

Contact Officer: Helen Kilroy

KIRKLEES COUNCIL

CHILDREN'S SCRUTINY PANEL

Friday 29th August 2025

Present: Councillor Itrat Ali (Chair)
Councillor Hannah McKerchar
Councillor Tanisha Bramwell (Virtual)

In attendance: Tom Brailsford, Executive Director for Children and Families
Jo-Anne Sanders, Service Director - Learning and Early Support
Anna Gledhill, Head of Service – Sufficiency in Children’s
Stuart Horn, Head of Children’s Commissioning for West Yorkshire ICB and Kirklees Council
Councillor Jane Rylah, Cabinet Member for Education

Apologies: Councillor Aafaq Butt

12 Membership of the Panel

Apologies for absence were received on behalf of Councillor Aafaq Butt.

13 Minutes of the Previous Meeting

RESOLVED:

That the minutes of the meeting held on the 28th April 2025 be approved as a correct record

14 Declaration of Interests

No interests were declared.

15 Admission of the Public

All agenda items were considered in public session.

16 Deputations/Petitions

No deputations or petitions were received.

17 Public Question Time

In accordance with Council Procedure rule 11, Corinne Hunter read out questions on behalf of Emma Day which they had submitted in writing.

“I wish to raise concerns about the local authority’s compliance with statutory mediation requirements for EHCP decisions supported by evidence from a recent Freedom of Information response and the LA’s own policy documents. Under the Children of Families Act 2014 and SEND regulations 2014, parents must be able to access mediation advice and obtain a mediation certificate before proceeding to the

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first-tier tribunal. While parents can choose not to mediate, the LA has a statutory duty to provide effective mediation services when requested, with meetings required to be held within 30 days of the mediation service notifying the LA. The SEN Code of Practice emphasises that mediation should be a genuine attempt to resolve disagreements, not a procedural box ticking exercise. With SEND tribunal waiting times at record highs nationally, effective mediation is crucial for timely dispute resolution when mediation fails. Families are forced into lengthy tribunal processes causing educational delays for vulnerable children and significantly higher costs for the LA."

Question 1:

Freedom of Information data from covering the period 1 July 2024 - 31 December 2024 shows that of 67 requests for mediation across all Education and Health Care Plan (EHCP) disagreements (including Refusal to Assess, Refusal to Issue, and Contents), zero mediation meetings were arranged within the required 30-day timeframe - representing a 100% failure rate. What immediate action will be taken to address this complete breakdown of statutory mediation services?

Question 2:

The Terms of Reference for the EHCP Decision Making Panel (September 2024) shows only the Chair (EHCP Senior Manager) has decision-making authority. The FOI response states that "all overturned decisions via mediation are taken back to panel for processing." Given that effective mediation should enable immediate implementation of agreements, why do all mediation outcomes require subsequent panel approval rather than being resolved at the mediation meeting itself?

Supplementary Question

During this same period, approximately 48% of refusal decisions were overturned via mediation. What measures will address this disconnect between initial refusal decisions and subsequent approvals, suggesting fundamental flaws in the Decision Making Panel's application of legal criteria?

In accordance with Council Procedure Rule 11, Lisa Green attended the meeting and asked the following questions which they had submitted in writing:

As part of the Panel's upcoming work plan, scrutiny is to be given to the EHCP process and the Local authority's use of Tribunals to settle cases.

Question 1:

What will the Panel's specific focus of scrutiny be re EHCPs / Tribunals?

Question 2:

What is the extent of the panel's powers to ensure lawful accountability in this area?

A response was provided on behalf of the Panel.

RESOLVED:

(1) That the Members of the Public be thanked for their questions.

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- (2) That the Panel would consider EHCP timescales and compliance, and the tribunals process as part of the work programme at the meeting on 11th December.
- (3) That the Panel would be briefed by officers to discuss the wider areas of concern raised in the public questions, with a view to potentially widening the Panel's area of focus in relation to EHCPs.

18 **Kirklees SEND Sufficiency for Kirklees 2025-2028**

Jo-Anne Sanders, Service Director for Learning and Early Support, asked the Panel to consider and support the Kirklees SEND Sufficiency for Kirklees 2025-28 and to note the actions undertaken to address some of the issues raised in the report.

Stuart Horn, Head of Children's Sufficiency presented the highlights of the report which:

- Demonstrated understanding of the needs of children with special educational needs and disabilities in Kirklees
- Defined the provision in place to meet those needs and support children's learning.
- Identified gaps in provision and potential areas for growth, and considered the development of provision to meet future needs.
- Identified where needs had changed and where some provision may need to be decommissioned.

Stuart Horn advised the Panel that "sufficiency" meant "having enough of the right stuff" – the report examined whether there were the right learning places available to meet children's needs.

The Panel was informed that Practitioners from learning services, schools, health and voluntary sectors and parent carer forums had contributed to the design of the approach. The report had been created using a variety of data and intelligence sources from across the partnerships, and Stewart Horn explained that it was important to use consistent, agreed data sets. The principal data set used was the SEN2 data, taken from the annual return to the Department for Education, which identified:

- An increase in speech and language need especially in the early years
- An increase in social emotional and mental health needs in secondary schools and at points of transition, particularly from primary to secondary
- A rise in children with neurodiversity with additional needs such as mental health, learning needs or behavioural challenges.

The Panel noted that key features of the strategy included:

- How to support secondary settings to develop the inclusive approach that was evident in primary schools.
- The need for longer-term improvement in post-16 provision, to ensure the type, range and diversity of provision so that children with a range of different interests, aspirations, and abilities could be catered for.

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- The aim to educate children as close to home as possible, by reducing the reliance on the independent school sector, particularly the out of area independent school sector. This required an increase in and improvement of state funded, local-to-Kirklees provisions.

Stewart Horn advised the Panel that the strategy report also outlined current developments in provision:

- The rebuild and expansion of two special schools was underway. The construction of Joseph Norton, the social emotional mental health school had just begun in Deighton and the new site for Woodley School, the school and college for children with autism was about to start construction.
- In recent years satellite provisions had been developed, where special schools utilised space in mainstream schools. In these satellite provisions, children were on the roll of the special school and educated by special school staff on the mainstream school site. Benefits included children being more involved with the wider activities in the school and feeling part of a bigger school community. This successful approach was being expanded and developed.
- A range of additional resource provisions had been developed, which were also provisions within a mainstream school to provide children with additional support where necessary.
- School clusters were an important step in improving the inclusivity of the mainstream school approach. Clusters were groups of schools grouped together geographically who met to share expertise, solve problems and help maintain children in mainstream settings.

The Panel was informed that the sufficiency strategy itself was not a standalone document, it sat alongside other learning strategies such as Our Kirklees Futures, the Health and Well-being Strategy and the Pupil Place Planning Strategy. The strategy would continue to evolve over time as new data and intelligence becomes available. Regular sufficiency strategy group meetings took place where professionals came together to analyse jointly the information received and to examine how the strategy needed to adapt and evolve to reflect new intelligence. For example, the SEN2 data set had recently been published and there was a meeting planned to look at how that will impact the strategy.

Stuart Horn advised the Panel that an application had been submitted to the government for a new alternative provision free school which would be of great benefit, and the outcome of this was being awaited. Another area of focus would be the improvement of post 16 provision, which tied in with the area of improvement around "preparation for adulthood" from the recent SEND inspection.

In conclusion, the report and appendix with data that informed the report was attached to the agenda papers and the report had been published on the Local Offer website.

The Panel asked how the council reported on EHCP timeliness, mediation uptake, and tribunal outcomes so that families, schools and councillors could track improvements. Tom Brailsford, Executive Director for Children's Services, advised that Panel that this information would not necessarily fall under this strategy but that

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the service was looking at ways in which information could be made more readily available, through signposting people to information on the Council's website. The SEN2 data used in this report was available online and Kirklees could be compared with other authorities.

In answer to a question about what schools were doing to become more inclusive, Tom Brailsford advised the Panel of the following support available within mainstream education:

- The graduated approach
- The educational psychologist team.
- Dingley's Promise (a national award-winning approach which was about inclusivity)
- The schools hub/cluster approach
- A leadership team recognised in the recent inspection report as child-centred and inclusive

Jo-Anne Sanders added that:

- 14 Primary Schools were involved in the partnership for inclusion and neurodiversity (PINS) and another 10 Primary Schools were joining.
- Clusters were operating, sharing expertise and investing in specialist outreach support.
- Dingley's Promise offered support for inclusive practice for children in the early years.
- Inclusion multi-agency panels were also operating, where schools could reach out for extra support alongside their offer or a full-time alternative provision place.
- A strong SENCO network which met to share best practice.

In answer to a question about how schools were made aware of the support on offer, Jo-Anne Sanders informed the Panel that there was information on the Local Offer site for families and professionals and that school specific websites had links to specialist outreach. Access to advice and services was available through the Multi-Agency Panel, and cluster leads were also being brought together to disseminate information. Training was also offered to new Headteachers and SENCOs.

The Panel commented that the SEND Sufficiency Group seemed to be a new initiative with multi-agency involvement, which they felt was positive, and asked whether the group's outcomes, findings, or recommendations would be made available for scrutiny or for Members. Stuart Horn advised that the Group would have more structure and rigour to its work. Outcomes from the group would be shared through updated reports to Scrutiny, such as this one, once agreed and published. Jo-Anne Sanders informed the Panel that reports would be presented to Cabinet when appropriate, particularly in cases involving capital investment, for example, the rebuilding of the two special schools, which required decisions beyond the remit of officers. Jo-Anne Sanders advised that there were established opportunities for pre-decision scrutiny, supported by a standard agenda item.

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Jo-Anne Sanders explained that when the strategy was refreshed there would be a further presentation to scrutiny, with updates on progress and future plans, however some developments, such as the Alternative Provision Free School, were outside of the Council's control and would be decided by the Department for Education.

In answer to a question about how parents and carers were made aware of the process to follow to access help, support and appropriate education for their children with additional needs, Tom Brailsford advised that the information was available on the Kirklees Local Offer website. Tom Brailsford further explained that in future statistics on performance and sufficiency, as well as outcome letters from inspections under the new framework, were to be published on the Local Offer site to further support transparency for the public.

The Panel questioned the specifics on how places for children with visual impairment and hearing impairment would be reduced and Stuart Horn advised that this document outlined where a certain provision would be likely to increase or decrease but did not go into the detail of exactly how that would be done.

In answer to a question from the Panel about the future of the satellite provisions set up in preparation for the opening of the two new special schools, Stuart Horn advised that these would be kept under review.

RESOLVED:

- (1) That the report be noted and officers be thanked for their contributions.
- (2) That future reports on the SEND Sufficiency Strategy giving an update on progress and future plans, including an update on the work of the SEND Sufficiency Group, would be shared with the Panel for consideration when available.

19 Pre-decision scrutiny - Cabinet decisions on the horizon

No items of pre-decision scrutiny on Cabinet decisions were discussed.

20 Feedback from Panel Members on issues considered by Kirklees Parenting Board

The Panel noted that there had been no meetings of the Kirklees Parenting Board since the last Children's Scrutiny Panel meeting.

The Panel suggested that the Kirklees Parenting Board and especially the Care Leaver representatives, be briefed on the role of scrutiny to encourage engagement and broaden understanding.

RESOLVED:

That Tom Brailsford raise awareness at Kirklees Parenting Board to highlight the role of the Children's Scrutiny Panel with the Chair of the Kirklees Parenting Board, Cllr Viv Kendrick.

21 Work Programme and Agenda Plan for 2025/26

The Panel discussed whether the EHCP quality assurance framework should be included in the Panel's areas of focus and added to the work programme and the Chair agreed to be briefed by Officers and feedback to the Panel.

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RESOLVED:

- (1) That the progress on the Work Programme and Agenda Plan for 2024-25 be noted.
- (2) That the Chair be briefed by officers on whether the EHCP Quality Assurance Framework should be added to the Panel's areas of focus and included within the work programme for 2025-26.