

# Curriculum and Assessment (Wales) Bill

## Consultation Analysis

October 2020

This briefing paper summarises an independent analysis of consultation responses providing feedback on the Curriculum and Assessment (Wales) Bill. It is intended to complement other evidence presented to the Committee, and to support ongoing discussions surrounding the legislation.

### Background

The consultation received 230 responses from a broad range of individuals and organisations with an interest in education, including parents, teachers, and practitioners. Of these, 121 respondents submitted their views in a personal capacity. A further 89 responses were received from a diverse range of organisations, including nurseries, schools, interest groups, and representative and government bodies. 20 responses were received from individuals in a professional capacity. These mostly comprised of responses from teachers and school leaders. For information on the questions that featured in the consultation, please see the Annex at the back of this document.

In order to understand the issues and themes raised by respondents, we completed an analysis that sought to understand and map the range of views and perspectives held by respondents towards the proposals. This included systematically examining each response, highlighting the themes and issues that they raise.

### Campaign Responses

The consultation received 46 similar or identical submissions that suggest coordinated campaigns. Together, these respondents tended to hold concerns specifically around the curriculum as it relates to Relationships and Sexuality Education (RSE) and Religion, Values and Ethics (RVE) provision. They raised concerns around the appropriateness and sensitivity of provision, and the perceived disconnect between the values held by respondents and the focus and content of the provision, especially around sex and relationships. There was also considerable concern amongst campaign responses relating to the removal of parental opt-out of such provision:

*RSE being brought to our children's schools with little explanation on a very serious and important change... [The Bill] does not give parents the right to withdraw their*

*children, breaching parents' rights to respect for their religious and philosophical convictions...*

Individual<sup>1</sup>

These responses made up a significant proportion of those who were in opposition to the Bill, including 61.3 percent of those who did not support the underlying principles guiding the legislation.

### [Reading and Interpreting this Analysis](#)

This analysis presents a detailed summary of the main themes and issues raised by respondents. It is possible that those who kindly took the time to respond to the consultation hold views that are not necessarily representative of the broader community, including parents and carers, practitioners, teachers and school leaders across Wales. We have therefore been careful in communicating the prevalence of particular perspectives or viewpoints.

**This analysis should therefore be understood as providing an indication of the views of those who responded to the consultation, rather than a definitive statement of the views and perspectives of the broader education community and the general public towards the Bill.**

## 1 Main Messages

Those respondents who expressed opposition to the Bill tended to focus on aspects of the curriculum itself, including specific content that children and young people would subsequently be taught in the classroom. Some were concerned, for example, about RSE and the appropriateness of such provision, especially for young children. The removal of the opportunity to withdraw from such provision heightened these concerns. There were further concerns surrounding RVE, especially in relation to how it would impact schools of a religious character. Some felt, for example, that the Bill treated some schools and communities differently, whilst others, conversely, felt that it did not go far enough in promoting plural and balanced provision across all schools.

Where respondents offered conditional support for the proposals, they tended to focus on issues and challenges surrounding the practical implementation of the new curriculum in education settings and schools. From these perspectives, the principles and objectives of the Bill tended to be thought of positively, however respondents often felt there were a number of practical considerations and barriers that must be addressed in order for the new curriculum to be effective. Some noted the need for additional Welsh medium staff, for example, or the need to give practitioners time and space to develop knowledge and confidence to effectively deliver aspects of the new curriculum. There were also concerns

---

<sup>1</sup> Responses 153, 166, 168, 178, 181, 183, 188, 190, 194, 209, 217, 219, 220, 222, 223, 226, 227

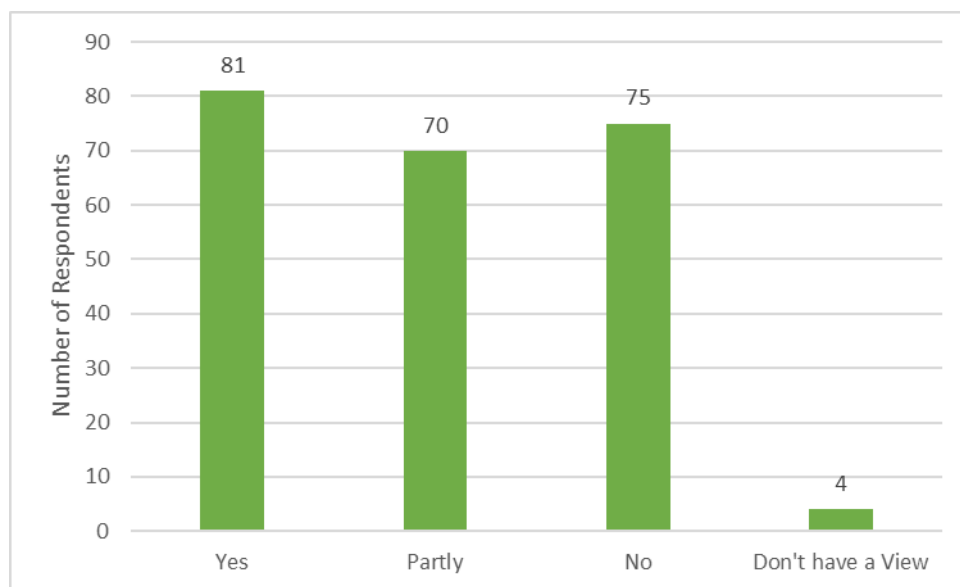
around the impact of the Bill on the Welsh language, including in promoting Welsh-medium provision.

Those offering more positive reflections tended to highlight the importance of the new curriculum for improving outcomes. It was felt by many that the new curriculum could offer children and young people richer, broader, and more meaningful learning experiences. These perspectives often understood the Bill and the new curriculum from the perceived limitations of current arrangements. The new curriculum offered ways to address some of these limitations, whilst providing children and young people with more relevant and engaging learning opportunities. Some respondents, for example, highlighted that the new curriculum would encourage greater engagement with, and support around, improved social and emotional well-being.

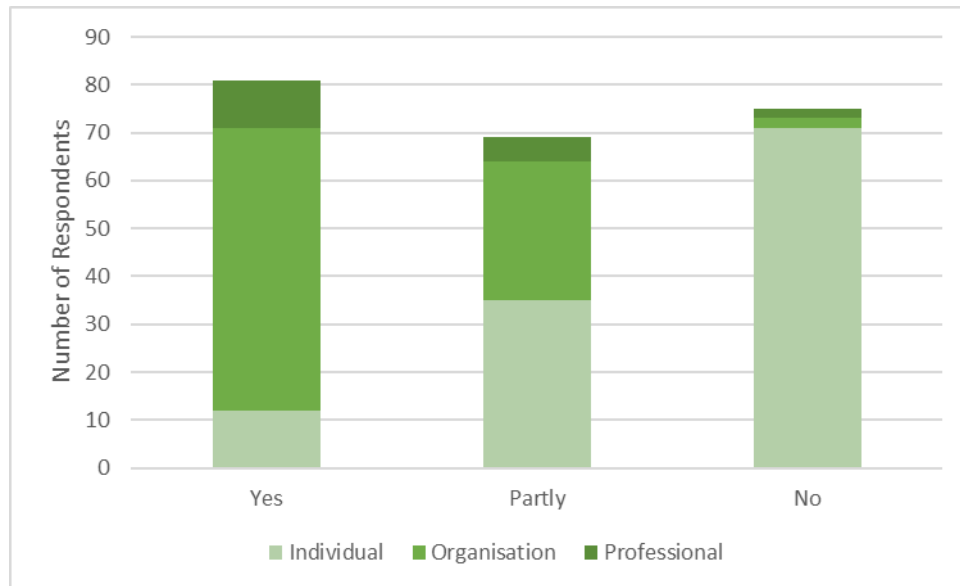
Within these broad perspectives and viewpoints, there was significant variation in the precise nature and composition of the issues and concerns raised by respondents. These themes and issues will be explored in more depth through the rest of the paper.

## 2 General Views

Respondents were first asked if they support the underlying principles of the Curriculum and Assessment (Wales) Bill. This question sought to explore respondents' overarching perceptions towards the legislation. Together, two thirds of respondents were broadly supportive of the Bill. 30 percent of those respondents offering conditional support, suggesting they supported the general thrust of the Bill but had specific concerns with certain aspects. Conversely, 33 percent of respondents stated that they did not support the Bill.



**Views towards the Bill were not evenly distributed amongst respondents, however.** Responses from organisations and professionals were significantly more likely to be supportive of the Bill than those responding in an individual capacity. Overall, individual respondents contributing to the consultation in a personal capacity made up 94.6 percent of those who reported that they did not support the underlying principles contained within the Bill. A considerable proportion of these emanated from campaign responses (61.3 percent):



Respondents were then asked to expand on their views towards the general principles and sentiment of the Bill.

### Positive Reflections

In terms of the general principles of the Bill, respondents who were supportive tended to focus on the positive outcomes for children and young people they believed would result from the introduction of the new curriculum. It was felt by some that the new curriculum could empower teachers and engage young people in more meaningful and relevant learning opportunities. Together, these viewpoints often regarded the new curriculum as a positive step:

*The proposed Curriculum for Wales clearly sets out the underpinning knowledge, skills and experiences that learners should gain from following a broad and balanced curriculum from the ages of 3 to 16.*

Qualifications Wales, 22

*We support the principles of the Bill and agree that there is need for legislation in this area to support intent. We are content that the approach taken is evidence based and has been formulated through extensive engagement with a range of stakeholders, including experts in the field of education reform, teachers, public and third sector*

*organisations and children and young people... We are content with the approach taken to enhance the teaching and learning of Welsh for learners, particularly proposals which will seek to improve the Welsh language skills amongst learners in English medium schools.*

Children in Wales, 117

A common theme driving more positive responses focused on the perceived limitations of the current arrangements. This included what some felt as the overly prescriptive nature of the current curriculum, as well as onerous accountability arrangements that serve to narrow teaching and learning. From these perspectives, the new curriculum would work towards addressing these limitations. Aspects including the emphasis on holistic, cross-curricular learning, the greater agency offered to teachers and schools, and the greater role of formative assessment were thought of positively. From these perspectives, the Bill represented a legislative framework for advancing curriculum reform which they felt was necessary and important:

*The need for a new curriculum in Wales is welcomed. The current model is based on a framework developed many years ago and is no longer fit for purpose. It has allowed for a narrowing of teaching and learning which has led to teaching and learning being something that is 'done' to learners instead of them being an integral part.*

Welsh Local Government Association, 158

### Conditional Support and Practical Concerns

Many respondents presented caveats or concerns, including those who were more positive about the Bill. These often centred on practical issues, such as the time, resources and professional development that teachers will require in order to successfully implement the new curriculum. This might suggest that some respondents were reading and interpreting the Bill from the perspective of what it would mean practically for themselves and their schools.

A key area of concern, for example, centres on the degree of local interpretation and implementation of the new curriculum. Whilst some felt flexibility and local interpretation was an important feature of the proposals, others suggested that this could be problematic to the extent that it could lead to significant variation in the quality and substantive content of provision and support within and across schools:

*We believe [that] flexibility will be particularly important in allowing schools to provide different support to different learners to meet expectations and tackle different gaps in attainment. This bill should fit closely with the Additional Learning Needs and Education Tribunal (Wales) Act in allowing for a broadening of learning, ensuring that pupils with additional learning needs are supported to overcome barriers to learning and achieve their full potential... Our members note that whilst increased flexibility for schools is a huge opportunity, it will bring challenges in ensuring quality and...*

*...standards. This may especially be the case for pupils with additional learning needs as schools will vary in their level of experience of supporting such pupils.*

Royal College of Speech and Language Therapists, Wales, 145

From these perspectives, legislative structures surrounding the curriculum and appropriate and effective scrutiny would be important to ensure that provision is consistent and of a high standard. Further, some felt the need for the new curriculum to be updated over time and wanted there to be consultation and scrutiny put in place to avoid the new curriculum becoming too prescribed or overloaded. From these perspectives, flexibility and local interpretation is potentially beneficial, but must be carefully managed:

*On the one hand, a very deliberate rowing back from prescription affords teachers in Wales new levels of professional autonomy – and decentralises power over what is taught from government to the site of practice. This is a strength of the model, in that it builds agency and respects the craft of teaching as something dependent on experience, expertise and training. But on the other hand, the liberation of teachers from curriculum rules and regulation is also an inherent weakness; by definition, it encourages a break from uniformity and opens the door to a disparate system characterised by difference. In lieu of any steer on content, what children do learn might be dependent on an individual teacher's ideology, lens or general aptitude. This is a significant risk and in the absence of a mechanism to ensure at least a level of consistency across the piece, there is a very real danger that pupils in Wales will grow up with little or no understanding of some of the major cultural and historical influences of our time.*

Individual, 8

A potential solution to this issue raised by many was the importance of professional development. From these perspectives, respondents emphasised the need for high quality, accessible opportunities for practitioners and teachers to build the skills and confidence necessary to effectively deliver the new curriculum. This was especially important for areas of provision that were changing significantly, including RSE, RVE, Health and Wellbeing and the Welsh language.

*[We] acknowledge that the principle set out by the Welsh Government that the 'vision for Wales is for a fully inclusive education system where all learners have equity of access to education that meets their needs and enables them to participate, benefit from and enjoy learning' meets the tests that the Union has set out. Nevertheless, the NASUWT maintains that, in order to bring this about, it is a requirement for teachers, headteachers and all staff in schools to be properly supported.*

NASUWT, 21

Professional development and support was also a concern raised by some working in early years settings:

*Within the non-maintained sector, we do believe that the creation of a curriculum framework will be a positive addition for the sector... We do have a concern that, as yet, the level of support and training for the non-maintained sector does not match that provided for in the maintained sector. It will be important for Welsh Government to consider how the practitioners in the non-maintained sector are supported through training to implement the change in practice.*

Early Years Wales, 19

Asked about the potential impact of Covid-19, many thought the current challenges facing practitioners, teachers and leaders presented a potential barrier to engagement with the new curriculum. From these perspectives, the current demands placed on teachers leave little time for planning and preparation, as well as engaging with any professional development. Some highlighted issues such as the inadequate cover to attend training and that some training had been cancelled due to lockdown restrictions. Overall, some felt that the legislation should revisit the timeframes surrounding the implementation of the new curriculum, or ensure sufficient support and training is made available:

*Any workload implications need to be managed to ensure that teachers and support staff have enough time to undertake the extra expectations within the Bill, outside of the classroom. Extra INSET days allocated are welcome – but more time is needed to ensure that training can be undertaken and the work completed, especially in the context of Covid-19 and the additional work that that has meant to keep staff and learners safe and learning. We would welcome a workload impact assessment.*

National Education Union Cymru, 49

Another key issue related to Welsh language provisions, including in ‘Early Years’ settings. There was a substantial degree of opposition from some respondents to the new wording for the teaching of Welsh and English. They believed the new wording implied that English was a compulsory subject in Welsh medium settings and this would undermine the Welsh language provision that would serve to undermine broader linguistic objectives:

*Credwn y tanseilir y Gymraeg o fewn y Bil o’r cychwyn cyntaf. Yn Rhan 1, 3.2., rhestrir y Saesneg (yn ogystal â’r Gymraeg) fel elfen fandadol o fewn y meysydd dysgu a phrofiad. Ar yr olwg gyntaf, rhoes hyn statws cydradd i’r ddwy iaith, ac eto, byddwn yn dadlau’n frwd bod hwn yn camwahaniaethu yn erbyn y Gymraeg.*

*We believe that the Welsh language will be undermined within the Bill from the outset. In Part 1, 3.2., the English language (as well as the Welsh language) is listed as a mandatory element within the areas of learning and experience. At first glance, this gives equal status to both languages, and yet, we would strongly argue that this discriminates against the Welsh language.*

Dyfodol i’r Iaith, 30

The Welsh Language Commissioner went further. Their response registered strong concerns more broadly that the Bill doesn't sufficiently promote Welsh-medium provision and doesn't do enough to transform the way Welsh is taught in English-medium schools:

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

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

Welsh Language Commissioner, 70

Alongside provisions around the Welsh language, respondents also raised several subjects, disciplines, and skills which they felt were not adequately reflected or promoted within the new curriculum. This included a diverse range of subjects, including Modern Foreign Languages and in the Humanities. There were further suggestions for topics that could feature more prominently, including amongst others mental health, BME and Welsh history, first aid, lifesaving, and financial literacy.

Implicitly, these perspectives may have been informed by the perception that the topics raised were currently not receiving sufficient attention in the school day, or that the design of the curriculum would result in schools giving them less attention. Across responses of this nature, a further concern was that the topic or subject in question would not get sufficient attention unless expectations were placed on schools to deliver it, either through mandating schools, or in giving them greater support and resources:

*In order to satisfactorily achieve the Four Purposes, sufficient attention must be given to the detail that makes up the guidance for the AoLEs, and the mandatory cross-curricular skills, and how these mandatory areas are identified: in other words, what is it about them that necessitates their mandatory status; how this will be delivered, and is there anything missing which could be identified now, rather than having to make significant amendments to the legislation at a later date.*

Sylfaen Cymru, 210



Another key theme raised by those offering conditional support to the Bill was the relationships and coherence between the curriculum and qualifications arrangements. This stemmed from the understanding that new curriculum represented a significant departure from the current arrangements for which the existing suite of qualifications were designed to support:

*There is a serious risk of incoherence between a curriculum framework that eschews a subject-based approach and a qualifications framework that is entirely subject-based and is widely understood by employers, parents, learners and education providers both within and beyond Wales. Addressing the qualifications-related implications of reform as an afterthought does not represent a credible plan for reform.*

NASUWT, 21

### Concerns with the Proposals

As highlighted earlier, most opposition to the Bill centred on provisions surrounding RSE and RVE. The opposition to RSE stems, in large part, from the removal of the parental right to withdraw from such provision. Those expressing these opinions tended to focus on the appropriateness of sex and sexuality in the curriculum, particularly for younger children. This perhaps reflects a misunderstanding of the precise nature and intention of the reforms, however it is a powerful narrative that has framed the perceptions of some respondents who view the proposals negatively.

Those respondents who opposed provisions surrounding RVE mostly stem from provisions as they relate to schools of a religious character. These respondents object to the reforms for a number of reasons. Some cited the perception that there was existing high quality, plural provision in schools of religious character and that the reforms are not necessary. Some were uncomfortable with the withdrawal of the parental opt out and believe that this will lead to a rise in home schooling. Other respondents understood that certain schools were being discriminated against by having to offer RVE alongside denominational provision and this would result in additional workload and cost implications:

*We already have in place a robust curriculum that allows for learning and dialogue about other faiths, religions and philosophical convictions. Therefore, we already meet the legal requirements. What we teach and how we teach it is balanced, but it would appear that the government doesn't trust us to do this. Providing a second syllabus will be a burden on schools in terms of workload and cost. Catholic schools are clearly being treated differently to other schools because of their nature; this is discriminatory practice.*

Teacher of Religious Studies, 200

Countering this view, some felt that the Bill did not go far enough in encouraging plural and universal RVE provision across all schools. From these perspectives, allowing voluntary controlled schools to continue to teach denominational RVE was viewed as problematic,

including in ensuring that children and young people receive a balanced examination of faith in society:

*We deeply regret that by permitting faith schools to continue to use the subject to promote their particular religious outlook through the denominational syllabus, many pupils in Wales will continue to be denied access to genuinely non-partisan and balanced education about the full range of religious and non-religious worldviews.*

National Secular Society, 50

### 3 The Need for Legislation

On balance, most respondents, including those that supported and conditionally supported the Bill, felt that the legislation was necessary in order to deliver the new curriculum. It was felt by many that the legislation would ensure the implementation was consistent across Wales:

We agree that the legislation will support the achievement of the Bill and is both able to support the consistency and equity of all learners whilst supporting the principle of subsidiarity, enabling schools the professional space to design a curriculum that is authentic, relevant and responsive to the locality.

Consortium, 189

*Almost certainly, [we need the bill] to ensure that the proposed reforms do actually take place across the whole of Wales.*

Headteacher, 84

Where there were concerns, these tended to focus on the implications of the Bill for schools of a religious character. There was some hesitation, for example, from SACREs around the proposed name change surrounding RVE:

*SACRE members feel that the name change to RVE is unsuitable. WG has not evidenced or appropriately justified their claim that the name RVE better reflects the scope of the subject as suggested on the Explanatory Memorandum. It does not. SACRE would like to urge WG to re-examine the name change to RVE before the Bill is made law.*

Torfaen Standing Advisory Council on Religious Education, 130

## 4 Barriers to Implementation

Respondents offered a diverse range of barriers that they felt could undermine the implementation of the new curriculum in settings and schools across Wales. Respondents often restated issues and themes that they had raised in answers to previous questions. These included a range of practical and logistical issues and challenges outlined above. Some respondents, for example, raised concerns around the speed with which the reforms were taking place. From these perspectives, the proposed timetable was unrealistic due to the challenges facing teachers and schools in responding to Covid-19:

*The timeframe for the passage of the Bill has remained unaltered despite the extraordinary demands placed upon schools and governing bodies as a result of the Covid 19 pandemic. There is no account taken of the level of planning and preparation required in order for head teachers to meet their statutory duty to implement and publish a curriculum for their school. There is no indication of the potential impact on the opportunities for the professional learning required over the next two years in order to implement fully the duties imposed on head teachers and governing bodies.*

The Catholic Education Service, 225

*We do not think the bill is taking into account the pressures faced in schools during the pandemic. Also, we feel more investment needs to be made available to allow teachers the time and space to design high-quality local curricular. This pressure can be relieved somewhat, if a core of national resources were created around, for example, key aspects of Welsh and UK history (including BAME culture).*

Education Directorate, Swansea Local Authority, 58

Further practical barriers included financial and resource requirements to effectively implement the new curriculum, and the importance of professional development in ensuring practitioners, teachers and school leaders hold the confidence and skills to implement the new curriculum. These issues were also explored in subsequent questions, which we will outline below.

## 5 Unintended Consequences

Respondents highlighted a diverse range of potential unintended consequences with the introduction of the Bill. A key theme centred on local interpretation and subsidiarity, and the possible negative effects that could have on standards and uniformity of provision across and within schools. It was felt by some respondents that this would require careful consideration and support if any variation was to be addressed:

*Ministers may wish to note that, where teaching and leadership is weak, the rate of progress may initially be limited. The explanatory memorandum takes this into account and the plans for professional learning to build capacity in leadership and teaching will contribute to mitigating this. Estyn inspection arrangements will continue to evaluate the quality of provision and leadership and we will align our inspection framework to support the evaluation of the new curriculum.*

Estyn, 20

This issue fed into broader concerns held by some, including surrounding the implications for equality of opportunity and outcome. Some felt that, if left unchecked, the new curriculum could exacerbate existing inequalities, especially around the effectiveness of teaching and learning. From these perspectives, the new curriculum may not be effective in closing the attainment gap:

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

Future Generations Commissioner for Wales, 55

There were also concerns around the unintended consequences on specific activities or learning in schools. This issue extended to a number of areas of the curriculum where respondents felt insufficient attention was paid, or it was not a compulsory element:

*We appreciate that devolving decision making to teachers and ensuring the embedding of the health and wellbeing area of learning and experience across the whole curriculum is to be welcomed, we also have concerns regarding the unintended consequences around the amount of sport and physical activity undertaken by pupils going forward. The most recent School Sports Survey (2018) showed that the average number of minutes children were participating in sport was 90. The recommended average number is 120, and therefore it is entirely possible that with a curriculum which is delivered on a school by school basis, this number could vary hugely across...*

*...the country, as well as possibly dropping sharply if it is not a requirement of schools to ensure 120 minutes of sport.*

Sport Wales, 215

With respect to the reforms surrounding the withdrawal or parental opt-out, there was concern from some that this could lead to increases in children and young people being withdrawn from the education system altogether:

*We believe there may be some uncertainties from various religious groups, as the curriculum may deliver content that goes against their religious views and beliefs. This may lead to confrontation on issues including abortion, contraception and same-sex relationships. The removal of the parental right to withdraw will cause concern which could potentially result in some parents choosing to home school their children.*

SEWC LA Improvement Group, 118

Schools of a religious character also highlighted concerns around the possibility that the reforms would put them at odds with their trust deeds:

*A clear unintended consequence of the Bill is that it is putting Catholic schools in breach of their legal duty to comply with trust deed... There is a negative assumption here that RE in Catholic schools is not balanced and pluralistic in its content. This is absolutely not the case. It is clear to see from Estyn and Section 50 reports that there is RE of the highest quality happening in our Catholic schools that is academically rigorous and provides a balanced overview of society...*

Teacher of Religious Studies, 200

## 6 Financial Implications

The most widespread concerns raised by respondents across the consultation centred on the financial and resource implications of the new curriculum. Respondents highlighted a diverse range of practical issues, including the necessary time, resources and support that practitioners, teachers and schools would need to successfully embed the new curriculum.

Some felt that, for example, the shift from a relatively prescriptive culture surrounding the curriculum towards a more purpose-led approach that positions practitioners and teachers as agents of change and professional developers of the curriculum would require them to develop new skills and expertise. From these perspectives and across all settings, professional development was key to supporting the effective implementation of the new curriculum:

*[National Day Nurseries Association Wales] agrees that although the new curriculum reflects the Foundation Phase principles and pedagogy and within most settings... we believe there is also a requirement to ensure that resources and support are*

*proportionate by those received in schools and maintained settings. NDNA Cymru would also like to see the commitment to also fund further development of the workforce through re-fresher courses and follow –up support, to offset the high staff turnover observed in the early year’s sector and ensure truly effective implementation.*

National Day Nurseries Association Wales, 86

Many respondents also mapped issues and concerns with respect to the current arrangements onto their interpretation of the financial implications of the Bill. Many of the concerns expressed by respondents have their roots in existing issues and challenges they felt faced the educational community. Issues such as existing high workloads, lack of professional development opportunities, and high staff turnover were all cited as potential barriers that needed to be addressed principally through increased resources and support:

*The financial situation is challenging, even more so due to the pandemic; this makes the substantial task of curriculum reform difficult for schools. The supply days needed to allow for staff’s professional development and work in the new curriculum as outlined in the Explanatory Memorandum, Sept 2020, are significant. As well as the financial costs to release staff, there will inevitably be an impact on teaching and learning for the pupils currently in the system.*

Swansea Council, 142

Respondents also raised issues around the resource implications of improving and expanding specific provision. This covered a diverse range of teaching and learning, including Welsh-medium provision as well as subjects including Modern Foreign Languages and RSE.

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

Welsh Language Commissioner, 70

*NSPCC Cymru welcomes the agreement from Welsh Government that professional learning will be required in order for teachers to gain the knowledge and confidence to embed relationships and sexuality education within their teaching. However, we are disappointed that financial resources have not been specifically allocated to schools for professional learning on RSE.*

NSPCC Cymru, 60

Schools of a religious character also highlighted the specific requirement to deliver both denominational RE and pluralistic RVE should parents request it as presenting an additional financial and resource burden.

Audit Wales felt it was difficult to understand or estimate the true financial implications of the Bill. From this perspective, more information would be required to understand the full

costs associated with the Bill, including around the development of learning resources, and costs associated with new expectations within the curriculum, such as around the Welsh language. The response also highlighted the possibility that some projections were likely to under-estimate the true costs associated with the new curriculum:

*It appears to us that estimated opportunity costs mean that schools will be required to absorb almost 480,000 days of staff time in 2020-21 (estimates range from 239,294 to 717,882). There is a question of whether schools can absorb this amount of time without affecting the progress of current learners and/or staff, particularly in the light of the additional work that is planned to mitigate the impact of COVID-19 disruption on learners and the on-going additional learning needs transformation programme.*

Audit Wales, 205

## 7 Powers within the Bill

On the whole, of those that offered their views on the powers entrusted to Ministers contained within the Bill, most offered conditional support. There was broad recognition of the importance of maintaining flexibility and responsiveness to changing trends and educational priorities. From these perspectives, it was felt important that legislative frameworks support the evolution and development of the curriculum, including through subordinate legislation:

*The powers would seem appropriate. In the light of evaluation and development of the new national curriculum it would appear sensible to have these in place to introduce modifications rather than return to primary legislation.*

Professional, 101

There were concerns, however, about the role and extent of consultation and scrutiny within the proposals. It was felt by many that flexibility and responsiveness should be balanced with appropriate and effective discussion and scrutiny. From these perspectives, scrutiny is important to ensure that any subsequent reforms are coherent and effective:

*Generally, we think it is sensible that Ministers have the powers to make amendments to make adaptations as necessary. Although there is a danger that the curriculum could be tinkered with on a piecemeal basis for political reasons rather than for sound, educational reasons. Following evidenced-based approaches and consulting with stakeholders is paramount.*

Local Authority, 142

Some felt that the Bill did not strike the right balance, and that greater emphasis should be placed on scrutiny within the Bill. A recurring theme from these perspectives tended to focus

on the idea that with greater flexibility, there could be greater incremental and perpetual reform that would be disruptive, including for practitioners, teachers and schools:

*The [Education Workforce] Council notes that significant or unforeseen changes [to the curriculum] could potentially have a negative impact upon the smooth rollout of the new curriculum across Wales. The Council particularly notes the potential for significant changes to be introduced (perhaps even ahead of September 2022), if there is a change in the political direction of the Welsh Government following the Senedd election, in May next year... Whilst the powers to provide the opportunity for Ministers to make sure that schools are addressing important topics, the Council believes that it will also be important to ensure that the new curriculum does not incrementally become over-prescriptive.*

Education Workforce Council, 111

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

Children's Commissioner for Wales, 97

Llorenc O'Prey and Tony Jones  
October 2020  
[Llorenc.oprey@wavehill.com](mailto:Llorenc.oprey@wavehill.com)



## Annex

These are the questions that featured in the consultation:

### 1. The Bill's general principles

1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)? In coming to a view on this, question 1.2 and question 1.3 you may wish to consider the following questions:

- Is there a need for a new curriculum and if so, why? Should any new curriculum be purpose-led and skills-based, as set out by the Bill?
- What are your views on how the proposed Curriculum for Wales will be structured and organised? (*for example the four purposes, six Areas of Learning and Experience (AoLE), and three cross-curricular skills which are set out in the Bill, and the provision for a What Matters Code and statutory guidance to be issued giving more detail on each AoLE*)
- What are your views on the proposed mandatory curriculum elements of 'Religion, values and ethics' and 'Relationships and sexuality education'?
- How adequately does the Bill provide for the teaching of the subjects of both Welsh and English in the new curriculum?
- What are your views on the provisions for exceptions to be made to curriculum requirements?
- What are your views on the proposed curriculum requirements in non-school settings such as pupil referral units and funded non-maintained nursery settings?
- What are your views on the provisions in the Bill for assessment and learners' progression?

Yes		Partly		No		Don't have a view	
-----	--	--------	--	----	--	-------------------	--

1.2 Please outline your reasons for your answer to question 1.1

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

**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

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

**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

**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

**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.

**6. Other considerations**

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