



Steven Richards-Downes  
Director of Education  
Pembrokeshire County Council  
County Hall  
Haverfordwest  
Pembrokeshire  
SA61 1TP

18 March 2021

Dear Mr Richards-Downes

**SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013 - PROPOSAL TO CHANGE THE AGE RANGE OF MILFORD HAVEN SCHOOL FROM 11-19 TO 11-16 ENDING SIXTH FORM PROVISION**

1. Kirsty Williams MS, Minister for Education, one of the Welsh Ministers, has considered Pembrokeshire County Council's proposal to change the age range of Milford Haven School from 11-19 to 11-16, ending sixth form provision from September 2021.
2. The School Standards and Organisation (Wales) Act 2013 ("the 2013 Act") sets out the legal framework for undertaking school organisation proposals. Proposals to make a regulated alternation to end sixth form provision require the approval of Welsh Ministers under section 50(1)(a) of that Act.
3. Where a proposal requires their approval under section 50, the Welsh Ministers may under section 50(5) of the 2013 Act reject the proposal, approve the proposal as it stands, or approve the proposal with modification.
4. I am directed by the Minister to say that she has considered the consultation document, the consultation report, the decision report, advice from Estyn, and additional information provided by the local authority for the purposes of consideration of the relevant factors set out in the School Organisation Code. She notes that there were no objections to the proposal and as such there was no objection report. In exercise of her powers under section 50 of the 2013 Act, the Minister has decided to approve the proposal.
5. Paragraphs 1.3 to 1.6, 1.10 and 1.15 of the current version of the Code (2018) set out the factors to be taken into account by the Welsh Ministers when exercising their functions of determining school organisation proposals. Each paragraph is set out

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

below, followed by an analysis of the extent to which the Minister considers these requirements have been 'met in relation to this proposal.

## **QUALITY AND STANDARDS IN EDUCATION**

6. The Minister is satisfied that the proposal, under which learners may attend Pembrokeshire College, will deliver outcomes and offer provision at least equivalent to that which is currently available to learners at Milford Haven School. She notes that Estyn's most recent inspection of Pembrokeshire College in January 2017 judged performance and standards to be good and prospects for improvement to be excellent. The College also offers a significantly broader A level choice than currently on offer in the School, where the course offer has reduced considerably over the past few years as a consequence of a significant reduction in sixth form numbers.
7. The Minister notes with concern that Milford Haven School remains in the category of "in need of significant improvement" following Estyn's inspection in November 2017. She agrees that removal of the sixth form will allow the School to focus all of its available resources on improving outcomes for pupils of statutory school age. She notes that raising standards at key stage 4 was a recommendation made by Estyn.
8. The Minister notes that following removal of the sixth form Pembrokeshire Council proposes to extensively develop Milford Haven School as part of its 21<sup>st</sup> Century School programme to benefit learners of compulsory school age, She understands that the school will have a number of specialist areas, including a Learning Resource Centre for pupils with complex learning needs and autistic spectrum disorder. She agrees that this will have a positive impact on pupils with SEN at the School.
9. The Minister is satisfied that the evidence overall demonstrates that the proposal is likely to at least maintain the current standards of education, and that it is in fact likely that the proposals will have a positive impact for learners in terms of quality of education.
10. She notes that the local authority acknowledged that there is the potential for a negative impact on the basis that learners are less able to walk or cycle to the College as compared to the School. However, she notes that the local authority will provide free transport for learners who live more than 3 miles from the College, which is likely to encompass most, if not all of those learners who would otherwise have attended the School. She considers that any negative impact in learners having to travel to the College is mitigated by the offer of free transport. In addition, she considers that the improved 21<sup>st</sup> Century Learning environment and wider range of courses available at the College is further likely to have a positive impact on wellbeing, as is the tracking and monitoring system in place at the College to support the progress of learners.
11. The Minister notes that the authority intends to allow pupils who entered the sixth form in September 2020 to continue to the end of their studies in June 2021, and thereafter, pupils would undertake their studies at the College. She considers this to be a reasonable approach given the reducing numbers in the School's sixth form.
12. The Minister is satisfied overall that the proposal will have a positive impact on the School's pupils of statutory school age with SEN/ALN, as the School will be extensively redeveloped to provide a Learning Resource Centre for pupils with complex learning needs and autistic spectrum disorder, and will no longer need to support sixth form provision by diverting funding intended for KS3 and 4.

13. The Minister notes that in its consultation response, Estyn stated that the LA did not sufficiently assess the impact of the proposal on sixth form learners with SEN/ALN. She notes that the LA's consultation report addresses this, stating that the majority of post 16 pupils with SEN /ALN choose to access post 16 educational provision at the College because it offers a greater range of vocational courses which better suit their academic ability and future career choices.
14. She also notes that Estyn's most recent inspection report of Pembrokeshire College states "*Most learners, including those with additional learning needs, make good progress in their learning and many progress to higher level courses, including higher education. ...The college works very effectively with the local special school to support the transition, integration and progression of learners on independent living skills programmes. The excellent range of multi-agency partnerships support these more vulnerable learners very well during their programmes.*"
15. The consultation document further notes that Pembrokeshire College is also currently working with the Pembrokeshire Association of Secondary Head Teachers (PASH) and the PCC Transition group on strategies that will aid how swiftly the right support can be put in place for learners with additional needs.
16. She notes the School governing body's view that declining sixth form pupil numbers and reduced curriculum options mean that the needs of learners are not being met effectively and the school is having to subsidise loss making sixth form courses with the funding intended for pupils of statutory school age.
17. The Minister considers that the evidence on balance demonstrates that the proposal is likely to at least maintain the current standards of education and is likely to have a positive impact on all learners, including vulnerable learners and those with special educational needs.

## **NEED FOR PLACES AND THE IMPACT ON ACCESSIBILITY OF SCHOOLS**

18. The Minister is satisfied that the evidence shows that the College will have sufficient capacity and provide accommodation of at least equivalent quality for existing and projected pupil numbers. She notes that the school's sixth form provision has suffered from declining pupil numbers since 2010 and that there are only currently some 46 learners in the sixth form. She also considers that the 21<sup>st</sup> Century School premises and bespoke facilities at the College are likely to be a significant improvement to those currently provided at the School and that the proposal will provide improved access to facilities for disabled people.
19. She notes that learners who do not wish to attend the College will retain the option of school based sixth form provision at Henry Tudor School or Haverfordwest High VC School, both of which have spare capacity.
20. The Minister is satisfied that no learner will have a one way journey of more than an hour to alternative post 16 provision. The local authority has advised that Pembrokeshire College is 5.7 miles from Milford Haven School (the travelling time is approximately 14 minutes by car), Haverfordwest High VC School is 7.3 miles (16 minutes away by car) and Henry Tudor School is 6.6 miles (13 minutes away by car).
21. She notes that the local authority has advised that there are effective public transport links between Milford Haven and Haverfordwest, with both trains and buses being available. A train journey between the two towns takes 15 minutes, but the onward journey to Merlin's Bridge (nearest stop to Pembrokeshire College) takes a further 10

minutes. Similarly a service bus journey from Milford Haven (Hamilton Terrace) to Merlin's Bridge takes approximately 21 minutes. She notes that free transport is available to support pupils' attendance at the College.

## **RESOURCING OF EDUCATION AND OTHER FINANCIAL IMPLICATIONS**

22. The Minister notes that in January 2020, the School had 1014 pupils on roll, a capacity of 1194 places and 180 surplus places. She recognises that removal of the sixth form will initially increase surplus places, but that the forecasts suggest that pupil numbers are likely to reach over 1,300 learners of compulsory school age by 2024. Conversely, the number of learners in the School's sixth form has fallen from a total of 201 learners in 2009 to 46 in 2020. The Minister considers that overall, the proposal will deliver a better use of resources.
23. The Minister notes that additional transport costs of approximately £38 k per annum will arise as a result of the proposal. The local authority has confirmed it will meet these additional costs.
24. The Minister notes that whilst no direct savings are anticipated as a result of this proposal, the removal of the sixth form will mean that the School will no longer need to subsidise loss making courses and will be able to channel all its resources into 11-16 provision at the school. She notes that the proposal will not result in any redundant sites.
25. The Minister notes that the school ended 2017/2018 and 2018/19 in deficit and 2019/20 with a small surplus. However, she further notes that it is likely that if the proposal does not go ahead, the School will continue to need to subsidise loss making sixth form courses with funding intended for KS3 and 4, and may well struggle again financially in the future. She considers that removal of the sixth form will put the school on a firmer financial footing.

## **OTHER GENERAL FACTORS**

26. The Minister notes that the local authority has not expressly considered the impact the proposals will have on educational attainment among children from economically deprived backgrounds. However, she agrees with the local authority that removal of the sixth form will allow the school to target more effectively learners from vulnerable groups in KS3 and 4, and that older vulnerable learners would benefit from the range of impartial information, support, advice and guidance offered by the college.
27. She notes that Estyn's most recent inspection report of Pembrokeshire College further states "*A positive outcome of the holistic approach to partnership working has been the enhanced opportunities for groups of vulnerable learners. The college works well with a wide range of community partners to engage hard-to-reach groups, such as Gypsy and Traveller communities, those at risk of dropping out of education and the economically inactive.*"
28. Evidence from Estyn reports and other sources of information relating to the School's performance support the School governing body's view that declining sixth form pupil numbers and reduced curriculum options mean that sixth form provision is not effectively meeting the needs of its learners. Similarly, having to subsidise loss making sixth form courses with the funding provided for pupils of statutory school age impacts on the school's ability to raise outcomes for these learners.

29. The Minister therefore considers that the evidence on balance demonstrates that the proposal is likely to at least maintain the current standards of education for all learners, and is in fact likely to have a positive impact on learners, including those from economically deprived backgrounds.

**Any equality issues, including those identified through equality impact assessments**

30. The Minister agrees that the fully accessible 21<sup>st</sup> Century College premises will have a positive impact on learners living with a disability, as will the improved IT and network facilities which makes it easier to support pupils with any special or additional needs. Whilst it does not appear that the LA has considered whether the proposal will have any impact on the ability of those living with disabilities to travel to the college, the Minister notes that no objections on this basis were raised in response to the consultation report.
31. The Minister notes that Milford Haven School is not subject to a trust or charitable interests that might be affected by this proposal.

**SPECIFIC FACTORS TO BE TAKEN INTO ACCOUNT FOR PROPOSALS TO REORGANISE SECONDARY SCHOOLS OR TO ADD OR REMOVE SIXTH FORMS**

32. The Minister is satisfied that the significantly greater breadth of course choices available in 21<sup>st</sup> Century premises at the College is likely to lead to an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19. She notes that subject choice in the School is weak due to the constraints of decreasing class sizes, whereas there is a wide range of A level subject choices at the College as required under the Learning and Skills (Wales) Measure 2009. The College also offers a full range of full-time Level 3 vocational courses that will enable learners to progress into employment or Higher Education if preferred.
33. The Minister considers that that the proposal is likely to have a neutral to positive impact on participation in learning by pupils beyond compulsory school age, taking into account the history of declining numbers of learners choosing a sixth form education at the school, and the increasing numbers already opting to attend the College. However, she considers it reasonable to assume that the expected improvement in outcomes for pupils at KS3 and KS4 at the School could potentially persuade more learners to choose to continue their education post 16. She notes that the local authority provides free transport to learners who live more than 3 miles from Pembrokeshire College. This is likely to benefit many (if not all) pupils who would have otherwise attended the School. Students aged 16-21 who do not qualify for free transport can apply for "My Travel Pass" which entitles the holder to 30% off bus fares. She is satisfied that no learner will have a journey of more than one hour to the College or to the other school based educational alternatives.
34. The Minister agrees with the local authority that the proposal supports the post 16 offer and promotes parity of esteem between vocational and general education post-16. She considers that the proposals will reduce duplication of provision between providers. She notes that the views of 14-19 networks have been taken into account through established partnership arrangements involving the LA, all secondary schools, and Pembrokeshire College, all of whom are statutory consultees in this proposal.
35. The Minister is satisfied that the proposal will have a positive effect on 11-16 provision at the School and a neutral effect on 11-16 provision in other schools, given that the closure of the School's sixth form will allow the School to focus all its available resources on raising outcomes for pupils of statutory school age. She notes that improvement of outcomes at KS4 was a recommendation from Estyn following its most

recent inspection.

36. The Minister is satisfied that the proposals will not affect the viability of institutions already providing good quality post-16 provision. She notes that there are currently only some 46 learners in the School's sixth form. She understands that the majority of learners already opt to attend the college and that the local authority is confident that the College is able to accommodate existing and projected numbers. The Minister agrees that the proposal will not affect the sustainability or enhancement of Welsh medium provision in the 14-19 network and wider area.
37. The Minister is satisfied that the proposals will provide additional learner benefits compared to the status quo. Learners will be able to access a far greater A level choice in the College, plus bespoke learner support services in 21<sup>st</sup> Century School premises. She notes that the local authority did not put forward any other tenable options.
38. The Minister notes that the proposals will not affect the discretionary transport provision the local authority already provides to learners above compulsory school age. She is aware that the authority provides free transport to learners who reside over three miles from the nearest school or college in which a suitable programme of study is available and that this will not change under the proposal.

#### **FACTORS TO BE TAKEN INTO ACCOUNT IN APPROVING/DETERMINING SCHOOL ORGANISATION PROPOSALS**

39. The Minister is satisfied that there are no related proposals.

#### **Must ensure that the statutory consultation has been conducted in accordance with this Code**

40. The Minister is satisfied that the statutory consultation was conducted in accordance with the Code. In terms of the quality of the consultation undertaken by the LA, Estyn stated that the LA had not demonstrated clearly enough during consultation that it had considered the impact of the proposal on post 16 learners with SEN. Estyn also queried as to whether the local authority had taken into account all relevant matters in making the proposal. The Minister notes that the local authority provided additional information in its consultation report to address these issues, and that the local authority appears to have considered these additional matters before coming to a final decision.

#### ***Must ensure that the proposal has been published in accordance with this Code and that the notice contains all the required information***

41. The Minister is satisfied that the proposal was published in accordance with the Code and that the notice contained all the required information.

#### ***Must consider the consultation document and consultation report***

42. The consultation process should include sufficient reasons and information for the proposal to enable intelligent consideration and a reasoned response. Proposals involving the transfer of learners to alternative provision should demonstrate that the alternative would deliver outcomes and offer provision at least at least equivalent to that which is currently available to those learners (including learners with SEN).
43. Whilst the equality impact assessment undertaken by the LA states that the proposal will have a positive impact on disabled learners, the impact assessment did not expressly consider whether the proposal would deliver outcomes and offer provision at

least at least equivalent to that which is currently available to those learners with SEN. However, the Minister considers it to be likely that the College will achieve this given its bespoke facilities and wider range of subject offering and support as detailed above. The evidence also suggests that it is likely that pupils of statutory school age, including those with SEN, in the School will benefit from this proposal, as a result of the increased funding which will be made available to those year groups due to that funding no longer having to prop up the sixth form.

44. The Minister notes that as part of the consultation process, the LA's Children and Young People's Rights Officer also consulted with 12 young people from the School Council. All 12 disagreed with the proposal, stating that some people do not do well in a college environment, which can be impersonal, whereas at School there is a bigger support group. It was also suggested that the proposal had failed to take into account the well-being of pupils, had been put forward before speaking to the School's pupils about how they felt about this, and that the proposal did not acknowledge the impact of the sixth form on the rest of the School and the support sixth formers offer other pupils.
45. In relation to respondents '16 or under', i.e. not including the School Council response, 45 responses were received. Of these 80% indicated opposition to the proposal. Concerns raised included a view that a school based sixth form provides a better level of pastoral care to learners than can be expected in a 'college setting'; learners aged 16 are not always ready to leave a nurturing school environment; familiarity with teachers who have known learners for the previous five years is important as they are able to provide greater support to learners; and that the School's sixth form has smaller classes which makes for better learning, particularly for vulnerable learners.
46. The Minister notes that the local authority addressed these issues in some depth in the Q&A section of the consultation document. In respect of pastoral care the College has provided assurance that all learners are assigned a pastoral support coach and offered pastoral support through weekly group tutorial and 1:1 sessions covering academic and pastoral issues. The pastoral programme incorporates a range of mental health programmes. Pastoral support coaches meet as a team on a weekly basis with the Curriculum Area Manager (CAM) and liaise closely with the CAM, Head of Faculty and the teaching team. If a greater level of support is required, all staff may refer learners to a range of support needs, all of which are provided in the College, or learners are able to self-refer if they prefer.
47. The College acknowledges that: *"Students are often most concerned with how well and how soon their teachers get to know them and how this might affect their progress. ... on each subject, learners spend up to 5 hours a week with each of their subject teachers. In addition, college teachers are happy to be in contact with students outside of their teaching hours via accepted college systems such as subject fora on Moodle or using college e-mail. Prior to coming to College, they visit their partner schools and have the opportunity to visit the college. In the first 6 weeks, the colleges asks all subject teachers and pastoral support coaches to complete comments on the learner profile which very quickly builds up a picture of how a learner is doing and what support might be needed. This picture can then be shared with parents and learners at a 6 week progress meeting and ensures that everyone is progressing, settling in and attending. If there are any concerns, learners and parents are invited in to a meeting with the Curriculum Area Manager or the Head of Faculty, both of whom take overall responsibility for monitoring progress. Monitoring and supporting of this kind takes place throughout the year, including half-termly attendance clinics where students are invited to discuss poor or falling attendance, and three A level parents' evenings."*

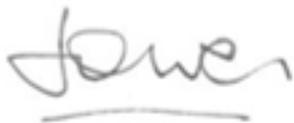
48. The Minister is therefore satisfied that there are robust arrangements in place at the College in respect of pastoral care and support and to ensure learners get to know their tutors quickly. In particular she notes that care, support and guidance was judged by Estyn to be excellent at the College. The Minister notes that some learners consider smaller sixth form classes at the School make for better learning, particularly for vulnerable learners. However, she recognises that this needs to be balanced with the fact that the small number of learners results in a very limited range of courses being offered, which will be detrimental to many learners. In addition, having to subsidise loss making sixth form courses through the School budget is likely to be detrimental to pupils of statutory school age, a number of whom are likely to be vulnerable learners.
49. The Minister agrees that the LA in its consultation report has demonstrated that the College would deliver outcomes and offer provision at least at least equivalent to that which is currently available to those learners who attend the School.

***Consider the objections and the objection report and any responses to the notice supporting the proposals***

50. The Minister notes that there were no objections made during the objection period and therefore no objection report needed to be produced by the LA.
51. The Minister has decided to approve the proposal on the basis that it is likely to at least maintain the current standards of educational provision in the area and is likely to have a positive impact on learners. The proposal will also contribute to the effective funding of education, and ensure that learners have access to an appropriate range of relevant courses and qualifications and high quality employer informed vocational learning routes targeted at pupils of all abilities.
52. The local authority should notify the Welsh Ministers by e-mail when the proposal is implemented. E-mails should be sent to [Schoolsmanagementdivision3@gov.wales](mailto:Schoolsmanagementdivision3@gov.wales).

I am sending a copy of this letter to the Chief Executive of Pembrokeshire County Council.

Yours sincerely



**HUW OWEN  
DEPUTY DIRECTOR  
HEAD OF SCHOOL EFFECTIVENESS DIVISION**