

CAW27 UCAC (Undeb Cenedlaethol Athrawon Cymru) (Welsh only)

About you

Organisation: UCAC (Undeb Cenedlaethol Athrawon Cymru)

Role: Is-ysgrifennydd Cyffredinol a Swyddog Polisi

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 support the vast majority of the Bill's aims and principles. They embody the legislative aspects of the promising and exciting reforms that lie ahead. The Bill does so in a concise way that strikes the right balance, in UCAC's view, between setting a robust and consistent framework, and offering the flexibility for variation over time.

However, we have a grave concern about one of the fundamental principles of the Bill, namely the inclusion of English in the list of mandatory elements, and the resulting need to provide for the disapplication of English up to the age of 7.

In Section 3(2), we are content with the inclusion of 'Relationships and Sexuality Education', 'Religion, Values and Ethics' and 'Welsh' as mandatory elements within the Areas of Learning and Experience. Indeed, we support the inclusion of those three elements.

However, we are not content with the inclusion of English on this list.

English is a de facto mandatory element of the current curriculum from Key Stage 2 onwards and it is likely that we would support any provision within in the Bill that reflected the current position. To be clear, we do not object to English as a subject being given compulsory status from Year 3 onwards.

What we find unacceptable is that the inclusion of English in 3(2) makes it a default element across the curriculum, including in the age range that corresponds to the

Foundation Phase, from Reception to Year 2 (ages 3 to 7) – which clearly goes beyond the current position.

While it respects the Minister's commitment that 'the new curriculum will still enable schools and settings, such as Cylchoedd Meithrin, to fully immerse children in the Welsh language' [Statement on the Continuation of Welsh Immersion, February 2019], making English a default element has led to the need to create options for the 'disapplication of a mandatory element' (Sections 26 and 27).

There are several reasons to oppose this approach to the status of English and Welsh in the new curriculum:

1. It is unacceptable on principle to make English the default option across the curriculum, meaning that additional steps would need to be taken to disapply it in order to provide immersion for children up to the age of 7. It is unacceptable to have one default option while the other option requires additional steps to alter or opt out of the default position.
2. We are unsure whether this would be entirely legal, as such a procedure is incompatible with the commitment in the Welsh Language (Wales) Measure 2011 to treat the Welsh language no less favourably than English. Under the proposed arrangement, English immersion education is guaranteed; Welsh immersion education is dependent on additional local decisions.
3. It clearly implies that immersion education is an exception and not the norm – at the exact same time as Welsh Government policy is aiming to create "favourable circumstances throughout the country that support language acquisition and use of Welsh language skills We want to see an increase in ...[the] early introduction of Welsh to every child, an education system that provides Welsh language skills for all..." [Cymraeg 2050: A million Welsh Speakers, p.7]. The arrangement proposed in the Bill conflicts with those aims.
4. No additional steps are required at present to ensure immersion provision in the Foundation Phase, so this is clearly a step back from the current situation, adding unnecessary, bureaucratic requirements for the Welsh-medium sector in particular.
5. If the responsibility for any decisions around disapplication is placed in the hands of headteachers, governing bodies and nursery education providers, it will very likely lead to a reduction in the provision of immersion education up to the age of 7 compared to the current situation. Put simply, it raises a question that is not currently raised – or is currently settled by more specialist organisations such as local authorities or Mudiad Meithrin.

The disapplication allowed by the provision 'will mean reduced or no teaching and learning of English for these learners' [Explanatory Notes, Explanatory Memorandum, p. 164]. We can anticipate, with very little doubt, that bodies at a local level will decide that education needs to be provided in both languages in order to ensure that children become bilingual – while it is widely recognised by experts in the field that immersion is critical for the acquisition of any language. That is even more true in a situation such as we see in Wales, where two languages coexist, but one is a minority language in which it is very difficult to become 'immersed' in wider society; there needs to be a deliberate effort to create the circumstances in which immersion is possible. The Welsh Government's 'Cymraeg 2050' strategy recognises that "Welsh-medium immersion education is our principal method for ensuring that children can develop their Welsh language skills, and for creating new speakers... This demonstrates how important securing the commitment of the education system is to create a million speakers It also highlights the importance of the early years sector as a point of early entry to immersion education, and as a way to increase demand for Welsh-medium education." (p.21)

Any reduction – even unintended – to the already limited circumstances to allow immersion up to the age of 7, would seriously jeopardise the education system's ability to create bilingual citizens. As such, it is likely to cause real and direct damage to the Welsh Government's aims to increase the number of Welsh speakers.

6. Welsh-medium education is now being planned strategically at local authority level, with a monitoring process led by the Welsh Government. Placing power in the hands of individual providers, whether funded or non-maintained nursery schools or providers, would very much undermine the strategic power of Welsh Education Strategic Plans (WESPs) – following considerable investment and effort by the Welsh Government and others over recent years to strengthen that system.

We feel strongly, therefore, that the procedure outlined in the Bill is entirely unacceptable, in terms of legality, practicality and principle. We suggest that the simplest way to solve the problem would be to delete 'English' from the list of mandatory elements across the curriculum in Section 3(2). This would not be detrimental to English as a subject as it is already mandatory within the 'Languages, Literacy and Communication' Area of Learning and Experience.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

Yes.

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 note that most of the major 'framework' changes to the curriculum are mentioned on the face of the Bill (e.g. the Four Purposes, Areas of Learning and Experience, cross-curricular skills and mandatory elements, including Relationships and Sexuality Education and Religion, Values and Ethics).

Furthermore, the Bill provides for the making of three codes – the What Matters Code, the Progression Code, and the Relationships and Sexuality Education Code to address specific issues in greater detail than would be appropriate on the face of the Bill.

However, we note – and are concerned – that there is no reference on the face of the Bill, nor any provision in relation to the provision of a Code (or guidance, or subordinate legislation) that would incorporate the ambition set out in the Explanatory Memorandum (3.140), and the Welsh Government's other policy documents: "one of the key transformational changes that will be required within the statutory education sector in order to achieve the vision is to transform how we teach Welsh to all learners in order that by 2050 at least 70 per cent of those learners report that they can speak Welsh by the time they leave school."

We understand that the continuum is incorporated into the 'Languages, Literacy and Communication' Area of Learning and Experience, and that there will also be scope for provision within the Progression Code in terms of the progress pupils are expected to make along the continuum.

However, we do not believe that this would encompass the breadth of ambition for the development of the Welsh-medium sector, including the intention to ensure that an increasing proportion of Welsh-medium education is provided in all schools across Wales, nor would it give the continuum a central position in that regard.

We strongly believe that this fundamental change in approach to the curriculum should be referenced on the face of the Bill – as with the other fundamental changes. Furthermore, we believe it would be appropriate to provide for a Code that addresses these issues in a detailed and specific manner, in order to give the education sector assurance at all levels of expectations in this area.

2.2 Do you think the Bill takes account of these potential barriers?

No.

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 are deeply concerned that the Bill's heavy-handed efforts to create a right for pupils to immersion education up to the age of 7 will lead to significant unintended consequences in direct conflict with the Welsh Government's aims as outlined in its 'Cymraeg 2050' strategy and the accompanying Work Programme, as well as the 'Education in Wales: Our National Mission' Action Plan, and accompanying 'Welsh in Education' Action Plan.

We have set out in detail our reasons for objecting under question 1.2 above. However, in terms of the unintended consequences, here is what we anticipate – with a fair amount of certainty:

Schools and providers having to take specific steps to disapply from compulsory English before the age of 7

↓ [LEADING TO]

Some schools and providers deciding not to disapply, or to only partially disapply

↓ [LEADING TO]

Less immersion education up to age 7, or less effective immersion education

[i.e. the reduction, rather than expansion, of early-years Welsh-medium provision as a point of entry into Welsh-medium education – which is one of the aims of the Cymraeg 2050 Work Programme]

↓ [LEADING TO]

Fewer learners going on to Welsh-medium education, or learners finding it more difficult to cope with Welsh-medium education

[i.e. greatly impeding, rather than facilitating, the creation of a statutory education system that increases the number of confident Welsh speakers – which is one of the aims of the Cymraeg 2050 Work Programme]

↓ [LEADING TO]

Reduced progression to post-compulsory education and training, therefore fewer language skills feeding into workforces – including the education, health and social care workforces

[i.e., greatly impeding, rather than facilitating, the development of post-compulsory education provision that increases progression rates and supports everyone, regardless of fluency in Welsh, to develop the skills to use the language socially and in the workplace – which is one of the aims of the Cymraeg 2050 Work Programme]

↓ [LEADING TO]

A reduction in the number of Welsh speakers, and a reduction in the use of Welsh

[two of the main themes of the Cymraeg 2050 strategy]

We strongly believe, therefore, that the procedure set out in the Bill will not achieve the intended and anticipated outcomes. We suggest that the simplest way to avoid these unintended consequences would be to delete 'English' from the list of mandatory elements across the curriculum in Section 3(2). This would not be detrimental to English as a subject as it is already mandatory within the 'Languages, Literacy and Communication' Area of Learning and Experience.

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 are concerned that there has been no realistic calculation of the time teachers will need to jointly plan the new curriculum for their schools – particularly in the run-up to its introduction, but also for updating and renewing the curriculum in the following period.

Although it is envisaged that most INSET days will be used for curriculum preparation, including an additional day for three years, we are not confident that this will be enough. Given that time to work jointly is required – i.e., across subject areas and age ranges – it is inevitable that non-contact times are what is meant, rather than freeing up time for individual teachers in turn.

There is a desperate need to plan how this might happen and budget accordingly.

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.

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6. Other considerations

6.1 Do you have any other points you wish to raise about this Bill?

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