

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

Individual

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)

I support the principles which underpin the new curriculum. However, I believe it is important that 'mental health and wellbeing' should be a cross-curricular part of the Bill, included within section 4 of the Bill. Only by placing emotional wellbeing and good mental health at the heart of the curriculum can we expect young people to reach their potential.

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)

Legislation is required to codify the needs of the new curriculum into a single framework, which can be easily understood and implemented

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)

Potential barriers exist regarding funding, including appropriate training and resources for staff, including ability to teach through the Welsh language; as well as public understanding of the aims and process for implementation of the new curriculum.

The ongoing Covid19 crisis is also a potential barrier in terms of preparation for the new curriculum. There is also a need to align the needs of the curriculum with the assessment scheme to be used.

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)

Concerns have been raised with regards to the impact of the Bill upon early years Welsh immersion learning and public understanding of the consequences of the Bill upon education in Wales, including the concept of a locally determined curriculum rather than a single National Curriculum. My experience is that this change is not yet well understood outside of educational circles

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)

It is important for financial impacts of the legislation to be continually monitored. There is a wide variation in the anticipated financial impact, and the likelihood is that the costs of implementation will fall upon schools. Overall government funding reaching schools is therefore crucial to the success of the legislation, as well as ensuring efficiencies from funding to other organisations, including regional educational consortia, local authorities amongst others.

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)

I support the use of the affirmative procedure should be used for Section 5, to change sections 3 (AoLEs) and 4 (cross-curricular topics). It is unclear why the remaining three Codes in section 6(1), 7(1) and 8(1) should be through the negative procedure.

Please see following comments in section 6 of this response regarding the delivery of curriculum to pupils in PRU and EOTAS settings, many of whose requirements are considered under subordinate legislation.

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)

Clarification is welcomed on the following topics, mostly regarding the curriculum for pupils who receive education through PRU or EOTAS.

It appears that it is not mandatory for pupils receiving EOTAS to learn about health and wellbeing.

- There is no duty to publish or provide information about the curriculum provided to children receiving EOTAS. This makes scrutiny of provision much more difficult

- It appears that there is no specific guidance on how the curriculum should be delivered for children in PRUs and EOTAS. The Curriculum for Wales guidance suggests that this will not be available until 2021, after the Bill has passed. Scrutiny of the effect of the relevant clauses in the Bill on these children becomes virtually impossible without specific detail of how they will operate in practice. This is particularly concerning for children receiving EOTAS given the lack of comparable statutory safeguards for their education in the Bill.

There are no regulations or guidance for when the curriculum might be disapplied for individual pupils. Scrutiny of the effect of the relevant clauses in the Bill becomes virtually impossible as there are no specific details of how they will operate in practice

There are no regulations or guidance setting out the circumstances in which the provision in an IDP (or EHCP for English pupils placed in Wales) can suspend or modify elements of the curriculum. Scrutiny of the effect of the relevant clauses in the Bill becomes virtually impossible as there is no specific detail of how they will operate in practice.

The Bill does not apply to children being home educated. It is unclear what, if any, steps are being taken to ensure that children who are home education learn about health and wellbeing.

Pupil's rights to information and rights of review within the Bill are sometimes tied to their "capacity". As a legal term, capacity only applies to people who are 16 and above. The Bill's use of this terminology (1) introduces legal uncertainty (2) potentially excludes the majority of children affected by the Bill from exercising key rights. Clarification is required on this issue.

