

**Name of meeting:** Cabinet  
**Date:** 26<sup>th</sup> July 2022  
**Title of report:** **Special Educational Needs and Disabilities (SEND) – Transformation plan update**

**Purpose of report:**

To provide an update on the high needs Safety Valve funding and seek authority to progress plans to create additional specialist places to support the needs of children with special educational needs.

|   |   |
|---|---|
| <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> | Yes – this will have a significant effect on two or more electoral wards because of the reach of SEND provision and the sites proposed.                 |
| <b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></b>   | Key Decision – Yes<br>Private Report/Private Appendix – No  |
| <b>The Decision - Is it eligible for call in by Scrutiny?</b>   | Yes   |
| <b>Date signed off by <u>Strategic Director</u> &amp; name.</b>   | Mel Meggs – Director of Children's Services – 18/07/22  |
| <b>Is it also signed off by the Service Director for Finance?</b>   | Eamonn Croston – Service Director for Finance – 18/07/22  |
| <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>  | Julie Muscroft – Service Director for Legal, Governance and Commissioning – 18/07/22  |
| <b>Cabinet member <u>portfolio</u></b>  | Cllr Carole Pattison – Learning, Aspiration and Communities<br><br>Cllr Viv Kendrick – Children's Services<br><br>Cllr Paul Davies – Corporate Services |

**Electoral wards affected:** All Ward councillors consulted: SEND provision serves children from across the district, all Ward Councillors have had the opportunity to engage with and respond to a non-statutory consultation about proposed new Additionally Resourced Provision.

**Public or private:** Public

**Has GDPR been considered?** Yes, personally identifiable data is not present 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 to achieve their best possible outcomes.

Kirklees wants:

- 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 This report provides an update about an agreement that Kirklees Council has entered into that will support our approach to secure a sustainable financial basis as part of the High Needs funding. This is referred to as 'Safety Valve' funding.

1.3 Kirklees has a comprehensive SEND Transformation Plan (STP) with robust governance. The STP has, at its core, a sufficiency strategy which focuses on enabling more children and young people to secure places and thrive in local educational settings. One part of that strategy is to commission more Additionally Resourced Provisions to meet the needs of our local learners.

1.4 The STP has been fundamental in successfully securing funding from the Education & Skills Funding Agency following two submissions. The first brought in £33.5m to help address the cumulative historic High Needs deficit (See Appendix 2 for a copy of the agreement) and the second, £8.2m capital to further support our ambitions.

1.5 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.

1.6 Current trajectories, in terms of annual revenue expenditure from the High Needs Block 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. There has been a significant rise in children with an Education Health and Care Plans (EHCP) since 2015 in Kirklees and across the rest of the country.

1.7 Subject to the outcome of a non-statutory consultation which closed on 22<sup>nd</sup> July 2022, approval is requested to publish statutory proposals and progress plans to



create Additionally Resourced Provision (ARP) in a number of schools to support the needs of children with special educational needs.

- 1.8 Increasing the number and type of ARPs in mainstream schools is at the heart of the key recommendation of this report.
- 1.9 Many children and young people with additional learning needs can make better, more sustained progress when they attend mainstream schools. An ARP is a provision in a mainstream school, designed to provide specialist and targeted support for children with SEND. We already have some ARPs across the borough which are very successfully meeting children's needs. We want to build on that model and increase provision for some areas of need – in this case specialising in social, emotional and mental health; cognition and learning; and complex communication and interaction needs.
- 1.10 The ARP proposals in this report are intended to increase the number and geographical spread of ARP provision. Together with a range of supporting projects featured within the SEND Transformation Plan, our plans for more ARP is a fundamental element of our Kirklees strategy to improve outcomes for children, parents and carers whilst mitigating the pressures outlined above and throughout this report.
- 1.11 Kirklees Council has carried out a four-week non-statutory consultation with interested stakeholders on the proposals between 24th June and 22nd July 2022. This provided an opportunity for stakeholders to review the proposals and comment on them.
- 1.12 Following the publication of the statutory proposals and the outcome of the representation period, the creation of ARPs in maintained schools will be subject to a further report and a final decision by Cabinet. The decision maker for the creation of ARPs in academies is the Regional School Commissioner.

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

### **Background**

The following areas will provide key context and background:-

- Transformation plan
- Safety valve agreement
- Current ARP position and gaps
- School organisation process

### **Transformation plan**

- 2.1 Our partnership across Education, Health and Social Care aims to improve the lives and life chances of children and young people (aged 0-25) with SEND. We shape and co-produce this together with our parents and carers.

- 2.2 A comprehensive SEND Transformation Plan (STP) has been established and implementation of the multi-year programme is well underway. It is noted that work is founded on outcome / financial trajectories and the plans will continue to evolve over the lifetime of the 5-year programme in order to harness emerging best practice and capitalise on opportunities for innovation all with the aim of improving the outcomes for our learners and their families.
- 2.3 The STP focuses on early identification of needs, key strategic investment to flexibly increase capacity and sufficiency, effective transitions for our children as they grow into adulthood, and a focus on inclusivity across all our settings and provision.
- 2.4 A key strand of the SEND Transformation Plan is 'Commissioning and Sufficiency', which includes improving local sufficiency of places across a graduated approach model. (Please see Appendix 3)
- 2.5 A diagram confirming the shape, scale and ambition of Kirklees SEND programme along with its robust governance can be seen at Appendix 4.

### **Safety Valve Agreement**

- 2.6 Kirklees Council was invited to be part of the Safety Valve Conversations with the Department for Education (DfE) in December 2021. Following a period of engagement and negotiation with the DfE a robust deficit reduction plan was submitted and approved which forms the basis for our safety valve agreement. Kirklees Council will receive a total of £33.5m over 5 years to help address the cumulative historic High Needs deficit (See Appendix 2 for a copy of the agreement).
- 2.7 In addition to this funding agreement, Kirklees has also been successful in a submission to the DfE for additional high needs capital of £8.2m funding to support our deficit reduction plan, this is profiled across 2022/23 – 2023/24.
- 2.8 Both of the above successful submissions were based on our existing SEND transformation plan and the ambitions we have for our children, young people and families.
- 2.9 As part of the work towards securing the agreement, trajectories were development in relation to our EHCP numbers and rebalancing or mix of educational placements. The trajectories are linked to each workstream in the SEND transformation plan and form the basis for improving outcomes for our children and young people whilst securing a balanced high needs budget. These workstreams focus on the creation of additional capacity within Kirklees (ARP and New Special Schools) whilst ensuring that our children are educated in the most appropriate settings that suit their needs. Ensuring needs are identified and met early is a key aspect of the SEND Transformation plan. We have developed an Inclusion Support Offer which gives early support and advice to SENCO's, a Graduated Approach in order to support mainstream settings to meet need and supporting staff with the skills and knowledge to ensure outcomes are met.



- 2.10 The outcome of these trajectories was a position at 2026/27 where the High Needs Block will achieve a break-even in year position and result in a cumulative deficit of £33.5m (hence the Safety Valve agreement figure).
- 2.11 In order to achieve this cumulative deficit position and the balanced in year position the DfE were explicit that there should be contributions from both Schools (as part of a block transfer from the Schools Block in the Dedicated Schools Grant) and the Council. As such the Council will be contributing approximately £23m through the planned drawdown of about £12.5m existing earmarked demand reserves over a 5-year period and absorption of previous General Fund base budget recharged to High Needs at about 32m per annum, to cover a proportion of the High Needs Costs. Schools Forum had previously agreed to a 0.5% transfer per annum equating to £1.6m each year from 2022/23 onwards and as part of this agreement, investment back into the system will take place – this is starting with the development of the ARPs. An additional £500k annual schools block contribution from 2023/24 and a further £500k from 2024/25 was also submitted as part of the approved plan, following engagement with DfE about their expectations, and subsequently communicated by officers to Schools Forum, acknowledging that the further £500k contributions will still need to formally need to be consulted on and approved by Schools Forum in line with existing DfE guidance on proposed block transfer proposals.
- 2.12 Investment has already started in terms of outreach teams, strand leads (e.g. SEMH, Cognition and Learning), Early Years specialist teachers and practitioners and inclusion partners.
- 2.13 Kirklees has already received £13.5m of the Safety Valve funding in March 2022 and will receive the balance of £20m across 5 equal payments until 2026/27 commencing in 2022/23. This will be based on the performance towards the achievement of the annual target High Needs deficit position. As part of this, monitoring returns will be submitted to the DfE on a quarterly basis and explain if our actual costs are not in line with the trajectories.
- 2.14 As part of the Safety Valve trajectories the Council has committed to a significant Capital investment that will result in two new Special Schools and the creation of 100+ new places to enable our children to be educated locally – Kirklees Council will need to borrow £28m to help fund this. This was the subject of a report to Cabinet on 5<sup>th</sup> October 2021. Further capital investment will to be required to ensure suitable accommodation is available for ARPs. This work on sufficiency overall, as outlined within this report, will be further supported by the successful £8.2m capital submission to the DfE.

### **Current ARP Position and Gaps**

- 2.15 A key element of our Kirklees SEND strategy is to increase capacity through ARPs. By increasing this provision, space is made available within Specialist Schools which then enables a local response to be taken, positively impacting on the volume of need for out of area placements.

- 2.16 Many children and young people with additional learning needs can make better, more sustained progress when they attend mainstream schools. An ARP is a provision in a mainstream school, designed to provide specialist and targeted support for children with special educational needs and disabilities (SEND).
- 2.17 ARPs receive extra funding, which means they can offer additional support and resources for the pupils who attend the provision. ARPs can offer:
- i. Teaching and support staff with additional knowledge, skills, expertise and allocated time in a particular area of SEND.
  - ii. Specialist environments which support the learning, behaviour and social and emotional needs of each pupil.
  - iii. Systems to identify, plan for and track small-step progress to inform next steps.
  - iv. Lessons in mainstream classes, but with additional specialist resources and teaching.
  - v. Additional Educational Psychologist and specialist health input as necessary.
  - vi. Accommodation and environment that is adapted to meet need. Each ARP specialises in a particular area of special educational need and places are allocated according to the specific needs of the child or young person. Each ARP is an integral part of the school.
- 2.18 Admissions to the ARPs follow a different procedure from that operating for the rest of the school. Admissions into the ARP are made through the Kirklees SEND decision-making groups. These groups include representation from the Special Educational Needs & Disabilities Assessment and Commissioning Team, Educational Psychology, School Head Teachers/Special Educational Needs & Disabilities Co-ordinators, and other multi agency professionals.
- 2.19 We already have ARPs in Kirklees (currently called specialist provisions). The ARP model has been highlighted as an area of good practice in the recent Kirklees SEND inspection. Feedback from parents has been positive and the majority of learners attending ARPs are making very good progress.
- 2.20 Currently we have nine ARPs hosted at mainstream schools in Kirklees. This equates to around 5% of our schools. The greatest proportion of provision is located in the south of the borough, which has significant impact on some learners from other parts of Kirklees attending ARP; travelling time; and emotional regulatory status on arrival at, or on leaving, school.
- 2.21 There are currently no ARPs specialising in either Cognition and Learning needs or Social, Emotional and Mental Health (SEMH) needs, despite growing demand particularly in the SEMH area.



## The processes required to establish ARPs

2.22 The process differs depending on whether a school is maintained by the local authority or an academy.

### Maintained schools

2.23 The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the 2013 Regulations) require a statutory process to be followed for establishing, removing or altering special educational needs provision at a mainstream school.

2.24 Table 1 is extracted from the DfE statutory guidance [Making significant changes \(prescribed alterations\) to maintained schools](#) and sets out who can propose to establish, remove or alter SEN provision and what process must be followed:

| Table 1.                        |  |                   |                |   |
|---------------------------------|--|-------------------|----------------|---|
| Proposer                        | Type of proposal                         | Process           | Decision-maker | Right of appeal to the adjudicator        |
| LA for community                | Establish, remove or alter SEN provision | Statutory process | LA             | CofE Diocese<br>RC Diocese                |
| LA for voluntary and foundation | Establish or remove SEN provision        | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees |
| GB of foundation and voluntary  | Establish, remove or alter SEN provision | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees |

2.25 The DfE Guidance explains that, as the Proposer, the LA must follow the four-stage statutory process set out below:

| Table 2. The four-stage statutory process |   |  |   |
|---|---|--|---|
| Stage                                     | Description                             | Timescale  | Comments  |
| Stage 1                                   | Publication (statutory proposal/notice) |  |   |
| Stage 2                                   | Representation (formal consultation)    | Must be 4 weeks  | As set out in the 'Prescribed Alterations' regulations                    |
| Stage 3                                   | Decision                                | LA must decide a proposal within 2 months otherwise it must be referred to the Schools Adjudicator | Any appeal to the adjudicator must be made within 4 weeks of the decision |

| <b>Table 2. The four-stage statutory process</b> |                    |                         |  |
|--|--------------------|-------------------------|--|
| <b>Stage</b>                                     | <b>Description</b> | <b>Timescale</b>        | <b>Comments</b>  |
| <b>Stage 4</b>                                   | Implementation     | No prescribed timescale | It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker |

2.26 There is no statutory requirement to carry out a 'pre-publication' consultation for altering provision at community or voluntary controlled schools. However, Kirklees carried out a four-week non-statutory consultation with interested stakeholders on the proposals between 24th June and 22nd July 2022. This provided an opportunity for stakeholders to review the proposals and comment on them. Supporting information shared with the public can be seen at Appendix 5.

### **Academies**

2.27 Feedback from the non-statutory consultation on the proposals will inform a decision by the relevant Academy Trust on whether to submit a significant change business case to the Regional Schools Commissioner (RSC) for approval.

2.28 A significant change is defined as 'a change which may have a 'significant' impact on the local school environment, through changing the number and/or type of school places and/or where they are offered'. The process for making significant changes to an academy is modelled on the parallel statutory process that local authority-maintained schools are required to follow when making similar changes. A full business case is required for proposals to add or remove a SEN unit or resourced provision.

2.29 After considering the evidence provided and assessing the impact that the proposed change will have on the quality and capacity of the academy and on local provision, in most cases the RSC will decide (on behalf of the Secretary of State) whether proposals are in line with the needs of the local area.

## **3. The Proposals**

### **The proposals for new ARPs**

3.1 Working in partnership with the Kirklees school system, a first phase of proposals for additional ARPs are outlined in the table below. Our first phase of proposals is intended to increase the number and geographical spread of ARP provision. We have more schools who have expressed an interest in hosting an ARP and work will begin shortly on a second phase to further increase provision. This will be the subject of a future consultation.



| Name of School  | Phase of school | Maintained or Academy | Places up to | North or South | Additional information   |
|---|-----------------|-----------------------|--------------|----------------|--|
| <b>Social, Emotional and Mental Health Needs</b>      |                 |                       |              |                |  |
| Beaumont Primary Academy                              | Primary         | Academy               | 12           | South          | No existing provision. Proposals deliver primary provision in North and South Kirklees.  |
| Carlinghow Academy                                    | Primary         | Academy               | 12           | North          |  |
| <b>Complex Communication and Interaction Needs</b>    |                 |                       |              |                |  |
| Netherhall St James CE (VC) Infant and Nursery School | Primary         | Maintained            | 12           | Central*       | Existing provision in the North. Proposals deliver provision in Central Kirklees. Proposals also deliver primary through to secondary provision on one central site. |
| Netherhall Learning Campus Junior School              | Primary         | Maintained            | 12           |                |  |
| Netherhall Learning Campus High School                | Secondary       | Maintained            | 20           |                |  |
| <b>Cognition and Learning</b>                         |                 |                       |              |                |  |
| Old Bank Academy                                      | Primary         | Academy               | 16           | North          | No existing provision.   |

\* Technically South in terms of school organisation but relatively central by distance.

### Additional proposal

- 3.2 Although not operational for two years due to a lack of demand for places, Netherhall St James CE (VC) Infant and Nursery School and Netherhall Learning Campus Junior School are registered as having an ARP for 5 transitional places associated with Physical Impairment.
- 3.3 It is proposed that the registered provision for Physical Impairment at Netherhall St James CE (VC) Infant and Nursery School and Netherhall Learning Campus Junior School be removed to reflect the current operational position
- 3.4 Taking account of the information in this report the establishment of additional ARPs is considered to be a very positive proposal which will widen services available for children with SEND. It is also important to the commitment made with the DfE in the Safety Valve agreement. To ensure to timely progress of these proposals, Members are asked to approve delegated authority for the Strategic Director for Children's Services to publish statutory proposals for ARPs in maintained schools taking account of the outcome of a non-statutory consultation. The final decision will be made by Cabinet who can also take account of the non-statutory consultation and representations made during the representation period.



## **4 Implications for the Council**

### **4.1 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.

Integral to those ambitions and our approach is 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."

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 in this report be approved, we are committed to working with our families as we progress the delivery of the ARPs.

We commissioned an external review of Specialist Provision which sought the view of parents and other interested parties. The outcome of this has informed the proposals in this report.

### **4.2 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 increased ARPs 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.

### **4.3 Place Based Working**

One of the cornerstones of our SEND transformation plan is building provision within Kirklees to ensure there is sufficient capacity locally to meet need 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 fewer young people will leave or travel outside of Kirklees. Having services more local and accessible to where people live can have a positive impact on their mode of travel and in doing so, we will contribute to the Council's net zero ambition.

#### **4.5 Improving outcomes for children**

The whole of the SEND Transformation Plan focuses on improving outcomes for children. The proposals in this report are integral to successful achievement of our ambition.

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 and is intrinsic in the proposed delivery of Additionally Resourced Provision.

'Our Kirklees Futures' is our Learning strategy which describes our ambitions for learners in Kirklees. From engagement, three 'obsessions' emerged that would be our areas of relentless focus:

- Inclusion: Children, young people and learners of all backgrounds learn and grow side by side, to the benefit of all.
- Resilience: The ability and support to overcome adversity.
- Equity: Everyone gets the support they need

These obsessions are at the heart of everything we do when planning services for education of children and young people.

The updates and proposals contained in this report contribute to our inclusive ambitions which will lead to improved outcomes for children.

#### **4.6 Financial implications for the people living or working in Kirklees**

Providing suitable school places nearer to where families live not only supports place-based working and outcomes for children, but it can also save families time and money because they can travel smaller distances to school events such as parents' evenings.

## 4.7 Financial – Revenue and Capital

- 4.7.1 As noted earlier in the report at paragraph 2.10 and 2.11, successful submissions to the Education & Skills Funding Agency have brought £33.5m into Kirklees and an additional £8.2m in capital, alongside DfE expectation of additional schools block transfers in 2023/24 and 2024/25, and Council contributions through a combination of earmarked demand reserves and base budget equivalent to £23m additional Council contribution over the 5-year plan. This supports the achievement of an in-year balanced budget, alongside the delivery of improved outcomes and associated savings.
- 4.7.2 In calculating outline investment required we have made the assumption that secondary school capacity is not immediately available (currently accommodating the bulge of secondary) therefore adaptation of existing space for suitability plus provision of additional accommodation may be needed.

| Capital Proposal                  | Description                       | Total Estimated Cost | Link to overarching Safety Valve proposal  |
|-----------------------------------|-----------------------------------|----------------------|--|
| Additionally Resourced Provisions | 4 new primary and 3 new secondary | £2.25m               | There is an insufficiency of primary specialist provision in most geographical areas and a limited mix to meet the evidenced need.           |
|                                   |                                   |                      | There is an insufficiency of specialist provisions focused on social and emotional mental health (SEMH) which is the largest area of growth. |

- 4.7.3 The following table demonstrates the potential revenue savings in the High Needs Block based on placing a pupil at an independent school compared with a placement in Additionally Resourced Provision.

| Proposal                                      | Average cost of existing placement for this type and category of SEND | Expected cost of placements in new provision | Expected savings to the DSG from new place creation after 3 years | Expected savings to the DSG from new place creation after 5 years |
|---|---|--|---|---|
| Additionally Resourced Provisions - Primary   | £53K (External Placement Cost at Independent School)                  | £18K   | £1.8m   | £1.8m   |
| Additionally Resourced Provisions - Secondary | £53K (External Placement Cost at Independent School)                  | £26K   | £1.4m   | £1.4m   |

## 4.7 Legal Implications

### Statutory proposals and Significant Changes to Academies

Details of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 applying to the requirement for a statutory process to be followed for establishing, removing or altering special educational needs provision at a mainstream school are included in the main body of the report.

A similar process is required for significant changes to an academy. The responsibility to submit a business case associated with the proposals rests with each academy trust with the final decision being made by the Regional Schools Commissioner or Department for Education.

## 4.8 Governance and statutory compliance

The SEND Programme Board oversees the implementation of the SEND Transformation Plan. This work would feature as one of the projects within that plan.

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

## 5. Consultees and their opinions

5.1 Kirklees have carried out a four-week non-statutory consultation with interested stakeholders on the proposals. This provided an opportunity for stakeholders to review the proposals and comment on them. This closed on 22 July.

## 6. Next steps and timelines

Given the different processes described above, post consultation, the next steps differ depending on whether a school is an academy or is maintained by the local authority.

### Maintained schools

All feedback from the non-statutory consultation described above will be published on the council's website in a consultation outcome report. This will inform a decision by the local authority on whether to move to the next stage. Moving to the next stage for one or more of the proposals would mean the publication of statutory proposal followed by a representation period. The representation period would provide another chance for interested parties to comment on the proposal them before a final decision is made by Cabinet.

The following table shows the next steps involved in the process. Dates are subject to change and would be dependent on Cabinet approvals requested in this report.

| Milestone  | Date                   |
|--|------------------------|
| Publication of consultation outcome report                           | August/September 2022  |
| Publication of statutory proposals/notices and representation period | September/October 2022 |
| Final decision by Cabinet (within 2 months)                          | November/December 2022 |
| Implementation from  | January 2023           |

## Academies

Feedback from the non-statutory consultation will inform a decision by an academy on whether to move to the next stage. Moving to the next stage for one or more proposals would involve relevant academy trust submitting a business case to the RSC.

The following table shows the next steps involved in the process. Dates are subject to change as they are not in the direct control of the council.

| Milestone  | Date                  |
|--|-----------------------|
| Publication of consultation outcome report                 | August/September 2022 |
| Significant change business case submitted to the RSC from | September 2022        |
| Final decision by RSC                                      | To be confirmed       |
| Implementation from  | January 2023          |

Subject to the outcomes of the consultation and Cabinet approval to the recommendations in this report, Officers will work in partnership with relevant academy trusts to provide the support they required to complete the 'significant change process'.

## 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 Safety Valve update / agreement with the Education & Skills Funding Agency.
- b. Authorise the Strategic Director for Children's Services, to:
  - i. take account of the outcome of a non-statutory consultation on proposals to establish, change or discontinue Additionally Resourced Provision (previously known as specialist provision), and the relevant statutory guidance.
  - ii. arrange for the Council to publish related statutory proposals to establish, change or discontinue Additionally Resourced Provision in schools maintained by the Council as prescribed in the 2013 Regulations. Cabinet shall consider and determine the published proposals following the end of the representation period.



- iii. Authorise Officers to take account of the outcome of a non-statutory consultation and work in partnership with academy trusts to support the presentation of a business case to the Regional School Commissioner or the Department for Education.

## 8. Cabinet Portfolio Holder's recommendations

This report continues to affirm Kirklees ambition to make a difference for and with the people of Kirklees. This is founded on engagement, working with and creating local provision for local children.

Working together with schools, we can see the opportunities that Additionally Resourced Provision can bring to meet the needs of some of our most vulnerable learners locally within Kirklees.

These proposals represent significant 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 ARP proposals are developed and implemented.

## 9. Contact officer

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## 10. Background Papers and History of Decisions

- SEND Code of Practice 2015
- 16<sup>th</sup> 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 \(kirklees.gov.uk\)](#)
- 16<sup>th</sup> March 2021 Kirklees Council Cabinet Report - Procuring an External Business Partner - SEND  
[Cabinet report SEND Transformation FINAL V2.pdf \(kirklees.gov.uk\)](#)
- 5th October 2021 Kirklees Council Cabinet Report -  
[Capital investment and rebuild of 2 Special Schools](#)

## 11. Service Director responsible

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## 12. Appendices

Appendix 1 – Our Kirklees Inclusive Ambitions

Appendix 2 – Safety Valve Agreement

Appendix 3 – Continuum of provision / Graduated approach

Appendix 4 – SEND Programme governance

Appendix 5 – Non statutory consultation supporting public information