

Consultation on the Curriculum and Assessment (Wales) Bill

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

About you

Organisation: Estyn

1. The Bill's general principles

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

Yes

1.2 Please outline your reasons for your answer to question 1.1

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

Estyn welcomes the limited nature of the proposed primary legislation that enables freedom and flexibility for professionals to meet the needs of learners. We also welcome the assessment and progression requirements that will support learners to achieve and go beyond the progression steps outlined in each of the areas of learning and experience.

This bill makes clear the required elements of the curriculum, including the areas of learning and experience, the cross-curricular skills, and relationships and sexuality education (RSE). Research indicates that the development of literacy, numeracy and digital competence are essential building blocks to learners' future success and we welcome the importance that this bill places on these skills.

It is helpful that RSE is incorporated within the health and wellbeing area of learning and experience, and also expected to be developed across the curriculum. This will help schools to understand that RSE is an integral component of effective health and wellbeing within a whole-school approach.

The proposal in the bill to make religion, values and ethics (RVE) mandatory is a positive step. As we communicated in the recent Welsh Government consultation, 'Ensuring access

to the full curriculum', we support the fact that this bill will remove the right for parents to withdraw their children from this aspect of education. Developing all learners' knowledge of religion, values and ethics is an important part of learning and is integral to the humanities area of learning and experience. This area of the curriculum will be particularly important in helping pupils to become ethical, informed citizens of Wales and the world. If the right to withdraw remained, learners could miss out on an important part of their learning and miss the inter-disciplinary links that can be made across and within areas of learning and experience. In our response to the consultation on the 'Legislative proposal for religion, values and ethics' we explained that we would favour a system that protects the integrity of RVE as being appropriate, pluralistic mandatory education of value to all pupils, irrespective of their parents' religious or philosophical views. Some schools provide denominational religious education, and we would prefer that this is understood as being supplementary to the mandatory RVE provision. In these schools, we suggest that parents should have the right to withdraw their child from this supplementary aspect of RVE, in order that they only receive the mandatory RVE.

We welcome that this bill gives equal weighting to all areas of learning and experience. In addition, we welcome the requirements for schools to ensure their provision enables learners to engage with all areas until the age of 16. This will encourage schools to develop a broad and balanced curriculum and will support learners in their pursuit of the four purposes.

Within the languages, literacy and communication area of learning and experience, we welcome the mandatory elements of English and Welsh. We are positive about the emphasis this bill places on ensuring that the teaching and learning of Welsh is integral to the Curriculum for Wales. This is consistent with Welsh Government's vision and strategy for creating a million Welsh speakers by 2050 and an increasingly bilingual nation. The proposal that Welsh should remain a compulsory element of the curriculum for 3 to 16 year old learners is important in realising this vision. The bill enables Welsh medium schools and settings to continue to fully immerse children in the Welsh language until the age of 7, which is a vital part of the early development of these language skills, but it is worth reconsidering whether there is a better way to achieve this end in legislation than the proposed opt out from English for Welsh schools for this age range.

We agree with the removal of the Welsh first and second language programmes of study and the aim to replace them with one continuum of learning. The explanatory memorandum recognises that teachers of Welsh in Welsh-medium and English-medium schools will come from different professional backgrounds and will be dealing with different classroom contexts. The memorandum outlines that professional learning will be

essential to the success of the development of Welsh, particularly in English-medium schools. The impact of these requirements should not be underestimated as the teaching and learning of Welsh in English-medium schools needs to improve to encourage pupils to enjoy and value learning Welsh and to improve outcomes. Inspection evidence suggests that there is a weaker understanding in English-medium schools of what constitutes the most effective pedagogy to deliver Welsh and second languages generally.

The requirements of Ministers to develop codes on 'what matters', 'progression' and 'RSE' is important. These codes will give schools, PRUs and settings the key elements to consider when planning, developing and delivering their curriculum. These documents should be helpful in guiding their thinking and be central enablers for curriculum reform.

We welcome the requirements outlined in part two of the bill. The requirements placed on headteachers and governing bodies to design, adopt and review their curriculum will support the planning and implementation of the Curriculum for Wales in schools, settings and PRUs. In addition, the bill requires schools to publish a summary of their curriculum. This will be helpful in enabling parents and the wider community to understand a school's provision and will support schools to feel accountable for providing a broad and balance curriculum for their pupils. The requirements for non-maintained settings and PRUs are also welcomed.

The requirements on Ministers to publish and keep the curriculum under review are essential to ensuring that the Curriculum for Wales remains up-to-date and supports learners in Wales to develop the knowledge, skills and understanding that they need to be successful.

We welcome the curriculum requirements outlined in chapter 3 of this bill, in particular the requirement for the curriculum to enable children to develop in the ways described in the four purposes. This is essential to the success of this curriculum.

The power provided for schools to disapply the curriculum where the curriculum does not meet the needs of a pupil is an important one. It is welcome that schools will be able to design a tailored curriculum where required.

We welcome the requirements outlined for PRUs and other EOTAS provision. This section of the bill will support these providers to plan learning for pupils that gives them access to a tailored and purpose-driven curriculum.

We agree with the legislative proposals to enable the new assessment arrangements. We agree with the requirement for schools to ensure their curriculum is supported by assessment arrangements which assess the:

- progress made by learners in relation to the relevant curriculum; and
- helps identify next steps in learners' progression and the learning and teaching needed to make that progress.

Strong assessment arrangements will be an important enabler of curriculum reform. The bill making provision to enable Welsh Ministers to issue directions to schools to take specified steps with a view to promoting and maintaining understanding of progression in the context of a curriculum adopted by the school is an important measure.

Part 6 of the bill outlines general duties of Ministers and local authorities. We agree with the requirements to ensure performance functions of schools, PRUs and settings. In addition, the requirements of schools, settings and PRUs to pay due regard to additional guidance will be an important element of securing the success of this curriculum. It will be important that all additional guidance is clear and that it supports the key principles of the Curriculum for Wales. In addition, Ministers may wish to take steps to ensure that this additional guidance does not become too prescriptive so that schools, PRUs and settings still have the flexibility required to enact this curriculum.

The powers that enable children to be educated in more than one setting are welcomed as this may enable schools, PRUs and settings to plan a more bespoke curriculum for their pupils when individual needs require it.

We understand the need for Ministers to have powers to make additional provision to this curriculum. Any future changes should ensure that the curriculum does not become overcrowded, over-prescriptive or make changes to the underlying principles of the Curriculum for Wales.

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

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

We believe there is a need for legislation to deliver what the Curriculum and Assessment (Wales) Bill is aiming to achieve. This legislation will be an important enabler to curriculum reform. The curriculum must:

- enable learners to develop in the way described in the four purposes;
- be broad and balanced;
- be suitable for learners of differing ages, abilities and aptitudes;
- provide for appropriate progression for pupils and includes a range of provision to ensure this in accordance with the progression code;
- encompass each of the six areas of learning and experience;
- encompass the key concepts of what matters in learning set out in the what matters code;
- include the mandatory curriculum elements (English, Welsh, RSE and RVE); and
- include the mandatory cross curricular skills (Literacy, Numeracy and Digital Competence).

We agree that bill should place duties on schools, PRUs and settings to achieve this. Without legislation, the key principles of the curriculum would not be statutory and this could potentially limit the curriculum available to pupils and undermine the core aims of the Curriculum for Wales.

2. The Bill's implementation

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

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

There are some potential barriers that Ministers have already considered and should continue to consider as this curriculum is developed and implemented.

The quality of teaching and learning

The quality of teaching and learning will provide the most important contribution to the successful development of the Curriculum for Wales. Inspection evidence indicates that the quality of teaching and learning remains too variable, particularly in secondary schools.

Therefore, it will be important that professional development and school improvement efforts focus on supporting schools to improve the quality of teaching and learning.

Professional learning

As suggested above, this is a key driver to the successful roll out of Curriculum for Wales. The explanatory memorandum document recognises this and places an expectation on regional consortia and local authorities to support professional learning. Careful evaluation of the quality and impact of this professional learning will be essential as the system moves towards the implementation date.

The quality of leadership

The quality of leadership in schools, PRUs and settings is another important enabler for the successful implementation of the new curriculum. Where leaders understand the curriculum and places a strong emphasis on its principles and purposes, it is more likely to succeed. Where leaders think through and introduce new systems sensitively and in a considered manner, curriculum reform is progressing well. In these providers, leaders are planning for reform carefully, staff understand it, and it aligns well with the school's improvement priorities.

Where leaders do not fully consider the underpinning aims of the new curriculum, they do not plan strategically enough when developing a vision for the curriculum, or for learning and teaching. A few schools focus too much on developing various approaches to learning without first establishing their vision for the curriculum as a whole, or how they will improve the quality of learning and teaching. In these cases, leaders focus too much on the content they will teach or on inconsequential links between themes or subject areas, rather than on how they will improve and adapt their approaches to teaching and learning.

Thus, effective professional learning for senior leaders on curriculum reform should be a key priority.

Qualifications

The reform of qualifications is progressing and Qualifications Wales is aware of the impact new qualifications will have on the development of the new curriculum. They will need to continue to work with the system to develop qualifications that align with and drive the

key principles of the Curriculum for Wales. This will be crucial to how schools choose to create their curricula, especially for Years 10 and 11.

Evaluation and improvement arrangements

Evaluation and improvement arrangements will be an important to the development of the Curriculum for Wales. It has been evident with the current curriculum that accountability arrangements, particularly performance measures, have driven behaviours and, at times, led to unintended consequences. As the evaluation and improvement arrangements are finalised, it will be important that Welsh Government ensures they align with the principles of the new curriculum.

We also recognise that in terms of our own work and that of others, that low-stakes inspection and evaluation arrangements can help the development of system-wide approaches and be an important driver for the successful realisation of the Curriculum for Wales.

Impact of the COVID-19 pandemic

It is still early to appreciate fully the impact of COVID-19 on schools. However, it is clear that at least in the short term school leaders and staff will be focusing on the wellbeing of their pupils and their preparedness to learn. Much school planning and activity over the past months has been focused on the logistics of running a school and providing continuity of learning in light of the pandemic. While the re-thinking that the lockdown imposed on schools, combined with deeper engagement with families and support services, has arguably put schools in a better place to realise the new curriculum, we also recognise that schools have had less time to prepare for curriculum reform.

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

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

The explanatory memorandum identifies many of the above potential barriers and considers ways in which government will work with the system to overcome them. Where possible, the bill takes into account these potential barriers. It is difficult to legislate for all of these aspects, although the bill does provide local authorities and Ministers with the powers to intervene when required. In order to overcome and address these barriers, Ministers and Welsh Government should continue to work closely with 'middle tier'

organisations to monitor and support progress with the realisation of the Curriculum for Wales.

3. Unintended consequences

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

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

There are a number of potential unintended consequences that should be considered. The associated risks can be planned for and mitigated against, so these are not reasons to prevent the legislation from being enacted.

Ministers' ability to add / remove AoLEs and cross curricular skills

We welcome the work already carried out to future-proof the new curriculum in developing the areas of learning and experience. We recognise that the new curriculum will need to evolve and adapt over time to maintain its relevance in light of future societal change. Where Ministers in future may wish to make changes, it will be important to ensure the principles of the Curriculum for Wales are considered and upheld. In particular, where additions to the areas of learning and experience are made or changes to cross-curricular skills, there will be a need to consider how to protect the curriculum from becoming overloaded or too prescriptive. Regard should be given to how the principle of subsidiarity can be maintained when Ministers exercise this function. This could include consultation with relevant stakeholders, including learners, parents and education professionals.

Lack of subscription and provision of subsidiarity to the system

We are positive about this change within the bill. The system requires subsidiarity so that schools, PRUs and settings can plan learning that best caters for pupils' needs and supports their progress. 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.

4. Financial implications

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

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

We welcome the detailed financial considerations made within the explanatory memorandum. We have contributed to the regulatory impact assessment and have worked with officials to guide and support this work.

The need to plan for financial support for professional learning is a central consideration and this has been taken into account. In addition, the financial planning considers risks such as the development of qualifications, assessment arrangements and evaluation and improvement processes.

This section of the explanatory memorandum is detailed and reflects the current financial climate of the education sector in Wales. The detailed analysis will support government to understand the benefits and risks and to plan mitigation.

5. Powers to make subordinate legislation

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

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

We agree with and understand the reasons behind the powers being provided to Ministers highlighted in section 5. These powers are necessary to allow for the curriculum to remain up-to-date and fit for purpose.

We recognise that the new curriculum may need to evolve and adapt over time to reflect and maintain its relevance in light of future societal change. However, as noted in question 3, if Ministers in future wish to make changes, it will be important to ensure the principles of the Curriculum for Wales are considered. Where they may add to the areas of

learning and experience, they may wish to consider how they would protect the new curriculum from becoming overloaded or too prescriptive. Regard could be given to how the principle of subsidiarity can be maintained when Ministers exercise this function. This could include consultation with relevant stakeholders including learners, parents and education professionals.

6. Other considerations

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

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

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