

Name of meeting: Cabinet
Date: 17th October 2023
Title of report: **Special Educational Needs and Disabilities (SEND) – Increasing special school places**

Purpose of report:

To seek authority to progress plans to create additional special school places at Woodley School and College ahead of, and leading up, to the completion of construction on a new and larger school building.

<p>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area comprising 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.</p>	<p>Yes – this will have a significant effect on two or more electoral wards because of the reach of SEND provision.</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></p>	<p>Key Decision – Yes Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes</p>
<p>Date signed off by <u>Strategic Director</u> & name.</p>	<p>14 September 2023, Tom Brailsford – Strategic Director, Children & Families</p>
<p>Is it also signed off by the Service Director for Finance?</p>	<p>6 October 2023, Isabel Brittain – Service Director, Finance</p>
<p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>5 October 2023, Julie Muscroft – Service Director, Legal, Governance and Commissioning –</p>
<p>Cabinet member portfolio</p>	<p>Elizabeth Reynolds – Learning and Aspiration Cllr Viv Kendrick – Children's Services</p>

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 a proposed increase to 194 pupil places gradually over time, using satellite provision to enable this in the first instance.

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 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 rebuild of two existing special schools, Joseph Norton Academy, and Woodley School and College. Not only is the plan to provide modern facilities for existing pupils but they will also be built to accommodate more pupils to meet the needs of our local learners.

1.3 Kirklees Council is undertaking a four-week non-statutory consultation with interested stakeholders on the proposals to increase pupil places to 194 at Woodley School and College, gradually over time, using satellite provision ahead of, and leading up to, the completion of construction on a new and larger school building. The consultation started on 29 September 2023 and will end on 27 October 2023 (see Appendix 2). This is providing an opportunity for stakeholders to review the proposals and comment on them.

1.4 In time, the proposed 194 places will include 180 places in the planned new school rebuild and up to 14 places in the existing Woodley Post-16 provision based in a shop in Huddersfield town centre.

1.5 To ensure timely progress of these proposals, Members are asked to approve delegated authority for the Strategic Director for Children's Services, to take account of the outcome the non-statutory consultation and publish statutory proposals to increase pupil places at Woodley School and College.

1.6 Following the publication of the statutory proposals and the outcome of the representation period, the increase in pupil places at Woodley School and College will be subject to a further report and a final decision by Cabinet.



1.7 To ensure timely progress of future proposals, Members are also asked to approve delegated authority for the Strategic Director for Children's Services to publish statutory proposals to create additional special school places, taking account of the outcome of future non-statutory consultations. The final decision will continue to be made by Cabinet who can also take account of the non-statutory consultation and representations made during the representation period.

2 Information required to take a decision

The following areas will provide key context and background:

- Transformation plan
- The rebuild of Woodley School and College
- Special School Satellite provision
- The process required to increase pupil places in a special school

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 of specialist provision (see Appendix 2, page 2).

The rebuild of Woodley School and College

2.5 In October 2021, Kirklees Cabinet agreed an ambitious plan to rebuild two existing special schools, Joseph Norton Academy, and Woodley School and College. Not only will the plan provide modern facilities for existing pupils, but the schools will also be built to accommodate more pupils to address growing demand.

2.6 The rebuild of two special schools continues to compliment and deliver on the Councils 2023/24 priorities:

- Addressing the financial challenges – saving money on expensive independent provision
- Transforming services – improving outcomes for children and young people
- Working with people, partners and places on the cost of living – providing local high quality school places to limiting the travel parents need to make
- Continuing to invest in the future – a new build special school will serve Kirklees residents for decades to come

2.7 For Woodley School and College, the agreed plan is to build a 180-place new school building on Fernside Avenue, Almondbury. It takes time to design and build a new school, so it is not expected to be complete until around Autumn 2026.

Special School Satellite Provision

2.8 Special school satellite provision is where a special school increases its capacity by expanding onto an additional site. The additional site may be on the site of a mainstream school which provides some physical space for satellite purposes, or it could be a suitable building not occupied by another school. Pupils attending a special school satellite provision remain on the roll of the special school. The satellite provision remains under the leadership and governance of the special school, and its staff are employees of the special school.

2.9 Existing examples of special school satellite provision in Kirklees include:

- Ravenshall Special School hosted by Headfield CE (VC) Junior School
- Ravenshall Post-16 provision based in a former library building
- Southgate Special School hosted by Newsome Academy
- Woodley Post-16 provision based in a shop in Huddersfield town centre

2.10 Admissions to special schools 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. It is then for the special school to work with parents to identify which children might benefit from the environment provided on a satellite site.

2.11 Ahead of, and leading up to, the completion of a new, larger school building for Woodley School and College, the local authority, working with the Governing Body of Woodley School and College, believe there are opportunities to establish a further satellite site to enable a gradual increase in the number of pupil places.

The process required to increase pupil place in a special school

2.12 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.

2.13 DfE statutory guidance [Making significant changes \(prescribed alterations\) to maintained schools](#) states that governing bodies and local authorities can increase the number of pupil places at maintained special schools by up to 10%; or 20 pupil places, (whichever is the smaller) without the need for a statutory process.

2.14 To date, the size and growth of the existing special school satellite provision in Kirklees has been within these limits. The scale of the planned increase in pupil places at Woodley School and College is, however, likely to exceed these limits.

2.15 Table 1 is extracted from the DfE statutory guidance [Making significant changes \(prescribed alterations\) to maintained schools](#) and sets out who can propose to change the number of pupil places in a community special school and what process must be followed:

Table 1.				
Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
Governing body of community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese

2.16 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

Table 2. The four-stage statutory process			
Stage	Description	Timescale	Comments
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
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

2.17 There is no statutory requirement to carry out a ‘pre-publication’ consultation for altering provision at community or voluntary controlled schools. However, Kirklees is undertaking a non-statutory consultation which started on 29 September 2023 and will end on 27 October 2023. This is providing an opportunity for stakeholders to review the proposals and comment on them.

3. The Proposal

3.1 To ensure timely progress of these proposals, Members are asked to approve delegated authority for the Strategic Director for Children’s Services to publish statutory proposals to create additional special school places at Woodley School and College, 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.

Additional proposal

3.2 To ensure timely progress of future proposals to establish special school satellite provision, Members are also asked to approve delegated authority for the Strategic Director for Children’s Services to publish statutory proposals to create additional special school places, taking account of the outcome of future non-statutory consultations. The final decision will continue to 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 additional places at Woodley School and College.

There will be the opportunity to listen to a range of views and take account of them during the non-statutory consultation and the planned representation period.

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.

The opportunity for expanding places for Kirklees children and young people with SEND, 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 The Council is currently involved in the High Needs Block Safety Valve Programme and has been successful in securing £33.5m of revenue funding and £8.2m of capital funding. As part of the Safety Valve plan to reduce the historic deficit position work is ongoing to increase local capacity through the development of Additionally Resourced Provisions (ARP's), Special School Satellite Provisions and the building of 2 new special schools. As noted earlier in the report, Woodley School and College is one of the schools to be re-built and as a result of this, it is proposed that pupil numbers will increase from around 150 to 194 (180 at the school and 14 at the post-16 shop satellite site).

4.7.2 By developing the local capacity, there is an assumption that the number of children educated at Non Maintained Independent Special Schools (NMISS) will reduce. The current average cost of these placements is £60K and the current average cost of a place at Woodley is £28K – a difference of £32K per year. Saving assumptions have



been factored into the Safety Valve for this from Autumn 2026 when the Woodley rebuild is expected to be completed. Increasing places before this time has the potential to improve upon the Safety Valve position.

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.

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.

4.9 Integrated Impact Assessment

As highlighted in this report, the proposals are intended to have positive impact. An integrated impact assessment has been undertaken and will continue to be review in the lead up to cabinet being asked to make a final decision.

5. Consultees and their opinions

5.1 Kirklees are carrying out a four-week non-statutory consultation with interested stakeholders on the proposals. This is providing an opportunity for stakeholders to review the proposals and comment on them. The consultation closes on 23rd October 2023. The outcome of this consultation will be taken into account before publishing statutory proposals.

6. Next steps and timelines

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 would mean the publication of a statutory proposal followed by a representation period. The representation period would provide another chance for interested parties to comment on the proposal 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
Non-statutory consultation	September/October 2023
Publication of consultation outcome report	October/November 2023
Publication of statutory proposals/notices and representation period	November 2023
Final decision by Cabinet (within 2 months)	January 2024
Implementation	Gradually from January 2024

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. Authorise the Strategic Director for Children’s Services, to:
 - i. take account of the outcome of a non-statutory consultation on proposals to create additional special school places at Woodley School and College and the relevant statutory guidance.
 - ii. arrange for the Council to publish related statutory proposals to create additional special school places at Woodley School and College as prescribed in the 2013 Regulations. Cabinet shall consider and determine the published proposals following the end of the representation period.
- b. Authorise the Strategic Director for Children’s Services, to:
 - i. take account of the outcome of a future non-statutory consultation on proposals to create additional special school places and the relevant statutory guidance.
 - ii. arrange for the Council to publish related statutory proposals to create additional special school places as prescribed in the 2013 Regulations. Cabinet shall consider and determine the published proposals following the end of a representation period.

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 and their families.

We would like to place on record our thanks to the Governors, leadership team and the staff at Woodley School and College for their dedication and creativity. Working together with our special schools, we can see the opportunities that addition places bring, to educate Kirklees children locally in high quality provision that meets their specific needs.

These proposals illustrate our commitment to removing barriers and addressing inequalities – this is about doing the right thing a pace for children and their families

both now, and for years to come. It is for these reasons that we support the officer recommendations in this report.

Contact officer

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9. Background Papers and History of Decisions

- SEND Code of Practice 2015
- 16th March 2021 Kirklees Council Cabinet Report - Proposed changes to top-up funding allocations for children in mainstream schools with an Education Health & Care Plan (EHCP) from 1st April 2021
[210227 Mainstream Funding Top Ups Cabinet report V4.pdf \(kirklees.gov.uk\)](#)
- 16th March 2021 Kirklees Council Cabinet Report - Procuring an External Business Partner - SEND
[Cabinet report SEND Transformation FINAL V2.pdf \(kirklees.gov.uk\)](#)
- 5th October 2021 Kirklees Council Cabinet Report -
[Capital investment and rebuild of 2 Special Schools](#)
- March 2022 Kirklees Safety Valve Agreement - [Kirklees SV agreement \(publishing.service.gov.uk\)](#)

10. Service Director responsible

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11. Appendices

Appendix 1 – Our Kirklees Inclusive Ambitions
Appendix 2 – Non statutory consultation