

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: Education Workforce Council

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)

The Education Workforce Council (EWC) is the professional regulatory body for the education workforce in Wales, covering teachers and learning support staff in school and further education settings, work based learning practitioners and youth / youth support workers. Our principle aims and main functions are formally prescribed within the Education (Wales) Act 2014. We have restricted our response mainly to our remit.

The EWC has consistently supported the strategic approach to curriculum reform that the Welsh Government has taken since the publication of the Donaldson report, Successful Futures, in 2015. We have engaged with numerous consultations relating to the development of the new curriculum, including the Children Young People and Education Committee's inquiry into Donaldson implementation (2016) and the Committee's consultation regarding the Welsh Government's progress in implementing the curriculum (2018). We have also submitted responses to the Welsh Government's consultations on proposals for a new legislative framework and the draft Curriculum for Wales 2022 guidance (both in 2019).

During this time we have emphasised our strong support for the Welsh Government's ambitions with respect to the new curriculum. We have also been pleased to note the

wider consensus that has emerged, across the sector as a whole, around the development of new curriculum and assessment arrangements. We therefore welcome the publication of the Curriculum and Assessment (Wales) Bill, which represents a further important step towards a more relevant, vibrant and contextual curriculum being rolled-out in all schools across Wales, up to Year 7, from September 2022 and up to Year 11, by 2026.

The Council continues to believe that the quality and clarity of the guidance that is made available by the Welsh Government and ensuring that education professionals have sufficient time, resources and support to properly implement it (including appropriate professional learning opportunities) will be the key factors in ensuring its successful introduction. We are therefore particularly interested in the provisions of the Bill with respect to the powers that it grants to Welsh Ministers to publish guidance 'in relation to the exercise of functions conferred by or under this Act' and the funding allocations supporting professional learning during the transition period that are set out within the Explanatory Memorandum. We note, however, that the professional learning grant has been cut this year, which is untimely in the context of the introduction of this Bill.

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)

Yes. The Council believes that it is essential for there to be clear legislation underpinning the significant changes that will be taking place. This is particularly important in terms of making clear the exact responsibilities of individuals and organisations and how and when these can and should be discharged.

The Council welcomes the Bill as helping to provide greater clarity to education practitioners regarding the arrangements for the introduction of the new curriculum. It also provides useful information regarding the ongoing role of the Welsh Ministers (including in the development of guidance) as schools implement the new curriculum.

We note that the Bill states that Welsh Ministers 'may issue guidance in relation to the exercise of functions conferred by or under this Act' and we welcome the obligation within the Act for them to consult 'the persons they think appropriate (if any)' before issuing guidance. We believe that consultation and ongoing dialogue with key stakeholders (including Heads, teachers, learning support workers and FE lecturers and support workers,

Governors, Qualifications Wales and the WJEC)) will help to ensure that those responsible for making the new curriculum a reality have an active role in its ongoing development.

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)

As the new curriculum has been developed, the EWC has consistently emphasised the importance of ensuring that the education workforce (and other key stakeholders) receive clear and timely guidance from the Welsh Government with respect to implementing it and the need to ensure that they are properly prepared to do so. We therefore, once again, wish to stress the importance of ensuring that all of those involved in implementation are provided with sufficient time, professional learning opportunities and support, as this will ultimately determine whether the underlying aims of the Bill are successfully fulfilled.

We have been encouraged by the Welsh Government's commitment to date (including its financial commitment), to a varied programme of co-construction, awareness raising and professional learning alongside the introduction of guidance. The Council is hopeful that the Welsh Government will continue to engage positively with stakeholders and will work with practitioners (and others within the sector) on the development of further advice regarding implementation. We believe that this co-constructive approach will also allow practitioners to continue to provide the Welsh Government with important feedback regarding issues or barriers to successful implementation (that may be encountered) and to work with them on developing solutions.

Although teachers and learning support staff in schools make up the main part of the EWC's Register, all other registrant groups are supporting learners and will be both directly and indirectly involved in the curriculum journey. It is therefore essential that each of these parts of the workforce (including supply staff) are able to undertake suitable professional learning. It is also essential that the head teachers and other leaders, as well as governing bodies, who will be principally responsible for delivering the new curriculum should continue to have access to a dedicated programme of professional learning and support. The programme should also include opportunities for cross-sector working, in particular between primary and secondary schools, which could assist in improving continuity of

learning for pupils. The Welsh Government's National Approach to Professional Learning (NAPL) details the entitlement of all participants within the system to know what to expect from the middle tier in terms of provision and support and from government in terms of policy, as well as establishing design criteria for professional learning activities. This is welcome, however, to ensure that the Bill and the new curriculum are successfully implemented, the Council wishes to emphasise the importance of ensuring a high quality professional learning offer is delivered consistently across Wales and that the support provided to practitioners and schools in relation to the new curriculum does not vary in quality between different regions and providers. It should also be noted that FE Colleges across Wales will also be key players in delivering the new curriculum. It is therefore essential that the FE workforce (both teaching staff and support workers) is also provided with a high quality (and consistent) programme of professional learning and support.

One of the Council's functions is to accredit and monitor courses ITE in Wales against Welsh Government criteria to ensure high quality ITE provision. In this context the Council wish to emphasise the importance of ITE provision in preparing the next generation of teachers in Wales to engage with the new curriculum and the consequent need for the Welsh Government keep the accreditation criteria under review, to ensure that they reflect the requirements of the new curriculum.

The Council also believe that greater engagement and communication with learners and parents will be essential, as 2022 approaches. Communications with these groups need to be simple, clear and accessible to all, so that the various audiences understand the nature of the changes that are coming and how they can participate fully in the process.

A further potential barrier to successful implementation is the exam system, which needs to reflect the principles of the new curriculum, and should be co-constructed for this purpose. In particular there remains a disjoin between GCSE and post-16 exams and this must be resolved.

The Council also believe that the current high stakes system of accountability in schools in Wales should be replaced with a fully functioning self-improving school system (supported by robust assessment, evaluation and accountability arrangement, as envisaged within the National Mission.

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 Bill does not include specific provisions that address the issues that we have highlighted. However, it does detail the extent to which Ministers will be able to introduce secondary legislation that could have a substantial impact on the introduction of the new curriculum, particularly in relation to the development of guidance. These powers include: making Regulations to add, remove or revise the identified areas of learning and experience, mandatory elements and cross-curricular skills; to determine the steps taken before a curriculum is adopted (including determining whether it is suitable for adoption), the date by which it must be adopted and additional circumstances in which an adopted curriculum must be revised; to make Regulations specifying additional matters that may or may not be included as requirements in the curriculum and in relation to the provision of courses of study; the power to specify additional circumstances where the curriculum may be dis-applied or modified; and to make Regulations in relation to assessment arrangements. Powers are also granted to Ministers to issue or revise various codes including: the 'What Matters code', which details the areas of learning and experience; a 'Progression Code' setting out what constitutes appropriate progression for learners; and a 'Relationships and Sexuality code' detailing core learning requirements under the mandatory element of RSE.

The Council notes that these powers to make directions are substantial and could potentially have a major impact on the introduction of the new curriculum. We therefore reiterate our previous comments regarding the need for a co-constructive approach (particularly where changes are proposed) and ensuring that the education workforce continues to receive clear guidance and appropriate (and timely) professional learning in advance of changes being implemented in these areas. We therefore welcome the commitment outlined within the Explanatory Memorandum, to provide continued funding to support professional learning activities during the implementation period.

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)

The Council welcomes the funding commitments set out in the Explanatory Memorandum. We are pleased to note that funding has been allocated with respect to the administrative costs associated with professional learning activities, as well as the provision of Welsh language resources, funding for national and regional networks and direct costs (such as staff and communication). We also welcome the 'compliance costs' for schools that are set out within the funding allocation and the fact that a £263m opportunity cost reflecting the value of staff time has been included alongside the anticipated £29m of direct costs associated with 'professional learning and development'.

We believe that the use of a survey of Innovation Schools across Wales represents a reasonable mechanism through which to have estimate the level of funding that may be required to support 'professional learning and development'. However, the Council believe that it will be important to keep this funding allocation under review, in order to ensure that appropriate professional learning opportunities are provided to practitioners throughout the design and implementation period for the new curriculum. This will be particularly necessary following the COVID-19 pandemic, as the medium to long-term implications of the school shutdown (including on the introduction of the new curriculum) are unlikely to be fully understood for a considerable time.

The Council also welcomes the allocation of funding to Qualification Wales to support their work in developing the qualifications framework in response to curriculum reform. However, we believe that it will be important to ensure that schools do not face any additional costs resulting from increased examination fees.

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)

The Council notes that the Bill grants Welsh Ministers significant delegated powers to make regulations around the introduction of the new curriculum, including the ability to add, remove or revise the identified areas of learning and experience, mandatory elements and cross-curricular skills. It also allows Ministers to make changes with respect to determining with the proposed curriculum is suitable for adoption, the date by which it must be adopted and circumstances in which an adopted curriculum must be revised and to specify additional matters that may or may not be included as requirements within the curriculum.

Whilst we agree that that these are appropriate powers, the Council notes that significant or unforeseen changes in such areas could potentially have a negative impact upon the smooth rollout of the new curriculum across Wales. The Council particularly notes the potential for significant changes to be introduced (perhaps even ahead of September 2022), if there is a change in the political direction of the Welsh Government following the Senedd election, in May next year.

The Council also notes that the delegated powers provide Welsh Ministers with the opportunity to address new issues that may not previously have been considered, responding perhaps to cultural changes or the emergence of new technologies. However, whilst the powers to provide the opportunity for Ministers to make sure that schools are addressing important topics, the Council believes that it will also be important to ensure that the new curriculum does not incrementally become over-prescriptive. We also believe that it is of the utmost importance that powers are not used in such a way that undermines the principles of a curriculum that is designed at a local level by professionals within schools (the key principle of subsidiarity outlined by Professor Donaldson). The Bill therefore needs to focus upon outlining broad entitlements for learners whilst emphasising the ability of schools to create bespoke versions of the curriculum that are designed specifically for local contexts.

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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