

Date:

Tuesday 20 October 2026 at 2.00 pm

Venue:

Council Chamber, Dunedin House, Columbia Drive, Thornaby, Stockton-on-Tees TS17 6BJ

Cllr Sylvia Walmsley (Chair)

Cllr Kevin Faulks (Vice-Chair)

Cllr Jim Beall, Cllr Marc Besford, Cllr Carol Clark, Cllr Stephen Dodds, Cllr Lynn Hall, Cllr Shakeel Hussain, Cllr Niall Innes, Cllr Mrs Ann McCoy, Cllr Sufi Mubeen, Cllr Tony Riordan and Cllr Marilyn Surtees

Agenda

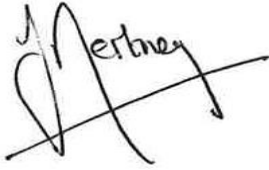
1. Livestreaming

This meeting will be filmed for live and / or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 12 months. A copy of it will also be retained in accordance with the Council's data retention policy.

If you attend and make a representation to the meeting, you will be deemed to have consented to being filmed. When admitted to the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for livestreaming and / or training purposes. If you do not wish to have your image captured, please contact Democratic Services prior to attending the meeting.

If there are any technical difficulties with the livestreaming, the meeting will still proceed.

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|---|-----------------|
| 2. Evacuation Procedure | (Pages 7 - 10) |
| 3. Apologies for Absence | |
| 4. Declarations of Interest | |
| 5. Call in Meeting Procedure | (Pages 11 - 12) |
| 6. Call In - SEND Reform Programme - Education White Paper and Local Area Reform Plan Update | (Pages 13 - 50) |



Jonathan Nertney
Head of Democratic Services
Monday 12 October 2026

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please.

Contact: Democratic Services Manager, Judy Trainer on email Judy.Trainer@stockton.gov.uk

Key – Declarable interests are :-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance

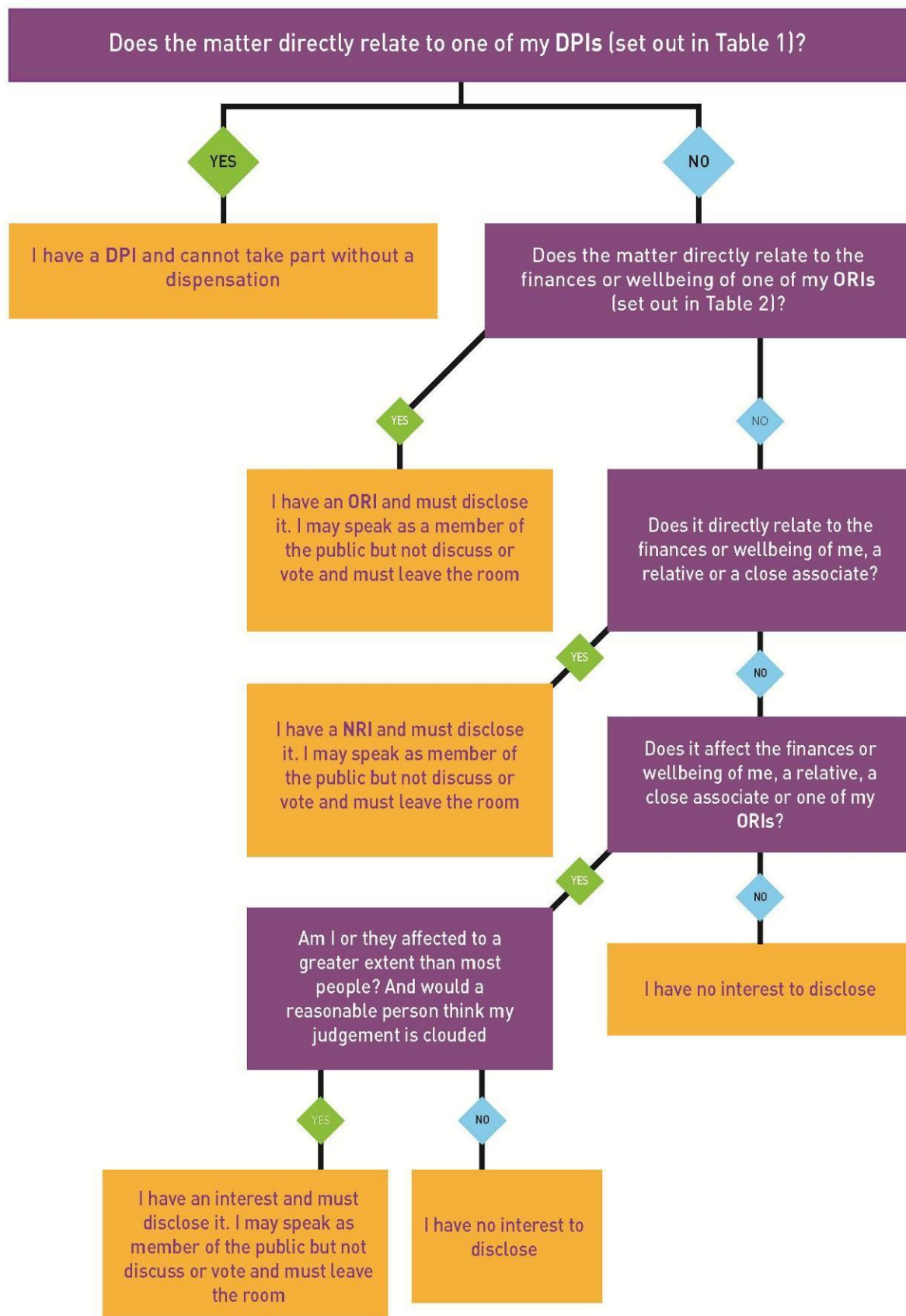


Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registrable Interest

You must register as an Other Registrable Interest:

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

(i) exercising functions of a public nature

(ii) directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Council Chamber, Dunedin House Evacuation Procedure & Housekeeping

Entry

Entry to the Council Chamber is via the Council Chamber entrance indicated on the map below.



In the event of an emergency alarm activation, everyone should immediately start to leave their workspace by the nearest available signed Exit route.

The emergency exits are located via the doors to the left of the raised seating area at the front of the Council Chamber and the rear of the Council Chamber.

Fires, explosions, and bomb threats are among the occurrences that may require the emergency evacuation of Dunedin House. Continuous sounding and flashing of the Fire Alarm is the signal to evacuate the building or upon instruction from a Fire Warden or a Manager.

The Emergency Evacuation Assembly Point is in the overflow car park located across the road from Dunedin House.

The allocated assembly point for the Council Chamber is: D2

Map of the Emergency Evacuation Assembly Point - the overflow car park:



All occupants must respond to the alarm signal by immediately initiating the evacuation procedure.

When the Alarm sounds:

1. **stop all activities immediately.** Even if you believe it is a false alarm or practice drill, you MUST follow procedures to evacuate the building fully.
2. **follow directional EXIT signs** to evacuate via the nearest safe exit in a calm and orderly manner.
 - do not stop to collect your belongings
 - close all doors as you leave
3. **steer clear of hazards.** If evacuation becomes difficult via a chosen route because of smoke, flames or a blockage, re-enter the Chamber (if safe to do so). Continue the evacuation via the nearest safe exit route.
4. **proceed to the Evacuation Assembly Point.** Move away from the building. Once you have exited the building, proceed to the main Evacuation Assembly Point immediately - located in the **East Overflow Car Park**.
 - do not assemble directly outside the building or on any main roadway, to ensure access for Emergency Services.

5. await further instructions.

- **do not re-enter the building under any circumstances without an “all clear”** which should only be given by the Incident Control Officer/Chief Fire Warden, Fire Warden or Manager.
- do not leave the area without permission.
- ensure all colleagues and visitors are accounted for. Notify a Fire Warden or Manager immediately if you have any concerns

Toilets

Toilets are located immediately outside the Council Chamber, accessed via the door at the back of the Chamber.

Water Cooler

A water cooler is available at the rear of the Council Chamber.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when invited to speak by the Chair, to ensure you can be heard by the Committee and those in attendance at the meeting.

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Meeting Procedure for Call In

At this meeting, it is suggested that the following procedure be followed, at the discretion of the Chair:

1. The Statutory Scrutiny Officer will present the report to the Committee.
2. The Monitoring Officer/Proper Officer will present their report (attached as an appendix) and explain their reasons for validating the call in request.
3. A spokesperson for the Members who have requested the call in, will present and explain the reasons for calling in the decision and why they submit that it does not meet the decision making principles. The decision making principles are detailed at paragraph 1.35 of the Constitution.
4. The Cabinet Member(s) will present and explain why the decision making principles were complied with. On more technical or professional issues the Cabinet Member(s) may wish to call on Directors or specialist Officers to assist the Committee.
5. The Committee may ask questions and/or seek clarification on what has been presented. Also, with the permission of the Chair, a Member/Officer, who has been required to attend the meeting, may request clarification of any points.
6. The Committee may ask questions and/or seek clarification from Members, Officers and other interested parties who have been requested/required to attend the meeting.
7. The Committee will deliberate and come to a decision.

Executive Scrutiny Committee can take one of the following actions in response to a call in:

- If the Committee considers that the decision was taken in accordance with decision making principles as set out in the constitution, it need take no further action and the decision will become effective immediately at the close of the meeting

OR

- If the Committee makes a finding that the decision did not meet/comply with the decision-making principles, it may refer it back to Cabinet for reconsideration, providing a statement of the reasons for the referral. All Members who signed the call in petition will be invited to the relevant Cabinet meeting. The Cabinet's reconsideration of the matter, and subsequent decision, (i.e. whether to amend or retract the decision) will be final.

OR

- If the Committee, having taken appropriate advice, considers the decision is contrary to the Council's policy framework or approved budget/Medium Term Financial Plan, or is not within the Cabinet's remit or powers, it can refer the matter to Council.

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REPORT TO EXECUTIVE SCRUTINY COMMITTEE

20 OCTOBER 2026

REPORT OF HEAD OF DEMOCRATIC SERVICES

Call In – SEND Reform Programme – Education White Paper and Local Area Reform Plan Update

Detail

The decisions of Cabinet taken on 17 September 2026 in relation to SEND Reform Programme – Education White Paper and Local Area Reform Plan Updated have been subject to a valid call in. The call in applies decisions 5 – 13 of the following decisions:

CABINET RESOLVED

- 1) The closure of the national SEND Reform consultation and the submission of the Local Area Reform Plan to the Department for Education, be noted.
- 2) It be noted that Council and the North East and North Cumbria Integrated Care Board were awaiting the outcome of the assessment process, expected in October 2026.
- 3) The significant financial implications of approval of the Local Area Reform Plan, including the potential write-off of approximately 90% of the cumulative DSG High Needs deficit, be noted
- 4) The continued delivery of the SEND Reform Programme and associated transformation activity set out within the Local Area Reform Plan be endorsed.
- 5) The investment of up to £2m of capital funding, to create a new 50 place SEMH school, be agreed. This was to undertake necessary building work to adapt and expand an older building to create the required places.
- 6) The investment of £1.4m of capital funding to expand the existing Early Support Nursery to create up to 10 extra spaces, be agreed. This was to undertake necessary building work to adapt the existing provision to create the required places.
- 7) The investment of £3.75m of capital funding to expand the Ash Trees Academy Special School in building onto the Sandown Road site to create up to 40 additional specialist primary spaces, be agreed. This was to undertake necessary building work to adapt the existing provision to create the required places.

- 8) Delegated authority be given to the Director of Children's Services, in consultation with the Cabinet Member for Children and Young People, to take all necessary steps to deliver the projects within the approved budgets.
 - 9) Delegated authority to the transfer of budget caused by cost variations within the approved programme be given to the Section 151 Officer and the Director of Children's Services, in consultation with the Cabinet Member for Resources and Transport and the Cabinet Member for Children and Young People.
 - 10) Delegated authority be given to the Director of Children's Services, in consultation with the S151 officer and Cabinet Member for Children and Young People, to allocate the contingency of £860,000 if required within the three schemes, within the approved programme.
 - 11) Delegated authority be given to the Director of Children's Services in consultation with the Director or Corporate Services to award the construction contract to deliver recommendation 1 to a value of £1.7m including variation, annual inflationary uplifts (where allowed in the contract terms and conditions) and extension decision.
 - 12) The Director of Children's Services be appointed as the Council's authorised representative for the purposes of exercising the Council's rights as a Member of Spark of Genius LLP in relation to the SEMH Special School project and associated matters, including attendance at, participation in and voting at Members' meetings of the LLP.
 - 13) Authority be delegated to the relevant Director or Assistant Director to make the specific contract award decision and any subsequent contract variation, annual inflationary uplifts (where allowed in the contract terms and conditions) and extension decision in respect of all contracts required to deliver the SEMH Special School project approved by the report.
1. The reasons for the validation of the call in relate to the following principles of decision-making:
 - a) Due consultation and the taking of professional advice;
 - b) Clarity of aims and desired outcomes, insofar as this relates to the erroneous
 - c) cross-reference within the relevant contractual resolution;
 - d) Explanation of options and reasons; and
 - e) Clarity and explanation of information provided.
 2. The following Members and Officers have been requested to be present at the meeting:
 - Deputy Leader and Cabinet Member for Resources and Regeneration (Councillor Paul Rowling)
 - Cabinet Member for Children and Young People (Councillor Clare Besford)
 - Majella McCarthy, Director of Children's Services
 - Clare Harper, Chief Financial Officer
 - Ged Morton, Director of Corporate Services (Monitoring Officer)

3. The documents detailed below are attached for consideration by Executive Scrutiny Committee:

Call in Form	Appendix 1
Cabinet Report	Appendix 2
Decision Record	Appendix 3
Report of Monitoring Officer	Appendix 4

Background Papers

None

Name of Contact Officer: Jonathan Nertney

Post Title: Head of Democratic Services

Telephone number: 01642 526312

Email address: jonathan.nertney@stockton.gov.uk

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Stockton-on-Tees Borough Council

Call-In Request Form

I/We request that the following matter be called-in for consideration by the Executive Scrutiny Committee for the reason(s) stated below.

I/We understand that a minimum of six Members of the Council excluding Cabinet Members, or two Education representatives with voting rights in respect of education matters, must submit this request before the call-in procedure is implemented.

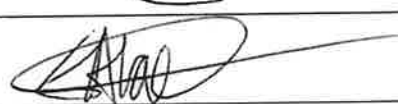
Decision making body ie. Cabinet, Officer, or Joint Arrangement	Cabinet
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Details of decision	SEND Reform Programme - Education White Paper and Local Area Reform Plan Update
Ref. number (if any)	Cabinet decision record - 17 September 2026
Date of decision	17 September 2026

Reasons for call-in	
Constitutional principle(s)	Specific evidence and reasons

• proportionality (the action must be proportionate to the desired outcome) • due consultation and the taking of professional advice from Officers • a presumption in favour of openness • clarity of aims and desired outcomes • an explanation of what options have been considered and the reasons for decisions • relevant matters have not been ignored • clarity and explanation of information provided	This call-in supports the objective of increasing local SEND capacity. The concern is whether Cabinet was given sufficiently clear and complete information before approving an £8.01 million capital programme and extensive governance, procurement and financial delegations. 1. Substantive recommendations were added at the meeting The decision record states that an addendum containing two additional recommendations was circulated at the Cabinet meeting. These appointed the Director of Children's Services as the Council's authorised representative in Spark of Genius LLP and delegated authority for contract awards and subsequent contract decisions required for the SEMH school project. These were substantive governance and procurement decisions, not minor corrections. The published record does not explain when the addendum was prepared, how much opportunity Cabinet had to examine it, or what legal, financial, procurement and governance advice accompanied it. This engages the principles of due consultation and professional advice, openness, and clarity of information. 2. The recorded decision is materially ambiguous Recommendation 11 delegates authority to award a construction contract of up to £1.7 million "to deliver recommendation 1". However, recommendation 1 merely notes the closure of the national SEND consultation and submission of the Local Area Reform Plan; it does not authorise a construction project. If the intended reference was to recommendation 5, concerning the new SEMH school, the formal decision record does not say so. A delegation involving a contract of this value should identify precisely the project and authority being approved. This directly engages clarity of aims, desired outcomes and information. 3. No alternatives are recorded as having been considered The decision record states "None" under alternative options considered and rejected, despite decisions on three capital schemes, the use of Spark of Genius LLP, the allocation of an £860,000 contingency, and the proposed contracting and delivery arrangements. The record does not explain what alternative sites, delivery models, procurement approaches, phasing arrangements or use of the available capital were considered and why the chosen approach was preferred. This engages the requirement to explain options and reasons for decisions. 4. The breadth of delegation requires scrutiny Cabinet delegated authority to take all necessary steps to deliver the schemes, transfer budgets between them because of cost variations, allocate the full £860,000 contingency, and make contract awards, variations, inflationary uplifts and extension decisions for all contracts required for the SEMH project. The record
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	does not clearly state the limits, reporting requirements or safeguards attached to all of these powers. Scrutiny is required to establish whether these delegations are proportionate and whether relevant financial, legal and procurement risks were fully considered. 5. Relevant dependencies are not clearly explained At the time of the decision, the Council was still awaiting the Department for Education's assessment of the Local Area Reform Plan, expected in October 2026. The record does not clearly explain whether that outcome affects the timing, affordability or delivery of any of the capital schemes, or what would happen if assumptions change. This should have been clearly addressed as a relevant matter. Requested outcome Executive Scrutiny is asked to refer the decision back to Cabinet for reconsideration with: a corrected and unambiguous set of resolutions; the full addendum and supporting professional advice; a clear explanation of the options considered; the governance and contractual implications of the Spark of Genius LLP arrangement; and clearly defined limits and reporting arrangements for the delegated powers.
Questions likely to be asked	
• When was the addendum prepared and circulated, and what legal, financial, procurement and governance advice accompanied it? • What is the correct project reference in recommendation 11, and can the Council lawfully implement an ambiguous recorded delegation? • What alternative sites, delivery models, procurement routes and phasing options were considered, and why are none recorded? • What are the Council's rights, liabilities, financial exposure and governance arrangements as a member of Spark of Genius LLP, and how will conflicts of interest be managed? • What financial ceilings, consultation requirements and reporting arrangements apply to budget transfers, contingency use, contract variations, inflationary uplifts and extensions? • How does the pending Department for Education assessment affect the schemes and what contingency exists if assumptions or funding change?	

We request that the following Cabinet Member(s)/Officer(s) to be required to attend the Executive Scrutiny Committee	
Director of Children's Services; Section 151 Officer; Director of Corporate Services; Cabinet Member for Children and Young People; Cabinet Member for Resources and Transport.	
Signed	Print Name
	CLLR TONY RIORDAN
	CLLR MARCUS VICKERS
	CLLR STEVE DODDS
	CLLR EMILY TATE

	CLLR HUGO STRATTON
	CLLR NIALL INNES

This form must be submitted to the Proper Officer (via Democratic Services) within four working days of the publication of the decision i.e. by 12 midnight on the fourth day.

Multiple forms (including faxed and e-mailed versions) may be submitted in respect of the same decision. If the form is e-mailed it must be subscribed to by one person only.

This form may be returned as follows:

By hand to any Democratic Services Officer

Email – 'DL Democratic Services'

Office use only	
Date received:	Initials:
Valid: Yes/No Reasons for invalidity:	
Reasons notified	
Executive Scrutiny Committee date:	

Extract from Constitution – Paragraph 1.35

Decisions of the Council will usually be made in accordance with the following principles:

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from Officers;
- respect for human rights and equality of opportunity;
- a presumption in favour of openness;
- clarity of aims and desired outcomes; and
- an explanation of what options have been considered and giving the reasons for decisions
- relevant matters have not been ignored
- clarity and explanation of information provided

Please also see the guidance contained with the Scrutiny Toolkit, and Constitution.

REPORT TO CABINET

September 2026

REPORT OF CORPORATE MANAGEMENT TEAM

CABINET DECISION

Children and Young People - Lead Cabinet Member – Councillor Clare Besford

SEND Reform Programme – Education White Paper and Local Area Reform Plan Update

Summary

This report provides Cabinet with an update on the Government's SEND Reform Programme and the local response to the reforms. The Council is working jointly with the North East and North Cumbria Integrated Care Board (ICB), has submitted its Local Area Reform Plan (LARP) to the Department for Education (DfE). The local area is currently awaiting the outcome of the assessment process, expected in October 2026. Alongside this it seeks Cabinet approval for the allocation of capital funding to support three priority projects identified within the LARP as being critical to address the deficit within the Dedicated Schools Grant (DSG) and more specifically the High Need Block.

Reasons for Recommendation

The SEND Reform Programme represents the most significant reform of the SEND system for a generation and has substantial implications for local education, health and care services. Cabinet oversight is required given:

- the submission of Stockton-on-Tees' Local Area Reform Plan;
 - the significant financial implications for the High Needs Block;
 - the requirement to deliver the ambitious programme of reform set out within the Plan; and
- the potential write-off of approximately 90% of the cumulative DSG High Needs deficit, subject to Department for Education approval.

With regard to the Capital interventions Cabinet approval is required for the following reasons:

- All three projects involve significant capital expenditure. In accordance with Council governance procedures, Cabinet approval is necessary to authorise the approval and investment of the required funds.
- These investments are integral to the delivery of Stockton's LARP and driving down the pressure on the DSG, primarily through increasing capacity and delivering cost avoidance
- Approval at this stage will enable project teams to proceed with delivery, ensuring that works are completed in a timely manner.

Recommendations

Cabinet is recommended to:

1. Note the closure of the national SEND Reform consultation and the submission of the Local Area Reform Plan to the Department for Education.
2. Note that the Council and the North East and North Cumbria Integrated Care Board are awaiting the outcome of the assessment process, expected in October 2026.
3. Note the significant financial implications of approval of the Local Area Reform Plan, including the potential write-off of approximately 90% of the cumulative DSG High Needs deficit.
4. Endorse the continued delivery of the SEND Reform Programme and associated transformation activity set out within the Local Area Reform Plan
5. Agree to invest up to £2m of capital funding, to create a new 50 place SEMH school. This is to undertake necessary building work to adapt and expand an older building to create the required places.
6. Agree to invest £1.4m of capital funding to expand the existing Early Support Nursery to create up to 10 extra spaces. This is to undertake necessary building work to adapt the existing provision to create the required places.
7. Agree to invest £3.75m of capital funding to expand the Ash Trees Academy Special School in building onto the Sandown Road site to create up to 40 additional specialist primary spaces. This is to undertake necessary building work to adapt the existing provision to create the required places.
8. Delegate authority to the Director of Children's Services, in consultation with the Cabinet Member for Children and Young People, to take all necessary steps to deliver the projects within the approved budgets.

9. Cabinet delegate the transfer of budget caused by cost variations within the approved programme to the Section 151 Officer and the Director of Children's Services in consultation with the Cabinet Member for Resources and Transport and the Cabinet Member for Children's and Young People.
10. Delegate authority to the Director of Children's Services, in consultation with the S151 officer and Cabinet Member for Children and Young People, to allocate the contingency of £860,000 if required within the three schemes within the approved programme.
11. Delegate authority to the Director of Children's Services in consultation with the Director or Corporate Services to award the construction contract to deliver recommendation 1 to a value of £1.7m including variation, annual inflationary uplifts (where allowed in the contract terms and conditions) and extension decision.

Detail

12. The national consultation "SEND Reform: Putting Children and Young People First" concluded in May 2026. The Government is currently considering responses received and has indicated that further detail regarding implementation arrangements and legislative changes will follow. Existing statutory SEND duties remain unchanged during the transition period.
13. As required by the Department for Education, Stockton-on-Tees Borough Council and the North East and North Cumbria Integrated Care Board jointly developed and submitted a Local Area Reform Plan in June 2026. The Plan sets out the borough's approach to:
 - a. strengthening inclusive practice within mainstream education;
 - b. improving early identification and intervention;
 - c. developing the Experts at Hand model;
 - d. increasing local sufficiency and reducing reliance on independent provision;
 - e. strengthening Alternative Provision pathways; and
 - f. improving partnership governance, quality assurance and co-production.
14. The Department for Education is currently reviewing submissions, and the outcome is expected in October 2026. If approved, Stockton-on-Tees would receive High Needs Stability Funding which would write off approximately 90% of the cumulative DSG High Needs deficit.
15. At the end of the last financial year, the cumulative DSG deficit stood at approximately £17.13m. Subject to approval of the Local Area Reform Plan, the Council expects to receive approximately £15.4m of High Needs Stability Funding.

16. Assuming the High Needs Stability Funding arrangements continue the same basis during 2026/27, the Council would be required to fund approximately 10% of the projected 2026/27 deficit, equivalent to approximately £1.52m. The Local Area Reform Plan therefore represents a significant opportunity to restore financial sustainability whilst delivering improved outcomes for children and young people with SEND.

Consultation and engagement

17. The national consultation on SEND Reform has now concluded. Locally, the development of Stockton-on-Tees' Local Area Reform Plan was informed by a comprehensive programme of engagement and co-production involving children and young people, parents and carers, educational settings, school leaders, academy trusts, the Stockton Parent Carer Forum, health partners, social care services and wider stakeholders.
18. Engagement activity included workshops, briefings, listening events, existing governance forums, school networks, Parent Carer Forum discussions and youth participation activity. Feedback received through these processes directly informed the priorities, assumptions and delivery plans set out within the Local Area Reform Plan, particularly in relation to inclusion, early identification, sufficiency, alternative provision, co-production and preparation for adulthood.

Capital Interventions

19. In Spring 2026, following allocation of funding by the Department for Education and further funding being obtained, the Council currently have £8.01m of unallocated capital funding from a range of sources (a summary is provided below).
- £7.75m Unallocated High Needs Capital Funding
 - £0.26m of Developer Contributions

SEMH Special School

20. This proposal is to develop a 50 place SEMH special school in Stockton, delivered through partnership with Spark of Genius (who also run the King Edwin Specialist Provision). This joint venture approach supports long-term sustainability and is unique to Stockton on Tees.
21. This provision would directly support sufficiency, reduce pressure at transition points (particularly Year 6–7 where we are seeing the highest movement into independent placements), and contribute to financial sustainability of High Needs. It also links strongly to AP reduction and a reduction of children with no current school place.

22. This intervention is directly informed by local demand data, which clearly identifies SEMH as one of the most significant and fastest-growing areas of need within Stockton.
23. The current system is not able to meet need locally at the point where demand peaks most significantly. This has significant negative financial impact.
24. This provision would increase SEMH capacity and expertise, reduce reliance on independent placements, reduce exclusions and AP placements, lead to better outcomes and greater stability for young people and keep children closer to their families and community. All clear aims within the LARP.
25. This proposal would utilise the Skills Academy building in Billingham which is a council asset.
26. Design work has been completed RIBA Stage 2 and identified a budget requirement of £2m. At this stage of design, there is still a reasonable element of risk, as such a significant contingency of £400k has been built into this estimate.
27. This intervention is forecast to generate cost avoidance of £395,000 per annum. This is as a consequence of children taking up a place in the lower cost placement compared to the average agency cost of a child with SEMH needs as outlined in the table below.

	Per Place p.a.	50 Places p.a.
Revenue cost p.a. (average SEMH placement)	£67,116	£3,355,800
Revenue cost of additional joint venture placement	£59,219	£2,960,950
Potential annual cost avoidance	£7,897	£394,850

28. It should be noted that replicating the arrangement of King Edwin School the Council would also receive a rental income for the asset alongside a profit share from the Joint Venture.

Early Support Nursery expansion

29. Expand Early Support Nursery within Thornaby Family Hub to 30 places (from 20) building on an existing provision and footprint.

30. This project is about prevention and reducing inequality early. It supports children with the most complex needs at the earliest stage and improves long-term outcomes and ensures support is planned in a timely way.
31. This project directly supports early intervention and prevention, reduces escalation into EHCPs and specialist provision, and contributes to long-term sustainability.
32. This intervention is informed by evidence showing increasing demand across early years, particularly for children with ASD, SLCN and complex developmental needs.
33. Expanding the Early Support Nursery will deliver earlier identification and support, reduce escalation of need, improve school readiness which aligning with our duties in the Best Start in Life Plan and will help to reduced long-term specialist demand as per the plans in the LARP.
34. As the Early Support Nursery is Local Authority maintained, it also gives increased LA oversight of SEND support and EHCPs in the Early Years cohort to ensure effective transition planning and destinations.
35. Design work on this has been completed to RIBA stage 2. This has identified a budget requirement of £1.4m. At this stage of design, there is still a reasonable element of risk, as such a significant contingency of £300k has been built into this estimate.
36. For the first 2 years this intervention would cost the Council an additional £195,000 due to the costs of delivering the extended Early Support Nursery. However from year 3 onwards there will be a cost avoidance of £495,000 per annum as it is anticipated the first cohort of the extended Early Support Nursery would go to a provision within a special academy (E.g. Project 3 below) as opposed to being placed in an intendent special school. This is shown in the tables below:

Years 1 and 2

Years 1 and 2	Per Place p.a.	10 Places p.a.
Revenue staffing costs including on-costs (prior to 2026/27 pay award).	£23,500	£235,000
Estimated additional Early Years DSG funding **	(£4,000)	(£40,000)
Potential annual cost avoidance	£19,500	£195,000

Year 3 onwards

Year 3 onwards	Per Place p.a.	10 Places p.a.
Average Independent Special School placement (Speech, Language and Communication needs)	£69,000	£690,000
Revenue staffing costs including on-costs (prior to 2026/27 pay award).	£23,500	£235,000
Estimated additional Early Years DSG funding **	(£4,000)	(£40,000)
Potential annual cost avoidance	£49,500	£495,000

Expansion of Ash Trees Academy

37. The Expansion of Ash Trees Academy will provide 40 additional primary specialist places (approx. 5 classrooms).
38. This project will Increase local specialist provision and will support children to remain in Borough. It will also address a clear gap in primary sufficiency.
39. This provision will directly support improved transitions, particularly addressing the significant spike at Year 6 (63 children moving to independent placements). It will help stabilise need earlier.
40. In taking forward this project, the council will be increasing primary specialist capacity, ensuring better transition outcomes and reducing the number of independent placements which is a clear aim of the LARP. It will also provide greater stability for our children and young people.
41. Design work on this has been completed to RIBA stage 2. This has identified a budget requirement of £3.75m. At this stage of design, there is still a reasonable element of risk, as such a significant contingency of £500k has been built into this estimate.
42. This intervention is anticipated to avoid costs of £1.213m per annum. This is based on the cost differential between 30 places at a special academy compared to the current cost of an independent special school. It should be noted that the cost avoidance of the first 10 places at this provision have been accounted for in project 2 linked to the expansion of the Early Support Nursery above.

	Per Place p.a.	40 Places p.a.
Average Independent Special School placement (ASD/SLCN)	£69,000	£2,760,000
Current cost at Special academy	£26,300	£1,052,000
Less: saving identified in Project 2 relating to 10 additional ESN places	N/A	£495,000
Potential annual cost avoidance	N/A	£1,213,000

General Contingency

43. Whilst contingency and inflation are built into the project estimates above, for financial prudence it is suggested that the remaining available funding of £860,000 programme contingency be held for the interventions, with approval given by members for this to be allocated as required to the Director of Children's Services and the Director of Finance Revenues, Benefits and Welfare, in line with cabinet's approved delegated responsibilities.

Community Impact and Equality and Poverty Impact Assessment

44. EPIAs were undertaken as part of planning and no mitigating actions were required.

Corporate Parenting Implications

45. There are no implications on the corporate parenting role

Financial Implications

46. The £8.01m of costs identified in this report, are funded from the £8.01m of resources outlined in paragraph 19.
47. These interventions utilise all available funding. Any new interventions not covered within the current capital programme would require further funding to be identified.
48. The schemes covered within this report are summarised below:

SEMH Special School	£2,000,000
Early Support Nursery expansion	£1,400,000
Expansion of Ash Trees Academy	£3,750,000
Contingency on the above	£860,000
TOTAL	£8,010,000

Legal Implications

49. The Council as Local Education Authority has a duty under The Children and Families Act 2014 to ensure sufficiency of suitable educational placements for Children and Young People with SEND

50. Any failure to meet these duties can result in Judicial reviews brought by families or SEND Tribunal rulings against the council, requiring costly out-of-area placements or compensatory education being issued by the Local Ombudsman.

51. Cabinet must also consider any potential breach of rights under the following legislation if sufficient provision for children and young people cannot be allocated within the borough.

a. The Children and Families Act 2014.

b. The Equality Act 2010.

c. The Human Rights Act 1998.

Risk Assessment

52. These SEND investments linked to the LARP are categorised medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk

Wards Affected and Consultation with Ward/Councillors (refer to Concordat for Communication and Consultation with Members)

53. No impact to wards noted.

Background Papers

54. No Background papers.

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SEND Reform Programme – Education White Paper and Local Area Reform Plan Update

Additional Recommendations

13. Cabinet appoints the Director of Children's Services as the Council's authorised representative for the purposes of exercising the Council's rights as a Member of Spark of Genius LLP in relation to the SEMH Special School project and associated matters, including attendance at, participation in and voting at Members' meetings of the LLP.
14. Cabinet gives authority to the relevant Director or Assistant Director to make the specific contract award decision and any subsequent contract variation, annual inflationary uplifts (where allowed in the contract terms and conditions) and extension decision in respect of all contracts required to deliver the SEMH Special School project approved by this report.

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Stockton on Tees Borough Council – Decisions taken by the Cabinet on Thursday 17 September 2026

Agenda Item No	Topic	Decision
A7	SEND Reform Programme – Education White Paper and Local Area Reform Plan Update	<u>STOCKTON-ON-TEES BOROUGH COUNCIL</u> <u>CABINET DECISION</u> <u>PROFORMA</u> Cabinet Meeting 17 September 2026 1. <u>Title of Item/Report</u> SEND Reform Programme – Education White Paper and Local Area Reform Plan Update 2. <u>Record of the Decision</u> Cabinet received a report that report updated Cabinet on the national SEND Reform Programme and Stockton-on-Tees' Local Area Reform Plan (LARP), developed jointly with the North East and North Cumbria Integrated Care Board and submitted to the Department for Education in June 2026. The LARP focused on stronger mainstream inclusion, earlier identification and intervention, increased local sufficiency, reduced reliance on independent provision, improved Alternative Provision pathways and stronger partnership governance. The Council was awaiting the DfE assessment, expected in October 2026. Approval could result in High Needs Stability Funding of around £15.4m, approximately 90% of the £17.13m cumulative DSG High Needs deficit. The report also proposed the use of the Council's £8.01m available High Needs capital resources for three schemes: a new 50-place SEMH school, expansion of the Early Support Nursery by up to 10 places, and 40 additional specialist

Stockton on Tees Borough Council – Decisions taken by the Cabinet on Thursday 17 September 2026

Agenda Item No	Topic	Decision
		primary places at Ash Trees Academy, together with programme contingency and associated delegations. At the meeting, an addendum to the report was circulated detailing two additional recommendations. This added authority for the Director of Children's Services to act as the Council's authorised representative in Spark of Genius LLP in connection with the SEMH Special School, and delegated authority for contract awards and subsequent contract decisions required to deliver that project. RESOLVED that:- 1. the closure of the national SEND Reform consultation and the submission of the Local Area Reform Plan to the Department for Education, be noted. 2. It be noted that Council and the North East and North Cumbria Integrated Care Board were awaiting the outcome of the assessment process, expected in October 2026. 3. the significant financial implications of approval of the Local Area Reform Plan, including the potential write-off of approximately 90% of the cumulative DSG High Needs deficit, be noted 4. the continued delivery of the SEND Reform Programme and associated transformation activity set out within the Local Area Reform Plan be endorsed.

Stockton on Tees Borough Council – Decisions taken by the Cabinet on Thursday 17 September 2026

Agenda Item No	Topic	Decision
		5. the investment of up to £2m of capital funding, to create a new 50 place SEMH school, be agreed. This was to undertake necessary building work to adapt and expand an older building to create the required places. 6. the investment of £1.4m of capital funding to expand the existing Early Support Nursery to create up to 10 extra spaces, be agreed. This was to undertake necessary building work to adapt the existing provision to create the required places. 7. the investment of £3.75m of capital funding to expand the Ash Trees Academy Special School in building onto the Sandown Road site to create up to 40 additional specialist primary spaces, be agreed. This was to undertake necessary building work to adapt the existing provision to create the required places. 8. Delegated authority be given to the Director of Children's Services, in consultation with the Cabinet Member for Children and Young People, to take all necessary steps to deliver the projects within the approved budgets. 9. Delegated authority to the transfer of budget caused by cost variations within the approved programme be given to the Section 151 Officer and the Director of Children's Services, in consultation with the Cabinet Member for Resources and Transport and the Cabinet Member for Children and Young People. 10. Delegated authority be given to the Director of Children's Services,

Stockton on Tees Borough Council – Decisions taken by the Cabinet on Thursday 17 September 2026

Agenda Item No	Topic	Decision
		in consultation with the S151 officer and Cabinet Member for Children and Young People, to allocate the contingency of £860,000 if required within the three schemes, within the approved programme. 11. Delegated authority be given to the Director of Children's Services in consultation with the Director or Corporate Services to award the construction contract to deliver recommendation 1 to a value of £1.7m including variation, annual inflationary uplifts (where allowed in the contract terms and conditions) and extension decision. 12. the Director of Children's Services be appointed as the Council's authorised representative for the purposes of exercising the Council's rights as a Member of Spark of Genius LLP in relation to the SEMH Special School project and associated matters, including attendance at, participation in and voting at Members' meetings of the LLP. 13. authority be delegated to the relevant Director or Assistant Director to make the specific contract award decision and any subsequent contract variation, annual inflationary uplifts (where allowed in the contract terms and conditions) and extension decision in respect of all contracts required to deliver the SEMH Special School project approved by the report. 3. <u>Reasons for the Decision</u> The SEND Reform Programme has substantial service and financial

Stockton on Tees Borough Council – Decisions taken by the Cabinet on Thursday 17 September 2026

Agenda Item No	Topic	Decision
		implications. The capital investments are integral to increasing local specialist capacity, reducing reliance on higher-cost independent placements and delivering the LARP, while Cabinet approval is required because of the level of expenditure. 4. <u>Alternative Options Considered and Rejected</u> None 5. <u>Declared (Cabinet Member) Conflicts of Interest</u> None 6. <u>Details of any Dispensations</u> None 7. <u>Date and Time by which Call In must be executed</u> Midnight on Friday 25 September 2026 Proper Officer

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AGENDA ITEM
REPORT TO EXECUTIVE SCRUTINY COMMITTEE
20 OCTOBER 2026
REPORT OF THE
MONITORING OFFICER

CALL-IN VALIDITY REPORT

SEND REFORM PROGRAMME – EDUCATION WHITE PAPER AND LOCAL AREA REFORM PLAN UPDATE

SUMMARY

This report provides a formal assessment of the validity of a call-in request submitted in respect of the Cabinet decision of 17 September 2026 concerning the SEND Reform Programme – Education White Paper and Local Area Reform Plan Update.

Its purpose is to determine whether the issues raised meet the constitutional threshold for call-in and whether they engage one or more of the Council's Decision-Making Principles in a manner which warrants further scrutiny.

In doing so, the report distinguishes between:

- (a) the merits and lawfulness of the substantive decision; and
- (b) whether issues of process, clarity or information arise which are capable of engaging the Council's Decision-Making Principles and therefore properly fall to be considered through call-in.

The report identifies those principles which are potentially engaged and therefore defines the scope within which the Committee may properly undertake its scrutiny.

RECOMMENDATIONS

That the Executive Scrutiny Committee:

1. Notes that the call-in request is valid; and
2. Proceeds to consider the call-in on the grounds identified in this report.

BACKGROUND

1. This report assesses a call-in request following Cabinet's decision of 17 September 2026 titled *SEND Reform Programme – Education White Paper and Local Area Reform Plan Update*.
2. The assessment is undertaken in accordance with:
 - a. the Local Government Act 2000;
 - b. the Council's Constitution; and
 - c. the Council's Decision-Making Principles at paragraph 1.35.
3. The purpose of this report is to determine whether the call-in request meets the constitutional requirements for validity and whether it should proceed to the Executive Scrutiny Committee.
4. The assessment focuses solely on whether the matters raised by Members, if supported by evidence, could reasonably indicate that one or more of the Decision-Making Principles may not have been fully demonstrated at the point Cabinet made its decision.
5. This report does not determine the merits of the SEND Reform Programme or whether Cabinet should have reached a different substantive decision. Those are not matters for the Monitoring Officer to determine through the validation process.
6. For clarity, validation of a call-in does not establish that the decision was unlawful or that any procedural failure occurred. The question at this stage is whether issues of process, clarity or information arise which are properly capable of further scrutiny.

THE CALL-IN PROCESS

Legislative and Constitutional Framework

1. Call-in is a statutory safeguard within the Council's governance framework, enabling scrutiny of executive decisions prior to implementation.
2. Section 9F of the Local Government Act 2000 requires that councils maintain arrangements for the review of executive decisions.
3. Call-in is an exceptional mechanism. It is not intended to revisit the merits of a decision or to substitute the judgement of the Executive, but to ensure that decisions have been taken in accordance with proper process.

4. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, only executive decisions may be called in.

Threshold for a Valid Call-In

5. A call-in request is valid if it:
 - a. Is supported by at least six non-Cabinet Members;
 - b. Relates to a decision that has been made but not yet implemented; and
 - c. Alleges a potential failure to comply with one or more Decision-Making Principles.
6. A call-in request is invalid if it:
 - a. Does not allege a procedural failing;
 - b. Seeks to challenge operational or financial management decisions rather than the decision itself; or
 - c. Simply requests further explanation without identifying a potential departure from the Decision-Making Principles.

Decision-Making Principles (Constitution Paragraph 1.35)

7. The relevant principles are:
 - a. Proportionality;
 - b. Due consultation and the taking of professional advice;
 - c. Respect for human rights and equality;
 - d. A presumption in favour of openness;
 - e. Clarity of aims and desired outcomes;
 - f. Explanation of options and reasons;
 - g. Relevant matters not ignored; and
 - h. Clarity and explanation of information provided.

THE DECISION UNDER CHALLENGE

8. The decision under challenge was taken by Cabinet on 17 September 2026. Cabinet considered a report updating it on the national SEND Reform Programme and Stockton-on-Tees' Local Area Reform Plan ("LARP"), which had been developed jointly with the North East and North Cumbria Integrated Care Board and submitted to the Department for Education in June 2026. The Department for Education's assessment was awaited and was expected in October 2026.

The report also proposed the use of £8.01 million of available High Needs capital resources across three schemes:

- a. a new 50-place Social, Emotional and Mental Health (“SEMH”) special school;
 - b. expansion of the Early Support Nursery by up to 10 places; and
 - c. 40 additional specialist primary places at Ash Trees Academy.
9. The proposals also included programme contingency and associated financial and delivery delegations. Cabinet was advised of the service and financial rationale for increasing local specialist capacity and reducing reliance on higher-cost independent and out-of-area placements.
10. At the meeting, an addendum containing two additional recommendations was circulated. These provided:
- a. a. authority for the Director of Children’s Services to act as the Council’s authorised representative in Spark of Genius LLP in connection with the SEMH Special School; and
 - b. b. delegated authority to the relevant Director or Assistant Director in respect of contract award and subsequent contractual decisions required to deliver the SEMH Special School project.
11. The published record confirms that the addendum was circulated at the meeting and describes the nature of the two additional recommendations. Cabinet agreed the recommendations, including the two additional recommendations.

SUMMARY OF GROUNDS RAISED IN THE CALL-IN

12. The call-in makes clear that the Members concerned support the objective of increasing local SEND capacity. Their challenge is directed principally towards whether Cabinet had sufficiently clear and complete information before approving the £8.01 million programme and the associated governance, financial and procurement arrangements.
13. The grounds raised may be summarised as follows:
- a. two substantive governance and procurement recommendations were introduced at the Cabinet meeting and questions arise concerning the opportunity available to Members to consider them and the professional advice underpinning them;
 - b. the formal resolution authorising a construction contract of up to £1.7 million refers to delivery of “recommendation 1”, although recommendation 1 does not concern the relevant construction project;

- c. the formal decision record states that no alternative options were considered and rejected;
 - d. the financial, governance and procurement delegations approved are sufficiently broad to warrant consideration of their limits and safeguards; and
 - e. the relationship between the capital programme and the pending Department for Education decision on the LARP was insufficiently clear.
14. Taken together, the call-in raises issues concerning the clarity and completeness of the information underpinning parts of the decision and the scope of some of the implementation arrangements approved by Cabinet

ASSESSMENT AGAINST DECISION-MAKING PRINCIPLES

Proportionality

15. The substantive decision concerned the Council's response to identified SEND sufficiency pressures and the creation of additional local specialist capacity.
16. The report set out the proposed expenditure, additional capacity and anticipated service and financial benefits associated with each scheme.
17. No substantive issue arises under this principle for the purposes of the validation assessment.

Assessment: Satisfied; does not support validity.

Due Consultation and Professional Advice

18. The principal issue raised under this principle concerns the two additional recommendations circulated at the Cabinet meeting.
19. These were substantive recommendations concerning governance and procurement arrangements rather than typographical or presentational amendments. The available record demonstrates that the recommendations were brought expressly to Cabinet's attention and were subsequently approved. The published decision record also identifies that an addendum was circulated at the meeting and describes its effect. The fact that an additional recommendation is introduced at a meeting does not, of itself, demonstrate a failure to take professional advice or a failure in the decision-making process.
20. However, given the nature of the first additional recommendation, including the authority to exercise the Council's rights as a member of Spark of Genius LLP, the call-in raises a reasonable question as to the professional advice and governance

framework supporting that arrangement and whether its scope and effect were sufficiently clear to Cabinet.

21. This assessment does not determine whether the professional advice was adequate. That would go beyond the validation function. It determines only that the issue is sufficiently connected to the Decision-Making Principle to be capable of scrutiny.

Assessment: Supports validity.

Respect for Human Rights and Equality

22. No substantive issues arise.

Assessment: Satisfied; does not support validity.

Presumption in Favour of Openness

23. The substantive SEND report was published and considered in public session. The additional recommendations were identified and explained during the public meeting and the published record states that an addendum containing them was circulated at the meeting.
24. The fact that additional recommendations were introduced at the meeting does not, of itself, establish a failure of openness.
25. No separate substantive issue therefore arises under this principle for the purposes of validation.

Assessment: Satisfied; does not support validity.

Clarity of Aims and Desired Outcomes

26. The overall aims and intended outcomes of the SEND Reform Programme and proposed capital investment were clearly identified.
27. These included increasing local specialist capacity, improving outcomes for children and young people, reducing reliance upon higher-cost independent provision and supporting the wider objectives of the Local Area Reform Plan. The published decision records those objectives.
28. There is therefore no substantive lack of clarity as to the overall purpose of the programme.
29. A separate issue does, however, arise concerning the wording of the formal resolution authorising a construction contract of up to £1.7 million. The resolution refers to

delivery of “recommendation 1”, although recommendation 1 does not concern the relevant construction project.

30. The wider context may make the intended project ascertainable. However, where a formal resolution confers authority for a contract of this value, an erroneous cross-reference is capable of creating uncertainty as to the precise authority conferred.
31. Scrutiny may therefore properly examine the significance of that error and whether clarification of the formal decision record is required.

Assessment: Satisfied; does not independently support validity.

Explanation of Options and Reasons

32. The formal decision record states “None” under the heading “Alternative Options Considered and Rejected”.
33. The constitutional principle does not require Cabinet reports to identify every conceivable alternative, nor to manufacture alternatives where none were considered viable. It does, however, require an explanation of the options which were considered and the reasons for the decision.
34. The substantive report explains the rationale for the three schemes recommended to Cabinet and the anticipated benefits of each. Nevertheless, given the proposed commitment of the available High Needs capital resources across the identified programme and the proposed partnership arrangements for the SEMH provision, the call-in raises a reasonable question as to what material alternatives, if any, were considered in developing the proposals and how the preferred arrangements were selected.
35. Scrutiny may therefore properly examine whether the options considered and reasons for the preferred approach were sufficiently explained to enable an informed decision.

Assessment: Supports validity.

Relevant Matters Not Ignored

36. The call-in identifies the pending Department for Education assessment of the Local Area Reform Plan as a potentially relevant dependency.
37. The Cabinet report and presentation expressly identified that the LARP had been submitted to the Department for Education and that its assessment was awaited, with an outcome expected in October 2026. The published decision also records that approval could result in High Needs Stability Funding of around £15.4 million,

equivalent to approximately 90% of the £17.13 million cumulative DSG High Needs deficit.

38. The conditional nature of that funding was therefore before Cabinet and was not ignored.
39. The relevant factual issue is whether approval or otherwise of the LARP had a direct bearing upon the availability or implementation of the separately identified £8.01 million capital programme.
40. That matter may appropriately be clarified during scrutiny as part of the financial context, but on the information presently available the existence of the outstanding Department for Education decision does not independently support validation on the basis that a relevant matter was ignored.

Assessment: Does not independently support validity.

Clarity and Explanation of Information Provided

41. This principle is engaged by several aspects of the call-in.
42. First, as identified above, the formal resolution concerning a construction contract of up to £1.7 million contains an apparently erroneous cross-reference.
43. Secondly, Cabinet approved a number of delegations concerning implementation of the capital programme, including financial, governance and contractual decision-making.
44. The existence of delegated authority is not itself a governance concern. Such arrangements may be necessary to enable implementation of a Cabinet decision.
45. However, the call-in raises a reasonable question as to whether the scope, financial limits, consultation requirements and other controls applicable to those delegations were sufficiently clear at the point the decision was made.
46. In particular, scrutiny may properly examine the relationship between the individual project budgets, programme contingency, overall £8.01 million capital envelope and the Council's established financial and procurement controls.
47. It may similarly examine the scope of the authority conferred upon the Council's representative within Spark of Genius LLP and the governance framework within which those rights are to be exercised.

48. These matters are sufficiently connected to the clarity and explanation of information provided to Cabinet to warrant further scrutiny. This conclusion does not imply that the delegations were inappropriate or insufficiently controlled; that is a matter to be considered on the evidence.

Assessment: Supports validity.

OVERALL VALIDITY DETERMINATION

49. The call-in satisfies the procedural requirements for submission and raises substantive and credible grounds for further scrutiny under the following Decision-Making Principles:
- a. Due consultation and the taking of professional advice;
 - b. Clarity of aims and desired outcomes, insofar as this relates to the erroneous cross-reference within the relevant contractual resolution;
 - c. Explanation of options and reasons; and
 - d. Clarity and explanation of information provided.
50. On this basis, the call-in request is valid.
51. The remaining Decision-Making Principles do not, on the information presently available, provide additional independent grounds for call-in.
52. In reaching this conclusion, I have not determined that any failure of the Decision-Making Principles occurred. The validation threshold is whether the matters raised, if supported by evidence, are reasonably capable of demonstrating such a failure. The determination of the substantive issues is for the Executive Scrutiny Committee.
53. In particular, the available evidence demonstrates that the additional recommendations were expressly brought to Cabinet's attention and approved. Similarly, the pending Department for Education assessment of the Local Area Reform Plan was identified to Cabinet. Those matters will form part of the factual context within which the validated grounds are considered.
54. The matters identified principally relate to the clarity and completeness of aspects of the decision-making process and associated implementation arrangements rather than the merits of the Council's substantive policy objective of increasing local SEND capacity.

SCOPE OF SCRUTINY

55. Having regard to the grounds which support validation, the Committee may properly consider:

- a. the intended project reference in the resolution authorising the construction contract of up to £1.7 million and whether the formal record requires clarification;
 - b. the professional advice and governance arrangements supporting the Council's participation in Spark of Genius LLP and the authority delegated to the Director of Children's Services to exercise the Council's membership rights;
 - c. what material alternative options were considered in developing the capital programme and associated delivery arrangements, and how the preferred approach was identified;
 - d. the financial and governance controls applicable to movements between individual project budgets, use of programme contingency and the overall £8.01 million programme envelope;
 - e. the scope and controls applicable to the procurement and contractual delegations approved by Cabinet; and
 - f. insofar as it assists the Committee in understanding the overall financial context, the relationship between the £8.01 million capital programme, the Local Area Reform Plan and the potential High Needs Stability Funding.
56. The purpose of identifying these matters is to focus the Committee's consideration upon those aspects of the call-in which engage the Decision-Making Principles. It does not prevent the Committee from considering relevant evidence necessary to understand those matters.

ATTENDANCE

57. The Committee will determine attendance at the call-in meeting. Officers will liaise with the Chair to ensure that appropriate Cabinet Members and Officers are available to assist the Committee.

SUPPORTING GUIDANCE

58. This assessment has had regard to:
- a. the Local Government Act 2000;
 - b. the Council's Constitution;
 - c. relevant statutory and sector guidance; and
 - d. Knowles on Local Authority Meetings.

BACKGROUND DOCUMENTS

- Cabinet Report – SEND Reform Programme – Education White Paper and Local Area Reform Plan Update, 17 September 2026
- SEND Reform Programme – Additional Recommendations
- Cabinet Decision Record – 17 September 2026
- Call-In Request
- Recording of Cabinet meeting – 17 September 2026

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