

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: Relationship and Sexuality Education (RSE) Action Group

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)

Dear Children, Young People and Education Committee,

We are members of a newly formed Relationships and Sexuality Education (RSE) Action Group which fully supports Welsh Government's sustained commitment to introducing high quality mandatory RSE for all learners. We are writing to share our key concerns regarding RSE in the recently published Curriculum and Assessment (Wales) Bill and our recommendations to ensure that all children and young people receive high quality RSE in Wales.

We hope that our letter informs the process as the Bill progresses with insights from those who have been directly involved in the development of the new RSE curriculum.

Background

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 these 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. We recognise that implementation will take time and considerable planning, resourcing and collaborations.

The chair (Professor Renold) and members of the expert panel called for the establishment of a policy-practice-research network (recommendation 11) that has sufficient RSE expertise to move forwards with a co-ordinated implementation plan. Since this has not yet happened, a new independent pan-Wales RSE Action Group started up in January 2020 to share, plan and support the process. Members include teachers and head-teachers, RSE external service providers, RSE third sector organisations, RSE policy makers, RSE researchers and RSE youth workers. The group also includes members of the 2017 expert panel and members of the newly formed Welsh Government RSE working group.

Supporting the Bill

The RSE Action group very much welcomes Welsh Government's sustained commitment to introducing mandatory RSE within the new curriculum for all learners. 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. Indeed, we 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" (Welsh Government, 2017, p.10).

Key concerns:

We do, however, have some concerns. In brief, they are as follows:

- 1) A lack of information on the reason for separating out 'core learning' (as defined by the RSE Code, Section 3.68) from the statutory Guidance (which also includes 'areas of

learning', in addition to supporting practitioners build 'high quality provision' Section 8.296) and how the two will work together.

2) The process of 'co-construction' regarding the RSE Code and statutory Guidance is unclear, specifically regarding children and young people's involvement; the involvement of organisations with expertise in the different topic areas; and organisations with experience in creation and delivery of high quality RSE content.

3) The commitment to improving and funding professional learning and resources for Welsh RSE providers within the Bill are too vague.

4) There are no provisions of RSE for post-16 learners.

5) There is no glossary of terms for core RSE concepts and topics.

6) Recommendations by the 2017 SRE Expert Panel have not yet been implemented.

We have outlined these concerns below, with a clear indication of how each can be resolved via an accompanying suite of recommendations.

Key recommendations

1) A lack of information on the reason for separating out 'core learning' (as defined by the RSE Code, Section 3.68) from the statutory Guidance (which also includes 'areas of learning', in addition to supporting practitioners build 'high quality provision' Section 8.296) and how the two will work together.

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. These included that RSE should be rights and equity based; LGBTQ+ inclusive; holistic, empowering, co-produced, creative, protective and preventative, relevant and developmentally appropriate. It should also be embedded in a whole-school approach. We welcome that the Bill directly states that the 'core learning' in the new 'RSE Code' is designed to be 'explicit' (Section 3.72). However, it offers no information on what the Code will contain. It also separates out content from the 'embedding principles' as outlined in the Curriculum for Wales Guidance (page 39-40). As the SRE expert panel report has outlined in full, how we deliver RSE is as important as what we deliver.

Recommendation 1: 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.

While the 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. Providing no further substantive detail on what should be covered and when makes the Bill incomplete, and the consultation process only partial.

Recommendation 2: That the RSE Code includes further detail on the content, with clear developmentally appropriate progression pathways and a clear statement in the Bill on how the RSE Code will be supported by the statutory Guidance.

2) The process of 'co-construction' regarding the RSE Code and statutory Guidance is unclear, specifically regarding children and young people's involvement; the involvement of organisations with expertise in the different topic areas; and organisations with experience in creation and delivery of high quality RSE content.

There is a lack of clarity 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, for the past 2 years (e.g. see the findings from the bespoke professional learning programme pioneered by central south consortia across 23 primary, secondary and special schools). 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.

Recommendation 3: that the Welsh Ministers draw up an engagement process that enables schools who have already been co-constructing the proposed new RSE curriculum to share their expertise and experience.

Recommendation 4: that children and young people are meaningfully involved in the process of co-constructing both the Code and the Guidance, using the participatory methods that have already been successfully trialled.

Recommendation 5: that there is an explicit and meaningful role in the co-creation of the Code and Guidance for organisations with expertise in the different topics addressed by RSE; and those with experience of creating and delivering high quality RSE content.

3) The commitments to improving and funding professional learning and resources for Welsh RSE providers within the Bill are too vague.

The expert panel identified an urgent need for teacher training on RSE. However, very few teachers access or receive specialist RSE curriculum training. RSE is also not included in current Initial Teacher Education (ITE) and not a requirement for in-service teachers providing RSE. While we welcome 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", 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. Training on specialist areas of RSE, especially sexual health and well-being, gender-based and sexual violence, LGBTQ+ rights and equity, child protection and abuse, needs to be informed and supported by those with expertise in these areas from the relevant sectors.

Without specialist training, and access to specialist services (external and in-house) schools may either avoid covering perceived sensitive or challenging topics altogether or provide RSE in a way that fails to adequately safeguard and meet the needs of children and young people. Indeed, given that RSE is intended to be taught across the six AoLEs and employing a whole-school approach, this is going to require a key RSE lead/co-ordinator, and all teachers to (a) be able to identify opportunities for bolstering RSE lessons within their own specialisms; and (b) to be confident in discussing a range of RSE topics. The intention for RSE to be cross-cutting makes it an area that will require substantially more investment in training and creating support structures for staff to be able to deliver on this aspect of the curriculum. 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 schools that have explicitly mapped out their RSE professional learning needs over the last two years. This learning and experience could be more thoroughly utilised.

Recommendation 6: 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 7: that the Welsh Government fulfil their commitment to set-up a research-practice-policy Hwb for the development of bespoke and evidenced-based professional learning needs and high quality resources.

Recommendation 8: that the Welsh Government provide ring-fenced funding for RSE professional learning for teachers (including bespoke SEND RSE professional learning) and external RSE service providers

4) There are no provisions of RSE for post-16 learners

Part V of the Bill provides for the “teaching and learning in Religion, Values and Ethics is provided at the school for pupils who request it.” We are concerned that there is no similar provision for teaching and learning in Relationships and Sexuality Education for pupils in post-compulsory education. This is a critical time in young people’s learning and experience .

Recommendation 9: that the Bill makes provision for post-16 learners (including those with special educational needs and disabilities) to be able to access RSE

5) There is no glossary of terms for core RSE concepts and topics

RSE is a specialist area. To increase consistency of teaching across Wales, all schools need to have a shared understanding of these concepts in any forthcoming RSE Code and Guidance. We would recommend using the glossary produced by the SRE Expert Panel, which could be updated when required, in recognition of the fact that the RSE is to be a “living” curriculum.

Recommendation 10: that both the Code and the Statutory Guidance is supported by a glossary of key concepts.

6) Findings and Recommendations by the SRE Expert Panel have not been implemented

Sections 3.28 to 3.31 summarise the context and remit of the Expert Panel’s review of SRE in Wales back in 2017. Some of the findings and recommendations are highlighted in these sections. 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, as we have outlined above, no explanation has been provided for why other recommendations – e.g. provision for a dedicated RSE lead, a dedicated RSE local authority lead to work with the consortia and a

policy-practice-research network (see also Section 8.183) – appear to have not been addressed.

Recommendation 11: To commit to implementing all the recommendations by the expert panel – either by way of the Code, or the Statutory Guidance.

To conclude, it is the view of the RSE action group, that unless these concerns are further clarified and expanded upon in the Bill/Explanatory Memorandum, the unintended consequences may be the reinforcing of the current status quo of unequal provision resulting in a significant barrier to achieving high quality RSE provision for all children and young people in Wales.

Making RSE statutory in schools is the first step towards universal and equal provision. We have full confidence that all of the recommendations above can be achieved within the proposed time frame so that all children and young people's needs can be met and their health and well-being safeguarded and supported.

If you require any further information on the detail above, please contact xxxxx xxxxxx x
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Yours sincerely,

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Brook / Brook Cymru

Gwyn Daniels, Acting Deputy Head, Greenfield School, Merthyr Tydfil.

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Corrine Fry, RSE Practitioner, Senior Youth and Community Officer Neath Port Talbot Youth
Service

Dr. Josh Heyes, University of Birmingham, Convenor of the British Education Research
Association's (BERA) Gender and Sexualities Special Interest Group.

Kate Marston, PhD Student, School of Social Sciences, Cardiff University

Alex Milton, Health and Well-being/RSE Co-ordinator, Pencoed Comprehensive, Bridgend.

Dr. Ester McGeeney, RSE practitioner, researcher and youth worker

NSPCC/NSPCC Cymru

Stonewall Cymru

Dr. EJ Renold, Professor of Childhood Studies, School of Social Sciences, Cardiff University

Zoe Richards, Learning Disability Wales

Umbrella Cymru

Welsh Women's Aid

Dr. Honor Young, Senior Lecturer, DECIPher (Public Health Research Centre), Cardiff University

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)

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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)

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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)

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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)

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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)

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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)

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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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