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Y Gweinidog Addysg
Minister for Education



Llywodraeth Cymru
Welsh Government

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

16 February 2021

Dear Lynne,

Following the Stage 2 Committee on 29 January, I thought it would be helpful if I set out some of the areas I have instructed my officials to progress, including where I gave a commitment to work with members of the Committee.

Amendments 41 & 42

To specify an understanding of the History of Wales in all of its diversity, including Black and People of Colour History to the Humanities AoLE; and as an additional mandatory element of the curriculum.

As you are aware I appointed Professor Charlotte Williams OBE, to chair a Black, Asian and Minority Ethnic Communities Contributions and Cynefin in the New Curriculum Working Group in the summer of 2020.

The work of the Group includes, but goes beyond, history as a subject. This builds on the established approach, set out by the Learned Society of Wales (and others), that to gain knowledge and understanding of Wales we must thread it through language, literature, geography and sciences and across the curriculum, as well as history.

I received the interim report from the group in November 2020 and I confirmed that I would be taking forward all the recommendations within the report. I will respond formally when the final report is submitted in the spring which will cover areas around professional learning.

I am updating the statements of what matters to include specific references to the stories of Black, Asian and minority ethnic people in both the humanities AoLE and the statutory guidance to ensure it is embedded across the curriculum. We are also reviewing the statements of what matters in respect of Welsh history to ensure that this is fully reflected and understood within the Code. The statements of what matters will be included in the statutory What Matters Code.

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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.

As a result of this, these areas will be mandatory in the Curriculum for Wales. We have discussed the changes with Professor Williams and she has confirmed that she is content.

Amendment 54

Places a statutory requirement on the Welsh Ministers to publish the initial RSE Code by 31/03/22.

The drafting of the RSE Code will be concluded by 31/03/2021 and will be published for public consultation as soon as possible after that date. The intention is to publish the final version of the RSE statutory guidance and RSE code to aid schools and settings by the end of 2021. As such, specifying a timeframe on the face of the Bill is unnecessary.

Amendments 71 and 72

Insert duties on listed persons to have regard to the UNCRC and UNCRPD in exercising their functions under the Bill and that any guidance issued under section 66 must set out what is required of those persons in order for them to discharge those duties.

This Bill has been developed with children's rights at the forefront and these rights are embedded throughout. These amendments would create a significant bureaucratic burden on schools, and there is a concern that this could make them risk averse in their decisions (as they could be subject to legal challenge), which could undermine the principles of the Bill. I am very keen to avoid doing anything that will significantly increase the burden on schools and settings in terms of reporting.

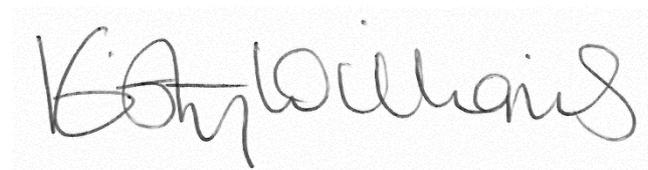
My intention is to bring forward an amendment to the Bill on the UNCRC and UNCRPD in a way that improves the quality of teaching in a comprehensive way. This links with the CYPE Committee's Children's Rights report, published in August 2020, specifically recommendations on awareness raising of the UNCRC. The intention is for the proposed amendment to be designed to demonstrably improve understanding and awareness of children's rights in a way that is supportive of practitioners and can be embedded in teaching and learning. Work on this is ongoing and I will update you on progress later this month.

As I have said before the Conventions are 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 services such as governing bodies and head teachers.

Front line service providers are not international law experts and should not be expected to interpret the fine detail of the international treaty and its articles, and apply them to a multitude of decisions made under the Bill. It is for government to decide whether sufficient has been done in laws and administration to ensure that government fulfils its obligations under the UNCRC. The Bill, once enacted, will add to a statutory framework that we consider fulfils those obligations. Ultimately the responsibility falls on the government in this respect.

I also attach at Annex A a rationale for the mandatory subjects, which is in response to recommendation 6 of the Committee's Stage 1 report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', is centered on a light gray background.

Kirsty Williams AS/MS
Y Gweinidog Addysg
Minister for Education

This Technical Briefing is in response to Recommendation 6 of the Children and Young People's Committee Stage 1 Report:

Recommendation 6: That the Welsh Government set out, as a matter of priority, the principles and reasoning that has guided—and will continue to guide—decisions about what aspects of teaching and learning merit being included on the face of Bill as mandatory elements.

The Curriculum for Wales sets out a framework for learning within which practitioners have more scope for agency and creativity in developing a curriculum that meets the needs of their learners. This agency is provided within a clear statement of what is important in delivering a broad and balanced education.

The What Matters Code has been designed to ensure certain learning forms part of a school's curriculum, without adding these to the face of the Bill. This recognises they are the product of co-construction with teaching professionals and provides greater flexibility for these to evolve and adapt over time than if they were on the face of the Bill.

The concepts and areas of learning within the What Matters Code are already mandatory and required for all schools.

These include Welsh history, diversity and the diverse nature of societies. They also include physical health and personal care. These statements will be reviewed to identify points which can be strengthened, such as black, Asian and minority ethnic history.

Over the course of development of the Curriculum for Wales Framework, we have received a very large number of requests to include other aspects of learning on the face of the Bill in order to guarantee that they are taught.

These aspects are argued to be currently at risk in some way and critical to learners' development, well-being or broader experiences. However, there are key concepts in the What Matters Code that address them and so placing them on the face of the Bill would add no substantive benefit.

The purpose of placing the four elements on the face of the Bill is because they are unique in that the Bill needs to mention them in order to address a specific issue or set of circumstances, detailed below.

They also represent clear, identifiable subjects, rather than simply an aspect of learning in an area and they provide a unique contribution to the four purposes which goes beyond the scope of the six areas of learning and experience.

In addition to the Areas of Learning and Experience, there are a very small number of mandatory elements on the face of the Bill:

- English

- Relationships and Sexuality Education (RSE)
- Religion, Values and Ethics (RVE)
- Welsh

The specific reasons for why the subjects currently listed are unique and need to be addressed on the face of the bill are dealt with below.

RSE

RSE is vital to a child's development and therefore it is included as a mandatory element to ensure that it is taught to learners in all schools and settings. This follows the independent expert panel's recommendation that Relationships and Sexuality Education should be statutory.

RSE covers a range of disciplines beyond the scope of the Health and Well-being Area of Learning and Experience alone and therefore specific provision has to be made to ensure that it is taught in its entirety. Additionally, the issues covered by RSE are complex and the importance of providing developmentally appropriate learning is critical to learners' safety and well-being. Placing this on the face of the Bill will also ensure legislative safeguards around the age and developmental appropriateness of teaching in this subject.

As well as being a mandatory element, the Bill also places the Welsh Ministers under a duty to issue an RSE Code that sets out the 'themes and matters' to be covered in teaching the mandatory element of RSE. The duty to issue a Code further safeguards provision in terms of what is considered developmentally appropriate. This not only supports schools to make decisions in a uniquely contentious and sensitive element of the curriculum but also provides assurance to parents about how it will be taught rather than, as with the majority of the curriculum, leaving it to schools to decide. The Code will, in effect, be a curriculum for RSE that schools must implement. This is especially important as parents no longer have a right to withdraw children from RSE.

RVE

Recommendation 9 of Successful Futures emphasised the integral and unique role that religious education plays in enabling learners to develop respect for and understanding of other cultures.

As a result, it was recommended and agreed that this would remain a "statutory" curriculum requirement. While much of this learning might sit in Humanities, it requires a range of disciplinary approaches and is broader than simply an Area of Learning and Experience. This is distinct and unique as a subject because it has very specific implications for its delivery in schools with a religious character.

There will be no right to withdraw and therefore it also raises the same issues as RSE in terms of its content. However, it is not dealt with by placing the Welsh Ministers under a duty to make a code. This is due to an existing legislative

framework of an Agreed Syllabus Conference for the current curriculum of religious instruction. This approach is maintained to produce an agreed syllabus that is pluralistic and therefore does not affect parents' own religious and philosophical convictions.

English and Welsh

Both languages are clearly part of the Languages, Literacy and Communication Area of Learning and Experience but they are also crucial for the development of the mandatory cross curricular skill of literacy. To enable the development of literacy it is important that the Bill is clear in which languages this should take place.

Language is the key for accessing the whole curriculum and realising the four purposes. English and Welsh are listed as mandatory elements on the face of the Bill to ensure learners are equipped undertake the curriculum and develop as learners that embody the four purposes.

These languages therefore do not simply represent subjects within an Area but through literature, unlocking other languages/cultures and etymology they also link to the languages of instruction and learning. This makes them distinct and unique.

Learning Welsh was identified in Successful Futures as having unique cultural, cognitive and practical benefits. The intention is to enable all learners in Wales to be able to use the Welsh language by the time they reach 16 years old. For this to happen, the teaching and learning of Welsh needs to be recognised and valued as an integral component of the Curriculum for Wales.

Welsh as a mandatory element begins from age three whilst English becomes mandatory at age seven. This is both to enable to continuation of Welsh language immersion but also to ensure a foundation in Welsh at those schools and settings that do not practise immersion. It is a clear reflection of the importance of learning Welsh and the priority this government attaches to this.

To summarise, the four mandatory elements are clear, identifiable subjects which make a unique contribution to the four purposes which goes beyond the scope of the six Areas of Learning and Experience. This is not about guaranteeing teaching or to give them additional status: but that the bill needs to deal with them to address very specific, unique issues.