

**REPORT TITLE: Special Educational Needs and Disabilities (SEND) – Capital Investment in the rebuild of two special schools.**

<b>Meeting:</b>	Cabinet
<b>Date:</b>	9 July 2024
<b>Cabinet Member</b> (if applicable)	CLlr Habiban Zaman – Children (Statutory responsibility for Children)
<b>Key Decision</b>	Yes – this will result in capital expenditure significantly in excess of £500k and have a significant effect on two or more electoral wards because of the reach of SEND provision.
<b>Eligible for Call In</b>	Yes
<p><b>Purpose of Report</b>          This report seeks Cabinet approval to draw down and spend a proportion of the £48.3m capital allocation from the Aspire &amp; Achieve - Strategic Priorities section of the Capital Plan approved by Council on 6<sup>th</sup> March 2024. This will enable further progress to be made towards the provision of two new build, expanded special schools to replace the existing school sites.</p>	
<p><b>Recommendations</b>          To help ensure there are sufficient school places available and suitable school premises for our children and young people with additional needs, Members are requested to:</p> <ul style="list-style-type: none"> <li>• Approve the draw down of capital funds as indicated in <b>Appendix 4</b> of this report to enable the appointment of a building contractor to construct a new build 132 place SEMH school on the former Deighton centre site, Deighton Road, Huddersfield to replace the existing Joseph Norton Academy site in Scissett;</li> <li>• Approve the draw down of capital funds as indicated in <b>Appendix 4</b> of this report to enable the appointment of a specialist contractor to undertake the site clearance of all buildings on the former high school site on Fernside Avenue, Almondbury, Huddersfield, as a pre-cursor for the future construction of a 180 place new build Communication &amp; Interaction / Autism school to replace the existing Woodley School and College site at Dog Kennel Bank, Huddersfield;</li> <li>• Approve the draw down of capital funds to facilitate the settlement of the exit of the former school site on Fernside Avenue from the PPP1 contract as detailed in <b>Appendix 4</b> of this report;</li> <li>• Note the new allocation of government grant for High Needs Provision in Kirklees announced by the Department for Education (DfE) on 27<sup>th</sup> March 2024 totalling</li> </ul>	

£7,056m for Financial Year 2024/25, which may be used as a contribution towards the budget for the two new build schools if required;

- Note that in order to manage the successful delivery of the new Build Joseph Norton Academy and the clearance of the former school site at Fernside Avenue, Officers will use, if needed, the delegated powers contained in the Council’s Financial Procedure Rules (FPRs) 3.9-3.12, dated June 2024, to:
  - Transfer resources within a programme area without restrictions.
  - Transfer resources between any project or programme area up to a maximum of £2m in any financial year.
  - Transfer resources within programme areas between any year within the approved capital plan, subject to compliance with FPRs 3.9 - 3.12 and notification to the relevant Cabinet Member and appropriate Ward Members.

Thereby enabling the delivery of these schemes without the need to return to Cabinet.

- Note that Officers will return to Cabinet in late 2024 once detailed design of the new Woodley School and College has occurred, and a pre-tender estimate has been calculated, to seek approval to tender and award a contract for the new build school.

**Reasons for Recommendations**

- To progress previously agreed plans to rebuild two existing special schools on different sites;
- To provide more places locally for children and young people with SEND and help improve their educational outcomes;
- To support the High Needs Safety Valve Agreement, providing a more cost-effective alternative solution to independent provision.

**Resource Implications:**

There is currently £48.3m budgeted in the Council’s Capital Plan as approved by Council on 6<sup>th</sup> March 2024, which is a mixture of government grant and council borrowing. The revenue impact of the borrowing has been accounted for in the Council’s Medium Term Financial Plan.

Should additional funding be required to deliver these projects, a new High Needs Provision capital grant of £7.057m for Kirklees was announced by the DfE on 27<sup>th</sup> March 2024. This will be updated in the Capital Plan when it is next reported to Council on 9<sup>th</sup> July 2024. In order to best manage the Council’s finances, available government grant is always used before Council borrowing.

<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	Tom Brailsford – Strategic Director for Children and Families – 29/05/2024
<b>Is it also signed off by the Service Director for Finance?</b>	Kevin Mulvaney – 30/05/2024
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	Julie Muscroft – 29/05/2024

**Electoral wards affected:** All.

**Ward councillors consulted:** Special schools educate children from across the district. There has been ongoing engagement with Ward Councillors in the proposed locations and all Ward Councillors have the opportunity to engage in the public planning process.

**Public or private:** Public with a private Appendix 4

The report contains an Appendix 4 that is recommended to be taken in Private because the information contained is considered to be exempt information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. It contains information regarding the financial or business affairs of any person including the Council. It is considered that it would not be in the public interest to disclose the information contained in the private appendix as disclosure could adversely affect overall ability to obtain value for money, compromise the commercial confidentiality of organisations mentioned in the report, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money, and openness in Council decision-making.

**Has GDPR (General Data Protection Regulation) been considered?** Yes, person-identifiable data is not present in this report.

## 1. Executive Summary

- 1.1 In October 2021, Kirklees Cabinet agreed an ambitious plan to rebuild and expand 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.
- 1.2 The rebuild of two special schools continues to contribute to Our Council Plan 2024/25 and are vital components of the 'SEND The Big Plan' and is integral to the High Needs Safety Valve Agreement between Kirklees Council and the Department for Education (DfE).
- 1.3 For Joseph Norton Academy, start on site is expected in late 2024, with completion programmed for Spring 2026. For Woodley School and College, start on site for the new build is programmed for Summer 2025, with completion expected in Autumn 2026. These dates are in line with the agreed DfE Safety Value Agreement.
- 1.4 This report seeks permission to draw down capital funds to enable a building contract to be awarded for the construction of the new build Joseph Norton Academy within a budget indicated in **Appendix 4**. It also seeks permission to draw down capital funds to let a site clearance contract for demolition and earthworks on the former high school site at Fernside, as a pre-cursor for the future new build Woodley School and College on that site, within a budget indicated in **Appendix 4**.
- 1.5 We will return to Cabinet in late 2024 to seek formal permission to draw down additional capital funds to facilitate the construction of the new build Woodley School and College once detailed design has been completed and a pre-tender estimate for the school has been developed.

## 2. Information required to take a decision

The following areas will provide key context:

- Background
- Transformation Plan
- The rebuild of Woodley School and College
- The rebuild of Joseph Norton Academy
- Financial Delegations

## 2.1 Background

2.1.1 In October 2021, Kirklees Cabinet agreed an ambitious plan to rebuild and expand 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.

2.1.2 The rebuild of two special schools continues to compliment and deliver on the Council's 2024/25 priorities:

- Addressing the financial challenges – saving money on expensive independent provision.
- Transforming services – improving and providing the right support at the right time in the right place.
- Deliver a greener, healthier Kirklees – energy efficient new build special schools will support our vision for a 'net zero and climate ready Kirklees by 2038'.
- Continuing to invest in our towns and villages – this investment in new build special schools will serve Kirklees residents for decades to come.

## 2.2 Transformation Plan

In 2018 Kirklees conducted a High Needs review. In 2020 consultants were commissioned to support and develop area wide 'Inclusive Ambitions' with input from Dame Christine Lenehan. 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 in achieving 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.

Kirklees has a comprehensive SEND Strategy – The Big Plan [Kirklees Council: SEND - The Big Plan \(kirkleeslocaloffer.org.uk\)](https://www.kirkleeslocaloffer.org.uk) with robust governance to take plans forward.

The Big Plan 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.

In 2021 a sequenced SEND Transformation plan was created, and Kirklees signed a Safety Valve Agreement with the Department for Education.

- 2.2.1 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.
- 2.2.2 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 enabling the best outcomes for children. By being able to meet the needs of our children locally will also support us to be financially sustainable. Our STP will continue to evolve over the lifetime of the 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.
- 2.2.3 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.
- 2.2.4 A key strand of the SEND Transformation Strategy 'SEND The Big Plan' is 'Enough of the right stuff (Sufficiency),' which supports one of our commitments in our Written Statement of Action to 'Increase the sufficiency of places and settings across Kirklees.' There was a need for a Written Statement of Action following the joint Ofsted and Care Quality Commissioning inspection in February 2022.

### 2.3 The rebuild of Woodley School and College

- 2.3.1 Following previous Cabinet approval for the rebuild and expansion of Woodley School and College on the former high school site at Fernside Avenue, Frank Shaw Associates were appointed to undertake the master planning of the site in order to determine the best position for the school and the extensive grounds required for a 180 place school for children and young people with Complex Communication & Interaction (CCI) needs (including Autism Spectrum Condition).
- 2.3.2 The site at Fernside Avenue is complicated due to the presence of the former high school buildings, a closed life expired swimming pool, a closed sports centre and a building used by a private pre-school on a lease basis. The master planning exercise determined that a cleared site approach would provide the most cost effective and efficient design for the new build school. Ward Councillors and Portfolio Holders were advised of the proposed demolition of all buildings on the site in Autumn 2023 and demolition notices have now been issued in accordance with the relevant legislation.
- 2.3.3 It is anticipated that site clearance of the Fernside site will begin in late Autumn 2024, subject to a successful removal of the site from the PPP1 contract (see paragraph 2.3.8 for further details) and Member approval for the draw down of funds from the budget allocation for the new build Woodley School and College as detailed in **Appendix 4**.
- 2.3.4 Working in partnership with the private preschool, work is now underway to relocate the provision into Almondbury Library and Children's Centre. Minor alterations are occurring to make more effective use of an underused crèche facility in the centre, with an appropriate lease arrangement being agreed by both parties. This helps ensure this important service remains in the heart of the community to serve local families. The £68K cost of this enabling project will be charged to the budget allocation for the new build school.

- 2.3.5 Following the appointment of Frank Shaw Associates as a result of a competitive tendering exercise for the design of the new school, extensive work has been ongoing with officers from the Council's Children's and Growth & Regeneration Directorates and the Headteacher and key staff from Woodley School and College to develop a detailed Stage 2 feasibility study, which was completed in April 2024. The project is now in detailed design and attached at **Appendix 2** are images that illustrate what the new building and site will look like.
- 2.3.6 The new Woodley School and College will contribute to the Council's Net Zero Carbon ambitions with air source heat pumps and extensive photovoltaic panels providing the heating and lighting for the school and it will exceed the requirements of Part L of the Building Regulations. The design takes into consideration all the requirements of the DfE Building Bulletin 102: Designing for SEND provision and provides all the facilities required to meet the needs of 180 children and young people with Complex Communication & Interaction (CCI) needs (including Autism Spectrum Condition).
- 2.3.7 It is anticipated that following the six-month period required to demolish the existing buildings, fill in relevant voids and undertake earthworks to prepare the site, the construction of the new build school will start in summer 2025, with completion programmed for Autumn 2026.
- 2.3.8 Before any demolition works can occur at the Fernside Avenue site, the former school must be removed from the Public Private Partnership (PPP) 1 Contract. This is a long, complicated, and protracted process involving the Council, the PPP1 Provider, its FM contractor, the lender for the remaining debt and the DfE. Considerable progress has been made in recent months, and it is anticipated that a final settlement will be reached with all parties in the coming months, using the authority delegated previously to officers by Cabinet in October 2021 in relation to these matters. The anticipated settlement cost is detailed in **Appendix 4** of this report and Members are requested to authorise the drawdown of capital from the Woodley new school budget to enable the agreed settlement to be completed.
- 2.3.9 Also, before any demolition works can occur, the telecommunications masts that sit on the roof of the former high school building must be removed. The Council and the two Telecommunications companies involved have worked closely to agree alternative locations / arrangements, thereby enabling the masts to be removed by the end of June 2024.
- 2.3.10 The statutory process 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 have been undertaken and final approval provided by Cabinet in March 2024.

## 2.4 **The rebuild of Joseph Norton Academy**

- 2.4.1 Following previous Cabinet approvals for the rebuild and expansion of Joseph Norton Academy on a new site, formerly home to The Deighton Centre off Deighton Road, Huddersfield, work has been ongoing to develop, design and seek planning approval for the new build school.
- 2.4.2 A spacious, modern building with thoughtfully planned out external spaces has been developed by Frank Shaw Associates, working closely with officers from the Council's Children's and Growth & Regeneration Directorates and the Wellspring Academy Trust,

who operate Joseph Norton Academy. Attached at **Appendix 3** are images that illustrate what the new building and site will look like.

- 2.4.3 The new provision will contribute to the Council's Net Zero Carbon ambitions with air source heat pumps and extensive photovoltaic panels providing the heating and lighting for the new school, and it exceeds the requirements of Part L of the Building Regulations. The design takes into consideration all the requirements of the DfE Building Bulletin 102: Designing for SEND provision and provides all the facilities required to meet the needs of 132 children and young people with Social Emotional and Mental Health (SEMH) difficulties, including a farm that builds upon the existing excellent provision on the current Joseph Norton site.
- 2.4.4 A planning application for the site was submitted in November 2023 leading to the granting of planning permission on 13<sup>th</sup> May 2024. Having tested the market through various expression of interest exercises and reviewed the procurement routes available during a challenging period for the construction market, work is now ongoing to appoint a build partner through a compliant procurement framework, with negotiations expecting to occur over the next three months. If successful, a price will be agreed within the parameters and delegations discussed in this report and **Appendix 4**.
- 2.4.5 Construction of the new Joseph Norton Academy is expected to begin towards the end of 2024, with completion programmed for Spring 2026.
- 2.4.6 The first step in the significant change process required to gain approval for Joseph Norton Academy to increase its places to 132 has been completed by Wellspring Academy Trust. This involved a four-week consultation on the proposal between 20 September 2022 and 17 October 2022. With the positive outcome of the planning application now confirmed, Wellspring Academy Trust expect to submit a business case to the DfE seeking final approval for the expansion in summer 2024.

## 2.5 Financial Delegations

- 2.5.1 The construction market is particularly volatile at present, which means that appointing a contractor at a tender figure that is affordable and value for money for the Council has become increasingly difficult. **Appendix 4** outlines the proposed budgets for the new build Joseph Norton Academy and for the site clearance at the Fernside Avenue site based on the latest pre-tender estimates. It also outlines the indicative cost for the new Woodley School and College, including the anticipated cost of exiting the PPP1 contract.
- 2.5.2 Officers will endeavour to negotiate and agree the respective Joseph Norton new build and Fernside Avenue site clearance contracts within the budgets proposed. However, in order to provide flexibility to negotiate a final price and aid the implementation of the referenced contracts without returning to Cabinet, Members are requested to note the delegated powers contained in the Council's Financial Procedure Rules (FPRs) 3.9-3.12, dated June 2024, Service Directors are authorised to:
  - a. Transfer resources within a programme area without restrictions.
  - b. Transfer resources between any project or programme area up to a maximum of £2m in any financial year.
  - c. Transfer resources within programme areas between any year within the approved capital plan, subject to compliance with FPRs 3.9-3.12 and notification to the relevant Cabinet Member and appropriate Ward Members.

### **3. Implications for the Council**

#### **3.1 Working with People**

- 3.1.1 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.
- 3.1.2 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.
- 3.1.3 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.'
- 3.1.4 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 their report be approved, we are committed to working with our families as we progress the delivery of the school rebuilds.

#### **3.2 Working with Partners**

- 3.2.1 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.
- 3.2.2 The opportunity for expanding places for Kirklees children and young people with SEND, cannot be realised without good relationships and collaboration with Woodley School and College, and Wellspring Academy Trust and their school Joseph Norton Academy, 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**

- 3.3.1 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.
- 3.3.2 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**

- 3.4.1 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.
- 3.4.2 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 two new schools have been designed to exceed the extracting requirements of Part L of the Building Regulations, should achieve Net Carbon Zero in operation, will be powered by air source heat pumps and solar panels rather than gas boilers, and the quality of materials and build will ensure that the schools will be airtight and energy efficient.
- 3.4.3 More special school places available locally, and more centrally located within the borough, means that children and young people will have a shorter journey to and from school, therefore supporting our ambitions of a greener, healthier Kirklees and positively impacting on our net zero target.

### **3.5 Improving outcomes for children**

- 3.5.1 The whole of the SEND Transformation Plan focuses on improving outcomes for children. The proposals in this report are integral to successful achievements of our ambition.
- 3.5.2 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 within the SEND transformation approach 'SEND The Big Plan.'
- 3.5.3 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 the key underlying principle and is intrinsic in the proposed new builds and expansion of Woodley School and College and Joseph Norton Academy.
- 3.5.4 '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.
- 3.5.5 These obsessions are at the heart of everything we do when planning services for education of children and young people.

## 3.6 Financial Implications

### Revenue and Capital

- 3.6.1 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 (ARPs), Special School Satellite Provisions and the rebuilding of two of our existing special schools. The rebuild and expansion of Woodley School and College and Joseph Norton Academy are vital elements increasing local capacity for children and young people with complex Special Educational Needs. The agreement states the Council's commitment to; 'Implement joint commissioning and sufficiency strategies, re-balancing the range of placements, services, and provision locally. These will include rebuilding and creating additional SEMH and Complex ASD special school places and increasing additionally resourced provision, to ensure a sufficient mix of flexible services and local placements for children and young people. Kirklees will have sufficient local education places that meet the needs of their population. This includes re-building 2 schools that will create an additional 100+ places.
- 3.6.2 The current spend from the High Needs Block for Independent School Places is around £11.1m, for 198 pupils. By developing local high-quality capacity, there is an explicit assumption that the number of children educated at Non-Maintained Independent Special Schools (NMIS) will reduce as we will be able to accommodate the needs of our children locally. The current average cost of these placements is £60K per annum and the current average cost of a place at Woodley is £28K per annum (a difference of £32K per year), and at Joseph Norton Academy £37K per annum (a difference of £23K per year). The DfE expect that saving assumptions have been factored into the Safety Valve for each school rebuild meaning that over time, and in line with trajectory management that securing sufficient places locally would contribute to our High Needs Block being financially sustainable. Increasing places earlier has the potential to improve upon the Safety Valve position.
- 3.6.3 The current capital plan agreed by Council on 6 March 2024 stated the District Sufficiency programme has a £48.3m allocation to cover all the costs associated with the two rebuilt Special Schools, including PPP1 exit costs, demolitions, construction of the two schools and all professional fees.
- 3.6.4 This represents an increase of £11.3m over the high-level predesign estimates reported to Cabinet on 5 October 2021. This reflects the developed designs for the two schools, extensive site surveys, the cost of achieving Net Zero Carbon and price inflation. The additional budget required has been established through the re-prioritisation of existing uncommitted relevant government grant for basic need and special school places.
- 3.6.5 **Appendix 4** indicates the proposed budget allocations for the new Joseph Norton School, and the site clearance of the Fernside site based on Pre-Tender Estimates, and the indicative budget requirement for the new Woodley School and College. Should additional capital funding be required to deliver these projects, this would be funded from a new allocation of government grant for High Needs Provision announced by the DfE on 27<sup>th</sup> March 2024 totalling £7,056m for Financial Year 2024/25. This will be included in the Capital Plan when it is next reported to Council on 9<sup>th</sup> July 2024.

3.6.6 As previously stated, there is an intention to return to Cabinet in late 2024 to seek approval for the construction of the new build Woodley School and College once the overall cost of the project is determined. This will be based on the pre-tender estimate for the fully designed scheme and the outcome of the PPP1 exit negotiations for this site.

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

3.6.7 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 The Council is contractually bound to pay the full unitary charge in relation to the former Almondbury High School site on Fernside Avenue for the remainder of the duration of the PFI contract unless a deed of Variation to the Project Agreement can be agreed, which will require lender and DfE approval.

3.7.2 Cabinet on 5<sup>th</sup> October 2021 delegated authority to the Service Director for Legal, Governance and Commissioning and the Service Director for Development, in conjunction with the Service Director for Finance, to agree to enter into negotiations with Kirklees School Services Limited to agree a Deed of Variation to the Project Agreement and authorised the Service Director Legal, Governance and Commissioning (or authorised representatives) to enter into and execute on behalf of the Council any appropriate legal agreements, contracts, instruments and certificates under the Local Government (Contracts) Act 1997 relating to the removal of Almondbury High School from the Grouped Schools PPP1 contract, subject to it remaining within the affordability parameters, which have been included in **Appendix 4** of this report.

3.7.3 This process is ongoing with lengthy, complex, and protracted negotiations occurring with all parties involved in the PPP1 contract, with an anticipated settlement programmed for summer / autumn 2024.

3.7.4 The Council must also comply with its obligations under section 149 of the Equalities Act and its public sector equality duty. Contracts for works and services will need to comply with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.

3.7.5 An integrated impact assessment has been carried out and a copy can be found at the following link: <https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments>

## **4. Consultation**

4.1 A six-week pre-planning consultation took place for the Joseph Norton Academy rebuild between 12 June 2023 and 23 July 2023. Two key stakeholder groups were identified, in addition to the wider Kirklees population, for the consultation: 1) The Deighton area; 2) Parents / carers of children and young people with SEND and partners / professionals supporting children and young people with SEND. Following the consultation, a Statement of Community Consultation was produced and was submitted as part of the planning application.

4.2 All matters arising from the consultation have been satisfactorily addressed leading to the granting of planning consent on 13<sup>th</sup> May 2024.

4.3 A six-week pre-planning consultation is planned for the Woodley School and College rebuild to take place in May/June 2024, with a Statement of Community Consultation being produced following the consultation, which will be submitted as part of the planning application.

## **5. Engagement**

5.1 There is continued engagement with the senior leadership teams at both Woodley School and College, and Joseph Norton Academy, as well as the Wellspring Academy Trust.

5.2 Pupils from both schools have been engaged in a programme of consultation about what is important to them in their new school buildings, and these findings have helped influence the design of both new schools and their grounds.

5.3 Senior managers regularly engage with PCAN (Parents of Children with Additional Needs). PCAN is the parent-led forum for all parents and carers of children and 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**

6.1.1 The detailed rationale for the rebuild and expansion of Joseph Norton Academy and Woodley School and College was outlined in a Cabinet report on 5<sup>th</sup> October 2021 and a decision taken to progress with these projects. The need and the demand for these new schools has increased since this date and they are central to the Council's Safety Value Agreement with the DfE.

6.1.2 It is not in the best interests of children and their outcomes nor a cost-effective option to continue to rely upon high-cost independent provision for children with SEND, as outlined in paragraphs 3.6.1-3.6.2 of this report.

### **6.2 Reasons for recommended option**

- To progress previously agreed plans to rebuild two existing special schools on different sites;
- To provide more places locally for children and young people with SEND and help improve their educational outcomes;
- To support the High Needs Safety Valve Agreement, providing a more cost-effective alternative solution to independent provision.

## **7. Next steps and timelines**

7.1 If Cabinet approves the drawdown of capital as outlined in this report and as contained within the Capital Plan agreed by Council on 6 March 2024, officers will:

- following a robust procurement exercise, appoint a contractor to deliver the new build school for the expanded Joseph Norton Academy in Deighton, Huddersfield;
- following a robust procurement exercise, appoint a contractor for the site clearance of all buildings on the former Almondbury High school site on Fernside Avenue;

- continue to undertake the detailed design of the new build Woodley School and College, seek planning permission for the new build and will return to Cabinet in late 2024 with a designed and fully costed proposal for approval by Members.

## 8. Contact officer

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## 9. Background Papers and History of Decisions

5 October 2021 Kirklees Council Cabinet Report  
[Capital investment and rebuild of 2 Special Schools](#)

March 2024 Kirklees Safety Valve Agreement  
[Dedicated Schools Grant ‘Safety Valve’ Agreement: Kirklees](#)

SEND The Big Plan  
<https://www.kirkleeslocaloffer.org.uk/media/sdgdbonx/final-the-big-plan-refresh-of-send-strategy-oct23.pdf>

12 March 2024 Kirklees Council Cabinet Report  
[Increasing special school places for children with complex autism at Woodley School & College - final decision](#)

## 10. Appendices

Appendix 1 – Public – Kirklees Inclusive Ambitions.  
Appendix 2 – Public – Images of the proposed new build Woodley School and College.  
Appendix 3 – Public – Images of the proposed new build Joseph Norton Academy.  
Appendix 4 – Private – Financial and contractual information relating to the two projects.

## 11. Service Directors responsible

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