

Name of meeting: Cabinet

Date: 5th October 2021

Title of report: **Special Educational Needs and Disabilities (SEND) – Capital investment and rebuild of 2 Special Schools**

Purpose of report:

This report outlines the work that has been undertaken to develop and deliver a plan for the provision of special school places that will contribute to the long-term sufficiency of specialist provision as part of the wider SEND Transformation Plan.

It proposes sites for rebuilding and replacing two of our existing special schools with the aim of enhancing and extending already good quality provision.

The report requests approval to undertake detailed planning, engagement and technical studies and seeks delegated authority to progress in line with projected timescales.

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 – this will have significant capital and revenue implications as outlined in the report.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix – Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name. Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Jo-Anne Sanders for Mel Meggs – Director of Children's Services – 24/09/21 Eamonn Croston – Service Director for Finance – 24/09/21 Karl Larrad for Julie Muscroft – Service Director for Legal, Governance and Commissioning – 24/09/21
Cabinet member <u>portfolio</u>	Cllr Carole Pattison – Learning, Aspiration and Communities Cllr Viv Kendrick – Children's Services Cllr Paul Davies - Corporate

Electoral wards affected: All

Ward councillors consulted: Special Schools serve children from across the district, the Ward Councillors where both the current school and the proposed school locations are situated have been briefed.

Public or private: Public (with private appendix)

The report contains an Appendix 2 that is recommended to be taken in Private because the information contained is considered to be exempt information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

It contains information regards the financial or business affairs of any person including the Council. It is considered that it would not be in the public interest to disclose the information contained in the private appendix as disclosure could adversely affect overall ability to obtain value for money, compromise the commercial confidentiality of organisations mentioned in the report, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money, and openness in Council decision-making

Has GDPR been considered? Yes, no individuals are identified in this report.

1. Summary

1.1 Improving the outcomes for our children with special educational and additional needs is at the heart of our agreed 'Inclusive Ambitions' (see Appendix 1) to tackle key inequality issues in Kirklees. By investing in and working with our children and young people and their families at the earliest opportunity, this will support us to help them in achieving their best possible outcomes

We want:

- All our children and young people to have the best start in life
- Our children and young people to be proud to come from Kirklees
- Our children and young people with Special Educational Needs and Disabilities (SEND) to live and be educated in Kirklees
- Our children and young people with Special Educational Needs and Disabilities to make good educational progress, have high aspirations and good life opportunities.

1.2 As part of a planned strategy of enabling more children and young people to secure places and thrive in local educational settings, the purpose of this report is to seek approval to replace and rebuild two of our schools for children with an Education Health and Care Plan (EHCP) in Kirklees, as part of our wider SEND transformation programme which is currently underway.

- 1.3** Securing the right number of special school places is a fundamental part of our overall sufficiency strategy. This report focuses on a once in a lifetime opportunity, that proposes to secure and build on the capacity and expertise which exists in local state-funded special schools to continue to support children and young people’s needs by ensuring we have high quality, fit for purpose facilities that can support a wide range of need within a sustainable delivery model.
- 1.4** Our vision for the rebuild of two of our existing schools, Joseph Norton Academy, and Woodley School and College is incredibly ambitious. We aim to co-design and co-produce, true multi-agency partnerships, created through our SEND Commissioning strategy, offering Family Support, Mental Health support, Physiotherapy, Speech & Language Therapy and Occupational Therapy in house within the settings, enabling children, young people, and their families to access the services they need, where they need them.
- 1.5** There are six special schools within Kirklees, all currently judged by OFSTED as Good or Outstanding, serving learners with a range of needs as follows:

Castle Hill School	Profound & Multiple Learning Difficulties (PMLD)
Fairfield School	Profound & Multiple Learning Difficulties PMLD
Joseph Norton Academy	Social, Emotional & Mental Health (SEMH) Difficulties
Ravenshall School	Complex Needs (C&L / CCI / SEMH)
Southgate School	Complex Needs (C&L / CCI / SEMH)
Woodley School & College	Autism Spectrum Conditions (ASC)

- 1.6** There are two main reasons underpinning the proposals in the report. Firstly, is the analysis of demand for future special school places as part of the overall sufficiency for meeting the educational needs of children and young people with an Education Health and Care Plan.

Applications for places in special schools are increasing year on year, particularly for Complex Communication & Interaction (CCI) needs (including Autism Spectrum Condition) and for Social Emotional and Mental Health (SEMH) needs.

*NB - this is a national challenge, with EHCPs now issued for 3.3% (and rising) of the schools’ population compared with 2.8% between the years 2007-2017. The table below shows the estimated number of places for

children and young people with SEMH / CCI needs required by 2023, based upon current trajectories:

	Number of current places 2021	Estimated places required 2023
SEMH (Joseph Norton Academy)	63	132
CCI – Autism (Woodley School and College)	122	179

The table above outlines the need to increase our places available for students with SEMH needs by over 50%. We currently have 179 Children / Young People educated outside of Kirklees or in independent settings, and 75% of these have SEMH needs.

Alongside the rebuild of the two special schools we also plan to increase the amount of Specialist Provision attached to mainstream schools in Kirklees – this will include provision for learners with SEMH and ASD. This would ensure a continuum of provision to meet a wide range of need and will contribute to the overall sufficiency of places required going forward. Plans in relation to this will be subject to a further report later in the Autumn term.

- 1.7** Secondly, the buildings for Woodley School and College and Joseph Norton Academy both currently require significant modernisation. Woodley has been developed, partially within a Grade 2 listed building with limited further adaptability and significant on-going maintenance costs. Joseph Norton Academy has buildings which do not maximise the most suitable environment for learners with SEMH needs, which result in smaller class sizes and increased revenue staffing costs.
- 1.8** This means that there are opportunities for investment in physical accommodation that will secure the right number of places for Kirklees children, now and in the future as well as provide facilities and spaces that our children and young people deserve, matching the quality of education they currently receive.

2 Information required to take a decision

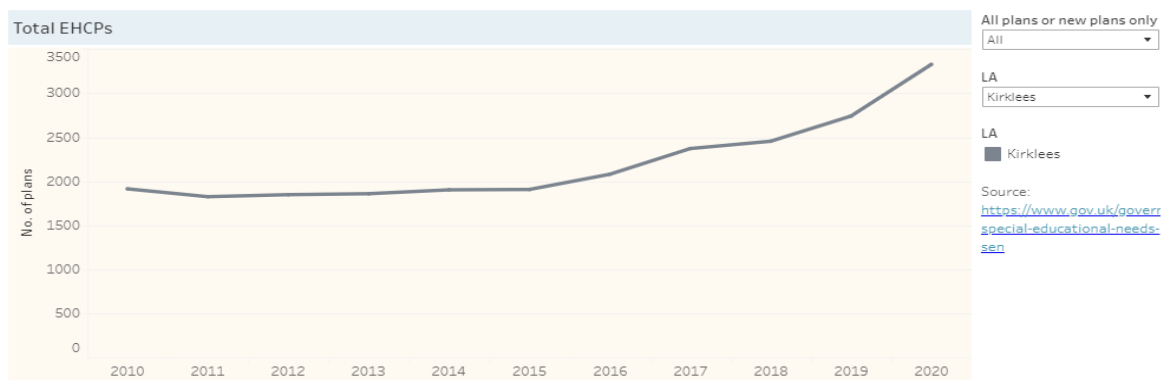
Background

- 2.1** Fundamental changes were introduced nationally as part of legislative reforms under the Children and Families Act 2014, and the Special Educational Needs and Disability code of practice: 0-25 years 2015. Since that time, and like other local areas, Kirklees has experienced an increased demand for Education, Health and Care Plans and subsequent rises in costs. Like many other authorities, over recent years Kirklees Council has seen rising numbers of children with SEND who need additional support.

2.2 Current trajectories in terms of annual revenue expenditure from the High Needs Block, the ringfenced government funding for the education of children with SEND are unsustainable in the medium to longer term. As part of our wider transformation plans, securing sufficient and suitable places for our learners is a key element to enable us to address this. Pressures in Kirklees include:

- 44% rise in children with an EHCP since 2015;

Total number of EHCPs in Kirklees



2015	2016	2017	2018	2019	2020	2021
1907	2080	2372	2455	2741	3329	4212

- 47% rise in requests for Kirklees special school placements since 2020.

Total numbers of new requests for Kirklees Special School Places 2019-2021

School	Area of Need	2019	2020	2021
Castle Hill School	PMLD	7	6	10
Fairfield School	PMLD	5	9	8
Joseph Norton Academy	SEMH	8	7	9
Ravenshall School	Complex Needs (C&I / C&L / SEMH)	33	30	38
Southgate School	Complex Needs (C&I / C&L / SEMH)	21	23	45
Woodley School & College	C&I (ASD)	14	13	20
Total:		88	88	130
Increase:			0%	47.73%

- Currently we have 179 children and young people being educated outside of Kirklees/in independent settings, with an average placement cost of £58,000, at a forecast annual cost of £8million per year. If we were able to educate more children and young people within Kirklees this cost could reduce significantly. Average placement costs at Woodley College are £35,000, at Joseph Norton are £25,000. Clearly, there are opportunities to make a significant difference by investing in our provision locally.
- Fixed period and permanent exclusions in the SEND cohort have risen and are above national trends.

SEN (Support & EHCP) Rates



- The reasons for the rise in exclusions is complex and there is no one single factor, but unmet needs for many young people is a significant issue, this factor particularly affects our requirement for SEMH places. Reducing exclusions for all children and young people in Kirklees is a priority outlined in both the “Our Kirklees Futures” Learning Strategy and the SEND Transformation Plan and projects are underway to impact upon this.
- The buildings and sites of both schools present organisational and curriculum challenges which leads to increased revenue costs.

2.3 The transformation of the Special Educational Needs and Disabilities (SEND) system and securing the financial sustainability of the High Needs Block are corporate priorities for Kirklees. There is currently significant strategic level work being undertaken to improve all areas of Inclusion within Kirklees to create a system of earlier identification and assessment of need. This is articulated within the SEND Transformation Plan and includes further development of:

- Working with, not ‘doing to’ our children, young people and families - ensuring voices are heard and valued and views are used to shape provision and support. We want to create a truly person-centred approach to supporting children and young people and their families with a commitment of: “No decision about me is made without me.”

- Refining our inclusive offer available to all pupils in mainstream schools through a Graduated Approach. This includes work on ethos and culture around inclusion, reviewing Behaviour and Engagement policies, Teaching & Learning strategies and 'Ordinarily available provision' – our non-negotiables around Inclusion which we would expect to see in every setting.
- Building capacity within our Outreach team of Specialist Teachers and Practitioners who will be available for training, consultancy and advice with primarily schools but also families, to develop expertise and capacity within mainstream settings in order to improve early identification and assessment of SEND and improve provision, in order to better meet need.
- Enabling and supporting our mainstream settings to build upon existing expertise to enhance and develop creative inclusive specialist and targeted support for pupils.
- The breadth and depth of our Specialist Provision and Alternative Provision offer across Kirklees, ensuring sufficient places are commissioned, meeting the needs of learners with a range of SEND. We plan to increase capacity for specialist and alternative provision following an external review, which will be brought forward for decision making in a separate report in due course.
- EHCP processes and pathways; championing and coproducing our person-centred approach to all decision making and communication.
- Our SEND commissioning strategy to ensure pupils have access to all the services they require, as far as possible within their local community.

2.4 Proposals for change – Site selection process

Having established the projected number of places required, working together, Children's Services and Capital Development undertook a 'desk top' exercise, supported by in person visits where needed, to identify potential sites within the Council's ownership that may fit the search criteria in terms of the size of the site area required as determined by reference to the 'Department for Education Building Bulletin 104 – Area Guidelines for SEND and Alternative Provision' and the geographical location – central to Kirklees so that the schools could be accessible from all part of the district. In addition, local knowledge and Google Earth was also used to identify potential sites that could potentially accommodate a new school building but which were not in Council ownership.

2.5 Around 20 sites were considered and reviewed, with officers taking a considered and balanced view in relation to a range of factors – these

included the potential alternative strategic uses for each site; Local Plan status; size in comparison with BB104; geographical location; accessibility by road and pedestrian means; impact on the highways network and road safety; planning constraints and overall deliverability. Initial informal consultations were held with Kirklees Planning and Highways Departments where relevant.

2.6 In addition to the existing Woodley School and College site and the existing Joseph Norton Academy site, the outcome of the review identified two further existing Council owned sites that best met the search criteria. These were:

- Deighton site – former Deighton Centre site (now demolished)
- Almondbury site – former Almondbury Community School secondary site which is expected to become available in 2022 (currently being used on a temporary basis by King James’s School while building work is undertaken on their main site)

2.7 Following this initial review, Bond Bryan Architects were appointed, following a tender process involving architectural companies with experience of designing new special schools, to undertake an exercise in relation to the identified potential new sites and the existing special school sites at Woodley School and College and Joseph Norton Academy. Bond Bryan were tasked to review each site to demonstrate whether the existing buildings / sites or new sites could deliver the expansion of places identified in paragraph 1.6 above whilst providing high quality provision in modern, state of the art buildings that would meet the needs and aspirations of the schools and Children’s Services.

2.8 In considering their report, Bond Bryan Architects worked up a number of options for each site, engaging with the Leadership teams at Woodley School and College and Joseph Norton Academy as well as Kirklees representatives. This included reviewing existing sites - their constraints and opportunities - and the potential offered by the two new sites identified in the site review. The outcome of this exercise provided a detailed option appraisal including:

- A high-level schedule of accommodation to establish the gross internal floor area and external areas required to meet the increased capacity for each of the SEND provisions in accordance with Building Bulletin 104 (BB104);
- An overview of building type and design best suited to deliver SEND provision, developed in conjunction with the end-users;
- A technical review of both the existing and additional sites to assess suitability of existing accommodation and facilities on site and its potential for accommodating increased capacity to meet future needs of our communities;
- An options study to establish the most viable option/s for each of the Special Schools for SEMH and C&I / Autism for taking forward as a building project;

- The deliverability opportunities for each site
- A high- level budget appraisal for each of the viable options.

- 2.9** The Bond Bryan study concluded that whilst the current site for Joseph Norton Academy could technically accommodate a new build school, it noted that geographically the school could be more centrally located to deliver transportation and environmental savings and there would be operational and Health and Safety challenges with delivering a new school on an existing special school site. It was accepted that the existing buildings would be uneconomical to extend and refurbish to create modern state of the art facilities, as well as being logistically challenging to realise on a 'live' school site.
- 2.10** In relation to Woodley School and College, the existing school site was deemed incapable of supporting a significant expansion of provision due to the constraints of the site, the proportion of listed buildings and the woodland setting. The existing buildings were also not suitable for conversion due to the physical constraints and challenges presented by the Longley New Hall and the associated stable blocks.
- 2.11** Bond Bryan identified that it would be viable to develop an expanded provision for Joseph Norton Academy on the Deighton site as this was a former school site of sufficient size for the increased provision required with immediate developable capacity that could deliver a new school building., subject to addressing the site's Local Plan status as a potential housing site, as well as obtaining appropriate planning consent.
- 2.12** The study also concluded that a new, expanded provision for Woodley School could be developed on the Almondbury site, by either reutilising the former KS2/secondary school footprint (not the buildings, with the potential exception of the swimming pool and sports hall) or developing a new build school on the surrounding grounds. It was noted that issues arising from the Public Private Partnership 1 (PPP1) contract in place in relation to the Almondbury site would need to be addressed.
- 2.13** Following a subsequent review of the report and the challenges and opportunities presented by the existing school sites and the potential new sites, officers at Children's Service Capital Board supported the Deighton site and the Almondbury site as the two preferred locations for provision of two new Special School buildings.
- 2.14** In October 2020, Senior Officers approved further exploratory work be undertaken in relation to both the Deighton site and the Almondbury site. This is because of the Deighton site's allocation as a housing site in the approved Local Plan and the Almondbury site being part of the PP1 contract.

2.15 During late 2020 and early 2021 officers from Corporate Landlord and Capital Services undertook further feasibility work in relation the Deighton and Almondbury sites. This included understanding a range of issues including:

- Planning and highways implications;
- Ease of construction;
- High level cost review of individual options;
- Ability to meet the educational, operational and strategic brief from Children's Services;
- Financial and contractual implications on the PPP1 contract;
- Opportunities to link the proposals to other Council strategic needs.

This has led to a preferred option for the Deighton site and the Almondbury site, which are detailed within this report and recommended for approval by Cabinet.

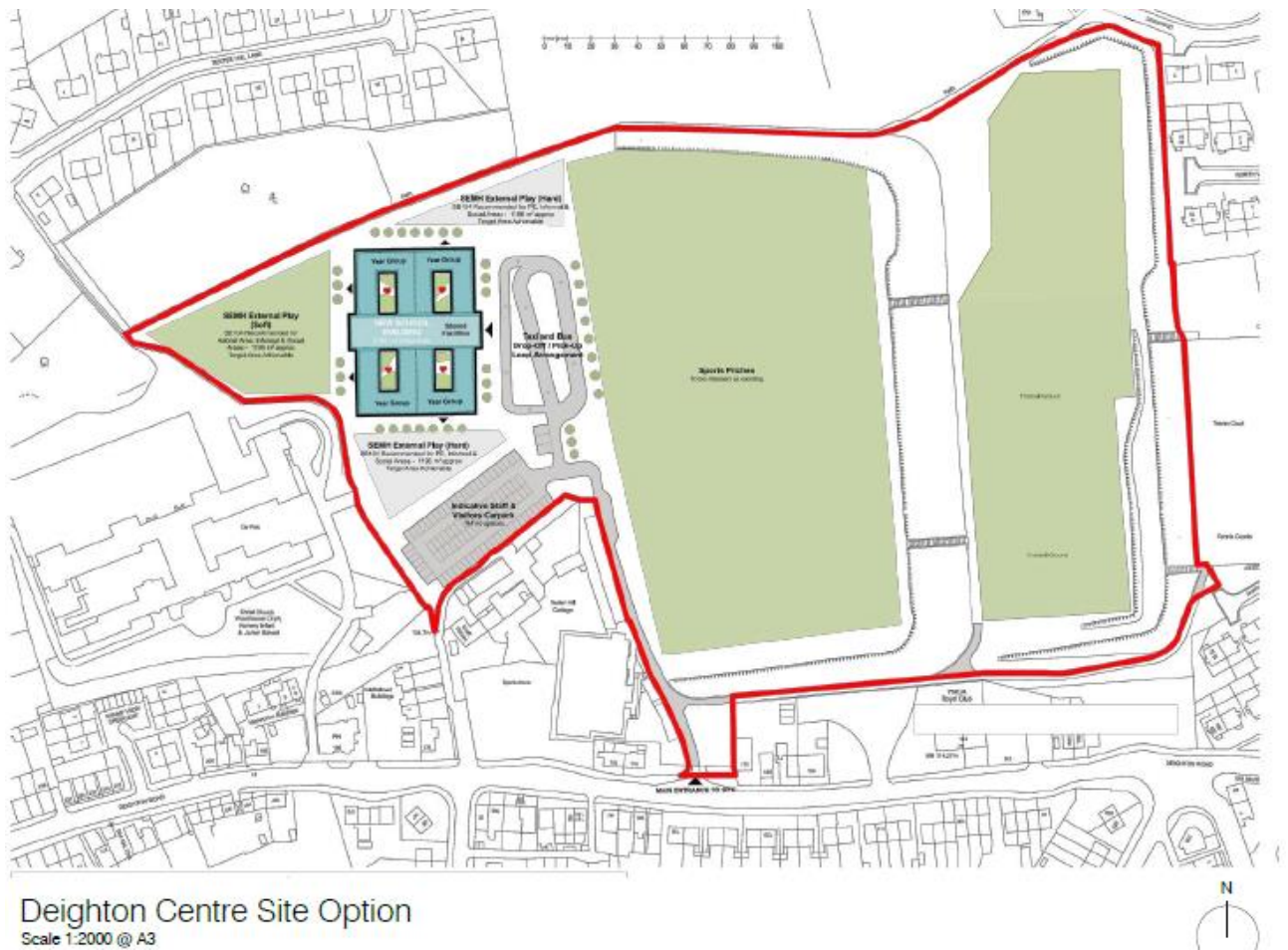
3. The Proposals

3.1 The recommended Deighton site option

It is recommended that a new special school building providing up to 132 places for Children and Young people with SEMH needs be built on the footprint of the Deighton site. The school would cater for boys and girls aged 5 to 16 with the option of exploring Post 16 provision. This would mean that Joseph Norton Academy would relocate from its existing site, and that the number of planned places would increase, and there would need to be a change to the age range of the academy.

The 132 place school would be part of a continuum of provision for pupils with SEMH needs, as outlined in section 2.5 above. Alongside the new school will be a number of "Additionally Resourced Provisions" (ARPs) attached to mainstream schools and a robust "Alternative Provision" offer.

An indicative plan showing how a new build SEMH special school could be located on the Deighton site is shown below:



3.1.1 The Deighton site has a number of characteristics that make it the preferred solution for a new SEMH School building:

- It is an excellent location to serve all parts of the district;
- The Deighton site was a former High School site and is therefore likely to benefit from minimal planning and highways constraints;
- There is good access and frontage to the school with an opportunity for locating the school building in an excellent position on the overall site;
- There is sufficient space for providing an efficient and fit-for-purpose pick up / drop-off for students and parking for staff as well as good transport links for independent travel;
- Sheltered outlook towards the north/north west, which would be ideal for re-providing excellent outdoor facilities that already exist at Joseph Norton Academy that provide positive opportunities for SEMH pupils;
- The site is clear and therefore the existing footprint is readily available for building works;
- Excellent access to surrounding urban greenspace, woods and space for outdoor learning opportunities;
- Vacant site which means that construction of the new build school can occur whilst the existing school remains in operation at its current site.
- No impact on Deighton Sports Centre or playing fields, thus limiting risk of objections from Sport England.

At this stage the layout shown above is indicative only, with no design work being undertaken on the school buildings. Assuming approval of the new build at this cabinet, and subject to planning consent, it is anticipated that the new school could be ready by the end of 2024 (subject to several influencing factors being addressed). Although endeavours would be made to achieve an earlier completion date if feasible.

- 3.1.2** The Deighton site is currently shown as a housing allocation with the Council's approved Local Plan. Discussions with Planning Policy have indicated that, whilst the potential loss of housing is not preferable, the impact on the five year housing supply could be outweighed by the urgent strategic need for expanded specialist school provision to serve the district. It was felt that a suitable and strong argument could be presented with valid justification for removing the site from the housing supply. As a proposal for this site would need to be fully tested through a formal planning application process, it remains a risk that a new build school would not be approved but officers believe that this risk is not substantial. To further assist with the decision the Capital Team have confirmed that there is an officer working group established to review the Council's land portfolio in order to identify potential replacement housing sites where others fall short. This should assist with any potential issues at the Deighton site.
- 3.1.3** This report seeks authorisation to appoint consultants with specialist knowledge of the design of special schools to undertake surveys on site, develop the design, apply for and obtain formal planning permission, and move towards tender and construction of the new SEMH School on the Deighton site.

3.2 The recommended Almondbury site preferred option

- 3.2.1** It is recommended that a new special school building providing up to 179 places for Children and Young People with Autism be built on the footprint of the Almondbury site. The school would cater for boys and girls aged 5 to 18. This would mean that Woodley School and College would relocate from its existing site, and that the number of planned places would increase.

The 179 place school would be part of a continuum of provision for pupils with Communication & Interaction needs, as outlined in section 2.5 above. Alongside the new school building opportunities will be explored to enhance the number of specialist provision places attached to mainstream schools.

- 3.2.2** During late 2020 / early 2021 officers considered three different options for the Almondbury site before settling on a preferred option. The first discarded option related to the potential to build a new school on urban greenspace within the school grounds, with the existing buildings retained for an alternative use, to be determined.

3.2.3 This option presented a number of planning, highways and operational challenges. It was established that building on adjacent fields did not accord with the Council's Urban Greenspace policy and would create significant harm from a policy perspective, especially in an area with an existing deficiency of amenity greenspace. A new build school would also be difficult to justify from a planning perspective without an identified specific use for the former KS2/high school buildings. Existing Public Rights of Way would have needed to be closed or diverted, and a new site entrance for vehicular traffic would need to be created off Eastlands, which would have added significant pressure to the local traffic network. Finally, the topography of the site would have compromised the design of the site layout for the new school and would have added significantly to the build costs, whilst the close proximity to domestic properties may have incurred planning objections.

3.2.4 The second discarded option related to the re-use of the existing former KS2/high school buildings to house to the special school following remodelling and refurbishment. The current buildings were predominately built in the 1950s with a significant proportion of space in a four storey classroom block. Extensive discussions with the Council's Technical team and external consultants highlighted the difficulties and constraints that refurbishing accommodation of this type for special school provision would create. It was identified that the swimming pool and sports hall would be capable of being retained but all other accommodation was of little value if it was to be fit for purpose to meet the needs of pupils. Repurposing existing buildings at the Almondbury site would represent poor value for money, as the accommodation would not be suitable nor fit with the vision of purpose-built accommodation that would;

- Enable the facilities to be bespoke, designed around the needs of the disabled children and young people who currently access an autism specific curriculum including those with associated sensory needs;
- Provide an opportunity to ensure the new facility could be "future proofed" to meet the changing needs of young disabled children with more complex co-occurring conditions;
- Enable the best sensory environment to be designed that offers a stimulating, safe and calming environment to meet a broader range of disabled children's needs;
- Ensure that the building does not limit the ability of the school curriculum being limited by the current environment for pupils with C&I/Autism, enabling the school on its journey from good to outstanding provision.

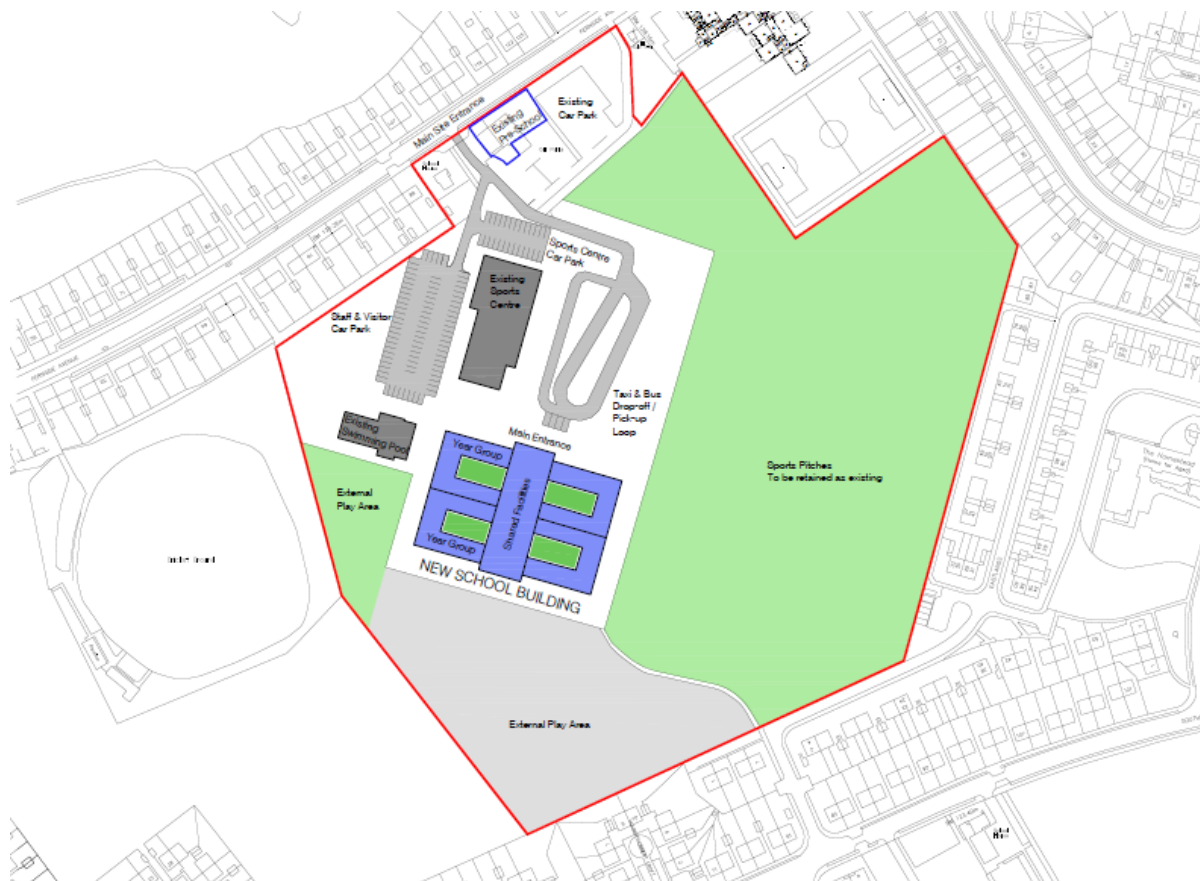
In summary, there was no support from a technical or educational perspective to retain the existing buildings, with the possible exception of the swimming pool and sports hall which were identified as being complementary to the provision that could be provided at the new special school building.

3.2.5 This preferred option would involve the demolition of the existing KS2/secondary school buildings, with the possible exception of the existing swimming pool building and the sports hall which could be retained and refurbished. The cleared footprint would be used for the construction of the new build school, playgrounds and associated facilities.

3.2.6 This option has a number of positive advantages that support the recommended solution:

- Building a new provision on the existing footprint should not have a detrimental effect on the areas of urban greenspace on this site, and means that it is possible to re-provide and enhance the excellent outdoor facilities that already exist at Woodley School and College that enable positive opportunities for pupils;
- As the site formerly housed a school it is likely to benefit from minimal planning and highways objections;
- The ongoing revenue and capital liabilities of a large empty school site would be removed. This is explained in the financial implications section later in the report.
- It is anticipated that there would be no additional affects on the highway with the proposed plan/layout;
- A new build would deliver accommodation that meets the strategic, organisational, educational and operational aspirations of Children's Services and the school;
- The site also provides an opportunity to co-locate the council run Children with a Disability short breaks service to create complementary services and activities offering, flexible and coherent services for children with disabilities and their families on one familiar site. This option will be explored in depth during the development and design of the special school, if approved.

3.2.7 An indicative plan showing how a new Communication and Interaction/ Autism special school building could be located on the Almondbury site is shown below:



At this stage the layout shown above is indicative only, with no design work being undertaken on the school buildings. This report seeks authorisation to appoint consultants with specialist knowledge of the design of special schools to undertake surveys on site, develop the design and move towards tender and construction of the new school.

3.2.8 There are a number of risks to delivery that should be noted in relation to this proposal.

- the existing Almondbury site remains part of the Council’s PPP1 Group Schools Repairs Contract with the Council contracted to maintain payments to the PPP1 Provider even though the former school is now closed.
- the demolition of the four storey block on the Almondbury site will require the removal of two Telecommunications Masts that are currently located on the roof of the building. However, during this period the design, development and potentially the tender of the demolition and new build contract(s) could occur in order to lessen the impact of the delay.
- the possible loss of the swimming pool having an impact on the school swimming programme in the future.

Details of the above matters are included for consideration within a private appendix.

3.2.9 At this stage the layout shown above is indicative only, with no design work having been undertaken on the school buildings. It is estimated that a budget of £21m will be required to deliver the new school on this site though it should

be noted that this is a high level cost estimate and will be subject to surveys, design development and tendering. Should approval be received by Cabinet to progress, it is anticipated that the new school could be ready by mid 2025.

3.2.10 This report seeks authorisation to appoint consultants with specialist knowledge of the design of special schools to undertake surveys on site, develop the design and move towards tender and construction of the new C&I / Autism on the Almondbury site at an estimated cost of £21m. It also seeks approval to enter into discussions with the PPP1 contract and authority to subsequently engage Legal Services to enter into discussions about the telecommunication leases (as detailed in the private appendix) to enable the demolition of the main school block.

4. Implications for the Council

4.1 Integrated Impact Assessment

An Integrated Impact Assessment has been initiated under the advice of a Corporate Policy Officer. This will be reviewed throughout subject to approval to move forward with next steps, taking into account environmental impact on both sites, should these be taken forward and reviewed as part of engagement and consultation with stakeholders, including service users, employees and local residents.

4.2 Working with People

With a focus on early intervention and supporting co-production and design, the approach we are developing illustrates our organisational commitment to working with families, partners, stakeholders and communities. This is highlighted in the development and agreement of a shared set of 'Inclusive Ambitions' across the Kirklees SEND partnership. In producing change and transformation of outcomes we are seeking to improve the life experiences and chances of a cohort of young people who consistently benchmark below their peers in relation to educational attainment and employment prospects. Should the proposals to rebuild our 2 special schools be approved, we are committed to working with our families as we progress the delivery of the new school buildings.

4.3 Working with Partners

The transformation of the SEND system to deliver better outcomes and on a sustainable financial basis is reliant on a strong partnership approach with Kirklees internal and external partners. This opportunity for significant investment in state of the art facilities for Kirklees children and young people cannot be realised without good relationships and collaboration with our education providers, local elected members and communities. Ensuring that

we maximise opportunities for the next stages to be shaped by partners will be crucial to ensure that services are joined up and well understood.

4.4 Place Based Working

At the heart of our SEND transformation plan is to build provision within Kirklees and to ensure that there is sufficient capacity locally wherever possible. We recognise that some children may need to receive support outside of Kirklees but we want to ensure that is kept to a minimum through better integration of provision and support across partners.

We are passionate about ensuring services are accessible to our Children and Young People and their families and plan to move towards a place based approach of joined up working with services across education, health and care.

4.4 Climate Change and Air Quality

The aspiration for our SEND strategy is that less young people will leave or travel outside of Kirklees. By having services more local and accessible within existing settings to where people live in communities can have a positive impact on their mode of travel. From early assessments we anticipate that provision which is more centrally based, and accessible to youngsters locally could reduce miles travelled by children by around 150,000 miles per annum.

Kirklees Council published its Air Quality Action Plan and declared a Climate Emergency in 2019 with an adopted target of 'net zero carbon emissions by 2038'. To contribute to delivering on our ambitions, the Council recognises that the proposed construction of two brand new special schools within the borough provides us with a unique opportunity to demonstrate our commitment to help address the climate emergency through the built environment. The Council has aspirations to seize this opportunity to create two new flagship schools which should be designed and built to the highest environmental design standards and encompass the latest renewable technologies that will help us achieve our carbon net zero target. The Council is currently piloting the construction of council housing being built to PassivHaus standards, which is the leading international low energy, design standard that could be adopted as the design standard on these two schools. The Council will also consider other appropriately robust and leading building design standards, that may deliver a similar outcome in terms of delivering 'net zero ready' schools.

4.5 Improving outcomes for children

Across the partnership, Kirklees have taken significant action to improve SEND services for children and young people aged 0 to 25. This is now captured as part of a clear Inclusion strategic plan. With the development of our 'Inclusive Ambitions' the direction for us is to work towards shared vision and equal partnership with a clear pathway of improvement across a range of partners, striving for the best outcomes for children and young people with

SEND. In modelling the proposals, meeting the needs of children and young people and their preparation for adulthood has been our key underlying principle in order that this is given appropriate consideration for these two buildings, both now and for years to come.

4.6 Financial – Revenue and Capital

4.6.1 The current capital plan agreed by Council on 10th February 2021 referred to a number of ‘pipeline’ key strategic priority schemes that sit behind the existing headline capital allocations.

4.6.2 The ‘SEND district sufficiency’ proposals was one of these schemes and the initial plan estimated that an investment of £28 million profiled over 5 years, would be required to deliver district sufficiency.

4.6.3 Work undertaken as part of the initial assessments indicate that further costings associated with the development of both school buildings estimate that the costs for the Deighton site could be approximately £15 million and the Almondbury site could be approximately £21 million providing an overall indicative total of £36 million. The investment required at this stage is indicative and requires more detailed work to be undertaken. The current capital plan outline approval for this scheme is £28m. It is proposed at this stage that subject to Cabinet approval, the revised outline £36m allocation requirement is incorporated into updated capital plans to Budget Council in February 2022, and on the assumption of potential for external funding options to be explored as part of this outline uplift, it is then intended that officers would report back to Cabinet as appropriate, costings and funding opportunities become clearer over the next 9-12 months as part of scheme development.

4.6.4 All external funding options will be explored, but, in the absence of these Cabinet would need to consider additional long-term (to that approved in the Capital Plan in February 2021) of £8 million borrowing to finance the schemes.

Assuming an asset life of 40 years, and, based on a rate of 3.88% equates to a revised total borrowing cost for the scheme, (assuming a £36 million pound investment over 40 years) of £55.9 million and would mean annual payments of £1.4 million.

4.6.5 As detailed earlier in the report the development of the new schools will increase both the capacity and specialist support available for children and young people to meet projected and future demand.

Currently there are approximately 138 children being educated outside the Kirklees district in independent settings, plus an additional 41 children being educated outside the Kirklees district in other Local Authority Special schools (see table in 4.6.7 below).

Presently capacity at Woodley School (Maintained) is 122 and Joseph Norton (Academy) is 63 places equating to 185 places in total.

The proposed new schools will have a combined 279 places which is an increase of 94 places equivalent to 53%. This would allow for additional choice for children already supported within the system plus extra availability for estimated further demand for places.

Being able to meet the needs of our children locally not only creates the conditions for supporting improved outcomes, but also represents better value for money. The partnership would be better placed to wrap support and care around children and their families, travel times would be improved and preparation for adulthood could be strengthened.

4.6.6 Looking specifically at the overall High Needs block funding that the district attracts, continues to be a significant and growing pressure for the Council as the overall deficit at 31 March 2021 stands at £25.1m. Doing nothing is not an option. The High Needs spend in 2020/2, in excess of the £43.1m Dedicated School Grant (DSG) funding allocation was £10.7m (equivalent to 24.8%).

4.6.7 There are medium and long term opportunities to achieve revenue savings associated with developing the new school buildings because additional places should allow for economies of scale and eventually reduce the overall need for children to receive their education outside Kirklees. The table below shows the increasing costs that the Council is funding to support children at external facilities:

Cost of External Placements

Financial Year	Average Placements	Annual Cost	Average Cost per Placement
2021/2022	138*	£8.0 million*	£58k
2020/2021	134	£7.1 million	£53k
2019/2020	133	£6.0 million	£45k
2018/2019	128	£5.5 million	£43k
2017/2018	119	£4.8 million	£40k

* Forecast for 2021/2022

4.6.8 The table above shows that the average cost per placement using external facilities for 2020/2021 is £53k per annum.

The equivalent average cost per placement supported by Woodley School for 2020/2021 is £35k per annum.

Assuming the same financial differentials would be maintained or enhanced in new facilities the revenue savings would be approximately £18k per placement, equivalent to a 31% reduction in revenue costs.

4.6.9 The table below shows the potential savings on a cost per place basis that could be achieved by creating the capacity in Kirklees Schools, thereby reducing the need for children to be educated in external placements.

Revenue Savings

Reduction in External Places	Reduction in External Placements	Annual Saving (£18k / placement)
5%	7	£126k
10%	14	£252k
20%	28	£504k
30%	42	£756k
50%	69	£1,242k
75%	104	£1,872k
100%	138	£2,484k

4.6.10 Summarising the financial position and for the development of the new sites, a revised capital investment of £36 million could be required.

The financing costs associated with this level of investment would be (subject to PWLB rates) £1.4 million per annum for 40 years.

4.6.11 Cabinet will also need to consider the monetary impact of the Public Private Partnership (2001) contract at the Almondbury site. This is contained within the 32-year Public Private Partnership (2001) contract to refurbish 19 schools within Kirklees. As of 2021 there are 13 years remaining on the contract for the Almondbury site, attracting an annual unitary fee of £657k.

4.6.12 The creation of two new school buildings will also mean that the existing sites will become redundant on completion of the new facilities. The cost of managing the sites would be maintained within the Corporate Landlord / Landbank area of the Council with management costs maintained as part of the overall support and additional security & utility costs would be picked up by the Council until such time that the revised uses are found for the assets.

4.6.13 The Almondbury site has some additional ‘leases’ associated with telecommunications. Income attributable to these leases will be lost if these are amended or terminated. However, by securing an improved physical environment, additional planned places and locations for our schools that are easier to get to, means that we will be creating the conditions to support more of our children to be educated locally. Joseph Norton Academy and Woodley School and College are both good schools, and by working in partnership with school leaders these changes will provide schools with a more appropriate environment to support more children in local special provision and help build on the existing relationships we have with our schools to support our children with SEND to achieve good outcomes.

4.7 Legal Implications

4.7.1 Sites

To enable the proposal to move forward, it is likely that the Council will be required to enter into dialogue with Telecom operators in respect of the rooftop mast leases, PPP1 contractor (Kirklees Schools Services Ltd) and secure planning approval with associated access. As detailed above, the Council is contractually bound to pay the full unitary charge in relation to Almondbury High School for the remainder of the duration of the PFI contract unless a deed of Variation to the Project Agreement can be agreed which may also involve lender approval. The Council must also comply with its obligations under section 149 of the Equalities Act and its public sector equality duty. Contracts for works and services will need to comply with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.

4.7.2 Statutory proposals and Significant Changes to Academies

There are a number of significant school organisation changes to existing schools highlighted within these proposals which will require different decision-making processes. The Department for Education provides guidance on such changes which is detailed below in relation to each school.

Woodley School and College, a Local Authority maintained community school

The appropriate DfE guidance is 'Making significant changes (prescribed alterations) to maintained schools', October 2018.

There is just one prescribed alteration that would trigger the requirement for a statutory process which is associated with the proposal to relocate and expand the size of Woodley School and College, a 'change in number of pupils in a special school'. This is because the proposed number of new places is more than a 10% increase. As the main entrance of the proposed new site is less than 2 miles from the existing site, the proposal to transfer the school to a new site does not trigger a second prescribed alteration.

As Woodley School and College is a community special school, either the LA or the Governing Body could propose a change in the number of pupils in the school. The LA would be the Decision-maker.

The decision-making process would consist of Publication of a statutory proposal, a four-week Representation period (formal consultation), a Decision (made by Kirklees Cabinet) and Implementation. There is a strong expectation from the DfE that a non-statutory consultation is undertaken before the start of the formal statutory process.

Joseph Norton Academy, part of the Wellspring Academy Trust

The appropriate guidance is 'Making significant changes to an open academy and closure by mutual agreement', November 2019.

The proposals for Joseph Norton Academy that trigger a significant change process are:

- Change to the number of pupils in a special school, as the proposed number of new places is more than a 10% increase.
- Age range change, as there are proposals to lower the age range (and potentially increase the age range subject to the development of post 16 provision)
- Transfer to another site, as any transfer of site triggers a significant change

As Joseph Norton is an academy, the Proposer would be Wellspring Academy Trust and the Decision-maker would be the Regional Schools Commissioner or the Secretary of State.

The first step in the significant change process is to undertake a fair and open local consultation for a minimum of 4 weeks. The next stage would be to prepare and submit a business case to the Regional Schools Commissioner.

4.8 Governance and statutory compliance

The SEND Transformation and Commissioning Board and the Children's Capital Delivery Board would oversee and implement the overall SEND Strategic Plan in relation to the context of the rebuild projects.

As the work progresses a project team would be created to include school representatives as well as Council Officers to design, plan and deliver all activity to successfully deliver the buildings.

5. Consultees and their opinions

- 5.1** At this stage, early engagement has taken place with the two affected schools, Joseph Norton Academy and Woodley School and College. All other special schools/academies have also been consulted about the proposed changes and the need for them. Following any decision made by Cabinet, a much more full and formal process of consultation and engagement including all aspects of legal requirements to consult within communities will be undertaken.

6. Next steps and timelines

- 6.1** Should the proposal to invest in 2 new Special School buildings on the Deighton and Almondbury sites be approved by Cabinet, officers would begin a procurement exercise to appoint specialist consultants to undertake the design and delivery of the buildings and obtain planning consents.

Site surveys would need to be commissioned as required to inform the design process.

Necessary legal processes in relation to the PPP1 contract for the Almondbury site and the telecommunication masts leases would begin.

Children Services would begin, in conjunction with the Headteachers and Governors/Multi Academy Trust of the affected schools, detailed work including engagement and required consultation processes with the schools' communities.

7. Officer recommendations and reasons

7.1 Based on the content of this report, Officers make the following recommendations to Cabinet. Members are asked to:

- (a) Note the public report and the Private appendix 2 .
- (b) Approve the development, design, tendering and construction of a new SEMH special school building on the Deighton site as detailed in this report with an indicative budget of £15m;
- (c) Approve the development, design, tendering and construction of a new C&I / Autism special school building on the site of the Almondbury site as detailed in this report with an indicative budget of £21m;
- (d) Approve the proposal to remove the Almondbury site from the PPP1 Contract and delegate authority to the Service Director for Legal, Governance and Commissioning and the Service Director for Development, in conjunction with the Service Director for Finance, to agree to enter into negotiations with Kirklees School Services Limited to agree a Deed of Variation to the Project Agreement and authorise the Service Director Legal ,Governance and Commissioning (or authorised representatives) to enter into and execute on behalf of the Council any appropriate legal agreements ,contracts , instruments and certificates under the Local Government (Contracts) Act 1997 relating to the removal of Almondbury High School from the Grouped Schools PPP1 contract , subject to it remaining within the affordability parameters broadly set out in the public report and private appendix 2.
- (e) Delegate authority to the Service Director for Legal, Governance and Commissioning and the Service Director for Development, in conjunction with the Service Director for Finance, to enter into negotiations to secure the removal of the telecommunications masts in accordance with the lease(s) or by agreement with the mast providers/tenants to agree the appropriate legal and contractual lease termination and enter into and

execute any legal contracts, agreements or instruments on behalf of the Council ;

- (f) Note that the current capital plan outline approval for this scheme is £28m. Approve that the revised outline £36m allocation requirement is incorporated into updated capital plans to Budget Council in February 2022, and on the assumption of potential for external funding options to be explored as part of this outline uplift, request officers to report back to Cabinet as appropriate, costings and funding opportunities become clearer over the next 9-12 months as part of scheme development.
- (g) Authorise Officers, at an appropriate time, to undertake the required non-statutory consultation for the proposed changes to Woodley School and College, working closely with the Governing Body of the school, and prepare a consultation outcomes report to presented back to Cabinet.
- (h) Authorise Officers to work with Wellspring Multi Academy Trust, providing the support required for them to undertake a local consultation on their proposed changes to Joseph Norton Academy.

Officers recommend that two proposed sites and new school builds are approved in order to facilitate the placement of some of our most vulnerable young people in modern, state of the art facilities especially designed for the needs of pupils with disabilities so that they can learn, grow and develop in the right nurturing environment.

8. Cabinet Portfolio Holder's recommendations

This report outlines ambitious plans and very real opportunities to invest in new, state of the art school buildings that will be the new 'homes' for two of our schools that make wonderful provision for our children and young people. We can see the opportunities that brand new school buildings can bring for Joseph Norton Academy and Woodley School and College to meet the needs of some of our most vulnerable learners, and how together we can do that locally within Kirklees.

These proposals represent significant capital investment and illustrate our commitment to removing barriers and addressing inequalities – this is about doing the right thing for children and their families both now, and for years to come. It is for these reasons that we support the officer recommendations and will want to ensure that officers commit their time to working with pupils, parents and carers and partners as the proposed new schools are developed.

9. Contact officer

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10. Background Papers and History of Decisions

- SEND Code of Practice 2015
- 16th March 2021 Kirklees Council Cabinet Report - Proposed changes to top-up funding allocations for children in mainstream schools with an Education Health & Care Plan (EHCP) from 1st April 2021
[210227 Mainstream Funding Top Ups Cabinet report V4.pdf \(kirklees.gov.uk\)](#)
- 16th March 2021 Kirklees Council Cabinet Report - Procuring an External Business Partner - SEND
[Cabinet report SEND Transformation FINAL V2.pdf \(kirklees.gov.uk\)](#)
- 16th July 2019 Report to Kirklees Council Cabinet - Future options for Almondbury Community School – Final Decision Report

11. Service Director responsible

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12. Appendices

Appendix 1 – Our Kirklees Inclusive Ambitions
Appendix 2 – Private appendix to public report

Appendix 1

Kirklees Inclusive Ambitions (Developed in Workshops Autumn/Winter 2020)

1. We will have a renewed focus on responsive and holistic early intervention for children and young people, refocusing resources to produce a varied multi agency offer including the use of the community and assistive technology and building the skills of the workforce to work preventatively.
2. Families and carers feel empowered and supported. They have strong knowledge of the support available and there is a clear culture of trust between professionals and families. This will enable a shared understanding of needs; the joint support required to meet them and a clear focus on aspirations.
3. Children and young people feel included across the community and within education settings. Schools are celebrated and held accountable for their pupil centred inclusive practice, and the contribution of individuals with additional needs is better understood across the system. This will mean that more children are able to be supported in mainstream settings across Kirklees.
4. Children and young people are able to thrive within their education settings and are supported to access an education that is flexible and empathetic to their needs. Needs are addressed in a proactive and individual way. Schools focus on and measure an individual's holistic outcomes, recognising success outside of purely academic achievements.
5. The system works in an integrated way, using its resources to take a holistic and targeted approach to needs whilst creating a seamless journey for children, young people and their families. This means that bureaucracy is reduced, and that children and young people are able to receive the right support at the right time.
6. Professionals are empowered to meet the needs of children and young people and support them to achieve their aspirations. This is achieved through embedding a shared culture of proactivity; holistic skills and knowledge across the workforce; and creating clear pathways for meeting needs.
7. Children and young people are supported to have clear aspirations for the future, with a focus on independence and preparing for adulthood. Throughout a young person's journey, they are supported to achieve their aspirations through the support they receive. Ultimately, this will mean more young people enter education, employment and training as they progress into adulthood.