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Annwyl Sian,

### **Curriculum and Assessment (Wales) Bill**

Thank you for contacting me regarding the Children, Young People and Education Committee's recommendation that the Welsh Government should consider amending the Curriculum and Assessment (Wales) Bill to include requirements for Welsh ministers to publish a statutory code on the teaching of Welsh.

You asked me to facilitate relevant Member's consideration of the Curriculum and Assessment (Wales) Bill by sharing my perspective regarding the need for the Bill to include provisions for a statutory Code on the teaching of Welsh. As the Committee's recommendation states that I, as Commissioner, should work closely with the Government towards this end, I share this paper with the Minister for Education, the Minister for Mental Health, Well-being and Welsh Language and also the chair of the Children, Young People and Education Committee.

I hope this paper contributes towards a constructive discussion and demonstrates the need for a statutory code on the teaching of Welsh.

Yours sincerely,

Aled Roberts  
**Welsh Language Commissioner**

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- 1. Introduction: The Curriculum and Assessment (Wales) Bill and the need for a statutory code on the teaching of Welsh**
- 1.1.** I fully support the Government's vision for the Welsh language in the education sector, and in particular what it hopes to achieve in relation to the Welsh language by introducing a new curriculum for Wales. Nonetheless, I am concerned that it is unlikely that the curriculum, as it stands, will instigate the anticipated increase in the number of Welsh speakers.
- 1.2.** I have not changed my opinion regarding the need for a statutory code that will provide far stronger guidance and instruction in relation to a Welsh language continuum. The Minister's response to the recommendations included in the Children, Young People and Education Committee's report on the Bill accepted in part and in principle the recommendation regarding creating a statutory code on the teaching of Welsh. Nonetheless, the Minister's response suggests that the existing curriculum framework includes sufficient provisions and detail in terms of the teaching of Welsh. I disagree, and I am unconvinced that the curriculum's general framework delivers the necessary changes to achieve one of the core targets of the Cymraeg 2050 strategy, namely that by 2050, 50% of pupils attending English medium schools will leave the statutory education sector as Welsh speakers. I am concerned that the new curriculum repeats past failures and that behind the veil of a single language continuum exists a framework which to all intents and purposes continues with the current arrangement of two separate learning pathways for Welsh pupils. As a consequence, I believe the Welsh Government is missing a golden opportunity to ensure that another generation of pupils is not deprived of the opportunity of becoming bilingual and as a result will fail to realise their own Welsh language strategy.
- 1.3.** A statutory code would:
  - create a legislative framework to raise expectations and standards gradually, with the aim of working towards the long-term targets of Cymraeg 2050;
  - reflect the Government's policy pledge of abolishing Welsh as a second language
  - represent a commitment to fully develop the concept of a single Welsh language continuum
  - represent an effective long-term method of supporting head teachers and schools to develop a curriculum that meets the national vision for the Welsh language
  - provide assurance to the education sector in its entirety regarding expectations relating to the Welsh language
  - ensure that head teachers and schools fully understand the scope and breadth of the Government's vision for the Welsh language, and are preparing to move in this direction.
- 1.4.** Below I elaborate on the shortcomings of the new curriculum in relation to abolishing Welsh as a second language and developing a single continuum for teaching Welsh. I will then explain how a statutory code could address these shortcomings. The arguments below repeat our previously published responses to earlier consultations over the past three years.

## 2. The shortcomings of the new curriculum in relation to abolishing Welsh as a second language and developing a single continuum for teaching Welsh

In context: the Government's vision and targets for the Welsh language

2.1. The Welsh Government's Cymraeg 2050 strategy sets a huge challenge in the context of the contribution of the English-medium sector to the aim of increasing the number of Welsh speakers. The trajectory to a million Welsh speakers is partly premised on ensuring a radical increase in the number of pupils leaving the English-medium education sector as Welsh speakers. By 2050 the Welsh Government aims to ensure that 50% of pupils attending English medium schools will leave statutory education as Welsh speakers. The strategy states the need 'to increase substantially the number of learners in the statutory education sector who develop Welsh language skills, and ensure that each learner develops skills in Welsh to a standard which will enable them to use the language in their everyday lives.' (p.37). Achieving this vision means transforming the current situation completely, as very few pupils currently leave the English medium education sector with sufficient confidence and skills to use the Welsh language in their everyday lives.

2.2. Whilst achieving the Government's vision will require a range of interventions across statutory education policies, there is no doubting the centrality of the curriculum towards this end. The Government's strategies and policy documents emphasise the crucial role of the curriculum as the mechanism that will primarily instigate the required changes to the way Welsh is taught and used across schools in Wales. For example, the Cymraeg 2050 strategy states:

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

2.3. The Explanatory Memorandum (point 3.137, p.37) states that 'one of the key transformational changes that will be required within the statutory education sector in order to achieve the vision is to transform how we teach Welsh to all learners in order that by 2050 at least 70 per cent of those learners report that they can speak Welsh by the time they leave school.' The integrated impact assessment published alongside the Bill also states that descriptions of learning for Welsh in English medium settings, schools and streams 'will be reviewed periodically with the intention in the long term of removing this scaffold and having all schools use the same Descriptions of Learning for Welsh in order to realise the ambition of 1 million Welsh speakers by 2050.' (p.14)

### The gap between vision and implementation

- 2.4.** Even though the policy headings and objectives are positive, we do not consider that any significant, practical or specific work has been published which corresponds to the above policy commitments and objectives. Although some details have been published in the curriculum guidance for the Languages, Literacy and Communication Area of Learning and Experience, we do not consider them sufficient to stimulate the transformation anticipated in the Government's strategies and targets or to provide adequate guidance to schools.
- 2.5.** The existing guidance places different expectations on pupils in Welsh-medium schools compared to pupils in bilingual schools and English-medium schools. Despite the discourse surrounding 'language continuum' and the commitment to 'abolish Welsh as a second language', it appears that the new system will continue to place different expectations based on the language medium of schools (which is the current situation). That is, instead of having two curricula or teaching programmes which place different expectations based on the language medium of schools, one curriculum and continuum will be developed, but that will also place different expectations based on the language medium of schools. It is essential that the idea of abolishing Welsh as a second language and introducing a language continuum goes beyond changes in terminology and the superficial aspects of teaching Welsh.
- 2.6.** I accept that the above situation is inevitable to some extent in the short term. The key point is that the Government's policy objective is that the new curriculum and language continuum will be a platform for stimulating more gradual, substantial and long-term reforms to the way in which Welsh is taught in English-medium schools. The language continuum concept needs to be developed as the focus of the process of planning how Welsh language teaching arrangements will be transformed over a longer period. That is, the continuum should enable and facilitate a process of moving from the current inevitable situation of two Welsh language curricula to a situation where the vision of all pupils following the same curriculum can be realised. To achieve this, the continuum must lead the work of improving pupils' language skills and ensure that more pupils move faster, higher, and further along the Welsh language continuum.
- 2.7.** No details have been published regarding these fundamental aspects of the language continuum concept. There is no discussion about what and how arrangements and expectations in terms of teaching Welsh will gradually change in order to remove 'the scaffolding' and to realize the long-term intention of 'having all schools use the same Descriptions of Learning for Welsh'. Apart from high-level learning descriptions included in the curriculum guide, there is no detail about the expectations that will be placed on schools in different linguistic categories. There is no detail or guidance on how and where these expectations and delivery outcomes sit on a Welsh language continuum, nor on how exactly these expectations will be revised to gradually increase the challenge. There is no guidance or support for schools in terms of the fundamental changes that will be needed to be able to raise standards and move pupils along a language continuum. Nor is there any detail or explanation of how such changes are to be phased in, nor how the Government will ensure that schools operate in line with the vision. Neither the curriculum guidance nor the associated legislation provide any guidance or detail on these key issues.
- 2.8.** Considering the lack of guidance and detail on these issues, it is difficult to see how it can be claimed that the new curriculum 'abolishes Welsh as a second language' and introduces a single

continuum for teaching Welsh. This would be particularly the case if the process of drawing up new qualifications for the curriculum proposed to continue the current situation of having two different Welsh language qualifications for pupils in Wales, and no long-term plan or framework for changing this and gradually moving to one Welsh language qualification for every pupil in Wales. In the absence of significant work on the Welsh continuum concept, I fear that the success of the new curriculum in terms of the Welsh language will depend to a large extent on the discretion and will of individual schools, and on local authorities' education strategies. This approach has not worked in Wales in the past. Without a commitment to undertake further work in the form of a statutory guidance or code on the teaching of Welsh, I am concerned that in ten to fifteen years' time we will face a situation very similar to that which exists today, where a significant proportion of pupils in Wales will continue to be deprived of the opportunity to be bilingual.

### **3. How would a code on the teaching of Welsh add value and go beyond what is contained in the Languages, Literacy and Communication Area of Learning and Experience**

#### **Why is there a need for a code?**

- 3.1.** The significant and far-reaching changes needed to achieve the Government's policy objectives in relation to the Welsh language justify the need for a code on the teaching of Welsh. In the context of the Government's vision and targets, it is perfectly reasonable to argue that there is a systemic problem with regard to teaching Welsh in the statutory education system in Wales. The scale of change that needs to happen over the next 30 years merits significant additional work. This is especially true given the evidence available about failures in the current curriculum in this context.
- 3.2.** The Welsh language has been a statutory subject in the Welsh Curriculum at Key Stages 1, 2 and 3 since 1990, and at Key Stage 4 since 1999. However, several reports have concluded that following a Welsh second language course rarely leads to creating confident Welsh speakers. Back in 2013 Professor Sioned Davies' review warned that it was "the eleventh hour" for Welsh second language teaching, because so few students that studied Welsh as a second language developed sufficient skills in the language to use it outside the classroom. Estyn found in its 2017-18 Annual Report that 'only in around a quarter of English-medium secondary schools do pupils continue to develop their Welsh language skills' and that in the rest of the schools 'pupils do not develop their Welsh speaking skills well enough.... and do not have the confidence to attempt to speak Welsh.'
- 3.3.** The 2011 census evidence seems to support the conclusions of these experts. Although Welsh has been a statutory subject across all key stages in Wales since 1999, and therefore the vast majority of individuals in the 16-24 age category have followed a curriculum in which Welsh is a compulsory element, only 22% of them stated that they were Welsh speakers (a figure which is close to the percentage of pupils receiving Welsh-medium education). The current reality is that around 80% of pupils in Wales follow a curriculum and arrangements for learning Welsh that do not usually lead to the creation of confident Welsh speakers.

- 3.4.** Of course, given the social and linguistic context of Wales, it is not an easy task to teach a language to pupils when that language is not spoken in the home, where the individuals are unlikely to hear the language often in their lives social lives and where the language competes with an international language that dominates global popular culture. It is of course, precisely because of this wider social and linguistic context that immersion education has proved effective in creating pupils who are confident using both Welsh and English.
- 3.5.** All of the above reasons highlight why the Welsh language needs special support in order to realise the vision that there will be a significant increase in the number of pupils leaving the statutory education system in Wales as confident Welsh and English speakers. It is not a level playing field between the Welsh and English languages in Wales, and there are clear differences in the position of the two languages that justify differential treatment in terms of legislation and policy. This does not mean favouring or prioritizing the Welsh language over the English language, but rather that the Welsh language needs more intensive support to ensure full and effective equality of outcomes. If the Government really wants to see the kind of increase envisaged in the 2050 Welsh language strategy from the perspective of the English-medium sector, then the evidence proves unconditionally that much more needs to be done beyond making Welsh a compulsory subject in Wales.
- 3.6.** It should be noted that the Bill already provides further guidance for two of the other mandatory elements of the curriculum, Relationships and Sexuality Education, and Religion, Values and Ethics. In the case of Relationships and Sexuality Education there is already a commitment to publish an additional code that would address specific issues in greater detail than is possible or appropriate on the face of the Bill. In the case of these mandatory elements, the Government accepts that certain factors mean that, without further guidance, a method of delegating absolute responsibility to schools and local authorities is unlikely to achieve the desired educational outcomes. We would argue that this is the case with the Welsh language as well, and therefore there is a clear case and precedent for introducing a code for the teaching of Welsh.

#### The purpose and content of a code on the teaching of Welsh?

- 3.7.** A code on the teaching of Welsh could provide the necessary detail that we argue is missing in both the curriculum guidance and the Curriculum and Assessment Bill. The code could include further guidance, instruction and detail to ensure Welsh language teaching arrangements across schools in Wales lead to raising pupils' Welsh language standards in line with curriculum objectives and the Government's Welsh language strategy. I accept that it might not be appropriate to include this level of detail in the main curriculum guidance document, and thus the notion of creating a supplementary code is attractive. Such a code could provide a longer-term framework that would exist alongside the current curriculum documentation.
- 3.8.** Such a code need not be published before the 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. The only immediate requirement would be to place a requirement in the Curriculum Bill for Ministers to introduce such a code. It might 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, and also the work underway to reform school language categories.

- 3.9.** As a starting point, we suggest the code might include guidance and instruction the following key matters:
- i. **Develop a Welsh language continuum:** the code should develop and outline a single language continuum (or matrix) for the purpose of measuring, describing and assessing the Welsh language skills of pupils. This continuum needs to be more detailed and sophisticated than that already included in the curriculum guidance, and it would be worthwhile to consult current language continuum frameworks (such as CEFR and the Welsh for adults language curriculum) as starting points.
  - ii. **Based on the developed language continuum, the code should set clear and detailed expectations and achievement outcomes for schools in different linguistic categories:** Head teachers and governing bodies currently have complete discretion as to how they will teach Welsh and what outcomes and progression steps are most relevant to their learners. The varying expectations on various schools and pupils of various ages need to be set out in a statutory code of practice, in relation to the most appropriate progression steps and achievement outcomes. This work should be directly connected to the process of developing the new qualifications for the curriculum.
  - iii. **Set these differentiated expectations on one Welsh language continuum framework indicating when and at what pace such expectations will be revised:** a legislative mechanism is required to provide clarity on the expected scale of progress in terms of these expectations, and a framework mapping out the process of working towards the Cymraeg 2050 targets. That is, detail is required on how and when the ‘scaffolding’ which initially supports learners in English medium and bilingual schools will be revised, in line with the long-term objective of closing the gap between pupils in English medium education and those in Welsh medium education. The long-term vision ought to be that an increasing proportion of Welsh pupils, regardless of the language medium of their education, reach the higher tiers of the language continuum. In order to facilitate this process, it may be desirable to include a requirement to review the code every 3-5 years. Once again, this work should be directly linked to any proposals in terms of new Welsh language qualifications, and in particular how such qualifications might adapt and reflect the process of incremental improvement and raising of standards.
  - iv. **Guidance and support for schools in developing the Welsh language curriculum:** guidance should be provided to head teachers in relation to the content and nature of a curriculum that is likely to meet the expectations placed on different schools in terms of the Welsh language. This may include practical examples of how the teaching of Welsh would vary from one setting to another, and how schools should improve their provision over time. This guidance should specifically focus on how head teachers and governing bodies ought to develop longer term plans to develop the school’s capacity to support the Welsh language progress of their pupils.

- v. **Guidance and support for the use of Welsh across the curriculum:** further guidance is needed in terms of how and to what extent schools should increase opportunities for pupils in English-medium and bilingual schools to use Welsh throughout the curriculum, as well as in activities outside the classroom. This would be consistent with the vision of the Cymraeg 2050 strategy.

#### 4. **Concluding comments**

I realise that the curriculum in and of itself cannot realise the vision set out in the Government's 2050 strategy. Realising the vision of Welsh education which genuinely provides all pupils with the opportunity to become confident Welsh speakers will necessarily require policy interventions across all education policy fields. This is especially the case in relation to teacher training and the professional development of teachers. It will also obviously require the commitment of schools, local authorities and regional consortia, as well as other key stakeholders. However, I am convinced that such key developments are more likely to bear fruit if the curriculum sets clear directions and instructions for the statutory education sector. It is clear to me that this whole process should be driven by the national curriculum for Wales. If the curriculum sets clear expectations and requirements, then the rest will follow and adapt. If the curriculum fails in this regard, then in all likelihood those familiar shortcomings in terms of the Welsh language skills of teachers, of school capacity, of qualifications and resources, will perpetuate a vicious circle that will continually frustrate attempts to improve the language skills of Welsh pupils.