

Agenda – Children, Young People and Education Committee

Meeting Venue: Video Conference via Zoom	For further information contact: Llinos Madeley Committee Clerk 0300 200 6565 SeneddCYPE@senedd.wales
Meeting date: 12 November 2020	
Meeting time: 09.15	

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.

Private pre- meeting

(08.45 – 09.15)

1 Introductions, apologies, substitutions and declarations of interest

(09.15)

2 Evidence session on the impact of Covid-19 on remote teaching and learning, and exams and assessments with Qualifications Wales and WJEC

(09.15 – 10.10)

(Pages 1 – 19)

David Jones, Chair – Qualifications Wales

Philip Blaker, Chief Executive – Qualifications Wales

Jo Richards, Regulation Director – Qualifications Wales

Ian Morgan, Chief Executive – WJEC

Elaine Carlile, Director of Qualifications, Assessment and Responsible Officer
– WJEC



Attached Documents:

Research Brief

Break

(10.10 – 10.25)

3 Evidence session on the impact of COVID-19 on remote teaching and learning, and exams & assessments with Louise Casella

(10.25 – 11.10)

Louise Casella, Chair of the independent review of the summer 2020 arrangements to award grades, and considerations for summer 2021

Break

(11.10 – 11.25)

4 Evidence session on the impact of COVID-19 on remote teaching and learning, and exams & assessments with representatives from the education sector

(11.25 – 12.25)

Guy Lacey, CEO/Principal at Coleg Gwent and Vice Chair of ColegauCymru

Kay Martin, Principal at Cardiff and Vale College and Chair of the

ColegauCymru Curriculum and Quality Group

Meinir Ebbsworth, Chief Education Officer / Corporate Lead Officer, Schools and Culture, Ceredigion Council and representing Association of Directors of Education

Mike Tate, Assistant Director of Education and Lifelong Learning – Cardiff Council and representing Association of Directors of Education

Cllr Ian Roberts, Leader of the Council and Cabinet member for Education – Flintshire County Council and Education Spokesperson for Welsh Local Government Association

Arwyn Thomas, Managing Director – GwE Education Consortia and representing all the Regional Education Consortia

5 Papers to note

(12.25)

5.1 Additional information for the Curriculum and Assessment (Wales) Bill from the NASUWT following the meeting on 24 September

(Page 20)

Attached Documents:

CYPE(5)-27-20 – Paper to note 1

5.2 Additional information for the Curriculum and Assessment (Wales) Bill from the Association of School and College Leaders (ASCL) Cymru following the meeting on 24 September

(Page 21)

Attached Documents:

CYPE(5)-27-20 – Paper to note 2

5.3 Additional information for the Curriculum and Assessment (Wales) Bill from the National Education Union (NEU) Cymru following the meeting on 24 September

(Pages 22 – 23)

Attached Documents:

CYPE(5)-27-20 – Paper to note 3

5.4 Additional information for the Curriculum and Assessment (Wales) Bill from the National Association of Head teachers (NAHT) Cymru following the meeting on 24 September

(Page 24)

Attached Documents:

CYPE(5)-27-20 – Paper to note 4

5.5 Additional information for the Curriculum and Assessment (Wales) Bill from Undeb Cenedlaethol Athrawon Cymru (UCAC) following the meeting on 24 September

(Pages 25 – 30)

Attached Documents:

CYPE(5)-27-20 – Paper to note 5 (Welsh only)

CYPE(5)-27-20 – Paper to note 5 (Translation)

5.6 Additional information for the Curriculum and Assessment (Wales) Bill from the Welsh Language Commissioner following the meeting on 8 October

(Pages 31 – 33)

Attached Documents:

CYPE(5)-27-20 – Paper to note 6

5.7 Additional information for the Curriculum and Assessment (Wales) Bill from the Children's Commissioner for Wales following the meeting on 8 October

(Pages 34 – 38)

Attached Documents:

CYPE(5)-27-20 – Paper to note 7

5.8 Additional information for the Curriculum and Assessment (Wales) Bill from Brooke, NSPCC, Professor Renold, Welsh Women's Aid and Stonewall Cymru following the meeting on 8 October

(Pages 39 – 41)

Attached Documents:

CYPE(5)-27-20 – Paper to note 8

5.9 Additional information for the Curriculum and Assessment (Wales) Bill from the Catholic Education Service following the meeting on 15 October

(Pages 42 – 47)

Attached Documents:

CYPE(5)-27-20 – Paper to note 9

5.10 Additional information for the Curriculum and Assessment (Wales) Bill from the Church in Wales following the meeting on 15 October

(Pages 48 – 51)

Attached Documents:

CYPE(5)-27-20 – Paper to note 10

5.11 Letter to the Chair of the Children, Young People and Education Committee from the Minister for Education – additional information for the Curriculum and Assessment (Wales) Bill following the meeting on 21 October

(Pages 52 – 59)

Attached Documents:

CYPE(5)-27-20 – Paper to note 11

5.12 Letter from the Minister for Education to the Chair of the Children, Young People and Education Committee relating to the fire break and its impact on children and young people

(Pages 60 – 63)

Attached Documents:

CYPE(5)-27-20 – Paper to note 12

6 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting

(12.25)

7 Impact of COVID 19 on remote teaching and learning, and exams & assessments – consideration of the evidence

(12.25 – 12.30)

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Additional information from NASUWT

Thank you for the opportunity to provide supplementary evidence to the Children, Young People and Education Committee. I would respond in the order of the bullet points received:

What the NASUWT would view as a realistic timescale for the commencement and implementation of the Curriculum Bill and its provisions.

At present the entire educational establishment is focussed upon providing the best educational provision that it can in incredibly difficult circumstances. This was meant to be the year when schools developed the new curriculum supported by Estyn and the Consortia. That is not happening. To continue with the timetable for implementation is to pretend that nothing is going on in schools at the moment which is an insult to education workers who are struggling to provide a meaningful education during a health crisis. A realistic timescale would be to wait until the crisis is over. That would be when schools can operate as normal without fear of the virus. When that time comes the timetable can be restarted with the aim of giving one full academic year for preparation for delivery.

Will teachers need training or support to ensure their teaching and delivery of RVE is pluralistic, critical and objective?

Yes, of course. This will be new to a lot of teachers. We know that professional development has generally been very patchy; RVE will be no different, and perhaps worse. There isn't an outcome to the consultation on this yet, only an analysis of the responses. There is the issue of plurality of curriculum in schools of a religious character, which therefore has not been resolved.

What particular challenges and opportunities might there be in English-medium schools of working on a single learning continuum for Welsh?

The NASUWT is concerned that this will practically require individual learning plans for each pupil. There are massive workload implications here. We have expressed concerns before about the narrowing of the curriculum caused by the compulsory nature of some subjects at KS4 and beyond. Some of our members have raised concerns with having to teach pupils who would prefer to be focusing on other subjects and the discipline issues that this can cause. Many have raised the impact of curriculum design on MFL.

Best Wishes,

Neil Butler
NASUWT National Official Wales.

ASCL Cymru response to CYPEC.

- Do you believe the more flexible and discretionary approach being taken to the new curriculum makes it more difficult to design qualifications which consistently examine and demonstrate learner achievement?
- *We do not believe that the design of qualifications will be more difficult to design. The task will require imagination, creativity and an innovative approach, which if designed with the profession, should be a more exciting and relevant way to demonstrate learner achievement in the round. Schools have already shown their ability to design the curriculum and will now be a vital resource for the next stages of the curriculum reform journey.*
- Do you believe there is enough clarity and certainty about what qualifications alongside the new curriculum will look like and what implications does this have for head teachers and school leadership teams?
- *At the moment, no. However, this is understandable given the current circumstances and the fact the curriculum is not yet fully up on its feet. Clarity, however, is now urgently required regarding the principles and architecture of the qualifications and an outline of assessment methodologies. Heads and leadership teams need clarity around the qualification architecture proposed by both QW and the WJEC. These exams cannot be the same as now, otherwise this exciting curriculum will fail to get traction. Professional development around a new qualification system of delivery will be required as well as well designed bilingual resources. There is a great deal to be done!*
- How will head teachers and governing bodies ensure that the teaching of RVE in their school, not just the design of the curriculum, is sufficiently objective, critical and pluralistic?
This is already a priority for Heads and governors and has been for some time.

NEU Cymru additional evidence

CYPE Stage 1 scrutiny of the Curriculum and Assessment Bill

- * Will teachers need training or support to ensure their teaching and delivery of RVE is pluralistic, critical and objective?

A school may have pupils with many religious or non-religious beliefs in attendance and the school therefore needs to ensure that the content of the RVE part of the curriculum is inclusive, pluralistic and developmentally appropriate. We believe it is essential that schools and education professionals have access to high-quality training to ensure that they can deliver the new RVE curriculum. If the funding for this is not made available to schools, they will not be as able to teach an inclusive and developmentally appropriate curriculum, which in turn, could lead to tensions between Local Authorities, education professionals, parents and schools.

- * What particular challenges (and opportunities?) might there be in English-medium schools of working on a single learning continuum for Welsh?

We support the Welsh Government's aim to have 1 million Welsh speakers by 2050. We have always said that this will only be possible if we ensure there is support available for the current and future workforce, to ensure they are able to teach, and young people to learn and practice their Welsh.

GCSEs

Our members highlight that it is vital that there is a clear understanding of what is meant by a continuum. Whilst there are attractions in a unified programme of study, current provision is heavily influenced top down by whether learners are to be assessed at GCSE according to the Welsh or Welsh Second Language specification. We understand that many able, second language speakers, the latter specification can be insufficiently challenging and the former, with its emphasis on command of idiom and technical correctness in writing, too demanding. However, the combination of these two specifications into a combined programme of study, or continuum, will succeed or fail based on how it is assessed at GCSE. As we don't know what the assessment system will look like yet, it is therefore hard to judge. We do have opportunities to do this well, and really look at what the purpose of assessment is. This year has

shown us that exams are subject to a range of factors, and are not necessarily comparable year on year.

On whatever scale progress is measured, the most able linguists will be at a higher level and newcomers, or less able linguists, and those who are Welsh second-language learners, will likely be less advanced. This could make Welsh as a subject unpopular with those who will never perceive themselves as being "successful" to gain high results in exams/assessments.

We believe, there is anecdotal evidence of universities rejecting applications from learners on the basis of GCSE results as they were not perceived to be "all round performers," where the grade achieved in Welsh did not match the top grades secured in other subjects.

Therefore, we need to ensure that a single examination, even if tiered, avoids a cap to the grades achievable by pupils who would be the usual second language cohort. We would not want to impact on the motivation of young people to learn Welsh and the appeal of a subject which is integral to providing the future Welsh speakers, which the Welsh Government aims for.

Training

We need to produce more teachers who can teach through the medium of Welsh, or enough teachers with the Welsh language skills to teach to the highest levels. We need to ensure that all schools are using teachers trained in the subject to teach Welsh.

Therefore, training is needed to ensure that Welsh can be embedded within the new Curriculum, as we presume is the aim of the "continuum". We would expect Welsh Government to provide such training opportunities. We would not want to risk people leaving the profession because they are unable to speak Welsh. People who have been in the profession for a long time, may, for example, be experienced classroom teachers, who should be able to use their skills within the context of the new Curriculum. Therefore opportunities for everyone to learn Welsh are essential, to ensure we have the workforce to deliver the expectations of the new Curriculum.

Contact: mary.vandenheuvel@neu.org.uk



CYPE – additional questions RE curriculum

- Do you believe the more flexible and discretionary approach being taken to the new curriculum makes it more difficult to design qualifications which consistently examine and demonstrate learner achievement?

NAHT Cymru has raised concerns previously around how qualifications which are traditionally subject-specific are going to dovetail with this new approach. Although we believe in the flexibility of the approach for learning has huge benefits, the question of qualifications remains largely unanswered. There is undoubtedly a huge piece of work here in terms of upskilling those stakeholders and partners to be responsive to the schools new starting points and until there are some more details on this, it is difficult to comment further.

- Do you believe there is enough clarity and certainty about what qualifications alongside the new curriculum will look like and what implications does this have for head teachers and school leadership teams?

In short, no. There is little clarity, as referenced in the previous answer, around qualifications alongside the new curriculum will look like. Without that clarity, NAHT Cymru reserves its judgement on the implications for headteachers and school leadership teams.

- How will head teachers and governing bodies ensure that the teaching of RVE in their school, not just the design of the curriculum, is sufficiently objective, critical and pluralistic?

NHT Cymru believes ensuring RVE delivery is objective, critical and pluralistic is going to come down to a number of factors, namely trust and confidence in the profession to deliver RVE in the way it is intended to be delivered; sufficient training to ensure staff are equipped to deliver lessons; robust assessment arrangements underpinned by a middle tier/governing body that buys in to the process.

Laura Doel
Director
NAHT Cymru

Agenda Item 5.5

UCAC – RESPONSE TO QUESTIONS NOT REACH ON 24 SEPTEMBER

A oes gennych unrhyw farn am y darpariaethau gorfodol ar gyfer Crefydd, Gwerthoedd a Moeseg a'r gwahanol drefniadau ar gyfer gwahanol gategoriâu o ysgolion? Pa heriau y gallai hyn eu hachosi i ysgolion â chymeriad crefyddol a fydd yn gorfod dylunio, ac o bosibl ddarparu, mwy nag un maes llafur (h.y. un o ran/yn unol â'r maes llafur y cytunwyd arno ac un yn unol â gweithred ymddiriedolaeth yr ysgol neu ddaliadau'r crefydd neu'r ffydd)

Mae UCAC yn llwyr gefnogol i'r cynigion yn y Bil mewn perthynas â darpariaeth Crefydd, Gwerthoedd a Moeseg fel rhan o Faes Dysgu a Phrofiad y Dyniaethau.

Rydym yn cydnabod y bydd gofynion ychwanegol ar ysgolion â chymeriad crefyddol yn yr ystyr y bydd angen iddynt ddylunio darpariaeth sy'n seiliedig ar y maes llafur cytunedig yn ogystal â darpariaeth 'enwadol' yn unol â gweithred ymddiriedolaeth yr ysgol.

Rydym yn cytuno y dylai bod gofyniad i gynnig darpariaeth sy'n seiliedig ar y maes llafur cytunedig ym mhob ysgol – p'un ai â chymeriad crefyddol ai peidio.

Er bod goblygiadau llwyth gwaith a threfniadaethol yn sgil y gofyniadau hyn, teimlwn bod hynny'n anorfod ac yn rhan annatod o statws ysgolion â chymeriad crefyddol.

Rydym eisoes wedi nodi pwysigrwydd sicrhau amser digyswllt digonol i athrawon i allu cyd-gynllunio'r cwricwlwm newydd, ac mi fyddai angen cymryd y gofyniadau uchod i ystyriaeth yn hynny o beth.

A fydd angen hyfforddi neu gefnogi athrawon i sicrhau eu bod yn cynnig lluosogrwydd, eu bod yn feirniadol ac yn oddrychol wrth addysgu gwersi CGM?

Byddai hyfforddiant i gefnogi athrawon yn bendant yn fuddiol yn y cyd-destun hwn, gan ei fod yn un o'r newidiadau sylfaenol i'r cwricwlwm newydd.

Nodwn yn ogystal ei fod yn bwnc sy'n aml iawn yn cael ei ddysgu gan athrawon sy'n arbenigwyr mewn pynciau a meysydd eraill ac felly o bosib heb dderbyn llawer o hyfforddiant penodol hyd yma (dros 27%, yn ôl ffigyrau Cyngor y Gweithlu Addysg yn 2016). Byddai'r drefn a'r Cod newydd yn cynnig cyfle i ddarparu hyfforddiant eang i sicrhau gweithredu cywir ac effeithiol yn y maes.

Tystiolaeth atodol gan UCAC:

Yr heriau fyddai'n wynebu ysgolion cyfrwng Saesneg wrth weithredu'r continwmm iaith Gymraeg

Noda'r Memorandwm Esboniadol (3.140), a dogfennau polisi eraill Llywodraeth Cymru bod: "gweddnewid y ffordd rydym yn addysgu'r Gymraeg i bob dysgwr, er mwyn i o leiaf 70 y cant o'r dysgwyr hynny allu dweud erbyn 2050 eu bod yn gallu siarad Cymraeg pan fyddant yn gadael yr ysgol, yn un o'r prif newidiadau gweddnewidiol y bydd eu hangen yn y sector addysg statudol er mwyn gwireddu'r weledigaeth".

Mae hwn yn nod uchelgeisiol a heriol, ac mae'r diwygiadau i'r cwricwlwm a'r trefniadau asesu yn un rhan allweddol o'r newidiadau fydd eu hangen i'w wireddu. Yn hynny o beth, mae gan Bil Cwricwlwm ac Asesu (Cymru) rôl ganolog i'w chwarae.

Yr hyn mae'r Bil yn ei wneud yn y cyd-destun hwn yw "...cael gwared ar y gwahaniaeth sy'n bodoli ar hyn o bryd rhwng dwy raglen astudio – Cymraeg a Chymraeg ail iaith – a chaniatáu addysgu un continwmm ar gyfer dysgu Cymraeg ym mhob ysgol yng Nghymru, a hynny'n rhan o Faes Dysgu Ieithoedd, Llythrennedd a Chyfathrebu." (Memorandwm Esboniadol, 3.140).

Er mor syml y gall y datganiad hwnnw ymddangos, mae'r newid y mae'n ei olygu yn ymarferol i ysgolion yn bellgyrhaeddol, ac yn arbennig felly i ysgolion cyfrwng Saesneg, fel y mae'r Memorandwm Esboniadol yn ei gydnabod: "...disgwylir y bydd yr effaith ar ysgolion cyfrwng Saesneg yn fwy nag ar ysgolion cyfrwng Cymraeg, lle'r Gymraeg yw prif iaith yr ysgol" (8.105). Golyga newidiadau sylfaenol i ddulliau dysgu, cynllunio, dilyniant, a datblygiad sylweddol o ran sgiliau ieithyddol ac addysgeg athrawon a staff cymorth dysgu. Mae'r Asesiad Effaith Rheoleiddiol yn cydnabod nad oedd "y mwyafrif helaeth [o ysgolion gafodd eu cyfweld] yn glir ynghylch faint o ddysgu proffesiynol y byddai ei angen ar lefel unigol" (8.272) er bod disgwylid ar hyn o bryd i ddatblygu cynlluniau i feithrin sgiliau o ran y Gymraeg. Â'r Asesiad Effaith Rheoleiddiol ymlaen i nodi: "... roedd llawer o'r farn nad oedd digon o amser na blaenoriaeth yn cael eu rhoi i'r Gymraeg gan arweinwyr mewn amserlenni ysgol a chynlluniau dysgu proffesiynol" (8.275). Awgryma hyn yn gryf na ellid gadael y broses o drosglwyddo i'r system a'r dulliau newydd i ddisgresiwn ysgolion unigol, ond bod angen canllaw clir ynghylch yr hyn sy'n ddisgwylid dros y tymor byr, canolig a hir, o ran camau gweithredu a deilliannau.

Nid yw'r Bil yn cyfeirio at y cyd-destun strategol ehangach sy'n greiddiol i weithredu'r newidiadau hyn – er enghraifft y Cynlluniau Strategol y Gymraeg mewn Addysg, a'r newidiadau strwythurol y mae disgwyl i ysgolion eu gwneud, dros gyfnod, i gynyddu'r ddarpariaeth cyfrwng Cymraeg, a thrwy hynny i gynyddu lefelau medrusrwydd cyfathrebu a rhuglder. Mae diffinio ysgolion yn ôl eu darpariaeth cyfrwng Cymraeg yn greiddiol yn y cyd-destun hwn gan ei fod yn creu fframwaith ar gyfer cynnydd a dilyniant i ysgolion.

Rydym yn derbyn na fyddai'n briodol i'r Bil fynd i'r lefel honno o fanylder; ni fyddai'n cydweddu â natur 'fframwaith' y Bil penodol hwn. Fodd bynnag, mewn gwrthgyferbyniad clir iawn gyda'r prif newidiadau polisi eraill y mae'r cwricwlwm yn eu cyflwyno, nid yw'r Bil yn gwneud darpariaeth ar gyfer unrhyw god, canllaw nac is-ddeddfwriaeth fyddai'n ymhelaethu ar oblygiadau'r newidiadau hyn i ysgolion.

Yn Rhan 1, mae'r Bil yn darparu ar gyfer gwneud tri chod i fynd i'r afael â materion penodol mewn mwy o fanylder nag y byddai'n briodol ar wyneb y Bil, sef Cod yr Hyn sy'n Bwysig (6); Cod Cynnydd (7); a Chod Addysg Cydberthynas a Rhywioldeb (8).

Er mwyn i ysgolion (yn ogystal ag awdurdodau lleol, consortia rhanbarthol, ac eraill o fewn y system addysg), gael dealltwriaeth glir o'r disgwylidau, a'r daith sydd o'u blaenau mewn perthynas â'r Gymraeg yn y cwricwlwm newydd, rydym yn cymhell yn gryf y dylid gwneud gwelliant i'r Bil sy'n darparu ar gyfer gwneud Cod Addysg Gymraeg.

Mi fyddai'n angenrheidiol bod y Cod hwn yn cyfeirio'n uniongyrchol at y ddogfen arfaethedig ynghylch diffinio ysgolion yn ôl eu darpariaeth cyfrwng Cymraeg, ac felly'n rhoi statws statudol i'r diffiniadau. Fel arall, mi fydd angen sicrhau sail statudol arall i'r diffiniadau, a hynny yn unol â'r ymrwymiad yn y Papur Gwyn yn 2019 i ddarparu "pŵer i Weinidogion Cymru a fydd yn caniatáu iddynt ragnodi'r diffiniadau ar gyfer y categorïau iaith ysgolion drwy is-ddeddfwriaeth" (t.35).

Er bod rhywfaint o wybodaeth yn sgil canllawiau'r cwricwlwm ym Maes Dysgu a Phrofiad 'Ieithoedd, Llythrennedd a Chyfathrebu', ac er y tybiwn y cynigir rhywfaint o fanylder ynghylch cynnydd a dilyniant disgyblion yn y Cod Cynnydd, rydym yn argyhoeddedig na fydd hyn yn ddigonol i ganiatáu'r math o flaengynllunio fydd yn angenrheidiol i sicrhau gweithredu effeithiol mewn perthynas â'r Gymraeg. Byddai creu Cod Addysg Gymraeg yn rhoi sicrwydd diamheuol i'r sector addysg drwyddi draw ynghylch y bwriad o ran y cwricwlwm, a hynny oddi fewn i gyd-destun strategol ehangach bwriadau polisi Llywodraeth Cymru, ac yn rhoi canllaw gweithredu clir.

30 Hydref 2020

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Aled Roberts
Comisiynydd y Gymraeg
[Welsh Language Commissioner](mailto:WelshLanguageCommissioner)

01/03

Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Lynne Neagle AS
Children, Young People and Education Committee Chair
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21/10/2020

Dear Chair,

Evidence on the Curriculum and Assessment (Wales) Bill

In giving evidence to the committee on 8 October 2020 I discussed the potential of including provisions in the Bill to establish a statutory basis for school language categories. During the Education Minister's evidence session on 21 October 2020, it was confirmed that the Bill would not include such provision, and that the Government would be consulting on new school language categories on a non-statutory basis before the end of the year.

One of the primary reasons for reforming school language categories in the first place was to move away from the current non-statutory framework. As I explain in my written response to the Committee's consultation on the Curriculum Bill, school language categories are not only crucial in terms of curriculum organisation, but also in implementing the Government's wider Welsh language education strategy, in particular in terms of the Welsh in Education Strategic Plans. Placing such a framework on a non-statutory basis will undermine the strategic significance of the language categories as there will be no statutory basis for ensuring that local authorities and schools will follow the proposed framework correctly. This is, of course, part of the current problem.

According to the Minister, it was decided that school language categories is a school organisation matter, rather than a curriculum matter, and that the timetable for developing the new categories did not coincide with the timetable for introducing the Curriculum and Assessment (Wales) Bill. Despite the reasons outlined above, it remains unclear why the Government cannot include provisions in the Curriculum Bill for creating statutory

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Correspondence welcomed in Welsh and English



regulations to define school language categories. Firstly, whilst I accept that the issue of school language categories has wider relevance beyond the curriculum, the categories are central to curriculum design and school organisation in terms of teaching and using the Welsh language. This point was made by the Government itself when the curriculum white paper was published in 2019. It should also be emphasised that the current guidance for the Languages, Literacy, and Communication Area of Learning and Experience (and one would presume the Progression Code when published) refers explicitly to schools in different language categories. In terms of timetable, the Minister has confirmed that the Government will be consulting on new school language categories before the end of the year, and it is unclear why regulations could not be published later. That is, the Curriculum Bill could include provisions for the creation of regulations, and the work of drawing up the regulations themselves could commence once the consultation process on the new categories is completed.

I am also eager to respond briefly to another point made by the Minister in replying to questions regarding the abolition of Welsh as a second language and creating a single continuum for teaching the Welsh language. She mentioned that she was of the opinion that a great deal of detail was already included in the guidance for the Languages, Literacy and Communication AoLE, especially in terms of expectations placed on learners and in terms of progression. It was also mentioned that the Government would welcome further detail on what we, and others, argue is missing from the Bill and current guidelines. In this context, our written response to the Committee's consultation on the Bill, and our response to question 6.1 in particular, provide such details and explain my perspective on the content of the guidelines.

In my opinion, there has yet to be any significant, specific or practical work published regarding the Welsh language continuum, and how it will, over a period of time, lead to the raising of standards across all schools in Wales. I fully support the vision of abolishing Welsh as a second language, but in the absence of further guidance and instruction I fear that we will inevitably be repeating the failures of the past, and that the education system in Wales will continue to deprive the majority of young people the opportunity to be able to speak and use both Welsh and English. I am very concerned that the Welsh Government is missing a golden opportunity through the Curriculum Bill to realise one of the core objectives of the Cymraeg 2050 strategy, namely, to ensure that every pupil in Wales has the opportunity to develop into a confident Welsh speaker.

It is clear that the Minister has a commendable vision for the Welsh language in statutory education, but further action is needed if this vision is to be realised. To be absolutely clear, I am not criticising the proposed curriculum as a starting point for learners in English medium schools, but rather that the curriculum needs to be complemented by a longer-term vision and framework. A statutory code published in the wake of the Curriculum Bill could serve this purpose, and would provide a statutory mechanism for raising expectations and standards incrementally, working gradually towards the long term objectives and targets of Cymraeg 2050. Such a code need not be published before the



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Commissioner

end of this Government's term and the period prior to the curriculum coming to force could allow sufficient time to develop and refine the content of the code. It would be useful to bring together experts to draw up the code, and potentially this could be done alongside the work focused on developing the new qualifications for the Welsh language.

I urge the committee to consider the potentially far reaching impact the inclusion of a duty to generate a statutory code for teaching of Welsh, and also regulations for defining the language categories of schools, could have upon future generations of Welsh pupils. I fear that a failure to implement such important changes will mean a continuation of the status quo with respect to Welsh as a subject and as a medium of teaching. This will inevitably lead to another generation of pupils that are deprived of the opportunity of becoming bilingual.

Yours sincerely,

Aled Roberts
Welsh Language Commissioner

Copi to:

Kirsty Williams, Education Minister - Gohebiaeth.Kirsty.Williams@gov.wales

Agenda Item 5.7

CYPE(5)-27-20 - Paper to note 7



Ymateb i Ymgynghoriad / Consultation Response

Date / Dyddiad: 28 October 2020

Subject / Pwnc: Additional Questions from the Senedd CYPE Committee in relation to the Stage 1 scrutiny of the Curriculum and Assessment Bill.

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the Senedd that affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

Context of Response

The Children's Commissioner submitted detailed [written](#) and [oral](#) evidence to the Stage 1 scrutiny of the Curriculum and Assessment Bill. This evidence is submitted in response to additional questions from the Committee about Religion, Values and Ethics.

Additional Questions for Children's Commissioner

- whether she is aware of the extent to which children are withdrawn from religious and sex education in Wales under current arrangements;
- the evidence underpinning the concerns she has expressed about how pluralistic current provision of religious education is in Wales's schools and how pluralistic denominational RVE under the new curriculum is likely to be.

Summary of position in relation to the two areas in question (RSE and RVE).

I do not have concerns about the provisions in the Bill in relation to Relationships and Sexuality Education. **The provision to mandate RSE in the Bill has my full support** and will help realise the provisions of the UNCRC to which all children in Wales are entitled.

I have significant concerns about the provision in the Bill around Religion, Values and Ethics relating to settings that are religious in character. These provisions are not compliant with the UNCRC and are in fact in direct contradiction to it. This is because the provisions of this Bill mean that children in faith settings will not necessarily have access to a pluralistic education in line with human rights requirements under the UNCRC¹; second, because their parents can determine the RVE curriculum they experience. To rectify this **there must be an amendment to Schedule 1 of the Bill.**

Extent to which children are withdrawn under current arrangements.

I do not have information about the extent to which children and young people are withdrawn from RSE or RVE under current arrangements. This information was not included in the impact assessment² that accompanied the Welsh Government consultation (Nov 2019) on ensuring access to the full curriculum, and nor has it been included in other assessments of this legislative change. The Committee would need to seek this information from local authorities or from Welsh Government.

However, even if the numbers of children that are withdrawn are currently very low, this still means that these children are **not receiving an education that is in line with their rights under the UNCRC.** When a child is withdrawn from RSE it means that they do not have access to information they need to make safe, informed choices about their own lives. When a child is withdrawn from pluralistic RVE they do not have the opportunity to develop their understanding of different faiths and worldviews, and they will not have facilitated opportunities to explore and challenge opinions that they may encounter within out of school settings, both online and offline. As outlined in my full response to the Stage 1 scrutiny, ensuring access to the full curriculum for all in both of these areas is a safeguarding as well as an educational necessity. We should not feel comfortable in allowing legislation to pass with blanket provision relating to the religious character of settings, which does not account for the rights of individual children, and which could prevent some children from accessing this education.

This Bill will establish the entitlements that children and young people will experience through an education in Wales. Legislation on its own won't realise those entitlements, that will come with their implementation – but it is incumbent on the Welsh Government, under the Rights of Children and Young Persons (Wales) Measure 2011, that these entitlements enable the realisation of rights. They should certainly not contain provision that can

¹[https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a\)GeneralCommentNo1TheAimsofEducation\(article29\)\(2001\).aspx](https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a)GeneralCommentNo1TheAimsofEducation(article29)(2001).aspx)

² <https://gov.wales/sites/default/files/consultations/2019-10/integrated-impact-assessment-ensuring-access-to-the-full-curriculum.pdf>

prevent some children from receiving their rights, and in order to do this Schedule 1 needs amendment to ensure children in all settings receive pluralistic RVE.

Evidence underpinning concerns about how pluralistic current provision of religious education is in Wales's schools and how pluralistic denominational RVE under the new curriculum is likely to be.

The Bill will improve the pluralism of religious education in Wales' school without a religious character. This is because the current law enables children and young people in schools without a religious character to receive a denominational provision under certain circumstances, as set out in Schedule 19 to the School Standards and Framework Act 1998. This will be removed under this Bill and this I welcome.

However, if the Bill passes without an amendment to Schedule 1 the Senedd will have passed a Bill that enables some schools (voluntary aided schools of a religious character) to have a default RVE curriculum that does not need to pay regard to the Agreed Syllabus and is therefore not necessarily pluralistic. It also requires other schools (foundation and voluntary controlled schools of a religious character) to offer a curriculum that is in line with the trust deeds or tenets of the faith, if a parent so requires.

The primary evidence therefore that underpins my concerns is the draft legislation itself. The Curriculum and Assessment Bill is anticipated to endure in legislation for some time and this year alone has reinforced the fact that we cannot accurately anticipate societal change. On that basis a Bill should not pass with proposals that, in addition to failing to uphold the provisions of the UNCRC to participation, education and equality, also fail to take account of the safeguarding role of pluralistic religious education in creating cohesive communities both within and outside the education setting. This would undermine the PREVENT agenda, an equalities approach to anti-bullying education, and the principles of the Well-being of Future Generations (Wales) Act.

My secondary evidence for this concern comes from the context in which we live now. Whilst I do not have data around the extent to which pluralistic RVE is already provided, there is plentiful data that illustrate the necessity to increase access to pluralistic RVE and not decrease this. At a national level, we must take all available educational opportunities to respond to discrimination and bullying, and also to radicalisation of all types, including on the far and extreme right. As illustrated by cases published to illustrate the PREVENT programme³ in Wales, far and extreme right ideology is having an impact on the views of children and young people in Wales. Research by the charity Show Racism the Red Card⁴ in 2020 shows that racist incidents related to faith occur frequently in Welsh schools and may be rising in prevalence. In a survey of 1,058 teachers in Wales, 39% of respondents said their pupils had expressed misconceptions or stereotypes relating to religion and 25% had responded to a racist incident in the last month. Of the 1,058 teachers, 159 chose to add additional comments, of those, 66% (105) described anti-Islamic behaviour or expressions

³ <https://www.gwent.police.uk/en/advice/advice/t-z-terrorism-witness-of-crime/terrorism/prevent/>

⁴ [Racism in Wales: exploring prejudice in the Welsh Education System, May 2020](#)

within their learning communities and 12.6% (19) raised issues of anti-Semitism. This is notable as anti-Semitism was not mentioned at all in a previous 2016 survey⁵ conducted by the charity.

This research echoes several of the findings of a 2018 report, Experience of Race and Racism in Schools in Wales⁶, which was jointly authored by a collaboration between Welsh equalities organisations. This report shows that some children and young people in Wales experience racism on a daily basis due to their religion, and it highlights aspects of the profound impact of this on children's wellbeing and their experience of education. It includes an account of a young woman whose hijab was forcibly pulled off her by one of her peers and her own interpretation that her school needed to address this not only through discipline, but through developing an understanding of her religion among her peer group. This desire is reinforced throughout the report, with other expressions from children and young people about the need for additional education about religion to develop understanding between and across faith communities.

The issue of representation should also be considered: many children and young people attending schools of a religious character come from faith backgrounds that are not the same faith reflected in the tenets or trust deeds of the school. The experiences and religious identity of these children and young people must not be excluded in the syllabus of the school and a requirement that all children receive a pluralistic learning experience is the only way in which this can be ensured – without this it will be left to chance and to individual parental preference.

Finally, my evidence for the need for this to be addressed is based in the UNCRC itself. Schedule 1 must be 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).

Additional amendment to ensure RSE

Although not directly part of the two questions I would also like to flag one additional amendment to the Bill that will help safeguard the provision made in the Bill for RSE. **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.**

⁵ Racism and Anti-racism in the Welsh Education System: Research Report September 2016, Show Racism the Red Card

⁶ <http://eyst.org.uk/assets/experiences-of-racism-and-race-in-schools-in-wales.pdf>

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 mandatory element of RSE 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 codes relating to the Bill, which set out learning under each area. I question if it is necessary for regulations to also include the power to **remove** whole mandatory elements. An amendment to this power so that it enables the addition and revision of an AoLE or of a mandatory element **but not removal** 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. This would better safeguard children and young people’s wellbeing in the long term.

Submitted by:



Professor Sally Holland
Children’s Commissioner for Wales

23rd October 2020

Dear Lynne Neagle MS, Chair of the Children, Young People and Education Committee,

Thank you for inviting us all to give evidence on the 8th October, and for your questions about RSE in the Curriculum and Assessment (Wales) Bill. We hope the evidence session was informative and useful for the Committee.

We wanted to write to the Committee to follow up with what we, as a collective, feel are the key considerations for Relationships and Sexuality Education (RSE) within the new Curriculum.

1. The importance of mandatory, high-quality, inclusive RSE for all learners in Wales

We welcome the Welsh Government's commitment to introducing mandatory RSE within the new curriculum for all learners age 3-16. We support the principles of the Bill relating to RSE and its intention to improve the profile, quality and consistency of the content and delivery of the subject. High quality RSE is associated with a range of positive and protective outcomes for children, young people and their communities, including increasing children's understanding of safe, consensual, equitable and positive relationships; being able to recognise abusive or controlling behaviour and know where to seek support; helping to reduce homophobic, biphobic and transphobic bullying; and helping to challenge and reform harmful gender norms and stereotypes, which are known to underpin and reinforce violence against women, domestic abuse and sexual violence.

However, legislation on RSE is crucial, as existing evidence¹ has shown that current non-statutory provision has resulted in a wide variation in the quality and quantity of RSE that children receive across the UK. Without legislative change RSE will continue to be poorly resourced, will remain a low priority for schools, be narrowly conceived, and not reflective of children and young peoples, rights, needs, questions and concerns.

Without access to mandatory RSE for all learners, including schools offering RSE to post-16 pupils, and this vital preventive and protective education, we feel that children and young people will be unable to secure the four purposes and become healthy, confident individuals.

Recommendation:

To provide mandatory high-quality, inclusive RSE to all learners in Wales, we recommend that Welsh Government commit to fully implementing all of the SRE Expert Panel recommendations²

¹ See: Renold, Emma and McGeeney, Ester (2017) [The future of the sex and relationships education curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel](#). [Project Report]. Cardiff: Welsh Government

² Renold, Emma and McGeeney, Ester (2017) [The future of the sex and relationships education curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel](#). [Project Report]. Cardiff: Welsh Government

2. The need for a clear and detailed RSE Code

We are 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. We feel that it is vital that the core learning set out within the RSE Code is explicit and detailed, in order for schools to have clarity about which topics should be covered within each theme.

While the 6 thematic areas (i.e. Rights and Equity; Relationships; Sex, Gender and Sexuality; Bodies and Body Image; Sexual Health and Well-being; Violence, Safety and Support) and their brief summaries (included in the Curriculum for Wales Guidance) are a good starting point, they are currently much too vague and lack specific detail of which topics should be covered within each theme. We are concerned that this lack of detail will result in an inconsistent approach and further perpetuate unequal levels of RSE provision.

It is essential that the RSE Code is co-produced with children and young people and key stakeholders as 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.

Recommendation:

For a clear and detailed RSE Code to be co-produced in consultation with key stakeholders, and children and young people.

3. A national approach for professional development on RSE, with ring-fenced funding, and a clear strategy for implementation

Making RSE a statutory part of the curriculum is a really positive start, but to achieve high quality, inclusive RSE for all, we need to ensure that it is provided by well-trained, supported and confident teachers, who can access professional learning and evidence-based resources.

We are concerned that evidence indicates that many teachers have not had adequate training to support confident and high quality RSE. Without specialist RSE training, teachers may avoid addressing sensitive or challenging issues, and there is a significant risk that the opportunity to develop inclusive content will be undermined.

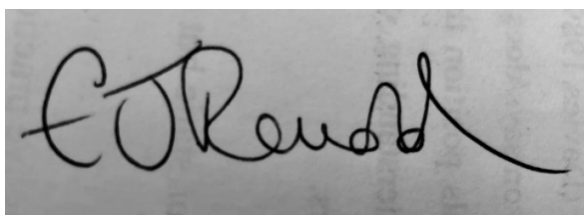
We feel it is necessary for there to be major investment in ongoing professional development on RSE, alongside a clear strategy for implementation. This must include provision for a designated RSE lead practitioner with protected hours in every school. Without this investment, we are concerned that the Minister for Education's vision for inclusive, high-quality RSE, may not be realised.

Recommendation:

Provide ring-fenced investment in professional development on RSE, supported by a national strategy for implementation and accountability.

We would welcome any opportunities to further support the Committee's work on RSE within the Curriculum and Assessment (Wales) Bill. We are all available to provide further written or oral evidence and clarification, or to answer any additional questions that the Committee may have. We are happy to be contacted individually or as a stakeholder group.

Yours Sincerely,



Professor EJ Renold
Professor of Childhood Studies
Cardiff University





The difficulties of providing an additional syllabus in Church schools

Executive Summary

The RE curriculum in Church schools is objective, critical and pluralistic, and includes learning about a range of religions and worldviews. However, the basis on which the curriculum is constructed is completely different to most agreed syllabi, for a number of reasons.

- there are at least three broad bases for an objective, critical and pluralistic RE curriculum:
 - a “world religions paradigm” which gives similar time to a number of discrete religions and worldviews, common in many agreed syllabi;
 - a “worldview” approach from multiple perspectives, as advocated by the Commission on RE; and
 - deep fluency in one tradition, opening up a dialogical approach to other religious and non-religious traditions, which is the approach in Catholic RE;
- the starting point for curriculum building in an agreed syllabus is the 1996 Act and local demography, whereas for Church schools it will be the Church’s teaching documents;
- methodological approaches differ – e.g. RE in a Catholic school is primarily school-level theology, rather than primarily phenomenological, for example;
- an essential part of Catholic RE is the way in which it relates to the whole school including the rest of the curriculum.

Forcing voluntary aided schools to design and teach two separate, parallel, RE syllabi will have very significant practical and financial difficulties for voluntary aided schools and education budgets.

Introduction

It has been suggested that requiring Catholic schools to have a curriculum that is in accordance with the agreed syllabus, as well as a Catholic RE curriculum should be relatively unproblematic. There seems to be a presumption that all it would require is the addition of those features of the agreed syllabus that were not already part of the Catholic curriculum. This is a naïve presumption and shows a lack of understanding of the difference between Catholic RE curricula and the agreed syllabus equivalents. The dual system of community and voluntary schools was designed to respect and protect this distinction, which is under threat by the Bill. This paper explains the four broad ways in which Catholic RE differs in its approach from the agreed syllabus and outlines the practical impact and costs which only Church schools would bear.

1. Three different approaches to objective, critical and pluralistic RE

Catholic school RE curricula already meet the legally required “objective, critical and pluralistic” standard. However, an assumption that this means it would thereby necessarily share a basic core with other non-denominational curricula is erroneous. It would be a failure to recognise that there are several different ways a curriculum could meet these requirements.

For example, a curriculum could be objective, critical and pluralistic by implementing what many scholars call the “world religions paradigm” (WRP). This would be to treat a wide range of religions and worldviews discretely, giving each an equal share of the curriculum time. It also tends to treat all religions as bounded entities that are definable and monolithic. This has often been the way that agreed syllabus conference curricula have been shaped. Many people seem to assume that this is what is meant by an objective, critical and pluralistic curriculum. However, this approach is increasingly out of favour with the leading academics in Religious Education, who argue it reifies institutional views of

religion, ignores complexity and uncritically absorbs colonial definitions of religions, viewing them all through a Christian lens¹.

A second approach could be that adopted by the Commission on Religious Education's report² in its new vision for Religious Education which argues for a reconfiguration of curriculum content around central existential worldview approaches to common human questions from multiple perspectives. This does not necessarily require the study of discrete religions but recognises the complexity of religious commitment and the interplay between religion, politics and identity. It approaches the religious questions critically and pluralistically because it opens them up to commentary from multiple perspectives without presuming in advance that the identity of religious believers is fixed, including personal as well as institutional worldviews. Such a curriculum³ would look very different to one framed by the WRP, but would still pass the objective, critical and pluralistic test.

Finally, there is the kind of curriculum that would predominate in a Catholic school that concentrates on understanding the nature of religion through becoming fluent in one tradition first (in our case Catholicism) to open up a dialogical space with other religious and non-religious traditions from a well-informed and religiously literate starting point. A dialogical approach is only fruitful if at least one tradition is understood very well. It becomes objective, critical and pluralistic when those from within that tradition engage in critical dialogue from those of other traditions and can critically reflect on their own worldviews and presumptions. This is most assuredly an objective, critical and pluralistic curriculum but the range of other religions and worldviews studied is smaller than would be typical of an WRP curriculum, since the time given to each is much more extensive, and a school would in effect 'major' in its own tradition with a significant and large portion of the curriculum being given to the study of a limited number of other religions and worldviews in greater depth than would be true in most WRP curricula. (The overall time spent studying other religions and traditions in Catholic schools is no less – and often greater – than in other schools because of the much greater curriculum time devoted to RE.)

2. Different starting points for curriculum building

The second reason that a Catholic curriculum might look very different from an agreed syllabus curriculum, notwithstanding that both are objective, critical and pluralistic, is that their starting points are entirely different. An agreed syllabus curriculum would usually begin with the 1996 legislation and ensure that the curriculums reflect the demography of the UK or local regions and would largely enshrine a WRP approach to the inclusion of different religious traditions. A Catholic curriculum begins with the Bishops' *Religious Education Curriculum Directory*⁴. For Catholic curriculum builders this would be their normative starting point and they would see no need to consult any other authoritative source since by both statute⁵ and canon⁶, the responsibility for determining the content of Religious Education in Catholic schools sits with the relevant religious authority, which for Catholics is the Catholic Bishops' Conference.

3. Alternative methodological approaches to the discipline of RE

The third reason that a Catholic curriculum might differ in essence from an agreed syllabus curriculum, has to do with different methodological approaches. Put simply, Catholic RE is, in accordance with

¹ For a very accessible critique of the WRP, see this podcast page:

<https://www.religiousstudiesproject.com/podcast/podcast-james-cox-on-the-world-religions-paradigm/> and <https://www.religiousstudiesproject.com/podcast/decolonizing-the-study-of-religion/>.

² Commission on Religious Education (CoRE), Final Report, 2018 <http://www.commissiononre.org.uk>.

³ See the "big Ideas" approach to RE promoted by Barbara Wintersgill, which was very influential on the Commission (https://socialsciences.exeter.ac.uk/media/universityofexeter/collegeofsocialsciencesandinternationalstudies/education/research/groupsandnetworks/reandspiritualitynetwork/Big_Ideas_for_RE_E-Book.pdf)

⁴ CBCEW, *Religious Education Curriculum Directory (3-19) for Catholic Schools and Colleges in England and Wales* (London: The Department of Education and Formation of the Catholic Bishops Conference of England and Wales, 2012).

⁵ School Standards and Frameworks Act 1998, schedule 19, paragraph 4.

⁶ The Code of Canon Law, canon 806.

Trust Deed requirements, essentially school-level theology, with other disciplinary approaches playing an important, but secondary role. Typically, an agreed syllabus curriculum would also use a range of disciplinary approaches, but theology is unlikely to be the central discipline – sociology or phenomenology, for example are likely to play a much more central role.⁷

4. The relationship of RE to the whole curriculum

The fourth reason that a Catholic curriculum might be fundamentally different is the central place of Catholic RE in the school's curriculum and mission. In Catholic schools, RE is the 'core of the core curriculum'⁸ and has a relationship with every other curriculum subject, as well as a bearing on the values and ethics of the whole school.

The practical impact on Church schools

Being forced to design two separate syllabi has a number of serious practical and resource implications for voluntary aided Schools.

- Professional Development for staff needs to be duplicated, as will the time required for curriculum development.
- Additional advisers will need to be found to support the agreed syllabus development alongside the existing diocesan RE advisers who support the denominational RE.
- In a school where pupils request the alternative syllabus, additional staff will be required to teach it in parallel with the existing RE. Since RE is at least 10% of curriculum time in Catholic schools, this will mean a staffing budget of approximately 110% its current size.
- The need for curriculum resources will double
- Additional accommodation will also be required even where the agreed syllabus is compatible with the school's Trust Deed, and it can be taught on site.
- Where the agreed syllabus is not compatible with the school's Trust Deed, it will need to be taught in a different location, either by making arrangements with a nearby school or hiring additional accommodation. These solutions will both require the arrangement and expense of transporting pupils and supervising them, and disruption to the school day.
- If large numbers of parents requested alternative provision, this could undermine the purposes of the Trust Deed and call into question the viability of the school.

All these additional costs and disruption would only fall on voluntary aided schools, and would have severe effects on education budgets.

Conclusion

In summary, it should be clear that there is no such thing as a single shared understanding of what an objective, critical and pluralistic curriculum looks like. Furthermore, a Church school does not start in the same place as an agreed syllabus conference. Church schools cannot be expected to begin with an agreed syllabus and modify it for their context. As a result, it is possible, and indeed likely, that the agreed syllabus and the syllabus used in a Church school will be very different in practice even if both meet the objective, critical and pluralistic requirement. Therefore, any requirement to produce an additional curriculum on top of a Church school RE curriculum would be an onerous and unreasonable additional burden on Church schools. Furthermore, as it is only Church schools that would be required to take on such an additional burden it is also contrary to the demand of natural justice, and possibly discriminatory.

⁷ See e.g. the CoRE's draft '*National Entitlement*' (Interim Report, 2017) where theology is listed as the last of five disciplines.

⁸ Pope St John Paul II, Address to the bishops of Great Britain, 1992.

Why 'have regard to' would be a significant improvement

Executive Summary

- Voluntary aided (VA) schools alone are being required to teach in accordance with the agreed syllabus. It is possible, if not likely, that this may be incompatible with the school's foundation document, its **Trust Deed**¹. This risks putting school leaders in a position where it is impossible to comply with the law, or require schools to find alternative premises in which to teach agreed syllabus RE.
- Adding an additional Committee to Agreed Syllabus Conferences consisting of campaigning groups who oppose the existence of Church schools makes this scenario more likely as well as increasing the difficulty of arriving at an agreed syllabus at all.
- Changing the requirement from '*in accordance with*' to '*have regard to*' (in line with the requirements for every other type of school) will ensure that any possibility of a conflict with the school's Trust Deed will be eliminated.

The impact of a conflict between the agreed syllabus and a school's Trust Deed

The Bill currently proposes (uniquely for VA schools) to require an alternative curriculum to be *in accordance with* the agreed syllabus. The effect of this is that, if any agreed syllabus is incompatible, in any detail, with the Trust Deed of the school, it places school leaders in the impossible position of choosing whether to break the law by not complying with the agreed syllabus, or to break the law by not complying with the school's Trust Deed. In addition, if it chose the former, the school would have to find alternative premises on which to deliver the alternative curriculum, as it could not take place on school premises. No responsible legislature would put school leaders in such an impossible position.

Is it foreseeable that there will be such a conflict? Because of the number of different agreed syllabi, and the different wording to be found in individual school Trust Deeds, it is impossible to give a general answer to this question at the present time but, given what has been said above, it is at least foreseeable, if not likely, that there will be incompatibility between those two legal requirements. This possibility is made almost certain by the proposals in the Bill to make fundamental changes to the composition of the bodies responsible for the agreed syllabi.

The new composition of SACREs and ASCs

An agreed syllabus is adopted by an Agreed Syllabus Conference, made up of three Committees, all of which must agree any new agreed syllabus. The Committees represent: (a) religions and denominations representative of the area, (b) teachers, (c) the local authority. The Bill proposes an additional Committee which is likely to be made up of representatives of two campaigning organisations (NSS & HUK) both of which oppose both the existence of Church schools and the right to teach denominational RE. Once the agreed syllabus is reviewed under these new provisions, those organisations will have an effective veto over any agreed syllabus that does not suit their political objectives, leading to the potential of Welsh Ministers having to appoint a body to adjudicate on the agreed syllabus in local authorities. The same is true, to a lesser extent, with SACREs, where a new 'Group' will be formed with the same composition.

¹ For an explanation of the Trust Deed and its centrality to the existence of voluntary schools, see Appendix.

“In accordance with” and “with regard to”

The legal requirement to *‘have regard to’* the agreed syllabus means to follow it unless there is a good reason not to. One thing that would be helpful would be to amend the Bill to require an alternative curriculum to *‘have regard to’* the agreed syllabus rather than to be *in accordance with* it, as is the case for all other types of school. If this change were made, then it would respect the integrity of the Church school starting point and would invert the misunderstanding that there is a common core to which Church schools add denominational tassels. A legal requirement not to follow the agreed syllabus deriving from the school’s Trust Deed would constitute a good reason, thus meaning that the possibility of a conflict between a school’s Trust Deed and the agreed syllabus would be entirely eliminated. Such a change would also allow us to demonstrate the ways in which the Catholic RE curriculum already meets the objectives of the agreed syllabus and to modify it where it does not. This would allow a genuine pluralism to flourish in Wales, since it would recognise the distinctiveness of the different contexts in which Religious Education happens and does not presume to impose approaches that would be alien to the religious traditions of particular Welsh schools and communities.

Appendix: The importance of Trust Deeds of Church schools

Which schools have Trust Deeds?

There are two types of maintained school in Wales. 85% of schools are provided by the State and 15% of schools are provided by charities. The latter are called **voluntary schools**. These voluntary schools exist where a charitable foundation provides land and buildings to set up and run a school. In Wales all voluntary schools are **Church schools** with two-thirds of them provided by the Church in Wales and one-third provided by the Catholic Church. Unlike State-provided schools, voluntary schools have a foundational document known as its **Trust Deed** which sets out the legal parameters within which the school is to be conducted. They also have **Trustees** who own the land and buildings in accordance with the Trust Deed.

What is a Trust Deed?

The term 'Trust Deed' in connection with Church schools is defined in law.¹ The Trust Deed is the constitution of the charity that owns the school and allows it to be used for State education. It sets out the charitable objects for which the charity exists, and the limits of what the charity's property may or may not be used for. Under education and charity law, both the school's Trustees and its Governing Body must comply with the provisions of the Trust Deed. The Trust Deed is the foundation document that sets out the religious character of the education to be provided by the school. Trustees, in particular, have a legal duty not to allow their property to be used in a way which is contrary to the Trust Deed. In addition, many school sites were donated by benefactors for the purpose of a Church School. If the Trustees fail to ensure compliance with the Trust Deed, the **Reverter of Sites Acts** provided for ownership of the land and buildings to pass back to the heirs of the benefactor.

How do Catholic and Church in Wales Trust Deeds differ?

Each Church in Wales school had its own Trust Deed which sets out the details of the foundation of the school, the basis on which the buildings and land were originally granted and names the Trustees of the school. In most cases the Trustees are the local incumbent and churchwardens but sometimes it is the Diocese. The Trust Deed will contain the requirements for the education to conform to the tenets of the Church in Wales, and there is usually a clause specifying use by the local church on particular days or occasions.

In Catholic schools the charity which provides the school is the Diocese. Therefore the Trust Deed of each of its schools is the Diocesan Trust Deed, and its Trustees are the Diocesan Trustees. These Trust Deeds also provide for the education in Catholic schools to be in accordance with the principles, regulations and discipline of the Catholic Church.

Why is it problematic to suggest the abolition of Trust Deeds?

The suggestion to abolish Trust Deeds for both Catholic and Church in Wales schools misunderstands the centrality of the Trust Deed to the very existence of Church schools. Not only would it remove the legal framework which protects the religious ethos of the schools, it would amount to the abolition of the charities that provide the schools. The Trustees would no longer be able to continue providing schools, and would have to decide how to use the property for other charitable work, (unless the site reverted to the family of the original donor). In a Catholic context abolishing diocesan Trust Deeds would amount to the abolition of the charity supporting each diocese and its parishes, thereby threatening the existence of all Catholic Churches and Cathedrals in Wales. This is not within the legislative competence of the Senedd, and would be strongly resisted by the Catholic community.

Church in Wales response to CYPE supplementary questions.

In Church in Wales voluntary aided schools, the starting point for religious education would be the tenets of the Church in Wales. The starting point for objective, critical and pluralistic religious education would therefore be through a Christian lens. This would ensure that religious education is delivered in accordance with the Trust Deed requirements of the school. It should be noted that Trust Deeds themselves are not uniform and there may be variations in their specific requirements. However, several of our voluntary aided church school sites are held on trusts, which require that **all** religious education provided must not conflict with the tenets of the Church in Wales.

Religious education is not simply one of many subjects that form the curriculum, it is fundamental to the values and ethos of the whole school.

The Bill proposes that voluntary aided schools of a religious character will be required to develop and offer an additional curriculum that is in accordance with the locally agreed syllabus. Such a strict requirement means that if the locally agreed syllabus is incompatible with the Trust Deed of the school, the leaders and governors will potentially have to choose between being in breach of the legal requirements of the Trust Deed or not complying with the law related to Curriculum for Wales.

Currently the national Religion, Values and Ethics Framework has not been published for consultation, so it is impossible to know whether the additional syllabus, which voluntary aided schools may be required to follow, will be in breach of the Trust Deed. Even when the national framework is published, there is the potential for significant variation between the twenty two locally agreed syllabii and therefore the potential for significant variation in terms of what schools are expected to deliver.

This potential conflict and the uncertainty around it is exacerbated still further by the proposals to change the groups on Agreed Syllabus Conferences. Currently, the three committees of a conference must agree any new locally agreed syllabus for Religion, Values and Ethics. These three committees are made up of

- I. Religions and denominations representative of the area
- II. Teachers
- III. The Local Authority

The Bill proposes a fourth group (committee) comprising of those who hold philosophical convictions. This would significantly unbalance the decision-making ability of the ASC as, if is likely, the members of this committee comprise of members aligned to organisations who oppose the existence of schools of a religious character and therefore denominational religious education.

This uncertainty, particularly at local level, makes it difficult to state categorically whether RVE provided in accordance with the various Trust Deeds of the schools could also be “in accordance” with the locally agreed syllabus.

The issue here, is that Church in Wales voluntary aided schools, their governors, headteachers and practitioners are being set apart and are not being treated equitably with other schools. Not only do they have to provide an additional syllabus, but the Bill sets them further apart by stating that this additional syllabus should be “in accordance with” the locally agreed syllabus rather than “have regard to” as is the case for all other schools. In addition, much as paragraph 4(3) of Schedule 1 to the Bill requires additional provision, which accords with the agreed syllabus where the

denominational RVE does not accord with the agreed syllabus, paragraph 8(4) of Schedule 1 gives parents the absolute right to request that their child is taught the locally agreed syllabus. Parents do not have such a right in any schools without a religious character.

The potential burden on schools of a religious character in fulfilling the requirement of having to develop a supplementary syllabus was referenced in our original response to the CYPE consultation and is outlined below.

Professional learning: two syllabi will require two sets of professional learning, double the supply costs and double the time class teachers are taken from their regular classes.

In primary schools this would involve all staff due to the integrated nature of the new curriculum. In secondary schools this would require RVE teachers and those who teach within the Humanities AOLE (in a small secondary approximately 10 teachers in a large secondary school 20-25 teachers).

Curriculum development: time required for curriculum development is doubled as are the associated supply needs and financial costs. As above this will have an impact on teaching time with designated classes. There is a significant workload issue as staff will have to develop two syllabi and two sets of resources as well as two sets of assessment materials to meet this requirement. In addition, the agreed syllabus is locally determined with potentially 22 variants this means that VA schools would not be able to work together to mitigate some of the workload by developing a single response to the second syllabus.

Professional support: who will provide the support for staff? This is a significant issue for Diocesan RE advisors who do not have the capacity or the remit to advise on the development of a second curriculum. NAPFRE has raised the issue of the lack of capacity for advice and guidance from RVE specialists within the consortia to help deliver the agreed syllabus in schools which are not of a religious character. This problem will potentially be magnified if 234 church schools in Wales ask for support in delivering the additional RVE syllabus.

All of the above will have to take place irrespective of whether the parents of 1 child, many children or in fact no children ask for the agreed syllabus. There is an impact on pupils, staff and Governors who must ensure that two syllabi are developed, planned and reviewed regularly to deliver high quality learning and meet the requirements of Estyn and section 50 inspections.

Limited uptake of the agreed syllabus

Small numbers of requests for the agreed syllabus would have a significant impact on schools of a religious character. It is received wisdom that small classes are not financially viable, and it has been suggested that this may necessitate schools arranging for small numbers of pupils to receive agreed syllabus RVE in another local school in a partnership agreement. There are a number of potential problems with this solution:

- Disruption to the pupil's learning will occur as they will miss lesson time before and after their RVE lesson in another school due to travelling time.
- Timetables cannot be synchronised across schools e.g. a timetable cannot be written in school A of 1500 pupils to meet the needs of one student travelling from school B of 1000 children. It is not a practical model to develop a common timetable for thousands of students to meet the requirements of 1 student when there is pluralistic denominational RVE already available in their home school.
- The student travelling will have to settle into another school and class. This may well impact on wellbeing and transition arrangements will have to be made.

- Who will provide day to day support for this student with this element of their curriculum?
- How will assessment and reporting be managed? Two syllabi, two sets of assessments, two sets of assessment criteria.
- Who will be responsible for supporting a student who may have additional needs?
- There are workload issues regarding data transfer, communication, arranging transport.
- There are potential safeguarding issues around transporting students, particularly of primary school age, during the school day.
- There are financial implications in terms of the cost of transport, academic resources, payment to the host school and providing supervision whilst transporting the student during the school day.

All of these elements would present serious problems for secondary school students but would be impossible for primary school students of a young age. Also, there would be significant issues trying to develop this as a sustainable model in a rural setting where children may have to travel long distances between home and host school.

In-house solution

- Disruption to the pupil's learning will occur as they may miss a range of lessons before and after their class have an RVE lesson allocated on the timetable due to staff availability and/or timetable restrictions.
- Teaching a pupil in isolation will have a negative impact on their wellbeing and may lead them to be singled out by their peers.
- Timetables cannot be developed to meet the needs of 1 student. It is not a practical model to develop a common timetable for a whole year group of students to meet the requirements of 1. There may be a negative impact on the structure of the timetable for the rest of the school in order to meet this requirement.
- The student will not have the social interaction of working in a whole class setting and miss the benefits of working with their peers.
- Additional teaching capacity would have to be provided to cover the additional curriculum time. This potentially could mean that a member of staff is employed to deliver the second syllabus to a very small number of students over the course of a week. This will impose a financial burden on schools in a time of budget restrictions and it may be particularly difficult in secondary schools to recruit due to the spread of hours over the two -week timetable.
- Classroom accommodation may not be available to house an additional teaching group even if this group consists of one student. Allocated teaching spaces are in particularly short supply in primary schools and any spare accommodation is often allocated to support and intervention. To free up this space will make an impact on other students who are receiving specific interventions, often from outside agencies. Additionally, if a pupil is taught a subject discipline in a setting other than a classroom, the learning environment may not be stimulating or conducive to maximising the progress of the student.
- There are potential safeguarding issues to be considered if a member of staff is required to deliver one to one teaching. Would an additional member of staff be required? Risk assessments would have to be undertaken.

Larger scale requests to withdraw from denominational RVE.

- Accommodation: there would be a significant strain on available classrooms if multiple additional groups had to be provided. The need for additional classrooms is usually necessitated by an increase in pupil numbers and this is essentially capped by the PAN number of the school which is based on square footage available. There is no ability to plan as the numbers withdrawing could shift from year to year. Would funding be available centrally to meet the potential need for additional accommodation?
- Staffing: Very few if any schools carry additional staffing capacity. Additional classes require additional staffing for the school timetable to work effectively. There has been no financial planning reflected in the RIA to reflect this impact on budgets in VA schools. A working example of a teacher with a couple of years teaching experience so that they could manage curriculum development and assessment would cost £38,732 with oncosts. Only VA schools will have to face this potential burden. Will there be additional funding streams available?
- The legal requirement to accommodate large numbers of pupils opting for agreed RVE would place the school in breach of its Trust deed. Additional accommodation offsite would be required and the transport and staffing to deliver this alternate provision would push schools into deficit.
- Ethos: widescale alternative provision would undermine the ethos and potentially be divisive within the student and wider community.

General points

It may be difficult to recruit staff for posts which sit outside the structures of the school day and the denominational nature of the school.

There is potential for conflict with parents from those who withdraw their child from denominational RVE and do not feel that there is parity of provision.

Who will inspect the locally agreed syllabus?

There will be an impact on class teachers, middle leaders and Headteachers when managing the potential complexities. Indeed, if there are no requests for the agreed syllabus then the tension remains as practitioners will have to remain alert to the possibility of requests and challenge.

There may be longer term implications on the progress and opportunities for students who do not study denominational RE. What is going to happen in KS4 when full course RE becomes compulsory again? The early decision will have had an impact on the foundation of learning in this core subject and will impact on outcomes.



Your ref: Curriculum and Assessment (Wales) Bill: Stage 1

Lynne Neagle MS
Chair of Children, Young People and Education Committee

5 November 2020

Dear Lynne,

Thank you for your letter dated 22 October following on from my oral evidence on the general principles of the Curriculum and Assessment (Wales) Bill at the CYPE Committee session.

I have responded below to your remaining questions, and to my commitments on 21 October to provide;

- an explanation of why the Welsh Government feels it would be inappropriate to place duties on relevant persons/bodies exercising functions under the Bill to have due regard to the UNCRC and that such duties should only be on the government and Ministers;
- details of the amendment(s) you intend to table, should the Bill progress to Stage 2, in respect of requirements to teach English prior to age 7, enabling Welsh immersion;
- an update on the estimated costs of the Bill following the resumption and completion of relevant work with stakeholders.

UNCRC

The UNCRC is aimed at states and, accordingly, it is for Governments to ensure compliance through their laws, administrative actions and other appropriate measures. This is an important principle and, unless the state is directly providing the service, this Convention is not targeted at frontline providers of service.

The Welsh Government, as required by 'The Rights of Children and Young Persons (Wales) Measure 2011', has considered children's rights and ensured they are built into the Bill. By complying with the duties in the Bill, practitioners will give effect to the rights described in the Convention. The Bill in its current form adopts an approach which is designed to ensure

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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.

that the interests of individuals are protected; this will occur through the imposition of detailed duties.

A general due regard duty on persons or bodies exercising functions under the Bill would not in itself lead to improved outcomes for children and young people. It would not guarantee a particular action or result and could, in practice, have the opposite effect and work against the well-intended aims of such a duty. It would also create a new area of potential litigation and we suspect that the focus of such litigation would be on procedural failure on behalf of local authorities and governing bodies. Some legal challenges might be successful on that basis but again, given the due regard duty, it is questionable if this would lead to any positive change on the ground for children. We think the imposition of direct duties, framed in the context of the Welsh Ministers' own duty to have regard to the UNCRC, will lead to better, discernible outcomes and increase accountability.

If we were to place a due regard duty directly on those exercising functions under the Bill, we risk distracting frontline practitioners from supporting learners by creating layers of red tape and bureaucracy – teachers, schools and governing bodies would have to evidence that they have taken the Convention into account in their interactions with all children and young people with 'better' discernible outcomes for children being questionable. It is specific and practical duties on public bodies that will result in improved outcomes and this is the approach we have taken in the Bill. For example, in relation to the provisions in the Bill concerning pupil choice and the power provided to head teachers to make a determination that the duty to secure teaching and learning does not apply. The provisions firstly set out the finite circumstances under which a head teacher can make such a decision (section 33). Those grounds have been developed and formulated by the Welsh Ministers and are considered to strike a fair balance between the right of the pupil to a choice of what they study and the duty on the head teacher to design and effectively implement a curriculum in accordance with the Bill's requirements. The head teacher must then communicate precise information to the pupil concerned about the reasons for that decision (section 34). There is a review mechanism and an appeal mechanism which are available to the pupil concerned and the parent following which information regarding those decisions be provided to the pupil concerned (section 35). Additionally, regulations can be made by the Welsh Ministers pursuant to the powers in section 34 and 35 and they would have a duty to have regard to the Convention when making those regulations. This is an example of functions specifically placed on head teachers and governing bodies where the provisions set out a fair and transparent process which pays due regard to and respects children's rights.

Under the Bill, the What Matters Code (section 6) will set out the key concepts for each area of learning and experience (section 3). The statements of what matters in the Humanities AoLE published in January include the need for learners to understand their rights and engage with the concept of rights more generally. We would expect this to be a mandatory part of every school's curriculum. Supporting this, the proposed Curriculum for Wales published in January provides clear guidance on human rights learning and education. This includes explicit reference to children's rights and the UNCRC and was developed in close collaboration with the Office of the Children's Commissioner. Pursuant to section 66, headteachers and governing bodies of schools will be obliged to design, adopt and implement a curriculum that includes learning on children's rights and the UNCRC.

Stage 2 amendments – English

I am engaging in a short consultation on the mandatory element of English in the Bill. I will publish this consultation imminently, to ensure that I have taken the widest range of views

on this before Stage 2 commences. Subject to the outcome of that consultation I may lay amendments to the Bill to make English mandatory from age seven. This means that before age seven English will be discretionary for all schools. This would bring the Bill into line with the current Foundation Phase and its child development underpinnings in that formal subjects are more appropriate from age seven onwards, before then learning should be experiential. However, the Schools Standards and Organisation (Wales) Act 2013 will still apply to regulate changes in the language of instruction at schools.

Welsh language will remain mandatory from 3 years.

This will enable Welsh language immersion to continue and ensure that Welsh is given appropriate recognition in the curricula of schools and settings that do not practise Welsh language immersion. This is also in line with the current Foundation Phase where schools deliver the Languages, Literacy and Communication Skills Area of Experience in English or Welsh but those doing so in English are also required to deliver the Welsh Development Area of Experience.

Estimated costs

A number of key stakeholders were invited to submit additional evidence to inform the costs identified in the RIA that was submitted to the Senedd on 6 July 2020.

Officials met with representatives from the further education sector in August 2020 who shared thoughts on the potential impact on the post-16 education system. These can be grouped as follows:

- financial implications for training the post-16 sector;
- the potential need for additional teaching hours in some subjects should certain areas of knowledge not be gained from the new compulsory curriculum; and
- the need to invest in Welsh language skills development in FE. for example, there may be further need for transition activities to be completed in order to ensure effective preparation onto post-16 courses for specific subjects.

Colegau Cymru recognises these issues do not necessarily form part of the financial scope of the Bill which focuses on the compulsory curriculum but consider these are costs that will need to be factored in to make the new curriculum succeed in its aims, and the Welsh Government is seeking to address these points.

Work is ongoing to identify potential costs resulting as a change in qualifications to awarding bodies, and how these may impact on exam centres. You will appreciate that the current situation with exams caused by the pandemic continues to make this exercise extremely challenging. Qualifications Wales have a further consultation on qualifications for the new curriculum due out in the New Year 2021 called Qualified for the Future. As their work progresses on qualifications for the new curriculum proposals will be subject to a Regulatory Impact Assessment and any costs of the new qualifications to awarding bodies, schools and other parts of the sector will be looked at in detail.

We have agreed funding for the Church in Wales and the Catholic Education Service to develop guidance to support the delivery of the new curriculum. They maintain that the requirements for them to deliver both agreed syllabus RVE and denominational RVE would mean additional costs and resources for their schools. Work on this continues to ensure the requirements on schools of a religious character to apply each of the two required syllabi are appropriate. Financial implications will be met from budgets committed to the realisation of the new curriculum.

No other additional costs have been identified by WLGA, ADEW, Regional Consortia, ITE providers, Estyn or WASACRE.

I will also write to the Finance Committee to set out the above in more detail.

Questions:

The Bill's approach

- ◆ *Do you remain fully confident that the approach the Bill sets for the new Curriculum for Wales, providing a high degree of flexibility to schools and discretion to headteachers through the ending of a heavily prescribed national curriculum, is the best means of achieving school improvement and raising standards across the board? You have pointed to the shortcomings of the current system as part of the reason for change but how can you be certain that this particular form of change will improve, rather than worsen, school standards and performance?*

It is critical to understand to understand schools' flexibility in context. The Bill of course provides greater flexibility to schools as they will be required to design their own curriculum and assessment arrangements: I intend that this will empower schools and practitioners to deliver what is right for their learners, using their own professional judgements, in the context of their local communities. However, the Bill and the Curriculum for Wales guidance together establish a robust framework in which schools will need to operate. The mandatory What Matters Code and Progression Code will be clear on the key concepts for learning and progression, already articulated in the statements of what matters.

In many areas there will be detailed guidance to support this: for example, "Designing your Curriculum" gives detailed support to schools in how to select topics and specific learning. This scaffolding is critical to ensure equity within the system and consistency across the system, including to close the attainment gap and increase standards. There are of course fundamentals which must be part of every school's curriculum. For instance, the statements of what matters set out the key concepts which underpin all learning. Through descriptions of learning, the guidance sets out the fundamentals which will enable all learners to progress.

While this framework will set out these fundamentals, it doesn't prescribe which specific topics and activities should be taught at what point. It does not and should not provide a product that can be delivered 'off the shelf'. Instead, our new approach recognises:

- within the national framework, schools and practitioners are best placed to make decisions about the needs of their specific learners, including choosing topics and activities which will best support their learning;
- the importance of meaningful learning. A prescriptive curriculum focused on covering topics does not guarantee meaningful learning, only that certain topics are covered to varying extents. Instead, the Curriculum for Wales guidance articulates what concepts and essence of learning should underpin a range of different topics, learning activities and acquisition of knowledge;
- the need for innovation and creativity. Practitioners should be empowered to select content, enabling them to use their professional skills to drive improved learning and outcomes for their learners

It is for these reasons that the framework does not try to prescribe a full list of specific topics or activities. That is not to say that the specific topics or activities are unimportant. Instead, the Curriculum for Wales guidance sets out the essence of learning which should underpin them.

Building on the work and recommendations of the OECD, it is critical that we understand the success of the reforms: how successfully the reforms are being realised in schools and to what extent that realisation is having an impact on wider outcomes. Supporting this, the update to Our National Mission published in October sets out plans for an implementation plan and a national network of practitioners, both of which are critical to ensuring consistency across schools and understanding progress at a national level.

One of the enabling objectives of the new curriculum is new 'robust evaluation and accountability arrangements'. Underpinning the new arrangements will be a broad range of high quality information about schools, and other parts of the system, which will need to be used in a more timely, intelligent and supportive way. The new evaluation system will be in place to ensure that better captures the whole learning experience, learner progress and our ambitions for the new curriculum.

Part of the next phase of this work will be to initiate a research project to consider future evidence needs to support self-evaluation and continuous improvement at all levels in the school system. Through the new evaluation and improvement arrangements, we propose develop a better understanding of the whole learning experience, learner progress and our ambitions for the new curriculum.

I want this to be wider than defining standardised performance measures. The aim will be to help identify appropriate information needed for different purposes in each part of the school system.

An important element of the evaluation and accountability arrangements will be Estyn school inspections. School inspections will evolve to align with the changes to the curriculum and the new evaluation and improvement arrangements.

Estyn will continue to consult widely with stakeholders and pilot any new arrangements before anything is implemented. However, the proposal is that they will be more frequent, to give regular assurances to parents and other stakeholders, including schools themselves, about the standards being achieved and priorities for further improvement.

In addition, I will continue to invite and welcome scrutiny of school standards in Wales at a national level. I said in 'Our national mission' that it was my intention to invite the OECD to carry out further reviews at key points along our national education reform journey, as part of an ongoing relationship, and I have kept that commitment. Three-yearly PISA results also give us an indication of the progress we are making, as well as being a valuable source of data and analysis.

- ◆ *You have explained how matters such as mental health and well-being, and equality and diversity, will be taught under the Curriculum for Wales, through the AoLEs, What Matters Code and the statutory guidance, arguing there is no need for them to be included on the*

face of the Bill. Why is this approach not regarded as sufficient in the case of Relationships and Sexuality Education (RSE) and Religion, Values and Ethics (RVE), which are both mandatory elements specified on the face of the Bill?

Our vision for Wales is for a fully-inclusive education system where all learners have equity of access to learning and experiences that meet their needs and enable them to participate, benefit from and enjoy education.

Through the What Matters Code, schools will be required to embed key concepts of learning in their curricula. The Code will be aligned with key elements of the statements of what matters. This ensures a level of breadth and balance in every school's curriculum, requiring it to embed key learning concepts at every age and stage and that every curriculum is designed within a robust national framework.

RSE and RVE areas have been included on the face of the Bill due to their significance as subject areas in contributing to the four purposes and wider Welsh Government priorities. An independent expert panel recommended that RSE should be a statutory part of the new curriculum for Wales in order to encourage schools to engage with the broader range of topics identified by the panel and enhance the new curriculum's focus on health and well-being.

The Humanities AoLE provides contexts for children and young people to learn about people, place, time and belief. RVE is a critical element of this because it offers a range of disciplinary approaches used by learners to critically engage with a broad range of religious and non-religious concepts. The intention is to ensure all children and young people are provided with the scope to explore Wales' historical and contemporary relationship to philosophy and religious views, including non-religious beliefs. For this reason key stakeholders and I agree that such an important subject area should be on the face of the Bill.

RSE and RVE therefore have quite unique challenges as subject areas. There is a risk that adding themes will lead prescription on the face of the Bill, which would risk undermining the key principles of the purpose led Curriculum for Wales. This would also undermine the purpose of the What Matters Code which will embed these themes as key concepts within the curriculum. We must ensure, as I and key stakeholders have set out in oral evidence sessions with the Committee, the Bill does not become a list of subjects or themes.

Religion, Values and Ethics (RVE)

- ◆ *We have received evidence from faith organisations that although the denominational RVE provided by voluntary aided schools is already, and will continue to be, "pluralistic", requiring them to design and deliver (if requested) RVE **that accords with** the agreed syllabus may cause individual schools to be in breach of their trust deeds. Is this your understanding of the position?*

The trust deeds have not been shared with us. It is not a requirement for Welsh Government to review the trust deeds of each school, and we cannot therefore be certain they are pluralistic.

Case law and the European Convention on Human Rights requires that pluralistic religious education must be available for all learners. The Bill therefore provides parents with the right to choose pluralistic religious education for their child including those who attend schools of a religious character.

The Bill ensures compatibility with Convention rights while ensuring schools of a religious character can continue to teach religious education in accordance with their denominational ethos.

- ◆ *Is it possible for denominational RVE to **accord with** the agreed syllabus, even where the denominational RVE is pluralistic?*

Of course, I recognise that denominational RVE may well contain much of the content in the agreed syllabus, however, the Bill need to be able to guarantee all learners have access to pluralistic RVE. The legislative framework ensures that pluralistic RVE is available for all learners, via the agreed syllabus.

- ◆ *If it is not possible, does it follow that voluntary aided schools will always have to design two syllabi (one that accords with the schools trust deed/tenets of the religion, and one that accords with the agreed syllabus)?*

I have been clear that it is for schools to consider how they design a curriculum which meets the needs of their learners. The Bill makes provision which requires that “additional provision” is made that accords with the agreed syllabus in circumstances where the denominational syllabus does not accord with the agreed syllabus.

We recognise these changes will have an impact on schools of a religious character, although we understand that the number of parents who previously withdrew their child from RVE was negligible our expectation is that this will be mirrored with this proposal.

SACRES in each local authority support schools in the delivery of agreed syllabus RVE. And schools can consider how they could collaborate with other schools in the provision of RVE. The supporting draft framework for RVE will provide guidance for all schools in applying an agreed syllabus when designing their curriculum.

My officials continue to work closely with the Catholic Education Service and the Church in Wales, on the implementation of the bill, and funding has been allocated to allow them to develop further guidance to support denominational RVE in schools.

- ◆ *Why is the position different for voluntary controlled schools, who are required to design and deliver RVE **having regard** to the agreed syllabus? Does the fact that they only have to **have regard** to the agreed syllabus mean that it is easier for them to provide one syllabus that does this and, at the same time, **accords** with the school’s trust deed/tenets of the religion?*

The duty for voluntary aided schools to deliver RVE in accordance with an agreed syllabus on request, is consistent with the duty for these schools to deliver RVE in accordance with their trust deeds.

The duty in relation to an agreed syllabus is to deliver RVE in accordance with an agreed syllabus which has been designed locally by the SACRE and Agreed Syllabus Conference for that area.

A duty to have regard to an agreed syllabus provides a degree of flexibility for voluntary controlled schools in their application of an agreed syllabus. This is not the approach taken for voluntary aided schools, the intention is to make their requirement for delivering the agreed syllabus consistent with that as the RVE in accordance with their trust deeds.

- ◆ *You said that no formal data is collected on the number of parents withdrawing their children from sex education lessons at present but that, anecdotally, it is believed to be minimal. Does the same apply to the number of parents withdrawing their children from religious education lessons at present?*

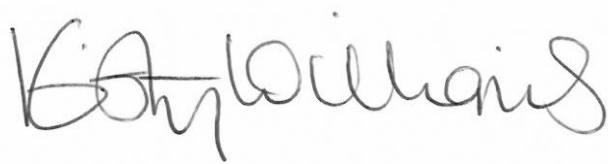
That's correct, there is no formal data collected relating to the right to withdraw from religious education, but I understand from education partners and stakeholders including the Church in Wales and Catholic Education Service that anecdotally it is also minimal. However, the right is a blanket right, and parents are not obligated to provide their justification for withdrawal, nor are schools obligated to ask this.

- ◆ *Given that this is a bespoke Curriculum for Wales, why does section 62 of the Bill refer to religious traditions and non-religious philosophical convictions in "Great Britain", rather than "Wales", in the requirements for RVE?*

The provision made in the Bill in this regard is consistent with current provision on the agreed syllabus arrangements in the Education Act 1996 which references Great Britain. I have asked my officials to consider whether this is something which could be revisited for government amendments at Stage 2.

I hope that the above response has answered your outstanding queries and will sufficiently contribute to your report, due for publication on 4 December. If you have any further points to discuss, I would welcome further dialogue.

Yours sincerely



Kirsty Williams AS/MS
Y Gweinidog Addysg
Minister for Education



Ein cyf/Our ref: MA/KW/3706/20

Lynne Neagle MS
Chair
Children, Young People and Education Committee
Senedd Cymru

3 November 2020

Dear Lynne,

Thank you for your recent correspondence to Welsh Ministers requesting clarification on a few issues relating to the current Firebreak Lockdown in Wales. I will be responding as your questions are associated with the Education portfolio. For ease of reference, I will respond to each of your questions individually as set out below.

Was a Children's Rights Impact Assessment (CRIA) produced to inform the decision to introduce a two week fire break from 23 October? Please can a copy be shared with the Committee and published?

An Integrated Impact Assessment was published on our website last week outlining the firebreak measures taken by the Welsh Government, including attendance at school and further education. A copy is available [here](#).

What rationale underpins the decision to re-open as normal, after the half-term, primary, special, and secondary schools for children in years seven and eight, but not for other secondary school or college year groups (many of which will be undertaking examinations during this academic year and whose well-being may already have been affected by the pandemic's impact to date)?

The latest evidence from our Technical Advisory Group which helped inform decisions related to the fire-break is published on our website and can be accessed [here](#).

The fire-break is the shortest we can make it, but that means across Wales we all have to play our part for it to have the maximum impact on reducing the prevalence of the virus. Scientific evidence suggests that though limiting attendance at schools is likely to have a moderate impact on slowing the spread of the coronavirus, when combined with other restrictions, this will make a significant contribution to reducing the rate of transmissions. Therefore restricting the numbers of learners in our schools is part of the contribution to our wider, national effort. During this time we are doing everything we can to maximise education, minimise disruption and keep Wales learning. Schools have learnt lessons from the first lockdown and have put in place arrangements in case of disrupted learning this term.

In balancing the scientific and medical advice, as a Government we decided that during the second week of the fire-break primary, special schools and learners in years 7 and 8 pupils will receive face to face learning. Learners will also be able to attend to sit exams.

For those learners in years 9 -13 we appreciate these are extremely difficult times and children and young people and their families will be anxious about their futures. That is why during the second week of the fire-break these learners will continue to receive their education through blended learning. These year groups are better able to undertake self-directed learning, and they will be supported for the week by their teachers who will be in the classroom.

How was the Welsh Government's duty to give due regard to article 28 of the UNCRC applied to the decision that year 9 upwards would be educated at home?

As outlined earlier, an Integrated Impact Assessment was published on our website last week outlining the firebreak measures taken by the Welsh Government, including attendance at school and further education. A copy is available [here](#).

What guidance and support has/will be issued to ensure that students in years 9-13 and/or college receive quality online provision after the half-term break?

The Welsh Government issued [Learning guidance](#) for the firebreak on Wednesday 21 October. This was published after discussion with stakeholders and reflected their comments. The guidance includes expectations of what learning should encompass, and what teaching should cover for this period, particularly for school years 9-13 who are not on school premises. The guidance also includes resource web links for schools to support them in their remote learning offer.

We also published blended learning [guidance](#) for colleges and other post-16 providers, developed in partnership with Estyn, Jisc and sector representatives through our blended learning working group. We are continuing to work with the sector to help ensure that relevant guidance is in place, including in response to feedback from UCU about challenges faced by FE lecturers.

We provided £3.2m capital funding for devices, connectivity and software for digitally excluded learners earlier this year, and will shortly be announcing further funding secured through the Star Chamber. Post-16 providers can also access advice and support through Jisc, which supports the use of technology in the FE and HE sectors.

What specific arrangements have the Welsh Government, in cooperation with the higher education sector, ensured are in place in relation to student well-being, support and accommodation during this two week fire break, and beyond?

As recognised in your letter, we have allocated an additional £10m funding for universities in Wales, to support student mental health services and financial hardship funds during this unprecedented time. Priorities for this funding include increasing capacity in students' unions and universities to provide support services for students and staff, including support through the medium of Welsh, and to provide support and services, including food services, for students required to self-isolate. The funding will also be directed at ensuring extra provision is in place for learning support for vulnerable students, those with disabilities, and those with caring responsibilities, including helping to address digital poverty.

From the £10m allocation, HEFCW has allocated an additional £900k to the £1.8m they have allocated previously for the implementation of institutional well-being and health strategy plans. HEFCW has allocated £50k to NUS Wales to support students' unions in providing a range of student services, and a further £50k to institutions to support their students' unions directly. Many young people attending university will be facing financial

hardship as a result of the pandemic and HEFCW has allocated £5m to hardship support for full-time students. A further £2.65m has been allocated to widening access students, addressing our steer to support students more likely to be adversely impacted by the pandemic.

This funding was released to universities at the end of October 2020, during the firebreak period. Further details regarding the funding can be found in [HEFCW Circular W20/32HE](#), published on the 22 October.

What arrangements have the Welsh Government put in place to work, coordinate and liaise with higher education providers? What significant issues or risks have providers raised with the Welsh Government in relation to both the fire break and longer term measures, and which of these remain to be resolved?

Higher education providers are continuing to offer a model of online and in-person teaching, and students continue to be able to access education facilities in universities such as libraries.

Keeping students engaged in their education and remaining in their current place of residence was an important goal in planning for the firebreak, in order to minimise the risk of an uncontrolled exodus of students from universities which might worsen spread of the virus. While incidents of Covid-19 have risen in the student population, evidence shows this is taking place outside the teaching and learning environment.

Therefore we worked with colleagues within the university sector to ensure that maintaining access to in-person education opportunities and facilities as part of a blended approach with online learning would be workable during the firebreak period, and ensured that our regulations would allow for this.

Major issues in respect of universities and the fire break have been resolved given the continuity in our approach. However, as the committee will be aware, we are still finalising plans to organise the conclusion of term, and to enable students to return to their non-term time household if they so wish. We intend to finalise and share details of these plans soon.

What work will take place during this two week fire break to monitor and assess its impact on children and young people (including those in further and higher education)? What plans are in place to learn lessons – and inform the principles that should be adopted – for decisions about any potential future fire breaks?

We continue to work closely with key stakeholders including local authorities, trade unions and schools to discuss the impact of the fire break and what this means moving forward. Last week I met with Directors of Education, trade unions and the WLGA to discuss this very issue. We have sent out a clear message that where possible all learners need to be in the school environment, however we recognise we all have a part to play in responding to the national effort of reducing the R rate. Local Authorities and School leaders are doing everything possible to ensure effective measures are in place to enable schools to continue face to face learning and I applaud them for their resilience and hard work.

We also receive updates from various sources such as the babies in lockdown report and from our Vulnerable Children and Young People external stakeholder group and frontline professionals to inform our understanding of the impact on children and young people. I am also, of course, working closely with the Children's Commissioner for Wales to ensure a flow of information on issues facing Children and Young People.

We are also allowing learners who have exams during the firebreak period to attend college for their exams, and regulations are in place to ensure that vulnerable learners can continue to attend college where this is important for their mental and emotional health. In Further Education, most learners are working towards qualifications, and many are studying vocational courses which require practical, hands-on learning. Our guidance therefore gives colleges as much flexibility as possible to plan and manage their approach using blended learning models, so that the time in college and online can reflect the specific needs of learners and the courses they are studying.

We are planning a survey of learners in colleges, sixth forms, work-based and adult learning later this term to help understand the impact of Covid-19 on their educational progress and wellbeing, and this will help us to define principles and guidance for future delivery.

Can you confirm the main factors and sources of advice you will be taking into account when deciding on arrangements for awarding qualifications in 2021 and the timescale for making and announcing this decision?

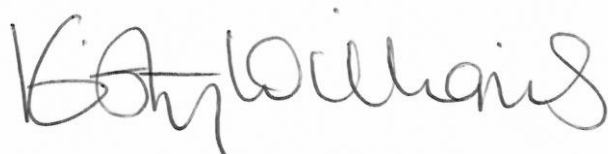
I have confirmed that I will make an announcement on our approach to qualifications in 2021 on 10 November when learners in exam cohorts are back in school or college and have their teachers around to provide support and advice.

To support me in making this decision I will be drawing on the interim report for the Independent Review that I commissioned to look at the arrangements put in place for summer 2020 and the lessons that can be learnt from this to inform our approach to qualifications in 2021. In light of the continuing disruption I also requested further advice from Qualifications Wales about the options now available, with a clear focus on equality and deliverability.

It is also critical that we hear from learners themselves, as well as professionals, in informing the way forward so we can learn from their experiences in taking qualifications this year and in preparing for them next year. I will be undertaking further engagement with learners and the workforce next week ahead of making an announcement on 10 November.

I hope these responses assist with your Committee's ongoing scrutiny of the impact of Covid-19 on children and young people. Should you require any further information, please don't hesitate to contact me.

Yours sincerely



Kirsty Williams AS/MS
Y Gweinidog Addysg
Minister for Education

cc

Mark Drakeford MS, First Minister
Eluned Morgan MS, Minister for Mental Health, Well-being and Welsh Language
Vaughan Gething MS, Minister for Health and Social Services
Julie Morgan MS, Deputy Minister for Health and Social Services