

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
<p>(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.</p> <p>If the proposer has failed to meet the statutory requirements; a proposal may be deemed invalid and therefore should be rejected.</p> <p>The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.</p>
REPRESENTATIONS
OFFICER COMMENT
<p>RATIONALE FOR THE PROPOSALS.</p> <p>(10) School organisation decisions for Local Authority maintained schools must 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 from 4/9/18 till 1/10/18 to ensure the maximum opportunity was available to all key stakeholders to understand and comment upon the proposals, prior to publication. On 13/11/18 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.</p> <p>The publication of the statutory notice, proposals and representation period commenced on 23/11/18 until 20/12/18 thereby lasting for a period of four weeks and meeting the requirements of School Organisation Regulations.</p>

EDUCATION STANDARDS AND DIVERSITY OF PROVISION 11/12
<p>(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.</p> <p>(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.</p>
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 proposal is to reorganise specialist provision therefore this is not affected by the government's policy on academies.

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 proposal is to enhance the central outreach offer for children with Complex Communication and Interaction Needs including Autistic Spectrum Disorder, to enable primary age children to access specialist support in their local school. The specialist teams work alongside staff in mainstream schools to develop their skills and knowledge, to support the school in developing appropriate strategies and provision for individual children.

SCHOOL SIZE16

(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 does not impact on the size of any existing mainstream school where outreach will be delivered.

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 to re-organise specialist provision therefore, does not affect Admission Arrangements.

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) This proposal will not affect the national curriculum. The proposal aims 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 in a safe environment where young people can thrive in their local school.

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.

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) No children are displaced as a result of this proposal. It is intended to have a positive impact as, the transfer of resources to outreach, would make this provision more accessible, to primary aged children in their local school therefore reducing travel.

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.

FACTORS RELEVANT TO CERTAIN TYPES OF PROPOSALS

EXPANSION 30. Not applicable to these proposals

EXPANSION OF EXISTING GRAMMAR SCHOOLS 31 Not applicable to these proposals

CHANGES TO BOARDING PROVISION 32 Not applicable to these proposals

ADDITION OF POST 16 PROVISION 33/34/35/36/37 Not applicable to these proposals

CHANGES OF CATEGORY TO VOLUNTARY AIDED 38 Not applicable to these proposals

CHANGES TO SPECIAL EDUCATIONAL NEEDS PROVISION THE SEN IMPROVEMENT TEST 39/40

(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

(39/40) A four week non-statutory consultation has been carried out on the proposals. There were very few responses received. The responses that were received questioned the process, staff and pupil movement ahead of a decision and increased pressure on outreach services. These concerns were addressed in the consultation outcome report at <https://democracy.kirklees.gov.uk/documents/s25625/Item%2013.%20Headlands%20Combined%20Report.pdf>, this report was considered by Kirklees Cabinet on 13 November 2018. It is intended that the resources released through the de-commission will be used to enhance the central outreach offer for children with Complex Communication and Interaction Needs including Autistic Spectrum Disorder, to enable primary age children to access specialist support in their local school.

Over the last several years, Kirklees Council has re-organised specialist provision to be more flexible to meet the changing individual needs of children, meeting the associated demand and taking account of parental preference to provide the best possible standards of care and education, and to provide it fairly to all Kirklees children with special educational needs. It is intended that this proposal would result in resources being released as a result of the decommission of 6 transitional places at Headlands CE (VC) JI&N School for children with Autistic Spectrum Disorder and used to enhance existing outreach support regardless of where that is delivered from. As such, this will provide a more timely response to the needs of children with SEND. Outreach support will continue to be available for both children with an Education, Health and Care Plan as well as those without. The LA will continue to work with its partner agencies. The High Needs Review recognised the importance of children's needs being met in their local school wherever possible.

The proposal aims 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 in a safe environment where young people can thrive and which takes full account of educational considerations, in particular the need to ensure a broad and balanced curriculum.

This proposal relates to children with Communication and Interaction Needs including Autistic Spectrum Disorder. Schools across the Local Authority have improved accessibility with regard to staff expertise, which has contributed towards parents and carers making a preference for their local mainstream school. Where the needs of children with SEND can be met in their local school, this provides them with a more accessible place closer to home and provides equality of opportunity to access the mainstream curriculum. A full equality impact assessment has been done and can be viewed at :- <http://www.kirklees.gov.uk/beta/delivering-services/equality-impact-assessments.aspx> select the Children directorate under 2018/19.

All educational support services in Kirklees for children with SEND including specialist provision and outreach enable them to receive the required level of support, either in their local mainstream school or in a school with a designated specialist provision. Specialist provision staff are given the skills they need to work with schools through recognised and accredited training. Opportunities for career development pathways are 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.

ADDITIONAL FACTORS RELEVANT TO PROPOSALS FOR NEW MAINTAINED SCHOOLS

SUITABILITY41 Not applicable to these proposals

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

CAPITAL IN COMPETITIONS (46) 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

INDEPENDENT FAITH SCHOOLS JOINING THE MAINTAINED SECTOR 52 Not applicable to these proposals

REPLACEMENT GRAMMAR SCHOOLS 53 Not applicable to these proposals

ADDITIONAL FACTORS RELEVANT TO CLOSURE PROPOSALS

CLOSURE PROPOSALS (under s15 EIA 2006) 54 Not applicable to these proposals

SCHOOLS TO BE REPLACED BY PROVISION IN A MORE SUCCESSFUL/POPULAR SCHOOL 55 Not applicable to these proposals

SCHOOLS CAUSING CONCERN 56 Not applicable to these proposals

RURAL SCHOOLS 57/58/59 Not applicable to these proposals

EARLY YEARS PROVISION 60/61 Not applicable to these proposals

NURSERY SCHOOL CLOSURES 62 Not applicable to these proposals

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

COMMUNITY SERVICES 65 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

COMMUNITY COHESION 69 Not applicable to these proposals

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

OTHER POINTS ON TRUST PROPOSALS 71 Not applicable to these proposals

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

SUITABILITY OF PARTNERS 73/74 Not applicable to these proposals

LAND AND ASSETS, WHEN REMOVING A TRUST/FOUNDATION MAJORITY 75/76 Not applicable to these proposals

FINANCE - WHEN REMOVING A TRUST/FOUNDATION MAJORITY 77 Not applicable to these proposals

OTHER SERVICES PROVIDED BY THE TRUST WHEN REMOVING A TRUST/FOUNDATION MAJORITY 78 Not applicable to these proposals