

# Agenda – Children, Young People and Education Committee

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Meeting Venue:	For further information contact:
Video Conference via Zoom	<b>Llinos Madeley</b>
Meeting date: 24 September 2020	Committee Clerk
Meeting time: 09.15	0300 200 6565
	<a href="mailto:SeneddCYPE@senedd.wales">SeneddCYPE@senedd.wales</a>

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In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv).

## Private pre-meeting

(08.45 – 09.15)

### 1 Introductions, apologies, substitutions and declarations of interest

(09.15)

### 2 Curriculum and Assessment (Wales) Bill – evidence session 6 with representatives from headteacher unions

(09.15 – 10.15)

(Pages 1 – 32)

Eithne Hughes, Director – Association of School and College Leaders (ASCL)  
Cymru

Laura Doel, Director – National Association of Headteachers Cymru (NAHT)

Attached Documents:

Research Brief

CYPE(5)–21–20 – Paper 1 – Association of School and College Leaders Cymru



(ASCL)

CYPE(5)-21-20 – Paper 2 – National Association of Headteachers (NAHT)

## **Break**

(10.15 – 10.25)

### **3 Curriculum and Assessment (Wales) Bill – evidence session 7 with representatives from teaching unions**

(10.25 – 11.25)

(Pages 33 – 60)

Rebecca Williams, Deputy General Secretary and Policy Officer – Undeb Cenedlaethol Athrawon Cymru (UCAC)

Neil Butler, National Official Wales – NASUWT

Mary van den Heuvel, Wales Senior Policy Officer – National Education Union Cymru

Attached Documents:

CYPE(5)-21-20 – Paper 3 – Undeb Cenedlaethol Athrawon Cymru (UCAC)

CYPE(5)-21-20 – Paper 3 – Undeb Cenedlaethol Athrawon Cymru (UCAC)  
(Translated)

CYPE(5)-21-20 – Paper 4 – NASUWT

## **4 Papers to note**

(11.25)

### **4.1 Letter from the Minister for Housing and Regeneration to all Committee Chairs regarding the draft National Development Framework**

(Pages 61 – 62)

Attached Documents:

CYPE(5)-21-20 – Paper to note 1

### **4.2 Letter from Chair of Children, Young People and Education Committee to Minister for Education regarding EOTAS**

(Pages 63 – 65)

Attached Documents:

CYPE(5)-21-20 – Paper to note 2

**5 Motion under Standing Order 17.42(ix) to resolve to exclude the public for the remainder of the meeting**

(11.25)

**6 Curriculum and Assessment (Wales) Bill: consideration of the evidence**

(11.25 – 11.35)

**7 The Emotional and Mental Health of Children and Young People – Follow up: consideration of the draft report**

(11.35 – 12.00)

(Pages 66 – 93)

Attached Documents:

CYPE(5)-21-20 – Private paper

Document is Restricted

## 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: The Association of School and College Leaders Cymru

### 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 current curriculum is outdated and stale and does not adequately prepare our young people for this rapidly changing world. Throughout this Covid crisis, it is even more evident that our education system needs to be more responsive, flexible and agile. Through the Curriculum and Assessment Bill, this should be more readily achieved. The knowledge, skills and aptitudes needed by our learners requires a relevant curriculum which reflects the needs of the 21st century. Society, technology and employment opportunities are not supported or reflected in the curriculum as it stands.

Our current curriculum is based on a linear and disjointed set of learning experiences where making connections is difficult. This approach can lead to learners not making important links between naturally connected pieces of knowledge and skills. Learning is rarely linear.

The purpose driven curriculum reminds the education system as to the why of education and not just the what. The 6 AOEs with sharp "What Matters" questions as well as the cross curricular subjects are a correct focus for our learners supporting the 4 purposes.

This will of course require a high quality teaching workforce who are fully trained in the delivery of deep learning, new pedagogies, continuous assessment, developing subject knowledge and depth and the science of learning. Professional learning, therefore is vital to the implementation of this curriculum. These elements are correctly inextricably linked.

The mandatory elements of RVE and RSE are welcomed.

The stated focus of learner progress, formative and continuous assessment is very welcome. The fundamental focus on pupil progress will need to be carefully planned for and mapped out. Learning is messy and does not happen in straight lines. As a result, there will need to be meticulous planning and curriculum design, which allows learners to achieve those goals, while neither limiting them nor building in vagueness. In other words, what does progress look like on an individual basis and how do we know when we get there?

A high stakes accountability system which depends on outcomes does not always lead to real and relevant learning. This will require a significant shift in systems to ensure that the new curriculum is not a case of the "Emperor's new clothes."

Learning and teaching design will need to be significantly adjusted to deliver what could be an exciting and vibrant new 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)*

Yes. Clear legislation is required in order that all stakeholders are aware of their responsibilities. Consultation with all stakeholders is welcomed to secure a full buy-in to the implementation and delivery of the Curriculum and Assessment Bill.

## **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)*

Covid, clearly has had and will continue to have an impact on the speed of implementation. We are in a crisis.

There needs to be a significant investment in professional learning. This budget heading really cannot be cut in the coming years. If we are to deliver a world-class curriculum, it cannot be done on a shoe string. The quality of PL need to be research based, developing on evidence based pedagogies or this will not get off the ground. Those providing training need to be highly skilled, experienced and research based practitioners. This professional learning needs also to be extended to instructional leadership programmes which will be fundamental to a whole school delivery. Any formal leadership qualification needs to be based on high level instructional leadership principles.

All of this needs to be linked to PTS/PLS.

There needs to be reference to re-thinking a high stakes accountability system, which if it remains will simply mean that we will not have moved forward one jot. There is plenty of international evidence to show that this has a stifling effect upon relevant and authentic teaching and learning. This needs to be replaced by a fully functioning self-improving school system which while mentioned in the National Mission, has currently little traction. If there are not collaborative structures set up, the coherence of delivery will be elusive.

Potential barriers includes also an exams system which must reflect the principles of "Successful Futures" and one which is co-constructed. The hiatus between GCSE and post 16 exams is unresolved and the disjoin may be an issue.

Teaching assistants and supply teachers need full training in delivery and content also.

School finances are currently not healthy and there is no sign, again as a result of Covid costs, of any improvement in this area; indeed the reverse is the case. Schools need more, not fewer resources to deliver this curriculum. I note that there is a strong suggestion that exam fees will increase also. This is already a significant cost to schools and will not be welcome at all. Funding is vital.

## **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 commitment outlined within the Explanatory Memorandum, to provide continued funding to support professional learning activities during the implementation period, is welcomed. However, this budget has been cut this year which is not helpful.

Any amendment to the exams system needs to be carried out with the profession and co-constructed.

While there is mention of accountability systems not creating imbalance and this is reflected in 3.15 and recognised as a co-dependent policy, this must be addressed for the reasons outlined above.

### **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)*

No

### **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 vital to keep funding under review to ensure that high quality, evidence based, iterative professional learning opportunities are provided to practitioners throughout the design and implementation period for the new curriculum.

See comments above re unknown effects of Covid, exam fees and current problems with school budgets.



## 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)*

There needs to be an opportunity to amend where necessary after a full and detailed evaluation with stakeholders. This global crisis has demonstrated that unforeseen circumstances can have a seismic effect upon all aspects of life.

## 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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## 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: NAHT Cymru

## 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)*

NAHT shares the Welsh Government's desire for curriculum reform. Indeed, we were heavily involved in the evidence that fed into Professor Graham Donaldson's review and in shaping the recommendations in Successful Futures. When it was announced that all 68 recommendations of that review were to be accepted in June 2015, we stated: "Successful Futures' provides permission for the profession to take the lead and is the blueprint that should now shape the work of all interested parties – schools, LAs, Regional Consortia, Estyn and the Welsh Government".

The high-level vision of the new curriculum, as expressed in 'Successful Futures,' will mean a huge cultural shift for the profession especially those employed in Wales post 1988 will only have worked with the National Curriculum. Having said that, we believe that the four founding principles of the bill (outlined within) mirror the desire of the profession to breathe new life into the education system in Wales.

NAHT supports the view that curriculum reform is a vehicle for raising educational standards, but fundamentally for school leaders it means that they will be able to prepare children for the world we live in. To that extent we support the principles of the bill, namely the four purposes for the curriculum for the following reasons:

Ambitious, capable learners, ready to learn throughout their lives – NAHT recognises that school is about putting the foundations down, the basis by which children start to learn and instil the ethos that learning is for life and continued learning is part of the life experience

Enterprising, creative contributors, ready to play a full part in life and work – This element will ensure that young people leave school and are ready to not just be part of the working environment but help shape what that will look like for themselves and others. It is not enough to prepare young people to go into existing roles and places of work, we must encourage and nurture the next generation to develop and create new industries and technology that does not yet exist in order to ensure to protect and grow our society and economy in Wales and beyond.

Ethical, informed citizens of Wales and the world – This element will have a significant impact on developing and supporting young people's ability to build their own identities, values and social conscious. NAHT supports the view that schools have a moral obligation to provide a safe and nurturing environment for young people to express their view but more importantly to give them the information they need to inform those views.

Healthy, confident individuals, ready to lead fulfilling lives as valued members of society – NAHT recognises the importance of the health and well-being of young people and how it is intrinsically linked to educational attainment. Through our conversations with government and stakeholders such as NSPCC, Women's Aid, the Children's Commissioner for Wales, we are pleased this thread will run through the new curriculum and the vital role it will play is supporting young people through their schooling and beyond.

### **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)*

NAHT supports the need for legislation to deliver what the Bill is trying to achieve. We recognise that legislation is a tool to require something to be carried out but also to regulate and evaluate that activity. We believe that the Bill is such a culture shift from the current curriculum that legislating will ensure consistency across Wales; give the significance of such a change the credibility it deserves and will also support the implementation of certain elements of the Bill that will be more challenging to schools.

For example, schools would be subject to significant challenge in certain areas given the vision for RSE/RVE and legislation gives educators the support they need.

The framework for the new curriculum is grounded in a commitment to research-based practice. This element needs to be reinforced within the legislation to ensure that other factors do not steer schools' own development off track and revert to old ways of working.

Another area worth noting which is not mentioned significantly within the bill is the need for a collaborative response. In recent discussions with the Welsh Government, it was announced that a consultative process is currently taking place on 'wider sector involvement' which aims to address what the wider education sector, including Local Authorities, Consortia and Estyn is going to do to support the development and delivery of the new curriculum. We have submitted feedback previously that we were concerned that the responsibility for curriculum delivery was all going to fall to school leaders and NAHT is pleased this seems to have been taken onboard.

In a much broader sense, legislation also gives clarity to all stakeholders and despite there being a clear desire among the profession to deliver what the Bill wishes to achieve without the need to legislate, there is always the danger that those who do not share that vision will not comply.

NAHT is of the view that it is important to strike the right balance when it comes to primary legislation. Too much detail in primary legislation can have unintended consequences and prohibit the vision for curriculum reform which is to allow an approach that is driven by purposes rather than content and allow schools the flexibility to deliver a local curriculum according to the needs of their pupils. If the primary legislation is too specific, school leaders will be unable to deliver it in the desired way. The approach taken with the Bill seems to strike that balance, providing a national framework for schools to work from but still allowing freedom to meet local needs.

## **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)*

Barriers to implementing the Bill include:

Funding – The Bill summary outlines the significant financial implications of the Bill and the cost is based on a survey of the 15 Innovation schools. This is not representative of the 1,500 schools across Wales and does not consider the complexities associated with the allocation of school funding.

Training/quality assurance – Financial implications aside, there will need to be significant professional development in place to enable schools to teach the new curriculum. Concerns around training also extend to what is available and who is going to provide it. Currently, the pressure of an often limited training resource available for many schools, the range and type of professional learning on offer and the sheer scale of policy change for schools to manage and implement, has resulted in a very mixed picture in terms of the interface with effective professional learning for the education workforce.

Communication – NAHT has previously given evidence to the CYPE to support the concern that schools who were not involved in the pioneer programme were struggling to understand how work in the pioneer schools is going to feed into their own work and impact upon the Wales-wide policy change that will be required.

Accountability and assessment – Fears that unless the accountability and assessment structure is developed alongside the new curriculum, it would prove difficult to design without knowing the expectations of assessment that would eventually underpin the new curriculum.

Public perception – Anecdotal feedback from parents suggest that there is little or no understanding of what the new curriculum will mean for children across Wales. Adopting a new way of working without the support of parents will be difficult.

Supporting guidance/framework – It is, at this stage, difficult to comment on whether the statutory code for 'What Matters', Progression Code and RSE

## **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)*

Funding – The bill acknowledges that between 41% and 71% of the total costs are estimated to fall to schools and states that this is based on a survey of Innovation Schools and therefore is not representative of the 1,500 schools throughout Wales. As a result of

this uncertainty the Welsh Government includes a +/-50% range on the costs that is has estimated for schools.

In addition, when Innovation Schools estimated their costs at the end of 2019, they were working of the draft version of the Curriculum we published for feedback in April 2019. The version we published in January 2020 represents a significant development from the version they were working off and basing their costs on.

As well as substantially simplifying the content and significantly refining the descriptions of learning, the Curriculum for Wales now includes extensive guidance on 'designing your curriculum'. This was absent in the draft version and so Innovation Schools were planning and basing costs on having to work that process out for themselves - whereas there is now clear guidance (which, in part, has been based on Pioneer and Innovation school experiences) to help take schools through the design process at curriculum and AoLE level.

Training/quality assurance – As outlined in the EM/RIA for the Bill, practitioners and leaders are already thinking differently about their professional learning and the Welsh Government is ensuring that there is appropriate support for schools to enable them to make this step-change.

Not all professional development will be delivered by external 'suppliers' or organisations, there is a lot schools and practitioners can and will be doing to explore and realise the curriculum in their own schools - working together collaborating and sharing practice which is something NAHT advocates among school leaders. This include using the experiences gained by Pioneer schools as part of the development process. Alongside the work of schools however there is a wide range of support from regional consortia, HEIs and lead schools who can support the system as we move forward.

A number of actions are being taken as part of the National Approach to Professional Learning to ensure education practitioners are supported.

Other examples of support include: launch of a cross-regional programme to help schools plan for short, medium and long term professional learning for the new curriculum; introduction of an additional professional learning INSET day for 3 years from 2020-2022; launch of the Professional Learning Journey (PLJ) Model to complement the new INSET day, providing a route map for schools to plan for the new curriculum and beyond.

In relation to quality assurance of professional learning, processes are in place for regions to work collaboratively to ensure national provision is of the requisite quality, and for our leadership programmes, there is also the role of the NAEL in endorsing provision. Estyn

and the schools themselves also play a part in quality assurance through their own evaluation arrangements and sharing examples of best practice.

Communication – The Welsh Government maintains that Pioneer schools have been at the heart of these reforms and that information on how these schools have and continue to contribute to supporting across the system is provided through a wide range of approaches. In addition to case studies and articles on the Curriculum for Wales blog, details have been provided alongside the national publication of curriculum guidance, as well as head-teacher conferences, regional professional learning events, and through local and/or subject related school-to-school networks.

Public perception - The Welsh Government is planning to engage more directly with parents on the new curriculum over the next few years as schools work towards realising the new Curriculum for Wales. The government will continue its communication strategy via schools as a preferred method by parents but as a result of COVID-19 parents have become more interested in education policy and what their children are learning so officials will be looking at more direct engagement and communications with parents.

Accountability and assessment – NAHT still has reservations with this element of the Bill, having already set out concerns above.

### **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 2011, Wales became the first country in the UK to make the United Nations Convention on the Rights of the Child (UNCRC) part of its domestic law. Welsh Government, and the people of Wales, should be rightly proud of this commitment to the rights of the child.

In considering the new curriculum, NAHT believes that the UNCRC provides a clear mandate to Welsh Government and to education in Wales.

In the context of full access to RE and RSE lessons in the new curriculum, it is relevant to note specific, relevant sections within the United Nations Convention on the Rights of the Child.



However, despite supporting this position and the principles that support it within the Bill, there will be unintended consequences for schools.

There are a significant number of concerns being raised by faith and other stakeholder groups on the removal of the parents right to withdraw their child from sex education. NAHT welcomes the approach taken by Welsh Government to make that decision on a national scale, however it will be down to individual schools to implement. There must be clear support given to schools to deal with these situations.

This work cannot be left to schools to develop in isolation, or there will be the very real risk that variability, inconsistency and a wider lack of information for parent groups and wider stakeholders, could understandably, create suspicion and anxiety. This would, in turn, risk misinformation, rumour and speculation to undermine the core purpose of ensuring full access to the full curriculum.

NAHT acknowledges that the Welsh Government has set up an RSE working group of which NAHT occupies one of the stakeholder seats. Despite being in its infancy, the aim of the group is to discuss the RSE code and key aims and hopes the work of the group will help mitigate against the concerns raised.

Also note point raised in 1.3 RE legislation.

## **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)*

Please see response to 2.1/2.2 above.

## **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 Welsh Government must ensure that any subordinate legislation relating to the RSE code is robust enough to support teachers in delivering what is a controversial topic. NAHT believes it is appropriate for the code to be constructed as part of subordinate legislation because this will allow consistency across Wales and an opportunity for greater consultation with the profession.

Any subordinate legislation must be published alongside primary legislation as far as is possible to ensure that schools are not beginning their plans with only partial information.

## **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)*

NAHT believes that there are two fundamental elements to the success of the new curriculum:

The sea change it requires from a profession who have largely grown up as national curriculum learners, a curriculum which didn't encourage Independence or self direction. A culture needs to be created where we build a capacity for risk taking and continual research which will be a significant change in direction from a body of young teachers whose current preference may be a more regimented task and finish approach.

The need for personal and continuous development underpinning each and every next step. This is more than making sure opportunities are available but changing understanding, that this is now very much personal responsibility.

Any legislation and supporting framework needs to part of the approach but a key piece of the puzzle is going to be creating a culture within education to embrace this new way of working and that is something that must be allowed to evolve over time. All stakeholders have a part to play in developing that culture.



# Agenda Item 3

CAW27 UCAC (Undeb Cenedlaethol Athrawon Cymru)

## Ymgynghoriad ar y Bil Cwricwlwm ac Asesu (Cymru)

Tystiolaeth i'r [Pwyllgor Plant, Pobl Ifanc ac Addysg](#) ar gyfer Craffu Cyfnod 1 Bil Cwricwlwm ac Asesu (Cymru).

### Amdanoch Chi

Sefydliad: UCAC (Undeb Cenedlaethol Athrawon Cymru)

## 1. Egwyddorion cyffredinol y Bil

### 1.1 A ydych yn cefnogi egwyddorion y [Bil Cwricwlwm ac Asesu\(Cymru\)](#)?

Yn rhannol

### 1.2 Amlinellwch eich rhesymau dros eich ateb i gwestiwn 1.1

*(byddem yn ddiolchgar pe gallech gadw eich ateb o dan oddeutu 1,500 o eiriau)*

Cefnogwn y mwyafrif helaeth o egwyddorion a nodau'r Bil. Maent yn ymgorffori'r agweddau deddfwriaethol o'r diwygiadau cyffrous a llawn potensial sydd o'n blaenau. Mae'r Bil yn gwneud hynny mewn dull cryno sy'n taro'r cydbwysedd cywir, ym marn UCAC, rhwng gosod fframwaith cadarn a chyson, a chynnig hyblygrwydd i amrywio dros amser.

Fodd bynnag, mae gennym bryder difrifol iawn ynghylch un o egwyddorion sylfaenol y Bil, sef cynnwys Saesneg yn y rhestr o elfennau gorfodol/mandadol, a'r angen canlyniadol i greu darpariaeth ynghylch datgymhwyso Saesneg hyd at 7 oed.

Yn Adran 3(2), rydym yn gwbl gyffyrddus â chynnwys 'Addysg Cydberthynas a Rhywioldeb', 'Crefydd, Gwerthoedd a Moeseg' a 'Chymraeg' fel elfennau sy'n fandadol o fewn y Meysydd Dysgu a Phrofiad. Yn wir, rydym yn gefnogol i hynny.

Fodd bynnag, nid ydym yn fodlon bod Saesneg yn cael ei gynnwys yn y rhestr.

Mae Saesneg yn elfen fandadol de facto yn y cwricwlwm presennol o Gyfnod Allweddol 2 ymlaen ac mi fyddai unrhyw ddarpariaeth yn y Bil a fyddai'n ail-greu'r sefyllfa honno yn debygol o fod yn dderbyniol gennym. I fod yn glir, nid ydym yn gwrthwynebu statws gorfodol Saesneg fel pwnc o Flwyddyn 3 ymlaen.

Yr hyn sy'n gyfan gwbl annerbyniol yw'r ffaith bod cynnwys Saesneg yn 3(2) yn ei wneud yn elfen ddiodyn ar draws y cwricwlwm gan gynnwys yn yr ystod oedran sy'n cyfateb i'r Cyfnod Sylfaen, sef Dosbarth Derbyn i Flwyddyn 2 (3 i 7 oed) – sy'n estyniad clir o'r sefyllfa bresennol.

Mae gosod Saesneg fel elfen ddiodyn, tra'n parchu ymrwymiad y Gweinidog y bydd 'y cwricwlwm newydd yn parhau i alluogi ysgolion a lleoliadau, fel y Cylchoedd Meithrin, i drochi plant yn y Gymraeg yn llwyr' [Datganiad ar barhad trochi plant yn y Gymraeg, Chwefror 2019] wedi arwain at yr angen i greu opsiwn i 'ddatgymhwyso elfen fandadol' (Adrannau 26 a 27).

Mae sawl rheswm dros wrthwynebu'r ymagwedd hon at statws y Saesneg a'r Gymraeg yn y cwricwlwm newydd:

1. Mae gosod y Saesneg fel elfen ddiodyn ar draws y cwricwlwm gan orfod cymryd camau penodol ychwanegol i ddatgymhwyso er mwyn sicrhau darpariaeth drochi i blant hyd at 7 oed yn annerbyniol ar sail egwyddor. Nid yw'n dderbyniol bod y naill opsiwn yn ddiodyn a'r llall yn gofyn am gamau ychwanegol pellach i amrywio neu i optio allan o'r default.
2. Mae gennym amheuaeth a yw'n gwbl gyfreithlon, gan nad yw trefn o'r fath yn gydnaws â'r ymrwymiad ym Mesur y Gymraeg (Cymru) 2011 i beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg. Dan y drefn arfaethedig, mae addysg drochi yn y Saesneg yn cael ei gwarantu; mae addysg drochi yn y Gymraeg yn ddibynnol ar benderfyniadau ychwanegol lleol.
3. Mae'n rhoi neges gwbl glir bod addysg drochi'n eithriad ac nid yn norm – a hynny ar yr union adeg pan mae polisi Llywodraeth Cymru yn anelu at greu "amodau ffafriol sy'n cefnogi'r broses o gaffael yr iaith a'r arfer o ddefnyddio sgiliau Cymraeg. Rydym am weld cynnydd yn yr arfer o ... gyflwyno'r Gymraeg yn gynnar i bob plentyn, system addysg sy'n rhoi sgiliau Cymraeg i bawb..." [Cymraeg 2050: Miliwn o Siaradwyr, t.7]. Mae'r strwythur a gynigir yn y Bil yn mynd benben â'r nodau hynny.
4. Nid oes gofyn am gamau ychwanegol o'r fath ar hyn o bryd er mwyn sicrhau darpariaeth drochi yn y Cyfnod Sylfaen, felly mae'n waethgiad amlwg ar y sefyllfa bresennol ac yn ychwanegu at ofynion biwrocraidd diangen yn y sector cyfrwng Cymraeg yn benodol.
5. Mae'n debygol iawn mai sgil effaith ymarferol rhoi cyfrifoldeb yn nwylo penaethiaid, cyrff llywodraethu a darparwyr addysg feithrin dros benderfynu ynghylch datgymhwyso fydd lleihau ar faint o addysg drochi hyd at 7 oed sy'n digwydd o gymharu â'r sefyllfa bresennol. Yn syml, mae'n codi cwestiwn nad yw'n cael ei godi ar hyn o bryd - neu sy'n

cael ei setlo gan sefydliadau neu fudiadau mwy arbenigol megis awdurdodau lleol neu Mudiad Meithrin.

Mae'r ddarpariaeth yn caniatáu i'r datgymhwyso greu "llai o addysgu a dysgu Saesneg neu ddim addysgu a dysgu Saesneg o gwbl i'r dysgwyr hyn" [Nodiadau Esboniadol, Memorandwm Esboniadol, t. 182]. Gellir rhagweld, â phrin ddim amheuaeth, y bydd cyrff ar lefel leol yn barnu bod angen addysg yn y ddwy iaith er mwyn sicrhau bod y plant yn dod yn ddwyieithog - tra ei fod yn gwbl gydnabyddedig ymhlith arbenigwyr yn y maes bod trochi'n hollbwysig i gaffael unrhyw iaith. Mae'n hynny'n fwy gwir byth mewn sefyllfa, fel yng Nghymru, pan fydd dwy iaith yn cydfyw'n gyfochrog, ond bod un ohonynt yn iaith leiafrifol y mae'n anodd iawn 'ymdrochi' ynddi yn y gymdeithas ehangach; rhaid mynd ati'n fwriadol i greu'r amgylchiadau ble mae modd trochi. Mae strategaeth 'Cymraeg 2050' Llywodraeth Cymru'n cydnabod hynny "Addysg drochi cyfrwng Cymraeg yw ein prif ddull ar gyfer sicrhau bod plant yn gallu datblygu eu sgiliau Cymraeg, ac ar gyfer creu siaradwyr newydd... Mae hyn yn dangos pwysigrwydd ymrwymiad y system addysg i greu miliwn o siaradwyr. Mae hefyd yn amlygu pwysigrwydd sector y blynyddoedd cynnar fel pwynt mynediad cynnar i addysg drochi, ac fel ffordd o gynyddu'r galw am addysg cyfrwng Cymraeg." (t.21)

Byddai unrhyw leihad - hyd yn oed anfwriadol - i'r amgylchiadau, eisoes cyfyngedig hynny o drochi hyd at 7 oed, yn peryglu'n wirioneddol gallu'r system addysg i greu dinasyddion dwyieithog. Yn hynny o beth, mi fyddai'n debygol o fod yn wirioneddol ac yn uniongyrchol niweidiol i nodau Llywodraeth Cymru i gynyddu nifer y siaradwyr Cymraeg.

6. Erbyn hyn mae addysg cyfrwng Cymraeg yn cael ei gynllunio'n strategol ar lefel awdurdodau lleol, gyda phroses monitro gan Lywodraeth Cymru. Mi fyddai gosod pŵer yn nwylo darparwyr unigol, boed yn ysgolion neu'n ddarparwyr addysg feithrin a gyllidir ond nas cynhelir yn tanseilio grym strategol Cynlluniau Strategol y Gymraeg mewn Addysg (CSGAu) i raddau helaeth iawn – a hynny ar ôl buddsoddiad ac ymdrechion sylweddol gan Lywodraeth Cymru ac eraill dros y blynyddoedd diwethaf i gryfhau'r system honno.

Rydym yn gryf o'r farn felly nad yw'r drefn a amlinellir yn y Bil yn dderbyniol o gwbl, ar sail egwyddorol, cyfreithiol ac ymarferol. Awgrymwn mai'r ffordd rhwyddaf a symlaf i ddatrys y broblem yw i ddileu 'Saesneg' o'r rhestr o elfennau mandadol ar draws y cwricwlwm yn Adran 3(2). Ni fyddai hynny'n niweidiol i'r Saesneg fel pwnc gan ei fod eisoes yn fandadol o fewn y Maes Dysgu a Phrofiad 'leithoedd, Llythrennedd a Chyfathrebu.'

### **1.3 A ydych yn credu bod angen deddfwriaeth i gyflawni'r hyn y mae'r Bil hwn yn ceisio'i gyflawni?**

*(byddem yn ddiolchgar pe gallech gadw eich ateb o dan oddeutu 500 o eiriau)*

Ydym.

## **2. Gweithredu'r Bil**

### **2.1 A oes gennych unrhyw sylwadau am unrhyw rwystrau posibl rhag gweithredu'r Bil? Os na, ewch i gwestiwn 3.1**

*(byddem yn ddiolchgar pe gallech gadw eich ateb o dan oddeutu 500 o eiriau)*

Nodwn fod y rhan fwyaf o'r prif newidiadau 'fframweithiol' i'r cwricwlwm yn cael eu crybwyll naill ai ar wyneb y Bil (e.e. y Pedwar Diben, y Meysydd Dysgu a Phrofiad, y sgiliau trawsgwricwlaidd, a'r elfennau mandadol, gan gynnwys Addysg Cydberthynas a Rhywioldeb a Chrefydd, Gwerthoedd a Moeseg).

Ymhellach, mae'r Bil yn darparu ar gyfer gwneud tri chod – Cod yr Hyn sy'n Bwysig, Cod Cynnydd, a'r Cod Addysg Cydberthynas a Rhywioldeb i fynd i'r afael â materion penodol mewn mwy o fanylder nag sy'n addas ar wyneb y Bil.

Fodd bynnag, nodwn – a phryderwn – nad oes unrhyw gyfeiriad ar wyneb y Bil, nac unrhyw ddarpariaeth o ran darparu Cod (na chanllaw, nac is-ddeddfwriaeth) fyddai'n ymgorffori'r uchelgais a nodir yn y Memorandwm Esboniadol (3.140), a dogfennau polisi eraill Llywodraeth Cymru: "mae gwednewid y ffordd rydym yn addysgu'r Gymraeg i bob dysgwr, er mwyn i o leiaf 70 y cant o'r dysgwyr hynny allu dweud erbyn 2050 eu bod yn gallu siarad Cymraeg pan fyddant yn gadael yr ysgol, yn un o'r prif newidiadau gwednewidiol y bydd eu hangen yn y sector addysg statudol er mwyn gwireddu'r weledigaeth".

Deallwn fod y continwwm yn cael ei ymgorffori yn y Maes Dysgu a Phrofiad 'leithoedd, Llythrennedd a Chyfathrebu', ac hefyd y bydd lle i ddarpariaeth o fewn y Cod Cynnydd o safbwynt y cynnydd y disgwylir i ddisgyblion ei wneud ar hyn y continwwm.

Fodd bynnag, nid ydym o'r farn y byddai hynny'n cwmpasu hyd a lled yr uchelgais o ran sicrhau datblygiad y sector cyfrwng Cymraeg, gan gynnwys y bwriad i sicrhau y darperir cyfran gynyddol o addysg drwy gyfrwng y Gymraeg mewn pob ysgol ledled Cymru, na lle canolog y continwwm newydd yn hynny o beth.

Rydym yn gryf o'r farn bod angen cyfeiriad ar wyneb y Bil at y newid sylfaenol hwn yn yr ymagwedd at y cwricwlwm – yn yr un modd â'r cyfeiriadau at y newidiadau sylfaenol eraill. Yn ogystal, dadleuwn y byddai'n briodol darparu ar gyfer Cod sy'n ymwneud â'r materion hyn yn benodol ac yn fanwl er mwyn rhoi sicrwydd i'r sector addysg ar bob lefel ynghylch y disgwyliadau yn y maes hwn.

## **2.2 A ydych yn credu bod y Bil yn ystyried y rhwystrau posibl hyn?**

*(byddem yn ddiolchgar pe gallech gadw eich ateb o dan oddeutu 500 o eiriau)*

Nac ydy.

## **3. Canlyniadau anfwriadol**

### **3.1 A ydych yn credu bod unrhyw ganlyniadau anfwriadol yn deillio o'r Bil? Os na, ewch i gwestiwn 4.1**

*(byddem yn ddiolchgar pe gallech gadw eich ateb o dan oddeutu 500 o eiriau)*

Rydym yn pryderu'n ddifrifol fod yr ymdrechion llawdrwm yn y Bil i greu hawl i addysg drochi hyd at 7 oed yn mynd i arwain at ganlyniadau anfwriadol sylweddol sy'n gwrthdaro'n uniongyrchol â nodau Llywodraeth Cymru fel y'u hamlinellir yn ei strategaeth 'Cymraeg 2050' a'r Rhaglen Waith sy'n cyd-fynd â hi, yn ogystal â Chynllun Gweithredu 'Addysg yng Nghymru: Cenhadaeth ein Cenedl', a Chynllun Gweithredu 'Y Gymraeg mewn Addysg' sy'n cyd-fynd ag e.

Rydym wedi amlinellu'r rhesymau dros ein gwrthwynebiad yn fanwl dan gwestiwn 1.2 uchod. Fodd bynnag, o ran natur y canlyniadau anfwriadol, dyma'r hyn rydym yn ei rhagweld – a hynny â chryn hyder:

Ysgolion a darparwyr yn gorfod cymryd camau penodol i ddatgymhwyso o Saesneg gorfodol cyn 7 oed

↓ [YN ARWAIN AT]

Rhai ysgolion a darparwyr yn penderfynu peidio datgymhwyso, neu ddatgymhwyso dim ond yn rhannol



↓ [YN ARWAIN AT]

Llai o addysg drochi hyd at 7 oed, neu addysg drochi lai effeithiol

[hynny yw, lleihau, nid ehangu, darpariaeth drwy gyfrwng y Gymraeg yn y blynyddoedd cynnar fel pwynt mynediad i addysg cyfrwng Cymraeg - un o nodau Rhaglen Waith Cymraeg 2050]

↓ [YN ARWAIN AT]

Llai o ddysgwyr yn mynd ymlaen i addysg cyfrwng Cymraeg, neu ddysgwyr yn ei chael hi'n anoddach i ymdopi ag addysg cyfrwng Cymraeg

[hynny yw, ei gwneud hi'n llawer anoddach, yn hytrach na hwyluso, creu system addysg statudol sy'n cynyddu'r nifer o siaradwyr Cymraeg hyderus - un o nodau Rhaglen Waith Cymraeg 2050]

↓ [YN ARWAIN AT]

Llai o ddilyniant i addysg a hyfforddiant ôl-orfodol, felly llai o sgiliau iaith yn bwydo mewn i weithluoedd - gan gynnwys y gweithluoedd addysg, iechyd, gofal cymdeithasol

[hynny yw, ei gwneud hi'n llawer anoddach, yn hytrach na hwyluso, datblygu darpariaeth addysg ôl-orfodol sy'n cynyddu cyfraddau dilyniant ac yn cefnogi pawb, ni waeth pa mor rhugl eu Cymraeg, i ddatblygu sgiliau yn yr iaith i'w defnyddio'n gymdeithasol ac yn y gweithle - un o nodau Rhaglen Waith Cymraeg 2050]

↓ [YN ARWAIN AT]

Lleihad yn nifer y siaradwyr Cymraeg, a lleihad yn y defnydd o'r Gymraeg

[sef dau o brif themâu Cymraeg 2050]

Rydym yn gryf o'r farn felly nad yw'r drefn a amlinellir yn y Bil yn mynd i sicrhau'r canlyniadau y tybir ac a fwriedir. Awgrymwn mai'r ffordd rwyddaf a symlaf i osgoi'r canlyniadau anfwriadol yw dileu 'Saesneg' o'r rhestr o elfennau mandadol ar draws y cwricwlwm yn Adran 3(2). Ni fyddai hynny'n niweidiol i'r Saesneg fel pwnc gan ei fod eisoes yn fandadol o fewn y Maes Dysgu a Phrofiad 'leithoedd, Llythrennedd a Chyfathrebu.'

## 4. Goblygiadau ariannol

### 4.1 A oes gennych farn am oblygiadau ariannol y Bil (fel y'u nodir yn Rhan 2 o'r [Memorandwm Esboniadol](#))? Os nad oes, ewch i gwestiwn 5.1

*(byddem yn ddiolchgar pe gallech gadw eich ateb o dan oddeutu 500 o eiriau)*

Mae gennym bryder nad yw'r amser a fydd ei angen ar athrawon ar gyfer cyd-gynllunio'r cwricwlwm newydd ar gyfer eu hysgolion wedi'i gyfrifo'n ddigon realistig – a hynny yn y cyfnod yn arwain at ei gyflwyno yn arbennig, ond yn y cyfnod dilynol yn ogystal, ar gyfer adnewyddu a diweddarau.

Er y rhagwelir defnyddio'r rhan fwyaf o'r dyddiau HMS, gan gynnwys y diwrnod blynyddol ychwanegol dros dair blynedd, at bwrpas paratoi ar gyfer y cwricwlwm, nid ydym yn hyderus y bydd hyn yn ddigonol. Am mai amser ar y cyd fydd yn angenrheidiol - hynny yw, ar draws meysydd pynciol, ac ar draws ystodau oedran, mae'n anorod mai cyfnodau digyswllt sydd dan sylw - nid rhyddhau unigolion yn eu tro.

Mae dirfawr angen cynllunio sut bwriedir i hyn ddigwydd, a chyllidebu ar ei gyfer.

## 5. Pwerau I wneud is-ddeddfwriaeth

### 5.1 A oes gennych unrhyw sylwadau am addasrwydd y pwerau yn y Bil i Weinidogion Cymru i wneud is-ddeddfwriaeth (fel y'i nodir ym Mhennod 5 o Ran 1 o'r [Memorandwm Esboniadol](#))? Os nad oes, ewch i gwestiwn 6.1.

*(byddem yn ddiolchgar pe gallech gadw eich ateb o dan oddeutu 500 o eiriau.)*

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## 6. Ystyriaethau eraill

### 6.1 A oes gennych unrhyw bwyntiau eraill yr hoffech eu gwneud am y Bil hwn?

*(byddem yn ddiolchgar pe gallech gadw eich ateb o dan oddeutu 1,000 o eiriau)*

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## 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: NASUWT

## 1. The Bill's general principles

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

Partly

### 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 NASUWT acknowledges that the principle set out by the Welsh Government that the 'vision for Wales is for a fully inclusive education system where all learners have equity of access to education that meets their needs and enables them to participate, benefit from and enjoy learning' meets the tests that the Union has set out. Nevertheless, the NASUWT maintains that, in order to bring this about, it is a requirement for teachers, headteachers and all staff in schools to be properly supported.

The NASUWT notes that the Welsh Government accepted the recommendations in Successful Futures - Independent Review of Curriculum and Assessment Arrangements in Wales, which were subsequently enshrined in A Curriculum for Wales – a curriculum for life and Education in Wales: Our National Mission. This is also maintained to an extent in the draft Curriculum and Assessment Bill. These were generally welcomed by the NASUWT and the profession, but the Union has warned that the implementation plan risks excluding the profession from meaningful engagement in the development of policy, in direct contradiction to the key principle set out in the Review that the new curriculum should be 'built for the profession, by the profession'.

It is clear that Successful Futures recommended significant reforms to current arrangements in line with many of the principles that the NASUWT has set out, which were first published in the NASUWT report *Maintaining World Class Schools* in 2013.

In that report, the NASUWT maintained that securing high outcomes for all children and young people means that action is needed to:

- provide a broad, balanced and relevant curriculum experience fit for the 21st century;
- ensure parity of esteem between academic and vocational pathways and the cognitive, emotional, cultural, creative, ethical and social dimensions of learning;
- require all state-funded schools and colleges to work together to secure a comprehensive curriculum entitlement for all 14 to 19 year olds;
- equip children and young people to be research-driven problem solvers;
- extend entitlements for all children and young people to high-quality academic and vocational education, coupled with equality of access to high-quality, practical, hands-on, work-based learning opportunities;
- refocus the accountability system to reflect and support the expectation that all young people should remain in education and training until the age of 18;
- restore the morale of the teaching profession by tackling poor employment practices, including workload, securing professional entitlements and respect for teachers, and refocusing the efforts of teachers and headteachers on their core responsibilities for teaching and leading teaching and learning;
- establish a Masters-level profession and raise the pay of teachers in recognition of the increased knowledge and skills that they bring to the job; and
- ensure access to high-quality professional development for all teachers throughout their careers.

In the view of the NASUWT, public education is a cornerstone of democratic society; it is an essential element in the framework of social rights of children, young people and adults. Public education, in our view, must also be defined by its universality. Public education should encourage personal fulfillment, social responsibility, knowledge, cultural acquisition and skills for life. It should deliver for society's needs for social and economic

development, political participation, environmental responsibility and international solidarity.

The world's best-performing education nations value having a broad and balanced curriculum for their pupils. In Britain, pupils are less likely, once they get to secondary school, to participate in active and creative pursuits compared with pupils in other countries. Poor access to stimulating educational activities particularly impacts on children from less well-off families.

The curriculum entitlement of pupils should equip all children and young people with a broad base of knowledge, experience and skills for life. In the UK, children and young people enjoy a lower quality of life and happiness compared with their peers in other economically advanced countries. This has consequences for children's educational outcomes and therefore for their future life chances.

The NASUWT has also welcomed the direction of travel of the Welsh Government to address the pressures in the existing high-stakes accountability system.

### **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)*

In order to bring about the changes necessary to implement the new curriculum and assessment measures, it is clear that new legislation is required to amend the current provisions in the Education Acts.

## **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)*

The NASUWT is concerned that the principles set out in Successful Futures regarding subsidiarity, encouraging local ownership and responsibility within a clear national framework of expectation and support have been dissipated.



The Union wishes to ensure that the voices of teachers and school leaders are at the heart of developments around curriculum and assessment policy.

The NASUWT believes that the majority of teachers are currently feeling disenfranchised from the process of building the new curriculum. In many schools, the so-called 'co-construction' is being undertaken by a small select group of staff, usually at a senior level, and education 'experts'. The majority of other staff in the school have not been involved, are not engaged and have little information as to any of the work being undertaken.

If the principles set out in Successful Futures mean that the whole of the wider education workforce should be involved, particularly classroom practitioners, then the current developments are evidently failing the test.

The NASUWT restates the point that one of the key values articulated in Successful Futures and by the Welsh Government is that the curriculum would be professionally led. However, a great deal of power over the way in which the curriculum will be designed and implemented in schools will rest with headteachers and governing bodies. While many schools will want to adopt an approach in which the curriculum is co-produced by all its teaching staff, there is no requirement or expectation on them to do so. Teachers may find that they are still working in highly prescriptive environments with no greater scope to use their professional agency and discretion to design learning experiences that best meet the needs of the pupils they teach.

The NASUWT is a UK-wide union and is therefore well placed to make comparisons of curriculum design in other jurisdictions. The Union would not wish to see the mistakes made in Scotland and England, where there was insufficient engagement with the profession, repeated in Wales.

In Scotland, significant workload implications have resulted at school level due to the lack of clarity in structures, programs and engagement at a higher level.

In England, despite the close involvement of the NASUWT and other trade unions at stakeholder level, with detailed information on progress, the lack of ability to influence curriculum design and content had a serious impact on schools and staff.

The NASUWT reiterates the view set out in previous evidence to the CYPEC that such a situation can be avoided in Wales if the design of new curriculum and assessment arrangements is workload impact assessed at every stage.

The lack of sufficient and adequately distributed resources will also be a significant barrier to the successful implementation of the new curriculum. This will also be adversely impacted on if the costs of dealing with the COVID-19 epidemic are not covered.

## **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 NASUWT is not aware that anything in the Bill will ensure that school staff are better engaged. The Union does not believe that the calculations in the 'Explanatory memorandum' properly take account of the professional learning needs of classroom teachers. The sample sizes were very small and, in any case, as with much of the work on this, responses were restricted to headteachers and senior staff, with little consultation with teachers themselves. The NASUWT has not been consulted.

It is also difficult to understand how headteachers have suggested that the central estimates of the number of days required for development on the curriculum are between 11 and 16, but only 2-4 days of supply cover are required for teaching staff. This appears to be headteachers playing fast and loose with teachers' working time. Furthermore, headteachers have identified that they themselves will require 16 days of professional learning (central estimate) but no cover is needed. This implies that on one hand they are already doing nothing else but preparing for the new curriculum, and on the other that there will be no impact on any other staff due to their absence.

The NASUWT insists that full workload impact assessments are carried out, with the involvement of all stakeholders.

The NASUWT is concerned about the inflexibility of the Welsh Government's intended approach in respect to the timescale for the implementation of the new curriculum. As the Senedd's Bill Summary confirms, the Education Minister has remained clear that she intends to proceed with full roll-out by 2026/27, with implementation beginning with primary age and Year 7 children from 2022/23.

The NASUWT was clear that this timetable was ambitious prior to the COVID-19 outbreak but it seems even more implausible now. The Minister's refusal to acknowledge that the disruption experienced by the education system since the outbreak of the public health

crisis has been significant, and is likely to continue into the next academic year, is alarming. The NASUWT maintains that pressing ahead with the original implementation timescale in these circumstances risks creating substantial turbulence and pressure in the system at a time when it will need to focus its attention on mitigating COVID-related disruption and securing educational recovery.

The Union notes that the Welsh Government has admitted in its own Regulatory Impact Assessment that as a result of the pandemic, it has not been able to engage on the new curriculum with 'key stakeholders', including the Welsh Local Government Association (WLGA), the Association of Directors of Education in Wales (ADEW) and Estyn. These organisations will each have a critical role to play in supporting the implementation of the new curriculum and it is concerning that the timescale has not been amended to ensure that consultation with these bodies can be undertaken in a timely way.

### **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)

The NASUWT is extremely concerned that the Impact Assessments only take account of pupils and not the workforce. The Union has raised this matter in several other consultations, but the Welsh Government continues not to include any assessment on how these measures will impact on the staff in schools, in local authorities or across the education sector as a whole.

As such, the consequences of the implementation of the Bill, the introduction of the new curriculum, the workload on school staff and the adequacy of resources has not been considered.

As the education workforce is predominantly female, there may well be adverse impacts in relation to gender that have not been assessed. There may also be issues relating to age discrimination, as the Union is aware that older staff may face discrimination in role reassignments and potential redundancy brought about by staffing structure transformations as a result of implementation of the curriculum.

The NASUWT therefore insists that comprehensive Equality Impact Assessments on the workforce are carried out without delay.

## 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)*

As noted above, the NASUWT has significant concerns that the costs of supply cover, based on headteachers' assessment of what is required, is much lower than the indicated need. This implies that the workload of school staff is being taken for granted. Workload remains a concern across the system and will be severely impacted on by the issues regarding COVID-19, the need to plan for any local lockdowns, the continuing need for blended learning, and the Accelerated Learning Programme.

Credible concerns can also be identified in respect of the anticipated costs of the new curriculum. As the Welsh Government acknowledges, many of the implementation costs will be met by schools. As a minimum expectation, it is essential that the Welsh Government has reasonably accurate estimates of the extent of these costs, when they will need to be met, the capacity of schools to meet them from their budgets, and the implications of the opportunity costs that will arise from schools diverting financial and human resources away from other activities. It should also be noted that such projections of the nature of these costs that have been made available are based on very limited and unrepresentative experience gained from Innovation Schools. As a result, the Welsh Government is proceeding on an unacceptably uncertain basis in respect of the resource implications of the new curriculum.

The NASUWT has raised concerns regarding the levels of funding of schools in Wales over many years. The Union also has concerns regarding the funding methodology.

The NASUWT maintains that the current system, which is based primarily on pupil numbers rather than the needs of the curriculum and the designated needs of specific groups of pupils, does not enable either schools or local authorities to retain staffing complements to ensure that these needs are catered for effectively.

The NASUWT maintains that the education funding should be hypothecated so that it can be targeted to areas of need through the provision of dedicated funding to schools and the retention of central local authority services where specialist staff can be deployed to areas of need.

The NASUWT is also aware that, contrary to the view expressed in the Explanatory Memorandum, there has been a significant impact on school staff due to school restructuring on Teaching and Learning Responsibilities (TLRs). The Explanatory Memorandum does not provide any substantive evidence to support this assertion. The Union, on the other hand, has entered into several disputes where staff have raised concerns regarding the nature, purpose and impact of school staffing restructures brought about by managements' belief that these were necessary to match their structures to the Areas of Learning and Experience (AoLEs).

The Union believes that the Welsh Government should work with all key stakeholders, including unions, to ensure that there is sufficient funding, so that staffing levels can be improved to address the workload concerns and ensure that the curriculum can be properly delivered.

## **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)*

With specific regard to the legislative framework underpinning the new curriculum, the NASUWT maintains that there are serious issues about the ways in which some statutory guidance and regulations will be issued and amended in future. In all statutory curricula across the UK, it is a common feature that the broad framework is established in primary legislation and that specific requirements in respect of content, delivery and assessment are set out in Orders or Regulations.

The NASUWT maintains that it is, nevertheless, important that these aspects of the curriculum and any subsequent changes to them that might be proposed are subject to scrutiny and meaningful consultation with stakeholders. For this reason, it is right that the powers in the Bill for Welsh Ministers to make regulations on amending AoLEs, mandatory elements or cross-curricular skills, or suspending pupil choice in Years 10 and 11, are to be subject to the Senedd's affirmative procedure. Other matters, such as the What Matters Code, will be subject to the 'enhanced negative procedure' which still includes a duty to undertake meaningful public consultation.

However, there are a range of powers reserved to Ministers where there is no clear duty on them to consult. These include the power to issue statutory guidance in respect of the four purposes, the six AoLEs and the three cross-curricular skills. These are fundamental elements of the curriculum and will have significant implications for the quality and scope of the educational experience of learners and on the professional activities of teachers and school leaders. The NASUWT asserts that, as a minimum expectation, these elements of the curriculum must be subject to a duty to consult and to the scrutiny and oversight by the Senedd and its relevant Committees before they are put into effect.

## **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)*

The NASUWT continues to have concerns that a coherent approach to curriculum reform would seek to address the implications of reform for qualifications at the same time. This is not happening in Wales as these implications were not addressed in any meaningful way in Successful Futures and attention has only turned to qualifications after many of the proposals for the curriculum have been published.

In particular, there is a serious risk of incoherence between a curriculum framework that eschews a subject-based approach and a qualifications framework that is entirely subject-based and is widely understood by employers, parents, learners and education providers both within and beyond Wales. Addressing the qualifications-related implications of reform as an afterthought does not represent a credible plan for reform. It should be noted that elsewhere in the UK, curriculum and qualifications reform have always been taken forward in a way that recognises the fundamental connections between both of these elements of the education system and has usually been undertaken simultaneously.

The NASUWT also maintains that the proposals on the provision of Religion, Values and Ethics (RVE) in schools with a religious character still do not seem to have been thought through sufficiently in terms of their manageability for schools. The proposals, as they currently stand, would require such schools to organise two parallel RVE curricular offers, one based on the local Agreed Syllabus and the other based on the religious affiliation of the school. This would create significant organisational challenges for schools, particularly if parents were able to change their preferences between one form of RVE and another at

will. These issues have not been evaluated effectively in any of the impact assessments published by the Welsh Government.





**Julie James AS/MS**  
**Y Gweinidog Tai a Llywodraeth Leol**  
**Minister for Housing and Local Government**



**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our ref:

To: Committee Chairs

21 September 2020

Dear All,

Following extensive consultation on the draft National Development Framework (NDF) last year, I have today laid the draft NDF before the Senedd for a 60-day consideration period.

The NDF is accompanied by a consultation report setting out the issues raised during the consultation, a schedule of changes I intend to make following consideration of the consultation responses, and an updated integrated sustainability appraisal. They can be viewed [here](#).

To support the scrutiny process I have today published two documents. The first sets out how I intend to monitor the NDF after its publication; and the second is a version of the schedules of changes document that has been laid in the format of the draft NDF document that was consulted upon last year. These documents are available to view [here](#).

I will be tabling an amendable motion in government-time to provide an opportunity for the Senedd to express its views on (but not approve) the draft NDF. The debate will take place during the Senedd's 60-day consideration period so the Government can reflect on the issues raised together with any recommendations from Senedd Committees in a timely manner.

During last year's consultation on the draft NDF, Senedd members expressed to me the importance of everyone being able to understand what the NDF was and what it would mean for them. Some thought the name 'national development framework' did not set out what the NDF was or would do. I have reflected on this and asked Children in Wales to help develop a new title. They suggested the name 'Future Wales – The National Plan 2040'. On publication, the NDF will be known by this new name and referred to in short as Future Wales. You will see this new name appearing on some of the documents that will support the scrutiny process.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I look forward to working with the Senedd on the completion of Future Wales, our first National Development Framework.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive style with a large initial 'J'.

**Julie James AS/MS**

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

Kirsty Williams MS, Minister for Education

Dyddiad | Date: 21 September 2020

Pwnc | Subject: **Education Otherwise Than At School (EOTAS)**

Dear Kirsty,

I am writing in relation to the Committee's ongoing inquiry into Education Otherwise Than At School (EOTAS).

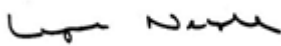
You will be aware that, in June 2019, we agreed to undertake an inquiry into the range of EOTAS provision in Wales, including Pupil Referral Units. You were due to give oral evidence in relation to this inquiry at our public meeting on 19 March 2020.

Unfortunately, but unavoidably, the Covid-19 pandemic required us to re-purpose this session, so that we could ask you urgent questions about the arrangements in place to manage the impact of Covid-19 on our children and young people.

We are committed to completing our work on EOTAS as soon as possible. To this end, I attach a list of questions to which I would be grateful to receive a written answer by 16 October 2020.

We will return to the evidence already gathered in relation to this inquiry this term, with a view to publishing a report as early as possible in the new year.

Yours sincerely,



**Lynne Neagle MS**  
**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.



## Annex A

### List of questions in relation to the Committee's inquiry into EOTAS

- How has COVID-19 impacted the Welsh Government's general work on EOTAS and the implementation of the Framework for Action?
- To what extent are younger children (under 8s) being excluded?
- How is the Welsh Government strengthening the networks between EOTAS services, schools, local authorities and consortia?
- How will EOTAS settings be actively encouraged to use the framework for the whole-school approach to mental health? Will there be funding available for PRUs to support the development of the whole school approach?
- Are EOTAS providers actively encouraged to undertake ACE awareness training and is there support available to help them do this, given issues around PRU staff time to undertake training?
- Are there specific difficulties in funding for EOTAS provision given the potential for the variation in numbers accessing provision?
- What consideration is being given to measuring outcomes for EOTAS providers to assess the difference they make to learners' lives? How involved are EOTAS providers in this?
- What are the reasons for the delays that some families experience in accessing EOTAS provision? Are there concerns about the impact delays in accessing provision have on a learner and their family, and what more can be done to support them? Is there a greater prevalence in delays in accessing provision in certain areas of Wales?
- What is your view on the levels of unregistered EOTAS provision being commissioned by local authorities? Are there any safeguarding concerns in relation to unregistered EOTAS provision commissioned by local authorities?
- Is there a role for local authorities in quality assuring, monitoring or evaluating the EOTAS provision organised by individual schools?
- What consideration has been given to more able and talented pupils in accessing a curriculum suitable for their needs within EOTAS provision?
- To what extent are PRUs and other providers prepared for the introduction of the new curriculum?
- To what extent are EOTAS learners able to access adequate mental health services? What consideration has been given to improving access to CAMHS for EOTAS learners?

- Does a lack of access to CAMHS or ALN support result in learners being placed in EOTAS when it may not be the most appropriate provision for their needs?
- How can Welsh medium EOTAS provision be made more widely available?
- How can EOTAS staff be better supported to access professional learning?
- What improvements can be made to the career structure for staff working in EOTAS settings?
- Would Welsh Ministers consider using their statutory powers of intervention where there are clear cases of 'off-rolling' and where the local authority has not intervened?

# Agenda Item 7

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted