

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

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

### About you

Organisation: The Church in Wales

## 1. The Bill's general principles

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

Yes

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

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

There is a real need for change. The National Curriculum is outdated and is no longer preparing children and young people for the demands of society and work in the 21st century. It is content heavy and does not naturally allow learners to apply their learning in other contexts.

The Church in Wales educates children and young people in both primary and secondary settings as well as through the medium of both Welsh and English. It has responsibility for some 146 schools with nearly 27,000 children in its care. It is committed to promoting a broad and balanced pluralistic education that allows children and young people to grow and flourish. The principles of the Bill in developing a purpose driven curriculum resonates with the ethos and culture of Church in Wales schools.

We support the forward-looking, pupil-centred and practitioner-led approach that is proposed and with it, the introduction of a less prescriptive curriculum. It is pleasing to see the levels of autonomy being given to practitioners in almost every aspect of the Bill. Although, as noted below, there are specific exemptions about which we have concerns.

We support the retention of the “spiritual, moral, cultural, mental and physical development of pupils and preparing them for the opportunities, responsibilities and experiences of later life” in legislation and acknowledge that these are subsumed within the Four Purposes. However, it would be helpful if the retention of this were more clearly recognised in supporting documentation.

The use of statutory guidance for the AOLEs and wider skills rather than legislation for the detail of the curriculum will allow for greater flexibility and will ensure that the education system is more agile in responding to national needs. However, we agree that the cross-curricular responsibilities should underpin any curriculum, so it is appropriate that these are statutory to the age of 16.

The inclusion of Religion, Values and Ethics as a mandatory part of the curriculum, within the Humanities AoLE is also welcomed. However, we have some specific concerns, which are referenced in questions 3 and 6 below.

The opportunity for children and young people to study developmentally appropriate RSE is welcomed, particularly if the emphasis is on the importance of mutually loving and respectful relationships where all are valued and understand their own self-worth. The requirement of the Bill that Welsh Government publishes a Code for RSE together with supporting guidance will offer much needed clarity for practitioners, parents and the wider community.

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

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

Yes

The scale of the changes proposed by the Bill is such that there will only be real clarity if this is driven by legislation. There is also a need to practically amend existing legislation.

In a curriculum where schools have the autonomy to design a curriculum best suited to their learners, there might potentially be significant variation. It is important therefore that the Bill places duties on schools to fulfil the aims of the curriculum. The development of Codes for the Statements of What Matter, Progression, and RSE is important and will ensure some consistency of experience for all learners.

## 2. The Bill's implementation

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

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

#### Professional learning

There needs to be a sustained approach to professional learning if there is to be a teaching profession who are driven by a deep understanding of pedagogy and subject knowledge as well as research-engaged, well informed and learning from excellence elsewhere. This is acknowledged in the Regulatory Impact Assessment however, little mention is given to the evaluation and quality control of the proposed professional learning or indeed the need for equality of access for all practitioners through the medium of both Welsh and English and regardless of geographical location.

This is particularly relevant for professional learning associated with RVE and RSE. Although there is an acknowledgement that there will be professional learning needs associated with the RVE guidance issued by Welsh Ministers and it is implied (9.58) that this professional learning will be included in the £24m funding allocation. There are, however, capacity issues in relation to RVE as there are very few specialist RE advisers currently working within the Welsh education system. This is not addressed in the RIA. Given the shift in emphasis of the subject, it is also likely that there will be significant numbers of teachers entering the profession who have little or no understanding of world religions and non-religious worldviews, which will require additional professional learning unless this is addressed by ITE providers.

Pioneer schools have had a significant lead time to become accustomed to the purpose and proposed structure of the new curriculum. However, non-pioneer schools have not had this level of exposure yet, will need as much time as possible to prepare for the new curriculum.

Impact of Covid-19 and strain this puts on schools. Some consideration should be given to the impact that the pandemic has had on the wider education system and particularly schools and the scale of the disruption that it has caused to their day to day functions. Much as the benefits of the new curriculum and its emphasis on mandatory cross-curricular skills and the needs of learners in their local context are clear, insufficient attention has been given to the detrimental impact of lockdown, the current need for practitioners to focus on the wellbeing of learners and the continued future uncertainties

related to the pandemic in the Regulatory Impact Assessment. It is significant that several key documents have not been published as a result of the pandemic (8.65) and comprehensive consultation with stakeholders (8.34/8.35) has not been concluded. Some strategic delivery partners have been unable to provide detailed information for this stage of scrutiny as a result of the pandemic (8.187).

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

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

The Regulatory Impact Assessment and other supporting documentation does reference some of the issues raised above, but it does not appear that the Bill has been amended to take account of these potential barriers. Indeed, even where the supporting documentation has identified issues with for example, sample sizes being too small to be valid, these figures have continued to form the basis of costings.

Similarly, even though the impact of the pandemic has been acknowledged (as noted above), the time scales for delivery as laid out in the Bill remain unchanged.

## **3. Unintended consequences**

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

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

The proposed changes to RVE constitute a significant issue for Church in Wales schools and have the potential to put VA schools in breach of their trust deeds, which might impact on the lawfulness of state education being provided from these sites. Several of our VA 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. If VA church schools are required to offer two curricula for religious education, it seems likely one of those two curricula may conflict with those tenets.

In addition, it will be difficult to deliver a dual approach in an integrated curriculum as well as almost impossible to have two groups of learners working to two different syllabi in the

same classroom. This approach is likely to make the subject a cause of division rather than a vehicle to develop empathy and tolerance.

The development of two curricula for religious education also has implications for teacher workload. At a time when Welsh Government is doing much to address the well-being of the work force and assessing how workload and bureaucracy may be reduced, the expectation that voluntary aided schools of a religious character have to devise, publish and potentially deliver two curricula for RVE appears to be contrary to this work. It will add additional workload on leaders, governors and practitioners and appears to be setting them apart from all other schools. The development of the curriculum to date has been predicated on the assertion that practitioners at all levels should be treated as professionals and given autonomy in developing the curriculum. The proposals relating to voluntary aided schools of a religious character is not affording practitioners such autonomy, indeed it appears that Head teachers of these schools cannot be trusted.

Innovation schools were not asked about the impact of requirements relating to the Humanities AOLE (8.264), therefore there has been a failure to assess the impact on voluntary aided schools of a religious character having to develop, publish, provide relevant professional learning and deliver two curricula for RVE. Furthermore (8.307) of the RIA states that Innovation schools did not expect that changes to RVE would have an impact on their schools, yet out of this already incredibly small and statistically invalid sample, there is no indication of how many schools of a religious character this includes and therefore issues relating to them have not been fully addressed. In addition, the discussions with Innovation schools occurred in November 2019, prior to the publication of the RVE consultation so there would appear to be a clear underestimation of the impact of the proposed changes to RVE.

It should also be noted that neither the RSE nor RVE guidance have as yet been published, so other than general assumptions, none of those who were involved in the RIA assessment can fully comment on the implications of the RSE Code and RVE Guidance.

Negative impact on religious education as a subject.

We fully support the assertion that RVE should encompass both religious and non-religious beliefs however, we do not agree with the definition of philosophical convictions as defined by the ECHR. The list of possible philosophical convictions referenced in the Appendix includes some convictions, which are not normally associated with religion or indeed religious education. Such a lengthy list of philosophical convictions risks diluting the subject and undermining its academic rigour. It will be difficult to balance religious and

non-religious worldviews and may lead to the subject reflecting narrowly secular views with little regard for religion.

The Church in Wales believes that good religious education should be pluralistic in the sense that it should develop a deep respect for all faiths and none. There is the danger that without a clear definition, 'pluralistic' religious education is little more than a default secular framework, that is deeply disrespectful of the many faiths, which exist in Wales today. Indeed, there is very little regard to what children and young people need in order to have both the confidence and capacity to navigate the religious views and customs, which inform our society. It is not just about "respecting" different faiths but how we equip them to know what constitutes healthy religious belief and practice and what does not. An exclusively secular approach to pluralism in RVE would not prepare children and young people to become ethically informed citizens of Wales and the world, which is deeply multifaith in character.

## 4. Financial implications

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

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

The scale of the proposed changes outlined in the Bill will inevitably have significant funding implications for schools and other strategic delivery partners.

The costs of both resourcing the Curriculum for Wales and the professional learning to support practitioners have been acknowledged in the Regulatory Impact Assessment. However, the use of a very small number of Innovation schools who are already involved in the process to assess these costs (whilst acknowledged by Welsh Government, page 54) cannot possibly form a secure base from which to project system-wide costs. In some instances, responses were received from as few as four schools and even these, show significant variation in proposed costs.

No consideration has been given to the financial impact on schools of a religious character, whose budgets are determined by pupil numbers in the same way as every other school, of the requirement to develop two curricula for Religion Values and Ethics and the additional staffing, resourcing and professional learning costs associated with it.

## 5. Powers to make subordinate legislation

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

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

Yes

It is understandable that the Bill proposes future structures to ensure that the Curriculum will be future proofed and will not become outdated and will keep pace with changes in society.

While it is reasonable to acknowledge that WG is not able to foresee every future eventuality and adaptation that the Curriculum may require, and given that it is possible to make subordinate legislation more quickly than to enact primary legislation, this would appear to be an agile solution. It is however of considerable concern.

Is it possible to be sure of the quality of the scrutiny any subordinate legislation may receive? Members of the Senedd are not experts in education. The Curriculum has been co-constructed over a number of years with experts and practitioners, this would not be the case with subordinate legislation.

Subordinate legislation has its place when deciding matters that are unlikely to generate debate or disagreement. However, certain aspects of the Curriculum have already engendered considerable debate, namely RVE, the proposed changes to SACREs and RSE. Indeed, a Faith/BAME group has been established specifically to ensure open debate and public scrutiny of curriculum developments in RVE and RSE.

There is the potential for Members of the Senedd to have disproportionate influence over subordinate legislation as scrutiny committees such as CYPE can only raise concerns over proposed changes. The need for challenge to proposed amendments to take place within a twenty-day timeframe also limits the opportunity for any committee to gather the necessary evidence to robustly challenge issues.

If subordinate legislation is to be used, the Curriculum Bill should include a clear definition and outline of scope of when it will be appropriate to use sub-ordinate legislation. Clear procedures for how subordinate legislation should be used should also be laid down, for example a statutory duty to consult on changes, which may be controversial. (RSE and

RVE). In addition, greater clarity should also be included in the Bill of how the Senedd will supervise the subordinate legislation.

## **6. Other considerations**

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

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

The introduction of the absolute right of parents to request the Agreed Syllabus rather than the current qualified right that they have now is at odds with the removal of parents' rights to request an alternative religious education. This raises equality issues in the treatment of Church in Wales schools as, on the grounds of religion, it is setting voluntary-aided schools very clearly apart from all other schools, where no such absolute right exists.

In addition to the points made in question 3 above, we are also concerned with the negative impact on SACREs and local determination/democracy. There has, as yet, been no consultation with SACREs on the most recent version of the supporting framework for RVE. This lack of consultation is surprising as this would ordinarily be part of a SACRE's remit.

There is a real concern that the use of the term philosophical convictions will impact upon the membership of SACREs and the formation of Agreed Syllabus Conferences, it may also impact on the representation of Christian or other faiths on SACREs. Point 9.6 of Schedule 1 of the Bill is suggesting that new groups will be created on SACREs for those who hold philosophical convictions rather than places be made available within existing groups.

The practical implications of introducing new groups into SACRE (while attempting to be equitable) may have an unintended impact on the rights of representation for the Christian denominations and other religions and their denominations, for example in the voting process.

The Bill amends the membership, title and role of SACREs, yet there has been limited consultation on this, and we are yet to see the outcomes of this consultation. Furthermore, we believe that this is not a curriculum issue and the issues raised should be addressed through different legislation.

