

**Name of meeting:** Cabinet

**Date:** 19 February 2019

**Title of report:** To decommission specialist provision at Headlands CE(VC) JI&N School and deliver the service in a different way - Final Decision Report

**Purpose of report:** Decision about the published statutory proposal to decommission 6 transitional places at Headlands CE(VC) JI&N School for children with Autistic Spectrum Disorder and to deliver services in a different way.

<b>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?</b>	<b>Yes</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Yes</b> – this is the final report from a series regarding the High Needs review. KDN from 1 <sup>st</sup> October 2018 refers
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Mel Meggs 6 February 2019</b>
<b>Is it also signed off by the Service Director for Finance</b>	<b>Eamonn Croston (James Anderson) 23 January 2019</b>
<b>Is it also signed off by the Service Director for Governance and Commissioning?</b>	<b>Julie Muscroft (John Chapman) 22 January 2019</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Masood Ahmed – Children Cllr Viv Kendrick – Children</b>

**Electoral wards affected:** All

**Ward councillors consulted:** Yes

**Public or private:** Public

## Appendices

- 1 - Consultation document
- 2 - Statutory Notice
- 3 - Statutory proposals
- 4 - The constitution and purpose of SOAG
- 5 - Minutes of the SOAG meeting 17 December 2018
- 6 - Statutory process check sheet
- 7 - Factors to be considered – DfE statutory guidance for decision makers

## 1. Summary

Kirklees Council propose to make a prescribed alteration at Headlands CE(VC) JI&N School to decommission 6 transitional places for children with Autistic Spectrum Disorder from 1 March 2019. It is intended the resources released through the decommission at Headlands CE (VC) JI&N School 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.

The outreach provision is carried out by a specialist team of teachers and support workers with relevant specialist qualifications. They work directly with schools alongside staff to develop their understanding and capacity to provide effective support and work alongside the children themselves in order to inform effective strategies to ensure progress. They work in partnership with parents and carers involving them in the support their children receive

The purpose of this report is:-

- 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 recommend that Members make the final decision to approve the Kirklees Local Authority (LA) statutory proposal.

### **Information required to take a decision**

#### **The statutory process regarding the statutory proposals**

School organisation decisions for Local Authority maintained schools must 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 regulations require a statutory process be followed for establishing, removing or altering a special educational needs provision at voluntary and foundation schools. Either the LA or the Governing Body (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

This report reviews the performance in 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.**

## **2 Consultation**

On 10 July 2018 Cabinet members authorised officers to develop plans for a non-statutory consultation for September 2018, on the proposals to decommission 6 transitional places at Headlands CE(VC) JI&N School for children with Autistic Spectrum Disorder and deliver the service in a different way.

A four week term-time non-statutory consultation about the proposals to decommission specialist provision at Headlands CE(VC) JI&N School and deliver the service in a different way took place between 4 September 2018 and 1 October 2018, to seek the views of parents/carers, school staff, professionals, governors, pupils, other schools with specialist provisions, ward members, wider community stakeholders and other interested parties. (See Appendix 1 for Consultation Document). The outcomes of that consultation were presented to Kirklees Council Cabinet on 13 November 2018 and as a result approval was given to move to the publication of statutory notice and statutory a proposal.

### **2.1 Publication and representations**

On the 23 November 2018 a statutory notice (attached at Appendix 2) was published in the Huddersfield Examiner newspaper (South Kirklees) and The Press newspaper (North Kirklees). The statutory notice and statutory proposal (attached at Appendix 3) were also sent to the head teacher and chair of governors at Headlands CE(VC) JI&N School. The statutory notice was posted at the main entrances of the school on 23 November 2018.

From the publication date of the statutory notice on 23 November 2018, copies of the complete statutory proposals (Appendix 3) 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 representation period ended on 20 December 2018.

### **2.2 Representations received regarding the statutory process**

No representations have been received in relation to this statutory proposal

### **2.3 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. SOAG exists to provide advice to Cabinet, but Cabinet is the Decision Maker. The constitution and purpose of SOAG is attached at Appendix 4.

## **2.4 Review of the statutory process for statutory proposals to decommission 6 transitional places at Headlands CE(VC) JI&N School for children with Autistic Spectrum Disorder and deliver the service in a different way**

Kirklees SOAG met on 17 December 2018 to consider the statutory process and any representations received for the proposals and to formulate advice for the Cabinet as decision makers. A note of the meeting is attached at Appendix 5.

## **2.5 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 Appendix 6). The processes that were followed in relation to the proposals were checked with appropriate evidence that each point had been completed.

**2.6 SOAG conclusions:** The statutory notice, statutory proposals and statutory processes are valid and within time limits;

- An appropriate non statutory 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 will be brought to the cabinet on 19<sup>th</sup> February 2019, which is within two months after the end of the statutory four week representation period which will end on the 20<sup>th</sup> December 2018.

## **2.7 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. On 17 December 2018, SOAG members examined the rationale for the proposals against each of the factors. The full list of factors is presented in Appendix 7.

## **2.8 Guidance note: Type of decision**

- The decision maker can make one of four types of decision for the statutory proposal:
- Reject the proposal
- Approve the proposal
- Approve the proposal with a modification (e.g. the implementation date)
- Approve the proposal subject to meeting one or more specific conditions

## **2.9 SOAG conclusions for decision makers**

### **Final conclusions and recommendations.**

The 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

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

One of the core principles of Kirklees specialist provisions is the delivery of support and intervention to children in as timely a manner as possible, and wherever 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). The central outreach team provide support as part of the graduated approach to meeting the needs of children with SEND. This includes children at SEN Support as well as those with an Education, Health and Care Plan. The outreach provision works with any child who presents with Complex Communication and Interaction Needs, and not simply those with a diagnosis, in order to ensure the earliest possible support is put in place. The team also provide training to schools to support early identification and effective support of children with CC&I need.

#### **3.2 Economic Resilience (ER)**

By addressing concerns early, our aim is to ensure that wherever possible a child is able to remain at their local school and is able to follow its curriculum (with some degree of personalisation), learning alongside their peers 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 and disabilities, as well as increased opportunities for growing capacity across the school workforce, 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 within mainstream schools so that they become better able to meet need and not always rely on costlier external support.

#### **3.5 Human Resources implications**

There would be no human resources implications resulting from the decommissioning of the specialist provision for children with Autism at Headlands CE (VC) JI&N School, this is due to staff securing employment elsewhere outside of this process.

#### **3.6 Financial Implications**

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

#### **3.7 Equalities Impact Assessment**

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 Equalities Impact Assessment has been carried after the four week representation stage. The proposal will 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. This is likely to have a positive impact for pupils and their families living in Kirklees because the aims are to strengthen existing specialist provision and outreach arrangements where they are needed, in line with demand.

The updated EIA can be found here: <http://www.kirklees.gov.uk/beta/delivering-services/equality-impact-assessments.aspx>

Then select 2018/19 and 'Children'

The stage 1 report is named '190211 Stage 1 EIA Headlands Autism after representation'

The stage 2 report is named '190211 Stage 2 EIA Headlands Autism after representation'

### 3.8 The Councils key principles

- **Working with people not doing to them**  
The LA undertook a four week term-time non-statutory consultation to ensure that a wide range of stakeholders could express their views. LA officers have worked closely with affected families and with staff ensuring they were aware of the proposals at the earliest opportunity, how they could participate in the consultation process and were aware of any choices that might be available to them.
- **Working with partners**  
The LA has worked with its partner agencies to undertake a high needs review. The review recognises the importance of children's needs being met in their local school wherever possible. The resources released through the decommissioning of transitional places would be used to enhance the outreach offer, supporting local schools to meet the needs of children with additional needs.
- **Place – based working**  
Ensuring services are focused on the needs of the community and delivering excellent value for money.

## 4. Consultees and their opinions

A non-statutory consultation was carried out by the Local Authority from 4 September 2018 to 1 October 2018. On 13 November 2018 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. Cabinet agreed to proceed with the statutory process for the proposals for Headlands CE (VC) J I and N School, a Voluntary Controlled School.

During the 4 week representation period, no representations have been received.

This report brings the views and comments from stakeholders 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

## 5. Next steps

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

<b>Activity</b>	<b>Date</b>
Cabinet Report seeking permission to consult as part of the statutory process	<b>10 July 2018</b>
Four week non-statutory consultation	<b>4 September – 1 October 2018</b>
Outcome report to cabinet and approval to next stage	<b>13 November 2018</b>
Publication of notices and four week representation period	<b>23 November 2018 – 20 December 2018</b>
Final decision by Cabinet*	19 February 2019
Implementation*	From 1 March 2019

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

## **6. Officer recommendations and reasons**

It is recommended that Members:-

- note the advice of Kirklees SOAG that the proposals to decommission 6 transitional places and outreach at Headlands CE(VC) JI&N School for children with Autistic Spectrum Disorder from 1 March 2019 and deliver the service in a different way
  - ❖ 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.
  - ❖ approve without modification or condition the proposals.

The proposals should be approved for the following reasons:-

- To ensure that the overall pattern of specialist provision in Kirklees gives a flexible range of 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 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 we endorse the recommendations set out by officers in the previous section of this report.

- To decommission 6 transitional places at Headlands CE (VC) JI&N School for children with Autistic Spectrum Disorder and deliver the service in a different way.

## 8. Contact Officer

Mandy Cameron.

Head of Education Inclusion & Safeguarding

01484 221000

[mandy.cameron@kirklees.gov.uk](mailto:mandy.cameron@kirklees.gov.uk)

Martin Wilby

Senior Strategic Manager - Education Places and Access

01484 221000

[martin.wilby@kirklees.gov.uk](mailto:martin.wilby@kirklees.gov.uk)

## 9. Background papers and history of decisions

- Cabinet Report: 28 September 2010 - Specialist Provision for Disabled Children and those with Special Educational Needs  
<http://bit.ly/28Sept10>
- Cabinet Report: 21 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 6 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 13 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 2 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 10 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 2 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: 5 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 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).  
<http://bit.ly/15thNov16>
- Cabinet Report 7 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 4 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 25 July 2017 - Specialist provision for Kirklees children with communication and interaction needs  
<http://bit.ly/25July17>
- Cabinet Report 19 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 20 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>
- Cabinet Report 10 July 2018 - Headlands CE (VC) JI&N School – Permission to consult  
<http://democracy.kirklees.gov.uk/documents/s23800/Item%208%202018%2006%2027%20-%20Headlands%20CE%20VC%20JIN%20School%20-%20permission%20to%20consult%20v%203%20003.pdf>
- Cabinet Report 13 November 2018 – To decommission specialist provision at Headlands CE(VC) JI&N School and deliver the service in a different way - Consultation Outcome report.  
<http://democracy.kirklees.gov.uk/documents/s25625/Item%2013.%20Headlands%20Combined%20Report.pdf>

**10. Service Director responsible**

Jo-Anne Sanders

Service Director – Learning and Early Support

[jo-anne.sanders@kirklees.gov.uk](mailto:jo-anne.sanders@kirklees.gov.uk)

