

# Agenda – Children, Young People and Education Committee

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Meeting Venue:	For further information contact:
Video Conference via Zoom	<b>Llinos Madeley</b>
Meeting date: 8 October 2020	Committee Clerk
Meeting time: 09.15	0300 200 6565
	<a href="mailto:SeneddCYPE@senedd.wales">SeneddCYPE@senedd.wales</a>

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In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv)

## Private Pre-meeting

(08.45 – 09.15)

### 1 Introductions, apologies, substitutions and declarations of interest

(09.15)

### 2 Curriculum and Assessment (Wales) Bill – evidence session 8 with Statutory Commissioners

(09.15 – 10.15)

(Pages 1 – 60)

Sally Holland, Children Commissioner for Wales

Jane Houston, Education Policy Adviser for the Children's Commissioner for Wales

Sophie Howe, Future Generations Commissioner for Wales

Aled Roberts, Welsh Language Commissioner

Attached Documents:

Research Brief



CYPE(5)-23-20 – Paper 1 – Children Commissioner for Wales

CYPE(5)-23-20 – Paper 2 – Future Generations Commissioner for Wales

CYPE(5)-23-20 – Paper 3 – Welsh Language Commissioner

## **Break**

(10.15 – 10.35)

### **3 Curriculum and Assessment (Wales) Bill – evidence session 9 relating to relationships and sexuality education (RSE)**

(10.35 – 11.35)

(Pages 61 – 140)

Kelly Harris, Business Development and Participation Lead – Brook

Professor Emma Renold, Professor of Childhood studies – School of Social Sciences, Cardiff University

Iestyn Wyn, Campaigns, Policy and Research Manager – Stonewall Cymru

Dr Sarah Witcombe-Hayes, Senior Policy Researcher (Wales) – NSPCC Cymru

Gwendolyn Sterk, Head of Public Affairs and Communications – Welsh Women's Aid Cymru

Attached Documents:

CYPE(5)-23-20 – Paper 4 – Brook

CYPE(5)-23-20 – Paper 5 – Professor EJ Renold

CYPE(5)-23-20 – Paper 6 – Stonewall Cymru

CYPE(5)-23-20 – Paper 7 – NSPCC Cymru

CYPE(5)-23-20 – Paper 8 – Welsh Women's Aid

CYPE(5)-23-20 – Paper 9 – Relationship and Sexuality Education (RSE) Action group

## **4 Papers to note**

(11.45)

### **4.1 Letter from the Children's Commissioner for Wales to the Chair of the Children, Young People and Education Committee regarding the use of statutory powers**

(Pages 141 – 142)

Attached Documents:

CYPE(5)-23-20 – Paper to note 1

- 4.2 Letter from the Chair of the Children, Young People and Education Committee to the Her Majesty’s Chief Inspector following the Committee meeting on 17 September**

(Pages 143 – 144)

Attached Documents:

CYPE(5)-23-20 – Paper to note 2

- 4.3 Letter from Her Majesty’s Chief Inspector to the Chair of the Children, Young People and Education Committee following the Committee meeting on 17 September**

(Pages 145 – 146)

Attached Documents:

CYPE(5)-23-20 – Paper to note 3

- 4.4 Letter from the Chair of the Children, Young People and Education Committee to the Chief Executive of Qualifications Wales following the Committee meeting on 17 September**

(Pages 147 – 149)

Attached Documents:

CYPE(5)-23-20 – Paper to note 4

- 4.5 Letter from the Chair of the Children, Young People and Education Committee to all Welsh University Vice Chancellors regarding arrangements to support students in light of COVID-19**

(Pages 150 – 151)

Attached Documents:

CYPE(5)-23-20 – Paper to note 5

- 4.6 Letter from the Minister for Education to the Chair of the Children, Young People and Education Committee regarding the report on remote teaching and Covid-19 undertaken by Professor Sofya Lyakhova**

(Pages 152 – 153)

Attached Documents:

CYPE(5)-23-20 – Paper to note 6

**5 Motion under Standing Order 17.42(ix) to resolve to exclude the public for the remainder of the meeting**

(11.35)

**6 Curriculum and Assessment (Wales) Bill: Consideration of the evidence**

(11.35 – 11.45)

**7 Inquiry into Children's Rights in Wales – consideration of the response from the Welsh Government**

(11.45 – 12.00)

(Pages 154 – 163)

Attached Documents:

CYPE(5)-23-20 – Private paper

Document is Restricted

## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Organisation: Children's Commissioner for Wales

## 1. The Bill's general principles

### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Yes

### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

#### Overview

I support the principle of a new national curriculum framework for Wales and I also support the principles of the Bill listed in the explanatory memorandum: these principles I consider broadly consistent with the UNCRC General Comment No 1 on Article 29: The Aims of Education.

But there is a glaring and significant gap in that the principle of enabling children's human rights under the UNCRC does not appear anywhere in the legislation. This must be addressed through the inclusion of a due regard duty to the UNCRC on the face of this Bill.

Without this, the Bill will require a great deal of amendment to make it compliant with the UNCRC, by making detailed points on a number of rights issues. These are explained in full in this response. Rather than suggesting a long list of smaller and more detailed amendments, adding this one substantive amendment will provide for children to experience their human rights throughout their education and will be a significant step to meet the recommendations of the UN Committee on the Rights of the Child. This important step will enable Welsh Government to further meet its responsibility for full

compliance with the Convention and could also have a substantial positive impact on Article 4 (General Measures of Implementation) of the UNCRC. A single amendment of this nature would also have the potential to place Wales at the forefront of delivering human rights education internationally, in a manner consistent with the approach to human rights education adopted by the UN General Assembly.

This response demonstrates how Government's assertion that a due regard duty on the Bill is unnecessary due to the Rights of Children and Young Persons (Wales) Measure 2011 is erroneous: decision making relating to individual children is not taken by Welsh Ministers, but by professionals in local settings, who are not bound by the 2011 Measure. Examples of how the due regard duty would support decision making for individual children are included in this paper.

### Support for principle

I support the principle of a new curriculum to replace that devised in 1988. The need for children and young people in Wales to receive new and more relevant curriculum entitlements is well-evidenced and the development of a national approach has been underway for several years, with the broad support of the teaching profession. I support the definition of the curriculum through a broad set of duties which establish entitlements and national consistency but also enable practitioners to use professionalism and creativity to meet the needs and interests of children and young people. Importantly, I consider that children and young people themselves should be involved in shaping and designing their own learning and this model allows for this (but could go further in establishing this, as I outline in my points below). Each of the four key principles noted at paragraph 3.8 of the explanatory memorandum have my support: this includes the purpose-led nature of the curriculum, and the purposes themselves, which are consistent with the principles of Comment No 1 on Article 29: The Aims of Education.

### Need for due regard duty to the UNCRC

But despite Government's acceptance of my 2017/18 Annual Report recommendation that 'a children's rights approach underpins the guiding principles of curriculum delivery', Government have subsequently rejected my call for a due regard duty to the UNCRC on the face of the Bill. In this rejection, Government made the erroneous assertion that such a duty is unnecessary because of the Rights of the Children and Young Persons (Wales) Measure 2011.

This claim does not hold; as is evident in this Bill, the new legislation will enable a greater amount of decision making about the curriculum and assessment arrangements, and how

these apply to individual children, to be taken at a school level. It is beyond the scope of the Measure to ensure that children rights are central to the decision making of Head teachers and Governing bodies. Whilst many children, with excellent school leaders committed to their rights, do experience their rights through their education, this is not the case for all, as is evident by incidences of off-rolling , a lack of diverse representation in curriculum content , and a lack of participation opportunities . There is potential that this difference in how children experience their rights will increase under this new Bill, as it gives increased autonomy. Children's rights should not be left to chance in this way.

I have published at length the benefits of including a due regard duty on the face of the Bill , but rather than reiterating the benefits to children here, I will explain some examples of how this duty would make a practical difference in improving this Bill as it currently stands, and would be a far simpler step than the very many amendments needed to bring the Bill into line with the UNCRC if the duty is not included.

- A due regard duty will ensure equity. There is precedent for a due regard duty in both the Social Services and Well-being (Wales) Act 2014 and the Additional Learning Needs and Education Tribunal (Wales) Act 2018. If this Bill does not include this duty there will be an incoherent legislative framework in which some but not all children and young people have the provisions of the UNCRC in domestic legislation pertaining to their education.
- A due regard duty will support this Bill, and its principles, to endure. Although Successful Futures is the blueprint for curriculum design now, by the time the curriculum becomes statutory for all year groups, in 2026, it will be more than a decade since its publication. The purposes and principles of curriculum design laid out in this Bill are likely to be more long lasting if they are underpinned by the UNCRC – an international, politically neutral framework of human rights, which can withstand political challenge.
- A due regard duty will ensure shared decision making. Head teachers and Governing bodies have powers under sections 33 (2) and 35 (4) which enable them not to apply teaching and learning chosen by a pupil in some circumstances. Currently there are gaps in how the provisions of the Bill ensure participation in this process. A due regard duty would mean children and young people should participate in this decision making so that they can choose an alternative learning pathway that a school can support. Without a due regard duty there will need to be amendments to sections 33, 34 and 35 to enable participation.
- A due regard duty will help ensure pluralistic religious education in the development of local syllabi for Religion, Values and Ethics. Currently the Bill does not



provide for all children to receive a pluralistic education in religion. This is inconsistent with Article 29 of the United Nations Convention on the Rights of the Child. Without a due regard duty there will need to be substantial amendments to Schedule 1 to ensure this takes account of children's rights. Even with the protections of the UNCRC in place Schedule 1 will need some amends (outlined in my answer at the end of this response) as currently the schedule directly contradicts children's rights.

- A due regard duty would ensure children's rights are considered when the curriculum is dis-applied for learners with ALN or other learners on a temporary basis, and it would ensure children and young people participate in this decision. Currently the Bill does not require the rights of the individual child to be considered when a decision is taken by a local authority to dis-apply the curriculum in the preparation of IDPs or EHCs (Section 43 of the Bill), and it doesn't specify how the child themselves participates in this decision, though as this intersects with the Additional Learning Needs and Education Tribunal (Wales) Act 2018 children's rights should be taken into account (although how this will be the case for EHC preparation needs to be made clear in the Code which is still not finalised). However, there is currently no such provision to specifically consider the rights for children without ALN when the curriculum is temporarily dis-applied under section 44 of the Bill. Without a due regard duty there will need to be substantial amendments to sections 44, 45, 46, 47 and 48 to ensure the best interests of the child and to set out how a child will participate in this decision-making, this must include an advocacy mechanism for the participation of children, even when 'head teachers consider that the pupil does not have the capacity to understand' [Section 46 (5)].

- A due regard duty would ensure children's rights are considered when curriculum entitlements are only partially offered to children in EOTAS settings, and it would ensure children and young people participate in this decision. I have previously submitted evidence to this Committee about how young people in EOTAS provision often feel they are not participating in decision making about their education, and that they do not have a chance to review decisions. Sections 52 – 57 sets out the specific curriculum requirements for children in EOTAS settings and how this should be reviewed. These sections mandate only one of the six AoLEs and only some of the other mandatory requirements that apply for other learners. I am not opposed to a flexible approach to learners in EOTAS provision as this may well be in the best interests of the individual child. However, I do feel strongly that more safeguards are needed than the Bill currently provides in order to ensure that the decision of the local authority, management committee or teacher in charge of a PRU is informed by the child's rights and the participation of the child. If a due regard duty is not included, then sections 52- 57 will need substantial revision to ensure participation in

decision making. This is a very clear example of how Government's assertion that a due regard duty on the Bill is unnecessary due to the Rights of Children and Young Persons (Wales) Measure 2011 entirely misses the point: decision making relating to individual children is not taken by Welsh Ministers, but by professionals in local settings, who are not bound by the 2011 Measure.

- A due regard duty means that accountability frameworks for schools can't lead to decision making that goes against the best interests of individual children. New evaluation and improvement arrangements being developed have my broad support but there is nothing in the legislation itself to ensure the four key principles for these arrangements as described at 3.122 of the Explanatory Memorandum. Instead the existing provisions for evaluation and improvement will provide the legislative base. But the existing legislation has not prevented attainment being used in a way that is detrimental to the individual best interests of children. Accountability arrangements will be subject to ongoing political change and pressures but there is no legislative change to ensure against unintended consequences to children such as off-rolling or the offer of a very narrow, exam-focussed curriculum, which can disengage many young people. Without a due regard duty, there will need to be serious consideration about whether there should be legislative change to ensure accountability does not come at the expense of individual children, and a focus needed on the most effective form this legislative provision might take.

- A due regard duty would mean that the assessment of children and young people is consistent with children's rights and upholds optimum development and wellbeing. The aims for progression, and formative assessment as part of this progression, as elucidated in the Explanatory Memorandum, are consistent with children's rights principles. However, without a due regard duty there is not a provision in the legislation that ensures the implementation of the Progression Code in settings (and the role assessment plays in this) is in line with children's rights. With a due regard duty, settings will need to have regard to the rights of children in their assessment processes, so assessment will need to reflect children's best interests (Article 3), their participation (Article 12) and their optimum development (Article 29). It is important to note that assessment is a major concern of children and young people, and that current experience of assessment is a contributor to anxiety, particularly in secondary schools. Without the due regard duty Sections 58 and 59 of the Bill will need amending so that they reflect children's rights more fully, and to protect children from harmful impacts to their wellbeing due to assessment.

- A due regard duty would help ensure equality and non-discrimination. I welcome the provision in the Bill about suitability of the curriculum at Section 22, which states that

'The curriculum must be suitable for pupils, or children, of differing ages, abilities and aptitudes'. However, I am unsure exactly how inclusive this curriculum will be of different children and young people. The Equality Impact Assessment makes several bold assertions, but I am not sure how well these are evidenced. For example, the EIA notes a 'positive impact on young mothers attending EOTAS, who will benefit from learning more tailored to the needs and abilities and make it easier for them to reintegrate into mainstream education where practical'. But there is not a clear evidence base for this; it has not been made clear whether this has been investigated during the development stage and it could be possible that greater divergence between settings (under a subsidiarity approach) might make it harder for young people to transfer between settings. Research currently being led by WISERD into teachers' perspectives of curriculum reform shows that teachers involved in the development of the AoLEs through the pioneer process have been unable to cite specific examples of how children from disadvantaged backgrounds would benefit from the new approach. Teachers interviewed as part of this research from pioneer and non-pioneer settings also felt uncertain that the curriculum would be inclusive: only 31% of teachers interviewed in this research selected they thought pupils eligible for Free School Meals would be positively affected by the introduction of the new curriculum and less than 20% selected that BAME pupils would be positively affected. This reinforces research indicating that issues with the Foundation Phase need to be addressed so that Foundation Phase approaches equitably benefits boys and children living in poverty. I have previously submitted my concerns about this to Government and requested more thorough impact assessments which set out mitigations for any potential negative effects. One such mitigation is including in legislation a duty for all relevant bodies to have regard to the rights of children, as at the core of children's human rights is the principle of equality and non-discrimination. This duty would mean settings will need to monitor, evaluate and address inequalities in curriculum content or in outcomes for particular groups.

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

There is a need for legislation to deliver what this Bill aims to achieve. At the heart of the Bill are new and relevant entitlements that children and young people should experience through their education. Legislation is needed to create these entitlements.

There are two particular areas of the curriculum where legislative change is urgent.

First, children and young people urgently need the provision of the Health and Wellbeing AoLE as a mandatory experience throughout their education.

Second, legislation must be updated to enable all children and young people in Wales to experience the Relationships and Sexuality Education. SRE Expert Panel key findings show that the current law on SRE is outdated and existing legislation does not support the rights and gender-equity based sex and relationships education that is advised to schools in previous guidance issued by Welsh Government.

Giving a statutory basis to the principles of RSE listed in the Explanatory Memorandum is an essential step to begin a much needed process in Wales that ensures all children and young people receive high quality opportunities to develop their understanding of relationships and sexuality.

These learning entitlements are as important as any other in the curriculum, and this is not learning from which any child nor young person should be excluded on any basis. Legislative change relating to RSE will help realise the provisions of the UNCRC to which all children in Wales are entitled, including:

- the right to non-discrimination (Article 2)
- the right to be heard, express opinions and be involved in decision-making (Article 12);
- the right to access information that will allow children to make decisions about health (Article 17)
- the right to experience the highest attainable health, access to health facilities, preventative health care, and family planning education and services (Article 24)
- the right to an education that support all children to develop and reach their full potential and prepare children to be understanding and tolerant to others (Article 29)
- the right to government protection from sexual abuse and exploitation (Article 34).

This legislative change will also enable the following justiciable legal rights under the Human Rights Act and the European Convention on Human Rights (ECHR):

- the right to freedom of thought, conscience and religion (Article 9).
- the right to freedom of expression (Article 10)
- the right not to be denied education (Article 2, Protocol 1)

The 2017 European Network of Ombudspersons for Children (ENOC) position statement on Comprehensive Relationship and Sexuality Education, states that all children and young people have the right to high quality, holistic and inclusive education about sexuality and relationships. This echoes the 2016 Concluding Observations of the UN Committee on the Rights of the Child. In response to the Committee's concerns about the variability of relationships and sexuality education, and the lack of accurate information for young people (Section 63b) the Committee recommends State Parties ensure education around relationships and sexuality is mandatory within the school curriculum (Section 64b).

A list of international binding and non-binding legal instruments underpinning the requirement to deliver high quality RSE are listed on p.1 of the ENOC 2017 statement. In this international context, legislative change is needed to end the parental right to withdraw a child from RE and RSE. Retaining legislation that allows parents to withdraw a young person from these subjects denies children and young people their own rights, and does not allow a young person to opt in to relationships and sexuality education before the legal age of consent.

In a domestic context this is again incompatible with the human rights of children under both the domestic legislation of the Human Rights Act 1998 and the European Convention on Human Rights (ECHR). In Wales, it is also incompatible with the commitment in Wales to the UNCRC guaranteed by the Rights of Children and Young Persons (Wales) Measure 2011. In a policy context in Wales making this legislative change will also develop the inclusion of Sex and Relationships education in Successful Futures, and Objective 2 in the Welsh Government's National Strategy on Violence against Women, Domestic Abuse and Sexual Violence (2016-2021) which states that the new curriculum must include the importance of safe, equal and healthy relationships.

## **2. The Bill's implementation**

### **2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1**

*(we would be grateful if you could keep your answer to around 500 words)*

I anticipate that there will be a volume of detail received in response to this question from education leaders, practitioners and children and young people themselves, all of whom are better placed to assess barriers on the basis of their current experience of curriculum development. I would like to offer the support of my office in discussing and finding

possible solutions to the potential challenges that are raised through this consultation process.

## **2.2 Do you think the Bill takes account of these potential barriers?**

*(we would be grateful if you could keep your answer to around 500 words)*

Again, I anticipate that there will be a volume of detail received in response to this question from education leaders, practitioners and children and young people themselves, all of whom are better placed to assess barriers on the basis of their current experience of curriculum development. I would like to offer the support of my office in discussing how the Bill could better account for challenges that are raised through this consultation process.

## **3. Unintended consequences**

### **3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1**

*(we would be grateful if you could keep your answer to around 500 words)*

Parity of AoLEs during 14-16 qualifications

It is hard to assess to what extent young people will experience the full curriculum between the ages of 14-16 given that thinking around 14-16 qualifications is currently underway and developing. In light of this, I note that evidence around the impact of examination on teaching and learning indicates that narrowing the curriculum can be a damaging effect of external examinations, with schools allocating more teaching time to examined subjects and reducing time for subjects that are not formally tested. The Health and Wellbeing AoLE and the Expressive Arts AoLE may be particularly vulnerable to marginalisation for young people during this time, aAs may cross curricular elements such as RSE. During the development of qualifications there must be measures put in place to ensure that the curriculum is not narrowed for many learners from the age of 14, this should ensure that young people do not miss out on areas of the curriculum that under the present system can be marginalised. Again, a due regard duty to the UNCRC would mean that professionals must be guided by the need for holistic education as articulated in Article 29, which would mitigate against the risk that a narrow curriculum is designed for older young people.

## Challenges in evaluating the impact of the curriculum

There must be two broad purposes of assessment: one purpose must be to provide formative, supportive assessment for and as learning in a way that is consistent with promoting the wellbeing and self-esteem of children and young people. The other broad purpose must be to collect information to evaluate teaching, learning and the curriculum approach as a whole.

This information does not require standardised testing and can be based on professional knowledge of progress or on a research approach that uses sampling and observation. It should not be publicised in school league tables or used in a high stakes accountability system. But a carefully developed approach that generates comparable data from classroom to classroom is needed to be able to objectively evaluate how educational reform is affecting all children and young people and to have an informed basis on which to make improvements – this is true at a school level as well as at a national level.

The current curriculum guidance for assessment do not set out a consistent national approach to generate comparable data, and this suggests it may be challenging or even impossible to compare data at a local or national level. This will mean it may not be possible to identify groups of young people that are being disadvantaged by new approaches and this has particular implications for narrowing the attainment gap as evidence shows that rigorous data use is one way of achieving this.

Whilst I am supportive of much of the approach advocated around moderation as a means to share and develop good practice in teaching and learning, Government should ensure comparable data is generated across Wales so that the impact of education reform for different groups of children can be evaluated as the curriculum develops. Young people should not be in the situation that the impact of reform for different groups is only able to be evaluated at the point of summative assessment at 16, as this will be too late for the first cohorts of young people learning under the new curriculum arrangements. Without a means of generating comparable data through the ongoing formative process there is also a danger that summative assessment will become even more pressured for young people and their teachers as there will not be another nationally recognised way of evaluating and showing progress and learning.

As measures against these pitfalls I recommend:

- Government should ensure some comparable data is generated across Wales so that the impact of education reform for different groups of children can be evaluated as the curriculum develops.
- Assessing equity should be a key consideration for the post implementation review and the ongoing evaluation

## 4. Financial implications

### 4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

*(we would be grateful if you could keep your answer to around 500 words)*

#### Additional Learning Needs

I am not convinced that the Explanatory Memorandum adequately takes account of the combined cost of the introduction of the Additional Learning Needs and Education Tribunal (Wales) Act 2018. The 2018 Act isn't mentioned in Chapter 8 of the Explanatory Memorandum. There is not a specific assessment on the financial impact of the new curriculum on SEN schools or ALN provision in mainstream schools.

This may be because the costs of the implementation of the 2018 Act are accounted for elsewhere, but I feel strongly that the combined implementation of the two Acts concurrently will (and should) generate their own financial implications. For example, there will need to be substantial professional learning to understand how to understand ALN provision in line with the new curriculum. Practice will need to develop to combine the expectations for progression, pedagogy and curriculum design in this Bill alongside the expectations for Additional Learning Provision (ALP) and participation in the 2018 Act. Professionals should not be experiencing professional learning as 'learning about curriculum and assessment' and 'learning about Additional Learning Needs', for educational reform to be transformative the two need to be combined and there will be financial implications in designing and delivering this learning together.

#### Welsh language

Welsh language provision and sufficiency of teachers able to teach Welsh and teach through the medium of Welsh is considered but the specialist workforce is not included in this consideration, despite the fact that there are well-documented gaps in the bilingual specialist workforce. Specialist professionals will be key to enabling the curriculum for



children and young people with Additional Learning Needs and should be considered in the costs of curriculum implementation.

Similarly, more professionals are needed in EOTAS settings who are able to teach Welsh and teach through Welsh. As noted by Estyn, there is a lack of bilingual EOTAS provision in Wales. This is essential to address in the implementation of the curriculum for children and young people in EOTAS settings.

### Relationships and Sexuality Education (RSE)

I am unconvinced that the true cost of the transformation needed for effective RSE is reflected in the Explanatory Memorandum. The Explanatory Memorandum does not give consideration given to all recommendations of the SRE panel, which have been accepted by the Minister, and all of which will be key to the development of effective RSE.

In particular, the Explanatory Memorandum should account for the establishment of an expert network in RSE, and the development of lead practitioner roles in settings. Both of these steps will require resource but without these steps the legislative change will be less successful.

Whilst there is broad acknowledgement in the Explanatory Memorandum that professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching, the Explanatory Memorandum also does not in my opinion clearly set out the wholesale and robust learning needed for the profession to gain the confidence necessary to deliver effective RSE, which is currently shown to be lacking within the profession.

## **5. Powers to make subordinate legislation**

**5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.**

*(we would be grateful if you could keep your answer to around 500 words)*

I am concerned about the power of Ministers under section 5 of the Bill to make Regulations to add, remove or revise the identified areas of learning and experience, mandatory elements and cross-curricular skills. Whilst I accept that this enables flexibility over time to account for social, technological change and developments in educational research, I am concerned that this could create a risk for some Areas of Learning and

Experience and other mandatory elements that are less well-established. The Health and Wellbeing AoLE and the mandatory element of RSE, both of which are vital to this curriculum, may be particularly vulnerable to political change and challenge.

Welsh Ministers are separately, under Section 6 (1) of the Bill, conferred with powers to revise the What Matters codes, which set out learning under each AoLE. I question if it is necessary for regulations to also include the power to remove whole Areas of Learning and Experience or mandatory elements. An amendment to this power so that it enables the addition and revision of an AoLE or of a mandatory element would still enable flexibility and would also ensure that young people do receive the current AoLEs and mandatory elements – all of which have been determined through the long process of consultation and public engagement outlined in Chapters Three and Four of the Explanatory Memorandum.

## **6. Other considerations**

### **6.1 Do you have any other points you wish to raise about this Bill?**

*(we would be grateful if you could keep your answer to around 1000 words)*

Legislating for the Whole School Approach to Mental Health and Wellbeing.

I have previously recommended that there must be a statutory basis for the Whole School Approach to Mental Health and Wellbeing. I am therefore pleased to see that the draft framework guidance on embedding a whole-school approach, which is currently published for consultation, does specify that this guidance will be statutory under the Education Act 2002. I will respond in full to the public consultation on this draft guidance to welcome this statutory status but also to highlight some additional actions that will ensure clarity for the role of health bodies.

In light of this development, it is now my assessment that it is no longer necessary to consider including additional provision for the whole school approach in the Curriculum and Assessment Bill.

Amendments needed to ensure Religion, Values and Ethics provision is consistent with children's human rights.

I consider it necessary to substantially amend Schedule 1 even if a due regard duty to the UNCRC is added, because this schedule is currently in direct contradiction to the UNCRC.

Schedule 1 lays out the requirements for the Religion, Values and Ethics (RVE) curriculum for schools without a religious character, and for foundation and voluntary controlled schools of a religious character, and for voluntary aided schools that have a religious character. These provisions show that the human rights of children attending settings that are religious in character have not been given the same regard as those of other children: first, because they do not necessarily have access to a pluralistic education in line with human rights requirements under the UNCRC ; second, because their parents can determine the RVE curriculum they experience.

To me, this is an attempted compromise that does not uphold the rights of children as a primary consideration. It sets out that the parent's view takes primacy if there is a difference of opinion between the child and the parent, and it also denies a child access to a pluralistic education. In addition to not upholding the provisions of the UNCRC to participation, education and equality, proposals relating to settings of religious character also fail to take account of the safeguarding role of pluralistic religious education in creating cohesive communities both within and outside the education setting, and therefore undermine the PREVENT agenda, an equalities approach to anti-bullying education, and the principles of the Well-being of Future Generations (Wales) Act.

Whilst children and young people may attend different types of educational setting, their human rights under the UNCRC are the same. But the Bill's requirements relating to settings of a religious character are in direct contradiction to children's human rights as guaranteed by the UNCRC and are further inconsistent with the removal of the right of parents to withdraw children and young people from RVE, and would effectively deny access to the full curriculum to some children. This is in direct contradiction with the wishes of Government as expressed by the Minister in her statement of 21st January 2020 . I am in strong disagreement to this provision being taken forward.

I do not accept the assertion at 3.49 of the Explanatory memorandum that this is a necessary provision to enable "parents' existing right in the Welsh and indeed UK school system to choose a religious education for their child" because a requirement for schools of a religious character to include pluralistic RVE for every child will not alter the character of the school. Ethos and practice in schools of religious character would still be guided by the trust deeds or tenets of the faith – and this would be reflected in collective worship, in the observance of religious events and teachings, and in the values and approach of the school. The whole-school ethos and culture does not and should not preclude a pluralistic approach to teaching and learning about religion through a syllabus.

There are also significant practical implications of this approach (particularly in an integrated curriculum) and it is unclear how schools would manage this with timetabling and staffing. As such this appears to be unworkable as a proposed solution.

I therefore recommend that even with a due regard duty to the UNCRC, Schedule 1 is amended to ensure that a pluralistic requirement applies to education in all settings, and that the ability of parents to decide what type of RVE their child receives is removed, as it is not consistent with the human rights of children and young people to themselves take part in decision making which will affect their life (Article 12); nor is it consistent with the human right of children to an holistic education that promotes understanding among 'among all peoples, ethnic, national and religious groups and persons of indigenous origin' (Article 29).

### Children's Rights Impact Assessment

The Children's Rights Impact Assessment (CRIA) in the Explanatory Memorandum refers only to Articles 28 and 29, but fails to acknowledge the wide range of rights affected and how while many may be enhanced, some of those could be risk. I have noted these positive benefits and risks to children's rights at several points in my response, but as two examples:

- the right to government protection from sexual abuse and exploitation is enhanced by the Bill's provisions around RSE (Article 34).
- the right to participation in decision making is at risk for children in faith settings due to the RVE requirements relating to faith settings (Article 12).

The failure to analyse the impact to children's human rights means that this Bill is less compliant than it should be with the UNCRC. Proper analysis would highlight the need for amendments in some instances (for example amendments to the RVE requirements), and mitigation in others (for example through the implementation review and ongoing evaluation of curriculum and assessment arrangements). The analysis that I have conducted in my answer to 1.2 shows that there are many amendments needed to bring this Bill fully into line with the UNCRC and a pressing need for a due regard duty to the UNCRC on the face of the Bill.

The CRIA also notes the involvement of my office in curriculum design. In brief, I consider the involvement of my office in this process to have contributed to the following elements of curriculum guidance:

- The development of a consultation with children and young people designed to enable wide and targeted participation by children and young people from particular groups;
- The inclusion of a checklist for settings about key questions to consider in designing local curriculum to ensure some consistency;
- The inclusion of human rights education and the UNCRC in the overarching curriculum guidance;
- The inclusion of guidance to support children and young people to participate in school-level curriculum design in the overarching guidance;
- The inclusion of incremental learning about children's rights and human rights in the Health and Wellbeing and the Humanities AoLE;
- The development of an understanding of children's rights in professionals during the co-construction phase of the AoLEs

But there have been several missed opportunities and ways in which I would have liked the curriculum to go further in including children's human rights. Participation of children and young people could have been far more systematic, strategic, and better integrated into the process of development. Children's rights and the UNCRC could have been explicitly integrated into all AoLEs. But most importantly children's rights and the UNCRC should be directly integrated into the legislation itself. At no point in the Bill are human rights education or the UNCRC included. All the supporting curriculum guidance that details how children's human rights will be enabled and met through the curriculum will be subject to ongoing development and change. Therefore, all of the gains I list above could be lost. The only way Government can ensure a long lasting commitment to the human rights of children and young people through their education is to include it in primary legislation. A duty of due regard must be included on this Bill.



## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Organisation: Future Generations Commissioner for Wales

### 1. The Bill's general principles

#### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Partly

#### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

I am fully supportive of the Government's approach to the new curriculum which I believe embraces the fundamental elements required to equip young people with the right skills for the future. I have, however, identified some issues for consideration and barriers for implementation, discussed below.

My recently published Future Generations Report 2020 (<https://futuregenerations2020.wales/>) and my report, Education Fit for the Future in Wales (2019) ([https://www.futuregenerations.wales/resources\\_posts/education-fit-for-the-future-in-wales-report/](https://www.futuregenerations.wales/resources_posts/education-fit-for-the-future-in-wales-report/)), describes my viewpoint on benefits and risks of the introduction of this new curriculum, mainly:

A) The new curriculum provides a solid framework for realising the well-being of individuals in Wales:

I agree with the mission of the new curriculum – it recognises the role of education in creating well-rounded citizens who will be part of creating the Wales we want for future generations. The four purposes are based upon the power of gaining skills for wider individual and national well-being. In my Future Generations Report, I encourage all public

bodies subject to the Well-being of Future Generations (Wales) Act 2015 to apply what I call the 'double test' of the Act – both the 'what' they do and 'how' they do it. The new curriculum is both about 'what' we learn and 'how' we learn it, therefore, in line with the principles of the Act.

However, as I have discussed in section 2 below, the power of the curriculum will be in its implementation. The Bill is not clear on how the curriculum is actually going to be delivered, as this is largely the responsibility of education settings. Therefore, the guidance provided to implement the curriculum is of huge importance. Likewise, the inspection and performance regimes that are subsequently put in place must measure the right things – encouraging a move towards large-scale change. It is clear that education practitioners will also require additional resource and support to act fulfil the Bill's aspirations.

#### B) Championing the increasing demand for 'softer skills':

The new Curriculum is a positive step, with its focus on softer skills and aim to prepare children to "thrive in a future where digital skills, adaptability and creativity are crucial..." Future trends show how society and increased technological advances will mean high demand for adaptive skills like creativity, problem-solving, communication and advanced digital skills.

Business are already calling for these skills, as shown by recent reports from the Regional Skills Partnership in Wales, identifying a gap in digital capability and a need for future digital skills, particularly in a post COVID-19 world. My report also draws on evidence from organisations like CBI and FSB, who have found that at least 60% of employers value broader skills like listening, problem-solving and creativity.

#### C) Creating the eco-literate, ethically informed and responsible citizens of the future:

I am supportive of the four purposes of the curriculum, which have a long-term focus on Wales' well-being. However, the guidance, resources and support for education settings to enable these four purposes become a reality is of utmost importance, otherwise we risk 'more of the same' within our schools, colleges and other education settings. A mandatory element of delivery should be the requirement to look to the long-term future, understand the future trends, opportunities and risks facing Wales and the world to ensure our education system is seeking to take advantage or prevent these.

A key example is a focus on planetary health. I have recommended within my report that Government "ensure Wales become the most eco-literate country in the world." We need to shape a different economic model for Wales, focussed on a greener economy, one that



is far more circular (creating less waste) and benefits future generations. But tackling the climate crisis is more than a political aspiration, we have binding targets to meet. Our current and future generations play a critical role and they will need different skills for a future that will rely on halting and preventing the impacts of climate change, biodiversity loss and dealing with major socio-economic change. Whilst the Bill is aspirational in this way, practical action is currently unclear.

D) Re-thinking qualifications to reflect skills for the future:

Understanding the progression of learners and how to assess this is crucial to the success of the new curriculum. I welcome that the Bill makes provisions enabling Ministers to make regulations to require schools to ensure the curriculum is supported by appropriate assessment arrangements. My Future Generations Report includes the recommendation to Welsh Government: "Radically re-think qualifications at age 16 towards assessments that focus on diversity and are centered around pupils, not testing, reflecting the aspirations of the new Curriculum for Wales 2022."

New methods of assessment are needed as more employers demand soft skills and advances in technology mean experience is becoming more valuable than knowledge. Education systems need to be more about teaching people to live well than to pass exams. My report argues we need to move towards assessment that is more narrative based, not focused on age at time of assessment but progression of learning, and that separates results from school performance or teacher accountability.

Whilst supported by many stakeholders, this was a controversial view when I published my report Education Fit for the Future in Wales (2019) but the recent situation caused COVID-19 has shown that change is possible. Wales should be learning from this experience and from international examples, like Finland, Singapore, Hong Kong and Japan, in creating regulations for assessment. My office have also been advising Qualifications Wales, as they consult on the development of 'new GCSEs'.

E) Mental health and well-being education should be prioritised in the delivery of the new curriculum:

I have also recommended within my Future Generations Report that "mental health and wellbeing is prioritised to help nurture a generation of emotionally resilient children." This means schools go beyond delivering the new curriculum to become nurturing, psychologically informed environments. There are some excellent examples of schools focusing on this, mainly at primary school level, but this must extend across the curriculum and post-compulsory education. Barriers remain in place e.g. Estyn have found that school

leaders do not always find out about important developments in pupils' lives in a timely way and when schools are aware, they lack knowledge in how to intervene.

Linked to this, my report recommends that "school exclusions become a thing of the past" due to the strong link between exclusions, 'disruptive behaviour' and Adverse Childhood Experiences. Exclusion impacts the life trajectories of children and traps them in lifelong disadvantage, continuing the cycle.

The curriculum shows great potential in grasping this once-in-a-generation opportunity to truly create well-being schools (a whole approach that gives well-being equal weighting to other skills like literacy and numeracy). But it requires additional resources and wider support for education practitioners. This would play a part in breaking intergenerational cycles of Adverse Childhood Experiences, improve mental health and well-being, close attainment gaps between deprived and affluent areas, and, most importantly, create adults that have coping mechanisms and positive well-being for future generations to come.

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

Yes. There is a need for statutory basis to a new curriculum that corresponds to the changing needs for future generations, relating to social, economic, environmental and cultural changes and challenges facing Wales and the world. The legislative framework is needed to place learning and progression at the centre of a national mission for pupils, teachers, schools, parents and wider society to improve standards, close the attainment gap and ensure we have an education system that is a source of pride and public confidence.

However, in my responses to section 2 below, I have outlined the need for Government to recognise the challenge of implementation and to be ambitious in this reform.

## **2. The Bill's implementation**

### **2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1**

*(we would be grateful if you could keep your answer to around 500 words)*

Whilst the new curriculum shows great potential, its power will be in its implementation. I have called for a stronger investment in schools to support the transition to the new curriculum and for involving a broader range of practitioners in teaching and learning, creating a Wales-wide national mission for education.

I am concerned about the capacity of the education system to implement the changes to teaching and learning required without additional resources. My reports, *Education Fit for the Future in Wales* (2019), and the *Future Generations Report*, argue that significant resources are needed for the cultural and practical shifts of the new curriculum.

Teachers will need to be supported and prepared (both professionally and personally) to deliver an approach that places much more autonomy on them for content. There is a need for a higher ratio of teaching practitioners to students and for those to be more varied practitioners. It is also important the inspection regime reflects these changes in how success is measured.

In my view, COVID-19 has exposed the challenge of cultural change within the education sector and the distance yet to be travelled if the curriculum is to be implemented effectively. Responding to the challenges of the pandemic has exposed weaknesses in the current education system and flaws in the plans to deliver the new curriculum. This includes schools and teachers being unprepared, or unwilling, to adopt alternative teaching methods; a gap between digital capabilities and realities; and the national issues arising from teacher-based assessment.

Learning outside the traditional classroom environment has become universally necessary as a result of the pandemic. Whilst some schools have adopted methods of digital engagement, online learning and encouraged independent learning, many have fallen short. Cultural barriers to change such as, teaching unions fearing a risk to teacher and pupil safety and what I perceive to be a significant gap between the digital abilities of teaching staff and our expectations of modern approaches to learning, are issues which must be addressed urgently to ensure that the Welsh education system is equipped to deliver 21st century teaching and learning.

These challenges are not new; Estyn has found consistently low standards to ICT in schools – in 2018/19, only four in ten primary schools had ICT that was rated 'good' or 'better' and only a quarter of secondary schools and it seems standards of ICT are far lower than literacy and numeracy across the board.

To partly address this, I have also called for a national mission to education. My report found that the introduction of the new curriculum needs to be far more collaborative and currently, opportunities are being lost to involve a broader range of people from the public, private and voluntary sectors in providing capacity in education. What I mean by a 'national mission' is that businesses have raised that they're keen to work with the education sector, but there is a lack of national direction. Currently, this is based on relationships, creating an ad-hoc approach to business and education working in collaboration.

Better national direction and resources dedicated to the co-ordination of a collaborative approach between employers and civic society is vitally important with the introduction of the new curriculum. Government could incentivise businesses through their support packages (such as the Economic Contract and Resilience Fund) with the aim of incentivising entrepreneurs, large businesses, micro-businesses and small and medium enterprises to work directly with schools as part of a Wales wide programme. They could provide support to schools, bringing in their relevant area of expertise on, for example, digital or the green economy and enrich the learning of children and young people – as the curriculum envisages.

## **2.2 Do you think the Bill takes account of these potential barriers?**

*(we would be grateful if you could keep your answer to around 500 words)*

Not sufficiently. The Bill and Explanatory Memorandum acknowledge that the curriculum places new and different demands on teaching staff, schools and the education system as a whole. But neither provide much assurance as to how these barriers could potentially be addressed. The Explanatory Memorandum suggests that much of the impact remains unquantifiable due to the level of autonomy in developing the curriculum content and the assumption that each school will approach this differently.

The Regulatory Impact Assessment (RIA) within the Explanatory Memorandum also acknowledges limitations to the methodology adopted for seeking information relating to the resources required, training needs and realities of implementing the new curriculum, suggesting there were limits to the schools consulted. (See also below response to question 4.1)

The Bill does not necessarily acknowledge the need to increase the number of teaching practitioners or, in providing experiential learning, recognise that this might be best

delivered by a broader range of people – from business to civic society – and the associated resource and practical costs of this.

### **3. Unintended consequences**

#### **3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1**

(we would be grateful if you could keep your answer to around 500 words)

As above, the evidence I have gathered suggests the power of the new curriculum will be in its implementation. Caution should be applied in that implementation of the new Bill (and the subsequent powers on Ministers to reforming assessment) should not exacerbate existing inequalities.

My Future Generations Report acknowledges that, whilst things are improving, there are persistent inequalities in education and employment between population groups. The starkest differences are between children growing up in affluent areas and children in the most deprived. Wealthier children not only do better academically, but children living in poverty are significantly more likely to be excluded from school, which has an adverse impact on their education and life chances.

With reference to my response to question 3.1 above, it is possible that the challenges of implementing a cultural change of this scale may increase the gap between the best performing schools (often situated in more affluent areas) and least performing schools (often situated in more deprived areas), if adequate resourcing, professional training and involvement of a broader range of people in learning are not introduced by Government.

I have recommended to Government and Qualifications Wales that they should radically rethink qualifications at age 16, towards assessments that focus on diversity and are centred around pupils, not testing, reflecting the aspirations of the new Curriculum for Wales 2022. Introducing appropriate assessment and qualifications should take account of the framework of the Well-being of Future Generations (Wales) Act and seek to meet the national well-being goals, including “a more equal Wales.”

There remains an attainment gap between pupils receiving Free School Meals and those who do not. Students from disadvantaged backgrounds are also more likely to take vocational qualifications or be placed in lower learning sets in school, meaning their choices and chances of retaining high grades at GCSE level are currently limited. A new curriculum alone will not address this, but a focus on developing an approach to

assessment that delivers high quality and employment-orientated qualification across the range of material within the new curriculum, co-created and delivered with employers, would certainly seek to create a more prosperous and equal Wales.

Another unintended consequence of the Bill relates to its integration with the post-16 learning and skills system. In involving education experts in my work, there is a lack of connection between the admirable aspirations of the compulsory curriculum with skills development for post-compulsory education. The Bill suggests that the post-compulsory age curriculum focuses on preparing pupils for “opportunities, responsibilities and experiences of later life.” My report argues that, nationally, skills planning is lacking in long-term thinking, focused on reacting to skills gaps rather than proactively preparing and planning for the skills of the future and meeting the national well-being goals of Wales. In short, young people are being prepared for opportunities in the here and now, rather than the right long-term opportunities Wales requires.

To address this disconnect between the new curriculum and post-16 learning, my Future Generations Report calls for a long-term vision and curriculum for post-16 learning and recommends that the new Commission for Tertiary Education and Research produce a national vision for lifelong learning that helps us to meet the national well-being goals. A post compulsory curriculum should reflect the four principles of the new curriculum, with people aged 16 and over being ethical and informed citizens and, as outlined in section 1.3, mental health and well-being should be prioritised at all ages to create emotionally resilient young people of the future.

The report recommends the national vision for lifelong learning should be delivered by reformed Regional Skills Partnerships and include a Skills Framework, as recommended by 'Wales 4.0 Delivering Economic Transformation for a Better Future of Work', to better match jobs to people and people to jobs.

The delay of the Tertiary Education and Research (Wales) Bill, therefore, poses concern and the consequences of introducing a new curriculum that does not match with post-16 learning could have unintended negative consequences on the broader skills system in Wales.

## **4. Financial implications**

### **4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1**

*(we would be grateful if you could keep your answer to around 500 words)*

A) Welsh Government have not yet adequately resourced the implementation of the new curriculum.

In my Future Generations Report, I have made relevant recommendations to Welsh Government, including:

- "Bring all sectors together as part of a national mission to deliver education fit for the future, funded through the creation of a Welsh Education Tax. The revenue raised would support the transition towards the new curriculum and provision for lifelong learning.
- Use taxation powers and the economic contract to incentivise entrepreneurs, large businesses, microbusinesses and Small and Medium Enterprises to work directly with schools as part of a Wales-wide programme.
- Increase teaching practitioners and support teachers to access continuous professional learning, including access to properly developed content and best practice approaches across and outside Wales, to maximise the potential of the new Curriculum for Wales."

The introduction of the new curriculum is a significant cultural change and demands resources from every level of the education sector. It comes at a time when resources have been stretched – spending per pupil has been falling due to austerity (see graph in [https://www.futuregenerations.wales/resources\\_posts/education-fit-for-the-future-in-wales-report/](https://www.futuregenerations.wales/resources_posts/education-fit-for-the-future-in-wales-report/)) and a 10% increase in spend per pupil, getting us back to previous levels, would require an additional £200 million per year.

B) The RIA does not go far enough in exploring the potential financial implications.

There are several examples where the RIA acknowledges limitations to the methodology adopted for seeking information relating to the resources required, the training needs and realities of implementing the new curriculum. The RIA explains that a small sample size of schools were consulted and it was difficult for schools (and post-16 settings) to quantify the costs of the curriculum implementation, due to how content creation will vary e.g. in point 8.216 of RIA: "The FE sector has suggested there are potential implications of changes to the curriculum which may occur over the medium to long-term, however, at this stage the additional costs (if any) are unknown."

Across the Areas of Learning and Experience (AoLEs) there is a recognition in the RIA from schools of the need for professional training to deliver the requirements of the new curriculum – linking to my recommendations above. For example, the Computation element of the Science and Technology AoLE, where Primary Schools will need professional

learning and secondary schools have acknowledged there will be a cost for intensive, specialist training, with ongoing skills development necessary to keep pace with changing technologies. There are also costs associated with procuring the necessary digital infrastructure to deliver this AoLE. However, the RIA concludes this section with point 8.290: "The costs for delivering the computation within Science and Technology are not known."

As I have outlined in 2.1, I have concerns around the readiness of schools to deliver a modern, digital method of learning and to deliver education fit for the future. Despite digital skills being some of the most sought after, sufficient attention is not being given to developing a skills pathway. With Estyn finding low standards relating to ICT in schools and, when looking at post-compulsory education, only an increase in 57 apprenticeships being completed in Information and Digital technology being completed in the last four years compared to the four previous, there is a significant risk that we will miss opportunities to develop a skilled workforce, fit for the future, here in Wales. For the RIA to not explore the potential funding options in this AoLE (including drawing on business and other sectors, as my recommendations suggest) is not sufficient.

## **5. Powers to make subordinate legislation**

**5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.**

*(we would be grateful if you could keep your answer to around 500 words)*

With regards to section 58(1) of the Bill, the power for Welsh Ministers to make Regulations in relation to assessment arrangements, I have made my recommendations clear to the Minister and to Qualifications Wales that a re-think of assessment and qualifications (particularly at age 16) is needed to match the aspirations of the new curriculum

I have already recommended that Qualifications Wales should align our qualifications system with the Well-being of Future Generations Act and our vision for education and the economy in Wales, as they seek to create qualifications in line with the new curriculum as part of 'Qualified for the Future'.

The situation that has arisen due to COVID-19 has given us experience and learning with regard to assessing progression in a different way to traditional examinations. I will be



continuing to advise and challenge Welsh Government and Qualifications Wales as development of new assessment methods progresses.

## 6. Other considerations

### 6.1 Do you have any other points you wish to raise about this Bill?

*(we would be grateful if you could keep your answer to around 1000 words)*

My response has outlined that, while I am supportive of the principles of the new curriculum and the Bill, I have concerns with regards to resourcing the cultural change and practical elements of its implementation.

Many of the points I have made in this response can be summed up by what I term the “implementation gap” in my Future Generations Report – the frequent gap between the aspiration set out by Welsh Government in policy and legislation and their commitment to delivery on the ground. While new policies and legislation show promise (including this Bill), Government often have an overly optimistic view of what it takes to implement these. As well as resourcing the introduction of legislation, policy and guidance, Welsh Government need to fund their implementation, including delivery capability, awareness raising, training and robust monitoring.

As with implementation of the Well-being of Future Generations Act, the RIA underestimates the resourcing required for cultural change. It is my experience as Future Generations Commissioner that some deliverers underestimate the change through legislation and policy. They feel they are already delivering the change required and, therefore, do not allocate sufficient resources, leadership and change management to match the true aspiration of what’s been asked for.

As with the Act, the RIA describes this theory in relation to the Bill for school leaders (8.228): “...attitude of school leaders towards the new curriculum in terms of the extent to which they perceived it as an additional requirement. At one end of the spectrum, one school treated everything to do with the new curriculum as additional; that is to say new, different, and on top of any existing requirements and practices. At the other end of the spectrum, another school treated the new curriculum almost entirely as business as usual. The view of the head teacher was that delivering a curriculum that provides appropriate learning, experience and progression for all pupils, was the business of the school and the new curriculum simply required a change in emphasis in what the school was already doing. Other schools interviewed sat between these two ends of the spectrum.”

Applying my experience as Future Generations Commissioner to this, I would suggest that seeing the new curriculum and assessment arrangements as 'business as usual' will not provide Welsh Government with the change they envisage. Significant resources are needed aimed at behavioural and cultural change, as well as integrating resources from other parts of the Government budget to focus on, for example, digital infrastructure, mental health provision in schools and regenerating school buildings to enable pupils to learn in the best environments.

The RIA is currently lacking in some detail in order to fully comment on whether Government are allocating sufficient resources to the new Curriculum and Assessment Bill. I have also advocated undertaking cumulative impact RIAs to calculate the impact and costs of layers of legislation, policy and guidance produced by Government. These issues result gap between the aspirations of Welsh Government and reality, due to a lack of capacity and increased confusion for local deliverers.

Within my Future Generations Report, I have recommended that, "in seeking to close this implementation gap, Welsh Government should be applying the Act's ways of working in how they design, resource, deliver and evaluate the implementation of policy and legislation. They should be seeking to close the gap by analysing capacity, additional resources, training, central government support and permission for people to undertake transformational change." This should include continuing to truly involve a range of people with lived experiences, practical knowledge of delivery on the ground and integrating their aspirations with the well-being objectives of others.



## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Organisation: Welsh Language Commissioner. The principal aim of the Welsh Language Commissioner is to promote and facilitate the use of the Welsh language. One of the ways in which the Commissioner achieves this aim is by influencing policy, and it is in this capacity that the following response has been formulated.

### 1. The Bill's general principles

#### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Partly

#### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

We support the majority of the principles and objectives of the Curriculum and Assessment (Wales) Bill. We do, however, have significant concerns regarding the extent to which the Bill's legislative proposals are likely to realise the curriculum's vision of a significant increase in the number of pupils leaving the statutory education sector speaking both Welsh and English with confidence. This concern is founded upon two key issues with the Bill as it stands:

- It does not provide a strong basis for Welsh medium education, and it does not support the Government's policy ambition of expanding Welsh medium education across Wales.
- It fails to provide sufficiently strong statutory expectations and instruction that are required to instigate the far reaching reforms needed to the way the Welsh language is taught and used in English and bilingual schools – that is, in order to reflect the objectives and targets of the Governments Cymraeg 2050 strategy.

The Welsh Government's Welsh language strategy, *Cymraeg 2050*, is absolutely clear in terms of its vision that the education system in Wales will provide opportunities for all children to develop fluency in Welsh. The strategy states the need 'to increase substantially the number of learners in the statutory education sector who develop Welsh language skills, and ensure that each learner develops skills in Welsh to a standard which will enable them to use the language in their everyday lives.' (p.37)

The vision of the new curriculum also clearly states the aspiration for all children to develop bilingual skills (Welsh and English), regardless of the linguistic medium of the school they attend.

There is therefore no doubt that one of the core policy objectives of the new curriculum is to improve the language skills of pupils in Wales in both Welsh and English. This is of course one of the core assumptions underlying the trajectory to a million Welsh speakers. The Government intends to deliver this ambitious vision through two related strategies. Firstly, and in line with the unequivocal evidence regarding the success of immersion education in creating bilingual individuals, there are ambitious plans to significantly increase the number of pupils attending Welsh-medium education. Secondly, by introducing a new curriculum for Wales the intention is to reform the way in which Welsh is taught and used in English-medium and bilingual schools in order to significantly increase the number of pupils in these schools going on to become confident Welsh speakers. As the *Cymraeg 2050* strategy explains:

'The English-medium sector has an important contribution to make to our aim of developing Welsh speakers. To reach a million speakers, we need to transform how we teach Welsh to learners in all other schools, in order that at least half of those learners report by 2050 that they can speak Welsh by the time they leave school. We intend to develop a single continuum for the teaching of Welsh as a language, with an emphasis on learning Welsh predominantly as a means of communication, particularly oral communication. All schools in Wales will be required to introduce the language continuum to all learners over time, and embed the acquisition of Welsh language skills across the curriculum. Through this we aim to ensure that by 2050 at least 70 per cent of all learners develop their Welsh language skills and are able to use the language with confidence in all aspects of their lives by the time they leave school.'

Given this clear vision regarding the importance of immersion education and the need to reform the way in which the Welsh language is introduced in the English-medium sector, one would expect the Curriculum Bill to fully support these objectives. That is, by providing a strong basis for Welsh-medium education and by setting a robust legislative framework

in order to transform the way in which the Welsh language is taught and used in English-medium schools.

We do not believe that the Curriculum Bill supports the Government's policy objectives in relation to the Welsh language in the statutory education sector, and we cannot therefore support the Bill as it stands. As we explain in detail below, the Bill currently jeopardises the foundation and status of Welsh-medium education as it currently stands, and does not provide a robust framework for ensuring that arrangements for teaching Welsh in English-medium and bilingual schools will lead to raising standards in future. Both of these issues need to be addressed in a meaningful and comprehensive way. We are of the view that the Government needs to introduce three changes to the Bill:

1. Changes to clauses on the face of the Bill in relation to Welsh-medium and immersion education, including changes to the mandatory elements of the curriculum and the ability to disapply English as a mandatory element. (see response to question 2.1)
2. Include a requirement in the Bill for Welsh Ministers to introduce a code on the teaching of Welsh consistent with the intention to publish other relevant codes in part 1 of the Bill. The code would include further guidance and detail to ensure that Welsh language teaching arrangements across schools in Wales lead to raising pupils' Welsh language standards in line with curriculum objectives and the Government's Welsh language strategy. (see response to question 6.1)
3. School language categories in Wales need to be defined and placed in legislation. The curriculum white paper published in 2019 included a commitment to give ministers power through curriculum legislation to make regulations for this purpose. This work is central in terms of curriculum planning and arrangements for teaching Welsh across different schools. It is not clear to us why this commitment is not included in the draft Bill. (see response to question 5.1)

The points above highlights our general opinion that the Bill as it currently stands, fails to embody an important principle. That is, the principle that the Welsh language ought to be provided particular support in order to realise the government's vision that an increasing number of pupils will leave statutory education as confident Welsh and English speakers. We do not believe that the Bill currently reflects the policy objectives of the Welsh government in relation to the Welsh language in education.

This aspiration to ensure that more pupils in Wales receive the educational, social and personal benefits of bilingualism is commendable and just. Whilst bilingualism is the overarching objective, it does not necessarily follow that there is a need to treat the Welsh

and English languages equally in order to achieve this. In this context, it is vitally important to consider the social and linguistic context in Wales. It is not a level playing field between a majority language and a minority language in relation to the Welsh and English languages in Wales, and there are clear differences in the position of the two languages that justify differential treatment in terms of legislation. This general principle appears to be accepted at a general level (the existence of the Welsh Language (Wales) Measure 2011 is one obvious example of Welsh being made an official language in Wales. It makes no provision for English). It is not the principle here that the Welsh language should be favoured or prioritised at the expense of the English language, but rather that the Welsh language needs more intensive support in order to ensure full and effective equality in terms of outcome. The key issue here is whether there exists a rational and objective basis for such measures in the first place.

If one of the objectives of the curriculum is to ensure that as many individuals as possible leave the statutory education system using both Welsh and English with confidence, then the evidence strongly suggests that specific attention and support is needed for the Welsh language. As far as we are aware, there are no systemic problems or problems at a national level in terms of pupils' English language skills in Wales. Given of course that there is always a need to aim to improve the English language skills of pupils in Wales, there are no fundamental shortcomings in pupils' acquisition and confidence in English, including those attending Welsh-medium education. On the other hand, there is strong evidence that the vast majority of pupils in Wales do not develop sufficient skills in Welsh in order to be able to use the language in a meaningful way outside school.

The position of Welsh as a minority language together with the evidence of the failures of the education system in developing confident Welsh speakers in the past, offers a rational justification for providing the Welsh language particular support in the curriculum legislation. The aspiration to treat the two languages of Wales equally in curriculum legislation is understandable, but misleading, and will hinder the realisation of the Government's vision of increasing numbers of pupils who speak Welsh and English with confidence.

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

Yes. As we outline in our answer to question 1.2, we believe the legislation should include further provision and support for the Welsh language.

Firstly, the legislation should provide a strong foundation to Welsh medium education, and not undermine the Welsh language immersion education model. (see our more in 2.1 below)

Secondly, the legislation needs to include much stronger provisions in relation to the teaching of Welsh (specifically in English-medium schools) if the Government is to realise its ambition of transforming the linguistic outcomes of pupils in English medium and bilingual schools. The Government's vision in terms of abolishing 'Welsh as a second language' and introducing a single continuum for teaching Welsh, and the ambitious targets linked to such reforms in the Cymraeg 2050 strategy, requires far reaching and comprehensive changes to the way Welsh is taught and used in English medium and bilingual schools. It is unrealistic to believe such a transformation will happen on the basis of school and head teacher discretion. The legislation must support these ambitious policy objectives. (see our comments regarding the need for a code of practice for teaching Welsh in 6.1).

Lastly, there are clear benefits if the Bill could include provisions for forming regulations for the purpose of defining school language categories. Such provision was included in the Government's White Paper in 2019, alongside a clear recognition of the importance of such work 'for the purpose of curriculum planning and school organisation.' (p.38)

## **2. The Bill's implementation**

### **2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1**

*(we would be grateful if you could keep your answer to around 500 words)*

The main barrier is that including English as a mandatory element will undermine Welsh medium education.

We welcome the proposal to impose a statutory duty to teach Welsh as a compulsory element of the new curriculum. For the reasons set out below, we strongly oppose the duty on all schools and nursery settings to teach English as a compulsory element also. Including English as a mandatory element is at odds with the essence of Welsh-medium education, and undermines the Government's Welsh-medium education strategy.

Although there is a difference between teaching a language as a subject and the issue of school language medium, both are linked, particularly in the context of teaching a language in nursery settings and primary schools. Making English compulsory in nursery



settings and primary schools will necessarily mean using the language as a teaching medium for a significant part of the curriculum.

Although sections 26 and 27 of the Bill contain powers for head teachers and governing bodies to disapply English as a statutory element for pupils up to the age of 7, this does not deal with the fundamental problem of including English as a mandatory element for two main reasons.

Firstly, the legislation presents immersion and Welsh-medium education as a departure from the norm. The idea that head teachers and governing bodies will need to make a decision to disapply a compulsory element of the curriculum in order to continue to operate as they currently do, and to follow an educational model that is central to the Government's language strategy, is unacceptable from a principled and practical point of view. Welsh-medium schools, and immersion for pupils in the foundation phase, are an established system across Wales. It is unacceptable to force such schools to take additional steps to continue to operate as they currently do. It introduces additional and unnecessary bureaucratic requirements. The Government's plans assume that 40% of pupils will attend Welsh-medium schools by 2050, and it is unreasonable to expect such a large proportion of schools in Wales to disapply a mandatory element of the curriculum. The Government's vision of ensuring that more pupils develop bilingual skills, and the unequivocal evidence of the success of immersion education in this context, should again be emphasised here.

Secondly, head teachers and governing bodies of Welsh-medium schools will have discretion not to disapply English as a mandatory element. It is a reasonable concern that a number of Welsh medium schools will decide not to disapply English as a mandatory element (for example, in order to avoid the bureaucratic process which places additional demands on such schools, as outlined in section 26(5) of the Bill). This may lead to problems with regard to the Government's Welsh-medium education strategy, and the expectations on local authorities to expand Welsh-medium education through the WESPs. It is possible in some parts of Wales that this discretion over time will erode the Welsh-medium immersion education model and undermine the Government's vision for the Welsh language.

## **2.2 Do you think the Bill takes account of these potential barriers?**

*(we would be grateful if you could keep your answer to around 500 words)*

No. For the reasons outlined above, the current proposal in terms of disapplying English as a mandatory element is not acceptable in practice or in principle.

The current legislative proposals appear to be a solution to a problem that should not have arisen in the first place, and has led to an unnecessary legislative cul de sac. We believe that there are two options to resolve this issue:

1. Including the Welsh language, and not English as a mandatory element on the curriculum

Following the principles outlined in our answer to question 1.2. it is not necessarily the case that Welsh and English must be treated exactly the same. There are justifiable reasons for including Welsh as a mandatory element in the curriculum and such reasons do not exist in the case of English. This does not mean that English is not a key part of the curriculum but rather that there is no reason to provide particular support for it by including it as a mandatory element. This is accepted for other subjects and key areas for example mathematics and science. English is already a core part of the Languages, Literacy and Communication Area of Learning and Experience, as well as the progression steps for this AoLE and the emphasis on literacy as a mandatory cross-curricular skill. The reason for including the Welsh language as a mandatory element is the concern that schools across Wales will not pay enough attention to the Welsh language in order to develop pupils' bilingual skills. There is no corresponding concern that schools will not pay enough attention to English. Including Welsh as a mandatory element, and not English, would be consistent with the Government's vision of a significant increase in the number of pupils leaving the education system in Wales using both Welsh and English with confidence.

2. Include further clauses in the Bill (section 1[3]) that makes it explicitly clear that English will not be a mandatory element in 'Welsh medium nursery settings', and that English will not be mandatory in 'Welsh medium schools' until pupils are 7 years of age. It could also be clarified that Welsh and English would be mandatory from the outset for English medium and bilingual schools and nursery settings.

This second option would mean that the mandatory elements of the curriculum would vary in line with the linguistic category of the school or nursery setting, and therefore dependant on the educational preferences of parents and pupils.

Although it would be possible to follow the precedent set in the Education Act 2002, which includes a definition of Welsh language schools in the Bill, a preferred option would be to include such definitions in regulations. In terms of funded non-maintained nursery education settings, it will be the responsibility of Ministers to publish a suitable curriculum, and it is therefore likely that the curriculum specification and documentation could provide

further guidance on what constitutes a 'Welsh medium setting' and the differing expectations in terms of language medium and teaching.

### **3. Unintended consequences**

#### **3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1**

*(we would be grateful if you could keep your answer to around 500 words)*

As we have stated in our response to question 1.2. we think that two outcomes are likely to emerge from the Bill as it stands.

Firstly, making English a mandatory element of the curriculum will undermine Welsh-medium education, and go against the Government's own Welsh language strategy.

Secondly, we believe that the lack of legislative provisions in terms of how Welsh should be taught and used in the new curriculum will undermine one of the core objectives of the curriculum – to significantly increase the number of learners who leave English-medium schools able to speak Welsh confidently. We believe that this will have serious implications in terms of achieving the objectives and targets of the Welsh Government's Cymraeg 2050 strategy.

### **4. Financial implications**

#### **4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1**

*(we would be grateful if you could keep your answer to around 500 words)*

Substantial investment will be required in terms of the workforce and resources, especially for English medium and bilingual schools if they are to expand Welsh provision and work towards achieving the objectives of the curriculum.

## 5. Powers to make subordinate legislation

**5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.**

*(we would be grateful if you could keep your answer to around 500 words)*

Further powers are required in the Bill that will allow ministers to introduce regulations for the purpose of providing school language categories a statutory basis.

When the Welsh Government published its white paper outlining the proposals for a new legislative framework for the new curriculum in January 2019, there was a commitment to providing Welsh Ministers with a power 'that will allow them to prescribe the definitions for school language categories by way of subordinate legislation' (p.35). Since the start of the development of the new curriculum, the Government has stated that different expectations will be placed on schools in different linguistic categories. For example, an integrated impact assessment published alongside the white paper stated:

'Clear expectations along one continuum of learning for Welsh will be set out in the form of different Achievement Outcomes for pupils learning Welsh in English-medium and Welsh-medium schools. The Achievement Outcomes will set out the differentiated outcomes that different linguistic categories of schools will be expected to reach, and they will be updated as schools improve over a period of time.' (p.42 and 43)

The white paper expanded on this:

'In order to set out which Achievement Outcomes will apply to different schools during the transition period, the legislation will include a Regulation making power for the Welsh Ministers that will allow them to prescribe the definitions for those school language categories. These definitions will be used for the purpose of curriculum planning and school organisation.' (p.38)

There are clear advantages of including such provision within the curriculum legislation:

-it provides as a crucial tool for curriculum design and school organisation in terms of the Welsh language

- it is one option in terms of dealing with the problem regarding English as a mandatory element in Welsh medium schools. That is, the Bill could make reference to 'Welsh medium schools' for the purpose of excluding such schools from having to include English as a

mandatory element before the age of 7, and the detailed definitions of the language categories themselves could be set out in regulation

- it would facilitate the process of creating a code of practice for the teaching of Welsh, that would provide further instruction and guidance regarding the different expectations placed on schools in different language categories.
- the curriculum guidance explicitly refers to Welsh and English medium 'settings, locations and streams' for the purpose of identifying which description of learning are most appropriate for such schools. Nonetheless, there exists no clarification or definition of such categories.
- it is vital in terms of education language planning. This work is crucial in the context of the Welsh in Education Strategic Plans of local authorities, which are a central aspect of the Government's Cymraeg 2050 strategy.
- it is important in terms of providing clear definitions of the linguistic nature of different schools in Wales, and by doing so provide clarity to parents and pupils regarding the likely linguistic outcomes for learners.

## 6. Other considerations

### 6.1 Do you have any other points you wish to raise about this Bill?

*(we would be grateful if you could keep your answer to around 1000 words)*

**\*\*A code of practice for teaching Welsh along one language continuum. (this would sit alongside the existing codes included in Part 1 of the Bill)**

The Welsh Government's Cymraeg 2050 strategy sets a huge challenge in the context of the contribution of the English-medium sector to the aim of increasing the number of Welsh speakers. Achieving the strategy's targets for the English-medium sector will mean transforming the current situation where very few pupils in the English-medium education system become confident Welsh speakers in the long term. Making Welsh a compulsory part of the curriculum is not sufficient to achieve this. The Government needs to provide more robust support and guidance, as well as setting further legislative requirements for ensuring that, over time, schools change the way in which the Welsh language is taught and used.

Although the Government has an ambitious vision to replace Welsh second language with a single linguistic continuum, it is not clear at this stage how this will lead, over time, to transforming the linguistic outcomes of pupils in the English-medium sector. Removing the term 'second language', and developing a single continuum for describing and assessing pupils' linguistic skills, does not amount to explaining in detail what will have to change in the arrangements for teaching and using Welsh in order to raise pupils' standards.

The new curriculum guidance states that different expectations will be placed on pupils in Welsh-medium schools compared to pupils in bilingual and English-medium schools. Despite the discussion about a 'linguistic continuum' and the commitment to 'abolish Welsh second language', it appears that the new system will, in the short term at least, continue to set differing expectations based on schools' language medium (which is what happens currently).

We accept that the above situation is inevitable to some extent in the short term. The key point is that the Government's policy objective is that the new curriculum and linguistic continuum will be a platform for stimulating more gradual, substantial and long-term reforms to the way in which Welsh is taught in English-medium schools. The Explanatory Memorandum (point 3.137, p.37) states that 'one of the key transformational changes that will be required within the statutory education sector in order to achieve the vision is to transform how we teach Welsh to all learners in order that by 2050 at least 70 per cent of those learners report that they can speak Welsh by the time they leave school.' The integrated impact assessment published alongside the Bill also states that descriptions of learning for Welsh in English medium settings, schools and streams 'will be reviewed periodically with the intention in the long term of removing this scaffold and having all schools use the same Descriptions of Learning for Welsh in order to realise the ambition of 1 million Welsh speakers by 2050.' (p.14)

If so, what fundamental changes will be needed exactly, how will they be introduced, and how will the Government ensure that schools operate in line with the vision? Neither the curriculum guidance nor associated legislation provides any guidance or detail on these key issues.

Whilst the Government harbours an ambitious and far-reaching vision, there are no policy and legislative commitments that match these objectives and neither does the Curriculum Bill, as it stands, reflect them. Apart from the descriptions of learning included in the curriculum guidance, there are no details regarding the expectations that will be placed on schools in different linguistic categories. There are no details or guidance on how and where these expectations and delivery outcomes sit on a Welsh language continuum, nor

on how exactly these expectations will be revised to 'gradually increase the challenge'. There is also no guidance or support for schools and head teachers in terms of the fundamental changes that will be needed to be able to raise standards and to move pupils along a linguistic continuum.

Without setting out stronger guidance in the legislation, the concern is that the success of the new curriculum in terms of the Welsh language will be largely dependent on the discretion and goodwill of schools themselves, as well as the education strategies of local authorities. This type of strategy has not worked in Wales in the past.

The significant changes needed to achieve the Government's policy objectives with regard to the Welsh language justify the need for a code on Welsh language teaching. We suggest that the code of practice should provide further guidance on the following key issues:

- Clear and detailed expectations and achievement outcomes for schools in different linguistic categories: Head teachers and governing bodies currently have complete discretion as to how they will teach Welsh and what outcomes and progression steps are most relevant to their learners. The different expectations on different schools need to be set out in a code of practice, in relation to the most appropriate progression steps and achievement outcomes.
- Set these differentiated expectations on one Welsh language continuum framework indicating when and at what pace it is expected that these expectations will be revised: a legislative mechanism is required to provide clarity on the expected scale of progress in terms of these expectations, and a framework that maps out the process of working towards the Cymraeg 2050 targets.
- Guidance and support for schools in developing the Welsh language curriculum: guidance should be provided to head teachers in relation to the content and nature of a curriculum that is likely to meet the expectations placed on different schools in terms of the Welsh language. This may include practical examples of how the teaching of Welsh would vary from one setting to another, and how schools should improve their provision over time.
- Guidance and support for the use of Welsh across the curriculum: further guidance is needed in terms of how and to what extent schools should increase opportunities for pupils in English-medium and bilingual schools to use Welsh throughout the curriculum, as well as in activities outside the classroom.





# Agenda Item 3

CAW53 Brook / Brook Cymru

## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Organisation: Brook / Brook Cymru

### 1. The Bill's general principles

#### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Yes

#### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

Brook is a young people's sexual health and wellbeing charity with nearly 60 years experience of providing sexual health services to young people; and several decades of delivering relationships and sex education in schools, and training for professionals in England, Scotland, Northern Ireland and more recently in Wales.

Brook is responding to this consultation specifically on issues relating to Relationships and Sexuality Education (RSE).

RSE is a topic which teachers often report feeling ill-equipped, unskilled and unsupported to teach to a high quality. As a consequence the quantity and quality of education young people receive is often as arbitrary as the school they go to or even the class they are in. Evidence from around the world, comprehensively addressed in the UNESCO technical guidelines show the benefits of consistent, universal and good quality RSE; and the need for it to meet certain key requirements to be effective. The new curriculum provides a useful framework through which to embed RSE within school curricula and the fact that it is a mandatory topic is important to ensure universal delivery so that it can benefit all children and young people in Wales.

We recognise the value of the structure and organisation of the Curriculum for Wales. However, there needs to be a balance between the scope of schools to develop their own curricula and the need for clarity particularly in the subject of RSE. We are concerned that for teachers and schools to build and deliver their own RSE curriculum effectively they will need a clear sense of essential content that must be provided to all students. We hope that there will be a high level of specificity in the code with required knowledge and skills set out in relation to each of the eight themes in the guidance, ensuring that all children can realise their right to full understanding and knowledge of things that will affect their lives (UNCRC).

Appendix 2 of the Curriculum Guidance for Wales outlines the topics to be included within RSE, yet we feel it is vague/generic in detail and there are important topics missing in the guidance. We believe the following topics need to be included, and whilst our suggestions could fit into other categories, we feel it is important that more detail needs to be included within the Curriculum to ensure a clear, full and robust RSE is provided for all young people when developmentally appropriate and timely.

#### Rights and equity

This section should also include:

- Linked learning on the protected characteristics including ethnicity, religion and age.
- The need for young people to understand their own rights to knowledge, information, safety, privacy and to confidential advice and support.
- The need for children and young people to understand the right to their own body and to give or withhold consent for others to touch them.

#### Relationships

This section should also include:

- Information on the key characteristics of healthy relationships and how to recognise unhealthy relationships.
- The benefits, opportunities and risks of online engagement through social media and gaming.
- The legal and emotional risks of sharing naked images (Youth Produced Sexual Imagery).

- How to build supportive communities online and offline and how to develop good bystander behaviour when you recognise your peers are at risk of harm.
- How to recognise and report bullying and strategies to support friends in this situation.

### Bodies and body image

This section should also include:

- How to look after your body.
- Personal hygiene.
- Exercise and healthy eating and how these can improve how you feel about yourself.

### Sexual Health and well-being

This section should also include detailed learning on specific areas of sexual health including:

- Body changes at puberty.
- Menstrual health.
- The reproductive life course and an understanding of the fertility cycle.
- Pregnancy, pregnancy prevention, contraception, pregnancy choices, including abortion and parenting.
- Safer sex and STIs.
- Pleasure

Young people in secondary school also need to know:

- Where to access accurate information online about sexual health issues.
- Who they can talk to.
- That they have the right to confidential support and advice.
- The scope and limitation of confidentiality.

- Where local services are and what they can provide.

## Sex and the law

This section should also include:

- What does consent mean.
- What is the age of consent.
- What can facilitate or prevent consent being freely given.
- Pornography.

While schools and teachers know a lot about their students' interests and ability it is important that curriculum design is not based on assumptions, or limited by teacher's reticence to address complex issues. The guidance and code must support schools to identify reliable sources of evidence to draw on in order to design and deliver a developmental curriculum which builds, year on year on skills and learning; is appropriate to the developmental stage of the children; and is relevant and timely; ensuring children have the information and skills that they need in advance of experiencing key milestones in their development – for example:

- knowing what to expect before experiencing the physical and emotional changes associated with puberty.
- knowing about the human reproductive cycle, fertility and contraception in advance of becoming sexually active.

Clarification is needed over how teachers will access information and learning on this, and whether specific topics, and a pathway through them at different ages will be in the RSE code and what the process will be for developing that code, and with what input from:

- Children and young people.
- Organisations that are expert in specific areas relevant to RSE (e.g. LGBT+ issues, safeguarding issues, sexual and reproductive health issues, online safety, VAWG).
- Organisations with expertise and experience of developing curricula, lessons and of delivering RSE.

The code/conduct should be co-created with all the above agencies, but schools should be encouraged to ensure that their own curricula is co-created, bringing in all members of the school community and the health/social care/youth work communities beyond the school gates to ensure the curriculum is fit for purpose and addressing the real life issues children and young people are dealing with.

Links should be provided to existing good quality guidance, toolkits, language glossaries, and curricula so that schools are benefiting from work already done and not reinventing the wheel, and to encourage a consistency of approach within and between schools.

As well as the broad values that underpin the Curriculum for Wales specific principles must be applied to RSE including, for example the need to use accurate anatomical language; the need to always point towards reliable evidence-based sources of information; the need to support learners to distinguish between matters of opinion and matters of verifiable fact; the need to ensure input from external sources and visitors will do the same.

While some schools will have an existing curriculum that can be adapted and teachers with the skills and knowledge to deliver RSE, others will be starting from a much lower level.

Teachers will need training both in appropriate pedagogy, in the basic knowledge, and in the design and delivery of developmental curriculum. RSE can generate a wide range of views and values within the classroom, keeping the classroom safe for all learners is essential. When dealing with issues to do with relationships safeguarding issues can arise that need sensitive management.

It is essential that schools have a lead teacher who can attend comprehensive training, spend time designing the curriculum, selecting appropriate resources and cascading their learning to the team of teachers who will deliver the lessons; and that all teachers delivering RSE are supported to undertake their own training and directed to expert training providers.

There is nothing within the legislation to address the need for training, nor for a lead teacher.

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

The experience from all parts of the UK is that when RSE is not a statutory topic many young people miss out altogether or have a very inadequate experience of RSE. Mandating RSE within the curriculum is necessary.

However, it is not sufficient in itself to ensure good quality, universal delivery. A comprehensive code which sets out all the elements and topics to be included, a developmental pathway through the topics, and provision for teacher training (as noted in the above question) are fundamental to ensuring all young people realise their entitlement to this essential subject.

## **2. The Bill's implementation**

### **2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1**

*(we would be grateful if you could keep your answer to around 500 words)*

Schools and teachers are under extreme pressure not just to deliver a comprehensive curriculum, but with all the pastoral and organisational aspects of school life. Without sufficient ring-fenced off timetable time for teachers to understand and develop appropriate curricula, training in areas they are unfamiliar or unconfident in it is likely that some aspects of the curriculum will not get the priority and attention they need. The experience from across the UK is that RSE is often one of those topics.

Teachers need time, resource and training to deliver RSE well, and without that implementation will remain patchy and quality inconsistent.

In some schools there may be resistance to RSE from teachers or other members of the school community. Many myths circulate about the content of RSE, which can create a great deal of anxiety. Clarity about the purpose, benefits and protective outcomes of RSE; and of the timing and content of what will be taught must be clearly communicated to school communities, school leadership and teachers to engage and enthuse everybody about positive reason for making RSE a mandatory subject.

### **2.2 Do you think the Bill takes account of these potential barriers?**

*(we would be grateful if you could keep your answer to around 500 words)*

We do not think the barriers identified above are explicitly dealt with in the legislation.

A recognition of the importance of training and a commitment to funding it is vital.

Other elements of the potential barriers to implementation, around resistance to RSE must be addressed through guidance including guidance on consulting with parents, and working with the wider community.

### 3. Unintended consequences

#### 3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

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### 4. Financial implications

#### 4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

There is a cost to implementing a quality RSE curriculum. Each element of it has a cost implication:

- Training for a lead teacher and potentially team of teachers in every school in: appropriate pedagogy, subject knowledge, classroom strategies, appropriate resources and exercises, useful assessment tools.
- Off-timetable time (teaching cover costs where necessary) for teachers to attend training, cascade training to colleagues, read and understand the guidance, develop the curriculum, select classroom resources, liaise without outside agencies.
- The direct cost of inviting in outside agencies from expert organisations to supplement the curriculum with specialist knowledge.
- The cost of translating existing RSE materials into welsh.
- The cost of purchasing teaching resources.

- Time to plan and deliver consultations with students, staff, parents to ensure whole school engagement with the curriculum.

## 5. Powers to make subordinate legislation

**5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.**

*(we would be grateful if you could keep your answer to around 500 words)*

RSE has been made a mandatory requirement in the new Curriculum for Wales in response to evidence of need amongst children and young people in Wales, and evidence from around the world of benefit to young people's physical, emotional and sexual health, their safety and wellbeing, of delivering a comprehensive RSE curriculum.

However RSE remains contested in some quarters and there is a concern that subsequent governments could use the subordinate legislation to reduce the impact of the topic through a watered down code and guidance, or even to remove the statutory status of RSE.

## 6. Other considerations

**6.1 Do you have any other points you wish to raise about this Bill?**

*(we would be grateful if you could keep your answer to around 1000 words)*

### 1. Disabled Children and Young People

There needs to be specific emphasis on the rights of disabled young people and those with Additional Learner Needs to have good quality RSE. While these children and young people are at higher risk of abuse, they are often deprived of the education that could help them recognise and report abuse that is taking place. It is also vital that their education is based in the understanding that they have the full rights to relationships that are safe, happy and enjoyable and will experience the same emotional and physical changes as their



peers during puberty and adolescence and may need tailored education and support to manage those experiences and to thrive.

## 2. Do not reinvent the wheel

Every context is different and it is vital that schools and communities feel ownership of their RSE curriculum. This will be most likely if children and young people, teachers and school leadership, local sexual health experts, youth workers, social workers all have input into the curriculum. However, much good work has already taken place in schools in Wales, in other parts of the UK, and further afield. Schools should not feel that they are starting with a blank slate and should be encouraged to draw on existing practices and resources. Any structures or fora that encourage teachers to share good practice will accelerate the pace of change.



## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Professor EJ Renold

Professor of Childhood Studies, -

### 1. The Bill's general principles

#### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Yes

#### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

Support for RSE in the bill:

Children learn about sexuality and relationships long before they start school. As soon as they enter the social world they will be interacting with complex and often contradictory messages about gender, sexuality and relationships from, for example: advertising, books, music, social media and television and from family members, peers and communities. This knowledge, often termed as the 'hidden curriculum' can include misconceptions and misinformation.

RSE plays a vital role in working with children, young people, parents/carers and communities to create a safe environment to explore the information and values about sexualities and relationships that children and young people are already exposed to and often struggling to navigate. By building upon children and young people's own formal and informal learning and experience, offline and online, schools can become key sites for learning from and responding to children and young people's questions and needs (e.g. from sexism to sexual consent) and key sites for prevention, protection and change.

It is 10 years since Sex and Relationships Education (SRE) has been reviewed or updated. As a leading international academic in the field of RSE for over 20 years, and as chair of the 2017 SRE expert panel, I very much welcome and support Welsh Government's sustained commitment to introducing mandatory RSE within the new curriculum for all learners. Indeed, findings from the expert panel (Renold and McGeeney 2017a) concluded that: current law and guidance on SRE is outdated; current provision of SRE in all schools is limited; not enough attention is given to rights, equalities, emotions and relationships; there is a gap between children and young people's lived experiences and the content of SRE; and SRE as a basic curriculum area with non-statutory status is often poorly resourced and given low priority in schools, leading to uneven and unequal provision.

The new RSE as outlined in the Curriculum Guidance for Wales (2020, p.38-40) will represent a major overhaul from current practice. It will enable learners to engage with a broader curriculum and will enable teachers to co-produce a relevant, experience-near, responsive and responsible RSE that can encompass all six areas of learning and experience from the humanities and expressive arts to sciences and technology.

Underpinned by the core principles of rights, equity, inclusivity, protection and empowerment makes for a very promising future for RSE in Wales and takes forward some of the best practice already underway in primary, secondary and special schools in Wales, and internationally (see Renold and McGeeney 2017b).

As the guidance states, the new RSE "aims to gradually empower learners to build the knowledge, skills and ethical values for understanding how relationships, sex, gender and sexuality shape their own and other people's lives. It will seek to support learners' rights to enjoy equitable, safe, healthy and fulfilling relationships throughout their lives. This includes the ability to recognise, understand and speak out about discrimination and violence and know how and where to seek support, advice and factual information on a range of RSE issues".

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

Support for statutory RSE:

There is an increasingly urgent need for statutory legislation to set out a clear legal and policy framework for delivering the contents of the Bill. I fully support the principles of the Bill relating to RSE and its intention to “improve the profile, quality and consistency” of the subject (Section 3.50) in terms of both content and delivery. As the expert panel cautioned, “without this legislative change SRE will remain a low priority for schools, be narrowly conceived, and children and young people’s rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure” (Renold and McGeeney, 2017a p.10).

Background: The current law and guidance on Sex and Relationships Education is outdated. Currently the only mandatory requirement relates to ‘Sex Education’ as outlined in Section 579 (1) of the Education Act 1996 and gives a definition of ‘sex education’ as including learning about:

- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
- (b) any other sexually transmitted disease.

While SRE in Wales, since devolution, has continued to embed policy and guidance in a social justice model of rights, equity and well-being and the 2010 guidance for schools on Sex and Relationships Education, emphasises children’s rights to access comprehensive SRE enabling children and young people to develop the knowledge, skills and understanding to make informed choices that support positive life experiences; including sexual well-being and healthy relationships – this guidance is non-statutory. Consequently this has led to wide variation in the quantity and quality of SRE that children and young people receive. Effective RSE too often rests on the interests and enthusiasm of individual teachers or school leaders with SRE/PSE responsibilities (Renold and McGeeney 2017a).

The SRE expert panel recommended “that Sexuality and Relationship Education is statutory within the new curriculum for all schools, from Foundation Phase to compulsory school leaving age (3-16)” (Renold and McGeeney 2017, p. 10). This recommendation was informed by current international SRE research on the consequences of non- statutory SRE (Renold and McGeeney 2017), the UNCRC (2016, Section 65b) and ENOC (2017) statements that children and young people have the right to meaningful, high quality, comprehensive and inclusive SRE, and Objective 2 in the Welsh Government’s National Strategy on Violence against Women, Domestic Abuse and Sexual Violence (2016-2021)

However, as the SRE expert panel report also stated, “making SRE statutory is only the beginning of the process to ensure that every child in Wales receives high quality, rights and equity based, inclusive, holistic SRE. It is a starting point from which to develop

comprehensive statutory guidance that embeds the core principles set out in this report and to develop and deliver professional training to ensure that schools are equipped to deliver and forge the partnerships necessary for high quality RSE provision” (Renold and McGeeney 2017, p.10)

## **2. The Bill’s implementation**

### **2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1**

*(we would be grateful if you could keep your answer to around 500 words)*

There are barriers regarding ways in which the Bill and the Explanatory Memorandum (EM) lack clarity and detail on:

- 1) how the ‘core learning’ as defined by the RSE Code (Section 3.68) is the same or different from the ‘areas of learning’ in the statutory Guidance and a lack of clarity on the relationship between the code and the guidance (see 5.1 for further detail)
- 2) how the RSE Code and statutory Guidance is being co-constructed, specifically regarding children and young people’s involvement, and the involvement of RSE organisations and school-based RSE educators with specific expertise in RSE. (see 2.2 for further detail)
- 3) the commitment to both developing and funding professional learning and resources for Welsh RSE providers (see 2.3 for further detail)

### **2.2 Do you think the Bill takes account of these potential barriers?**

*(we would be grateful if you could keep your answer to around 500 words)*

2 There is a lack of detail regarding how the RSE Code and statutory Guidance are being co-constructed, specifically regarding children and young people’s involvement, and the involvement of RSE organisations and school-based RSE educators with specific expertise in RSE

There is very little detail as to how exactly children and young people will be meaningfully consulted and involved in co-constructing the RSE Code and Guidance (Article 12, UNCRC) despite the significant number of teachers in pioneer schools who have been co-constructing the proposed new RSE curriculum (both in terms of content and pedagogy) with children and young people (e.g. see the findings from the bespoke professional learning programme (PLP) pioneered by central south consortia with 23 primary, secondary and special schools. For an overview of the PLP, see [www.agendaonline.co.uk/crush/](http://www.agendaonline.co.uk/crush/)). For further details, see the submission by Max Ashton (Phd student, Cardiff University).

Finally, there is also a lack of detail on how those with RSE expertise in curriculum design and implementation are involved in the process of co-construction regarding the statutory Code and Guidance. The current RSE working group for example has no academics as members, despite significant research expertise in either RSE specialist topics, and to a lesser extent RSE pedagogy and curriculum design.

Recommendation: that an engagement process is developed that enables schools who have already been co-constructing the proposed new RSE curriculum to share their expertise and experience.

Recommendation: that children and young people are meaningfully involved in the process of co-constructing both the Code and the Guidance, using creative and participatory methods that have already been successfully trialled by schools in Central South consortia.

Recommendation: that there is an explicit and meaningful role in the co-creation of the Code and Guidance for organisations and individuals with expertise in the different areas of learning and more widely in terms of RSE pedagogy, including those with experience of creating and delivering high quality RSE content and resources.

### **3. Unintended consequences**

#### **3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1**

(we would be grateful if you could keep your answer to around 500 words)

In Successful Futures, Donaldson (2015, p.14) outlines 10 principles for curriculum design. The curriculum should, he states, be "authentic, evidence-based, responsive, inclusive,

ambitious, empowering, unified, engaging, based on subsidiarity and manageable". All of these features are embedded in the eight guiding principles for high quality RSE - principles that were first established by the panel and further co-constructed with teachers in the pioneer schools: rights and equity; inclusive; holistic; empowering; relevant and developmentally appropriate; creative; co-produced; protective and preventative.

These principles, when practiced, have the potential to support the creation of a safe and empowering learning environment for what the SRE panel called a "living curriculum". A Living RSE Curriculum is a relevant, responsive and responsible curriculum that recognises, connects to and builds upon children and young people's own learning and experience.

As we outlined in our recommendations report (Renold and McGeeney 2017), high quality RSE is associated with a range of positive and protective outcomes for children, young people and their communities and can:

- help reduce homophobic, biphobic and transphobic (HBT) bullying and increase safety and wellbeing for LGBTQ+ children and young people;
- help young people make informed decisions about sexual intimacy and reproductive health;
- help challenge gender and sexual stereotypes, and advance awareness of sex, gender and sexual equality and equity; and VAWDASV
- help increase children and young people's understanding of safe, consensual, equitable and positive relationships.

However, without a clear commitment to improving and resourcing professional learning and resources, and without a clear strategy and co-ordination of this process (as outlined by the expert panel, p.20) high quality provision continue to rely upon the interests and enthusiasm of individual teachers or school leaders with RSE responsibilities. The consequences will be detrimental to both RSE educators and safeguarding and supporting the health and well-being of children and young people.



## 4. Financial implications

### 4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

*(we would be grateful if you could keep your answer to around 500 words)*

3) Lack of detail on the commitment to both developing and funding professional learning and resources for Welsh RSE providers.

While the Bill's acknowledgement that "professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching" is very welcome, there is no detailed commitment to improving or resourcing the professional learning for in-service teachers and initial teacher training and resources for Welsh RSE providers. There is also no commitment, as set out by the expert panel, that each school and local authority must have a trained RSE lead – vital to co-ordinate a cross-curricular whole school approach.

High quality school-based RSE depends upon having a well-trained and confident workforce. However, most RSE teachers have had no specialist RSE training and most teachers report feeling ill-equipped when providing RSE; which is anxiety provoking for teachers and students (see also the submission from Max Ashton).

Without specialist training schools may either avoid covering perceived sensitive or challenging topics altogether or deliver RSE in a way that fails to offer developmentally appropriate pedagogy and adequately safeguard children and young people.

Give that a high quality RSE curriculum is embedded in a whole-school approach, professional learning will not just include teachers in schools, but will include teaching assistants, school support staff, school governors, health professionals such as school nurses and sexual health specialists, workers from specialist agencies such as those working in the VAWDASV, LGBTQ+ and Drugs and Alcohol sectors, youth and community workers, peer and near-peer educators and peer mentors and religious and spiritual leaders.

Despite Welsh Government's statement (Sections 8.296 – 8.300) that innovation schools have been unable to set out the numbers of staff who will require training in RSE, or how much training they will require, some excellent progress has been made by a number of pioneer schools and the 23 schools in central south consortia that have explicitly mapped out their RSE professional learning needs over the last two years. This learning and

experience could be more thoroughly utilised (for further detail, see Max Ashton's submission).

Recommendation: that the Welsh Government provide further detail on the professional learning required by individual schools, and how local authorities and the four educational consortia will co-ordinate to develop coherent and consistent all Wales provision.

Recommendation: that the Welsh Government honour their commitment to set-up a research-practice-training network for the development of bespoke and evidenced-based professional learning and high quality resources.

Recommendation: that the Welsh Government provide ring-fenced funding for each consortia to co-ordinate RSE professional learning for teachers (including bespoke SEND RSE professional learning and resources) and ring-fenced funding for external RSE service providers

## 5. Powers to make subordinate legislation

**5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.**

*(we would be grateful if you could keep your answer to around 500 words)*

1) Insufficient detail on how the 'core learning' as defined by the RSE Code (Section 3.68) is the same or different from the 'areas of learning' in the statutory Guidance and a lack of clarity on the relationship between the code and the guidance.

The expert panel's recommendations on what constitutes high quality RSE was accepted by the Minister for Education, and then developed and consolidated by teachers in the pioneer schools during 2017-2019. While the Bill directly states that the 'core learning' in the new 'RSE Code' is designed to be 'explicit' (Section 3.72), there is no further information on what the Code will contain beyond the six thematic headings (Rights and Equity, Relationships, Sex, Gender and Sexuality, Bodies and Body Image, Sexual Health and Well-being and Violence, Support and Safety).

While these six thematic headings, and their accompanying summaries in the Curriculum for Wales Guidance (see page 39-40) are a vital foundational starting point, they are too broad and will inevitably lead to high levels of inconsistency and unequal provision.

It is unclear as to whether the code will separate out 'content' from the 'embedding principles' as outlined in the Curriculum for Wales Guidance (page 39-40). These embedding principles are the foundation for the provision of high quality RSE. They will, crucially, shape how teachers and schools develop their curriculum (i.e. make a responsive and responsible 'living' curriculum in ways that meet learner's needs across these thematic areas). As the SRE expert panel report has outlined in full, how we deliver RSE is as important as what we deliver (Renold and McGeeney 2017b).

it is also unclear in the Bill/EM how the RSE code relates to the Statutory Guidance. If the RSE code is embedded within the statutory guidance, then this would inform any recommendation on whether the expansion of the six 'core learning areas' are located in the statutory RSE code, or in the statutory RSE guidance.

Recommendation: that the RSE Code include the established 'embedding principles' as set out in the Curriculum for Wales Guidance. They have been successfully informing practice as they have evolved and are the bedrock of high quality RSE.

Recommendation: That the RSE Code and/or the Statutory Guidance include further detail on the content, with clear progression pathways that are flexible enough for schools to ensure they are providing a relevant, experience-near and thus 'developmentally appropriate' curriculum.

Recommendation: That there is a clear statement in the Bill on the relationship between the RSE Code and the statutory Guidance.

## **6. Other considerations**

### **6.1 Do you have any other points you wish to raise about this Bill?**

*(we would be grateful if you could keep your answer to around 1000 words)*

In December 2017, the Sex and Relationships Education (SRE) Expert Panel made 11 recommendations to ensure the future of high quality, inclusive and relevant Sex and Relationships Education in Wales. In May 2018 all the recommendations were accepted by

the Minister for Education, Kirsty Williams – a significant turning point for Relationships and Sexuality Education in Wales. The new vision for RSE in Wales is ambitious and progressive and strongly supported by many countries and organisations, including the United Nations. However, while implementation will take time and considerable planning, resourcing and collaborations, progress has been slow.

Sections 3.28 to 3.31 summarise the context and remit of the Expert Panel’s review of SRE in Wales back in 2017. For example, Section 4.16 of the EM states that these “recommendations have informed the approach to developing the relationships and sexuality education curriculum”. While it is clear that some of the recommendations have been taken on, no explanation has been provided for why other recommendations have yet to be implemented. They include: “Welsh Government to establish an RSE professional development pathway”; for “all schools should have a specialist trained RSE lead with access to resources and guidance”, that “each Local Authority, working with Consortia, should have a dedicated RSE lead to provide external support, co-ordinate CPD and ensure consistency and quality recognising that specialist external organisations of educationally trained providers, including FE and HE sector, can enhance RSE curriculum content and its implementation in a whole school approach”, and “Welsh Government to establish a RSE Hwb Zone to support high quality RSE in schools and to service a RSE research, practice and training network, aimed at facilitating provision of up to date research and training opportunities and creation of a Wales RSE community of practice”. As we set out in our report, “best practice in RSE is rarely achieved without collaborations with specialist educators, specialist services, researchers or other collaborators” (Renold and McGeeney 2017, p.19).

Recommendation: for Welsh Government to commit to implementing all the recommendations by the expert panel – either by way of the Code, or the Statutory Guidance – so that the vision for high quality RSE can be realised.

Publications that inform this submission:

Renold and McGeeney. 2017a. The Future of the Sex and Relationships Education Curriculum in Wales. Welsh Government. <https://orca.cf.ac.uk/107649/1/The-future-of-the-sex-and-relationships-education-curriculum-in-wales-en.pdf>

Renold and McGeeney. 2017b. Informing the Future of the Sex and Relationships Education Curriculum in Wales. Cardiff University. ISBN 978-1-908469-12-0. [https://www.cardiff.ac.uk/\\_data/assets/pdf\\_file/0016/1030606/informing-the-future-of-the-sex-and-relationships-education-curriculum-in-wales-web.pdf](https://www.cardiff.ac.uk/_data/assets/pdf_file/0016/1030606/informing-the-future-of-the-sex-and-relationships-education-curriculum-in-wales-web.pdf)

Renold, McGeeney and Ashton. 2020. CRUSH: Transforming Relationships and Sexuality Education. Cardiff: Cardiff University. <http://agendaonline.co.uk/crush/>

Renold, Ashton and McGeeney (forthcoming) What if? Becoming response-able with the making and mattering of new relationships and sexuality education curriculum, Professional Development in Education,

Renold and Marston. 2020. Research to reflect on: The power of creative methods for talking about sensitive issues with young people. National Education Union. <https://neu.org.uk/media/11726/view>

Welsh Government. 2020. Cross-cutting themes for designing your curriculum. Hwb. Available at: <https://hwb.gov.wales/curriculum-for-wales/designing-your-curriculum/cross-cutting-themes-for-designing-your-curriculum/>



## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Organisation: Stonewall Cymru

## 1. The Bill's general principles

### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Yes

### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

Stonewall Cymru welcomes the opportunity to feedback and make recommendations on the Curriculum and Assessment (Wales) Bill (henceforth referred to as "the Bill"). Both ourselves and LGBT people we have spoken to in Wales during our recent outreach activities suggest a sense of positivity with the proposed curriculum, particularly the commitments to a whole school approach to inclusivity and for making RSE (henceforth referred to as RSE) a mandatory part of the curriculum. The concerns and recommendations below are provided in order to aid the Government in producing a new curriculum that works for all young people across Wales.

The RSE Code and accompanying guidance

Whilst Stonewall Cymru welcome the Bill explicitly stating that the core learning in the new "RSE Code" will be "appropriate to learners' age, ability and aptitude" and will be "explicit ... in order to support and reassure teachers, parents/carers and learners that the curriculum will be appropriate," what this RSE Code encompasses of is unclear. Page 40 of the Curriculum for Wales Guidance provides useful "principles for embedding RSE in the curriculum" with a clear statement that "learning should be underpinned by a collective whole-school approach" to RSE. These principles are fundamental starting points to the

effective delivery of RSE in Wales. Stonewall Cymru believes that these core principles alongside the six thematic areas should form the core of the RSE Code. Neither should the RSE Code or guidance sit in silo. The existing principles are broad statements of intention and are not suitable to guide implementation alone. Relying on such broad statements will likely lead to a high degree of inconsistency in the implementation of RSE and lead to a children's unequal learning experiences which will undermine their rights. This lack of specificity is particularly worrying given the SRE Expert Panel Report explicitly stating the importance of empowering teachers on how to deliver RSE, not simply the content of what is delivered. Therefore, Stonewall Cymru would also like to see the RSE Code and statutory guidance supported by a comprehensive list of key concepts. This should include definitions around sexuality, gender, sex, LGBT inclusive terminology, gender identity, gender-based violence, neglect, domestic abuse, emotional abuse, physical abuse, and sexual abuse. These definitions should be derived from legislation, guidance and academic or reputable sources so all schools have a shared understanding of core concepts. We recommend utilising the key concepts glossary produced by the Sex and Relationships Education Expert Panel.

The further detail regarding the RSE Code provided in the Explanatory Memorandum accompanying the Bill. The six headings provided to be outlined in the code are useful in establishing the basic topic areas which will be included in the Code and it is welcome that these headings are "derived from the UNESCO technical guidance for sexuality education (point 3.70 of the Explanatory Memorandum). It is also welcome that the need for RSE that is developmentally appropriate will be made explicit for RSE (point 3.72 of the Explanatory Memorandum). However, it will be difficult for Senedd Members to agree to this when it is so unclear what the explicit elements of the RSE Code will be and what it will look like. Too much is left vague for these commitments to be meaningful.

To close on this point, Stonewall Cymru strongly believes that the inclusion of LGBT identities should be referenced explicitly within the RSE Code, not doing so will endanger and undermine the Welsh Government's commitment to implementing LGBT inclusive education in Wales.

The RSE Code should be developed with the input of experts in the field

The process outlined in the Bill for the development of an RSE Code (as outlined in section 3.68 of the Bill) should explicitly provide a commitment to the involvement of experts in the field of RSE in the creation of the code. The Bill requires Welsh Ministers to publishing an RSE code which will set out the core learning that is "suitable for pupils at different ages, and stages of their emotional and behavioural development". It is unclear the degree



to which Welsh Ministers have the ability to provide such complex and sensitive materials on RSE, especially in authoring a code which seeks to reassure parents and teachers alike. The development of these materials must be produced using expertise in this particular field, be evidence led as well as having a focus on the implementational impacts of the code on teaching practitioners. Only through consultation can the Welsh Government be assured that what is produced is fit-for-purpose.

The process of co-production of learning is unclear

The Curriculum for Wales stated that "Co-produced, offering learners, parents and carers the opportunity to discuss and engage with decisions about learning and teaching in RSE. Provision should also draw on specialist services and expertise, and engage with local communities". The means through which third party involvement with topics, particularly coming out of co-creation with learners is unclear. The Bill should make more explicit statements as to what successful co-creation looks like. This is particularly relevant for RSE, as a statutory element of the curriculum which could greatly benefit from the process of engagement with learners. An assessment of how pioneer schools have utilised co-creation in the area of RSE and embedding diversity across the curriculum would be beneficial to understand how the process of co-creation can be inserted into the legislation.

There is no commitment to providing RSE for post-16 learners

In the Bill text and the explanatory Memorandum, post-16 requirements for RSE are completely taken out. Whilst Curriculum requirements for Religion, Values and Ethics are maintained, the commitments to RSE are abandoned for those post-16. It is unclear why this is the case, that students in post-16 education cannot access RSE even if they explicitly request this. The Bill or Explanatory Memorandum should provide information on why this is the case and why RSE is considered unimportant for those post-16. Schools will need to consider whether there is a need to provide RSE to learners in sixth form in order to realise a whole-school culture of respect, inclusion and equality. This should be clarified in official RSE guidance.

More information is required on the vetting, availability and signposting to professional training materials

The Welsh Government should highlight how high-quality, professional resources are being collected to support professional learning for teaching practitioners. In previous communications with the Welsh Government it has been stated that the Hwb will be a resource-base for expert learning resources, which can be used to support professional learning. Stonewall Cymru acknowledge that providing teaching professionals with access

to accurate and high-quality resources is a vital to support the development of teaching and curriculum design. However, how this will be set up, managed, and reviewed to ensure the quality of resources published on the Hwb is unclear. The Welsh Government should provide clarity on how this process is developing and the role of the Hwb in supporting professional learning should be highlighted either in the Bill or the Explanatory Memorandum, to ensure that this commitment to utilising the platform is underpinned through legislative means.

Commitment to embedding diversity across the curriculum should be on the face of the Bill

In the curriculum for Wales guidance it is stated that one of the key considerations when designing and implementing a curriculum should be that the curriculum reflects “the diversity of perspectives, values and identities which share your locality” (p.21), embedding diversity across the curriculum is also identified as a cross-cutting theme to be implemented across curriculum design (p.38). The Curriculum guidance goes on to state that teaching professionals should also “tell and listen to the stories of different groups, including minority groups, and enable all learners to see themselves and their experiences represented in the topics, experiences and knowledge developed through the curriculum” (p.42). However, the importance on embedding diversity throughout all areas of learning in a curriculum, this commitment is not featured on the face of the Bill. Stonewall Cymru would argue that a meaningful commitment to reflecting diversity of Welsh society throughout curriculums across Wales should be on the face of the Bill to explicitly reinforce the importance of this. Having this commitment explicit in the Bill will further strengthen the intention to embed diversity and an inclusive curricula in all schools in Wales. That this commitment is only considered in the Curriculum design guidance rather than the legislative measures on the Bill seemingly downgrades this commitment to creating a truly inclusive education system. A legislative commitment to embedding diversity across the curriculum would be a powerful means to make this commitment both practically legislative and symbolically statutory.

Adopt the SRE Expert Panel Recommendations in Full

Stonewall Cymru believes that either by way of the RSE Code, or the Statutory Guidance; all recommendations made by the SRE Expert Panel should be fully implemented. This is in line with the Education Minister having previously accepted the recommendations in principle. Currently, the Bill fails to meet all the recommendations, such as a need for schools to have dedicated RSE Leads to develop on RSE curricula within their educational

settings. Such failings compromises the vision of successfully implementing high-quality and effective RSE for future generations.

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

Yes

## **2. The Bill's implementation**

### **2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1**

*(we would be grateful if you could keep your answer to around 500 words)*

A stronger commitment to professional learning is required

A prime concern when reading the Curriculum and Assessment (Wales) Bill is a lack of commitment from the Welsh Government to adequately funding and producing measures to aid the professional learning of teachers, in both producing Relationships and Sexuality Education (henceforth referred to as RSE) and embedding diversity throughout the curriculum. The Bill includes the admirable aim that under the new curriculum, all children in Wales will receive RSE (and RVE) that "will enable them to explore how laws and policies contribute to equity and human rights regarding sex, gender, sexuality, relationships and beliefs," achieved through "high quality, impartial teaching about different beliefs and the rights of others" (point 9.68 of the Bill). However, that the SRE Expert Panel Report explicitly stated how "high quality school-based SRE depends upon having a well-trained and confident workforce" (p.16), the importance of professional learning for practitioners is not to be underestimated. Without significant investment in teacher training, the teaching of inclusive, developmentally appropriate RSE, as well as embedding diversity and inclusion throughout the curriculum is unlikely to be successfully achieved.

The issue of ensuring adequate teacher training, specifically in the area of RSE has been highlighted throughout the process of designing the curriculum, as Estyn's 2017 review into healthy relationships education attested, few schools in Wales have "effective

arrangements to ensure that all staff who deliver healthy relationships education are knowledgeable and confident with the subject content" (p.19). Centralised, ring-fenced investment and coordination of teacher training is required in order to make the most of the opportunities the new curriculum provides, as without a centralised, comprehensive strategy on professional learning, the rollout of the curriculum will greatly vary across Wales. All children in Wales have the right to receive the new curriculum, with the mandatory elements of the curriculum delivered in a consistent manner. In order for teaching practitioners to deliver developmentally appropriate RSE, it is vital that they are confident and informed in order to have challenging discussions on potentially sensitive topics. The need for investment in teacher training is reinforced by the evidence submitted to the consultation by practitioners. Evidence submitted by Coleg Cambria suggests, there is a degree of concern amongst professionals that teacher training "could be costly". This is reinforced by the response submitted by Haverfordwest VC School, which highlighted the demands the new curriculum would place on teaching professionals, with associated financial implications to schools. That two educational establishments have highlighted the financial implications of implementing the new curriculum is concerning and a worrying sign.

Stonewall Cymru are thus concerned that there is a lack of commitment to ensuring adequate professional learning and development for the new curriculum, which is specifically required for the teaching of RSE, diversity and equality, which are areas of learning that are dependent on the confidence of teachers in the subject matter. Stonewall Cymru would recommend that a centralised plan for teacher training should be included on the face of the Bill, in a dedicated sub-section in Chapter 3 of the Bill (entitled "Curriculum Implementation").

More information required for positive engagement with parents and guardians

Stonewall Cymru are supportive of the decision to ensure that pupils have full access to the new curriculum, including the statutory elements of RSE. Stonewall Cymru are glad to see that this provision is referenced in the Bill and is thus legislative. However, the Welsh Government should clarify how schools should respond to requests from parents to withdraw learners from RSE in a way that encourages dialogue. Practical guidance should be given to schools on how they should respond to these requests in a way that promotes dialogue, engagement and enhances the young people's rights to input into their own education. Only through setting out how this dialogue can be best achieved can a Welsh Government ensure that these concerns are dealt with in a standardised manner.

## 2.2 Do you think the Bill takes account of these potential barriers?

*(we would be grateful if you could keep your answer to around 500 words)*

No

## 3. Unintended consequences

### 3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

*(we would be grateful if you could keep your answer to around 500 words)*

Unintended consequences are outlined in the response above.

## 4. Financial implications

### 4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

*(we would be grateful if you could keep your answer to around 500 words)*

Stonewall Cymru are concerned that there is a lack of commitment to providing funds to ensure adequate professional learning and development for the new curriculum, which is specifically required for the teaching of RSE, diversity and equality, which are areas of learning that are dependent on the confidence of teachers in the subject matter. Stonewall Cymru would recommend that provisions for investment and a centralised plan for teacher training should be included on the face of the Bill, in a dedicated sub-section in Chapter 3 of the Bill (entitled "Curriculum Implementation").

## 5. Powers to make subordinate legislation

### 5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

*(we would be grateful if you could keep your answer to around 500 words)*

## 6. Other considerations

### 6.1 Do you have any other points you wish to raise about this Bill?

*(we would be grateful if you could keep your answer to around 1000 words)*

The recommendations made in Stonewall Cymru's consultation response have been generated with the use of the following evidence and resources.

- Curriculum and Assessment (Wales) Bill, available online at:  
<https://senedd.wales/laid%20documents/pri-ld13294/pri-ld13294%20-e.pdf>
- The Future of the Sex and Relationships Education Curriculum in Wales, 2017, available online at: <https://gov.wales/sites/default/files/publications/2018-03/the-future-of-the-sex-and-relationships-education-curriculum-in-wales.pdf>
- Estyn, 2017, A review of healthy relationships education, available online at:  
<https://www.estyn.gov.wales/system/files/2020-07/A%2520review%2520of%2520healthy%2520relationships%2520education.pdf>
- Coleg Cambria, Consultation on the Curriculum and Assessment (Wales) Bill response, available online at:  
<https://business.senedd.wales/documents/s103839/CAW3%20Colege%20Cambria.pdf>
- Haverfordwest VC School, Consultation on the Curriculum and Assessment (Wales) Bill response, available online at:  
<https://business.senedd.wales/documents/s104060/CAW11%20Jane%20Harries%20Headteacher%20-%20Haverfordwest%20High%20VC%20School.pdf>
- Curriculum for Wales, available online at: <https://hwb.gov.wales/curriculum-for-wales/introduction/#a-vision-for-every-school%E2%80%99s-curriculum>
- Curriculum and Assessment (Wales) Bill, Explanatory Memorandum, available online at:  
<https://senedd.wales/laid%20documents/pri-ld13294-em-r/pri-ld13294-em-r-e.pdf>
- Curriculum for Wales Guidance, available online at:  
<https://hwb.gov.wales/storage/b44ad45b-ff78-430a-9423-36feb86aaf7e/curriculum-for-wales-guidance.pdf>



## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Organisation: NSPCC Cymru/Wales

## 1. The Bill's general principles

### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Yes

### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

NSPCC Cymru/Wales is pleased to support the principles of the Bill. We welcome the approach to curriculum reform, and the vision for all children fulfil the four purposes. NSPCC Cymru/Wales welcomes Welsh Government's bold approach to introducing mandatory RSE within the new curriculum for all learners age 3-16. We support the principles of the Bill in relation to RSE and the objective to 'improve the profile, quality and consistency'(1) of the subject. At the NSPCC, we believe that RSE and learning about healthy bodies, healthy relationships and a right to be treated, and to treat others, with dignity and respect is a core entitlement all children should receive. We believe it is best delivered as part of a whole school approach where it is embedded across the curriculum in wider school policies, ethos, behaviours and communications. The new compulsory RSE curriculum in Wales has the potential to ensure all children learn how to recognise abusive or controlling behaviour and know where to seek support. By embedding a safeguarding culture across school life and neighbourhoods, through a whole school approach, we have a real opportunity to alter what communities and peer groups see as normal behaviour, and rally everyone together to support and protect children from harm. This is crucial, as the most recent UK-wide prevalence study has shown that one in every five children has experienced severe maltreatment(2), with 15-17 year old girls reporting the highest rates



of sexual abuse(3). It is estimated that roughly a third of all child sexual abuse is perpetrated by peers(4) and the Office for National Statistics (ONS) crime figures affirm that women were nearly four times more likely to be a survivor of sexual assault in childhood than men(5). We are however concerned that there is no commitment to RSE for post-16 learners. This is concerning as it is not only a critical time for young people's learning and experience, but post-16 it is the most likely age (between 16-19) that young people experience abuse in their relationships(6). NSPCC Cymru/Wales would like to see this addressed and post-16 RSE be provided for learners.

One of the four purposes of the curriculum is for learners to grow as healthy, confident individuals who are able to build relationships based on mutual trust and respect, and know how to find information and support to keep safe and well. RSE is an essential vehicle for this to be realised and without access to mandatory RSE, it is unlikely that all learners will be able to secure the key characteristics of the four purposes. RSE needs to provide a platform for learners to develop the knowledge and skills to form, recognise and maintain a range of healthy relationships, as well as recognise unhealthy relationships. For this to happen, children need to understand that under the United Nations Convention on the Rights of the Child (UNCRC) (Article 19) they have a right to safety, be equipped with information and language to recognise all forms of abusive or controlling behaviour, and have the confidence to speak to a trusted adult if they are worried or concerned. However, for this to be successful, NSPCC Cymru/Wales strongly believes that safeguarding needs to be strengthened on the face of the Bill.

NSPCC Cymru/Wales is supportive of the Bill which requires schools to encompass the core learning, as set out in the RSE Code in their curriculum, which will be supplemented by statutory guidance. While we welcome that the core learning in the RSE Code is designed to be explicit, it currently offers very little clarity about the remit of the RSE Code and statutory guidance. While the 6 thematic areas and their brief summaries (included in the Curriculum for Wales Guidance) are a good starting point, they are much too vague and lack specific detail of which developmentally appropriate topics should be covered within each theme. We are concerned that this lack of detail will create an inconsistent approach and further perpetuate unequal levels of RSE provision. RSE is a vast, complex and broad topic, so NSPCC Cymru/Wales believes, that schools will need a clear RSE Code, which includes comprehensive and detailed content on the six thematic areas supplemented with statutory guidance on how to build developmentally appropriate, trauma-informed content with children and young people. This will offer greater consistency for schools, parents/carers and learners on the developmentally appropriate areas that must be

designed and delivered within this mandatory element. There is also a lack of clarity about the statutory guidance, in terms of its purpose and what it should include and cover.

As 1 in 5 children experience severe maltreatment in their childhood(7), NSPCC Cymru/Wales feels there are some important safeguarding topics that must be included or expanded on within the RSE Code:

Violence, safety and support:

NSPCC Cymru/Wales welcomes the emphasis on protection and prevention and we are particularly pleased to see the emphasis on young people having the confidence to speak out and seek support for any abuse experienced. Research shows that it is very difficult for children to speak out about abuse or neglect, with many taking an average of 7 years to disclose, and some never telling anyone what has happened to them(8). Giving children the confidence to speak out means they will get help and support earlier, preventing further harm. However, NSPCC Cymru/Wales feels that it's vital that additional safeguarding themes are included; all areas of maltreatment, including physical, sexual, and emotional abuse, neglect, and persistent harmful household environments such as domestic and substance misuse, as well as maltreatment outside of the family home including sexual or criminal exploitation, peer on peer abuse, and how these issues intersect with online mediums. The NSPCC has produced a large number of evidence based resources to support children's learning, both at primary and secondary school, which demonstrates how to address these sensitive subjects in a developmentally appropriate way. This includes our Speak Out Stay Safe programme(9), PANTS resources (The Underwear Rule)(10) and Keeping Learners Safe(11) (see Q6 for more details on NSPCC resources).

Relationships:

NSPCC Cymru/Wales feels it is important for young people to learn about respect and tolerance; boundaries, and factors which can affect relationships. This should include a focus on domestic abuse, substance abuse, non-consensual image sharing (i.e. sexting), staying safe online, and the harmful effects of pornography. Research indicates that 1 in 25 primary school children surveyed by the NSPCC and LGfL Digisafe have been sent or shown a naked or semi-naked image by an adult, while 1 in 20 have been sent a naked or semi-naked image by another young person(12). 12% of young people in the survey video-chatted with someone they had not met face to face(13).

How children conduct relationships online needs to be a core issue addressed within the RSE Code. It is important that children are taught about consent (including when it is or

isn't possible to consent – e.g. power dynamics, and coercion) and that sharing images of someone without their consent is abuse; are supported to think critically about content they may see online in order to understand what healthy or unhealthy behaviour looks like; and are supported to develop the skill-set to assess what kind of online contact might be inappropriate or harmful and recognise when they should seek help.

#### Bodies and body image:

Within this theme, it is important that children learn the language to identify body parts; to understand the physical and emotional changes that occur through puberty and growing up; identify what a safe and healthy choice would look like for them; learn about pregnancy and infections, and know where to go for information and support. RSE is a vehicle to ensure children are empowered with the proper language and knowledge of anatomical terms so they can accurately report any experiences of abuse. NSPCC Cymru/Wales would like to see this emphasised within the RSE Code, with learners being taught to accurately identify body parts using anatomical terms.

#### Sex, gender and sexuality:

To keep all young people safe, both on and offline, we believe it is critical that RSE lessons recognise and support the full spectrum of relationships and sexualities. Our Childline service is committed to supporting all children, and last year we delivered over 6,000 counselling sessions to children and young people in the UK about issues relating to gender and sexuality - an average of 16 per day. From Brook and CEOP's joint study, Digital Romance(14), we know that LGBTQ+ young people are twice as likely (9.9%) to meet with an online contact who was not who they said they were, compared to heterosexual young people (4.9%). This may be because of a lack of visible LGBTQ+ young people in their local area, compounded by a lack of inclusivity in schools' relationship education which is often heteronormative. Inclusive RSE education is vital for ensuring all young people feel accepted, supported and safe, and can understand how key concepts apply to them and their everyday lives.

#### Rights and Equity

NSPCC Cymru/Wales supports the Children's Commissioner for Wales's position(15) that in order to safeguard the long-term needs of children, the new curriculum legalisation must include a clear commitment to children's rights. While it is positive to see a focus on rights and equity as one of the core themes, it is disappointing that links to the UNCRC have not been made. NSPCC Cymru/Wales feels that it is important that due regard to the UNCRC appears on the face of the Bill. Embedding the principles and the provisions of the UNCRC

within the Bill, will demonstrate Welsh Government's commitment to ensuring that all children in Wales are supported to learn about their human rights.

In addition to strengthening these core RSE themes, NSPCC Cymru/Wales feels it is also important for the RSE Code and statutory guidance to cross reference other relevant Welsh Government guidance that schools need to be aware of in the design and delivery of RSE. This includes Keeping learners safe(16); A Whole Education Approach to Violence against Women, Domestic Abuse & Sexual Violence in Wales(17); Sexting(18); and the forthcoming Peer Sexual Abuse, Exploitation and Harmful Sexual Behaviour Guidance. Clear links are important, as Estyn (2017)(19) found that many school leaders are not aware of Welsh Government guidance and toolkits to support the delivery of healthy relationships education and implement a whole-school approach to preventing violence against women, domestic abuse and sexual violence.

To help ensure consistency, NSPCC Cymru/Wales would also like to see the RSE Code and statutory guidance supported by a comprehensive list of key concepts. This should include definitions around sex, sexuality, gender, gender identity, transgender, gender based violence, neglect, domestic abuse, emotional abuse, physical abuse, and sexual abuse. These definitions should be derived from legislation, guidance and academic or reputable sources so all schools have a shared understanding of core concepts. We recommend utilising the key concepts glossary produced by the Sex and Relationships Education Expert Panel(20).

As explored in more detail in Q2.1 and Q2.2, to successfully safeguard children and young people and implement an inclusive RSE curriculum, NSPCC Cymru/Wales believes the RSE Code and guidance needs a strong focus on how to design and deliver content in a trauma-informed way. Embedding a trauma-informed approach to RSE would mean acknowledging that 1 in 5 children have a history of trauma and abuse(21), and developing a sensitive and thoughtfully tailored approach to teaching to minimise the risk of unintended harm and ensure that no child feel stigmatised or unintentionally blamed if they have experienced abuse or neglect. This includes ensuring that there are no victim-blaming narratives, an onus on young people to keep themselves safe, or graphic content that is liable to provoke distress. Content should instead reinforce positive messages about all children's value and worth. While it is very important that children understand what constitutes inappropriate or abusive behaviour, RSE needs to deliver an explicitly clear message that as a child they are never responsible for stopping abuse, and if they ever feel worried or concerned they can always speak to a trusted adult who will respond appropriately.

A trauma-informed approach relies on teachers and school staff being primed with the knowledge that some children will have been traumatised by their previous experiences and have the skills they need to understand their responsibility to act on clues that children might leave that something is wrong (e.g. through changes in behaviour), and be confident in acting on those concerns so children are supported and kept safe from harm. There are 6 guiding principles to trauma-informed practice, including safety; trustworthiness and transparency; collaboration and peer support; empowerment; choice; and awareness of the intersectionality of identity characteristics(22). It is vital that these principles are at the heart of RSE curriculum, as they provide a helpful framework for working with children and young people to ensure that they can achieve their academic potential and feel happy and safe in the school environment.

NSPCC Cymru/Wales supports the inclusion of co-production being one of the core principles for embedding RSE in the curriculum, as detailed above, collaboration and peer support, empowerment and choice are some of the key tenets of a trauma-informed approach. NSPCC Cymru/Wales believes that co-production with young people is a means to not only ensure the relevance of the curriculum, but that content also is inclusive, is conscious of, sensitive and adapts to the experiences and needs of young people. In seeking to develop inclusive and relevant RSE, teachers should speak directly to young people to ascertain what additional needs they may have, and then work together to see how these might be better accommodated in the school setting. This should include young people being regularly consulted on the issues they're most impacted by, the kinds of language and expression most useful for supporting them to navigate RSE, commenting on any policies and making a meaningful contribution to RSE planning. It is important that examples of how to co-produce RSE with children and young people are included within the statutory guidance. We recommend signposting to the AGENDA(23) and Primary AGENDA resources(24), which include a wide range of activities teachers can utilise to develop co-produced and relevant RSE content. NSPCC Cymru/Wales also feels that it is important that children and young people will be meaningfully consulted and involved in co-constructing the RSE Code and statutory guidance. We would like more clarity on how and when young people will be involved in this work, and a plan in place for this to be facilitated.

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

NSPCC Cymru/Wales believes that legislation needs to be in place to provide a clear legal and policy framework, that will be necessary for successfully delivering on the contents of the Bill. Legislation on RSE is crucial, as existing evidence has shown that non-statutory provision has resulted in a wide variation in the quality and quantity of RSE that children receive across the UK. For example, the Sex Education Forum and the National Education Union carried out a survey with 1001 young people and found that 20% were not taught about the signs of an abusive relationship, and 23% did not learn anything about how to tell if a relationship is healthy(25). In their survey, Terrance Higgins Trust revealed that the vast majority of young people were not taught about consent (75%), LGBT sex and relationships (95%) or gender identity (95%)(26). It also showed that one in seven young people did not receive any RSE at all, and over half (61%) received RSE just once a year or less(27). As highlighted by the Sex and Relationships Education Expert Panel(28), RSE in Wales is rarely inclusive; too often biological without enough focus on rights, equity, emotions and relationships; and not reflective of children and young people's lived experiences. As the expert panel cautioned within their report, without legislative change RSE will continue to be poorly resourced, 'will remain a low priority for schools, be narrowly conceived and children and young people's rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure' (p. 10).

## 2. The Bill's implementation

### 2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

*(we would be grateful if you could keep your answer to around 500 words)*

#### Professional Development

Evidence suggests that RSE is more likely to be effective when delivered by teachers who have on-going, high quality training, and are confident in their role(29). NSPCC Cymru/Wales is concerned, that a growing body of evidence indicates that many teachers have not had adequate training to support confident and high quality RSE delivery(30). Recent evidence from NSPCC, has shown that nearly half of teachers surveyed in England lacked the confidence to teach compulsory RSE lessons(31). In Wales, the Sex and Relationships Education Expert Panel(32), highlighted that few RSE teachers had the training needed to feel equipped to deliver these lessons. Without specialist RSE training,

teachers may avoid addressing sensitive or challenging issues, which may fail to adequately include, and safeguard all children.

While the RSE Code and statutory guidance will provide an important starting point for schools in designing their inclusive content, NSPCC Cymru/Wales believes that this needs to be supported by a programme of ongoing professional development on RSE. This would support schools to map out the issues that are most relevant to their learners, and be more confident in creating and delivering their new inclusive RSE curriculum in a trauma-informed way. As discussed more fully in Q3, NSPCC Cymru/Wales believes it is vital that this includes training for teachers and school staff to ensure they are equipped with the tools to spot signs and symptoms of abuse, sensitively interact with a child who is disclosing and are confident in taking action to support that child.

NSPCC Cymru/Wales also supports the recommendation made by the Sex and Relationships Education Expert Panel(33), that provision is made for a designated RSE lead practitioner with protected hours in every school to help guide and develop the RSE curriculum and embed a whole school approach. A fully trained RSE lead practitioner will have specialist knowledge about safeguarding and will be able to support school staff to confidently deliver trauma-informed content, and training on abuse and neglect. The role also supports promoting best practice, facilitating training alongside collaborating with specialist organisations, and co-producing content with children and young people to produce high quality and relevant RSE(34). NSPCC Cymru/ Wales also recommends that there is a RSE advisor at local authority level.

### Trauma Informed Approach

With 1 in 5 children experiencing some form of severe maltreatment(35), there is a very strong likelihood that there will be a child sitting in on RSE lessons who has experienced abuse or neglect. This makes it imperative that RSE is trauma-informed, and that teachers and all school staff are primed with the knowledge and skills they need to understand their responsibility to act on clues that children might leave that something is wrong (e.g. through changes in behaviour), and be confident in acting on those concerns so children are supported and kept safe from harm. NSPCC Cymru/Wales is very concerned that RSE is not currently framed within a trauma-informed approach, and that some elements of the proposed curriculum could reinforce feelings of self-blame, shame and guilt for children who have experienced abuse, as explored in more detail in Q2.2.

### RSE Resources

NSPCC Cymru/Wales is concerned that a lack of high quality, evidenced based resources could be a barrier to the successful delivery of inclusive RSE. Schools need reputable, evidence-based, medically accurate and trauma-informed resources on RSE to draw on. This is particularly important given that resources with inaccurate, misleading or graphic content can cause harm to children, including vicarious trauma and distress.

### Engaging with Parents and Carers

Engaging with parents/carers is vital when effectively embedding a whole school approach to RSE, and this becomes even more essential within the new curriculum where parents no longer have a right to withdraw their children from RSE. Good communication and transparency between schools and parents/carers is essential in building trust and confidence in the teaching of RSE. It can also provide an opportunity to consider contextual safeguarding, and to open a dialogue within the community about what healthy or unhealthy relationships look like, enabling more people to be able to identify concerning situations and feel confident to act to protect children from harm. One of our concerns is that the curriculum does not set out detailed guidance on how to effectively engage with parents/carers around RSE.

## **2.2 Do you think the Bill takes account of these potential barriers?**

*(we would be grateful if you could keep your answer to around 500 words)*

### Professional Development

NSPCC Cymru/Wales is pleased to see an agreement from Welsh Government that 'professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching'(36). However, we are concerned that while it has been recognised by some innovation schools that there will be an additional cost for professional learning for RSE(37), no dedicated funding has yet been allocated to support RSE training and resources. There is a significant risk that the opportunity to protect children from harm will be undermined if teachers/school staff do not receive specific RSE training.

It is important that within a whole school approach, where the workforce required to deliver RSE and create a safe and healthy school environment will expand beyond teachers, that RSE training is available to all school staff. While wider school staff may not directly teach school children, staff will regularly engage with children, or have insight into their peer groups and norms, familial situation, and usual or unusual behaviour. A whole school



approach to safeguarding requires that the entire school has a shared understanding of their responsibilities, and are equally able to recognise and respond to signs of concerning behaviour. Furthermore, how incidents of peer abuse and/or problematic sexual behaviour are responded to directly affects the culture of the school. If handled poorly, an unsafe and unhealthy set of norms can be created which enable peer-on-peer abuse and this can also deter other students from disclosing.

NSPCC Cymru/Wales feels that it is vital that Welsh Government ring-fence investment for professional learning on RSE. This must include funding for comprehensive training for teachers and school staff to ensure they are equipped with the tools to help spot signs and symptoms of trauma and abuse, engage in purposeful conversations, and are confident taking action and supporting children through the disclosure journey. NSPCC Cymru/Wales also recommends that funding is in place for a designated and trained RSE lead practitioner with protected hours and dedicated resources, in every school to support the development of the RSE curriculum, and support RSE training and professional development. NSPCC Cymru/Wales also recommends that there is a RSE advisor at local authority level.

#### Trauma Informed Approach

As indicated in Q2.1, NSPCC Cymru/Wales is very concerned that the way some of the curriculum elements have been phrased, could reinforce feelings of self-blame, shame and guilt for children, which we know are common responses to experiencing abuse and neglect(38). We are very concerned about the choice of wording in two of the sections in the Health and Wellbeing AoLE. In the section 'Healthy relationships are fundamental to our well-being'(39), we find the use of the term 'need to be aware of how to keep safe', very problematic as it places the responsibility for staying safe from violence and abuse on children and young people.

NSPCC Cymru/Wales has similar concerns about wording used in the 'Specific considerations' section, which states that children and young people 'will need to recognise unwanted attention and learn how to respond appropriately'(40). These kinds of narratives can serve to individualise the problem of child abuse, and place an onus on young people, when we really should be conveying to children that they have a right to safety and it is the responsibility of everyone in the community to uphold that right. While it is very important that children understand what constitutes inappropriate or abusive behaviour, we need to be explicit that as a child they are never responsible for stopping this, and should instead speak to a trusted adult who can respond appropriately on their behalf. NSPCC Cymru/Wales feels that it is vital that these elements of the curriculum are

addressed and reframed. We would like the first statement changed to: 'need to be aware they have a right to safety', and the second to 'can recognise abusive or inappropriate behaviour and know how to seek support if they feel worried or concerned'.

#### RSE Resources

NSPCC Cymru/Wales welcomes the commitment from Welsh Government to audit the existing RSE resources on Hwb to assess the extent to which they are fit for purpose, and to develop new resources if needed. However, we believe that any resources on Hwb should be from reputable, expert and credible sources, that are evidence-based and medically accurate. It is also important to ensure that resources on Hwb are trauma-informed, and are sensitive to pupils' experiences. Some children may have already been exposed to, or be at risk of exposure to, the experiences and content being taught. It is vital that RSE resources on Hwb do not exhibit any victim-blaming narrative or graphic content that is liable to provoke distress. NSPCC Cymru/Wales supports the recommendation from the Sex and Relationships Education Expert Panel(41) to develop a RSE Hwb zone on the existing website.

#### Engaging with Parents and Carers

NSPCC Cymru/Wales would like to see the statutory guidance include information for schools on how to engage with parents/carers around RSE, and how to manage any challenging situations and parental worries. The guidance must provide teachers with clear evidence about the crucial role RSE plays in safeguarding children and young people. In 2019, the Department of Education published two guides for parents on Relationships, Sex and Health Education for primary(42) and secondary(43) age pupils in England to communicate RSE content. Similar guidance for parents /carers in Wales could help inform and reassure any parents who have concerns about content. Schools should also recognise that parents might need support and guidance in talking about relationships, sex and sexuality at home, and they should be provided with evidence based information resources from schools to help foster discussions.

### **3. Unintended consequences**

#### **3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1**

(we would be grateful if you could keep your answer to around 500 words)

There is a growing body of evidence that shows one of the positive consequences of good quality RSE, is that it can improve children's understanding of what constitutes abuse or unhealthy behaviour and increase the likelihood of them coming forward to disclose experiences of abuse(44). An international Cochrane Study for example, reported that students who had participated in child sexual abuse prevention programmes were more likely to disclose abuse, than those who had not(45). If delivered effectively, the new RSE curriculum could lead to an increase in children speaking out earlier about any abuse experienced, and adults taking action to help them at an earlier opportunity.

It is vital to ensure that when children do speak out about abuse and neglect, that they have a positive disclosure journey. However, NSPCC research shows that when children and young people do speak out about abuse, adults don't always recognise their attempts, understand or react appropriately(46). This can mean that a child doesn't get the support they need at the earliest opportunity. NSPCC research also shows that adults are not always confident about knowing what to say and do in the moment a child starts to disclose(47). With research indicating that teachers are the mostly likely professional to receive disclosures of abuse from children(48), it is vital that Welsh Government invest in comprehensive training for all school staff, so they are equipped with the confidence and skills needed to spot signs and symptoms of abuse and neglect, and know how to sensitively and appropriately respond to disclosures and interact with a child who is disclosing.

## **4. Financial implications**

### **4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1**

*(we would be grateful if you could keep your answer to around 500 words)*

As noted in Q2.2, NSPCC Cymru/Wales welcomes the agreement from Welsh Government that professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching. However, we are disappointed that financial resources have not been specifically allocated to schools for professional learning on RSE. For the first time in Wales, it will be mandatory for all children to learn about how to recognise abusive or unhealthy relationships and know how and where to seek support. There is a significant risk that this opportunity to protect children will be undermined if teachers and other school staff do not receive appropriate training and support to deliver the RSE curriculum in a trauma-informed way.

NSPCC Cymru/Wales feels that for this to be realised, Welsh Government must identify ring-fenced investment in three key areas for RSE:

- Professional learning on RSE

This investment would enable schools to map out the issues that are most relevant to their learners, and be more confident in creating and delivering their new inclusive RSE curriculum in a trauma-informed way. It should also include funding for comprehensive, training for teachers to ensure they are equipped with the tools to help spot signs and symptoms of trauma and abuse, sensitively interact with a child who is disclosing and are confident in taking action and supporting children through the disclosure journey.

- RSE Lead Practitioner

NSPCC Cymru/ Wales also recommends that funding is in place for a designated and trained RSE lead practitioner with protected hours and dedicated resources, in every school to support the development of the RSE curriculum, and support RSE training and professional development. NSPCC Cymru/ Wales also recommends that there is a RSE advisor at local authority level.

- Dedicated Funding for RSE Resources

NSPCC Cymru/Wales would also like to see dedicated funding made available for schools for RSE resources.

## **5. Powers to make subordinate legislation**

**5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.**

*(we would be grateful if you could keep your answer to around 500 words)*

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## **6. Other considerations**

**6.1 Do you have any other points you wish to raise about this Bill?**

*(we would be grateful if you could keep your answer to around 1000 words)*

NSPCC Cymru/Wales has not commented on other elements of the new curriculum, but the importance of getting the design and delivery of RSE right is crucial if we are to fulfil the four purposes of the new curriculum, and keep children safe from harm. As we have set out in this response, we believe that the four purposes cannot be achieved without strengthening safeguarding on the face of the Bill. For all children to successfully fulfil the four purposes and become healthy confident individuals, the new compulsory curriculum in Wales needs to provide a platform for learners to understand that under the UNCRC they have a right to be treated with respect, that they have a responsibility to treat their peers with respect; that they are able to identify healthy and unhealthy relationships and know how to seek help if they ever feel worried or concerned. By embedding this safeguarding culture across school life and neighbourhoods, through a whole school approach, there is a real opportunity to alter what communities and peer groups see as normal or acceptable behaviour, and rally everyone together to support and protect children from harm.

NSPCC Cymru/Wales is concerned that not all of the 11 Recommendations made by the Sex and Relationships Education Expert Panel(49), and accepted in principle by the Cabinet Secretary for Education(50) have been implemented in the design of the new RSE curriculum. Made in a statement in Plenary on the 22nd May 2018, the Cabinet Secretary for Education was clear that the recommendations were accepted in principle, in order to facilitate a strategic and holistic approach to improving RSE.

“I am not looking to tinker around the edges; my vision is that we transform the way this area of study is delivered, now and in the future” (Cabinet Secretary for Education, 2018: point 322)

“By taking forward the recommendations of the expert panel, and so driving real improvement in the quality of RSE provision, we will be contributing to making Wales a healthier, happier and more connected place” (Cabinet Secretary for Education, 2018: point 323)

While some of these recommendations have been incorporated, there is no explanation for why the other recommendations, such as the provision for a dedicated RSE lead in schools, a dedicated RSE local authority lead and a policy-practice-research network, have not been addressed. NSPCC Cymru/Wales would like to see an update from the Minister on progress towards the implementation of the 11 recommendations.

As indicated in Q1.2, the NSPCC has produced a large number of evidence based resources to support children’s learning, both at primary and secondary school, about sensitive

subjects in a developmentally appropriate way. We feel these resources can help support the vision within the new curriculum to bring everyone together to support and protect children from harm. This includes our Speak Out Stay Safe programme, which is a free service delivering safeguarding messages to primary school children in a lively, interactive and memorable way. The child-friendly assemblies and workshops help children to understand abuse in all its forms and recognise the signs, and know how to get help and support. The Speak Out Stay Safe programme aims to go into every primary school in the UK every 2 years, although due to COVID-19 restrictions, this service is temporarily a virtual offer. The NSPCC has also developed free PANTS resources (The Underwear Rule) for teachers, including a lesson plan, curriculum links, classroom activities designed to support teachers to teach children about PANTS and help them understand they have a right to stay safe. We have also developed PANTS guidance for parents for speaking to children with learning disabilities, and a British Sign Language video about PANTS. The NSPCC has also recently produced the Let Children Know You're Listening resources, which are designed to support professionals to better listen to a child who is disclosing abuse or neglect. NSPCC's Sharing the Science training and resources(51) offers up-to-date training on child development science and how to share it effectively, which can help school staff to develop trauma informed practice. NSPCC Cymru/Wales would welcome the inclusion of these resources in the statutory guidance and on Hwb, so schools are aware they are available to support RSE teaching, to improve children's understanding of what constitutes abuse and increase the likelihood of young people coming forward to disclose experiences of abuse.

#### List of references

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- (10) See: <https://learning.nspcc.org.uk/research-resources/schools/pants-teaching>
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- (40) See 'Specific Considerations for this Area, Section 2 'What Topics, Themes and Activities will Help Respond to Learners Needs', 'How can settings and schools support learners to recognise that relationships or aspects of relationships may not always be safe or healthy?'
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## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Organisation: Welsh Women's Aid

## 1. The Bill's general principles

### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Yes

### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

Welsh Women's Aid supports the principles of the Bill as stated in part 3.8 of the Explanatory Memorandum (EM). We agree that the new curriculum should be purpose-led and endorse the four 'purposes' as specified in Section 2 of the Bill. The general approach to curriculum reform is welcomed, both in terms of its emphasis on tailored and developmentally-appropriate education provision (rather than prescribed and age-determined), and the intention to utilize and maximize the skills, knowledge, and passion of teachers to develop and deliver this education. We do, however, have some significant concerns about the provisions made in the Bill (or lack thereof) in relation to the content and delivery of the RSE curriculum.

(1) RSE Curriculum: Content

Concern 1:

The draft RSE Code lacks the necessary detail for achieving the aims of the curriculum, and there has

been no assurance that the missing detail of the Code will be included in the accompanying statutory guidance.

#### Recommendations:

That the RSE Code includes further detail on the content, including specific topics which must be

taught, with clear developmentally appropriate progression pathways and a clear statement on how the

RSE Code will be supported by the statutory guidance.

Welsh Women's Aid welcomes the proposal that Ministers, under section 8 of the Bill, will be required to issue an "RSE Code" setting out "themes and matters to be encompassed by the mandatory element of Relationships and Sexuality Education". While a general approach of non-prescription is, we believe, the right one for the wider curriculum, we also agree with the Minister for Education that, for RSE, there must be an exception.<sup>(1)</sup> We know that, currently, the content, quality, and quantity of RSE taught in schools is highly inconsistent and, in many places, inadequate.<sup>(2)</sup> We therefore support the stated aims of the RSE Curriculum to "improve the profile, quality and consistency of RSE" so that learners are supported to "become healthy, confident individuals who form positive relationships" and to ensure that learners "have access to a wide range of support and advice" (EM, para.3.53). That said, we are concerned that the draft RSE Code, as it currently stands, lacks the necessary detail for achieving these aims, and that there has been no assurance that the missing detail of the Code will be included in the accompanying statutory guidance.

The draft RSE Code identifies six broad thematic areas which, if retained in the final iteration of the Code, must be 'encompassed' in each (relevant) educational setting's RSE curriculum. While we support the inclusion of each of these thematic areas, we believe that there is a need to be more explicit about specific issues or concepts which these thematic areas ought to cover. We recognise that mandating specific 'topics' or 'issues' entails a departure from the general approach of 'non-prescription' employed in the development of the new curriculum. However, we believe that it is necessary to do so given the significant implications for child safeguarding and children's rights should these issues / concepts fail to be taught.

While RSE, like the rest of the curriculum, should be about maximizing well-being and helping children to achieve their potential, it is also has a more basic / fundamental

function: keeping children safe. Children and young people experience many forms of VAWDASV – in their home, in their own intimate relationships, among peers, and – increasingly – online. For example:

Teenage intimate relationship abuse: NSPCC reported that between a half and two-thirds of young women

aged 14-17 years old and between a third and two-thirds of young men have reported experiencing intimate

partner violence.(3)

Sexual violence, including online: 31% of young women aged 18-24 report having experienced sexual abuse

in childhood,(4) while reports of online sexual abuse, such as being exposed to online sexually explicit

images, sharing sexual images/messages, and grooming, are also rising.(5) Up to 1 in 5 girls at secondary

schools in Wales report that they have experienced unwanted touching, groping or kissing by a boy whilst in

school at least once.(6) The NSPCC estimates that roughly a third of all child sexual abuse is perpetrated by

peers.(7)

Domestic abuse: It is estimated that, across their lifetime, one in five children experience domestic abuse.(8)

During 2018/19, 4,263 children and young people were known to access some form of specialist VAWDASV

support in Wales. 1,070 children under 16 years of age were supported in refuge-based support services, and

3,193 were supported by specialist domestic abuse community-based support/outreach services. In addition,

the helpline has provided support to the parents of an estimated 2,922 children.(9)

Forced marriage and so-called 'honour-based' abuse: children made up 27 per cent of the victims supported

and advised by the Forced Marriage Unit in 2019; more than half of these were under the age of 16 years.<sup>10</sup>

Female genital mutilation: It is estimated that 24,000 girls under the age of 15 in the UK are at high risk of

FGM.<sup>(11)</sup> 584 FGM Protection Orders had been made by the end of March 2020, since their introduction in

July 2015.<sup>(12)</sup> The number of FGM Protection Orders made each year have been steadily increasing – with

2018-19 and 2019-20 recording the highest number of year-on-year increases at 182 FGMPOs made each

year.<sup>(13)</sup>

Of significant concern is that many children and young people who experience abuse do not get the support they require.<sup>(14)</sup> While this may be in part due to the lack of services available, as well as insufficient training of practitioners to identify and respond to concerns / disclosures of abuse (see more on these points response to Q. 3.1), it is also the case that many children and young people do not recognize their experiences as constituting abuse, and /or think that it is 'normal'.<sup>(15)</sup>

If people are not taught that particular behaviours are abusive (or, rather, if harmful attitudes and beliefs relating to VAWDASV are not 'un-taught'), we should not expect them to recognise abusive behaviour and come forward to seek support. Nor should we expect their peers, staff, and community members to challenge abusive attitudes and behaviour. Attitudes and behaviours can only be challenged if they are first labelled and understood. Understanding that VAWDASV is both a cause and consequence of gender inequality, and taking steps through education to challenge harmful gendered norms and beliefs, is an essential part of the process of ending VAWDASV.

We know that changing the social and cultural norms which condone and reinforce VAWDASV takes years. In the meantime, children, young people and their families continue to face VAWDASV. Children need to be equipped with information and language to understand they have a right to safety, to recognise all forms of abusive or controlling behaviour, and know how to get support. If children continue to suffer without being

heard, supported, and provided with the necessary information, the achievement of the overarching aims of the curriculum, as embodied by the 'four purposes', is likely to be impeded. Clearly, RSE alone will not solve the problem of VAWDASV, but it has a key role in ensuring that children and young people understand their rights (and gain an appreciation of, and advocate for, others' rights); helping them to be able to recognise what constitutes abuse as well as the role of gender inequality in causing and condoning abuse; and helping them to realise that support is available and how they can access it.<sup>(16)</sup> As such, we believe it is necessary to identify key topics which must be taught in the interest of improving children and young people's safety.

## (2) RSE Curriculum: Delivery

### Concern 2:

That the quality of RSE will continue to be highly variable across schools because:

(a) The Code does not intend to legislate on the delivery of the curriculum – only its content;

(b) There is no commitment for either the Code or statutory guidance to include the

recommendations made by the SRE Expert Panel around the effective delivery of RSE, including

the need for an RSE lead in each school and local authority and for training and RSE delivery to be

supported and informed by specialist services;

(c) There is a lack of clarity around the meaning of embedding RSE in a "whole school approach" -

facilitating cross-curricular learning on RSE is crucial but should bolster, not replace, lessons on

specific RSE topics.

### Recommendations:

At minimum, to include in the RSE Code the established 'embedding principles' as set out in the



Curriculum for Wales guidance and make a statement as to how the statutory guidance will support the

delivery of the curriculum.

Make an explicit commitment in the Code to implementing 11 recommendations made by the SRE

Expert Panel in 2017, and make provision for these to inform the statutory guidance.

Make an explicit reference in the Code to the Welsh Government's Good Practice Guide: A Whole

Education Approach to Violence against Women, Domestic Abuse & Sexual Violence in Wales as a

model of delivering RSE.

As the SRE Expert Panel pointed out (2017), how RSE is delivered is equally important as what is delivered. We welcome the intention for RSE to be delivered in a 'whole school approach' (EM, para.3.52). We know that individuals' and communities' attitudes towards, and acceptance of, VAWDASV are heavily influenced by social norms, structures, and practices which reinforce harmful ideas of 'gender roles' and of what constitutes 'masculine' or 'feminine' behaviour.(17) A recent study of more than 1,000 young men aged 18-24 found that a belief in rigid masculine stereotypes was the biggest predictor of their use of physical violence, sexual harassment, verbal bullying and cyber bullying - and at a rate of 25 times more accurate than a range of demographic variables.(18) Evidently, it is important that children and young people not only learn about different manifestations of abuse and that it is never OK - and never their fault - but also that these norms and stereotypes which reinforce VAWDASV are actively challenged throughout the whole school community. The Welsh Government's Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse & Sexual Violence in Wales provides a good template for embedding the RSE curriculum in a 'whole school approach'. We believe that the Code would be strengthened by making a direct reference to this guidance as a model of delivering RSE in a comprehensive and 'whole school approach'.

We welcome the intention for RSE to be 'cross-cutting' - to be taught across all six AoLEs. This is central to a 'whole school approach' and is important in ensuring that we move

away from a 'tick box' culture where, for example, children are considered to have 'been taught' about domestic abuse after receiving one isolated lesson in a period of 12 months. Welsh Women's Aid believes that facilitating children's understanding of RSE topics requires opportunities to learn about them in different contexts. Such opportunities, however, should bolster – not replace – lessons on specific RSE topics. Taking coercive control as an example, it would be very difficult for children and young people to recognise coercive or controlling behaviour in the context of different subjects (e.g. history, drama) without first having an understanding of the concept itself. The RSE code and statutory guidance needs to make clear the importance of retaining lessons on specific RSE topics while strengthening this learning in the wider curriculum. Without out this clarity we are concerned that some schools will fail to incorporate lessons dedicated to specific RSE topics into their curriculum.

Connected to this is the importance of meaningfully involving specialist services – e.g. domestic abuse, sexual violence, BME, disability, and LGBT services - in informing and supporting the delivery of RSE on a local level, not only in relation to the educational provision, but also in providing clear pathways to specialist support for those who need / want it. Given that the RSE Curriculum is intended to be delivered across the six AoLEs, this means that teachers across the whole spectrum of subjects will need to receive training on key aspects of RSE. It is very important that this training is delivered / supported by specialist services, both in terms of utilising their expertise, and in terms of offering support to staff, parents and pupils who are themselves survivors of VAWDASV.

While we welcome the proposal in the EM for the Code to be bolstered by statutory guidance which will "provide teachers and school staff with practical support to build high quality provision of Relationships and Sexuality Education" (para. 8.296), we are concerned that the Code itself does not intend to legislate on the delivery of the curriculum – only its content. We would recommend that, at minimum, the RSE Code include the established 'embedding principles' as set out in the Curriculum for Wales guidance and make a statement as to how the statutory guidance will support the delivery of the curriculum. We would further recommend that the Code explicitly commits to the 11 recommendations made by the SRE Expert Panel in 2017, and make provision for these to inform the statutory guidance.

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

Yes.

Welsh Women's Aid believes it is important to legislate in order to successfully deliver on the aims of the Bill. In relation to RSE, we already know that non-statutory provision has resulted in inconsistent RSE provision, both in terms of its quality and quantity. For example, Terrence Higgins Trust found that the vast majority of young people who responded to their survey were not taught about consent (75%) or LGBT relationships (95%), while as many as one in seven did not receive any RSE.(19) The Sex Education Forum and the National Education Union carried out a survey with 1001 young people across the UK and found that 20% were not taught about the signs of an abusive relationship, and 23% did not learn anything about how to tell if a relationship is healthy.(20) The Sex and Relationships Education Expert Panel highlighted that RSE in Wales was rarely inclusive, cautioning that: "without... legislative change SRE will remain a low priority for schools, be narrowly conceived, and children and young people's rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure" (Welsh Government, 2017, p.10)". Welsh Women's Aid reiterates this caution. We believe that legislation is necessary to achieve the four purposes of the new curriculum for all pupils.

## 2. The Bill's implementation

### 2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

*(we would be grateful if you could keep your answer to around 500 words)*

Yes - Professional Development

Concern 3

Ring-fenced funding: there is no commitment to providing ring-fenced funding for professional learning for

in-service teachers and teacher training resources for Welsh RSE providers.

Concern 4

Measures of quality: in the absence of detail on what is expected in terms of content and delivery, it is

difficult to envisage how what is delivered can be assessed for quality and progress in achieving the aims of the curriculum.

#### Concern 5

Specialist services: No detail has been provided about the role of specialist services in the development

and delivery of the curriculum. Failure to involve specialist services will risk poor teaching /

misunderstanding / avoidance of topics which require expertise, and the inadequate provision of specialist

support to staff, parents, and pupils who require it.

#### Recommendations:

Commit to providing ring-fenced funding for RSE professional development

Commit to implementing all 11 recommendations by the SRE Expert Panel, either by way of the Code or

statutory guidance

Identify key topics that must be taught within the broad thematic areas contained in the Code

Make the role of specialist services in the training and delivering of RSE explicit within the Code and

statutory guidance to draw upon their expertise and what they are already delivering with children and

young people in their local communities.

The SRE expert panel identified an urgent need for teacher training. However, very few teachers access or receive specialist RSE curriculum training. While we welcome the acknowledgement in the EM (para. 8.298) that "professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching", Welsh Women's Aid is concerned that the

commitments to improving and funding professional learning and resources for Welsh RSE providers within the Bill are too vague. There is no detailed commitment to improving or resourcing the professional learning for in-service teachers and initial teacher training and resources for Welsh RSE providers. There is also no commitment to ensure that, in line with the SRE Expert Panel recommendations, each school and local authority has a trained RSE lead – vital to co-ordinate a cross-curricular whole school approach.

Moreover, there is no commitment or detail on how training on specialist areas of RSE, especially sexual health and well-being, gender-based and sexual violence, LGBTQ+ rights and equity, child protection and abuse, will be informed and supported by those with expertise in these areas from the relevant sectors. The EM (para.8.300) suggests that “specialist external support” should be brought in only with the view to “equipping staff to deliver the curriculum themselves”. While we endorse the aim for all staff to be equipped with the necessary skills and confidence to teach RSE, the importance of specialist input extends beyond this aim. Specialist input is necessary not only to ensure that the subject matters are properly understood by staff and communicated to the pupils, delivered in a trauma-informed approach; but also to build and strengthen schools’ links with specialist services and identify clear and accessible referral pathways to specialist support; and to provide links to support for the staff who are being trained, as there will inevitably be professionals who are affected by VAWDASV attending the training. Specialist services are also experts in working with children and young people in their local community. For example, many of our member services deliver the Safety, Trust and Respect (STAR) suite of services – which already equip children and young people with understanding of healthy relationships, consent, gender equality, online relationships, etc. It therefore makes economic as well as practical sense to equip schools to draw on these expertise and resources already in their communities.

Section 3.132 of the Explanatory Memorandum notes that an enhanced £24m funding allocation for professional learning was made available over the years 2018/19 and 2019/20 “to allow schools to prepare for the new curriculum”, and that further funding will be available in 2020/21 for the same purpose. While this is welcome, given that RSE is intended to be taught across the six AoLEs and employing a whole-school approach, this is going to require all teachers to (a) be able to identify opportunities for bolstering RSE lessons within their own specialisms; and (b) to be confident in discussing a range of RSE topics. The intention for RSE to be cross-cutting makes it an area that will require substantially more investment in training and creating support structures for staff to be able to deliver on this aspect of the curriculum. As such, we believe that it is necessary to have ring-fenced funding for RSE professional development.

Without dedicated funding for specialist training, and continuing access to specialist services (external and in-house), schools may either avoid covering perceived sensitive or challenging topics altogether or provide RSE in a way that fails to adequately safeguard and meet the needs of children and young people.

## **2.2 Do you think the Bill takes account of these potential barriers?**

*(we would be grateful if you could keep your answer to around 500 words)*

Answer: No

See response to question 2.1. Welsh Women's Aid believes that there must be a commitment in the Bill to ring-fenced funding for RSE professional development and for external RSE providers. We further believe that a delivery framework for the curriculum (including the key elements as recommended in the SRE Expert Panel report) should be included in the Bill / subordinate legislation.

## **3. Unintended consequences**

### **3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1**

*(we would be grateful if you could keep your answer to around 500 words)*

One likely consequence of successfully embedding high-quality RSE in schools is that pupils, as well as staff and parents, are better able to recognise abusive behaviour; are able to recognise, challenge, and change social norms, attitudes and beliefs that condone VAWDASV; that they know how to get support; and feel more able to disclose experiences of abuse.<sup>(21)</sup> While this is a positive outcome, the impact on the child's safety and well-being is dependent on the response they get. Enabling children and young people to recognise abusive behaviour and ensuring that they feel able to disclose experiences of abuse is not enough. We must ensure that they are all offered support, and at the earliest point possible. This requires all school personnel to be trained in how to identify signs and symptoms of VAWDASV, as well as how to respond positively to a disclosure and be proactive about raising concerns about children's safety. Strong links between schools and specialist support services are also imperative, as this can facilitate earlier intervention to prevent abuse from escalating, as well as aiding the process of recovery for children and their families.

However, the outcome of this is contingent on the adequate and sustainable resourcing of the specialist services. With increased disclosures and improved referral pathways to specialist services, the demand on these services is likely to increase. We already know that many children and young people experiencing VAWDASV do not get the support they require: some get no support, while others are supported only once they've reached the 'at risk' safeguarding threshold. This is unacceptable and can be seriously damaging for children and young people. Welsh Women's Aid therefore urge the Welsh Government to commit to additional and longer-term funding for children and young people VAWDASV services in anticipation of an increase in disclosures / referrals with the introduction of the RSE curriculum in 2022.(22)

## **4. Financial implications**

**4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1**

*(we would be grateful if you could keep your answer to around 500 words)*

As stated in Q.3.1, Welsh Women's Aid welcomes the acknowledgement in the EM that professional learning will be required to enable teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching. However, despite the allocation of funds for generic 'professional development', we are disappointed that we have yet to see a commitment to dedicated funding for professional development on RSE. Failure to adequately resource schools with the funding necessary to equip their staff with the skills and confidence to deliver RSE across the curriculum – supported by specialists – could seriously undermine the ambitions of the curriculum reform. Welsh Women's Aid believes that the Welsh Government must commit to providing ring-fenced funding for professional learning on RSE if the ambitions of the curriculum reform are to be realised.

## **5. Powers to make subordinate legislation**

**5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.**

*(we would be grateful if you could keep your answer to around 500 words)*

No.

## 6. Other considerations

### 6.1 Do you have any other points you wish to raise about this Bill?

*(we would be grateful if you could keep your answer to around 1000 words)*

Yes.

Concern 6

Post-16 provision: the Bill makes no provision for post-16 RSE.

Recommendation:

Include provision in the Bill for post-16 RSE, in line with the provision for post-16 RVE.

Welsh Women's Aid understands that the remit of this Bill primarily relates to the provision of education for those of compulsory school age. However, section 62 of the Bill requires head teachers of maintained schools to "ensure that teaching and learning in Religion, Values and Ethics is provided at the school for pupils [of post-compulsory school age] who request it". We are highly concerned that the Bill makes no similar provision for teaching and learning in RSE for pupils in post-compulsory education. This is a critical time for young people's relationships. This age group is at a higher risk of experiencing forced marriage,(23) and studies have shown that 16 to 19-year olds are the age group who are most likely to experience domestic abuse in their relationships.(24) The revision of the statutory definition of domestic abuse by the Domestic Abuse Bill to include 16 and 17-year olds makes it even more important that the 16+ age group have an understanding of domestic abuse and of their right to support. This is also the age when they are likely to be having their first sexual relationships and therefore it is crucial that they have an understanding of consent and how to have positive sexual relationships.(25)

Concern 7:

That teaching will be inconsistent due to lack of shared understanding of key RSE concepts.

Recommendation:



Make provision in the Code for the inclusion of the glossary produced by the RSE Expert Panel in the statutory guidance.

RSE is a specialist area. In order to improve consistency of teaching, there needs to be a shared understanding across Wales of the key concepts used in the forthcoming Code and guidance. Welsh Women's Aid would recommend using the glossary produced by the RSE Expert Panel, which could be updated if and when required, in recognition of the fact that the RSE is to be a "living" curriculum. We believe that the Code should make a provision for this Glossary to be included in the statutory guidance.

Concern 8:

Health and Well-being Area of Learning and Experience: Some of the phrasing in the guidance suggests

that it is children's responsibility to keep themselves safe. This view can lead to victim-blaming and can

deter survivors of abuse from disclosing and seeking support.

Recommendation:

Ensure that the curriculum guidance and legislation focuses on the rights of children to be safe, removing

any reference that could be interpreted as placing the responsibility on the child for being abused.

It is imperative that survivors of any form of abuse are never blamed, or made to take responsibility, for being abused. Research has shown that victim-blaming is prevalent, even among organisations whose responsibility is to safeguard children, and that often, the attitudes held by practitioners prevent them from seeing that the way they talk to / about the child attributes blame to the child.(26) This can discourage children and adults from coming forward to seek support.(27) Tackling these attitudes and looking at the way language can be used to reinforce / challenge victim blaming should be part of professional development for RSE; but this also needs to be reflected in all publications on the curriculum.

The following phrase in the "What Matters Statements" for the Health and Well-being AoLE – that children "need to be aware of how to keep safe" – suggests that personal

safety is something that children have a responsibility to ensure. Although we do not believe that this is the intended meaning, it is possible that it will be interpreted as such. To avoid any risk of misunderstanding, we would advise rephrasing the sentence to something like: children “need to be aware of their right to safety”.

Concern 9:

Findings and Recommendations by the SRE Expert Panel: It is not clear how the recommendations of the

SRE Expert Panel, which the Minister for Education accepted, are informing the development of the Code

and statutory guidance.

Recommendation:

Publish a ministerial update on the progress made in delivering on these recommendations.

Make a commitment in the RSE Code to implementing of all these recommendations.

Sections 3.28 to 3.31 of the EM summarise the context and remit of the Expert Panel’s review of SRE in Wales back in 2017. Some of the findings and recommendations are highlighted in these sections. Section 4.16 of the EM states that these “recommendations have informed the approach to developing the relationships and sexuality education curriculum”.

While it is clear that some of these recommendations have been taken on, no explanation has been provided for why other recommendations - e.g. for a dedicated RSE lead with protected hours in each school, and for a dedicated RSE local authority lead to work with the consortia – appear not to have been addressed. We believe that the RSE Code would be strengthened by committing to implementing all the recommendations made by the expert panel.

Concern 10:

The process of developing the Code and statutory guidance: There is a lack of clarity around the

involvement of children and young people and those with experience of creating and delivering RSE in the

development of the Code and statutory guidance.

Recommendation:

That Ministers draw up and make public an engagement plan that enables pioneer schools who have

already been involved in co-constructing the proposed RSE curriculum with children and young people for

the past two years to share their expertise and experience; and for children and young people to be

meaningfully involved in developing the Code and statutory guidance, using the participatory methods

already successfully trialed by pioneer schools

Welsh Women's Aid welcomes the opportunity to participate in the RSE Working Group to contribute to the development of the RSE Code and statutory guidance alongside other organisations with expertise in different topic areas. We are concerned, however, that there is a lack of clarity around the involvement of children and young people in the process (as is their right under Article 12 of the UNCRC), as well as those with experience of creating and delivering high quality RSE. The Rights of Children and Young Persons (Wales) Measure 2011 requires Ministers to have due regard to Part I of the UNCRC when exercising any of their functions, including provision proposed to be included in an enactment. It is not clear how this has been done in relation to the Bill – in particular the provision for the RSE Code. It is also unclear how those with RSE expertise in curriculum design and implementation are to be involved in the process.

For the RSE curriculum to be meaningful to children and young people and of high quality, we believe that the process of its construction should be an iterative one between the Working Group, the Involvement Group, RSE experts (both academics and practitioners), and children and young people. We would recommend that the Ministers draw up and make public an engagement plan that enables pioneer schools who have already been involved in co-constructing the proposed RSE curriculum with children and young people for the past two years to share their expertise and experience, and for children and young people from a diverse range of backgrounds – including those with lived experience of

VAWDASV - to be meaningfully involved in developing the Code and statutory guidance, using the participatory methods already successfully trialed by pioneer schools.(28)

#### List of references

(1) Letter from the Minister for Education regarding the Bill's provisions as they relate to Religion, Values and Ethics ("RVE") and Relationships and Sexuality Education ("RSE") - 12 August 2020

(2) Renold and McGeeney (2017) The Future of the Sex and Relationships Education Curriculum in Wales. Welsh Government.

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(5) NSPCC (2016) 'Childline Annual Review 2015/16: It turned out someone did care'.

(6) School Health Research Network survey of 35,071 students from 87 secondary schools in Wales (SHRN, 2015).

(7) <https://learning.nspcc.org.uk/media/1661/statistics-briefing-harmful-sexual-behaviour.pdf>

(8) Welsh Women's Aid (2019) Children Matter: Children and young people experience violence and abuse too

(9) *ibid.*

(10) Home Office and Commonwealth and Foreign Office (2020) Forced Marriage Unit Statistics 2019.

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See also The Men's Project & Flood, M (2020), Unpacking the Man Box: What is the impact of the Man Box attitudes on young Australian men's behaviours and wellbeing? Jesuit Social Services: Melbourne.

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See also Scottish Government (2014) Young People's Attitudes To Violence Against Women Report On Findings From The Young People In Scotland Survey 2014.

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(19) Terrance Higgins Trust (2016) SRE: Shh... No Talking. LGBT-inclusive Sex and Relationships Education in the UK. London. Terrance Higgins Trust.

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(21) Hollis, V and Chruchhill, G (2018) Understandings children's and teachers' views of the NSPCC's Speak out Stay safe programme. London: NSPCC.

(22) Welsh Women's Aid (2019) Children Matter: Children and young people experience violence and abuse too.

(23) Home Office and Commonwealth and Foreign Office (2020) Forced Marriage Unit Statistics 2019.

(24) Safe Lives (2016) Safe Young Lives: Young People and domestic abuse.

See also Young et al. (2018)

<https://academic.oup.com/jpubhealth/article/40/4/738/4614416>

(25) Mercer, C. et al. Changes in sexual attitudes and lifestyles in Britain through the life course and over time: findings from the National Surveys of Sexual Attitudes and Lifestyles (Natsal).

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See also Eaton, J. (2016) We need to talk about CSE toolkits, Safe and Sound Group.

See also Eaton, J. (2019) 'Logically, I know I am not to blame, but I still feel to blame': Exploring and measuring victim blaming and self-blame of women subjected to sexual violence and abuse, University of Birmingham.

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## Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

### About you

Organisation: Relationship and Sexuality Education (RSE) Action Group

### 1. The Bill's general principles

#### 1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Yes

#### 1.2 Please outline your reasons for your answer to question 1.1

*(we would be grateful if you could keep your answer to around 1500 words)*

Dear Children, Young People and Education Committee,

We are members of a newly formed Relationships and Sexuality Education (RSE) Action Group which fully supports Welsh Government's sustained commitment to introducing high quality mandatory RSE for all learners. We are writing to share our key concerns regarding RSE in the recently published Curriculum and Assessment (Wales) Bill and our recommendations to ensure that all children and young people receive high quality RSE in Wales.

We hope that our letter informs the process as the Bill progresses with insights from those who have been directly involved in the development of the new RSE curriculum.

Background



In December 2017, the Sex and Relationships Education (SRE) Expert Panel made 11 recommendations to ensure the future of high quality, inclusive and relevant Sex and Relationships Education in Wales . In May 2018 these recommendations were accepted by the Minister for Education, Kirsty Williams – a significant turning point for Relationships and Sexuality Education in Wales. The new vision for RSE in Wales is ambitious and progressive and strongly supported by many countries and organisations, including the United Nations. We recognise that implementation will take time and considerable planning, resourcing and collaborations.

The chair (Professor Renold) and members of the expert panel called for the establishment of a policy-practice-research network (recommendation 11) that has sufficient RSE expertise to move forwards with a co-ordinated implementation plan. Since this has not yet happened, a new independent pan-Wales RSE Action Group started up in January 2020 to share, plan and support the process. Members include teachers and head-teachers, RSE external service providers, RSE third sector organisations, RSE policy makers, RSE researchers and RSE youth workers. The group also includes members of the 2017 expert panel and members of the newly formed Welsh Government RSE working group.

### Supporting the Bill

The RSE Action group very much welcomes Welsh Government’s sustained commitment to introducing mandatory RSE within the new curriculum for all learners. There is an increasingly urgent need for statutory legislation to set out a clear legal and policy framework for delivering the contents of the Bill. Indeed, we fully support the principles of the Bill relating to RSE and its intention to “improve the profile, quality and consistency” of the subject (Section 3.50) in terms of both content and delivery. As the expert panel cautioned, “without this legislative change SRE will remain a low priority for schools, be narrowly conceived, and children and young people’s rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure” (Welsh Government, 2017, p.10).

### Key concerns:

We do, however, have some concerns. In brief, they are as follows:

- 1) A lack of information on the reason for separating out ‘core learning’ (as defined by the RSE Code, Section 3.68) from the statutory Guidance (which also includes ‘areas of

learning', in addition to supporting practitioners build 'high quality provision' Section 8.296) and how the two will work together.

2) The process of 'co-construction' regarding the RSE Code and statutory Guidance is unclear, specifically regarding children and young people's involvement; the involvement of organisations with expertise in the different topic areas; and organisations with experience in creation and delivery of high quality RSE content.

3) The commitment to improving and funding professional learning and resources for Welsh RSE providers within the Bill are too vague.

4) There are no provisions of RSE for post-16 learners.

5) There is no glossary of terms for core RSE concepts and topics.

6) Recommendations by the 2017 SRE Expert Panel have not yet been implemented.

We have outlined these concerns below, with a clear indication of how each can be resolved via an accompanying suite of recommendations.

#### Key recommendations

1) A lack of information on the reason for separating out 'core learning' (as defined by the RSE Code, Section 3.68) from the statutory Guidance (which also includes 'areas of learning', in addition to supporting practitioners build 'high quality provision' Section 8.296) and how the two will work together.

The expert panel's recommendations on what constitutes high quality RSE was accepted by the Minister for Education, and then developed and consolidated by teachers in the pioneer schools during 2017-2019. These included that RSE should be rights and equity based; LGBTQ+ inclusive; holistic, empowering, co-produced, creative, protective and preventative, relevant and developmentally appropriate. It should also be embedded in a whole-school approach. We welcome that the Bill directly states that the 'core learning' in the new 'RSE Code' is designed to be 'explicit' (Section 3.72). However, it offers no information on what the Code will contain. It also separates out content from the 'embedding principles' as outlined in the Curriculum for Wales Guidance (page 39-40). As the SRE expert panel report has outlined in full, how we deliver RSE is as important as what we deliver.

Recommendation 1: that the RSE Code include the established 'embedding principles' as set out in the Curriculum for Wales Guidance. They have been successfully informing practice as they have evolved and are the bedrock of high quality RSE.

While the six thematic headings, and their accompanying summaries in the Curriculum for Wales Guidance (see page 39-40) are a vital foundational starting point, they are too broad and will inevitably lead to high levels of inconsistency and unequal provision. Providing no further substantive detail on what should be covered and when makes the Bill incomplete, and the consultation process only partial.

Recommendation 2: That the RSE Code includes further detail on the content, with clear developmentally appropriate progression pathways and a clear statement in the Bill on how the RSE Code will be supported by the statutory Guidance.

2) The process of 'co-construction' regarding the RSE Code and statutory Guidance is unclear, specifically regarding children and young people's involvement; the involvement of organisations with expertise in the different topic areas; and organisations with experience in creation and delivery of high quality RSE content.

There is a lack of clarity as to how exactly children and young people will be meaningfully consulted and involved in co-constructing the RSE Code and Guidance (Article 12, UNCRC) despite the significant number of teachers in pioneer schools who have been co-constructing the proposed new RSE curriculum (both in terms of content and pedagogy) with children and young people, for the past 2 years (e.g. see the findings from the bespoke professional learning programme pioneered by central south consortia across 23 primary, secondary and special schools ). There is also a lack of detail on how those with RSE expertise in curriculum design and implementation are involved in the process of co-construction regarding the statutory Code and Guidance.

Recommendation 3: that the Welsh Ministers draw up an engagement process that enables schools who have already been co-constructing the proposed new RSE curriculum to share their expertise and experience.

Recommendation 4: that children and young people are meaningfully involved in the process of co-constructing both the Code and the Guidance, using the participatory methods that have already been successfully trialled.

Recommendation 5: that there is an explicit and meaningful role in the co-creation of the Code and Guidance for organisations with expertise in the different topics addressed by RSE; and those with experience of creating and delivering high quality RSE content.

3) The commitments to improving and funding professional learning and resources for Welsh RSE providers within the Bill are too vague.

The expert panel identified an urgent need for teacher training on RSE. However, very few teachers access or receive specialist RSE curriculum training. RSE is also not included in current Initial Teacher Education (ITE) and not a requirement for in-service teachers providing RSE. While we welcome the Bill's acknowledgement that "professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching", there is no detailed commitment to improving or resourcing the professional learning for in-service teachers and initial teacher training and resources for Welsh RSE providers. There is also no commitment, as set out by the expert panel, that each school and local authority must have a trained RSE lead – vital to co-ordinate a cross-curricular whole school approach. Training on specialist areas of RSE, especially sexual health and well-being, gender-based and sexual violence, LGBTQ+ rights and equity, child protection and abuse, needs to be informed and supported by those with expertise in these areas from the relevant sectors.

Without specialist training, and access to specialist services (external and in-house) schools may either avoid covering perceived sensitive or challenging topics altogether or provide RSE in a way that fails to adequately safeguard and meet the needs of children and young people. Indeed, given that RSE is intended to be taught across the six AoLEs and employing a whole-school approach, this is going to require a key RSE lead/co-ordinator, and all teachers to (a) be able to identify opportunities for bolstering RSE lessons within their own specialisms; and (b) to be confident in discussing a range of RSE topics. The intention for RSE to be cross-cutting makes it an area that will require substantially more investment in training and creating support structures for staff to be able to deliver on this aspect of the curriculum. Despite Welsh Government's statement (Sections 8.296 – 8.300) that innovation schools have been unable to set out the numbers of staff who will require training in RSE, or how much training they will require, some excellent progress has been made by a number of pioneer schools and schools that have explicitly mapped out their RSE professional learning needs over the last two years. This learning and experience could be more thoroughly utilised.

Recommendation 6: that the Welsh Government provide further detail on the professional learning required by individual schools, and how local authorities and the four educational consortia will co-ordinate to develop coherent and consistent all Wales provision.

Recommendation 7: that the Welsh Government fulfil their commitment to set-up a research-practice-policy Hwb for the development of bespoke and evidenced-based professional learning needs and high quality resources.

Recommendation 8: that the Welsh Government provide ring-fenced funding for RSE professional learning for teachers (including bespoke SEND RSE professional learning) and external RSE service providers

4) There are no provisions of RSE for post-16 learners

Part V of the Bill provides for the “teaching and learning in Religion, Values and Ethics is provided at the school for pupils who request it.” We are concerned that there is no similar provision for teaching and learning in Relationships and Sexuality Education for pupils in post-compulsory education. This is a critical time in young people’s learning and experience .

Recommendation 9: that the Bill makes provision for post-16 learners (including those with special educational needs and disabilities) to be able to access RSE

5) There is no glossary of terms for core RSE concepts and topics

RSE is a specialist area. To increase consistency of teaching across Wales, all schools need to have a shared understanding of these concepts in any forthcoming RSE Code and Guidance. We would recommend using the glossary produced by the SRE Expert Panel, which could be updated when required, in recognition of the fact that the RSE is to be a “living” curriculum.

Recommendation 10: that both the Code and the Statutory Guidance is supported by a glossary of key concepts.

6) Findings and Recommendations by the SRE Expert Panel have not been implemented

Sections 3.28 to 3.31 summarise the context and remit of the Expert Panel’s review of SRE in Wales back in 2017. Some of the findings and recommendations are highlighted in these sections. Section 4.16 of the EM states that these “recommendations have informed the approach to developing the relationships and sexuality education curriculum”. While it is clear that some of the recommendations have been taken on, as we have outlined above, no explanation has been provided for why other recommendations – e.g. provision for a dedicated RSE lead, a dedicated RSE local authority lead to work with the consortia and a

policy-practice-research network (see also Section 8.183) – appear to have not been addressed.

Recommendation 11: To commit to implementing all the recommendations by the expert panel – either by way of the Code, or the Statutory Guidance.

To conclude, it is the view of the RSE action group, that unless these concerns are further clarified and expanded upon in the Bill/Explanatory Memorandum, the unintended consequences may be the reinforcing of the current status quo of unequal provision resulting in a significant barrier to achieving high quality RSE provision for all children and young people in Wales.

Making RSE statutory in schools is the first step towards universal and equal provision. We have full confidence that all of the recommendations above can be achieved within the proposed time frame so that all children and young people’s needs can be met and their health and well-being safeguarded and supported.

If you require any further information on the detail above, please contact xxxxx xxxxxx x  
xxxxx xxxxxxxxxxxxxxxx xx xxxxx xxxxxx xxxxxx xxxxxxxxxxxxxxxxxxxxxxxx

Yours sincerely,

Max Ashton, PhD Student, School of Social Sciences, Cardiff University

Dr. Kelly Buckley, Senior Research Associate, DECIPher (Public Health Research Centre), Cardiff University.

Brook / Brook Cymru

Gwyn Daniels, Acting Deputy Head, Greenfield School, Merthyr Tydfil.

Sian Davies, MENCAP.

Corrine Fry, RSE Practitioner, Senior Youth and Community Officer Neath Port Talbot Youth Service

Dr. Josh Heyes, University of Birmingham, Convenor of the British Education Research Association’s (BERA) Gender and Sexualities Special Interest Group.

Kate Marston, PhD Student, School of Social Sciences, Cardiff University

Alex Milton, Health and Well-being/RSE Co-ordinator, Pencoed Comprehensive, Bridgend.

Dr. Ester McGeeney, RSE practitioner, researcher and youth worker

NSPCC/NSPCC Cymru

Stonewall Cymru

Dr. EJ Renold, Professor of Childhood Studies, School of Social Sciences, Cardiff University

Zoe Richards, Learning Disability Wales

Umbrella Cymru

Welsh Women's Aid

Dr. Honor Young, Senior Lecturer, DECIPher (Public Health Research Centre), Cardiff University

**1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

*(we would be grateful if you could keep your answer to around 500 words)*

-

**2. The Bill's implementation**

**2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1**

*(we would be grateful if you could keep your answer to around 500 words)*

-

**2.2 Do you think the Bill takes account of these potential barriers?**

*(we would be grateful if you could keep your answer to around 500 words)*

-

### 3. Unintended consequences

**3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1**

*(we would be grateful if you could keep your answer to around 500 words)*

-

### 4. Financial implications

**4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1**

*(we would be grateful if you could keep your answer to around 500 words)*

-

### 5. Powers to make subordinate legislation

**5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.**

*(we would be grateful if you could keep your answer to around 500 words)*

-

### 6. Other considerations

**6.1 Do you have any other points you wish to raise about this Bill?**

*(we would be grateful if you could keep your answer to around 1000 words)*

-



# Agenda Item 4.1

CYPE(5)-23-20 - Paper to note 1

Comisiynydd  
Plant Cymru  
Children's  
Commissioner  
for Wales

To: Chair of CYPE  
Committee and  
members of Committee

Via email only

21 September 2020

Dear colleague,

I am writing to give you advanced notice of my decision to use my statutory powers to review the Welsh Government's actions in relation to two education policy matters: elective home education and the regulation of independent schools.

In doing so I will be using the statutory powers of the Children's Commissioner to review the exercise of functions of Welsh Ministers, pursuant to Section 72B of the Care Standards Act 2000.

We have decided to conduct a Review following written confirmation from the Minister for Education that the Government has made the decision not to progress the issuing of statutory guidance and regulations relating to these two areas during this Senedd term.

Whilst I understand and appreciate that the pandemic has had a significant impact on the workings of Government across every department and function, I have a duty to safeguard the rights and welfare of children and young people. Elements of this review will focus on decisions and actions pre-pandemic.

I do not expect, nor do I wish, this review to impede any ongoing policy work in relevant departments within Government.

You will know that I have taken considerable steps over many years to work with the Government to progress these issues but some of our fundamental concerns remain. The aim is to draw up recommendations on next steps that should be taken by this or a future Welsh Government to safeguard the rights of children educated at home or in independent schools.

In reviewing, we will focus on functions related to safeguarding and education although wider issues related to governance, decision making, children's wellbeing, and children's rights may also arise.

I have made it clear to the First Minister that in conducting this review there is no intention to attribute personal blame or judgement on the decisions or actions of any official or Minister. Instead, the review will look at the effectiveness of Welsh Government's delivery of its functions in relation to the



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Croesawm ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau  
We welcome correspondence in the medium of Welsh and English as well as alternative formats

two areas of decision-making outlined. In doing so, it is likely to provide some commentary on the delivery of the Welsh Government's legal obligations in relation to children's human rights.

I will endeavour to keep you abreast of developments. In the meantime, a dedicated page will go live tomorrow on our website, which will include the most up-to-date information about the review. It will include information for young people who are being home educated or are in an independent school in Wales.

We will also be in contact if we require a contribution to this statutory review from you.

Meanwhile, if you have any queries about this work, please do not hesitate to contact my Head of Policy, Rachel Thomas, who is project managing this work on my behalf. Her contact details are as follows:

[rachel.thomas@childcomwales.org.uk](mailto:rachel.thomas@childcomwales.org.uk) / 01792 765600

With thanks,



Sally

Sally Holland  
Comisiynydd Plant Cymru  
Children's Commissioner for Wales

## CYPE(5)-23-20 - Paper to note 2

Senedd Cymru

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Welsh Parliament

Children, Young People and Education Committee

Meilyr Rowlands, Her Majesty's Chief Inspector, Estyn

Dyddiad | Date: 23 September 2020

Pwnc | Subject: **Curriculum and Assessment (Wales) Bill**

Dear Meilyr,

Thank you for attending Committee last week, along with your colleague Claire Morgan, to give evidence on behalf of Estyn on the general principles of the Curriculum and Assessment (Wales) Bill.

During the session there were some questions we were unable to cover. I attach these in the annex to this letter and would be grateful to receive a written response by 8 October 2020, to inform our scrutiny of the Minister later that month.

Yours sincerely,



**Lynne Neagle MS**

**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.



**Senedd Cymru**

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## ANNEX

### CURRICULUM AND ASSESSMENT BILL: WELSH LANGUAGE

When asked during the Committee meeting on 17 September about the Bill's provisions as they relate to immersion in Welsh, you stated:

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"I think that most people agree that we do need the ability to have full immersion in the Welsh language, but we've said in our response to the consultation that it's worth reconsidering whether there's a better way of achieving that in legislation than the proposed opt-out. I mean, I'm not an expert in drafting legislation, but you could imagine that Welsh and English could be mandatory after the age of seven, and it could be for the school or the local authority then to choose which of the two languages was used before then."

---

- Are you able to share any further detail on your suggestion? For example, can you confirm whether you suggest that English not be a mandatory element before age 7 and that the school or the local authority be able to choose whether to teach it or not before this age? Would you suggest that Welsh be a mandatory element from age 3? Could there be any unintended consequences arising from this alternative solution?

### CURRICULUM AND ASSESSMENT BILL: FUNDING

When asked during the Committee meeting on 17 September about the information provided by Estyn to inform the Bill's Regulatory Impact Assessment, you stated:

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"... I have to admit that these calculations, estimates, are incredibly difficult to undertake. It's partly because it's very difficult to distinguish between an activity that's directly related to the curriculum, or to a particular set of legislation around the curriculum, and more general ones. [...]"

It's also difficult to distinguish between what we are doing now, compared to what we would have done anyway, because, clearly, we always have done work on things related to curriculum and subjects and so forth. So, we found it difficult even to do it in retrospect; calculating it in future is really, really difficult. For example, I don't know what my budget is for next April, and I don't know what the remit letter is for next April. So, it's quite difficult to calculate what proportion of that is going to go towards work related to the curriculum."

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- Are you able to reassure the Committee that, in light of the above statement, you are confident that the Bill's provisions are affordable from Estyn's perspective?

CYPE(5)-23-20 - Paper to note 3



Lynne Neagle MS  
Chair  
Children, Young People and Education Committee  
Welsh Parliament  
Cardiff Bay  
CF99 1SN

Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru  
Her Majesty's Inspectorate for Education and Training in Wales

30 September 2020

Dear Lynne

Thank you for your letter dated 23 September and for the additional questions. Our response is detailed in the annex below.

Yours sincerely

A handwritten signature in blue ink that reads 'Meilyr Rowlands'.

**Meilyr Rowlands**  
Her Majesty's Chief Inspector of  
Education and Training in Wales

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Estyn, Llys Angor/Anchor Court, Heol Keen/Keen Road, Caerdydd/Cardiff, CF24 5JW  
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Mae Estyn yn croesawu gohebiaeth yn Gymraeg a Saesneg. Bydd gohebiaeth a dderbynnir yn y naill iaith neu'r llall yn cael yr un flaenoriaeth. | Estyn welcomes correspondence in both English and Welsh. Correspondence received in either language will be given equal priority.

## Annex

### **CURRICULUM AND ASSESSMENT BILL: WELSH LANGUAGE**

**Are you able to share any further detail on your suggestion? For example, can you confirm whether you suggest that English not be a mandatory element before age 7 and that the school or the local authority be able to choose whether to teach it or not before this age? Would you suggest that Welsh be a mandatory element from age 3? Could there be any unintended consequences arising from this alternative solution?**

There is a general consensus around the importance of early years' Welsh immersion, particularly if national Welsh language policy aspirations are to be achieved. There is a widespread sense that the proposed legislation may inadvertently discourage some schools from opting out of mandatory English. In the evidence session, I suggested that both languages could be mandatory from the age of 7 and that schools or authorities could have a choice between Welsh or English prior to this age. This alternative was intended to promote discussion and show that different legislative solutions are conceivable, and subsequently further alternative proposals have been made. What the alternatives have in common is that English is not mandatory for children under 7 in schools where Welsh is used for immersion. We do not foresee unintended consequences with this approach, which has an equivalent effect to the proposed opt-out. We do not have a preference from the options of this type, and feel that they should be explored further.

### **CURRICULUM AND ASSESSMENT BILL: FUNDING**

**Are you able to reassure the Committee that, in light of the above statement, you are confident that the Bill's provisions are affordable from Estyn's perspective?**

Estyn is confident that the Bill's provision is affordable from our perspective. We have worked with officials and have contributed to the regulatory impact assessment. During the evidence session, I explained why it is difficult to calculate exactly the cost of such work. However, statutory inspection and thematic work, identified through the annual remit letter, provides sufficient opportunity for us to monitor curriculum developments, and Welsh Ministers must have regard to the funding Estyn needs to discharge these functions effectively. One of the recommendations in the 'A learning inspectorate' independent report (2018) was that Estyn's funding arrangements should be reviewed to allow longer-term planning and to recognise the resource implications of additional activities associated with education reform.

## CYPE(5)-23-20 - Paper to note 4

Senedd Cymru

**Y Pwyllgor Plant, Pobl Ifanc ac Addysg**

Welsh Parliament

**Children, Young People and Education Committee**

Philip Blaker, Chief Executive, Qualifications Wales

Dyddiad | Date: 23 September 2020

Pwnc | Subject: **Curriculum and Assessment (Wales) Bill**

Dear Philip,

Thank you for attending Committee last week, along with your colleague Emyr George, to give evidence on behalf of Qualifications Wales on the general principles of the Curriculum and Assessment (Wales) Bill.

During the session there were some questions we were unable to cover. I attach these in the annex to this letter and would be grateful to receive a written response by 8 October 2020, to inform our scrutiny of the Minister later that month.

Yours sincerely,



**Lynne Neagle MS**

**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.



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## **ANNEX**

### **CURRICULUM AND ASSESSMENT BILL: RELIGION, VALUES AND ETHICS**

The Bill's provisions in relation to Religion, Values and Ethics (RVE) mean that there are likely to be two different versions of RVE taught in schools across Wales. Community schools and other schools without a religious character will be required to teach RVE having regard to the Agreed Syllabus. Voluntary controlled schools with a religious character will be required to teach RVE having regard to the Agreed Syllabus unless a parent requests their child receives RVE in line with the trust deeds of the school or tenets of the school's faith (i.e. denominational RVE). Voluntary aided schools with a religious character will by default teach denominational RVE unless a parent requests their child receive RVE that accords with the Agreed Syllabus.

- What implications does the likely provision of more than one form of RVE have for qualifications in this discipline?

### **CURRICULUM AND ASSESSMENT BILL: WELSH LANGUAGE**

The Bill establishes a single learning continuum of learning Welsh in all schools, replacing the current distinction between Welsh first language and Welsh second language.

- How will qualifications in Welsh align with the different stages that learners are likely to be on along the single continuum for Welsh?
- Will there be a single qualification in Welsh or will there still be a need for two levels of qualification depending on the learner's proficiency in Welsh?

### **PLANNING FOR QUALIFICATIONS MORE BROADLY**

Your written evidence states that the development and publication of the new Curriculum for Wales has been a 'catalyst' for you to look at how qualifications for 14 to 16 year olds will need to change. This, you explain, is in order to meet the new curriculum's aims and purposes and respond to future needs. You also outline the work you have undertaken to date on consulting on the high level approach to shaping future qualifications, and work that is yet to come.

In oral evidence, you said that the engagement undertaken so far suggests there is preference for qualifications to continue to be structured mainly around subject disciplines, rather than having individual qualifications that are seeking to cover the whole of an Area of Learning and Experience (AoLE). However, you also suggested there may be opportunities to develop more holistic and integrated qualifications to sit alongside those that are subject-specific.

- Are you able to share any further detail, at this stage, on your thinking about how the new GCSEs will look in practice, and give an indication of what any future consultation will consider (e.g. will it outline the options which should be available to young people, or will it be focused on the philosophy underpinning the approach)?



## Digital assessment

During the meeting on 17 September, in relation to assessment, you stated:

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“There are a number of things that we would like to progress. These are things that we were already thinking about, but maybe they should be accelerated in the thinking. Simple things like digital assessment—online assessment through tests that are delivered on screen, can be delivered remotely, can be delivered in schools, can be delivered on demand, so that you don't have the logistical issues of trying to get 200 young people into a room with computers at the same time—are all things that we're starting to think about in a more concerted way. And they're things that we'll be looking to consult on next year.”

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- Can you provide more detail on your thinking to date about the role of digital assessment under the future curriculum, and an indication of how it might feature in arrangements for the awarding of qualifications in 2021 (for example as part of the response to the disruption caused by COVID-19)?

# Agenda Item 4.5

## CYPE(5)-23-20 - Paper to note 5

Senedd Cymru

**Y Pwyllgor Plant, Pobl Ifanc ac Addysg**

Welsh Parliament

**Children, Young People and Education Committee**

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At|To: All Welsh University Vice-Chancellors

Dyddiad | Date: 29 September 2020

Pwnc | Subject: **Arrangements to support students in light of COVID-19**

Dear Vice-Chancellors,

The Senedd's Children, Young People and Education Committee is undertaking ongoing scrutiny of the steps being taken to manage the impact of COVID-19 on children and young people, including students in further and higher education.

Considering recent well-documented challenges in Scotland and England, and given the current public health situation in Wales, I write to seek assurances about the steps being taken by your universities to support students studying in Wales.

I would be grateful you could set out:

- the COVID-19 measures you have taken in relation to your own accommodation, and how you have worked with Purpose Built Student Accommodation (PBSAs) and private landlords (NB please refer to arrangements for both term and vacation periods);
- how you intend to support – or have been supporting – all students (on and off-campus) who have needed to self-isolate, including how you would support large numbers self-isolating at the same time in a dignified manner (i.e. the provision of food and drink that meets dietary requirements, medicine, mental health support and other essentials);
- the provision you have in place for identifying and addressing student hardship;
- your approach to working with students on COVID-19 measures and actions, including self-isolation;
- how you are working and integrating with the public health and civil contingencies machinery within your local authorities and local resilience fora (to include confirmation of whether you have on-campus testing facilities for students);



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- how you have engaged – and are engaging – with the local population, in particular where you have campuses in rural local authorities;
- any recommendations you believe the Committee could helpfully make to the Welsh Government to improve support for universities, staff and students.

Given the time critical nature of these arrangements, the Committee requests an individual response from each university by **noon on Wednesday 7 October 2020**. The Committee is keen to maintain a constructive and on-going dialogue with you in relation to these issues, and would welcome further updates when relevant information becomes available.

I am copying the Minister for Education, the Director of Universities Wales and the Chair of the Senedd's Health, Social Care and Sport Committee for their awareness.

Yours sincerely,



**Lynne Neagle MS**  
**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.

cc.

Kirsty Williams MS, Minister for Education

Amanda Wilkinson, Director, Universities Wales

Dr Dai Lloyd MS, Chair, Health, Social Care and Sport Committee

# Agenda Item 4.6

CYPL(5)-23-20 - Paper to note 6

Kirsty Williams AS/MS  
Y Gweinidog Addysg  
Minister for Education

Eich cyf/Your ref:

Lynne Neagle MS,  
Chair of Children, Young People and Education Committee  
Senedd Cymru



Llywodraeth Cymru  
Welsh Government

5 October 2020

Dear Lynne

## **Children, Young People and Education Committee – Report on remote teaching and COVID-19**

Thank you for the copy of your commissioned review into remote teaching and learning, undertaken by Professor Sofya Lyakhova of Swansea University. I have read with interest the report and have passed it onto my officials; those leading on the operation of schools and those working on wider policy issues linked to maintaining Continuity of Learning and our Accelerating Learning Programme.

Like you, I am committed to ensuring that our approaches are underpinned by sound evidence and the latest research, drawing not just from our own experiences but also building on international evidence and examples from other countries.

I am pleased to note the correlation of the findings of this piece of work with the emerging evidence from the work my officials are undertaking across the system with our Higher Education Institutions and other partners and with international organisations such as the OECD.

My officials are also working closely with middle tier organisations to co-construct a National Strategy for Education Research and Enquiry. This Strategy will support the wider education reform programme, including the new school curriculum and the priorities set out in Our National Mission.

One initiative already underway linked to this work is a project to fund collaborative research by our Initial Teacher Education (ITE) partnerships. This project will enable universities and schools to enhance provision for student teachers. The ITE settings are working with one another, having formed collaborative partnerships, to examine particular aspects of COVID's impact on ITE and will use their findings to draw inferences about its impact more widely.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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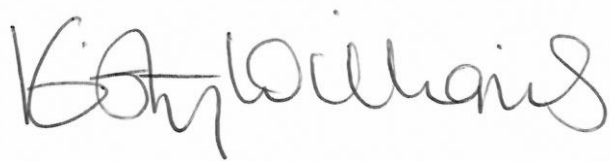
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

I note the committee's views on the re-opening of schools and agree that keeping our schools colleges and settings open is a key priority. I will do all I can to support this moving forward.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written in a cursive style.

**Kirsty Williams AS/MS**

Y Gweinidog Addysg  
Minister for Education

# Agenda Item 7

By virtue of paragraph(s) vi of Standing Order 17.42

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