

**Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education
Committee**

**Hynt y gwaith gan Lywodraeth Cymru wrth ddatblygu Cwricwlwm newydd Cymru |
Welsh Government's progress in developing the new Curriculum for Wales**

CR 05

**Ymateb gan: Comisiynydd Plant Cymru
Response from: Children's Commissioner for Wales**

Date / Dyddiad: 12/2018

Subject / Pwnc: Welsh Government's progress in developing the new Curriculum for Wales

Background information about the Children's Commissioner for Wales

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

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

This response is not confidential.

Introduction

I welcome Welsh Government's commitment to transforming the education system and improving the lives of children and young people. The production of the draft curriculum is key to this transformation and offers an exciting opportunity for Wales to state new and relevant commitments to children and young people throughout their education. The curriculum will

have wide-reaching effects, not only in the universality of its impact but also in that it will alter practice, pedagogy and the wider systems that are in place to support children and young people to develop their talents and skills to the full.

There is much in the process of curriculum reform that has been innovative and highly encouraging. Commended by the OECD¹, the reform journey is enabling wide-reaching considerations over a sustained period of time, with a continued focus on the teaching profession co-creating a curriculum that supports the holistic development of children and is inclusive of their wellbeing. Notwithstanding my broad support for this process, my response focuses on important areas in which the approach could be improved to enable better outcomes for the children and young people of Wales. I make the following points:

- I welcome the inclusion of children’s rights in the latest draft of the AoLE achievement outcomes seen by my office, and outline how Welsh Government can further align curriculum development to their commitment to the rights of children.
- I welcome the principle of co-production of the curriculum with the wider teaching profession but describe the missed opportunity to systematically extend this co-production to children and young people. Enabling the participatory rights of children and young people at a national level offered a chance to innovate a development model that integrated the principles of the Well-Being of Future Generations (Wales) Act with a children's rights approach. Had this opportunity been taken at a national level, this leadership from Government would have modelled how children and young people could be systematically engaged in curriculum design at a school level, as envisaged by the subsidiarity model recommended in *Successful Futures*.
- It is essential that children and young people are now meaningfully involved in the ongoing development of the new curriculum. This is particularly important to ensure that assessment procedures are consistent with a children’s rights approach designed to promote self-esteem and optimum development.

¹ <http://www.oecd.org/education/school/thewelshededucationreformjourneyarapidpolicyassessment.htm>

- I am heartened by the engagement of government with my office around the development of curriculum. However, wider civic society could be more meaningfully engaged if the role of the strategic stakeholder group is made clearer within the governance structure, and the members of this group are aware how their discussions will inform the development process. In particular, I am disappointed that the youth work sector has not had a greater role in the development process.
- I strongly welcome the prioritisation of young people's wellbeing within the curriculum but highlight the need for Government to take a joined-up approach to young people's wellbeing.
- I highlight the need for professional learning around the new curriculum to encompass the principles of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

Children's rights in the new curriculum

To safeguard the long term needs of children through their educational experience a clear commitment to their rights should be included in new legislation for curriculum and assessment. In addition, as described in my position paper, *Human Rights Education in the New Curriculum*² this is an important opportunity for a generation of children and young people to learn about their human rights through their own experience. I am therefore encouraged to see that the latest iteration of achievement outcomes seen by my office in November 2018 include specific reference to the rights of children in both the Humanities and the Health and Wellbeing AoLEs.

Further alignment to children's rights

I am hopeful that the Guiding Principles of all the AoLEs will also integrate the UNCRC across the entire curriculum and this, alongside the inclusion of the UNCRC on the face of the Bill, would align the curriculum with Welsh Government's commitment to children's rights in the following ways:

² <https://www.childcomwales.org.uk/wp-content/uploads/2018/11/CCFW-Children-Rights-and-Curriculum-Reform-Position-Paper-2018.pdf>

- Reinforcing the commitment to the rights of learners stated in the new Professional Standards for Teaching and Leadership, in which ‘the needs and rights of learners will be central and take priority in the teacher’s approach to their job.’³
- Aligning the new curriculum with the due regard duty included in the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and thereby ensuring a coherent legislative framework in which the provisions of the UNCRC are applied to the education of all children.
- Providing a highly effective mechanism to support Welsh Government to meet its responsibility for requiring full compliance with the UNCRC, and thereby having a substantive positive impact on Article 4 (General Measures of Implementation) of the UNCRC.
- Demonstrating the exercise of the ministerial duty (under the Rights of Children and Young Persons (Wales) Measure 2011) to pay due regard to the UNCRC.

Involvement of Young People

The right to participate is a guiding principle of the UNCRC and as such represents an underlying requirement for children’s rights to be realised. I have been publically calling for the participation of children and young people in the curriculum design since 2015, making recommendations to this effect in my Annual Reports of 2015/6⁴ and 2017/8⁵. This 2015/6 recommendation was positively received by Welsh Government⁶ and during this period I have also been repeatedly reassured by officials that plans were underway to develop this participation. In addition to these public calls my office has tried a collaborative approach to encourage and initiate this involvement. This has included facilitating three groups of young people to present at the

³ Professional Standards for Teaching and Leadership, Welsh Government 2017
<http://learning.gov.wales/docs/learningwales/publications/170901-professional-standards-for-teaching-andleadership-en.pdf>

⁴ <https://www.childcomwales.org.uk/wp-content/uploads/2017/01/Annual-Report-1516-Adroddiad-Blynyddol.pdf>

⁵ <https://www.childcomwales.org.uk/wp-content/uploads/2018/09/Annual-Report-2017-18.pdf>

⁶ <https://gov.wales/docs/dsjlg/publications/cyp/161130-response-to-annual-report-en.pdf>

Independent Advisory Group; advising government as to different models of participation that could be considered; offering my staff to deliver a 3-day extended workshop between my office, working group pioneers, academic expertise and young people; and offering the engagement of my own participatory networks in the development process. Of these offers, only the Independent Advisory Group session actually took place, and while Government expressed verbal or written interest in all of the other actions I suggested, none have been taken up to instigate an engagement process.

This is despite apparent intentions that children and young people would participate in curriculum design. In 2016 a sub-group of the strategic stakeholder group was established to look specifically at participation, and my office was represented on this group. The group undertook a mapping exercise of existent participation structures with the children and youth sector but no action was taken as a result of this exercise. This group was then suspended (with no reason given to its members) and had a hiatus of almost 2 years before it was re-initiated in September of 2018. At this 2018 meeting it seemed that officials were unaware of the previous mapping exercise.

It is positive to see that further meetings of this group are planned but given the stage of curriculum design the involvement of children and young people is likely to be restricted to an opportunity to respond to an already developed framework in a consultation, rather than including children's and young people's expertise as learners to inform the development of the framework itself. Hart's participation model⁷, which is widely used both in Wales and internationally, would describe this level of participation as 'young people are consulted and informed'. It seems less probable at this stage that young people will be enabled to share decision making, as I called for in my 2015/6 Annual Report. To do this would have required a systematic process where young people's own experiences could inform the development of the What Matters statements into curriculum content and where they were included in the process

⁷ <https://www.unicef-irc.org/publications/100-childrens-participation-from-tokenism-to-citizenship.html>

to define achievement outcomes at each progression step. This is a real gap in the principle of co-production. There are several existing structures across Wales that could have been utilised to meaningfully incorporate different types of participation, as would have been clear from the mapping exercise carried out by the children's and youth sector. Consideration could also have been given to how young people would have a meaningful role in the governance structure. There was also an opportunity within the role of Pioneer Schools to formalise expectations for how children and young people could work together with their teachers to inform the AoLE working groups. Individual teachers and schools have indeed done this in some instances but as an informal process this is inconsistent and does not provide any equitable means of participation across Wales.

This is most frustrating for young people themselves. My office has worked with several schools and youth fora in which young people have identified the new curriculum as a key priority. In these contexts young people have discussed and debated Successful Futures and have created presentations, displays and writing to share and develop their own priorities for the new curriculum. It is inspiring to see this depth of engagement and deeply disheartening that there has been no mechanism by which these young people have been able to share their insights with the adults developing the curriculum. Enabling the participatory rights of children and young people at a national level could have been part of an innovative model that integrated the Five Ways of Working of the Wellbeing of Future Generations (Wales) Act with a children's rights approach.⁸ It would ensure the curriculum was developed in line with the principles of the Children and Young People's National Participation Standards⁹ and support the realisation of Welsh Government's commitment to the participatory rights of children. Had this opportunity had been taken at a national level, this leadership would also have modelled how children and young people could be systematically engaged in curriculum design at a school level as the curriculum is delivered.

⁸ <https://www.childcomwales.org.uk/wp-content/uploads/2017/04/The-Right-Way.pdf>

⁹ <http://www.childreninwales.org.uk/our-work/participation/participation-standards/>

Future engagement of children and young people

Clear guidance should accompany the curriculum to show how children and young people can participate in curriculum design at a school level in the subsidiarity model but prior to this point there are still important ways in which children and young people can be involved.

It is imminently important that children and young people's views about and experiences of assessment are included in the design of assessment arrangements. Including the lived experiences of young people to develop assessment procedures that promote self-esteem and optimum development is essential to enable health and wellbeing to be an integral experience of young people across the curriculum. Enabling participation in the development of assessment for, of and as learning helps to ensure that assessment is experienced positively rather than as a threat to children and young people's wellbeing. Recent research in Wales highlights the importance of this. Data from the Health Behaviour in School Aged Children in Wales¹⁰ shows 39% of respondents stating they feel pressured, this increasing from 22% in year 7 to 59% in year 11. This may have a direct impact on young people's overall experience of their education, with only 16% of pupils in years 10 and 11 in the responding that they liked school 'a lot'. The WISERDEducation survey¹¹ reinforced this: 25% of girls indicated they felt worried at school, compared with 16.5% of boys. This underlines not only the need for including young people's experience in the design of assessment but also the need to do this systematically, as different groups of young people, in this case boys and girls, can have significant differences in their experience of the same procedures.

¹⁰ <https://gov.wales/docs/caecd/research/2015/151022-health-behaviour-school-children-2013-14-key-findings-en.pdf>

¹¹ <https://wiserd.ac.uk/news/girls-may-perform-better-school-boys-their-experience-much-less-happy>

Research around GCSE reform in Wales shows that young people feel the pace of assessment reform is happening too rapidly and that they should be consulted to ensure that their best interests are taken into account.¹² Recent qualification changes can be perceived to reflect political reasons, leaving young people to feel like they are part of an experiment in new qualifications, with little regard to the lifelong repercussions that could ensue. To avoid a situation in which young people, and potentially their parents and the wider public, perceive new assessment arrangements in this way it is necessary for both an immediate and ongoing engagement of young people in decision making. This engagement should include children and young people of all ages as the pressure caused by assessment is also not restricted to secondary settings: early indications from my 2018 nationwide *Beth Nawr* consultation suggest that assessment is also causing significant worry for primary-aged children.

Wider engagement with external expertise

I am heartened by the engagement of government with my office around the development of curriculum. However, the engagement of wider civic society, as envisaged in *Successful Futures*, has not been as inclusive of many sectors as could have been beneficial. The Strategic Stakeholder Group, on which my office is represented, has been primarily facilitated to inform and update attendees, with opportunities for discussion limited. Occasionally members of the group have presented elements of their work to each other but it has not been made clear how these presentations will be communicated within the governance structure or indeed if the group has a role in informing wider work.

The role and influence of the Independent Advisory Group (IAG) has also at times been unclear, as there have been occasions when this group has strongly supported areas of work which have

¹² Barrance, R. & Elwood, J. (2018) National assessment policy reform 14–16 and its consequences for young people: student views and experiences of GCSE reform in Northern Ireland and Wales, *Assessment in Education: Principles, Policy & Practice*, 25:3, 252-271, DOI: 10.1080/0969594X.2017.1410465

not been taken forward: an example of this is the support of the IAG for the participation of young people in the development process.

In particular, I am disappointed that the youth work sector has not played a bigger role to date in informing curriculum design. I am aware that the Youth Work Reference Group and the Principle Youth Officers Group have communicated to government that the youth work sector is keen to contribute their expertise to curriculum development and, particularly, to *how* the curriculum might be taught.¹³ Youth workers are in daily contact with many young people, including some that face significant challenges at school. The professional methodology and experience of youth-workers is a huge resource in Wales that can be drawn on to enhance the experiences of young people across their education and to support the professional learning of teachers. This may be particularly of relevance to the Health and Wellbeing AoLE, as this an area that has not previously been prioritised within formal education but in which in the youth work sector has considerable expertise. I am hopeful that the ongoing development of the curriculum will draw more on the expertise of this sector than has thus far been the case.

Joined up approach for young people's wellbeing

As Commissioner I am apprised of a wide range of policy developments for children. From early 2017 I became concerned at the parallel initiatives in the curriculum reform process and the Together for Children and Young People Programme to improve early support for young people's wellbeing in schools. I made a number of representations to the programmes and relevant ministers to bring these work streams together so that multi-disciplinary expertise might be maximised in a coherent fashion. I am relieved to note the establishment of the Joint Ministerial Task and Finish Group on a whole-school approach to emotional wellbeing and mental health. Further join-up is needed to ensure that the work of this task and finish group is not taken disparately to curriculum reform. A joined-up approach is needed that should encompass the

¹³ <https://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=738>

new curriculum, the work of the Joint Ministerial Task and Finish Group on a whole-school approach to emotional wellbeing and mental health, the work of the Together for Children and Young People Programme, and the governmental response to the OECD recommendation that the Welsh Government should establish a 'national definition of student wellbeing and guidance and instruments(s) for monitoring it'¹⁴.

There is also a need to ensure that the developed approach:

- links to the Evaluation for Improvement tool being developed by Estyn and the OECD;
- best enables schools to use the data they receive from participation in the School Health Research Network;
- takes into account the well-established Healthy Schools Scheme;
- is in line with the review of Welsh Government's Respecting Others anti-bullying guidance;
- corresponds to the role of schools in the Online Safety Action Plan¹⁵.

If there are several monitoring systems developed to measure or assess wellbeing, and to evaluate schools approaches to it, then there is a risk that this will be confusing or overwhelming and could significantly complicate the implementation of new approaches. Young people in Wales need adults across sectors to work together to get this right.

Professional Learning and Additional Learning Needs

There is also an important opportunity to ensure that professional learning for the new curriculum goes in hand with the professional learning necessary for successful implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018. As teachers develop their learning around the new curriculum there should be a simultaneous focus on the principles of the ALN Act, so that from the outset professionals work with the new framework to ensure

¹⁴ <http://www.oecd.org/education/Developing-Schools-as-Learning-Organisations-in-Wales-Highlights.pdf>

¹⁵ <https://beta.gov.wales/sites/default/files/publications/2018-07/online-safety-action-plan-for-children-and-young-people-in-wales.pdf>

differentiated learning appropriate to fully develop the skills and talents of every child and young person.

Submitted by:

A handwritten signature in black ink, appearing to read 'Sally Holland', written in a cursive style.

Professor Sally Holland

Children's Commissioner for Wales