

Name of meeting: Cabinet

Date: 19 September 2017

Title of report: Specialist provision for Kirklees children with communication and interaction needs

Purpose of report:

- To advise members on the outcome of the statutory processes on the Kirklees Council proposals to:
 - Create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs.
 - Decommission 12 transitional places for children with Speech, Language and Communication Needs (SLCN) at Ashbrow School.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Steve Walker (Jo-Anne Sanders) 07/09/17
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Debbie Hogg (Philip Deighton) 07/09/17
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft (John Chapman) 07/09/17
Cabinet member portfolio	Cllr Erin Hill– Children Cllr Masood Ahmed – Children

Electoral wards affected: All

Ward councillors consulted: Yes

Public or private: Public

Appendices

- 1 – Consultation document
- 2 – Combined Statutory Notice
- 3 – Statutory proposals
- 4 - The constitution and purpose of SOAG
- 5 – Minutes of the SOAG meeting of 21 August 2017
- 6a & 6b - Statutory process check sheets
- 7 - Factors to be considered – DfE statutory guidance for decision makers

1. Summary

Kirklees Council propose to make a prescribed alteration at Ashbrow School to decommission 12 transitional places for children with Speech, Language and Communication Needs (SLCN) from 1 October 2017 and to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017.

- To advise members on the outcome of the statutory processes for the proposal
- To advise members of the conclusions and recommendations of the School Organisation Advisory Group (SOAG) regarding the proposal.
- To advise that Members approve the Kirklees LA statutory proposal.

2. Information required to take a decision

The statutory process regarding the statutory proposals

School organisation decisions for Local Authority maintained schools have to follow a process set out by law. Kirklees Council has had due regard to legislation and followed the statutory process in respect of these proposals. School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 came into force on 28 January 2014. The latest statutory guidance published in April 2016 does not require a pre consultation. However, the Council did carry out a four week term time non-statutory consultation to ensure that maximum opportunity was available to all key stakeholders to understand and comment upon the proposals, prior to publication.

The statutory process for making prescribed alterations to specialist resource provisions in community schools consists of four stages:

- Publication
- Representation
- Decision
- Implementation

This report reviews the performance of the first two stages of the statutory process to confirm that they have been carried out in full compliance with the law and relevant Department for Education (DfE) guidance.

The proposals are presented for the consideration of decision makers so that they can then determine the related proposals.

Kirklees Council Cabinet, as decision maker considering the proposals has to have regard to certain guidance issued by the DfE, **School Organisation. Maintained Schools. Annex B: Guidance for Decision-makers April 2016**

3.1 Consultation

The Cabinet decision on 4 April 2017 authorised officers to develop plans for a four week (term time) non-statutory consultation about proposals to:-

- To decommission 12 transitional places for SLCN at Ashbrow School
- To create 12 transitional places for communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School

A non-statutory consultation took place between 24 April 2017 and 22 May 2017 to seek the views of parents/carers, school staff, professionals, governors, pupils, the local community and other stakeholders. (See Appendix 1 for Consultation Document)

3.2 Publication and representations

On the 4 August 2017 the combined statutory notice (Appendix 2) was published in the Huddersfield Examiner newspaper (South Kirklees) and The Press newspaper (North Kirklees). The statutory notice and statutory proposals (Appendix 3) were also sent to head teachers and chair of governors at both schools via email. The statutory notice was posted at the main entrances of both schools on 4 August 2017.

The combined statutory notice is attached at Appendix 2. From the publication date of 4 August 2017, copies of the complete statutory proposals were available upon request from Directorate for Children & Young People, c/o School Organisation and Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY. The statutory proposals are attached at Appendix 3. On 31 August 2017 the representation period ended.

3.3 Decision : The role of the Kirklees School Organisation Advisory Group (SOAG)

The Local Authority is the primary decision maker for school re-organisation proposals 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 4. SOAG exists to provide advice to Cabinet, but Cabinet is the Decision Maker.

3.4 Review of the statutory process for statutory proposals to decommission 12 transitional places for SLCN at Ashbrow School and to create 12 transitional places for communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School

Kirklees SOAG met on 21 August 2017 to consider the statutory process and any representations received for the proposals and to formulate advice for the Cabinet as decision makers. The report of the meeting is attached at Appendix 5.

3.4.1 Representations received regarding the statutory process

1 representation has been received regarding the statutory process.

3.4.2 Statutory process check by SOAG

The details relating to the statutory processes for the statutory proposals are set out in the check sheets (attached at Appendices 6a & 6b). The processes that were followed in relation to the proposals were checked with appropriate evidence that each point had been completed.

3.4.3 SOAG conclusions about the process: The statutory notice, statutory proposals and statutory processes are valid and within time limits;

- Non statutory consultation has been carried out.
- The published statutory notice complies with statutory requirements.
- The proposals are not related to any proposals published by the EFA. The proposals are valid and can be decided by Kirklees Council Cabinet.
- The statutory four week period has been allowed for representation.
- The decisions have been brought to the cabinet on 19 September 2017, which is within two months after the end of the statutory four week representation period which ended on the 31 August 2017.

3.4.4 SOAG advice: Kirklees Council Cabinet are able to take a decision about the statutory proposals:

- To discontinue 12 transitional places for children with speech language and communication needs (SLCN) at Ashbrow School from 1 October 2017
- To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017

4. SOAG review of the related proposals and representations using the DfE statutory guidance for decision makers.

4.1 Factors to be considered in making the decisions about the related statutory proposals.

In order to support decision making by Cabinet, a range of factors have been considered. These factors are derived from the guidance issued by the Department for Education. **School Organisation Maintained Schools. Annex B: Guidance for Decision Makers April 2016.** Factors can vary depending upon the nature and type of proposals. The full list of factors is presented in Appendix 7, accompanied by responses to the relevant factors for these proposals. The relevant factors for these proposals are:

A: CONSIDERATION OF CONSULTATION AND REPRESENTATION PERIOD

B: EDUCATION STANDARDS AND DIVERSITY OF PROVISION

C: DEMAND

D: SCHOOL SIZE

E: PROPOSED ADMISSION ARRANGEMENTS (including post 16 provision)

F: NATIONAL CURRICULUM

G: EQUAL OPPORTUNITY ISSUES

H: COMMUNITY COHESION

I: TRAVEL AND ACCESSIBILITY

J: CAPITAL

K: SCHOOL PREMISES AND PLAYING FIELDS

L: CHANGES TO SPECIAL EDUCATION NEED PROVISION – THE SEN IMPROVEMENT TEST

On 21 August 2017, SOAG examined the rationale for the proposals against each of the above factors. SOAG reviewed a statement of the rationale for the proposals for each section of the guidance. The guidance and rationale are set out in Appendix 7.

4.2 SOAG conclusions for decision makers

SOAG agreed that

The statutory process had enabled a detailed presentation of the statutory proposals

- To discontinue 12 transitional places at Ashbrow School for children with speech language and communication needs (SLCN).
And
- To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017

The rationale for the proposals had been clearly articulated against the factors in the decision maker's guidance. Issues raised in the non-statutory consultation had been presented for consideration against the decision maker's guidance.

4.3 Officers' recommendations for decision makers regarding the proposal.

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 proposals for Ashbrow School and Windmill Church of England Voluntary Controlled Primary School can be considered for approval for the following reasons (see Appendix 5 - Notes of SOAG meeting held on the 21 August 2017):-

4.4 Rationale for the proposals

4.4.1 A: CONSIDERATION OF CONSULTATION AND REPRESENTATION PERIOD

1 representation was received –

A concern was raised over the representation period being held during the school holidays. The respondent stated that this was not a time when school communities could arrange a response if they wish to or a time when parents were likely to see a statutory notice that had been placed outside the school gates by the School Organisation and Planning team.

OFFICER COMMENT:

The School Organisation and Planning Team have followed a process set out by law. School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations came into force on 28 January 2014 (updated 2016)

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

“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, as part of their duty under public law to act rationally and take into account all relevant considerations.” (Prescribed Alterations to Maintained Schools) (England) Regulations 2016

The LA undertook two non-statutory consultations with parents, both of which took place during term-time. The 2 outcome reports below refer (Please see links in background papers at section 9):-

Cabinet report 15 November 2016: Report on the outcomes of the non-statutory consultation on proposals in relation to the changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication (SLCN).

Cabinet report 25 July 2017: Specialist provision for Kirklees children with communication and interaction needs

Statutory notices were posted outside Windmill Church of England Voluntary Controlled Primary School and Ashbrow School on the 4 August 2017. Notices were published in The Huddersfield Examiner and The Press. Notices are on the School Organisation and Planning webpage www.kirklees.gov.uk/schoolorganisation Links to notices and full notices were sent to PCAN (Parents of Children with Additional Needs)

Wherever possible the School Organisation and Planning team does ensure that representation is not held outside of term time, however, this is not always possible.

Advice: School organisation decisions for Local Authority maintained schools have to follow a process set out by law. Kirklees Local Authority has had due regard to legislation and followed the statutory process in respect of these proposals. The latest statutory guidance published in April 2016 does not require a pre consultation. However, the LA did carry out a four week term time non-statutory consultation 24.04.17 to 22.05.17 to ensure the maximum opportunity was available to all key stakeholders to understand and comment upon the proposals, prior to publication. On the 17.07.17 the non-statutory consultation outcomes report was published on the Council’s external website and key stakeholders were notified and sent a link to the report. On the 25.07.17 Kirklees Council’s Cabinet (decision making authority) received the consultation outcomes report of the non-statutory consultation and it was agreed to proceed with the next stage of the statutory process and the publication of the related statutory notice and proposals.

The publication of the statutory notice, proposals and representation period commenced on 04.08.17 and will end on 31.08.17, thereby lasting for a period of four weeks and meeting the requirements of School Organisation Regulations.

4.4.2 B: EDUCATION STANDARDS AND DIVERSITY OF PROVISION

No representations were received

Advice: The proposals would ensure that the overall pattern of specialist provision in Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is delivered in a safe environment, where young people can thrive in buildings and provision tailored to meet their special educational need or disability. The proposals 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. The proposals will also provide access to appropriately trained staff and to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning, while participating at their local mainstream school and in their community. The proposals 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.

The proposals are to decommission the 12 transitional places for children with Speech, Language and Communication Needs at Ashbrow School and to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs. It is proposed that the places will be reserved for pupils aged 4-11 years with special educational needs. The school to which these proposals relate is not proposed to close, nor are any new schools being established as part of these proposals.

4.4.3 C: DEMAND

No representations were received

Advice: The proposals have been designed to re-organise specialist provision places for children with speech, language and communication needs. By creating 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School, places will be delivered in a new specialist provision, which are intended to provide a holistic approach to better support children with complex communication and interaction needs

4.4.4 D: SCHOOL SIZE

No representations were received

Advice: The proposal relates specifically to the specialist provision in this school and does not impact on the size of the existing mainstream provision in the school..

4.4.5 E: PROPOSED ADMISSION ARRANGEMENTS (including post 16 provision)

No representations were received

Advice: The proposals are for the discontinuance of a specialist provision (to which normal admissions criteria do not apply) in a mainstream school and, therefore, do not affect admission arrangements at Ashbrow School or at Windmill Church of England Voluntary Controlled Primary School. There will be one child at the school from 1 September 2017, the pupil would have the option of staying at Ashbrow School with special provision support until they change school at the usual transition point if this is what the parent(s) wish.

4.4.6 F: NATIONAL CURRICULUM

No representations were received

Advice: Ashbrow School and Windmill Church of England Voluntary Controlled Primary School would continue to implement the National Curriculum from Key Stage One through to Key Stage Two.

4.4.7 G: EQUAL OPPORTUNITY ISSUES

No representations were received

Advice: It is considered that there are no adverse impacts arising from the proposals under this duty.

4.4.8 H: COMMUNITY COHESION

No representations were received

Advice: It is considered that there is no adverse impact upon community cohesion as a result of these proposals for Ashbrow School or Windmill Church of England Voluntary Controlled Primary School. The school would continue to provide primary education to the community that it presently serves.

4.4.9 I: TRAVEL AND ACCESSIBILITY

No representations were received

Advice: if the proposal is implemented there would be an impact on travel for some children accessing the provision. In accordance with the LA transport policy, school transport may be available. It is intended that the proposal will reduce travel and improve accessibility,

children will be able to receive outreach and other forms of support that meet their needs, this would enable them to stay in their local school.

4.4.10 J: CAPITAL

No representations were received

Advice: There are no capital implications arising as a result of these proposals. The proposals are not therefore reliant on any capital funding being made available from the Education Funding Agency.

4.4.11 K: SCHOOL PREMISES AND PLAYING FIELDS

No representations were received

Advice: There are no implications for school premises or playing fields as a result of these proposals. This is because the proposals are to reduce numbers of transitional places; no expansions are being proposed that would impact on playing fields or any other aspect of school premise regulations.

4.4.12 L: CHANGES TO SPECIAL EDUCATION NEED PROVISION – THE SEN IMPROVEMENT TEST

No representations were received

Advice: On 1 September 2012 Kirklees Council implemented proposals to secure 12 transitional places reserved for pupils aged 4-11 years with Speech, Language and Communication special educational needs at Ashbrow School. Following a non-statutory consultation matters came to light which reflected the increasing challenges to schools with regard to meeting the needs of children and young people with very complex communication and interaction needs which were not being catered for under current provision arrangements. Therefore the LA propose a specialist provision in order to cater for this cohort changing from singly 'SLCN' to 'communication and interaction' would better reflect the needs of this more complex cohort of children. See link to cabinet report of 13 March 2012:- <http://bit.ly/13Mar2012>

The LA has consulted with parent/ carers and other key stakeholders, and has taken into account their views in a non-statutory consultation and reported these in an outcomes report for decision makers. See link to cabinet report of 15 November 16:- <http://bit.ly/15thNov16>

Children and young people with SEN would continue to be offered a range of services to meet their needs as part of their Education Health Care Plan.

The proposals aim to ensure that the overall pattern of specialist provision in Kirklees maintains flexibility and has a broad range of provision and support that can respond to the needs of individual pupils and parental preferences.

This proposal relates to children with Speech, Language and Communication Needs. Schools across the Local Authority have significantly improved accessibility with regard to staff expertise, which has contributed towards parents and carers making a preference for their local mainstream school. A full equality Impact assessment has been done and can be viewed at:- <https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>

The present structure of the provision enables children with SEN to receive the required level of support, either in their school or in a school with a designated specialist provision. Specialist provision staff would be given the skills they need to work with schools through recognised and accredited training. Opportunities for Career development pathways would be established for all specialist staff in order to recruit and retain the high quality of specialist

skills and expertise we need.

This proposal does not affect provision for 14-19 year olds.

No children are displaced as a result of these proposals. There will be one remaining affected child at Ashbrow School as at 1 September 2017. The school will receive funding in line with the needs of the child and the pupil will have the option to remain in the provision with special provision support until they change school at the usual transition point if this is what the parent(s) wish.

5. Implications for the Council

5.1 Early Intervention and Prevention (EIP)

One of the core principles of Kirklees' specialist provision work is the delivery of intervention to children in as timely a manner as possible, within their locality, in order to address needs and identify strategies either through outreach support or where needs are more complex, through the provision of specialist places in order to meet need and prevent further difficulties arising. A child referred to the provision would have an Education Health Care Plan (EHCP), high level funding and intensive support already given, as such, children will be known to the specialist provision (SP) team prior to any referrals.

5.2 Economic Resilience (ER)

By addressing concerns early, our aim is to ensure that wherever possible a child remains at their local school and is able to follow its curriculum (with some degree of personalisation) in order to achieve their potential into adulthood.

5.3 Improving outcomes for Children

Specialist provision offers high quality advice, guidance and support to our schools in meeting a range of special educational needs, which in turn will improve outcomes for the children in that school.

5.4 Reducing demand of services

This early intervention model works to ensure that wherever possible a child's needs can be met at their local school, thus reducing the potential requirement for more costly provision. The service works to build capacity with mainstream schools so that they become better able to meet need and not always rely on costlier external support.

5.5 Council priorities:

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

- **Health and wellbeing in Kirklees:** By 2020, no matter where they live, we want people in Kirklees to live their lives confidently, in better health, for longer and experience less inequality
- **A strong economy for Kirklees:** We want Kirklees to be recognised as the best place to do business in the north of England and as a result, one where people prosper and flourish in all of our communities.
- **Provide effective and productive services:** Ensuring services are focused on the needs of the community and delivering excellent value for money.

5.6 Human Resources implications

There would be human resources implications resulting from the creation of the specialist provision at Windmill Church of England Voluntary Controlled Primary School. Should the proposals be agreed, officers from the LA would work with the governing body and head teacher of the school regarding recruitment and any revision to structures including other affected members of staff not based at the school. Kirklees HR officers will provide technical advice and support any processes where required.

5.7 Financial Implications

5.7.1 Revenue

The Specialist Provisions are fully funded from the “high needs block” of the Dedicated Schools Grant (DSG), which is an annual government grant received by the Council. This can only be spent on education so the proposals have no revenue impact for the Council budget. The proposals do not reduce the funding allocated to Specialist Provision services; the funding will be redirected to pay for a new provision of 12 communication and interaction transitional places including outreach for pupils remaining in their local school.

5.7.2 Capital

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

6. Consultees and their opinions

A non-statutory consultation was carried out by the LA from 24 April 2017 and 22 May 2017. On 25 July 2017 Cabinet received the report of the outcomes of the consultation and the views expressed by stakeholders during this consultation are described in detail in that Cabinet report. The Cabinet agreed to proceed with the statutory process for the proposals for Ashbrow School and Windmill Church of England Voluntary Controlled Primary School.

During the 4 week representation period, 1 representation was received.

This report brings stakeholders views and comments regarding the statutory proposals to decision makers attention for full consideration giving due regard to the factors for decision making derived from the guidance issued by the Department for Education. School Organisation Maintained Schools. Annex B: Guidance for Decision Makers April 2016

7. Next steps

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

Activity	Date
Cabinet Report seeking permission to begin consultation as part of the statutory processes	4 April 2017
Four week non-statutory consultation	24 April – 22 May 2017
Outcome report to cabinet and approval to next stage	25 July 2017
Publication of notices and four week representation period*	August 2017
Final decision by Cabinet*	September 2017
Implementation*	From 1 October 2017

** These dates are subject to Cabinet approval and may change*

8. Officer recommendations and reasons

It is recommended that Members:-

- a. note the advice of Kirklees SOAG that the proposals for Ashbrow School to discontinue the provision of 12 transitional places for children with speech language and communication needs (SLCN) are valid and that the required statutory processes have been carried out, and to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017
- b. agree that in their role as decision makers, they will take the decision regarding the proposals within the statutory time period.
- c. acknowledge the outcomes and recommendations of the Kirklees SOAG meeting from the 21 August 2017 and the associated officer recommendations for the proposals.
- d. note the HR and financial implications of approving the proposals
- e. confirm that in meeting the obligations of the Equality Act 2010 and the Public Sector Equality Duty 2011 full regard has been given to the Equalities Impact Assessment throughout the statutory process for the proposal including the decision regarding approval.

It is recommended that Members approve without modification or condition the proposals:-

- To discontinue the provision of 12 transitional places for children with speech language and communication needs (SLCN) at Ashbrow School.
- To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017.

The proposals should be approved for the following reasons:-

- To ensure that the overall pattern of specialist resource provision in Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences, in a safe environment where young people can thrive in buildings and provisions tailored to meet their special educational need or disability and which takes 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.
- 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.
- Supports 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.

7. Cabinet portfolio holder's recommendations

As the Cabinet Member for Schools I endorse the recommendations set out by officers in the previous section of this report.

I welcome the feedback following the re-organisation of specialist provision for children with special educational needs and would like to take this opportunity to thank schools for their crucial role in making the provisions a success. The proposals were brought forward because it was recognised that further changes are needed to continue to ensure our resources work as hard as possible to deliver even better outcomes for our children and

young people and to ensure that it is matched to need and demand. It is for these reasons that I support the officer recommendations to implement the proposed changes.

In light of the feedback that has been received, it has been important for us to take the time to consider carefully the views that have been expressed and are grateful to those who have engaged and contributed their comments and suggestions. The feedback has influenced changes to be made to the original proposals.

We are keen that the highest quality provision is available fairly to all children with special educational needs/Education, health and care plans (EHCP) across Kirklees to ensure that they have the very best educational experience. It is for these reasons that we support the officer recommendations to finalise the statutory process for Ashbrow School, and to complete the process to establish 12 new places for children with communication and interaction needs at Windmill Church of England Voluntary Controlled primary school, to host a provision with outreach that can support young people, wherever possible to stay in their local school. We will be keen to receive further updates following this process.

Cabinet members will consider any further material matters that are brought to our attention in advance of, and during, the Cabinet meeting on the 19 September 2017 and will make our final, oral, recommendations at the end of the discussion of this item at the meeting.

8. Contact Officer

Mandy Cameron.

Head of Education Inclusion & Safeguarding

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9. Background papers and history of decisions

- Report Prepared by Cambridge Education April 2008 : Kirklees Council -Review of the Arrangements for Special Educational Needs in the Children & Young People Service
- Cabinet Report: 28th September 2010 - Specialist Provision for Disabled Children and those with Special Educational Needs
<http://bit.ly/28Sept10>
- Cabinet Report: 21st June 2011 - Report on the outcomes of the non-statutory consultation on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees
<http://bit.ly/21June11>
- Cabinet Report 6th December 2011 - Report on the outcomes of the statutory consultation on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees
<http://bit.ly/6Dec11>
- Cabinet Report 13th March 2012 - Report on the representations received from the published Statutory Notices on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees at the following schools:- Ashbrow I & N School, Ashbrow Junior School, Carlinghow Princess Royal J I & N School, Dalton School, Flatts Nursery School, Headlands CE(VC) J I & N School, Honley High School, Lowerhouses CE(VC) JI & EY School, Moldgreen Community Primary School, Netherhall Learning Campus - Rawthorpe Junior School, Netherhall Learning Campus -

Rawthorpe St. James CE(VC) I & N School, Netherhall Learning Campus High School, Newsome High School, Park Road J I & N School, Royds Hall High School, The Community Science College @ Thornhill, Thornhill J & I School
<http://bit.ly/13Mar2012>

- Cabinet Report 2nd December 2014 - Overview of progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees.
<http://bit.ly/2ndDec14>
- Cabinet Report 10th March 2015 - Report on the outcomes from the non-statutory consultation for Members consideration on proposals for change to existing specialist provisions.
<http://bit.ly/10Mar15>
- Cabinet Report 2nd June 2015 - Report on the statutory proposals for Flatts Nursery School, Rawthorpe St. James CE(VC) I&N School and Rawthorpe Junior School.
<http://bit.ly/2June15>
- Cabinet - Date: 5th April 2016 - Overview of progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees. The report requests approval to take forward proposals for adjustments to some existing specialist provisions.
<http://bit.ly/5thApr16>
- Cabinet report 15th November 2016 - Report on the outcomes of the non-statutory consultation on proposals in relation to the changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication (SLCN).
<http://bit.ly/15thNov16>
- Cabinet Report 7th March 2017 - Report on the proposals for changes to specialist provision for children with Speech, Language and Communication Needs (SLCN) and autism. To complete the process to discontinue 10 transitional places plus outreach for children with autism at Moldgreen Community Primary School and to update on progress in determining a host school for a new communication and interaction provision.
<http://bit.ly/7thMar17>
- Cabinet Report 4th April 2017 - Overview of progress made in relation to changes to specialist provision for children with special educational needs across Kirklees.
<http://bit.ly/04Apr17>
- Cabinet Report 25th July 2017 - Specialist provision for Kirklees children with communication and interaction needs
<http://bit.ly/25July17>

10. Service Director responsible

Jo-Anne Sanders

Interim Service Director – Learning and Early Support

Civic Centre 3

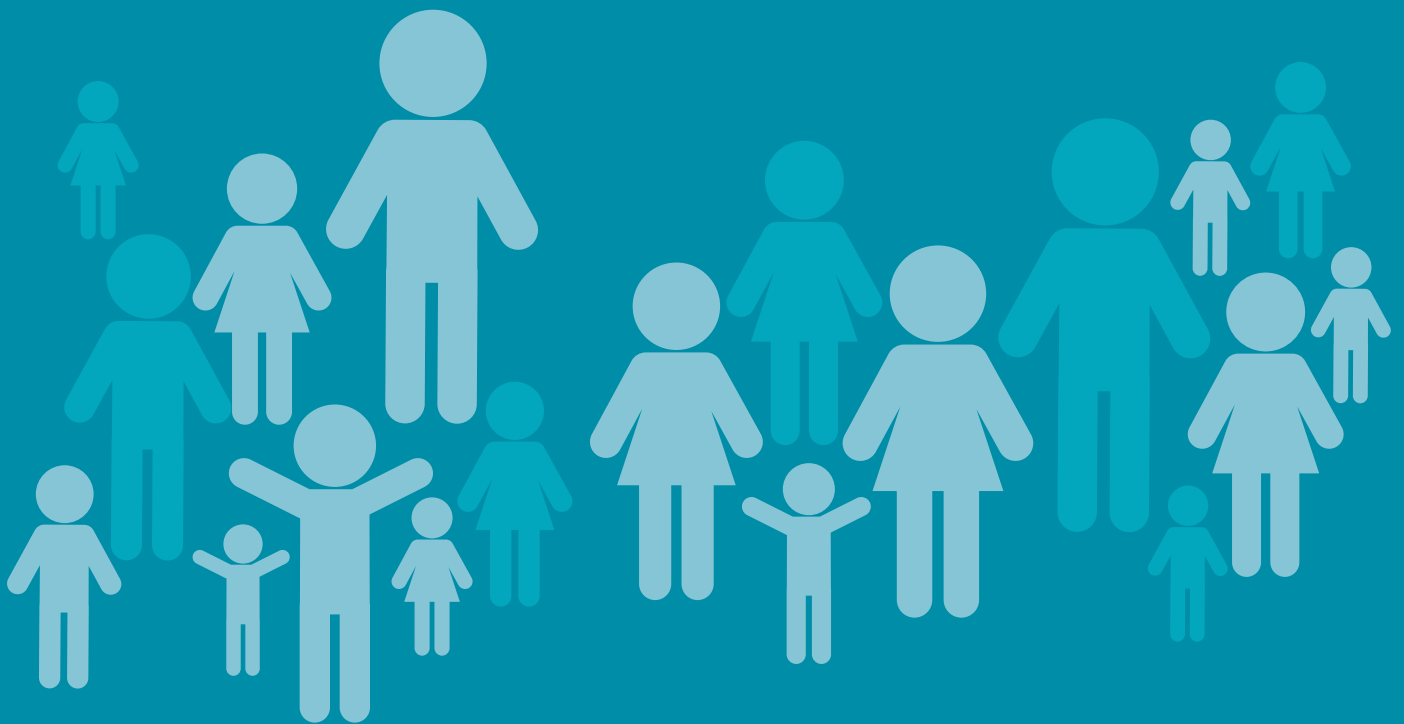
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Kirklees Children and Young People Services

Non-statutory consultation on proposals for:

A new provision for children with communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School



The closing date for responses is
22nd May 2017

Consultation document

New provision for children with communication and interaction needs at
Windmill CofE (VC) Primary School



Background

Kirklees Council wants all children and young people to have access to a range of provision and support across the district that will meet their educational needs and allow good opportunities for progression.

When Kirklees Council proposed to make adjustments to some existing specialist provisions in 2016, a non-statutory consultation took place. During this process, there were concerns raised about the effectiveness of the outreach 'hub' proposal as a sole provision and the lack of specialist places.

Permission was sought for a 4-week period to seek expressions of interest for a primary school to host a 'communication and interaction' specialist provision with 12 transitional places, plus outreach. Please follow this link to the final decision report agreed by Cabinet (the council's main decision making body) on 7th March –

<http://bit.ly/2pH1alZ>

Officers brought forward alternative proposals for consideration by Cabinet for further approval to proceed with 'commissioning' a primary school to host 12 transitional places for communication and interaction needs. Please follow this link to the final decision report agreed by Cabinet (the council's main decision making body) on 4th April 2017–

<http://bit.ly/2o80ZmE>

The commissioning process has now been undertaken and we propose to adopt a school partnership approach to deliver a communication and interaction provision at Windmill Church of England Voluntary Controlled Primary School.

We are now holding a non-statutory consultation from 24th April 2017 to 22nd May

2017, during which you can express your views online, in writing, or in person at a consultation event. The proposals, and all your views, will then be considered by Kirklees Council's Cabinet.

There is a form at the back of this booklet that can be used to give your views. You can also come along to a meeting and speak to officers of the council about the proposals and give your views in person. The details of this meeting can be found in this booklet. **Your views must be received by 22nd May 2017.**

If Kirklees Council decides to proceed with the changes proposed, then it will be necessary to publish legal notices to outline changes to schools. These would also be published for a period of four weeks, during which views on the proposals could be sent in writing to the council. A final decision will then be made. The content of the consultation responses will be available to the members of Kirklees Council who will make decisions in relation to the proposals.

Why are we making these proposals?

Kirklees Council has listened to the views expressed in the previous consultation. We would like to commission Windmill Church of England Voluntary Controlled Primary School to deliver 12 transitional places for children with communication and interaction needs, whilst also completing the legal process to decommission 12 transitional places for children with speech, language and communication needs (SLCN) at Ashbrow School.

We have taken a fresh look at our arrangements for children and young people with special educational needs. Our aim is always to ensure that the right support is in place for children,



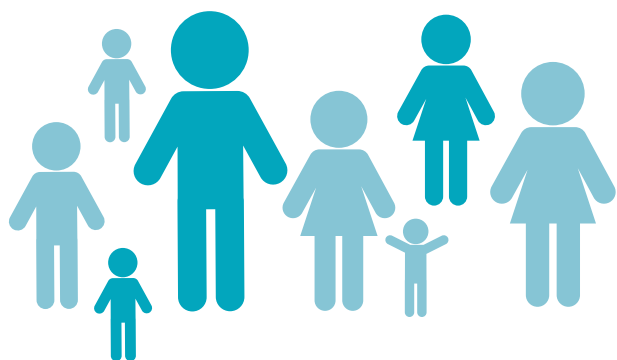
young people and their families. For this reason, we have put forward proposals to strengthen our arrangements so that children are better supported.

How would specialist provisions be commissioned?

We would work closely with schools with specialist provisions to ensure high quality provision, achieving positive outcomes for children, young people and their families. The school would be accountable for the work they do and the agreement would be kept under review to ensure the highest standards. The school would be expected to lead practice for all schools in the authority.

Meetings have taken place with head teachers and Chairs of Governors at the proposed re-designated specialist provisions to explain:

- Aims of the provision
- Expected outcomes for children
- Outreach working
- Working with parents
- Admissions criteria
- Monitoring and evaluation
- Budget and human resources arrangements



Communication and Interaction

For some children, the overlap of a range of difficulties, one of which may be SLCN, means that a more holistic approach is needed. This better supports their needs around social communication skills and challenging behaviour. Changing from singly 'SLCN' to 'communication and interaction' would better accommodate this more complex cohort of children.

How would transitional places work?

The majority of places in specialist provisions would be transitional places lasting up to six terms. This would enable specialist provisions to identify and assess a child's needs, establish appropriate curriculum, teaching and learning strategies and prepare children, parents and school staff for the transition of the child to a named local school.

Follow-up support in the local school would be provided through "outreach" by staff from specialist provisions. Arrangements for each child would be personalised. For some children it may mean that they don't actually come to the specialist provision, but the provision comes to them at their local school. It is anticipated that a maximum of a six-term placement within a specialist provision would be sufficient for most children.

It would be unrealistic to expect that all issues would be resolved before a child was ready to go to their named local school. However, we would need to ensure that the local school was adequately prepared to meet the child's needs. There would be ongoing support for this approach by using the specialist provisions to provide assessment and planning and by giving expert support in the local school.

Places will continue to be kept under close review.

Consultation document

New provision for children with communication and interaction needs at
Windmill CofE (VC) Primary School



The proposals

- ➔ To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs.
- ➔ To complete the legal process to decommission 12 transitional places for SLCN at Ashbrow School (following earlier consultation during May/June 2016).

levels would be determined through service level agreements or contracts between the local authority and the school hosting the provision. There are no plans to reduce the overall levels of specialist staff.

What happens next?

This consultation is open between 24th April 2017 and 22nd May 2017. You have until then to express your views online, in writing, or in person at the consultation event. You can print and complete the response form at the back of this document.

Once the consultation has finished, all feedback will be reported to Kirklees Council's Cabinet. They will then decide whether to move to the next stage. This 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 Cabinet approval to move to each stage.

Staff recruitment and retention

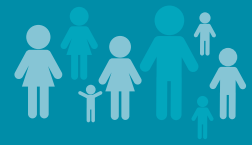
Specialist provision staff would be given the skills they need to work with families and schools through recognised and accredited training. Career development pathways would be established for all specialist staff so that we can recruit and retain the high quality of specialist skills and expertise we need. Staffing

Activity	Date
Report to Cabinet to approve non-statutory consultation	April 2017
Consultation and engagement	April-May 2017
Outcome report to Cabinet and approval to next stage*	June 2017
Publication of notices and representation period*	July-August 2017
Decision by Cabinet (within 2 months)*	August 2017
Implementation starts*	1st September 2017

***Subject to scheduling of Cabinet meetings which means dates might change**

Consultation document

New provision for children with communication and interaction needs at
Windmill CofE (VC) Primary School



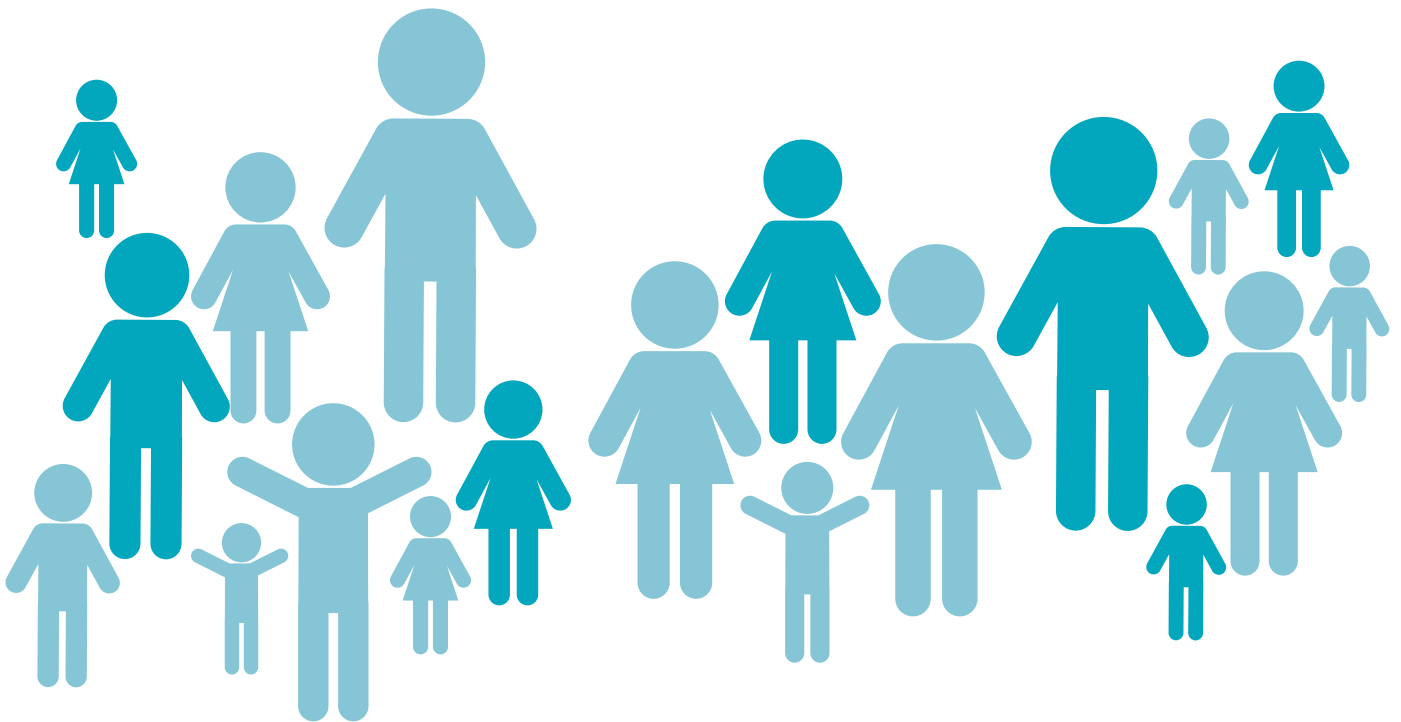
Consultation event

The following informal 'drop-in' event is open to everybody: families of pupils attending the school, staff, governors and other members of the community and anyone who would like to hear more and discuss the proposals. Officers from the council will be present to answer questions and hear your views.

Anyone who would like some help in taking part in the consultation will receive it. Please come along and see us any time between the times below.

Date	Venue	Time
9 May 2017	Windmill Church of England Primary School	3.00pm–4.00pm

Kirklees Council wants to know what you think. Your views will be reported back to Kirklees Council Cabinet as part of the decision making process.



Consultation document

New provision for children with communication and interaction needs at
Windmill CofE (VC) Primary School



How to respond

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: At the consultation drop-in session or hand in your printed response form at the school.

By post: Please send your printed response form or a letter to:

FREEPOST

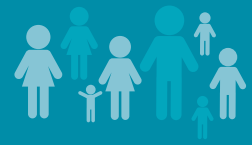
Kirklees Council RTBS-CYHU-LSEC
School Organisation and Planning Team.
(Postage is free; you do not need a stamp)

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

Paper copies of the response form are also available upon request
by contacting us by email at school.organisation@kirklees.gov.uk
or by telephone on **(01484) 225014**

Please make sure you respond by **22nd May 2017** to ensure that your views are heard.



Do you support or oppose the proposals relating to Windmill Church of England Voluntary Controlled Primary School – to create 12 transitional places for children with communication and interaction needs?

Please ✓ tick one of these boxes.

Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know

Why have you decided that is your view? Please tell us about it along with anything else you would like us to consider relating to this proposal.



About you

This section asks you for some information that will help us to analyse the results of the survey and to see who has taken part. You will not be identified by any of the information that you provide.

I am a: (please tick ✓ and complete all those that apply to you)

Parent/carers

Your child's/children's school/s:

Pupil

Your school:

Governor

Your school:

Member of staff

Your school:

Local resident

Please give us details:

Other

Please give us details:

Please write in your postcode:
(We will not use this information to contact you)

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Proposal to Make a Prescribed Alteration to the Specialist Provision for pupils with Special Education Needs.

Notice is given in accordance with section 19 (1) of the Education and Inspections Act 2006 that Kirklees Council intends to make a prescribed alteration to the provision for children with special educational needs at the following schools:

Windmill Church of England Voluntary Controlled Primary School, Upper Batley Lane, Batley, WF17 0NP - a Voluntary Controlled School.

Prescribed alteration to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs. The places are reserved for pupils aged 4-11 years with special educational needs. It is proposed that the implementation date will be 1 October 2017.

It is intended that the new provision will offer 12 transitional places, plus outreach, to cater for children with complex communication and interaction needs that are impacting significantly upon their social development and emotional wellbeing.

Ashbrow School, Ash Meadow Close, Sheepridge, Huddersfield, HD2 1EX - a Community School.

Prescribed alteration to decommission the 12 transitional places for children with speech, language and communication needs (SLCN) at Ashbrow School, from 1 October 2017.

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, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY. Tel: 01484 221000. Copies of the full proposals are available on the Kirklees Council website at www.kirklees.gov.uk/schoolorganisation

Within four weeks from the date of publication of this proposal (31 August 2017), any person may object to or make comments on the proposal by sending them to Director for Children's Services, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY, or via Council email at school.organisation@kirklees.gov.uk

Director for Children's Services, Kirklees Council

Publication Date: 4 August 2017

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 2016

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

Kirklees Council, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY intends to make a prescribed alteration to Ashbrow School, Ash Meadow Close, Sheepridge, Huddersfield, HD2 1EX - A Community School.

2. Description of alteration and evidence of demand

It is proposed:

- To decommission the 12 transitional places for children with Speech, Language and Communication Needs at Ashbrow School.

3. Objectives - the objectives of the proposals (including how the proposals would increase Educational Standards and parental choice)

The objectives of these proposals are to

- Ensure that the overall pattern of specialist resource provision in Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences.
- 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.
- 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 people with SEN.
- Takes into account responses from consultations with a wide range of stakeholders regarding re-organising of specialist provision in Kirklees.

4. The effect on other schools

The effect on other schools, academies and educational institutions in the area

This proposal does not affect other schools in the area.

5. Project costs

Project cost and indication of how these will be met, including how long term value for money will be achieved.

- Should these proposals be implemented, there is no capital cost.

- The education budget that the Council receives from government, known as the Dedicated Schools Grant (DSG), can only be spent on education – so the proposals have no revenue impact for the Council. Specialist school places are funded from the “high needs block” of the DSG and the number of places has to be formally agreed with the Education Funding Agency (EFA) each year.

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, the number of stages intended and the dates of each stage.

The proposed implementation date is 1 October 2017.

There will be one child at the school from 1 September 2017, the pupil would have the option of staying at Ashbrow School with special provision support until they change school at the usual transition point if this is what the parent(s) wish.

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:

- take account of parental preferences for particular styles of provision or education settings
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it.
- 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 schools), extended school and Children’s Centre provision; regional centres (of expertise), regional and sub-regional provision; out of LA day and residential special provision
- 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 be safe
- 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
- 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
- ensure appropriate provision for 14-19 year-olds; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs 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 standards, quality and/or range of

educational provision for those children. Decision-makers should make clear how they are satisfied that the SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

- (a) On 1st September 2012 Kirklees Council implemented proposals to secure 12 transitional places reserved for pupils aged 4-11 years with Speech, Language and Communication special educational needs at Ashbrow School. Following a non-statutory consultation matters came to light which reflected the increasing challenges to schools with regard to meeting the needs of children and young people with very complex communication and interaction needs which were not being catered for under current provision arrangements. Therefore the LA propose a specialist provision in order to cater for this cohort changing from singly 'SLCN' to 'communication and interaction' would better reflect the needs of this more complex cohort of children.
See link to cabinet report of 13 March 2012:- <http://bit.ly/13Mar2012>
- (b) The LA has consulted with parent/ carers and other key stakeholders, and has taken into account their views in a non-statutory consultation and reported these in an outcomes report for decision makers. Link to cabinet report of 15 November 16:- <http://bit.ly/15thNov16>
- (c) Children and young people with SEN would continue to be offered a range of services to meet their needs as part of their Education Health Care Plan.
- (d) The proposals aim to ensure that the overall pattern of specialist provision in Kirklees maintains flexibility and has a broad range of provision and support that can respond to the needs of individual pupils and parental preferences.
- (e) This proposal relates to children with Speech, Language and Communication Needs. Schools across the Local Authority have significantly improved accessibility with regard to staff expertise, which has contributed towards parents and carers making a preference for their local mainstream school. A full equality Impact assessment has been done and can be viewed at:- <https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>
- (f) The present structure of the provision enables children with SEN to receive the required level of support, either in their school or in a school with a designated specialist provision. Specialist provision staff would be given the skills they need to work with schools through recognised and accredited training. Opportunities for Career development pathways would be established for all specialist staff in order to recruit and retain the high quality of specialist skills and expertise we need.
- (g) This proposal does not affect provision for 14-19 year olds.
- (h) No children are displaced as a result of these proposals. The one remaining affected child will have the option to remain in the provision at Ashbrow.

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.

If the proposal is implemented there will be no impact on travel as the existing pupils will remain on roll at the school

9. Objections and comments

Any person may send objections or comments in relation to any proposals to the local authority within four weeks from the date of publication. Objections and comments must be received by the 31 August 2017. Copies of the proposals can be obtained from: Directorate for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY

The address of the authority to which objections or comments should be sent:-

Within four weeks from the date of publication of this proposal, 31 August 2017, any person may object to or make comments on the proposal by sending them to Director for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY or via Council email at school.organisation@kirklees.gov.uk

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 2016

10. 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

Kirklees Council, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY intends to make a prescribed alteration to:- Windmill Church of England Voluntary Controlled Primary School, Upper Batley Lane, Batley, WF17 0NP - A Voluntary Controlled School

11. Description of alteration and evidence of demand

It is proposed:

- To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs.

12. Objectives - the objectives of the proposals (including how the proposals would increase Educational Standards and parental choice)

The objectives of these proposals are to:

- Create 12 transitional places to be delivered in a new specialist provision, which are intended to provide a holistic approach to better support children with complex communication and interaction needs
- Ensure that the overall pattern of specialist resource provision in Kirklees gives a flexible

range of provision and support that can respond to the needs of individual pupils and parental preferences.

- 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.
- 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 people with SEN.
- Takes account of the original consultations with a wide range of stakeholders regarding the range of specialist provision in Kirklees.

13. The effect on other schools

The effect on other schools, academies and educational institutions in the area

The proposal does not affect other schools in the area.

14. Project costs

Project cost and indication of how these will be met, including how long term value for money will be achieved.

- Should these proposals be implemented, there is no capital cost.
- The education budget that the Council receives from government, known as the Dedicated Schools Grant (DSG), can only be spent on education – so the proposals have no revenue impact for the Council. Specialist school places are funded from the “high needs block” of the DSG and the number of places has to be formally agreed with the Education Funding Agency (EFA) each year. Schools also receive ‘top-up’ funding on a per pupil basis which relates to standard support needs and the school setting.

15. 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, the number of stages intended and the dates of each stage.

The proposed implementation date is 1 October 2017.

16. 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 schools), extended school and Children's Centre provision; regional centres (of expertise), 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 be 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 statements of special educational needs 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 standards, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that the SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

- a) The LA has taken into account parental preference from the non-statutory consultation in the outcome report of 15th November 2016 – 'Report on the outcomes of the non-statutory consultation on proposals in relation to the changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication (SLCN)'. <http://bit.ly/15thNov16> where it was highlighted that a more holistic approach is needed to meet the needs of children. Therefore this proposal is to create a new specialist provision for children with social communication skills and challenging behaviour. This proposal is intended to better support the needs of children around social communication skills and challenging behaviour. Changing from singly 'SLCN' to 'communication and interaction' would better accommodate this more complex cohort of children.
- b) The LA has consulted with parents and key stakeholders and has taken into account their views during the non-statutory consultation in the outcome report of 25 July 2017, 'Specialist provision for Kirklees children with communication and interaction needs', and has reported the outcomes.
- c) This proposal is intended to work in collaboration with a range of different services and other schools. The majority of places in specialist provisions would be transitional places lasting up to six terms. This proposal would enable specialist provisions to identify and assess a child's needs, establish appropriate curriculum, teaching and learning strategies and prepare children, parents and school staff for the transition of the child to a named local school.
- d) The proposal aims to ensure that the overall pattern of specialist provision in Kirklees maintains flexible and has a broad range of provision and support that can respond

to the needs of individual pupils and parental preference.

- e) The Local Authority has significantly improved physical accessibility and staff expertise, which has contributed to more children accessing their local mainstream school.
- f) As part of this proposal it is intended that specialist provision staff would be given the skills they need to work with families and schools through recognised and accredited training. Opportunities for career development pathways would be established for all specialist staff in order to recruit and retain the high quality of specialist skills and expertise we need.
- g) this proposal does not affect provision for 14-19 year olds
- h) there would be no displaced pupils as part of this proposal

17. 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.

If the proposal is implemented there would be an impact on travel for some children accessing the provision. In accordance with the LA transport policy, school transport may be available.

18. Objections and comments

Any person may send objections or comments in relation to any proposals to the local authority within four weeks from the date of publication. Objections and comments must be received by the 31 August 2017. Copies of the proposals can be obtained from: Directorate for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY

The address of the authority to which objections or comments should be sent:-

Within four weeks from the date of publication of this proposal, 4 August 2017, any person may object to or make comments on the proposal by sending them to, Director for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY or via Council email at:- school.organisation@kirklees.gov.uk

APPENDIX A

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 6 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

Notes of School Organisation Advisory Group – 21st August 2017

1. Introductions and membership apologies

Present: Councillor Masood Ahmed (chair)

Officers in support:

Mandy Cameron (Head of Education Inclusion & Safeguarding)
Jayne Whitton (Principal Educational Psychologist)
Councillor Donna Bellamy
Donna Jowett (School Place Planning Officer-Learning and Skills)
Shahzia Ashraf (School Place Planning Officer-Learning and Skills)

Apologies: Councillor Pinnock
Councillor Lisa Holmes
Councillor Erin Hill
Councillor Marielle O'Neill
Diocese of Leeds - Church of England
Diocese of Leeds
Jane Acklam - Executive Principal of Moor End Academy

2. Overview of the meeting-Purpose of SOAG:

- Review of the statutory process to decommission 12 transitional places for children with speech language and communication needs at Ashbrow School.
- Review the process to create 12 transitional places for children with complex communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School.

3. Review of the statutory process using Check List 1

Proposal to decommission 12 transitional places for children with speech language and communication needs at Ashbrow School

And

Review of the statutory process using Check List 2

Proposal to commission 12 transitional places for children with complex communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School

4. SOAG conclusions and recommendations to decision makers:

- Consultation has been carried out.
- The published statutory notice complies with statutory requirements.
- The proposal is not related to any other proposal for any other school and is not related to any proposals published by the EFA.
- The proposal is valid and can be decided by Kirklees Council Cabinet.
- The statutory four week period has been allowed for representation.
- The decisions have been brought to the cabinet on 19th September 2017, which is within two months after the end of the statutory four week representation period which ended on the 31st August 2017 .

SOAG Advice: Kirklees Council Cabinet can decide the proposals under its current decision making powers.

5. Review of factors from DfE guidance to be considered in making the decisions.

These factors are derived from the guidance issued by the Department for Education. School Organisation Maintained Schools. Annex B: Guidance for Decision Makers April 2016. Factors can vary depending upon the nature and type of proposals.

The full list of factors is presented in Appendix 7, accompanied by responses to the relevant factors for these proposals. The relevant factors for these proposals are:

- Consideration of consultation and representation period
 - Education standards and diversity of provision.
 - Demand
 - School size
 - Proposed admission arrangements (including post 16 provision)
 - National curriculum
 - Equal opportunities issues
 - Community cohesion
 - Travel and accessibility
 - Capital
 - School Premises and Playing Fields
 - Changes to Special Educational Needs Provision the SEN improvement test
- The rationale for the proposals was examined against each of the above factors and associated guidance.
 - The factors, guidance and rationale for the proposals are set out in Appendix 7.

Comments

- This proposal enables the legal closure of the specialist provision at Ashbrow School where there have been no new children admitted to transitional places since July 2014, there will be one child remaining at the school in September 2017 who will continue be supported according to their needs at the school. The pupil will have the option of staying at Ashbrow School with special provision support until they change school at the usual transition point if this is what the parent(s) wish.

6. Final conclusions and recommendations.

SOAG conclusions for decision makers: SOAG agreed that:

- The statutory process had enabled a full and detailed presentation of the proposals to interested parties.
- The rationale for the proposal had been clearly articulated against the factors in the decision maker's guidance (see Appendix 7).
- Issues raised in consultation had been presented for full consideration against the factors in decision maker's guidance.
- Cabinet are able to reach a decision regarding the proposal.

1 Statutory process check sheet: Ashbrow School

School	Statutory Proposals
Ashbrow School	<ul style="list-style-type: none"> To decommission 12 transitional places for children with speech language and communication needs (SLCN)

1. CONSULTATION		Y,N,N/A	NOTES/EVIDENCE
1.1	Has a formal consultation taken place?	Y	Consultation outcome report: 25.07.17
1.2 Consultation process	a. Has adequate time been allowed for the consultation process?	Y	Consultation outcome report: 25.07.17 (Consultation period 24.04.17 to 22.05.17) 4 weeks term time non-statutory consultation has been completed
	b. Does the consultation document provide sufficient information to those who are being consulted?	Y	Consultation outcome report : 25.07.17 Appendix B (consultation document)
	c. Does the consultation material make it clear how interested parties can make their views known?	Y	Consultation outcome report : 25.07.17 Appendix B (consultation document)
	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: 25.07.17
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: 25.07.17 Appendix A – 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	Ward members for Ashbrow
	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	MPs.
	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	Special Schools
	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	Schools with specialist provisions
	h. (if proposals involve, or are likely to affect a school which has a particular religious character) the appropriate diocesan authorities or the relevant faith group in relation to the school;	N/A	PCAN (Parents of Children with Additional Needs Making a Difference in Kirklees)
	i. the trustees of the schools (if any)	N/A	
	j. (if the proposals affect the provision of full-time 14-19 education) the Learning and Skills Council (LSC)/EFA/DfE	N/A	Diocese of Leeds Church of England
	k. MPs whose constituencies include the schools that are the subject of the proposals or whose constituents are likely to be affected by the proposals;	Y	
	l. any other interested party, for example, the Early Years Development and Child Care Partnership (or any local partnership that exists in place of an EYDCP) where proposals affect early years provision, or those who benefit from a contractual arrangement giving them the use of the premises; and	Y	
	m. such other persons as appear to the proposers to be appropriate.	Y	
1.4 Pupils	Have pupils been formally consulted?	N	

2. PUBLICATION		Y,N,N/A	NOTES/EVIDENCE
2.1	a. Have formal proposals been published by the appropriate body (ie LA/GB etc)?	Y	The LA is able to publish proposals for specialist resource provisions in maintained schools. Proposals published 04.08.17
	b. Have proposals been published within 12 months of the consultation end	Y	Consultation period ended 22.05.17 and proposals published 04.08.17
2.2	a. Do the complete proposals contain all the specified information?	Y	See complete proposal
2.3 Statutory notice	a. Have statutory notices been prepared?	Y	See statutory notice
	b. Have the statutory notices been published in a local newspaper?	Y	Copy was published in Huddersfield Examiner and in the Press on 04.08.17
	c. Have the statutory notices been posted at the main entrance of the schools (or all entrances if there are more than one)?	Y	Posted at the main entrance of Ashbrow School on 04.08.17
	d. Has the statutory notice and full proposal been given to all children affected at the school.	N/A	Under current regulations for prescribed alterations for SEN provision in mainstream schools this is not required.
	e. Have the statutory notices been posted in other conspicuous areas in the area served by the school (eg local library, community centre, post office etc.)?	N	
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 Implementation date	a. Are the implementation dates for the proposals specified on the Statutory Notices?	Y	Statutory notice
	b. Is the time scale for implementation reasonable (proposals should be implemented within 3 years of their publication with the possible exception of Authority wide re-organisations.)?	Y	Proposals published 04.08.17 for implementation from 01.10.17
2.6 Explanatory note	a. Is the full effect of the proposals clear to the general public?	Y	Statutory notice
	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? * If a published notice has not been properly formulated in accordance with regulations, the notice may be judged invalid and therefore ineligible to be determined by the LA or the schools adjudicator. Should this be the case a revised notice must be published clearly stating that it is a replacement notice.*	Y	LA legal team have reviewed the statutory notices prior to publication.
2.8 Have the proposers distributed the complete proposal and notice to all relevant parties?	Within a week of publication		
	a. to the Governing Bodies (LA proposal)	Y	To governing bodies
	b. any person who requests a copy.	Y	Any persons requesting a copy would receive one. No requests have been received.

3. REPRESENTATION		Y,N,N/A	NOTES/EVIDENCE
3.1	Has a period been allowed for statutory representation?	Y	
3.2	Has the representation period been of appropriate length – 4 weeks	Y	In accordance with school organisation regulations a four week representation period has been held between 04.08.17 and 31.08.17
3.3	Have any representations been received during this period?	Y	One representation has been received.

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
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4.1	Are these decisions to be made by the LA or the schools adjudicator?	LA	
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 31.08.17 and decision-making cabinet is scheduled for 19.09.17 Recommendation made by SOAG and reported to cabinet for approval within a 2 month time frame.
4.3	Is there any information missing	N	
4.4	Do the published notices comply with statutory requirements? <i>Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.</i>	Y	
4.5	Has the statutory consultation been carried out (ie have all the criteria in the 'consultation' section been met? <i>If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals.</i>	N	In accordance with School Organisation Regulations for prescribed alterations to specialist resource provisions in mainstream schools a four week non statutory consultation has been completed.
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	
4.7	If there are related proposals are they compatible with each other?	N	
4.8	Are the proposals related to proposals published by the EFA (if so, the Decision Maker should defer taking a decision until the Secretary of State has taken a decision on the EFA proposals)?	N	

1 Statutory process check sheet: Windmill Church of England Voluntary Controlled Primary School

School	Statutory Proposals
Windmill School	<ul style="list-style-type: none"> Create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs

1. CONSULTATION		Y,N,N/A	NOTES/EVIDENCE
1.1 Has a formal consultation taken place?		Y	Consultation outcome report: 25.07.17
1.2 Consultation process	a. Has adequate time been allowed for the consultation process?	Y	Consultation outcome report: 25.07.17 (Consultation period 24.04.17 to 22.05.17) 4 weeks term time non-statutory consultation has been completed
	b. Does the consultation document provide sufficient information to those who are being consulted?	Y	Consultation outcome report : 25.07.17 Appendix B (consultation document)
	c. Does the consultation material make it clear how interested parties can make their views known?	Y	Consultation outcome report : 25.07.17 Appendix B (consultation document)
	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: 25.07.17
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: 25.07.17 Appendix A – 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	Ward members for Birstall & Birkenshaw
	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	MPs.
	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	Special Schools
	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	Schools with specialist provisions
	h. (if proposals involve, or are likely to affect a school which has a particular religious character) the appropriate diocesan authorities or the relevant faith group in relation to the school;	N/A	PCAN (Parents of Children with Additional Needs Making a Difference in Kirklees)
	i. the trustees of the schools (if any)	N/A	
	j. (if the proposals affect the provision of full-time 14-19 education) the Learning and Skills Council (LSC)/EFA/DfE	N/A	Diocese of Leeds Church of England
	k. MPs whose constituencies include the schools that are the subject of the proposals or whose constituents are likely to be affected by the proposals;	Y	
	l. any other interested party, for example, the Early Years Development and Child Care Partnership (or any local partnership that exists in place of an EYDCP) where proposals affect early years provision, or those who benefit from a contractual arrangement giving them the use of the premises; and	Y	
	m. such other persons as appear to the proposers to be appropriate.	Y	
1.4 Pupils	Have pupils been formally consulted?	N	

2. PUBLICATION		Y,N,N/A	NOTES/EVIDENCE
2.1	a. Have formal proposals been published by the appropriate body (ie LA/GB etc)?	Y	The LA are able to publish proposals for specialist resource provisions in maintained schools. Proposals published 04.08.17
	b. Have proposals been published within 12 months of the consultation end	Y	Consultation period ended 22.05.17 and proposals published 04.08.17
2.2	a. Do the complete proposals contain all the specified information?	Y	See complete proposal
2.3 Statutory notice	a. Have statutory notices been prepared?	Y	See statutory notice
	b. Have the statutory notices been published in a local newspaper?	Y	Copy was published in Huddersfield examiner and The Press on 04.08.17
	c. Have the statutory notices been posted at the main entrance of the schools (or all entrances if there are more than one)?	Y	Posted at the main entrance of Windmill Church of England Voluntary Controlled Primary School on 04.08.17
	d. Has the statutory notice and full proposal been given to all children affected at the school.	N/A	Under current regulations for prescribed alterations for SEN provision in mainstream schools this is not required.
	e. Have the statutory notices been posted in other conspicuous areas in the area served by the school (eg local library, community centre, post office etc.)?	N	
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 Implementation date	a. Are the implementation dates for the proposals specified on the Statutory Notices?	Y	Statutory notice
	b. Is the time scale for implementation reasonable (proposals should be implemented within 3 years of their publication with the possible exception of Authority wide re-organisations.)?	Y	Proposals published 04.08.17 for implementation from 01.10.17
2.6 Explanatory note	a. Is the full effect of the proposals clear to the general public?	Y	Statutory notice
	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? * If a published notice has not been properly formulated in accordance with regulations, the notice may be judged invalid and therefore ineligible to be determined by the LA or the schools adjudicator. Should this be the case a revised notice must be published clearly stating that it is a replacement notice.*	Y	LA legal team have reviewed the statutory notices prior to publication.
2.8 Have the proposers distributed the complete proposal and notice to all relevant parties?	Within a week of publication		
	a. to the Governing Bodies (LA proposal)	Y	To governing bodies
	b. any person who requests a copy.	Y	Any persons requesting a copy would receive one. No requests have been received.

3. REPRESENTATION		Y,N,N/A	NOTES/EVIDENCE
3.1	Has a period been allowed for statutory representation?	Y	
3.2	Has the representation period been of appropriate length – 4 weeks	Y	In accordance with school organisation regulations a four week representation period has been held between 04.08.17 and 31.08.17
3.3	Have any representations been received during this period?	Y	One representation has been received.

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	
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 31.08.17 and decision-making cabinet is scheduled for 19.09.17 Recommendation made by SOAG and reported to cabinet for approval within a 2 month time frame.
4.3	Is there any information missing	N	
4.4	Do the published notices comply with statutory requirements? <i>Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.</i>	Y	
4.5	Has the statutory consultation been carried out (ie have all the criteria in the 'consultation' section been met? <i>If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals.</i>	N	In accordance with School Organisation Regulations for prescribed alterations to specialist resource provisions in mainstream schools a four week non statutory consultation has been completed.
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	
4.7	If there are related proposals are they compatible with each other?	N	
4.8	Are the proposals related to proposals published by the EFA (if so, the Decision Maker should defer taking a decision until the Secretary of State has taken a decision on the EFA proposals)?	N	

- Kirklees School Organisation Advisory Group: 21st August 2017: Windmill Church of England Voluntary Controlled Primary School

Factors to be considered in decision making

The factors which are being considered are derived from guidance issued by the Department for Education. School Organisation Maintained Schools. Annex B: Guidance for Decision Makers January 2014, as these proposals have been published after this date.

Paragraph numbers highlighted in **dark grey** relate to factors that are relevant to all types of proposals and these are factors **10-29**. The relevant headings are highlighted in yellow for ease of identification.

Paragraph numbers **highlighted in light grey** relate to additional factors relevant to proposals which impact Post 16 provision (factors **33-37**) and changes to SEN (factors **39-40**). The relevant headings are highlighted in yellow for ease of identification.

Factors that are not highlighted are considered not to be relevant to these proposals. These have been identified as; "Not applicable to these proposals" and are highlighted in red, however for clarity these are fully listed.

CONSIDERATION OF CONSULTATION AND REPRESENTATION PERIOD **10**

(10) The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received.

If the proposer has failed to meet the statutory requirements; a proposal may be deemed invalid and therefore should be rejected.

The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

REPRESENTATIONS

A concern was raised over the representation period being held during the school holidays. The respondent stated that this was not a time when school communities could arrange a response if they wish to or a time when parents were likely to see a statutory notice that had been placed outside the school gates by the School Organisation and Planning team.

OFFICER COMMENT

The School Organisation and Planning Team have followed a process set out by law. New School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations came into force on 28 January 2014. (updated 2016)

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

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“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, as part of their duty under public law to act rationally and take into account all relevant considerations.” (Prescribed Alterations to Maintained Schools) (England) Regulations 2016

The LA undertook two non-statutory consultations with parents, both of which took place during term-time. **Cabinet report** 15th November 2016 - report on the outcomes of the non-statutory consultation on proposals in relation to the changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication (SLCN). <http://bit.ly/15thNov16> and **Cabinet report** 25 July 2017: Specialist provision for Kirklees children with communication and interaction needs <http://bit.ly/04Apr17>

Statutory notices were posted outside Windmill Church of England Voluntary Controlled Primary School and Ashbrow School on the 4th August 2017. Notices were published in The Huddersfield Examiner and The Press. Notices are on the School Organisation and Planning webpage www.kirklees.gov.uk/schoolorganisation Links to notices and full notices were sent to PCAN (Parents of Children with Additional Needs)

Wherever possible the School Organisation and Planning team does ensure that representation is not held outside of term time, however, this is not always possible.

RATIONALE FOR THE PROPOSALS.

(10) School organisation decisions for Local Authority maintained schools have to follow a process set out by law. Kirklees Local Authority has had due regard to legislation and followed the statutory process in respect of these proposals. New School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2016 came into force on 28 January 2014. The new regulations removed the statutory requirement to carry out a ‘pre-publication’ consultation for significant changes to schools. However, the LA did carry out a four week term time non-statutory consultation 24.04.17 to 22.05.17 to ensure the maximum opportunity was available to all key stakeholders to understand and comment upon the proposals, prior to publication. On the 17.07.17 the non-statutory consultation outcomes report was published on the Council’s external website and key stakeholders were notified and sent a link to the report. On the 25.07.17 Kirklees Council’s Cabinet (decision making authority) received the consultation outcomes report of the non-statutory consultation and it was agreed to proceed with the next stage of the statutory process and the publication of the related statutory notice and proposals.

The publication of the statutory notice, proposals and representation period commenced on 04.08.17 and will end on 31.08.17, thereby lasting for a period of four weeks and meeting the requirements of School Organisation Regulations.

EDUCATION STANDARDS AND DIVERSITY OF PROVISION 11/12

(11) Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents; raise local standards and narrow attainment gaps.

(12) The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS

(11) The proposals would ensure that the overall pattern of specialist provision in Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is delivered in a safe environment, where young people can thrive in buildings and provision tailored to meet their special educational need or disability. The proposals 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. The proposals will also provide access to appropriately trained staff and to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning, while participating at their local mainstream school and in their community. The proposals 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.

(12) The proposals are to decommission the 12 transitional places for children with Speech, Language and Communication Needs at Ashbrow School and to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs. It is proposed that the places will be reserved for pupils aged 4-11 years with special educational needs. The school to which these proposals relate is not proposed to close. No new schools being established as part of these proposals.

DEMAND 13/14/15

(13) In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

(14) The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

(15) Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS

(13/14/15) The proposals have been designed to re-organise specialist provision places for children with Speech, Language and Communication Needs. By creating 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School places will be delivered in a new specialist provision, which are intended to provide a holistic approach to better support children with complex communication and interaction needs

SCHOOL SIZE 16

(16) Decision makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

RATIONALE FOR THE PROPOSALS

(16) The proposal relates specifically to the specialist provision in this school and does not impact on the size of the existing mainstream provision in the school.

PROPOSED ADMISSION ARRANGEMENTS (including post 16 provision) 17/18

(17) In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

(18) Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS

(17-18) This proposal is for the re-organisation of specialist provision to which normal admissions criteria do not apply and, therefore, does not affect Admission Arrangements at Ashbrow School or at Windmill Church of England Voluntary Controlled Primary School.

There will be one child at Ashbrow School from 1 September 2017, the pupil would have the option of staying at Ashbrow School with special provision support until they change school at the usual transition point if this is what the parent(s) wish

NATIONAL CURRICULUM 19

(19) All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community. In addition, Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is delivered in a safe environment, where young people can thrive in buildings and provision tailored to meet their special educational need or disability. Full account is taken 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.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS

(19) Ashbrow school and Windmill Church of England Voluntary Controlled Primary School would continue to implement the National Curriculum from Key Stage One through to Key Stage Two.

EQUAL OPPORTUNITY ISSUES 20/21

(20) The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity;
- and foster good relations.

(21) The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS

(20/21). It is considered that there are no adverse impacts arising from the proposals under this duty.

COMMUNITY COHESION 22

(22) 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 sections within the community.

REPRESENTATIONS: None

OFFICER COMMENT: None

RATIONALE FOR THE PROPOSALS

(22) It is considered that there is no adverse impact upon community cohesion as a result of these proposals for Ashbrow School or Windmill Church of England Voluntary Controlled Primary School. The school would continue to provide primary education to the community that it presently serves.

TRAVEL AND ACCESSIBILITY 23/24/25

(23) 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.

(24) 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.

(25) 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: None

OFFICER COMMENT: None

RATIONALE FOR THE PROPOSALS

(23/24/25). If the proposal is implemented there would be an impact on travel for some children accessing the provision. In accordance with the LA transport policy, school transport may be available.

It is intended that the proposal will reduce travel and improve accessibility, children will be able to receive outreach and other forms of support that meet their needs, this would enable them to stay in their local school.

CAPITAL 26/27

(26) The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

(27) 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

(26/27) There are no capital implications arising as a result of these proposals. The proposals are not therefore reliant on any capital funding being made available from the Education Funding Agency.

SCHOOL PREMISES AND PLAYING FIELDS 28/29

(28) Under the School Premises Regulations all schools 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.

(29) Setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS

(28/29) There are no implications for school premises or playing fields as a result of these proposals. This is because the proposals are to reduce numbers of transitional places; no expansions are being

proposed that would impact on playing fields or any other aspect of school premise regulations.

FACTORS RELEVANT TO CERTAIN TYPES OF PROPOSALS

EXPANSION 30. **Not applicable to these proposals**

(30) When deciding on a proposal for an expansion on an additional site (a 'satellite school'), decision-makers will need to consider whether the new provision is genuinely a change to an existing school or is in effect a new school (which would trigger the academy presumption in circumstances where there is a need for a new school in the area⁶). Decisions will need to be taken on a case-by-case basis, but decision-makers will need to consider the following non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and to ensure that it will serve the same community as the existing site:

- The reasons for the expansion
- 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 two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS **Not applicable to these proposals**

EXPANSION OF EXISTING GRAMMAR SCHOOLS 31 **Not applicable to these proposals**

(31) Legislation prohibits the establishment of new grammar schools⁷. Expansion of any existing grammar school onto a satellite site can only happen if it is a genuine continuance of the same school. Decision-makers must consider the factors listed in paragraph 30 on 'expansions' when deciding if an expansion is a legitimate enlargement of an existing school.

REPRESENTATIONS None

OFFICER COMMENT None
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

CHANGES TO BOARDING PROVISION 32 Not applicable to these proposals
(32) In making a decision on a proposal to close a school that has boarding provision, or to remove boarding provision from a school that is not closing, the decision-maker should consider whether there is a state maintained boarding school within reasonable distance from the school. The decision-maker should consider 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.
REPRESENTATIONS
OFFICER COMMENT None
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

ADDITION OF POST 16 PROVISION 33/34/35/36/37 Not applicable to these proposals
(33) In assessing a proposal to add post-16 provision, decision-makers should look for evidence that the proposal will improve, extend the range, and increase participation in high quality educational or training opportunities for post-16 pupils within the LA or local area.
(34) The decision-maker should also look for evidence on how new places will fit within the 16-19 organisation in an area and that schools have collaborated with other local providers in drawing up a proposal.
(35) The decision-maker may turn down a proposal to add post-16 provision if there is compelling and objective evidence that the expansion would undermine the viability, given the lagged funding arrangements, of an existing high quality post-16 provider.
(36) Decision-makers should consider the viability of a proposal bearing in mind the formulaic approach to funding; that the school will have to bear any potential diseconomies of scale; and the impact of future demographic trends.
(37) A proposal should take account of the timeline for agreeing 16-19 funding which will be available in the most recent guidance on the department's website. Decision-makers should note that post-16 funding runs on an August – July academic year cycle
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

CHANGES OF CATEGORY TO VOLUNTARY AIDED 38 Not applicable to these proposals
(38) For a proposal to change the category of a school to voluntary-aided, the decision-maker must 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 five years from the date of implementation, taking into account anticipated building projects.
REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS Not applicable to these proposals
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CHANGES TO SPECIAL EDUCATIONAL NEEDS PROVISION THE SEN IMPROVEMENT TEST 39/40
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(39) 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:

- take account of parental preferences for particular styles of provision or education settings;
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;
- 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;
- 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;
- 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;
- 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;
- ensure appropriate provision for 14-19 year-olds; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs 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.

(40). 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.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS

On 1st September 2012 Kirklees Council implemented proposals to secure 12 transitional places reserved for pupils aged 4-11 years with Speech, Language and Communication (SLCN) special educational needs at Ashbrow School. Following a non-statutory consultation matters came to light which reflected the increasing challenges to schools with regard to meeting the needs of children and young people with very complex communication and interaction needs which were not being catered for under current provision arrangements. Therefore the LA propose a specialist provision in order to cater for this cohort changing from singly 'SLCN' to 'communication and interaction' would better reflect the

needs of this more complex cohort of children. See link to cabinet report of 13 March 2012:-

<http://bit.ly/13Mar2012>

The LA has consulted with parent/ carers and other key stakeholders, and has taken into account their views in a non-statutory consultation and reported these in an outcomes report for decision makers. Link to cabinet report of 15 November 16:- <http://bit.ly/15thNov16>

Children and young people with SEN would continue to be offered a range of services to meet their needs as part of their Education Health Care Plan.

The proposals aim to ensure that the overall pattern of specialist provision in Kirklees maintains flexibility and has a broad range of provision and support that can respond to the needs of individual pupils and parental preferences.

This proposal relates to children with Speech, Language and Communication Needs. Schools across the Local Authority have significantly improved accessibility with regard to staff expertise, which has contributed towards parents and carers making a preference for their local mainstream school. A full equality Impact assessment has been done and can be viewed at:- <https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>

The present structure of the provision enables children with SEN to receive the required level of support, either in their school or in a school with a designated specialist provision. Specialist provision staff would be given the skills they need to work with schools through recognised and accredited training.

Opportunities for Career development pathways would be established for all specialist staff in order to recruit and retain the high quality of specialist skills and expertise we need.

This proposal does not affect provision for 14-19 year olds.

No children are displaced as a result of these proposals. The one remaining affected child will have the option to remain in the provision at Ashbrow.

ADDITIONAL FACTORS RELEVANT TO PROPOSALS FOR NEW MAINTAINED SCHOOLS

SUITABILITY⁴¹ **Not applicable to these proposals**

(41) When considering a proposal for a new maintained school, the decision-maker should consider each proposal on its merits, and take into account all matters relevant to the proposal. Any proposals put forward by organisations which advocate violence or other illegal activity must be rejected. In order to be approved, a proposal should demonstrate that they would support UK democratic values including respect for the basis on which UK laws are made and applied; respect for democracy; support for individual liberties within the law; and mutual tolerance and respect.

REPRESENTATIONS **None**

OFFICER COMMENT **None**

RATIONALE FOR THE PROPOSALS **Not applicable to these proposals**

COMPETITION (under section 7 EIA 2006) 42/43/44/45 **Not applicable to these proposals**

(42). Where a LA considers that there is a need for a new school in its area it must first seek proposals to establish an academy/free school under section 6A of EIA 2006 (though proposals may also be made under section 10 and 11 of the EIA 2006). In such cases the Secretary of State is the decision-maker. However, in exceptional circumstances where no academy/free school proposals are received (or are received but are deemed unsuitable) a statutory competition under section 7 of the EIA 2006 may be held. Where there is demand for faith places the LA may seek to establish a new faith VA school (see paragraphs 47-51).

(43). Where two or more proposals are complementary, and together meet the requirements for the new school, the decision-maker may approve all the proposals.

(44). The specification for the new school is only the minimum requirement; a proposal may go beyond this. Where a proposal is not in line with the specification, the decision-maker must consider the potential impact of the difference to the specification.

(45). Where additional provision is proposed (e.g. early years or a sixth-form) the decision-maker should first judge the merits of the main proposal against the others. If the proposal is judged to be superior, the decision-maker should consider the additional elements and whether they should be approved. If the decision-maker considers they cannot be approved, they may consider a modification to the proposal, but will need to first consult the proposers and - if the proposal includes provision for 14-19 year olds - the Education Funding Agency (EFA).

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

CAPITAL IN COMPETITIONS (46) Not applicable to these proposals

(46) For competitions the LA will be expected to provide premises and meet the capital costs of implementing the winning proposal, and must include a statement to this effect in the notice inviting proposals. Where the estimated premises requirements and/or capital costs of a proposal submitted in response to a competition exceed the initial cost estimate made by the LA, the decision-maker should consider the reasons for the additional requirements and/or costs, as set out in the proposal and whether there is agreement to their provision.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

NEW VOLUNTARY-AIDED SCHOOLS (under section 11 of EIA 2006) 47/48/49/50/51 Not applicable to these proposals

(47). Section 11 of the EIA 2006 permits a new VA school to be proposed without the requirement for the Secretary of State's approval. Such a school must be proposed following the required statutory process and may be for a school with or without a designated religious character.

(48). Many VA schools are schools with a religious character. The department recognises the important contribution that faith schools make to the education system and that 'faith need' (demand for faith places on choice grounds) may be viewed as separate from 'basic need' (demand for new school places).

(49). When assessing basic need, LAs need to look at the general demand for places and if a new school is needed to address basic need, must go down the academy presumption route. Where there is a demand for faith places, the law allows for LAs to seek to establish a new academy with religious designation, or for other proposers to establish new VA schools outside the presumption process.

(50). The approval of a new school to meet local demand for faith places may also meet the demand (or some of the demand) for basic need.

(51). Legislation allows maintained schools to seek to convert to academy status.

REPRESENTATIONS None
OFFICER COMMENT None
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

INDEPENDENT FAITH SCHOOLS JOINING THE MAINTAINED SECTOR 52 Not applicable to these proposals
<p>(52) Legislation allows an independent faith school to move into the maintained sector. However, decision-makers must ensure that the decision to proceed with such a proposal is clearly based on value for money and that the school is able to meet the high standards expected of state-funded educational provision. The department would expect the decision-maker to consider the following points:</p> <ul style="list-style-type: none"> • that there is genuine demand/need for this type of school place in the local community; • that the current and projected financial health of the proposer is strong; • that the proposal represents long term value for money for the taxpayer; • that the school will be able to deliver the whole of the national curriculum to the expected high standard • that all aspects of due diligence have been considered and undertaken; and that the school building is appropriate for the delivery of a high standard of education and in good condition throughout, or can easily be improved to meet such standards.
REPRESENTATIONS Not applicable
OFFICER COMMENT Not applicable
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

REPLACEMENT GRAMMAR SCHOOLS 53 Not applicable to these proposals
<p>(53) A new school can only be designated as a grammar school by the Secretary of State where it is being established in place of one or more closing grammar schools⁸. Decision-makers should therefore satisfy themselves that if a new school is proposed as a grammar school it is eligible for designation. Where an existing grammar school is expanding the proposer and decision maker must consider the points listed in paragraph 30.</p>
REPRESENTATIONS Not applicable
OFFICER COMMENT Not applicable
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

ADDITIONAL FACTORS RELEVANT TO CLOSURE PROPOSALS

CLOSURE PROPOSALS (under s15 EIA 2006) 54 Not applicable to these proposals
<p>(54) The decision-maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall quality of provision, the likely supply and future demand for places. The decision-maker should consider the popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.</p>

REPRESENTATIONS None
OFFICER COMMENT None
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

SCHOOLS TO BE REPLACED BY PROVISION IN A MORE SUCCESSFUL/POPULAR SCHOOL 55 Not applicable to these proposals
(55) Such proposals should normally be approved, subject to evidence provided.
REPRESENTATIONS None
OFFICER COMMENT None
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

SCHOOLS CAUSING CONCERN 56 Not applicable to these proposals
(56) For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools should be made available. Decision-makers should have regard to the length of time the school has been in special measures, requiring improvement or otherwise causing concern. The decision-maker should also have regard to the progress the school has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There is a presumption that these proposals should be approved, subject to checking that there are sufficient accessible places of an acceptable standard available to accommodate displaced pupils and to meet foreseeable future demand for places in the area.
REPRESENTATIONS None
OFFICER COMMENT None
RATIONALE FOR THE PROPOSALS. Not applicable to these proposals

RURAL SCHOOLS 57/58/59 Not applicable to these proposals
(57). There is a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and the proposal clearly in the best interests of educational provision in the area. Those proposing closure should provide evidence to show that they have carefully considered the following:
<ul style="list-style-type: none"> alternatives to closure including the potential for federation with another local school or conversion to academy status and joining a multi-academy trust or umbrella trust to increase the school's viability; Not applicable where a rural infant and junior school on the same site are closing to establish a new primary school on the same site(s). the scope for an extended school to provide local community services; and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc.; the transport implications; and the overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

(58). When deciding a proposal for the closure of a rural primary school the decision-maker must refer to the Designation of Rural Primary Schools Order to confirm that the school is a rural school.

(59). For secondary schools, the decision-maker must decide whether a school is to be regarded as rural for the purpose of considering a proposal. In doing so the decision-maker should have regard to the department's register of schools – EduBase which includes a rural/urban indicator for each school in England. Where a school is not recorded as rural on Edubase, the decision-maker can consider evidence provided by interested parties, that a particular school should be regarded as rural.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

EARLY YEARS PROVISION 60/61 Not applicable to these proposals

(60). In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.

(61). The decision-maker should also consider whether the new, alternative/extended early years provision will maintain or enhance the standard of educational provision for early years and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

NURSERY SCHOOL CLOSURES 62 Not applicable to these proposals

(62). There is a presumption against the closure of nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong and the proposal should demonstrate that:

- plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity as the provision provided by the nursery school with no loss of expertise and specialism; and
- replacement provision is more accessible and more convenient for local parents.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

BALANCE OF DENOMINATIONAL PROVISION 63/64 Not applicable to these proposals

(63). In deciding a proposal to close a school with religious character, decision-makers should consider

the effect that this will have on the balance of denominational provision in the area.

(64). The decision-maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area. However, this guidance does not apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or both of the predecessor schools.

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

COMMUNITY SERVICES 65 Not applicable to these proposals

(65) Some schools may be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social consequences. In considering proposals for the closure of such schools, the effect on families and the community should be considered. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

REPRESENTATIONS

OFFICER COMMENT

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

ADDITIONAL FACTORS RELEVANT TO PROPOSALS TO CHANGE CATEGORY TO FOUNDATION, ACQUIRE/REMOVE A TRUST AND ACQUIRE/REMOVE A FOUNDATION MAJORITY GOVERNING BODY

STANDARDS 66/67/68 Not applicable to these proposals

(66) Decision Makers should consider the impact of changing category to foundation and acquiring or removing a Trust on educational standards at the school. Factors to consider include:

- the impact of the proposals on the quality, range and diversity of educational provision in the school;
- the impact of the proposals on the curriculum offered by the school, including, if appropriate, the development of the school's specialism;
- the experience and track record of the Trust members, including any educational experience and expertise of the proposed trustees;
- how the Trust might raise/has raised pupils' aspirations and contributes to the ethos and culture of the school;
- whether and how the proposals advance/have advanced national and local transformation strategies;
- the particular expertise and background of Trust members. For example, a school seeking to better prepare its pupils for higher education might have a higher education institution as a partner.

(67) In assessing standards at the school, the decision-maker should take account of recent reports from

Ofsted or other inspectorates 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.

(68) The government wants to see more schools benefit from the freedom to control their own assets, employ their own staff and set their own admissions criteria. However, 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

REPRESENTATIONS None

OFFICER COMMENT None

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

COMMUNITY COHESION 69 Not applicable to these proposals

(69) Trusts have a duty to promote community cohesion. In addition to the factors outlined in paragraph 22, the decision-maker should also carefully consider the Trust's plans for partnership working with other schools, agencies or voluntary bodies.

REPRESENTATIONS

OFFICER COMMENT

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

GENERAL POINTS ON ACQUIRING A TRUST 70 Not applicable to these proposals

(70). For new Trust schools (foundation schools with a charitable foundation) the decision-maker must be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking to alter the religious character of a school or for a school to acquire or lose a religious character. These alterations cannot be made simply by acquiring a Trust;
- the necessary work is underway to establish the Trust as a charity and as a corporate body; and
- that none of the trustees are disqualified from exercising the function of trustee, either by virtue of:
 - disqualifications under company or charity law;
 - disqualifications from working with children or young people;
 - not having obtained a criminal record check certificate¹⁴; or
 - the Requirements Regulations which disqualify certain persons from acting as charity trustees.

REPRESENTATIONS

OFFICER COMMENT

RATIONALE FOR THE PROPOSALS Not applicable to these proposals

OTHER POINTS ON TRUST PROPOSALS 71 Not applicable to these proposals

(71). Additionally, there are a number of other factors which should be considered when adding or removing a Trust:

- whether the Trust acts as the Trust for any other schools and/or any of the members are already part of an existing Trust;
- if the proposed Trust partners already have a relationship with the school or other schools, how those schools perform (although the absence of a track record should not in itself be grounds for regarding proposals less favourably);

how the partners propose to identify and appoint governors. What, if any, support would the Trust/foundation give to governors?

- to what extent the proposed Trust partners have knowledge of the local community and the specific needs of the school/area and to what extent the proposal addresses these; and
- the particular expertise and background of Trust members.

REPRESENTATIONS

OFFICER COMMENT

RATIONALE FOR THE PROPOSALS **Not applicable to these proposals**

GENERAL POINT ON REMOVING A TRUST 72 **Not applicable to these proposals**

(72) If a proposal is for the removal of a Trust, the governing body should consider the proposal in the context of the original proposal to acquire the Trust, and consider whether the Trust has fulfilled its expectations. Where new information has come to light regarding the suitability of Trust partners, this should be considered.

REPRESENTATIONS

OFFICER COMMENT

RATIONALE FOR THE PROPOSALS **Not applicable to these proposals**

SUITABILITY OF PARTNERS 73/74 **Not applicable to these proposals**

(73) Decision-makers will need to be satisfied of the suitability of Trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis what circumstances might prevent the reputation of a Trust partner being in keeping with the charitable objectives of a Trust, or could bring the school into disrepute. However, the decision-maker should seek to come to a balanced judgement, considering the suitability and reputation of the current/potential Trust. Decision-makers should seek to assure themselves that:

- the Trust members and proposed trustees (where the trustees are specified in the proposals) are not involved in illegal activities and/or activities which could bring the school into disrepute;
- the Trust partners are not involved in activities that may be considered inappropriate for children and young people (e.g. tobacco, gambling, adult entertainment, alcohol).

(74) The following sources may provide information on the history of potential Trust partners **(N/A)**

REPRESENTATIONS

OFFICER COMMENT
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

LAND AND ASSETS, WHEN REMOVING A TRUST/FOUNDATION MAJORITY 75/76 Not applicable to these proposals
<p>75. When removing a Trust, the governing body is required to resolve all issues relating to land and assets before the publication of proposals, including any consideration or compensation that may be due to any of the parties. Where the parties cannot agree, the issues may be referred to the Schools Adjudicator to determine.</p> <p>76. The Schools Adjudicator will take account of a governing body's ability to pay when determining any compensation. Therefore, all of these issues must be resolved by the point at which the decision is made and the amount of compensation due to either party may be a factor in deciding proposals to remove a Trust.</p>
REPRESENTATIONS
OFFICER COMMENT
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

FINANCE - WHEN REMOVING A TRUST/FOUNDATION MAJORITY 77 Not applicable to these proposals
<p>77. Trusts are under no obligation to provide financial assistance to a school, but there may be instances where the Trust does provide investment. The well-being and educational opportunities of pupils at the school should be paramount, and no governing body should feel financial obligations prevent the removal of a Trust where this is in the best interests of pupils and parents.</p>
REPRESENTATIONS
OFFICER COMMENT
RATIONALE FOR THE PROPOSALS Not applicable to these proposals

OTHER SERVICES PROVIDED BY THE TRUST WHEN REMOVING A TRUST/FOUNDATION MAJORITY 78 Not applicable to these proposals
<p>78. Trusts may offer a variety of services to the school, such as careers advice, work experience placements, strategic partnerships with other schools, and access to higher education resources and so on. The damage to relationships and/or loss of any of these advantages should be weighed up against the improvements envisaged by a change in governance or the removal of the Trust</p>
REPRESENTATIONS
OFFICER COMMENT
RATIONALE FOR THE PROPOSALS Not applicable to these proposals