



Lynne Neagle, MS
Chair
Children, Young People and Education Committee
Welsh Parliament
Ty Hywel
Cardiff Bay
CF99 1SN

11 January 2021

Dear Lynne,

Curriculum and Assessment (Wales) Bill

I would like to thank the Children, Young People and Education Committee for their scrutiny of the Curriculum and Assessment (Wales) Bill during Stage 1 and for the report which was published on 4 December 2020.

I have set out responses to the Committee's recommendations at Annex A. In summary I have accepted (or accepted in part) 54 of the recommendations.

I hope this letter is helpful in setting out responses to the Committee's Report. I will also be writing to the Chairs of the Finance Committee and the Legislation, Justice and Constitution Committee with respect to their Stage 1 Reports, and will copy the letters to all three Committee Chairs.

I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

Yours sincerely,

Kirsty Williams AS/MS
Y Gweinidog Addysg
Minister for Education

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Kirsty.Williams@llyw.cymru
Correspondence.Kirsty.Williams@gov.wales

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.

Annex A: Response to Children, Young People and Education Committee Stage 1 Report Conclusions and Recommendations

Recommendation 1: That the Senedd, taking into account the evidence provided to us as part of our Stage 1 scrutiny and the recommendations we make in this report, agree the general principles of the Curriculum and Assessment (Wales) Bill

I accept this recommendation. We welcome the Committee's agreement to the General Principles of the Curriculum and Assessment (Wales) Bill

Recommendation 2: That the Welsh Government outline, in light of the evidence received as part of our Stage 1 scrutiny:

- **how it has assured itself that the Bill has struck the right balance between local flexibility and national consistency;**
- **what checks and balances it will put in place to monitor and maintain the correct balance, including ensuring individual schools' curricula are appropriate; and**
- **what more it can do to ensure children and young people in settings in all parts of Wales receive a sufficiently consistent (but not necessarily uniform) education offer and thrive under the approach being taken to the new curriculum.**

I accept this recommendation. The Curriculum for Wales Framework provides a robust set of expectations in which schools develop their curriculum. The Framework is determined nationally and includes both the curriculum requirements, which will be set out in legislation, and a range of supporting guidance. This provides subsidiarity but within a wide range of detailed support – more detailed than existing programmes of study.

We have committed to publishing an implementation plan which will set out how we monitor and understand progress and identify issues with implementation. We will also establish a National Network to work closely with a wide range of practitioners to ensure understanding and shared approaches.

Recommendation 3: That the Welsh Government monitor closely and transparently the impact that curriculum reform has on standards, to ensure that it complements the wider school improvement efforts underway. This should draw on expert advice from the OECD and others

I accept this recommendation. This is an important priority for us and will be outlined in the implementation plan.

Recommendation 4: That the Welsh Government monitor closely any variation in the curriculum offer, and any impact that has on particular groups of pupils and schools, addressing early any signs of inadvertently exacerbating inequality and disadvantage.

I accept this recommendation. We will work closely with practitioners and partners through our evaluation steps to be outlined in the implementation plan and the National Network to monitor and address barriers to implementation relating to inequality and inclusivity. I intend to publish the implementation plan in the coming weeks.

Recommendation 5: That the Welsh Government give further consideration to participating in future cycles of the Creativity Thinking element of PISA, in light of the clear read across between it and the new curriculum's approach.

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. We do not intend to participate because ETS, the head PISA international contractor, has advised that we can only do so along with England and Northern Ireland. Both nations have decided not to participate.

ETS' implementation, analysis and reporting procedures are not currently scoped to accommodate a requirement combining some domains and not others, as would be the case if one country alone implemented Creative Thinking.

In addition to there are a number of other reasons why we have decided not to participate in the Creative Thinking option, including, because the assessment will provide limited value for our curriculum and wider schools policy to justify the resource needed to administer it (both schools and contractors/officials).

Recommendation 6: That the Welsh Government set out, as a matter of priority, the principles and reasoning that has guided—and will continue to guide—decisions about what aspects of teaching and learning merit being included on the face of Bill as mandatory elements.

I accept this recommendation. We will shortly provide the committee with a technical briefing paper setting out the rationale for including only a narrow set of specific subjects on the face of the Bill. The breadth and depth of Areas of Learning and Experience is secured through the key concepts when made mandatory in the What Matters Code. There are deliberately only a very small number of subjects that form mandatory elements on the face of the Bill: the four elements which do appear on the face of the Bill are unique in that the Bill needs to mention them in order to address a specific issue or set of circumstances. Extending this to include important aspects of learning such as mental health would not add to the existing requirements of the What Matters Code and would open calls for the bill to expressly list a wide range of critically important subjects and topics. This would undermine the philosophy of the new curriculum.

Recommendation 7: That the Welsh Government amend the Bill to ensure that the What Matters Code (or revised Code) is subject to the enhanced affirmative, rather than the enhanced negative, procedure. The provision in section 72(2) requiring consultation on the What Matters Code (or revised Code) should remain.

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. This is a technical professional document that has been developed in close collaboration with practitioners. Both now and in the future, this Code is the product of co-construction. Opening that to the affirmative procedure calls into question that process. It also raises significant concerns about the validity and trust of that process if practitioners' considered views are then overridden.

The Code is likely to have to be updated in order to respond to changing circumstances in schools in the longer term and we consider that the negative procedure provides the appropriate level of flexibility to allow this to happen in a reasonable timeframe. The key principles are still set out on the face of the Bill – such as the AOLEs themselves and what a curriculum must provide in relation to them. Any changes to the Code would be co-constructed with practitioners, continuing to use their professional judgement and experience.

The Code does not allow us to do certain things which would be considered of special importance such as impose or increase taxation; provision involving substantial Government expenditure; powers to create unusual criminal provisions or unusual civil penalties; or powers to confer unusual powers of entry, examination or inspection, or provide for collection of information under powers of compulsion. None of those matters apply in this instance.

Recommendation 8: That the Welsh Government consider and outline how the legislation can be future-proofed, within reason, to ensure that future regulations do not undermine the principles of the Curriculum for Wales, for example by making the curriculum overcrowded or too prescriptive

I accept this recommendation. This will be critical and we would seek to ensure any policy underpinning regulations was thoroughly tested through co-construction. We will publish details of that at the appropriate time.

Recommendation 9: That the Welsh Government amend the Bill to include specific reference, on its face, to mental health and well-being and its place in the curriculum.

I recognise the intention behind the Committee's recommendation, and accept this recommendation in principle. We will table an amendment to place a duty on prescribed persons carrying out functions and duties under the Bill to have regard to pupils' mental health and emotional well-being. This duty would put mental health in a unique position: signalling it is not simply a critical aspect of what is taught, but a system wide consideration to inform every decision around curriculum. This goes further than simply requiring the teaching of mental health and well-being, which is already secured through the proposed What Matters Code and which would not add anything.

Recommendation 10: That the Welsh Government provide further assurances that explicit references to Welsh history, BAME history, diversity and identity will be made in the suite of Codes and guidance that underpin the Bill.

I accept this recommendation. The What Matters Code and Curriculum for Wales guidance include clear and detailed reference to these and other priority areas, and this will be reviewed. We will work closely with the National Network to ensure these areas are fully considered and understanding shared.

Recommendation 11: That the Welsh Government provide further assurances of how the various items of learning that stakeholders and petitioners have requested are included as mandatory elements on the face of the Bill will be reinforced by this legislation and the suite of Codes and guidance that underpin it.

I accept this recommendation. A number of areas, including Welsh history, mental health and lifesaving skills have been identified by stakeholders and petitioners to the Senedd in Stage 1. Many will or have been considered for inclusion where appropriate in the suite of codes and guidance. We will work closely with the National Network to consider in the context of curriculum implementation how best to embed these important issues in the learning process.

Recommendation 12: That the Welsh Government consider how it can ensure that the place of human rights, including children's rights, is secure in the long-term within the Curriculum for Wales

I accept this recommendation. The Curriculum Framework provides for these and we will work closely with the National Network to review their place and explore how these can be supported.

The statements of what matters in the Humanities AoLE published in January include the need for learners to understand their rights and engage with the concept of rights more generally. We would expect this to be a mandatory part of every school's curriculum.

Supporting this, the proposed Curriculum for Wales published in January provides clear guidance on human rights learning and education. This includes explicit reference to children's rights and the UNCRC and was developed in close collaboration with the Office of the Children's Commissioner.

Head teachers and governing bodies of schools will be obliged to design, adopt and implement a curriculum that includes learning on children's rights and the UNCRC.

Recommendation 13: That the Welsh Government amend the Bill to include, on its face, a duty to have due regard to the UN Convention on the Rights of the Child (UNCRC). Given their respective roles in relation to the Curriculum for Wales, this duty should be placed on all persons listed in section 66(3) of the Bill when exercising any of their functions conferred by or under the Bill

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. The UNCRC is aimed at states and, accordingly, it is for Governments to ensure compliance through their laws, administrative actions and other appropriate measures. This is an important principle and, unless the state is directly providing the service, this Convention is not targeted at frontline providers of service.

A general due regard duty on persons or bodies exercising functions under the Bill would not in itself lead to improved outcomes for children and young people. It would not guarantee a particular action or result and could, in practice, have the opposite effect and work against the well-intended aims of such a duty.

It is specific and practical duties on public bodies that will result in improved outcomes and this is the approach we have taken in the Bill. For example, in relation to the provisions in the Bill concerning pupil choice and the power provided to head teachers to make a determination that the duty to secure teaching and learning does not apply.

If we were to place a due regard duty directly on those exercising functions under the Bill, we risk distracting frontline practitioners from supporting learners by creating layers of red tape and bureaucracy – teachers, schools and governing bodies would have to evidence that they have taken the Convention into account in their interactions with all children and young people with 'better' discernible outcomes for children being questionable. Children's rights are at the forefront of our ambitions for the new curriculum. We think the focus should be on meaningful actions for the benefit of children and young people.

The statements of what matters in the Humanities AoLE published in January include the need for learners to understand their rights and engage with the concept of rights more generally. We would expect this to be a mandatory part of every school's curriculum.

Supporting this, the proposed Curriculum for Wales published in January 2020 provides clear guidance on human rights learning and education. This includes explicit reference to children's rights and the UNCRC and was developed in close collaboration with the Office of the Children's Commissioner.

Head teachers and governing bodies of schools will be obliged to design, adopt and implement a curriculum that includes learning on children's rights and the UNCRC.

Recommendation 14: That the Welsh Government ensure that there is adequate synergy between the Bill, the new curriculum, and the Well-being of Future Generations Act, and that this is reinforced within the What Matters Code and statutory guidance made under the Bill.

I accept this recommendation. The new curriculum is designed so it maximises its contribution to each of the seven well-being goals outlined in the Well-being of Future Generations Act 2015. The impact assessment published alongside the Bill and Explanatory Memorandum outlines in some detail the contributions it will make.

These will be reflected in the codes and statutory guidance.

The Implementation Plan will set out how the Framework will contribute to the realisation of the goals and how this will be supported by the efforts of government and enabling partners. Through the National Network we will consider with practitioners how these synergies can be maximised.

Recommendation 15: That the Welsh Government amend the Bill to resolve concerns about the impact on immersion in the Welsh language up to age 7 (prior to Year 3), noting that the Minister intends to table an amendment removing English as a mandatory element for this age group

I accept this recommendation. We will amend the Bill so that English becomes mandatory from age 7 to 16. Under the Bill Welsh will continue to be a mandatory element for 3 to 16 in all schools.

Recommendation 16: That the Welsh Government work closely with the Welsh Language Commissioner to address his concerns about the Bill, the delivery of the single continuum and the Welsh Government's wider Cymraeg 2050 aims. This should include consideration of amending the Bill to require the Welsh Ministers to issue a statutory Code for the teaching and learning of Welsh under the curriculum, or strengthening the provisional guidance on how schools are expected to deliver the single learning continuum and contribute to the Cymraeg 2050 agenda

I recognise the intention behind the Committee's recommendation, and accept this recommendation in part. We will continue to work closely with the Welsh Language Commissioner and other stakeholders in relation to a Welsh Language continuum and Cymraeg 2050. This will be a priority in our curriculum implementation plan.

The new Curriculum for Wales framework sets out expectations of learners' development of their Welsh language skills and through the National Network all schools will be supported to design their own curriculum to include this. We do not accept the need to issue a Statutory Code for the teaching and learning of Welsh. The specification of Welsh language from 3 on the face of the Bill provides a clear signal as to the priority that we give to this and the government's commitment to progressing this work. The philosophy underpinning the Bill is to retain the educational framework whilst removing the prescription for schools.

Recommendation 17: That the Welsh Government work closely with Qualifications Wales and other relevant partners to ensure appropriate qualifications in Welsh are

developed and made available to align with the single continuum for teaching and learning this mandatory element

I accept this recommendation. The introduction of a single continuum via the Curriculum for Wales provides an opportunity to consider the appropriate qualifications for Welsh. As the regulator Qualifications Wales will lead that work but we will of course work with them and relevant stakeholders in developing qualifications for the new curriculum. Our response to recommendation 55 has further detail about the timing of Qualifications Wales' consultation process.

Recommendation 18: That the Welsh Government take forward expeditiously work to revise school language categories and consider placing these on a statutory footing, in order to support the understanding and implementation of the continuum for learning Welsh in different schools

I acknowledge the intention behind the Committee's recommendation, and accept in part and the rest of this recommendation in principle. We will be launching a consultation on the draft non-statutory guidance for categorising schools according to their Welsh-medium provision on 14 December until 26 March 2021. The draft non-statutory guidance should be seen as an overarching framework for schools and local authorities to increase the amount of Welsh language instruction in schools. Further guidance may be needed to provide individual schools with additional support on what increasing Welsh medium provision within a school means on a practical level. A view on this is being sought in the consultation. Naturally we will carefully consider all responses post-consultation and refine the guidance as necessary. We recognise that any adjustments to the proposed arrangements for categorising schools will need to be aligned with the new Curriculum as it develops further.

We accept in principle the recommendation to make the language categories statutory. This would require legislation and therefore it will be a matter for the next Government and Senedd.

Recommendation 19: That the Welsh Government ensure that the required scale of planning, funding and training is provided to support the effective implementation of the single continuum for the teaching and learning of Welsh under the new curriculum.

I accept this recommendation. Professional learning is a key feature of our approach to strengthening Welsh-medium teaching capacity and improving the skills of teachers to teach Welsh as part of the new curriculum and this work is already underway. We continue to support practitioners to develop their Welsh language skills and their ability to teach Welsh in accordance with the Professional Standards for Teaching and Leadership through the sabbatical scheme and support delivered by the regional consortia and in conjunction with other stakeholders.

Recommendation 20: That the Welsh Government work with Estyn to ensure that monitoring and inspection of educational settings' implementation of the RSE Code is a key feature of the inspectorate's future work programme

I accept this recommendation. In line with their remit, we would expect Estyn to consider all legislative requirements of the new curriculum during their monitoring and inspection of educational settings. RSE would fall into this requirement.

Recommendation 21: That the Welsh Government, to inform schools' important work to prepare for the Bill's commencement and Members' tabling and consideration of amendments, make available before the start of Stage 3, the draft RSE Code.

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. The draft RSE code is being co-constructed with practitioners, stakeholders and experts. The timeline of this work has changed due to COVID restrictions and the remote meeting environment. We are keen that this process progresses at an appropriate pace so that the outcome is fully considered and developmentally appropriate. We are undertaking a range of work to support understanding of the approach to RSE. Work on the code and statutory guidance will continue until the end of March 2021.

Recommendation 22: That the Welsh Government amend the Bill to ensure that the RSE Code (or revised Code) is subject to the enhanced affirmative, rather than the enhanced negative, procedure. The provision in section 72(2) requiring consultation on the RSE Code (or revised Code) should remain

I accept this recommendation. We accept the need for the affirmative procedure and the Bill already provides for statutory consultation on the Code. We consider this important as the RSE code will have wider public interest beyond the professional and technical elements in the What Matters and Progression Codes. As such, we consider that an aligned process with the Senedd is appropriate. Both the RSE Code, and statutory guidance will be subject to a public consultation in summer 2021.

Recommendation 23: That the Welsh Government work with the RSE Working Group to provide, in readiness for the Bill's implementation, a framework outlining the core professional learning, resources and specialist support likely to be needed to deliver developmentally appropriate teaching of RSE from ages 3-16 under the new curriculum.

I accept this recommendation. The role of the RSE Working Group is to inform and assist with the design of the new RSE code and statutory guidance, working closely with practitioners on its re-drafting. The group will also consider and advise on pedagogy, resources and professional learning requirements for RSE required to support the delivery of RSE within the new curriculum.

As part of our co-construction work with practitioners and other stakeholders, we will develop a clearer understanding of the likely costs of implementation. The Curriculum Implementation Plan and research and evaluation programme will identify the need for additional resources and any cost implications. Given that the approach is being worked on with our stakeholders on an ongoing basis, we will provide an update to the Senedd when the work is complete later in 2021.

Recommendation 24: That the Welsh Government, as a matter of urgency, launch a myth-busting campaign about the RSE that will be delivered as a result of this Bill. This campaign should:

- **challenge the misinformation currently circulating about RSE;**
- **seek to reassure parents about RSE's developmentally appropriate content and approach; and**
- **explain why it is important for all children and young people to be taught RSE.**

I accept this recommendation. We recognise the need to develop accurate and positive messaging highlighting the importance of RSE to counter the misinformation. This will start

from early 2021 and we are developing communication material to offer accurate information to schools, parents and communities across Wales. The messaging will focus on safeguarding, ensuring learners are safe and supporting them to develop healthy personal relationships; and the importance of developmental appropriateness.

Recommendation 25: That the Welsh Government, to inform schools' important work to prepare for the Bill's commencement and Members' tabling and consideration of amendments, make available before the start of Stage 3, the draft RVE guidance

I accept this recommendation. The draft RVE Guidance has been co-constructed with stakeholders and partners and a draft will be made available before the start of Stage 3. Our plan is to consult on the guidance in late Spring 2021.

Recommendation 26: That the Welsh Government further explore and clarify during the Stage 1 debate whether it would be possible to amend Schedule 1 to the Bill so that there is consistency between how the different categories of school take account of the agreed syllabus when designing and implementing the mandatory element of RVE in the school curriculum.

I accept the Committee's recommendation, however, time did not allow for clarification during the Stage 1 debate. The amendment on requirements for agreed syllabus implementation in Voluntary Aided (VA) schools is being taken forward, to ensure every school has the same duty to "have regard" to an agreed syllabus when providing denominational RVE at the request of the parent.

Recommendation 27: That the Welsh Government clarify, during the Stage 1 debate, why the Bill does not include a right for learners of sufficient maturity to choose the RVE provision they receive where a choice exists.

I accept the Committee's recommendation, however, time did not allow for clarification during the Stage 1 debate. The position is that up to the age of 16 parents will make the choice for their child, however at post 16 the choice to continue being taught about RVE will rest with the young person.

We are satisfied that this approach is compatible with the rights protected by the Human Rights Act 1998 (principally Article 2 Protocol 1 and Article 14 when read together with Article 2 Protocol 1). Children in the 6th form will be over 16 and that is an age at which society recognises that children are competent to make their own choices in various respects. We do not consider that it is problematic that the UK legislation takes a blanket approach in this respect (as opposed to, for example, assessing the maturity of particular children to make the relevant choice). The difficulties that we anticipate are inherent in and arise out of determining whether a particular child is competent to choose not to attend an act of collective worship, provides a good basis for an argument that this is a situation in which it is proportionate to draw a "bright line" between sixth-formers and non-sixth-formers.

Recommendation 28: That the Welsh Government further explore, in consultation with the Children's Commissioner for Wales, the options available to maximise the opportunities to further realise the rights of children in relation to the Bill's provision for the mandatory element of RVE, providing an update on this during the Stage 1 debate.

I accept the Committee's recommendation, however, time did not allow for clarification during the Stage 1 debate. We will discuss with Children's Commissioner for

Wales although the development and content of the RVE syllabi will be developed by teachers with regard to the agreed syllabus.

Recommendation 29: That the Welsh Government explore options to amend the Bill to refer to religious traditions and non-religious philosophical convictions in “Wales” as opposed to “Great Britain”, given that this is a bespoke curriculum for Wales.

I accept this recommendation. We will amend the Bill accordingly.

Recommendation 30: That the Welsh Government continue with its plan to change the title of Standing Advisory Committees on Religious Education (SACREs) to reflect the new RVE mandatory element in the curriculum, but that consideration be given to addressing concerns raised about the need to be clear about what Standing Advisory Committees (SACs) exist to advise on

I recognise the intention behind the Committee’s recommendation, however, I do not accept this recommendation. The legislation around the SACREs is not part of the Curriculum and Assessment (Wales) Bill. A review of SACRE including change of name is an issue for a future government.

Recommendation 31: That the Welsh Government continue with its plan for the Bill to place a requirement on local authorities “to include in their Agreed Syllabus Conferences a group of persons to represent such non-religious philosophical convictions as, in the opinion of the authority, ought to be represent[ed]”, but that consideration be given to addressing concerns raised (from religious, non-religious and advisory groups) about the balance and fairness of the composition of SACs and ASCs, particularly in relation to voting rights

I accept this recommendation. The Bill already ensures that persons representing non-religious philosophical convictions will in the opinion of the authority be represented. However, in addition to the current Bill provisions we will provide guidance to LAs on membership of SACREs and Agreed Syllabus Conference to ensure fairness, appropriate representation, whilst also having the least impact on constitution of SACREs.

Recommendation 32: That the Welsh Government work with relevant and expert representatives in the education sector to provide, in readiness for the Bill’s implementation, a framework outlining the core professional learning, resources and specialist support likely to be needed to deliver the necessarily objective, critical and pluralistic teaching of RVE under the new curriculum.

I accept this recommendation. Professional learning is critical to ensure awareness and engagement of all practitioners with the new curriculum and to equip practitioners with the appropriate skills in relation to a purpose-led curriculum. As such we will continue to provide support for Professional Learning during the transition and implementation periods.

We recognise additional support will be required to commission robust and purposeful professional learning for teaching practitioners to increase their skills in this and other very important new areas of learning. We will continue to review teaching and learning resources currently available to support teaching across the areas of learning; advising on the commission of new learning resources; and reviewing and building on existing provision.

We are also in discussions with WASACRE on professional learning requirements for RVE and we are providing support to develop frameworks to support the delivery of denominational Religion values and ethics in Church in Wales and Catholic schools and

ensure that the discipline of religious education is delivered in accordance with the trust deeds of the school and the tenets of the Church.

Costs will be monitored and reviewed as part of the Research and Evaluation programme.

Recommendation 33: That the Welsh Government work at pace to make the early years curriculum available, to maximise the time settings have to prepare for its implementation. Relevant stakeholders must be closely involved in its development.

I accept this recommendation. We are working closely with stakeholders from the non-maintained sector, including practitioners and early years advisory teachers to co-construct an inclusive, quality assured curriculum and assessment framework for learners accessing education in non-maintained settings. This is a core part of the learning and consultative engagement process.

We intend to use the summer term 2021 to pilot the draft curriculum and assessment arrangements, alongside a public consultation to ensure the sector and others are fully and effectively engaged before the final curriculum and assessment framework is published during the autumn term.

Recommendation 34: That the Welsh Government undertake work to estimate the Bill's cost implications for funded non-maintained nursery settings, and provide this to the Senedd to aid its consideration of the Bill.

I accept this recommendation. As part of our co-construction work with practitioners on the early years curriculum, we will develop a clearer understanding of the likely costs of implementation. We will continue to work with all schools and settings as part of the Implementation Plan and research and evaluation programme and costs will be monitored and reviewed as part of this. Given that the approach is being worked on with our stakeholders on an ongoing basis, we will provide an update to the Senedd later in 2021.

Recommendation 35: That the Welsh Government proceed at pace with its work to develop supplementary guidance to support children's progression and assessment prior to age 5, and consider the need for—and purpose of—an earlier progression step on its proposed continuum of learning than age 5.

I recognise the intention behind the Committee's recommendation, and accept this recommendation in part. Following the publication of the Curriculum for Wales Framework in January, there was an identified need for more detailed guidance to support practitioners working with learners in the period of learning leading to progression step 1. We have worked closely with a range of stakeholders, including head teachers, special schools, non-maintained practitioners, early years advisory teachers and academics to co-construct additional guidance to meet this need.

This Enabling Pathways guidance will form part of the Curriculum for Wales Framework and will be for use by all practitioners working with learners who are, developmentally, in the period of learning leading to progression step 1, regardless of their chronological age. This might include some non-maintained settings, schools, special schools and some PRU/EOTAS settings. The guidance will be clearly and explicitly linked to the four purposes of the curriculum, the AoLEs and the statements of what matters to ensure learners are able to move seamlessly along the continuum into the progression steps. Due to the development of this guidance an earlier progression step is not considered necessary. The draft Enabling Pathways guidance will be published for consultation during the summer term 2021 with the final version made being made available during the autumn term.

Recommendation 36: That the Welsh Government, in light of the Curriculum for Wales's new approach, undertake further work to ensure that learners' transitions between age 3-16 education and post-16 education and training are as effective and seamless as possible. This needs to be considered from the perspective of this Bill and any future reform of post-compulsory education and training.

I accept this recommendation. To support continuity of learning post 16 we need a post compulsory education and training system that aligns with our values and objectives as set out in Our National Mission and the recently published Vision for post-16 that supports the four purposes that underpin the Curriculum for Wales.

We recognise that there needs to be a smoother transition between schools and colleges and between vocational and academic routes. This is an issue that the implementation plan will identify for the National Network to consider and we will work closely with the post 16-education sector to achieve this.

The research and evaluation programme, as explained in Chapter 11 of the Explanatory Memorandum, will examine how well the aims of the reforms are being met, including the key aims that each school's curriculum will meet the needs of all learners, that learners will be ready to learn throughout their lives, and to play a full part in life and work. The programme will extend past 2030 and will look at the longer term outcomes for learners beyond statutory schooling, into further and higher education and employment.

Recommendation 37: That the Welsh Government amend the Bill to require schools to provide RSE to sixth form pupils who request it.

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. The priority age group is 3-16, so by the time the learner is 16 they have the necessary learning during their compulsory schooling. The RSE guidance will support post-16 providers on RSE and other health and well-being matters, as part of their wider duty care and pastoral duties. Whilst there is a different approach to RVE, the position for RSE in 6th forms will be the same for RSE for students in FEIs.

Recommendation 38: That the Welsh Government must fully ensure that the new curriculum is ambitious about the learning and life-chances of learners who are EOTAS, through the provisions of the Bill and the forthcoming statutory guidance on implementation of the new curriculum in EOTAS settings

I accept this recommendation. The statutory guidance will be published specifically for PRUs and EOTAS settings and this guidance is being developed in partnership and through co-construction by practitioners and others with experience and expertise in this area. We are clear within this statutory guidance that all EOTAS settings should aim to develop innovative, creative curriculum design that provides all learners with pathways which are secure, appropriate, coherent and aspirational.

It is proposed in the new curriculum that PRUs must provide learning which enables learners to develop in the ways described by the four purposes: that it is suitable for the learners' ages, abilities and aptitudes; offers appropriate progression and is broad and balanced. It must also make provision for teaching and learning that develops mandatory cross curricula skills that are vital to the life chances of learners and also encompasses health and wellbeing and relationship and sexuality education learning.

In 2019/20, £24m was made available to schools through the professional learning grant and an additional £180,000 was allocated to all PRUs in Wales to ensure that they are able to access the professional learning required to lead a profound transformation in the way our practitioners and leaders think about their professional learning in light of the new curriculum. A further £7m has been made available to schools and PRUs in 2020-2021

Recommendation 39: That the Welsh Government must fully ensure the new curriculum has a personalised approach to tailor the curriculum provided to learners in EOTAS settings (e.g. provision that pays attention to their ALN, considers emotional, social and behavioural difficulties, or recognises medical factors). This should be achieved through the provisions of the Bill and the forthcoming statutory guidance on implementation of the new curriculum in EOTAS settings.

I accept this recommendation. The new curriculum enables a tailored approach for learners which is outlined in our statutory guidance to practitioners. The curriculum in EOTAS settings will be planned, designed and implemented in collaboration with the learner, provider, school and parents/carers and will focus specifically on the needs of that learner. It will also support the learner for reintegration back into mainstream education and enable them to progress further into the next stage of education or the world of work.

One of the key principles of the new statutory guidance for EOTAS settings is that curriculum planning, design and implementation must facilitate the well-being of each learner. Learning should support learners' mental, emotional, physical and social well-being. Well-being is a critical enabler of learning – learners who are not content, safe and secure will not learn effectively.

We are clear that EOTAS has been designed for short-term placements to support learners to return to mainstream education although we recognise that some learners will remain in EOTAS for the duration of their compulsory education.

Recommendation 40: That the Welsh Government must fully ensure the curriculum provided in EOTAS settings enables learners' re-integration into mainstream school, where this is appropriate and possible, through the provisions of the Bill and the forthcoming statutory guidance on implementation of the new curriculum in EOTAS settings.

I accept this recommendation. The additional statutory guidance states that the new curriculum will be planned, designed and implemented to provide support for the reintegration of learners receiving EOTAS into mainstream or specialist provision, and/or for enabling them to progress towards further education, training or the world of work.

We are developing EOTAS Referral and Commissioning Guidance that will provide advice on our expectations surrounding reintegration. Furthermore, curriculum planning will be based on learner needs and can be changed and updated over time to reflect changing needs and priorities.

Recommendation 41: That the Welsh Government clarify what mechanisms exist for parents and learners to challenge the curriculum that is offered for learners who are EOTAS in the event they do not believe it complies with the requirements under the Bill.

I accept this recommendation. There are existing mechanisms for parents and/or pupils to challenge the curriculum provision in PRUs. Schedule 1 of the Education Act 1996 provides that each LA must make arrangements for the consideration and disposal of any complaint

to the effect that the authority, or the teacher in charge of any pupil referral unit in Wales have acted or are proposing to act unreasonably with respect to the exercise of any power conferred, or the performance of any duty imposed, on them in respect of the provision of the curriculum or that they have failed to discharge any such duty.

If they remain dissatisfied after referring the matter to the LA they can ask the Welsh Ministers to exercise their powers of intervention in Part 2 of the School Standards and Organisation (Wales) Act 2013 if they consider that any of the Grounds of intervention set out there are engaged.

For non-PRU EOTAS the challenge would be to the LA who made the arrangements.

Recommendation 42: That the Welsh Government clarify how “capacity to understand” is to be interpreted for the purposes of the Bill. This could include guidance on the factors head teachers and governing bodies should take into account when deciding whether a pupil has capacity to understand.

I accept this recommendation. We intend to include clarification on this in the statutory guidance currently being developed for head teachers and governing bodies.

Recommendation 43: That the Welsh Government explain the reasons why additional exceptions to curriculum requirements under regulations made under section 50 will not necessarily be conditional on the general curriculum requirements being met, unlike exceptions provided for by other sections of the Bill.

I accept this recommendation. It is not practical or appropriate to compel education practitioners to fulfil the general curriculum requirements in all cases. There are exceptional circumstances where teaching and learning cannot practically meet the general curriculum requirements, including enabling pupils or children to fully develop in ways described in the four purposes. For example, if a child is seriously ill they may only receive limited education that is sufficient to keep them engaged but not enough to satisfy the basic concepts in the Bill. These powers enable the Welsh Ministers to confer a discretion on head teachers and other education providers to manage appropriate provision in such limited cases.

Recommendation 44: That the Welsh Government:

- **provide assurances that the curriculum framework will ensure a sufficiently broad offer for 14 to 16 year olds, with a wide range of course options available, including vocational courses; and**
- **monitor this situation closely and keep under consideration the need to promptly make regulations specifying further requirements as may be necessary.**

I accept this recommendation. The Bill requires that at 14 to 16 pupils must study something from each of the AOLES and all of the mandatory elements. If the Welsh Ministers become aware of any narrowing of the curriculum offer for this cohort they may make regulations under section 25 of the Bill. Section 25 confers power on the Welsh Ministers to specify further requirements for a curriculum for 14-16 years olds.

The power in section 25 can be used to require something to be included in a curriculum, or to require something not to be included. Should there be evidence that some schools are offering a narrow curriculum to this age group, or are not providing courses of study that lead to certain qualifications then this power can be used to address the position.

The research and evaluation programme, as summarised in Chapter 11 of the Explanatory Memorandum, includes tasks to identify and monitor both benefits and unintended impacts of the reforms, and ensure they are brought to the attention of Ministers.

Recommendation 45: That the Welsh Government monitor closely how the power given to head teachers in section 33 is used and ensure, including through the statutory guidance underpinning the curriculum, that it is not used to unnecessarily deny pupils' choices nor inhibit high aspirations for all learners.

I accept this recommendation. This will form part of the Post Implementation Review set out in Chapter 11 of the Explanatory Memorandum, which will be an ongoing process of learning, including an evaluation of the impacts of the new curriculum. Also set out in Chapter 11 is the intention of conducting a research and evaluation programme, which will identify how high quality evidence about the implementation and impacts of the reforms can be reliably collected and presented. Finally, the encouragement of high aspirations amongst all learners and the design of inclusive curricula in which all can participate, are fundamental aims of the reforms.

The research and evaluation programme, as summarised in Chapter 11 of the Explanatory Memorandum, includes tasks to identify and monitor both benefits and unintended impacts of the reforms, and ensure they are brought to the attention of Ministers.

Recommendation 46: That the Welsh Government:

- **ensure that both the strategic approach to the Curriculum for Wales and its implementation fully support the interests of pupils with Additional Learning Needs and disabilities, and are consistent with the provisions of the Additional Learning Needs and Education Tribunal (Wales) Act 2018; and**
- **monitor this situation closely and consider strengthening the references to ALN and disabilities in guidance on curriculum implementation.**

I accept this recommendation. The ALN system and Curriculum for Wales are based on shared principles and both are designed to deliver an inclusive and equitable education system. The ALNET Act contains duties about the inclusion of children within mainstream maintained schools and about their inclusion in the activities of such a school alongside children who do not have ALN (see sections 51 and 52 of ALNET). Further, the design of the Curriculum for Wales and the principle of learner progression along a continuum of learning from 3-16 will help to remove barriers that society itself places to learning that children with ALN must overcome in order to achieve their potential.

The AoLEs have been designed to be accessible and inclusive for all learners including those with ALN and provide greater scope for staff to use their knowledge of a child's skills and abilities to identify and implement ways of providing appropriate and tailored access to the curriculum for children with ALN. Curriculum guidance includes specific guidance on ALN in the curriculum and officials continue to work together across the Education Directorate to help ensure alignment between the new ALN system, curriculum reform and the broader professional learning programme.

The research and evaluation programme, as summarised in Chapter 11 of the Explanatory Memorandum, includes tasks to identify and monitor both benefits and unintended impacts of the reforms, and ensure they are brought to the attention of Ministers.

Recommendation 47: That the Welsh Government amend the Bill to include, on its face, a duty to have due regard to the UN Convention on the Rights of Persons With Disabilities (UNCRPD). Given their respective roles in relation to the Curriculum for

Wales, this duty should be placed on all persons listed in section 66(3) of the Bill when exercising any of their functions conferred by or under the Bill.

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. The Bill has been developed to be fully inclusive and regardless of a child's abilities they are entitled to teaching and learning under the Curriculum for Wales. There are further protections in the Equality Act 2010 under which claims for disability discrimination in schools are heard in the Education Tribunal.

The UNCRPD like the UNCRC is aimed at states and, accordingly, it is for Governments to ensure compliance through their laws, administrative actions and other appropriate measures. This is an important principle and, unless the state is directly providing the service, this Convention is not targeted at frontline providers of service.

A general due regard duty on persons or bodies exercising functions under the Bill would not in itself lead to improved outcomes for children and young people. It would not guarantee a particular action or result and could, in practice, have the opposite effect and work against the well-intended aims of such a duty. It is specific and practical duties on public bodies that will result in improved outcomes and this is the approach we have taken in the Bill. For example, in relation to the provisions in the Bill concerning pupil choice and the power provided to head teachers to make a determination that the duty to secure teaching and learning does not apply.

If we were to place a due regard duty directly on those exercising functions under the Bill, we risk distracting frontline practitioners from supporting learners by creating layers of red tape and bureaucracy – teachers, schools and governing bodies would have to evidence that they have taken the Convention into account in their interactions with all children and young people with 'better' discernible outcomes for children being questionable.

Recommendation 48: That the Welsh Government develop the Progression Code with a view to promoting the highest aspirations for all learners, supporting them to reach their full potential.

I accept this recommendation. The Welsh Government published the draft Progression Code in January 2019 to promote the highest aspirations for all learners, supporting them to reach their full potential.

Recommendation 49: That the Welsh Government amend the Bill to ensure that the Progression Code is subject to the enhanced affirmative, rather than the enhanced negative, procedure. The provision in section 72(2) requiring consultation on the Progression Code (or revised Code) should remain.

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. This is a technical professional document that has been developed in close collaboration with practitioners. Both now and in the future, this code will be the product of co-construction. Opening that to the affirmative procedure calls into question that process. It also raises significant concerns about the validity and trust of that process if practitioners' considered views are then overridden.

The Code is likely to have to be updated in order to respond to changing circumstances in schools in the longer term and we consider that the negative procedure provides the appropriate level of flexibility to allow this to happen in a reasonable timeframe. Any changes to the Code would be co-constructed with practitioners, continuing to use their professional judgement and experience.

The code does not allow us to do certain things which would be considered of special importance such as impose or increase taxation; provision involving substantial Government expenditure; powers to create unusual criminal provisions or unusual civil penalties; or powers to confer unusual powers of entry, examination or inspection, or provide for collection of information under powers of compulsion. None of those matters apply in this instance.

Recommendation 50: That the Welsh Government amend section 58(1) of the Bill to delete “may” and replace with “must”.

I accept this recommendation. We will be making regulations in order to implement the new assessment arrangements effectively and are content to put this beyond doubt through an amendment.

Recommendation 51: That the Welsh Government amend the Bill to ensure that regulations made under section 58 regarding assessment arrangements are subject to the affirmative procedure.

I recognise the intention behind the Committee’s recommendation, however, I do not accept this recommendation. The subordinate legislation made under this section will prescribe operational and technical detail and therefore we consider that the negative procedure is appropriate. Also the regulations currently prescribing assessment arrangements under Section 108 of the Education Act 2002 follow the negative procedure. The approach taken in this Bill is consistent with that.

The detail of those regulations is technical and is often updated to reflected evolving practice in this area. Applying the negative procedure will allow the Welsh Ministers to respond more quickly to those changes. Finally we would like to note that the regulations will not deal with matters with structural or financial implications such as imposing fines or amending primary legislation.

Recommendation 52: That the Welsh Government provide an update, in readiness for the Bill’s implementation, on the ongoing work beyond the Bill to reform school accountability arrangements and explain how they will align with the new curriculum.

I accept this recommendation. We set out in ‘Our national mission update’ an intention to produce non-statutory school improvement guidance. The guidance will formalise and consolidate our thinking of how the evaluation, improvement and accountability framework will work and align to the Curriculum for Wales. We will be setting out, to schools and the middle tier, a coherent and consistent approach to school improvement and accountability, in one over-arching piece of guidance, for the first time. Officials have been working with a broad group of stakeholders to develop the guidance and will be undertaking a public consultation early in the New Year with the intention of producing guidance to be used from September 2021.

Recommendation 53: That the Welsh Government ensure that teacher assessment and feedback to learners are a key focus of the assessment guidance to be issued alongside the new curriculum.

I accept this recommendation. We have published comprehensive as part of the Curriculum for Wales guidance,

Recommendation 54: That the Welsh Government clarify whether the guidance to be issued on assessment will be statutory, and if it is not statutory, consider whether it needs to be.

I accept this recommendation. The guidance to be issued on assessment will be statutory.

Recommendation 55: That the Welsh Government work with Qualifications Wales to proceed with pace on the work to reform qualifications, ensuring maximum alignment between the qualifications available to 16 year olds and the Curriculum for Wales.

I accept this recommendation. The Curriculum for Wales provides a fresh opportunity to consider the role and nature of qualifications taken by 16 year olds and Qualifications Wales has been an active participant in the development of the Curriculum for Wales and continues to be so, in order to ensure alignment. They are also bringing together further alignment between their sector review work and work on developing qualifications to support the new curriculum.

Qualifications Wales is delivering a three-stage consultation programme to revise and reform the qualification offer to ensure it aligns with the Curriculum for Wales. The first of these considered the principles that should shape the future range of qualifications for 16-year-olds concluded in February 2020. The next phase which will consider the main qualifications that should be available for 16-year-olds to study will start early in the New Year 2021. This looks at which made in Wales qualifications are required after which the consultation will look at how they are designed and assessed. New qualifications will be available for first teaching in 2025 with first exams in 2027.

Qualifications Wales are also reviewing lessons from the pandemic in terms of consideration of digital assessments and more on-going and/or continuous assessments.

Recommendation 56: That the Welsh Government closely monitor and support the work of Qualifications Wales in reforming qualifications to align with the Curriculum for Wales and, whilst maintaining Qualifications Wales' role as an independent regulator, provide clear leadership and direction to ensure this work remains on track.

I accept this recommendation. The Welsh Government works closely with Qualifications Wales to support the reform of qualifications and ensure alignment with the Curriculum for Wales. Robust accountability arrangements are in place to provide oversight of delivery and manage key risks.

Recommendation 57: That the Welsh Government, in light of our conclusion that the potential barriers identified as part of our Stage 1 scrutiny pose significant risks to the Bill's successful implementation:

- **proceed at pace with its intention to review the 'Curriculum for Wales: The journey to 2022' document and use the learning from that exercise, and any further advice from the OECD, to inform the implementation of the Bill (including the relevant timescales); and**
- **set out the steps it will take to satisfy itself and stakeholders that all settings will be able to implement this legislation effectively from day one.**

I accept this recommendation. We published the Journey to 2022 in October, based on collaboration with regional consortia and Estyn. We will continue to monitor and review this regularly.

As set out in the update to Our National Mission, we are developing an implementation plan to set out the steps the system will take to support all settings to implement the legislation effectively from the beginning of rollout. This has been co-developed with regional consortia and Estyn. This will be supported by a National Network which will bring policy makers, enabling partners and practitioners together to understand and better address schools' challenges and barriers to implementation. This will continue to be based on co-construction, collaboration and engagement. The implementation plan will also set out arrangements for evaluating the process of curriculum reform. We will look to publish this implementation plan in early 2021.

We all recognise the significant impact of the pandemic on schools, but as Estyn has confirmed there remains a lot of enthusiasm and support for curriculum reform. Estyn also advises that important gains have been made by schools in their planning and provision of learning since March.

Recommendation 58: That the Welsh Government, taking account of the impact of COVID-19, provide assurances before the end of the Bill's passage through the Senedd that it will:

- **assess the extent to which professional learning and development opportunities have been affected by the pandemic;**
- **commit to providing the substantial additional support we believe will be needed to make up for the impact of the pandemic on professional learning and development; and**
- **provide an update on how peer-to-peer and cluster work is supporting professional learning and development, and to what timescales**

I recognise the intention behind the Committee's recommendation, and accept this recommendation in principle. In regard to assessing the extent to which professional learning and development opportunities have been affected by the pandemic we continue to work with regional consortia, professional learning leads and other stakeholders to fully scope and understand the impact of the pandemic on professional learning. We have continued to meet with groups established as part of our "Continuity of Learning" response to understand and share intelligence in regard to ongoing Professional Learning (PL). We are aware of continued and sustained engagement in PL by schools throughout the pandemic. While a focus of that PL has been the skills and technologies necessary to respond to remote and blended learning, schools and practitioners continue to engage in programmes such as the National Professional Enquiry Programme. We will continue to provide feedback and assurance on progress in this area.

PL has seen the largest investment since devolution (with some £31million being made available directly to schools over the last 30 months). It is clearly recognised that investment in PL is a critical element in the realisation of the new curriculum, and that time and space is necessary for schools and practitioners to engage. We will continue to keep under review the investment in PL in light of emerging evidence. We will provide an update on the peer to peer and cluster work in due course.

The Welsh Government will continue to work with all schools and settings as part of the Implementation Plan and research and evaluation programme. Costs will be monitored and reviewed as part of this.

Recommendation 59: That the Welsh Government provide assurances about how plans for engagement, co-construction, collaboration and communication relating to

the implementation of the new curriculum have been—and will be—adjusted to take account of COVID-19's impact.

I accept this recommendation. We have worked closely with stakeholders to understand the impact and implications of COVID-19. The Journey to 2022 was revised in light of this, and is clear in respect of the ways of working we expect to see across the education system in taking curriculum reform forward. It also made clear our recognition that the impact of the pandemic means schools will be at different points on their curriculum journeys, and that the pace and focus of activity will naturally vary across schools.

The Implementation Plan will account for the difficult context for the profession brought about by COVID-19's impact. It will do this by detailing clearly what support schools can expect from the Welsh Government and its partners through the implementation phase, and when they can expect it.

Similarly, we will ensure that the design of the National Network – which will address barriers to implementation through co-construction – accounts for the impact of the pandemic. We will ensure that schools are not required to engage right away, but that they are fully supported to do so when they are better able to engage and that we are taking a prioritised and clear approach to ensure that schools can engage as effectively as possible when they are able.

Recommendation 60: That the Welsh Government undertake further work to ensure that, as part of the preparation for—and roll out of—this legislation, external expertise is sought to inform schools' curricula and educational resources. New materials and resources, in both languages, should be developed nationally but be suitable for local adaptation, in keeping with the subsidiarity principle that underpins the Curriculum for Wales.

I accept this recommendation. Part of the work of the National Network will be to inform and shape the resources and supporting materials needed to support schools and practitioners. This will, as the Committee says, need to recognise and support the principle of subsidiarity while also providing appropriate support for schools. We agree on the importance of engaging a range of external expertise to support this work.

A new infrastructure to ensure the availability of high quality educational resources in Welsh and English is being developed. This will include identifying resources to meet the requirements on a national and local level. Education practitioners will be central to this pan-Wales approach which will involve content creators and publishers from all sectors.

Recommendation 61: That the Welsh Government undertake, before the start of Stage 3, an assessment of the feasibility of the planned timescales for the implementation of the curriculum. In making this recommendation we emphasise that we do not believe the timetable for the Bill should change, nor are we concluding that a delay to the implementation timescales is necessary, merely that it is prudent—in light of the impact of the COVID-19 pandemic—to consider what is feasible.

I recognise the intention behind the Committee's recommendation, and accept this recommendation in principle. Through the National Network, we will work closely with practitioners and other key stakeholders to understand the barriers to implementation and the potential impact of these and co-construct support to ensure that the barriers are addressed. We have monitored the situation closely and at present the overall timescales remain realistic.

Recommendation 62: That the Welsh Government amend the Bill to include a duty on the Welsh Ministers to review the implementation of the Bill and its provisions.

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. Through the curriculum implementation plan, we will set out our plans for evaluating the progress and success of the reforms over the short, medium and long term. This will use the National Network as the vehicle for understanding the progress and implementation of the reforms. A legislative requirement is not necessary as this will be done in co-construction with practitioners rather than undertaken solely by the Welsh Ministers.

Recommendation 63: That the Welsh Government, before publishing a revised Explanatory Memorandum after Stage 2, and with a view to estimating more representative and accurate costs, undertake further work on the RIA. This should draw on information from schools that have not been engaged in the development of the new curriculum to the same extent as Innovation Schools.

I recognise the intention behind the Committee's recommendation, however, I do not accept this recommendation. Our work with Innovation Schools to assess costs revealed clearly that estimating the costs to schools requires a depth of understanding by each school of the reforms and their implications, consideration of the professional learning needs of practitioners, and estimation of the changes that will need to be made. It will not be possible to undertake and complete this task meaningfully ahead of Stage 3, and without placing a significant burden on schools.

The research and evaluation programme, set out in Chapter 11, and explained in more detail in response to recommendations 1 and 9 will assess emerging costs and other support needs amongst a representative sample of schools, as the wider sector grows more confident about the requirements and their professional learning and other resource implications.

Through this work, we commit to providing an update to the Senedd later in 2021.

Recommendation 64: That the Welsh Government ensure that the RIA is updated with the information on costs provided by key stakeholders who were delayed from completing their work due to the COVID-19 pandemic, and that this is reflected fully in the revised Explanatory Memorandum that will be published after Stage 2.

I accept this recommendation. Following the update provided to the CYPE Committee on 5 November and to Finance Committee on 20 November, we will update the RIA to reflect the latest information.

Recommendation 65: That the Welsh Government state clearly that the financial resources required to implement this legislation successfully will be provided, to allay concerns that existing school funding constraints, other changes to be implemented such as ALN transformation, and the impact of COVID-19 will leave schools unable to resource this ambitious reform.

I accept this recommendation. Funding implications for the Welsh Government budget beyond 2020-21 have been determined as part of the UK Government's Spending Review published on 25 November. The financial resources available to support implementation of the Bill were published as part of Draft Budget for 2021-22 on 21 December.

Whilst the UK Government Spending Review has brought some clarity to the Welsh Government's finances, coupled with the ongoing transition following EU exit and reconstruction from the Covid-19 pandemic, it creates an unprecedented challenge for us in developing our spending plans for the future. Welsh Government is continuing to work closely with delivery partners to inform future funding requirements and to ensure effective implementation of the new Curriculum for Wales.

Recommendation 66: That the Welsh Government:

- **update the RIA to reflect the concerns raised in our Stage 1 scrutiny about the scale of professional learning required to implement this legislation successfully;**
- **provide revised estimated costs in light of that update; and**
- **commit to providing the funding necessary to deliver this level of professional learning.**

I recognise the intention behind the Committee's recommendation, and accept this recommendation in principle. Over the last 3 years, £31 million has been awarded to regional consortia to fully implement a national Curriculum for Wales Development Programme to equip all schools to realise the new curriculum.

It is anticipated that funding of **£15m** per annum will continue going forward, with the expectation that this will be used to help offset the costs to schools. The additional PL funding for schools is anticipated to come to an end in 2025-26, as the new curriculum will be embedded by that point.

We recognise that Professional learning is critical to ensure awareness and engagement of all practitioners with the new curriculum and to equip practitioners with the appropriate skills in relation to a purpose-led curriculum.

We recognise that professional learning is also critical in supporting the non-maintained sector before the curriculum becomes a requirement in autumn 2022. We will be working closely with stakeholders from the non-maintained sector to determine the most effective way of developing an appropriate professional learning package, and the resources needed to support them.

Ongoing dialogue and engagement with schools and settings will continue through the Curriculum Implementation Plan, National Network, and the Research and Evaluation programme will examine the ongoing sufficiency of the PL offer. We commit to providing the Senedd with an update in 2021.