

Name of meeting: Cabinet

Date: 10 July 2018

Title of report: Headlands CE (VC) JI&N School – Permission to consult

Purpose of report:

To seek Cabinet approval to carry out a 4 week non-statutory consultation to seek views of key stakeholders on proposals to decommission 6 transitional places at Headlands CE (VC) JI&N School for children with Autistic Spectrum Disorder.

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	Saleem Tariq 20 June 2018
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston (James Anderson) 28 June 2018
Is it also signed off by the Service Director for Governance and Commissioning?	Julie Muscroft (John Chapman) 27 June 2018
Cabinet member portfolio	Cllr Viv Kendrick – Children Cllr Masood Ahmed – Children

Electoral wards affected: All Wards

Ward councillors consulted: YES

Public or private: Public

1. Background

1.1 Kirklees review of specialist provision for children with special educational needs

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

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

Following the report that was prepared by Cambridge Education in April 2008, Kirklees officers reorganised specialist provision across Kirklees to meet demand. On 13th March 2012, Cabinet approved the reorganisation of specialist provision for

disabled children and those with special educational needs across Kirklees. Since then specialist provision across Kirklees has been under continuous review to offer local children more choice at their local school.

1.2 The current pattern of specialist provision

Strand	Primary	Secondary
Hearing Impairment	<p>Lowerhouses CE (VC) JI & EY School</p> <p>10 Fixed places 4 Transitional places & Outreach</p>	<p>Newsome High School & Sports College</p> <p>12 Fixed places 2 Transitional places & Outreach</p>
Visual Impairment	<p>Dalton School</p> <p>10 Fixed places 4 Transitional places & Outreach</p>	<p>Moor End Academy</p> <p>12 Fixed places 2 Transitional places & Outreach</p>
Physical Impairment	<p>Rawthorpe St. James (CE) VC I&N and Rawthorpe Junior School</p> <p>5 Transitional places & Outreach</p>	<p>Newsome High School & Sports College</p> <p>10 Fixed places 2 Transitional places & Outreach</p>
Complex Communication and Interaction Needs	<p>Windmill Church of England Primary School (Communication & Interaction)</p> <p>12 transitional places & Outreach</p> <p>Headlands CE (VC) JI & N School (Autistic Spectrum Disorder)</p> <p>6 Transitional places & Outreach</p> <p>Central Team Support for outreach across Kirklees</p>	<p>Royds Hall Community School (SLCN)</p> <p>20 Fixed places 4 Transitional places & Outreach</p> <p>Honley High School</p> <p>15 Fixed places 5 Transitional places & Outreach</p> <p>Thornhill Community Academy</p> <p>15 Fixed places, 5 Transitional places & Outreach</p>

1.3 The type of places currently available

Each school provides placements as part of the school-based provision (fixed/transitional), as well as outreach support. The flexibility around the capacity for outreach work is governed by the numbers attending either fixed or transitional places. Where numbers are low, this releases capacity and maximises the outreach support available to all Kirklees schools.

1.4 Fixed places

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

1.5 Transitional places

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

The pattern of provision since initial implementation in 2013 has changed to reflect changes in demand in relation to particular types of need. The biggest increases across specialist provision have been in the areas of Complex Communication and Interaction Needs (this includes ASD), particularly in relation to outreach support. This has placed considerable pressure on schools' capacity to deliver outreach as well as that available within the small centralised outreach team.

1.6 The Provision at Headlands CE (VC) J I & N School

Over the last year, the Governing Body at Headlands CE (VC) JI&N School has expressed concerns about the sufficiency of funding put in place to meet the service level agreement.

An additional challenge specifically relevant to Headlands CE (VC) JI&N School has been the difficulties experienced with the recruitment of specialist teachers. The shortage in specialist staffing at the school has limited the ability to deliver outreach. This has been delivered by the centrally based outreach team. However given the increased demand this is not sustainable in the longer term. As a key area of need identified through the Strategic High Needs Review, schools cited the need for additional outreach support to enable them to meet their responsibilities with an ever increasing number of children with Complex Communication and Interaction Needs (including ASD). Outreach is delivered by specialist provision staff and those in the centrally based team. The specialist teams work alongside staff in mainstream schools to develop their skills and knowledge, and also to support the school in developing appropriate strategies and provision for individual children.

After a series of conversations between school leaders and the LA, a decision was taken by the Governing Body to request a proposal to decommission the provision at their school. For the last 12 months, four children have attended the provision. This request comes at a time when only a small number (two) of children will be in the provision in September, and, the new provision at Windmill Church of England Primary School will be opening during the Autumn Term of 2018.

1.7 The LA proposal

- To decommission 6 transitional places and outreach at Headlands CE (VC) JI&N School for children with Autistic Spectrum Disorder
- To work with the families of the two remaining children to ensure that their needs can continue to be met with minimum disruption
- While the High Needs Strategic Plan continues, the capacity released through a decommission will be used to enhance the central outreach offer
- Through the High Needs Action Plan we will undertake an analysis of the effectiveness of the enhanced central outreach team to meet the needs of children with Complex Communication and Interaction Needs within their local schools, and determine any future provision that may be required.

The objectives of the proposal is to

- Continue to ensure that the overall pattern of specialist resource provision in Kirklees is flexible and can support and respond to the needs of individual pupils and parental preferences.
- Continue to 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.
- Continue to support the LA's strategy for making schools and settings more accessible to disabled children and young people and the scheme for promoting equality of opportunity for people with SEND.

2. Information required to take a decision

The statutory process for school re-organisation. The proposed re-organisation of the specialist provision at Headlands CE (VC) JI&N School for children with Autistic Spectrum Disorder will be subject to School Organisation (Prescribed Alterations to maintained Schools) (England) Regulations 2013.

This regulation requires a statutory process to be followed for establishing, removing or altering a special educational needs provision at voluntary and foundation schools. Either the LA or the GB can propose the change for voluntary and foundation schools. A statutory process must then be followed, and the LA is the decision maker.

The LA is proposing these changes, but must follow the four stage statutory process set out below.

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

The new regulations removed the statutory requirement to carry out a 'pre-publication' consultation for establishing, removing or altering a special educational needs provision at voluntary and foundation schools, however the LA proposes to carry out a 4 week term time non-statutory consultation on the proposals with interested stakeholders. This would provide any opportunity for stakeholders to review the proposals and comment on them.

"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" Making prescribed alterations to maintained Schools, Statutory guidance for proposers and decision-makers (April 2016)

3. Implications for the Council

3.1 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 for outreach would not need to have an Education Health Care Plan (EHCP) therefore there is more opportunity for early intervention and prevention.

3.2 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.

3.3 Improving outcomes for Children

Specialist provision outreach 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 children.

3.4 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.

3.5 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.

3.6 Human Resources implications

There would be human resources implications resulting from the decommissioning of the specialist provision for children with Autism at Headlands CE (VC) JI&N School. Should the proposals be agreed, officers from the LA would work with the Governing Body and Head Teacher of the school to ensure their continued employment. Kirklees HR officers will provide technical advice and support any processes where required.

3.7 Financial Implications

There would be no financial Implications arising from these proposals for the Council. There is a change to the current pattern of specialist provision, but the overall financial effect to the Council is nil.

3.8 Equalities implications

The Equality Act 2010 places the Council under a duty - the Public Sector Equality Duty to have due regard to the need to achieve equality objectives when carrying out its functions. An initial equalities impact assessment has been carried out to assess the implications of the proposals and would be developed into a full assessment, taking into account the responses from the full consultation process, which would be reported to Cabinet. The assessment showed that implementation of the proposals is likely to have little impact. This would continue to be revised as appropriate in light of any further matters being raised, should the completion of the subsequent stages of the statutory process be approved by Cabinet. No adverse impacts are highlighted as part of this proposal. The EIA can be found here:-

<http://www.kirklees.gov.uk/youkmc/deliveringServices/impactAssessments/impactassessments.asp>

4. Consultees and their opinions

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

5. Next steps

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

Activity	Date * <i>These dates are indicative and may change; they are also subject to Cabinet approval.</i>
Consultation and engagement (non-statutory)	September 2018
Representation (formal consultation on statutory proposals)	October/November 2018
Kirklees Council Cabinet take a decision regarding implementation of the proposals	December 2018
Implementation	From 1 st January 2019

6. Officer recommendations and reasons

It is recommended that Members:

Delegate authority to the Director for Children Services in consultation with the Cabinet Portfolio leads to:-

- Develop consultation materials on the basis of the proposals.
- Organise and carry out a non-statutory consultation about the proposals.
- Require officers to report the outcomes of the non-statutory consultation to Cabinet for further consideration of the next steps.
- Continue engagement already undertaken with the families of the two remaining children to ensure that their needs can continue to be met with minimum disruption

7. Cabinet portfolio holder's recommendations

We, the Cabinet Members for Children's Services endorse the recommendations set out by officers in the previous section of this report (section 1.7).

Ensuring there is the best possible organisation of support in order that our children and young people can succeed is of the utmost importance. It is because of this that we recognise these changes will ensure that support is targeted where it is most needed whilst giving officers the opportunity to analyse future provision that will help deliver better outcomes. It is for these reasons that we support the officer recommendations to carry out a non-statutory consultation about the proposals to make the necessary changes at existing specialist provisions as described in this report.

We will consider any further material matters that are brought to our attention in advance of, and during, the Cabinet meeting on the 10th July 2018 and will make our final, oral, recommendations at the end of the discussion of this item at the meeting.

8. Contact officer

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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>
- Cabinet Report 19th September 2017 - Specialist provision for Kirklees children with communication and interaction needs
<https://democracy.kirklees.gov.uk/documents/s19927/11.%202017-09-19%20Specialist%20Provision%20Report.pdf>
- Cabinet Report 20th February 2018- Summary of findings from the Special Education Needs and/or Disability (SEND) High needs Strategic review
<https://democracy.kirklees.gov.uk/documents/s21928/2018%2002%2020%20HNR%20redacted%20version%20of%20report.pdf>

10. Service Director responsible

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