

Name of meeting: Cabinet
Date: 27 June 2023
Title of report: 2023/24 to 2027/28 Council Capital Plan – Proposed allocation of capital funding from the Directorate for Children’s Achieve and Aspire Strategic Priorities in the capital plan.

Purpose of report: This report will identify potential school capital projects, for Member approval, to be funded from the 2023/24 to 2027/28 Children’s Achieve and Aspire Strategic Priorities in the capital plan to support the council SEND transformation plan.

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards?	Yes - this will result in capital expenditure significantly in excess of £500K.
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u>	Key Decision - Yes Public Report
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?	Mel Meggs – Strategic Director for Children’s Services – 8 June 2023 Dean Langton - Service Director for Finance- 14 June 2023 Julie Muscroft - Service Director for Legal Governance and Commissioning -15 June 2023
Cabinet member portfolio	Cllr Viv Kendrick - Children (Statutory Responsibility for Children) Cllr Carole Pattison - Learning, Aspiration & Communities

Electoral wards affected: All wards

Ward councillors consulted: Yes

Public or private: Public

Has GDPR been considered? There are no GDPR implications arising from this report.

1. Summary

- 1.1 Special Education Needs and Disabilities (SEND) is a priority programme for Kirklees and is designed to maximise outcomes for children, young people, parents and carers.
- 1.2 To increase local sufficiency of SEND places, and linked to the Kirklees SEND Transformation Plan, a first phase of Additionally Resourced Provisions based at six mainstream schools was approved by Kirklees Cabinet and the Department for Education (DfE) Regional Director earlier in 2023.
- 1.3 Further opportunities for increasing local sufficiency of SEND places have been developed in the form of Special School satellite sites.
- 1.4 £8.2m additional High Needs Provision Capital Grant has been successfully secured via the Safety Valve initiative and is already within the capital plan to support this work.
- 1.5 Officer delegated authority to allocate capital expenditure to projects supporting the SEND Transformation Plan was approved by Cabinet in December 2022 and has been used to progress some of the early projects.
- 1.6 There is now an opportunity to:
 - a. Seek Cabinet approval for capital investment in identified projects detailed within this report.
 - b. Note the revised Financial Procedure Rules, June 2023 which includes wider authority for Service directors to transfer resources within capital programme areas. which is set out in paragraph 2.16 and in the recommendations in this report.

2. Information required to take a decision

Background information

- 2.1 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.
- 2.2 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.
- 2.3 A key strand of the SEND Transformation Plan is 'Sufficiency', which includes improving the volume / availability of local places across a graduated approach model including Additionally Resourced Provision and Special School satellite sites.
- 2.4 Additionally Resourced Provision (ARP) is a provision in a mainstream school, designed to provide specialist and targeted support for children with special educational needs and disabilities (SEND).
- 2.5 Special School satellite sites are managed by an existing special school which deploys its staff to provide provision on another site, such as utilising spare capacity within a mainstream school. However, satellite sites do not need to be limited to existing school sites.
- 2.6 Each Special School and ARP specialises in a particular area of special educational need. Places are allocated according to the specific needs of the child or young person and taking into account parents views.
- 2.7 Since approvals to establish ARPs were given by Cabinet on 17 January 2023 and the DfE Regional Director in February 2023, work has been progressing in

partnership with our schools to identify the work required to ensure a high quality and safe environment is established to support the needs of pupils.

2.8 Having these high quality safe environments within our local school system not only supports the outcomes of children and young people but also helps to bring confidence for parents to preference local SEND provision.

2.9 In order to ensure that the Local Authority can discharge its statutory duty to provide sufficient places for children with SEND, the Department for Education announced the allocation of the High Needs Provision Capital Grant in March 2022 as follows:

2022/23 £4.996M

2023/24 £4.626M

The 2022/23 allocation was then increased by £8.2M to £13.196M as part of the High Needs Safety Valve agreement reported to Cabinet in July 2022. This combined grant funding is available to support the Kirklees SEND Transformation Plan.

Identified capital projects to support SEND sufficiency

2.10 We have worked with Schools and Capital Delivery colleagues to identify the following priority works.

a. Netherhall St. James (VC) CofE Infant and Nursery School ARP

Provision for up to 12 children with complex communication and interaction needs, approved by Cabinet, 17 January 2023. Work is required for classrooms and toilets remodelling including the creation of sensory and regulation spaces. Estimated cost £160,000

b. Netherhall Learning Campus High School ARP

Provision for up to 20 young people with complex communication and interaction needs, approved by Cabinet, 17 January 2023. Work is required on external fencing and gate automation, classroom refurbishment, remodelling of existing toilets, alongside outdoor regulation spaces and play spaces. Estimated cost £240,000

c. Old Bank Academy ARP

Provision for up to 16 children with cognition and learning needs, approved by the DfE Regional Director, 1 February 2023. Work is required on internal improvements including adapting toilets, external fencing and outdoor play spaces. Estimated cost £203,000.

d. Beaumont Primary Academy ARP

Provision for up to 12 children with social, emotional and mental health needs, approved by the DfE Regional Director, 1 February 2023. Work is required on internal improvements including the creation of regulation space and external fencing Estimated cost £175,000

e. Carlinghow Academy ARP

Provision for up to 12 children with social, emotional and mental health needs, approved by the DfE Regional Director, 20 February 2023. Work is required on fencing, classroom refurbishment, kitchen area including the creation of regulation spaces. Estimated cost £212,500

f. Southgate Special School satellite provision located at Newsome Academy
Plans are well developed to provide additional places for Southgate Special School pupils with complex needs, utilising two unused classrooms at Newsome Academy. In time this could provide up to 20 places for children with complex needs. In order to enable this, work is required which includes establishing some toilet facilities and specifically for the provision, internal adaptations and external fencing. Estimated cost £200,000.

g. Woodley School and College post-16 satellite provision to be located at a retail shop and workshop in Huddersfield town centre. In time this could provide up to 16 vocational places for young people with autism. The provision is planned in a council-owned building and will include a retail shop, workshop, quiet room and classroom. Work required includes establishing toilet facilities for students and staff, a kitchen, replacement flooring, decoration and other minor works. Estimated cost £200,000.

2.11 The Netherhall schools and Carlinghow Academy are part of the Council's Grouped Schools Public Private Partnership (PPP) 1 Contract with Kirklees School Services Limited (KSSL), hence the PPP1 Provider will manage the design, procurement and delivery of the expansion works through the contractual variations process.

2.12 Whilst existing officer delegated authority has been used to progress the early stages of some projects listed above, in the interest of transparency the full programme of works currently in view is included.

Future projects

2.13 The projects identified above include work that requires completion before the provision opens. In some cases, such as Netherhall Learning Campus High School and Beaumont Primary Academy, further capital works are expected to be required at a later date.

2.14 Work is already commencing to drive phase 2 ARPs forward with a projected implementation of Summer 2024. Additional special school satellite site opportunities are also being explored.

2.15 As with this report, the intention is to return to Cabinet on a regular basis with updates on progress of the SEND Transformation plan and related spend. The Quarterly Financial Monitoring process and delegated decision notices on the Council's website also provide reporting opportunities.

Financial Delegations

2.16 The construction market is particularly volatile at present due to a combination of material and labour shortages, which means that successfully tendering for a contractor at an affordable price is more difficult than in previous years. In order to aid the implementation of the capital projects outlined in this report, Members are asked to note authority provided in the Council's Financial Procedure Rules 3.12, dated June 2023, for Service Directors to:

- Transfer resources within a programme area without restrictions.
- Transfer resources between any project or programme area up to a maximum of £2,000,000 in any financial year.
- Transfer resources within programme areas between any year within the approved capital plan,

Subject to compliance with Financial Procedure Rules 3.12 to 3.16 [and notification to the relevant Cabinet Member and appropriate Ward Members]

- 2.17 This authority will also aid the implementation of fast-paced capital projects associated with the SEND Transformation Plan, including other facilities for Additionally Resourced Provision and satellite provision. The authority also replaces the need for delegated authority previously agreed by Members in December 2022.

3 Implications for the Council

Working with People

- 3.1 There is regular engagement with the school system about progress with the Kirklees SEND Transformation Plan and work continues with individual schools to expand the number of places available in Additionally Resourced Provision, Satellite Provision and Special Schools.

Working with Partners

- 3.2 In preparing each of these proposals, Children's Services and Capital Delivery Officers work closely with the Senior Management of each school and, where appropriate, their respective Academy representatives to agree a package of works for each school.

Place Based Working

- 3.3 Schools are at the centre of their communities, delivering essential educational, health and well-being activities for children, parents and the wider community. The proposals in this report will deliver high quality school places to meet the needs of local pupils.

Climate Change and Air Quality

- 3.4 Enabling more children to go to their local school will have a positive impact and support Kirklees climate change / air quality ambitions.

Improving outcomes for children

- 3.5 The proposals in this report are intended to improve outcomes for children by providing access to high quality facilities to meet the specific needs of children and young people helping to ensure they have the widest opportunities to fulfil their aspirations and ambitions.

Financial Implications for the people living or working in Kirklees

- 3.6 Local children for local schools is a key element of place-based working in Kirklees where schools play an important role in their community beyond the provision of education. Attending a local school where children and young people can walk or cycle has many advantages including reducing the cost of transport.

Financial implications

- 3.7 The identified capital investment is funded from High Needs Provision Capital Grant which includes an additional £8.2M allocated as part of the High Needs Safety Valve agreement.

Legal implications

- 3.8 Appropriate statutory and non-statutory significant change to schools and academies processes, including where appropriate 'prescribed alterations', have taken place related to the ARPs detailed in this report. It is possible to make modest expansions to special schools' places without the need for such processes, however, subject to the scale of future expansion, formal processes are likely to be required.

Other implications

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

4 Consultees and their opinions

- 4.1 This report has been subject to consultation with the Portfolio Holders from Children's and Learning, Aspiration and Communities, who support the proposed report and programme of works.
- 4.2 Local Ward Members have been informed of the developments.
- 4.3 We have worked with each of the schools to identify priority works required and they are supportive of these proposals.

5 Next steps and timelines

Subject to approval of the proposed schemes, Officers will ensure that the projects concerned are developed, designed, procured and implemented in accordance with the Council's Financial and Contracts Procedure Rules.

Further updates will be brought to cabinet associated with the SEND Transformation Plan.

6 Officer recommendations and reasons

To help ensure there are sufficient school places available and suitable school premises, Members are requested:

- (a) To consider and approve the proposed capital expenditure for the projects detailed in this report:
- i. Netherhall St. James (VC) CofE Infant and Nursery School ARP
 - ii. Netherhall Learning Campus High School ARP
 - iii. Old Bank Academy ARP

- iv. Beaumont Primary Academy ARP
- v. Carlinghow Academy ARP
- vi. Southgate special school satellite provision located at Newsome High School
- vii. Woodley School and College post-16 satellite provision

(b) In order to aid the implementation of further capital schemes associated with SEND Transformation Plan at pace, including facilities for Additionally Resourced Provision and satellite provision, Members are asked to note authority provided in the Council's Financial Procedure Rules 3.12, dated June 2023, for Service Directors to:

- Transfer resources within a programme area without restrictions.
- Transfer resources between any project or programme area up to a maximum of £2,000,000 in any financial year.
- Transfer resources within programme areas between any year within the approved capital plan,

Subject to compliance with Financial Procedure Rules 3.12 to 3.16 [and notification to the relevant Cabinet Member and appropriate Ward Members]

7 Cabinet Portfolio Holder's recommendations

We again wish to place on record our thanks to all the schools who have been working with the Council for the past few years, particularly those who are working to provide additional places for children with SEND.

We are proud of the strong partnership of schools in Kirklees whether they be maintained schools, church schools, single academy trusts or part of a multi academy trust. As a Local Authority we are bound to ensure there are sufficient school places and our strong partnership has enabled this. We all share the same aims for the communities we serve which are captured in Our Kirklees Futures strategy.

This is important additional investment in schools will help to ensure families in Kirklees continue to have access to an appropriate school place and children will also benefit from the improved facilities we are able to deliver with this investment.

Providing a range of places available locally for children with SEND such as Additionally Resourced Provision and Satellite Provision is a vital part of our Kirklees SEND Transformation Plan.

We are therefore pleased to recommend that Cabinet approve the Officer recommendations contained in this report in full.

8 Contact Officers

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9 Background Papers and History of Decisions

Our Kirklees Futures – Our approach to learning 2021-2030
<https://www.kirklees.gov.uk/beta/delivering-services/kirklees-futures.aspx>

SEND Transformation Plan 2021

<https://www.kirklees.gov.uk/beta/special-education/pdf/send-transformation-plan.pdf>

Special Educational Needs and Disabilities (SEND) – Transformation plan update (including Safety Valve update), 26 July 2022:

<https://democracy.kirklees.gov.uk/documents/s47268/20220726%20Safety%20Valve%20and%20APR%20-%20Cabinet%20Report%20V2.pdf>

Making changes to provision for pupils with Special Educational Needs - final decision report, 17 January 2023:

<https://democracy.kirklees.gov.uk/documents/s49861/Making%20changes%20to%20provision%20for%20pupils%20with%20Special%20Educational%20Needs%20-%20final%20decision%20report.pdf>

Council Budget Report 2023/24 and future years; incorporating Capital, Treasury Management, General Fund Revenue and Housing Revenue Account (including Capital Plan), 21 February 2023

<https://democracy.kirklees.gov.uk/documents/s50465/Budget%20Book%20based%20on%20BUB%20v16.pdf>

10 Service Directors responsible

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