

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



**Democracy Services
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX**

Direct Line: 0208 545 3357
Email: democratic.services@merton.gov.uk

Date: 15 June 2022

Dear Councillor

Notification of a Decision taken by the Director of Children, Schools and Families

The attached key decision has been taken by the Director of Children, Schools and Families with regards to:

- **Opening of Additional Resourced Provision at Cranmer Primary School and expansion of Additional Resourced Provision at Hatfeild and West Wimbledon Primary Schools**

and will be implemented at **noon on Monday 20 June** unless a call-in request is received.

The [call-in](#) form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

Democracy Services

Chief Officer Key Decision

Date: 15 June 2022

Subject: Opening of Additional Resourced Provision at Cranmer Primary School and expansion of Additional Resourced Provision at Hatfeild and West Wimbledon Primary Schools

Lead officer: Jane McSherry, Director of Children, Schools and Families

Cabinet Member: Sally Kenny, Cabinet Member for Education and Lifelong Learning

Contact officer: Tom Procter, Head of Contracts and School Organisation

Recommendations:

- A. To implement a prescribed alteration to Cranmer Primary School, Cranmer Road to make provision reserved for pupils with special educational needs (Additional Resourced Provision) for 24 places across the school year groups for pupils with Communication Needs including children with Autistic Spectrum Disorder (ASD).
- B. The reason for this decision is to provide places for pupils with special educational needs and disabilities (SEND) in the local area - Cranmer Primary School is a "Good" school with the capability and capacity to provide a good quality SEND provision. Provision in this location will provide more parental choice, complementing the existing SEND provision in primary mainstream schools to the east of Mitcham town centre, in Morden and in Raynes Park
- C. To expand the Additional Resourced provision (ARPs) at Hatfeild Primary School to 24 places, and to West Wimbledon Primary School to 48 places
- D. That the budget position detailed in section 6 of the report is noted

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The council published a statutory proposal for a prescribed alteration to Cranmer Primary School for Additional Resourced Provision (ARPs) for 24 places across the school year groups for pupils with Communication Needs including children with Autistic Spectrum Disorder with effect from 1 September 2022. The statutory notice period expired on 9 June 2021 and it is now for the council to decide whether to approve the proposals. As statutory decision maker, the council must also state the reason for the decision.
- 1.2 It is also proposed to expand two existing ARPs at Hatfeild and West Wimbledon Primary Schools
- 1.3 The financial outturn report for 2021/22 adds the estimated budget to the approved capital programme for the three schemes.

2. DETAILS

Need for additional SEND places

- 4.1 The Merton Council area has experienced a significant increase in the number of EHCPs (Education and Health Care Plans) issued over the past five years and benchmarking across other Local Authority areas has shown that despite a series of expansion projects in recent years Merton has less state funded specialist provision than equivalent local areas.
- 4.2 Merton Council is not currently balancing its High Needs Dedicated Schools Grant (DSG) budget and has agreed a 'Safety Valve programme' with government to reduce its deficit with a key action being to provide more state funded specialist provision within its area. There is therefore an urgent requirement to address this need as part of the council's strategy to provide good quality state-funded specialist provision school placements
- 4.3 An ARP at Cranmer Primary School will increase standards and parental choice for children in Merton for the following reasons
- There will be an additional 24 places for local children who require access to a specialist SEN provision
 - Cranmer Primary School is a "Good" school with the capability and capacity to provide a good quality SEND provision
 - Provision in this location will provide more parental choice, complementing the existing SEND provision in primary mainstream schools to the east of Mitcham town centre, in Morden and in Raynes Park
- 4.4 The expansion of existing provisions at Hatfeild and West Wimbledon will also increase the number of places in good quality provision.

3. ALTERNATIVE OPTIONS

- 3.1 State funded schools provide value for money as it is considerably less expensive to provide places in state funded schools compared to providing education in independent or non-maintained provision. There are also savings in transport costs if provision is made in local schools. Increasing the number of places in local special schools therefore meets the objective to provide suitable, high quality places to meet the growing number of children requiring specialist placement within available funding.
- 3.2 While other schools could have been considered, Cranmer was seen as most appropriate for the reasons outlined above. It was also good value for money to expand existing good quality provision at Hatfeild and West Wimbledon Primary Schools

4. CONSULTATION UNDERTAKEN OR PROPOSED

Cranmer

- 4.1 The Cranmer school leadership team were consulted and then to comply with the statutory requirements a statutory notice was published on 12 May 2022 in the local newspaper and on the council's website. Key stakeholders were also informed including neighbouring councils, health commissioners, the school governors and all parents of children at the school. As required in the regulations, four weeks were provided for any person to object to or make comments on the proposal.
- 4.2 The council received two responses to the consultation.
- 4.3 Firstly, one parent thanked the council for this proposal as it may be an option for her child.
- 4.4 Secondly the Liberal Democrat lead for Children and Young People in Merton stated that they were pleased to see plans for an expanded service for our young people, but provided some further comments. Firstly, they would like to see better communications with parents and carers to enable them to easily access services for their children and request the issue of transparency is explicitly addressed - particularly around admission to the provision and how it will be decided by the Council's SEN panel.
- 4.5 Looking to the future, they would also like to understand how this provision fits with the SEND review currently underway and also how provision at the school would be protected under any future MAT (multi-academy trust) arrangements. Finally, they would be interested to understand better what alterations will be made, and if the money set aside would cover all the alterations needed.

Response to the consultation:

- 4.6 None of the responses to the consultation suggested that the council should not proceed with the proposal. However, it did suggest the need for the council to publish its wider expansion strategy as part of its Safety valve agreement with the DfE and to develop transparency further with parents on access to services including placement at this provision.

Hatfeild and West Wimbledon

- 4.7 Hatfeild Primary School and West Wimbledon school governors have been fully consulted on the proposal to expand, and parents at the schools have also been informed.

5. TIMETABLE

- 5.1 For Cranmer, the intention is to use existing space in the school with limited works in the first year and a more extensive internal adaptation works for September 2023.

- 5.2 Works will be undertaken at Hatfeild and West Wimbledon, with West Wimbledon being a two phase approach, with more extensive adaptation works in summer 2023

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

Capital

- 6.1 The financial outturn report proposes the following budget in the approved capital programme:

Scheme	Revised Budget 2022-23	Revised Budget 2023-24	Revised Budget 2024-25	Revised Budget 2025-26
Cranmer Primary School New ARP	40,000	623,040	0	0
West Wimbledon Primary ARP expansion	150,000	274,520	0	0
Hatfeild Primary ARP expansion	187,910	0	0	0
Total	377,910	897,560	0	0

- 6.2 It is expected that the budget provision in the table above will be approved at Cabinet on 27 June 2022 and based on current information it is envisaged that this budget will be sufficient to undertake the required capital works.

Revenue

- 6.3 The scheme is an important part of reducing the increasing costs from 2022/23 in the Dedicated School Grant High Needs block by providing more state-funded special school places and so less need for independent school placements.

7. LEGAL AND STATUTORY IMPLICATIONS

- 7.1 The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools are available for its area to provide the opportunity of appropriate education for all pupils. It must exercise this function with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice. In exercising this function, the council must have regard to the need for securing that special educational provision is made for pupils who have special educational needs. Where a child has an Education Health and Care Plan, under the Children and Families Act 2014, the council must secure the special educational provision specified in the plan, including arranging and meeting the cost of the appropriate school placement for the child. These costs fall to the High Needs Block of the DSG (Dedicated Schools Grant).
- 7.2 The establishment in a mainstream school of provision reserved for children with special educational needs is a 'prescribed alteration' for which statutory

proposals must be published and approved under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. This does not apply to expansions of existing provision unless the overall capacity of the school is to be expanded by more than 30 pupils and by 25% or 200 pupils (whichever is the lesser). A statutory notice was only required therefore for the proposed provision at Cranmer Primary School and not for the expansion of the provisions at Hatfeild and West Wimbledon Primary schools

- 7.3 The Prescribed Alterations Regulations require that a summary notice of proposals is published in a local paper and on the council's website. Details of the proposals must be published on the council's website and copies provided on request. Copies of the proposals must be sent to the governing body of the school and parents of pupils. Comments on or objections to the proposals can be made within a 4 week period from publication of proposals.
- 7.4 The council is the decision maker for proposals. A decision must be made on the proposals within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.
- 7.5 Statutory guidance is published in 'Making significant changes ('prescribed alterations') to maintained schools, statutory guidance for proposers and decision-makers October 2018'
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf
- 7.6 The council as decision-maker must be satisfied that appropriate consultation and the representation period required by the Regulations has been undertaken and must consider all views submitted on the proposal.
- 7.7 The statutory guidance advises that decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps. The council must consider the quality of new places created through expansion, taking account of a range of performance indicators and financial data, before deciding whether a school should be expanded. The DfE expects local authorities to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.
- 7.8 The decision-maker must comply with the Public Sector Equality Duty. Decision-makers must consider community cohesion and should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

- 7.9 The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 The proposals will contribute to the Authority providing access to a local SEND school place for all its residents with an eligible need for one. The proposal will assist the aim of ensuring that children with special educational needs will be able to attend suitable local school provision.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None specific

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 The project is being managed under project management methodology and a risk log is held and reviewed at project board meetings. However, a capital scheme will always carry some risk of not meeting the budget.

11. APPENDICES – the following documents are to be published with this report and form part of the report

Appendix 1 – Statutory notice

12. BACKGROUND PAPERS

Guidance for decision makers – “Making significant changes (‘prescribed alterations’) to maintained schools Statutory guidance for proposers and decision-makers, October 2018 is on the DfE website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf

Appendix 1

Statutory notice

LONDON BOROUGH OF MERTON

Cranmer Primary School – new specialist provision for children with Communication Needs

Notice is hereby given in accordance with Section 19 (1) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that the London Borough of Merton is proposing to add a provision that is reserved for pupils with special educational needs to Cranmer Primary School, Cranmer Road, Mitcham CR4 4XU with effect from 1 September 2022.

The proposed special educational provision will provide 24 places for pupils with Communication Needs including children with Autistic Spectrum Disorder (ASD). Admission to the provision will be decided by the Council's SEN Panel and pupils admitted to the provision will be additional to the school's published admission number.

The London Borough of Merton will implement the proposals.

This notice is an extract of the complete proposal. Copies of the complete proposal can be viewed at <http://www.merton.gov.uk/consultations.htm>

Alternatively you can request a printed copy of the complete proposal from the address below or telephone 020 8545 3289.

Within four weeks from the date of publication of these proposals, any person may object to, or make comment upon the proposals, by sending their representations to: Director of Children, Schools and Families (FAO: Tom Procter, Head of Contracts and School Organisation), London Borough of Merton, Civic Centre, London Road, Morden, SM4 5DX or by emailing: SchConsult@merton.gov.uk

Jane McSherry
Director of Children, Schools and Families
London Borough of Merton
Civic Centre
London Road
Morden SM4 5DX

Date: 12 May 2022

Explanatory Notes

Cranmer Primary School is a maintained mainstream school. The council confirmed a revised admission number for Cranmer Primary School of 60 reduced from its previous 90 in publishing its latest determined admission arrangements. The capacity of the main school at Cranmer will therefore reduce from 630 to 420, providing space for the SEND provision through adaptations.

The London Borough of Merton aims to decide whether to approve this SEN provision proposal by the end of June 2022. If the Council fails to determine the proposals within two months of the end of the representation period it will pass all relevant material to the Schools Adjudicator who will determine the proposals.

Supplementary information

Description of alteration

The proposal is to implement prescribed alterations to Cranmer Primary School, Cranmer Road, Mitcham CR4 4XU with effect from 1 September 2022 to make provision reserved for pupils with special educational needs.

Merton Council proposes that the special educational provision will provide 24 places across the school year groups for pupils with Communication Needs including children with Autistic Spectrum Disorder (ASD). Admission to the provision will be decided by the Council's SEN Panel and pupils admitted to the provision will be additional to the school's published admission number.

The council confirmed a revised admission number for Cranmer Primary School of 60, a reduction from its previous 90 in publishing its latest determined admission arrangements. The total capacity of the main school at Cranmer will therefore become 420 (a reduction from 630). This will provide space for the SEND provision through adaptations.

Evidence of demand

The Merton Council area has experienced a significant increase in the number of EHCPs (Education and Health Care Plans) issued over the past five years and benchmarking across other Local Authority areas has shown that despite a series of expansion projects in recent years Merton has less state funded specialist provision than equivalent local areas.

Merton Council is not currently balancing its High Needs Dedicated Schools Grant (DSG) budget and has agreed a 'Safety Valve programme' with government to reduce its deficit with a key action being to provide more state funded specialist provision within its area. There is therefore an urgent requirement to address this need as part of the council's strategy to provide good quality state-funded specialist provision school placements.

Objectives (including how the proposal would increase educational standards and parental choice)

The overall objective is to provide sufficient good quality local school places for children with Autism Spectrum Disorder (ASD) and Speech, Language and Communication Needs (SLCN).

At its last short Ofsted inspection on 10 July 2018, Ofsted reported that Cranmer Primary School continues to be good with strong leadership. The view of the Head of School Improvement in Merton is that this continues to be the case and the school has the capability and capacity to provide good quality SEND provision.

State funded schools provide value for money as it is considerably less expensive to provide places in state funded schools compared to providing education in independent or non-maintained provision. There are also savings in transport costs if provision is made in local schools. Increasing the number of places in local special schools therefore meets

the objective to provide suitable, high quality places to meet the growing number of children requiring specialist placement within available funding.

The proposed solution will increase standards and parental choice for children in Merton for the following reasons:

- There will be an additional 24 places for local children who require access to a specialist SEN provision
- Cranmer Primary School is a “Good” school with the capability and capacity to provide a good quality SEND provision
- Provision in this location will provide more parental choice, complementing the existing SEND provision in primary mainstream schools to the east of Mitcham town centre, in Morden and in Raynes Park

We have consulted the school leadership and governing body that includes parental representatives on this proposal, who are all highly supportive with a strong motivation to make this new provision a success.

The effect on other schools, academies and educational institutions within the area

The expanded SEND provision will not reduce the intake of neighbouring specialist state funded schools. There is a high demand compared to supply of SEN places.

Project costs and indication of how these will be met, including how long term value for money will be achieved

The scheme is being undertaken in two phases, with the first phase providing for up to 16 places in the 2022/23 school year through minimal works undertaken to the school and more extensive adaptation works undertaken in summer 2023. The capital cost is estimated to be below £500,000.

The scheme will be funded by Merton Council through a combination of Department for Education formulaic High Needs government capital grant support and specific DfE safety valve capital grant.

In the long term, value for money is being achieved as the alternative of funding specialist independent/non-maintained provisions is more expensive. There are additional savings when reduction of transport costs is taken into account, and consultations with parents in recent years demonstrate that families value being able to attend good quality local provision within their local community.

The additional places will therefore meet the objective of ensuring sufficient suitable, high quality local specialist places are provided to meet the growing number of SEN children.

Implementation and any proposed stages for implementation

It is proposed that, subject to approval, minor works can commence in July 2022 to enable opening on 1 September 2022 with more extensive works the following year.

A statement explaining the procedure for responses: support; objections and comments

Responses should be provided within four weeks of the publication date of this proposal so by 9 June 2022 by email to SchConsult@merton.gov.uk or by post to Director of Children, Schools and Families (FAO: Tom Procter, Head of Contracts and School Organisation), London Borough of Merton, Civic Centre, London Road, Morden, SM4 5DX

KEY DECISION TAKEN BY AN OFFICER UNDER DELEGATED AUTHORITY

Title of report

Opening of Additional Resourced Provision at Cranmer Primary School and expansion of Additional Resourced Provision at Hatfeild and West Wimbledon Primary Schools

Reason for exemption (if any)

N/A

Decision maker

Director of Children, Schools and Families

Date of Decision

15 June 2022

Date report made available to decision maker

10 June 2022

Decision

- A. To implement a prescribed alteration to Cranmer Primary School to make provision reserved for pupils with special educational needs (Additional Resourced Provision) for 24 places across the school year groups for pupils with Communication Needs including children with Autistic Spectrum Disorder (ASD).
- B. To expand the Additional Resourced provision (ARPs) at Hatfeild Primary School to 24 places, and at West Wimbledon Primary School to 48 places
- C. That the budget position detailed in section 6 of the report is noted

Reason for decision

The reason for this decision is to provide places for pupils with special educational needs and disabilities (SEND) in the local area - Cranmer Primary School is a "Good" school with the capability and capacity to provide a good quality SEND provision. Provision in this location will provide more parental choice, complementing the existing SEND provision in primary mainstream schools to the east of Mitcham town centre, in Morden and in Raynes Park.

Alternative options considered and why rejected

The expansions of these provisions followed a range of options and the reason for provision the ARP at Cranmer is provided in the main body of the report.

Documents relied on in addition to officer report

None

Declarations of Interest

None

Signature

Signature

A handwritten signature in black ink, appearing to read "Anthony". The signature is written in a cursive style with a large initial 'A'.

Date 15 June 2022

Merton Council - call-in request form

1. Decision to be called in: (required)

--

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

5. Documents requested

6. Witnesses requested

7. Signed (not required if sent by email):

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor’s email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy and Electoral Services, 1st floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy and Electoral Services on 020 8545 3409