

Name of meeting: Cabinet

Date: 17 January 2023

Title of report: Making changes to provision for pupils with Special Educational Needs - final decision report

Purpose of report: This report seeks a final decision on proposals to establish Additionally Resourced Provision at three maintained schools on the Netherhall Learning Campus and to remove other registered Additionally Resourced Provision, which has not been operational for two years due to an alternative localised delivery model.

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? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	Yes – this will have a significant effect on two or more electoral wards because of the reach of SEND provision.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Mel Meggs – Director of Children's Services – 03/01/2023
Is it also signed off by the Service Director for Finance?	Eamonn Croston – Service Director for Finance – 06/01/2023
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – Service Director for Legal, Governance and Commissioning – 06/01/2023
Cabinet member portfolio	Cllr Carole Pattison – Learning, Aspiration and Communities Cllr Viv Kendrick – Children's 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 across Kirklees and to comment on the specific changes to Additionally Resourced Provision proposed at Netherhall Learning Campus during a statutory representation period.

Public or private: Public

Has GDPR been considered? Yes

1 Summary

1.1 Linked to the Kirklees SEND Transformation Plan, a first phase of proposals was published in a non-statutory consultation to establish six new Additionally Resourced Provisions and remove an unused provision.

1.2 Different processes are required for Academy proposals and Maintained school proposals. This report requests Kirklees Cabinet consider a final decision on the proposals for maintained schools where they are the decision maker.

1.3 On 31 October 2022 the LA (“the Proposer”) published statutory proposals to:

- Establish new Additionally Resourced Provision for Complex Communication and Interaction needs at Netherhall St James CE (VC) Infant and Nursery School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School as follows:
 - Netherhall St James CE (VC) Infant and Nursery School – up to 12 Places
 - Netherhall Learning Campus Junior School – up to 12 Places
 - Netherhall Learning Campus High School – up to 20 Places
- Remove the Additionally Resourced Provision for five transitional places associated with Physical Impairment at Netherhall St James CE (VC) Infant and Nursery School and Netherhall Learning Campus Junior School.

1.4 This report sets out the statutory process that has been undertaken by the Proposer and the rationale for these proposals. It details the outcome of the formal representation period and gives Officer recommendations.

2 Information required to take a decision

2.1 Background information

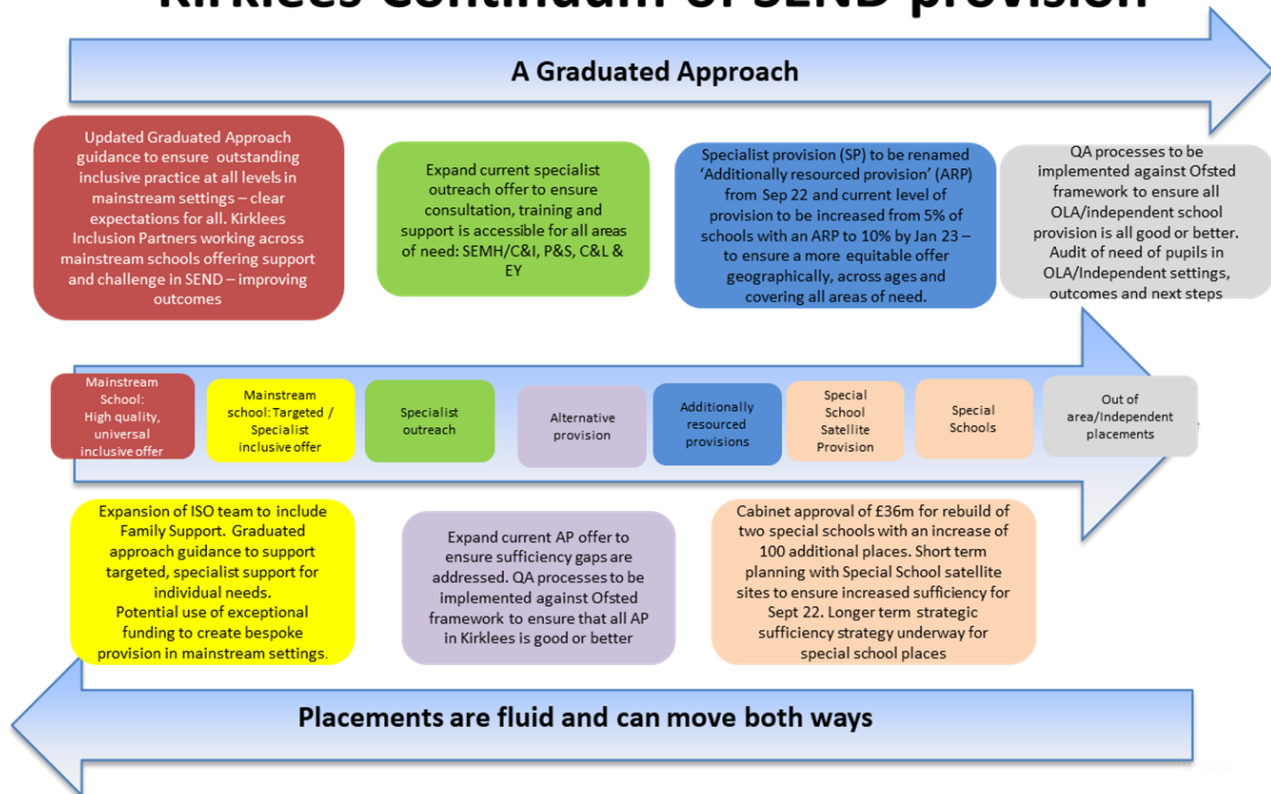
Our vision for children and young people in Kirklees is that they have the best start in life. Our aspirations for children and young people with SEND are no different to those we hold for all children.

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 will achieve this through delivering our SEND Transformation Plan which focuses on early identification of needs, key strategic investment to flexibly increase capacity

and sufficiency, effective transitions for our children as they grow, and a focus on inclusivity across all our settings and provision.

A key strand of the SEND Transformation Plan is 'Commissioning and Sufficiency', which includes improving local sufficiency of places across a graduated approach model including Additionally Resourced Provision.

Kirklees Continuum of SEND provision



2.2 What is Additionally Resourced Provision (ARP)?

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). Many children and young people with SEND can achieve excellent outcomes when attending mainstream provision. ARPs receive additional funding, which means they can offer additional support and resources for the pupils who attend the provision offering:

- Teaching and support staff with additional knowledge, skills, expertise and allocated time in a particular area of SEND.
- Specialist environments which support the learning, behaviour and social and emotional needs of each pupil.
- Systems to identify, plan for and track small-step progress to inform next steps.
- Lessons in mainstream classes, but with additional specialist resources and teaching.
- Additional Educational Psychologist and specialist health input as necessary.
- 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.

Admissions to the ARPs follow a different procedure from that operating for the rest of the school. Admissions into the ARP will be 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.

2.3 Our existing ARPs

We already have Additionally Resourced Provisions in Kirklees (until recently, known as specialist provisions). The ARP model was highlighted as an area of good practice in the recent Kirklees SEND inspection. Feedback from parents was positive and the majority of learners attending ARPs are making very good progress.

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. There are 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.

2.4 The proposals for new ARPs

Working in partnership with our schools, we identified a first phase of proposals intended to increase the number and geographical spread of ARPs. 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 subject of a future consultation.

Table 1. Proposed new ARPs – Phase one.					
Name of School	Phase of school	Maintained or Academy	Places up to	North or South	Additional information
Social, Emotional and Mental Health Needs					
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	

Complex Communication and Interaction Needs					
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		
Cognition and Learning					
Old Bank Academy	Primary	Academy	16	North	No existing provision.

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

There is also a proposal to remove the registered ARP for five transitional places associated with Physical Impairment at Netherhall St James CE (VC) Infant and Nursery School and Netherhall Learning Campus Junior School. These ARPs have not been operational for two years due to a lack of demand for places.

2.5 The statutory process

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

For Beaumont Primary Academy, Carlinghow Academy and Old Bank Academy, the proposals require a significant change business case to be submitted by the relevant Academy Trust to the Regional Department for Education (previously known as the Regional Schools Commissioner). At the time of writing this report, significant change business cases have been received by the Regional Department for Education from two of the Academy Trusts, with the third expected to follow in due course. The decision maker for these three proposals is the Regional Department for Education Director, therefore the remainder of this report will not apply to these proposals.

For Netherhall St James CE (VC) I & N School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School, School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, require a statutory process set out by law be followed for establishing, removing, or altering special educational needs provision at a mainstream school.

The Department for Education (DfE) publish Guidance for such changes, ‘Making significant changes (‘prescribed alterations’) to maintained schools: Statutory guidance for proposers and decision-makers - October 2018 (Appendix 6). Table 2 sets out who can propose to establish, remove, or alter SEN provision and what process must be followed:

The regulations state that because Netherhall St James CE (VC) I & N School is a Voluntary Controlled school, and both Netherhall Learning Campus Junior School and Netherhall Learning Campus High School are Community schools, Kirklees Council can propose these changes. As long as published proposals are determined within two months of the end of a statutory representation period, the LA is the decision-maker.

Table 2. Netherhall Learning Campus schools				
Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

The DfE Guidance explains that, as the proposer, the LA must follow the four-stage statutory process set out in Table 3:

Table 3. Stages of the 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 should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision maker

2.6 Non Statutory Consultation

The DfE Guidance states that ‘Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations’ (page 26).

A four-week non-statutory consultation took place between 24 June 2022 and 22 July 2022, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties. The consultation document can be found at Appendix 1.

On 23 September 2022, the non-statutory consultation outcomes report was published on the Council’s external website (SOAG Appendix A). Key stakeholders were notified and sent a link to the report. On 20 October 2022 the Strategic Director for Children’s Services, having been given delegated authority to do so by Kirklees Cabinet on 26 July 2022, agreed to proceed with the next stage of the statutory process and the publication of the related statutory notice and proposals for the Netherhall Learning Campus schools.

2.7 Publication

The statutory notice (SOAG Appendix D) and proposals (SOAG Appendix E) for the Netherhall Learning Campus schools were published on 31 October 2022. The representation period commenced on this date and ended on 28 November 2022, therefore lasting for a period of four weeks and meeting the requirements of School Organisation Regulations.

2.8 Representations received about the proposal

No representations were received during representation period.

2.9 Decision - the role of the Kirklees School Organisation Advisory Group (SOAG)

The LA is the primary Decision Maker for school re-organisation proposals relating to maintained schools, and under Kirklees arrangements, the Cabinet of Kirklees Council is the decision-making body. Under School Organisation Regulations, if the Cabinet of Kirklees Council is unable to make a decision within 2 months of the end of the statutory representation period, then the decision passes to the Schools Adjudicator.

The Kirklees School Organisation Advisory Group (SOAG) was established by Cabinet on 12 September 2007 to advise the Cabinet on school organisation decision-making matters. The constitution and purpose of SOAG is attached at Appendix 2. SOAG exists to provide advice to Cabinet, but Cabinet is the decision-maker

2.10 Review of the statutory process

Kirklees SOAG met on 9 December 2022 to consider the statutory process and representations on the proposals and to formulate advice for Cabinet as decision-maker. The notes of the meeting are attached at Appendix 3, along with the SOAG

checklist (Appendix 4) and DfE decision-making factors document (Appendix 5) which were completed by the LA as the Proposer. All appendices and supporting documents provided by the LA for SOAG are also included with this report.

2.10.1 Statutory process check by SOAG

The LA submitted a completed checklist in relation to the process it had undertaken (Appendix 4). At the meeting, the processes that were followed in relation to the proposals were checked alongside appropriate evidence that each aspect of the process had been completed.

2.10.2 SOAG conclusions about the statutory process

Following the process check, it was concluded that the statutory notice, statutory proposal, and statutory process were valid and within time limits.

- SOAG unanimously agreed that the statutory process had been followed.
- SOAG requested Officers consider how they could represent the views of children in future consultations.
- Subject to some minor amendments, SOAG agreed that there was evidence available in the documentation presented to demonstrate that the appropriate factors for decision making had been considered and addressed.
- Cabinet is able to reach a decision regarding the proposals.

Officers would, therefore, prepare a Cabinet report within 2 months of the end of the statutory four-week representation period, which ended on 28 November 2022, for Kirklees Council Cabinet to make a decision about the proposals.

The minor amendments referred to above are recorded in the notes of the SOAG meeting (Appendix 3) and have been addressed in the details contained within this cabinet report.

2.10.3 SOAG review of the proposal and representations using the DfE Statutory Guidance for Decision Makers.

Factors to be considered in making the decisions about the statutory proposal.

To support decision-making by Cabinet, a range of factors have to be considered. These factors are derived from the guidance issued by the Department for Education. 'Making significant changes ('prescribed alterations') to maintained schools - Statutory guidance for proposers and decision-makers, October 2018' (Appendix 6).

The factors can vary depending upon the nature and type of proposal. A template was completed by the LA and included a rationale for the proposals against each of the factors for decision-making. The completed template can be found at Appendix 5.

The relevant factors for decision-making in relation to these proposals are:

- Representation (Formal Consultation) and Decision
- Education Standards and Diversity of Provision
- Equal Opportunity Issues
- Community Cohesion

- Travel and Accessibility
- Funding
- Right of Appeal Against a Decision
- Implementation
- School Premises and Playing Fields

At the meeting on 9 December 2022, SOAG examined the rationale for the proposals against each of the above factors. Several points of clarification were sought, and additional information was requested from the LA. These are detailed in the notes of the meeting (Appendix 3).

2.10.4 SOAG conclusions for decision makers

SOAG agreed that:

The statutory process had enabled a detailed presentation of the statutory proposals for Netherhall St James CE (VC) I & N School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School.

Netherhall St James CE (VC) I & N School and Netherhall Learning Campus Junior School

- To remove five transitional places for children with Physical Impairment.

Netherhall St James CE (VC) I & N School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School

- To establish new Additionally Resourced Provision for children with Complex Communication and Interaction needs.

The rationale for the proposals had been clearly articulated against the factors in the decision maker's guidance.

2.10.5 Officers' recommendations for decision makers regarding the proposal.

Guidance note: Type of decision

The decision maker can make one of four types of decision for the statutory proposals:

- reject the proposals;
- approve the proposals without modification;
- approve the proposals with a modification, having consulted the LA and/or governing body of both schools (as appropriate); or
- approve the proposals with or without modification subject to certain prescribed events (such as the granting of planning permission) being met.

Following the SOAG review, officers recommend, subject to consideration of any further matters raised at the decision-making meeting, that the statutory proposals for Netherhall St James CE (VC) I & N School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School can be considered for approval for the following reasons (see Appendix 3).

2.11 Consideration of Consultation and Representation Period

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/ or representation period has been carried out and that the

proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

No representations received.

SOAG did note that formal consultation with pupils had not taken place. Whilst this does not prevent compliance to the statutory process, SOAG members expressed the importance of understanding the views of children and urged officers to consider this in future consultations.

2.12 Education Standards and Diversity of Provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

No representations received.

Officer advice: The proposals to establish new Additionally Resourced Provision (ARP) at Netherhall St James CE (VC) I & N School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School form part of the first phase of proposals that are intended to increase the number and geographical spread of ARP provision across Kirklees. Creating more provision within Kirklees will ensure there is sufficient capacity to meet need locally wherever possible, reducing travelling times for pupils by enabling them to access suitable provision closer to home. The phase one Academy proposals and proposals in future phases of expansion will each contribute to increasing the number and geographical spread of spread of ARP provision across Kirklees.

Many children and young people with additional needs achieve positive outcomes when they attend an ARP in a mainstream school. This gives children and young people the opportunity to work in a smaller, more nurturing environment as needed, with access to specialist teaching, support staff and resources. In addition, mainstream schools with ARPs on site can benefit across the school from the enhanced specialism in their staff teams, enabling the wider school to access more specialist training and resources.

The proposal to remove the ARP for five transitional places associated with Physical Impairment at Netherhall St James CE (VC) Infant and Nursery School and Netherhall Learning Campus Junior School has been made following careful needs analysis to consider what sort of provision there is current need and demand for across Kirklees. This is primarily in the areas of Social, Emotional and Mental Health (SEMH) and Complex Communication and Interaction (CCI) needs.

The existing ARP for Physical Impairment has not had any pupils attending or any new referrals for three years now. The original provision was set up for five pupils, on “transitional” places (short term) but was never full.

Children with a physical disability should be able to attend their local mainstream school, with their peers. In line with parental preference, Kirklees Council supports schools to make adaptations to their buildings and environments, where needed, to ensure they are fully inclusive.

Over the last three years a highly successful Outreach Service has been developed for pupils with Physical needs. The service works closely with children, families and schools across Kirklees to ensure mainstream schools are accessible and children and young people are able to be successful. With the success of this team, a separate provision for pupils with physical disabilities is no longer required, hence why it is no longer in use. Despite the removal of these five transitional places for Physical needs, overall the proposals for new ARP will result in 39 more places for children with SEND on the Netherhall Learning Campus (and 79 more places if all the phase one proposals are taken into account).

2.13 Equal Opportunity Issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;*
- *advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and*
- *foster good relations between people who share a relevant protected characteristic and people who do not share it.*

No representations received.

Officer advice: An integrated impact assessment was undertaken in July 2022 and updated in November 2022.

It is considered that there are no adverse impacts arising from the proposals under this duty.

These changes are necessary to continue to improve service delivery and outcomes for children and young people. The proposals will result in an increase in Additionally Resourced Provision.

The lack of take up of transitional places for children with physical needs in the existing ARP at Netherhall St James CE (VC) I & N School and Netherhall Learning Campus Junior School is because parents and carers have preferenced their local mainstream school. In line with parental preference, the LA supports schools to make adaptations to their buildings and environments, where needed, to ensure they are fully inclusive. The LA has developed a highly successful Outreach Service for pupils with physical needs. The service works closely with children, families and schools across Kirklees to ensure mainstream schools are accessible and children and young people are able to be successful. It is considered, therefore, that these proposals have no negative impact from an equalities perspective.

The proposals do not give rise to any sex, race or disability discrimination issues. The proposals for the Netherhall Learning Campus, which aim to increase the number of ARP places for children with Complex Communication and Interaction

needs across all three schools, will ensure there is sufficient capacity to meet children's needs locally wherever possible and enable positive outcomes.

2.14 Community Cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

No representations received.

Officer advice: It is considered that there is no adverse impact upon community cohesion as a result of these proposals for the Netherhall Learning Campus. All three schools would continue to provide nursery, primary and secondary education to the communities that presently they serve.

Having children with special educational needs in mainstream schools promotes and builds inclusive attitudes at a wider level, where diversity and difference are understood and welcomed through enabling all children to become mindful of the needs and requirements of those around them regardless of ability, need or background.

2.15 Travel and Accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

No representations were received.

Officer advice: The greatest proportion of Additionally Resourced Provision is currently located in the south of the borough, which has significant impact on some learners from other parts of Kirklees attending an ARP; travelling time; and emotional regulatory status on arrival at, or on leaving, school. One of the cornerstones of the SEND transformation plan is creating more provision within Kirklees to ensure there is sufficient capacity to meet need locally wherever possible. This and further phases of ARP expansion are intended to increase the number and geographical spread of ARP provision and a key outcome of this will be to reduce journey times.

These proposals for Netherhall Learning Campus schools will deliver primary through to secondary provision on the same site for children with Complex Communication and Interaction needs. Currently the only ARP for primary age children that specialises in CCI needs is located in north Kirklees. Netherhall Learning Campus is situated in central Kirklees so this choice of location for a new ARP will reduce travelling times for some pupils by enabling them to access suitable provision closer to home.

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.

2.16 Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. Trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available: nor can any allocation "in principle" be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

No representations were received.

Officer advice: Revenue to support the start-up and continued expenditure required to staff and operate the proposed new ARP at Netherhall Learning Campus will be provided by the High Needs Block of the Dedicated Schools Grant.

A capital budget has been allocated to the programme of establishing additional ARPs. It is expected that a portion of this budget will be used to ensure existing spaces which are available in each school are adapted, as needed, to ensure there is an environment suitable to support the specific needs of the children attending the provision. This will for instance include access to a safe outside area.

There are no costs associated with the proposal to remove the Additionally Resourced Provision for five transitional places associated with Physical Impairment at Netherhall St James CE (VC) Infant and Nursery School and Netherhall Learning Campus Junior School. Resources have already been reallocated to support a highly successful Outreach Service.

2.17 Rights of Appeal Against a Decision

The following bodies may appeal to the Schools Adjudicator against a decision made by the LA decision-makers, within four weeks of the decision being made:

- *The local Church of England diocese;*

- *The local Roman Catholic diocese; and*
- *The governors and trustees of a foundation, foundation special or voluntary school that is subjected to the proposal.*

On receipt of any appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjustor.

No representations received.

Officer advice: As Netherhall St James CE (VC) I & N School is a voluntary controlled school, the Church of England diocese or the school's governing body have a right of appeal to the Schools Adjudicator against a decision made by the decision-makers.

2.18 Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modification made by the decision-maker.

No representations received.

Officer advice: Implementation will take into account any modifications made by the decision-maker, if applicable.

2.19 School Premises and Playing Fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

No representations received.

Officer advice: The ARP proposals are for existing schools that already have access to outdoor space. The Council has a modest capital budget available to adapt and enhance school premises and outdoor spaces as required to ensure they are suitable and safe for all pupils.

3 Implications for the Council

3.1 Working with People

In establishing a Kirklees SEND Transformation Plan we recognise that delivering the best outcomes for all our children with SEND is a significant challenge which many authorities and partners face. Our plan outlines how we approach these challenges and the opportunities there are to improve our work. It has a focus on outcomes for people. We will concentrate our energy and resources on the things that make a difference to people's lives.

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.

3.2 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. Working in partnership with the Federated Governing Body of Netherhall Learning Campus and senior school staff has been key to the specific proposals in this report. 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.

3.3 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.

These proposals would take us one step further as we continue to expand the number of ARP places and their geographical spread across Kirklees.

3.4 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.

The central location of the proposals in this report would take us one further step forward with these aspirations.

3.5 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.

3.6 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.

3.7 Other implications

An integrated impact assessment was undertaken in July 2022 and updated in November 2022. It is considered that there are no adverse impacts arising from the proposals under this duty.

These changes are necessary to continue to improve service delivery and outcomes for children and young people. A positive impact is therefore expected as a result of increasing the number of Additionally Resourced Provision places available.

4 Consultation and Engagement

A four-week non-statutory consultation took place between 24 June 2022 and 22 July 2022, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties. The consultation document can be found at Appendix 1. On 23 September 2022, the non-statutory consultation outcomes report was published on the Council's external website (SOAG Appendix A).

On 31 October 2022 statutory proposals were published on the Council's website and statutory notices were published in the local press and shared widely with stakeholders. Comments or objections to the proposals could be made in writing by post or via email until 28 November 2022.

During the 4 week representation period, no representations were received.

5 Next steps and timelines

Cabinet are required to make a decision on these statutory proposals within 2 months of the end of the representation period, i.e., no later than 28 January 2023, or the proposal must be referred to the Schools Adjudicator for determination.

As Netherhall St James CE (VC) I & N School is a voluntary controlled school, the Church of England diocese or the school's governing body have a right of appeal to the Schools Adjudicator against a decision made by the decision-makers.

If Cabinet approves these proposals, officers will support and work with the federated governing body of Netherhall St James CE (VC) I & N School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School to finalise arrangements for pupils, parents, staff and other stakeholders in order to ensure that effective plans are put in place to implement the proposals for Netherhall St James CE (VC) I & N School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School in line with the timelines in this report.

6 Officer recommendations and reasons

It is recommended that Cabinet:

- notes the advice of Kirklees SOAG that the proposals for Netherhall St James CE (VC) I & N School and Netherhall Learning Campus Junior School to remove the provision of five transitional places for children with Physical Impairment and for new Additionally Resourced Provision to be established at Netherhall St James CE (VC) I & N School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School for children with Complex Communication and Interaction needs are valid and that the required statutory processes have been carried out.
- agree that in their role as decision-makers, they will take the decision regarding the proposals within the statutory time period.
- acknowledge the outcomes and recommendations of the Kirklees SOAG meeting on 9 December 2022 and the associated officer recommendations for the proposals.
- note the financial implications of approving the proposals
- confirm that in meeting the obligations of the Equality Act 2010 and the Public Sector Equality Duty 2011 full regard has been given to the Equalities Impact Assessment throughout the statutory process for the proposal including the decision regarding approval.

It is recommended that Members approve without modification or condition the proposals to:

- Establish new Additionally Resourced Provision for Complex Communication and Interaction needs at Netherhall St James CE (VC) Infant and Nursery School, Netherhall Learning Campus Junior School and Netherhall Learning Campus High School as follows:
 - Netherhall St James CE (VC) Infant and Nursery School – up to 12 Places from 17 April 2023
 - Netherhall Learning Campus Junior School – up to 12 Places from 1 September 2023
 - Netherhall Learning Campus High School – up to 20 Places from 17 April 2023
- Remove the Additionally Resourced Provision for five transitional places associated with Physical Impairment at Netherhall St James CE (VC) Infant and Nursery School and Netherhall Learning Campus Junior School from 31 January 2023.

The proposals should be approved for the following reasons:

- To deliver Additionally Resourced Provision (ARP) for Complex Communication and Interaction (CCI) needs in central Kirklees. CCI is an area of need where demand is growing. Many children and young people with additional learning needs can make better, more sustained progress when they attend mainstream schools in provision that is designed to offer specialist and targeted support for children with special educational needs and disabilities (SEND). These proposals for Netherhall Learning Campus schools will deliver primary through to secondary provision on the same site for children with CCI needs. Currently the only ARP for

primary age children that specialises in CCI needs is located in north Kirklees. Netherhall Learning Campus is situated in central Kirklees so this choice of location for a new ARP will reduce travelling times for pupils by enabling them to access suitable provision closer to home.

- To increase the amount of Additionally Resourced Provision within Kirklees to meet the specific needs of some learners. These proposals will have a positive impact across the school system, enabling children with complex SEND, who may not currently be having their needs fully met in their mainstream setting, to access specialist ARP where required. In addition, the host schools will benefit from internal expertise to support the continued development the wider staff team.
- To support children with a physical disability to attend their local mainstream school, with their peers. In line with parental preference, Kirklees supports schools to make adaptations to their environments, where needed, to ensure they are fully inclusive. Despite the removal of these five transitional places for physical impairment, overall the proposals for new ARPs will result in a net increase of 39 places at Netherhall Learning Campus.
- It is recommended that Members request officers to support and work closely with the federated governing body of Learning Campus to finalise arrangements for pupils, parents, staff and other stakeholders in order to implement the proposals in line with the timelines in this report.

7 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 these proposals form one part of one phase of our ambition to expand the number of places available across Kirklees, providing services as local as possible which meet the needs of our children.

We wish to place on record our thanks to the Federated Governing Body of Netherhall Learning Campus for their support and to Beaumont Primary Academy, Carlinghow Academy and Old Bank Academy who together form the first phase of ARP proposals.

We welcome the opportunity for Cabinet to make the final decision on the proposals for creating 44 ARP places for Complex Communication and Interaction needs at Netherhall Learning Campus. We fully support the officer proposals along with the proposals to remove 5 transitional places, which are no longer required.

8 Contact officer

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9 Background Papers and History of Decisions

SEND Transformation Plan September 2021: [Kirklees SEND Transformation plan](#)

Cabinet Report 26 July 2022 - Special Educational Needs and Disabilities (SEND) - Transformation plan update: [20220726 Safety Valve and APR - Cabinet Report V2.pdf \(kirklees.gov.uk\)](#)

Outcomes Report 23 September 2022 - Developing Special Educational Needs (SEND) Additionally Resourced Provision in mainstream schools – outcome report: [Developing Special Educational Needs \(SEND\) Additionally Resourced Provision in mainstream schools – outcome report. \(kirklees.gov.uk\)](#)

10 Service Director responsible

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