they may issue an Alterations Notice that requires them to be informed before any changes are made to the premises or the way they are used.
- Failure to comply with any duty imposed by the Order or any notice issued by the Fire Service is a criminal offence.
- KC will follow a procedure and timescales as indicated within Process Map 12.
- KC has the right to appeal to a Magistrate's Court against any notice issued. This may be where they agree there is a need for improvements to the fire precautions but disagree with the enforcing authority on the technical solution to be used (e.g., what type of fire alarm system is needed). This may be referred for an independent determination.

- During any inspection, the inspecting officer may wish to view the following documents:
 - FRA.
 - Fire logbook.
 - Records of colleague training and fire evacuation drills.
 - Records of testing and maintenance of firefighting equipment.
 - Records of testing and maintenance of all fire safety systems including fire alarms, emergency lighting, sprinkler systems and smoke ventilation systems.
 - Evidence of other test and inspection regimes present within the premises – gas, electrical, asbestos, lifts, etc.
 - Records of inspections of communal areas
 - The Fire Inspector may also wish to inspect all or part of the premises and to talk to employees based on site.

Maintenance of Fire Systems and Equipment

- The testing of fire detection systems will be undertaken by competent engineers (as defined in section 6 below).
- The frequency for inspection/ testing will be determined through manufacturers guidelines and considering age and condition of the system and any other local circumstances which could affect the performance specific fire safety systems. The specific maintenance needs for each system will be confirmed in consultation with the competent engineer representing the maintenance contractor.
- Typical systems to be included in the fire safety equipment maintenance programme will include:
 - AFD and alarm systems (and associated equipment such as hold open devices, door release mechanisms, fire curtains etc.)
 - Smoke control systems (such as automatically opening smoke vents)
 - Emergency lighting systems
 - Portable firefighting equipment
 - Rising (dry and wet) mains
 - Firefighting lifts
 - Fire suppression systems such as sprinklers / mist systems
 - Lightning protection systems

6. Competency

Contractors Competency and Control

- KC has a responsibility to ensure that directly employed staff and contractors are appropriately skilled and qualified and are competent to undertake the relevant services. The following controls will operate to ensure competence can be demonstrated:

Competency of Fire Risk Assessors

- KC will ensure that any fire risk assessors undertaking fire risk assessments on their premises are competent to do so.

- External consultant fire risk assessors should be able to demonstrate competency individually via registration on a recognised national scheme such as the Institution of Fire Engineers Register of Fire Risk Assessors or similar.
- Companies providing fire risk assessment services should be assessed and registered under BAFE SP205-1. External fire risk assessment providers (whether individuals or companies) should be able to demonstrate reasonable experience of undertaking fire risk assessments in the type of properties concerned.
- In selecting fire risk assessors KC will refer to the document 'A Guide to Choosing a Competent Fire Risk Assessor' by the Fire Risk Assessment Competency Council.

Contractor Controls

- All contractors used by KC will be assessed as being suitably competent to undertake the work for which they are being considered. Contractors, where possible, should be third party accredited to a nationally recognised scheme, such as BAFE SP203 (relevant part) for fire alarm contractors, BAFE SP101 for firefighting equipment etc.
- KC will ensure there are appropriate fire safety conditions imposed on all outside contractors. This will be work specific but should ensure that contractors do not place themselves at risk or place any other relevant persons at greater risk from their acts (or omissions).
- In addition, KC will ensure satisfactory control over works conducted by both outside and in-house contractors, for example hot works permits. This will involve confirmation of competent contractors and controlling and monitoring safe working practices and procedures.
- Control over work and contractors within high-risk fire safety buildings is particularly important and KC will consider a hierarchy of measure to manage such situations:
 - Through regular review of Contractor competencies and the qualifications and training of individual operatives
 - By the use of signage within high-risk buildings prohibiting contractor actions without notification of the relevant building manager in advance.
 - Through the use of a Permit to Work process to enable monitoring and inspection of all work activity within a particular building and establishing a golden thread of all work (repairs, cyclical maintenance, and major investment) undertaken.
 - By post inspection of works
 - Through regular review of the FRA for the building
- It is the responsibility of the contractor to conduct a risk assessment before carrying out any repairs. This risk assessment may:
 - demonstrate that no further action needs to be taken before the works can proceed.

- demonstrate that works can proceed but methods need to be adjusted to account for fire safety issues highlighted.
 - require the contractor not to proceed with works until they have looked at the fire risk assessment for the property; and
 - require the contractor to request a survey/testing to be undertaken.
- Contractors must provide suitable Method Statements prior to work commencing and KC will require contractors to replace any fire stopping on completion of any works and interim and post work inspections will be conducted to ensure this is carried out.
 - If any responsive repair needs to be carried out to a related fire safety installation, the appointed contractor attending the address must review the examination reports on the compliance database and any other available related information. The correct use of fire-rated materials must also be considered and agreed with KC prior to any works commencing.
 - Where contractors may undertake works which could disrupt fire compartmentalisation such as satellite TV and telecoms installations, and KC is aware, it will put in place a process that will require the contractor to seek appropriate approvals prior to commencing works.
 - All contractor competencies will be subject to annual assessment or to change of contract /contractor, as detailed within the Management Plan.

Internal Competency

- KC will maintain a skills/training matrix to ensure that all staff involved in the processes and procedures included in this Management Plan have appropriate training.
- A detailed competency framework will be in place to provide assurance that all internal staff are appropriately skilled and are subject to regular appraisal.

7. Performance and Assurance

The following KPIs will be reported to HNIB and Council:

Cat	Indicator	Frequency
KPI	% of properties with a completed and in date FRA where required	Quarterly
KPI	Total no of actions outstanding (but in date) and total number of actions overdue	Quarterly
KPI	% buildings with outstanding (but in date) and overdue remedial actions	Quarterly
KPI	% of buildings with fire safety systems/equipment present where all systems/equipment has been assessed/maintained in accordance with this policy	Quarterly

KPI	Number of notices received from the Fire and Rescue Services in the reporting period	Quarterly
KPI	Number of outstanding notices received from the Fire and Rescue Services	Quarterly

Commentary will be provided for any properties out of date to include the date they became overdue, days overdue, and the action proposed to bring them back into a compliant position. To provide additional context, the commentary will also include information on the proportion of activities within the reporting period that were undertaken before and after their due date.

In addition to Board KPIs a detailed PI suite will include the following:

Cat	Indicator	Frequenc y
KPI	Number of properties requiring an FRA re-assessment	Monthly
KPI	Number of properties which require remedial actions and timeline	Monthly
KPI	The number of routine communal inspections against the timescale	Weekly
KPI	The number of fire incidents and completed fire investigation reports	Weekly
KPI	The number of re-inspection surveys to communal areas	Weekly
KPI	Improvement and prohibition notices issued, and actions completed in accordance with the required timescales	Monthly
KPI	Audit checks undertaken in relation to FRA assessments and works undertaken, and engineers work on a minimum of 10% sample	Monthly
KPI	The number of reportable incidents in accordance (RIDDOR)	Quarterly
MPI	Communal Inspections Completed in Time	Monthly
MPI	Number of blocks that meet communal area policy requirements	Monthly
MPI	Number of FRAs stating means of escape do not contain storage	Monthly
MPI	Resident Satisfaction that the home is safe as measured by the tenant perception survey	Quarterly
OPI	Contractor/consultant accreditations and operative qualifications	Monthly
OPI	Fire alarm/emergency lighting and fire-fighting equipment assessed on time	Monthly
OPI	Fire Alarm repairs completed right first time.	Monthly
OPI	Average cost of FRA inspection	Monthly

Assurance

The following assurance activity will be undertaken and reported to HNIB:

Activity	Description
Internal Audit	This service area will be included within the annual Internal Audit programme which will review adherence to process, data and record keeping.
3rd Party Assurance	In addition to the internal QA process, a third party, external, independent specialist will be engaged to regularly inspect, monitor, and report on the technical performance and quality of the FRA remedial work arising, and the quality and certification of the cyclical maintenance of fire safety systems and equipment. The independent specialist shall inspect a minimum of 10% of completed remedial works and cyclical maintenance programmes. and report their findings each month.
Strategic review	Fire Safety is a high-risk area, and this plan will be reviewed on an annual basis. An external strategic review will be undertaken every 2 years which will include all operating procedures
Early Strategic intervention	If because of either the finding of the internal audit process or the independent quality assurance work, the service is not performing to the desired level then this will trigger an earlier external strategic review.

Changes to Regulations, Legislation and Annual Review

The Head of Assets and Development working with the HNIB will proactively monitor any changes to legislative and regulatory requirements and, through consultation with the SHE Manager, ensure KC effectively prepares for potential changes.

Potential changes in legislation will be identified where there is an impact upon policy. Any changes will be discussed at the HNIB and disseminated to all relevant staff across KC, Contractors, consultants, and residents. This will be undertaken through an internally circulated briefing note which will be discussed in all relevant team meetings depending on the nature and implications of the change.

All staff have a responsibility to remain alert and share knowledge and good practice across all teams within KC. This includes dissemination of information from statutory regulators, institutions, media articles from fire safety contractors, professional bodies, and other trade media.

The Building Safety Act 2022 (received Royal Assent April 2022) is currently allowing for an 'implementation period' for organisations, and the new Regulatory body the Building Safety Regulator (within the HSE), to prepare for the introduction of new a new legislative regime. The Service Director will ensure KC implements appropriate measures and responds to the new Regulatory requirements.

8. Communications

All KC residents with communal areas will receive a Fire Safety information leaflet as part of the new tenancy pack (this is currently in development). The full range of customer leaflets will also be available on the KC website and through the intranet for all staff.

Materials and information will be made available to residents through the website, printed documents and engagement visits and meetings. The Tenant Involvement Strategy provides the overarching framework for communication.

Resident liaison will be clear, transparent, and managed primarily through the Fire Safety Resident Engagement Team. It is the intention of Kirklees Council to communicate specific building information as outlined in FRAs to residents as required.

Resident Engagement Strategies will be prepared and acted upon for higher-risk buildings in accordance with the Building Safety Act 2022. Mechanisms will be in place to ensure strategies are reviewed at prescribed intervals and when otherwise appropriate.

The HNIB will co-ordinate with national fire safety awareness campaigns which will be proactively supported and will be used to proactively promote and improve customer's understanding of fire safety issues.

All front-line staff will receive training on the importance of fire safety issues and make them aware of signs that may indicate a concern relating to fire safety so an 'every contact counts' approach is developed to support fire safety. Information will be available in different formats upon request.

Customer Complaints and Compliments

Customer complaints and compliments are an indicator of service performance and will be monitored. Individual complaints will be responded to in accordance with the Complaints Policy.

9. Process Maps applicable to this service.


The applicable processes can be found in the Operational Guidance section.

APPENDIX 1

Property Designation	No. of Storeys	No of Flats	Property Type	Property Classification
General Needs (5 Storeys and under)	1 to 2	1 to 10	Converted	Level 3
General Needs (5 Storeys and under)	1 to 2	11 and over	Converted	Level 2
General Needs (5 Storeys and under)	3 to 5	1 to 10	Converted	Level 2
General Needs (5 Storeys and under)	3 to 5	11 and over	Converted	Level 1
General Needs (6 Storeys and over)	6 and over	Any	Converted	Level 1
General Needs (5 Storeys and under)	1 to 2	Any	Converted (P/B Standard)	Level 3
General Needs (5 Storeys and under)	3 to 5	1 to 10	Converted (P/B Standard)	Level 3
General Needs (5 Storeys and under)	3 to 5	11 and over	Converted (P/B Standard)	Level 2
General Needs (6 Storeys and over)	6 and over	Any	Converted (P/B Standard)	Level 1
General Needs (5 Storeys and under)	1 to 2	Any	Purpose-Built	Level 3
General Needs (5 Storeys and under)	3 to 5	1 to 10	Purpose-Built	Level 3
General Needs (5 Storeys and under)	3 to 5	11 and over	Purpose-Built	Level 2
General Needs (6 Storeys and over)	6 and over	Any	Purpose-Built	Level 1
Sheltered Housing	Any	Any	Any	Level 1
Supported	Any	Any	Any	Level 1
Extra Care	Any	Any	Any	Level 1
HMO (House in Multiple Occupation)	Any	Any	Any	Level 1
FMO (Flat in Multiple Occupation)	Any	Any	Any	Level 1

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REPORT TITLE: Homes & Neighbourhoods Housing Management IT System Replacement

Executive Board	04 March 2024
Cabinet	12 March 2024
Cabinet Member	Cllr Moses Crook Housing & Highways
Key Decision Eligible for Call In	Yes
<p>Purpose of Report To appraise the Cabinet of the issues encountered during the implementation of the new Housing Management IT System in Homes and Neighbourhoods, setting out the proposed way forward and the additional resources and budget required to successfully deliver the project.</p>	
<p>Recommendations It is recommended to continue with the implementation of Civica Cx and to extend the delivery timetable by eighteen months to approximately September 2025 with an additional budget of £1,279,602.82 capital, funded from the Housing Revenue Account.</p> <p>Reasons for Recommendations The recommendation enables the necessary work on process redesign, data cleansing and data migration to be completed to successfully deliver the implementation of the new system. The milestones and timescales are robust and are realistic and achievable with sufficient time allocated to on-boarding the additional resources needed to deliver go-live by the target date.</p>	
<p>Resource Implications The revised approach to the implementation of Cx will require the recruitment of additional resources to support the project including subject-matter experts from corporate services.</p>	
Date signed off by <u>Strategic Director</u> & name	David Shepherd 9 th February 2024
Is it also signed off by the Service Director for Finance?	 Isabel Brittain 1 st March 2024
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Musgrove 1 st March 2024

Electoral wards affected: All

Ward councillors consulted: None

Public or private: The cover report for the Cabinet is public but circulated alongside a private appendix (Appendix One: Business Case).

Has GDPR been considered? Yes

1. Executive Summary

- 1.1 This report should be read in conjunction with the Business Case provided for the Housing IT System Implementation (Appendix One).
- 1.2 In November 2020, the Cabinet approved £1m of capital spending from the Housing Revenue Account (HRA) to procure a new Housing Management information technology system and to award the contract to Civica Cx.
- 1.3 The Cx implementation began well in early 2021 and had a planned implementation date of April 2022.
- 1.4 Kirklees Neighbourhood Housing (KNH), previously an arms-length management organisation (ALMO), transferred into the Council in April 2021 and became the Homes and Neighbourhoods Service.

The procurement for Cx began pre-transfer (in late 2020), with the implementation of Cx beginning shortly after the transfer took place. The decision was made to replace the current Housing Management system (Universal Housing) due to system limitations, a lack of user capabilities (for tenants) and the system was due to go 'end of life', meaning upgrades, support and further functionality would be either reduced or obsolete – posing a security risk. Universal Housing also costs the organisation a significant sum of money to run (approximately £170,000 per annum) and was no longer offering value for money. Cx was procured to be the core Housing Management system and will manage all aspects of tenancies – including rents, terminations, voids, anti-social behaviour and sign-up. The system also includes capabilities to add complaints, Cx Mobile (for offline work within the community) and enhanced void management (including repairs) – all of which are identified for development following go-live. The system will provide better access to tenant data, essential for complying with the Consumer Standards and allow the service to manage cases end-to-end with interfaces into the repairs system and asset management system.

Following the transfer of KNH into the Council, the then KNH Information Technology (IT) Team merged with the Council's IT Team. At the same time, a number of former KNH senior managers left the organisation, including senior IT staff which resulted in the loss of corporate memory and specific project based skill sets.

Whilst the project began well, several issues emerged including inadequate resourcing across data, project management capability and a challenging relationship with the provider. The build and customisation of the IT system was found to be more resource intensive than originally anticipated, causing issues which has led to some delays and slippage in the go-live date.

- 1.5 In summer 2022, the Service Director for Homes and Neighbourhoods commissioned a status review of the project, requesting assurance that the processes were being redesigned to improve the customer experience and identify efficiencies whilst ensuring they are future proofed.
- 1.6 Following this, an intensive period of redesign has taken place, including staff engagement and collaboration across the entire service resulting in a newly developed 'customer journey' designed from a resident perspective. During this period, additional assurance mechanisms were established, and steps taken to strengthen the relationship with Civica, which has significantly improved.

- 1.7 The review concluded that the Council should adopt a Minimal Viable Product (MVP) approach, with the intention of implementing the system with critical business processes, with a further twelve-month (minimum) period of development to follow as a phase two - to add more functionality whilst the system is in use by the business.
- 1.8 Due to the significant amount of work required to redesign (and in some instances, rebuild) processes, identifying and fixing technical issues, and concerns raised over data integrity, the risks associated with going-live in November 2023 were deemed to be too high and the project was paused in September 2023.
- 1.9 Since September 2023, a detailed 'stocktake' and options appraisal have been completed across the project to identify a viable way forward.

2. Information required to take a decision

- 2.1 Following the stocktake, one recommendation has been identified for consideration by the Cabinet. The recommendation will require a revised budget to be approved for the system implementation to continue. The HRA's Capital Plan has allocated £2.5m to the IT systems roadmap, of which £1m was allocated to the Cx implementation plan. The current Cx budget has £82,346.96 remaining (full spend detail has been provided in the business case). The option below requests a further allocation from the HRA IT Capital Budget.

3. Implications for the Council

3.1 Working with People

- 3.1.1 The previous twelve months have focused on redesigning existing processes across Housing Management from a tenant perspective, identifying customer touchpoints, ensuring these processes are efficient for both residents and officers and provide more opportunities for engagement with, and support to, residents.
- 3.1.2 A key development within the Cx implementation project is the upgrade of the Abris system (Choose 'n' Move), which will provide a better user experience for residents when bidding for properties by enabling more functionality and the ability to use smartphones to bid. Officers are engaging with residents in relation to this and plan to work with residents to test the system and gather their feedback.

3.2 Working with Partners

- 3.2.1 The project included relevant partners during procurement, such as Pinnacle (PFI contractor for the Excellent Homes for Life properties) and Housing Solutions who are main users of the system in addition to Homes and Neighbourhoods.
- 3.2.2 The project has further engaged with services across the council through periods of redesign, including redesigning of anti-social behaviour processes with Safer Kirklees and consulting with both Children's and Adults Social Care colleagues to design a new process for raising safeguarding concerns.
- 3.2.3 The project also continues to work closely with colleagues across relevant Council services.

3.3 Place Based Working

- 3.3.1 Through the redesign and better data integrity, the project aims to gather better intelligence and have greater insight, in relation to tenants – particularly around health and wellbeing,

levels of anti-social behaviour and the properties themselves. This will allow the Council to take intelligence-led decisions on which tenants, communities and properties require more resource and support.

- 3.3.2 Cx will also utilise Cx Mobile, which will allow officers from all parts of Homes and Neighbourhoods, including Property Services, to have access to tenant data and contact information from smart devices whilst out in the community.

3.4 **Climate Change and Air Quality**

- 3.4.1 The climate change impacts are minimal, however, some improvements will be gained through less travel (better access to digital information on smart devices whilst in communities).

3.5 **Improving outcomes for children**

- 3.5.1 Improved data on our properties and tenants will enable the Council to understand where vulnerable children and adults are living and be able to tailor support to them. For example, if a case of damp and mould is reported and a child is living in the property, this case would be prioritised due to children being at a higher risk.
- 3.5.2 The redesigned customer journey has identified opportunities to offer more financial support to tenants and families when they first sign up to a tenancy with officers able to direct tenants to available support and grants in addition to checking all possible benefits are being claimed.

3.6 **Financial Implications**

- 3.6.1 The total costs incurred to date on the Cx Implementation Project are £919,220.32 including future committed expenditure to the end of this financial year (23/24). The initial budget allocated to the project was £1m, and £80,779.68 of this budget remains available (further financial breakdown has been provided in the business case). If option two is recommended by Cabinet, this will cost an additional £1,279,602.82. The budget will be allocated from the Housing Revenue Account's Capital plan, which currently has £2.5m allocated for IT system replacements and provides for the £1m already approved for the Cx project.
- 3.6.2 The increased costs associated with the replacement of the Housing Management IT Project are already accounted for as part of the Homes and Neighbourhoods' Capital IT Programme. However, increasing the cost of Cx will have a financial implication on other planned IT system replacements (repairs and assets) where additional HRA capital investment will need to be allocated for these replacements.

The options appraisal and detailed financial breakdown within Appendix One demonstrates the different options explored for continuing with the implementation of a Housing Management IT system, which also included identifying options that would provide the best value for money. This has been particularly considered when reviewing resource requirements (aiming to recruit from within the organisation where possible rather than bringing in external resources) and by ensuring that the additional work carried out by Civica is cost effective to the project.

3.7 **Legal Implications**

- 3.7.1 The procurement and legal implications have been thoroughly considered and continuing with Civica is deemed to be the most appropriate to protect the Council's strategic and financial interests. The contract has a facility to be extended and was awarded on 31 December 2020 for five years with the option to extend for two years, allowing the contract to extend until 30 December 2027.

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

- 3.8.1 Whilst this is a service system, it has cross-council implications and as such will require the commitment of resources from a number of corporate teams as well as other services who are involved in delivering Homes and Neighbourhood services. Homes and Neighbourhoods' existing IT system no longer provides opportunity to drive change in the business to benefit residents. Based on an assessment of the project risks and the investment proposed, the balanced view is to drive the implementation of Civica CX. This will bring benefits to residents and the business in the shortest time frame without losing any of the work done to date.
- 3.8.2 The Integrated Impact Assessment (IIA) has recently been updated and is now live on the Council's website (Case ID: IIA-577593106). No major concerns raised. IIA has been approved by both the project senior responsible officer and the critical friend from Homes and Neighbourhoods Improvement Board.

4. Consultation

- 4.1 The options identified within the business case have been considered by Growth and Regeneration Senior Leadership Team (SLT), the Transformation Programme Board, the Homes and Neighbourhoods Improvement Board (HNIB) and the Executive Leadership Team (ELT). HNIB also includes the Chair of the Tenant Voice Panel. All parties recommended the Council do not continue to explore procuring an alternative IT system and that the option proposed (18-month delay to implementation) progressed, as set out within this report.
- 4.2 The HNIB has nominated a Board member as a 'critical friend' for this project who continues to provide officers with on-going support and advice.
- 4.3 As part of the review, officers consulted with several organisations (including other Local Authorities and Housing Associations) to gather their feedback and experience in relation to the implementation of Cx and continue to engage with some of these to share learning and best practice.

5. Engagement

- 5.1 Officers have engaged with staff and managers across Homes and Neighbourhoods and other parts of the Council throughout the duration of the project.

6. Options

6.1 Options considered

- 6.1.1 A detailed breakdown of options explored has been provided in detail in the appendix (Business Case). The recommendation proposed to the Cabinet is:

To continue to implement Civica Cx (extending project by eighteen months to approximately September 2025). Total cost: £1,279,602.82.

- 6.1.2 The recommendation is reliant on having resource in post and is dependent on the length of the recruitment/onboarding processes. Difficulties in recruitment have been factored in, with Senior Leadership Team and People Panel having early oversight of recruitment and the recommendation to delay by 18-months is to take into account the possibility of challenges with recruitment.

6.1.3 Alternative options have also been explored, including ending the contract with Civica and procuring an alternative Housing Management System. This option was considered by the Growth and Regeneration Senior Leadership Team (SLT) and Homes and Neighbourhoods Improvement Board (HNIB). However, further exploration of this option was not supported due to the likely significant time, cost, operational and strategic risks associated with this option.

6.2 Reasons for recommendation

6.2.1 The recommendation is considered to be the most realistic and deliverable option. Whilst the options appraisal concluded that it is possible to implement the system within twelve months, this option would present a higher risk profile and also would not allow for any potential delays with recruitment and on-boarding of new resources. The Council will use best endeavours to deliver go-live within 12 months which would result in some savings against staffing cost.

7. Next steps and timelines

- 7.1 Subject to Cabinet approval of the recommended option, officers will begin recruitment to ensure the project is adequately resourced to enable the work to move at pace. At a high-level, the proposed next steps are:
- February 2024 - develop recruitment business cases (Request to Fills - RTFs) and the specification for the Data Migration Lead contract. Officers will aim to seek approval for RTFs from SLT and People Panel in mid-February, but these will only progress to the final stages following approval from the Cabinet. [Complete]
 - February 2024 - reconvene project boards and forums, including revisiting Terms of Reference and membership for fortnightly Project Management meetings and weekly stand-ups. [Complete]
 - March 2024 - finalise detailed project plan and identify specific resources and teams required at each stage.
 - March 2024 - re-engage with wider workforce in relation to new timescales and staff members identified as 'early adopters' (pending Cabinet approval).
 - March 2024 - commence recruitment and procurement of roles (subject to Cabinet approval).
 - March 2024/April 2024 - commence on-boarding of roles and re-establish project team, roles and responsibilities and activities.
 - April 2024 - data pass conducted and data tested by service staff.
 - April 2024 - all process redesigns are completed and signed off.
 - May 2024 - test scripts completed (for use during testing of the system to report errors).
 - May 2024 - Abritas upgrade is completed (including staff testing and training).
 - June 2024 - data mapping (within processes) is completed.
 - June 2024 - data cleansing is completed.

- July 2024 - second data pass completed and data tested.
- August 2024 - reporting is defined (future user requirements understood and gap analysis conducted).
- November 2024 - User Acceptance Testing begins (following final data pass).
- December 2024 - reporting data model is developed.
- February/March/April – Classroom training for staff.
- Go-Live identified for April/May 2025.

Please note – although the project did pause to undertake a review, low-risk activity has continued (e.g. completing IT builds already in development, finalising redesigns, fixing technical issues) in readiness for the project to restart in March 2024, subject to Cabinet approval.

The timescales above are based on a 12-month implementation plan beginning in March 2024 and is dependent on staff being in post. Officers have recommended an 18-month timetable with go-live with the minimum viable product in September 2025.

- 7.2 The recommended option identifies September 2025 as the date Cx will be implemented. However, officers are aiming to use best endeavours to complete this within 12-months.

8. Contact officer

- 8.1 Sarah Thistlethwaite
Service Development Manager, Homes and Neighbourhoods
Tel: 01484 221000 ext 71590
Email: sarah.thistlethwaite@kirklees.gov.uk

9. Background Papers and History of Decisions

- 9.1 A report was presented to Cabinet in November 2020 to request approval to draw down reserved capital to procure a new housing IT system for Homes and Neighbourhoods (then KNH). The report can be found [here](#).

10. Appendices

- 10.1 A business case has been provided in addition to this Cabinet report at Appendix One.

11. Service Director responsible

- 11.1 Naz Parkar for Homes & Neighbourhoods
Tel: 01484 221000 ext 75312
Email: naz.parkar@kirklees.gov.uk

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Report Title: Council Housing Asset Strategy and Investment Plan

Cabinet	12 March 2024
Cabinet Member	Cllr Moses Crook Housing & Highways
Key Decision	Yes Affects all wards and will result in spending over £500k.
Eligible for Call In	Yes
Purpose of Report To seek agreement from Cabinet to the adoption of an Asset Management Strategy for Council Housing and to the capital plan to support delivery of this strategy.	
<p>Recommendations</p> <p>It is recommended that Cabinet approves:</p> <ul style="list-style-type: none"> • The Asset Management Strategy for Council Housing 2024-2029 for adoption and implementation. • The proposed 5-year capital plan and the additional £4.4m from the HRA required to fund this. • The approach to be taken to asset option appraisal. • The delegation of powers to the Strategic Director, Growth and Regeneration and the Service Director Finance to agree annual capital plans and programmes in line with the approved 5-year capital plan. • The delegation of powers to the Service Director, Homes and Neighbourhoods in consultation with the Service Director Legal, Governance and Commissioning, to agree and negotiate the terms of and to enter into any Funding Agreements and other documentation to enable individual projects and schemes to proceed. • The delegation of powers to the Strategic Director, Growth and Regeneration in consultation with the Service Director Legal, Governance and Commissioning to award future tenders for works within the approved 5-year capital plan, subject to the production of robust and affordable business cases. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • The 5-year Asset Management Strategy for Council Housing will provide a framework for service improvement to enable compliance with statutory requirements and support improved outcomes for residents living in council housing. • The 5-year capital plan represents the investment needed to support delivery of the Strategy and to provide safe, good quality homes for council tenants. The 5-year capital plan is affordable and capable of delivery through teams in Homes and Neighbourhoods, working with contractors and the supply chain. 	

Resource Implications:

- The proposed 30-year capital plan requires an additional £71.2 million investment in Council housing. This will be financed through the Major Repairs Reserve (MRR) and revenue contributions to capital outlay (RCCO) from the HRA with any additional amounts being financed through new borrowing and reductions to capital proposals for new builds and development activity to support this plan.
- The 5-year Asset Management Strategy for Council Housing and capital plan will require changes to service delivery and the way schemes are procured. There are sufficient staff resources within Homes and Neighbourhoods to deliver the Strategy and the capital plan. There will be a requirement for corporate services such as Procurement, Finance and Legal to support the delivery of works procured from external contractors.

Date signed off by Strategic Director & name

David Shepherd
Service Director Growth and Regeneration
20 December 2023

Is it also signed off by the Service Director for Finance?

Isabel Brittain 29 February 2024



Is it also signed off by the Service Director for Legal Governance and Commissioning?

Julie Muscroft 1 March 2024

Electoral wards affected:

All wards.

Ward councillors consulted:

None.

Public or private:

Public report and appendix.

Has GDPR been considered?

GDPR has been considered and there are no implications arising from this report.

1. Executive Summary

- 1.1 This report sets out a new five-year strategy for the Councils housing stock and the investment that will be made to support this.
- 1.2 The strategy supports our vision for Kirklees to be a district combining a strong, sustainable economy with a great quality of life. Good homes and thriving local neighbourhoods are part of the foundation of this vision, supporting all our shared outcomes.
- 1.3 Good homes in thriving neighbourhoods support the delivery of all of the shared outcomes set out in the Councils four key partnership strategies and the Council Plan ([link](#)). Good homes in thriving neighbourhoods enable people to live independently and well, feel safe, give their children the best start in life, and support a sustainable economy with the skilled jobs required to develop and maintain local housing.
- 1.4 The strategy and investment plan also support the ambitions set out in Our Council Plan to address financial pressures in a fair and balanced way, to transform council services, to deliver a greener and healthier Kirklees, and to continue to invest in the future. The strategy and investment plan will enable the Council to improve outcomes for residents through better engagement, improved services, and a more coordinated and targeted approach to delivering improvements to homes. The strategy provides a framework to underpin

continuous improvement of service delivery and to ensure a focus on the areas that will be of the most benefit to residents and the Council.

- 1.5 The prioritisation of investment in existing homes to ensure they are safe and of good quality is of paramount importance to the Council and this is demonstrated by the scale of investment in homes that will be made through the HRA Business. The 30-year capital plan makes provision for investment in homes to ensure they are upgraded to and maintained at modern standards.

2. Information required to take a decision

Statutory Requirements

- 2.1 The Economic and Consumer Standards issued by the Regulator of Social Housing set out the statutory requirements for landlords to adhere to. The Home Standard deals with the quality of accommodation and repairs and maintenance and includes requirements that landlords must:

- ensure homes meet the standards in the Governments Decent Homes Guidance
- provide a cost-effective repairs and maintenance service that responds to the needs of, and offer choices to, tenants and aims to complete work right first time
- meet all applicable statutory requirements relating to the health and safety of residents
- ensure a prudent, planned approach to repairs and maintenance, demonstrating an appropriate balance of planned and responsive repairs and value for money
- co-operate with relevant organisations to provide an adaptations service that meets tenants' needs

- 2.2 In April 2024, The Home Standard will be replaced by the Safety and Quality Standard as the Social Housing (Regulation) Act 2023 comes into force. The Safety and Quality Standard extends the requirements to ensure homes are safe and of an appropriate quality and includes provisions for registered providers to:

- have an accurate, up to date and evidenced understanding of the condition of their homes that reliably informs their provision of good quality, well maintained and safe homes for tenants
- take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas
- provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal areas for which they are responsible
- assist tenants seeking housing adaptations to access appropriate services

- 2.3 At the close of 2022/23, 6.5% or 1,415 properties did not achieve the requirements of The Home Standard and were classed as non-decent.

Asset Strategy

- 2.3 The strategy sets out a 5-year plan for council housing assets and seeks to ensure statutory compliance as a minimum and to address the investment needs of homes whilst

acknowledging the challenges faced. It establishes a number of 2 and 5-year pledges to help drive progress and provide step targets for improvement.

2.4 The strategy provides the priorities for action that officers will need to focus on over the next five years to improve homes and services, and has eight priorities:

- Ensuring a resident focus in our work and improving their experience of services
- Providing safe homes and raising the quality of homes and neighbourhoods
- Delivering effective and efficient repair & maintenance services
- Delivering a new approach to void property maintenance
- Delivering a new approach to planned investment
- Decarbonising homes
- Developing our approach to intelligent and intelligence-led asset management
- Building the right resources to deliver our work

2.5 The strategy has been developed based on reviews of void process and performance, the effectiveness of the Direct Labour Organisation (DLO) and the client function as well as on what asset data tells us about the state of council homes. The strategy sets out the high-level objectives for change and actions to be taken based on these and other reviews. Detailed action and project plans for changes to services will be developed to enable the strategy to be delivered.

2.6 The delivery of the strategy requires not only an investment in homes, but also in staff and delivery mechanisms. Developing the way services are delivered means upskilling and reskilling the workforce so that works are designed for the future, of a high quality and resident focussed. Ongoing transformation projects in Homes and Neighbourhoods are already redesigning processes and procedures to ensure clarity of function and purpose for officers and to help them adjust the way they work to align with this.

Capital Programme

2.7 In parallel with the development of the Asset Management Strategy for Council Housing, detailed analysis of the requirements for investment have been undertaken. This analysis shows that based on asset data held, there is a backlog of investment of £125m to the end of 2023/24 and over the next 10 years an estimated additional £225 million needs to be invested in homes. The cost projections are based mainly on the age and lifecycle of components as the level of current stock condition data is low. Failure of building components under the Decent Homes Guidance is based on age and condition and so gathering up to date stock condition information is key going forward. Appendix 3 provides a breakdown of the investment requirements by component workstream.

2.8 In 2022/23 the Your Home, Your Place capital investment programme for existing homes moved from 'whole-house' to a worst-first component led approach. The whole-house approach resulted in investment impacting a small number of properties every year and did not support achievement of The Home Standard. A worst first component led approach will better enable statutory compliance with standards of quality and decency for homes.

2.9 The sums estimated as required for investment are greater than provisions made in previously agreed capital budgets. The scale of investment is such that it is not feasible to

fund and deliver the entirety of all workstreams within a 5 or 10 year period but over the life of the 30 year plan virtually all requirements have been planned and budgeted for. As the projections are based only on the age of components not their age and condition, they should represent investment beyond that needed to achieve decency under The Safety and Quality Standard. The analysis has been used to develop investment plans which address the backlog and largely deal with future investment requirements in an affordable and deliverable way. The plans identify budgets at component workstream level in order to target and apportion spending to help achieve the investment levels required.

- 2.10 Planning by workstream also helps provide visibility of the delivery pipeline, providing clarity for the DLO on spend levels and enabling workforce and capacity planning and supporting the development of a procurement strategy for works to be tendered to external contractors. In previous years the DLO have delivered non-specialist capital improvement works either directly or through sub-contracting. From 2024/25 the DLO will focus on capital works to the inside of people's homes (e.g. kitchens and bathrooms), and external works (roofs, windows, render) will be tendered to external contractors and managed by the client team. In the long term, this approach will improve the efficiency of delivery and reduce costs.
- 2.11 The 30-year plan includes investment at the levels required in the majority of component workstreams, but there are some where investment falls below the projected requirement. Most of these shortfalls are below £500k, those that are greater than £500k are:
- Electrical installations £3.9m
 - Kitchen fittings £802k
 - Roofs £510k
 - Protective installations £2.2m
- 2.12 The shortfall in spend on electrical installations is considered to be low risk as EICR testing is carried out every 5 years and critical faults are dealt with immediately, as such all installations are safe and legal. Homes are partially rewired when undertaking renewal schemes (e.g. kitchens and bathrooms) and partially or fully rewired as required when void. The shortfall on kitchens and roofs is considered to be a low risk and as stock condition data is updated this will be addressed. The shortfall on protective installations (sprinkler systems) is not an actual shortfall as these works will be undertaken as part of the refurbishment of Retirement Living Schemes and provision has been made for this work through other capital scheme budgets. The shortfall stands at a total of £4.4m once the value of the protective installation requirements has been omitted. These shortfalls should not impact on the achievement of decency under The Home Standard.
- 2.13 Having up to date stock condition survey information will enable more accurate assessment of the need and timescales for component renewal. It will also support wider capital planning to integrate programmes of work – e.g., fabric first retrofit targeted at homes where there are recurrent or ongoing damp, mould and condensation issues. A commission to carry out stock condition surveys will be developed and will look to collect up to date information on at least 80% of homes within a 2-year period. Once this initial survey process is completed, a rolling programme of 20% of stock per annum will be delivered in-house. Drawing wider data sources into planning activity will complement stock condition information and represent a more intelligence-led approach – e.g., repairs data on high spend components or homes.
- 2.14 Until such time as more current stock condition information is available and data has been integrated to support capital planning, surveys will take place for each year's capital

programme to ensure that inclusions represent the worst first approach and are properly prioritised. Annual programmes and budgets will be developed in a way that enables flexibility in year to deal with unforeseen issues through the dynamic planned maintenance initiative.

- 2.15 Investment in component renewal will increase in years 3 through to 5 (26/27 to 28/29) so that strategy and workforce development can take place. Over the same period data coverage and quality will be increased and improved to support better intelligence-led planning. This will help to ensure that funding is targeted efficiently and to reflect the priorities of Homes and Neighbourhoods, the wider Council and those in play nationally.
- 2.16 To help manage demands and pressures on the capital programme and extend the life of components a programme of cyclical (revenue) maintenance was reintroduced in 2023/24. The absence of cyclical maintenance over recent years has contributed to increasing levels of component failures particularly in relation to roofs (decoration of fascia's, soffits) and fencing. This has also resulted in increased demand for repairs.
- 2.17 In addition to ensuring homes are properly maintained and meet The Safety and Quality Standard in terms of their condition and decency, there is a need for considerable investment in building safety works, and in particular fire safety works, to ensure and improve the safety of homes and residents. Workstreams for building safety investment have been included in the 5,10- and 30-year plans based on the age and condition of components, as well as recent spend on remedial works. Works to deal with high priority remedial fire safety works are ongoing with a large number already completed. For the four high-rise buildings in council ownership, two are being decanted in preparation for demolition and site redevelopment, one is being decanted to enable remodelling and refurbishment works and the fourth is undergoing works to deal with fire safety requirements. Future investment in fire safety remedial works in blocks other than high-rise was the subject of a separate report to Cabinet at its meeting on 11 April 2023.
- 2.18 The Capital plan also makes provision for investment to address the energy efficiency and decarbonisation of homes. At present an allowance has been provided of £1.5m per annum, to support fabric-first retrofit. Workstreams to renew and replace components in homes will have an impact on their energy efficiency and technical specifications will be developed to ensure works support the achievement of targets in these areas. The heating workstream of the capital plan looks to increase the level of investment from 2026/27, this is to allow time for pilot schemes and analysis of appropriate solutions for different types of homes and to set out a plan for ceasing to install gas boilers and to move to new technologies. A Decarbonisation Strategy is being developed and will be in place by the autumn of 2024. This Strategy will support the production of a costed roadmap to achieve energy efficiency targets which will be incorporated into future capital plan reviews.
- 2.19 To enable the level of investment required in existing homes, the development programme for new build and regeneration has been reduced. The plan makes provision for existing commitments on high-rise regeneration and redevelopment, extra care and the redevelopment of Sycamore Grange to be delivered. The provision for housing growth through buybacks and S106 reduces through 2024/25 to 2026/27. From 2027/28 onwards £1m per annum has been provided for growth through conversions of existing buildings where this is of strategic benefit to the council and to take up S106 opportunities. This provision will be reviewed annually and as the outputs from the asset option appraisal become known, these will be fed into the planning process for development budgets.

Asset Performance Modelling

- 2.20 Wider performance modelling of homes has been carried out by looking at contributing four areas and assessing how these impact on individual properties. The four areas assessed are:

- **Assets** – the investment needs and demands of assets. Including repairs and void demand as well as forecast costs and property data.
- **People** – what residents and staff say about the performance of homes. Including tenancy length and turnover data as well as perception information from council officers.
- **Finance** –the relative cost of managing each asset derived through intensive testing and distribution of costs and income.
- **Markets** – comparison data around rents, values, deprivation and other local factors.

2.21 The performance modelling places properties into one of three categories:

- **Class A** – homes that represent sustainable core stock and perform well.
- **Class B** – homes that are not fully sustainable as some aspects do not perform well.
- **Class C** – homes that are potentially unsustainable as they do not perform well.

This modelling shows that 60% of properties fall into class A, 24% into Class B and 16% into Class C. Houses perform better than flats with 85% of them in Class A, 10% in Class B and 5% in Class C. 49% of flats are in Class A, 30% in Class B and 21% in Class C.

2.22 Over the next two years those homes categorised as Class B and C, will be assessed further to understand the reasons for their current performance. In cases where there may be underlying issues, an option appraisal will be conducted to help decide on the best course of action for their future. To help do this an option appraisal framework will be developed and will build on the inputs to the performance model. A typical option appraisal will consider a range of key viability or sustainability factors including:

- The financial performance (NPV/return) of the home or homes.
- Operational intelligence (data) on how the assets are performing including energy performance.
- Operational judgements about how the assets are performing.
- Socio-economic and/or neighbourhood sustainability factors.
- Changing resident needs, demands and expectations.

2.23 In some circumstances, alternative options may need to be considered for properties if they no longer meet resident or Council needs.

2.24 For those homes assessed as performing below requirements (Class B and C), until stock condition information is more up to date, and full option appraisal has been carried out, works to be carried out will be considered as part of annual programme development. Ensuring the decency of these homes until longer term decisions are made, will be critical.

A full programme of improvement and investment works will apply to homes categorised as Class A.

3 Implications for the Council

3.1 Working with People

3.1.1 The proposed Strategy and capital plan will support the improvement of service delivery to residents of council homes and the provision of good quality, safe homes. Engagement with residents to develop proposals for homes and neighbourhoods will be essential to the delivery of the Asset Strategy.

3.2 Working with Partners

3.2.1 Schemes and projects to be delivered through the capital programme will be developed through engagement with partners or using intelligence they have provided. Estate landscaping and improvement schemes will support safer neighbours and look to design out opportunities for anti-social behaviour and criminal activity. Fire and Building Safety schemes will seek input from West Yorkshire Fire and Rescue Service and act upon intelligence provided by them during inspections. Health partners will be engaged to help design schemes and services that support tenant health and wellbeing in relation to their homes (for example to reduce damp, mould and condensation).

3.3 Place Based Working

3.3.1 The proposals are informed by intelligence and evidence about the condition and safety of homes and neighbourhoods and offer appropriate local solutions. Working with ward members and residents to develop learning from similar schemes will help to tailor proposals to the needs of Kirklees as a place and the individual needs of its distinct communities.

3.4 Climate Change and Air Quality

3.4.1 The Asset Strategy includes a priority for 'Decarbonising Homes' and an action to develop a Carbon Reduction Strategy. The government has set a target for all social housing homes to be brought up to band C for energy performance (Energy Performance Certificate) by 2030 and to be net zero carbon by 2050. Kirklees Council has declared a climate emergency and set a target of 2038 to be net zero carbon. It is not currently feasible to fund the costs of whole house retrofit to all properties, additionally, there will be properties where achieving SAP band C is exceptionally difficult or costly. For this reason, a fabric first approach needs to be taken to improving the carbon performance and energy efficiency of homes. The specification of capital renewal schemes will be developed to support the achievement of SAP band C and net zero, e.g. specification for window units and their installation to achieve specific u-values and air tightness levels. The model for option appraisal referred to at 2.21 will include criteria relating to the ability of homes to achieve SAP band C or above and the cost and deliverability of this.

3.4.2 Seeking funding from sources other than the HRA will be necessary to support achievement of net zero. The council has already been successful in obtaining funding for fabric first retrofit to homes through mechanisms such as the Social Housing Decarbonisation Fund. Horizon scanning for funding opportunities needs to continue and be broadened to look at other possible funding approaches.

3.4.3 The environmental impacts of delivering the capital plan and Asset Strategy will be established by gathering learning and intelligence from different schemes and pilot projects. The carbon impact of removal, re-use and recycling of existing materials when delivering works will be quantified where possible and ways to minimise this sought. The carbon impact of new materials and different construction and delivery methods will also be assessed. Page 442

to develop toolkits and specifications for future schemes to manage environmental impacts in the most appropriate way.

3.5 Improving outcomes for children

3.5.1 The improvement of homes and the achievement of The Safety and Quality Standard will contribute to improved living standards for those children who live in council homes. The provision of warm, safe homes should lead to better physical and mental health for children and young people. Many young people who are care leavers live in Council homes and the strategy will help to ensure that they live in good quality homes that support their safety and wellbeing.

3.6 Financial Implications

3.6.1 The proposed 30-year capital plan to support delivery of the Asset Strategy requires an additional £71.2 million investment in Council housing. This will be financed through the Major Repairs Reserve (MRR) and revenue contributions to capital outlay (RCCO) from the HRA with any additional amounts being financed through new borrowing and reductions to capital proposals for new builds and development activity to support this plan.

3.6.2 The HRA Business Plan is reviewed annually, as stock condition survey information is updated this will be fed into the annual review process to ensure the capital plan is adjusted to reflect current investment needs.

Financial Implications for people living or working across Kirklees Council

3.6.3 Works that improve the fabric of homes (such as insulation provision or renewal) should improve thermal performance and help residents to keep their homes warm at a lower cost. The Carbon Reduction Strategy that will be developed, will look at the affect of changes to homes on residents, balancing the cost of living and quality of their home with its impact on the climate.

3.6.4 Many of the works proposed will be tendered to the contractor market and this offers opportunities for local employment and investment. Larger schemes will include requirements for social value as part of the tender, this could include training and jobs and investment in local community infrastructure. The programmes of work also offer the opportunity to develop local contractor and supply chain relationships.

3.7 Legal Implications

3.7.1 The Asset Strategy and investment plan will support the Council in ensuring that council housing meets all relevant statutory requirements relating to the management, maintenance and repair of homes.

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

3.8.1 An initial Integrated Impact Assessment for the Asset Strategy was carried out on 22 January 2024, and can be found [here](#)

3.8.2 All the projects within the capital plan will ensure that where changes are made to building elements or layouts that they are done in a way that is accessible and enables full, safe and proper use by people with disabilities. Designs will take account of guidance on best practice as well as statutory requirements in relation to dementia, physical and visual disabilities, and impairments.

3.8.3 A Stage 1 Integrated Impact Assessment was carried out on the proposals for fire safety remedial works on 8 February 2023 and a Stage 2 Integrated Impact was not required. The proposals have a largely neutral effect on equalities, with disability being the protected

characteristic most likely to be impacted. As proposals for these works are developed, the Integrated Impact Assessment will be reviewed and updated.

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	4	4.2	8.2	0	2	2	No
Environment		4	4	5	2	7	No

4 Consultation

- 4.1 If the investment proposals are agreed then formal engagement with residents about individual projects and proposals for work will be needed. Engagement will be tailored to the different cohorts of residents and stakeholders involved and support schemes to be developed appropriately by understanding their impact on residents.
- 4.2 Project teams include Quality Liaison Officers whose role is to understand the individual needs of residents and households so that plans can be developed in a way that minimises disruption and supports residents through the build period. These officers manage day to day communication through during the build period and work with residents to ensure it is tailored to their needs, e.g. through supporting the use of respite and decant properties should they be needed.
- 4.3 Some aspects of schemes will require planning permission and where this is the case, formal consultation will take place.
- 4.4 The Council's Tenant Advisory & Grants Panel and Tenant Voice Panel were consulted on this report at their meeting on 31 January 2024 and were supportive of the proposals. The panels asked for more information on how the pledge to 'build an effective resident involvement framework that actively helps shape and inform our repairs service and planned maintenance works' would be developed and who would be involved. The panels were informed that a range of engagement and involvement would take place and that they, Tenant and Resident Associations and other tenants would be involved in developing the framework and re-designing services.

5 Engagement

See Consultation section above.

6 Options

6.1 Options considered

The Asset Strategy has been developed to reflect the findings of reviews of service delivery and performance and to support the achievement of legal standards for housing asset management. The reviews have looked at how services are currently delivered, how council performance compares to the wider sector and the changes needed to improve services to be in line with higher performers. As plans and projects needed to deliver the Strategy are developed, options for service design will be considered and consulted on, with recommendations made on the most appropriate options for final development and adoption. The option appraisal work referred to at 2.2 will result in further proposals for investment in homes.

6.2 Reasons for recommended option

The Asset Strategy provides an appropriate framework to ensure legal compliance and for the development of plans for service change and redesign that will improve

performance, the resident experience and journey. The investment plan represents an affordable and deliverable approach to improvement of homes.

The Homes and Neighbourhoods Improvement Board considered the Asset Management Strategy, capital investment plan and this report at its meeting on 14 February 2024 and recommends it for Cabinet approval.

7 Next steps and timelines

- 7.1 Once agreed the Asset Strategy will be implemented and detailed delivery projects and action plans developed.
- 7.2 Capital programmes will be developed and delivered annually based on the proposals set out in this report.
- 7.3 A project team will be convened to develop the approach to option appraisal of underperforming properties.

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9 Background Papers and History of Decisions

- 9.1 On 11 April 2023 Cabinet was presented with a report on the procurement of fire safety remedial works to 6-storey, low-rise and retirement living scheme blocks. The report can be found [here](#) and the decision [here](#).
- 9.2 An Integrated Impact Assessment was carried out on the new service delivery model for damp, mould and condensation in November 2023 and can be found [here](#)

10 Appendices

- 10.1 Appendix 1 – Asset Management Strategy 2024 – 2029
- 10.2 Appendix 2 – Your Home Your Place Component Workstream Investment Requirements
- 10.3 Appendix 3 – Proposed 10 Year Capital Investment Programme
- 10.4 Appendix 4 – 2024/25 Capital Programme unit numbers

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Council Housing Asset Management Strategy

**Creating solid foundations
2024 - 2029**

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Foreword

'Our Asset Management Strategy sets out how we will go about creating solid foundations for our asset management activities and services.

The strategy is pivotal to us having the right approaches and actions in place to make sure the homes we provide are safe, well maintained, of improving quality, and meet the needs of current and future residents. It will also help deliver the Council's vision and ambition for our homes and services.

The strategy is built around 8 priorities that provide the overarching framework for how we will focus our activities on the most important things over the next five years. In this way we can do what we need to raise the condition and quality of our homes, neighbourhoods, and services, as well as respond to the changing needs and expectations of residents. In delivering the strategy we will work to reduce both fuel poverty and impact on the environment by investing in improvements to homes to make them more energy efficient and to provide alternative sources of heat and power.

Whilst focussed on the next five years, the strategy also provides the basis for a much longer-term approach to investment and decision making."

Councillor Moses Crook, Cabinet Member Portfolio Holder for Housing & Highways

Our asset management ambitions

Our vision is for Kirklees to be a district combining a strong, sustainable economy with a great quality of life. Every day we work together with people and partners in places across Kirklees to enable this vision and deliver our shared outcomes. Good homes and thriving local neighbourhoods are part of the foundation of this vision, supporting all our shared outcomes.

Good homes in thriving neighbourhoods enable people to live independently and well, feel safe, give their children the best start in life, and support a sustainable economy with the skilled jobs required to develop and maintain local housing. We owe it to our residents to enable this vision, and we will only achieve our ambitions through our ongoing commitment to good homes and thriving neighbourhoods.

We are constantly striving to deliver modern, efficient, and effective services within the finances available, but this is now more important than ever. In Our Council Plan ([link](#)) we have set out our ambitions for transforming our services in a fair and balanced way whilst continuing to invest in the future and deliver a greener and healthier Kirklees. Our ambitions in asset management are central to these plans.

This asset management strategy represents a step-change in how we will go about investing in homes and neighbourhoods. It reflects a more strategic approach to decision making, reviewing options, and selecting priorities for action based on insight from accurate and up to date information and intelligence.

This strategy sets out a five year plan for our housing assets and seeks to address historic underinvestment. We can't do this overnight, so we have set some two year, and five year pledges to help drive the progress we need to make.

To help us on our journey, we are determined to introduce and adopt the very best professional practice in asset management. For example, we have already introduced some improved practice in better understanding the condition and investment needs of homes. We have fed a range of data and insights into our new asset performance tool and will be using this to actively shape and inform our decision-making processes.

We also need to build on our existing strengths. One of these is the wider social value our operations and activities bring through our in-house workforce. Our Direct Labour Organisation (DLO) employs many local, skilled operatives which helps keep our expenditure local and allows us to invest in our successful apprenticeship scheme.

We have already made a strong start, so this strategy continues to build on these initial steps and put in place the foundations we need for a strong, sector leading approach to asset management.

The ultimate objective is for us to improve the condition and standard of our properties over the next five years, so they provide better maintained, better quality, more modern homes for our residents.

What is asset management?

'Asset Management' is the term used to describe the range of activities we need to carry out to repair, maintain and improve all our homes so we reflect changing policy and practice, modern standards and the evolving needs of tenants.

While asset management includes repairs and maintenance, it is about much more than this; it is about updating, improving, and investing in properties so they provide homes we can be proud of for the 2020s' and beyond. Our strategy therefore includes a wide range of work and activities including maintaining safe and healthy homes, tackling climate change by reducing carbon emissions, modernising our sheltered housing and placing a focus on the needs of our tenants.

Our two and five year pledges

Within the next two years we will...

- Raise levels of satisfaction with the repairs service to at least average benchmark levels
- Build an effective resident involvement framework that actively helps shape and inform our repairs service and planned maintenance works.
- Bring all homes up to the current Decent Homes Standard.

- Develop and implement clear policies and procedures to manage disrepair, damp, mould, and condensation effectively.
- Use our Dynamic Planned Maintenance initiative to tackle the backlog of most pressing and visible overdue items.
- Reduced our expenditure on void property maintenance to an affordable level.
- Develop and put in place a Decarbonisation Strategy for homes and operations.
- Work to better understand the reasons and options for our poorer performing homes and estates
- Establish our DLO on a firm business footing, supported by a strong strategic client role.

Over the next five years we will...

- Redesign our repairs service and systems, supported by modern and effective IT platform.
- Have well established planned maintenance programmes that are designed to meet the investment needs of homes and built around the known priorities of residents.
- Ensure all homes are continually maintained at the prevailing Decent Homes Standard.
- Have a portfolio of homes that benefits from sector leading approaches for proactive and preventative maintenance, including excellence health and safety compliance.
- Put in place a new approach to preparing empty properties that is effective, affordable and fair.
- Have tackled the backlog of planned maintenance and have a proactive programme that keeps on top of the investment needs of homes.
- Have begun to implement our Decarbonisation Strategy for homes and operations, supported by the additional skills and resources needed to expand our work in this area.
- Have well established systems and approaches for reviewing and acting on the needs of our poorer performing homes and estates through option appraisal.
- Have built up our DLO to be a well performing business of sufficient scale to maximise its contribution to repairing and maintaining homes.

Our homes

Our housing portfolio contains around 21,500 social rented homes and we also manage 1,150 leasehold homes. All our homes are within the Borough of Kirklees, and we are the largest landlord in our area.

Over 40% of homes we own are houses, 40% are flats and maisonettes and 15% are bungalows.

Of our homes, 504 (2%) are used for supported housing.

We spend around £10m each year carrying out day to day responsive repairs and minor works and around a further £10m carrying out servicing and checks of heating, fire safety systems, lifts and other installations.

Every year we relet around 1,500 homes, equating to a turnover of tenancies of around 7%. In recent years the amount of money we spend on preparing properties for reletting has increased significantly and in 2021/22 reached £11.7m, equating to around £7,400 per home.

We have a development programme that aims to provide more additional homes than we lose through Right to Buy.

Our challenges

Tenant experience

Despite some recent improvements, levels of satisfaction with our repairs and maintenance services and the quality of homes remain lower than we want them to be. In the annual STAR Survey, we continue to rank in the bottom quartile on many measures compared with similar landlords in our peer group. We want to be better at dealing with repairs and maintenance, including carrying out repairs more quickly and addressing concerns about the quality of homes we provide.

We want to be more proactive in involving and engaging with residents so their views can help shape and inform our wide range of repairs and asset management services.

Home quality standards

We have some homes that do not currently meet the government's Decent Homes Standard. We need to remedy this by addressing items of disrepair (including damp and mould) and through targeted planned programmes including kitchen and bathroom replacements.

The overall quality and condition of homes falls short of our aspirations. However, the level of resources available to us for improving the quality of homes over the next few years will make it challenging for us to meet the markedly higher standards we would like to provide.

We are keen to review the quality and environment of external shared areas on estates, due to ageing hard landscaping, poor quality grounds maintenance and current caretaking services capacity. It is crucial that we continue to focus on the upkeep and maintenance of these external areas, to improve the environment for residents.

Repairs and maintenance

Our performance in carrying out repairs and maintenance to homes and communal areas is below some of our targets, including timeliness and levels of customer satisfaction. We want to improve our performance so we carry out repairs and maintenance as effectively and efficiently as possible, meeting our obligations to keep homes in good repair, in a timely manner and at a cost that is affordable.

We must do this whilst meeting the wide range of new and pre-existing legislation and required practice to ensure residents are safe in their homes and addressing a range of identified fire safety issues through an ongoing programme of remedial works.

Preparing empty homes (voids)

The costs of carrying out the works in void properties is higher than we would like to see them and these often complete outside of the timescales we have set. We have already reviewed this service and are now acting on the findings and recommendations of an independent report, by taking a fresh approach to void property works.

Planned improvements

We know we have a backlog of planned improvement works to homes. This results in part from previous approaches to the targeting and delivery of improvements, as well as delays due to the pandemic. We will now place a strong focus on identifying and catching up on these works, putting programmes in place to tackle them.

We are investing in designing and resourcing new arrangements for maintaining and renewing external and internal building elements.

Decarbonisation

The government has set a target for all social housing homes to be brought up to band C for energy performance (Energy Performance Certificate) by 2030 and to be net zero carbon by 2050. Kirklees Council has declared a climate emergency and set a target of 2038 to be net zero carbon. We therefore need to continue to develop our understanding of the range of works and costs that will help us to meet this target. This needs to involve upscaling our plans and works programmes for retrofitting homes, so they have much higher levels of thermal insulation and use renewable energy.

Collecting and using survey data and intelligence

We are working hard to improve the accuracy and completeness of our property condition data and have invested in the development of a stock performance assessment tool. We will continue to develop the way we collect and update this data, so we can turn it into insight to help make properly informed decisions about how, when and where we spend money investing in homes.

There are some homes and estates that may have property condition and management issues that mean they may struggle to be suitable longer-term. We will therefore use the stock condition assessment outcomes to develop a more structured and consistent approach to appraising the options for investment works, remodelling or regeneration, coupled with the development of new Council homes.

Resourcing our work

The funding position of the Council's Housing Revenue Account (HRA) is limited and we are likely to have insufficient financial resources to maintain and upgrade homes to the high standards we would like, as well as to address new challenges such as achieving net zero. There will be pressures especially over the next few years as we seek to tackle the backlog of planned maintenance works. Additionally, many services provided to residents are funded through the Council's General Fund which is experiencing pressures. This presents challenges that need a joined-up approach to service provision.

Like many council landlords, we can find it difficult to recruit sufficient experienced people to plan, organise and deliver our repairs, maintenance, and investment works. We have a positive legacy of supporting and developing our own local workforce and we will renew our efforts to strengthen our team.

Our asset management strategy priorities

Our Asset Management Strategy is built around 8 priorities. These have been designed to deliver the right outcomes for residents and the Council. An action plan has been developed to address the challenges we face and set out how we will improve the approach to repairs, maintenance, and planned investment programmes. Through our two-, and five-year pledges we will take a staged approach to delivering our priorities so the actions are more manageable and aligned to the length of time it will take to deliver them.

The detail within each of the priorities has been designed to ensure we have the right blend of approaches and actions in place, so we target our financial resources and energies where they are most needed and to best effect.

It is crucial to recognise how our eight priorities are all inter-linked and cannot be seen in isolation. For example, delivering effective and efficient repairs and maintenance should also help drive the delivery of an improved resident experience. Likewise, delivering a new approach to planned investment relies on having an intelligent, data-led approach to asset management, whilst also raising the quality of homes and neighbourhoods.

By delivering our eight priorities we will strengthen the role and purpose of the Council in providing much needed, good quality affordable housing in the borough.

Ensuring a resident focus in our work and improving their experience of services

At Kirklees, we are determined to raise levels of satisfaction with homes and repair and maintenance services by improving the services we deliver and how residents experience them. We want to do this by ensuring a stronger customer focus around how we go about repairing and maintaining homes. To help us, we will actively work with residents, engaging with them and involving them in the design and delivery of our repair services and planned programmes of work. We will be open and respectful, listening to the 'voice' of our residents and acting on what we hear.

Ensuring a resident focus in our work

We want residents to help shape and inform how we go about delivering our repair and maintenance services, the standard of homes, and our investment plans. Residents are well placed to help determine what works are carried out in their home and to ensure this is done in the most efficient way. We will therefore ensure we seek and act on the views and opinions of tenants and leaseholders through surveys, including regular sample surveys using the new set of Tenant Satisfaction Measures (TSMs) set out by the Regulator for Social Housing. We will also actively engage with residents through the groups we have established as part of our Tenant Involvement Strategy.

Our determination to ensure that residents are at the heart of everything we do aligns strongly with one of the key recommendations of the Better Social Housing Review (BSHR, December 2022). This sets out how social landlords should partner with tenants, contractors, and frontline staff to develop and apply new standards defining what an excellent maintenance and repairs process looks like. Involving residents in collaborative working with our staff and contractors to help co-design service standards and then

ensure they can hold us to account for our performance will help us to achieve this recommendation.

Work in partnership with our leaseholders is important, giving them an opportunity to help shape the services we deliver.

To ensure a resident focus in our work we will:

- Carry out regular resident surveys, including sample surveys using the new TSMs.
- Respond to the BSHR, shifting from just engaging with residents to working proactively with tenants and leaseholders in the co-design of the whole repairs process. We will ask 'how does it feel to be a resident on the receiving end of our service?'
- Use a similar approach to the BSHR initiative to then work to co-design our decision-making processes for planned maintenance programme design and implementation.
- Work proactively with the tenant and leaseholder panels and groups to ensure the residents voice informs the redesign of services and the way we measure and monitor performance.

Improving the experience of residents

Our annual STAR Survey provides us with information about what residents think about how we go about repairing and maintaining their home. Around a quarter of our tenants and leaseholders are dissatisfied with how repairs and maintenance is dealt with overall. Around a third of customers are dissatisfied with the quality of their home. And nearly half are dissatisfied with how we communicate around carrying out repairs and maintenance. Whilst these figures reflect some recent improvements in levels of customer satisfaction, we still have some way to go in delivering services that meet the needs and expectations of people.

We therefore need to improve and modernise our services with repairs carried out more quickly, at people's convenience, within the timescales agreed with customers, with excellent communication from beginning to end. One of our main priorities over the next two years from 2024-26 will be to raise levels of satisfaction with the repairs service to at least average benchmark levels.

We will do this by redesigning the repairs process, by maximising the benefits of a new DLO IT system, and by empowering staff on the front line of service delivery to resolve service failures at the initial point of contact.

We will also communicate more effectively on our plans and timescales for carrying out our planned maintenance works, both inside and outside homes. We will explain the reasoning for our decisions about what works will be carried out, and when, with staff being confident and consistent about this. We then need to keep customers informed and updated on our progress.

In our activities we will:

- Develop our understanding of residents' views and opinions on our service standards, as well as their needs & aspirations for their homes.
- Understand what features and attributes of their homes are going to have the biggest impact on residents' lives, including issues around digital inclusion, so these can be fed into our investment planning activities.

- Involve residents in the development of programmes of future works and have discussions about how these will affect them in both the short and the long term.
- Understand how residents want to be involved in measuring and monitoring our performance in doing what we say we will.

To improve the experience of our residents we will:

- Redesign the repairs process to focus on the resident journey and experience. We will deliver this through a project within our transformation programme, pulling together a project team from across the Council's wider 'access to services' programme.
- Replace the in-house DLO IT system to improve the ways residents can report repairs and help keep residents and staff up to date on progress to support getting the job done properly.
- Reduce the number of complaints by resolving service failures at the initial point of contact, empowering frontline staff to take action to remedy issues.
- Communicate more effectively the plans and timescales for carrying out planned maintenance works, as well as keeping people informed of progress.
- Build relationships and trust with residents and be honest about what we can and can't do.

Providing safe homes and raising the quality of homes and neighbourhoods

We are determined to continue to improve the quality of the homes we provide, as well as the neighbourhoods and external areas we manage and maintain. We have a backlog of planned and preventative maintenance that we are already tackling. Over time, our aim must be to improve the quality of accommodation we offer and the external environments in which our properties are located, so homes and neighbourhoods better meet the needs and expectations of residents now and in the future.

Providing safe homes

We carry out surveys and inspections to understand the safety of homes and properties as well as regular servicing and maintenance of installations where safety is paramount. These surveys and inspections inform changes to building management processes and identify remedial works or actions needed to ensure safety.

The fire safety of homes and damp, mould and condensation have been high on the national agenda in recent years and we have spent time understanding how these issues affect Kirklees council homes. Extensive surveys of multi-storey and higher risk buildings have been carried out and used to develop major investment projects to address building safety, condition and energy efficiency issues. The approach to reports of mould has been redesigned to ensure early identification and resolution of problems and to keep residents informed about what is happening.

We will continue to assess the situation with safety in homes and properties and take remedial actions as necessary either through reactive works or larger planned investment programmes.

Raising the quality of homes

As a minimum, we need to ensure all homes meet the government's Decent Homes Standard (DHS). At present, our some 6% of homes fall short of meeting the DHS, for a variety of reasons. We are taking early steps to remedy this position. To do this we need to put in place proactive approaches for surveying our properties to assess DHS compliance, carry out repairs and component replacement works where needed, and update our records. We expect further requirements and expectations to emerge during and beyond the life of this strategy. This includes an updated Decent Homes Standard which is likely to set out more stringent requirements in key areas including damp and mould, disrepair, and thermal performance of properties.

Beyond decency, the quality of some homes is affected by work that is needed both inside and to the exterior of homes. This includes poorer quality kitchens that need replacing earlier than forecast, external painting of doors and of timber facias, and a backlog of fencing repairs or replacements.

Looking longer term, we will make sure we focus on carrying out a range of works inside homes and to the outside of properties that optimise the value and outcomes gained from investment. This includes looking at a range of factors that make for a 'modern home' and that matter most to residents. Examples are works that increase the thermal comfort of homes, reduce real life costs of living in one of our properties, and improve the condition and durability of key facilities such as kitchens and bathrooms, along with principal external components such as windows, doors and roofline works. This will require a programme of preventative cyclical works to support the maintenance of the condition of common areas and the exterior of homes as well as larger projects to upgrade homes.

To help raise the quality of our homes we will:

- Take action to remedy in a timely manner all identified Decent Homes Standard failures, including through specific risk based targeted inspections to identify damp, mould and disrepair issues.
- Tackle the backlog of planned maintenance, whilst also consulting with tenants and leaseholders to set clear technical and service standards for our investment works.
- Implement programmes for cyclical works to extend the lifecycle of components and keep homes in good condition.
- Use intelligence to develop programmes of work and ensure a joined-up approach to improving homes.

Raising the quality of our neighbourhoods

For successful asset management it is important that we take a broader view of a home – looking beyond the four walls and recognising the importance of the quality of the

neighbourhoods and environments in which homes are located. This includes the common areas of blocks of flats, the pathways and parking areas that serve homes, the planting and grass in common areas of estates and the trees and larger green spaces. By keeping all these areas clear of rubbish, well maintained, and effectively managed it will help support more successful neighbourhoods and communities that are cleaner and safer, where residents can take more personal responsibility and where people have a 'pride in place'. This will help enhance the lives of our residents and support good physical and mental wellbeing.

Many homes are located within large estates built between the 1940s and 1970s. Some of these estates are of poor-quality design by today's standards and have layouts and streetscapes that make them less attractive and more difficult to manage.

In some cases, this leads to both real and perceived problems with crime and anti-social behaviour. The pepper-potting of ownership resulting from Right to Buy sales since the 1980s makes the delivery of maintenance, improvements, or wholesale regeneration difficult.

Nevertheless, as the principal property owner on many estates, we are determined to take a lead role in ensuring safe, attractive neighbourhoods for the benefit of our tenants, the wider community and to maintain the value of our assets.

To raise the quality of our neighbourhoods we will put in place a Kirklees Neighbourhood Management Plan that will drive our work to improve the management and maintenance of the overall environment including better maintenance of the street scene and better management of grassed areas and open spaces as part of a Pride in Place approach.

Our Kirklees Neighbourhood Management Plan headlines

Review and reconfigure our grounds maintenance contract to provide for:

- Grass cutting and clearance at appropriate intervals that responds to the different seasons.
- Leaf and autumn clearance.
- An active approach to weed management.

Re-establish the role of caretakers to help actively manage and maintain communal areas, including:

- Dealing with refuse, rubbish, and litter.
- Working with residents to support them in clearing and maintaining their garden or frontage.
- Carrying out minor or small-scale repairs.
- Picking up and reporting of other communal area repairs and maintenance issues (e.g., lighting)

Environmental improvements through the capital programme, supported by the reinstatement of our cyclical workstream driven by local needs and aiming to enable community ownership of spaces.

Delivering effective and efficient repair and maintenance services

We are committed to continually improving the reliability and performance of our repair and maintenance arrangements over the next two years.

First and foremost, a Kirklees Council home should be free from any hazards or items of disrepair and meet all legal and regulatory requirements, including the Decent Homes Standard (DHS) and the requirements of the Regulator for Social Housing (RSH).

It is crucial we have well planned, expertly delivered arrangements for all our repair and maintenance services that use our limited resources wisely and to best effect.

Safe homes that are free from disrepair

Recent issues across the social housing sector have led to much higher levels of scrutiny on the performance of social landlords in keeping homes safe and free from disrepair. We will tackle head on our own performance in this critical area of our work.

We will therefore take a robust approach to managing all building safety, legal and regulatory compliance requirements, including checks, tests, and servicing.

We are also committed to ensuring homes are free from damp, mould and disrepair. To do this we will act pre-emptively and proactively to help prevent problems occurring and tackle any issues arising, picking up on and carrying out essential repairs straight away. We will work quickly to develop clear policies and procedures to manage disrepair, damp, mould, and condensation effectively.

Ultimately, we must embed a positive culture of care across the Council and ensure all staff, partners and contractors act proactively as our 'eyes and ears' to help address issues relating to the quality, condition, or safety of homes.

Responsive Repairs

Responsive maintenance includes the day-to-day repair requests received from residents, as well as other repairs carried out in response to a need or requirement identified through the course of our on-site repair, inspection, housing, and neighbourhood management activities.

Over the first two years of this strategy, we will be placing considerable importance on improving the quality, reliability, and level of service we provide in carrying out our responsive repairs. This is so we can deliver a better repairs service with most repairs completed on a first time fix basis and achieving much higher levels of customer satisfaction. We have an agreed set of performance targets (Key Performance Indicators) for our repairs service, and we need to make sure we improve service provision to meet these. This will require a concerted effort from across Homes and Neighbourhoods.

Cyclical Maintenance

Cyclical maintenance includes the range of statutory or good practice servicing, testing and checks that we carry out on appliances, systems, and mechanical installations to ensure they remain safe and serviceable. These are also called our compliance activities. Cyclical maintenance also includes works to communal areas and homes to

help keep them in good order and extend their life. External painting and patch repairs are the main item of this sort of cyclical maintenance.

Compliance activities

It is critical that we have robust, reliable and accountable processes, systems and works programmes in place to ensure we meet our statutory and best practice obligations for:

- Gas servicing and safety checks (10 month programme)
- Electrical testing and remedial works (5 yearly) and portable appliance testing
- Fire system checks/servicing, fire appliance checks/servicing, fire door checks/upgrades, fire risk assessments (FRAs) and remedial works
- Asbestos management
- Water hygiene checks/maintenance
- Lift servicing/maintenance

We will continue to monitor our performance in meeting our property compliance obligations through the use of a monthly updated dashboard to record and report the latest position.

Other cyclical maintenance

We need to re-instate arrangements for carrying out cyclical maintenance to help prolong the life of building elements and to keep buildings in a satisfactory condition and appearance.

Internal communal areas redecoration

- External painting
- Gutter and other roofline maintenance to help prevent leaks and consequential damage
- Fencing

Our commitment to our in-house delivery arrangements

The key to providing the most effective and efficient, locally driven repair and maintenance services we can for residents lies in the successful organisation and operation of our Direct Labour Organisation (DLO). The DLO is a large contracting business employing around 570 local people bringing significant value to the employment market in Kirklees and contributing strongly to the local economy. It currently delivers around £ 40m of works to our social housing properties each year, albeit with around £10m (25%) delivered through a range of sub-contractors. It is responsible for organising and carrying out all responsive repairs, gas servicing and other cyclical compliance work, works to repair and prepare empty properties (voids), installation of aids and adaptations, and a range of planned works.

An independent Business Review of the DLO has been carried out, focussing on its effectiveness and value for money. This concluded that the DLO is a key factor in our service delivery, and requires investment in its management infrastructure, IT systems and business planning functions. It is over-reliant on sub-contractors and would benefit

from some aspects of its business activities moving over to form a stronger strategic client capability. We will therefore establish a strong strategic client role that will take responsibility for specifications, procurement, and contract management. We will also consider how best to go about implementing the range of other recommendations made in the DLO Business Review.

To improve the effectiveness and efficiency of our repairs and maintenance services we will:

- Work quickly to develop clear policies and procedures to manage disrepair, damp, mould, and condensation effectively, along with the development of a broad ranging Repairs and Maintenance Policy.
- continue to embed a positive culture of care across the Council and ensure all staff and contractors act proactively as our 'eyes and ears' to help address issues relating to the quality, condition, or safety of our housing assets.
- Improve the reliability and performance of our responsive repairs service to meet the targets developed and agreed with tenants.
- Implement the recommendations from the DLO Review, including developing a robust DLO Business plan that reflects the significant scale of its operations.
- Have robust, reliable, and accountable processes, systems and works programmes in place to ensure we meet all our statutory and best practice obligations for our compliance works, including monthly updated performance dashboard.
- Reinstate our cyclical maintenance works programme for external works, ensuring we have a budget in place year on year from 2023/4 onwards.

Delivering a new approach to void property maintenance

In common with many social landlords, we have seen increasing costs of carrying out works to empty homes to prepare them for reletting and some works taking longer than we expect. We therefore need to design and implement a new approach to our void property maintenance. To help us do this, we have already commissioned an independent review of void costs and performance and are now acting on the findings and recommendations.

Void property maintenance covers those repairs and checks needed to re-let homes. Our average void costs have been running at over £6,000 per home with average turnaround times of over 60 days. Both these figures are above the benchmark of our peers. Around 70% of void works are carried out by the DLO with around 30% of the works being carried out by sub-contractors. The total annual cost of carrying out void works has been increasing year on year and reached around £12 million in 2022/23, equating to about 30% of our annual total expenditure on repairing and maintaining homes. Whilst 60% of

this total is for capital component replacement works carrying out improvements to empty homes this cost is higher than we want to see.

We are now refreshing how we go about carrying out works on void properties to prepare them for reletting to reduce our expenditure and reduce the time it takes to carry out works. This will mean reducing the level of works we carry out which will have an impact on the standard of fixtures, fittings and finishes in the property we provide for a new resident.

We are conscious that in carrying out fewer works on our void properties this could adversely impact the support we are able to provide to residents to help them affordably create a successful and sustainable tenancy. Therefore, our new approach to void property maintenance will need to incorporate working with residents to identify and implement measures to help address this. These could include retaining and cleaning as many carpets and other floor coverings as we can, as well as making a firm commitment on when we plan to replace kitchens and bathrooms that are in poorer condition.

We have identified a number of activities that can be carried out during the notice period for homes that will help to speed up void turnaround once keys are received. These activities include greater engagement with outgoing tenants to encourage the return of homes in a fit and proper state.

To help manage and contain expenditure on voids in the longer term, it is important that we develop preventative approaches to tenancy management. This should help reduce high levels of spending on voids, as well as utilising appropriate use of recharges and enforcement.

To deliver our new approach to void property maintenance we will:

- Review the Void Standard in consultation with tenants. The new standard needs to set minimum levels of acceptable condition for fixtures, fittings, decoration, and flooring, all with reference to the cost of delivering the standard. It also needs to strike the optimum balance between minimising expenditure on essential checks and testing so resources can be focussed where we can on providing a home in a condition that best meets the needs of the incoming tenant.
- Improve the calculation and our understanding of void expenditure costs. Working with the DLO, we need to fully cost each of the items of work we carry out on empty properties and use this to evaluate their costs and merits. This will allow us to adjust and refine our approach to void property maintenance.
- Review our relet process. We need to develop a clear and simple 'process map' with clearly defined roles and clear targets and timescales to ensure the most effective and efficient arrangements from tenancy termination through to getting properties relet. This process map needs to incorporate arrangements for reviewing all high-cost voids to identify the property or people related lessons that should be learned.
- Appraise alternative options where appropriate. Every opportunity needs to be taken to take advantage of the void to help deliver our wider asset management ambitions. This should include conducting an option appraisal for 'high cost' voids, along with the potential for unlocking asset value through redevelopment.

Delivering a new approach to planned investment

Due to financial limits within the HRA and some adverse consequences of the Covid pandemic and previous programming decisions, we face a backlog of planned maintenance. This is impacting on the condition of homes and brings down the appearance of some of our properties. We need to tackle this as a priority by putting in place a new approach for how we go about identifying the need for, then delivering, planned programmes of maintenance, and building component replacement.

We have a backlog of planned maintenance that we need to take a proactive approach in tackling over the next few years. This has arisen partly because of some previous decisions that have focussed our expenditure on the 'whole house' refurbishment of a relatively small number of homes rather than spreading it over a larger number of properties by carrying out a more traditional approach to planned maintenance component replacement programmes. We have also found that delaying the annual cyclical programme of preventative maintenance has contributed to the deterioration of the condition of properties, whilst deferring replacement of items such as kitchen and bathrooms during the pandemic has also contributed to the backlog.

In addition, the backlog includes internal works to replace items including poorer quality kitchens that need replacing earlier than forecast, as well as a wide range of external timber repairs, especially to roof areas, external painting of doors, fencing repairs or replacements and items missed from previous planned maintenance programmes.

We therefore need to introduce a new approach to planned maintenance. This will have two distinct aspects. We will establish a Proactive Planned Maintenance Programme that is fully informed by our stock condition data and range of other repair and asset intelligence. At the same time, this long-term new approach will be supported over the next 2 years by us delivering a Dynamic Planned Maintenance initiative.

Proactive Planned Maintenance Programme

We need to establish a well-informed ongoing programme of planned maintenance for replacing the principal building components in homes and on our properties at the end of their serviceable life, funded through available resources in the HRA. By carrying out proper maintenance and preventative work on an ongoing basis, the intention is to maximise the lifespan of components whilst replacing them when needed to maintain the quality of homes. Resident choice and input on how we carry out works through consultation and information is a key part of carrying out work programmes that place our residents at the heart of what we do.

Our approach to planned maintenance will be informed by our survey work, the information within our Asset Management Database and guided by the outcomes from our recently completed asset performance assessment. By analysing improved data on the remaining lifecycles of components we will ensure targeted programmes that tackle the backlog of work over the next few years through clearly identified, well specified and expertly procured programmes of work.

We plan to invest around £240m over the five years 2024-29 on homes and estates through our range of investment programmes, equating to around £48m a year.

To deliver our new approach to proactive planned maintenance we will:

- Identify and agree the financial resources available over the next five years to fund our planned maintenance programmes.
- Interrogate our information and data on property condition and investment to establish a five-year capital programme of planned maintenance, with annual budgets.
- Boost the resources within our strategic asset management client team to specify and expertly procure the programmes of work identified.
- Create and actively manage the list of works items to be carried out within our planned maintenance schemes.
- Commission the works, both through external contractors and the DLO as appropriate.

Dynamic Planned Maintenance

Our Dynamic Planned Maintenance initiative is designed to pick up on a wide range of items that would ordinarily have been covered under previous planned maintenance programmes.

It is intended to cover a range of ad-hoc smaller planned maintenance items across the whole portfolio that may otherwise not be included on a larger programme and that need to be carried out over the next two years. These could include items that:

Have been missed from previous planned programmes e.g., previous tenant refusals.

Are already known to need doing due to component failure, but that can't wait for a larger scheme of planned maintenance (e.g. partial renewal of roof area, roof renewal of just one block within a larger scheme)

Are as yet unidentified but come to light through routine inspections or maintenance.

The key to the success of the Dynamic Planned Maintenance Initiative will be to ensure that overdue items that are bringing the condition of properties and estates down are reported and acted upon. It will provide a catalyst and an impetus for us to get back on top of our planned maintenance works over the next two years. The Dynamic Planned Maintenance initiative will be managed by the client repairs team working with the DLO, planned works and performance teams.

To deliver our Dynamic Planned Maintenance initiative we will:

- Establish a budget for 2023/4 and 2024/5 for carrying out Dynamic Planned Maintenance backlog items identified and determined as being required.
- Determine the type, nature and definition of works that may constitute backlog planned maintenance. These could include roofline works, windows, doors, kitchens or bathrooms that have missed previous planned programmes.

- Facilitate and enable all surveying, maintenance, and housing staff to look out for, identify and report on items they propose be added to the list of backlog items to be carried out as part of the initiative.
- Create and manage the list of works items to be carried out.
- Commissioning of the works, either by the DLO or external contractors.

Decarbonising homes

One of the biggest challenges we face is to significantly improve the levels of thermal insulation in homes and installing heating systems that use renewable energies, to meet the stretching targets set by government for reductions in carbon emissions and energy usage. Extensive programmes of work will be needed to our properties to meet the target of having all homes meet Energy Performance Band C by 2030 and being 'net zero carbon' by 2050.

We have already carried out some 'retrofit' works to improve the energy efficiency of some of our poorest performing homes. This has included works to 8 homes as a pilot to help us to learn what works for residents and what doesn't, 25 properties part financed by Social Housing Decarbonisation Fund 2 (SHDF1) monies. We now have a further programme for 295 properties using SHDF2 funds.

We need to grow this area of work and activity through a 'fabric first' approach to carefully targeted investment that achieves the best results in the most affordable way. We also need to improve our understanding and use of renewable technologies, building our own knowledge and skills, as well as working with material suppliers and contractors to improve how they can work with us to deliver the best solutions, drawing on best practice and learning from others.

By decarbonising homes, it means they use less energy and should cost less to run. It also improves the health and wellbeing of our residents, as their homes are warmer and provide a better living environment. In addition, we need to reduce the carbon footprint of our organisation's operational activities, so we play our part in addressing climate change and help protect our planet.

We already hold some data on the energy performance (EPC Ratings) of homes and we are using this to help develop a better understanding of the type of works needed, along with the costs associated with carrying these out. We are developing a more detailed understanding around the energy performance and retrofit prospects for our properties and this work is ongoing.

We want to build on our work to date and are developing an HRA Housing Decarbonisation Strategy. We will have this in place by the autumn of 2024 and it will set out the framework and details of our approach to this crucial area of activity. To sit alongside the Decarbonisation Strategy, we will also develop a fully costed roadmap for how we will work to meet the national target of having all homes at a minimum of EPC Band C by 2030. We will have this roadmap in place by the end of 2024.

The Decarbonisation Strategy is being built around five key initiatives.

Quantifying the works needed

We are developing a more detailed understanding of the current energy performance of homes and the retrofit options available for each type of property. We currently have over 9,000 homes that are below EPC Band C and it is important we specify and estimate the costs associated with bringing all those we intend to keep in management up to EPC C by 2030. We will use this information to set clear targets in the 'road map' for all properties to achieve EPC Band C by 2030, delivered on a 'worst first' basis.

We have developed a Decarbonisation Dashboard to bring together information on the energy performance of homes and levels of fuel poverty to help develop and target programmes of work. This data also helps to inform other capital investment proposals so that integrated schemes can be brought forward.

We will review the decarbonisation roadmap to reflect the delivery of schemes to improve energy efficiency and increase SAP bandings that are part of the 2030 target. This review will help to ensure that measures proposed to support achievement of the 2050 'net zero carbon' target reflect changes to the condition and quality of homes and the development of new technologies.

Retrofitting homes

Taking a worst first approach, we will focus on having programmes in place to undertake retrofit solutions based on the most efficient, cost-effective, simple solutions that minimise the disturbance to residents. Retrofitting helps to improve a property's energy efficiency through the addition of new technology or features. It can reduce the amount of carbon emissions from the home, thus helping address climate change.

We therefore need to develop works programmes that have an initial focus on reducing heat loss or energy use through newly installed, replacement or additional insulation measures or features. This might be done through an incremental approach to installing additional measures over time or through whole house retrofit where a range of complementary measures are installed as part of one project. We will take every opportunity to integrate our net zero retrofit works programmes into our capital investment programme.

Void properties

In the longer term we will seek to take advantage of periods when properties are empty to carry out more disruptive works that would be difficult to carry out in occupied homes. These works could include:

- Bathrooms – installation of additional insulation including to ceilings, window reveals and internally to external walls with the aim of keeping in more heat, warming surfaces and reducing the potential for damp and mould.
- Floors – installation of under floor insulation to properties with suspended timber floors.
- Walls – installation of internal wall insulation systems to external walls where this can be undertaken without compromising the size and use of rooms.
- Heating, lighting, and water – replacement of older, less efficient radiators or heating equipment with lower or zero carbon, new LED light fittings and low use/flow water measures.
- Roofs – upgrading of loft insulation to latest standards and/or installation of internal insulation board to ceilings.

Pilot schemes, skills, and capacity

Much of the work around reducing the carbon footprint of homes involves a range of new activities in which we haven't previously had extensive skills or experience. Therefore, to deliver our decarbonisation ambitions we will need build our capacity and skills over the next two years through the development of new roles and qualifications for delivery and strategy teams and when needed 'insource' new retrofit technical and data management skills.

We will also help develop our knowledge and experience by exploring the potential of new or additional retrofit or decarbonisation initiatives through pilot schemes, focussed on common property types so initiatives can then be rolled out.

To bring many of our housing properties up to significantly higher levels of energy efficiency it is likely to involve installing measures that use new and potentially innovative technologies. As some of these will be in their infancy, and as we may not be familiar or confident about their potential cost, ease and suitability of installation, or likely impact, we will need to explore or trial a range of different or alternative solutions.

Our pilot schemes will cover initiatives in the two main retrofit areas of fabric first energy efficiency improvements and/or in low carbon heating installations. Examples of potential pilot schemes that we may explore include:

- Use of smart technology to understand resident energy use, demand, and environmental conditions within homes. Greater understanding of usage may help target our investment decisions, with a range of activities that could be trialled to progress low carbon investment and behaviour change.
- New external or wall insulation systems as technologies improve, so we can examine and assess ease and cost of installation, suitability for different types of properties and the impact on SAP ratings, carbon emissions and energy costs.
- Floor insulation systems, including retrofit spray insulation systems for uninsulated suspended timber floors, again to assess ease and cost of installation, suitability for different types of properties and the impact on SAP ratings, carbon emissions and energy costs.
- New heating technologies, including air or ground source heat pumps, photovoltaic (PV) panels, battery storage systems etc and the improvement and expansion of district heating networks.

We will also use large scale improvement projects to understand the carbon impact of our schemes and the works we do to homes; looking at how building materials removed can be reused and recycled and the impact of new materials on the environment and people.

Funding and learning

We will need to earmark funding to decarbonise the housing portfolio by 2050 and improve all homes up to EPC C by 2030. This will represent a considerable investment and will need commitment to this critical area of activity.

To do this we will need to maximise the scope to lever in external funding for decarbonisation works by being alert to potential opportunities and ready to submit applications. To ensure we are well placed to access funding it is important we get ourselves positioned and ready to make applications. This means we will need to understand our funding needs by having a strong grasp of information and data on the retrofit needs of homes, as well as having potential schemes and programmes of work 'oven ready' for if, and when, funding applications can be made. To help us understand

and quantify the need for, scope, and cost of retrofit works, as well as identifying and applying for funding, we may need to work with a range of external specialist partners. These third parties may be able to help us better understand and quantify our needs, devise potential schemes of work, apply for funding and/or manage the works on the ground. We will also seek to benefit from the learning of others based on their experience of carrying out retrofit works and securing funding.

We will also work with our residents to develop our longer-term plans and promoting the success of retrofit and new renewable technologies.

To build our approach to decarbonising homes we will:

- Develop a Carbon Reduction Strategy during 2024 to drive the detail of our approach to 2030.
- Inform the Carbon Reduction Strategy with a full set of EPC rating for our homes as well as cost estimates for a scope of necessary works.
- Carry out further pilot projects using SHDF2 funding over the period 2024-25.
- Develop our Decarbonisation Dashboard to ensure it is updated and 'fit for purpose' in helping prioritise properties and locations for our future retrofitting programmes.
- Develop an annual, costed programme of decarbonisation works to commence from 2025 using an allocation of funding from the HRA coupled with an active approach to obtaining external funding.

Developing our approach to intelligent and intelligence-led asset management.

It is crucial that we collect, store, and use accurate, valid and well-maintained information and data on the condition, maintenance, and contribution of our housing assets. This is so we can demonstrate a good knowledge and understanding of the condition of homes and our performance in properly managing and maintaining them. It is also important that we use this information and data to develop insight and intelligence to drive and actively inform the decisions we make in our repair, maintenance and investment work.

Stock Condition Surveys and business intelligence

Stock condition surveys need to form a key part of how we go about understanding the current condition and forecast the future investment needs of our properties. We will therefore actively use the findings of surveys to update our asset management database and forecast the level and timescales of future investment over the next 30 years, with a focus on the next five years. We will carry out a full stock condition survey between 2024-6 and then 20% internal and external sample surveys every year, meaning we survey all properties over a rolling five-year period.

But we also need to look beyond condition, collecting and analysing a range of other business intelligence on our assets on a continuous basis in 'real time', as well as key housing management and neighbourhood data. This includes tenancy items, customer satisfaction data, on complaints, about day-to-day repairs and on reletting performance.

We need to use all this business intelligence to help identify any trends and issues, such as any 'high cost' homes, so we can act on this by making decisions and remedying issues or failings.

Our Business Intelligence Datasets

Assets

What our systems and surveys tell us about the investment needs and demands of our assets. This will include repairs and void demand but also future planned investment forecasts and contextual data such as property type, age etc. and energy efficiency.

People

What our customers and staff tell us about their views of asset performance. The customer data will be system driven (e.g., turnover, tenancy length etc.) whereas the staff perception information will be collected directly from staff.

Finance

Derived from system generated data but including a series of more intrusive tests. This includes calculating the relative cost of managing each asset by distributing management costs according to how each asset performs and its level of income.

Markets

Comparison data around local rents, values, deprivation, and other local factors.

Data quality and processes

The quality of the data we hold is vital to good asset management. It needs to be comprehensive, complete, and correct so it can be relied on and used to best effect for our business planning and reporting. It is crucial that we use good quality data so we can:

- Demonstrate and evidence compliance with our legal and regulatory obligations.
- See and understand what works have been carried out on all our properties and when they were undertaken.
- See when all building elements, fixtures and fittings are forecast for replacement using a combination of industry recognised lifecycles, adjusting the dates based on day-to-day repairs experience and surveyor and operative assessments.
- Provide the basis for assessment of individual property and portfolio stock condition & performance of assets through a data driven proactive approach to asset management.
- Make sound, informed decisions on what works need to be done, and when, as part of a flexible, dynamic approach to investment.

As we carry out our repair and maintenance work it is crucial we take every opportunity to update our stock condition data 'in real time' by staff and contractors so there is 'one version of the truth' accessible to all staff. This means we must embed into our key

processes and procedures (e.g., day-to-day repairs, reletting, cyclical and planned investment) clear and consistent ways for this updating to take place.

Performance assessment & option appraisal

The Regulator of Social Housing's Value for Money Standard sets out an expectation that housing providers have a clear understanding of asset performance and have plans in place to address any properties identified as 'liabilities.' We have therefore put in place a strategic asset performance tool. This uses our stock condition survey and a wide range of other business intelligence to enable us to improve our understanding of how much each asset will contribute throughout its life. Our c. 21,000 homes have been allocated into 3,534 asset groups (schemes) for analysis purposes.

The range of factors considered by the tool includes property age, location, future maintenance and investment needs, tenancy management demand factors. By feeding this information, data, and insight into the stock performance assessment tool it assesses the viability and return on investment (Net Present Value) of homes.

The asset performance model applies a sustainability rating that reflects the relative performance of homes against the set of assessment criteria, split into three categories:

Class A – homes that are flagged as sustainable core stock that perform well in financial and resident value terms. Full programme of improvement and investment works will be applied.

Class B – homes that are flagged as not fully sustainable as some aspects do not perform well. Improvement and investment work to be considered against the components that are failing.

Class C – homes that are flagged as potentially unsustainable as they do not perform well. Any major improvement and investment works will be subject to further assessment and discussion on the future of these assets (option appraisals)

Based on our inputs into the model, it has produced Net Present Values (NPVs) for each asset group ranging from c. £150,000 down to minus £90,000. The average NPV is £6,948.

Further analysis shows that the average NPV for Class A assets is +£15,811 whilst the average NPV for Class C assets is -£16,025. Overall, 60% of our assets (2,130 schemes) fall into Class A, 24% (853 schemes) fall into Class B and 16% (551 schemes) fall into Class C.

There is a marked difference between the performance of houses compared with flats, with 85% of houses in Class A, but only 49% of flats. Conversely, only 5% of houses are in Class C, but 21% of flats. Stock turnover levels are far higher for Class C assets than for Class A assets.

	Class A	Class B	Class C
Average NPV of assets	+ £15,811	+ £425	- £16,025
Proportion of assets	60%	24%	16%

Number of schemes	2,130	853	551
Proportion of houses	85%	10%	5%
Average NPV of houses	+ £18,905	+ £8,284	- £16,619
Proportion of flats	49%	30%	21%
Average NPV of flats	+ £11,147	+ £53	-£16,646

Based on the outcome of our sustainability rating assessment, over the next two years we will work through those homes whose performance is assessed as red and amber, seeking to understand the reasons and explanations for their lower performance. In cases where it is felt there may be an underlying issue, or issues, we will conduct an option appraisal to help us decide on the best course of action for their future. To help us do this we will develop an option appraisal framework designed to explore all relevant options. The framework will build on the inputs to the ASAP model, with a typical option appraisal including consideration of a range of key viability or sustainability factors including:

- The financial performance (NPV/return) of the home or homes.
- Operational intelligence (data) on how the assets are performing.
- Operational judgements about how the assets are performing.
- Socio-economic and/or neighbourhood sustainability factors.
- Changing customer needs, demands and expectations.

In some circumstances, we may need to consider alternative options for the properties if they no longer meet our needs or those of tenants.

Investment planning

Our stock condition survey work and intelligence led approach to asset management needs to actively inform the development of our longer term investment plans. We will therefore use the outcome of our stock condition survey and stock performance work to help direct our investment programmes of routine maintenance and improvements to sustainable stock. This needs to include aligning works to decarbonise homes with our stock condition based forecast planned maintenance programmes so we deliver both investment priorities at the same time. Our aim is to develop a robust and sufficiently resourced 30-year investment plan that focusses our investment on homes that are sustainable in the long-term. We will make sure our plans and programmes are readily available to staff and residents.

To develop and implement our approach to intelligent and intelligence led asset management we will:

- Carry out a full stock condition survey 2024-6 and then 20% internal and external sample surveys every year, meaning we survey all properties over five years.
- Collect and analyse a range of other business intelligence on our assets on a continuous basis in 'real time', as well as key housing management and neighbourhood data to keep informing the development of our asset performance tool.
- Take forward the outcome of our sustainability rating assessments over the next two years, working though those homes whose performance is assessed as red and amber, seeking to understand the reasons and explanations for their performance.
- Develop a standardised process and approach to option appraisal, then carry out appraisals on those properties, schemes or estates identified as having underlying issues.
- Actively use the outcome of our condition survey and stock performance work to help direct our investment programmes of routine maintenance and improvements to sustainable stock, including works to decarbonise homes.
- Develop a resourced 30-year investment plan for our long-term sustainable homes.

Building the right resources to deliver our work

We need to continue build and put in place the right resources and arrangements to deliver all our repair and investment work and use them to best effect. These need to include a skilled and knowledgeable staff team, efficient and effective DLO, network of external contractors and suppliers, as well as the financial capacity to deliver a well procured and managed range of repair and investment works. We also need to ensure we have good governance in place to measure and monitor our performance against targets and compare ourselves with others through benchmarking, all with the aim of ensuring continuous improvement and value for money.

Staffing and Culture

It is crucial we recognise the importance, value, and potential of our staff. We will therefore seek to ensure our teams provide a rewarding place to work and that they support the right organisational culture, clearly aligned to the Council's values. We have already made some key leadership appointments who have provided the expertise to set a clear baseline for this strategy and to provide clarity on what we now need to do. We will continue to invest in recruiting and retaining skilled and talented managers who

possess the blend of expertise needed to deliver a modern, forward facing repairs asset management service. Managers will be supported to fulfil their roles and will be provided with the right tools to ensure staff feel valued and empowered to deliver the best possible outcomes for residents.

We will regularly review our structure and the knowledge and skills we need so we can ensure the services we provide are 'fit for purpose'. We will develop a workforce plan to attract, retain and develop our teams to ensure we have the skills and resources needed to deliver all aspects of our Asset Management Strategy.

DLO Management and our Strategic Client Role

Our in-house DLO needs to carry out the bulk of our annual repair, maintenance and, internal planned investment works. Following the DLO Review it is crucial that over the next two years we work to put the right set of newly configured management and operational arrangements in place. Our overall ambition is to use innovative, well-designed management practices to maximise the quality, value, and effectiveness of our work. It is crucial that any sub-contractors also share these priorities and a focus on residents' needs to help deliver excellent services.

To support us in this, we have established a Programme Management Office (PMO) to give strong governance of our capital investment that manages risk and finance as well as ensuring resident focussed delivery and the development of procurement strategies.

Performance and Benchmarking

We will have in place a suite of performance indicators for our repair, maintenance, and investment activities, including the new Tenant Satisfaction Measures (TSMs). These will be used to regularly to measure and monitor how well we are performing, address shortcomings or failings and help drive continuous improvement. We will also benchmark our performance against that of peers through benchmarking groups. Ultimately, we need to better understand how our costs and outcomes for residents compare, acting where costs and outcomes are not consistent.

Intelligence Led solutions

Using data and information to understand the performance of homes is key to achieving well targeted investment proposals. We will review the quality and integrity of data we hold across all aspects of asset compliance and performance. We will implement governance processes to ensure data is well managed and the roles and responsibilities in relation to data are clear and consistent. We will look at how we can integrate different data sets to support worst-first approaches to improving homes that address a range of factors.

ICT and Digital Technology

To deliver effective, efficient modern services requires investment in appropriate, well performing IT and digital systems. Over the next two years we will therefore review our current ICT provision and undertake a cost benefit analysis to identify the appropriate ICT infrastructure required to deliver the modern services we want and need to provide.

Housing Revenue Account & Other Funding

As a Council landlord, our activities are principally funded through the rents we receive into the Housing Revenue Account (HRA). The HRA is ringfenced from the Council's General Fund and is intended to operate in a way that supports long-term business planning. Given the high level of investment needed in homes over the course of the next five years and beyond, we will be maximising the capacity within the HRA for investment. To add further capacity for investment, especially in our decarbonisation activities, it will be crucial to seek and secure as much additional external funding as possible. The Council's General Fund is under pressure and services received by residents delivered by other Council departments may be affected by this.

Oversight and Governance

To ensure we meet the requirements of good practice and regulatory oversight, we have put in place a clear leadership and effective governance structure and mechanisms to oversee our asset management activities. The Homes & Neighbourhoods Improvement Board provides Kirklees Council's Cabinet with oversight of the housing management and maintenance functions delivered to tenants and leaseholders by the H&N Service. The Board role is to ensure that service delivery meets all legal and regulatory requirements, including reference to the Regulator for Social Housing's Consumer Standards and new Tenant Satisfaction Measures (TSMs). The Board makes recommendations to the Cabinet Member for Housing and Highways and to Cabinet and is supported by the Building Safety Assurance Board (Housing), Tenant Advisory and Grants Panel and the Tenant Voice Panel.

To build the right resources to deliver our work we will:

- Review the structures and knowledge and skills we need to ensure the services we provide are 'fit for purpose'.
- Develop a workforce plan to attract, retain and develop our teams to ensure we have the skills and resources needed to deliver all aspects of our Asset Management Strategy.
- Establish a strong governance structure for capital investment decision making and delivery that manages risk and finance as well as ensuring resident focussed delivery enabling us to have a proper procurement strategy.
- Have in place a suite of performance indicators for our repair, maintenance, and investment activities, including the new Tenant Satisfaction Measures (TSMs). Use these regularly to measure and monitor how well we are performing, address shortcomings or failings and help drive continuous improvement.
- Benchmark our performance against that of peers through benchmarking groups.
- Review our current ICT provision through a cost benefit analysis to identify the right ICT infrastructure needed to deliver the modern services we want to provide.
- Maximise the capacity within the HRA for investment and seek and secure as much external funding as possible.
- Ensure full and proper governance through the Homes and Neighbourhoods Improvement Board and tenant.

Delivering our asset management priorities

The success of our Asset Management Strategy will rely on our ability to deliver what we have set out to do. We are therefore developing a Delivery Action Plan that picks up and expands on what we have set out to do in our eight asset management priorities.

The Action Plan will be designed to be a flexible, dynamic, and practical document that can be regularly updated. This will ensure it remains 'current', that it is continually monitored and reviewed and that it drives forward our activities and measures them against timescales and targets. The Action Plan will cover all of the eight asset management strategic priorities and the development and implementation of various initiatives and plans.

While we'd really like to, we cannot deliver everything we want to straightaway as we don't have all the money we need or capacity to do so. This means we are going to have to prioritise our time and resources to make sure we strike the right balance in delivering the works and activities across our eight asset management priorities.

Our progress in carrying out all our asset management work, activities and initiatives will be constantly reviewed by the Executive Team and through the Homes & Neighbourhoods Improvement Board, with regular reporting to elected members.

Your Home, Your Place component workstream investment requirements based on current asset data

Capital Programme - Requirements (Costs do not include inflation)	Catch up	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	Total
Your Home, Your Place - Component replacement												
Communications Installation	£56,792	£2,280	£6,610	£41,530	£38,950	£53,640	£45,820	£41,380	£23,660	£12,290	£17,188	£340,140
Electrical Installation	£23,743,002	£1,926,133	£1,056,470	£953,415	£715,690	£1,009,466	£1,273,893	£1,827,150	£1,358,230	£1,138,129	£1,231,324	£36,232,903
External walls	£10,679,089	£330,595	£760,303	£467,184	£717,006	£1,266,588	£974,297	£647,387	£690,897	£368,028	£299,707	£17,201,081
Heat Source	£12,797,068	£2,159,760	£2,009,430	£2,507,134	£2,272,320	£2,860,350	£2,906,556	£4,004,616	£3,257,760	£2,743,962	£3,269,682	£40,788,638
Kitchen Fittings	£16,191,064	£19,575,300	£26,400,868	£19,195,150	£6,911,984	£3,578,260	£1,414,648	£2,322,326	£2,971,588	£2,477,428	£4,495,862	£105,534,478
Roof	£46,336,904	£1,309,629	£4,697,658	£1,926,642	£2,122,061	£553,974	£1,007,186	£3,957,875	£3,274,465	£3,908,445	£4,627,150	£73,721,989
Sanitary Appliances	£5,647,524	£332,008	£709,916	£578,744	£406,380	£373,532	£296,224	£817,568	£456,236	£636,700	£3,015,040	£13,269,872
Space Heating	£1,850,041	£673,006	£574,558	£156,762	£290,046	£577,753	£622,718	£729,029	£678,584	£866,754	£2,081,853	£9,101,104
Ventilating System	£717,002	£18,216	£14,674	£31,372	£29,348	£35,420	£23,782	£9,108	£5,060	£1,518	£506	£886,006
Windows and External Doors	£4,812,445	£1,315,544	£1,522,726	£1,906,543	£1,548,881	£2,762,546	£4,842,625	£3,354,788	£3,622,005	£3,729,565	£9,659,802	£39,077,470
Lifts and Conveyors	£437,160					£48,000	£672,000	£672,000	£336,000		£544,000	£2,709,160
Minor Buildings	£155,000	£1,000		£4,000		£1,000			£2,000	£2,000	£1,000	£166,000
Protective Installation	£882,400	£218,400	£23,200	£392,000	£1,234,000	£481,200	£487,200	£588,800	£523,600	£226,400	£188,400	£5,245,600
Water Installation	£34,400	£2,800	£1,600	£800	£8,000	£3,200	£1,200	£3,200		£5,200	£25,600	£86,000
Internal Doors - communal	£551,000		£6,000			£9,000		£1,000		£1,000	£1,000	£569,000
	£124,890,891	£27,864,671	£37,784,013	£28,161,276	£16,294,666	£13,613,929	£14,568,150	£18,976,227	£17,200,086	£16,117,419	£29,458,114	£344,929,442

Proposed 10 year capital investment programme

Capital Programme - Budget proposals (Costs do not include inflation)	Delivery method	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	
Your Home Your Place - Component replacement												
Communications Installation	External contractors	£35,000	£35,000	£35,000	£35,000	£35,000	£35,000	£35,000	£35,000	£35,000	£35,000	£350,000
Electrical Installation (including voids)	DLO	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£15,000,000
External walls domestic	External contractors	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£15,000,000
Heat Source	DLO	£2,500,000	£2,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£4,500,000	£41,000,000
Kitchen Fittings	DLO	£3,500,000	£3,500,000	£3,500,000	£3,500,000	£3,500,000	£3,500,000	£3,500,000	£3,500,000	£3,500,000	£3,500,000	£35,000,000
Chimneys	External contractors	£310,000	£310,000	£310,000	£310,000	£310,000	£310,000	£310,000	£310,000	£310,000	£310,000	£3,100,000
Roofs	External contractors	£2,500,000	£2,500,000	£2,500,000	£3,000,000	£3,000,000	£3,000,000	£5,000,000	£5,000,000	£5,000,000	£5,000,000	£36,500,000
Sanitary appliances (bathrooms)	DLO	£1,330,000	£1,330,000	£1,330,000	£1,330,000	£1,330,000	£1,330,000	£1,330,000	£1,330,000	£1,330,000	£1,330,000	£13,300,000
Space Heating	DLO	£500,000	£750,000	£750,000	£750,000	£750,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£9,000,000
Ventilating System	External contractors	£100,000	£100,000	£100,000	£100,000	£100,000	£100,000	£100,000	£100,000	£100,000	£100,000	£1,000,000
Windows	External contractors	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£15,000,000
External doors domestic	External contractors	£110,000	£110,000	£110,000	£110,000	£110,000	£110,000	£110,000	£110,000	£110,000	£110,000	£1,100,000
Structural works	External contractors	£400,000	£400,000	£400,000	£400,000	£400,000	£400,000	£400,000	£400,000	£400,000	£400,000	£4,000,000
Ad-hoc minor schemes	DLO and external	£150,000	£150,000	£150,000	£150,000	£150,000	£150,000	£150,000	£150,000	£150,000	£150,000	£1,500,000
Void capital costs TBC	DLO and external	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£11,000,000
		£17,035,000	£17,285,000	£19,285,000	£19,785,000	£19,785,000	£20,135,000	£22,135,000	£22,135,000	£22,135,000	£22,135,000	£201,850,000
Building Safety												
Lifts and Conveyors - replacement of units	External contractors	£100,000	£120,000	£200,000	£450,000	£350,000	£300,000	£200,000	£170,000	£300,000	£350,000	£2,540,000
Lift upgrades - LED lighting, digi switch etc	External contractors	£44,000	£44,000	£44,000								£132,000
Minor Buildings - Bin stores	External contractors	£60,000	£60,000	£60,000	£60,000	£60,000	£60,000	£60,000	£60,000	£60,000	£60,000	£600,000
Protective Installation	External contractors	£250,000	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£2,050,000
Water Installation (tank renewal)	DLO	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000	£100,000
Fire door renewals	DLO and external	£450,000	£450,000	£450,000	£450,000	£450,000	£450,000	£450,000	£450,000	£450,000	£450,000	£4,500,000
Compartmentation and fire lining	External contractors	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£200,000	£2,000,000
External doors and screens communal	External contractors	£160,000	£160,000	£160,000	£160,000	£160,000	£160,000	£160,000	£160,000	£160,000	£160,000	£1,600,000
		£1,274,000	£1,244,000	£1,324,000	£1,530,000	£1,430,000	£1,380,000	£1,280,000	£1,250,000	£1,380,000	£1,430,000	£13,522,000
Other Asset Capital programmes												
Estate Improvement (Neighbourhood Investment)	DLO and external	£958,000	£990,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£1,100,000	£10,748,000
Six Storey Blocks building safety and refurb projections	External contractors	£7,443,152	£3,674,713	£5,996,088	£5,419,365	£6,295,220	£5,405,988	£1,047,449				£35,281,975
Low Rise Blocks building safety and refurb projections	External contractors	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000						£7,500,000
Retirement Living Schemes building safety and refurb projections	External contractors	£1,500,000	£3,750,000	£4,500,000	£4,500,000	£4,500,000	£6,000,000	£250,000				£25,000,000
Decarbonisation and fabric first retrofit requirements	DLO and external	£1,849,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£1,500,000	£15,349,000
		£13,250,152	£11,414,713	£14,596,088	£14,019,365	£14,895,220	£14,005,988	£3,897,449	£2,600,000	£2,600,000	£2,600,000	£93,878,975
Total capital requirements		£31,559,152	£29,943,713	£35,205,088	£35,334,365	£36,110,220	£35,520,988	£27,312,449	£25,985,000	£26,115,000	£26,165,000	£309,250,975

2024/25 Capital programme – details of unit numbers to be delivered	
Item	Number
Communications Installation	2024/25 programme numbers to be confirmed
Electrical Installation (including voids)	192 planned rewires. Rewires in voids will be reactive and based on need.
External walls domestic	Estimate 500 properties based on average unit costs. Costs vary according to property type and extent of work. 2024/25 programme numbers to be confirmed.
Heat Source	865 boiler replacements (265 through planned programme, 600 through economic failures programme) District Heating 3 schemes affecting 125 properties
Kitchen Fittings	450 properties
Roofs and chimneys	Estimate 468 based on average unit costs per dwelling. Costs vary according to property type and extent of work. 2024/25 programme numbers to be confirmed.
Sanitary appliances (bathrooms)	375 properties
Space Heating (full heating system renewal)	30 properties
Ventilating System	Estimate 200 properties based on average unit costs. Costs vary according to type of ventilation required and installation requirements of individual properties (e.g. core drilling). 2024/25 programme numbers to be provided.
Windows	Estimate 441 properties based on average unit costs
External doors domestic	Estimate 115 properties based on average unit costs. 2024/25 programme numbers to be provided.
Structural works	These are reactive schemes identified through surveys and so numbers are not yet known
Ad-hoc minor schemes	These are reactive schemes identified when there are failures in building fabric, which are of a greater scale than component replacement
Void capital costs	These are reactive schemes, based on tenancy turnover. Annual average void numbers are in the region of 1,200.
Building Safety	
Lifts and Conveyors - replacement of units	4 platform lifts.
Lift upgrades - LED lighting, digital switchover etc	2024/25 programme to be confirmed.

Minor Buildings - Bin stores	Estimate 12 new bin stores based on average unit costs. 2024/25 programme numbers to be confirmed
Protective Installation	Estimate 50 properties based on average unit costs. These works are a mixture of reactive and planned works based on Fire Risk Assessment actions and surveys. 2024/25 programme numbers to be confirmed
Water Installation (tank renewal)	2024/25 programme numbers to be confirmed
Fire door renewals	Estimate 346 doors based on average unit costs. 2024/25 programme numbers to be confirmed.
Compartmentation and fire lining	Reactive works, based on surveys and Fire Risk Assessment actions
External doors and screens communal	Estimate 250 based on average unit costs. Costs vary according to property and extent of renewal (glazed screens and curtain walling will attract a higher project cost). 2024/25 programme numbers to be confirmed.
Other Asset Capital programmes	
Estate Improvement (Neighbourhood Investment)	2 major schemes 4 minor schemes
Six Storey Blocks building safety and refurb projections	4 blocks are expected to commence in 2024/25
Low Rise Blocks building safety and refurb projections	940 blocks affected
Retirement Living Schemes building safety and refurb projections	1 block is expected to commence in 2024/25
Decarbonisation and fabric first retrofit requirements	2024/25 programme to be confirmed.



Report title: Level 4 Devolution

Meeting	Cabinet
Date	12th March 2024
Cabinet Member (if applicable)	Cllr Cathy Scott, Leader of the Council
Key Decision Eligible for Call In	No

Purpose of Report

1. For information:
 - a. To provide an overview of the recently announced Level 4 Devolution Framework, through which the Combined Authority can apply to access new powers, functions and flexibilities, and the associated readiness conditions
 - b. To provide an update on work that has taken place since November 2023 to develop the West Yorkshire response and the Combined Authority's submission to Government, including the partnership principles
2. For decision: To formally ratify the Council's support for the Combined Authority's application to begin talks on adopting new Level 4 Devolution powers

Recommendations

1. To note:
 - a. the recent publication of the Government's Level 4 Devolution Framework which sets out guidance and the powers and flexibilities on offer through a Level 4 Devolution Deal and the associated readiness conditions
 - b. the work that has taken place across the partnership to consider the opportunities presented through the Level 4 Devolution Framework and activity undertaken to develop the West Yorkshire response, including the partnership principles
2. To formally ratify the Council's support for the Combined Authority's application to begin talks on adopting new Level 4 Devolution powers

Reasons for Recommendations

With the use of current devolved powers, we have more influence in Kirklees over how resources are spent and invested in Kirklees. Through ongoing collaboration and regional governance structures, we are able to influence decisions based on our understanding of the needs of people in Kirklees. The more influence we have, the more we can bring this local understanding to bear.

Whilst we would ask for additional funding and powers on top of those offered through level 4 of the government's devolution framework, this is an important opportunity to increase the influence of Kirklees over decisions that affect our district. It is, for example, a stepping stone to a 'single settlement' funding mechanism that would give us greater flexibilities over how we spend and invest devolution funding, allowing the Combined Authority to be more flexible, responsive, and strategic in achieving positive outcomes in West Yorkshire.

The partnership principles will help to shape how we put devolution into practice here in West Yorkshire. As part of the associated work, we have agreed that no organisation or part of West Yorkshire should experience a worsening position because of any new Level 4 powers and flexibilities. The principles will also enable the ongoing strengthening of collaboration and communication in West Yorkshire, which will only makes us better in enabling and delivering for local residents.

New Level 4 Devolution powers could affect all cabinet portfolios, therefore it is important that Cabinet understand the powers available and our application to begin to talks on adopting the new powers

Government requires the Combined Authority to indicate support for the application to begin talks on the new powers. Though this support has been informally indicated, there has been agreement to formally ratify this support of this support in each local authority.

The Secretary of State has written to the Mayor of West Yorkshire to indicate that the Combined Authority meets the eligibility criteria for Level 4 Devolution and that talks can commence.

The new powers for the Combined Authority would not directly reduce local authority powers and will support local ambitions.

Resource Implication: There are no significant resource implications directly arising from this decision. If the decision is taken to proceed with Level 4 Devolution, this will result in financial implications for the Combined Authority, including the move towards a DLUHC single settlement.

Date signed off by Strategic Director & name

Rachel Spencer-Henshall
Strategic Director for Corporate Strategy, Commissioning, and Public Health
1st March 2024

Is it also signed off by the Service Director for Finance?

Isabel Brittain
1st March 2024

Is it also signed off by the Service Director for Legal Governance and Commissioning?

John Chapman – Head of Legal Services
4th March 2024

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes – not applicable

1. Executive Summary

In November 2023, the government announced that new powers would be available for regional government, including (1) providing regional government with some additional powers similar to local authorities and (2) devolving powers held in national government to regional government.

West Yorkshire Combined Authority, with the support of local authority leaders, has submitted an initial application to begin talks on whether the Combined Authority can adopt some of these powers.

Though each local authority has indicated its support for talks to begin, there has been agreement that we need to formally confirm our support. The recommendation presented via this paper is to formally confirm our support for the application. The paper also provides an update on available powers and the process to explore these with government.

2. Information required to take a decision

2.1 Background

On 22 November 2023, the Department for Levelling Up, Housing and Communities (DLUHC) released a technical paper outlining the new Level 4 Devolution Framework. The Framework marks a move towards greater devolved funding and powers to eligible institutions who choose to participate and provides a stepping stone towards a single settlement through the offer of consolidated funding at the next multi-year Spending Review. The Framework aims to standardise English devolution, moving away from the previous approach of agreeing bespoke region-specific deals. Whilst this approach does not meet the partnership's full aspirations for devolution in West Yorkshire, the opportunity to pursue deeper devolution is welcomed.

2.2 Level 4 Framework

The Level 4 Devolution Framework, attached at Appendix 1 to this report, for information set outs the powers and functions available to eligible institutions, across a range of policy areas.

Key highlights on offer through the Framework are as follows:

Policy area	Summary of Offer
Funding	<ul style="list-style-type: none"> Funding simplification with a consolidated DLUHC pot, available at the next multi-year spending review, as the first stage towards a single settlement. Removal of Gainshare gateway reviews for eligible institutions which have passed Gateway One and meet criteria relating to local evaluation frameworks.
Transport	<ul style="list-style-type: none"> Devolved and consolidated integrated local transport settlement for eligible institutions subject to demonstration of appropriate level of fiscal sustainability and broader capacity/capability from the next multi-year Spending Review for the length of the Spending Review. A range of other offers linked to the Key Route Network, Pavement Parking and Taxi Licensing. <i>Access to Transport powers must be taken as a whole and are not available to pick and choose as with other powers on offer.</i>
Employment and skills	<ul style="list-style-type: none"> Further commitment towards a more devolved adult skills system with increased flexibility on adult skills programmes and the ability of institutions to be central convenors of careers provision in their regions, however availability is dependent on outcome/ implementation of Trailblazer deals. <i>Employment and Skills powers and flexibilities on offer must be taken as a whole.</i>
Housing and Land	<ul style="list-style-type: none"> Local leadership of the Affordable Homes Programme from 2026. Move towards greater collaboration between eligible institutions and DLUHC on housing quality.

Net Zero, Climate Change and Natural Capital	<ul style="list-style-type: none"> Government will consider devolving net zero funding, including for retrofitting buildings subject to the outcome of the trailblazer pilots and following a review of the effectiveness of the approach.
Public Health	<ul style="list-style-type: none"> A new concurrent power to take on a public health duty, offers no new funding but aims to create a 'health in all policies' approach to the Combined Authority's work.

In addition, the Framework provides other significant opportunities, including the move towards a general, rather than the existing, functional power of competence and the ability to make technical adjustments to historic legislation, offering the opportunity for eligible institutions to advise on changes to statutory guidance or legislation that could be disapplied or removed to support areas in meeting their objectives. The partnership is considering how it may utilise this opportunity to pursue technical adjustments that meet strategic objectives e.g. changing the current requirement for the Secretary of State to approve the location of roundabouts in local areas.

The Framework also enables eligible institutions to take on board powers that other areas have previously secured, should areas wish to do so.

2.3 Application Process, Timeline, and Readiness Conditions

The Framework sets out the application process, eligibility and access criteria that areas wishing to make an application for Level 4 Devolution will need to follow. A summary of the key criteria are as follows:

- Level 4 of the Devolution Framework will be available to combined authorities, combined county authorities and local authorities who have implemented a Level 3 deal.
- Level 4 will be offered once areas can provide confidence in the capacity, governance and culture of the institution to manage its activities effectively and take up further powers.
- Ministerial decisions will be taken in the round and the Government will engage further with individual areas before making a decision.
- Areas must confirm that they will report on how they are implementing the Scrutiny Protocol, as set out in the English Devolution Accountability Framework, within one year of confirmation from the Secretary of State that the Government is content to proceed with a Level 4 agreement.
- The Scrutiny Protocol sets out proposals for improved future working including the potential for areas to consider moving towards a single scrutiny committee model.
- MP sessions to further enhance scrutiny in the future, similar to those arrangements being established in GMCA and WMCA, will need to be adopted by areas.
- The final transfer of each policy area will be subject to areas demonstrating compliance with specific readiness conditions for each policy area within the framework.
- Subject to eligibility tests, an area can apply at any time to access further powers from the Devolution Framework.
- Any subset or a combination of powers unless otherwise specified may be applied for and there is no obligation to take all the powers on offer.

Eligible institutions must decide which parts of the Framework they would like to apply for and a final decision on this must be made by the mayor or directly elected leader with the agreement of all constituent members in the case of an eligible devolved institution.

2.4 West Yorkshire Level 4 Submission

Since the Government's publication of the Level 4 Devolution Framework in November 2023, the Combined Authority and five local authorities have been working closely, and at pace, to understand and consider the opportunities that a Level 4 Deal presents for West Yorkshire.

In discussions that have taken place, the partnership has been clear that deeper devolution must align with our collective objectives and priorities for the region. It must offer greater opportunity and levers to achieve the objectives and outcomes the partnership is seeking to deliver for our communities, businesses and places, as set out in the West Yorkshire Plan.

Following discussions between the Mayor and Local Authority leaders, and approval from the Finance Resources and Corporate Committee on 18 January to proceed, an initial application, seeking access to all of the opportunities available through the Framework has been submitted to Government. The West Yorkshire letter of application is attached as Appendix 3.

It should be noted that the initial submission of a letter of application to the Secretary of State does not constitute an irrevocable step and does not form part of the statutory process. However, it signals an intent to engage with Government and proceed with the Level 4 Framework, subject to further development work between the West Yorkshire partnership and Government. The legislative processes for the different aspects of the application would need to be worked through in progressing this, as part of which all statutory requirements, including the need for individual consents on whether to accept new powers, would take place.

Following submission of the West Yorkshire application letter, the decision sat with the Secretary of State as to whether to progress talks on the West Yorkshire Level 4 application. On 1st March 2024, the Secretary of State wrote to the Mayor of West Yorkshire to confirm that the Combined Authority meets the government's eligibility criteria (as set out in section 2.3), allowing talks with government to commence.

2.5 West Yorkshire Scrutiny Protocol

The Scrutiny Protocol, published alongside the Level 4 Devolution Framework, is guidance for good regional scrutiny. Its relevance to West Yorkshire devolution is in it setting out guidance relating to:

- the relationship between the mayor and the combined authority
- how the overview and scrutiny and audit committees hold the combined authority and mayor to account

Technical guidance states that eligible institutions will be required to confirm in their application how they intend to implement the Scrutiny Protocol within one year of agreement with the Secretary of State and then must confirm by that deadline how they have implemented all the key principles of the Scrutiny Protocol.

The Scrutiny Protocol intends to strengthen the accountability, assurance, audit and scrutiny functions of eligible institutions to ensure greater accountability for additional powers and funding.

The Scrutiny Protocol includes 18 key principles including: sustained appointments made on interest and skills; well-resourced training; inviting technical expertise; remuneration and status; participation in pre-policy and pre-decision scrutiny; regular performance monitoring including agreed outcomes; focused task and finish exercises; access to data; research; and analysis and strong relationship with audit committees.

Two further principles recommend a single committee structure and the introduction of a public Mayor's Question Time.

On 24 November 2023, the Corporate Scrutiny Committee established a Scrutiny Protocol Working Group to review the published Scrutiny Protocol and make recommendations on how the Combined Authority can implement the Scrutiny Protocol in full. The Working Group, which consists of Members from all three existing Scrutiny Committees (Corporate, Economy and Transport), is currently scheduled to meet on 29 January 2024 and 16 February 2024 to consider and review feedback from stakeholders.

At the time of writing, a final report and recommendations was planned to be submitted to a March meeting of the Corporate Scrutiny Committee for agreement, prior to submission to the 14 March 2024 meeting of the Combined Authority for approval.

Subject to findings of the review, the intention is to implement any proposals from June 2024.

2.6 West Yorkshire Partnership Principles

The first West Yorkshire Devolution Deal, agreed in 2020, was underpinned by a set of partnership principles which has supported the successful development of the partnership over the last three years. Since that time, the West Yorkshire partnership has grown and strengthened, demonstrated by our successful delivery of a range of ambitious programmes and initiatives which have resulted in better outcomes for local people, business, and place.

The strength of the West Yorkshire partnership of the five local authorities and the Combined Authority will underpin our ability to successfully deliver deeper devolution across the region.

Work to develop the West Yorkshire response to the Government's Level 4 Devolution Framework has provided a useful catalyst to review and refresh these principles, to support the next stage of the Combined Authority's devolution journey.

Revised partnership working principles developed in collaboration between the local authorities and Combined Authority are now set out below for consideration:

1. Collaboration and Co-production
2. Sovereignty
3. Subsidiarity and Devolution
4. Transparency and Accountability
5. Fairness and Equity
6. Flexibility and Funding Simplification

In seeking any further deepening of devolution in West Yorkshire, our approach recognises and acknowledges the parity of partnership, our strength as a collective of six and the lack of appetite for any proposal which diminishes the role or sovereignty of our constituent parts. We will work to these collectively agreed principles to ensure that moves towards deeper devolution across West Yorkshire support the achievement of our ambitions and deliver better outcomes for local people, businesses and communities across all areas of the region.

2.7 Next Steps

The West Yorkshire application letter was submitted to government by the West Yorkshire Mayor ahead of the government's deadline.

The known next steps are now as follows:

1. Consideration and ratification of the initial application is being carried out by each Constituent Council
2. Further discussions will commence with Department for Levelling Up, Housing and Communities and individual government departments to develop detailed proposals for each policy area. In particular, this will include consideration of whether consultation or statutory changes are required to implement individual elements of the Framework.

3. Further detailed work on the Scrutiny Protocol and its application to West Yorkshire, following consideration of an initial paper on Level 4 Devolution by the Corporate Scrutiny Committee on 19 January 2024. As set out above, a Working Group has been convened to review the Scrutiny Protocol and its application, and, at the time of writing, recommendations are scheduled to be considered at the 14 March Combined Authority meeting for approval.

To ensure that work is undertaken at pace and that the Combined Authority is informed at all points of the forthcoming devolution journey, regular updates will be provided as discussions with government departments takes place and work progresses.

3. Implications for the Council

3.1 Working with People

Regional governance structures provide Kirklees's locally-elected councillors and council officers with influence over regional spending and investment, providing an opportunity for local residents' views to influence this spending and investment. More regional powers devolved from central government will provide more influence for Kirklees representatives over these resources, and therefore for local residents.

3.2 Working with Partners

Fostering strong regional relationships and collaborative working continues to bring multiple benefits to our district. Through continued working with our regional partners, we are able to set the trajectory for long-term ambition as set out in the West Yorkshire Plan and ensure that government and wider local and national stakeholders are clear on our priorities and understand that we speak with one strong voice. Level 4 Devolution will create opportunities to strengthen partnership working through both the increased powers over local spending/investment and through the partnership principles.

More widely, regional governance structures provide Kirklees's locally-elected councillors and council officers with influence over regional spending and investment, providing an opportunity for partners to influence this spending and investment. More regional powers devolved from central government will provide more influence for Kirklees representatives over these resources, and therefore for local partners.

3.3 Place-Based Working

Throughout the engagement with the Combined Authority, we have emphasised the importance that one size doesn't fit all across West Yorkshire. We have agreed that some powers are best delivered at a district level based on district-level understanding and that new regional powers will not take powers away from districts. This will preserve our ability to make decisions in Kirklees based on our understanding of our different places.

3.4 Climate Change and Air Quality

There are no climate change implications directly arising from this report, however further flexibilities made available to the Combined Authority through accessing Level 4 Devolution could support the Council's climate and environment priorities.

3.5 Improving outcomes for children

There are no children's services implications directly arising from this report, however further flexibilities made available to the Combined Authority through accessing Level 4 Devolution could support the Council's ambitions for children to have the best start in life.

3.6 Financial Implications

There are no financial implications directly arising from this report. If the decision is taken to proceed with Level 4 Devolution, this will result in financial implications for the Combined Authority, including the move towards a DLUHC single settlement.

3.7 Legal Implications

Although there are no direct legal implications at this stage, statutory processes will need to be followed as appropriate to progressing different elements of the framework. This will become clearer upon advice from government as the process progresses.

Officers of the Combined Authority and partner councils are working collaboratively in assessing and taking forward any legal and statutory elements of this process.

3.7 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

There are no significant risk or human resource implications directly arising from this report. Risks will continue to be monitored as part of the discussions around potential new powers.

Integrated Impact Assessment (IIA)

The new powers broadly present opportunities to promote equality in line with our Public Sector Equality Duty and our strategic aims. Specific Integrated Impact Assessments will be carried out as the details of the range of new powers develop.

4 Consultation

Structured consultation has not taken place as this initial stage has only been focussed on producing an initial application to begin talks about available powers. However, consultation will be a part of the future stages when a devolution deal has been drafted.

5 Engagement

Throughout the development of the application, the Combined Authority have engaged local authorities through various informal regional meetings including with heads of policy, directors of development, chief executives, and leaders.

6 Options

6.1 Options Considered

1. Whether or not to support the application to begin talks about adopting powers through the new Level 4 Devolution Framework
2. Whether or not to accept the partnership principles

6.2 Reasons for recommended Option

With the use of current devolved powers, we have more influence in Kirklees over how resources are spent and invested in Kirklees. Through ongoing collaboration and regional governance structures, we are able to influence decisions based on our understanding of the needs of people in Kirklees. The more influence we have, the more we can bring this local understanding to bear.

Whilst we would ask for additional funding and powers on top of those offered through level 4 of the government's devolution framework, this is an important opportunity to increase the influence of Kirklees over decisions that affect our district. It is, for example, a stepping stone to a 'single settlement' funding mechanism that would give us greater flexibilities over how we spend and invest devolution funding, allowing the Combined Authority to be more flexible, responsive, and strategic in achieving positive outcomes in West Yorkshire.

The partnership principles will help to shape how we put devolution into practice here in West Yorkshire. As part of the associated work, we have agreed that no organisation

part of West Yorkshire should experience a worsening position because of any new Level 4 powers and flexibilities. The principles will also enable the ongoing strengthening of collaboration and communication in West Yorkshire, which will only makes us better in enabling and delivering for local residents.

New Level 4 Devolution powers could affect all cabinet portfolios, therefore it is important that Cabinet understand the powers available and our application to begin to talks on adopting the new powers

Government require the Combined Authority to indicate support for the application to begin talks on the new powers. Though this support has been informally indicated, there has been agreement to formally ratify this support of this support in each local authority.

The Secretary of State has written to the Mayor of West Yorkshire to indicate that the Combined Authority meets the eligibility criteria for Level 4 Devolution and that talks can commence.

The new powers for the Combined Authority would not directly reduce local authority powers and will support local ambitions.

7 Next steps and timelines

See Section 2.7 of this report.

8 Contact officer

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9 Background Papers and History of Decisions

N/A

10 Appendices

Appendix 1 – Level 4 Devolution Framework -

<https://www.gov.uk/government/publications/technical-paper-on-level-4-devolution-framework/technical-paper-on-level-4-devolution-framework>

Appendix 2 – Scrutiny Protocol

Appendix 3 - West Yorkshire letter of application

Appendix 4 – Secretary of State response to the Mayor of West Yorkshire -

https://assets.publishing.service.gov.uk/media/65e1d0707bc3290011b8c266/SoS_DLUHC_to_Mayor_Tracy_Brabin_West_Yorkshire_Combined_Authority.pdf

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Levelling Up,
Housing &
Communities](#)

Policy paper

Technical paper on Level 4 devolution framework

Updated 1 March 2024

Applies to England

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Annex: Devolution framework



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1. Policy and conditions

Introduction

This document sets out the devolution framework Level 4 policies that are on offer to existing Level 3 institutions by application to the government. This is subject to access procedures, see [chapter 2](#). This document describes the offer of powers from the government and any requirements that institutions will need to satisfy. The Level 4 offer, and its constituent parts, are optional; institutions do not need to implement the package as a whole, unless otherwise specified. Any powers available at Level 1-3 of the framework may also be granted at Level 4.

The framework continues to be designed to be dynamic so that it can evolve and be informed by devolution deal discussions and future policy development over the coming years. The updated version, alongside Level 4 powers and functions can be found in the [Annex](#).

Institutions refers to eligible institutions, which are mayoral combined authorities, mayoral combined county authorities and single local authorities.

We will keep the devolution framework, including Level 4, under review; including considering any further powers as part of further deepening of devolution.

Finance

Funding simplification

As set out at Spring Budget 2023, the government's ambition is to roll the single department style settlement model out to all areas in England with a devolution deal and a directly elected leader over time. We are working with Greater Manchester Combined Authority (GMCA) and West Midlands Combined Authority (WMCA) to develop further detail on the single settlements. To ensure these settlements stand the test of time, we are focusing on working with the trailblazers to design the first of these settlements before rolling out further.

As a precursor, we will offer Level 4 MCAs a DLUHC-only 'consolidated pot' at the next multi-year SR, covering two investment themes – local growth and place; and housing and regeneration – which will act as a steppingstone to the full trailblazer-style single settlement. The DLUHC consolidated pot will allow for

better planning over the longer term, provide MCAs with greater freedom and reduce administrative burden.

Following successful delivery of the consolidated pot, and learning from the trailblazers, Level 4 institutions will then become eligible to receive a single department style settlement covering all devolved spending areas from the subsequent multi-year Spending Review.

Gainshare Gateway Reviews

In due course, we will remove gateway reviews for eligible institutions which have passed Gateway One and meet the criteria relating to local evaluation frameworks, local transparency, and accountability. Further details on this will be shared shortly.

General Power of Competence

Eligible institutions, concurrently with the mayor, will be given the local authority general power of competence where they currently possess a functional power of competence. The government expects the institutions and their mayors to be leaders for their communities in reacting to crises and promoting social, economic and institutional innovation and to be close partners for the government in a wide range of future initiatives. To that end, the government offers a General Power of Competence to any area that feels this would help them in delivering that role.

Skills and employment

This offer sets out further commitments towards a more devolved adult skills system. The offer provides increased flexibility on adult skills programmes and establishes devolved institutions as the central convenors of careers provision in their respective regions. The offer is subject to these conditions:

- a. An eligible institution must have demonstrated effective management of its devolved adult education budget for a minimum of 2 years in addition to the specific conditions relating to the Free Courses for Jobs and Skills Bootcamps offers.
- b. An eligible institution must implement the Level 4 skills offer in its entirety. Eligible institutions cannot pick which skills elements to request; they must request all of them or none of them.

Adult education

The government will devolve non-apprenticeship adult skills functions and grant funding to eligible institutions. This is subject to the implementation of the

trailblazer deals in GMCA and WMCA and the institution satisfying readiness criteria.

There may be specific instances when the government needs to direct the design of adult skills provision or allocation of adult skills funding. However, this will be the exception rather than the rule, in circumstances where the scale or urgency are such that a national response is judged to be required to deliver the required outcomes or where there are national skills priorities that the government believes are not being met sufficiently by the skills system.

Free courses for jobs

The government will fully devolve and remove all ringfences for Free Courses for Jobs (FCFJ) funding. To access this part of the framework, the following condition must be satisfied:

The eligible institution demonstrates spending 80% of its available funding for the FCFJs offer on delivering high value Level 3 qualifications across an academic year and has a track record of delivering the current 'core offer' criteria or using the agreed 50% flexibility to address needs in the local labour market to eligible learners, addressing any barriers to Level 3 learning where necessary.

Skills Bootcamps

The Department for Education (DfE) will provide eligible institutions with sector flexibility over 100% of its allocation of Skills Bootcamps funding from financial year 2025-26, subject to eligible institutions satisfying agreed performance indicators. The DfE will share with the institution relevant commissioning activity, performance information and other data on Skills Bootcamps provision that will, or is likely to, include delivery to local residents or employers. In turn, the institution commits to share relevant commissioning activity, performance information and data about local delivery.

An eligible institution must satisfy the following conditions to access this part of the framework:

- The eligible institutions must retain the core purpose, policy intent and branding of Skills Bootcamps, consistent with the national model and maintaining this model integrity including while using sector flex.
- The eligible institutions must meet performance thresholds and achieve 80% starts and 60% outcomes, to be agreed in a side agreement with local areas.
- The eligible institutions must have delivered Skills Bootcamps for at least a full year, and the DfE will need to have confidence in their assurance process.
- The eligible institutions must maintain regular engagement with DfE and fellow eligible institutions.

Careers

With a mandate from the Secretary of State for Education, the DfE will work with eligible institutions to take forward the recommendations of the Holman review of careers education by offering a more place-based approach to careers education. This will enable the institution to act as the central convenor of careers provision in the region, creating strategic partnerships with local stakeholders to ensure that services for adults and young people align and respond to the skills needs of the local economy and with local skills planning. For adults this will include shaping and agreeing local KPIs with prime contractors of the National Careers Service and for young people this will include building on the current role of Careers Hubs and the support they provide for schools and colleges. The convening role will need to continue to align with, and respond to, the national funding and delivery of careers services.

Eligible institutions will strengthen delivery of the National Careers Service by reviewing and, where necessary, strengthening, collaborative activities and agreement of local KPIs, using existing national contractual mechanisms.

Eligible institutions will play a greater role in shaping the future national specification of an all-age careers system with the opportunity to feed into policy development for how the nationally funded careers offer evolves in the future, alongside continued engagement with the National Careers Service through locally agreed key performance indicators with regional prime contractors. This collaborative approach, including dialogue with DfE officials, will help to shape future service provision and contract specifications.

This is contingent on eligible institutions continuing to work with Careers Hubs and engaging with them at the local level.

Local skills improvement plans (LSIPs)

The DfE will consider the future role of eligible institutions in the delivery of LSIPs and the Local Skills Improvement Fund, drawing on the lessons learned from the trailblazer deals. In particular, the government will consider aligning the boundaries for LSIPs with those of eligible authorities where they exist.

Labour market governance

The Department for Work and Pensions (DWP) Secretary of State will ask eligible institutions to convene a new Regional Labour Market Partnership Board, which builds on the current collaborative structure that is already in place. The new board will be made up of senior officers from the eligible institution and from DWP (such as the area's Strategic Partnership Manager, Service Leader, or other appropriate HMG officials) with the authority to consider evidence, make advisory recommendations and engage in discussions proactively, to ensure that DWP, Jobcentre Plus (JCP) activity and eligible institution activity works together to improve client outcomes.

Outside this Board, discussions between the eligible institutions and JCP will take place between a single point of contact either through the area's Strategic Partnership Manager or Service Leader. Through these discussions, the new Regional Labour Market Partnership Board, and continued engagement with regional Jobcentre Plus teams, the DWP and the eligible institution will work closely to generate and/or identify, and test where feasible, approaches and initiatives that promote, and address priority needs in the area.

By taking this approach, the eligible institutions and DWP will work together to ensure value for money, better use of public funding and to achieve the best possible outcomes for clients locally and nationally.

Employment programmes

DWP will consider development of new contracted employment programmes, when necessary, in response to labour market conditions. Local stakeholders have a role to play to maximise outcomes in each area. As and when the specifics of any new contracted employment programme are determined, DWP will consider the appropriate role that eligible institutions would have in the design and delivery of the programme.

Data sharing

DWP and eligible institutions will work together to explore feasibility and potential for proportionate data sharing arrangements for programmes and services operating in the region to reduce duplication and facilitate better targeting and efficiency of an integrated employment and skills offer. This will be dependent on the work set out in the trailblazer devolution deals with the Greater Manchester Combined Authority and the West Midlands Combined Authority to establish principles for the legal, safe and secure sharing of data between the government and combined authorities.

Housing and land

Affordable Homes Programme

Eligible institutions, in partnership with Homes England, will be able to set the overall strategic direction, objectives and local leadership for the deployment of the Affordable Homes Programme in their respective regions from 2026. Operational management and administration will remain with Homes England and hence a strong partnership, such as through a Strategic Place Partnership, will be essential from the outset.

Decisions on how this will function will be taken as part of the development of the new programme over the coming year, with final decisions taken as part of

the Business Case. This is subject to any relevant successor programme being agreed in the next Spending Review.

The following conditions must be satisfied for eligible institutions to access this part of the framework:

- The institution has developed a pipeline of affordable housing schemes that are deliverable within the programme's timeframes, represent good value for money and are aligned with the government's objectives for the new Programme.
- The institution has a strong track record of working effectively with both Homes England and Housing Associations
- The institution is able to provide assurance that it is able to operate effectively in the local market.
- The institution is able to demonstrate strong internal political cohesiveness and common housing aims across its geography and various planning authorities.

Housing quality

DLUHC and the eligible institutions are committed to tackling poor quality housing in their area. As part of this, DLUHC will collaborate with eligible institutions to understand specific local housing quality issues in their areas and the potential solutions across the private and social rented sector. Specifically, DLUHC will facilitate the sharing of best practice and information from across the country, including from enforcement pathfinder and pilot programmes already underway.

As part of DLUHC's commitment to tackling poor quality housing, the local housing authorities within the area will be given support and powers to help manage areas of private rented accommodation in line with previous devolution deals.

Mayoral development orders

Eligible institutions will be granted the power to make Mayoral Development Orders so that they can proactively grant permission for strategic development opportunities, with the local planning authority's consent.

Compulsory purchase powers

The eligible institution will be given land assembly and compulsory purchase powers for housing, regeneration and economic development purposes subject to the agreement of the local authority constituent member where the relevant land is located, and to the consent of the Secretary of State for Levelling Up, Housing and Communities.

DLUHC will support the eligible institution to establish its own public sector land commission. This support could provide relevant contacts, establish initial engagement with relevant partners, departments and stakeholders across government and support on initial launch of any land commission. This approach could give the institution the opportunity to engage with the UK government on specific barriers, opportunities and sites within their area. A direct contact in government could also be sought from the Cabinet Office to support in the long term but the main functionality would be maintained and operated by the institution.

Access to this offer is conditional on the eligible institution having an existing connection to One Public Estate at a local level.

Resilience and contingency planning

The UK government will work to significantly strengthen Local Resilience Forums by 2030, as described in the UK government Resilience Framework. This will include a clear role for eligible institutions and their directly elected leaders in local resilience and civil contingency planning, preparation and delivery.

This is subject to the conclusion and full consideration of the Stronger Local Resilience Forums pilot programme in 2025-26, and eligible institutions having a strong working relationship with the relevant LRF.

Transport

The transport offer is made available as a package of measures that eligible institutions, wishing to deepen their transport devolution settlement will be expected to draw down in its entirety.

Single transport funding settlement

Subject to demonstrating an appropriate level of fiscal sustainability and broader institutional capacity/capability within the eligible institution, the directly elected leader will be responsible for a devolved and consolidated integrated local transport settlement for the eligible institution which the government will provide the eligible institution from the next multi-year Spending Review for the length of the Spending Review period. The ambition is for the consolidated local transport budget to include all funding allocation to the eligible institution for Local Transport. Government will work with the eligible institution on the detail of the consolidated integrated local transport settlement.

The assurance framework will build on the existing City Region Sustainable Transport Settlement (CRSTS) assurance framework and will include outputs, outcomes and circumstances where a project becomes a retained scheme **Page 497**

as such is subject to approval from the government. The eligible institution's eligibility for future local transport funding competitions run by central government will be decided on a case by case basis.

Bus Service Operators Grant

In line with the commitment in the National Bus Strategy, the government is working on the reform of the Bus Service Operators Grant (BSOG). This reform activity will include public consultation that all Local Transport Authorities (LTAs) will be able to respond to. The government will devolve powers for the payment of BSOG to eligible institutions. Eligible institutions will provide support to identify the funding for bus services entirely within their boundary that is paid to commercial operators and would be suitable to be devolved both currently and following future national reform.

Zero Emission Buses

Eligible institutions may wish to consider a range of mechanisms to drive increased Zero Emission Bus (ZEB) uptake. This can include procurement and the adoption of local ZEB strategies. The Department for Transport (DfT) is committed to working with the eligible institution in considering these mechanisms to help them decarbonise their bus fleets.

DfT expects that eligible institutions will publish and implement strategies to decarbonise their local bus fleet, in line with the relevant government strategies and guidance. This would include setting a date for reaching an all zero emission bus fleet in the area.

Rail

The government is committed to supporting eligible institutions in seeking a new rail partnership with Great British Railways (GBR), once established. Partnerships will support further integration with other transport modes. They will also ensure the priorities of the eligible institution, where these are coordinated and compatible with surrounding areas and the needs of the national network, can be taken into consideration in future.

Building on this partnership, the government:

- a. Encourages eligible institutions to join the Rail Data Marketplace, providing greater access to local rail data and improving local scrutiny of performance. By adopting an 'open by default' approach, the Rail Data Marketplace will remove barriers and make it easier for partners to work with the railway industry.
- b. Commits to ongoing engagement with eligible institutions on the Long-Term Strategy for Rail. Once established, Regional teams in GBR will work with local partners to consider local priorities and strategies as part of long-term, strategic, planning.

c. Supports identification of worthwhile opportunities for regeneration, commercial and housing development in and around rail stations. The establishment of GBR creates an opportunity to increase commercial income and the local responsibilities of the eligible institutions will help to realise this. The Government will support discussions between the eligible institution and other relevant organisations, including Network Rail, Great British Railways Transition Team and London & Continental Railways, to explore land use option.

National Highways

National Highways will review the working relationship between eligible institutions and National Highways to identify opportunities for improved engagement and closer working on issues of common interest to support the delivery of eligible institutions' local transport plans.

Integrated ticketing

The government is committed to delivering on the Levelling Up Transport Mission, that by 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.

The government recognises the wider benefits of integrated ticketing and fares capping, especially for passengers. The government acknowledges the desire of eligible institutions to make progress in this area and give passengers the confidence of paying the best value fare regardless of which transport mode they use, and without having to decide in advance which type of ticket to buy.

The ownership, operation and funding arrangements in place for different modes of transport around the country mean that delivering fully integrated ticketing is a complex and resource-intensive endeavour, with significant funding and commercial challenges. Previous experience suggests an incremental approach is likely to be the most effective in delivering benefit to passengers in the near term, while driving progress against longer-term goals.

On rail, the government's current priority is to agree rail 'Pay As You Go' (PAYG) pilots in Greater Manchester and West Midlands by the end of 2023, with a view to implementing these pilots by 2025.

- These pilots will enable the government to test key aspects of PAYG, including fares principles (such as the approach to capping), the customer proposition, technical solutions and other considerations in the delivery of a PAYG scheme.
- The proposed pilot in the West Midlands will use well understood, and deliverable, ITSO (Integrated Transport Smartcard Organisation) smartcard technology and require passengers to obtain a card and create an account.

- The proposed pilot in Greater Manchester will use contactless EMV (Europay Mastercard Visa - a payment method based on a technical standard for smart payment cards) technology, which will enable passengers to use their own phone or credit/debit card for 'tap in tap out' payments as in London, but is less developed and will be more complex to overlay on existing rail systems.
- Testing 2 different technical approaches in 2 different areas will allow the government to better understand which approach is more successful and brings the best value for money enabling easier and quicker wider roll-out to other areas.

The government will build on these pilots to inform and support further regional ambitions in this space. The government will discuss the early findings and any lessons learned from the pilots in Greater Manchester and the West Midlands with other places. This could enable other places to explore a rail ticketing solution from 2026 onwards, alongside the bus/light rail solution referenced below.

On bus, the government's 2021 guidance on Bus Service Improvement Plans sets out that Local Transport Authorities (LTAs) and bus operators should assume that a technical back-office solution for full bus multi-operator contactless ticketing will be made available and therefore should not seek to develop this independently. The government has asked Project Coral (a consortium of bus operators), West Midlands Combined Authority and Midlands Connect to develop a multi-operator contactless ticketing solution for bus and light rail, to be made available to all LTAs across England.

- Building on the £2 bus fare the government has funded across England through to December 2024, this will enable multi-operator fares capping on bus and light rail outside of London, using cEMV contactless payment methods.
- It is expected that the ticketing solution will be procured by summer 2024, and following successful development and testing will then be made available to all LTAs in England (outside of London).
- Once the solution is made available, eligible institutions will (subject to funding) be able to take it up in line with local needs.
- Our initial focus is on developing and implementing a multi-modal solution across bus and light rail. In the longer-term we expect the solution to include rail and (where relevant) other transport modes and we have ensured this will be factored into the development of the solution.

Ahead of providing any further place-specific support, the government would expect eligible institutions to have used their existing powers and functions to full effect to drive integration in their areas based on their local needs, including:

- The Advanced Ticketing Scheme powers under the Transport Act 2000 to establish multi-operator and multi-modal (including rail or light rail services by agreement) ticketing schemes, which require bus operators to sell and accept any ticket on a particular technology e.g. smartcard.

- LTAs with Enhanced Partnership (EP) schemes in place or pursuing franchising can also require bus operators to provide a suite of tickets based on a standard set of 'zones'; and to apply consistent rules to tickets e.g., eligibility for concessions; and set a price for a multi-operator ticket. Franchising gives LTAs full control over fares and ticketing.
- LTAs with responsibility for setting fares on light rail networks or other modes in their area can use the bus powers above to integrate some aspects of bus and light rail ticketing.

In October 2023, the government committed £100 million across the North and Midlands to support the development and rollout of contactless and smart ticketing. Further details will be provided in due course.

Key Route Network

Where the eligible institution and its directly elected leader does not have a Key Route Network (KRN), the directly elected leader and institution will set up and coordinate a KRN on behalf of the directly elected leader. This will allow the most important local roads to be managed in a strategic way across the area to improve traffic flow and reduce congestion. This will also allow for the introduction of traffic management measures to, for example, improve public transport, cycling and walking infrastructure, improve bus journey times and to introduce lane rental schemes to minimise disruption and smooth traffic flow for all road users. The constituent councils will remain the highway authority for their area, responsible for the management and operation of the local highway network in line with their statutory duties and taking account of the needs of all road users, including drivers.

The directly elected leader will take on a power of direction allowing them to direct member highway and traffic authorities in the exercise of their powers with regard to the KRN. The power of direction will ensure the mayor has the full range of levers available to deliver their Local Transport Plan and the priorities of the institution and realise the full benefit of the government-funded local transport investment.

Taxis and private hire vehicles

In partnership with constituent councils, the eligible institutions will develop a single set of taxi and private hire vehicle licensing standards, incorporating the government's Statutory Taxi and Private Hire Vehicle Standards and Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, which all constituent councils will then apply. The eligible institutions will lead work to explore the creation of a single shared service for processing taxi and private hire vehicle licence applications in the area.

Eligible institutions will lead work to ensure enforcement and compliance action can be taken against any licence issued by a licensing authority in the area by either all licensing authorities in the area or the single shared service. These

commitments will be implemented within 18 months of the Level 4 agreement, unless otherwise agreed with the Department for Transport.

The government is exploring transferring taxi and PHV licensing to both combined authorities and upper-tier authorities and will be engaging stakeholders on this in due course. Moving licensing would enable eligible institutions to benefit from the efficiency savings of bringing licensing under one authority. If following engagement this policy was taken forward, primary legislation would be needed. If the government decided not to move licensing on a national level, the government would still be prepared to consider seeking a legislative slot to enable the Secretary for State to transfer licensing in areas where there was agreement of all the lower-tier or unitary authorities.

Pavement parking

In partnership with constituent councils, the eligible institution will work to identify pavement parking problems across the area and, in cooperation with constituent councils, will seek to develop a consistent approach to the restriction and enforcement of pavement parking, using available powers as appropriate. This will provide consistency to drivers, whilst also helping to provide a consistent level of service for people using the pavement and increasing accessibility for disabled users and those with children. The government is currently considering its response to the national pavement parking consultation.

Active travel

To ensure consistency in the quality and safety of schemes, Active Travel England (ATE) will provide support to ensure walking, wheeling and cycling schemes are designed and delivered to high standards, including compliance with Local Transport Note 1/20 (LTN 1/20). The eligible institutions will work with ATE and all partner/constituent authorities to boost capability and improve the design quality of all active travel schemes funded by the government and those that are locally funded, including for cross-modal schemes that have active travel elements, such as a corridor or transport interchange scheme.

All cycling and walking schemes funded by the government must comply with LTN 1/20. ATE will support the eligible institution's design assurance approach, which is recommended to be a Design Review Panel. Should there not be a Design Review Panel, ATE will prioritise specific schemes for ATE to design review. Schemes not prioritised will be provided with ATE standing advice and should be approved by the eligible institution's design assurance approach (DRP or equivalent). This will avoid delaying schemes unduly. ATE capability ratings will continue to be considered when allocating consolidated funding that includes active travel infrastructure.

Net zero, climate change and natural capital

Devolution of net zero funding pilot including buildings retrofit

The government will consider devolving net zero funding, including for retrofitting buildings, to the eligible institution. This is subject to the outcome of the trailblazing pilots committed to in the deeper devolution deals with the GMCA and WMCA. After the pilots, the government, GMCA and WMCA will undertake a review of the effectiveness of this approach to consider and agree whether to continue it, if so in what form. The government will then consider whether to extend this arrangement to the eligible institution.

Clean heat

The government has confirmed its intention to establish heat network zoning in England. Under the zoning proposals, zoning coordinators within local government will be able to designate areas as heat network zones where heat networks are going to be the most cost-effective way to decarbonise heating and hot water within the zone. This will enable the appropriate level of local government to assume the role of heat network zoning coordinator and play a key role in the delivery of heat decarbonisation infrastructure. This includes requiring certain buildings to connect to heat networks within the zones. Government is committed to have heat network zoning in place by 2025.

Strategic energy system planning

The government recognises the strategic role institutions can play in planning our future energy system for net zero, with its ability to convene local authorities, the strategic transport authority, energy infrastructure providers and other key stakeholders, and is committed to ensuring that devolved regional institutions such as Combined Authorities have a meaningful role in planning our future energy system for net zero.

The government is considering the role of local area energy planning in delivering net zero and supporting efficient network planning, working closely with Ofgem and its review of local energy institutions and governance. As part of their ongoing work, the government and Ofgem will explore how local area energy plans can support local action, investment and delivery by energy system stakeholders.

As outlined in Ofgem's review - of local energy institutions and governance, there is a need to look further at roles and responsibilities at a sub-national level, particularly to address known issues around coordination and accountability. The eligible institutions are encouraged to engage both with this discussion and the future systems and network regulation workstream, which looks specifically at network investment.

To overcome the energy crisis and meet our future needs, it is more important than ever that we rapidly develop a smarter, more integrated, low carbon energy system. Investment by network operators is central to achieving this, as is having the right input from stakeholders to inform it.

As part of the current electricity distribution price control framework which started in April 2023, Ofgem required DNO Electricity Distribution to engage with the eligible institution and other local stakeholders to inform its business plans. Where additional allowances are granted during the period, Ofgem expects DNO electricity distribution to engage with the eligible institution and other local stakeholders to provide them with confidence that their proposed investment will meet local needs and enable the delivery of net zero and green growth objectives.

Climate change and natural capital

The Department for Environment, Food and Rural Affairs (Defra) will work towards the appointment of the eligible institutions as the responsible authorities for the local nature recovery strategy (LNRS) for their area, where they are not already the responsible authority.

Defra will work closely with eligible institutions to ensure they are supported as the LNRS responsible authority in the future, including by making available Defra group expertise and data, and working together on delivery of the LNRS.

Innovation, trade and investment

Trade and investment

The Department for Business and Trade (DBT) will work with local partners including eligible institutions to gain a holistic view of the UK's business environment's competitiveness vis-à-vis its peers specific to our ability to attract regional investment. Eligible institutions will provide referrals for potential DBT Investment Champions from the local area. DBT will agree to make appointments based on intake capacity and selection criteria.

Eligible institutions will have support from the Office for Investment at the regional level. This will concentrate around two core elements – capital investment and traditional foreign direct investment (FDI). Both parties will work together with the aim of maximising large-scale inward investment (>£100 million) – utilising the eligible institution's knowledge of capital investment propositions and opportunities, priority sites, innovation, and sector/clustering opportunities. The eligible institution will provide/signpost to public support to help land inward investment; and the Office for Investment will engage with high-value projects and provide a cross-Whitehall convening role working

together to increase the profile of the eligible institution's area internationally as an investment destination.

DBT will jointly support investor relationships with access to information, local support and facilitation as needed to retain and attract high-profile companies in the UK. This includes partnering on external investor propositions, content for events and digital marketing material.

DBT will support the development of a specific investment plan. This includes helping develop the 'investability' for key local assets such as Freeports, Investment Zones and economic clusters, and presenting these to the international business community. Alongside this, DBT will create a more formal network of local investment promotion agencies and will seek to improve access to its network of Investment Champions to help inform city region investment priorities and provide peer support to future investors.

Business support

DBT will establish a Strategic Productivity Forum - a collective arrangement with several eligible institutions as a forum to discuss closer working and co-operation regarding the delivery of local and national business support interventions.

Eligible institutions will have the opportunity to raise local priorities for future business support and advisory services to inform and influence government's future development of business support. DBT will also work in partnership to help increase the take up in their areas of national business support interventions.

Where there is a British Business Bank Nations and Regions Investment Fund that includes their area, eligible institutions will have the opportunity to discuss this. The referral network between the institutions, commercial lenders and the British Business Bank UK funds will be strengthened to make it easier for more local businesses to access the finance they need.

Partnership working and collaboration between eligible institutions and the British Business Bank's UK network representatives for the relevant area will be strengthened to stimulate informed demand for finance among businesses. This may involve joint events and initiatives, as well as knowledge sharing.

Export

DBT will support the development and implementation of institution-specific export plans / international strategy and seek to develop institution-specific events and other activity based on local priorities.

Partnership working

Further to any wider established principles for the legal, safe and secure sharing of data between the eligible institution and the government, we will work to share more of the intelligence and data owned by each party, to better inform mutual planning and strategy, within the requirements of UK General Data Protection Regulation (GDPR) or other data protection obligations.

DBT will jointly seek to maximise the engagement of appropriate businesses and stakeholders in global trade opportunities and activity created and identified as a result of this deeper devolution agreement and maximise the opportunity for regional businesses and stakeholders to contribute to national policy consultations, including the development of new Free Trade Agreements, for example by responding to Calls for Input that inform the mandate for Free Trade Agreements.

Innovation

This part of the offer is only accessible to MCAs.

Local government plays an important role in building regional innovation capabilities, working in partnership with local researchers and industry and the government is committed to strengthening their voice in the national research and innovation ecosystem. We need to support research and development clusters to attract private investment harnessing the innovation economy to deliver benefits to all.

To achieve this the Department for Science, Innovation and Technology (DSIT) will periodically invite the eligible MCAs to articulate their research and development priorities to UK Research and Innovation (UKRI). These eligible MCAs should demonstrate that their priorities are informed by inclusive and well governed engagement with stakeholders from their local research and innovation ecosystem.

DSIT and UKRI will consult elected mayoral authorities on the development of relevant future research and innovation strategies. UKRI will help eligible MCAs to identify regional comparative innovation advantages and relevant funding opportunities, including through co-developed regional action plans with Innovate UK. UKRI will publish regional data on its investments through its Gateway to Research portal to enable eligible MCAs to identify relevant opportunities.

Culture and tourism

A subset of DCMS arms-length bodies (ALBs) will scope the potential for a collaborative partnership with eligible institutions, subject to factors such as institutions' ambitions across relevant DCMS ALB priorities (e.g. culture,

heritage, communities, the visitor economy and sports); priority of the place for ALBs; and sufficiency of ALB resourcing.

If taken forwards, the partnership, supported by DCMS, would share expertise and insight across (some or all of) culture, heritage, sport, communities and the visitor economy (as applicable), in order to maximise the impact of funding and policy decisions taken within the eligible institution's area by members of the partnership.

A key area of focus for the partnership would be for eligible institutions and ALBs to share information on their priorities and plans across the relevant policy areas. This would facilitate a shared understanding among the partnership of potential opportunities for alignment, recognising that culture, heritage, sport and the visitor economy all play a strong role in supporting places and communities to thrive - and that this effect is maximised when individual decisions take into account the wider context of other plans and decisions being made for an area.

All partnership members would retain their autonomy for individual decision-making. The partnership would not prejudice ALB decisions around national grant funding processes or their national priorities. ALBs would also seek to use the partnership to deliver their national priorities, which will remain paramount. The scale of each ALB's involvement in the partnership would be dependent on the specific context and degree of alignment identified between individual priorities. DCMS would be involved in discussions as appropriate.

The partnership would be reviewed annually, and subject to future capacity and appetite could be renewed up to a five-year period.

Public health

Health services

The Department of Health and Social Care (DHSC) encourages eligible institutions to work in partnership with their local Integrated Care Systems (ICSs) as well as regional Directors of Public Health from the Office for Health Improvement and Disparities to improve population health outcomes.

Eligible institutions will be supported to take on a health improvement duty which will require them to take steps they consider appropriate to improve the health of their residents, concurrent with the existing duty of their constituent upper-tier councils. This duty will complement the health improvement role of local authorities and their Directors of Public Health, making it easier for eligible institutions to participate alongside local authorities in initiatives that can improve health and to consider health proactively as part of key strategies and investment decisions.

Technical adjustments to historic statutes or guidance

The government invites eligible institutions to advise on, as they may identify them, changes to statutory guidance or legislation they would like to see to support them in meeting their objectives. This could consist of disapplying or removing local legislation which they consider restrictive to delivering their designated functions.

The motivation for this change is to widen the scope of policy action at the local level to include delivery of their defined functions in ways which are currently constrained by provisions which may have been introduced in the past, but have accumulated over the years without specific attention and without being essential to the government's policy, and the effect of which is to cumulatively restrict the ability of local areas to pursue their functions.

The scope of this invitation would be narrow, as it is a streamlined process for only a narrowly defined set of asks. Proposals that will be considered are limited to ones which:

- a. Help unblock a particular initiative within the broad scope of the functions set out in the areas' deal and the devolution framework.
- b. Are not on a contentious issue or contradict stated government policy.
- c. Would not have a net negative fiscal impact for central government.

Requests would not be considered as a route outside of the devolution framework to take on additional powers or reopen deal negotiations.

The government's commitment to such proposals is to invite them on a standing basis, for areas with 'Level 4' devolution; review any requests within the context of the government's priorities, available resources and Parliamentary time, and act as such constraints permit. No guarantees can be given on the prospect of any particular change.

The types of change the government might consider could include:

- a. Changes to secondary legislation, such as orders applying to specific geographic areas or local authorities; or lists of bodies to which specific legislation is applicable to.
- b. Legislative reform orders, if the change required is appropriate for that vehicle.
- c. Changes to statutory guidance, if it met the rest of the above limitations.

Access to powers previously devolved elsewhere

The government will also welcome proposals from eligible institutions for devolution to them of any other power previously devolved to another MCA, MCCA, or Local Authority within England, including powers offered in Levels 1-3 of the devolution framework.

2. Eligibility and access

Eligibility criteria

Eligibility test

Level 4 of the devolution framework will be available to combined authorities, combined county authorities and local authorities with an implemented Level 3 deal including a directly elected leader in post, unless specifically indicated otherwise.

Level 4 will be offered once areas can provide confidence in the capacity, governance and culture of the institution to manage its activities effectively and take on further powers. Ministerial decisions on this test will be taken in the round. The government will engage with individual areas before making decisions on this test.

Institutions accessing the Level 4 offer that are subject to investigation, notice or intervention by the Department for Levelling Up, Housing and Communities, with regards to concerns about the institution's finances, operation, and administration of local government services are also unlikely to meet this test.

Once new mayors and other directly elected leaders are elected, institutions with newly agreed 'Level 3' deals will be eligible to apply for access, so long as they can meet the tests set out. Completion of the transfer of powers is contingent on areas maintaining compliance with the criteria and requirements set out here.

Accountability requirement

Areas must confirm in their application that they will report on how they are implementing the Scrutiny Protocol

(<https://www.gov.uk/government/publications/scrutiny-protocol-for-english-institutions-with-devolved-powers>), as set out in the English Devolution Accountability

Framework (EDAF), within 1 year of confirmation from the Secretary of State that the government is content to proceed with a Level 4 agreement.

Areas will be expected to write to the Secretary of State to confirm they are implementing the Scrutiny Protocol by this deadline. The government will expect to see how areas are implementing all of the key principles and additional scrutiny e.g., Mayor or directly elected leader Question Time in the Scrutiny Protocol.

In the future, the government will expect areas to adopt MP sessions to further enhance scrutiny, similar to those arrangements being established in GMCA and WMCA and any lessons learned from application there. This will be considered when institutions receive single departmental-style funding settlements.

Readiness conditions

Final transfer of each policy area will be subject to areas demonstrating compliance with specific readiness conditions for each policy. These are set out alongside the corresponding policy area.

Access arrangements

Operation of Level 4 of the devolution framework

In line with the above eligibility test, where an area meets the eligibility criteria and accountability, it can apply at any time to access further powers from the devolution framework from that level.

The powers and functions in this framework have been collectively agreed by the government and are agreed policy. So long as an area can demonstrate that they meet the relevant eligibility criteria and readiness conditions, and subject to any required legislation, the government will transfer the function/power to that area in co-operation with them.

Any subset or combination of powers, unless otherwise specified, may be applied for – there is no obligation to take all the powers on offer.

Level 4 areas are also invited to discuss with the government, should they wish to take on any power previously devolved to another area in a Level 2 or 3 devolution deal but not currently available to them, the possibility of accessing that power.

No further powers will be offered via the deeper devolution route here other than those set out in this document. Any further deepening of devolution will take place via a separate process to review and deepen Level 4 as a whole.

Applying for Level 4 devolution – step-by-step guide

The institution will decide which parts of the framework it would like to apply for (note that the readiness conditions for certain powers within the framework may include a requirement to take certain powers all at once in a ‘basket’ for policy alignment purposes). A final decision on this must be made by the mayor or directly elected leader with the agreement of all constituent members in the case of an eligible devolved institution or with the agreement of Cabinet in a single local authority (SLA).

The institution will then submit their application in a form of a letter to the Levelling Up Secretary. This letter will have to confirm:

- a. The institution meets the eligibility criteria.
- b. A commitment to reporting on the implementation of the Scrutiny Protocol within 12 months of the Levelling Up Secretary confirming HMG’s agreement to proceed.
- c. The elements of the framework for which the institution is applying. This must be set out verbatim from the framework and cannot include additional asks or amendments of the government.
- d. Where that element of the framework requires new powers and functions, the institution will follow the procedure as set out in legislation for conferring these to a combined authority/combined county authority or local authority. For combined and combined county authorities this includes the requirement for public consultation. For a local authority whilst this is not required by legislation, we do expect a consultation to be carried out.
- e. The institution understands that the speed at which commitments are implemented will depend on their ability to demonstrate it has met the readiness conditions HMG has specified for each policy.
- f. The mayor or directly elected leader has the agreement of all constituent members in the case of an MCA/MCCA and the agreement of their Cabinet in an SLA.

The Levelling Up Secretary will then consider the application and respond via correspondence.

If the Levelling Up Secretary is content to proceed, officials from the relevant government departments will work with the institution to implement the commitments.

The institution will undertake, where appropriate, the public consultation as committed.

The conferral of functions will be subject to the Levelling Up Secretary being satisfied that the relevant statutory tests have been met including having

required consents, and parliamentary approval of the secondary legislation.

If the Levelling Up Secretary considered that the area does not meet the eligibility criteria, they would respond via correspondence setting out the reasons why.

Annex: Devolution framework

As part of the publication of the Levelling Up White Paper (LUWP) the government released a ‘devolution framework’. This detailed the types of powers and functions that would be considered as part of a devolution deal. Some powers may only be available to certain authorities or geographies. Alongside Level 4 powers, we have amended the devolution framework to reflect progress in devolving decisions and functions. The framework continues to be designed to be dynamic so that it can evolve and be informed by devolution deal discussions over the coming years. The updated version, alongside Level 4 powers and functions can be found below.

We will keep the devolution framework, including level 4, under review; including considering any further powers provided as part of the North-East trailblazer devolution deal.

Level 4 – Deeper devolution for an established single institution or county council with a directly elected leader (DEL) in post who can meet specific eligibility and accountability criteria.

Level 3 – A single institution or county council with a DEL, across a FEA or whole county area

Level 2 – A single institution or county council without a DEL, across a FEA or whole county area

Level 1 – Local authorities working together across a FEA or whole county area e.g., through a joint committee.

Strategic role in delivering services

Detail	L1	L2	L3	L4
Host for government functions best delivered at a strategic level involving more than one local authority e.g. Local	✓	✓	✓	✓

Detail	L1	L2	L3	L4
Nature Recovery Strategies				
Opportunity to pool services at a strategic level	✓	✓	✓	✓
Opportunity to adopt innovative local proposals to deliver action on climate change	✓	✓	✓	✓
A strategic role on net zero in collaboration with government		✓	✓	✓
Opportunity for devolution of retrofit funding subject to the outcome of the existing pilots in Greater Manchester and the West Midlands				✓

Supporting local businesses

Detail	L1	L2	L3	L4
LEP functions including hosting strategic business voice	✓	✓	✓	✓
Opportunity to access a Strategic Productivity Partnership to support local business growth				✓
Opportunity to articulate research and development priorities [^]				✓

([^]) refers to functions which are only applicable to mayoral combined authorities

Transport

Detail	L1	L2	L3	L4
Become the strategic transport body for the area and take on all associated Local Transport Authority and public transport functions. This includes responsibility for an area-wide local transport plan, bus Enhanced Partnerships,		✓	✓	✓

Detail	L1	L2	L3	L4
support for public transport services, and concessionary fares*				
Defined and coordinated, Key Route Network, with a mayoral power of direction over the exercise of local highway and traffic authority powers on the Key Route Network*			✓	✓
Priority for new rail partnerships with Great British Railways – influencing local rail offer, e.g. services and stations			✓	✓
Have automatic access to franchising powers to independently introduce bus franchising in line with current guidance*			✓	✓
Consolidation of local transport funding settlement in line with the principles set out in the Levelling Up White Paper and Funding Simplification Doctrine. The quantum of funding and the number/remit of individual funding lines will be agreed through the next Spending Review Process			✓	
Single local transport funding settlement in line with the principles set out in the Levelling Up White Paper and Funding Simplification Doctrine. The quantum of funding and the number/remit of individual funding lines will be agreed through the next Spending Review Process				✓
Responsibility for administering payment of Bus Service Operators Grant			✓	✓
Leadership in improving consistency and efficiency in taxi and private hire vehicle licensing				✓
Government commitment, subject to delivery of the Pay As You Go rail ticketing pilots in Greater Manchester and West Midlands, to build on these pilots to inform and support regional ambitions for integrated multi-modal ticketing				✓
Leadership in developing a consistent approach to pavement parking in the area				✓

(*) refers to functions which are only applicable to combined authorities as opposed to county councils

Investment spending

Detail	L1	L2	L3	L4
UKSPF planning and delivery at a strategic level		✓	✓	✓
Long-term investment fund, with an agreed annual allocation			✓	✓
Consolidation and simplification of local growth & place and housing & regeneration funding, including a pathway to a single department-style financial settlement.				✓
Removal of gateway review, subject to meeting certain criteria				✓

Giving adults the skills for the labour market

Detail	L1	L2	L3	L4
Devolution of Adult Education functions and the core Adult Education Budget		✓	✓	✓
Providing support and refinement for Local Skills Improvement Plans		✓	✓	✓
Role in designing and delivering future contracted employment programmes			✓	✓
Ringfenced funding for Free Courses for Jobs		✓	✓	✓
Ability to work with DfE to commission a local programme of Skills Bootcamps, to be informed by future spending agreements	✓	✓	✓	✓
Work with local stakeholders to align careers provision with devolved AEB activities		✓	✓	✓
Full devolution of Free Courses for Jobs funding				✓
Full flexibility over Skills Bootcamps funding				✓
Central convening of careers provision				

Detail	L1	L2	L3	L4
New regional Labour Market Partnership Board				✓

Housing and infrastructure

Detail	L1	L2	L3	L4
Ability to establish Mayoral Development Corporations (with consent of host local planning authority)			✓	✓
Devolution of locally-led brownfield funding			✓	✓
Homes England compulsory purchase powers (held concurrently)		✓	✓	✓
Strategic control in any future Affordable Homes Programme (from 2026)				✓

Keeping the public safe and healthy

Detail	L1	L2	L3	L4
Mayoral control of Police and Crime Commissioner (PCC) functions where boundaries align [^]			✓	✓
Mayoral control of Fire and Rescue Authority (FRA) functions where boundaries align [^]			✓	✓
Clear defined role in local resilience [*]		✓	✓	✓
Where desired, offer MCAs a duty for improving the public's health (concurrently with local authorities)		✓	✓	✓

(*) refers to functions which are only applicable to combined authorities as opposed to county councils

([^]) refers to functions which are only applicable to mayoral combined authorities

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Scrutiny Protocol

1. Introduction

- 1.1. The Levelling Up White Paper set out a mission that by 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.
- 1.2. In providing areas with more powers and funding flexibility, these powers need to be used appropriately to support local and national priorities. This means having local leaders and institutions that are transparent and accountable, seek the best value for taxpayer's money and maintain strong ethical standards.
- 1.3. Strong and accountable local leaders are a fundamental part of thriving local democracies. The English Devolution Accountability Framework (EDAF) sets out how these institutions with devolved powers are accountable to local people and the UK Government, and how their decisions will be scrutinised and made transparent for local politicians, business leaders, and local communities of their area. This Scrutiny Protocol is a key part of making sure that institutions' overview and scrutiny arrangements are of the highest possible standards for holding them to account for delivery as well as for playing a critical role in policy and strategy development. This is particularly important when scrutinising devolved powers.
- 1.4. Effective scrutiny is critical for ensuring there is appropriate accountability for the decisions made by local decision makers. When done well, local scrutiny should drive understanding, enhance the performance of services and improve the outcomes for those people affected by those decisions.
- 1.5. This Scrutiny Protocol sets out the relationship between mayors and directly elected leaders, and the combined authority, combined county authority, county council or unitary authority they lead. It also sets out how the overview and scrutiny and audit Committees hold these institutions with devolved powers and their mayor or directly elected leader to account.
- 1.6. In adopting the key principles and provisions of this Scrutiny Protocol, each institution will ensure it has a focus on a sustained culture of scrutiny. Membership on committees should be prized and competed for. Retention of members for several years should be common. Members must be able to devote the time to the role. Committees should have the profile and cachet to ensure that their findings are brought to the attention of the public wherever necessary through strong communications.
- 1.7. The Government considers the Scrutiny Protocol a key factor in implementing Level 4 and single department-style funding settlements. Institutions with devolved powers should utilise the principles of the Scrutiny Protocol and requirements of the EDAF (including Local Assurance Frameworks) to ensure transparent and accountable decision-making and delivery of value for money on devolved funds.
- 1.8. In the future, the Government will expect areas to adopt MP sessions to further enhance scrutiny, similar to those arrangements being established in GMCA and WMCA and any lessons learned from the application there. This will be considered when institutions receive single department-style funding settlements.

Who the Scrutiny Protocol is for

- 1.9. This Scrutiny Protocol (“the Protocol”) applies to the arrangements of overview and scrutiny committees (“committees”) in all English institutions with devolved powers, including combined authorities (mayoral and non-mayoral), combined county authorities (mayoral or non-mayoral) and, with regard to their devolved powers, county councils and unitary authorities that have agreed devolution deals.
- 1.10. The Protocol provides guidance for chairs and members of overview and scrutiny committees as well as scrutiny officers to help them carry out their roles effectively. The Protocol also provides guidance for those responsible for making appointments to overview and scrutiny committees.
- 1.11. Overview and scrutiny committees have statutory powers to scrutinise the decisions of the executive, the combined authority or the combined county authority. Members and officers should recognise that recommendations following scrutiny enable improvements to be made to policies and how they are implemented.
- 1.12. London has different arrangements. The Greater London Authority Act 1999 (as amended) sets out the arrangements for the Greater London Authority and Assembly. Where applicable, the GLA and Assembly should look to implement the guidance identified in this Protocol.

How to use this Protocol

- 1.13. This Protocol is non-statutory guidance but should be seen as supplementary to statutory guidance and relevant legislation.
- 1.14. This Protocol primarily refers to “shoulds” – good practice, and key principles and additional scrutiny that Government considers a key factor in implementing Level 4 and single department-style funding settlements.
- 1.15. This Protocol also refers to requirements arising from legislation and statutory guidance that must be adhered to¹.

2. Key principles for Good Scrutiny

- 2.1. Scrutiny is most effective when it is highly focussed and seeks to achieve a clear outcome. There should be a commitment to focussing scrutiny activity through developing a clear, outcome-driven, and member-led work programme which is delivered through a committee

¹ Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

Schedule 1 to the The Levelling Up and Regeneration Act 2023 (the 2023 Act) and regulations made under the 2023 Act

The Overview and Scrutiny: statutory guidance for councils and combined authorities (which will be updated to include CCAs once the secondary legislation is made, subject to the will of parliament).

Sections 9F – 9FI of the Local Government Act 2000

Combined Authorities must also have regard to any such provision in its statutory constitutional provisions.

structure that can enhance the delivery of that work programme to best effect. This could be a single committee or multi-committee model.

2.2. In combined authorities and combined county authorities, a single committee model should be considered to provide a shared platform from which all committee members can develop a strategic overview across all portfolio areas and an understanding of the interconnection of key policies to effectively scrutinise cross cutting issues. If another model is used it should be clear how this model is able to meet the key principles identified in this Protocol. These are:

- a pool of members
- politically balanced membership
- geographically balanced membership
- appointing a chair
- sustained appointments made on interest and skills
- well-resourced training
- inviting technical expertise
- remuneration and status
- holding the mayor or directly elected leader and the institution to account
- participation in pre-policy and pre-decision scrutiny
- provision to call in
- regular performance monitoring including agreed outcomes
- robust work programming
- focused task and finish exercises
- strong relationships with stakeholders
- regular self-evaluation and reflection
- access to data, research, and analysis
- strong relationship with audit committees

Case Study – Greater Manchester Mayoral Combined Authority (GMCA)

GMCA have been successful in implementing a single committee model with 20 members and 20 additional members in a substitute pool. This single committee model has been implemented to provide the flexibility and resilience for scrutiny to work effectively whilst being well-attuned to the cross-cutting nature of Combined Authority business.

2.3. County councils and unitary authorities with devolution deals should look to incorporate the scrutiny of any new activity arising from their devolution deal into their existing scrutiny arrangements. As there could be multiple committees looking at specific service areas, members are encouraged to maintain and develop a strategic overview of the service areas within their remit and work collaboratively with other committees where appropriate if issues involve more than one service area. It may also be worthwhile to undertake a review of current scrutiny arrangements as part of implementing their devolution deal to ensure that they will be suitable for the new activity.

Key Principle 1 – a pool of members

2.4. Enabling the interconnection of policies across a number of portfolio areas requires members to have an advanced level of knowledge across a range of subjects. To achieve this, all committee members whether appointed to a committee or acting as substitutes should be

treated as a single body and have access to the same induction and training opportunities as well as regular subject briefings. In doing so, members will feel suitably well-informed to engage effectively at meetings and take part in task and finish exercises (where required).

- 2.5. Well informed and active substitute members also provide a greater pool of membership to ensure that meetings are quorate and enable wider engagement of members across the authority area.

Key Principle 2 – politically balanced membership

- 2.6. Membership must be politically balanced in line with the proportionality across the institution as far as reasonably possible.

Key Principle 3 – geographically balanced membership

- 2.7. Due to the increased geographical size of a combined authority or combined county authority committee membership should also be geographically balanced as far as possible to ensure that the committee draws on a whole area perspective at meetings. Nonetheless, institutions with devolved powers are strategic organisations delivering across a functional economic geography and as part of their role members should be able to pivot between their local understanding and the need to take a wider strategic/functional view when considering issues applying to the whole institution and the geography it represents. This will aid effective scrutiny of priorities, performance, and delivery.

Key Principle 4 – appointing a chair

- 2.8. In combined authorities and combined county authorities, the chair of the committee must be seen as an independent voice. They must either be an independent person or an appropriate person (as defined by legislation). This ensures a healthy degree of separation to allow a greater level of objectivity in the committee's scrutiny activity. Such practice should be considered for county councils and unitary authorities for the scrutiny of any new activity arising from the devolution deal that is being brought into their existing scrutiny arrangements.
- 2.9. It is the responsibility of the chair to be 'apolitical' to ensure the committee remains in line with its terms of reference and is the voice of the committee at combined authority, combined county authority or cabinet meetings.

Key Principle 5 – sustained appointments made on interest and skills

- 2.10. Scrutiny requires a certain set of skills and it is therefore imperative that those who are appointed to the committee are done so based on their experience, interests, and skill set while also considering geographical and political balance. When seeking appointments, a clear role description should be used to inform interested parties of the key skills required as well as the demands of the role (an example of a role description is attached at Annex A).
- 2.11. Where possible members should also be appointed for more than one year to enable them to provide continuity to the work of the committee and ensure that the shared level of knowledge remains high. Working from the foundation of an informed committee allows members to be more confident in their challenge and ultimately more effective in their scrutiny.

Key Principle 6 – well-resourced training

- 2.12. All institutions should provide and adequately fund training for all members including knowledge briefings, peer to peer groups, and training on key functions including finance, commercial and data interrogation. This training should include an induction for the chair and members on the institution, its powers, roles, and responsibilities should be required at the beginning of every municipal year.
- 2.13. All members should be offered additional knowledge briefings outside of the formal meeting structure and ahead of reports being presented, where they can have access to further information to assist them in their scrutiny activity. These briefings should be informal and provide a safe space where members feel able to ask those questions that they may not feel able to in a committee meeting. Further briefings should also be organised at members request on any other subject matter where they feel this will strengthen their knowledge base, and offered to all members and substitutes where needed.

Key Principle 7 – inviting technical expertise

- 2.14. Committees should invite technical expertise to meetings to enhance scrutiny of decisions. Technical experts can provide a different perspective on the issues being discussed at meetings and help members with their line of questioning leading to enhanced scrutiny.
- 2.15. Technical expertise should also be commissioned to provide training and briefings to the chair and members of the committee to support them in their roles and ensure they have access to technical and independent knowledge, and information to enhance their scrutiny of the institutions' priorities, performance, and delivery.

Case Study – West Yorkshire Combined Authority (WYCA)

WYCA's scrutiny has invited external experts to scrutiny committee meetings (and working groups) and made good use of the professional expertise of existing scrutiny members. A local academic who had independently tested the accuracy of the Real Time Bus Information system managed by WYCA was invited to answer technical questions alongside officers, which resulted in the committee recommending that officers partner with the academic and the university to iron out the technical issues. Councillors with an expertise and background in psychology have also led presentations and discussions, based on their own research and experience, on the topic of how behaviour change techniques and principles could be employed to encourage people to change how they travel to support decarbonisation goals.

Key Principle 8 – remuneration and status

- 2.16. Combined authorities and combined county authorities should remunerate committee members directly, reflecting the responsibility and status of the role. This must be done transparently through the use of an Independent Remuneration Panel (IRP) who recommend an allowance level for approval by the combined authority or combined county authority (to be provided for in forthcoming secondary legislation, subject to the will of Parliament). Combined authorities and combined county authorities should pay the maximum recommended by the IRP to ensure that members commit the time required to the role. Substitute members should also be remunerated, but their payment should also reflect the number of meetings that they have attended. The chair should receive an additional level of remuneration in recognition of their specific role.

- 2.17. County councils and unitary authorities can make provision for the payment of special responsibility allowances for those councillors who have either assumed significant responsibilities following agreement of their devolution deal or want to reconsider other policies in light of it.
- 2.18. Scrutiny should be seen as central to the good governance of the authority. Committees and chairs should receive some dedicated resource with support provided across a range of areas such as research, policy, and administration. Clear processes should be in place for their recommendations to be received and responded to as appropriate and they should have the visible support of senior officers and members of the institution. Committees and chairs should have access to information including matters of commercial sensitivity, matters awaiting government approval and other confidential matters (in line with Access to Information Procedure Rules).

Key Principle 9 – holding the Mayor or directly elected leader and the institution to account

- 2.19. One of the key roles of the committee is to hold the Mayor or directly elected leader (and where necessary other members and officers of the institution and its partners) to account for their performance.
- 2.20. The Mayor or directly elected leader and institution should commit to engage regularly with the committee both informally and formally, and must attend the committee when requested.
- 2.21. Members who are portfolio leads (or equivalent) should also commit to engaging regularly with the committee and attend when requested. Even if members of the institution have assigned or delegated areas of responsibility to others, it should be standard practice for them to attend to present any reports within their portfolio alongside the appropriate officers.
- 2.22. There should be a standing invitation for the chairs of committees to attend the combined authority, combined county authority or relevant cabinet meetings to create an opportunity for the committee's comments on particular proposed decisions or issues to be shared directly.

Key Principle 10 – participation in pre-policy and pre-decision scrutiny

- 2.23. The practice of bringing decisions for scrutiny shortly before they are taken should be avoided (whilst recognising the need for urgent exceptions). Instead, members should be engaged early in the development stage of a policy so that they can help shape its design and add real value.
- 2.24. A Forward Plan of key decisions is essential. Having regular opportunities to consider this also enables the committee to have a breadth of sight across all the work of the institution and determine those areas for further scrutiny. Moreover, institutions should ensure that there is a culture of the Forward Plan being used appropriately with decisions being placed on the plan well in advance of them being taken.
- 2.25. The committee should also contribute to all policy and strategy development in respect of high-profile complex issues affecting the whole geographical area. As a result, when a report is taken for a decision, the committee's comments and amendments can be highlighted. This may include matters of commercial sensitivity, matters awaiting government approval and

other confidential matters (in line with Access to Information Procedure Rules), that need careful handling and might involve the exclusion of the public.

Case Study – West Midlands Combined Authority (WMCA)

Ahead of the WMCA submitting its deeper devolution deal offer to DLUHC, its overview and scrutiny committee held a series of workshops that undertook a deep dive into each of the offer's key proposals, testing the scope and ambition of each 'ask', and challenging whether the ambition of these proposals were sufficient to address the region's needs. This work resulted in the strengthening of the deal document ahead of its formal adoption by the CA and its constituent authorities.

2.26. To inform their scrutiny of policies and decisions, and using all available evidence or assessments, members should consider the viability of funding sources, financial propriety, and the extent to which the policy or decision being scrutinised is likely to provide value for money.

Key Principle 11 – provision to call in

2.27. The committee should use their power to 'call in' decisions to ensure that any decisions receive further scrutiny where the committee thinks it is necessary. However, good scrutiny should focus on uncovering potential issues with decisions before they need to be called in.

Key Principle 12 – regular performance monitoring

2.28. An initial focus on the institutions' key strategies will enable the committee to understand its priorities, and begin to monitor performance against delivery and ultimately recommend where action is needed, including improvement activity, more quickly. This should be supported by regular reports highlighting the evidential challenges and where further scrutiny could support delivery against a target, including any outcomes that may have been agreed as part of devolution deals.

2.29. However, it is important that performance monitoring does not monopolise the work programme of the committee, but that it is used as a tool to highlight those areas where further scrutiny would be most effective.

Key Principle 13 – robust work programming

2.30. Areas highlighted through the performance monitoring of the institutions' key strategies should formulate the skeleton of the committee's work programme, from which members can then select other areas of interest through a formal report or task and finish exercise where they feel scrutiny could add further value.

2.31. It is important that the work programme remains robust and flexible enough to cope with a dynamic devolution environment where the priorities of the institution change so that scrutiny can be undertaken on policy development as it evolves. A combination of long-term pre-policy scrutiny interspersed with more immediate performance scrutiny will ensure the work programme remains appropriate and can dovetail with the work of the institution.

2.32. Committees should have a clear process by which it develops its work programme, who it will engage as part of its work programme and how it will prioritise what it should undertake further inquiry on. It is expected that committees will take in a wide range of views from the institution itself (officers, the executive or the combined authority or combined county authority), constituent members, partner organisations and residents.

Key Principle 14 – focused task and finish exercises

2.33. The chair and members should consider when it is relevant to focus on an area of the work programme through task and finish activities which can provide the opportunity for 'deep dive' scrutiny that a committee meeting setting often does not allow. This approach is often most valuable when it brings together stakeholders to discuss and debate complex topics but should be member-led and have tangible outcomes that will benefit the work of the institution.

2.34. Determining the scope of the task and finish exercise alongside an agreed timeframe is imperative, as the realm of the topics can often be immense but the decision process to influence is fast paced.

2.35. The number of task and finish reviews should be determined by the strategic priorities highlighted by members and the capacity of the scrutiny function. Task and finish review meetings can be held virtually but their work should be transparent and their final reports and recommendations (at least) must be made publicly available.

2.36. The institution should formally receive task and finish reports following endorsement from the committee and must respond to their clear set of recommendations within two months. The committee should be responsible for monitoring the progress against these recommendations at agreed periods.

Key Principle 15 – strong relationships with stakeholders

2.37. Committees should use their power to invite stakeholders to meetings. These could include members and officers of constituent local authorities, and, in county council areas, their district councils and other local stakeholders should be invited to the committee meeting where the organisation delivering services and utilities is being scrutinised.

2.38. To allow scrutiny to be effective it is crucial that the public can easily understand the work and performance of committees. With this in mind, local journalism plays an invaluable role in the fabric of our society, in supporting communities and in ensuring the provision of reliable, high-quality information. Local news publishers remain uniquely placed to undertake the investigative journalism and scrutiny of public institutions at a local level that is vital to helping ensure a healthy local democracy. Local press and media must therefore continue to be able to play a key role in facilitating public accountability, with opportunities created for them to engage with the committees, its members, and their work and findings.

2.39. As well as building relationships with local press and media, institutions should consider how they use their communications function to publicise the committee, and its members, work, and findings while remaining mindful of the recommended code of practice for local authority publicity.

2.40. For combined authorities and combined county authorities, the work of their committees should complement that of their constituent local authority scrutiny committees rather than

create duplication. It is likely that one set of scrutiny activities will raise points that equally apply or are relevant to the other. Strong relationships, including with other key local stakeholders, should therefore be formed to enable work programmes to be shared and reports presented to the most appropriate committee. There is also a role for members of the committee in ensuring effective links with constituent local authority scrutiny committees through appropriate information sharing and ensuring the interconnection of work programmes.

Key Principle 16 – regular self-evaluation and reflection

- 2.41. Members should come together regularly to reflect and direct their own work programme. This could take place in public during a meeting or informally following a meeting, however space should be created for members to be open and honest about the direction of the work of the committee and to provide an opportunity for regular self-evaluation.
- 2.42. Reflecting on the work of the committee and the resulting outcomes of scrutiny activity should also be undertaken through other methods, including regular round-up bulletins, annual reports, or other publications.
- 2.43. An annual report should be published to broadcast the work of the committee, demonstrating how the committee's work influences and benefits the outcomes of the institution and its strategic goals and priorities. For combined authorities and combined county authorities, this should be formally considered by its constituent members. For county councils or unitary authorities, this should be considered at cabinet and full council.
- 2.44. The institution should welcome the continual self-evaluation of the committee but also commit to undertaking its own evaluation exercises, as often as required, to ensure the function remains effective, including seeking feedback from key partners.

Key Principle 17 – access to data, research, and analysis

- 2.45. Committees should use data to improve their knowledge and understanding of their institution's performance, as well as how other institutions are performing to learn lessons and share best practice.
- 2.46. The Office for Local Government (Oflog) will support the improvement of local government performance by fostering accountability through increased transparency. It will provide authoritative and accessible data and analysis about the performance of local government and will publish key data for institutions with devolved powers. This should be considered as part of committee business.

Key Principle 18 – strong relationship with audit committees

- 2.47. Combined authorities and combined county authorities must have an audit committee. Local authorities with a devolution deal should have an audit committee to ensure they maintain robust financial management and controls for accountability to local stakeholders.
- 2.48. Overview and scrutiny committees should work in tandem with the Audit Committee and should be agreeing how to manage shared areas of interest and responsibility. The Audit Committee having responsibility to support and monitor governance, risk management, external and internal audit, financial reporting, control and assurance arrangements. The overview and

scrutiny committee having responsibility for scrutinising decisions the executive, the combined authority or the combined county authority is planning and how they will be implemented.

- 2.49. Although the focus of the overview and scrutiny committee, is different from the audit committee, there are opportunities for the committees to work collaboratively. Work programmes of each committee should be informed by each other's work and recommendations shared where appropriate. Regular meetings should be organised between the chair of audit and the chair of overview and scrutiny to support a better understanding of the committees' outputs, helping to avoid duplication and ensure important areas are not missed.
- 2.50. Audit committees should receive dedicated resource and there should be clear processes in place for their recommendations to be received and responded to as appropriate.
- 2.51. Audit committees should also publish an annual report to broadcast the work of the committee and how its work influences and benefits the outcomes of the institution and its strategic goals and priorities. For combined authorities and combined county authorities, this should be formally considered by its constituent members. For county councils or unitary authorities, this should be considered at cabinet and full Council.
- 2.52. The institution should welcome the continual self-evaluation of the Audit Committee but also commit to undertaking its own evaluation exercises, as often as required, to ensure the function remains effective.

3. Additional Scrutiny – Mayor or directly elected leader's Question Time

- 3.1. Mayors and directly elected leaders provide greater democratic accountability by having a single visible leader directly accountable to the public at the ballot box for their performance and the decisions they make.
- 3.2. Mayor's or directly elected leaders' question time should also be organised where the Mayor or directly elected leader takes questions from the public, chaired by an independent person – a local journalist or businessperson for example. These should be held at least every three months.

Annex A – example member role description

Local scrutiny is critical for increasing the accountability of decision makers. It should drive understanding, enhance the performance of services and the outcomes for those people affected by those decisions. It is crucial that members of local overview and scrutiny committees in areas with devolution deals set new standards for holding their institutions to account for delivery as well as playing a critical role in policy and strategy development.

This description provides information about the role and responsibilities of an overview and scrutiny committee member. It should be used when deciding which members to nominate to the committee. The information should also be used by overview and scrutiny committee members to understand their role and the responsibilities that they hold as members of the committee.

SKILLS AND EXPERIENCE

Overview and scrutiny committee members and substitute (pool) members should be able to:

- Understand the whole geographical area strategic priorities as set out in the strategy for the combined authority/local authority.
- Think critically about the combined authority/combined county authority/local authority's proposed policies and its performance across a variety of measures.
- Work constructively with public and/or private sector partners to drive improvement of both policy and performance.
- Confidently scrutinise combined authority/combined county authority/local authority members, officers, and the mayor/directly elected leader.

RESPONSIBILITIES OF MEMBERS

Overview and scrutiny committee members and substitute (pool) members are expected to:

- Attend any appropriate induction and training sessions for the role, which will develop members' knowledge of the area's ambitions as well as the challenges that the area faces.
- Attend formal scrutiny meetings regularly. There is also an expectation that members will take part in the work of task and finish groups.
- Use their knowledge and experience to constructively scrutinise issues that come before the committee.
- Collaborate with other members to effectively scrutinise important matters in appropriate depth, including convening task and finish groups to investigate specific areas in more depth.
- In combined authority and combined county authority areas, engage with their respective constituent local authorities to ensure that information is circulated between the local authorities and the combined authority or combined county authority.
- Carry out their duties in accordance with the scrutiny rules of procedure and the members code of conduct as set out in their constitution.

ADDITIONAL RESPONSIBILITIES OF THE CHAIR

The chair of the committee is expected to take on additional responsibilities, which include:

- Working with officers to develop the work programme on behalf of the committee, taking into account the upcoming work of the combined authority/combined county authority/local authority and areas where scrutiny must be carried out.
- Chairing committee meetings effectively so that members can carry out their roles efficiently.
- Facilitating strong team-working between committee members during formal meetings, informal meetings, and task group meetings.
- Monitoring the progression of task and finish groups established by the committee.
- Attendance of combined authority, combined county authority or local authority cabinet meetings in order to feedback recommendations and comments of the overview and scrutiny committee.

Mayor Tracy Brabin
West Yorkshire Combined Authority
40-50 Wellington Street
Leeds
LS1 2DE

Rt Hon Michael Gove MP
Secretary of State for Levelling Up,
Housing and Communities
By Email

30 January 2024

Dear Secretary of State,

We are writing to present West Yorkshire Combined Authority's application for Level 4 Devolution. Although this does not meet the full ambition that we have for deeper devolution in West Yorkshire, we are pleased to take this step towards full trailblazer devolution with Government.

This latest step is vital in ensuring that future devolution for West Yorkshire meets our ambitions for inclusive growth, reflecting the size and diversity of authorities within the region, and the need to balance our uniqueness of place with our single functional economic area.

We are perfectly positioned to be the key driver of economic growth for the North of England and beyond and as one of the largest Mayoral Combined Authorities in the country, also responsible for the functions of the Police and Crime Commissioner, we have a strong track record of partnership working to deliver our ambitions and shared programme of objectives.

Over the last eight years, we have evolved – moving from a Combined Authority working with the Local Enterprise Partnership (LEP), delivering the largest Growth Deal in the country, totalling in excess of half a billion pounds - to agreeing a historic Devolution Deal and being led by our directly elected mayor. Our success can be seen in the wide range of transport, economic development, housing and net zero programmes and schemes benefiting local people, businesses and places across West Yorkshire that have been delivered during this time.

Our success to date, coupled with our ambitious plans for the future in respect of mass transit, bus reform, skills and employment, demonstrates our ambition, long-term commitment and appetite for delivery whilst also creating the certainty and confidence that we will continue to develop and deliver pipelines of transformational, locally determined schemes for West Yorkshire well into the future.

This success is underpinned by robust governance, based around the principles of accountability and transparency. Our governance was reviewed and further strengthened in 2021 following our initial devolution deal, to ensure a robust committee structure and scrutiny approach was in place covering the breadth of the Combined Authority's work.

Our ambition, knowledge and collective expertise, together with our recognised track record is why West Yorkshire is a trusted national partner and as such we can confirm that we meet the eligibility criteria for Level 4 Devolution. We are also therefore pleased to confirm that:

- The elements of the Level 4 Framework, for which we are applying, are included at Appendix 1 to this letter.
- Where that element of the Framework requires new powers and functions, we will follow the procedures as set out in legislation for conferring these to a Combined Authority. We understand that this includes the requirement for public consultation.
- We would like to understand the Government's position on the inclusion of strategic planning powers and the strategic infrastructure tariff, two elements of our 2020 Deal which were not included in the Order laid before Parliament. We understood at the time that these powers would be conferred as soon as planning reforms were completed but as yet, these have not been forthcoming.
- We have identified an initial set of Technical Adjustments to Historic Statutes and Guidance, included at Appendix 2 to this letter, which we would like to explore further with Government and take forward as part of our Level 4 Devolution Deal.
- We understand that the speed at which commitments are implemented will depend on our ability to demonstrate we have met the readiness conditions Government has specified for each policy.
- We are committed to implementing the requirements of the Scrutiny Protocol by the end of June 2024 and reporting on progress within 12 months of the Levelling Up Secretary confirming Government's agreement to proceed.

Our application is subject to ratification of the deal by all partners and the statutory requirements referred to within this document, including the consent of all councils affected and parliamentary approval of the secondary legislation implementing the provisions of the Deal.

In progressing with a Level 4 Deal for West Yorkshire, we would also like to have further conversations with Government about the timescales outlined in the Level 4 Technical Guidance, particularly with respect to those policy areas which are linked to work currently underway on Trailblazer Deals in Greater Manchester and the West Midlands. We believe these timescales should be brought forward and confirmed at the earliest opportunity, not least because we are already progressing a number of these locally and will be to add value to discussions and work currently underway.

In addition, we would like to see the final year of the Brownfield Housing Fund programme devolved to the Combined Authority. This would allow us to respond to more opportunities to bring forward housing by removing the national constraints on scope and time.

As you are aware in May 2023, we signed off our bold [West Yorkshire Plan](#), which sets out our vision to be a place that works for all, an engine room of ideas where anyone can make a home. Our plan is underpinned by five ambitious missions, which will drive our work to 2040.

We recognise the value of working together and the benefits this brings. We know that we cannot realise our vision and missions in isolation and will continue to work in partnership with local partners and Government to deliver.

As a Mayoral Combined Authority, we are ideally placed to address the challenges our communities face and are committed to working in partnership with wider stakeholders across the region. For example, our strong working relationship with our Integrated Care Board partners to address wider system challenges specifically in respect to health put us in a strong position to lead the design and delivery of initiatives such as the WorkWell programme which closely aligns with our ambitions for Level 4 Devolution.

However, to enable West Yorkshire to realise its full potential and to enable our missions to be achieved, we will require more than is currently on the table. We will therefore be seeking to discuss the further powers, funding, freedoms and flexibilities for West Yorkshire we would want to see in place as soon as possible beyond this current offer.

Our wider propositions, include:

- Certainty, stability and **fairness in Local Government Funding**
- Further **devolution** of funding and powers, to include:
 - A **single settlement**
 - Support to continue delivery of the **integrated transport system** West Yorkshire needs including:
 - Revenue funding for buses

- Assurance of the Government's continued commitment to Mass Transit in West Yorkshire.
- Delivering strategic rail infrastructure to connect West Yorkshire.
- **Full devolution of all adult employment, skills and careers funding**
- Long-term flexible **devolved funding and powers for net zero**
- Long-term sustainable funding to ensure continued **support to businesses.**

We have detailed plans which sit behind our application and proposition and are happy to host you again in West Yorkshire to highlight our priorities for the region and discuss how we can work together for a better future.

We look forward to hearing back from you regarding this application and working with you to create a West Yorkshire that works for all.

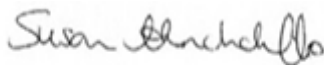
Kind regards,



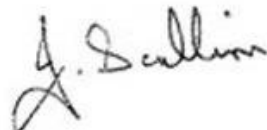
Mayor Tracy Brabin
West Yorkshire Combined Authority



Cllr James Lewis
Leader, Leeds City Council



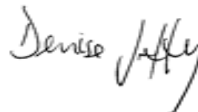
Cllr Susan Hinchcliffe
Leader, City of Bradford
Metropolitan District Council



Cllr Jane Scullion
Leader, Calderdale Council



Cllr Cathy Scott
Leader, Kirklees Council



Cllr Denise Jeffery
Leader, Wakefield Council

Appendices

Appendix 1 – Elements of the Framework Applied For by West Yorkshire
Appendix 2 – Suggested Technical Adjustments to Historic Statutes or
Guidance – January 2024

Appendix 1 – Elements of the Level 4 Devolution Framework Applied for by West Yorkshire

Funding Simplification
Funding simplification
Removal of Gainshare Gateway Reviews
General Power of Competence
Skills & Employment
<i>Skills and Employment package – application for all elements.</i>
Housing & Land
Affordable Homes Programme
Housing quality
Mayoral development orders
Compulsory purchase powers
Public sector land
Resilience and contingency planning
Transport
<i>Transport package, with a focus on single settlement.</i>
Net zero, climate change and natural capital
Devolution of net zero funding pilot including buildings retrofit
Clean heat
Strategic energy system planning
Networks
Climate change and natural capital
Innovation, trade and investment
Trade and investment
Business support
Export
Partnership working
Innovation
Culture
Public Health
Health services
Technical adjustments to historic statutes or guidance
Access to powers previously devolved elsewhere

Appendix 2 - Suggested Technical Adjustments to Historic Statutes or Guidance January 2024

Technical Adjustments and Level 3 Standardisation

The following are an initial outline of suggested Technical Adjustments to Historic Statutes or Guidance that we would wish to explore with Government as part of our Level 4 Devolution Deal application.

This list is not exhaustive and as we progress through negotiations we would welcome the opportunity to identify additional adjustments.

1. Use of the Mayoral precept to support and pay for functions aligned to the wider general power of competence, for example bus franchising.
2. Change in responsibility for approval of roundabouts: This request would pass the powers of approval for roundabouts from the Secretary of State to West Yorkshire Combined Authority/Local Authorities.
3. The Office of Mayor and Local Authority Leaders (and potentially wider Local Authority Members) to attract a pension: Currently, the Mayor and Local Authority Leaders cannot access a pension. This is in contrast to other similar high-office political roles such as Police and Crime Commissioners.

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Department for Levelling Up, Housing & Communities

Rt Hon Michael Gove MP
Secretary of State for Levelling up, Housing & Communities
Minister for Intergovernmental Relations
2 Marsham Street
London
SW1P 4DF

Our Ref: MC2024/05627

Tracy Brabin
Mayor of West Yorkshire
West Yorkshire Combined Authority
40-50 Wellington Street
Leeds
LS1 2DE

1 March 2024

Dear Tracy,

Thank you for your letter of 30 January 2024 confirming West Yorkshire Combined Authority's (WYCA) interest in Level 4 devolution. As set out in the Level 4 framework, agreement to Level 4 devolution is contingent on meeting Government's eligibility criteria – providing confidence in the capacity, governance and culture of the institution. Having considered your application, I can confirm that, as one of our most mature devolved institutions, WYCA meets the eligibility criteria for Level 4 devolution.

The offer from Government

Level 4 devolution provides you with new levers covering funding, housing, skills and transport, among others. With this offer Government expects MCAs to demonstrate the most robust accountability and scrutiny, such as via Mayor's Question Time and, in future, MP sessions as in Greater Manchester and the West Midlands.

As you know, our Level 4 offer also represents a new way of doing devolution. We are moving on from a deals-based approach, whereby devolution deals have sometimes led to an uneven spread of responsibilities for you and your mayoral counterparts. Via this exchange of letters, we have simplified and streamlined how you can apply for new levers and functions. As part of this, the offer is standard, as published at Autumn Statement. Having taken on board feedback from MCA officers in the process of discussing the offer however, my colleague the Secretary of State for Transport and I have agreed some amendments to the transport offer. The Secretary of State for Transport will write to you separately on this matter.

I recognise your ambitions for further devolution to West Yorkshire. I am clear that this does not mark the end for deepening devolution and I look forward to continuing to discuss this with you and fellow mayors.

Nor does this represent the limit of the partnership between Government and WYCA. In addition to the £38 million per year Investment Fund agreed through the original devolution deal, we are providing £83 million through the UK Shared Prosperity Fund, and £41 million for a Bus Enhancement package through the Levelling Up Fund. We are developing with you an Investment Zone, which will see £160 million released, starting in 2024-25, to boost the HealthTech and digital sector, create highly productive jobs and support the region's economic growth. And, we are supporting your ambitions for your local transport networks, including the development of a Mass Transit system, via £830 million of long-term sustainable transport funding.

Conditions of this offer

As set out in the framework, beyond meeting the initial eligibility criteria, there are conditions to this offer:

- The implementation of this agreement and, therefore, the transfer of these levers to WYCA is contingent on continued compliance with the eligibility criteria.
- The final transfer of individual policy commitments will be subject to demonstrating WYCA has met the readiness conditions set by Government.
- WYCA will report to the Department for Levelling Up, Housing and Communities on its progress in implementing the scrutiny protocol by **March 1 2025**.
- WYCA will follow the procedure as set out in legislation for conferring specific functions to the combined authority.

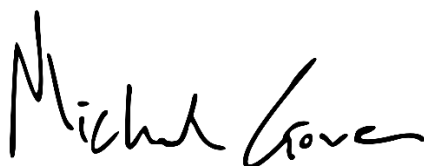
Technical adjustments and access to powers devolved elsewhere

As part of the updated devolution framework, Government has also offered local leaders the opportunity to submit proposals to make adjustments to historic statutes or guidance and for devolution of powers devolved elsewhere in England. Thank you for your proposals. I am keen to work with you and your mayoral counterparts to gather more of these ideas, which have the ability to rid you of unnecessary obstacles to delivering for your areas. Therefore, I have asked my officials to work with yours to consider your proposals and other proposals from the mayoral combined authorities to assess which of these can be rolled out across the board.

Next steps

My officials will now work with yours to implement Level 4. I look forward to hearing how this progresses, and of the new opportunities it helps you to unlock in West Yorkshire.

With every good wish,

A handwritten signature in black ink that reads "Michael Gove". The signature is written in a cursive style with a large initial 'M'.

RT HON MICHAEL GOVE MP

Secretary of State for Levelling up, Housing and Communities
Minister for Intergovernmental Relations



REPORT TITLE: Marsden Masterplan – proposed approach

Cabinet date	12 March 2024
Cabinet Member	Cllr Turner
Key Decision Eligible for Call In	No No
Purpose of Report Cabinet, in June 2023, approved the use of UKSPF funding to develop a Masterplan for Marsden and delegated relevant authority to progress – this report seeks endorsement and approval of a revised approach that includes a community-led/ placed-based way of working.	

Recommendations	
<ol style="list-style-type: none"> 1. Cabinet note the content of this report and endorse the proposed approach to develop a Masterplan for Marsden and proposed timescales. Cabinet is reminded that it delegated authority to approve the Masterplan for Marsden to the Strategic Director for Growth and Regeneration at its meeting on 27 June 2023. 2. Cabinet approve the ‘Marsden Community Partnership’ approach with the Council acting as Accountable Body so we can re-engage with Ward Councillors and the community to develop the Partnership including a Terms of Reference. 3. Cabinet approve use of £60,000 UKSPF funding and a maximum of £60,000 from local centres capital funding for the development of the masterplan. 4. Cabinet delegate authority to the Strategic Director for Growth and Regeneration in consultation with the Portfolio Holder to finalise and execute all necessary agreements to progress development of the Masterplan. This includes resource, procurement and setting up appropriate governance arrangements to include an agreed Terms of Reference and any necessary revisions thereto for the oversight and delivery of the project. 	
Reasons for Recommendations	
<ul style="list-style-type: none"> • Marsden’s full economic potential is not being realised – it has a constrained commercial offer, high levels of out-commuting, along with issues caused by traffic, parking and unused property which impact quality of place. The funding secured via LUF2 to support the redevelopment of New Mills, the investment that will come as part of the TRU project and the existing level of active community engagement all present an opportunity to address this if they can be brought together. • A Marsden Masterplan will provide a structured approach and framework for the development and delivery of improvements over the long term to unlock Marsden’s full potential as a thriving, accessible and quality place that people want to live, work and visit. Working with the community and other key stakeholders is a vital step in ensuring that the plan is well-received, achievable, and aligned with both the Council’s strategic priorities and the local context. 	
Resource Implications:	
Staff time from Town Centres, Highways, Procurement, Finance and Legal will be required to procure resources and manage the development of the project.	
Date signed off by <u>Strategic Director</u> & name	David Shepherd – 13 February 2024
Is it also signed off by the Service Director for Finance?	Isabel Brittain – 13 February 2024
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 13 February 2024

Electoral wards affected:

Colne Valley

Ward councillors consulted:

Ongoing discussions around the principles of a Masterplan being developed in partnership with the community have taken place with Cllr Beverley Addy, Cllr Harry McCarthy, and Cllr Matthew McLoughlin. A briefing on 12 February 2024 provided an update and the Councillors confirmed they are supportive of the approach.

Public or private:

Public

Has GDPR been considered?

Yes. No personal data.

1. Executive Summary

- 1.1 Given planned investment in Marsden associated with the New Mills redevelopment and upgrades to the station as part of the Trans Pennine Route Upgrade (TRU) we believe it is imperative to develop a masterplan for Marsden.
- 1.2 This Masterplan would holistically consider the planned investments and help both the community and Council envision a longer-term future of Marsden and effectively steer development of the centre while preserving its unique character. This approach is vital for successful place-making.
- 1.3 In October 2022, Cabinet approved delivery of the UK Shared Prosperity Fund (UKSPF) Programme consisting of several projects, including the development of two masterplans in Kirklees. Subsequently, in June 2023, Cabinet approval was granted for the utilisation of UK Shared Prosperity Funding to facilitate the development of a masterplan for Marsden.
- 1.4 Following this approval, we have been working with Ward Councillors and the community to explore options and develop a preferred approach. This report seeks approval to progress with the preferred approach and to put in place the necessary delegations to deliver the project.

2. Information required to take a decision

- 2.1 In March 2023 £5.6m was allocated from the Government's Levelling Up Fund (LUF2) for the redevelopment of New Mills on Brougham Road in the centre of Marsden. The project focuses on the redevelopment of the former Mill to deliver a mix of commercial, retail, and residential spaces. The LUF2 allocation is to address the viability gap with the remaining project costs being funded by the private sector. This scheme aims to cater for a demand in employment space, reduce out-commuting and address the derelict Mill buildings which are constraining local economic growth and impacting sense of place. Requirements of the LUF2 mean that the project is to be delivered by March 2026.
- 2.2 Furthermore, investment is being made to Marsden station and the rail line as part of the Trans Pennine Route Upgrade (TRU) and the Place Standard engagement that took place in Autumn 2022 (with input from over 600) and again in Winter 2023 (with input from nearly 300 people) highlights a desire from the community to see a holistic plan for improvement in the village.
- 2.3 Building on the high level of community interest and following further consultation with relevant Ward Councillors and with the Marsden community, it is proposed to establish a Community Partnership to help embed a community and place led approach that can shape the masterplan.
- 2.4 The plan overleaf shows the key locations in Marsden along with the proposed masterplan study area.

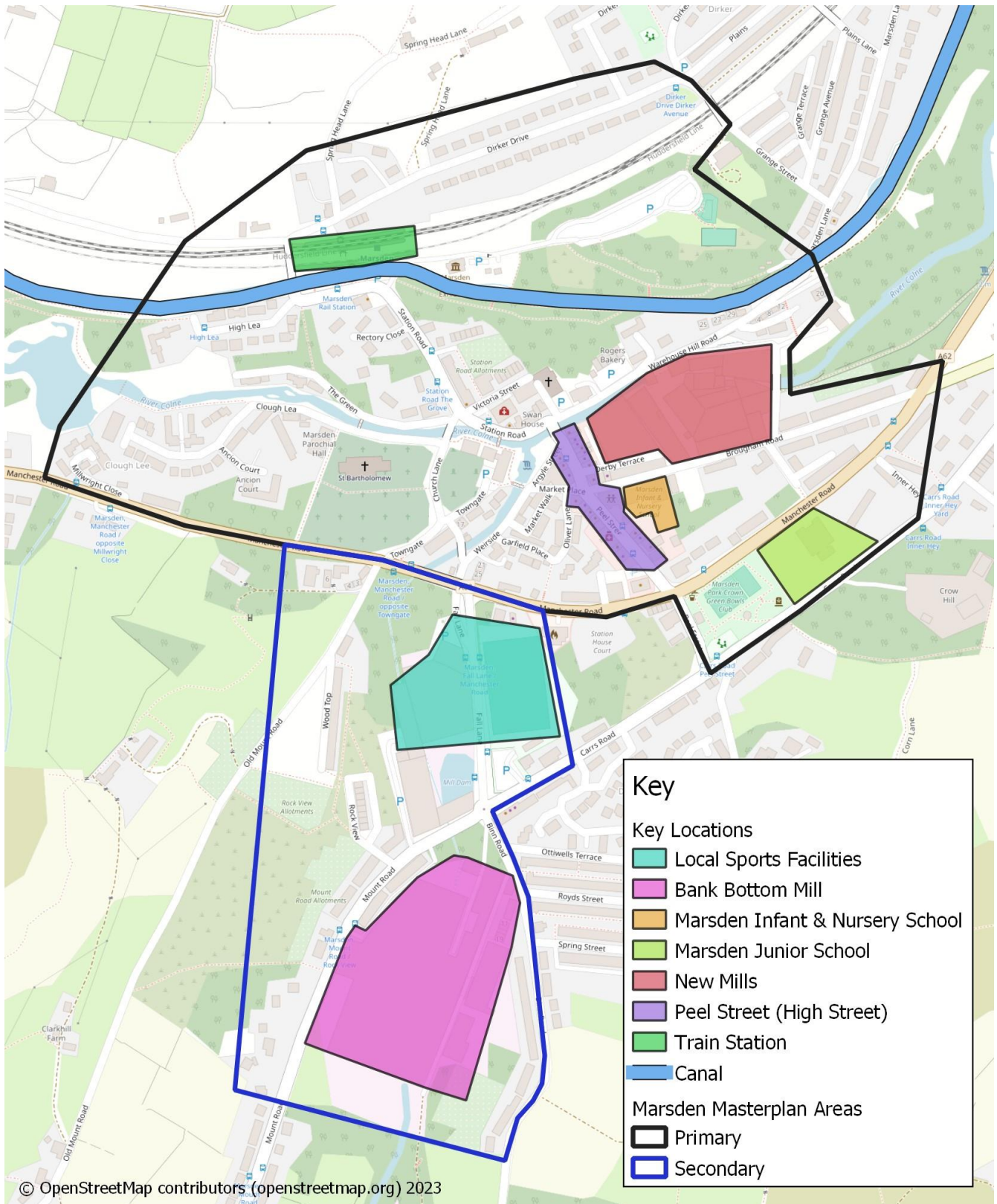


Figure 1: Marsden – key locations and proposed masterplan study area

- 2.5 The Council will be the responsible and accountable body, but the proposed Community Partnership will play an important role in overseeing the development of the masterplan. Experience from working in local centres across the district suggests that by working closely with the community you can achieve the following benefits:
- Local Input: Community members have a deep understanding of their town's needs.
 - Diverse Perspectives: Engaging with a diverse group of residents, businesses, and stakeholders can provide a wide range of perspectives and ideas, leading to a more comprehensive and well-rounded masterplan.
 - Social Cohesion: Community involvement fosters a sense of ownership and pride.
 - Avoiding Opposition: When communities are included from the beginning, there is less likelihood of opposition or resistance to projects.
 - Local Expertise: Community members often have valuable local knowledge and expertise that can inform decisions on issues like traffic flow, historical preservation, and cultural heritage.
 - Long-Term Success: Collaboration with the community leads to projects that are more likely to succeed in the long term because they are tailored to local needs.
 - Funding and Grants: In some cases, community involvement can make the project more eligible for grants and funding opportunities, as many organisations prefer projects with strong community support.
- 2.6 Adopting a Community Partnership approach will help to maximise local engagement and develop long-term ownership. Following Cabinet, a Terms of Reference for the group will be developed in liaison with the Community and Ward members, for approval by the Strategic Director in consultation with the Portfolio Holder. It is expected the Partnership will:
- Contribute to the scope and study area of the Masterplan.
 - Help to shape the vision for Marsden.
 - Provide local insight and act as a voice for the community to support the evidence base.
 - Oversee community engagement and work with the Council and appointed consultancy team to maximise levels of interaction and achieve buy-in from the community and key stakeholders.
 - Support the council as an advisory body during the development of the Masterplan to ensure it achieves the agreed vision, reflects local views, and acknowledges the historic, geographical, spiritual, and unique history of the village.
- 2.7 The Partnership would be made up of invited representatives. Based on recent engagement with the community it is proposed the Partnership consists of no more than 10 core members, including a representative from each of the following:
- Marsden Community Trust
 - Marsden Community Association
 - Kirklees Council
 - Ward Councillor
 - Local businesses
 - Local landowner and/or developer
 - Youth-based / sports group
 - Community group / organisation
 - Local schools
- 2.8 The above membership would represent a Core team who will be expected to be actively involved in scoping, community engagement, project development and progress reviews. However, other representatives including the local MP, Canal & River Trust, Public Transport Operators and additional businesses will be invited as supporting members to be kept informed and to input to progress review meetings. We will work closely with members of the local community to identify and approach specific individuals, subject to Cabinet approving this report.
- 2.9 The scope of the Masterplan will reflect lessons learned from other Masterplan development studies across the Borough whilst also reflecting matters specific to Marsden and therefore will require input on masterplanning, public realm, transport, and commercial viability – with the ultimate output being a Masterplan document including a Delivery Plan with high-level costs.

- 2.10 Set Gateways / Key milestones will be identified within the scope to ensure that the Council as the accountable body and the Partnership as an advisor are content with the outputs at each stage to provide a clear process for review and approval.
- 2.11 The Masterplan document will set out a longer-term vision for Marsden and identify priority projects. A Delivery Plan will form part of the document setting out the proposed projects and commercial opportunities along with indicative costs and suggested next steps. This will enable the council to pursue funding opportunities and undertake discussions with private sector developers. The Masterplan will also have a role as relevant material for planning consideration to help applicants and officers shape planning applications.
- 2.12 We have considered the potential options to develop the Masterplan and are of the opinion that the Council does not have this resource available, nor would it be the best use of Council resources. As such, it is proposed that external support is procured. Subject to Cabinet approving this report, a scope of services will be developed by the Council, with input from the Community Partnership to ensure their buy-in. It is proposed that potential suppliers are notified of the Council's intent to tender, working with Corporate Procurement a request for Expression of Interest will be issued whilst the brief is under development to maximise the quality of responses.
- 2.13 In accordance with Council Governance and Procurement policy the council will undertake the evaluation of submissions and implement the decision to award – however, to maximise engagement from the Community Partnership it is proposed that a Presentation & Interview session is held with short-listed suppliers as part of the Quality Evaluation. This would be attended by representatives of the Council and selected members of the Community Partnership to ensure their involvement and help enable effective collaboration at project inception.
- 2.14 Funding allocated to this project through the UKSPF programme is only accessible in the 2024/2025 financial year. Therefore, we are proposing to build on the work to date, review the place standards work (including the recent re-engagement, discussed in Section 5), establish the partnership, set up the governance arrangements and appoint external support with the intention to begin development of the masterplan in June 2024.
- 2.15 Continuous Community engagement will be a key aspect in developing the Masterplan and Delivery Plan. It is anticipated that over a similar period the New Mills Development Team will also be undertaking community engagement and consultation activities, as such it will be important to explore alignment between the two projects. This will help to reduce 'engagement fatigue' and ensure consistency of messaging from the Council.
- 2.16 Cabinet is asked to delegate authority to the Strategic Director for Growth and Regeneration to execute all necessary agreements to progress development of the Masterplan.

3. Implications for the Council

3.1 Working with People

Collaborating with partners is key to ensuring the Council get the best outcomes for citizens, communities, and Kirklees as a whole. Significant engagement has already taken place with the community through the Place Standard programme, and we propose to embed a philosophy of continuous engagement so that future activities and engagements build on what has gone before. The proposed Community Partnership will have a vital role in the success of this.

3.2 Working with Partners

The Council has engaged with key community key stakeholders and the proposed Community Partnership will help to ensure appropriate governance and structure for their continued input. As part of the Masterplan development a stakeholder engagement plan will be developed to ensure that key partners, such as Network Rail / TRU, the New Mills Development Team, Canals & River Trust, National Trust, Historic England are actively engaged.

3.3 **Place Based Working**

The Masterplan will be underpinned by place-based working, it will build on the positive engagement to date and the proposed Community Partnership will help to ensure a community and place-led focus throughout.

3.4 **Climate Change and Air Quality**

The reduction of carbon emissions and addressing the issues associated with poor air quality will form part of the overarching objectives for the Masterplan.

3.5 **Improving outcomes for children**

The Masterplan will include an overarching objective to improve Marsden for people of all ages, and in particular children. The Place Standard engagement has involved focussed sessions with local schools and it is proposed that a representative from one of the schools is part of the Community Partnership to maintain this engagement going forward.

3.6 **Financial Implications**

In June 2023, Cabinet approved use of £60,000 from UKSPF for the development of a masterplan in Marsden. Following a review of the requirements, scope and costs associated with developing other Masterplans it is estimated that the project will cost in the region of £90,000 to £120,000. Any costs beyond the approved £60,000 UKSPF allocation will be funded from the Local Centres capital funding. This will ensure that the masterplan is developed comprehensively with strong engagement from the community. Professional fees both internally and externally will be covered within this funding envelope.

3.7 **Legal Implications**

Any procurement will be in accordance with Contract Procedure Rules and the Public Contracts Regulations 2015.

3.8 **Other (eg Risk, Integrated Impact Assessment or Human Resources)**

A risk & opportunity register will be developed and maintained as part of the Masterplan development, however, risks and opportunities have been considered in developing the proposed approach as set out in this report. The top five risks and opportunities include:

- Risk – a piecemeal approach to scheme development and delivery resulting in missed opportunities to support inclusive growth. Developing a Masterplan will provide a structured framework for the development and delivery of improvements over the long term to mitigate this risk.
- Risk – the New Mills LUF scheme is impacted by the lack of a wider masterplan for the village. By working closely with the New Mills team and including the Mill scheme within the Masterplan study area will help to mitigate this risk
- Risk – opposition from the community during masterplan development. Working with and engaging the community through a Partnership approach will help to mitigate this risk.
- Risk – costs for the Masterplan exceed available funding. Appropriate governance and management will be put in place to ensure all costs associated with the development of the Masterplan do not exceed £120,000.
- Opportunity – align engagement on the Masterplan with planned engagement and consultation on the New Mills scheme to maximise community input and longer-term outcomes.

An Integrated Impact Assessment will be undertaken during the development of the Masterplan to consider the potential effects of activities and decisions on people, the environment and Kirklees as a whole.

4. **Consultation**

No specific consultation related to the Masterplan has taken place to date – the focus has been on community engagement as described in Section 5. However, during the development of the Masterplan it is anticipated that the community and stakeholders will be consulted on a range of proposed options which will have been based on prior engagement activities.

It is worth noting that during the development of the Masterplan it is expected that statutory consultation will be undertaken as part of the planning process for the New Mills scheme, whilst this project is separate to the Masterplan, the potential interfaces will be planned and managed to avoid any confusion and ensure consistent messaging from the Council.

5. Engagement

In Autumn 2022, volunteers from community groups and organisations from across Marsden worked with the Colne Valley Ward Councillors and staff from Kirklees Council to engage people in Marsden about what life is like there. A total of 603 people took part in conversations across the village in a variety of settings such as online, in the street, at local Scout groups and in a range of community venues. The results from [What Matters to Marsden](#) were published in October 2023.

In Winter 2023 the Marsden Community Trust and Marsden Community Association created further opportunities for local people to get involved through sharing their feedback and thoughts on the results of What Matters to Marsden and potential next steps. With support from the Council, they organised a large well attended public meeting, a further four drop-in sessions, created an online feedback questionnaire and benefitted from support from the Teachers at Marsden Junior School to re-engage with students there. A total of 274 people responded to the re-engagement.

The re-engagement asked people what their top priorities were based on the results of What Matters to Marsden – the top priorities emerging from the responses include:

- Train station accessibility
- Poor traffic control and parking facilities
- Current condition of the mills
- Reliability and coherence of public transport
- Derelict buildings and unused spaces
- Condition of footpaths, roads, signage and outdoor public spaces

Colleagues from the Democracy and Place Based Working Service will be working with the community to develop a local area action plan based on the results to be delivered through community / voluntary action, and the Place Standard Action Fund. We will work with the Community Partnership, the Democracy and Place Based Working Service and external support to build on engagement to date as part of the Masterplan development.

6. Options

6.1 Options considered

In preparing this report consideration was given to three key aspects:

- Whether the Masterplan could be developed within the allocated £60,000 from UKSPF.
- What role the Community could take in the development of the Masterplan.
- If resources to develop the Masterplan should be internal or external.

6.2 Reasons for recommended option

The recommended options as presented in this report are as follows:

- Based on the requirements and scope of Masterplan, including the need for community and stakeholder engagement, and based on experiences other projects it was identified that £60,000 is not sufficient and would not result in the quality of engagement, idea development, identification of commercial opportunities or long-term vision needed. As such, approval of additional funding, up to an extra £60,000 is sought.
- That the Community should be actively involved in overseeing the development of the masterplan through the establishment of a Community Partnership. This approach will help to deliver a range of benefits (as described in Section 2.5) and aligns with wider Government ambitions to help drive community-led decision making.

- Based on the requirements and timescales for the Masterplan the Council does not have the resource available, nor would it be the best use of Council resources. As such, it is recommended that external support is procured.

7. **Next steps and timelines**

As noted in Section 2.11 we are proposing to build on the work to date, establish the partnership, set up the governance arrangements and appoint external support with the intention to begin development of the masterplan in June 2024. An overview of recent and future key milestones is summarised below:

- October 2023: Place Standard (from Autumn 2022) findings published
- Nov-Dec 2023: Place Standard re-engagement focussed on key issues & aims
- Feb 2024: Briefings with Ward Councillors, and MP
- March 2024: Cabinet approval sought to progress with Partnership & Masterplan
- March – April 2024: Community Partnership established
- March - April 2024: Place Standard Action Plan agreed
- March - May 2024: Procurement of external support for Masterplan
- June – Dec 2024: Development of Masterplan and Delivery Plan

8. **Contact officer**

David Wildman, Strategic Partnership Lead – Town Centres

9. **Background Papers and History of Decisions**

Cabinet 27th June 2023: Reference to [Report on Round 2 Levelling Up Fund and Local Centres Investment](#) provided the following decisions:

- That approval be given to utilise the identified UKSPF funding to develop a masterplan for Marsden that draws on recent place standard outcomes.
- That the final sign off of any masterplan for Marsden is delegated to the Strategic Director (Growth and Regen)

10. **Appendices**

None

11. **Service Director responsible**

Joanne Bartholomew – Service Director Development



Report title: Local Plan Documents: Statement of Community Involvement (SCI) & Local Plan Timetable (LPT) (Previously Local Development Scheme).

Meeting	Cabinet
Date	12 th March 2024
Cabinet Member (if applicable)	Cllr Graham Turner (Finance and Regeneration Portfolio Holder)
Key Decision	Yes
Eligible for Call In	Yes
Purpose of Report	
<p>This report sets out the production of two statutorily required Planning Policy documents. These are the Statement of Community Involvement (SCI) and the Local Plan Timetable (LPT).</p> <p>Both documents will play an important role as part of the Local Plan update by identifying consultation methods and opportunities to become involved in shaping planning policy (SCI) and the timetable to do so through the LPT. To demonstrate the relationship between the two documents and their roles in the Local Plan process, a joint report has been prepared.</p>	
Recommendations	
<ul style="list-style-type: none"> • Cabinet approves the Statement of Community Involvement (Appendix 1) for adoption and publication on the council’s website. • Cabinet approves the Local Plan Timetable (Appendix 2) for adoption and publication on the council’s website. • Delegate authority to the Strategic Director for Growth & Regeneration to make any necessary minor amendments and corrections to the Statement of Community Involvement and the Local Plan Timetable. 	
Reasons for Recommendations	
<ul style="list-style-type: none"> • Reviewing and updating an SCI every 5-years since adoption is required under regulation 10A(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). • An LPT is required under Schedule 7(15B) of the Levelling-up and Regeneration Act 2023. • To reflect any feedback from Cabinet and any minor amendments required to the document, which may arise from upcoming plan making reforms. 	
Resource Implication:	
<p>The SCI and LPT set out the council’s consultation methods, and the programme for updating the Local Plan and other planning policy documents.</p> <p>There are no specific costs associated with the approval of the SCI and LPT and existing staff have been used to prepare the SCI.</p>	

Date signed off by <u>Strategic Director</u> & name.	David Shepherd (Strategic Director - Growth and Regeneration, 25/02/2024)
Is it also signed off by the Service Director for Finance?	Isabel Brittain (Service Director - Finance, 01/03/2024)
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (Service Director - Legal, Governance and Commissioning, 28/02/2024)

Electoral wards affected: All Wards

Ward councillors consulted:

LPT Portfolio Holder Briefing: Cllr Graham Turner (19th December 2023)

SCI Portfolio Holder Briefing: Cllr Graham Turner (13th February 2024)

Public or private: Public

Has GDPR been considered? Yes, no personal information is recorded in this report.

1. Executive Summary

The Statement of Community Involvement (SCI) [Appendix 1 (Kirklees Statement of Community Involvement March 2024) and Appendix 3 (Schedule of Consultation Comments with Responses)], sets out how and when the council will engage and undertake consultation on planning policy documents and how the community can become involved.

Cabinet on 17th October 2023, approved a delegated decision for the Strategic Director, Growth and Regeneration to commence consultation on a revised draft SCI. The purpose of this report is to outline the outcomes of the SCI consultation which took place from 20th November 2023 until 5th January 2024, and amendments were made to the final document being presented to Cabinet in this report (Appendix 1).

The Local Plan Timetable (LPT) [Appendix 2 (Kirklees Local Plan Timetable March 2024)], is the timetable for producing Local Plans, Supplementary Plans, Design Codes, other policy guidance/advice and the annual monitoring activity/programme associated with them and is the replacement document for the Kirklees Local Development Scheme, which was adopted in December 2019.

The proposed LPT for Kirklees outlines a timetable for a range of planning policy documents including the Local Plan update. The LPT is not subject to consultation. However, the proposed timetable for the Local Plan was presented to Cabinet 17th October 2023 and Full Council on 15th November 2023. The report seeks to raise awareness of the content of the LPT, potential implications of further planning reforms and seek approval from Cabinet for adoption.

2. Information Required to Take a Decision

There are two documents that are required to meet statutory requirements, and which also form part of the Local Plan update to be approved. These are the Statement of Community Involvement, and Local Plan Timetable. Outlined below is the context for both documents.

2.1 Statement of Community Involvement

The purpose of the Statement of Community Involvement (SCI) is to set out how

when the council will engage and undertake consultation on planning policy documents and how the community can become involved.

Legislation requires that a Local Planning Authority (LPA) must review the SCI every 5 years from its adoption. The current SCI was adopted in December 2019; therefore, the review must take place before December 2024.

The Local Plan Review concluded that a full update was required. The decision to start the Local Plan update was made at Full Council on 15 November 2023. It was therefore, decided timely to review and update the SCI to set out how we will consult on the Local Plan, and the other planning documents that will follow.

The Levelling Up and Regeneration Act (LURA) is designed to underpin the government's levelling up agenda and provides legislation to reform planning and plan-making. The Act specifies requirements to consider digital systems to improve the efficiency and speed of the plan-making process. Planning Reforms consultation on implementation of plan-making reforms outlined proposals to increase the focus on engaging local communities to shape plan making including the use of more digital consultation. The outcomes of the Planning Reforms have not yet been published. However, it was considered prudent to update the SCI to reflect the potential outcomes.

There is no requirement for local planning authorities to consult when reviewing and updating their SCI, but it was considered that in the light of current statutory requirements on early engagement/consultation and the potential through the Planning reforms for communities to have a greater role in shaping locally derived policies that engaging with local communities and stakeholders on this document would have added benefits in preparing future planning documents and aid transparency of the processes.

The decision to carry out public consultation on the SCI was made at Cabinet on 17th October 2023 [Agenda for Cabinet on Tuesday 17th October 2023, 3.00 pm | Kirklees Council](#). It was resolved that delegated authority be given to the Strategic Director Growth and Regeneration to commence the preparation of a revised Statement of Community Involvement and to consult on a draft document.

The public consultation ([Have your say on the Statement of Community Involvement \(SCI\) consultation | Kirklees Council](#)) took place for a period of circa 7 weeks (Monday 20th November 2023 to Friday 5th January 2024). A Consultation Statement has been produced in accordance with regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012, stating who the council consulted, a summary of main issues and how they were addressed. The Consultation Statement will be placed on the council's website.

The consultation section of this report sets out a summary of the outcomes of the consultation and amendments made to the draft Statement of Community Involvement. The amended document is attached in Appendix 1.

2.2 Statement of Community Involvement Key issues

- It is considered that amendments to the 2019 SCI are required to reflect the following:
- The council decision to update the Local Plan in November 2023..
- Anticipated changes to be introduced through the Planning reforms consultation to speed up the planning processes including a focus on a more digitalised planning system and increased focus on local communities shaping planning documents.
- Changes to legislation in relation to the planning documents, e.g., the introduction of Supplementary Plans, replacing Supplementary Planning Documents.
- To highlight the Council's new Inclusive Communities Framework.

During the consultation, 18 comments from 18 consultees have been received. A summary of the significant key issues requiring a council response is set out below in Table 1.

Appendix 3 sets out a full list of all the consultation comments received by the council and the council's response. These amendments are set out below in Table 2.

Key Issue	Council's Response
Hard copies of the document being consulted on should be available in all public buildings.	Amendment to the text to state that other deposit locations will be included for hard copies of the documents in accordance with statutory requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 35).
There was concern about the use of social media as a method of consultation. It was considered that a more balanced approach should be used particularly for those who are not computer literate or have easy access to the internet.	Agree. It is acknowledged in the SCI that a balanced approach will be required in order to accommodate all communities across the district to support an inclusive approach and ensure that responses are representative of views across the district. Social media is seen as one of a number of tools to raise awareness with other methods used to consider the detail of documents.
It must be made clear how people's comments during consultations will impact the final document.	Agree. All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council's response and/or amendments, will be publicly available in the Consultation Statement which is a statutory requirement. Feedback mechanisms are considered an important part of the consultation process.
The use of plain English should be prioritised when possible.	Agree. The SCI recognises that many planning documents are lengthy and technical in nature and supports the production of user-friendly summary documents written in plain English which will sit alongside key documents. Additionally, the council includes a glossary at the end of all planning documents that define any planning 'jargon' used.
The use of "we may" instead of "we will" when discussing consultation methods.	The SCI is intended to outline how the council will consult on a wide range of planning documents. The methods used will depend on the nature and scope of the consultation and the use of "may" is intended to allow for flexibility to consider the most appropriate methods for engagement. The use of "will" is considered to remove this flexibility.
It wasn't clear how we will communicate the relevant local	An amendment to paragraph 1.10 promoting the consultation portal and explaining how this will

plan update stages with consultees.	communicate the relevant stages to those who register with it.
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Table 1: Summary of Key Issues and the Council's Response

Paragraph	Proposed Change	Reason
1.10	<u>“Our Consultation Portal – You are able to register as a consultee or an agent on our consultation portal, where you can register your interest in specific planning topics and receive notification via your preferred contact option when a consultation, relating to your interested topic, is taking place.”</u>	New bullet point at paragraph 1.10 to promote the use of our online consultation portal.
2.14	<p>“However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <u>Furthermore, hard copies of the consultation documents are available on request.</u>”</p> <p><u><i>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</i></u></p>	Reference to documents being placed in libraries was mentioned by a number of consultation representations. A change has been made to reflect the statutory requirement to make hard copies of consultation documents available in deposit locations. The change also reflects that it is a statutory requirement to make hard copies of consultation documents available on request.
Our Principles: Penultimate Bullet Point	“Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online, or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres, and</u> where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council’s website.”	This change has been made to reflect the change at 2.14.

Table 1	We May:	Pros:	Cons:	Things to Consider	Additional consultation method for working with parish / town councils during consultations.
	<u>“Work with parish / town councils</u>	<u>The parish / town councils can help arrange meetings for consultations, which could lead to better community engagement.</u>	<u>Not every area has a parish / town council so this could lead to areas being less represented.</u>	<u>Communication with parish / town councils would be key for this method to be successful</u>	
2.38	“...The plan is made, and forms part of the DPD, within 8 weeks if more than 50% of <u>those who vote voters in support of</u> the Neighbourhood Plan.”				This adds further clarity to how Neighbourhood referendum results are determined.
2.47 (New Footnote 1)	<u>“Footnote 2: Test of soundness include whether the plan is positively prepared, justified, effective and consistent with national policy (National Planning Policy Framework paragraphs 35 & 36 – December 2023 revision).”</u>				For clarity, a footnote with a definition of soundness has been inserted.
3.5 (New paragraph)	<u>“The SCI will be reviewed, and updated if needed, subject to future secondary legislation.”</u>				New paragraph to highlight the SCI will be reviewed, and if updated if needed, with the introduction of secondary legislation that is expected in the near future.

Table 2: Proposed Amendments to the Statement of Community Involvement

2.3 Local Plan Timetable

A LPT is the timetable for producing Local Plans, Supplementary Plans, Design Codes, other policy guidance/advice and the annual monitoring activity/programme associated with them and is the replacement document for the Local Development Scheme, which was adopted in December 2019. The LPT sets out when documents will be produced, the brief purpose of those documents and when consultation is likely to happen. The LPT is required under Schedule 7(15B) of the Levelling-up and Regeneration Act 2023.

The LPT sets out the resources that will be required and an approximate timetable for preparing the documents. The LPT will need to be kept up to date, and consideration will need to be given to the upcoming planning reforms and implications they may have on timelines for producing planning policy documents.

The LPT must specify:

- the matters which the authority’s local plan for their area is to deal with;
- the geographical area to which the authority’s local plan is to relate;
- any supplementary plans which the authority are to prepare;
- the subject matter and geographical area, site, or sites to which each of those supplementary plans is to relate;

- how the authority propose to comply with the requirement to produce a district wide design code;
- whether the authority’s local plan for their area is to be a joint local plan and, if so, each other local planning authority for whose area the joint local plan is to be their local plan;
- whether the authority are to prepare a joint supplementary plan and, if so, each other local planning authority who are to prepare that joint supplementary plan with them;
- any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee; and
- a timetable for the preparation of the authority’s local plan for their area, and any supplementary plans the authority are to make, which is consistent with this Part and any regulations made under it.

From July to October 2023, the government consulted on Planning Reforms - consultation on implementation (July to October 2023). The consultation outlined a range of measures to make local plans, simpler, faster to prepare, and more accessible. Some of the provisions outlined in the planning reforms were incorporated in the Levelling-up and Regeneration Act 2023 (LURA). These elements have been included in the LPT and include:

- Now called Local Plan Timetable (previously known as Local Development Scheme).
- Reference made to Supplementary Plans.
- Reference made to district wide design codes that we must prepare.

Feedback on the remaining planning reforms consultation has not yet been published and further technical consultations and secondary legislation will be required to implement the LURA. The publication by the government of national development management policies which must be included in all local plans and from which locally specific policies should be developed, is still awaited. The consequence of this is that the LPT may be subject to review and change once legislation/guidance is in place. At this point, officers will revise the LPT and bring this back for discussion. Despite forthcoming planning reforms, the advice from DHLUC is that local authorities should continue to proceed with plan-making.

The proposed LPT for Kirklees outlines a timetable for a range of planning policy documents including the Local Plan update. The LPT is not subject to consultation. However, the proposed timetable for the Local Plan was presented to Cabinet 17th October 2023 and Full Council on 15th November 2023.

2.4 Local Plan Timetable Key Issues

The Local Plan timetable set out below in Table 3, identifies the scope of each document that will make up the Local Plan and a proposed timetable for its preparation between the current stage and the formal adoption of the documents.

A full detailed timetable can be found at Appendix 2: Local Plan Timetable.

Local Plan Part 1 – Strategy and Policies	
Overview	
Role and Content	<p>The Local Plan will establish the vision and strategic objectives for the development of Kirklees up to 2039 and a spatial strategy setting out how development will be accommodated across the district.</p> <p>The Local Plan will set out policies for Minerals and Waste rather than the production of a separate plan.</p>

Geographical Area	District wide
Chain of conformity	National Planning Policy Framework
Local Plan Part 2 – Allocation and Designations (and Proposals Maps)	
Overview	
Role and Content	<p>Part 2 of the Local Plan sets out the different allocations and designations that are included, subdivided into different categories and areas depending on their strategic nature.</p> <p>Part 2 of the Local Plan will set out allocations and designations for Minerals and Waste rather than a separate plan.</p>
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework
Timetable and milestones	
	Dates
Early Engagement Consultation	August - October 2024
Draft Plan Consultation	September - November 2025
Publication Draft Consultation	September - November 2026
Submission to Secretary of State	March 2027

Table 3: Summary version of the Local Plan Timetable

Risks

The following risks to the timetable set out in the LPT have been identified:

- Elections - the timetable has been adjusted to take account of known elections but there are risks around further election activity and resourcing of other emerging work areas which need to be considered.
- Capacity (staff resources) - the LPT has a specific purpose to outline formal document production. There are significant further work areas Planning Policy Group are involved in which may pose a risk to the timescales set out in the LPT. These include for example:
 - Monitoring Local Plan policies (many more indicators following Local Plan adoption).
 - Providing specialist advice to Development Management on planning applications.
 - Provision of guidance notes for Development Management to add further clarity to Local Plan implementation (master planning, viability, green belt).
 - Production of evidence to support the Local Plan update – including updating housing and employment demand, land supply, green belt review and open space. Delays to procurement for external consultancy have the potential to impact on the timescales.
 - Production of a district-wide design code.
- Although Neighbourhood Planning is on the LPT the item does not show the project plans each Neighbourhood Qualifying Body has been asked to produce. There are further resource risks if more than one Neighbourhood Plan reaches an advanced stage at the same time. The LURA outlines a further requirement for neighbourhood priority statements.
- Budget - the cost of the Local Plan update over the life of the plan has been estimated at £2m.
- Planning reforms - the government has recently consulted on a series of planning reforms, which will have an impact on the plan making process. Given the nature of these reforms they could have an impact on the timetable.

Due to the upcoming plan making reforms, budget constraints and the capacity of the Planning Policy Team, the Local Plan timetable will be kept under constant review, which may result in amendments to the LPT. Therefore, we will request that any future amendments to the LPT be delegated to the Director of Growth and Regeneration for approval.

3. Implications for the Council

3.1 Working with People

Statement of Community Involvement

The SCI is a statutory requirement that was introduced under section 18 of the Planning and Compulsory Purchase Act, and the requirement to review (and update if necessary) the SCI within 5-years since adoption is required under regulation 10A(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

The aim of the document is to inform interested parties the different planning documents the council will consult on and highlight the methods the council may use. There is no requirement to go out to consultation on the SCI.

Local Plan Timetable

The LPT is a statutory requirement under Schedule 7(15B) of the Levelling-up and Regeneration Act 2023. The aim of the document is to inform interested parties when documents will be produced, the broad remit of documents and when interested parties can expect to get involved. There is no requirement to go out to consultation on the LPT.

3.2 Working with Partners

Statement of Community Involvement

The SCI will provide the information for interested parties such as residents, developers, and external partners such as statutory consultees and neighbouring authorities on the methods for engagement to be used in consultations on documents produced by the Planning Policy team.

Local Plan Timetable

The LPT will provide the information for interested parties such as residents, developers, and external partners such as statutory consultees and neighbouring authorities on the timetable to be able to engage with all documents produced by Planning Policy.

3.3 Place Based Working

Statement of Community Involvement

The SCI provides information on the planning policy documents the council will produce e.g. Local Plan, or will assist with in producing planning documents, such as Neighbourhood Plans. National Planning Policy Framework (December 2023) section 12 sets out the Government's aspirations for planning to achieve well-designed and beautiful places. Paragraph 131 outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The SCI outlines methods to involve local communities in the development and production of planning policy documents, which seek to develop place-based working based on locally defined information and priorities. Planning policy documents will provide a number of opportunities for local communities, groups, councillors to have a say in how their area is shaped and planning policy will also work with the council's Active Citizens and Engagement Team to evidence place based work through existing Place Standard activities.

Local Plan Timetable

The LPT provides information on the timelines for the production of documents produced by Planning Policy including the Local Plan. The current Local Plan considers place

shaping as part of the spatial strategy (policy LP2) and looks at each individual sub area in Kirklees namely Batley and Spenningsley, Dewsbury and Mirfield, Huddersfield and Kirklees Rural. The Local Plan process will provide a number of opportunities for local communities, groups, councillors to have a say in how the Local Plan can help shape their area and build on existing place-shaping work. Planning Policy will also work with the council's Active Citizens and Engagement Team to evidence place based work through existing Place Standard activities.

3.4 **Climate Change and Air Quality**

Statement of Community Involvement

The SCI details the planning policy documents the council will consult on. Whilst the SCI doesn't have a direct impact on climate change, the production of planning policy documents does. For example, the Local Plan update will create a planning framework/policies that support the Council's Climate Action Plan as part of the Council's Climate Emergency. It will also consider how planning interventions can contribute towards reducing carbon emissions.

Local Plan Timetable

The LPT details the timetable for the production of the Local Plan. Whilst the LPT doesn't have a direct impact on climate change, the production of the Local Plan does. The update of the Local Plan will consider a planning framework/policies that support the Council's Climate Action Plan as part of the Council's Climate Emergency. It will also consider how planning interventions can contribute towards reducing carbon emissions.

3.5 **Improving outcomes for children**

Statement of Community Involvement

The SCI details the planning policy documents the council will consult on. Whilst the SCI doesn't have a direct impact on improving outcomes for children, the production of planning policy documents does. As part of the engagement/consultation on documents, consideration will be given to how the views relating to children can be gathered.

Local Plan Timetable

The LPT details the timetable for the production of the Local Plan. Whilst the LPT doesn't have a direct impact on children, the production of the Local Plan does. The Local Plan will address deficiencies in open spaces including children's play and provision for education facilities across the district. The provision of high-quality designed homes and jobs will provide opportunities for families to support children.

3.6 **Financial Implications**

Statement of Community Involvement

There are no specific costs associated with the approval of the SCI. There is however cost associated with early engagement and consultation relating to the development and production of planning policy guidance. The costs of early engagement/consultation will vary according to the nature and scope of the engagement exercises which will be scoped against statutory requirements, whether it is district-wide or specific to a topic or area and the mix of methods used. The Planning Policy team will engage with other service users to maximise the use of existing consultation feedback where appropriate to inform policy development to make best use of resources. It is anticipated that there will be £130K allocated for next year from the council towards the costs of producing the local plan (which includes consultation costs).

Local Plan Timetable

There are no specific costs associated with the approval of the LPT. There is however cost associated with the Local Plan. It is anticipated that there will be £130K allocated for next year from the council towards the costs of producing the local plan (which includes consultation costs).

3.7 **Legal Implications**

Statement of Community Involvement

SCIs were introduced under section 18 of the Planning and Compulsory Purchase Act and is required to be reviewed (and updated when necessary) under regulation 10A(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Local Plan Timetable

An LPT is a statutory requirement under Schedule 7(15B) of the Levelling-up and Regeneration Act 2023. The LPT informs interested parties when documents will be produced, the broad remit of documents and when interested parties can expect to get involved.

3.8 **Other (e.g. Risk, Integrated Impact Assessment or Human Resources)**

Statement of Community Involvement

Risk – The SCI sets out the positives and negatives of different consultation methods.

Human Resources – Existing staff have been used to prepare the SCI.

Communications – The SCI will be published on the council’s website and updated when needed, as per the regulations set out in 10A(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Respondents will be notified of its adoption as part of our feedback processes.

Integrated Impact Assessment – The SCI undertook an [Integrated Impact Assessment](#) (IIA) before the consultation period. Before its adoption, subject to Cabinet approval, an updated IIA will be produced. The planning documents detailed in the SCI are also subject to IIAs.

Local Plan Timetable

Risk – See risks under paragraph 2.4.

Human Resources – Existing staff have been used to prepare the LPT.

Communications – The LPT will be published on the council’s website and updated when needed. Its availability will be published as part of early engagement on the Local Plan.

Integrated Impact Assessment – The LPT does not propose to change services, policies or decisions, therefore an IIA is not required. Each individual document in the timetable will have its own IIA.

4 **Consultation**

Statement of Community Involvement

As mentioned above, there is no statutory requirement to consult on a SCI, however, it was considered important to engage with local communities and stakeholders at the start of the Local Plan update. The consultation ran from the 20th of November 2023 to the 5th of January 2024, and 18 comments were received from 18 representatives. A Consultation Statement has also been prepared. This will be made available on the council’s website, as well as being included in the appendices of this report (Appendix 4 SCI Consultation Statement).

Subject to the approval of the document, the document will be made available on the council’s website.

Local Plan Timetable

The Local Plan Timetable was not subject to a formal consultation; however, the Local Plan Timetable will be launched as part of the early engagement to ensure the local communities and other stakeholders are aware of when they can expect to be consulted.

Subject to the cabinet approval of the document, the document will also be made available on the council's website.

5 Engagement

- 5.1 As part of the SCI review, the council engaged with the Active Citizens and Places team to collect information on good practice from their Place Standard engagements. The information received informed how we may improve our consultation methods. We also engaged with members of the Inclusive Communities team on the Inclusive Communities Framework.
- 5.2 As part of the formal public consultation, all statutory consultees, and other stakeholders that are signed up to the council's Objective database, were contacted regarding the Statement of Community Involvement consultation.
- 5.3 The Local Plan Timetable (LPT) will provide people with the information needed to engage in the production of planning policy documents.

6 Options

6.1 Options Considered

Statement of Community Involvement

- 1) Cabinet approves the Statement of Community Involvement for adoption and publication on the council's website.
- 2) Cabinet to not approve the Statement of Community Involvement for adoption and publication on the council's website.

Local Plan Timetable

- 1) Cabinet approves the Local Plan Timetable for adoption and publication on the council's website.
- 2) Cabinet to not approve the Local Plan Timetable for adoption and publication on the council's website.

6.2 Reasons for recommended Option

Statement of Community Involvement

Recommendation: to approve the Statement of Community Involvement for adoption and publication on the council's website. Reviewing and updating an SCI every 5-years since adoption is required under regulation 10A(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Local Plan Timetable

Recommendation: to approve the Local Plan Timetable for adoption and publication on the council's website. A LPT is required under Schedule 7(15B) of the Levelling-up and Regeneration Act 2023.

7 Next steps and timelines

Subject to Cabinet endorsement of the Statement of Community Involvement, and the Local Plan Timetable, both documents will be published on the council's website. **Page 560**

8 Contact officer
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9 Background Papers and History of Decisions

- Current Local Development Scheme 2019 [Kirklees Local Development Scheme](#)
- Cabinet Report - Local Plan Review and Update [Agenda for Cabinet on Tuesday 17th October 2023, 3.00 pm | Kirklees Council](#)
- Council Report - Local Plan Review and Update [Agenda for Council on Wednesday 15th November 2023, 5.30 pm | Kirklees Council](#)
- Current Statement of Community Involvement [Kirklees Statement of Community Involvement December 2019](#)
- Statement of Community Involvement Consultation Webpage [Have your say on the Statement of Community Involvement \(SCI\) consultation | Kirklees Council](#)
- Statement of Community Involvement Webpage [Statement of Community Involvement | Kirklees Council](#)

10 Appendices

- Appendix 1 - Kirklees Council Statement of Community Involvement March 2024
- Appendix 2 - Kirklees Council Local Plan Timetable March 2024
- Appendix 3 - SCI Schedule of Consultation Comments with Responses February 2024
- Appendix 4 – Kirklees Council Statement of Community Involvement Consultation Statement January 2024

11 Service Director responsible

David Shepherd – Strategic Director for Growth & Regeneration

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**Kirklees Council
Statement of Community Involvement
March 2024**

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1. Introduction

- 1.1 This document sets out a series of guidelines on the scope of community involvement, how and when the council will engage and undertake consultation on planning policy documents and how you can become involved. For example, if you have an interest in, the Local Plan update, supplementary planning documents or neighbourhood planning, this document tells you how, and when you can get involved as well as how your comments will be used to influence and shape the council's planning policies.
- 1.2 It does not set out involvement in the planning application process. This is detailed in our Development Management Charter. This can be viewed on the council's website via the [following link](#).
- 1.3 The document updates the council's existing Statement of Community Involvement (SCI) which was adopted in December 2019.

Background and the Need for Review

- 1.4 National Planning Policy Framework (NPPF) September 2023, paragraph 16 states:
“Plans should: ...be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees”.
- 1.5 The document seeks to promote community involvement in planning policy at an early stage to work towards a consensus and thereby reduce the scope for delays at later stages. By getting involved and having your say in the planning process you can help to shape the future of your area.
- 1.6 In addition, there are also statutory requirements that the council must meet at each stage of plan preparation.
- 1.7 Who is consulted may vary according to the issue under consideration as it is important to ensure that we reach out to individuals and communities affected by the issues raised. This may require some tailored consultation which could be addressed through for example, specific focus groups alongside the wider consultation.
- 1.8 The production of a SCI is a government requirement introduced by the Planning and Compulsory Purchase Act 2004. Legislative requirements state (regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), that the SCI must be reviewed (and amended where necessary) every five years from the date of adoption of the SCI. A review of the SCI has been undertaken to reflect the following:

- An update of the Local Plan commenced in November 2023. National Planning Policy Guidance advises Local Planning Authorities (LPA) to review and update their SCI at the same time to reflect what action is taken to involve the community in any changes to the plan.
- To promote new and increasingly standard digital communication and social media within planning, and more specifically, consultations in the light of the Government's increased emphasis on digital planning communications.
- To highlight the Council's new Inclusive Community Framework.
- To reflect good practice from other local authorities.

1.9 This SCI reflects council-wide changes in ways of working as set out in the [Council Plan July 2023 - January 2024](#), working with people, with and alongside partners, and in our places to achieve our ambitions. Our engagement and consultation can help develop the council's focus on place-based working which is at the heart of what we do.

Keeping You Informed

1.10 This document should be read alongside the following:

- The Local Plan Timetable (LPT) (formally known as the Local Development Scheme (LDS)), sets out our timelines for producing new planning documents and is updated periodically. It also sets out how the production of planning documents is resourced within the council, and other departments that we work with in producing planning policy. Our [LDS](#) is currently being updated and our Local Plan Timetable, will be presented to Cabinet for adoption in early 2024.
- The [Authority Monitoring Report](#) (AMR) which sets out the progress that has been made over the previous year in producing planning documents, and how much development has occurred within Housing and Employment. It must be published at least annually. The latest AMR was published in December 2022.
- Neighbourhood Planning Updates - the progress of current designated neighbourhood plans can be found on our [website](#) which will help you to know when there are opportunities to get involved. It should be noted that the council is not responsible for the consultation programmes for the neighbourhood plans as that is the responsibility of the Parish/Town Council or Neighbourhood Forum.
- Our Consultation Portal – You are able to register as a consultee or an agent on our [consultation portal](#), where you can register your interest in specific planning topics and receive notification via your preferred contact option when a consultation, relating to your interested topic, is taking place.

1.11 The latest documents updates for all the above, and any other planning policy related information, can be found on the [Planning Policy webpage](#).

General Data Protection Regulation (GDPR)

- 1.12 We will notify contacts on our Planning Policy online system where individuals or organisations have opted in to be consulted at the relevant statutory consultation stages for each type of document. Consultees will be encouraged to supply an e-mail contact as this is more time and cost efficient than sending letters and will be encouraged to submit comments electronically where they are able to do so.
- 1.13 You can register as a consultee or an agent on our [Planning Consultations website](#). The information saved on the system will be used in accordance with the Council's registration under GDPR (2018). This includes personal information such as name, address, phone number and land ownership information. Consultation responses cannot be treated as confidential as this would inhibit Kirklees Council's fulfilment of its duties regarding consultation. It is recommended that consultees operate under a 'presumption of transparency'.
- 1.14 For the purposes of public consultation, the council collect and process information about you in order to fulfil its public duties under Article 6(1) (e) Public Task and Article 6(1) (c) Compliance with a Legal Obligation of the General Data Protection Regulations. You have a qualified right to object to the use of personal information verbally or in writing. For more information on how the Planning Policy Team at Kirklees council collects, uses and shares your information, see our [Privacy Notice](#).

2. Community Involvement in Planning Policy

What Do We Want to Achieve from the SCI?

- 2.1 In setting out clear guidance we aim to:
- Increase public awareness of the planning process and how to get involved.
 - Provide an opportunity to help groups and individuals shape development plan documents including the local plan and make representations on its contents.
 - Help create a sense of ownership on planning issues; and
 - Ensure a transparent process based on consideration of a range of options and local priorities and concerns.
- 2.2 Production of planning policy documents is governed by statutory requirements with specific requirements to undertake early engagement and consultation at set stages of the plan making process. As part of meeting these requirements, we can use and promote different methods to ensure that we involve our communities effectively to get the best results. This has the added benefit of improving place-based working and promoting engagement in a way which best fits the issue and the area being addressed. The purpose of the SCI is to make these processes clearer, so it is easier to get involved.

Inclusive Community Framework

- 2.3 The council's Inclusive Community Framework (ICF) is a commitment to work better with communities and guides different parts of the council on how they can improve the way they work with communities. The information in this framework will help us improve how we consult on our planning documents, ensuring that the consultation methods used enable individuals/communities to engage in the planning process. [More information on the ICF can be found here.](#)

Place Standard

- 2.4 Our active citizens and engagement team are involved in Place Standard engagements. Place Standard engagements provide an opportunity to have a conversation about the place people live or work including buildings, spaces, and transport as well as how they can get involved in making decisions for their area. There have been a number of engagements that have taken place in Kirklees. Examples include Thornhill, which aims to address issues in; traffic and parking, play and recreation, and housing to name a few and the comments received from the Holmfirth Place Standard have informed the Holmfirth Blueprint consultation for the town centre. Further information on the Place Standard can be found here: [How good is our place?](#)
- 2.5 In terms of future planning consultations, the work undertaken so far provides us with lots of evidence to help shape place making and an opportunity to learn from the good practice in community-based engagement.

Who Will We Consult?

Consultees

- 2.6 This depends on the type of document and the nature of the consultation. Regulations and government guidance specify the bodies and organisations that we must notify when preparing the Local Plan or Supplementary Planning Documents (SPDs)/Supplementary Plans (SPs). The regulations do provide some discretion over whether to notify certain bodies particularly if that document or issue is not likely to be of interest or relevance to it.
- 2.7 We will aim to consult relevant groups where a proposal will directly affect them. Generally, we will seek the views of those who live or work in the district relevant to the document being consulted on such as:
- Residents.
 - Adjoining local authorities.
 - Parish and town councils.
 - Specific consultee bodies - See Appendix 1 - organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that are required to be consulted at key stages of plan production. These include

neighbouring and parish councils, key service providers, Government departments and non-government organisations.

- General consultee bodies - organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that are required to be consulted at key stages of plan production. They include bodies which represent the interests of different racial, ethnic, religious, or national groups, disabled persons, and business in the LPAs area.
- Interest groups.
- Voluntary organisations.
- Businesses.
- Developers and landowners.
- Marginalised groups - which includes those with protected characteristics under the Equality Act 2010 (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, and Sexual Orientation). The Council also assesses the impact on unpaid carers, Gypsy, Roma and Traveller Communities, low income, and Members of the Armed Forces; and
- ‘Seldom heard’ - there is some overlap between marginalised groups and those ‘seldom heard’, who may be disengaged with the planning system. Additional effort should be taken to ensure that consultation is accessible to those who are seldom heard, rather than only those who usually engage with the planning system. Where a ‘seldom heard’ group is also a group with a protected characteristic, this is an important consideration in line with our duties under the Equality Act (2010). ‘Seldom heard’ groups include those who find engaging in planning issues less accessible for practical reasons – such as single parents, carers, those in full time or irregular work, rural communities, and those without adequate access to or knowledge of the internet.

Duty to Co-operate

- 2.8 The Localism Act (2011) places a “duty to co-operate” on all local authorities and a number of public bodies which requires on-going, constructive, and effective engagement on areas of plan making which may have strategic cross boundary implications.
- 2.9 The public bodies are set out in Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013. These include the Environment Agency, Natural England, Local Enterprise Partnerships, and Primary Care Trusts.
- 2.10 These bodies play a key role in delivering local aspirations, and cooperation between the bodies and Local Planning Authorities is vital to make Local Plans as effective as possible on strategic cross boundary matters. The bodies should make proportionate responses in how they do this and tailor their degree of cooperation to maximise the effectiveness of plans.

- 2.11 The duty to co-operate is in addition to continuing to consult statutory defined groups such as neighbouring authorities or local or national agencies.

The Role of Councillors in Planning Policy

- 2.12 Councillors have an extremely important role to play in the planning process, both as decision makers and as representatives for the views of local people. Councillors will help you to understand the planning process and assist you to respond to consultations on planning policy documents. They will also communicate your views to officers and other councillors to ensure that all views are considered when determining how the council should proceed.

How We Will Consult and Communicate

- 2.13 All consultation, engagement and feedback documents will be placed on the council's website, and other forms of social media. This is the fastest, most efficient, and cost-effective way of consulting.
- 2.14 However, to ensure all members of communities can access consultations, hard copies of documents will be made available at customer service centres, and other deposit locations, as defined by the Local Plan regulations¹, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. Furthermore, hard copies of the consultation documents are available on request.
- 2.15 Consultees will be informed of the nature and scope of the consultation and any additional locations prior to the start of the consultation period/event to raise public awareness. Details will be available on the website. Where possible summary leaflets will be produced for documents being consulted on.
- 2.16 The council will seek to maximise the use of its own Planning Policy online system by using it for consultation and for respondents making comments. This has time and cost savings as all the contacts for the Local Plan and associated documents are contained on the system and the use of the system for inputting and analysing comments makes it quicker and easier to run reports on comments made, especially when undertaking multiple rounds of consultation on a single policy document. The use of the online system will be in accordance with GDPR requirements set out at 1.12 - 1.14.

Our Principles

- 2.17 We will:
- Produce a Local Plan Timetable which sets out the key documents to be produced, timescales and associated consultation stages.

¹ Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

- Meet, and where practicably possible and necessary will exceed, the minimum standards for community involvement as set out in legislation.
- Make every effort to avoid consulting over holiday periods. However, where this is not possible due to the project timescales/funding etc. then the council will seek to extend the consultation period, where appropriate.
- Give guidance on the purpose, aims and scope of the consultation so respondents know what they can comment on and how their comments will be considered.
- Wherever practicably possible, and in accordance with GDPR regulations, co-ordinate consultation internally using the council's corporate consultation systems in order to make cost efficiencies.
- Where consultation is not subject to statutory timescales, give people sufficient time to respond to the consultation.
- Make widespread use of electronic and modern media techniques wherever possible to make consultation more cost-effective, easier, and quicker. This may include digital surveys/questionnaires and standardised, digital forms which will guide the user through the response process. The use of social media also helps us to better reach 'seldom heard' groups outlined at 2.7. The [council's website](#) and other forms of social media, will be used to advertise events/stages and host information.
- While progressing to a more digital consultation process, we will also provide other options for consultation for those with low internet access and/or low internet skill. This will also include ensuring that consultation is accessible to all to make it easy for groups or individuals with limited knowledge of the planning policy process to get involved.
- Where possible, we will ensure that written information can be made available in alternative, accessible formats if requested, such as large print, Braille, audio or translated into another language.
- Produce documents that meet accessibility standards and, where possible, make use of plain English. Where we use complex terms, these will be explained in a glossary.
- Use consultation methods that are appropriate to the stage of plan making to maximise opportunities for involvement, while making sure the resources they require are proportionate and cost-effective.
- Whenever possible, provide feedback to reflect how comments received have been incorporated into the process.
- Evaluate and monitor the effectiveness of consultation.
- Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at customer service centres, and where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website.

- Co-ordinate consultation within the council using its Involve database to avoid consultation fatigue with residents and to use existing consultation feedback more effectively.

Methods

- 2.18 The following methods may be used for consultation and engagement. The methods chosen will be tailored to the specific stage and will be proportionate to the importance of the document. Each method has pros and cons, and stating these will help us to decide the best combination of methods. We will work with our corporate communications team to identify the most effective channels of communication. This may include the use of local media by preparing press releases to circulate to local newspapers and radio stations or working with newspapers to prepare articles or advertisements to raise awareness and promote issues. For example, in the case of neighbourhood plans, the council must assist in publicising a neighbourhood area boundary or a proposed neighbourhood forum, and this will be done through the local press/media, as well as posting on the Council's website.
- 2.19 The Levelling Up and Regeneration Act (LURA), which sets out reforms to planning, received Royal Assent on 26 October 2023. The Act will be supported by new secondary legislation which will be subject to further consultation. Part of these reforms includes a more digital focused approach to planning. This will influence how we consult on documents, as it will become more online through online consultations, virtual consultation events, digital mapping, and standardised forms. However, a balance with more traditional forms of consultation needs to be found to ensure everyone can be included.

We May:	Pros:	Cons:	Things to consider:
Share information internally and maximise the use of networks or communication channels used by other services or local community websites where required.	This helps us to target consultation more effectively and/or to reach “marginalised groups” or communities.	Targeted consultation may mean a smaller number of responses. Risks associated with keeping several types of personal information about each person to identify groups.	Use to support usual mass communication methods to ensure a wide range of views that are representative. Consider anonymisation of sensitive data.
Make use of council publications such as Kirklees Together to include articles.	Kirklees Together sends out weekly news bulletins via email across the district so can reach a large number of residents.	May not be read by everyone, may be inaccessible for those with disabilities or for whom English is not a first language.	Kirklees Council Library Service offers a ‘Kirklees Talking News’ service. A free audio newspaper is available via an App, Podcast, and USB. More information can be found here .
Make use of social networking sites in accordance with the council’s policy on social media.	Local Authorities increasingly use this to consult with ‘seldom heard’ groups, such as young people.	May be inaccessible for those who are uncomfortable or unfamiliar with social media, or those without a good internet connection. Risk of harassment of members of the public using social media to connect with Kirklees Council.	Kirklees council social media policy, secure use of personal data, moderation.
Make use of interactive workshops or discussion groups with key stakeholders. This could involve the use of external facilitators.	They were used to great effect at the early engagement stage of the existing Local Plan with targeted organisations to debate specific elements of the plan process.	May be difficult for those in rural communities to attend, can be costly.	Holding workshops in accessible locations, holding workshops in rural communities, using the opportunity to make use of diverse range of communication methods to appeal to different ages and abilities. An example would be a model making workshop.

We May:	Pros:	Cons:	Things to consider:
<p>Deliver presentations or hold question and answer sessions at meetings of existing groups where resources allow. This could include, Parish and Town Council meetings, Residents' Associations, Business Groups, interest groups or neighbourhood plan groups and schools/youth parliaments.</p>	<p>Facilitates discussion. Sessions at schools and youth parliaments helps us to reach young people. Kirklees Youth Council has now been running for more than 10 years and the report 'growing a stronger youth council', was published in October 2019, outlining how Kirklees Council will improve participation in local democracy among young people.</p>	<p>Can be difficult for everyone to be heard if some attendees are able to dominate discussion. Can be intimidating for those who are uncomfortable with confrontation. May be costly.</p>	<p>How such presentations/question and answer sessions can be structured to enable everyone to speak.</p>
<p>Make use of posters, flyers, or site notices – these may be used to raise awareness of consultation events or meetings or to make residents aware of proposals that could affect their area. These could be displayed in public places or places where there is a high volume of people.</p>	<p>Easy to reach many people with one poster or site notice.</p>	<p>May be missed if it is placed in an area that isn't used. For example, if there is a development proposal on a derelict site.</p>	<p>Use of advertising in several places.</p>

We May:	Pros:	Cons:	Things to consider:
Hold exhibitions or road shows with unmanned displays or staffed drop-in sessions.	Allows people to take in information in an easy-to-understand way if used correctly, can be used to reach rural communities.	Unstaffed exhibitions may mean that questions can't be asked and answered efficiently, staffed exhibitions are costly.	Accessibility of locations and the timing of the event. We will produce summary information and frequently asked questions (FAQ's) to inform consultation stages and provide the scope of the event.
Hold meetings with elected members – members will be kept informed of progress and plans through briefings, workshops, and e-mail.	Elected members can communicate with their communities and have the means and experience to advocate for them.	Indirect form of communication.	Use with a range of other methods.
Work with parish / town councils.	The parish / town councils can help arrange meetings for consultations, which could lead to better community engagement.	Not every area has a parish / town council, so this could lead to areas being less represented.	Communication with the parish / town councils would be key for this method to be successful.

Table 1: Methods of Consultation

Hierarchy of Planning Documents

Legislation and National Policy

- 2.20 Legislation sets out the statutory requirements for developing, consulting on, adopting, and reviewing the different documents that form planning policy.
- 2.21 The National Planning Policy Framework (NPPF) sets out the Government’s economic, environmental, and social planning policies for England. The policies in this document apply to the preparation of local, and neighbourhood plans.
- 2.22 The National Planning Policy Guidance (NPPG) supplements the NPPF by providing more detailed guidance on specific policy areas.

Development Plan Documents

- 2.23 The Development Plan Documents (DPD) are produced by the Local Planning Authority (LPA) and provide the policy framework in which planning applications are decided against. The DPD is made up of the Local Plan, Minerals and Waste Plan, Supplementary Plans, and any “Made” Neighbourhood Plans adopted in the LPA area.

Supplementary Plans and Guidance Notes

- 2.24 Supplementary Plans (SPs) address site-specific needs or opportunities which require a new planning framework to be prepared quickly. Guidance notes such as Technical Documents are produced by the Local Planning Authority to provide further guidance on documents to support the development plan.

What Documents Will We Consult On?

- 2.25 We have set out a timetable for producing planning policy documents. This timetable is known as the Local Plan Timetable (LPT) and tells you when documents will be produced and when you can expect to get involved. The LPT contains the key planning policy documents to be consulted on and opportunities for early engagement. This is updated periodically to reflect up to date planning policy priorities. In developing the policy documents, we may also undertake some consultation which includes targeted workshops on key pieces of evidence. The scope of consultation will vary according to the issues to be debated.
- 2.26 The following documents are examples of planning policy documents which are/may be identified in the Local Plan Timetable for consultation.

Local Plan

Local Plan Stage	Actions
Initial evidence gathering and consultation	<ul style="list-style-type: none"> • Formulate initial aims and objectives. • Begin evidence gathering. • Notify relevant consultation bodies and invite them to make representations.
Publication	<ul style="list-style-type: none"> • Local Plan is formally published for a minimum of six weeks for representations to be made.
Submission	<ul style="list-style-type: none"> • Local Plan, representations and other required documents are submitted to the Planning Inspectorate. • The Planning Inspectorate arrange for the Local Plan to be scrutinised through an examination by an independent examiner.
Found sound	<ul style="list-style-type: none"> • The inspector writes a report setting out whether the Local Plan is sound and satisfies legal requirements. • If the Local Plan is not found sound, the LPA can ask the inspector to recommend modifications to make it sound.
Adoption	<ul style="list-style-type: none"> • If the inspector recommends that the Local Plan may be adopted, the LPA may formally adopt it (usually by a vote in full Council). • Once adopted, it is part of the development plan for the local area.

Table 2: Stages in a Local Plan. Taken from Plain English Guide to the Planning System. ©Department for Communities and Local Government 2015

2.27 **We are legally required to consult on a Local Plan.** A Local Plan sets out a vision and a framework for the future development of the area. It will address needs and opportunities in relation to housing, the economy, community facilities and infrastructure, as well as a basis for safeguarding the environment, adapting to climate change, and securing good design. It is a critical tool in guiding decisions about individual development proposals since Local Plans (together with any neighbourhood plans that have been made) form the DPD, which is the starting point for considering planning applications decisions.

2.28 It is important for Local Authorities to put an up-to-date plan in place to positively guide development decisions. Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 sets out that each LPA must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole). The existing Kirklees [Local Plan \(2016-2031\)](#) was adopted in February 2019

following the appropriate consultation, and is made up of two documents - strategy and policies, and site allocations. The local plan is now in the process of being updated.

Supplementary Plans

- 2.29 **We are legally required to consult on Supplementary Plans.** These are replacing Supplementary Planning Documents which focused on specific topics or areas in greater detail, providing policy guidance to support the Local Plan policies. You can view our [current adopted SPD here](#).
- 2.30 The Levelling-up and Regeneration Act 2023 has introduced Supplementary Plans which form part of the Development Plan and are also subject to independent examination by an inspector. We are legally required to consult on Supplementary Plans, and the general rule of Supplementary Plans is that the examination is to take the form of written representations.

Masterplans, Development Frameworks, or Briefs

- 2.31 These documents relate to individual site allocations and set out the specific details required at a planning application stage. There is no statutory process for preparing these documents, but we will consult and engage on them to increase awareness of planning issues and involve the community.

Sustainability Appraisal and Strategic Environmental Assessment

- 2.32 There are three statutory consultees on Sustainability Appraisal: Environment Agency, Historic England, and Natural England.
- 2.33 A Sustainability Appraisal is a process which evaluates the environmental, social, and economic impacts of a plan, policy or programme and its reasonable alternatives. A Strategic Environmental Assessment only considers the environmental effects of a plan, so is usually not required if a sustainability appraisal has been completed. Both take place alongside the Local Plan/DPDs and some SPDs and can be found with the relevant document on our website. The first stage of the sustainability process is to produce a Scoping Report to find out whether a further, more detailed, assessment is required.

Neighbourhood Plans

- 2.34 Neighbourhood Planning gives communities direct powers to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood Plans include policies specific to the local area and are backed up by local evidence. Once made, Neighbourhood Plans form part of the Local Development Plan, and carry weight in determining planning applications.

Neighbourhood Plan Stage	Actions
Identification and designation of Neighbourhood Area (and a Neighbourhood Forum if required)	<ul style="list-style-type: none"> • Local community identify an appropriate boundary for neighbourhood planning. • Apply to LPA for the area to be designated (and for a Neighbourhood Forum to be designated if no parish or town council • LPA publicise and consult on the application(s) and decide to designate the neighbourhood area (and forum)
Initial evidence gathering and consultation and publicity	<ul style="list-style-type: none"> • Local community formulate vision and objectives, gather evidence and draft details of the proposals for a plan or order. • Consult on these proposals for a minimum of six weeks.
Submission	<ul style="list-style-type: none"> • Neighbourhood plan or order proposal and required documents are submitted to the LPA. • The authority publicises the plan or order for a minimum of six weeks and invites representatives. • The LPA arranges for an independent examination of the neighbourhood plan or order.
Examination	<ul style="list-style-type: none"> • An independent examiner makes recommendations to the LPA on whether the draft neighbourhood plan or order meets basic conditions and other legal tests. • The LPA considers the report and decides whether the neighbourhood plan or order should proceed to referendum.
Referendum & neighbourhood plan is made	<ul style="list-style-type: none"> • A referendum is held to ensure that the community decides whether a neighbourhood plan should be part of the development plan for the area. • If a majority of these who vote support the neighbourhood plan or order the authority must bring it into force.

Table 3: Stages in a Neighbourhood Plan or Order. Taken from Plain English Guide to the Planning System. ©Department for Communities and Local Government 2015

2.35 Neighbourhood Planning groups must consult on their Neighbourhood Plans and Neighbourhood Plans are subject to a referendum.

2.36 Neighbourhood Plans are produced by statutory defined qualifying bodies which include Parish/Town Council or a designated Neighbourhood Planning Forum (where a Parish/Town Council does not exist) to develop a shared vision for their neighbourhood and shape the development and growth within the local area.

- 2.37 They are subject to a statutory process and must be in conformity with the strategic policies in the Kirklees Local Plan and have regard to national planning policy. Following examination by an independent examiner and a favourable vote in a referendum, they are 'made' (adopted) by the council and form part of the development plan. As such they have significant weight in determining planning applications.
- 2.38 The council has statutory duties to support the development of the Neighbourhood Plan. This includes checking and publicising the initial application to set up a Neighbourhood Area (and Forum if required), publicising the draft plan for consultation, appoint an inspector and organise the examination, and to organise the referendum. The plan is made, and forms part of the DPD, within 8 weeks if more than 50% of those who vote in support of the Neighbourhood Plan.
- 2.39 The council also offers non-statutory support, which includes, but not exclusive to, providing a named officer as a contact, provide information on the preparation of plans, informal comments on the draft, technical and planning advice, and offering mapping support.
- 2.40 However, the council will not offer advice or assistance on the following areas: document writing, undertaking survey work, attending every meeting and consultation events, and direct financial support.
- 2.41 It is the role of the neighbourhood plans responsible body to ensure that the plan is representative and shaped by consultation. How and when this is undertaken is decided by the neighbourhood planning body.
- 2.42 [See here for the current Neighbourhood Plan areas in Kirklees.](#)
- 2.43 A community does not have to produce a Neighbourhood Plan to shape development in their area. There are other opportunities for community involvement in planning, like a Neighbourhood Development Order (more information is contained in [Planning Practice Guidance](#)), a Community Right to Build (for more information see [Planning Portal](#)), or a Community Right to Bid (more information is available from [locality](#)).

Planning Applications

- 2.44 All planning applications are publicly available and can be commented on. The Development Management (DM) department have their own adopted charter that sets out how the different types of planning applications will be consulted on. [This can be viewed here.](#)

When Will We Consult and What is the Process?

- 2.45 Consultation ‘fatigue’ can happen when consultation is repeated too often, or when communities are consulted on too many things at the same time. To prevent this, the council uses its own ‘involve’ online system to co-ordinate consultation across the council, and those conducting consultation across the council can meet through the Citizen Engagement Reference Group to co-ordinate activities and outcomes.

Process of Consultation

Stage of consultation	At what stage of document production	Reason
Early Engagement	Before any detailed work is done	To identify key issues to be dealt with in planning documents, and ideas and aspirations of the community.
Consultation	On a draft document, this may need to be done several times, e.g., for modifications	To get input on a draft and identify any issues.
Analysis	Once consultation has closed. This will need to be done after any consultation	To identify common themes in responses and make necessary amendments.
Final Draft	Once the document is ready. The appropriate consultation will need to have been completed, analysed, and responded to	To create a document that is informed by views from the local community and stakeholders, but with the Local Authority having ultimate responsibility. Consultation responses form part of the evidence base to support a planning document. Local Plans must be ‘justified’ with evidence to be considered ‘sound’.
Consultation Statement	Must be published alongside DPDs and SPDs	To inform the public on how the document was consulted on and how consultation informed the document.

Stage of consultation	At what stage of document production	Reason
Adoption	The document is approved by the council and now forms part of the planning policy for the area until it is replaced by new policy.	To shape how the area looks according to up-to-date evidence and informed by consultation. New policy is needed when existing policy is out-of-date, or circumstances make existing policy inadequate. The process begins again at this point.

Table 4: The Process of Consultation for Planning Documents

Feedback

- 2.46 A feedback report will be produced documenting the level and nature of comments made and how comments have been used to inform the next stage of the planning policy document or process. This will be available alongside the relevant document consulted on under the title ‘Consultation Statement’, ‘Statement of Consultation’, or similar. There are some exceptions to the publication of comments, where a comment is abusive, defamatory, obscene, or discriminatory it will not be published at all. A consultation statement will also set out how the document has been changed, where necessary, to address issues raised.
- 2.47 In the case of producing the existing Local Plan, as part of determining the soundness² of the plan at Examination, the council needed to provide an audit trail of how views have shaped the document. In some cases, the council may identify specific modifications to a plan which may then be subject to further consultation. Information will be available on the council’s website.

3. Levelling Up and Regeneration Act 2023 (LURA)

- 3.1 As mentioned above, the LURA, which sets out the upcoming planning reforms, received Royal Assent on 26 October 2023, and the changes that are introduced will impact the way we consult. Secondary Legislation will be released, and further consultations will be taken on this.
- 3.2 The changes will introduce more opportunities for community engagement during the plan-making process, which will allow planning documents that reflect the local communities more. There will be a more digital focus, meaning groups that previously may have not been reached will be able to be involved.

² Test of soundness include whether the plan is positively prepared, justified, effective and consistent with national policy (National Planning Policy Framework paragraphs 35 & 36 – December 2023 revision).

- 3.3 Greater legal weight will be given to Neighbourhood Plans, meaning communities have more control in shaping their area. A simpler 'Neighbourhood Priority Statements' will also be introduced, making neighbourhood planning more accessible.
- 3.4 It is important to note that as secondary legislation goes through consultation, these changes are still subject to change.
- 3.5 The SCI will be reviewed, and updated if needed, subject to future secondary legislation.

4. Further Information

- 4.1 If you have any questions on the information contained in this document, please contact us at:

E-mail: local.development@kirklees.gov.uk

Telephone: 01484 221 000

Postal Address:

Kirklees Council
Planning Policy Group
PO Box 1720
Huddersfield
HD1 9EL

- 4.2 Planning Aid England is an independent advice service run by volunteers who are qualified planners. It is part of the Royal Town Planning Institute and aims to make planning accessible to all. Their online advice service, [planning aid direct, is available here.](#)
- 4.3 [Locality](#) is a charity that provides information and support for local communities on areas including Neighbourhood Planning.

Appendix 1: Glossary

Adoption – The stage at which the development plan/Local Plan becomes the legal basis for all future planning decisions in the district?

Design Codes – Are a set of concise illustrated design requirements providing the parameters for the development of a site or area. These codes are tailored to local conditions and priorities, which seek to support well-designed places.

Development Plan Documents (DPD) – Documents prepared by the LPA (including the Local Plan) setting out the main spatial strategy, policies, and proposals for the area. These documents will be statutory documents and subject to an independent examination by an Inspector. They will undergo rigorous procedures of community involvement and consultation. DPDs must be consistent with and have regard to national planning policy.

Duty to Cooperate – Created by the Localism Act 2011. It places a legal duty on the Council to engage constructively, actively and on an ongoing basis with certain specified bodies to maximise the effectiveness of Local Plan preparation relating to strategic cross boundary matters.

Examination – The purpose of the Examination is to consider if the development plan is sound. Most representations made at Examination will usually be written representations. However, in some instances a Planning Inspector may allow representations to be examined by way of oral hearings, for example round table discussions, informal hearing sessions and formal hearing sessions.

General Consultation Bodies – Organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that are required to be consulted at key stages of plan production. They include bodies which represent the interests of different racial, ethnic, religious, or national groups, disabled persons, and business in the LPAs area.

Local Development Document (LDD) – The collective term covering Development Plan Documents and Supplementary Planning Documents.

Local Development Scheme (LDS) – A three-year project plan outlining the Councils programme for preparing the Local Plan.

Local Plan – Collective term for the Development Plan Documents that set out the spatial vision and strategy for the district including policies and proposals. The Local Plan is a key part of the development plan.

Local Plan Timetable (LPT) – A project plan outlining the Council's programme for preparing the Local Plan.

Marginalised groups – Groups of people or organisations within the community who hold a ‘protected characteristic’ (Equality Act 2010) or are otherwise disadvantaged. They include Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, and Sexual Orientation. The Council also assesses the impact on unpaid carers, Gypsy, Roma and Traveller Communities, low income, and Members of the Armed Forces. There is some overlap between marginalised groups and the ‘seldom heard’, but the two are not fully interchangeable.

National Planning Policy Framework (NPPF) – It sets out the government’s national planning requirements, policies, and objectives.

Neighbourhood Development Plan (NDP) – A plan for the neighbourhood area which is prepared by an authorised community group. The plan must be in general agreement with the overall plan for the local authority area and can include general planning policies and allocations for new development.

‘Seldom heard’ groups – Sometimes also referred to as ‘hard to reach’ which is used less frequently as it implies that this a shortcoming of these groups rather than an issue with consultors. These are groups who are not engaged with consultation, for various reasons including language, ability or social or geographical barriers. There is some overlap between ‘seldom heard’ groups and marginalised groups but the terms are not fully interchangeable.

Specific Consultation Bodies – Organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that are required to be consulted at key stages of plan production. They include neighbouring and parish councils, key service providers, Government departments and non-government organisations.

Stakeholders – A person or organisation with an interest or concern in something.
Statement of Community Involvement (SCI) – Outlines the approach of the council to involving the community in preparing the Local Plan and planning policy documents.

Supplementary Plans (SP) - Documents that expand on policies and proposals in Development Plan Documents.

Supplementary Planning Documents (SPDs) – Documents that expand on policies and proposals in Development Plan Documents.

Sustainability Appraisal (SA) – An appraisal of the social, economic, and environmental implications of a strategy, policies, and proposals. The SA seeks to ensure that proposals contribute to the achievement of sustainable development.

Tests of Soundness – The tests outlined in the National Planning Policy Framework that DPDs are judged against.

Appendix 2: Statutory Consultees

Adjoining Authorities

- Barnsley Metropolitan Council
- Bradford Metropolitan District Council
- Calderdale Council
- City of York Council
- High Peak Borough Council
- Leeds City Council
- Oldham Council
- Peak District National Park Authority
- Wakefield Council

Town & Parish Councils

- Cawthorne Parish Council
- Denby Dale Parish Council
- Drighlington Parish Council
- Dunford Parish Council
- Gildersome Parish Council
- Gunthwaite and Ingbirchworth Parish Council
- High Hoyland Parish Council
- Holme Valley Parish Council
- Kirkburton Parish Council
- Meltham Town Council
- Mirfield Town Council
- Morley Town Council
- Ripponden Parish Council
- Saddleworth Parish Council
- Sitlington Parish Council
- Tintwistle Parish Council
- West Bretton Parish Council

Other Statutory Consultees

- British Telecom
- Calderdale and Huddersfield NHS
- Canal and River Trust
- Environment Agency
- Historic England
- Homes and Communities Agency
- Kirklees Health and Care Partnership
- Local Enterprise Partnership Leeds City Region

- Locala
- Mid Yorkshire Hospitals NHS Trust
- Mobile Operators Association
- National Grid
- National Highways
- Natural England
- Network Rail
- NHS Property Services
- North Kirklees Primary Care Trust
- Northern Gas Network
- NTL Group Ltd
- South West Yorkshire Foundation Trust
- Sport England
- Sustainable Places
- The Coal Authority
- West Yorkshire Combined Authority
- West Yorkshire Integrated Care Board
- West Yorkshire Police Authority
- West Yorkshire Strategic Health Authority
- Yorkshire Water Services Ltd

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**Kirklees Council Local Plan Timetable
March 2024**

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1. Introduction

The Local Plan Timetable (LPT) is the timetable for producing Local Plans, Supplementary Plans, Design Codes, other policy guidance/advice and the annual monitoring activity/programme associated with them. The LPT sets out when documents will be produced, the brief purpose of those documents and when consultation is likely to happen. The LPT is required under Schedule 7(15B) of the Levelling-up and Regeneration Act 2023.

Following the Levelling-up and Regeneration Act (LURA) 2023 receiving Royal Assent on 26 October 2023, there is no longer a requirement for local planning authorities to specify the timetables for producing other planning documents such as Neighbourhood Plans and the Statement of Community Involvement (SCI) in the LPT. However, the council is aware that this is useful information that should be publicly available. Consequently, the timetable for the SCI is outlined within this document.

The update of the Local Plan is the main document outlined in this LPT. The purpose of the Local Plan is to set out a spatial development strategy identifying how much development is required over a plan period, where it will be located and designations for the protection of land. It also contains a suite of planning policies which facilitate the development strategy and against which planning applications for development will be assessed. Local Plans are key to delivering sustainable development that reflects the vision and aspirations of our area. The Local Plan together with other guidance will set a clear vision for the area, together with a strategy for delivering it.

The Local Plan will be prepared in the context of the Council Plan and its Health and Well-being Strategy 2022/2027, Inclusive Economic Strategy, Environmental Sustainability Strategy, and Inclusive Communities Framework. It will also consider how the Local Plan can contribute to the delivery of the council's Climate Action Plan.

The LPT sets out the resources that will be required and an approximate timetable for preparing the Local Plan. The LPT will be kept up to date and will need to be revised at such a time as is considered appropriate should timelines for production of the plan change.

The LPT must specify:

- the matters which the authority's local plan for their area is to deal with;
- the geographical area to which the authority's local plan is to relate;
- any supplementary plans which the authority is to prepare;
- the subject matter and geographical area, site or sites to which each of those supplementary plans is to relate;
- how the authority proposes to comply with the requirement to produce a district wide design code;

- whether the authority’s local plan for their area is to be a joint local plan and, if so, each other local planning authority for whose area the joint local plan is to be their local plan;
- whether the authority are to prepare a joint supplementary plan and, if so, each other local planning authority who are to prepare that joint supplementary plan with them;
- any matter or area in respect of which the authority has agreed (or propose to agree) to the constitution of a joint committee; and
- a timetable for the preparation of the authority’s local plan for their area, and any supplementary plans the authority are to make, which is consistent with this Part and any regulations made under it.

To ensure that the Levelling-up and Regeneration Act (LURA) 2023 becomes effective, this will require further government consultation and secondary legislation. Additionally, an updated National Policy Planning Framework (NPPF) was published in December 2023.

The LPT will be reviewed as the local plan update progresses and in the light of any revised planning legislation, statutory requirements, or national guidance.

The LPT will be published and kept up to date in the Council’s website: [Planning and development | Kirklees Council](#)

2. The Current Development Plan

Legislation¹ states that planning applications must be determined in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

The statutory development plan for Kirklees is currently comprised of the Local Plan and, in applicable areas, the Holme Valley Neighbourhood Development Plan.

Kirklees Local Plan

The Kirklees Local Plan comprises two main documents to be read together:

- Local Plan: Strategy and Policies: This establishes the vision and strategic objectives for the development of Kirklees up to 2031. It includes a spatial strategy setting out how development will be accommodated across the district as well as the policy framework used to assess planning applications, including a minerals and waste policy framework.
- Local Plan: Allocations and Designations (and Policies Map): This sets out the different land allocations and designations, including minerals and waste

¹ Levelling-up and Regeneration Act 2023 Part 3, Section 93

allocations and designations. The Policies Map illustrates the geographical application of policies in the Local Plan.

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan (HVNDP) covers the Holme Valley Parish Council area including the area within the Peak District National Park. The HVNDP comprises the policies document and associated designations. The HVNDP divides the neighbourhood area geographically into eight Landscape Character Areas where different policy considerations apply. The HVNDP designates four sites as Local Green Space and identifies individual buildings and structures to which new policy relating to their value as heritage assets now applies.

3. Kirklees Local Plan Review and Update

The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, states that local planning authorities must review their plans every five years from the date of adoption to assess whether they need updating. Following the adoption of the Local Plan in 2019 the council committed to reviewing the plan within 5 years in line with government guidelines.

The first formal review of the 2019 Local Plan was completed in October 2023, the outcomes of this review can be found: [Agenda for Cabinet on Tuesday 17th October 2023, 3.00 pm | Kirklees Council](#). The decision to begin a full update of the Local Plan was made at Full Council on 15 November 2023: [Decisions 15th-Nov-2023 17.30 Council.pdf \(kirklees.gov.uk\)](#).

4. The Local Plan Update - Timetable

A profile for each Local Plan submission document is provided below, setting out the scope of the document and the proposed timetable for its preparation between the current stage and the formal adoption of the documents.

Local Plan Part 1 – Strategy and Policies	
Overview	
Role and content	<p>The Local Plan will establish the vision and strategic objectives for the development of Kirklees up to 2039 and a spatial strategy setting out how development will be accommodated across the district.</p> <p>The Local Plan will set out policies for Minerals and Waste rather than the production of a separate plan.</p>
Geographical Area	District wide

Chain of conformity	National Planning Policy Framework
Local Plan Part 2 – Allocations and Designations (and Proposals Maps)	
Overview	
Role and Content	<p>Part 2 of the Local Plan sets out the different allocations and designations that are included, subdivided into different categories and areas depending on their strategic nature.</p> <p>Part 2 of the Local Plan will set out allocations and designations for Minerals and Waste rather than a separate plan.</p>
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework
Timetable and milestones	Dates
Early Engagement Consultation	August - October 2024
Draft Plan Consultation	September - November 2025
Publication Draft Consultation	September - November 2026
Submission to Secretary of State	March 2027

5. Neighbourhood Development Plans

Since April 2012, local communities have been able to produce Neighbourhood Plans for their local area, outlining planning policies for the future development and growth of the neighbourhood. Similar to a local plan, it can contain a vision, aims, planning policies, proposals for improving an area or providing new facilities, or allocation of key sites for specific kinds of development. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs.

The Localism Act 2011 enables communities through Qualifying Bodies (Parish or Town Councils or designated Neighbourhood Forums) to produce Neighbourhood Plans to be prepared in conformity with the strategic policies of a Local Plan. Adopted Neighbourhood Plans will form part of the Development Plan against which planning applications will be determined.

Neighbourhood plans will be subject to examination by an independent Examiner. Where the Examiner considers that the neighbourhood plan meets basic conditions set out in legislation, they will recommend that it proceeds to a referendum. At referendum, the residents of the neighbourhood area will vote to decide whether the plan comes into force. Once approved at a referendum the Neighbourhood Plan becomes part of the statutory development plan (the same legal status as the Local Plan). This status gives neighbourhood plans more weight in the planning process than other community documents such as parish plans, community plans and village design statements.

At present there is one made Neighbourhood Plan, the Holme Valley Neighbourhood Plan, and other potential Neighbourhood Plan proposals at various stages including Kirkheaton and Mirfield. The council will continue to publish updates on the neighbourhood plans on the council website.

6. Supplementary Planning Documents (SPDs)

These documents provide further guidance and information relating to one or more specific policies or proposals set out in the Local Plan and they will be a material consideration when determining planning applications.

The previous LDS (2019) identified and proposed several SPDs, which have subsequently been adopted. Listed below are our adopted SPDs and an outline of their role, they can all be found on the councils website: [Adopted Supplementary Planning Documents \(SPDs\) | Kirklees Council](#).

SPD (adopted)	Role
Affordable Housing and Housing Mix SPD (2023)	Seeks to ensure the provision of affordable housing in new housing developments and ensure that the housing mix meets local needs.
Hot Food Takeaway SPD (2022)	Provides guidance to businesses and the local community on how the LPA will assess planning applications for new hot food takeaways.
Housebuilders Design Guide SPD (2021)	Guides residential developers to ensure future housing development is high quality, socially inclusive and built to high environmental standards.
House Extensions and Alterations SPD (2021)	Guides householders, developers, agents, and architects in planning and designing extensions or alterations to residential properties.
Open Space SPD (2021)	To ensure consistency and provide clarity when applying the Local Plan policy covering the provision of new open space.
Highways Design Guide SPD (2019)	To promote high standards of highway design, encourage good design in terms of how developments, routes and spaces relate to one another to create streets and public spaces that are safe, accessible, and pleasant to use.

7. Supplementary Plans (SPs)

The Levelling-up and Regeneration Act Section 15CC outlines the replacement of Supplementary Planning Documents with Supplementary Plans. Supplementary Plans differ from SPDs in that they must be submitted to the Secretary of State for

independent examination and will have the weight of the development plan. There are certain limits on the allowable scope of supplementary plans (either by subject matter or geography). Supplementary plans address site-specific needs or opportunities which require a new planning framework to be prepared quickly (like a new regeneration opportunity), or to act as a vehicle for setting out authority-wide or other design codes.

The requirement for SPs will be considered as the need arises through the implementation of the Local Plan.

8. Guidance and advice notes

In addition to SPDs the council have a wide range of guidance and advice notes, which can be found on our website: [Guidance and advice notes | Kirklees Council](#):

- Negotiating Financial Contributions for Transport Improvements (Leeds Road, Huddersfield) (2007)
- Climate Change Guidance for Planning Applications
- Dewsbury Repairs Leaflet
- Dewsbury Design Guide
- Dewsbury Conservation Area Guidance (May 2020)
- Public Art Policy
- Going Smokefree - A Planning Advice Note on Smoking Shelters and Other Features
- Guidance on Noise, Odour and Air Quality Control for Residential Development in Town centres
- Rapid Health Impact Assessment (HIA) for spatial planning
- Planning application supporting information and guidance - Trees
- Waste Management Design Guide for New Developments
- Large New Stores
- Mirfield Design Statement 2002
- Wind Energy
- Biodiversity Net Gain Technical Advice Note (2021)

9. Statement of Community Involvement (SCI)

The latest version of the Statement of Community Involvement (SCI) was adopted by the Council on 3 December 2019. The council is revising the SCI to update the content including promoting digital communications, progressing to a more digital way in which we engage with people during the plan preparation process, whilst still providing options for those who have limited online access and/or ability. The council's Inclusive Community Framework provides guidance on how we can engage efficiently to service the needs of the Kirklees community.

Statement of Community Involvement	
Details	Description
Role and content	The purpose of this document is to set out how the council will work with local communities and stakeholders to develop planning policy documents such as the Local Plan and Supplementary Planning Documents.
Geographical Area	District wide
Progress	Anticipated adoption date: March 2024

10. Authority Monitoring Report (AMR)

The Planning Policy Group plays a key role in collecting intelligence for the council. The Authority Monitoring Report (AMR) (previously known as the Annual Monitoring Report) monitors the effectiveness of planning policies including those set out in the Local Plan. The report includes indicators such as progress towards the LPT, rates of housing development, housing land supply, employment, open space, retail occupancy and flooding. The AMR is updated annually and made available on the council website: [Authority monitoring reports | Kirklees Council](#).

11. Infrastructure Funding Statement (IFS)

In accordance with the Community Infrastructure Levy Regulations (CIL) (Regulation 121A), any authority that receives a contribution from development through the Community Infrastructure Levy or Section 106 planning obligations must prepare an annual Infrastructure Funding Statement (IFS). The IFS provides a summary of financial contributions the Council has secured through Section 106 agreements from new developments for off-site infrastructure works and affordable housing. The information included in the IFS is updated annually and made available on the council website: [Infrastructure Funding Statements \(IFS\) | Kirklees Council](#).

12. Design Codes

Under Levelling-up and Regeneration Act (LURA) 2023 (Schedule 7 Section 15F(1)) a local planning authority must ensure that, for every part of their area, the development plan includes requirements with respect to design that relate to development, or development of a particular description, which the authority consider should be met for planning permission for the development to be granted.

The council will to publish updates on the district wide design code on the council website.

13. Additional Policy Work

The Planning Policy Group commissions and prepares a significant number of studies, intelligence and research to underpin planning policy formulation and justify the robustness and credibility of planning policies when making planning decisions. The group also has responsibility for providing planning policy advice to assist Development Management in making decisions on planning applications and the team has a number of other statutory duties, aside from preparing the development plan.

Planning Policy Advice and Guidance

In addition to the Planning Policy Group role providing planning policy advice on planning applications, a series of guidance notes will also be prepared to assist Development Management in the implementation of the Local Plan and ensure clarity for developers about the information required to meet the criteria in Local Plan policies. This is likely to be specific guidance relating to the information the council require from developer showing how their proposals have considered climate change and guidance relating to master-planning, biodiversity net gain and viability appraisals. Some of this guidance may be produced jointly with other West Yorkshire planning authorities.

Evidence Base

A key feature of the development plan is that their policies and proposals are soundly based on up-to-date and robust evidence. The evidence base not only provides the justification for the Local Plan, but also enables an assessment of the extent to which policies and proposals are being achieved. Evidence gathered as part of future planning policy work will be made available on the council's website. The Planning Policy Group is also responsible for calculating whether there is an ongoing five-year supply of deliverable housing land and providing information to inform the government's Housing Delivery Test as well as responding to other monitoring information requests.

Duty to Co-operate

Under the Localism Act 2011 local planning authorities are required to “engage constructively, actively and on an ongoing basis” with neighbouring planning authorities and a prescribed list of bodies (which will be set out in the SCI) when preparing development plan and other local development documents concerning matters of “strategic significance” that is matters affecting two or more local planning authorities.

The Council will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts at the Examination stage of development plan documents.

Progress with regards to the Duty to co-operate on the council's development plan documents and also with regard to the work being carried out by other duty to co-operate bodies is set out in the Authority Monitoring Report.

Environmental Duties

The council must comply with various environmental legislation and obligations which can have a bearing on the preparation of planning policies. Key statutory duties exist directly in relation to plan making and include the preparation of documentation under Sustainability Appraisal/Strategic Environmental Assessment and Habitat Regulations. These requirements will be replaced by Environmental Outcome Reports subject to forthcoming legislation.

Statutory Registers

The Planning Policy Group is responsible for preparing, maintaining, and updating statutory land use registers. At present the Planning Service holds the Custom and Self-Build Register and the Brownfield Land Register. These can be viewed on the council's website: [Planning and development | Kirklees Council](#)

14. Resource Management

The Planning Policy Group has the responsibility for the preparation and review of Local Plan, Supplementary Planning Documents and other duties listed in this LPT. The team is assisted by staff from other teams in the Growth and Regeneration Directorate. It is, therefore, important to recognise that future resourcing decisions could impact delivery of these work areas.

Planning policy documents have direct and indirect impacts on other service area in the council. Other service areas also hold key information for the planning policy evidence base and have particular expertise which is needed to produce justified and effective policy. The policy group is particularly reliant on resources outside of the team, including colleagues involved in the following work areas:

- Development Management (planning)
- Highways and Transport
- Flood Management and Drainage
- Education
- Public Health
- Minerals and Waste
- Housing Strategy, growth, commissioning, and affordable housing
- Employment and Skills
- Regeneration and economic development
- Town centres / Retail
- Environmental Health
- Green infrastructure, parks and street scene services

- Legal
- Business Support
- Energy
- Conservation and Design - historic assets
- Environmental protection, air and water quality, odour, contaminated land, and noise

15. Monitoring and Review

The LPT will be reviewed and updated regularly to maintain a flexible and realistic timetable for document production, ensuring that production programmes are aligned with resources. Updates will be published on the council's website and progress on delivery of plans will be tracked through the AMR. To check for the latest update to the LPT at any time and key updates to specific stages in the preparation of the Local Plan visit the council's website: [Kirklees Development Plan | Kirklees Council](#).

The government has announced a series of planning reforms, which will aim to make the process of plan making shorter and faster. Once these changes come in to force the LPT will be updated and published.

16. Local Plan Update Timetable

	2023				2024								2025								2026								2027													
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F
Statement of Community Involvement																																										
SCI	P	P	C	C	C	AP	A																																			
Local Plan Documents																																										
Local Plan Part 1- Strategy and Policies (Inc. Minerals & Waste)				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Local Plan Part 2- Allocations and Designations (Inc. Minerals & Waste)				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Other Planning Policy Documents																																										
Authority Monitoring Reports (AMR)	Ongoing monitoring of Local Plan and other indicators																																									
Infrastructure Funding Statement (IFS)	Ongoing the information included in the IFS is updated annually																																									
Sustainability Appraisal (Inc. SEA)	Ongoing throughout the plan making process/across financial years																																									
District Wide Design Code	Ongoing throughout the plan making process/across financial years																																									
Neighbourhood Plans	Ongoing across financial years – latest progress available on the council website																																									
Supplementary Planning Documents (SPDs)/ Supplementary Plans (SP)	Ongoing across financial years – latest progress available on the council website																																									

P	Plan Preparation / Early engagement	PC	Publication Consultation (6-week period)	I	Inspectors Report
C	Consultation (6-week period)	S	Submission to Secretary of State	AP	Adoption Process
R	Responding to the consultation	E	Examination in Public	A	Adoption / Approval

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Appendix 3: Schedule of Comments Received on the Consultation Draft Statement of Community Involvement 2023 and the Council's Response

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
2023_SCI3	CLlr Bill Armer	2.38	There is a lack of clarity in the documentation, at para 2.38. This para refers to "more than 50% of voters", which could reasonably relate to either "50% of those registered to vote", or the very different "50% of those who do vote".	May I suggest that the precedent set in the final box of Table 3 is instead adopted - "a majority of [those] who vote"?	Agree. <u>Proposed change</u> Amend paragraph 2.38 to: “...The plan is made, and forms part of the DPD, within 8 weeks if more than 50% of <u>those who vote</u> voters <u>in support of</u> the Neighbourhood Plan.”
2023_SCI4	Barnsley MBC	Consultation Draft Statement of Community Involvement 2023	Thank you for consulting Barnsley MBC on Kirklees Council’s draft statement of community involvement. Whilst we welcome the consultation, we have no specific comments to make at this time.		Comment acknowledged, no change.
2023_SCI5	Natural England	Consultation Draft Statement of Community Involvement 2023	We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications. We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at:		Comment acknowledged, no change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
			https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice		
2023_SCI6	East Bierley Village Preservation Society	Consultation Draft Statement of Community Involvement 2023	<p>I have read the above statement and registered as an Agent for the East Bierley Village Preservation Society through the link in the paper. The Society is a voluntary organisation (formed in the early 1970's) with the following objectives set out in its Constitution:</p> <ul style="list-style-type: none"> • To preserve and improve the village of East Bierley. • To maintain the green belt area around the village. ensuring the continuance of the village identity • To create and maintain a representative committee of villagers to uphold objectives 1 & 2. <p>The Society, since its formation, has monitored planning applications, footpaths, the state of roads and publicly accessed areas in East Bierley. It has gained the accolade of Best Kept Village in 1994 and, since 2020 has been successfully awarded the nationally recognised Green Flag Award.</p> <p>We recognise the Council's aims to increase public awareness and to allow local organisations to help shape development plans and we are, obviously, interested, not just in East Bierley, but in any development that may impact upon the village.</p> <p>Unfortunately, I found some difficulty in understanding how you would communicate the relevant stages of the plan. I have registered as an Agent and I would be grateful if you could confirm that I will automatically be advised if information becomes available via your website?</p>		<p>To clarify, all individuals/organisations recorded on the planning consultation portal will be notified by their chosen method of contact (e-mail or letter) at key stages of the plan preparation. Details on how to register to be contacted as a consultee or agent are outlined at paragraph 1.13.</p> <p>Details on additional methods of raising awareness of consultation are outlined at paragraph 2.16.</p> <p>No change proposed.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
2023_SCI7	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>I have browsed the Statement of Community Involvement (SCI) and strongly support the policy in principle. Seeing is believing.</p> <p>I have for over 40 years generally found the Council to be exclusive and inward looking, with a few exceptions, noting that the Biodiversity net gain guidance may have been influenced by dialogue with an officer and a councillor, but noting the huge resistance by KC to protecting mature trees in policy and their own developments, especially road schemes and town centre regeneration. I note the 3+ years to draft a Climate Emergency Action Plan (Community initiative) and long term failure to address environmental issues in relation to Syngenta when these raised by myself and others over 40+ years, several of these die quite young from rare conditions likely associated with emissions from the plant. I find these examples contrary to the policy and look forward to a better future of meaningful engagement.</p>		<p>Comment acknowledged, no change.</p> <p>Future planning policy consultations will be assessed against the council's Inclusive Community Framework set out at paragraph 2.3 of the Consultation Draft SCI in addition to the principles set out in the revised SCI.</p>
2023_SCI8	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>1. The paper comprehensively analyses the various methods of consultation currently in use. However, it is worth noting the different impact that passive methods - such as advertising on site and Kirklees Newsletters - compared to active forms of consultation such as workshops and discussion groups. For example, people's reactions to information and published news is mostly unrecorded and thus not measurable. For presentations and workshops etc, the presenter/facilitator and the articulacy of the audience are highly variable thus producing a biased result.</p>		<p>Point 1: Each consultation will use a variety of different consultation methods.</p> <p>Point 2: The move to more digital communications within Planning is a part of the Planning Reforms that have been introduced by the Levelling Up and Regeneration Act, so therefore the requirement is set out in legislation. However, Kirklees Council understands the need for a balance approached, and therefore sets out in the document a range of alternative consultation methods. The use of social media will largely focus on being a mechanism to raise awareness of consultation and signpost to the details of the consultation.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
			<ol style="list-style-type: none"> 2. Using social media as a method of consultation is, I suggest, inappropriate. It is not the media for complex issues nor for considered opinions. 3. Involving local interest groups in the consultation process can be useful. However, given the stated interest of these groups, all such responses need to be suitably weighted. 4. The use of exhibitions and displays gives the impression of decisions already made and, if responses are invited, they are usually either/or views on simplified aspects. 5. I wonder if our Local Councillors could be more active in the consultation process. It would be an excellent opportunity for them to familiarise themselves with their constituents as well as ensuring that they are up to date with strategic options. 6. Any energy expended on all forms of consultation needs to be supplemented by detailed analysis of the results and wide publication of the results. This part of the exercise needs not to be face-saving, but a genuine reflection on plans. 7. While tempting, the use of referenda should be avoided. Issues are far too varied and complex to be reduced to one single aspect for people to vote on. This means of 'consultation' only works for precise single issues. 		<p>Point 3: In undertaking consultation, the council will seek to ensure that the methods chosen to allow for representative consultation and all comments received will have equal weight in the assessment of comments.</p> <p>Point 4: Comment acknowledged.</p> <p>Point 5: in the development of planning policy documents, members are involved in the process and briefed on documents particularly where documents affect their area of interest. Involving local councillors is considered an important part of the consultation process.</p> <p>Point 6: All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council's response and/or amendments, will be publicly available in the Consultation Statement which is a statutory requirement.</p> <p>Point 7: Referendums are only used in Neighbourhood Planning, as per the Neighbourhood Planning regulations.</p> <p>Point 8: Agree that early engagement is critical to the development of planning policy documents. In many cases, this is a statutory requirement which is set out in 2.2. Planning reforms are seeking to introduce further early engagement. Early engagement is referenced at 2.25 and 2.45. The use of the council's Inclusive Community Framework referenced at 2.3 is another mechanism for developing robust and effective early engagement.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
			8. I suggest that the 'early engagement' part of the process is critical. Identifying key issues will focus attention on the planning objective and, make more efficient the work of Council Officers in developing the plan. This is where the iterative and active consultation energies are most effectively involved.		
2023_SCI9	Shared Agenda (On behalf of Kirklees Health & Care Partnership)	Consultation Draft Statement of Community Involvement 2023	Thank you for consulting Kirklees Health & Care Partnership on Kirklees Council's draft statement of community involvement. Whilst we welcome the consultation, we have no specific comments to make at this time.		Comment acknowledged, no change.
2023_SCI11	Historic England	Consultation Draft Statement of Community Involvement 2023	Thank you for consulting Historic England on the draft Statement of Community Involvement. On this occasion we have no comments to make on the content of the document.		Comment acknowledged, no change.
2023_SCI12	Environment Agency	Consultation Draft Statement of Community Involvement 2023	Environment Agency position We have no significant comments to make on the consultation draft document. Soundness A minor observation we would like to underline is related to the use of the term <i>soundness</i> . The use of jargon, without adequate explanation, may present an unintended obstacle to greater inclusivity. Indeed, the Council's community framework and place standard engagements signal a desire to remove unnecessary		Comment acknowledged: The glossary of the Draft Statement of Community Involvement contains the definition for 'Tests of Soundness', and also cross references where the tests of soundness can be found. However, for clarity, a footnote to the definition of soundness will be inserted at Paragraph 2.47. <u>Proposed change</u> <i><u>"Footnote 2: Test of soundness include whether the plan is positively prepared, justified, effective and consistent with national</u></i>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
			<p>barriers. You may wish to consider adding at all consultation set stages, a simple and consistent outline of the main tests of soundness. This might better help many consultees with their individual understanding of the wider aims that underpin the development of planning policy documents.</p> <p>As a statutory consultee for both planning policy and planning applications.</p>		<u>policy (National Planning Policy Framework paragraphs 35 & 36 – December 2023 revision)."</u>
2023_SCI13	The Coal Authority	Consultation Draft Statement of Community Involvement 2023	It is noted that this current consultation relates to a Statement of Community Involvement and I can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.		Comment acknowledged, no change.
2023_SCI14	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>I know that this consultation is a requirement for the Local Plan review; but feel that Kirklees has used it as a tick box exercise. I respectfully submit that no matter how many responses you receive, there will be no amendments whatsoever.</p> <p>All aspects have been covered, though at the end of the day there appears to be no commitment to do anything.</p> <p>Many people do not have access to the internet and should be given the opportunity to see hard copy in all the public buildings in Kirklees, not selected ones as arranged.</p> <p>Even those of us who are relatively computer literate have had difficulty with responding; so how can people less savvy take action?</p>		<p>All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council's response and/or amendments, will be publicly available in the Consultation Statement.</p> <p>Proposed Change</p> <p>Amend paragraph 2.14 to:</p> <p>"However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
			<p>Consultations should be just that... Face to face opportunities by Kirklees residents to have their say; and be listened to in the true spirit of community involvement.</p>		<p>availability of documents using posters in local information centres/libraries. <i>Furthermore, hard copies of the consultation documents are available on request.</i></p> <p><i>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</i></p> <p>Amend penultimate bullet point of 'Our Principles' to:</p> <p>"Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <i>customer service centres, and</i> where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website."</p>
2023_SCI15	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>I request that the Open Spaces Society (OSS) are recognised as Statutory Consultees. The OSS is Britain's oldest national conservation body, founded in 1865. We campaign for stronger protection and opportunities for everyone to enjoy commons, greens, and paths. We defend open spaces against loss and pressures from development.</p> <p>The local plan and neighbourhood plans should have appropriate policies to ensure any associated future development recognises and allows for the protection</p>		<p>Statutory consultees are set out in National Planning Policy Guidance; therefore, Kirklees Council is not able to recognise the Open Spaces Society as a Statutory Consultee. However, creating a consultation account for the Open Space Society on our Objective database would enable the Open Space Society to be notified when planning documents are being consulted on. The link to this is: Kirklees Council Planning Consultations - Keystone</p> <p>Further comments relating to common land and public rights of way are outside the remit of the SCI.</p>

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			<p>offered to Commons, Greens, and Public Rights of Way (PROW) by legislation.</p> <p>Time must be allowed in planning to ensure prescribed processes are fully implemented. Even the smallest amount of encroachment on Common Land requires the Secretary of State's consent under the Commons Act 2006 and in some cases replacement land to be offered in return.</p> <p>In relation to Common Land owned by Kirklees and any plans to dispose of such land, I have previously requested assurance from Kirklees that, if it does dispose of Common Land, Kirklees agrees to ensure that no development of the land takes place without consent under s.38 of the Commons Act 2006 and that in the absence of consent, confirmation that Kirklees will take enforcement action, resorting to s.41 of the Act if necessary.</p> <p>Similarly, and further to NPPF 2023, Para 104, Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.</p> <p>Again, I have previously asked Kirklees that time is allowed in planning to ensure compliance with the Path Order Processes and other matters as set out in Defra's Rights of Way Circular 1/09. It is not acceptable to allow works affecting PROW under Emergency Procedures when such work can be planned accordingly.</p>		<p>The Local Plan update will reconsider the spatial strategy for the district based on updated evidence including housing and employment demand. The Local Plan will be subject to consultation at key stages as the plan development progresses.</p> <p>No change.</p>

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			<p>Regarding matters affecting Greenbelt, the OSS would normally only become involved where public access and enjoyment are affected. This may include a view from public-access land and/or public paths.</p> <p>However, it is noted that the new wording, updating the NPPF, 2023, clarifies that there is no need to review the Green Belt when updating local plans. The previous wording only provided that the Green Belt could be altered if there were exceptional circumstances, which according to the consultation response did not provide the required level of clarity of the policy intent.</p> <p><i>“145. Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, ……”</i></p> <p>It is also noted that case law has confirmed that housing need is not, of itself, an adequate reason to amend Greenbelt boundaries. For this to happen Kirklees would have to demonstrate that it has examined all other reasonable options for meeting its identified need for development. Kirklees Councillors have argued not all the 31,000 homes indicated in the current local plan are needed. Referring to slower than predicted growth with only 900 new homes needed each year. I request that the revised Local and Neighbourhood plans take account of this. If this is the case, it would seem that there should be no need to amend Greenbelt boundaries in the upcoming Local or Neighbourhood Plans.</p>		

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2023_SCI16	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>Introduction:</p> <p>The objectives in this document are laudable and well laid out but to be achievable it will be necessary to modify some of the strategies to do so.</p> <p>Working towards a consensus (para.1.5) is of course desirable in order to avoid delay at a later stage, but this can only be done by proper collaboration with local communities. In my view, failure to do so will inevitably result in a “publish and defend” scenario that benefits and pleases no-one and wastes time and effort. It is worth investing in time at the beginning of the process to avoid this and ultimately streamline the whole process.</p> <p>How to achieve this?</p> <ol style="list-style-type: none"> 1. Having more face-to-face collaborative engagement early in the process will build trust and relationships, which would be more useful and constructive rather than adversarial and frustrating. 2. Over reliance on digital communication is undesirable and not inclusive. Indeed, even making comments on this draft document one had to register to get the information! Those who haven’t registered on-line will not be fully aware of what is going on so: 3. Hard copies of documents (para 2.15) should be available in all areas of Kirklees and that in itself publicised. The document is a bit “woolly”. Change “we may publicise” to the affirmative “we will publicise”. What is the point of it otherwise? It makes the statement too vague. 		<p>Point 1: Comment acknowledged. Early engagement is an integral part of the statutory process for the Local Plan.</p> <p>Point 2: The move to more digital communications within Plan Making is a part of the Planning Reforms Consultation (July-October 2023) and an area that the government wishes to develop as part of the plan making process. However, Kirklees Council understands the need for a balance approach, and therefore sets out in the document a range of consultation methods which can be used alongside digital.</p> <p>Point 3: The Town and Country Planning (Local Planning) (England) Regulations 2012 section 35 states the availability of documents is taken to be made available by a local planning authority when – a) made available for inspection, at the principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and b) published on the local planning authority’s website.</p> <p>To ensure the efficient and effective use of resources, it is considered appropriate to assess the availability of hard copies in relation to the nature and scope of the issue to be consulted on. For example, consultation on a specific neighbourhood plan area may not be relevant for a district-wide coverage of information. It is therefore, considered that “may” is appropriate rather than “will” to allow the flexibility to consider the most appropriate method of document distribution. Statutory notices produced to publicise the Local Plan/Supplementary Planning Documents contain information on the locations where hard copies can be accessed.</p> <p><u>Proposed Change</u></p> <p>A Proposed Change has been made to paragraph 2.14 in relation to the response to 2023_SCI14 which reads as follows:</p>

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			<p>4. Again, on Table, Page 9. Header of first column should read in the affirmative again. “we may” should be changed to “we will”. Especially in light of the “pros” comment on interactive workshops. However, I was not aware of these activities, which is a surprise.</p> <p>In Summary:</p> <p>To avoid a “publish and defend” situation, which seemed to be the case with the existing 2019 LP, the aim to be more collaborative is a good one. As we know from that Local Plan process the lack of this was an issue and was criticised. In any workshop scenario it will however be necessary to hear, but more importantly listen to the views of the communities you serve, not to just use it as a tick box exercise. In this way not only will you probably produce a better plan but one more acceptable to both the communities and to the Inspectorate.</p>		<p>“However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <u>Furthermore, hard copies of the consultation documents are available on request.</u>”</p> <p><u>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</u></p> <p>Amend penultimate bullet point of ‘Our Principles’ to:</p> <p>“Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres, and</u> where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council’s website.”</p> <p>Point 4: This table highlights a range of consultations methods, however, not all consultations will require each method, therefore some methods will not be used at times. It is therefore, considered</p>

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					that “may” reflects the ability to assess the most appropriate measures for the nature and scope of the consultation.
2023_SCI17	Private Individual	Consultation Draft Statement of Community Involvement 2023	Thank you for the opportunity to comment on the SCI. It is a very comprehensive document that covers many aspects of consultation. One aspect that I note is covered but I feel needs more emphasis is the issue around what aspects of any consultation that respondents can influence. In terms of the local plan, I recall a lot of effort being applied by local communities to try and influence outcomes and issues that statutorily they could not. If this had been made clear from the outset this would have reduced community frustration with the process and the community effort would not have been in vain nor wasted.		Agree that greater clarity in the nature and scope of consultation from the outset has the potential to deliver better outputs. All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council’s response and/or amendments, will be publicly available in the Consultation Statement. No change.
2023_SCI18	Upper Dearne Valley Environmental Trust (UDVET)	Consultation Draft Statement of Community Involvement 2023	<p>Firstly, we would like to thank you for the opportunity to comment on the above at this stage in its development.</p> <p>We firmly believe a sincere and well-developed public communication strategy is essential if the new Local Plan is to achieve high levels of acceptance and buy-in from local communities. This is not easy, but if good sized, representative samples of both groups and individuals are genuinely engaged, re-engaged and listened to by the Policy Team, a valid, successful and achievable Local Plan is more likely to emerge.</p> <p>With reference to the contents of the current document, we would like to make some constructive comments which, we believe, could improve it considerably.</p>		<p>Support for a well-developed public communication strategy to support the Local Plan is acknowledged.</p> <p>Bullet Point 1: The production of a ‘Statement of Comment Involvement’ is a government requirement introduced by S.18 of the ‘Planning and Compulsory Purchase Act 2004’, and Section 10A (b) Town and Country Planning (Local Planning) (England) Regulations 2012 refer to this document as a Statement of Community Involvement.</p> <p>Bullet Point 2: Paragraph 2.13 states that all consultation, engagement and feedback documents will be placed on the council’s website, and other forms of social media. This is the fastest, most efficient, and cost-effective way of consulting. As part of the process of contacting consultees, details of how to access consultation will be provided and updates provided on feedback. The council also has a requirement to produce</p>

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			<ol style="list-style-type: none"> 1. Firstly, we believe this particular document, for the sake of plain English, should be called a 'Public Consultation Strategy' – that is what it is. 'Statement of Community Involvement' implies a summary report of all the actual consultation activities that have taken place over the Local Plan development period – a document which describes what was done, when, where and the levels of engagement (numbers of participants) achieved. The latter should also contain links/references to actual, detailed Consultation Reports of each activity undertaken and changes subsequently made. This collection of documents would then serve as a comprehensive set of evidence for the Planning Inspector/Local Plan Hearing. 2. Para 2.46 - All Feedback/Consultation Reports should be automatically sent to all registered Consultees as well as generally advertised via a variety of media. 3. Overall, this document needs to be more definitive and detail a variety of specific consultation strategies and when and where they will be used. At present, it is very non-committal and simply reflects the rather 'arm's length approaches' adopted in 2015/2016 which were severely criticised by both members of the public and Councillors alike and which only just scraped through the Stage 1 LP Hearing. Given the new emphasis on public engagement in enacted/shortly to be enacted planning law, there is scope to improve on past practices and commit to a range of specific public engagement strategies now. 		<p>consultation statements that demonstrate the comments received and how they have been considered as part of the shaping and development of documents.</p> <p>Bullet Point 3: The SCI covers how the different planning documents (i.e., The Local Plan, Supplementary Plans, and Neighbourhood Plans etc) will be consulted on. It covers a range of methods, with different approaches being more appropriate for different documents.</p> <p>Bullet Point 4: As mentioned above, not every consultation method is appropriate for every document, therefore, not every method will be used for each consultation. The use of "may" allows flexibility to consider the most appropriate consultation methods for the specific consultation exercises relating to the nature and scope of the document.</p> <p>Bullet Point 5: Paragraph 2.7 seeks to cover all the relevant groups that would need to be consulted across all the different planning documents to accord with relevant statutory requirements. The list has been informed by the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended and the Neighbourhood Planning (General) Regulations 2012.</p> <p>Bullet Point 6: The opportunities for ward-based working will be considered as part of the council's detailed early engagement. Opportunities for workshops, discussion groups are currently referenced within the SCI following 2.19.</p> <p>Bullet Point 7: Comment acknowledged. Face to face meetings and opportunities for groups to meet with the Policy team as part of the production of the Local Plan. Opportunities for workshops, discussion groups are referenced within the SCI following 2.19.</p> <p>Bullet Point 8: See proposed amendments below. All planning documents during a public consultation are made available upon</p>

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			<p>4. Subsequently, this document needs to talk about 'we will' NOT 'we may' in regard to 'Methods' in Paras 2.18/2.19. Too much is undecided and being left to chance.</p> <p>5. Para 2.7: A Local Plan affects everyone throughout from strategy, policies as well a local allocation matters. Therefore, all LP documents should be made available to all groups/residents, not just the areas chosen by the Policy Team.</p> <p>6. Local groups/people should be directly involved in collaborative working with Policy Team members now via Ward-based working groups/focus group meetings. Local people in each Ward need to be involved from the start.</p> <p>7. Following on from the above, there is an over-emphasis and reliance on 'publish and defend' methods of consultation. These, on their own, are notoriously bad practice as the team developing a document have already achieved 'buy in' to their work and are less likely to make changes in the face of public criticism or calls for change. A greater transparent commitment to a variety of methodologies, including face to face meetings would vastly improve this document.</p> <p>8. Intended practice must match the 'Principles' outlined in Para 2.17. The latter set out the 'golden threads' for the detailed content later in the document and must obviously match to give the document greater integrity. An obvious current mismatch at present is</p>		<p>request. This can be done via email, telephone, and mail, where the council can mail the documents to those who request them.</p> <p><u>Proposed Change</u></p> <p>"However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <u>Furthermore, hard copies of the consultation documents are available on request.</u>"</p> <p><u>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</u></p> <p>Amend penultimate bullet point of 'Our Principles' to:</p> <p>"Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres, and</u> where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website."</p> <p><u>Proposed Change</u></p>

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			<p>the stated commitment to ensure rural communities have access to information, but in Para.2.14, the proposal concentrates on providing hard copies in Huddersfield Civic Centre and Dewsbury Service Centre. This is not good enough and does not meet the former undertaking. Hard copies must be available in all public libraries, community centres and local council offices, and particularly in Rural Kirklees. The document should state this definitively now.</p> <p>9. Para 2.12 – Training/Briefing sessions for Councillors need to be put in place on the LP processes, analysis and synthesis of information in order that they can make truly informed decisions and help others in their Wards. The last LP process and associated Hearings were notable for their lack of Councillor involvement.</p> <p>10. Para 2.13 – All registered Consultees must be informed by email when documents are posted on the LP web site. An accurate, easily accessible and up-to-date document library should be set up and maintained at all times.</p> <p>11. Para 2.16 – If respondents use on-line feedback mechanisms, it should be obviously and easily possible for individuals to both ‘print’ and ‘save’ their responses to the LP Policy Team on their own computer. Often with Kirklees web sites, this is not the case – text seems to irretrievably disappear into some ‘back office’ function. There must be very user-friendly systems throughout and versions and dates of documents clearly shown and listed in date order, showing latest version first.</p>		<p>Amend SCI to include a reference after paragraph 3.5, that the SCI will be reviewed subject to future legislation:</p> <p><i><u>“The SCI will be reviewed, and updated if needed, subject to future secondary legislation.”</u></i></p> <p>Bullet Point 9: Briefings with Councillors and officers will take place throughout the plan-making process, where the content of the documents will be explained and discussed if necessary.</p> <p>Bullet Point 10: All registered consultees on our Objective Consultation database are informed when a consultation, relating to a topic they have set as interested in, is being conducted. Everyone is able to sign up to this database. This is outlined in the SCI at paragraph 1.13.</p> <p>Bullet Point 11: Our consultation system allows you to create a PDF of each comment, which would be able to be saved and printed. The consultation system also provides an opportunity for preferred method of consultation which is email or letter.</p> <p>Bullet Point 12: Consultation documents, as well as supporting documents, are uploaded to our consultation website and council website in PDF format.</p> <p>Bullet Point 13: It is acknowledged that Paragraph 150 of the Levelling-up and Regeneration Bill: consultation on the implementation of plan making reforms refers to 8 weeks:</p> <p><i>“150. As set out in, we will be retaining two points of formal consultation within the 30-month plan-making timeframe. We propose to set out in regulations that planning authorities will be required to carry out two rounds of consultation: the first for a minimum of eight weeks after scoping following the first gateway</i></p>

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			<p>12. All documents should be available in PDF format.</p> <p>13. Paras 2.26 and 2.45 may not accord with legislation/new Plan Making rules currently in the course of development at Central Government level e.g. there currently appears to be an initial 8 week consultation period in Plan Making proposals.</p> <p>14. Given our comments above, the Table in Para 2.45 omits columns detailed who will be involved and how (the methodology).</p> <p>15. Para 2.46 - We certainly agree with plans for an ‘audit trail’ of changes, but these must be easy to follow from one document to the next. What’s changed/added could be shown in red in an easily accessible ‘track changes’ version of one version to the next as well as summarised in individual Consultation Reports mentioned in the first bullet point above.</p>		<p><i>assessment; and the second for a minimum of six weeks shortly before the final gateway assessment, prior to submission of the plan for examination. This is longer than the current statutory minimum and is in addition to early participation that would be required during the scoping phase”.</i></p> <p>However, the outcomes of the consultation have yet to be published and the consultation draft SCI is based on current statutory prescribed consultation periods.</p> <p>Bullet Point 14: This table gives a brief timeline for all planning documents, and as mentioned above, not every consultation method is appropriate for every document, therefore, not every method will be used for each consultation. In regard to who will be consulted, this is subject to the stage of consultation, or what document is being consulted on. As this is a general timetable for different planning documents, detail on who will be consulted is not included as this is subject to the consultation.</p> <p>Bullet Point 15: Comment acknowledged.</p>
2023_SCI19	Holme Valley Vision	Consultation Draft Statement of Community Involvement 2023	<p>Thank you for the opportunity to comment in the draft statement and for extending the consultation period. However, even with the extra week, the time allowed has made it difficult to consult the community groups and individuals who make up the network. Nevertheless, we would like to make the following points using the Statement of Community Involvement’s headings:</p> <p>Keeping you informed</p> <p>How we will consult and communicate</p>		<p>Responses to ‘Our Principles’ Comments</p> <p>Comments on how user-friendly documents are to read and understand are noted. Some council documents are required to be presented in a prescribed way to demonstrate technical and legal requirements. It is acknowledged that there is a role for summary documents in addition. As part of the development of the previous local plan, summary documents were produced on a number of topics including sustainability appraisal to guide the reader through the process. This will be considered as part of the Local Plan update. Additionally, to support the reader, we will</p>

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			<p>Our principles</p> <p>Generally, the Council expects people to find information on its website and social media pages. Emails are sent to those who have signed up for them, but the onus is initially on the individual to request this.</p> <p>The local press is largely ineffective in the Holme Valley since the loss of the local newspaper. Apart from social media, we recognise how very hard it is now to distribute important messages. To counteract this, we are trying to install a TV screen to inform people and make use of the many less formal channels which let people know what is going on in the Valley.</p> <p>Putting posters and making documents available in central point's requires people to travel to Council premises. Getting around the Holme Valley without a car is not easy.</p> <p>Summary documents and leaflets will be essential. Most of the previous Local Plan documents were highly detailed, written in a bureaucratic fashion, with essential information buried by jargon. We understand the need for formality but there are ways of making critically important documents more accessible. We note you mention the importance of using plain English but do not see much evidence of this approach being used in many of the Council's documents. For example, the draft Statement of Community Involvement has a reading ease score of 34.9 and a reading level of 12.8 and contains 29% of passive sentences A reader requires a degree to be able to understand the document. (16% of this document's sentences are passive. It has a reading ease score of</p>		<p>include a Glossary at the end of our planning documents where appropriate.</p> <p>The council will follow the statutory stages of producing a Local Plan as set out in the regulations and consult at the appropriate times.</p> <p>Alongside the online consultation system, the council also accepts consultation representations made via email and mail.</p> <p>All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council's response and/or amendments, will be publicly available in the Consultation Statement.</p> <p>Response to 'Inclusive Community Framework' Comments</p> <p>Comments acknowledged, no change.</p> <p>Response to 'Who will we consult' Comments.</p> <p>This paragraph has been included as different document consultations require consulting different groups of people. For example, for a Neighbourhood Plan consultation, the council would consult residents, businesses, and other stakeholders of the Neighbourhood Area, rather than consult the whole of Kirklees.</p> <p>Response to 'Methods' Comments</p> <p>Comments acknowledged. It is considered that the range of methods outlined and the recognition that digital is only one of a number of methods recognises the methods used must be</p>

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			<p>48.1% and a reading level of 11.2.) While nearly 42% of the Holme Valley South have qualifications of Level 4 and above, over half do not. We refer you to the Plain English Campaign. https://www.plainenglish.co.uk/ and will happily work with you to improve the ways in which you communicate.</p> <p>We urge you to make extra efforts to let people know what is happening at each stage of the process and actively encourage them to express their views. The way land is used, potentially more house building and increased traffic will affect us all and alter our way of life. People deserve the right and opportunity to be involved. The Council acknowledges its legal duty to consult and we expect this to be manifested in action.</p> <p>The use of the online system may make it easy for the Council to process responses, but it does not necessarily make it easy for the public to lodge their views. The system forces people to answer questions they may not recognise. It does not allow for broader or additional comments.</p> <p>We also appreciate your intent to use questionnaires and different ways of exploring specific questions. In the spirit of co-production, we will gladly work with officers to identify the issues that require more detailed exploration in our particular neighbourhoods.</p> <p>There also needs to be other ways of collecting opinions. These will vary according to the nature of a particular neighbourhood. Again, we offer our assistance.</p> <p>Consultation fatigue sets in when the same question is asked repeatedly without any sign of people's opinions</p>		<p>appropriate to the nature and scope of the consultation. No change.</p>

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			<p>being noticed. It is so important to demonstrate publicly where this has happened. We will give credit where it is due.</p> <p>If the Council really wanted to know what local people think it would go to where people normally meet and provide them information in forms, they can process and to which they can respond.</p> <p>The Council could also work in partnership with local groups and make use of their networks to distribute information more widely. This happens occasionally and only because of strong relationships with individual officers.</p> <p>Inclusive Community Framework</p> <p>We welcome this reference and recognise the Framework's providence: i.e. in the work of the Kirklees Democracy Commission and the Place Based Working Group. We strongly support the notion of 'active citizenship' and wholeheartedly agree with the beliefs set out in the Inclusive Community Framework. We have attempted on many occasions to develop a productive relationship with the Council and its officers to enact the principles of 'place-based working' but feel our attempts have been repeatedly rebutted. We therefore have little confidence, given the reduction in resources now available to the Council, there will be any change in the way in which the Council actively involves people in shaping their communities. We will be gladly proven wrong.</p> <p>Who will we consult?</p>		

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			<p>We welcome the commitment to consulting ‘the relevant groups where a proposal will directly affect them’ and would be interested to learn more about how the Council intends to conduct this consultation. We will work with officers to reach these groups and individuals, if allow to do so.</p> <p>Methods</p> <p>The communication methods should suit the people the communicator is trying to reach. Given the disparate nature of Kirklees’ communities and the Council’s commitment to recognising their individuality, it should be obvious a uniform approach to consultation will not be appropriate.</p> <p>Channels of communication that are not dependent on digital literacy must be found if the Council is serious about gathering the opinions of local people on issues as important as the use of land surrounding the places in which they live. About 6% of the population does not have access to the internet and these are often older people, the proportion of whom is higher in the Holme Valley than elsewhere in Kirklees.</p> <p>We reiterate the need to go to where people live, work, visit and meet. We will help the Council identify appropriate methods of reaching people in the Holme Valley.</p> <p>We hope our comments will be received in the spirit in which they have been sent.</p>		

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
2023_SCI20	Holme Valley Parish Council	Consultation Draft Statement of Community Involvement 2023	<p>The Draft SCI statement includes the following statements and comments:-</p> <p>“Highlight the Council’s new Inclusive Community Framework”.</p> <p>“Provides an opportunity to help groups and individuals shape development plan, documents including the local plan and make representations on its contents”.</p> <p>“Ensure a transparent process based on consideration of a range of options and local priorities and concerns.”</p> <p>“The council’s Inclusive Community Framework (ICF) is a commitment to work better with communities and guides different parts of the council on how they can improve the way they work with communities. The information in this framework will help us improve how we consult on our planning documents, ensuring that the consultation methods used enable individuals/communities to engage in the planning process.”</p> <p>“Whenever possible, provide feedback to reflect how comments received have been incorporated into the process.”</p> <p><i>“Plans should: ...be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees”.</i></p> <p>We welcome all of the above and trust that greater use can be made of the resources available in Local organisations such as the Holme Valley Parish Council. We do not seek to impose greater workload on Kirklees</p>		<p>Comments acknowledged. Welcome support for sections and principles of the document as outlined in the Parish Council’s response.</p> <p>In relation to the on-line questionnaires comment, the council welcomes responses via email and mail, as well as the primary consultation comment method.</p> <p><u>Proposed Changes</u></p> <p>Amend paragraph 2.14 to:</p> <p>“However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <u>Furthermore, hard copies of the consultation documents are available on request.”</u></p> <p><u>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</u></p> <p>Amend penultimate bullet point of ‘Our Principles’ to:</p> <p>“Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres, and</u> where practicable in</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response								
			<p>Officers but rather use local resources to assist the various planning processes in place.</p> <p>Positives</p> <p>We welcome the opportunity to comment on the consultation draft.</p> <p>We applaud the aim of helping to “<i>create a sense of ownership on planning issues.</i>” (Section 2.1)</p> <p>We are pleased to note the inclusion of parish / town councils in Section 2.7, as examples of the bodies or individuals whose views will be sought.</p> <p>After a discussion of the increasing use of on-line methods, we welcome the final sentence “<i>However, a balance with more traditional forms of consultation needs to be found to ensure that everyone can be included.</i>”</p> <p>The Holme Valley is the only area in Kirklees with a fully made Neighbourhood Development Plan. This being so, we were particularly pleased to see that, under the <i>Levelling Up and Regeneration Act, 2023</i>, (LURA), NDPs will be given greater weight.</p> <p>Some issues</p> <p>In general, we feel that Kirklees Council could make more use of the wealth of local knowledge. We are keen to help!</p> <p>In Table 1: <i>Methods of consultation</i>, there could be a row for parish / town councils. Working in partnership with</p>		<p>other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council’s website.”</p> <p>Amend Table 1 to include a new consultation method with parish / town councils:</p> <table border="1" data-bbox="1467 619 2208 1015"> <thead> <tr> <th data-bbox="1467 619 1608 671">We May:</th> <th data-bbox="1608 619 1794 671">Pros:</th> <th data-bbox="1794 619 1980 671">Cons:</th> <th data-bbox="1980 619 2208 671">Things to Consider</th> </tr> </thead> <tbody> <tr> <td data-bbox="1467 671 1608 1015"><u>“Work with parish / town councils</u></td> <td data-bbox="1608 671 1794 1015"><u>The parish / town councils can help arrange meetings for consultations, which could lead to better community engagement.</u></td> <td data-bbox="1794 671 1980 1015"><u>Not every area has a parish / town council so this could lead to areas being less represented.</u></td> <td data-bbox="1980 671 2208 1015"><u>Communication with parish / town councils would be key for this method to be successful</u></td> </tr> </tbody> </table>	We May:	Pros:	Cons:	Things to Consider	<u>“Work with parish / town councils</u>	<u>The parish / town councils can help arrange meetings for consultations, which could lead to better community engagement.</u>	<u>Not every area has a parish / town council so this could lead to areas being less represented.</u>	<u>Communication with parish / town councils would be key for this method to be successful</u>
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<u>“Work with parish / town councils</u>	<u>The parish / town councils can help arrange meetings for consultations, which could lead to better community engagement.</u>	<u>Not every area has a parish / town council so this could lead to areas being less represented.</u>	<u>Communication with parish / town councils would be key for this method to be successful</u>										

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
			<p>Kirklees Council, we can support local consultations, arrange meetings etc. (Page 13)</p> <p>Longer should have been allowed for this consultation, as it falls over a holiday period. This seems to contradict the statement, in Section 2.17, that you will avoid consultation over holiday periods and lengthen the time allowed if this is not possible.</p> <p>A standard six week consultation period poses problems for many organisations that meet, at the most, monthly.</p> <p>It is noted that the planned consultation period on the Local Plan is for a minimum of six weeks. We suggest that it should be much longer.</p> <p><i>(Table 2: Stages in local plan.)</i></p> <p>On-line questionnaires / consultations are, obviously, much easier to collate than submitted documents. However on-line consultations are not suitable for responses by organisations. We hope that written responses are welcome, nevertheless.</p> <p>Why is greater use not going to be made of local information centres / libraries? (Section 2.14)</p> <p>We regret that Supplementary Planning Documents (SPDs) are being replaced by Supplementary Plans. We have found the SPDs accessible and helpful, when considering planning applications. (Section 2.29/30)</p>		
2023_SCI21	Cllr Harry McCarthy	Consultation Draft Statement of Community	<p>A few points on the SCI consultation:</p> <p>Inclusion of place standard is very welcome, but it would be good to see a bit more detail on how this would influence planning issues. We have run two place</p>		The detail on how Place Standard information has shaped the production of a document or used as evidence to support objectives/policy approach will be outlined as part of the consultation of the specific document as well as over evidence sources and consultation undertaken relating to the specific topic.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
		Involvement 2023	<p>standard engagements in my ward, and both have created a detailed evidence base of what our residents' priorities are that can be used to inform the local plan and masterplanning exercises, specifically the Marsden Master Plan.</p> <p>I would suggest that for large consultations, for example the local plan consultation, leaflets and questionnaires are left at all Kirklees libraries in the district.</p> <p>It would be positive step if the council took a more pro-active approach in working with local community groups – often these groups have a range of expertise and local knowledge which planners can tap into to improve decision making.</p>		<p>The SCI is about the principles of undertaking consultation and proposed methods. The value of the place standard is set out at 2.5 which refers to evidence to shape documents and opportunities to learn about place-based consultation. 2.17 principles refer to Involve which is a council system that records consultation across the council. By utilising existing consultation where it is relevant to the document, the council can seek to avoid consultation fatigue and avoid unnecessary expenditure consulting on issues where it has already gathered information.</p> <p>For the previous Local Plan consultation, leaflets, questionnaires, and documents were placed in all libraries and packs provided to councillors so that they had the materials to speak to communities. This approach will be considered as part of the development of the Local Plan update and detailed consultation plan produced.</p> <p><u>Proposed Change</u></p> <p>Amend paragraph 2.14 to:</p> <p>“However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <i>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</i>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <i>Furthermore, hard copies of the consultation documents are available on request.</i>”</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
					<p><u>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</u></p> <p>Amend penultimate bullet point of 'Our Principles' to:</p> <p>"Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres</u>, and where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website."</p>

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Kirklees Council

Statement of Community Involvement (SCI)

Consultation Statement

March 2024

1. Introduction

- 1.1 This Consultation Statement sets out the consultation that the council has undertaken in the preparation of the Statement of Community Involvement (SCI). Consulting on a SCI is not a statutory requirement. However, the council believed it was important to consult on the document in the light of the government planning reforms consultation on the implementation of plan-making reforms which place a focus on communities having a greater role in shaping locally derived planning policies. It was also considered that the decision to start an update of the Kirklees Local Plan (adopted February 2019) provided an opportunity to review methods of engaging with local communities and stakeholders in preparing future planning documents.
- 1.2 This Consultation Statement has been prepared in accordance with regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 to support the adoption the council's SCI. The SCI outlines how the council will work with local communities and stakeholders in developing planning policy documents.
- 1.3 In accordance with the Regulations, the Consultation Statement sets out:
- Who was consulted during the preparation of the SCI.
 - How they were consulted.
 - A summary of the main issues raised during the consultation.
 - How those issues have been taken into account in the SCI.
- 1.4 The consultation draft SCI was consulted on for a period of 6 weeks from 20th November 2023 to 5th January 2024. This Consultation Statement will be published alongside the SCI as part of its formal adoption.

2. Background

- 2.1 The purpose of the SCI is to set out how and when the council will engage and undertake consultation on planning policy documents and how the community can become involved.
- 2.2 The current SCI was adopted in December 2019, planning legislation states that it must be reviewed every five years from its date of adoption. It is considered that amendments to the 2019 SCI are required for the following reasons:
- The council decision to update the Local Plan in November 2023.
 - Anticipated changes to be introduced through the Planning reforms consultation to speed up the planning processes including a focus on a more digitalised planning system and increased focus on local communities shaping planning documents.
 - Changes to legislation in relation to the planning documents, e.g., the introduction of Supplementary Plans, replacing Supplementary Planning Documents.
 - To highlight the council's new Inclusive Communities Framework.

3. Formal Public Consultation on the SCI

- 3.1 Formal public consultation on the draft SCI took place between 20th November to 5th December 2024. The consultation was available on-line through our consultation portal and comments could also be submitted by e-mail and post. Statutory consultees are set out at Appendix 1.
- 3.2 In compliance with regulations 12, 13 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the following actions were undertaken:
- The draft SCI was published on the council’s online consultation portal.
 - Details of the consultation and details of how to obtain hard copies of the documents was posted on the council’s web page and on the council’s Kirklees Together web page.
 - A press release was posted on Kirklees Together on 22nd November 2023.
 - Statutory consultees, Neighbourhood Planning Groups, organisations, and private individuals that expressed an interest in receiving consultations on the Objective topic areas, ‘All Planning Policy’ and ‘Local Plan’ (see Appendix 1), were all contacted directly by letter or e-mail with details about the consultation, where to view the document, how to obtain hard copies and how to comment.
 - A notification email was sent to all councillors on 20th November 2023 detailing the start of the consultation.

4. Main Issues Raised and the Council’s Response

- 4.1 18 comments from 18 consultees have been received. The number of consultees by group is shown in Table 1 below.

Consultee Group	Number of Consultees
Region / Local Organisations	4
National Organisations	4
Residents / Individuals	8
Local Planning Authorities / Councils	1
Town / Parish Councils	1

Table 1: Number of Consultees per Consultee Group

- 4.2 Comments were received from the following:
- Barnsley MBC
 - Natural England
 - Historic England
 - Environment Agency
 - The Coal Authority
 - Shared Agenda
 - Save Mirfield
 - Holme Valley Vision Network
 - Upper Dearne Valley Environmental Trust
 - Holme Valley Parish Council

- Private Individual x8

4.3 A full list of public consultation comments received and the council’s responses to these can be found in Appendix 2. A summary of the main issues raised during consultation, is set out below (Table 2). It summarises the main points and the council’s response to how these issues have been addressed in the SCI.

Key Issue	Council’s Response
Hard copies of the document being consulted on should be available in all public buildings.	Amendment to the text to add further clarity that public buildings may include libraries, as well as defined deposit locations which will be outlined in accordance with statutory requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 35).
There was concern about the use of social media as a method of consultation. It was considered that a more balanced approach should be used particularly for those who are not computer literate or have easy access to the internet.	Agree. It is acknowledged in the SCI that a balanced approach will be required to accommodate all communities across the district to support an inclusive approach and ensure that responses are representative of views across the district. Social media is seen as one of several tools to raise awareness with other methods used to consider the detail of documents.
It must be made clear how people’s comments during consultations will impact the final document.	Agree. All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council’s response and/or amendments, will be publicly available in the Consultation Statement which is a statutory requirement. Feedback mechanisms are considered an important part of the consultation process.
The use of plain English should be prioritised when possible.	Agree. The SCI recognises that many planning documents are lengthy and technical in nature and supports the production of user-friendly summary documents written in plain English which will sit alongside key documents. Additionally, the council includes a glossary at the end of all planning documents that define any planning ‘jargon’ used.
The use of “we may” instead of “we will” when discussing consultation methods.	The SCI is intended to outline how the council will consult on a wide range of planning documents. The methods used will depend on the nature and scope of the consultation and the use of “may” is intended to allow for flexibility to consider the most appropriate methods for engagement. The use of “will” is considered to remove this flexibility.

It wasn't clear how we will communicate the relevant local plan update stages with consultees.	An amendment to paragraph 1.10 promoting the consultation portal and explaining how this will communicate the relevant stages to those who register with it.
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Table 2: Summary of Key Issues and the Council's Response

4.4 Appendix 2 sets out a full list of all the consultation comments received by the council, the council's response and amendments, these amendments are summarised below (Table 3).

Paragraph	Proposed Change	Reason
1.10	<i>"Our Consultation Portal – You are able to register as a consultee or an agent on our consultation portal, where you can register your interest in specific planning topics and receive notification via your preferred contact option when a consultation, relating to your interested topic, is taking place."</i>	New bullet point at paragraph 1.10 to promote the use of our online consultation portal.
2.14	<p>"However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings customer service centres, and other deposit locations, as defined by the Local Plan regulations¹, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <i>Furthermore, hard copies of the consultation documents are available on request.</i>"</p> <p><i>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</i></p>	Reference to documents being placed in libraries was mentioned by a number of consultation representations. A change has been made to reflect the statutory requirement to make hard copies of consultation documents available in deposit locations. The change also reflects that it is a statutory requirement to make hard copies of consultation documents available on request.
Our Principles: Penultimate Bullet Point	"Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online, or paper copies will be made available	This change has been made to reflect the change at 2.14.

	at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres, and</u> where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website."				
Table 1	We May:	Pros:	Cons:	Things to Consider	Additional consultation method for working with parish / town councils during consultations.
	<u>"Work with parish / town councils</u>	<u>The parish / town councils can help arrange meetings for consultations, which could lead to better community engagement.</u>	<u>Not every area has a parish / town council so this could lead to areas being less represented.</u>	<u>Communication with parish / town councils would be key for this method to be successful</u>	
2.38	<u>"....The plan is made, and forms part of the DPD, within 8 weeks if more than 50% of those who vote voters in support of the Neighbourhood Plan."</u>				This adds further clarity to how Neighbourhood referendum results are determined.
2.47 (New Footnote 1)	<u>"Footnote 2: Test of soundness include whether the plan is positively prepared, justified, effective and consistent with national policy (National Planning Policy Framework paragraphs 35 & 36 – December 2023 revision)."</u>				For clarity, a footnote with a definition of soundness has been inserted.
3.5 (New paragraph)	<u>"The SCI will be reviewed, and updated if needed, subject to future secondary legislation."</u>				New paragraph to highlight the SCI will be reviewed, and if updated if needed, with the introduction of secondary legislation that is expected in the near future.

Table 3: Proposed Amendments to the Statement of Community Involvement

- 4.5 All comments received as part of the public consultation have been considered in preparing the final SCI. The document received support, and some recommended changes, but it has not been substantially changed with only a few modifications proposed to provide further clarity on the SCI intentions.
- 4.6 The council has also taken the opportunity to make some minor additional changes to the SCI to provide clarification, corrections, or minor up-dates to text. The key

changes are set out in Appendix 2 (please note Appendix 2 does not include changes that are very minor in nature).

- 4.7 Further engagement post consultation has been undertaken with council members and internal consultees.

5 Next Steps

- 5.1 Following the close of the SCI consultation, all responses were considered, and the council responses were set out. Where required, amendments to the SCI were made and it was considered for adoption by the council on the 12th of March 2024.
- 5.2 The council will publish the SCI, along with this Consultation Statement and appendices on the council's website.

Appendix 1: Statutory Consultees

Adjoining Authorities

- Barnsley Metropolitan Council
- Bradford Metropolitan District Council
- Calderdale Council
- City of York Council
- High Peak Borough Council
- Leeds City Council
- Oldham Council
- Peak District National Park Authority
- Wakefield Council

Town & Parish Councils

- Cawthorne Parish Council
- Denby Dale Parish Council
- Drighlington Parish Council
- Dunford Parish Council
- Gildersome Parish Council
- Gunthwaite and Ingbirchworth Parish Council
- High Hoyland Parish Council
- Holme Valley Parish Council
- Kirkburton Parish Council
- Meltham Town Council
- Mirfield Town Council
- Morley Town Council
- Ripponden Parish Council
- Saddleworth Parish Council
- Sitlington Parish Council
- Tintwistle Parish Council
- West Bretton Parish Council

Other Statutory Consultees

- British Telecom
- Calderdale and Huddersfield NHS
- Canal and River Trust
- Environment Agency
- Historic England

- Homes and Communities Agency
- Kirklees Health and Care Partnership
- Local Enterprise Partnership Leeds City Region
- Locala
- Mid Yorkshire Hospitals NHS Trust
- Mobile Operators Association
- National Grid
- National Highways
- Natural England
- Network Rail
- NHS Property Services
- North Kirklees Primary Care Trust
- Northern Gas Network
- NTL Group Ltd
- South West Yorkshire Foundation Trust
- Sport England
- Sustainable Places
- The Coal Authority
- West Yorkshire Combined Authority
- West Yorkshire Integrated Care Board
- West Yorkshire Police Authority
- West Yorkshire Strategic Health Authority
- Yorkshire Water Services Ltd

Appendix 2: Statement of Community Involvement Schedule of Consultation Comments with Responses – January 2024

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
2023_SCI3	ClIr Bill Armer	2.38	There is a lack of clarity in the documentation, at para 2.38. This para refers to "more than 50% of voters", which could reasonably relate to either "50% of those registered to vote", or the very different "50% of those who do vote".	May I suggest that the precedent set in the final box of Table 3 is instead adopted - "a majority of [those] who vote"?	Agree. Proposed change Amend paragraph 2.38 to: “...The plan is made, and forms part of the DPD, within 8 weeks if more than 50% of <i>those who vote</i> voters <i>in support of</i> the Neighbourhood Plan.”
2023_SCI4	Barnsley MBC	Consultation Draft Statement of Community Involvement 2023	Thank you for consulting Barnsley MBC on Kirklees Council’s draft statement of community involvement. Whilst we welcome the consultation, we have no specific comments to make at this time.		Comment acknowledged, no change.
2023_SCI5	Natural England	Consultation Draft Statement of Community Involvement 2023	We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications. We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at:		Comment acknowledged, no change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
			https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice		
2023_SCI6	East Bierley Village Preservation Society	Consultation Draft Statement of Community Involvement 2023	<p>I have read the above statement and registered as an Agent for the East Bierley Village Preservation Society through the link in the paper. The Society is a voluntary organisation (formed in the early 1970's) with the following objectives set out in its Constitution:</p> <ul style="list-style-type: none"> • To preserve and improve the village of East Bierley. • To maintain the green belt area around the village. ensuring the continuance of the village identity • To create and maintain a representative committee of villagers to uphold objectives 1 & 2. <p>The Society, since its formation, has monitored planning applications, footpaths, the state of roads and publicly accessed areas in East Bierley. It has gained the accolade of Best Kept Village in 1994 and, since 2020 has been successfully awarded the nationally recognised Green Flag Award.</p> <p>We recognise the council's aims to increase public awareness and to allow local organisations to help shape development plans and we are, obviously, interested, not just in East Bierley, but in any development that may impact upon the village.</p> <p>Unfortunately, I found some difficulty in understanding how you would communicate the relevant stages of the plan. I have registered as an Agent and I would be grateful if you could confirm that I will automatically be advised if information becomes available via your website?</p>		<p>To clarify, all individuals/organisations recorded on the planning consultation portal will be notified by their chosen method of contact (e-mail or letter) at key stages of the plan preparation. Details on how to register to be contacted as a consultee or agent are outlined at paragraph 1.13.</p> <p>Details on additional methods of raising awareness of consultation are outlined at paragraph 2.16.</p> <p>No change proposed.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
2023_SCI7	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>I have browsed the Statement of Community Involvement (SCI) and strongly support the policy in principle. Seeing is believing.</p> <p>I have for over 40 years generally found the council to be exclusive and inward looking, with a few exceptions, noting that the Biodiversity net gain guidance may have been influenced by dialogue with an officer and a councillor, but noting the huge resistance by KC to protecting mature trees in policy and their own developments, especially road schemes and town centre regeneration. I note the 3+ years to draft a Climate Emergency Action Plan (Community initiative) and long term failure to address environmental issues in relation to Syngenta when these raised by myself and others over 40+ years, several of these die quite young from rare conditions likely associated with emissions from the plant. I find these examples contrary to the policy and look forward to a better future of meaningful engagement.</p>		<p>Comment acknowledged, no change.</p> <p>Future planning policy consultations will be assessed against the council's Inclusive Community Framework set out at paragraph 2.3 of the Consultation Draft SCI in addition to the principles set out in the revised SCI.</p>
2023_SCI8	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>1. The paper comprehensively analyses the various methods of consultation currently in use. However, it is worth noting the different impact that passive methods - such as advertising on site and Kirklees Newsletters - compared to active forms of consultation such as workshops and discussion groups. For example, people's reactions to information and published news is mostly unrecorded and thus not measurable. For presentations and workshops etc, the presenter/facilitator and the articulacy of the audience are highly variable thus producing a biased result.</p>		<p>Point 1: Each consultation will use a variety of different consultation methods.</p> <p>Point 2: The move to more digital communications within Planning is a part of the Planning Reforms that have been introduced by the Levelling Up and Regeneration Act, so therefore the requirement is set out in legislation. However, Kirklees Council understands the need for a balance approached, and therefore sets out in the document a range of alternative consultation methods. The use of social media will largely focus on being a mechanism to raise awareness of consultation and signpost to the details of the consultation.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Request	Council Response
			<ol style="list-style-type: none"> <li data-bbox="566 347 1229 443">2. Using social media as a method of consultation is, I suggest, inappropriate. It is not the media for complex issues nor for considered opinions. <li data-bbox="566 481 1229 609">3. Involving local interest groups in the consultation process can be useful. However, given the stated interest of these groups, all such responses need to be suitably weighted. <li data-bbox="566 647 1229 775">4. The use of exhibitions and displays gives the impression of decisions already made and, if responses are invited, they are usually either/or views on simplified aspects. <li data-bbox="566 813 1229 973">5. I wonder if our Local Councillors could be more active in the consultation process. It would be an excellent opportunity for them to familiarise themselves with their constituents as well as ensuring that they are up to date with strategic options. <li data-bbox="566 1011 1229 1171">6. Any energy expended on all forms of consultation needs to be supplemented by detailed analysis of the results and wide publication of the results. This part of the exercise needs not to be face-saving, but a genuine reflection on plans. <li data-bbox="566 1209 1229 1369">7. While tempting, the use of referenda should be avoided. Issues are far too varied and complex to be reduced to one single aspect for people to vote on. This means of 'consultation' only works for precise single issues. 		<p data-bbox="1453 331 2210 459">Point 3: In undertaking consultation, the council will seek to ensure that the methods chosen to allow for representative consultation and all comments received will have equal weight in the assessment of comments.</p> <p data-bbox="1453 481 2210 513">Point 4: Comment acknowledged.</p> <p data-bbox="1453 536 2210 695">Point 5: in the development of planning policy documents, members are involved in the process and briefed on documents particularly where documents affect their area of interest. Involving local councillors is considered an important part of the consultation process.</p> <p data-bbox="1453 718 2210 906">Point 6: All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council's response and/or amendments, will be publicly available in the Consultation Statement which is a statutory requirement.</p> <p data-bbox="1453 928 2210 986">Point 7: Referendums are only used in Neighbourhood Planning, as per the Neighbourhood Planning regulations.</p> <p data-bbox="1453 1008 2210 1264">Point 8: Agree that early engagement is critical to the development of planning policy documents. In many cases, this is a statutory requirement which is set out in 2.2. Planning reforms are seeking to introduce further early engagement. Early engagement is referenced at 2.25 and 2.45. The use of the council's Inclusive Community Framework referenced at 2.3 is another mechanism for developing robust and effective early engagement.</p>

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			8. I suggest that the 'early engagement' part of the process is critical. Identifying key issues will focus attention on the planning objective and, make more efficient the work of council officers in developing the plan. This is where the iterative and active consultation energies are most effectively involved.		
2023_SCI9	Shared Agenda (On behalf of Kirklees Health & Care Partnership)	Consultation Draft Statement of Community Involvement 2023	Thank you for consulting Kirklees Health & Care Partnership on Kirklees Council's draft statement of community involvement. Whilst we welcome the consultation, we have no specific comments to make at this time.		Comment acknowledged, no change.
2023_SCI11	Historic England	Consultation Draft Statement of Community Involvement 2023	Thank you for consulting Historic England on the draft Statement of Community Involvement. On this occasion we have no comments to make on the content of the document.		Comment acknowledged, no change.
2023_SCI12	Environment Agency	Consultation Draft Statement of Community Involvement 2023	Environment Agency position We have no significant comments to make on the consultation draft document. Soundness A minor observation we would like to underline is related to the use of the term <i>soundness</i> . The use of jargon, without adequate explanation, may present an unintended obstacle to greater inclusivity. Indeed, the council's community framework and place standard engagements signal a desire to remove unnecessary		Comment acknowledged: The glossary of the Draft Statement of Community Involvement contains the definition for 'Tests of Soundness', and also cross references where the tests of soundness can be found. However, for clarity a footnote to the definition of soundness will be inserted at Paragraph 2.47. <u>Proposed change</u> <i><u>"Footnote 2: Test of soundness include whether the plan is positively prepared, justified, effective and consistent with national</u></i>

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			<p>barriers. You may wish to consider adding at all consultation set stages, a simple and consistent outline of the main tests of soundness. This might better help many consultees with their individual understanding of the wider aims that underpin the development of planning policy documents.</p> <p>As a statutory consultee for both planning policy and planning applications.</p>		<u>policy (National Planning Policy Framework paragraphs 35 & 36 – December 2023 revision)."</u>
2023_SCI13	The Coal Authority	Consultation Draft Statement of Community Involvement 2023	It is noted that this current consultation relates to a Statement of Community Involvement and I can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.		Comment acknowledged, no change.
2023_SCI14	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>I know that this consultation is a requirement for the Local Plan review; but feel that Kirklees has used it as a tick box exercise. I respectfully submit that no matter how many responses you receive, there will be no amendments whatsoever.</p> <p>All aspects have been covered, though at the end of the day there appears to be no commitment to do anything.</p> <p>Many people do not have access to the internet and should be given the opportunity to see hard copy in all the public buildings in Kirklees, not selected ones as arranged.</p> <p>Even those of us who are relatively computer literate have had difficulty with responding; so how can people less savvy take action?</p>		<p>All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council's response and/or amendments, will be publicly available in the Consultation Statement.</p> <p>Proposed Change</p> <p>Amend paragraph 2.14 to:</p> <p>"However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the</p>

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			<p>Consultations should be just that... Face to face opportunities by Kirklees residents to have their say; and be listened to in the true spirit of community involvement.</p>		<p>availability of documents using posters in local information centres/libraries. <i>Furthermore, hard copies of the consultation documents are available on request.</i></p> <p><i>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</i></p> <p>Amend penultimate bullet point of 'Our Principles' to:</p> <p>"Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <i>customer service centres, and</i> where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website."</p>
2023_SCI15	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>I request that the Open Spaces Society (OSS) are recognised as Statutory Consultees. The OSS is Britain's oldest national conservation body, founded in 1865. We campaign for stronger protection and opportunities for everyone to enjoy commons, greens, and paths. We defend open spaces against loss and pressures from development.</p> <p>The local plan and neighbourhood plans should have appropriate policies to ensure any associated future development recognises and allows for the protection</p>		<p>Statutory consultees are set out in National Planning Policy Guidance; therefore, Kirklees Council is not able to recognise the Open Spaces Society as a Statutory Consultee. However, creating a consultation account for the Open Space Society on our Objective database would enable the Open Space Society to be notified when planning documents are being consulted on. The link to this is: Kirklees Council Planning Consultations - Keystone</p> <p>Further comments relating to common land and public rights of way are outside the remit of the SCI.</p>

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			<p>offered to Commons, Greens, and Public Rights of Way (PROW) by legislation.</p> <p>Time must be allowed in planning to ensure prescribed processes are fully implemented. Even the smallest amount of encroachment on Common Land requires the Secretary of State's consent under the Commons Act 2006 and in some cases replacement land to be offered in return.</p> <p>In relation to Common Land owned by Kirklees and any plans to dispose of such land, I have previously requested assurance from Kirklees that, if it does dispose of Common Land, Kirklees agrees to ensure that no development of the land takes place without consent under s.38 of the Commons Act 2006 and that in the absence of consent, confirmation that Kirklees will take enforcement action, resorting to s.41 of the Act if necessary.</p> <p>Similarly, and further to NPPF 2023, Para 104, Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.</p> <p>Again, I have previously asked Kirklees that time is allowed in planning to ensure compliance with the Path Order Processes and other matters as set out in Defra's Rights of Way Circular 1/09. It is not acceptable to allow works affecting PROW under Emergency Procedures when such work can be planned accordingly.</p>		<p>The Local Plan update will reconsider the spatial strategy for the district based on updated evidence including housing and employment demand. The Local Plan will be subject to consultation at key stages as the plan development progresses.</p> <p>No change.</p>

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			<p>Regarding matters affecting Greenbelt, the OSS would normally only become involved where public access and enjoyment are affected. This may include a view from public-access land and/or public paths.</p> <p>However, it is noted that the new wording, updating the NPPF, 2023, clarifies that there is no need to review the Green Belt when updating local plans. The previous wording only provided that the Green Belt could be altered if there were exceptional circumstances, which according to the consultation response did not provide the required level of clarity of the policy intent.</p> <p><i>“145. Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, ……”</i></p> <p>It is also noted that case law has confirmed that housing need is not, of itself, an adequate reason to amend Greenbelt boundaries. For this to happen Kirklees would have to demonstrate that it has examined all other reasonable options for meeting its identified need for development. Kirklees Councillors have argued not all the 31,000 homes indicated in the current local plan are needed. Referring to slower than predicted growth with only 900 new homes needed each year. I request that the revised Local and Neighbourhood plans take account of this. If this is the case, it would seem that there should be no need to amend Greenbelt boundaries in the upcoming Local or Neighbourhood Plans.</p>		

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2023_SCI16	Private Individual	Consultation Draft Statement of Community Involvement 2023	<p>Introduction:</p> <p>The objectives in this document are laudable and well laid out but to be achievable it will be necessary to modify some of the strategies to do so.</p> <p>Working towards a consensus (para.1.5) is of course desirable in order to avoid delay at a later stage, but this can only be done by proper collaboration with local communities. In my view, failure to do so will inevitably result in a “publish and defend” scenario that benefits and pleases no-one and wastes time and effort. It is worth investing in time at the beginning of the process to avoid this and ultimately streamline the whole process.</p> <p>How to achieve this?</p> <ol style="list-style-type: none"> 1. Having more face-to-face collaborative engagement early in the process will build trust and relationships, which would be more useful and constructive rather than adversarial and frustrating. 2. Over reliance on digital communication is undesirable and not inclusive. Indeed, even making comments on this draft document one had to register to get the information! Those who haven’t registered on-line will not be fully aware of what is going on so: 3. Hard copies of documents (para 2.15) should be available in all areas of Kirklees and that in itself publicised. The document is a bit “woolly”. Change “we may publicise” to the affirmative “we will publicise”. What is the point of it otherwise? It makes the statement too vague. 		<p>Point 1: Comment acknowledged. Early engagement is an integral part of the statutory process for the Local Plan.</p> <p>Point 2: The move to more digital communications within Plan Making is a part of the Planning Reforms Consultation (July-October 2023) and an area that the government wishes to develop as part of the plan making process. However, Kirklees Council understands the need for a balance approach, and therefore sets out in the document a range of consultation methods which can be used alongside digital.</p> <p>Point 3: The Town and Country Planning (Local Planning) (England) Regulations 2012 section 35 states the availability of documents is taken to be made available by a local planning authority when – a) made available for inspection, at the principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and b) published on the local planning authority’s website.</p> <p>To ensure the efficient and effective use of resources, it is considered appropriate to assess the availability of hard copies in relation to the nature and scope of the issue to be consulted on. For example, consultation on a specific neighbourhood plan area may not be relevant for a district-wide coverage of information. It is therefore, considered that “may” is appropriate rather than “will” to allow the flexibility to consider the most appropriate method of document distribution. Statutory notices produced to publicise the Local Plan/Supplementary Planning Documents contain information on the locations where hard copies can be accessed.</p> <p><u>Proposed Change</u></p> <p>A Proposed Change has been made to paragraph 2.14 in relation to the response to 2023_SCI14 which reads as follows:</p>

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			<p>4. Again, on Table, Page 9. Header of first column should read in the affirmative again. “we may” should be changed to “we will”. Especially in light of the “pros” comment on interactive workshops. However, I was not aware of these activities, which is a surprise.</p> <p>In Summary:</p> <p>To avoid a “publish and defend” situation, which seemed to be the case with the existing 2019 LP, the aim to be more collaborative is a good one. As we know from that Local Plan process the lack of this was an issue and was criticised. In any workshop scenario it will however be necessary to hear, but more importantly listen to the views of the communities you serve, not to just use it as a tick box exercise. In this way not only will you probably produce a better plan but one more acceptable to both the communities and to the Inspectorate.</p>		<p>“However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <u>Furthermore, hard copies of the consultation documents are available on request.</u>”</p> <p><u>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</u></p> <p>Amend penultimate bullet point of ‘Our Principles’ to:</p> <p>“Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres, and</u> where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council’s website.”</p> <p>Point 4: This table highlights a range of consultations methods, however, not all consultations will require each method, therefore some methods will not be used at times. It is therefore, considered</p>

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					that “may” reflects the ability to assess the most appropriate measures for the nature and scope of the consultation.
2023_SCI17	Private Individual	Consultation Draft Statement of Community Involvement 2023	Thank you for the opportunity to comment on the SCI. It is a very comprehensive document that covers many aspects of consultation. One aspect that I note is covered but I feel needs more emphasis is the issue around what aspects of any consultation that respondents can influence. In terms of the local plan, I recall a lot of effort being applied by local communities to try and influence outcomes and issues that statutorily they could not. If this had been made clear from the outset this would have reduced community frustration with the process and the community effort would not have been in vain nor wasted.		Agree that greater clarity in the nature and scope of consultation from the outset has the potential to deliver better outputs. All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council’s response and/or amendments, will be publicly available in the Consultation Statement. No change.
2023_SCI18	Upper Dearne Valley Environmental Trust (UDVET)	Consultation Draft Statement of Community Involvement 2023	<p>Firstly, we would like to thank you for the opportunity to comment on the above at this stage in its development.</p> <p>We firmly believe a sincere and well-developed public communication strategy is essential if the new Local Plan is to achieve high levels of acceptance and buy-in from local communities. This is not easy, but if good sized, representative samples of both groups and individuals are genuinely engaged, re-engaged and listened to by the Policy Team, a valid, successful and achievable Local Plan is more likely to emerge.</p> <p>With reference to the contents of the current document, we would like to make some constructive comments which, we believe, could improve it considerably.</p>		<p>Support for a well-developed public communication strategy to support the Local Plan is acknowledged.</p> <p>Bullet Point 1: The production of a ‘Statement of Comment Involvement’ is a government requirement introduced by S.18 of the ‘Planning and Compulsory Purchase Act 2004’, and Section 10A (b) Town and Country Planning (Local Planning) (England) Regulations 2012 refer to this document as a Statement of Community Involvement.</p> <p>Bullet Point 2: Paragraph 2.13 states that all consultation, engagement and feedback documents will be placed on the council’s website, and other forms of social media. This is the fastest, most efficient, and cost-effective way of consulting. As part of the process of contacting consultees, details of how to access consultation will be provided and updates provided on feedback. The council also has a requirement to produce</p>

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			<ol style="list-style-type: none"> 1. Firstly, we believe this particular document, for the sake of plain English, should be called a 'Public Consultation Strategy' – that is what it is. 'Statement of Community Involvement' implies a summary report of all the actual consultation activities that have taken place over the Local Plan development period – a document which describes what was done, when, where and the levels of engagement (numbers of participants) achieved. The latter should also contain links/references to actual, detailed Consultation Reports of each activity undertaken and changes subsequently made. This collection of documents would then serve as a comprehensive set of evidence for the Planning Inspector/Local Plan Hearing. 2. Para 2.46 - All Feedback/Consultation Reports should be automatically sent to all registered Consultees as well as generally advertised via a variety of media. 3. Overall, this document needs to be more definitive and detail a variety of specific consultation strategies and when and where they will be used. At present, it is very non-committal and simply reflects the rather 'arm's length approaches' adopted in 2015/2016 which were severely criticised by both members of the public and Councillors alike and which only just scraped through the Stage 1 LP Hearing. Given the new emphasis on public engagement in enacted/shortly to be enacted planning law, there is scope to improve on past practices and commit to a range of specific public engagement strategies now. 		<p>consultation statements that demonstrate the comments received and how they have been considered as part of the shaping and development of documents.</p> <p>Bullet Point 3: The SCI covers how the different planning documents (i.e., The Local Plan, Supplementary Plans, and Neighbourhood Plans etc) will be consulted on. It covers a range of methods, with different approaches being more appropriate for different documents.</p> <p>Bullet Point 4: As mentioned above, not every consultation method is appropriate for every document, therefore, not every method will be used for each consultation. The use of "may" allows flexibility to consider the most appropriate consultation methods for the specific consultation exercises relating to the nature and scope of the document.</p> <p>Bullet Point 5: Paragraph 2.7 seeks to cover all the relevant groups that would need to be consulted across all the different planning documents to accord with relevant statutory requirements. The list has been informed by the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended and the Neighbourhood Planning (General) Regulations 2012.</p> <p>Bullet Point 6: The opportunities for ward-based working will be considered as part of the council's detailed early engagement. Opportunities for workshops, discussion groups are currently referenced within the SCI following 2.19.</p> <p>Bullet Point 7: Comment acknowledged. Face to face meetings and opportunities for groups to meet with the Policy team as part of the production of the Local Plan. Opportunities for workshops, discussion groups are referenced within the SCI following 2.19.</p> <p>Bullet Point 8: See proposed amendments below. All planning documents during a public consultation are made available upon</p>

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			<p>4. Subsequently, this document needs to talk about ‘we will’ NOT ‘we may’ in regard to ‘Methods’ in Paras 2.18/2.19. Too much is undecided and being left to chance.</p> <p>5. Para 2.7: A Local Plan affects everyone throughout from strategy, policies as well a local allocation matters. Therefore, all LP documents should be made available to all groups/residents, not just the areas chosen by the Policy Team.</p> <p>6. Local groups/people should be directly involved in collaborative working with Policy Team members now via Ward-based working groups/focus group meetings. Local people in each Ward need to be involved from the start.</p> <p>7. Following on from the above, there is an over-emphasis and reliance on ‘publish and defend’ methods of consultation. These, on their own, are notoriously bad practice as the team developing a document have already achieved ‘buy in’ to their work and are less likely to make changes in the face of public criticism or calls for change. A greater transparent commitment to a variety of methodologies, including face to face meetings would vastly improve this document.</p> <p>8. Intended practice must match the ‘Principles’ outlined in Para 2.17. The latter set out the ‘golden threads’ for the detailed content later in the document and must obviously match to give the document greater integrity. An obvious current mismatch at present is</p>		<p>request. This can be done via email, telephone, and mail, where the council can mail the documents to those who request them.</p> <p><u>Proposed Change</u></p> <p>“However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <u>Furthermore, hard copies of the consultation documents are available on request.</u>”</p> <p><u>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</u></p> <p>Amend penultimate bullet point of ‘Our Principles’ to:</p> <p>“Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres, and</u> where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council’s website.”</p> <p><u>Proposed Change</u></p>

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			<p>the stated commitment to ensure rural communities have access to information, but in Para.2.14, the proposal concentrates on providing hard copies in Huddersfield Civic Centre and Dewsbury Service Centre. This is not good enough and does not meet the former undertaking. Hard copies must be available in all public libraries, community centres and local council offices, and particularly in Rural Kirklees. The document should state this definitively now.</p> <p>9. Para 2.12 – Training/Briefing sessions for Councillors need to be put in place on the LP processes, analysis and synthesis of information in order that they can make truly informed decisions and help others in their Wards. The last LP process and associated Hearings were notable for their lack of Councillor involvement.</p> <p>10. Para 2.13 – All registered Consultees must be informed by email when documents are posted on the LP web site. An accurate, easily accessible and up-to-date document library should be set up and maintained at all times.</p> <p>11. Para 2.16 – If respondents use on-line feedback mechanisms, it should be obviously and easily possible for individuals to both ‘print’ and ‘save’ their responses to the LP Policy Team on their own computer. Often with Kirklees web sites, this is not the case – text seems to irretrievably disappear into some ‘back office’ function. There must be very user-friendly systems throughout and versions and dates of documents clearly shown and listed in date order, showing latest version first.</p>		<p>Amend SCI to include a reference after paragraph 3.5, that the SCI will be reviewed subject to future legislation:</p> <p><i><u>“The SCI will be reviewed, and updated if needed, subject to future secondary legislation.”</u></i></p> <p>Bullet Point 9: Briefings with Councillors and officers will take place throughout the plan-making process, where the content of the documents will be explained and discussed if necessary.</p> <p>Bullet Point 10: All registered consultees on our Objective Consultation database are informed when a consultation, relating to a topic they have set as interested in, is being conducted. Everyone is able to sign up to this database. This is outlined in the SCI at paragraph 1.13.</p> <p>Bullet Point 11: Our consultation system allows you to create a PDF of each comment, which would be able to be saved and printed. The consultation system also provides an opportunity for preferred method of consultation which is email or letter.</p> <p>Bullet Point 12: Consultation documents, as well as supporting documents, are uploaded to our consultation website and council website in PDF format.</p> <p>Bullet Point 13: It is acknowledged that Paragraph 150 of the Levelling-up and Regeneration Bill: consultation on the implementation of plan making reforms refers to 8 weeks:</p> <p><i>“150. As set out in, we will be retaining two points of formal consultation within the 30-month plan-making timeframe. We propose to set out in regulations that planning authorities will be required to carry out two rounds of consultation: the first for a minimum of eight weeks after scoping following the first gateway</i></p>

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			<p>12. All documents should be available in PDF format.</p> <p>13. Paras 2.26 and 2.45 may not accord with legislation/new Plan Making rules currently in the course of development at Central Government level e.g. there currently appears to be an initial 8 week consultation period in Plan Making proposals.</p> <p>14. Given our comments above, the Table in Para 2.45 omits columns detailed who will be involved and how (the methodology).</p> <p>15. Para 2.46 - We certainly agree with plans for an ‘audit trail’ of changes, but these must be easy to follow from one document to the next. What’s changed/added could be shown in red in an easily accessible ‘track changes’ version of one version to the next as well as summarised in individual Consultation Reports mentioned in the first bullet point above.</p>		<p><i>assessment; and the second for a minimum of six weeks shortly before the final gateway assessment, prior to submission of the plan for examination. This is longer than the current statutory minimum and is in addition to early participation that would be required during the scoping phase”.</i></p> <p>However, the outcomes of the consultation have yet to be published and the consultation draft SCI is based on current statutory prescribed consultation periods.</p> <p>Bullet Point 14: This table gives a brief timeline for all planning documents, and as mentioned above, not every consultation method is appropriate for every document, therefore, not every method will be used for each consultation. In regard to who will be consulted, this is subject to the stage of consultation, or what document is being consulted on. As this is a general timetable for different planning documents, detail on who will be consulted is not included as this is subject to the consultation.</p> <p>Bullet Point 15: Comment acknowledged.</p>
2023_SCI19	Holme Valley Vision	Consultation Draft Statement of Community Involvement 2023	<p>Thank you for the opportunity to comment in the draft statement and for extending the consultation period. However, even with the extra week, the time allowed has made it difficult to consult the community groups and individuals who make up the network. Nevertheless, we would like to make the following points using the Statement of Community Involvement’s headings:</p> <p>Keeping you informed</p> <p>How we will consult and communicate</p>		<p>Responses to ‘Our Principles’ Comments</p> <p>Comments on how user-friendly documents are to read and understand are noted. Some council documents are required to be presented in a prescribed way to demonstrate technical and legal requirements. It is acknowledged that there is a role for summary documents in addition. As part of the development of the previous local plan, summary documents were produced on a number of topics including sustainability appraisal to guide the reader through the process. This will be considered as part of the Local Plan update. Additionally, to support the reader, we will</p>

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			<p>Our principles</p> <p>Generally, the council expects people to find information on its website and social media pages. Emails are sent to those who have signed up for them, but the onus is initially on the individual to request this.</p> <p>The local press is largely ineffective in the Holme Valley since the loss of the local newspaper. Apart from social media, we recognise how very hard it is now to distribute important messages. To counteract this, we are trying to install a TV screen to inform people and make use of the many less formal channels which let people know what is going on in the Valley.</p> <p>Putting posters and making documents available in central point's requires people to travel to council premises. Getting around the Holme Valley without a car is not easy.</p> <p>Summary documents and leaflets will be essential. Most of the previous Local Plan documents were highly detailed, written in a bureaucratic fashion, with essential information buried by jargon. We understand the need for formality but there are ways of making critically important documents more accessible. We note you mention the importance of using plain English but do not see much evidence of this approach being used in many of the council's documents. For example, the draft Statement of Community Involvement has a reading ease score of 34.9 and a reading level of 12.8 and contains 29% of passive sentences A reader requires a degree to be able to understand the document. (16% of this document's sentences are passive. It has a reading ease score of</p>		<p>include a Glossary at the end of our planning documents where appropriate.</p> <p>The council will follow the statutory stages of producing a Local Plan as set out in the regulations and consult at the appropriate times.</p> <p>Alongside the online consultation system, the council also accepts consultation representations made via email and mail.</p> <p>All comments made on the SCI, and other planning documents, are considered and responded to, and if necessary, amendments will be made to the document as part of the consultation process. All comments, and the council's response and/or amendments, will be publicly available in the Consultation Statement.</p> <p>Response to 'Inclusive Community Framework' Comments</p> <p>Comments acknowledged, no change.</p> <p>Response to 'Who will we consult' Comments.</p> <p>This paragraph has been included as different document consultations require consulting different groups of people. For example, for a Neighbourhood Plan consultation, the council would consult residents, businesses, and other stakeholders of the Neighbourhood Area, rather than consult the whole of Kirklees.</p> <p>Response to 'Methods' Comments</p> <p>Comments acknowledged. It is considered that the range of methods outlined and the recognition that digital is only one of a number of methods recognises the methods used must be</p>

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			<p>48.1% and a reading level of 11.2.) While nearly 42% of the Holme Valley South have qualifications of Level 4 and above, over half do not. We refer you to the Plain English Campaign. https://www.plainenglish.co.uk/ and will happily work with you to improve the ways in which you communicate.</p> <p>We urge you to make extra efforts to let people know what is happening at each stage of the process and actively encourage them to express their views. The way land is used, potentially more house building and increased traffic will affect us all and alter our way of life. People deserve the right and opportunity to be involved. The council acknowledges its legal duty to consult and we expect this to be manifested in action.</p> <p>The use of the online system may make it easy for the council to process responses, but it does not necessarily make it easy for the public to lodge their views. The system forces people to answer questions they may not recognise. It does not allow for broader or additional comments.</p> <p>We also appreciate your intent to use questionnaires and different ways of exploring specific questions. In the spirit of co-production, we will gladly work with officers to identify the issues that require more detailed exploration in our particular neighbourhoods.</p> <p>There also needs to be other ways of collecting opinions. These will vary according to the nature of a particular neighbourhood. Again, we offer our assistance.</p> <p>Consultation fatigue sets in when the same question is asked repeatedly without any sign of people's opinions</p>		<p>appropriate to the nature and scope of the consultation. No change.</p>

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			<p>being noticed. It is so important to demonstrate publicly where this has happened. We will give credit where it is due.</p> <p>If the council really wanted to know what local people think it would go to where people normally meet and provide them information in forms, they can process and to which they can respond.</p> <p>The council could also work in partnership with local groups and make use of their networks to distribute information more widely. This happens occasionally and only because of strong relationships with individual officers.</p> <p>Inclusive Community Framework</p> <p>We welcome this reference and recognise the Framework's providence: i.e. in the work of the Kirklees Democracy Commission and the Place Based Working Group. We strongly support the notion of 'active citizenship' and wholeheartedly agree with the beliefs set out in the Inclusive Community Framework. We have attempted on many occasions to develop a productive relationship with the council and its officers to enact the principles of 'place-based working' but feel our attempts have been repeatedly rebutted. We therefore have little confidence, given the reduction in resources now available to the council, there will be any change in the way in which the council actively involves people in shaping their communities. We will be gladly proven wrong.</p> <p>Who will we consult?</p>		

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			<p>We welcome the commitment to consulting ‘the relevant groups where a proposal will directly affect them’ and would be interested to learn more about how the council intends to conduct this consultation. We will work with officers to reach these groups and individuals, if allow to do so.</p> <p>Methods</p> <p>The communication methods should suit the people the communicator is trying to reach. Given the disparate nature of Kirklees’ communities and the council’s commitment to recognising their individuality, it should be obvious a uniform approach to consultation will not be appropriate.</p> <p>Channels of communication that are not dependent on digital literacy must be found if the council is serious about gathering the opinions of local people on issues as important as the use of land surrounding the places in which they live. About 6% of the population does not have access to the internet and these are often older people, the proportion of whom is higher in the Holme Valley than elsewhere in Kirklees.</p> <p>We reiterate the need to go to where people live, work, visit and meet. We will help the council identify appropriate methods of reaching people in the Holme Valley.</p> <p>We hope our comments will be received in the spirit in which they have been sent.</p>		

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2023_SCI20	Holme Valley Parish Council	Consultation Draft Statement of Community Involvement 2023	<p>The Draft SCI statement includes the following statements and comments:-</p> <p>“Highlight the Council’s new Inclusive Community Framework”.</p> <p>“Provides an opportunity to help groups and individuals shape development plan, documents including the local plan and make representations on its contents”.</p> <p>“Ensure a transparent process based on consideration of a range of options and local priorities and concerns.”</p> <p>“The council’s Inclusive Community Framework (ICF) is a commitment to work better with communities and guides different parts of the council on how they can improve the way they work with communities. The information in this framework will help us improve how we consult on our planning documents, ensuring that the consultation methods used enable individuals/communities to engage in the planning process.”</p> <p>“Whenever possible, provide feedback to reflect how comments received have been incorporated into the process.”</p> <p><i>“Plans should: ...be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees”.</i></p> <p>We welcome all of the above and trust that greater use can be made of the resources available in Local organisations such as the Holme Valley Parish Council. We do not seek to impose greater workload on Kirklees</p>		<p>Comments acknowledged. Welcome support for sections and principles of the document as outlined in the Parish Council’s response.</p> <p>In relation to the on-line questionnaires comment, the council welcomes responses via email and mail, as well as the primary consultation comment method.</p> <p><u>Proposed Changes</u></p> <p>Amend paragraph 2.14 to:</p> <p>“However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <u>Furthermore, hard copies of the consultation documents are available on request.”</u></p> <p><u>Footnote 1: Regulation 35(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</u></p> <p>Amend penultimate bullet point of ‘Our Principles’ to:</p> <p>“Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence, or details of events. The questionnaires and leaflets will be available to view online or paper copies will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre <u>customer service centres, and</u> where practicable in</p>

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			<p>Officers but rather use local resources to assist the various planning processes in place.</p> <p>Positives</p> <p>We welcome the opportunity to comment on the consultation draft.</p> <p>We applaud the aim of helping to “<i>create a sense of ownership on planning issues.</i>” (Section 2.1)</p> <p>We are pleased to note the inclusion of parish / town councils in Section 2.7, as examples of the bodies or individuals whose views will be sought.</p> <p>After a discussion of the increasing use of on-line methods, we welcome the final sentence “<i>However, a balance with more traditional forms of consultation needs to be found to ensure that everyone can be included.</i>”</p> <p>The Holme Valley is the only area in Kirklees with a fully made Neighbourhood Development Plan. This being so, we were particularly pleased to see that, under the <i>Levelling Up and Regeneration Act, 2023</i>, (LURA), NDPs will be given greater weight.</p> <p>Some issues</p> <p>In general, we feel that Kirklees Council could make more use of the wealth of local knowledge. We are keen to help!</p> <p>In Table 1: <i>Methods of consultation</i>, there could be a row for parish / town councils. Working in partnership with</p>		<p>other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council’s website.”</p> <p>Amend Table 1 to include a new consultation method with parish / town councils:</p> <table border="1" data-bbox="1469 619 2208 1015"> <thead> <tr> <th data-bbox="1469 619 1608 671">We May:</th> <th data-bbox="1608 619 1794 671">Pros:</th> <th data-bbox="1794 619 1980 671">Cons:</th> <th data-bbox="1980 619 2208 671">Things to Consider</th> </tr> </thead> <tbody> <tr> <td data-bbox="1469 671 1608 1015"><u>“Work with parish / town councils</u></td> <td data-bbox="1608 671 1794 1015"><u>The parish / town councils can help arrange meetings for consultations, which could lead to better community engagement.</u></td> <td data-bbox="1794 671 1980 1015"><u>Not every area has a parish / town council so this could lead to areas being less represented.</u></td> <td data-bbox="1980 671 2208 1015"><u>Communication with parish / town councils would be key for this method to be successful</u></td> </tr> </tbody> </table>	We May:	Pros:	Cons:	Things to Consider	<u>“Work with parish / town councils</u>	<u>The parish / town councils can help arrange meetings for consultations, which could lead to better community engagement.</u>	<u>Not every area has a parish / town council so this could lead to areas being less represented.</u>	<u>Communication with parish / town councils would be key for this method to be successful</u>
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			<p>Kirklees Council, we can support local consultations, arrange meetings etc. (Page 13)</p> <p>Longer should have been allowed for this consultation, as it falls over a holiday period. This seems to contradict the statement, in Section 2.17, that you will avoid consultation over holiday periods and lengthen the time allowed if this is not possible.</p> <p>A standard six week consultation period poses problems for many organisations that meet, at the most, monthly.</p> <p>It is noted that the planned consultation period on the Local Plan is for a minimum of six weeks. We suggest that it should be much longer.</p> <p><i>(Table 2: Stages in local plan.)</i></p> <p>On-line questionnaires / consultations are, obviously, much easier to collate than submitted documents. However on-line consultations are not suitable for responses by organisations. We hope that written responses are welcome, nevertheless.</p> <p>Why is greater use not going to be made of local information centres / libraries? (Section 2.14)</p> <p>We regret that Supplementary Planning Documents (SPDs) are being replaced by Supplementary Plans. We have found the SPDs accessible and helpful, when considering planning applications. (Section 2.29/30)</p>		
2023_SCI21	Cllr Harry McCarthy	Consultation Draft Statement of Community	<p>A few points on the SCI consultation:</p> <p>Inclusion of place standard is very welcome, but it would be good to see a bit more detail on how this would influence planning issues. We have run two place</p>		The detail on how Place Standard information has shaped the production of a document or used as evidence to support objectives/policy approach will be outlined as part of the consultation of the specific document as well as over evidence sources and consultation undertaken relating to the specific topic.

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		Involvement 2023	<p>standard engagements in my ward, and both have created a detailed evidence base of what our residents' priorities are that can be used to inform the local plan and masterplanning exercises, specifically the Marsden Master Plan.</p> <p>I would suggest that for large consultations, for example the local plan consultation, leaflets and questionnaires are left at all Kirklees libraries in the district.</p> <p>It would be positive step if the council took a more pro-active approach in working with local community groups – often these groups have a range of expertise and local knowledge which planners can tap into to improve decision making.</p>		<p>The SCI is about the principles of undertaking consultation and proposed methods. The value of the place standard is set out at 2.5 which refers to evidence to shape documents and opportunities to learn about place-based consultation. 2.17 principles refer to Involve which is a council system that records consultation across the council. By utilising existing consultation where it is relevant to the document, the council can seek to avoid consultation fatigue and avoid unnecessary expenditure consulting on issues where it has already gathered information.</p> <p>For the previous Local Plan consultation, leaflets, questionnaires, and documents were placed in all libraries and packs provided to councillors so that they had the materials to speak to communities. This approach will be considered as part of the development of the Local Plan update and detailed consultation plan produced.</p> <p><u>Proposed Change</u></p> <p>Amend paragraph 2.14 to:</p> <p>“However, to ensure all members of communities can access consultations, hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings <u>customer service centres, and other deposit locations, as defined by the Local Plan regulations¹</u>, subject to the nature and scope of the consultation. We may publicise the availability of documents using posters in local information centres/libraries. <u>Furthermore, hard copies of the consultation documents are available on request.</u>”</p>

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