

**Report title: Special Educational Needs and Disabilities (SEND) – Increasing special school places for children with complex autism at Woodley School & College - final decision**

<b>Cabinet date</b>	<b>12 March 2024</b>
<b>Cabinet Member</b>	<b>Cllr Elizabeth Reynolds – Learning and Aspiration</b>  <b>Cllr Viv Kendrick – Children’s Services</b>
<b>Key Decision</b>	<b>Yes – this will have a significant effect on two or more electoral wards because of the reach of SEND provision.</b>
<b>Eligible for Call In</b>	<b>Yes</b>
<p><b>Purpose of Report</b>          This report seeks a final decision on a proposal 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>	
<p><b>Recommendations</b>          It is recommended that cabinet:</p> <ul style="list-style-type: none"> <li>notes the advice of Kirklees School Organisation Advisory Group (SOAG) that the proposal to increase the number of special school places at Woodley School and College to 194 places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild is valid and that the required statutory process has been carried out correctly;</li> <li>agrees that in their role as decision-makers, they will take the decision regarding the proposals within the statutory time period, two months from the end of the representation period;</li> <li>acknowledges the outcomes and recommendations of the Kirklees SOAG meeting on 22 February 2024 and the associated officer recommendations for the proposals;</li> <li>notes the financial implications of approving the proposals;</li> <li>confirms that it has had regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 and taken into account in the Integrated Impact Assessment made in relation to this proposal.</li> <li>approves without modification or condition the proposal to increase the number of special school places at Woodley School and College to 194 places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.</li> <li>request officers to support and work closely with the governing body of Woodley School and College to finalise arrangements for pupils, parents, staff and other stakeholders in order to implement the proposal in line with the timelines in this report.</li> </ul>	
<p><b>Reasons for Recommendations</b></p> <ul style="list-style-type: none"> <li>To increase the number of special school places for children with Complex Autism in Kirklees. Complex Communication and Interaction (which includes complex autism) is an area of need where demand is growing. Many children and young people with SEND can</li> </ul>	

make better, more sustained progress when they attend an appropriate specialist setting with access to specialist teaching and support staff and resources. Satellite opportunities, like the one proposed, in addition to Additionally Resourced Provisions and special school rebuild projects, are intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring the needs of more children and young people with SEND across the whole of Kirklees can be met. Building on existing good quality provision helps ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe.

- This provides better value for money than reliance upon independent school provision.

**Resource Implication:**

The ongoing revenue funding for additional places will be under the same formula used for the commissioning of other places at Woodley School and College from the High Needs Block of the Dedicated Schools Grant. Start-up costs will be supported from existing School Reorganisation budgets. The cost of providing places at Woodley School and College is significantly lower than the average cost of places in independent special schools.

**Date signed off by Strategic Director & name**

Tom Brailsford – Director of Children’s Services – 27 February 2024

**Is it also signed off by the Service Director for Finance?**

Isabel Brittain – Service Director for Finance – 4<sup>th</sup> March 2024

**Is it also signed off by the Service Director for Legal Governance and Commissioning?**

Julie Muscroft – Service Director for Legal, Governance and Commissioning – 27 February 2024

**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. There was also an opportunity to make representations on the statutory proposals during the representation period.

**Public or private:** Public.

**Has GDPR been considered?** Yes, person-identifiable data is not present in this report.

**1. Executive Summary**

**1.1** Linked to the Kirklees SEND Transformation Plan, a proposal was published in a non-statutory consultation to increase the number of special school places at Woodley School and College to 194 places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

**1.2** The proposed 194 places include 180 places in the planned new school rebuild, and up to 14 places in the existing Woodley Post-16 satellite provision based in a shop in Huddersfield town centre.

**1.3** This report requests Kirklees cabinet considers a final decision on this proposal where they are the decision maker.

**1.4** On 12 January 2024 the LA (“the Proposer”) published a statutory proposal that:

- The places available at Woodley School and College be increased to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

**1.5** This report sets out the statutory process that has been undertaken by the Proposer and the rationale for this proposal. It details the outcome of the formal representation period and gives Officer recommendations.

## **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

### **2.1 Transformation plan**

2.1.1 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.

2.1.2 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.

2.1.3 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.

2.1.4 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 1, page 2).

### **2.2 The rebuild of Woodley School and College**

2.2.1 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.

2.2.2 The rebuild of two special schools continues to compliment and deliver on the Council’s 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 limit 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.

2.2.3 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.

### **2.3 Special School Satellite Provision**

2.3.1 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.

2.3.2 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

2.3.3 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.

2.3.4 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.

### **2.4 The process required to increase pupil places in a special school**

2.4.1 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.

2.4.2 DfE statutory guidance [Making significant changes \(prescribed alterations\) to maintained schools](#) (Appendix 6) 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.

2.4.3 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.

2.4.4 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:

<b>Table 1.</b>				
<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision-maker</b>	<b>Right of appeal to the adjudicator</b>
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

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

<b>Stage</b>	<b>Description</b>	<b>Timescale</b>	<b>Comments</b>
Stage 1	Publication (statutory proposal/notice)		Where the proposed implementation timescale is longer than 3 years, the proposer should demonstrate good reason
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	
Stage 4	Referral (if applicable)	If a decision has been made, any referral to the adjudicator must be made within 4 weeks of the decision. If the local authority has not decided a proposal within 2 months, it must refer the proposal to the Schools Adjudicator	
Stage 5	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to

			any modifications agreed by the decision- maker
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**2.5 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 36).

A four-week non-statutory consultation took place between 29 September 2023 and 27 October 2023, 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 13 November 2023, 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 13 November 2023, the Strategic Director for Children’s Services, having been given delegated authority to do so by Kirklees cabinet on 17 October 2023, agreed to proceed with the next stage of the statutory process and the publication of the related statutory notice and proposal.

**2.6 Publication**

The statutory notice (SOAG Appendix D) and proposal (SOAG Appendix E) were published on 12 January 2024. The representation period commenced on this date and ended on 8 February 2024, therefore lasting for a period of four weeks, and meeting the requirements of School Organisation Regulations.

Note: For full transparency, Kirklees Council originally published a statutory proposal on 13 November 2023. However, internal cross-checking processes revealed a technical omission in the original statutory process which would have compromised final decision-making. On 12 January 2024, Kirklees Council withdrew the statutory proposal made on 13 November 2023 and replaced it with the identical statutory proposal referred to above. The only change was to the timeline for the statutory process. Permission was formally granted from the relevant three individuals to transfer representations made in the first representation period to the second representation period and they are recorded as such below. All references made in this report to the statutory proposal on which cabinet is being asked to make a decision pertain to the statutory proposal published on 12 January 2024.

**2.7 Representations received about the proposal**

Three representations were received during representation period.

**2.8 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

**2.9 Review of the statutory process**

Kirklees SOAG met on 22 February 2024 to consider the statutory process and representations on the proposal 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.

### 2.9.1 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 proposal were checked alongside appropriate evidence that each aspect of the process had been completed.

### 2.9.2 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 correctly.
- Subject to one minor amendment, agreed the rationale for the proposals had been clearly articulated against the factors in the decision maker's guidance.
- Kirklees cabinet is able to take a decision regarding the proposals.

Officers would, therefore, prepare a cabinet report within two months of the end of the statutory four-week representation period, which ended on 8 February 2024, for Kirklees Council cabinet to make a decision about the proposals.

## **2.10 SOAG review of the proposal and representations using the DfE Statutory Guidance for Decision Makers.**

### 2.10.1 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, January 2023’](#) (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
- Implementation
- School Premises and Playing Fields

### 2.10.2 SOAG conclusions for decision makers

#### **SOAG agreed that:**

The statutory process enabled a detailed presentation of the statutory proposal for Woodley School and College.

- The places available at Woodley School and College be increased to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.

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

## **2.11 Officers' recommendations for decision makers regarding the proposal.**

### **2.11.1 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 proposal to increase the places available at Woodley School and College to 194 pupil places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild can be considered for approval for the following reasons (see Appendix 3).

### **2.11.2 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).*

Three representations were received during the statutory four-week representation period following the publication of the statutory proposal on 12 January 2024.

These three representations were all very supportive of the proposal. They acknowledged the demand for additional specialist places in Kirklees. They highlighted that increasing the number of places available at Woodley School and College would reduce the need for out of authority placements for pupils with complex needs, noting that this would be of benefit to pupils and their families as well as providing long term value for money.

### **2.11.2 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.*

## **REPRESENTATIONS:**

The representations received cited the following:

- The Head, Leadership, Governors and staff have the skills, capacity, aspiration, and determination to take the proposal forward, in collaboration with Kirklees LA.
- Woodley School and College has the proven expertise to meet the needs of children and young people with complex autism.
- Woodley School and College is the recognised Autism Education Training hub for the district, influencing practice in schools and colleges across Kirklees. A satellite provision will allow further dissemination of "autism friendly" practice across Kirklees.

**Officer advice:** The proposal to expand the number of places at Woodley School and College will enable more children and young people with complex autism to secure places and thrive in a local educational setting. In October 2021, Kirklees cabinet agreed an ambitious plan to rebuild two existing special schools, one of which is Woodley School and College. Not only will the plan provide modern facilities for existing pupils, but the school will also be built to



accommodate more pupils to address growing demand. 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. 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 (in addition to the recently opened post-16 satellite provision in Huddersfield town centre) to enable a gradual increase in the number of pupil places. 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.

Many children and young people with SEND can make better, more sustained progress when they attend an appropriate specialist setting with access to specialist teaching and support staff and resources. Satellite opportunities, like the one proposed, in addition to Additionally Resourced Provisions and special school rebuild projects, are intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring the needs of more children and young people with SEND across the whole of Kirklees can be met. Building on existing good quality provision helps ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe.

### 2.11.3 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 September 2023, updated in December 2023 and reviewed in February 2024 in the lead up to cabinet being asked to make a final decision.

It is considered that there are no adverse impacts arising from the proposal under this duty. These changes are necessary to continue to improve service delivery and outcomes for children and young people. The proposal will result in an increase in special school places.

The proposals do not give rise to any sex, race or disability discrimination issues. The proposal for Woodley School and College, which aims to increase the number of special school places for children with complex autism, will ensure there is sufficient capacity to meet children's needs locally wherever possible and enable positive outcomes.

### 2.11.4 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 this proposal for Woodley School and College. The school would continue to provide primary, secondary and post-16 education to the communities it presently serves.

#### 2.11.5 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.*

The representations received noted introducing additional specialist places within Kirklees will reduce the need for out of authority placements for pupils with complex needs and that places will be nearer to where pupils live.

**Officer advice:** The need for additional specialist places across Kirklees is recognised. Not being able to attend an appropriate school locally has significant impact on some learners in terms of travelling time and emotional regulatory status on arrival at, or on leaving, school. The aspiration for the SEND Transformation Plan 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, will contribute to the Council's net zero ambition. 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.

SOAG requested clarification on whether pupils attending satellite provision would be disadvantaged in relation to home-to-school transport. Officers explained that pupils attending a satellite site remain on the roll of the main school and, therefore, would be treated equitably with all other pupils at the school.

#### 2.11.6 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:** The ongoing revenue funding for additional places will be under the same formula used for the commissioning of other places at Woodley School and College from the High Needs Block of the Dedicated Schools Grant. Start-up costs will be supported from existing School Re-Organisation budgets. The cost of providing places at Woodley School and College is significantly lower than the average cost of places in independent special schools.

#### 2.11.7 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.

**2.11.8 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:** A key factor in selecting an appropriate site for the proposed satellite would be access to outdoor space. The Council has a modest capital budget available to adapt and enhance buildings 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 listened to a range of views during the non-statutory consultation and the statutory representation period and these informed the proposal 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.

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.

### **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.

### **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 Council recognises that the proposed construction of two brand new special schools within the borough provides us with a unique opportunity to demonstrate our commitment to help address the climate emergency through the built environment. The Council has aspirations to seize this opportunity to create two new flagship schools which should be designed and built to the highest environmental design standards and encompass the latest renewable technologies that will help us achieve our carbon net zero target.

### **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 new build and expansion of Woodley School and College.

'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**

#### **3.6.1 Revenue and Capital**

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 two 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).

By developing 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 the Woodley rebuild. Increasing places earlier has the potential to improve upon the Safety Valve position.

#### **3.6.2 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 Legal Implications**

#### **3.7.1 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.

### **3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)**

#### **3.8.1 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.

#### **3.8.2 Integrated Impact Assessment (IIA)**

As highlighted in this report, the proposals are intended to have positive impact. An integrated impact assessment was undertaken in September 2023, updated in December 2023 and reviewed in February 2024 in the lead up to cabinet being asked to make a

final decision. The [Integrated Impact Assessment](#) can be accessed on the Kirklees website.

## **4 Consultation**

A four-week non-statutory consultation took place between 29 September 2023 and 27 October 2023, 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 13 November 2023, the non-statutory consultation outcomes report was published on the Council's external website (SOAG Appendix A).

On 12 January 2024 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 8 February 2024.

During the four-week representation period, three representations were received.

## **5 Engagement**

There is continued engagement with the senior leadership team at Woodley school and College.

Woodley School and College pupils have been engaged in a programme of consultation about what is important to them in their new school building (SOAG Appendix I). This feedback can be used to inform the establishment of a satellite site too.

Throughout this process there has been, and will continue to be, regular engagement with the school and with the Places, Access and Inclusion Committee, which in turn reports into Education and Learning Partnership Board.

Senior managers regularly engage with PCAN (Parents of Children with Additional Needs making a Difference in Kirklees). PCAN is an independent, parent-led forum for all parents and carers of children/young people (aged 0-25 years) with additional needs in Kirklees. PCAN is a key contact for the local authority to ensure that parents have their say in the design and delivery of local services for their children.

## **6 Options**

### **6.1 Options Considered**

- The decision to provide Woodley School and College with a new larger building was taken by cabinet 5 October 2021
- It is not a cost-effective option to rely upon high-cost independent provision for children with SEND.

### **6.2 Reasons for recommended Option**

- Increasing the places will make best use of the planned new school building for Woodley School and College.
- Woodley School and College is already providing high quality places for children with complex autism.
- The special school satellite model is already working successfully in Kirklees with Woodley Schools and College and other special schools.
- This is a more cost-effective model than relying upon high cost independent provision for children with SEND.

## 7 Next steps and timelines

Cabinet is required to make a decision on this statutory proposal within two months of the end of the representation period, i.e., no later than 8 April 2024, or the proposal must be referred to the Schools Adjudicator for determination.

If cabinet approves this proposal, officers will support and work with the governing body of Woodley School and College to finalise arrangements for pupils, parents, staff and other stakeholders in order to ensure that effective plans are put in place to implement the proposal 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 in line with the timelines in this report.

## 8 Contact officer

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## 9 Background Papers and History of Decisions

- SEND Code of Practice 2015
- 16 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 March 2021 Kirklees Council cabinet report - Procuring an External Business Partner - SEND  
[Cabinet report SEND Transformation FINAL V2.pdf \(kirklees.gov.uk\)](#)
- 5 October 2021 Kirklees Council cabinet report -  
[Capital investment and rebuild of 2 Special Schools](#)
- March 2022 Kirklees Safety Valve Agreement - [Kirklees SV agreement \(publishing.service.gov.uk\)](#)
- 17 October 2023 Kirklees Council cabinet report - Special Educational Needs and Disabilities (SEND) – Increasing special school places.  
[Increasing increase special school places - Woodley - Cabinet Report.pdf \(kirklees.gov.uk\)](#)

## 10 Appendices

- Appendix 1 Non-statutory consultation - increase in Woodley numbers
- Appendix 2 Kirklees SOAG Constitution and Purpose
- Appendix 3 - FINAL 2024-02-22 SOAG meeting notes
- Appendix 4 Woodley expansion SOAG Check List
- Appendix 5 Woodley expansion DfE factors for decision-making
- Appendix 6 Maintained\_schools\_prescribed\_alterations\_guidance\_Jan\_23
- SOAG Appendix A - Consultation outcomes report Woodley expansion
- SOAG Appendix B - Dewsbury Reporter Printed Publication
- SOAG Appendix C - Huddersfield Examiner Printed Publication
- SOAG Appendix D - FINAL Woodley expansion Statutory Notice
- SOAG Appendix E - FINAL Woodley expansion Statutory Proposal
- SOAG Appendix F - Statutory proposal distribution list
- SOAG Appendix G - Woodley X post stat proposal
- SOAG Appendix H - Woodley website post stat proposal
- SOAG Appendix I - Woodley School College Report - pupil consultation
- SOAG Appendix J - FINAL Woodley Governing Body
- SOAG Appendix K - FINAL Woodley parent-carers

**11 Service Director responsible**

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