



Dermot McChrystal  
Head of Education Services  
Torfaen County Borough Council  
Civic Centre  
Pontypool  
Torfaen  
NP4 6YB

Our Ref:

20 December 2017

Dear Mr McChrystal

**SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013 - PROPOSAL TO MAKE A REGULATED ALTERATION TO CROESYCEILIOG SCHOOL, CWMBRAN HIGH SCHOOL AND ST ALBAN'S RC HIGH SCHOOL, TORFAEN BY ENDING SIXTH FORM PROVISION**

1. Eluned Morgan AM, the Minister for Welsh Language and Lifelong Skills, one of the Welsh Ministers, has considered Torfaen County Borough Council's ("the local authority") proposal to end sixth form provision at St Alban's RC High School, Croesyceiliog School and Cwmbran High School to be implemented on 1 September 2019.
2. Proposals that affect sixth form provision require the approval of Welsh Ministers under section 50 of the School Standards and Organisation (Wales) Act 2013 ("the 2013 Act"). The Welsh Ministers exercise their school reorganisation functions in accordance with the 2013 Act and the School Organisation Code ("the Code") made under it. Where proposals require their consideration, the Welsh Ministers must decide to approve or reject the proposals or approve with modification.
3. Further to the submission of the proposal for the Welsh Ministers' determination the local authority has indicated that it is now not possible to implement the proposal on 1 September 2019 and that an implementation date of 1 September 2020 is achievable.
4. I am directed by the Minister to say that she has considered the consultation document, the consultation report, the statutory objections, the objection report and additional information provided by the local authority for the purposes of consideration of the relevant factors set out in the Code. In exercise of her powers under section 50 of the 2013 Act the Minister has decided to approve the proposal with a modification to the effect that it will be implemented on 1 September 2020, a year later than the date proposed. This letter seeks the views of the governing bodies of Croesyceiliog School, Cwmbran School and St Alban's RC High School on the proposed implementation date 1 September 2020. A response is requested by 31 January 2018.

5. Paragraphs 1.3 to 1.14 of the Code set out the factors which should be taken into account by the Welsh Ministers when exercising their functions of determining school organisation proposals. The relevant factors are set out below and are followed by an analysis of how far the Minister believes the factors have been “satisfied”.

## **QUALITY AND STANDARDS IN EDUCATION**

### **Outcomes (Standards and Wellbeing)**

6. It seems likely to the Minister that outcomes are at least likely to be maintained at the new Sixth Form Centre run by Coleg Gwent. The Minister sees no evidence to suggest, having taken account of the most recent Estyn annual review of performance, and comments from Estyn that the quality and standard of education at Croesyceiliog School, Cwmbran High School and St Alban’s RC High School will not be maintained at the new Sixth Form Centre. The Minister was pleased to note that Estyn judged the college as good, with good prospects for improvement in its last inspection.
7. The Minister sees no evidence to suggest that the removal of the school sixth forms will have a negative impact on the three schools. In accordance with a previous Audit Commission report, secondary schools with fewer than 600 pupils on roll are small schools and as such can experience problems in fully delivering the curriculum and delivering value for money. However, none of the three schools affected by this proposal would be considered small schools either with or without the sixth forms.
8. The Minister is aware that according to the most recent Estyn inspection reports St Albans RC High School was judged as good with good prospects for improvement and that Croesyceiliog School was judged as adequate with good prospects for improvement but was found to have made good progress following a subsequent monitoring visit and removed from Estyn monitoring.
9. The Minister is disappointed that Cwmbran High School has made insufficient progress since its last Estyn inspection and has recently been judged to be in need of significant improvement. She notes that as a school causing concern in the Red school categorisation category, Cwmbran High School will receive intensive support from the local authority and the regional consortia. She is confident that the school will improve with the support provided. Furthermore, as there is no risk of the schools having to subsidise sixth form provision and the fact that they can secure use of the school budget solely for Key Stages 3 and 4, the Minister believes that standards at the schools could improve with resources being directed at areas of need. The Minister therefore tends to agree that the proposal is at least likely to maintain standards of provision for post 16 pupils in the locality and for pupils of compulsory school age.
10. Although the Minister does not consider it ideal for learners to commence their sixth form studies in their school sixth form and conclude their second year of studies in the Sixth Form Centre, as long as it is well planned there should be no issue. The Minister notes that a Transitional Planning Group is being established involving officers from the college, the local authority and the schools concerned, with special attention being given to this cohort of learners. The Minister is satisfied on the basis of assurances provided by the local authority that disruption to learners should be minimised. The delay of a year in the opening of the Sixth Form Centre should allow for sufficient time for planning to facilitate this.

## **Provision**

11. It appears likely to the Minister that an increased number of options which will be at the new Sixth Form Centre and which will remain viable into the future as a result of the proposal would tend to provide better learning experiences. The Minister notes that in terms of the vocational offer, this will be available to learners at Level 3 as a full 3 A Level equivalent whereas at present that offer is a mix of 1 or 2 A level equivalent awards in the school sixth forms. She also notes that the majority of the vocational provision in each route will be available at Level 1, 2 or 3 whereas there is no significant provision other than level 3 in the Schools presently.
12. The Minister notes that currently there are three English medium 11-18 schools and two English medium 11-16 schools in Torfaen and that the proposal will provide equality of post 16 provision within the local authority area.
13. The Minister is aware that St Albans RC High School and Croesyceiliog School buildings were rated as C - poor by the EC Harris building condition Survey. The newly built post-16 Centre at Coleg Gwent will be an improvement and provide modern facilities for learners to enjoy. Therefore the Minister concludes that the quality of accommodation is likely to be improved as a result of the proposal.

## **Leadership and management**

14. The Minister tends to agree that using the existing expertise of Coleg Gwent to lead and manage a new sixth form centre would have beneficial impact on the provision available to students with a potential result in improved outcomes.
15. The Minister notes that in financial and administrative terms the proposal would be likely to have a positive effect on three schools as there would be no risk of their budgets being needed to subsidise sixth form courses or the school having to organise options for pupils looking to undertake post 16 courses. The Minister notes that the reserves of both St Alban's RC High School and Croesyceiliog have reduced over the past three years and that Croesyceiliog School the last two years with a budget deficit. Whilst the local authority has not made a direct link between the financial position in these schools and the provision of sixth form education it appears to the Minister that the proposal is more likely than not to put the schools on a firmer financial footing.

## **Need for places and the impact on accessibility of schools**

16. The Minister is aware that the local authority proposes that future sixth form pupils who would otherwise have attended St Alban's RC High School, Croesyceiliog High School and Cwmbran High School will be able to attend Coleg Gwent's new Sixth Form Centre in Cwmbran. The Minister recognises that investment of 20 million has been agreed to build the new post-16 facilities to provide post-16 education for 1000 learners. The Minister is satisfied that the new Sixth Form Centre would be able to accommodate existing learners from the three school sixth forms. The Minister is also satisfied that there is likely to be sufficient space for pupils from other local schools in the locality, should they choose to attend the new Sixth Form Centre. As the Sixth Form Centre is a new build with modern facilities, the Minister is satisfied that the quality of accommodation provided will, if completed as planned, be at least equivalent to that provided at the three schools and in all likelihood a significant improvement and

more fit for 21<sup>st</sup> Century education.

17. The Minister has noted that no learner living in Torfaen should have a travel for more than an hour to get to the Sixth Form Centre. She notes that even where some learners have further to travel than currently, journey times will not necessarily be longer due to the central location in Cwmbran and ease and frequency of public transport.

### **Resourcing of education, and other financial implications**

18. The Minister recognises that sixth form funding will be redistributed to the sixth form centre so there will not be any savings as a result of the proposal. She also recognises that there will be no capital receipts from land or building sales as a result of this proposal. The Minister is aware that the financial reserves of both St Albans High School and Croesyceiliog High School have reduced in recent years and that Croesyceiliog School ended the last two years with a budget deficit. Whilst the local authority has not directly linked the maintenance of a sixth form to the budget position, it has set out the financial challenges of continuing to provide sixth form courses at the current level. It appears to the Minister that the maintenance of a sixth form adds complexity to the management of the school budget. Whilst the proposal will not lead to a more equitable distribution of funding between schools, it will ensure that the schools will be able to focus their resources on supporting learning for 11-16 year olds, thus funding between age groups will be more equitable.
19. Whilst the Minister notes that removing the sixth forms at the three schools will increase surplus capacity at the schools, she is satisfied that the local authority is exploring options to address surplus places. The local authority has also identified housing developments which are likely to assist in this regard.
20. The Minister considers that the proposal will contribute to the delivery of sustainable schools for the 21<sup>st</sup> Century and to better strategic management of the school estate. The Minister is aware that the local authority is receiving funding under the 21<sup>st</sup> Century Schools Capital Programme for the new Sixth Form Centre.
21. The local authority has advised that all learners who meet the criteria within their Transport Policy will be entitled to free transport to the Sixth Form Centre or other sixth form provision.

### **OTHER GENERAL FACTORS**

#### **Equality impact assessment**

22. The Minister is satisfied that the local authority has carried out an equality impact assessment. The authority has identified that a positive impact will be achieved in relation to ensuring equality of provision across Torfaen, as currently four secondary schools are 11-18 range, while two are 11-16. Under the proposal with the exception of Ysgol Gyfun Gwynllyw all schools would become 11-16 providers. In addition all Year 12 and 13 students educated at a central 6<sup>th</sup> Form Centre will be able to access a wider range of options. They have also identified a positive impact in relation to religion and belief and they consider that the 6<sup>th</sup> form centre will ensure that the pastoral needs of learners including faith based needs will be met through close working with relevant bodies and organisations. In addition they have identified a

positive impact in relation to disability in relation to improved access and 21<sup>st</sup> Century School Buildings and improved IT networks making it easier to support pupils through IT.

23. Whilst the Minister notes that the removal of St Albans RC High School Sixth form would affect access to faith based post-16 education provision in Torfaen she notes that the college provides a multi-faith service to learners and has welcomed the opportunity to work closely with the Diocese and St Albans RC High School in this regard and that the local authority has committed to support that process. Should learners wish to opt for a faith based education the nearest Roman Catholic 11-18 School is St Joseph's RC High School in Newport which is 12.8 miles away. The local authority has confirmed that its discretionary free transport policy extends to learners living in Torfaen, but accessing sixth form provision outside the local authority area is subject to them meeting the necessary criteria. Although she notes that some consultees argue that the closure of a faith based sixth form would remove choice for some families she recognises that the option of faith based education need only be provided where it is practicable and reasonable to do so.

### **Community impact**

24. The Minister considers that as the proposals maintain secondary school provision in the places where it is currently provided, whilst there may be some impact on local business this is unlikely to be significant.
25. The Minister understands that no land is likely to be disposed of as a result of this proposal.

### **Specific factors to be taken into account for proposals to add or remove sixth forms whether proposals will lead to an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19;**

26. As the Sixth Form Centre is completely new provision is it impossible to predict whether the proposal will lead to an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19. However, the Minister tends to agree overall that the concentration of teaching experience in one place and the wider range of courses available has the potential to lead to an improvement in standards of education for post 16 pupils who will benefit from access to modern 21<sup>st</sup> Century School facilities. The Minister consider that larger post-16 institutions can provide increased opportunities for participation in extracurricular activities, and attainment at Coleg Gwent has been judged to be good at this level. The Minister tends to agree that there will be benefits in terms of wider choice for students.

### **Whether proposals will contribute to an appropriate range of relevant courses and qualifications and high quality, employer informed, vocational learning routes targeted at pupils of all abilities, whilst maintaining GCSE, AS/A Level and other established courses, as required under the Learning and Skills (Wales) Measure 2009 for 14-19 year old learners;**

27. The Minister is satisfied that the new Sixth Form Centre will provide the variety and quality of courses required to satisfy the Learning and Skills (Wales) Measure 2009 and that this will be sustainable into the future.

**Whether proposals are likely to lead to increased participation in learning by pupils beyond compulsory school age, taking into account transport issues and costs to the learner and others, the affordability of such costs, and the likelihood of learners being willing to travel;**

28. Although some pupils may have to travel further for post 16 education the Minister is satisfied that no learner residing in Torfaen would have to travel longer than an hour to access the sixth form centre. She notes that the central location of the sixth form centre will make it more accessible for many learners. She considers that the extended provision at the sixth form centre and central location has the potential to increase participation in learning for pupils beyond compulsory school age.

**The extent to which proposals contribute to the 14-19 agenda taking account of the views of local 14-19 networks and learning partnerships;**

29. The local authority considers that the proposal will widen the options available for students at 14-19 in a way that prepares young people for the full range of pathways open to them and that respects the different learning styles of those students. They consider it will reduce unnecessary duplication of provision by increased levels of collaborative planning and delivery and move to excellence across networks of providers, building on the progress made by individual providers in raising the quality of institutional management and of students; learning experiences. The Minister tends to agree that the proposal is likely to contribute to the 14-19 learning agenda in this respect.

**The effect of proposals on 11-16 provision in schools**

30. The Minister tends to agree that the proposal is likely to have a neutral or positive effect on 11-16 provision at the three schools as the budget for Key Stages 3 and 4 will focus on those pupils. She does not consider that the proposal will affect the viability of the three schools by reducing pupil numbers. None of the schools are considered small schools in terms of pupil numbers. Although some consultees expressed concern that as a result of the proposal the schools will lose quality teachers or fail to attract new ones where opportunities arise the Minister is not aware of any evidence in Wales where similar changes have been introduced that schools have had difficulty retaining or appointing new staff.

**How proposals would affect the viability of institutions already providing good-quality post-16 provision, including school sixth forms, Further Education Institutions and private training organisations;**

31. The removal of the sixth forms at the three schools would result in Ysgol Gyfun Gwynllyw being the only school sixth form provider in Torfaen. The Minister tends to agree with the local authority that the proposals are unlikely to affect the viability of Ysgol Gyfun Gwynllyw, it being a Welsh Language provider which serves a wide catchment area and provides Welsh-medium education for pupils from nearby local authorities, working in partnership with Ysgol Cwm Rhymini and Ysgol Gyfun Gwent Iscoed in Newport.

**The extent to which proposals will provide additional learner benefits compared with the status quo and other tenable options for post-16 organisation; and**

32. The Minister notes that the proposal will address the current inequality in sixth form provision that currently exists across Torfaen. She tends to agree that concentrating post 16 provision in one place will allow for improved curriculum planning and benefit the level of teacher expertise and provide the opportunity to extend provision. She notes that the local authority has advised that without the proposal it is unlikely to be able maintain the current provision.

**How proposals might affect the discretionary transport provision a local authority may provide to learners above compulsory school age.**

33. The Minister notes that the local authority's transport provision will remain unchanged and the local authority will continue to provide free transport to Sixth form provision for post-16 learners who meet the eligibility criteria within their Transport Policy.

**Additional Factors to be taken into account in approving/determining school organisation proposals**

**Whether there are any other related proposals**

34. The Minister has considered the relevancy of other proposals to reorganise schools and sixth form provision in Torfaen. She notes that the authority determined to approve a proposal to reduce the capacity of Croesyceiliog School. The Welsh Government has previously considered whether this was related to this proposal. It was concluded that the proposal was not related for the purposes of section 52 of the School Standards and Organisation (Wales) Act 2013, as until the final decision on the plans for Post 16 provision in the area is made, the authority's intention is to advance an 11-16 design school in parallel with a design to accommodate Post 16 learners, should the Post 16 project not be approved. The additional cost for an 11-18 design would need to be re-considered by the Capital Panel and the Cabinet Secretary for Education.

**Whether consultation has been conducted in accordance with the Code**

35. The Minister is satisfied that the consultation document was provided to the relevant consultees referred to in paragraph 3.2 of the Code. The Minister is also satisfied that the consultees had at least the specified time period required by the Code to respond to the consultation. The Minister is satisfied that for this proposal the local authority conducted consultation in accordance with the Code.
36. The Minister believes that the local authority sufficiently explained the rationale for the proposal, although it would have been beneficial to have provided additional information on how the authority proposed to extend the range of courses and further analysis of the impact on travel distances.
37. Furthermore, the Minister is satisfied that the consultation report addressed the main issues from the consultation process and also included Estyn's full response. Overall, the Minister is satisfied that the local authority has carried out consultation in accordance with the requirements of the Code.

**Whether the proposal has been published in accordance with the Code and the notice contains all of the required information**

The Minister is satisfied that the publication requirements have been complied with.

38. The Minister has decided to approve the local authority's proposal to end sixth form provision at Croesyceiliog School, Cwmbran High School and St. Alban's RC High School with a modification in respect of the date of implementation, on the grounds that it will:

- be likely to at least maintain the standard of education provision at post 16;
- provide enhanced facilities for post-16 learners;
- contribute to the aims of the Learning and Skills (Wales) Measure 2009 by strengthening sustainable provision;
- facilitate the management of the school budgets of Croesyceiliog School, Cwmbran High School and St Alban's RC High School so that they can be focussed on maintaining and improving standards for pupils aged 11-16.

39. The proposal is approved with a modified implementation date of 1 September 2020. The Minister notes that from that date pupils of St Albans RC High School, Croesyceiliog School and Cwmbran High School will cease to be admitted to the sixth form. When the proposal is implemented, the Minister will look to the local authority to ensure that appropriate arrangements are put in place and that the transfer of pupils is carried out with the minimum disruption possible. The local authority should inform Schools Management and Effectiveness Division, Education and Public Services Group within the Welsh Government when the proposal has been implemented.

40. I am sending a copy of this letter to Alison Ward, the Chief Executive of Torfaen County Borough Council and to John Tushingam, Head of Access, Engagement and Performance and Mark Horton, Forward Planning Principal Officer, Long Term Capital Strategy Unit, Torfaen County Borough Council.

Yours sincerely



**STEVE VINCENT**

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YR IS-ADRAN EFFEITHIOLRWYDD YSGOLION**

**DEPUTY DIRECTOR  
SCHOOLS EFFECTIVENESS DIVISION**