

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

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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)

Support for RSE in the bill:

Children learn about sexuality and relationships long before they start school. As soon as they enter the social world they will be interacting with complex and often contradictory messages about gender, sexuality and relationships from, for example: advertising, books, music, social media and television and from family members, peers and communities. This knowledge, often termed as the 'hidden curriculum' can include misconceptions and misinformation.

RSE plays a vital role in working with children, young people, parents/carers and communities to create a safe environment to explore the information and values about sexualities and relationships that children and young people are already exposed to and often struggling to navigate. By building upon children and young people's own formal and informal learning and experience, offline and online, schools can become key sites for learning from and responding to children and young people's questions and needs (e.g. from sexism to sexual consent) and key sites for prevention, protection and change.

It is 10 years since Sex and Relationships Education (SRE) has been reviewed or updated. As a leading international academic in the field of RSE for over 20 years, and as chair of the 2017 SRE expert panel, I very much welcome and support Welsh Government's sustained commitment to introducing mandatory RSE within the new curriculum for all learners. Indeed, findings from the expert panel (Renold and McGeeney 2017a) concluded that: current law and guidance on SRE is outdated; current provision of SRE in all schools is limited; not enough attention is given to rights, equalities, emotions and relationships; there is a gap between children and young people's lived experiences and the content of SRE; and SRE as a basic curriculum area with non-statutory status is often poorly resourced and given low priority in schools, leading to uneven and unequal provision.

The new RSE as outlined in the Curriculum Guidance for Wales (2020, p.38-40) will represent a major overhaul from current practice. It will enable learners to engage with a broader curriculum and will enable teachers to co-produce a relevant, experience-near, responsive and responsible RSE that can encompass all six areas of learning and experience from the humanities and expressive arts to sciences and technology.

Underpinned by the core principles of rights, equity, inclusivity, protection and empowerment makes for a very promising future for RSE in Wales and takes forward some of the best practice already underway in primary, secondary and special schools in Wales, and internationally (see Renold and McGeeney 2017b).

As the guidance states, the new RSE "aims to gradually empower learners to build the knowledge, skills and ethical values for understanding how relationships, sex, gender and sexuality shape their own and other people's lives. It will seek to support learners' rights to enjoy equitable, safe, healthy and fulfilling relationships throughout their lives. This includes the ability to recognise, understand and speak out about discrimination and violence and know how and where to seek support, advice and factual information on a range of RSE issues".

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)

Support for statutory RSE:

There is an increasingly urgent need for statutory legislation to set out a clear legal and policy framework for delivering the contents of the Bill. I fully support the principles of the Bill relating to RSE and its intention to “improve the profile, quality and consistency” of the subject (Section 3.50) in terms of both content and delivery. As the expert panel cautioned, “without this legislative change SRE will remain a low priority for schools, be narrowly conceived, and children and young people’s rights, needs, questions and concerns are not sought or met and where sex, gender, sexuality and relationship inequalities and inequities remain unchallenged and endure” (Renold and McGeeney, 2017a p.10).

Background: The current law and guidance on Sex and Relationships Education is outdated. Currently the only mandatory requirement relates to ‘Sex Education’ as outlined in Section 579 (1) of the Education Act 1996 and gives a definition of ‘sex education’ as including learning about:

- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
- (b) any other sexually transmitted disease.

While SRE in Wales, since devolution, has continued to embed policy and guidance in a social justice model of rights, equity and well-being and the 2010 guidance for schools on Sex and Relationships Education, emphasises children’s rights to access comprehensive SRE enabling children and young people to develop the knowledge, skills and understanding to make informed choices that support positive life experiences; including sexual well-being and healthy relationships – this guidance is non-statutory. Consequently this has led to wide variation in the quantity and quality of SRE that children and young people receive. Effective RSE too often rests on the interests and enthusiasm of individual teachers or school leaders with SRE/PSE responsibilities (Renold and McGeeney 2017a).

The SRE expert panel recommended “that Sexuality and Relationship Education is statutory within the new curriculum for all schools, from Foundation Phase to compulsory school leaving age (3-16)” (Renold and McGeeney 2017, p. 10). This recommendation was informed by current international SRE research on the consequences of non- statutory SRE (Renold and McGeeney 2017), the UNCRC (2016, Section 65b) and ENOC (2017) statements that children and young people have the right to meaningful, high quality, comprehensive and inclusive SRE, and Objective 2 in the Welsh Government’s National Strategy on Violence against Women, Domestic Abuse and Sexual Violence (2016-2021)

However, as the SRE expert panel report also stated, “making SRE statutory is only the beginning of the process to ensure that every child in Wales receives high quality, rights and equity based, inclusive, holistic SRE. It is a starting point from which to develop

comprehensive statutory guidance that embeds the core principles set out in this report and to develop and deliver professional training to ensure that schools are equipped to deliver and forge the partnerships necessary for high quality RSE provision” (Renold and McGeeney 2017, p.10)

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 barriers regarding ways in which the Bill and the Explanatory Memorandum (EM) lack clarity and detail on:

- 1) how the ‘core learning’ as defined by the RSE Code (Section 3.68) is the same or different from the ‘areas of learning’ in the statutory Guidance and a lack of clarity on the relationship between the code and the guidance (see 5.1 for further detail)
- 2) how the RSE Code and statutory Guidance is being co-constructed, specifically regarding children and young people’s involvement, and the involvement of RSE organisations and school-based RSE educators with specific expertise in RSE. (see 2.2 for further detail)
- 3) the commitment to both developing and funding professional learning and resources for Welsh RSE providers (see 2.3 for further detail)

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)

2 There is a lack of detail regarding how the RSE Code and statutory Guidance are being co-constructed, specifically regarding children and young people’s involvement, and the involvement of RSE organisations and school-based RSE educators with specific expertise in RSE

There is very little detail as to how exactly children and young people will be meaningfully consulted and involved in co-constructing the RSE Code and Guidance (Article 12, UNCRC) despite the significant number of teachers in pioneer schools who have been co-constructing the proposed new RSE curriculum (both in terms of content and pedagogy) with children and young people (e.g. see the findings from the bespoke professional learning programme (PLP) pioneered by central south consortia with 23 primary, secondary and special schools. For an overview of the PLP, see www.agendaonline.co.uk/crush/). For further details, see the submission by Max Ashton (Phd student, Cardiff University).

Finally, there is also a lack of detail on how those with RSE expertise in curriculum design and implementation are involved in the process of co-construction regarding the statutory Code and Guidance. The current RSE working group for example has no academics as members, despite significant research expertise in either RSE specialist topics, and to a lesser extent RSE pedagogy and curriculum design.

Recommendation: that an engagement process is developed that enables schools who have already been co-constructing the proposed new RSE curriculum to share their expertise and experience.

Recommendation: that children and young people are meaningfully involved in the process of co-constructing both the Code and the Guidance, using creative and participatory methods that have already been successfully trialled by schools in Central South consortia.

Recommendation: that there is an explicit and meaningful role in the co-creation of the Code and Guidance for organisations and individuals with expertise in the different areas of learning and more widely in terms of RSE pedagogy, including those with experience of creating and delivering high quality RSE content and resources.

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)

In *Successful Futures*, Donaldson (2015, p.14) outlines 10 principles for curriculum design. The curriculum should, he states, be "authentic, evidence-based, responsive, inclusive,

ambitious, empowering, unified, engaging, based on subsidiarity and manageable". All of these features are embedded in the eight guiding principles for high quality RSE - principles that were first established by the panel and further co-constructed with teachers in the pioneer schools: rights and equity; inclusive; holistic; empowering; relevant and developmentally appropriate; creative; co-produced; protective and preventative.

These principles, when practiced, have the potential to support the creation of a safe and empowering learning environment for what the SRE panel called a "living curriculum". A Living RSE Curriculum is a relevant, responsive and responsible curriculum that recognises, connects to and builds upon children and young people's own learning and experience.

As we outlined in our recommendations report (Renold and McGeeney 2017), high quality RSE is associated with a range of positive and protective outcomes for children, young people and their communities and can:

- help reduce homophobic, biphobic and transphobic (HBT) bullying and increase safety and wellbeing for LGBTQ+ children and young people;
- help young people make informed decisions about sexual intimacy and reproductive health;
- help challenge gender and sexual stereotypes, and advance awareness of sex, gender and sexual equality and equity; and VAWDASV
- help increase children and young people's understanding of safe, consensual, equitable and positive relationships.

However, without a clear commitment to improving and resourcing professional learning and resources, and without a clear strategy and co-ordination of this process (as outlined by the expert panel, p.20) high quality provision continue to rely upon the interests and enthusiasm of individual teachers or school leaders with RSE responsibilities. The consequences will be detrimental to both RSE educators and safeguarding and supporting the health and well-being of children and young people.

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)

3) Lack of detail on the commitment to both developing and funding professional learning and resources for Welsh RSE providers.

While the Bill's acknowledgement 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" is very welcome, there is no detailed commitment to improving or resourcing the professional learning for in-service teachers and initial teacher training and resources for Welsh RSE providers. There is also no commitment, as set out by the expert panel, that each school and local authority must have a trained RSE lead – vital to co-ordinate a cross-curricular whole school approach.

High quality school-based RSE depends upon having a well-trained and confident workforce. However, most RSE teachers have had no specialist RSE training and most teachers report feeling ill-equipped when providing RSE; which is anxiety provoking for teachers and students (see also the submission from Max Ashton).

Without specialist training schools may either avoid covering perceived sensitive or challenging topics altogether or deliver RSE in a way that fails to offer developmentally appropriate pedagogy and adequately safeguard children and young people.

Give that a high quality RSE curriculum is embedded in a whole-school approach, professional learning will not just include teachers in schools, but will include teaching assistants, school support staff, school governors, health professionals such as school nurses and sexual health specialists, workers from specialist agencies such as those working in the VAWDASV, LGBTQ+ and Drugs and Alcohol sectors, youth and community workers, peer and near-peer educators and peer mentors and religious and spiritual leaders.

Despite Welsh Government's statement (Sections 8.296 – 8.300) that innovation schools have been unable to set out the numbers of staff who will require training in RSE, or how much training they will require, some excellent progress has been made by a number of pioneer schools and the 23 schools in central south consortia that have explicitly mapped out their RSE professional learning needs over the last two years. This learning and

experience could be more thoroughly utilised (for further detail, see Max Ashton's submission).

Recommendation: that the Welsh Government provide further detail on the professional learning required by individual schools, and how local authorities and the four educational consortia will co-ordinate to develop coherent and consistent all Wales provision.

Recommendation: that the Welsh Government honour their commitment to set-up a research-practice-training network for the development of bespoke and evidenced-based professional learning and high quality resources.

Recommendation: that the Welsh Government provide ring-fenced funding for each consortia to co-ordinate RSE professional learning for teachers (including bespoke SEND RSE professional learning and resources) and ring-fenced funding for external RSE service providers

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)

1) Insufficient detail on how the 'core learning' as defined by the RSE Code (Section 3.68) is the same or different from the 'areas of learning' in the statutory Guidance and a lack of clarity on the relationship between the code and the guidance.

The expert panel's recommendations on what constitutes high quality RSE was accepted by the Minister for Education, and then developed and consolidated by teachers in the pioneer schools during 2017-2019. While the Bill directly states that the 'core learning' in the new 'RSE Code' is designed to be 'explicit' (Section 3.72), there is no further information on what the Code will contain beyond the six thematic headings (Rights and Equity, Relationships, Sex, Gender and Sexuality, Bodies and Body Image, Sexual Health and Well-being and Violence, Support and Safety).

While these six thematic headings, and their accompanying summaries in the Curriculum for Wales Guidance (see page 39-40) are a vital foundational starting point, they are too broad and will inevitably lead to high levels of inconsistency and unequal provision.

It is unclear as to whether the code will separate out 'content' from the 'embedding principles' as outlined in the Curriculum for Wales Guidance (page 39-40). These embedding principles are the foundation for the provision of high quality RSE. They will, crucially, shape how teachers and schools develop their curriculum (i.e. make a responsive and responsible 'living' curriculum in ways that meet learner's needs across these thematic areas). As the SRE expert panel report has outlined in full, how we deliver RSE is as important as what we deliver (Renold and McGeeney 2017b).

it is also unclear in the Bill/EM how the RSE code relates to the Statutory Guidance. If the RSE code is embedded within the statutory guidance, then this would inform any recommendation on whether the expansion of the six 'core learning areas' are located in the statutory RSE code, or in the statutory RSE guidance.

Recommendation: that the RSE Code include the established 'embedding principles' as set out in the Curriculum for Wales Guidance. They have been successfully informing practice as they have evolved and are the bedrock of high quality RSE.

Recommendation: That the RSE Code and/or the Statutory Guidance include further detail on the content, with clear progression pathways that are flexible enough for schools to ensure they are providing a relevant, experience-near and thus 'developmentally appropriate' curriculum.

Recommendation: That there is a clear statement in the Bill on the relationship between the RSE Code and the statutory Guidance.

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)

In December 2017, the Sex and Relationships Education (SRE) Expert Panel made 11 recommendations to ensure the future of high quality, inclusive and relevant Sex and Relationships Education in Wales. In May 2018 all the recommendations were accepted by

the Minister for Education, Kirsty Williams – a significant turning point for Relationships and Sexuality Education in Wales. The new vision for RSE in Wales is ambitious and progressive and strongly supported by many countries and organisations, including the United Nations. However, while implementation will take time and considerable planning, resourcing and collaborations, progress has been slow.

Sections 3.28 to 3.31 summarise the context and remit of the Expert Panel’s review of SRE in Wales back in 2017. For example, Section 4.16 of the EM states that these “recommendations have informed the approach to developing the relationships and sexuality education curriculum”. While it is clear that some of the recommendations have been taken on, no explanation has been provided for why other recommendations have yet to be implemented. They include: “Welsh Government to establish an RSE professional development pathway”; for “all schools should have a specialist trained RSE lead with access to resources and guidance”, that “each Local Authority, working with Consortia, should have a dedicated RSE lead to provide external support, co-ordinate CPD and ensure consistency and quality recognising that specialist external organisations of educationally trained providers, including FE and HE sector, can enhance RSE curriculum content and its implementation in a whole school approach”, and “Welsh Government to establish a RSE Hwb Zone to support high quality RSE in schools and to service a RSE research, practice and training network, aimed at facilitating provision of up to date research and training opportunities and creation of a Wales RSE community of practice”. As we set out in our report, “best practice in RSE is rarely achieved without collaborations with specialist educators, specialist services, researchers or other collaborators” (Renold and McGeeney 2017, p.19).

Recommendation: for Welsh Government to commit to implementing all the recommendations by the expert panel – either by way of the Code, or the Statutory Guidance – so that the vision for high quality RSE can be realised.

Publications that inform this submission:

Renold and McGeeney. 2017a. The Future of the Sex and Relationships Education Curriculum in Wales. Welsh Government. <https://orca.cf.ac.uk/107649/1/The-future-of-the-sex-and-relationships-education-curriculum-in-wales-en.pdf>

Renold and McGeeney. 2017b. Informing the Future of the Sex and Relationships Education Curriculum in Wales. Cardiff University. ISBN 978-1-908469-12-0. https://www.cardiff.ac.uk/_data/assets/pdf_file/0016/1030606/informing-the-future-of-the-sex-and-relationships-education-curriculum-in-wales-web.pdf

Renold, McGeeney and Ashton. 2020. CRUSH: Transforming Relationships and Sexuality Education. Cardiff: Cardiff University. <http://agendaonline.co.uk/crush/>

Renold, Ashton and McGeeney (forthcoming) What if? Becoming response-able with the making and mattering of new relationships and sexuality education curriculum, Professional Development in Education,

Renold and Marston. 2020. Research to reflect on: The power of creative methods for talking about sensitive issues with young people. National Education Union. <https://neu.org.uk/media/11726/view>

Welsh Government. 2020. Cross-cutting themes for designing your curriculum. Hwb. Available at: <https://hwb.gov.wales/curriculum-for-wales/designing-your-curriculum/cross-cutting-themes-for-designing-your-curriculum/>

